



Planning Commission Agenda

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note the public testimony may be limited by the Chair.

January 9, 2024 REGULAR MEETING AGENDA

I. **CALL TO ORDER:** 7:00 p.m., Civic Center Council Chambers, 1175 E. Main Street

II. **ANNOUNCEMENTS**

III. **CONSENT AGENDA**

1. **Approval of Minutes**

a. December 12, 2023 Regular Meeting

IV. **PUBLIC FORUM**

Note: To speak to an agenda item in person you must fill out a speaker request form at the meeting and will then be recognized by the Chair to provide your public testimony. Written testimony can be submitted in advance or in person at the meeting. If you wish to discuss an agenda item electronically, please contact PC-publictestimony@ashland.or.us by January 9, 2024 to register to participate via Zoom. If you are interested in watching the meeting via Zoom, please utilize the following link: <https://zoom.us/j/91850392538>

V. **UNFINISHED BUSINESS**

A. **Approval of Findings for PA-T2-2023-00044, 822 Oak Street**

VI. **TYPE II PUBLIC HEARING**

A. **PLANNING ACTION:** PA-T2-2023-00045

SUBJECT PROPERTY: 765 Cambridge Street

APPLICANT/OWNER: Alan and Judith Harper

DESCRIPTION: A request for Site Design Review, Outline, and Final Plan approval for a four-unit Cottage Housing Development and Performance Standards subdivision. The application also includes a request for exception to the street standards to not install sidewalk along Cambridge St. **COMPREHENSIVE PLAN DESIGNATION:** R-1-5; **ZONING:** Single Family Residential; **ASSESSOR'S MAP:** 39 1E 05 AD; **TAX LOT:** 101





Planning Commission Agenda

- B. SUBJECT PROPERTY:** Public Right-of-Way adjacent to 391E16AA Tax Lot #9001
OWNER / APPLICANT: City of Ashland Public Works
DESCRIPTION: The Planning Commission will consider a request to vacate a portion of Fern Street right-of-way North of Map 391E16AA Tax Lot #9001 near 1109 Fern Street and make a recommendation to the City Council. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-7.5; **MAP:** 39 1E 16 AA; **TAX LOT:** 9001
- C. SUBJECT PROPERTY:** Public Right-of-Way adjacent to 39 1E 04AD Tax Lot #233 and #234
OWNER / APPLICANT: City of Ashland Public Works Department
DESCRIPTION: The Planning Commission will consider a request to vacate a portion of Mountain Meadows Drive right-of-way near Fair Oaks Avenue and make a recommendation to the City Council. **COMPREHENSIVE PLAN DESIGNATION:** Health Care Services District; **ZONING:** HC **MAP:** Adjacent to 39 1E 04AD and 39 1E 04AD; **TAX LOT:** 233 and 234

VII. OPEN DISCUSSION

VIII. ADJOURNMENT

Next Scheduled Meeting Date: January 23, 2024 Special Meeting



Planning Commission Minutes

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December 12, 2023

REGULAR MEETING

DRAFT Minutes

I. CALL TO ORDER:

Chair Verner called the meeting to order at 7:00 p.m. at the Civic Center Council Chambers, 1175 E. Main Street. Chair Verner noted that item VII had been removed from the agenda and would be continued at the January 23, 2024 meeting.

Commissioners Present:

Lisa Verner
Doug Knauer
Eric Herron
Russell Phillips
Kerry KenCairn
Susan MacCracken Jain
Gregory Perkinson

Staff Present:

Brandon Goldman, Community Development Director
Derek Severson, Planning Manager
Aaron Anderson, Senior Planner
Michael Sullivan, Executive Assistant

Absent Members:

Council Liaison:

Paula Hyatt

II. ANNOUNCEMENTS

Community Development Director Brandon Goldman made the following announcement:

- The City will be holding a Commissions and Committees appreciation event on December 18, 2023. All sitting commissioners and committee members were invited.

III. CONSENT AGENDA

1. Approval of Minutes

- a. November 14, 2023, Regular Meeting
- b. November 28, 2023, Special Meeting

**Commissioners Phillips/Perkinson m/s to approve the consent agenda as presented. Voice Vote:
All AYES. Motion passed 7-0.**

IV. PUBLIC FORUM – None





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V. UNFINISHED BUSINESS

A. Approval of Findings for PA-T2-2023-00043, 192 North Mountain Avenue

Ex Parte Contact

Chair Verner recused herself from participating in the discussion of this item due to having lived in two homes developed by the applicant team. Vice-Chair Knauer presided over this portion of the meeting. No ex parte contact or site visits were reported.

Deliberation and Decision

Commissioner MacCracken Jain asked how the satisfactory completion of the storm drain on the site would be governed. Mr. Goldman responded that staff would conduct a site visit before signing the final survey plat in order to determine if all conditions of approval had been met.

Commissioners MacCracken Jain/Phillips m/s to approve the Findings. Commissioner KenCairn abstained from voting due to her absence from the November 14, 2023 meeting. Roll Call Vote: All AYES. Motion passed 5-0.

VI. TYPE II PUBLIC HEARING

A. **PLANNING ACTION:** PA-T2-2023-00044

SUBJECT PROPERTY: 822 Oak Street

OWNER / APPLICANT: Suzanne Zapf for Overlook Drive, LLC

DESCRIPTION: A request for Outline and Final Plan approval for a five-lot/four-unit Performance Standards subdivision for the properties located at 822 Oak Street. The Subdivision was previously approved in 2021 and some infrastructure work has been completed, however land use approval subsequently expired. The application also includes requests for: a Variance to allow a private driveway to serve four units (AMC 18.4.6.040.C.1) where dedication of a public street is typically required, an Exception to Street Standards to not install city standard street frontage improvements along Oak Street. Finally, the application requests relief from the adopted Physical and Environmental constraints maps to reflect the topography on site and allow minor encroachment into slopes exceeding 35%. **COMPREHENSIVE PLAN**

DESIGNATION: R-1-5; **ZONING:** Single Family Residential; **ASSESSOR'S MAP:** 39 1E 04CA; **TAX LOT:** 200 & 201.

Chair Verner returned to preside over this portion of the meeting.





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Ex Parte Contact

Vice-Chair Knauer announced that he had interacted socially with one of the applicants, but had removed himself when this project was mentioned. He stated that he had conducted a site visit earlier today.

Chair Verner and Commissioner KenCairn stated that they had each conducted a site visit, and had both participated in the original application when it came before the Commission in 2021.

No other ex parte contact or site visits were reported.

Staff Presentation

Senior Planner Aaron Anderson stated that this project was originally approved by the Commission on October 12, 2021, but that the permit had expired before the work could be completed, necessitating a new application process. Mr. Anderson briefly outlined the previous approval of the project, explaining that the tree removal portion of the original application had been completed which is why it was not part of the new submittal (see attachment #1).

Mr. Anderson stated that the new application is requesting relief from two standards, the Solar Performance Standard and the Physical and Environmental Constraints Standards. He then directed the Commission's attention to condition of approval #10b of the 2021 application, which stated: *"The areas at the east edge of the property overlooking the Bear Creek floodplain corridor with slopes in excess of 35 percent are unbuildable under AMC 18.3.10.090.A.1 and shall not be included in building envelopes, as proposed by the applicant. Prior to disturbance of any slopes greater than 25 percent within the building envelopes, the applicant shall first provide a geotechnical report prepared by a geotechnical expert indicating that the site is stable for the proposed use and development."*

Mr. Anderson reported that subsequent site inspections, conducted after the application was approved, revealed the presence of unauthorized fill within the steep slopes on the property, necessitating remediation measures.

Mr. Anderson reminded the Commission of the process under which staff calculates the slope for a solar setback. Mr. Anderson described how lot #4 would be required to meet solar standards under Ashland Municipal Code (AMC) 18.4.8.040A when the applicants submit for a building permit. He stated that staff had calculated a required 40ft setback to a shadow producing point [21 foot above natural grade] on the building on lot #4 in order to meet this standard.

With regards to the request for relief from Physical and Environmental Constraints Standards, Mr. Anderson noted that there are allowed exceptions under AMC 18.3.10.090, but that these are typically applied to existing lots without adequate building areas outside of the 35% maximum slope. The



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applied to existing lots without adequate building areas outside of the 35% maximum slope. The section that deals with newly created lots note that these lots “shall contain a building envelope with a slope of 35% or less.”

Mr. Anderson stated that staff recommends approval of the outline and final plan approval for the proposed subdivision, but denial of the request for relief from the Physical and Environmental Constraints Standards.

Questions of Staff

Commissioner KenCairn asked if the developer would need to stay away from the slopes that are over 35% during construction. Mr. Anderson responded that the building envelope should include the entire area that is being developed, including excavation of the slope. Commissioner KenCairn commented that slopes can become disturbed during the development process.

Vice-Chair Knauer requested clarification regarding the geotechnical report from the Galli Group included in the application. Mr. Anderson requested that this inquiry be directed towards the applicant. Vice-Chair Knauer pointed out that the report stated that “*the removal of the undocumented fill has restored the site to its native condition.*” Commissioner KenCairn commented that it would be difficult for the applicant to show that they had undone this work. Mr. Goldman noted that the Galli Group report had been submitted on June 28, 2023, while a more recent report from Polaris Land Surveying had been submitted on August 31, 2023, and shows a more accurate state of the site.

Vice-Chair Knauer expressed reticence to automatically approving aspects of the application simply because they had previously been approved. He stated that it didn't feel accurate from an administrative perspective. Chair Verner stated that staff had decided that the work that had already begun was vested, such as the sidewalks and tree removals. Mr. Goldman stated that staff considers a permit in progress once it is issued, but that the Commission can ask the applicant why they believe an exception is warranted. Vice-Chair Knauer suggested that this topic be discussed in-depth at a later date, but that it was his opinion that an expired permit should be considered defunct.

Applicant's Presentation

Amy Gunter of Rogue Planning and Development Services gave a brief overview of the project, highlighted the largely flat area, and displayed a Master Utility Map to show how utilities had been extended into the property. She described how the proposed private drive would include a turnaround for fire access before splitting to each individual lot. She added that two of the large oaks that were originally going to be removed from the common area had been retained, and that the common area features are covered by the Homeowners Association's (HOA) standards of care rules.





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Ms. Gunter described how the home that had previously occupied the area had burned down, and that the debris and trash was now mixed throughout the hillside and covered large areas of the property. She explained that the development team had excavated the slope and removed fill from the site. She informed the Commission that lot #4 is 35.8% slope, putting it .8% over the allowed maximum, and that the Physical and Environmental Constraints Ordinance is a source of consternation and confusion for clients wishing to develop in the area. Ms. Gunter referenced AMC 18.3.10.020, stating that it allows for up to 1000sqft of disturbance and up to 20 cubic yards of material, which she argued should allow the applicant to scrape the dirt in the surrounding area and achieve slope requirements. She commented that the developer could have simply removed the .8%, but that the team wanted to keep the City informed of the situation on site.

Ms. Gunter pointed out that the Kestrel Park subdivision had steeper slopes on portions of the development site, but that the process for approval appeared to be much more streamlined. She stated that the Physical and Environmental Constraints standards appeared to be applied differently between the Kestrel Park subdivision and this application. She requested that those same standards be applied here.

Ms. Gunter likened the proposed solar component of the application to the Kestrel Park subdivision. She stated that house designs were not included in the original application, and so the solar impact was not known at the time. She added that the house on lot #4 has been designed with sunken floors in order for it to meet solar standards.

Ms. Gunter addressed Vice-Chair Knauer's concerns by stating that many of the requests in the application are identical to the original application that was approved in 2021, and requested that those requests be approved.

Suzanne Zapf, the owner of the subject property, informed the Commission that her permit expired because her contractor had departed this project in order to help victims of the Alameda fire with their construction projects.

Questions of the Applicant

Commissioner KenCairn requested information regarding the square footage of the encroachment area. Ms. Gunter responded that the encroachment area measures 188.5sqft. Commissioner KenCairn asked why the applicants did not argue that the standards did not apply due to the areas relatively small size. Ms. Gunter cited the various exemptions and applicability of hillside standards within the AMC that trigger development. Mr. Severson added that the size of the encroachment isn't the issue, but that new parcels must have a buildable area that doesn't contain areas with slopes of more than 35%.





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Commissioner MacCracken Jain directed the applicant's attention to a letter that staff received from Lisa Buck, whose property is adjacent to the one in question, and had raised concerns regarding the excavation of the site (see attachment #2). Ms. Zapf responded that she had spoken with Ms. Buck to address her concerns.

Vice-Chair Knauer asked if the applicant would be willing to consider other options for development. Ms. Gunter responded that they would ideally receive approval to excavate the area over 35% slope, but that their contractor had indicated that there are construction alternatives. Chair Verner suggested that the home be moved to the west to avoid the slope entirely. The applicant responded that this would alter the layout of the home. Mr. Goldman pointed out that the front door of the building on lot #4 could still face the street even if the building itself were redesigned.

Commissioner KenCairn asked if the rest of lot #4 is native-buildable land. Ms. Gunter responded that it is native-buildable land in terms of the landscaping, but not native-grade. Commissioner KenCairn asked staff if the Commission could approve the encroachment into the slopes in question. Mr. Anderson stated that it was staff's belief that the standard in AMC 18.3.10.090A.2 would not allow this encroachment. Commissioner KenCairn inquired if there is a legal pathway for the applicant to remove the debris from the site, and then conduct another geotechnical survey to determine if that removal had affected the slope. Mr. Goldman responded that the Commission could place a condition of approval to have the applicant conduct another analysis of the slope to determine if the slope contains a significant enough amount of debris that its removal would reduce the slope below the 35% maximum. If so, then the severe constraints on the site would be removed.

Vice-Chair Knauer remarked that the applicant seemed to be of the opinion that development could result in the removal of 1% of the site's topsoil, putting the slope under the maximum 35%. Commissioner KenCairn expressed concern that such an action could set an undesired precedent for development. The Commission discussed how slopes are measured, and what criteria are considered when they are determined. They suggested that the building on lot #4 could be moved to avoid the encroachment area, provided that the building abides by solar standards. Commissioner MacCracken Jain asked the applicant if they had considered building the house outside of the encroachment area. Ms. Gunter responded that a survey done prior to development had determined that the slope was not over 35%, so the home was already designed without this in mind.

Commissioners KenCairn/Knauer m/s to approve the application with the conditions of approval suggested by staff, with the addition of condition #6.

Condition #6: *In order to allow the building envelope, as proposed, that the applicant shall have a survey done of lot #4 to demonstrate that the area shown as 35% slope or greater is not a natural slope, or,*





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alternatively, that the building envelope shall be modified to demonstrate that the development does not encroach into those areas of greater than 35%.

DISCUSSION OF THE MOTION: Commissioner Herron asked if the approval addressed the solar setback exception. Mr. Anderson responded that the solar setback is included in the conditions of approval. The Commission discussed how the original geotechnical surveys were conducted, and determined that the burden of proof would be on the applicant to show that there is no slope over 35% within the building envelope. The Commission also determined that the applicant would only need to conduct a survey of lot #4.

Roll Call Vote: All AYES. Motion passed 7-0.

Chair Verner closed the Public Hearing and Public Record at 8:26 p.m.

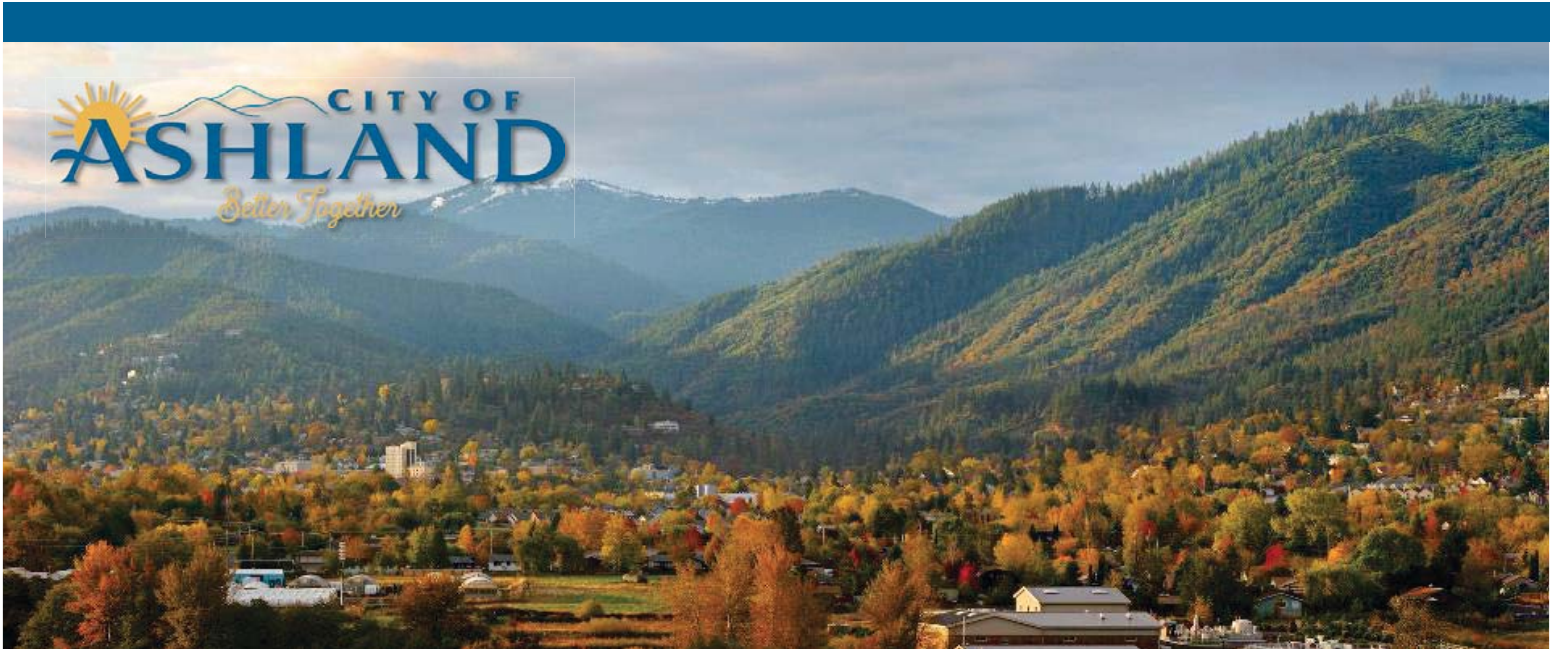
VII. OPEN DISCUSSION – None

VIII. ADJOURNMENT

Meeting adjourned at 8:27 p.m.

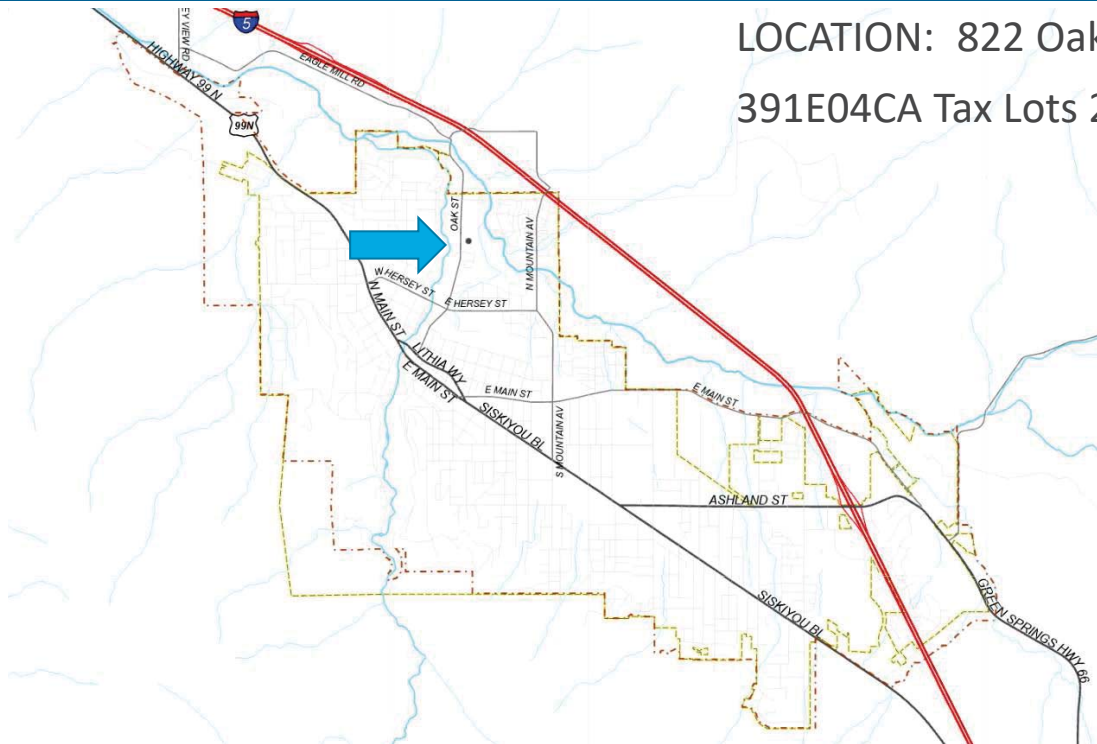
*Submitted by,
Michael Sullivan, Executive Assistant*



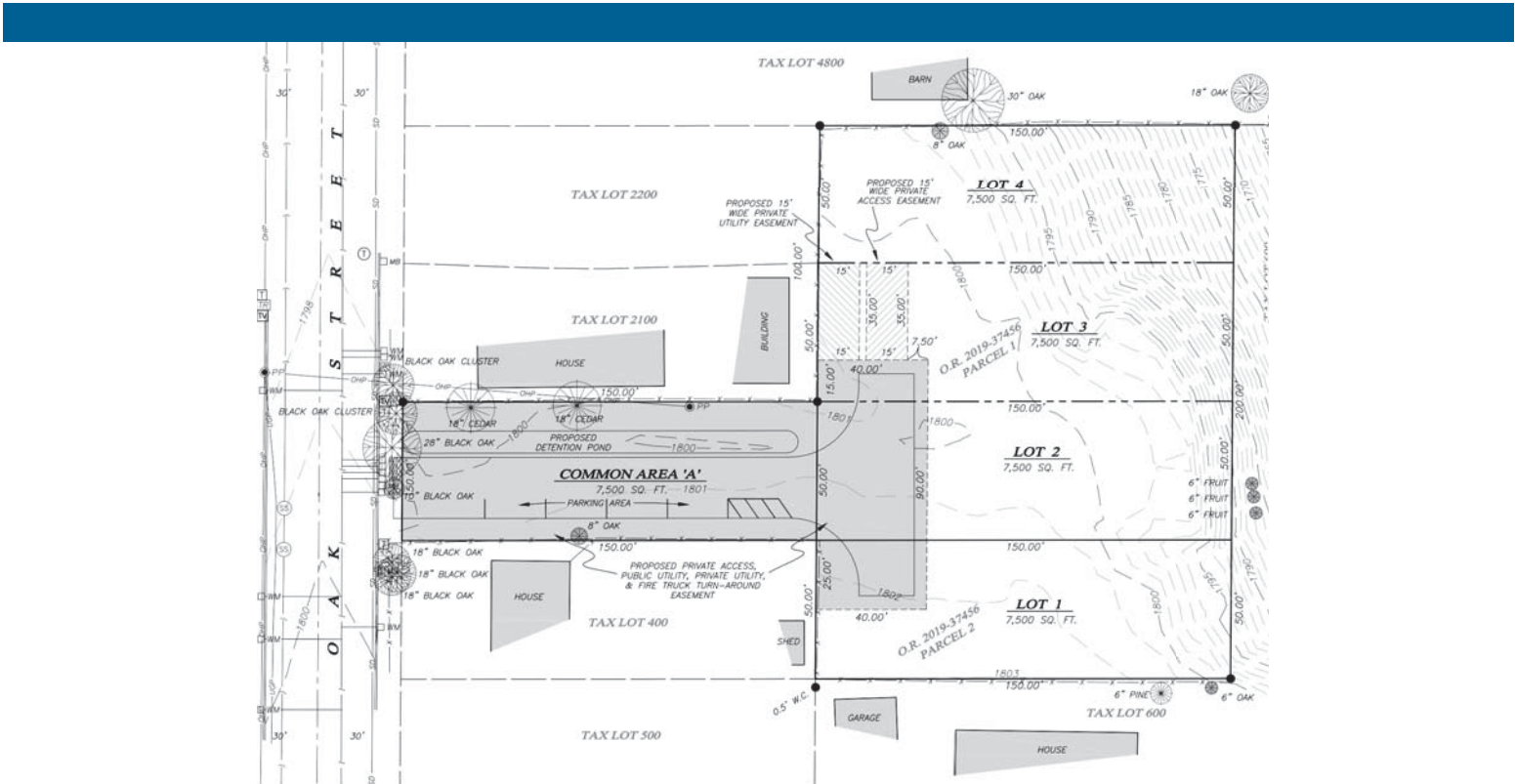


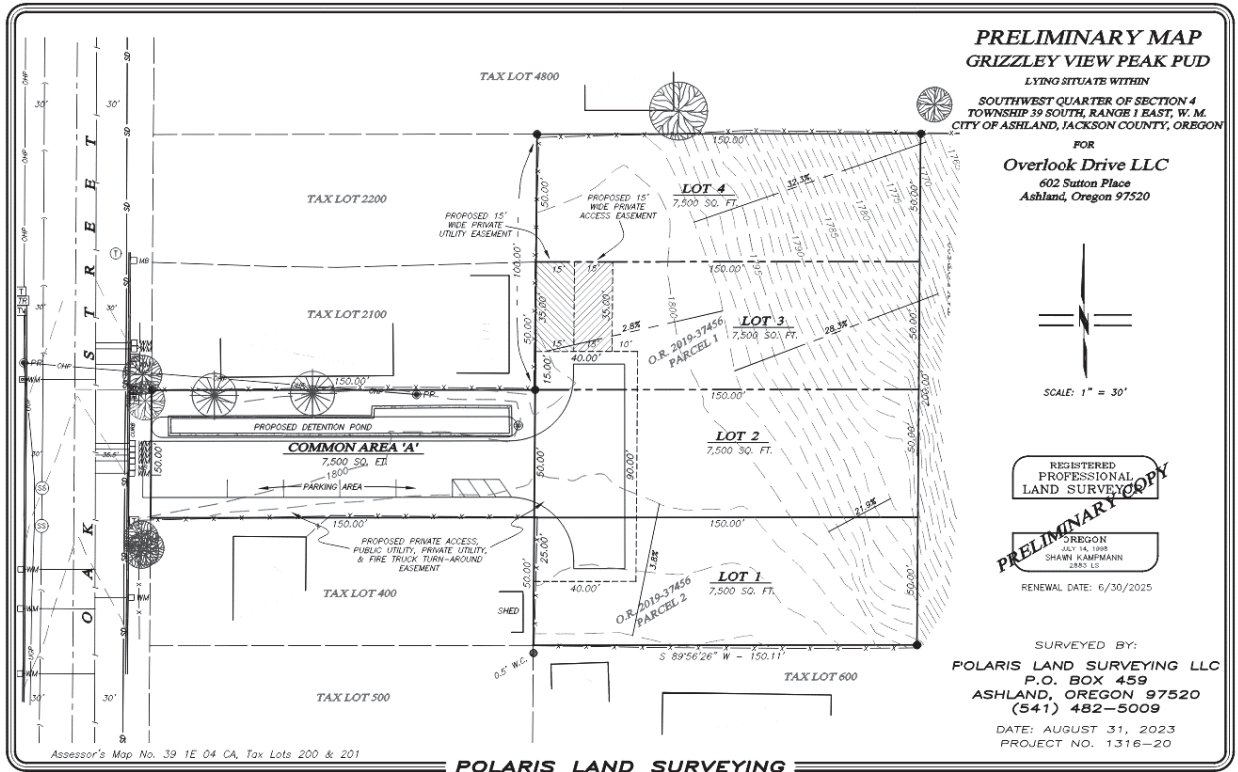
PA- T2-2023-0044
822 Oak St. Grizzly Peak Subdivision

PLANNING
COMMISSION
DEC 12, 2023



LOCATION: 822 Oak St.
391E04CA Tax Lots 200 & 201





Application Request

The request is for approval of an Outline and Final Plan Approval of five lot subdivision (four residential development lots and a common area lot)

A variance to utilize a private driveway to access four lots / public road requirement

An exception to street standards to not install park row and sidewalk

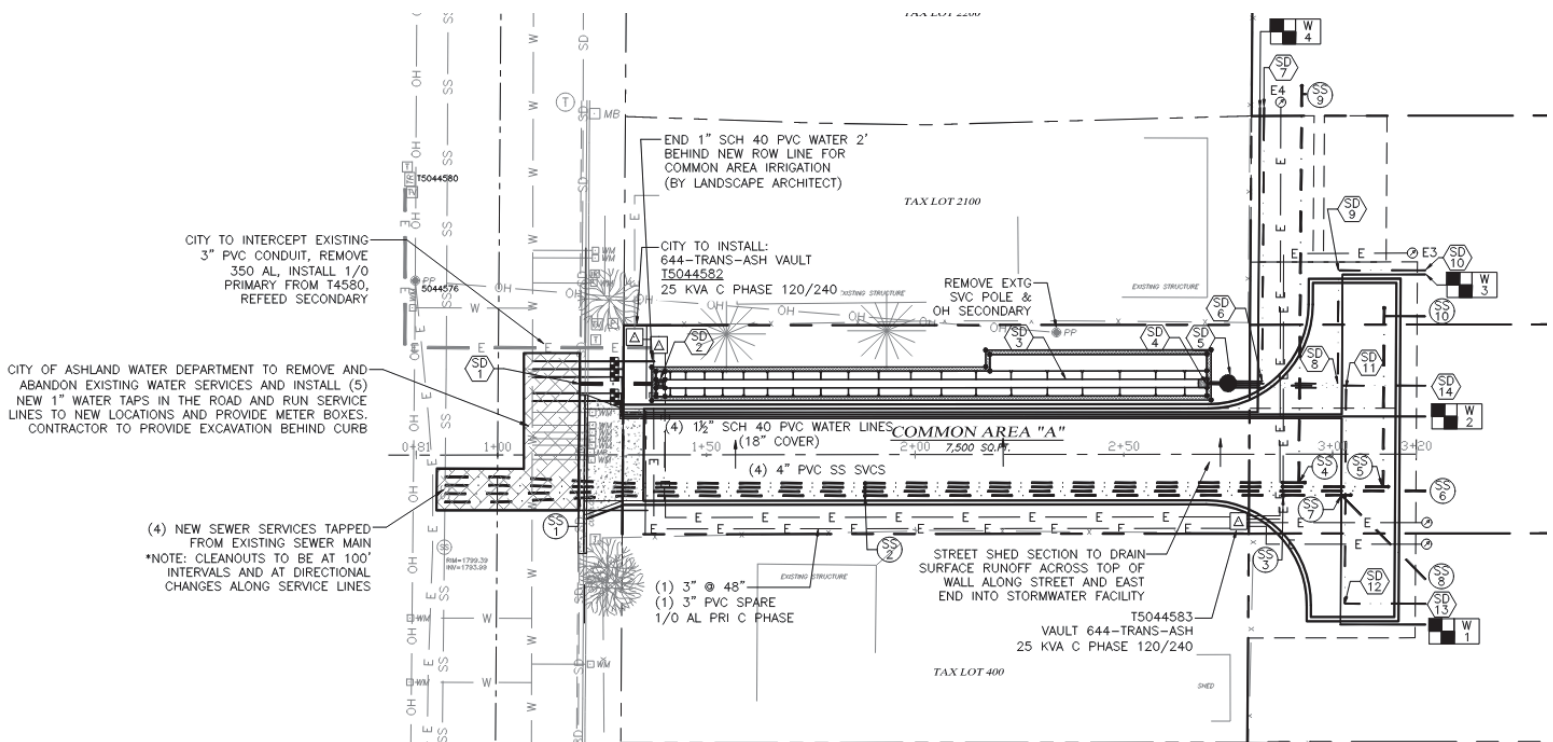
The proposal seeks relief from the Severe Constraints Standards for development as per the official maps of the city.

Background / Previous approval



The subdivision was previously approved however the land use approval expired without completion of final plat.

During the application review process the Staff Advisor determined that both the exception to street standards and the variance to allow four lots access from a private drive were vested based on the site work that has been completed.





855 Oak
Street View (May 2021)



822 Oak
Street View (Today)

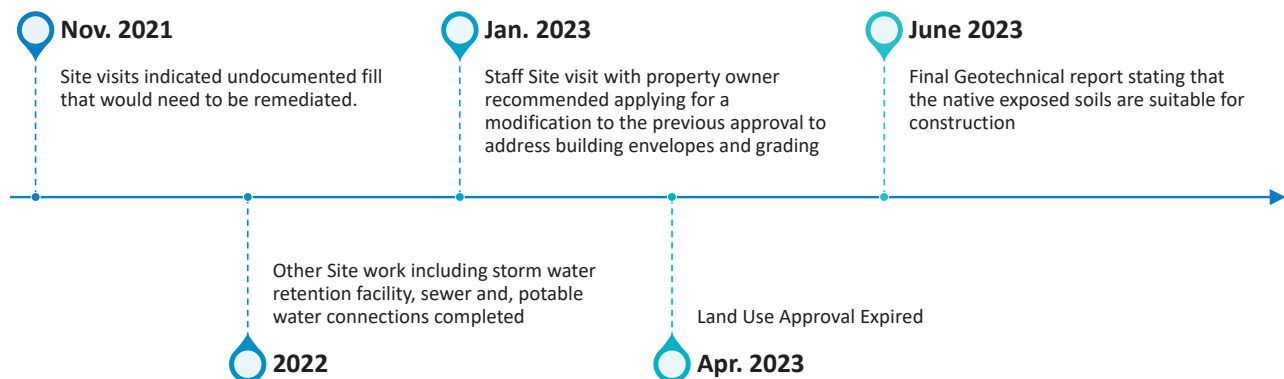


Previous Condition of approval

Previous Planning Commission Approval (October 2021) included the following condition of approval #10b:

- The areas at the east edge of the property overlooking the Bear Creek floodplain corridor with slopes in excess of 35 percent are unbuildable under AMC 18.3.10.090.A.1 and shall not be included in building envelopes, as proposed by the applicant. Prior to disturbance of any slopes greater than 25 percent within the building envelopes, the applicant shall first provide a geotechnical report prepared by a geotechnical expert indicating that the site is stable for the proposed use and development.

Geotechnical investigations / Timeline

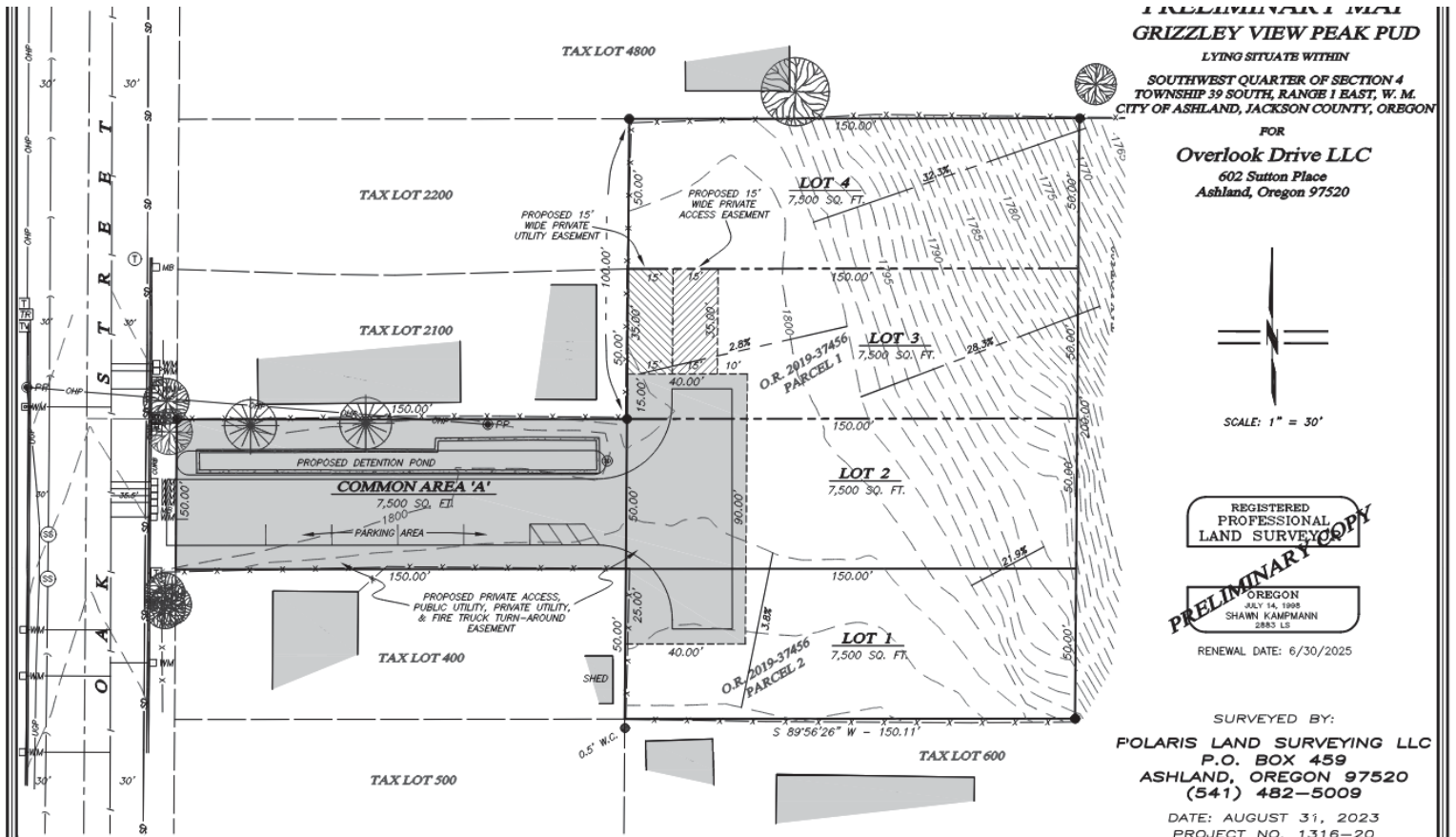




nearmap



nearmap



GRIZZLY VIEW PEAK PUD
 LYING SITUATE WITHIN
 SOUTHWEST QUARTER OF SECTION 4
 TOWNSHIP 39 SOUTH, RANGE 1 EAST, W. M.
 CITY OF ASHLAND, JACKSON COUNTY, OREGON

FOR
Overlook Drive LLC
 602 Sutton Place
 Ashland, Oregon 97520

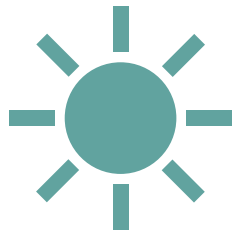


REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 14, 1988
 SHAWN KAMPMANN
 2883 LS
 RENEWAL DATE: 6/30/2025

SURVEYED BY:
POLARIS LAND SURVEYING LLC
 P.O. BOX 459
 ASHLAND, OREGON 97520
 (541) 482-5009
 DATE: AUGUST 31, 2023
 PROJECT NO. 1316-20

Two Major Items



Solar Performance Standard



P&E Request to allow encroachment
 on severely constrained slopes

Solar Options for subdivisions.

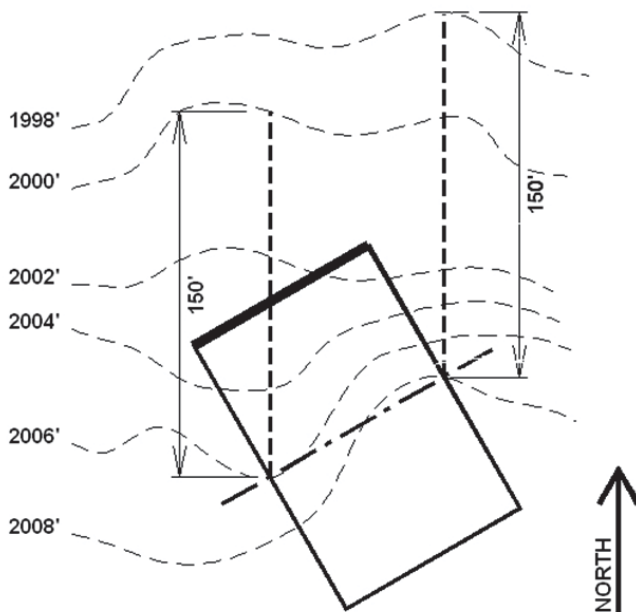
18.4.8.040 Solar Access Performance Standard

A. Assignment of Solar Factor. Land divisions which create new lots shall be designed to permit the location of a 21-foot high structure with a setback which does not exceed 50 percent of the lot's north-south lot dimension pursuant to the following standards. ... *[solar A for lots less than 15% slope]*

OR

B. Solar Envelope. If the applicant chooses not to design a lot so that it meets the standards set forth in subsection A, above, a solar envelope shall be used to define the height requirements that will protect the applicable solar access standard. The solar envelope and written description of its effects shall be filed with the land partition or subdivision plat for the lot(s).

20



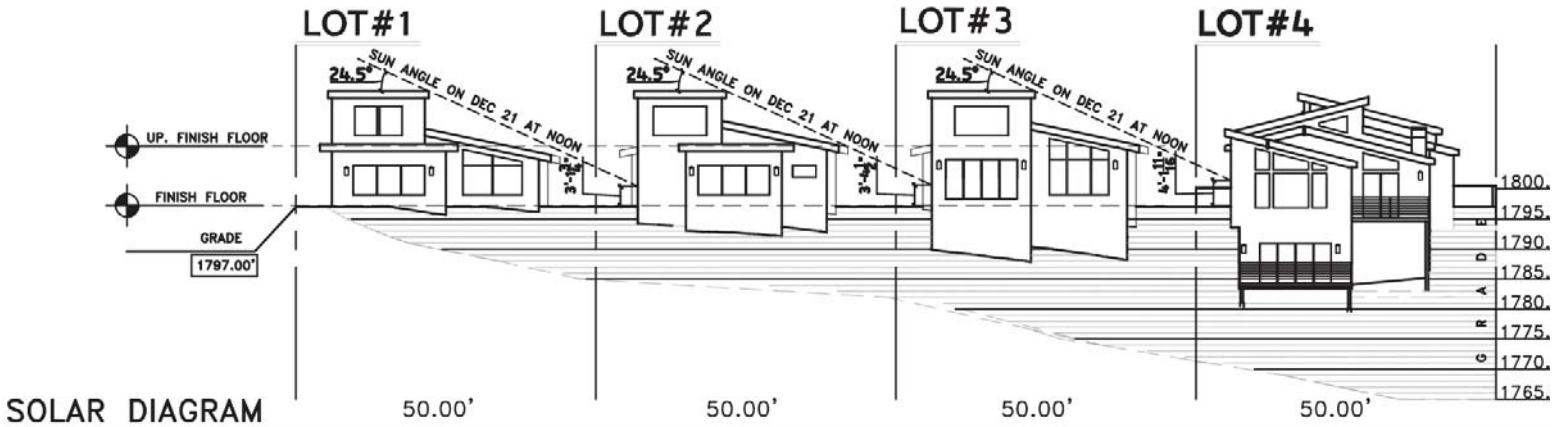
Slope for Solar Setback (SSB)

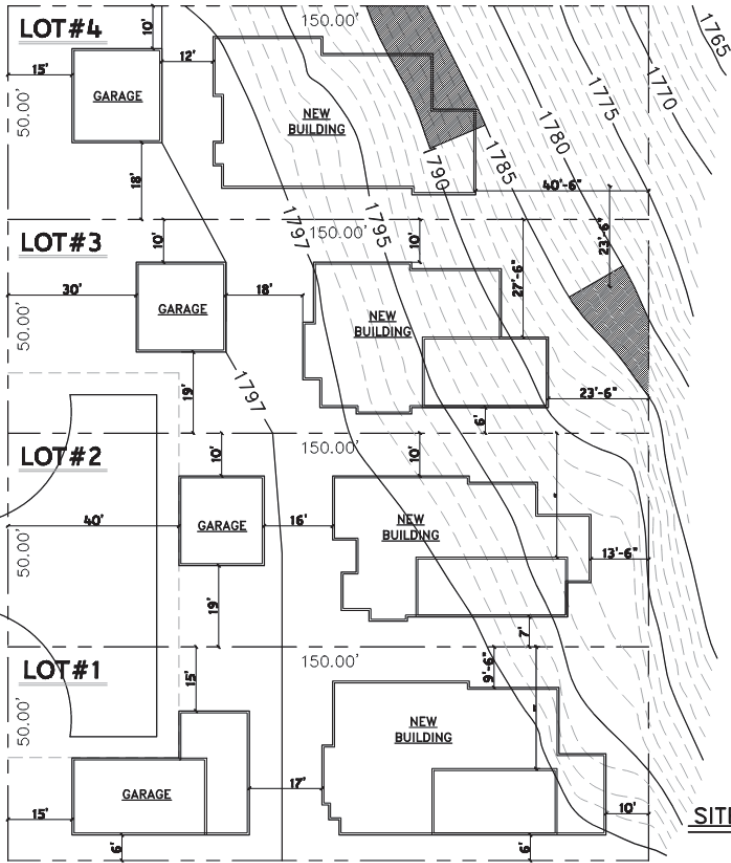
21



Solar Performance Standard Lots #1-3

Lot 4 will be required to meet solar standard A at the time of building permit.





P&E Request

Request for 'relief from the adopted Physical and Environmental constraints maps'

Standards for "Buildable Area" 18.3.10.090.A

18.3.10.090 Development Standards for Hillside Lands

A. General Requirements. The following general requirements shall apply in Hillside Lands:

1. **Buildable Area.** All development shall occur on lands defined as having buildable area. Slopes greater than 35 percent shall be considered unbuildable except as allowed below. Exceptions may be granted to this requirement only as provided in subsection [18.3.10.090.H](#).
 - a. Existing parcels without adequate buildable area less than or equal to 35 percent shall be considered buildable for one single-family dwelling and an accessory residential unit or a duplex in accordance with the standards in sections [18.2.3.040](#) and [18.2.3.110](#).
 - b. Existing parcels without adequate buildable area less than or equal to 35 percent cannot be subdivided or partitioned.
2. **Building Envelope.** All newly created lots either by subdivision or partition shall contain a building envelope with a slope of 35 percent or less.

Staff Recommendation

Staff recommends **approval** of Outline and Final Plan approval for the proposed subdivision

Staff recommends **denial** of the request 'for relief' from the standards in AMC 18.3.10.090 requiring buildable lands for newly created lots to be located outside of slopes greater than 35%

Approval Criteria – Outline Plan

AMC 18.3.9.040.a.3. Approval criteria for outline plan. The planning commission shall approve the outline plan when it finds all of the following criteria have been met:

- A. the development meets all applicable ordinance requirements of the city.
- B. adequate key city facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a city facility to operate beyond capacity.
- C. the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the common open space, common areas, and unbuildable areas.
- D. the development of the land will not prevent adjacent land from being developed for the uses shown in the comprehensive plan.
- E. there are adequate provisions for the maintenance of common open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.
- F. the proposed density meets the base and bonus density standards established under this chapter.
- G. the development complies with the street standards.
- H. the proposed development meets the common open space standards established under section 18.4.4.070. Common open space requirements may be satisfied by public open space in accordance with section 18.4.4.070 if approved by the city of ashland.

Approval Criteria – Final Plan

18.3.9.040.B.5. Approval Criteria for Final Plan. Final plan approval shall be granted upon finding of substantial conformance with the outline plan. This substantial conformance provision is intended solely to facilitate the minor modifications from one planning step to another. Substantial conformance shall exist when comparison of the outline plan with the final plan meets all of the following criteria:

- a. The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.
- b. The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this ordinance.
- c. The common open spaces vary no more than ten percent of that provided on the outline plan.
- d. The building size does not exceed the building size shown on the outline plan by more than ten percent.
- e. The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.
- f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.
- g. The development complies with the street standards.
- h. Nothing in this section shall limit reduction in the number of dwelling units or increased open space; provided, that if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the common open space reduced below that permitted in the outline plan.

Approval Criteria – P&E

18.3.10.050 Approval Criteria - An application for a Physical Constraints Review Permit is subject to the Type I procedure in section 18.5.1.050 and shall be approved if the proposal meets all of the following criteria.

- A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.
- B. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.
- C. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.

Approval Criteria – Exceptions to P&E

18.3.10.090.H. Exception to the Development Standards for Hillside Lands. An exception under this section is not subject to the variance requirements of chapter 18.5.5, Variances. An application for an exception is subject to the Type I procedure in section 18.5.1.050 and may be granted with respect to the development standards for Hillside Lands if the proposal meets all of the following criteria:

- 1. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
- 2. The exception will result in equal or greater protection of the resources protected under this chapter.
- 3. The exception is the minimum necessary to alleviate the difficulty.
- 4. The exception is consistent with the stated Purpose and Intent of chapter 18.3.10, Physical and Environmental Constraints Overlay, and section 18.3.10.090, Development Standards for Hillside Lands.

Approval Criteria – Solar Setback

b. The approval authority finds all of the following criteria are met.

- i. The exception does not preclude the reasonable use of solar energy (i.e., passive and active solar energy systems) on the site by future habitable buildings.
- ii. The exception does not diminish any substantial solar access which benefits a passive or active solar energy system used by a habitable structure on an adjacent lot.
- iii. There are unique or unusual circumstances that apply to this site which do not typically apply elsewhere.



Questions?

History of development / timeline



PC Approval	10/12/2021
Approval Exp.	4/12/2023
Application	11/7/23
Hearing	12/12/23
120 Day	3/16/24

From: [Risa Buck](#)
To: [planning](#)
Subject: Neighbor concerns for 822 Oak Street development
Date: Tuesday, December 05, 2023 12:45:28 PM
Attachments: [Attached Message Part](#)
[Attached Message Part](#)
[Attached Message Part](#)
[Attached Message Part](#)

[EXTERNAL SENDER]

Hello

I live at 798 Oak Street and am affected by the development next door to my north and east.

It is the remaining mound of "material" on the eastern boundary that is reflected in the photos.

PLEASE SHARE THESE CONCERNS with planning commission, city staff and others as needed for the upcoming 12/12/23 hearing at 7pm.

The developer removed significant amounts of "material" filled with trash. There remains a small hump of material that continues to erode onto my property.

Two questions I have concerns what steps will be taken to stabilize this area? Will a retaining wall be required? What measures will the developer be required to take to ensure a halt to this situation that has been occurring longer than the developer has owned the property.

Thanks very much,

Risa Buck

798 Oak St. 97520

541-482-6164

Please confirm receipt of this input plus the photos.

Best,

Risa









FINDINGS

Approval of Findings for PA-T2-2023-00044, 822 Oak Street

BEFORE THE PLANNING COMMISSION

JANUARY 9, 2023

IN THE MATTER OF PLANNING ACTION PA-T2-2023-00044 A)
REQUEST FOR OUTLINE PLAN AND FINAL PLAN APPROVAL FOR A)
5 LOT, 4 RESIDENTIAL UNIT PERFORMANCE STANDARD) **DRAFT**
SUBDIVISION. INCLUDED IN THE APPLICATION IS A REQUEST FOR)
AN EXCEPTION TO STREET STANDARDS, A VARIANCE TO) **FINDINGS,**
PRIVATE DRIVE STANDARDS, AND PHYSICAL AND) **CONCLUSIONS,**
ENVIRONMENTAL CONSTRAINT REVIEW FOR SEVERELY) **AND ORDERS.**
CONSTRAINED LANDS.)
)
OWNER OVERLOOK DRIVE LLC) **DRAFT**
APPLICANT: ROGUE DEVELOPMENT SERVICES)

RECITALS:

- 1) Tax lots #200 and 201 of Assessor’s Map 39-1E-04-CA are a combined 0.86 acres in area and zoned R-1-5 (Single Family Residential).
- 2) The property has slopes (25% or more) and ‘severely constrained land’ (slopes greater than 35%) on the adopted Physical and Environmental constraints maps.
- 3) The applicant is requesting Outline and Final Plan approval for a 5-lot, 4-unit Performance Standards residential subdivision. The application also includes:
 - a. A request for a Variance to allow a private driveway to serve four units (AMC 18.4.6.040.C.1) where dedication of a public street is typically required;
 - b. Exception to Street Standards to not install city standard street frontage improvements along Oak Street;
 - c. Requests ‘relief’ from the adopted Physical and Environmental constraints maps to establish a building envelope in slopes greater than 35%.
- 4) An identical subdivision was approved on October 12, 2021, which was valid for 18 months. The land use approval expired on April 12, 2023, prior to the review and approval of final plat, and no extension was requested by the applicant. Subsequent to the 2021 approval some infrastructure work for storm water detention, sanitary sewer and city water has been completed, however land use approval subsequently expired.
 - a. Following the submission of the present application, the applicant reached out to the Community Development Department Director to inquire about waiving the application fees predicated on the previous review and approval. Upon review the

Department Director determined that the site work in support of the driveway approach, including installation of storm drain facilities and related utility work, vested the variance as well as the exception to street standards. As such, the application fee for the variance was removed from the invoice on this application. Because the variance and exception to street standards were considered vested and are unchanged by this proposal, we do not discuss the related approval criteria for these elements of the application.

- b. When Planning Commission Findings and Orders were adopted on October 12, 2021, they included the following condition of approval #10b: “The areas at the east edge of the property overlooking the Bear Creek floodplain corridor with slopes in excess of 35 percent are unbuildable under AMC 18.3.10.090.A.1 and shall not be included in building envelopes, as proposed by the applicant. **Prior to disturbance of any slopes greater than 25 percent within the building envelopes, the applicant shall first provide a geotechnical report prepared by a geotechnical expert indicating that the site is stable for the proposed use and development.** [emphasis added]”
- 5) The application includes a detailed Geotechnical study and a follow up memo both prepared by The Galli Group. These documents explain the geotechnical exploration and document the subsequent removal of undocumented fill, debris and garage. The final memo concludes that the removal of the undocumented fill has restored the site to its native condition.
- 6) The Applicant’s site plan has a proposed building envelope on lands shown to be greater than 35% per their materials.
- 7) The applicant’s proposal is detailed in plans which are on file at the Department of Community Development and by their reference are incorporated herein as if set out in full.
- 8) The criteria for Outline Plan approval are described in **AMC 18.3.9.040.A.3** as follows:
 - A. the development meets all applicable ordinance requirements of the city.
 - B. adequate key city facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a city facility to operate beyond capacity.
 - C. the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the common open space, common areas, and unbuildable areas.
 - D. the development of the land will not prevent adjacent land from being developed for the uses shown in the comprehensive plan.
 - E. there are adequate provisions for the maintenance of common open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.
 - F. the proposed density meets the base and bonus density standards established under this chapter.
 - G. the development complies with the street standards.

H. the proposed development meets the common open space standards established under section 18.4.4.070. Common open space requirements may be satisfied by public open space in accordance with section 18.4.4.070 if approved by the city of Ashland.

- 9) The criteria for Final Plan approval are described in **AMC 18.3.9.040.B.5** as follows:
- a. The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.
 - b. The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this ordinance.
 - c. The common open spaces vary no more than ten percent of that provided on the outline plan.
 - d. The building size does not exceed the building size shown on the outline plan by more than ten percent.
 - e. The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.
 - f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.
 - g. The development complies with the street standards.
 - h. Nothing in this section shall limit reduction in the number of dwelling units or increased open space; provided, that if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the common open space reduced below that permitted in the outline plan.
- 10) The criteria of approval for Physical & Environmental Constraints approval are described in **AMC 18.3.10.050** as follows:
- A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.
 - B. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.
 - C. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.
- 11) The criteria of approval for an Exception to the Development Standards for Hillside Lands are described in **AMC 18.3.10.090.H** as follows:
1. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
 2. The exception will result in equal or greater protection of the resources protected under this chapter.
 3. The exception is the minimum necessary to alleviate the difficulty.

4. The exception is consistent with the stated Purpose and Intent of chapter 18.3.10, Physical and Environmental Constraints Overlay, and section 18.3.10.090, Development Standards for Hillside Lands.

12) The Development Standards for Hillside Lands provide the following for 'Buildable Area' in **AMC 18.3.10.090.A** as follows:

1. Buildable Area. All development shall occur on lands defined as having buildable area. Slopes greater than 35 percent shall be considered unbuildable except as allowed below. Exceptions may be granted to this requirement only as provided in subsection [18.3.10.090.H](#).

a. Existing parcels without adequate buildable area less than or equal to 35 percent shall be considered buildable for one single-family dwelling and an accessory residential unit or a duplex in accordance with the standards in sections [18.2.3.040](#) and [18.2.3.110](#).

b. Existing parcels without adequate buildable area less than or equal to 35 percent cannot be subdivided or partitioned.

2. Building Envelope. All newly created lots either by subdivision or partition shall contain a building envelope with a slope of 35 percent or less.

13) The Planning Commission, following proper public notice, held a public hearing on December 12, 2023. Testimony was received, and exhibits were presented.

Now, therefore, the Planning Commission 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, and Miscellaneous Exhibits lettered with an "M"

SECTION 2. CONCLUSORY FINDINGS

2.1 The Planning Commission finds that AMC Title 18 Land Use regulates the development pattern envisioned by the Comprehensive Plan and encourages efficient use of land resources among other goals. When considering the decision to approve or deny an application the Planning Commission considers the application materials against the relevant approval criteria in the AMC.

2.2 The Planning Commission notes that the application was deemed complete on April 17, 2023, and further finds that the notice for the public hearing was both posted at the frontage of

the subject property and mailed to all property owners within 200-feet of the subject property on April 25, 2023.

2.3 The Planning Commission finds that it has received all information necessary to render a decision based on the application itself, the December 12th Staff Report, the public hearing testimony, and the exhibits received.

2.4 The Planning Commission finds that the proposal for Outline Plan approval meets all applicable criteria for Outline Plan approval described in AMC 18.3.9.040.A.3 and detailed below.

The first approval criterion for Outline Plan approval is that: “The development meets all applicable ordinance requirements of the City.” The Commission finds that the proposal meets all applicable ordinance requirements, and that this criterion has been satisfied. The application materials explain that the proposal utilizes the Performance Standards Option Chapter 18.3.9, and that the development demonstrates compliance with the standards from AMC 18.3.9.050 – 18.3.9.080. The application also includes a performance standard solar envelope for lots 1,2 and 3 utilizing the Solar Setback Exception Standards as provided at AMC18.4.8.020.C.1; The application states that the most northern lot will be required to meet solar standard A.

The application materials emphasize that as a Performance Standards Options proposal, the application is not required to meet the minimum lot size, lot width, lot depth or setback standards of part 18.2. In 2021 the Planning Commission found that the protection of the two large stature cedar trees on the common area lot justified the use of the performance standards. The Planning Commission notes that development under the performance standards is allowed to protect natural environmental features and is also allowed when the result is equal in its aesthetic and environmental impact as allowed under the subdivision standards. The Planning Commission finds that the result of the aesthetic and environmental impact is at least equal and finds that the Performance Standards are justified.

The Performance Standards Options Chapter’s Parking Standards in AMC 18.3.9.060 require that at least one on-street parking space shall be provided per dwelling unit for all developments in an R-1 zone in addition to off-street parking required. These on-street parking spaces are to be provided immediately adjacent to the public right-of-way on publicly or association-owned land and be directly accessible from public right-of-way streets, and each space is to be located within 200 feet of the dwelling that it is intended to serve. The Planning Commission finds that the four parking spaces proposed on the south side of the driveway are each within 200 feet of the unit they serve, are accessible from Oak Street and can be found to satisfy this requirement.

The second approval criterion for Outline Plan approval is that, “Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.” The Public Works Department has noted that the following city facilities are available to serve the subject property from the adjacent Oak Street right-of-way: a six-inch

water main, an eight-inch sanitary sewer main, and a 24-inch storm sewer main. As mentioned above, significant work has been completed including the construction of the Storm water retention facility, and sewer & water connections have also been extended onto the property. In terms of adequate transportation, Oak Street is classified as an Avenue in the City's Transportation System Plan (TSP) and is improved with paving, curb, and gutter in place along the subject property's frontage. Continuous sidewalks were completed along the west side of Oak Street with a Local Improvement District (LID) some years ago, but there are no sidewalks in place along the east side for the subject property or most of the corridor between Sleepy Hollow Drive and East Nevada Street. The Planning Commission finds that adequate key City facilities are available within the adjacent rights-of-way and will be extended by the applicant to serve the proposed development.

The third criterion for approval of an Outline Plan is that, "The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas." The application materials explain that there are two large stature Incense Cedar trees on the property that will be preserved and protected on the common area lot. The Planning Commission notes that there are no other qualifying natural features and finds that this approval criterion is satisfied.

The fourth criterion for approval of an Outline Plan is that, "The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan." The application materials provided explain that the adjacent properties are zoned residential, that the properties to the north and south have limited development potential due to the lot configurations and location of existing structures. The applicant goes on to explain that there is a larger parcel on the north side of the proposed Lot #4 that may have development potential, but the steep topography along the subject property's east property line prevents street connectivity. The applicant concludes that the proposal itself will not prevent adjacent properties from developing as envisioned in the Comprehensive Plan. Recognizing that existing development patterns and physical constraints may limit development of the adjacent properties, the Planning Commission finds that the proposed subdivision and its associated access and utility installation will not prevent the adjacent lands from being developed as envisioned in the Comprehensive Plan,

The fifth approval criterion is that, "There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project." The application materials include draft Homeowners' Association (HOA) Covenants, Conditions & Restrictions (CC&R's) and By-Laws which include provisions for the long-term operation and maintenance of open space and common areas including the protected trees, the driveway, utilities and drainage system. With the inclusion of these conditions, the Planning Commission finds that there are adequate provisions for the maintenance of the open space and common areas, and that this criterion has been satisfied.

The sixth criterion is that, "The proposed density meets the base and bonus density standards established under this chapter." The base density for R-1-5 development under the

Performance Standards Option Chapter is 4½ dwelling units per acre. The parent parcel here is 37,500 square feet or 0.86 acres, and the base density is 3.87 dwelling units (0.86 acres x 4.5 dwelling units/acre = 3.87 dwelling units). The proposed density is four dwelling units, which equates to roughly 3.3 percent over the base density. The applicant proposes to utilize the allowed 15 percent density bonus for Conservation Housing by constructing 100 percent of the units to Earth Advantage® standards as provided in Resolution #2006-06. The Planning Commission finds that with the construction of 100 percent of units to Earth Advantage® standards, the proposed density meets the base and density bonus standards of the Performance Standards Option Chapter. A condition has been included below to require that the building permit submittals demonstrate that the homes have been designed to comply with the applicable Earth Advantage® standard and that evidence of Earth Advantage® certification be provided prior to the issuance of a certificate of occupancy for each home.

The seventh Outline Plan approval criterion is that, “The development complies with the Street Standards.” No public street installation is proposed in conjunction with the current request. The Planning Commission notes that the Staff Advisor made the determination that the Variance not to dedicate and install a public street to serve four units, and Exception to the Street Standards to not install a park-row planting strip and sidewalk along the Oak Street frontage have been vested based on the site work that has been completed subsequent to the 2021 approval. The Planning Commission finds that this criterion of approval is satisfied.

The final approval criterion is that, “The proposed development meets the common open space standards established under section 18.4.4.070. Common open space requirements may be satisfied by public open space in accordance with section 18.4.4.070 if approved by the City of Ashland.” In AMC 18.3.9.050.A.3, the Performance Standards Option Chapter requires that at least five percent of the total lot area be provided in common open space for developments with a base density of ten units or greater. While the properties here have a base density of only 3.87 units, the applicant nonetheless has proposed to provide 2,800 square feet of open space on the proposed common area lot. The application materials emphasize that this area will represent a significant amenity to the project’s residents who will use and enjoy the common open space on a day-to-day basis. In addition, the proposed open space supports the preservation of the two large Cedar trees and will include landscaping and a bench to improve the functionality of the space.

The Planning Commission concludes based on the above that all applicable approval criteria for Outline Plan subdivision approval have been satisfied.

2.5 The Planning Commission finds that the approval criteria for Final Plan are intended to insure substantial conformance between Outline Plan approval and Final Plan approval when the two are requested as separate procedural steps. The Planning Commission finds that where the two are allowed to be filed concurrently, as is the case here, there is no procedural separation between the two and the concurrent Final Plan proposal is identical to the Outline Plan in terms of number of dwelling units, yard depths, distances between buildings, common open spaces, building sizes, building elevations and exterior materials, standards resulting in density bonuses,

and street standards. The Planning Commission concludes that the final plan approval criteria are met.

2.6 The Planning Commission finds that the request for the ‘relief’ from the P&E Hillside Development Standards are not authorized in the code. The Planning Commission understands that the applicant believes that the standards for buildable area at AMC 18.3.10.090.A.1 allows for exceptions as provided at AMC 18.3.10.090.H. The Planning Commission responds that the standards allowing an exception to buildable area only applies to ‘existing parcels’ and it is the following section, part 2 (below) that provides for the building envelopes for ‘newly created parcels’, at AMC 18.3.10.090.A.2 to wit:

2. Building Envelope. All newly created lots either by subdivision or partition shall contain a building envelope with a slope of 35 percent or less.

The Planning Commission notes that it is this standard that the applicant is requesting an exception from to establish a building envelope on slopes greater than 35%, and this passage offers no opportunity for an exception and includes the directive language of ‘shall.’ The Planning Commission concludes that the requested ‘relief’ / exception to the standards is not allowed and will therefore be **denied**. Because the request is not allowed by virtue of the code The Planning Commission does not address the individual approval criteria for either a P&E AMC 18.3.10.050 or the exception to Hillside Development standards at AMC 18.3.10.090.H.

2.7 The Planning Commission finds that there is substantial evidence in the record to make findings that each of the criteria of **approval** for Outline and Final Plan approval have been met, as was presented in the applicant’s submittal, as well as the Staff Report dated December 12th, and by each of their reference are hereby incorporated herein as if set out in full.

2.8 Following the closing of the public hearing The Planning Commission deliberated and a motion was made approving the Outline and Final Plan application subject to the conditions of approval in the Staff Report with the inclusion of a new condition of approval #5d discussed further in the following section.

2.9 The Planning Commission notes that the applicant has shown that some of the sloped areas have been found to consist of unnatural fill and debris attributed to previous use of the site as a garbage dump. To that end, if the applicant can demonstrate that the areas shown to be slopes greater than 35% are similarly affected the Planning Commission finds that additional geotechnical exploration / mitigation is appropriate. With the forgoing in mind the Planning Commission made a motion approving the Performance Standard subdivision adding a new condition of approval to wit:

“the applicant shall have a survey done of lot #4 to demonstrate that the area shown as 35% slope or greater is not a natural slope and if it is shown that there is additional undocumented fill that they should continue to work with their geotechnical engineer to mitigate this area, or in the alternative, that the building envelope shall be modified to demonstrate that the development does not encroach into those areas of greater than 35%.”

2.10 The Planning Commission finds that with the conditions of approval included in this

decision below, the proposal satisfies the relevant approval criteria.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearings on this matter, the Planning Commission concludes that the request for a 5-lot, 4-residential unit Performance Standards subdivision Outline and Final Plan is supported by evidence contained within the whole record and is **approved** including the conditions of approval below.

3.2 The Planning Commission concludes that the land use code does not allow for exceptions to the building envelope to encroach on slopes greater than 35% therefore the requested 'relief from the Severe Constraints Standards' is **denied**

The conditions of approval are below:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein.
- 2) That permits shall be obtained from the Ashland Public Works Department prior to any additional work in the public right of way.
- 3) That a final Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.A.2 of the Ashland Land Use Ordinance shall be provided prior to bringing combustible materials onto the property, and any new landscaping proposed shall comply with these standards and shall not include plants listed on the Prohibited Flammable Plant List per Resolution 2018-028.
- 4) That a final survey plat shall be submitted within 12 months of Final Plan approval and approved by the City of Ashland within 18 months of this approval. Prior to submittal of the final subdivision survey plat for signature:
 - a. All easements including but not limited to public and private utilities, public pedestrian and public bicycle access, drainage, irrigation, and fire apparatus access shall be indicated on the final subdivision plat submittal for review by the Planning, Engineering, Building and Fire Departments.
 - b. Subdivision infrastructure improvements including but not limited to utilities, driveways, streets, and common area improvements shall be completed according to approved plans, inspected and approved.
 - c. Irrigated street trees selected from the Recommended Street Tree Guide and planted according to city planting and spaces standards shall be planted along the full project frontage.
 - d. Electric services shall be installed underground to serve all lots, inspected, and approved. The final electric service plan shall be reviewed and approved by the Ashland Electric, Building, Planning and Engineering Divisions prior to installation.
- 5) That the building permit submittals shall include the following:

- a. Identification of all easements, including but not limited to any public and private utility easements, mutual access easements, and fire apparatus access easements.
- b. Demonstrate compliance with the approved solar setback: That Lots 1, 2, and 3 demonstrate that any shadows cast do not exceed four feet above the finished floor elevation of the main level of a house on the respective lots to their north, assuming the affected house is built six feet from the shared property line. That Lot #4 shall have Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard A.
 - i. As memorialized above: Unless it can be demonstrated by a professional surveyor otherwise the City GIS indicates a slope of -0.03 on the western side of Lot 4 and -0.13 on the eastern side. These average for a slope of -0.08. The standard for calculating Solar Setback is provided in the following equation $SSB = (H-6)/(0.445+S)$, where S is slope and H is the shade producing height. To simplify the equation $SSB = H-6/0.365$
- c. Final lot coverage calculations demonstrating how lot coverage is to comply with the applicable coverage allowances of the R-1-5 zoning district. Lot coverage includes all building footprints, driveways, parking areas and other circulation areas, and any other areas other than natural landscaping.
- d. The applicant shall have a survey done of lot #4 to demonstrate that the area shown as 35% slope or greater is not a natural slope and if it is shown that there is additional undocumented fill that they should continue to work with their geotechnical engineer to mitigate this area, or in the alternative, that the building envelope shall be modified to demonstrate that the development does not encroach into those areas of greater than 35%.

Planning Commission Approval

Date

**TYPE II
PUBLIC HEARING**

**PA-T2-2023-00045,
765 Cambridge Street**

NOTICE OF APPLICATION

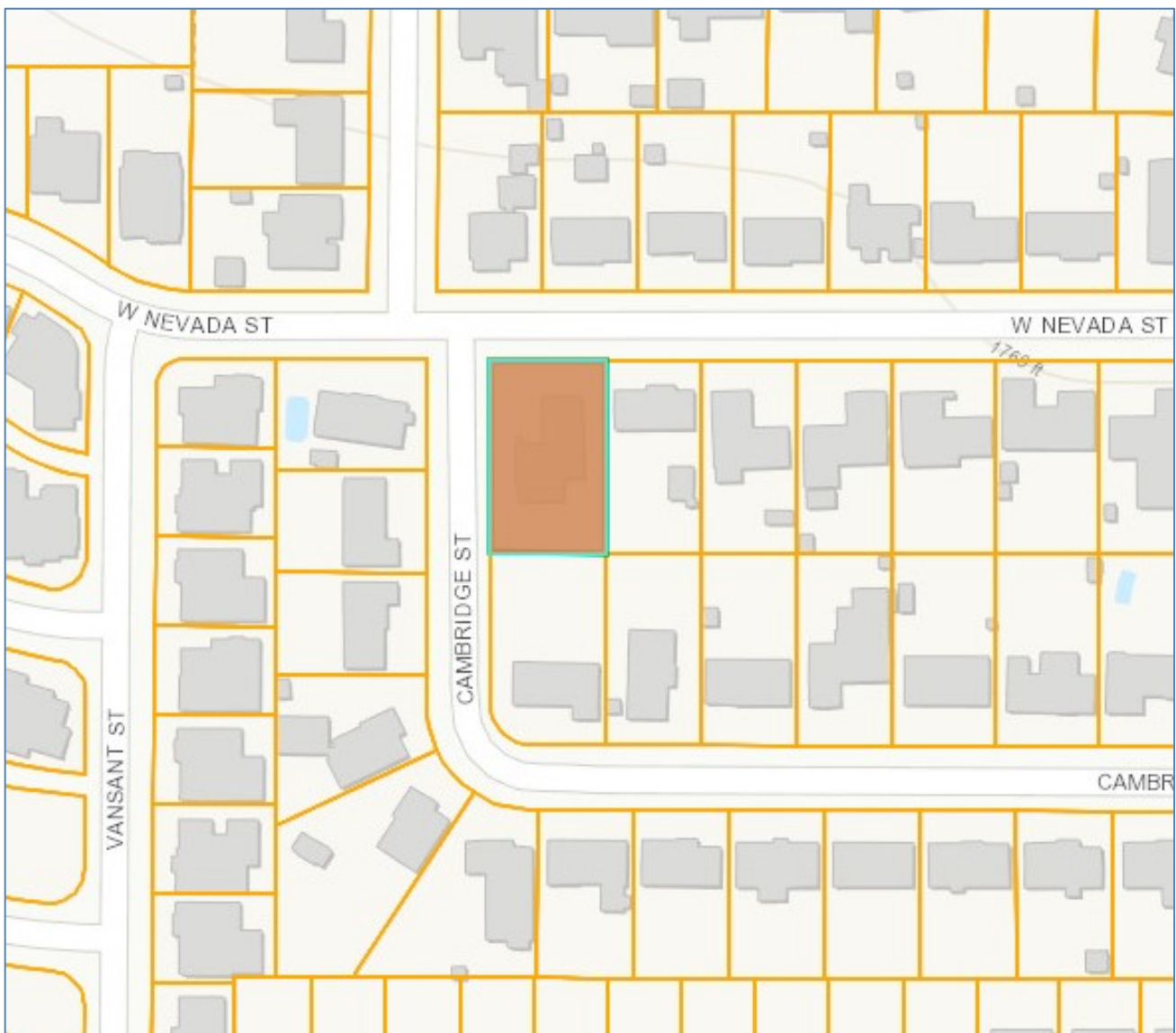
PLANNING ACTION: PA-T2-2023-00045

SUBJECT PROPERTY: 765 Cambridge Street

APPLICANT/OWNER: Alan and Judith Harper

DESCRIPTION: A request for Site Design Review, Outline, and Final Plan approval for a four-unit Cottage Housing Development and Performance Standards subdivision. The application also includes a request for exception to the street standards to not install sidewalk along Cambridge St. **COMPREHENSIVE PLAN DESIGNATION:** R-1-5; **ZONING:** Single Family Residential; **ASSESSOR'S MAP:** 39 1E 05 AD; **TAX LOT:** 101

ASHLAND PLANNING COMMISSION MEETING: *Tuesday January 9, 2024 at 7:00 PM, Ashland Civic Center, 1175 East Main Street*



COMMUNITY DEVELOPMENT DEPARTMENT

51 Winburn Way
Ashland, Oregon 97520
ashland.or.us

Tel: 541.488.5305
Fax: 541.552.2050
TTY: 800.735.2900

Notice is hereby given that a PUBLIC HEARING on the following request with respect to the ASHLAND LAND USE ORDINANCE will be held before the ASHLAND PLANNING COMMISSION on meeting date shown above. The meeting will be at the ASHLAND CIVIC CENTER, 1175 East Main Street, Ashland, Oregon.

A copy of the application, including all documents, evidence and applicable criteria are available online at "What's Happening in my City" at <https://gis.ashland.or.us/developmentproposals/>. Copies of application materials will be provided at reasonable cost, if requested. 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.

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker 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.

During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria. Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing.

If you have questions or comments concerning this request, please feel free to contact Aaron Anderson at 541-552-2052 or aaron.anderson@ashland.or.us

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).

OUTLINE PLAN SUBDIVISION APPROVAL (AMC 18.3.9.040.A.3)

Approval Criteria for Outline Plan. The Planning Commission shall approve the outline plan when it finds all of the following criteria have been met.

- a. The development meets all applicable ordinance requirements of the City.
- b. Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.
- c. The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.
- d. The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.
- e. There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.
- f. The proposed density meets the base and bonus density standards established under this chapter.
- g. The development complies with the Street Standards.
- h. The proposed development meets the common open space standards established under section [18.4.4.070](#). Common open space requirements may be satisfied by public open space in accordance with section [18.4.4.070](#) if approved by the City of Ashland.

APPROVAL CRITERIA FOR FINAL PLAN **18.3.9.040.B.5**

COMMUNITY DEVELOPMENT DEPARTMENT

51 Winburn Way
Ashland, Oregon 97520
ashland.or.us

Tel: 541.488.5305
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Final Plan approval shall be granted upon finding of substantial conformance with the Outline Plan. This substantial conformance provision is intended solely to facilitate the minor modifications from one planning step to another. Substantial conformance shall exist when comparison of the outline plan with the final plan meets all of the following criteria.

- a. The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.
- b. The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Ordinance.
- c. The open spaces vary no more than ten percent of that provided on the outline plan.
- d. The building size does not exceed the building size shown on the outline plan by more than ten percent.
- e. The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.
- f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.
- g. The development complies with the Street Standards.
- h. Nothing in this section shall limit reduction in the number of dwelling units or increased open space provided that, if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the open space reduced below that permitted in the outline plan.

EXCEPTION TO STREET STANDARDS

18.4.6.020.B.1

Exception to the Street Design Standards. The approval authority may approve exceptions to the standards section in 18.4.6.040 Street Design Standards if all of the following circumstances are found to exist.

- a. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
- b. The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.
 - i. For transit facilities and related improvements, access, wait time, and ride experience.
 - ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.
 - iii. For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.
- c. The exception is the minimum necessary to alleviate the difficulty.
- d. The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.

SITE DESIGN AND USE STANDARDS

18.5.2.050

The following criteria shall be used to approve or deny an application:

- A. **Underlying Zone:** The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- B. **Overlay Zones:** The proposal complies with applicable overlay zone requirements (part 18.3).
- C. **Site Development and Design Standards:** The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.
- D. **City Facilities:** The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.
- E. **Exception to the Site Development and Design Standards:** The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.
 1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
 2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

COMMUNITY DEVELOPMENT DEPARTMENT

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Staff Report

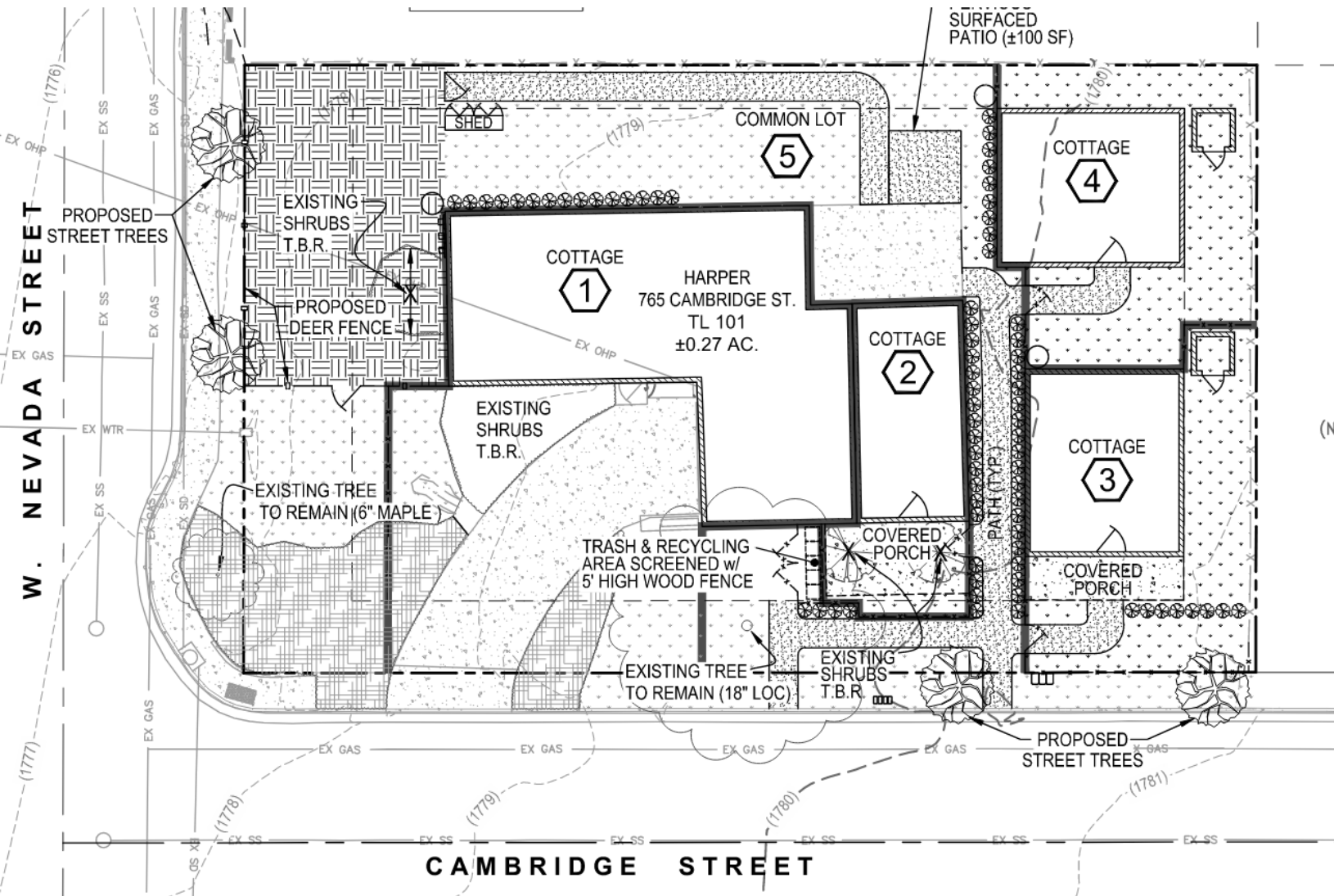
Cambridge St. Cottages.

PA-T2-2023-00045

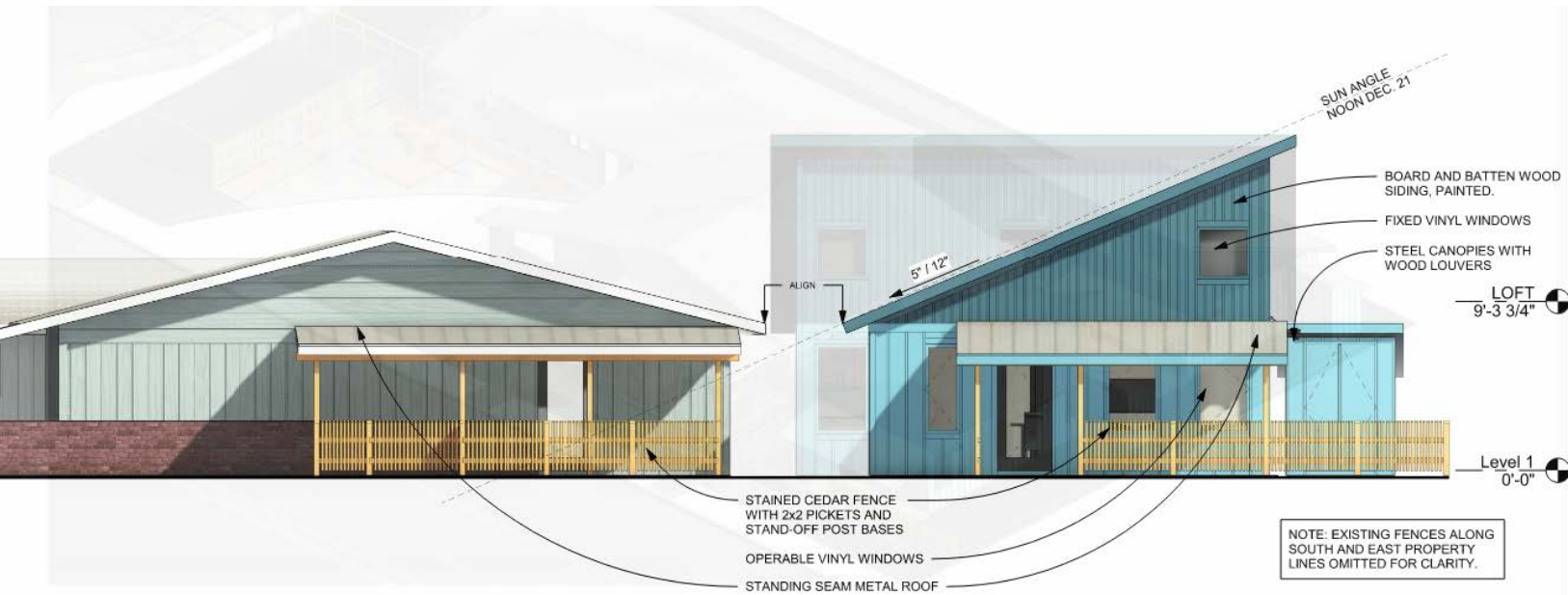
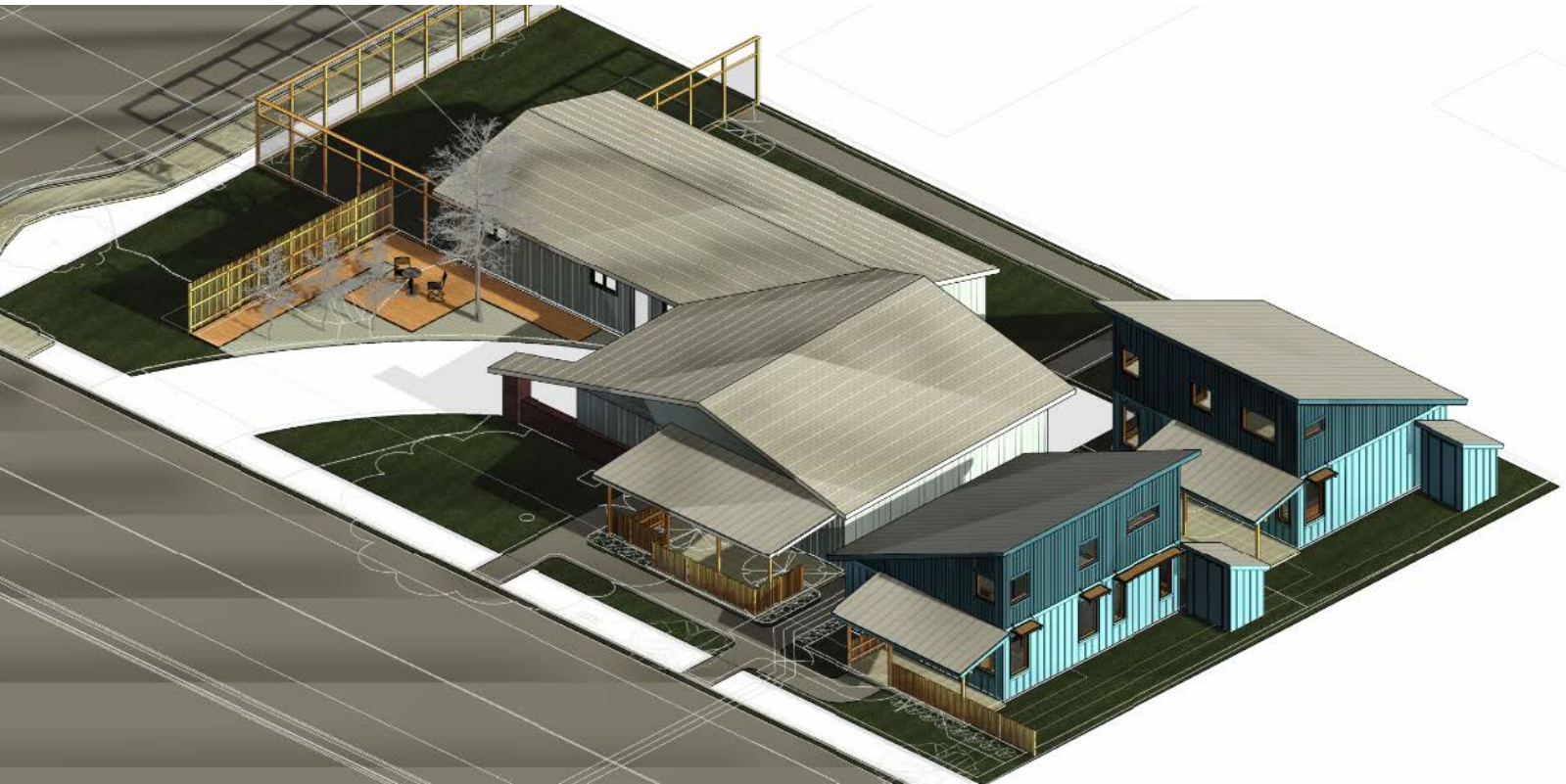
REQUEST: This request is for approval of a four-unit Cottage Housing development on the subject property. The application includes a Site Plan, proposed development elevations and renderings, Tentative Plat, and Landscaping Plan.

Proposal Details

The application explains the project as follows: The project will create four units. Two units are attached and will be the result of dividing the existing home into two units (1497 sq. ft. and 472 sq. ft.) and two new cottages which will be 572 sq ft in size. The units will provide a mix of housing inventory – 1 bedroom, 1 bedroom with loft (both new cottages) and 3 bedroom.



Cambridge St. Cottages.



EXTERIOR ELEVATION - WEST

3/16" = 1'-0"

1

Cambridge St. Cottages.

Parking

Parking for the Development is intentionally kept to a minimum. Being within the recently adopted State of Oregon Climate Friendly & Equitable Communities transit boundary, the project will maintain the two existing garage spaces. No additional on-site parking will be created, minimizing the impervious surface created and allowing space for more housing. Each unit will have bicycle storage racks installed within their private space to encourage alternate transportation methods.

Exception to Street Standards.

The application explains: “Rather than installing sidewalks along Cambridge Street frontage, the Applicant agrees to sign an LID agreement to participate in future street improvements as outlined in the pre-application report. The design of the project seeks an exception to the design standards in order to create an entry pathway from one focal entry point to the Cottage from Cambridge street. Rather than sidewalks – which do not exist anywhere along the fully built and committed length of Cambridge St. - the project would have a pervious pathway creating one point of entry for all owners and the community rather than each unit having entry points extending to a new sidewalk. This creates one direct pedestrian path from the street to the new cottages. This is consistent with the purpose of the Cottage Housing ordinance found in AMC 18.2.3.090 and thereby satisfying subsection 3 of the Design Standards found in AMC 18.4.”

Staff Recommendation

Staff feels that sidewalks are an essential component of a complete transportation network, and that the increase in density justifies the requirement and passes both Nolan and Dolan tests.

Draft Findings

The application included comprehensive findings addressing all approval criteria and special use standards. The applicants' materials have been lightly edited and are included in the packet approving Outline and Final Plan, approving Site Design Review, and denying the request for Street Standards exception, in part. The draft findings include a condition of approval to install curb tight sidewalk along the Cambridge St. frontage.

Draft Findings

BEFORE THE PLANNING COMMISSION

ADOPTION DATE

IN THE MATTER OF PLANNING ACTION PA-T2-2023-00045 A)
REQUEST FOR OUTLINE PLAN AND FINAL PLAN APPROVAL FOR A) **DRAFT**
4 UNIT COTTAGE HOUSING DEVELOPMENT AND PERFORMANCE)
STANDARD SUBDIVISION. THE APPLICATION ALSO INCLUDES A) **FINDINGS,**
REQUEST FOR EXCEPTION TO THE STREET STANDARDS TO NOT) **CONCLUSIONS,**
INSTALL SIDEWALK ALONG CAMBRIDGE ST.) **AND ORDERS.**
)
OWNER & APPLICANT: ALAN AND JUDITH HARPER **DRAFT**

RECITALS:

- 1) The subject property is Assessor Map and Tax Lot: 39 1E 05 BD, tax lot 1100 and addressed 765 Cambridge Street which is located at the southeast corner of the Nevada/Cambridge St. intersection.
- 2) The property was created as Lot 1, Block 2 of Cedar Homes Subdivision platted in March of 1965. The property is 0.27 acres in area and zoned R-1-5 (Single Family Residential) and is presently improved with a 1,024 square foot single story home that was built in 1965.
- 3) The applicant is requesting concurrent Outline and Final Plan approval for a 4-unit Cottage Housing Development, Site Design Review and performance standard subdivision. The application also includes a request for an exception to public street standards to not install a sidewalk along Cambridge St.
- 4) The application materials include detailed responses to each relevant approval criteria and special use standards and constitute the majority of Section 2 of this document. The complete application materials are on file at the Department of Community Development and by their reference are incorporated herein as if set out in full.
- 5) The approval criteria for Outline Plan approval are described in **AMC 18.3.9.040.A.3** as follows:
 - A. the development meets all applicable ordinance requirements of the city.
 - B. adequate key city facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a city facility to operate beyond capacity.
 - C. the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the

development and significant features have been included in the common open space, common areas, and unbuildable areas.

D. the development of the land will not prevent adjacent land from being developed for the uses shown in the comprehensive plan.

E. there are adequate provisions for the maintenance of common open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.

F. the proposed density meets the base and bonus density standards established under this chapter.

G. the development complies with the street standards.

H. the proposed development meets the common open space standards established under section 18.4.4.070. Common open space requirements may be satisfied by public open space in accordance with section 18.4.4.070 if approved by the city of ashland.

6) The approval criteria for Final Plan approval are described in **AMC 18.3.9.040.B.5** as follows:

a. The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.

b. The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this ordinance.

c. The common open spaces vary no more than ten percent of that provided on the outline plan.

d. The building size does not exceed the building size shown on the outline plan by more than ten percent.

e. The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.

f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.

g. The development complies with the street standards.

h. Nothing in this section shall limit reduction in the number of dwelling units or increased open space; provided, that if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the common open space reduced below that permitted in the outline plan.

7) The approval criteria for an Exception to the Street Design Standards are described in **AMC 18.4.6.020.B.1** as follows:

Exception to the Street Design Standards. The approval authority may approve exceptions to the street design standards in section [18.4.6.040](#) if the circumstances in either subsection [B.1.a](#) or [b](#), below, are found to exist.

a. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site; and the exception is the minimum necessary to alleviate the difficulty; and the exception is consistent with the purpose, intent, and background of the street design

standards in subsection [18.4.6.040.A](#); and the exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable:

- i. For transit facilities and related improvements, access, wait time, and ride experience.
 - ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.
 - iii. For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safely and efficiently cross roadway; or
- b. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purposes, intent, and background of the street design standards in subsection [18.4.6.040.A](#).

8) The approval criteria for Site Design Review are provided in **AMC 18.5.2.050** as follows:

An application for Site Design Review shall be approved if the proposal meets the criteria in subsections A, B, C, and D below. The approval authority may, in approving the application, impose conditions of approval, consistent with the applicable criteria.

A. Underlying Zone. The proposal complies with all of the applicable provisions of the underlying zone (part [18.2](#)), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.

B. Overlay Zones. The proposal complies with applicable overlay zone requirements (part [18.3](#)).

C. Site Development and Design Standards. The proposal complies with the applicable Site Development and Design Standards of part [18.4](#), except as provided by subsection E, below.

D. City Facilities. The proposal complies with the applicable standards in section 18.4.6 Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.

E. Exception to the Site Development and Design Standards. The approval authority may approve exceptions to the Site Development and Design Standards of part [18.4](#) if the circumstances in either subsection 1, 2, or 3, below, are found to exist.

1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty;
2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards; or

3. There is no demonstrable difficulty in meeting the specific requirements for a cottage housing development, but granting the exception will result in a design that equally or better achieves the stated purpose of section [18.2.3.090](#).

9) The Land Use Ordinance provides special use standards for Cottage Housing as detailed in **AMC 18.2.3.090** as follows:

C. Development Standards. Cottage housing developments shall meet all of the following requirements.

1. Cottage Housing Density. The permitted number of units and minimum lot areas shall be as follows:

Table 18.2.3.090.C.1 Cottage Housing Development Density					
Zones	Maximum Cottage Density	Minimum number of cottages per cottage housing development	Maximum number of cottages per cottage housing development	Minimum lot size (accommodates minimum number of cottages)	Maximum Floor Area Ratio (FAR)
R-1-5, NN-1-5 NM-R-1-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7,500 sq.ft.	0.35
R-1-7.5 NM-R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11,250 sq.ft.	0.35

2. Building and Site Design.

- a. Maximum Floor Area Ratio: The combined gross floor area of all cottages and garages shall not exceed a 0.35 floor area ratio (FAR). Structures such as parking carports, green houses, and common accessory structures are exempt from the maximum floor area calculation.
- b. Maximum Floor Area. The maximum gross habitable floor area for 75 percent or more of the cottages, within developments of four units or greater, shall be 800 square feet or less per unit. At least two of the cottages within three unit cottage housing developments shall have a gross habitable floor area of 800 square feet or less. The gross habitable floor area for any individual cottage unit shall not exceed 1000 square feet.
- c. Height. Building height of all structures shall not exceed 18 feet. The ridge of a pitched roof may extend up to 25 feet above grade.
- d. Lot Coverage. Lot coverage shall meet the requirements of the underlying zone outlined in Table 18.2.5.030.A.
- e. Building Separation. A cottage development may include two-unit attached, as well as detached, cottages. With the exception of attached units, a minimum separation of six feet measured from the nearest point

of the exterior walls is required between cottage housing units. Accessory buildings (e.g., carport, garage, shed, multipurpose room) shall comply with building code requirements for separation from non-residential structures.

- f. Fences. Notwithstanding the provisions of section 18.4.4.060, fence height is limited to four feet on interior areas adjacent to open space except as allowed for deer fencing in subsection 18.4.4.060.B.6. Fences in the front and side yards abutting a public street, and on the perimeter of the development shall meet the fence standards of section 18.4.4.060.
3. Access, Circulation, and Off-Street Parking Requirements. Notwithstanding the provisions of chapter 18.3.9 Performance Standards Option and 18.4 Site Development and Site Design Standards, cottage housing developments are subject to the following requirements:
 - a. Public Street Dedications. Except for those street connections identified on the Street Dedication Map, the Commission may reduce or waive the requirement to dedicate and construct a public street as required in 18.4.6.040 upon finding that the cottage housing development meets connectivity and block length standards by providing public access for pedestrians and bicyclists with an alley, shared street, or multi-use path connecting the public street to adjoining properties.
 - b. Driveways and parking areas. Driveway and parking areas shall meet the vehicle area design standards of section 18.4.3.
 - i. Parking shall meet the minimum parking ratios per 18.4.3.040.
 - ii. Parking shall be consolidated to minimize the number of parking areas, and shall be located on the cottage housing development property.
 - iii. Off-street parking can be located within an accessory structure such as a multi-auto carport or garage, but such multi-auto structures shall not be attached to individual cottages. Single-car garages and carports may be attached to individual cottages. Uncovered parking is also permitted provided that off street parking is screened in accordance with the applicable landscape and screening standards of chapter 18.4.4.
 4. Open Space. Open space shall meet all of the following standards.
 - a. A minimum of 20 percent of the total lot area is required as open space.
 - b. Open space(s) shall have no dimension that is less than 20 feet unless otherwise granted an exception by the hearing authority. Connections between separated open spaces, not meeting this dimensional requirement, shall not contribute toward meeting the minimum open space area.
 - c. Shall consist of a central space, or series of interconnected spaces.
 - d. Physically constrained areas such as wetlands or steep slopes cannot be counted towards the open space requirement.
 - e. At least 50 percent of the cottage units shall abut an open space.
 - f. The open space shall be distinguished from the private outdoor areas with a walkway, fencing, landscaping, berm, or similar method to provide a visual boundary around the perimeter of the common area.

- g. Parking areas and driveways do not qualify as open space.
- 5. Private Outdoor Area. Each residential unit in a cottage housing development shall have a private outdoor area. Private outdoor areas shall be separate from the open space to create a sense of separate ownership.
 - a. Each cottage unit shall be provided with a minimum of 200 square feet of usable private outdoor area. Private outdoor areas may include gardening areas, patios, or porches.
 - b. No dimension of the private outdoor area shall be less than 8 feet.
- 6. Common Buildings, Existing Nonconforming Structures and Accessory Residential Units.
 - a. Common Buildings. Up to 25 percent of the required common open space, but no greater than 1,500 square feet, may be utilized as a community building for the sole use of the cottage housing residents. Common buildings shall not be attached to cottages.
 - b. Carports and garage structures. Consolidated carports or garage structures, provided per 18.2.3.090.C.3.b, are not subject to the area limitations for common buildings.
 - c. Nonconforming Dwelling Units. An existing single-family residential structure built prior to the effective date of this ordinance (date), which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain. Existing nonconforming dwelling units shall be included in the maximum permitted cottage density. 1,000 square feet of the habitable floor area of such nonconforming dwellings shall be included in the maximum floor area permitted per 18.2.3.090C.2.a. Existing garages, other existing non-habitable floor area, and the nonconforming dwelling's habitable floor area in excess of 1,000 square feet shall not be included in the maximum floor area ratio.
 - d. Accessory Residential Units. New accessory residential units (ARUs) are not permitted in cottage housing developments, except that an existing ARU that is accessory to an existing nonconforming single-family structure may be counted as a cottage unit if the property is developed subject to the provisions of this chapter.
- 7. Storm Water and Low-Impact Development.
 - a. Developments shall include open space and landscaped features as a component of the project's storm water low impact development techniques including natural filtration and on-site infiltration of storm water.
 - b. Low impact development techniques for storm water management shall be used wherever possible. Such techniques may include the use of porous solid surfaces in parking areas and walkways, directing roof drains and parking lot runoff to landscape beds, green or living roofs, and rain barrels.
 - c. Cottages shall be located to maximize the infiltration of storm water runoff. In this zone, cottages shall be grouped and parking areas shall be located to preserve as much contiguous, permanently undeveloped open space and native vegetation as reasonably possible when considering all standards in this chapter.

8. Restrictions.
 - a. The size of a cottage dwelling may not be increased beyond the maximum floor area in subsection 18.2.3.090.C.2.a. A deed restriction shall be placed on the property notifying future property owners of the size restriction.

10) The Planning Commission, following proper public notice, held a public hearing on January 9, 2023. Testimony was received, and exhibits were presented. At the conclusion of the public hearing the Planning Commission deliberated and approved the application with the conditions of approval listed below.

Now, therefore, the Planning Commission 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, and Miscellaneous Exhibits lettered with an "M"

SECTION 2. CONCLUSORY FINDINGS

2.1.1 The Planning Commission finds that AMC Title 18 Land Use regulates the development pattern envisioned by the Comprehensive Plan and encourages efficient use of land resources among other goals. When considering the decision to approve or deny an application the Planning Commission considers the application materials against the relevant approval criteria in the AMC.

2.1.2 The Planning Commission finds that it has received all information necessary to render a decision based on the application itself, the Staff Report, the public hearing testimony, and the exhibits received.

2.1.3 The Planning Commission notes that the application was deemed complete on December 19, 2023, and further finds that the notice for the public hearing was both posted at the frontage of the subject property and mailed to all property owners within 200-feet of the subject property on the same day.

2.2 The Planning Commission finds that the proposal for Outline Plan approval, Final Plan approval, Site Design Review approval, and a Cottage Housing Development meets all applicable criteria for Outline Plan approval described in AMC 18.3.9.040.A.3; for Final Plan approval described in AMC 18.3.9.040.B.5; for Site Design Review described in AMC 18.5.2.050; and for a

Cottage Housing Development described AMC 18.2.3.090.

2.3 The Planning Commission concludes that the proposal satisfies all applicable criteria for Outline Plan approval.

A. The first approval criterion for Outline Plan approval is that, “The development meets all applicable ordinance requirements of the City.” The Commission finds that the proposal meets all applicable ordinance requirements, has requested one Exception to Design Standards by deferring certain street improvements and that this criterion set forth in AMC 18.4(3) (discussed below) has been satisfied.

B. The second approval criterion for Outline Plan approval is that, “Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.” The Commission notes that staff have indicated the following based on discussions with city utility departments:

Water – The Public Works Department has indicated that the property is currently served by a 6-inch water main in the Nevada Street right-of-way and a 6-inch water main in the Cambridge Street right-of-way, which is proposed to be used by the Applicant. The water meter for the existing residence is on Cambridge Street, and three new water meters are illustrated as being placed off Cambridge Street to serve the proposed new cottage units. The Public Works Department has indicated that the existing lines have the ability to provide capacity for the proposed development.

Sanitary Sewer - The Public Works Department has indicated that property is currently served by an eight-inch sanitary sewer main within the Nevada Street right-of-way and a 6-inch sanitary sewer main in the Cambridge Street right-of-way, which the Applicant proposes to use, and that all of the individual units are able to be served from this main.

Electricity – The Applicant has contacted Rick Barton at the City Electric Department, who has indicated that cottages can be served from existing service from Nevada Street provided that total amperage of the three new units do not exceed 400amps; in the event that the final electrical plan exceeds this limit, the Electric Department may require an upgrade in system services. The Applicant will be fully responsible for upgrading services to the site with a new three-pack meter base at the north of the property, near the existing residence, as shown on the Site Plan.

Urban Storm Drainage - The Public Works Department has indicated that property is currently served by an 18-inch storm sewer main in the Nevada Street right-of-way and that all of the individual units are able to be served from this main. The applicant has proposed to install a 24-foot by eight-foot rainwater garden and rain barrels to detain roof drainage on site, with overflow into the storm drain system, as a low-impact approach to on-site detention and treatment and with the creation of pervious

pathways. The final engineered storm drainage plans will comply with RVSS standards as a condition of this approval.

Conditions have been included below requiring that final utility, grading and drainage plans and associated civil engineering drawings be provided for review and approval prior to site work or the issuance of building or excavation permits.

Staff has consulted with the Public Works department and confirmed that there are no capacity issues with regard to any city facilities.

The Applicant indicates that the property is now served by the Ashland Police Department (APD), and the proposal will not have an impact on the ability of APD to serve the property or the broader city. The application notes that none of the units is more than 150-feet from where a fire truck would park, and as such a fire truck turn-around will not be necessary, and that the structures are less than 24-feet in height and no fire truck work area will be necessary. A condition has been included below to require that the applicants address the requirements of the Fire Department including but not limited to approved addressing, fire apparatus access, fire hydrant distance and fire flow, as part of the permit drawing submittals.

Compliance with street standards is addressed under the appropriate criterion later in this section. With regard to paved access to and throughout the property and adequate transportation, the subject property directly fronts on Nevada Street and Cambridge Street. Nevada is built out to City standards. Cambridge is a residential neighborhood street. Current improvements are a 33-foot paved width within a 47-foot right-of-way. Subdivision and Site Design standards of approval would typically be required and that city standard frontage improvements be provided, including street trees. The Applicant is proposing the installation of street trees (pursuant to the proposed Landscape Plan).

The application also includes a request for an Exception to the Street Design Standard to make no additional public improvements along Cambridge St. based on the argument that granting the exception furthers the purpose and intent of the Land Use Ordinance. The Planning Commission finds that the location of the existing curb improvement and right-of-way width justifies an exception to the requirement for a park row, but that a sidewalk is imperative to provide the extension of the existing pedestrian improvements to serve the three additional residential dwellings. A condition has been added below requiring the installation of curb tight sidewalk along the length of Cambridge St.

Conditions have been included below to require that final electric service, utility and civil plans be provided for the review and approval of the Staff Advisor and city departments in conjunction with the permit approval and plat review, and that infrastructure be installed by the applicants, inspected and approved prior to the signature of the final survey plat.

C. The third criterion for approval of an Outline Plan is that, “The existing and

natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.” The Planning Commission finds that that the existing natural features on the property is limited to one tree at the front of the existing residence. It is identified in the plans and have been included in the common open space. It is to be protected, in keeping with applicable standards, as a condition of approval.

D. The fourth criterion for approval of an Outline Plan is that, “The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.” The Planning Commission finds that the development will not prevent adjacent land from being developed with the uses (residential) envisioned by the Comprehensive Plan.

E. The fifth approval criterion is that, “There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.” The Planning Commission finds that a “Covenants, Conditions and Restrictions (CC&R’s)” document will be provided to address maintenance of open spaces and common areas as part of the final survey plat review. Conditions requiring that draft CC&R’s be included with the final survey plat submittal for final review and approval of the Staff Advisor have been included below. Based on the foregoing, the Commission concludes that the proposal complies with the fifth approval criterion.

F. The sixth criterion is that, “The proposed density meets the base and bonus density standards established under this chapter.” AMC Table 18.2.3.090.C.1 Cottage Housing Development Density addresses the permissible number of cottages for a cottage housing development in the R-1-5 zoning district providing that one cottage per 2,500 square feet of lot area is allowed, with a maximum number of 12 cottages. The Planning Commission finds that the 11,843 square foot property here will accommodate four cottages ($11,843/2,500 = 4+$) and four are proposed which complies with the allowed Cottage Housing Development Density. Based on the foregoing, the Commission concludes that the proposal complies with the sixth approval criterion.

G. The final Outline Plan approval criterion is that, “The development complies with the Street Standards.” The subject property fronts on Nevada Street and also borders Cambridge Street, which is a residential neighborhood street. City standards envision six- to six-foot sidewalks, seven-foot parkrow planting strips, a six-inch curb, seven-foot parking bays, and eleven- to fourteen total travel lane. The city-standard cross-section includes a total right-of-way width of 50-55 feet although the existing right-of-way is only 47 feet.

As mentioned above the application includes a request to not install sidewalk. The Planning Commission notes that sidewalks are an essential component of a safe transportation network. The Planning Commission finds that the location of the

existing curb improvement and right-of-way width justifies an exception to the requirement for a park row, but that a sidewalk is imperative to provide the extension of the existing pedestrian improvements to serve the additional dwellings. As mentioned above a condition of approval requiring the installation of a curb tight sidewalk along Cambridge St. is included below.

The Planning Commission concludes that as detailed above and with the conditions discussed, the proposal complies with the requirements for Outline Plan subdivision approval under the Performance Standards Options chapter.

2.4 The Planning Commission finds that the Final Plan approval request has been made concurrently with the Outline Plan approval request, and as such there will be no variation between Outline Plan and Final Plan approvals.

2.5 The Planning Commission concludes that the proposal satisfies all applicable criteria for Site Design Review approval.

The first approval criterion addresses the requirements of the underlying zone, requiring that, “The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.” The Planning Commission finds that the building and yard setbacks and other applicable standards have been evaluated to ensure consistency with the applicable provisions of part 18.2, and all regulations of the underlying R-1-5 zoning will be satisfied.

The second approval criterion deals with overlay zones, and requires that, “The proposal complies with applicable overlay zone requirements (part 18.3).” The Planning Commission finds that the property is within the Performance Standards Option (PSO) overlay zone, which requires that all developments other than partitions or individual dwelling units be processed under Chapter 18.3.9., and that the proposal involves a four unit cottage housing development and five-lot subdivision for which the Applicant has requested Outline and Final Plan approval under the PSO Overlay Chapter 18.3.9. The Planning Commission finds that this criterion is satisfied.

The third criterion addresses the Site Development and Design Standards, requiring that “The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.” The Planning Commission finds that the proposal complies with the applicable Site Development and Design Standards including provisions for access management, building orientation, parking configuration, etc. and that the various plans have been prepared based on these standards and the recently adopted Cottage Housing ordinance. With regard to the parking requirements in AMC 18.4.3, cottage housing units less than 800 square feet require one off-street parking space be provided per unit. The Applicant has proposed that, in keeping with the statewide Climate Friendly and Equitable Communities legislation, no off-street parking will be created to serve Cottages 2, 3 and 4. There is on-street parking along the +/- 110’ of Cambridge St. frontage adjacent to the new cottages. Bicycle parking is to be provided within the private

area of each cottage unit (and in the garage of Cottage 1), which will need to meet the requirements of AMC 18.4.3.070.C.1. The Planning Commission finds that all required parking has been provided. The Planning Commission concludes that the third criterion has been satisfied.

The fourth approval criterion addresses city facilities, specifically requiring that, “The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.” The Planning Commission finds that adequate capacity of city facilities, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.

Again, as discussed above, the application includes a request to not install a sidewalk along Cambridge St. The Planning Commission notes that sidewalks are a public facility and are regulated by section 18.4.6. The Planning Commission notes that section 18.4.6.020.B.1 allows the Planning Commission to grant exceptions when doing so will result in equal or superior transportation facilities and connectivity considering certain factors. The Planning Commission notes that sidewalks are an essential component to a safe transportation network. The application states that there is no demonstrable difficulty in meeting the standards and asserts that the proposed internal pedestrian connectivity to the frontage meets the purpose and the intent of the chapter. The Planning Commission finds that pedestrian connectivity is essential and does not grant the requested exception. The Planning Commission further notes that the existing right-of-way width and curb location does justify an exception for the requirement of a park row. The Planning Commission finds that with the denial of the requested exception, and a condition of approval to install curb tight sidewalk this approval criterion has been met.

The final criterion for Site Design Review approval addresses “Exception to the Site Development and Design Standards. As discussed above the request to not install sidewalk is addressed under specific provisions for public facilities in 18.4.6. The Planning Commission notes that there are no other exceptions being requested to the Site Development and Design Standards and finds that this approval criterion has been satisfied.

The Planning Commission concludes that as detailed above and with the conditions discussed, the proposal complies with the requirements for Site Design Review approval.

2.6 The Planning Commission finds that concludes that the proposal satisfies all applicable standards specific to Cottage Housing Development.

The Planning Commission finds that the project involves the duplexing of an existing single family residence and the construction of 572 sq. ft. units at the rear of the property, and will help to provide needed housing types while having minimal impact to the surrounding neighborhood.

The Planning Commission finds that no design standard Exceptions or Variances are proposed, besides the exception to street improvements denied in part above. The proposal

complies with the allowed development density, floor area ratio, height and lot coverage standards, with four cottages proposed for a 11,843 square foot parcel and a combined floor area ratio of 26.3%. All of the proposed cottages are less than 800 square feet in gross habitable floor area. The existing residence is a single-story building, and the proposed new cottage is to have a peak height of 17-feet above grade, where the cottage housing standards allow roof peaks up to 25 feet from grade. Lot coverage is noted at 43.6 % where up to 50 percent coverage is allowed.

The Commission further finds that the building separation between the existing structure and the new cottages is greater than the six-foot minimum.

A condition has been included below to requires that the CC&R's detail fencing limitations to demonstrate compliance with the limitations of the fence code and will not exceed four feet on interior areas adjacent to open space.

The Commission finds that the proposed cottage housing development is within the established Quiet Village neighborhood, fronting along Nevada Street which is fully improved and part of a broader gridded street system largely in place and meeting block length standards in the vicinity.

The Commission finds that the driveway and parking proposed meet the vehicle area design standards in AMC 18.4.3 and applicable state statutes. Access to Cottage 1 will be from the existing curb-cut on Cambridge St.

The Planning Commission finds that 27.2% percent of the site (3,227 sq ft) is proposed in open Common Area, as required by the Cottage Housing Ordinances where a minimum of 20 percent is required, and the total Lot 5, to be owned by the HOA, is 4,859 sq ft. The proposed Common Area has no dimension is less than 20 feet. Three of the proposed cottages directly abut the Common Area, and it is distinguished from private outdoor areas with a four-foot fencing to provide a visual boundary. Private open space areas, separate from the common open space, include porches and patios to provide the requisite private outdoor areas.

The Commission finds that the development proposes an on-site water infiltration area in the form of a rain garden utilizing the roof drains of Cottage 1 and 2. Cottages 3 and 4 will utilize rain barrels to capture water created by the new impervious areas. The cottages include a duplex created from the existing residence and two new cottage unit. The site layout is designed to preserve open space, protect existing landscape features and reduce impervious surfaces (such as on-site parking).

The Applicant has demonstrated compliance with the Solar Setback standards of AMC 18.4.8.030 by providing elevations and calculations demonstrating the impact of the proposed development on other buildings within the cottage development.

Based on the foregoing, The Planning Commission concludes that, as detailed above and with the conditions discussed, the proposal is consistent with the Specific Cottage Housing Development Standards.

2.7 The Planning Commission finds that that the only existing natural features on the property is one large tree, and that it is identified in the plans and have been included in open spaces and unbuildable areas. The 18-inch Lucust tree is within proposed common open space, and is proposed to be protected in keeping with applicable standards using six-foot chain link fencing during construction.

The Planning Commission concludes that as detailed above and with the conditions included below to require tree protection verification prior to any site work, the proposal complies with the requirements for Tree Protection.

Specific Findings Addressing AMC 18.2.3.090 Cottage Housing Standards:

1. Density

Density: The subject property is zoned R-1-5 and is 11,843 square feet, greater than the required 7,500 sq. ft. The proposal meets the minimum density by proposing a total of four cottage units.

2. Building and Site Design

The specific calculations for site design of a Cottage development are addressed below:

FAR: The Floor Area Ratio for the project is 26.3% (3,113 sq ft / 11,843), less than the required 35%.

Floor Area: Cottages 3 (572 sq. ft.) and 4 (572 sq. ft.) are less than 800 square feet, as required for a four cottage unit development. Cottages 1 and 2 are created by dividing the existing house into two units – Cottage 1 will be 1497 sq. ft, of which only 1000 sq. ft. apply to this standard pursuant to Code and Cottage 2 will be 472 sq. ft.

Height: Cottages 1 and 2 are within the existing building which does not exceed 18'. Cottages 3 and 4 are proposed to be single story buildings, with lofts, and less than 18' in height.

Lot Coverage: Lot Coverage is proposed to be 43.6% (5,169 sq ft / 11,843 sq ft), less than the maximum 50% allowed by 18.2.5.030.A.

Building Separation: Cottages 1 and 2 are attached, as shown on the site plan. Cottage 3 is separated from Cottage 2 by 7.8' (which will include a path and landscaping on each side of the path). Cottage 4 is separated from Cottage 2 by 6.6'.

Fences: Interior fences creating private space for each cottage will be no greater than 4', except for the shared garden fencing (part of Common Area), which will have surrounding deer fencing as allowed by 18.4.4.060B.6, and fencing within any front yard setback shall be no greater than 3'.

3. Access, Circulation and Off-street Parking

Public Street Dedication: No additional ROW is required on Cambridge or Nevada streets. The Applicant has agreed to enter into an LID for coordinated street

improvements along Cambridge as identified by Staff at the time of the Pre-application conference.

Driveways and parking areas: The property is currently served by two curb cuts, one of which will be closed and the one serving the existing garage will be maintained. Consistent with the current Climate Friendly legislation, the proposal is to add no additional parking for the new cottage units in order to encourage transit utilization. Each new cottage unit will have bike parking created within the private space / patio.

Pedestrian Circulation: The new Cottages will be served by one central pervious material pathway that links the development to Cambridge St. The central pathway will link the new Cottages and the Common Area and will provide a direct link to the public right-of-way.

4. Open Space

A. Proposed Common Area Open Space is 27.2% (3,227 sq ft / 11,843 sq ft), in excess of the required 20%.

B. All Common Area Open Space identified to meet this standard has dimensions greater than 20'.

C. The Open Space consists of a shared garden area on the Nevada side of the property and a centrally located gathering space with patio, BBQ and fire pit. Three cottages (1, 2 and 4) will have access directly onto the central gathering area.

D. N/A

E. Three of the four cottages open directly on the Open Space.

F. Private Areas for each cottage will be separated with internal fencing.

5. Private Outdoor Area.

A. Each cottage has an identified and fenced Private Area in excess of 200' as shown on the Site Plan.

B. No areas calculated to reach the minimum area for a cottage's private area are less than 8' in any dimension.

6. Common Buildings.

A. No common buildings are proposed, besides a garden shed for the shared garden within the Common Area.

B. No new carports or garages are proposed.

C. Cottage 1 and 2 are created from an existing single-family residential structure that pre-dates the Cottage Housing ordinance (built 1965 per tax records). Cottage 1 will be 1497 sq ft and will include the existing two car garage. Consistent with this section, the Applicant has included on 1,000 sq ft for Cottage 1 in the maximum square footage calculations above.

D. There are no existing ADR units on the property.

7. Storm Water and Low-Impact Development.

The Applicant has clustered new development and impervious surfaces to the south of the property, which is currently compacted rock for RV parking. The development will preserve the long swaths of contiguous existing landscape area along the north and east of the property. The Applicant proposed to redirect roof drainage at the north of the existing building from the current drain line emptying onto Nevada to rain barrels and the garden raised beds to be constructed in the north east corner of the property. All final storm drain plans will comply with current RVSS standards.

8. Restrictions.

A. The Applicant will include on the final plat a restriction, and include in the CC&Rs the restriction, that cottages may not be increased beyond the maximum floor area of subsection 18.2.3.090C.2.a.

2.8 With the forgoing the Planning Commission finds that there is substantial evidence in the record to make findings that each of the criteria of approval for Outline and Final Plan approval have been met, as well as the justification for exceptions to the street standards, and the approval criteria for Site Design Review.

2.9 The Planning Commission finds that with the conditions of approval included in this decision below, the proposal satisfies the relevant approval criteria.

SECTION 3. DECISION

3.1. Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Outline Plan and Final Plan subdivision and the Site Design Review approvals for a four unit / five lot Cottage Housing development is supported by the evidence contained in the whole of the record. and is **approved** including the conditions of approval below.

The conditions of approval are:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein.
- 2) That permits shall be obtained from the Ashland Public Works Department prior to any other work in the public right of way, including:
 - a. The installation of curb tight sidewalk along the project frontage.
- 3) That a final Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.A.2 of the Ashland Land Use Ordinance shall be provided prior to bringing combustible materials onto the property, and any new landscaping proposed shall comply with these standards and shall not include plants listed on the Prohibited Flammable Plant List per Resolution 2018-028.

- 4) That a final survey plat shall be submitted within 12 months of Final Plan approval and approved by the City of Ashland within 18 months of this approval. Prior to submittal of the final subdivision survey plat for signature:
- a. All easements including but not limited to public and private utilities, public pedestrian and public bicycle access, drainage, irrigation, and fire apparatus access shall be indicated on the final subdivision plat submittal for review by the Planning, Engineering, Building and Fire Departments.
 - b. Subdivision infrastructure improvements including but not limited to utilities, driveways, streets and common area improvements shall be completed according to approved plans, inspected and approved.
 - c. Irrigated street trees selected from the Recommended Street Tree Guide and planted according to city planting and spaces standards shall be planted along the full project frontage.
 - d. Electric services shall be installed underground to serve all lots, inspected and approved. The final electric service plan shall be reviewed and approved by the Ashland Electric, Building, Planning and Engineering Divisions prior to installation.
 - e. That the sanitary sewer laterals and water services including connection with meters at the street shall be installed to serve all lots within the applicable phase, inspected and approved.
- 5) That the building permit submittals shall include the following:
- a. Identification of all easements, including but not limited to any public and private utility easements, mutual access easements, and fire apparatus access easements.

Planning Commission Approval

Date

Applicant Submittal

Cambridge Cottages

November 15, 2023

Map and Tax Lot: 39 1E 05BD, tax lot 1100
Address: 765 Cambridge St., Ashland OR.

Applicants and Owners:
Alan and Judith Harper
651 Walnut St.
Ashland OR 97520

Architect / Building Design
Alex Stitt
KSW Architects
66 Water Street Suite 101
Ashland, OR 97520

Engineering and Site Plan:
Ausland Group
3935 Highland Ave.
Grants Pass, OR 97526

Pre-application conference report – September 16, 2022 (updated).

Request for Type II approval.

Project Summary:

This request is for approval of a four unit Cottage Housing development on the subject property. The request includes a Site Plan, proposed development elevations, Outline Plan and Landscape Plan. The Applicant has demonstrated compliance with the standards relating to the Cottage Housing provisions (AMC 18.2.3.090), Performance Standards (AMC 18.3.9), Site Design Review standards (18.5.2.050) and related Outline Plan (18.3.9.040.A.3).

The project will create four units. Two units are attached and will be the result of dividing the existing home into two units (1497 sq. ft. and 472 sq. ft.) and two new cottages which will be 572 sq ft in size. The units will provide a mix of housing inventory – 1 bedroom, 1 bedroom with loft (both new cottages) and 3 bedroom. Elevations for the units are included; three will have architectural elements oriented toward Cambridge, although technically, Nevada street is considered the “front” of the lot. None of the cottages will exceed the maximum building height of 18 feet nor the maximum roof peak height of 25 feet.

Required Open Space / Common Area:

The open Common Area, as defined by the AMC, is central to the project. Three of the units opening onto a central gathering area and the Common Area extends to a shared garden space. Each unit will have at least 200 square feet of private space as shown on the site plan and will be identified in the draft CC&Rs. Common Area amenities include gathering space, BBQ and deer fenced garden with irrigation.

The area calculated for the Cottage Housing Common Area includes only that area with minimum dimensions of 20 feet, as shown on the Site Plan. Common Area is entirely within a Lot 5, which will also include all open space created by this subdivision and to be maintained by the HOA. Each Cottage will be on its own tax lot, with the remainder of the lot, including Common Area, as a separate tax lot owned by the HOA. Draft CC&Rs will provide for the shared costs of maintaining the common area, shared access to the common area, identifies the limitations of unit size pursuant to AMC 18.2.3.090C(8) and will establish the pro rata contribution required for each lot, should the LID contribution for a sidewalk be required at a future time.

Parking:

Parking for the Development is intentionally kept to a minimum. Being within the recently adopted State of Oregon Climate Friendly & Equitable Communities transit boundary, the project will maintain the two existing garage spaces. No additional on-site parking will be created, minimizing the impervious surface created and allowing space for more housing. Each unit will have bicycle storage racks installed within their private space to encourage alternate transportation methods.

Rather than installing sidewalks along Cambridge Street frontage, the Applicant agrees to sign an LID agreement to participate in future street improvements as outlined in the pre-application report. The design of the project seeks an exception to the design standards in order to create an entry pathway from one focal entry point to the Cottage from Cambridge street. Rather than sidewalks – which do not exist anywhere along the fully built and committed length of Cambridge St. - the project would have a pervious pathway creating one point of entry for all owners and the community rather than each unit having entry points extending to a new sidewalk. This creates one direct pedestrian path from the street to the new cottages. This is consistent with the purpose of the Cottage Housing ordinance found in AMC 18.2.3.090 and thereby satisfying subsection 3 of the Design Standards found in AMC 18.4.

Other development standards such as Landscaping, Lot Coverage, Solar Setbacks, Building Setbacks and Spacing and specific standards of the Cottage Development Ordinance are addressed below.

DRAFT FINDINGS AND CONCLUSIONS

2.1 The Planning Commission 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 Planning Commission finds that the proposal for Outline Plan approval, Final Plan approval, Site Design Review approval, and a Cottage Housing Development meets all applicable criteria for Outline Plan approval described in AMC 18.3.9.040.A.3; for Final Plan approval described in AMC 18.3.9.040.B.5; for Site Design Review described in AMC 18.5.2.050; and for a Cottage Housing Development described AMC 18.2.3.090.

2.3 The Planning Commission concludes that the proposal satisfies all applicable criteria for Outline Plan approval.

A. The first approval criterion for Outline Plan approval is that, *“The development meets all applicable ordinance requirements of the City.”* The Commission finds that the proposal meets all applicable ordinance requirements, has requested one Exception to Design Standards by deferring certain street improvements and that this criterion set forth in AMC 18.4(3) (discussed below) has been satisfied.

B. The second approval criterion for Outline Plan approval is that, *“Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.”* The Commission notes that staff have indicated the following based on discussions with city utility departments:

Water, Sewer, Electricity and Urban Storm Drainage

Water – The Public Works Department has indicated that the property is currently served by a 6-inch water main in the Nevada Street right-of-way and a 6-inch water main in the Cambridge Street right-of-way, which is proposed to be used by the Applicant. The water meter for the existing residence is on Cambridge Street, and three new water meters are illustrated as being placed off Cambridge Street to serve the proposed new cottage units. The Public Works Department has indicated that the existing lines have the ability to provide capacity for the proposed development.

Sanitary Sewer - The Public Works Department has indicated that property is currently served by an eight-inch sanitary sewer main within the Nevada Street right-of-way and a 6-inch sanitary sewer main in the Cambridge Street right-of-way, which the Applicant proposes to use, and that all of the individual units are able to be served from this main.

Electricity – The Applicant has contacted Rick Barton at the City Electric Department, who has indicated that cottages can be served from existing service from Nevada Street provided that total amperage of the three new units do not exceed 400amps; in the event that the final electrical plan exceeds this limit, the Electric Department may require an upgrade in system services. The Applicant will be fully responsible for upgrading services to the site with a new three-pack meter base at the north of the property, near the existing residence, as shown on the Site Plan.

Urban Storm Drainage - The Public Works Department has indicated that property is currently served by an 18-inch storm sewer main in the Nevada Street right-of-way and that all of the individual units are able to be served from this main. The applicant has proposed to install a 24-foot by eight-foot rainwater garden and rain barrels to detain roof drainage on site, with overflow into the storm drain system, as a low-impact approach to on-site detention and treatment and with the creation of pervious pathways. The final engineered storm drainage plans will comply with RVSS standards as a condition of this approval.

Conditions have been included below requiring that final utility, grading and drainage plans and associated civil engineering drawings be provided for review and approval prior to site work or the issuance of building or excavation permits.

Police & Fire Protection

The Applicant indicates that the property is now served by the Ashland Police Department (APD), and the proposal will not have an impact on the ability of APD to serve the property or the broader city. The application notes that none of the units is more than 150-feet from where a fire truck would park, and as such a fire truck turn-around will not be necessary, and that the structures are less than 24-feet in height and no fire truck work area will be necessary. A condition has been included below to require that the applicants address the requirements of the Fire Department including but not limited to approved addressing, fire apparatus access, fire hydrant distance and fire flow, as part of the permit drawing submittals.

Paved Access and Adequate Transportation

Compliance with street standards is addressed under the appropriate criterion later in this section. With regard to paved access to and throughout the property and adequate transportation, the subject property directly fronts on Nevada Street and Cambridge Street. Nevada is built out to City standards. Cambridge is a residential neighborhood street. Current improvements are a 33-foot paved width within a 47-foot right-of-way. Subdivision and Site Design standards of approval would typically be required and that city standard frontage improvements be provided, including street trees. The Applicant is proposing the installation of street trees (pursuant to the proposed Landscape Plan) and has requested an Exception to the Street Design Standards, including that the Applicant will, as a condition of approval, sign an "LID Agreement" agreeing to participate in future street improvements if / when there is a coordinated project to upgrade Cambridge Street.

The entire length of Cambridge Street does not have sidewalks or planting strips currently. There is no demonstratable difficulty in meeting this standard but the granting of the Exception will result in a design that better achieves the purposes of AMC section 18.2.3.090A - **Purpose and Intent**. *The purpose and intent of this chapter is to encourage innovative site planning and variety in housing while ensuring compatibility with established neighborhoods, and to provide opportunities for ownership of small detached single-family dwellings for a population diverse in age, income, and household size.*

The project provides pervious pathways that connect the diverse units, creating a community of cottages with a central pedestrian entrance to Cambridge Street rather than a sidewalk extending along Cambridge the length of this property and multiple pervious improvements to each cottage.

The site plan provided identifies existing facilities available in the adjacent rights-of-way along with proposed connections, meter placements, on-site stormwater detention placement, and the necessary utility extensions. The Planning Commission finds that based on the conceptual plans and details from the various service providers, adequate key city facilities are available within the adjacent rights-of-ways and will be extended by the applicant to serve the proposed development. Conditions have been included below to require that final electric service, utility and civil plans be provided for the review and approval of the Staff Advisor and city departments in conjunction with the permit approval and plat review, and that infrastructure be installed by the applicants, inspected and approved prior to the signature of the final survey plat.

C. The third criterion for approval of an Outline Plan is that, *“The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.”* The Planning Commission finds that that the existing natural features on the property is limited to one tree at the front of the existing residence. It is identified in the plans and have been included in the common open space. It is to be protected, in keeping with applicable standards, as a condition of approval.

D. The fourth criterion for approval of an Outline Plan is that, *“The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.”* The Planning Commission finds that the development will not prevent adjacent land from being developed with the uses (residential) envisioned by the Comprehensive Plan.

E. The fifth approval criterion is that, *“There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.”* The Planning Commission finds that a “Covenants, Conditions and Restrictions (CC&R’s)” document will be provided to address maintenance of open spaces and common areas as part of the final survey plat review. Conditions requiring that draft CC&R’s be included with the final survey plat submittal for final review and approval of the Staff Advisor have been included below. Based on the foregoing, the Commission concludes that the proposal complies with the fifth approval criterion.

F. The sixth criterion is that, *“The proposed density meets the base and bonus density standards established under this chapter.”* AMC Table 18.2.3.090.C.1 Cottage Housing Development Density addresses the permissible number of cottages for a cottage housing development in the R-1-5 zoning district providing that one cottage per 2,500 square feet of lot area is allowed, with a maximum number of 12 cottages. The Planning Commission finds that the 11,843 square foot property here will accommodate four cottages ($11,843/2,500 = 4+$) and four are proposed which complies with the allowed Cottage Housing Development Density. Based on the foregoing, the Commission concludes that the proposal complies with the sixth approval criterion.

G. The final Outline Plan approval criterion is that, *“The development complies with the Street Standards.”* The subject property fronts on Nevada Street and also borders Cambridge Street, which is a residential neighborhood street. City standards envision six- to six-foot sidewalks, seven-foot parkrow planting strips, a six-inch curb, seven-foot parking bays, and eleven- to fourteen total travel lane. The city-standard cross-section includes a total right-of-way width of 50-55 feet although the existing right-of-way is only 47 feet. The application material notes that there are no sidewalks along Cambridge Street and that the pathways between the cottages will create connectivity between the units, creating a unique sense of community.

The Commission finds that an Exception to the street standards is warranted and that the policies of 18.2.4(A) will be better achieved with the proposed design rather than creation of this limited section of street improvements but that should the entirety of Cambridge Street be improved, the Applicant will agree to an LID pursuant to the conditions below.

The Planning Commission concludes that as detailed above and with the conditions discussed, the proposal complies with the requirements for Outline Plan subdivision approval under the Performance Standards Options chapter.

2.4 The Planning Commission finds that the Final Plan approval request has been made concurrently with the Outline Plan approval request, and as such there will be no variation between Outline Plan and Final Plan approvals.

2.5 The Planning Commission concludes that the proposal satisfies all applicable criteria for Site Design Review approval.

The first approval criterion addresses the requirements of the underlying zone, requiring that, *“The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.”* The Planning Commission finds that the building and yard setbacks and other applicable standards have been evaluated to ensure consistency with the applicable provisions of part 18.2, and all regulations of the underlying R-1-5 zoning will be satisfied.

The second approval criterion deals with overlay zones, and requires that, *“The proposal complies with applicable overlay zone requirements (part 18.3).”* The Planning Commission finds that the property is within the Performance Standards Option (PSO) overlay zone, which requires that all developments other than partitions or individual dwelling units be processed under Chapter 18.3.9., and that the proposal involves a four unit cottage housing development and five-lot subdivision for which the Applicant has requested Outline and Final Plan approval under the PSO Overlay Chapter 18.3.9. The Planning Commission finds that this criterion is satisfied.

The third criterion addresses the Site Development and Design Standards, requiring that *“The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.”* The Planning Commission finds that the proposal complies with the applicable Site Development and Design Standards including provisions for

access management, building orientation, parking configuration, etc. and that the various plans have been prepared based on these standards and the recently adopted Cottage Housing ordinance. With regard to the parking requirements in AMC 18.4.3, cottage housing units less than 800 square feet require one off-street parking space be provided per unit. The Applicant has proposed that, in keeping with the statewide Climate Friendly and Equitable Communities legislation, no off-street parking will be created to serve Cottages 2, 3 and 4. There is on-street parking along the +/- 110' of Cambridge St. frontage adjacent to the new cottages. Bicycle parking is to be provided within the private area of each cottage unit (and in the garage of Cottage 1), which will need to meet the requirements of AMC 18.4.3.070.C.1. The Planning Commission finds that all required parking has been provided. The Planning Commission concludes that the third criterion has been satisfied.

The fourth approval criterion addresses city facilities, specifically requiring that, *“The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.”* The Planning Commission finds that adequate capacity of city facilities, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property, and that these items are addressed in detail in the Outline Plan discussion in section 2.3 above. The Commission concludes that this criterion has been satisfied.

The final criterion for Site Design Review approval addresses *“Exception to the Site Development and Design Standards*. AMC 18.5.2.050(E) provides that, *“The approval authority may approve exceptions to the Site Development and Design Standards of part [18.4](#) if the circumstances in either subsection 1, 2, or 3, below, are found to exist.”* Subsection 3 states, *“There is no demonstrable difficulty in meeting the specific requirements for a cottage housing development, but granting the exception will result in a design that equally or better achieves the stated purpose of section [18.2.3.090](#).”* The Applicant has proposed signing a waiver in favor of an LID and deferring the full build of Cambridge Street with sidewalks and parking strip until a time when all of Cambridge is improved. Instead of the traditional hard-scape, the Applicant will build one central pathway, of pervious material, to serve the cottages and provide a one direct pedestrian access point from the development to Cambridge Street. The entire length of Cambridge Street does not have sidewalks or planting strips currently. There is no demonstrable difficulty in meeting this standard but the granting of the Exception will result in a design that better achieves the purposes of AMC section 18.2.3.090A - **Purpose and Intent**. *“The purpose and intent of this chapter is to encourage innovative site planning and variety in housing while ensuring compatibility with established neighborhoods, and to provide opportunities for ownership of small detached single-family dwellings for a population diverse in age, income, and household size.”*

The project provides pervious pathways that connect the diverse units, creating a community of cottages with a central pedestrian entrance to Cambridge Street rather than a sidewalk extending along Cambridge the length of this property.

The Planning Commission finds that the proposal does include an Exceptions to the Site Development and Design Standards and has met the standards for an Exception provided in AMC 18.5.2.050(E).

The Planning Commission concludes that as detailed above and with the conditions discussed, the proposal complies with the requirements for Site Design Review approval.

2.6 The Planning Commission finds that concludes that the proposal satisfies all applicable standards specific to Cottage Housing Development.

The Planning Commission finds that the project involves the duplexing of an existing single family residence and the construction of 572 sq. ft. units at the rear of the property, and will help to provide needed housing types while having minimal impact to the surrounding neighborhood.

The Planning Commission finds that no design standard Exceptions or Variances are proposed, besides the exception to street improvements approved above. The proposal complies with the allowed development density, floor area ratio, height and lot coverage standards, with four cottages proposed for a 11,843 square foot parcel and a combined floor area ratio of 26.3%. All of the proposed cottages are less than 800 square feet in gross habitable floor area. The existing residence is a single-story building, and the proposed new cottage is to have a peak height of 17-feet above grade, where the cottage housing standards allow roof peaks up to 25 feet from grade. Lot coverage is noted at 43.6 % where up to 50 percent coverage is allowed.

The Commission further finds that the building separation between the existing structure and the new cottages is greater than the six-foot minimum.

A condition has been included below to requires that the CC&R's detail fencing limitations to demonstrate compliance with the limitations of the fence code and will not exceed four feet on interior areas adjacent to open space.

The Commission finds that the proposed cottage housing development is within the established Quiet Village neighborhood, fronting along Nevada Street which is fully improved and part of a broader gridded street system largely in place and meeting block length standards in the vicinity.

The Commission finds that the driveway and parking proposed meet the vehicle area design standards in AMC 18.4.3 and applicable state statutes. Access to Cottage 1 will be from the existing curb-cut on Cambridge St.

The Planning Commission finds that 27.2% percent of the site (3,227 sq ft) is proposed in open Common Area, as required by the Cottage Housing Ordinances where a minimum of 20 percent is required, and the total Lot 5, to be owned by the HOA, is 4,859 sq ft. The proposed Common Area has no dimension is less than 20 feet. Three of the proposed cottages directly abut the Common Area, and it is distinguished from private outdoor areas with a four-foot fencing to provide a visual boundary. Private open space areas, separate from the common open space, include porches and patios to provide the requisite private outdoor areas.

The Commission finds that the development proposes an on-site water infiltration area in the form of a rain garden utilizing the roof drains of Cottage 1 and 2. Cottages 3 and 4 will utilize rain barrels to capture water created by the new impervious areas. The cottages include a duplex created from the existing residence and two new cottage unit. The site layout is designed to preserve open space, protect existing landscape features and reduce impervious surfaces (such as on-site parking).

The Applicant has demonstrated compliance with the Solar Setback standards of AMC 18.4.8.030 by providing elevations and calculations demonstrating the impact of the proposed development on other buildings within the cottage development.

Based on the foregoing, The Planning Commission concludes that, as detailed above and with the conditions discussed, the proposal is consistent with the Specific Cottage Housing Development Standards.

2.7 The Planning Commission finds that that the only existing natural features on the property is one large tree, and that it is identified in the plans and have been included in open spaces and unbuildable areas. The 18-inch Lucust tree is within proposed common open space, and is proposed to be protected in keeping with applicable standards using six-foot chain link fencing during construction.

The Planning Commission concludes that as detailed above and with the conditions included below to require tree protection verification prior to any site work, the proposal complies with the requirements for Tree Protection.

Specific Findings Addressing AMC 18.2.3.090 Standards:

Cottage Housing AMC 18.2.3.090

1. Density

Density: The subject property is zoned R-1-5 and is 11,843 square feet, greater than the required 7,500 sq. ft. The proposal meets the minimum density by proposing a total of four cottage units.

2. Building and Site Design

The specific calculations for site design of a Cottage development are addressed below:

FAR: The Floor Area Ratio for the project is 26.3% (3,113 sq ft / 11,843), less than the required 35%.

Floor Area: Cottages 3 (572 sq. ft.) and 4 (572 sq. ft.) are less than 800 square feet, as required for a four cottage unit development. Cottages 1 and 2 are created by dividing the existing house into two units – Cottage 1 will be 1497 sq. ft. of which only 1000 sq. ft. apply to this standard pursuant to Code and Cottage 2 will be 472 sq. ft.

Height: Cottages 1 and 2 are within the existing building which does not exceed 18'. Cottages 3 and 4 are proposed to be single story buildings, with lofts, and less than 18' in height.

Lot Coverage: Lot Coverage is proposed to be 43.6% (5,169 sq ft / 11,843 sq ft), less than the maximum 50% allowed by 18.2.5.030.A.

Building Separation: Cottages 1 and 2 are attached, as shown on the site plan. Cottage 3 is separated from Cottage 2 by 7.8' (which will include a path and landscaping on each side of the path). Cottage 4 is separated from Cottage 2 by 6.6'.

Fences: Interior fences creating private space for each cottage will be no greater than 4', except for the shared garden fencing (part of Common Area), which will have surrounding deer fencing as allowed by 18.4.4.060B.6, and fencing within any front yard setback shall be no greater than 3'.

3. Access, Circulation and Off-street Parking

Public Street Dedication: No additional ROW is required on Cambridge or Nevada streets. The Applicant has agreed to enter into an LID for coordinated street improvements along Cambridge as identified by Staff at the time of the Pre-application conference.

Driveways and parking areas: The property is currently served by two curb cuts, one of which will be closed and the one serving the existing garage will be maintained. Consistent with the current Climate Friendly legislation, the proposal is to add no additional parking for the new cottage units in order to encourage transit utilization. Each new cottage unit will have bike parking created within the private space / patio.

Pedestrian Circulation: The new Cottages will be served by one central pervious material pathway that links the development to Cambridge St. The central pathway will link the new Cottages and the Common Area and will provide a direct link to the public right-of-way.

4. Open Space

A. **Proposed Common Area Open Space** is 27.2% (3,227 sq ft / 11,843 sq ft), in excess of the required 20%.

B. All Common Area Open Space identified to meet this standard has dimensions greater than 20'.

C. The Open Space consists of a shared garden area on the Nevada side of the property and a centrally located gathering space with patio, BBQ and fire pit. Three cottages (1, 2 and 4) will have access directly onto the central gathering area.

D. N/A

E. Three of the four cottages open directly on the Open Space.

F. Private Areas for each cottage will be separated with internal fencing.

5. Private Outdoor Area.

A. Each cottage has an identified and fenced Private Area in excess of 200' as shown on the Site Plan.

B. No areas calculated to reach the minimum area for a cottage's private area are less than 8' in any dimension.

6. Common Buildings.

A. No common buildings are proposed, besides a garden shed for the shared garden within the Common Area.

B. No new carports or garages are proposed.

C. Cottage 1 and 2 are created from an existing single-family residential structure that pre-dates the Cottage Housing ordinance (built 1965 per tax records). Cottage 1 will be 1497 sq ft and will include the existing two car garage. Consistent with this section, the Applicant has included on 1,000 sq ft for Cottage 1 in the maximum square footage calculations above.

D. There are no existing ADR units on the property.

7. Storm Water and Low-Impact Development.

The Applicant has clustered new development and impervious surfaces to the south of the property, which is currently compacted rock for RV parking. The development will preserve the long swaths of contiguous existing landscape area along the north and east of the property. The Applicant proposed to redirect roof drainage at the north of the existing building from the current drain line emptying onto Nevada to rain barrels and the garden raised beds to be constructed in the north east corner of the property. All final storm drain plans will comply with current RVSS standards.

8. Restrictions.

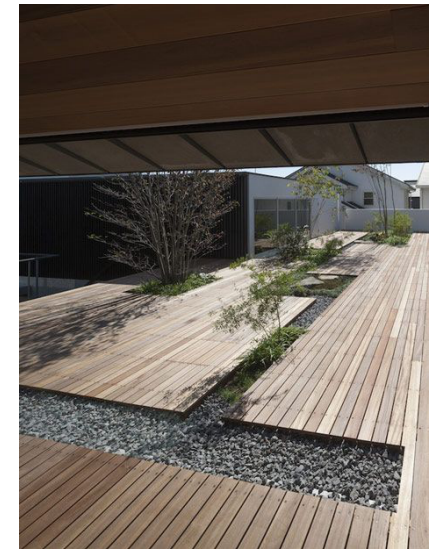
A. The Applicant will include on the final plat a restriction, and include in the CC&Rs the restriction, that cottages may not be increased beyond the maximum floor area of subsection 18.2.3.090C.2.a.

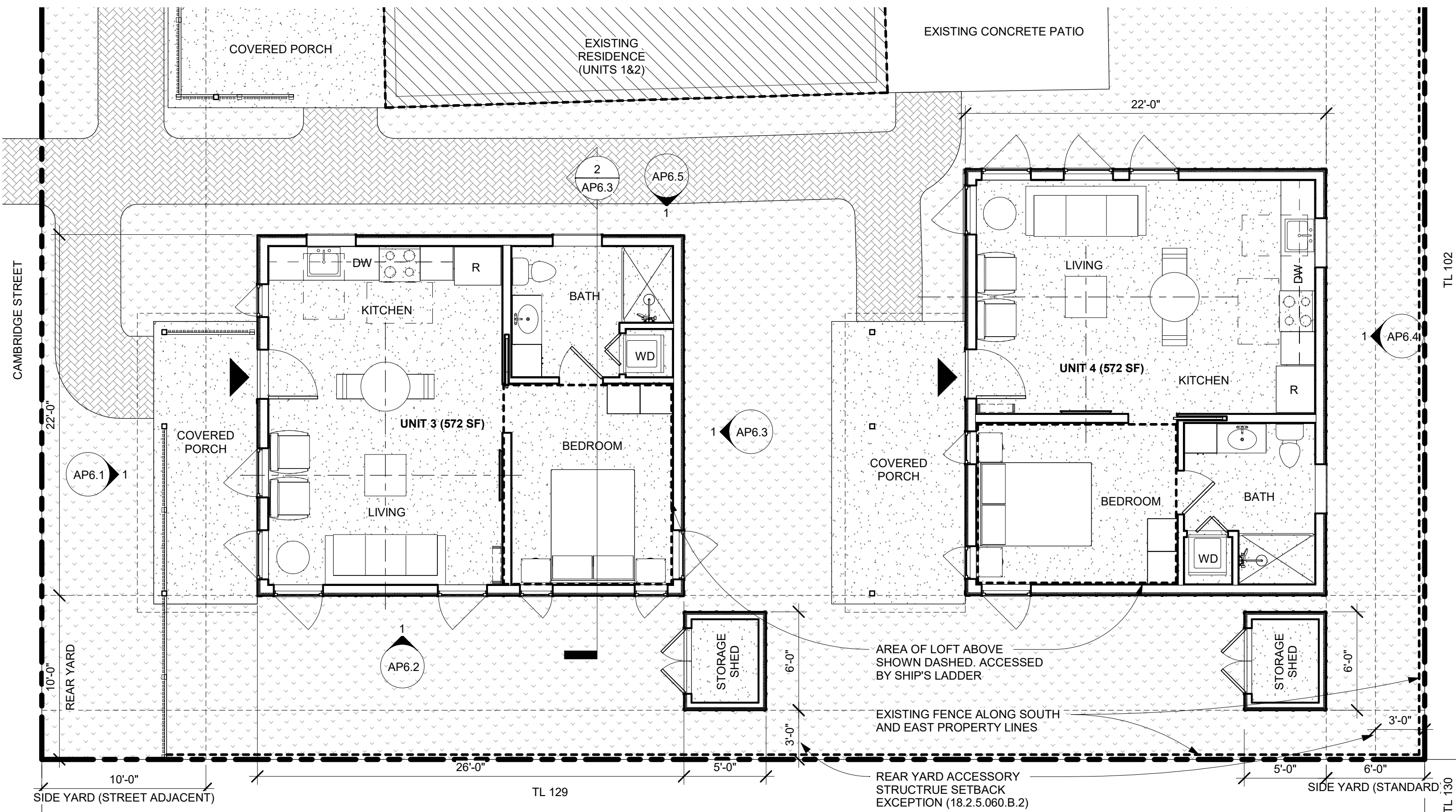
9. Solar Access

The Solar Access setback standards are satisfied in that no cottage will cast a shadow on to the roof of another cottage within the development and no cottages will impact adjacent properties. The Applicant has provided elevations and calculations to demonstrate compliance.

Section 3. Conclusion and Decision

3.1. Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Outline Plan and Final Plan subdivision and the Site Design Review approvals for a four unit / five lot Cottage Housing development is supported by the evidence contained in the whole of the record.

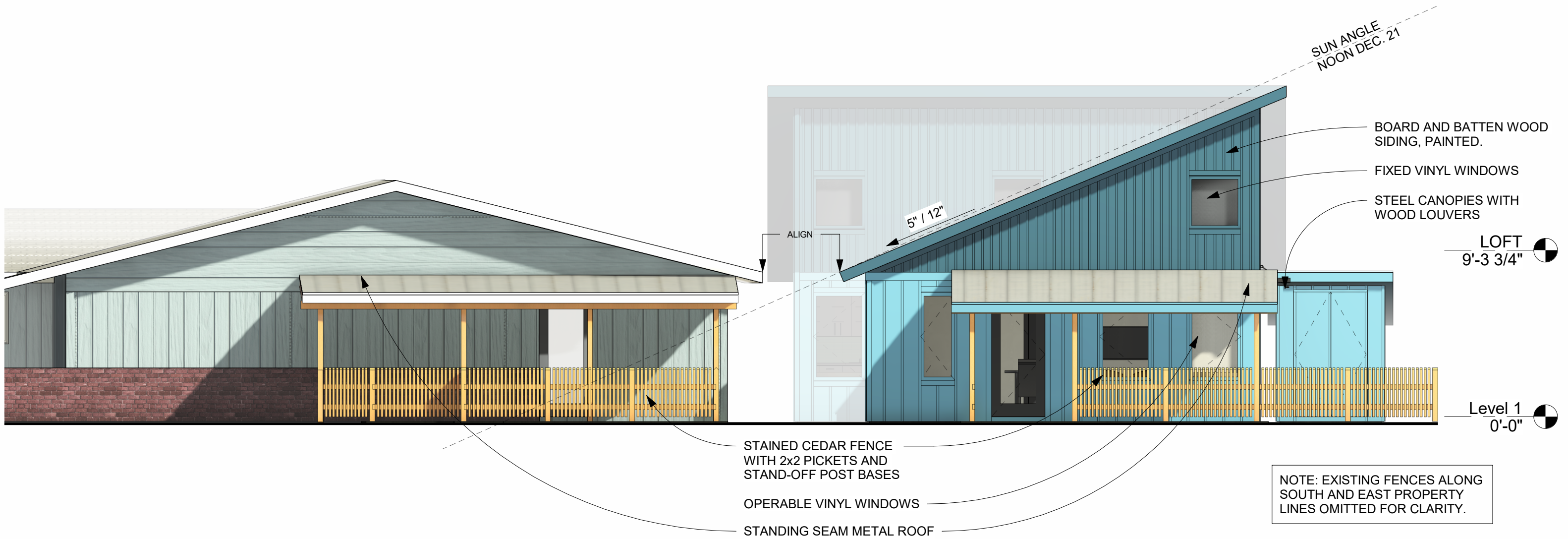




PLAN - LEVEL 1

3/16" = 1'-0"

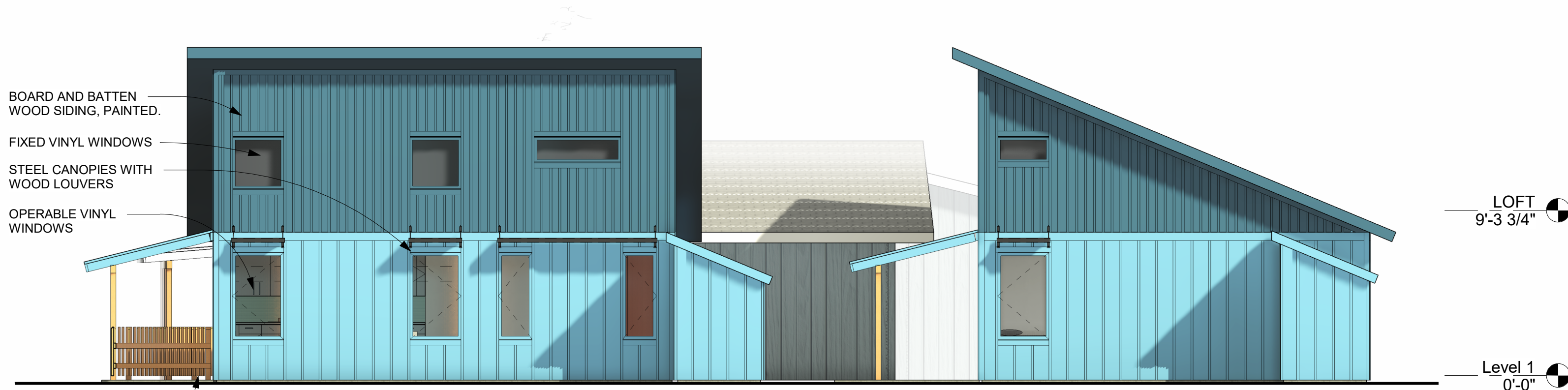
1



EXTERIOR ELEVATION - WEST

3/16" = 1'-0"

1



BOARD AND BATTEN
WOOD SIDING, PAINTED.

FIXED VINYL WINDOWS

STEEL CANOPIES WITH
WOOD LOUVERS

OPERABLE VINYL
WINDOWS

STAINED CEDAR
FENCE WITH 2x2
PICKETS AND STAND-
OFF POST BASES

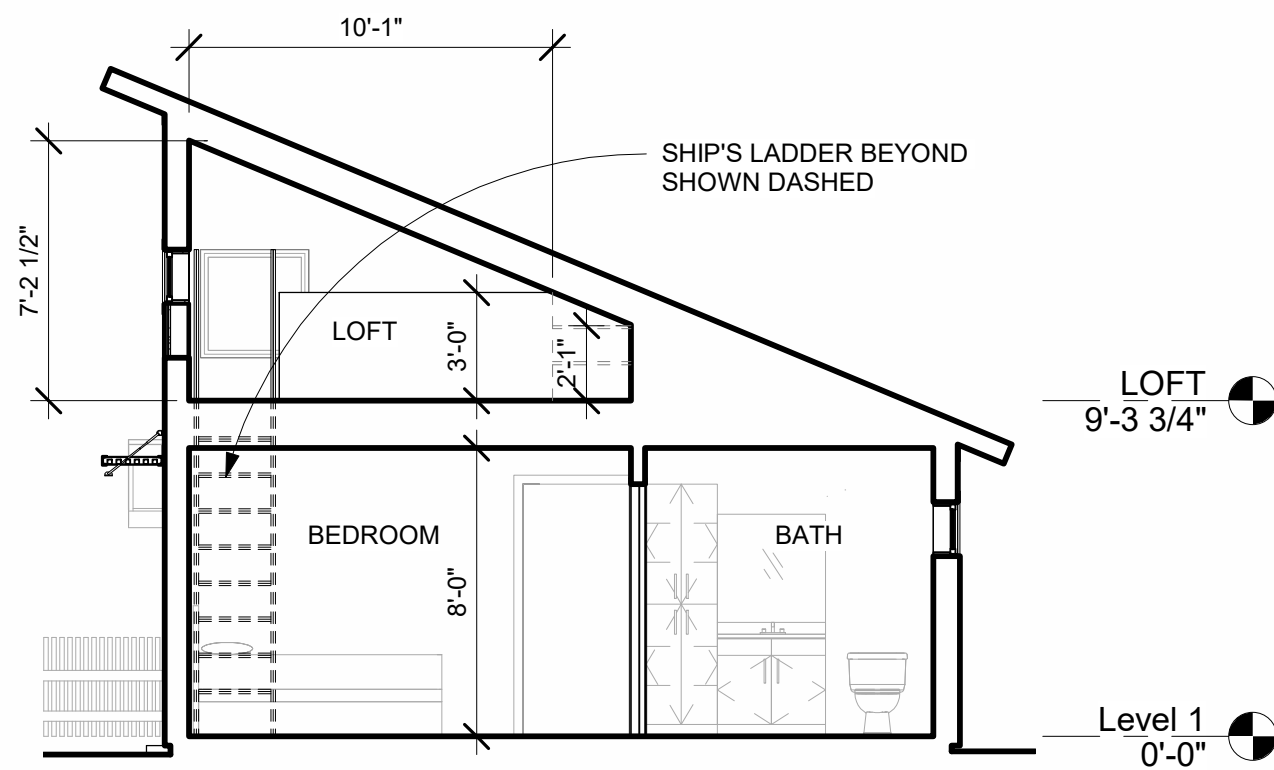
LOFT
9'-3 3/4"

Level 1
0'-0"

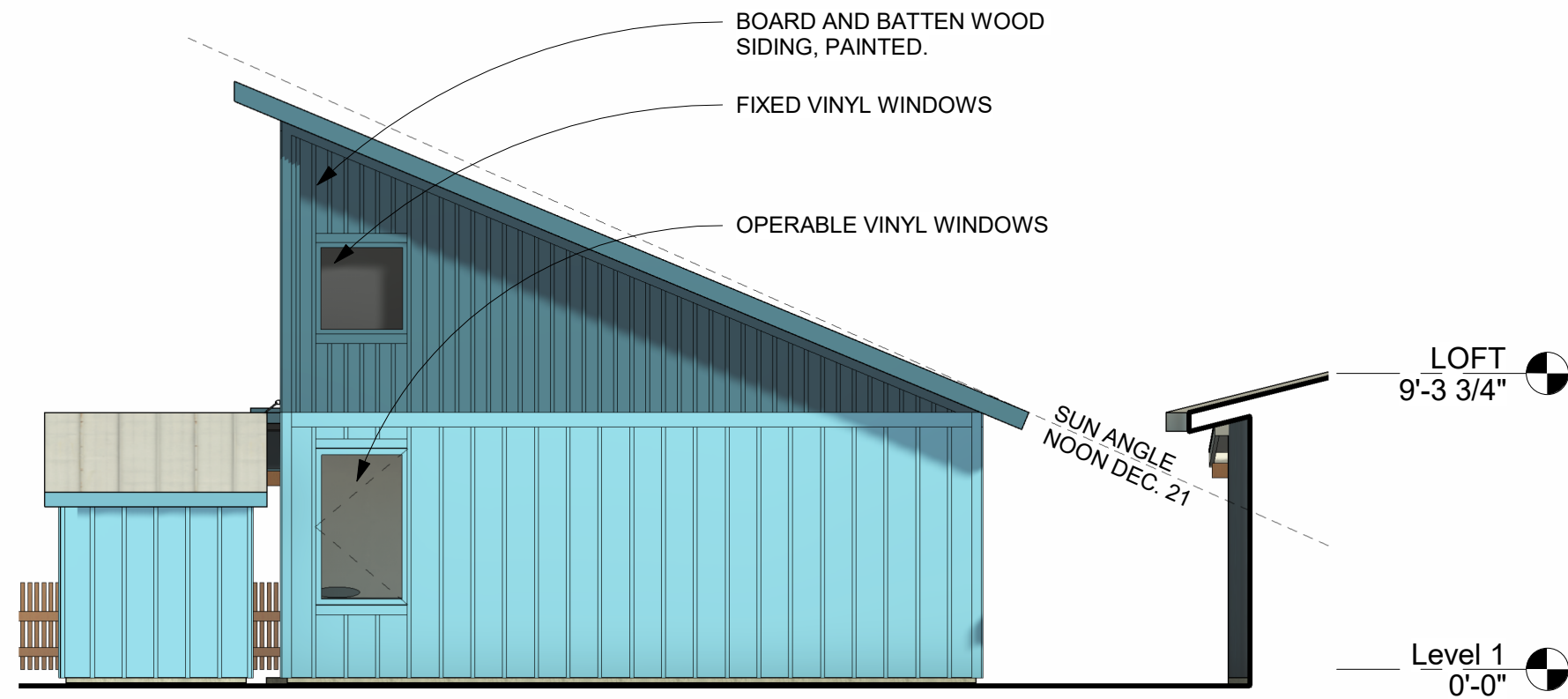
NOTE: EXISTING FENCES ALONG
SOUTH AND EAST PROPERTY
LINES OMITTED FOR CLARITY.

EXTERIOR ELEVATION - SOUTH 1

3/16" = 1'-0"

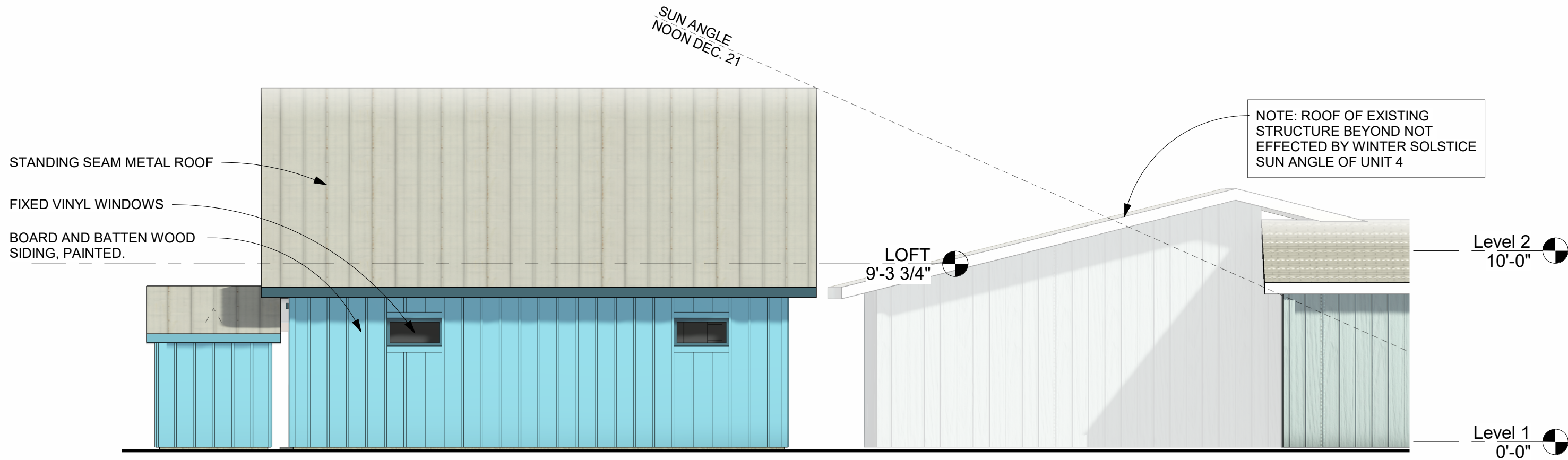


BUILDING SECTION 2
3/16" = 1'-0"



EXTERIOR ELEVATION - UNIT 3 - EAST 1
3/16" = 1'-0"

NOTE: EXISTING FENCES ALONG SOUTH AND EAST PROPERTY LINES OMITTED FOR CLARITY.



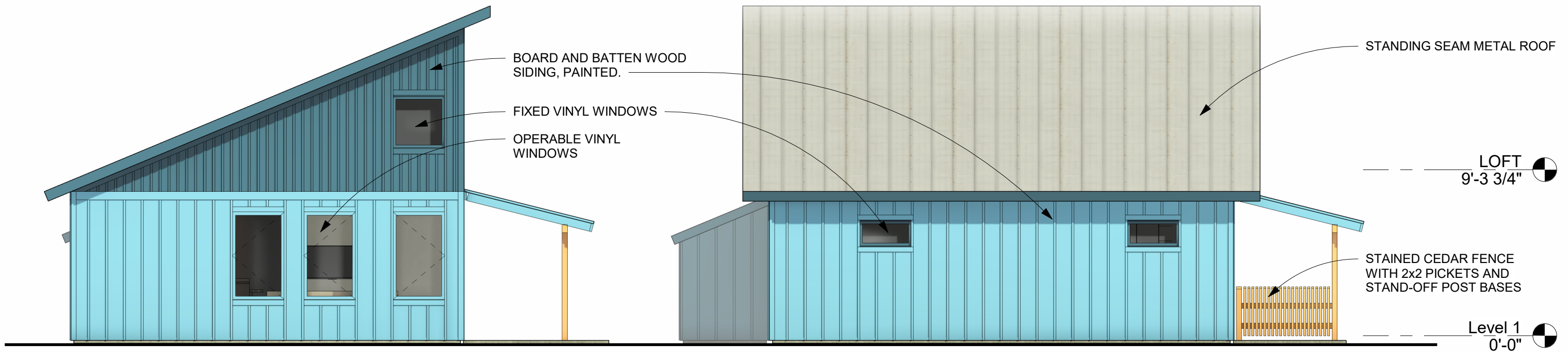
NOTE: EXISTING FENCES ALONG SOUTH AND EAST PROPERTY LINES OMITTED FOR CLARITY.

EXTERIOR ELEVATION - UNIT 4 - EAST

3/16" = 1'-0"

1

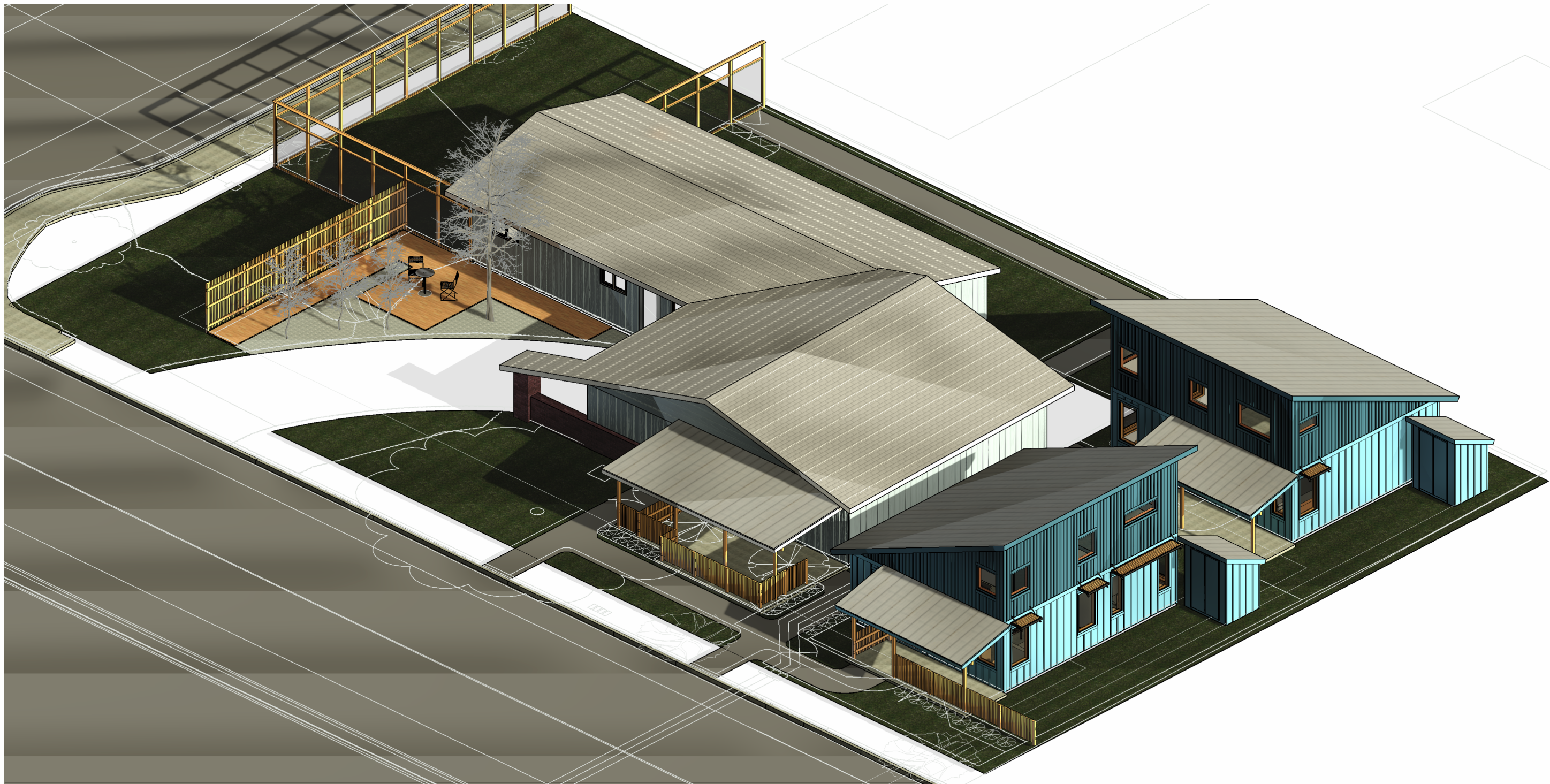




NOTE: EXISTING FENCES ALONG SOUTH AND EAST PROPERTY LINES OMITTED FOR CLARITY.

EXTERIOR ELEVATION - NORTH

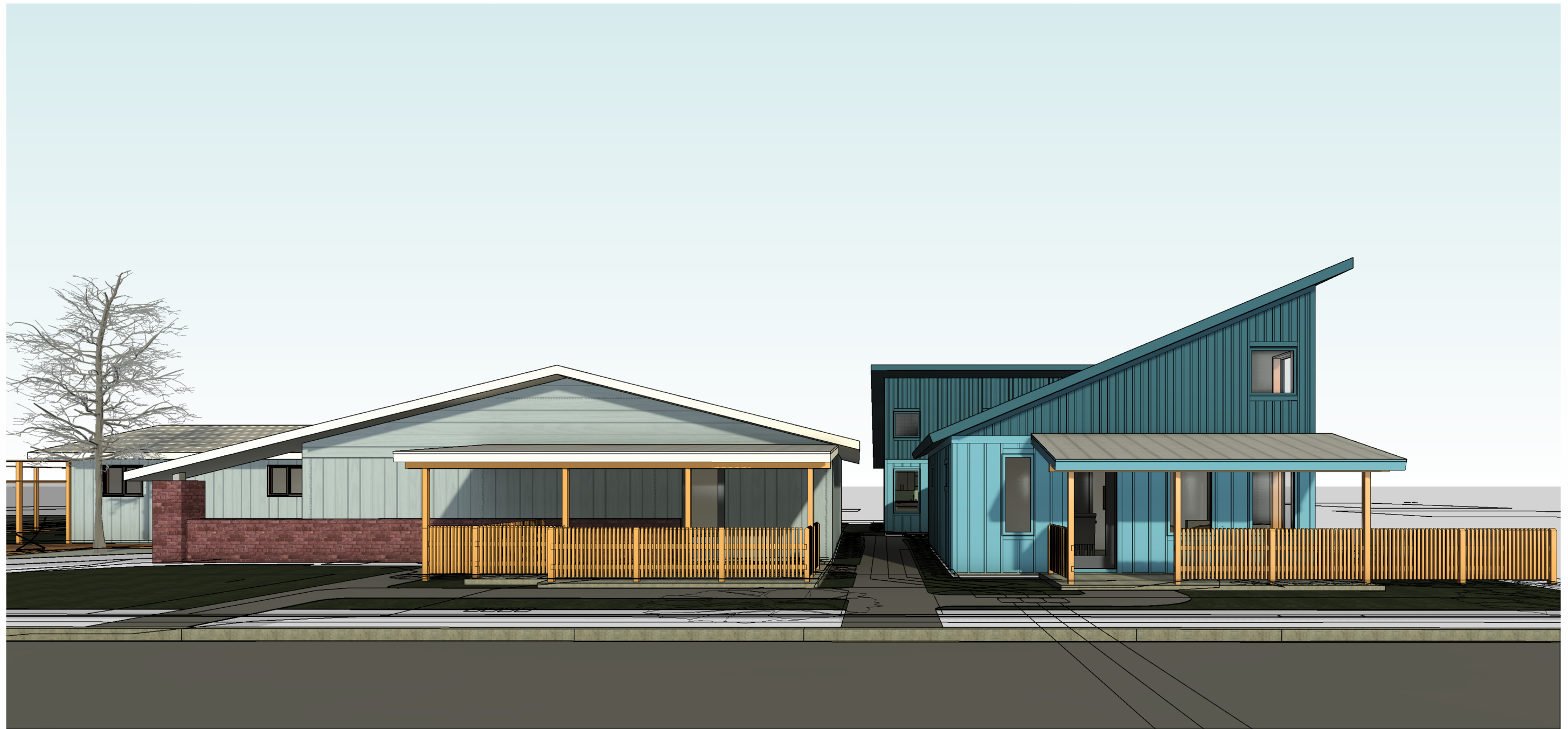
3/16" = 1'-0" 1



NOTE: EXISTING FENCES ALONG SOUTH AND EAST PROPERTY LINES OMITTED FOR CLARITY.

SW AXON (WINTER SOLSTICE)

1



NOTE: EXISTING FENCES ALONG SOUTH AND EAST PROPERTY LINES OMITTED FOR CLARITY.

VIEW FROM CAMBRIDGE

1



NOTE: EXISTING FENCES ALONG SOUTH AND EAST PROPERTY LINES OMITTED FOR CLARITY.

VIEW FROM CAMBRIDGE APPROACH

1



NOTE: EXISTING FENCES ALONG SOUTH AND EAST PROPERTY LINES OMITTED FOR CLARITY.

VIEW FROM CORNER

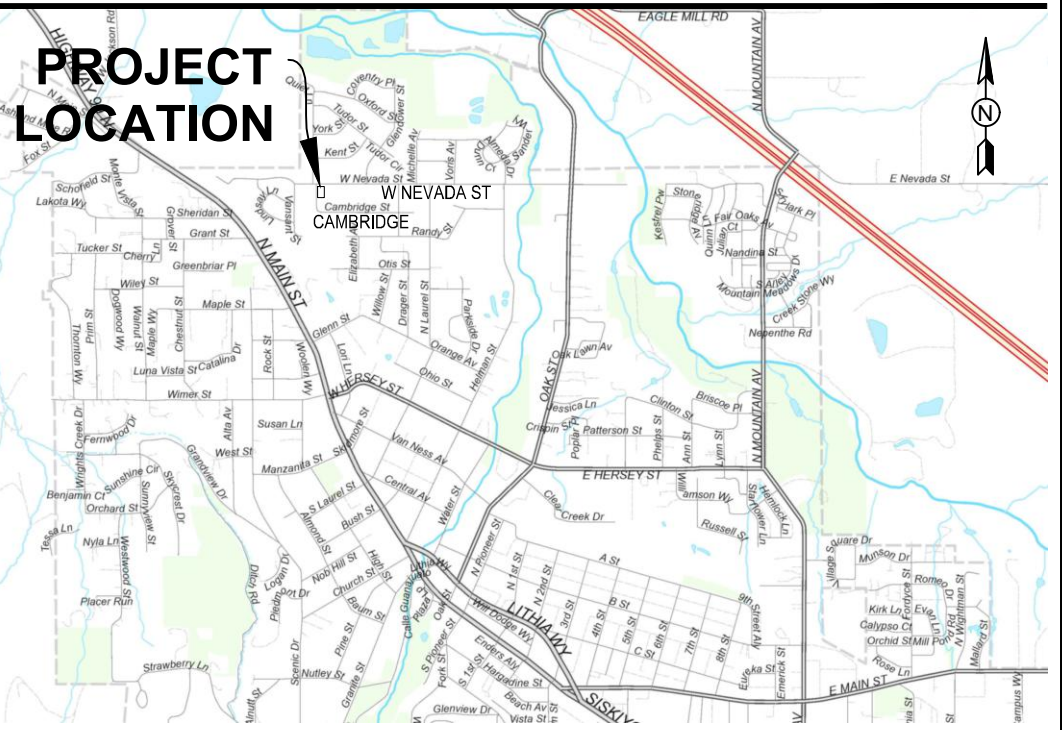
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SITE PLAN FOR CAMBRIDGE ST. COTTAGE HOUSING



LOCATION MAP

NOT TO SCALE

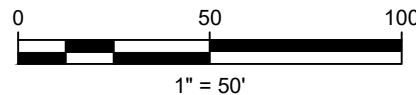
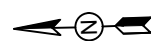


PROPERTY INFORMATION

MAP & TAX LOT:	MAP 39-1E-05-AD, TAX LOT 101
SITE ADDRESS:	765 CAMBRIDGE ST. ASHLAND, OR 97520
PROPERTY SIZE:	±11,843 SF (±0.27 AC.)
EXISTING BUILDING:	1,575 SF
ZONING DISTRICT:	R-1-5

SITE ANALYSIS MAP

SCALE: 1" = 50' (11x17)



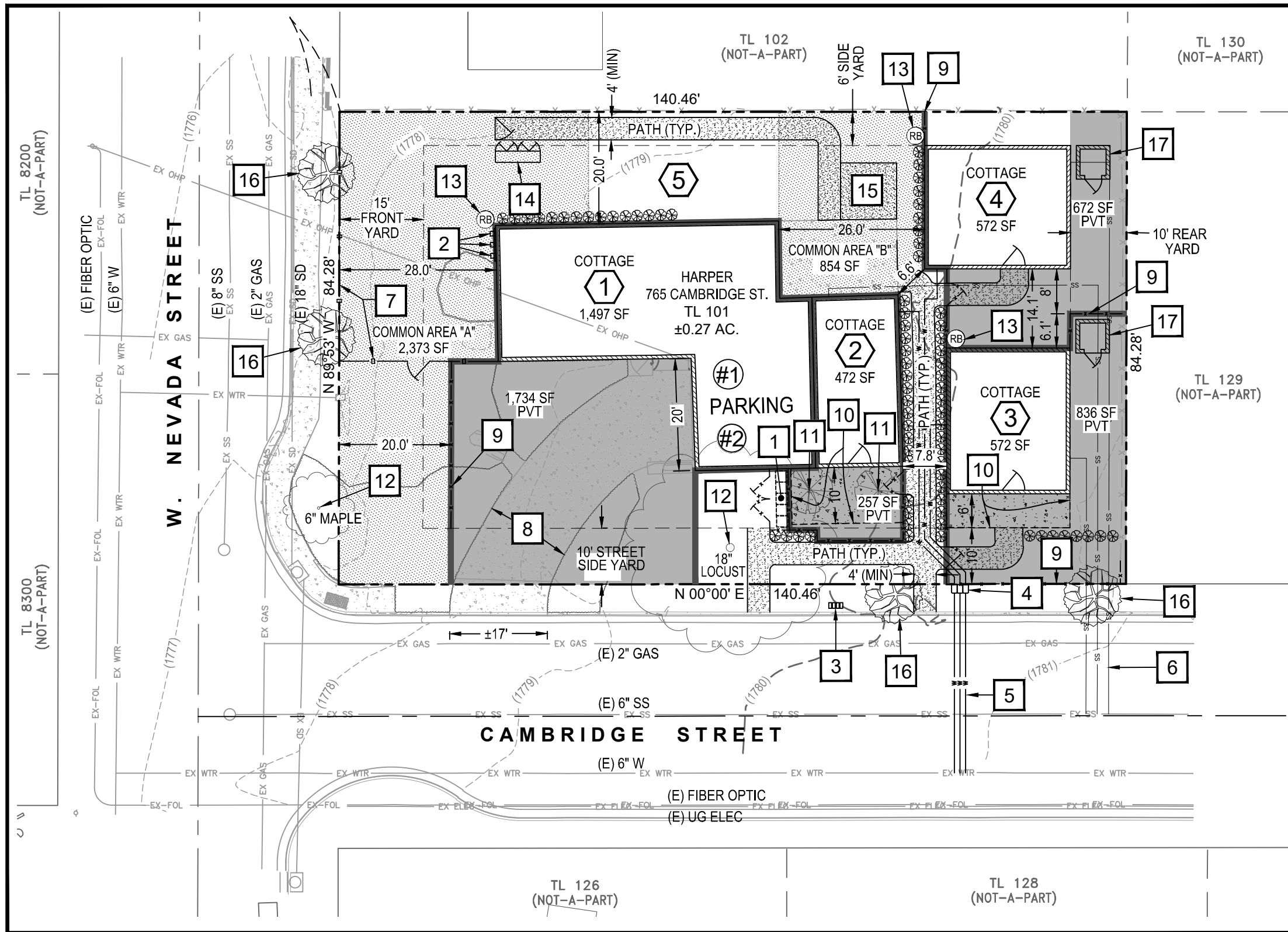
**HARPER
COTTAGE HOUSING**
765 CAMBRIDGE ST. ASHLAND, OR 97520
MAP 39-1E-05-AD, TAX LOT 101

DRAWN BY: JG
DESIGNED BY: AH
PROJECT: 21-0706
ISSUE DATE: 13 NOV 2023

SHEET NUMBER:
1 of 4

Drawing Name: V:\Projects - Current\Harper\21-0706_Cambridge Cottages\06 Working Drawings\Civil\Master\HCC Civil Base.dwg Plot Date: 11/13/2023 10:50 AM Last Saved By: JGOLDSTIEN

SITE PLAN FOR CAMBRIDGE ST. COTTAGE HOUSING



PROPOSED COTTAGES

PROPOSED LOT SIZE	DWELLINGS	OPEN SPACE ²
① = 3,447 SF	1,497 SF > ATTACHED ¹	1,734 SF (PRIVATE)
② = 729 SF	472 SF — DETACHED	257 SF (PRIVATE)
③ = 1,408 SF	572 SF — DETACHED	836 SF (PRIVATE)
④ = 1,400 SF	572 SF — DETACHED	672 SF (PRIVATE)
⑤ = 4,859 SF	N/A — REMAINDER	3,227 SF (COMMON)
TOTAL = 11,843 SF	3,113 SF	

- EXISTING SINGLE FAMILY RESIDENCE TO BE STRUCTURALLY MODIFIED TO CREATE TWO ATTACHED DWELLINGS
- PRIVATE AND COMMON OPEN SPACE AREAS CALCULATED IN ACCORDANCE WITH AMC CHAPTER 18.2.3.090.C.4&5

SITE STATISTICS

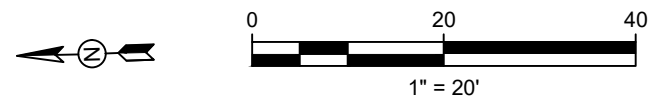
COMMON OPEN SPACE	PROPOSED ON-SITE PARKING
3,227 SF / 11,843 SF = 27.2%	2 EXISTING SPACES FOR COTTAGE #1
	TOTAL = 2 SPACES
FLOOR-AREA RATIO (FAR)	
3,113 SF / 11,843 SF = 26.3%	
LOT COVERAGE	
5,169 SF / 11,843 SF = 43.6%	

SITE PLAN NOTES

- | | |
|---|------------------------------------|
| ① TRASH & RECYCLING AREA SCREENED w/ 5' HIGH WOOD FENCE | ⑨ 4' HIGH INTERIOR FENCING |
| ② PROPOSED ELECTRIC METERS [3 TOTAL] | ⑩ PROPOSED COVERED PORCH |
| ③ (4) PROPOSED MAILBOXES | ⑪ EXISTING SHRUB TO BE REMOVED |
| ④ (3) PROPOSED WATER METERS | ⑫ EXISTING TREE TO REMAIN |
| ⑤ (3) PROPOSED WATER SERVICES | ⑬ PROPOSED RAIN BARREL |
| ⑥ (3) PROPOSED 4" SEWER LATERALS | ⑭ PROPOSED GARDEN SHED |
| ⑦ PROPOSED DEER FENCE | ⑮ PROPOSED PERVIOUS SURFACED PATIO |
| ⑧ EXISTING DRIVEWAY TO REMAIN | ⑯ PROPOSED STREET TREE [4 TOTAL] |
| | ⑰ 6'x6' STORAGE SHED [2 TOTAL] |

PROPOSED SITE PLAN

SCALE: 1" = 20' (11x17)

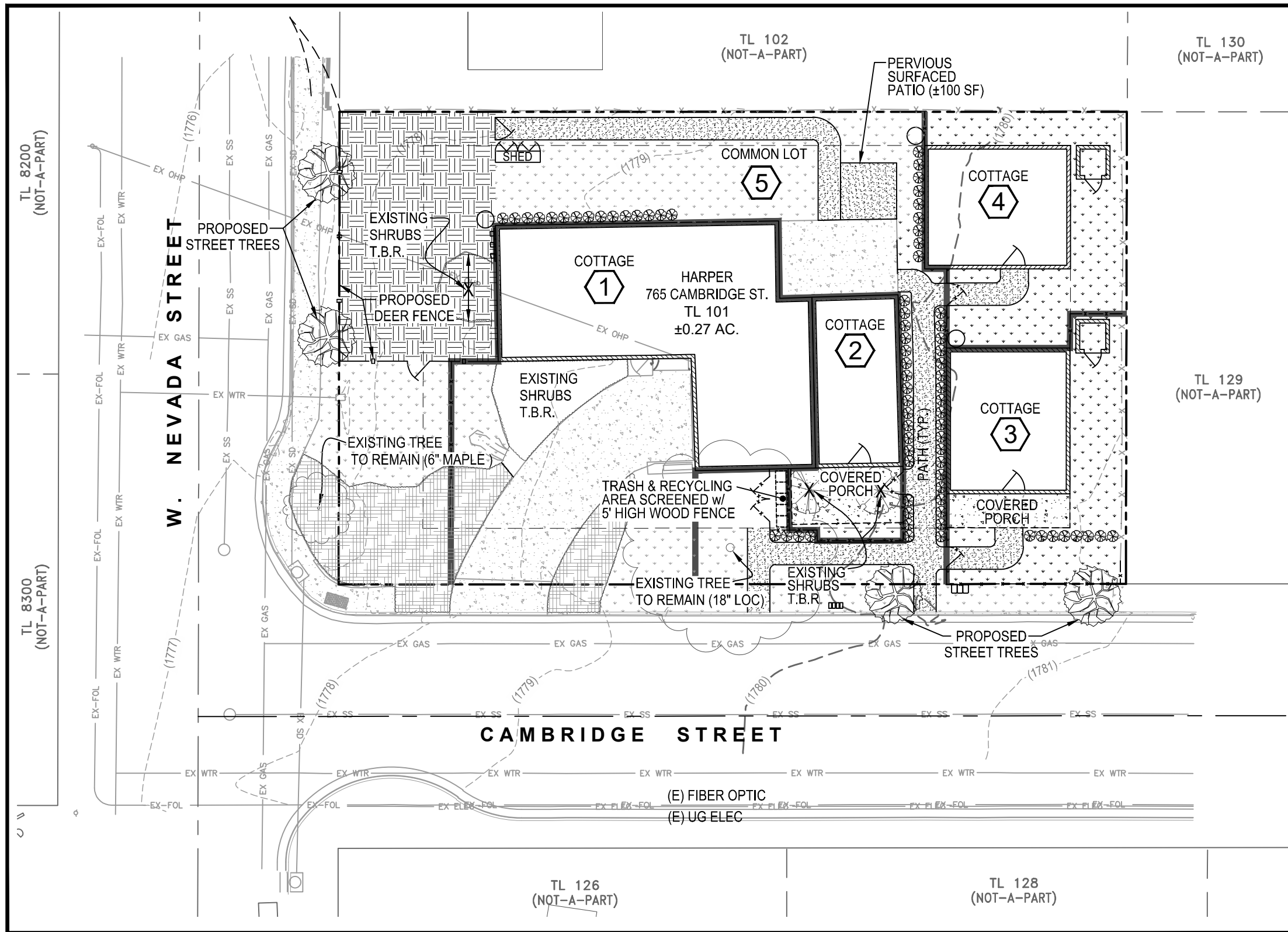


**HARPER
COTTAGE HOUSING**
765 CAMBRIDGE ST. ASHLAND, OR 97520
MAP 39-1E-05-AD, TAX LOT 101

DRAWN BY: JG
DESIGNED BY: AH
PROJECT: 21-0706
ISSUE DATE: 13 NOV 2023
SHEET NUMBER:
2 of 4

Drawing Name: V:\Projects - Current\Harper\21-0706_Cambridge Cottages\06 Working Drawings\Civil\Master\HCC Civil Base.dwg Plot Date: 11/13/2023 10:51 AM Last Saved By: JGOLDSTIEN

SITE PLAN FOR CAMBRIDGE ST. COTTAGE HOUSING



LANDSCAPE TABLE

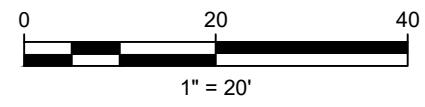
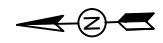
	EXISTING SHRUBS TO REMAIN [850 SF]
	EXISTING LAWN TO REMAIN [2,390 SF]
	PROPOSED LAWN AND/OR GROUNDCOVER [1,412 SF]
	PROPOSED GARDEN [1,243 SF]
	PROPOSED SHRUB [370 SF]
	EXISTING SHRUB TO BE REMOVED (T.B.R.)
	PROPOSED STREET TREE [4 TOTAL]
LANDSCAPE COVERAGE 6,198 SF / 11,843 SF = 52.3%	

LANDSCAPE NOTES

- LANDSCAPE SHRUBS SHALL BE PLANTED FROM NOT LESS THAN ONE GALLON CONTAINERS. SHRUBS AND GROUND COVERS SHALL CONTAIN A VARIETY OF DECIDUOUS AND EVERGREEN SPECIES.
- SHRUBS TO BE USED AS A SCREEN SHALL BE FIRE-RESISTANT AND DROUGHT TOLERANT EVERGREEN SPECIES. SHRUBS SHALL BE PLANTED SO THAT NOT LESS THAN 50 PERCENT OF THE DESIRED SCREENING IS ACHIEVED WITHIN TWO YEARS AND 100 PERCENT IS ACHIEVED WITHIN FOUR YEARS. LIVING GROUNDCOVER IN THE SCREEN STRIP SHALL BE PLANTED SUCH THAT 100 PERCENT COVERAGE IS ACHIEVED WITHIN TWO YEARS.
- ALL LANDSCAPING SHALL BE IRRIGATED.

LANDSCAPE PLAN

SCALE: 1" = 20' (11x17)



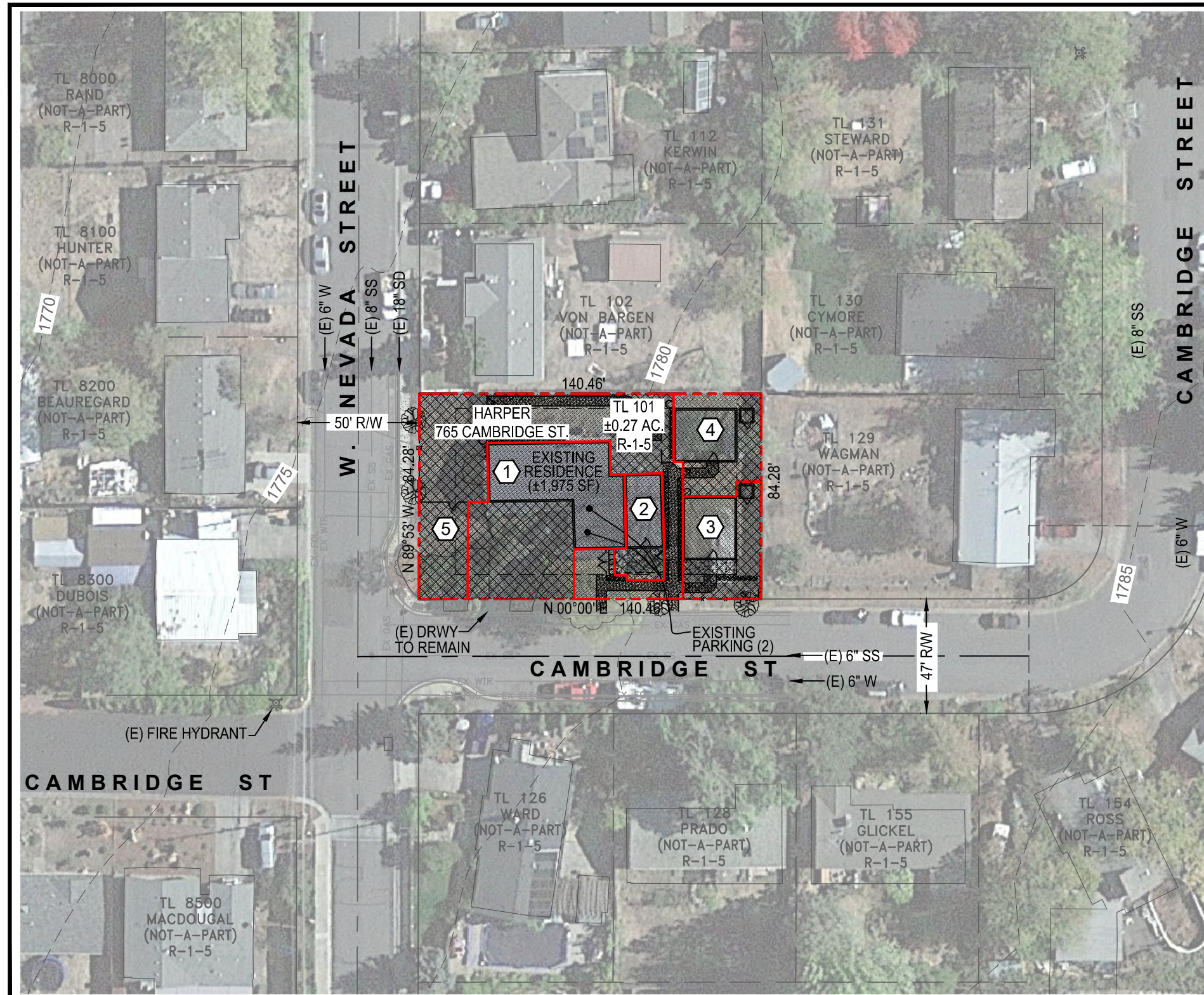
**HARPER
COTTAGE HOUSING**
765 CAMBRIDGE ST. ASHLAND, OR 97520
MAP 39-1E-05-AD, TAX LOT 101

DRAWN BY: JG
DESIGNED BY: AH
PROJECT: 21-0706
ISSUE DATE: 13 NOV 2023

SHEET NUMBER:
3 of 4

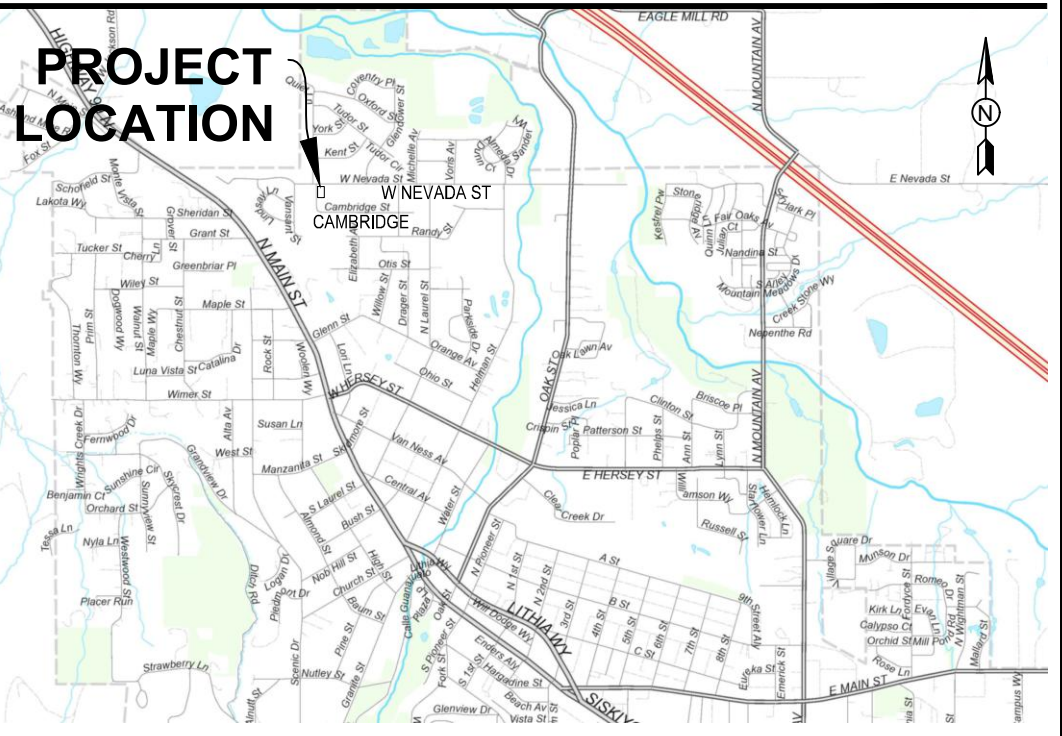
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OUTLINE PLAN FOR CAMBRIDGE ST. COTTAGE HOUSING



LOCATION MAP

NOT TO SCALE



PROPERTY INFORMATION

PROPOSAL: 3-UNIT COTTAGE HOUSING DEVELOPMENT
 PURSUANT TO ALUO 18.2.3.090
 MAP & TAX LOT: MAP 39-1E-05-AD, TAX LOT 101
 SITE ADDRESS: 765 CAMBRIDGE ST.
 ASHLAND, OR 97520
 PROPERTY SIZE: ±11,843 SF (±0.27 AC.)
 EXISTING BUILDING: 1,975 SF
 ZONING DISTRICT: R-1-5

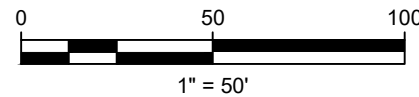
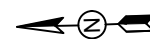
PROPOSED COTTAGES

PROPOSED LOT SIZE	DWELLINGS	OPEN SPACE ²	PARKING
① = 3,447 SF	1,497 SF > ATTACHED ¹	1,734 SF (PRIVATE)	2 SPACES (IN EX. GARAGE)
② = 729 SF	472 SF - DETACHED	257 SF (PRIVATE)	ON STREET
③ = 1,408 SF	572 SF - DETACHED	836 SF (PRIVATE)	ON STREET
④ = 1,400 SF	572 SF - DETACHED	672 SF (PRIVATE)	ON STREET
⑤ = 4,859 SF	N/A - REMAINDER	3,227 SF (COMMON)	N/A
TOTAL = 11,843 SF	3,113 SF		2 SPACES

¹ EXISTING SINGLE FAMILY RESIDENCE TO BE STRUCTURALLY MODIFIED TO CREATE TWO ATTACHED DWELLINGS
² PRIVATE AND COMMON OPEN SPACE AREAS CALCULATED IN ACCORDANCE WITH AMC CHAPTER 18.2.3.090.C.4&5

OUTLINE PLAN

SCALE: 1" = 50' (11x17)



HARPER COTTAGE HOUSING

765 CAMBRIDGE ST. ASHLAND, OR 97520
 MAP 39-1E-05-AD, TAX LOT 101

DRAWN BY: JG
 DESIGNED BY: AH
 PROJECT: 21-0706
 ISSUE DATE: 13 NOV 2023

SHEET NUMBER:

4 of 4

RIGHT-OF-WAY VACATIONS

Memo

DATE: January 9, 2024
TO: Planning Commissioners
FROM: Derek Severson, *Planning Manager*
RE: Right-of-Way Vacations for Fern Street and Mountain Meadows Drive

As further discussed in the attached, at its December 5, 2023, regular meeting the City Council initiated vacation proceedings for sections of the Fern Street and Mountain Meadows Drive rights-of-way.

Public Works/Engineering staff has performed initial assessments of both areas proposed for vacation as discussed in the attached Council Communications, and Planning staff has prepared the attached staff reports. For Planning staff, the key considerations with any vacation are looking at the potential impacts to street connectivity, including preserving public bicycle and pedestrian access where possible, as well as preserving any necessary utility easements to support the Comprehensive Plan's envisioned development of the area.

As provided in AMC 4.18.030, the Planning Commission's role in the vacation process is to review and make recommendations to the Council. The Council will then decide the matter through a public hearing, and if approved, adopt the vacation by ordinance. If approved, a new survey and associated property deeds would need to be developed and recorded.

REFERENCES & ATTACHMENTS

Fern Street R-o-W Vacation: Public Notice, Staff Report, Council Communication & Associated Attachments

Mountain Meadows Drive R-o-W Vacation: Public Notice, Staff Report, Council Communication & Associated Attachments

COMMUNITY DEVELOPMENT DEPARTMENT

51 Winburn Way
Ashland, Oregon 97520
ashland.or.us

Tel: 541.488.5305
Fax: 541.552.2050
TTY: 800.735.2900

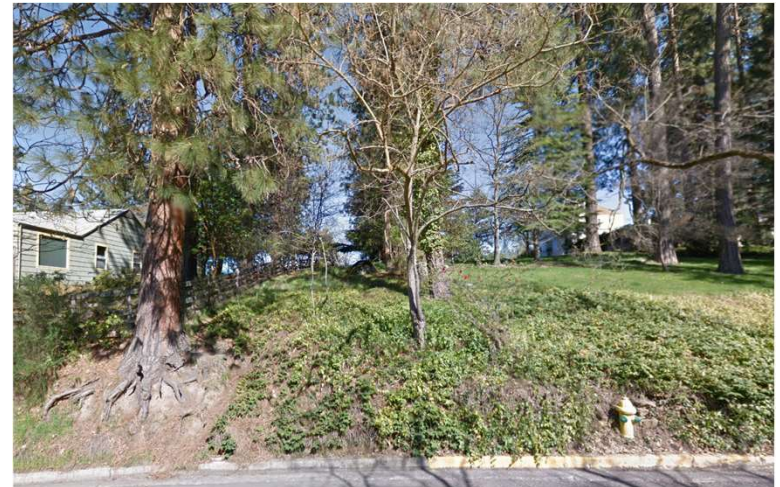
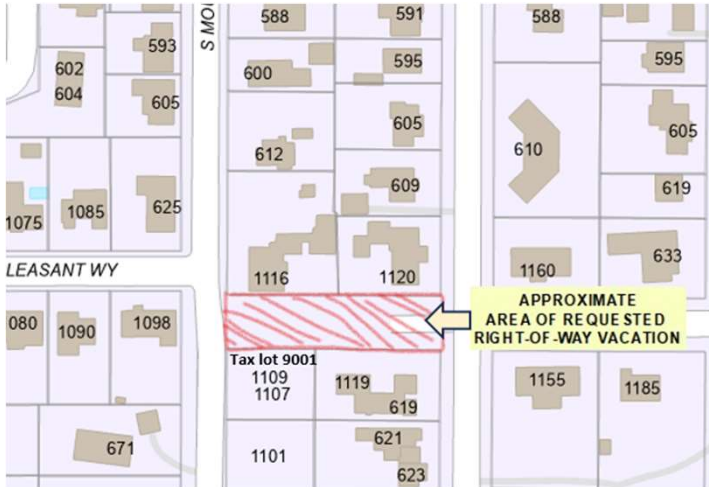


RIGHT-OF-WAY VACATION

**Public Right-of-Way adjacent
to 391E16AA Tax Lot #9001**

Fern 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 Fern Street near 1109 Fern Street.



Proposal Details

Site Description/History

The area of right-of-way proposed for vacation was dedicated to the city with a partition in 1984 for the creation of a through street where Fern Street dead-ended. The MLP creating this segment of Fern Street had a condition of approval that the applicant either sign in favor of future improvements or seek vacation of the right-of-way of Fern Street; and that any access off Fern Street would require Engineering approval due to the steep grade within right-of-way.

Proposal

Approval of the current request would vacate the rectangular area of right-of-way in the section of Fern Street, shown in red in the figure above, to the north of 1109 Fern Street.

Key Issues

Street Connectivity

The current grade does not allow for an improved street. Existing homes off this segment are served by gravel drives from the right-of-way. With vacation, staff recommend that access easements be created to serve the adjacent homes.

Key Issues (Cont'd)

Pedestrian Connectivity

The Comprehensive Plan (ACP 10.15.02.04) calls for pedestrian and bicycle access to be retained with vacations, and city street standards (AMC 18.4.6.040.E.9) call for block lengths of 300-400 feet with maximum block perimeters of 1,200-1,600 feet. With the proposed vacation, the block perimeter here would be 3,100 feet with block lengths exceeding 1,270 feet. Staff believe it would be valuable to the future walkability of the neighborhood to retain a mid-block pedestrian connection through the vacated area.

Public Utility Easements

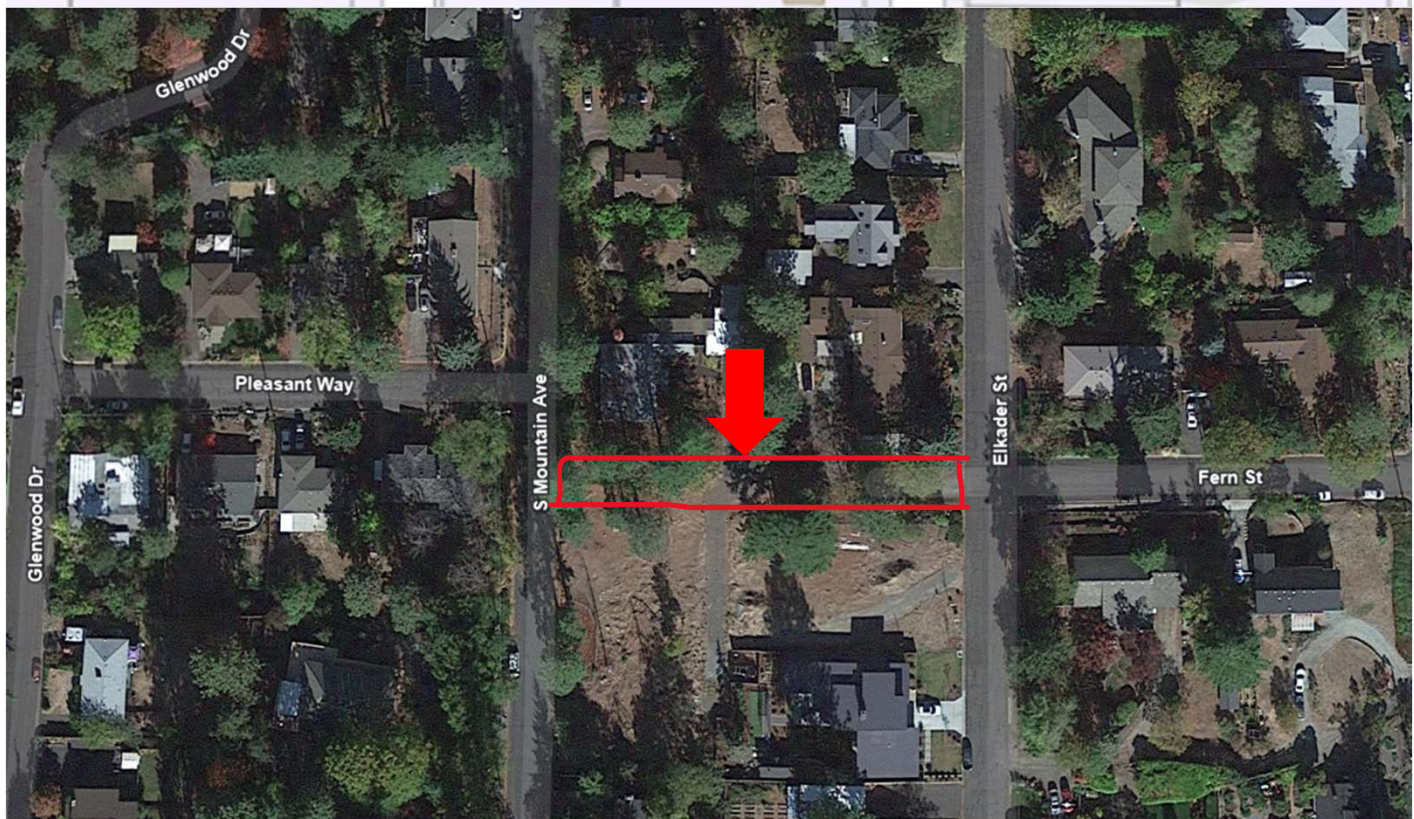
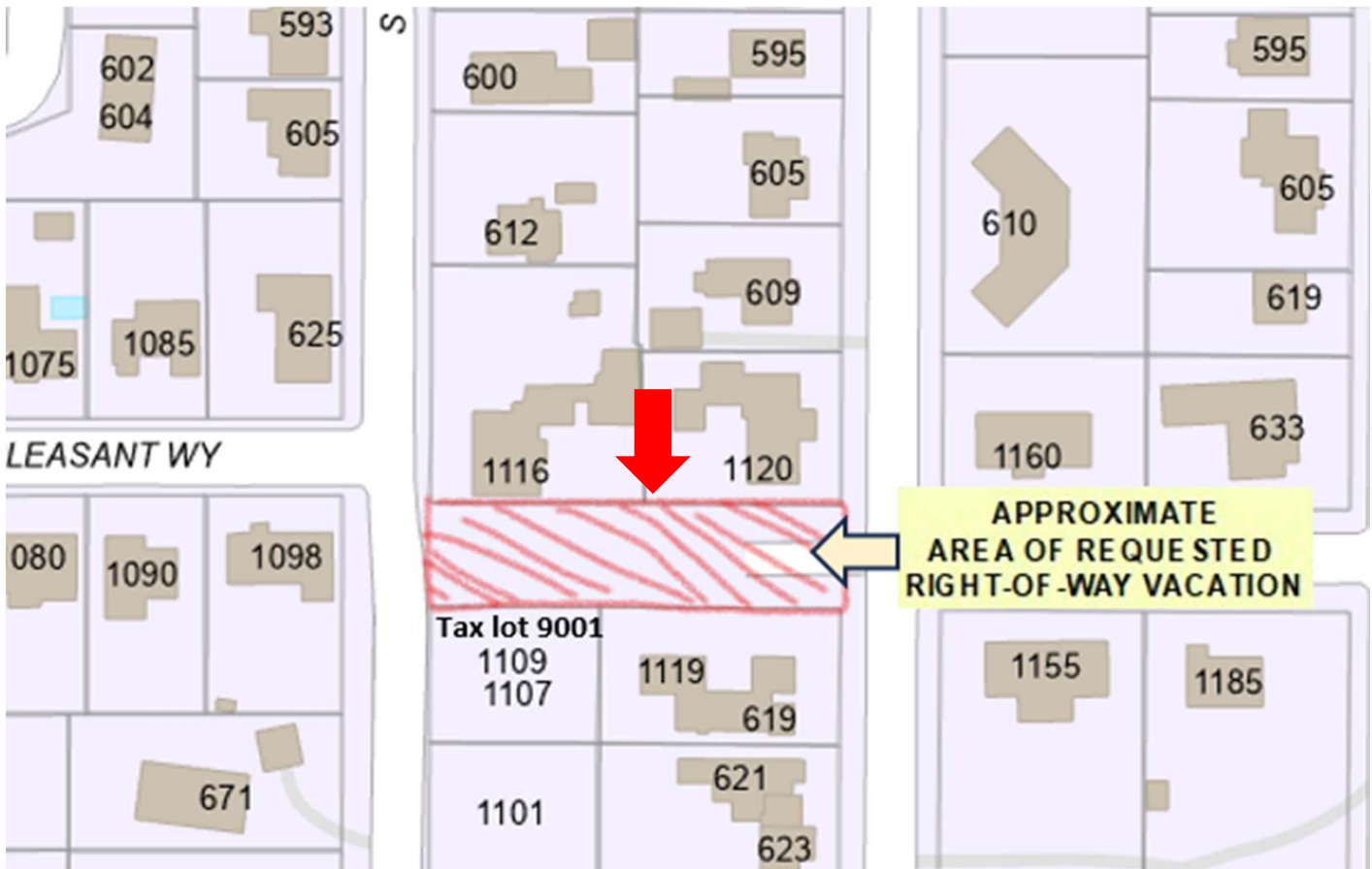
Public Works has indicated that there are presently no public utilities in this unimproved section of Fern Street. Staff would recommend that a ten-foot wide public utility easement be retained within the vacated area to preserve the ability to extend midblock utilities given the block length and block perimeter resulting from the vacation.

Staff Recommendation

Staff recommends that the Planning Commission forward a favorable recommendation to the City Council and ask that public pedestrian access, driveway access and public utility easements be retained through this vacated section of Fern Street.

Fern 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 Fern Street near 1109 Fern Street.



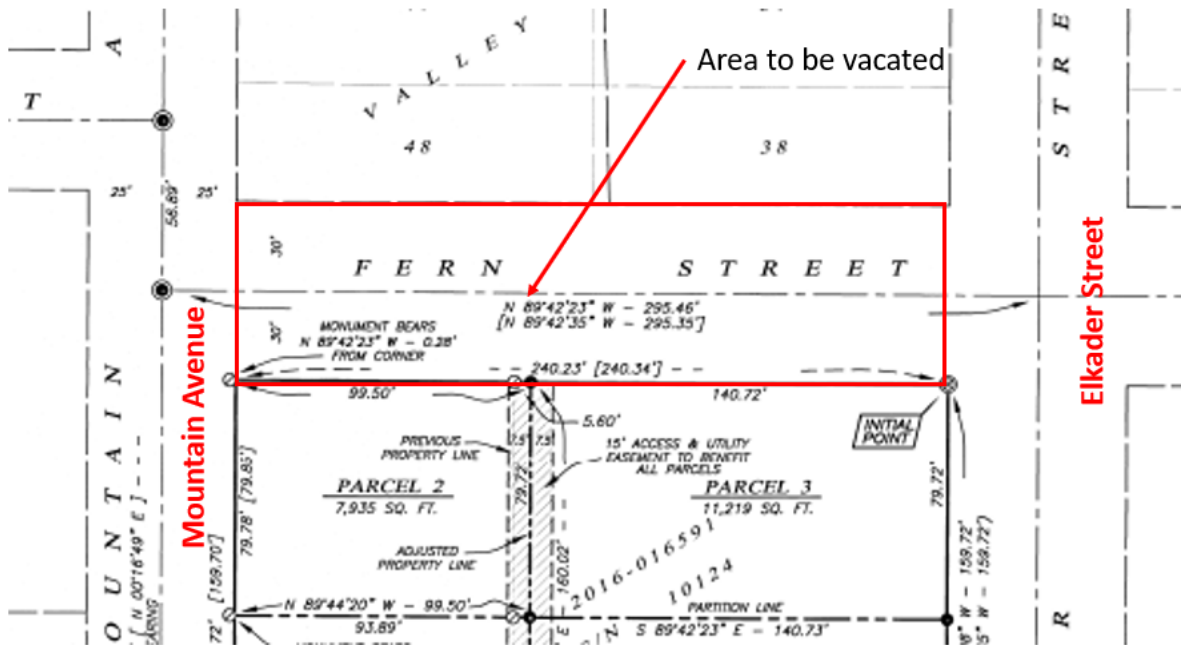
Applicant Submittal



Agenda Item	Right of Way Vacation – Fern Street	
From	Scott Fleury PE	Public Works Director
Contact	Scott.fleury@ashland.or.us	
Item Type	Requested by Council <input type="checkbox"/> Update <input type="checkbox"/> Request for Direction <input checked="" type="checkbox"/> Presentation <input type="checkbox"/>	

SUMMARY

Before the Council is a request to initiate the vacation of a portion of the public right of way. The right of way in question is a portion of Fern Street between South Mountain Avenue and Elkader Street. This is a un-improved non maintained right of way that basically provides for driveway access to adjacent lots on Fern Street.



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 an adjacent property owner on Fern Street about the City initiating the vacation of the unimproved and non-maintained section. City Management informed the





Council Business Meeting

resident the City could move forward with the process to vacate the right of way through initiation by the City Council as allowed by Oregon Revised Statute (ORS) 271.130, reference below.

271.130 Vacation on city governing body's own motion; appeal.

- (1) **The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners.** Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.
- (2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.
- (3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.
- (4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases.
- [Amended by 1995 c.658 §101]

Staff informed the property owner of requirements for vacating city right of way which include public hearings at the Planning Commission and City Council along with development of the appropriate legal descriptions and easement overlays for access management to the adjoining properties.

The specific 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 current grade does not allow for an appropriate street connection between Elkader Street and Mountain Avenue and there are no public utilities in the unimproved section of Fern Street.

Generally, the request upon review by the Planning Commission in development of the recommendation to vacate for the City Council is to provide for a pedestrian access easement that would connect Elkader Street to Mountain Avenue across the right of way to be vacated. This easement would be 10' in width and align with the centerline of the road currently.





Council Business Meeting

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)

- **This is not required if the Council initiates the vacation process as allowed by ORS.**

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 Manager shall set the matter for public hearing as set forth in ORS 271.100, et seq.

- **This meeting will need to be scheduled in the future to allow for the Planning Commission to make a recommendation to the City Council regarding the vacation.**

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.

- **This will be done if Council initiates the vacation process as a formal ordinance and maps of survey will be completed.**

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)





Council Business Meeting

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 owners will be responsible for the development of new property deeds and recording the applicable documents with the County. If the property is vacated, it will become private and assessable for property taxes as part of the individual tax lots the right of way is vacated to.

STAFF RECOMMENDATION

Staff recommends approval of the right of way vacation ordinance.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

I move to begin the process to vacate a portion of the public right of way on Fern Street as allowed by ORS 271.130 and then follow Ashland Municipal Code 14.18.

I move to take no action on the matter.

REFERENCES & ATTACHMENTS

Attachment #1: Partition Plat P-29-2018

APPROVALS:

EXAMINED AND APPROVED THIS 5th DAY OF OCTOBER, 2018
ASHLAND PLANNING DEPARTMENT
PLANNING FILE NO. PA #2016-01891 & PA #2017-02269

EXAMINED AND APPROVED THIS 3rd DAY OF October, 2018
Bradley F. Barber
CITY SURVEYOR

DECLARATION:

KNOW ALL PERSONS BY THESE PRESENTS, THAT GIL LIVNI AND KATHLEEN LIVNI, TRUSTEES OF THE LIVNI FAMILY TRUST, ARE THE OWNERS OF THE LANDS HEREON DESCRIBED, AND HAVE PARTITIONED THE LAND AS SHOWN HEREON, AND THAT THE SIZE OF THE PARCELS AND THE LENGTHS OF ALL LINES ARE PLAINLY SET FORTH AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PARTITION. WE HEREBY CREATE A 15.00 FOOT WIDE PRIVATE ACCESS AND UTILITY EASEMENT, OVER AND ACROSS PARCEL 2 AND PARCEL 3 FOR THE BENEFIT OF ALL FOUR PARCELS, AND 7.50 FOOT WIDE PRIVATE ACCESS EASEMENT OVER AND ACROSS PARCEL 1 FOR THE BENEFIT OF PARCEL 4 AND A 7.50 FOOT WIDE PRIVATE ACCESS EASEMENT OVER AND ACROSS PARCEL 4 FOR THE BENEFIT OF PARCEL 1, AS SHOWN HEREON.

GIL LIVNI, TRUSTEE
Kathleen Livni
KATHLEEN LIVNI, TRUSTEE

ACKNOWLEDGEMENT

STATE OF OREGON }
JACKSON COUNTY }

PERSONALLY APPEARED THE ABOVE NAMED GIL LIVNI, TRUSTEE OF THE LIVNI FAMILY TRUST, ON THIS 26 DAY OF September, 2018, AND ACKNOWLEDGED THE FOREGOING TO BE HIS VOLUNTARY ACT AND DEED.

NOTARY SIGNATURE Carolyn Marlene Schwendener
NOTARY PUBLIC - OREGON Carolyn Marlene Schwendener
COMMISSION NO. 959884
MY COMMISSION EXPIRES: March 2, 2021

ACKNOWLEDGEMENT

STATE OF OREGON }
JACKSON COUNTY }

PERSONALLY APPEARED THE ABOVE NAMED KATHLEEN LIVNI, TRUSTEE OF THE LIVNI FAMILY TRUST, ON THIS 26 DAY OF September, 2018, AND ACKNOWLEDGED THE FOREGOING TO BE HER VOLUNTARY ACT AND DEED.

NOTARY SIGNATURE Carolyn Marlene Schwendener
NOTARY PUBLIC - OREGON Carolyn Marlene Schwendener
COMMISSION NO. 959884
MY COMMISSION EXPIRES: March 2, 2021

Assessor's Map No. 39 1E 16 AA, Tax Lots 9000, 9001 & 9002

LAND PARTITION
PARTITION PLAT NO. P - 29 - 2018

LYING SITUATE WITHIN
NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
CITY OF ASHLAND, JACKSON COUNTY, OREGON

FOR
Livni Family Trust
1135 Fern Street
Ashland, Oregon

SURVEYOR'S CERTIFICATE

I, SHAWN KAMPMANN, DULY REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH THE PROPER MONUMENTS AS PROVIDED BY LAW, THE TRACT OF LAND HEREON SHOWN, THIS SAID PLAT BEING A CORRECT REPRESENTATION OF THE SAME, AND THE FOLLOWING IS AN ACCURATE DESCRIPTION OF THE BOUNDARY LINES.

A LAND PARTITION AND PROPERTY LINE ADJUSTMENT BETWEEN THOSE TRACTS OF LAND DESCRIBED WITHIN INSTRUMENT NO. 2016-016591 OF THE OFFICIAL RECORDS OF JACKSON COUNTY, OREGON, LYING SITUATE WITHIN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 39 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, CITY OF ASHLAND, JACKSON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AND BOUNDED AS FOLLOWS, TO WIT:

ALL OF PARCEL NO. 1, PARCEL NO. 2 AND PARCEL NO. 3 OF THAT MINOR LAND PARTITION RECORDED NOVEMBER 29, 1984 IN THE "RECORD OF PARTITION PLATS" OF JACKSON COUNTY, OREGON, AND FILED AS SURVEY NO. 10124 IN THE OFFICE OF THE JACKSON COUNTY SURVEYOR.

I HEREBY CERTIFY THAT THIS PLAT IS AN EXACT COPY OF THE ORIGINAL.

Shawn Kampmann
SURVEYOR

SURVEY NOTES:

THE FOLLOWING ENCUMBRANCES DENOTED IN AMERITITLE REPORT NO. 252150AM DATED SEPTEMBER 24, 2018, EITHER DOES NOT AFFECT THE SUBJECT TRACT, ARE BLANKET IN NATURE OR OTHERWISE INSUFFICIENTLY DESCRIBED, AND THEREFORE NOT SHOWN GRAPHICALLY ON THIS PLAT.

- RESTRICTIVE COVENANTS REGARDING FUTURE IMPROVEMENTS TO FERN STREET, INCLUDING THE TERMS AND PROVISIONS THEREOF, INCLUDING AMONG OTHER THINGS A WAIVER OF RIGHT OF REMONSTRANCE, RECORDED APRIL 22, 1985 WITHIN DOCUMENT NO. 1985-06055 IN THE OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.
- REGULATIONS, INCLUDING LEVIES, ASSESSMENTS, WATER AND IRRIGATION RIGHTS AND EASEMENTS FOR DITCHES AND CANALS OF TALENT IRRIGATION DISTRICT.

** RECEIVED **
Date 10/9/18 By PB
This survey consists of
2 sheet(s) Map
0 page(s) Narrative
JACKSON COUNTY
SURVEYOR

RECORDING:

FILED FOR RECORD THIS 9th OF October, 2018 AT 10:43 O'CLOCK A.M. AND RECORDED IN VOLUME 29, PAGE 29, OF THE PLAT RECORDS OF JACKSON COUNTY, OREGON.

Christine D. Walker
COUNTY CLERK
Jonny J. Morgan
DEPUTY

COUNTY SURVEYOR FILE NO. 22648

TAX COLLECTOR'S STATEMENT:

ALL TAXES, FEES, ASSESSMENTS, OR OTHER CHARGES AS REQUIRED BY O.R.S. 309.005 HAVE BEEN PAID AS OF Oct. 9th, 2018.

CKR, Deputy
TAX COLLECTOR
10/9/18
Adam H. Adams, Agent
ASSESSOR
10/9/18

SURVEY NARRATIVE
TO COMPLY WITH O.R.S. 209.250

PURPOSE: TO SURVEY AND MONUMENT A LAND PARTITION OF PARCEL NO. 3 AND A PROPERTY LINE ADJUSTMENT BETWEEN PARCEL NO. 3 AND PARCELS NO. 1 & 2 OF THOSE TRACTS OF LAND DESCRIBED WITHIN INSTRUMENT NO. 2016-016591 IN THE OFFICIAL RECORDS OF JACKSON COUNTY, OREGON, LYING SITUATE WITHIN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 39 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, CITY OF ASHLAND, JACKSON COUNTY, OREGON.

PROCEDURE: UTILIZING AN ELECTRONIC LEICA TS-16 ROBOTIC TOTAL STATION WITH RANGING PRISMS, IN CONJUNCTION WITH SURVEY CONTROL PREVIOUSLY ESTABLISHED BY THIS OFFICE DURING THE PERFORMANCE OF SURVEY NO. 18996 & 20489, I SURVEY AND MONUMENT THE LAND PARTITION AND PROPERTY LINE ADJUSTMENT AS SHOWN. THE SUBJECT TRACTS WERE ORIGINALLY CREATED BY THAT MINOR LAND PARTITION RECORDED ON NOVEMBER 29, 1984 IN VOLUME 5, PAGE 200 OF THE "MINOR LAND PARTITIONS" RECORDS IN JACKSON COUNTY, OREGON, AND FILED AS SURVEY NO. 10124 IN THE OFFICE OF THE JACKSON COUNTY SURVEYOR. MONUMENTS RECOVERED FROM SAID SURVEY FIT WELL WITH THE DEED AND SURVEY RECORDS AND WERE HELD FOR POSITION, EXCEPT AS OTHERWISE SHOWN. THE RIGHT OF WAY FOR SOUTH MOUNTAIN AVENUE WAS DETERMINED BY HOLDING CENTERLINE MONUMENTS BETWEEN ASHLAND STREET AND PROSPECT STREET AS DENOTED ON SURVEY NO. 20489. ELKADER STREET WAS DETERMINED BY SURVEY NO. 18996 AND 7458 AND MONUMENTS RECOVERED AT THE NORTHEAST AND SOUTHEAST CORNERS OF PARCEL NO. 3 PER SURVEY NO. 10124. FERN STREET WAS DETERMINED BY HOLDING MONUMENTS RECOVERED ALONG THE NORTH LINE OF SAID SURVEY NO. 10124 AND REFERENCE MONUMENTS RECOVERED AT THE INTERSECTION OF FERN STREET WITH ROCA STREET PER SURVEY NO. 10124. THE LAND PARTITION AND PROPERTY LINE ADJUSTMENT WAS SURVEYED AND MONUMENTED AS SHOWN HEREON.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Shawn Kampmann

OREGON
JULY 14, 1998
SHAWN KAMPMANN
2883 LS

RENEWAL DATE: 6/30/2019

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

DATE: AUGUST 24, 2018
PROJECT NO. 1032-16

FILE: SURVEYS\1032-16\LIVNI PARTITION PLAT.DWG SHEET 1 of 2

LAND PARTITION PARTITION PLAT NO. P - 29 - 2018

LYING SITUATE WITHIN
NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
CITY OF ASHLAND, JACKSON COUNTY, OREGON

FOR
Livni Family Trust

2532 Old Mill Way
Ashland, Oregon

LEGEND

- 2-1/2" BRONZE CAP IN MONUMENT WELL STAMPED "CITY OF ASHLAND LS 759" PER S/N 15659 & 18996 (RECOVERED)
- ⊙ 1-1/4" IRON PIPE, NO OTHER MARKINGS, PER S/N 10124 & S/N 18996 (RECOVERED)
- 5/8" IRON PIN w/ YELLOW PLASTIC CAP STAMPED "SWAIN RLS 759" PER S/N 7458 (RECOVERED)
- ⊖ 1/2" IRON PIPE w/ YELLOW PLASTIC PLUG STAMPED "SWAIN RLS 759" PER S/N 10124 (RECOVERED)
- 5/8" x 30" IRON PIN w/ ORANGE PLASTIC CAP STAMPED "KAMPMANN PLS 2883" (ESTABLISHED)
- SUBJECT PROPERTY LINE
- - - PARTITION / ADJUSTED LINE
- BOUNDARY LINE
- CENTERLINE
- - - EASEMENT LINE
- x-x-x- FENCELINE
- O.R. OFFICIAL RECORDS, JACKSON COUNTY CLERK
- S/N SURVEY FILE NUMBER, JACKSON COUNTY SURVEYOR
- () SURVEY RECORD DATA PER S/N 18996
- [] SURVEY RECORD DATA PER S/N 7458 & S/N 10124
- ▨ PRIVATE ACCESS & UTILITY EASEMENT BY THIS PLAT

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS THE CENTERLINE OF SOUTH MOUNTAIN AVENUE, HAVING A RECORD BEARING OF NORTH 00°17'13" EAST, AS REFERENCED ON SURVEY NO. 18996, ON FILE IN THE OFFICE OF THE JACKSON COUNTY SURVEYOR.

I HEREBY CERTIFY THAT THIS PLAT IS AN EXACT COPY OF THE ORIGINAL.

Shawn Kampmann
SURVEYOR

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Shawn Kampmann

OREGON
JULY 14, 1998
SHAWN KAMPMANN
2883 LS

RENEWAL DATE: 6/30/2019

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

DATE: AUGUST 24, 2018
PROJECT NO. 1032-16

FILE: SURVEYS\1094-16\HILL PARTITION PLAT.DWG SHEET 2 of 2

Assessor's Map No. 39 1E 16 AA, Tax Lots 9000, 9001 & 9002

POLARIS LAND SURVEYING

APPROVALS:

EXAMINED AND APPROVED THIS 5th DAY OF OCTOBER, 2018
ASHLAND PLANNING DEPARTMENT
PLANNING FILE NO. PA #2016-01891 & PA #2017-02269

EXAMINED AND APPROVED THIS 3rd DAY OF October, 2018
Bradley F. Barber
CITY SURVEYOR

DECLARATION:

KNOW ALL PERSONS BY THESE PRESENTS, THAT GIL LIVNI AND KATHLEEN LIVNI, TRUSTEES OF THE LIVNI FAMILY TRUST, ARE THE OWNERS OF THE LANDS HEREON DESCRIBED, AND HAVE PARTITIONED THE LAND AS SHOWN HEREON, AND THAT THE SIZE OF THE PARCELS AND THE LENGTHS OF ALL LINES ARE PLAINLY SET FORTH AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PARTITION. WE HEREBY CREATE A 15.00 FOOT WIDE PRIVATE ACCESS AND UTILITY EASEMENT, OVER AND ACROSS PARCEL 2 AND PARCEL 3 FOR THE BENEFIT OF ALL FOUR PARCELS, AND 7.50 FOOT WIDE PRIVATE ACCESS EASEMENT OVER AND ACROSS PARCEL 1 FOR THE BENEFIT OF PARCEL 4 AND A 7.50 FOOT WIDE PRIVATE ACCESS EASEMENT OVER AND ACROSS PARCEL 4 FOR THE BENEFIT OF PARCEL 1, AS SHOWN HEREON.

GIL LIVNI, TRUSTEE
Kathleen Livni
KATHLEEN LIVNI, TRUSTEE

ACKNOWLEDGEMENT

STATE OF OREGON }
JACKSON COUNTY }

PERSONALLY APPEARED THE ABOVE NAMED GIL LIVNI, TRUSTEE OF THE LIVNI FAMILY TRUST, ON THIS 26 DAY OF September, 2018, AND ACKNOWLEDGED THE FOREGOING TO BE HIS VOLUNTARY ACT AND DEED.

NOTARY SIGNATURE Carolyn Marlene Schwendener
NOTARY PUBLIC - OREGON Carolyn Marlene Schwendener
COMMISSION NO. 959884
MY COMMISSION EXPIRES: March 2, 2021

ACKNOWLEDGEMENT

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JACKSON COUNTY }

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Assessor's Map No. 39 1E 16 AA, Tax Lots 9000, 9001 & 9002

LAND PARTITION
PARTITION PLAT NO. P - 29 - 2018

LYING SITUATE WITHIN
NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
CITY OF ASHLAND, JACKSON COUNTY, OREGON

FOR
Livni Family Trust
1135 Fern Street
Ashland, Oregon

SURVEYOR'S CERTIFICATE

I, SHAWN KAMPMANN, DULY REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH THE PROPER MONUMENTS AS PROVIDED BY LAW, THE TRACT OF LAND HEREON SHOWN, THIS SAID PLAT BEING A CORRECT REPRESENTATION OF THE SAME, AND THE FOLLOWING IS AN ACCURATE DESCRIPTION OF THE BOUNDARY LINES.

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Shawn Kampmann
SURVEYOR

SURVEY NOTES:

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** RECEIVED **
Date 10/9/18 By PB
This survey consists of
2 sheet(s) Map
0 page(s) Narrative
JACKSON COUNTY
SURVEYOR

RECORDING:

FILED FOR RECORD THIS 9th OF October, 2018, AT 10:43 O'CLOCK A.M. AND RECORDED IN VOLUME 29, PAGE 29, OF THE PLAT RECORDS OF JACKSON COUNTY, OREGON.

Christine D. Walker
COUNTY CLERK
Jonny J. Morgan
DEPUTY

COUNTY SURVEYOR FILE NO. 22648

TAX COLLECTOR'S STATEMENT:

ALL TAXES, FEES, ASSESSMENTS, OR OTHER CHARGES AS REQUIRED BY O.R.S. 309.008 HAVE BEEN PAID AS OF Oct. 9th, 2018.

CKR, Deputy
TAX COLLECTOR
10/9/18
Adam H. Adams, Agent
ASSESSOR
10/9/18
DATE

SURVEY NARRATIVE
TO COMPLY WITH O.R.S. 209.250

PURPOSE: TO SURVEY AND MONUMENT A LAND PARTITION OF PARCEL NO. 3 AND A PROPERTY LINE ADJUSTMENT BETWEEN PARCEL NO. 3 AND PARCELS NO. 1 & 2 OF THOSE TRACTS OF LAND DESCRIBED WITHIN INSTRUMENT NO. 2016-016591 IN THE OFFICIAL RECORDS OF JACKSON COUNTY, OREGON, LYING SITUATE WITHIN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 39 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, CITY OF ASHLAND, JACKSON COUNTY, OREGON.

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REGISTERED
PROFESSIONAL
LAND SURVEYOR

Shawn Kampmann

OREGON
JULY 14, 1998
SHAWN KAMPMANN
2883 LS

RENEWAL DATE: 6/30/2019

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

DATE: AUGUST 24, 2018
PROJECT NO. 1032-16

FILE: SURVEYS\1032-16\LIVNI PARTITION PLAT.DWG SHEET 1 of 2

LAND PARTITION
PARTITION PLAT NO. P - 29 - 2018

LYING SITUATE WITHIN
 NORTHEAST QUARTER OF SECTION 16
 TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
 CITY OF ASHLAND, JACKSON COUNTY, OREGON

FOR
Livni Family Trust

2532 Old Mill Way
 Ashland, Oregon

LEGEND

- 2-1/2" BRONZE CAP IN MONUMENT WELL STAMPED "CITY OF ASHLAND LS 759" PER S/N 15659 & 18996 (RECOVERED)
- ⊙ 1-1/4" IRON PIPE, NO OTHER MARKINGS, PER S/N 10124 & S/N 18996 (RECOVERED)
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- () SURVEY RECORD DATA PER S/N 18996
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- ▨ PRIVATE ACCESS & UTILITY EASEMENT BY THIS PLAT

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS THE CENTERLINE OF SOUTH MOUNTAIN AVENUE, HAVING A RECORD BEARING OF NORTH 00°17'13" EAST, AS REFERENCED ON SURVEY NO. 18996, ON FILE IN THE OFFICE OF THE JACKSON COUNTY SURVEYOR.

I HEREBY CERTIFY THAT THIS PLAT IS AN EXACT COPY OF THE ORIGINAL.

Shawn Kampmann
 SURVEYOR

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Shawn Kampmann

OREGON
 JULY 14, 1998
 SHAWN KAMPMANN
 2883 LS

RENEWAL DATE: 6/30/2019

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

DATE: AUGUST 24, 2018
 PROJECT NO. 1032-16

FILE: SURVEYS\1094-16\HILL PARTITION PLAT.DWG SHEET 2 of 2

Assessor's Map No. 39 1E 16 AA, Tax Lots 9000, 9001 & 9002

POLARIS LAND SURVEYING

RIGHT-OF-WAY VACATION

**Public Right-of-Way adjacent to
39 1E 04AD Tax Lot #233 and #234**



SUBJECT PROPERTY: Public Right-of-Way adjacent to 39 1E 04AD Tax Lot #233 and #234

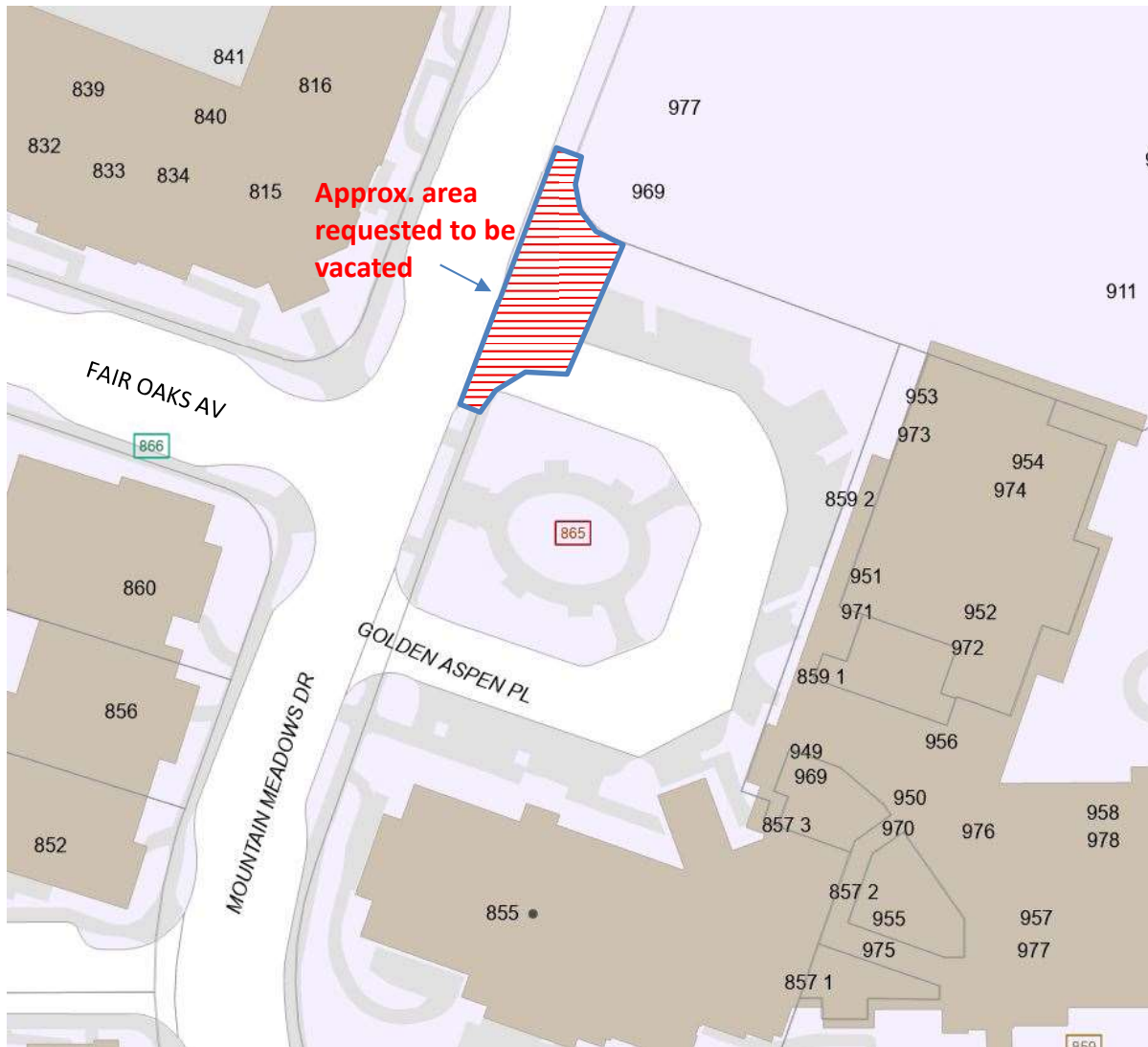
OWNER / APPLICANT: City of Ashland Public Works Department

DESCRIPTION: The Planning Commission will consider a request to vacate a portion of Mountain Meadows Drive right-of-way near Fair Oaks Avenue and make a recommendation to the City Council.

COMPREHENSIVE PLAN DESIGNATION: Health Care Services District; **ZONING:** HC

MAP: Adjacent to 39 1E 04AD and 39 1E 04AD; **TAX LOT:** 233 and 234

ELECTRONIC ASHLAND PLANNING COMMISSION MEETING: *Tuesday, January 9, 2024, 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 "January 9 PC Hearing Testimony" by 10:00 a.m. on Monday, January 8, 2024. 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 "January 9 Hearing Testimony" by 10:00 a.m. on Tuesday, January 9, 2024. 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, January 9, 2024. In order to provide testimony at the public hearing, please provide the following information: 1) make the subject line of the email "January 9 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 Jennifer Chenoweth at 541-552-2045 / jennifer.chenoweth@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)

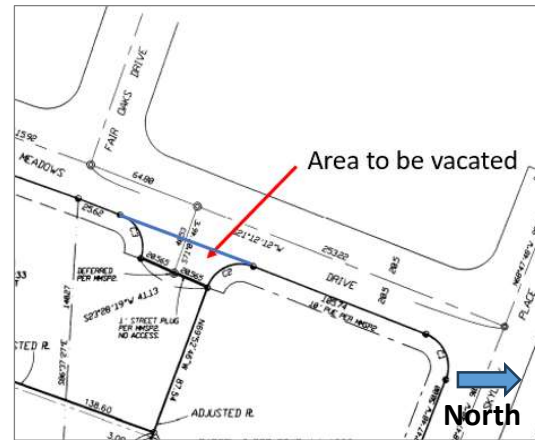
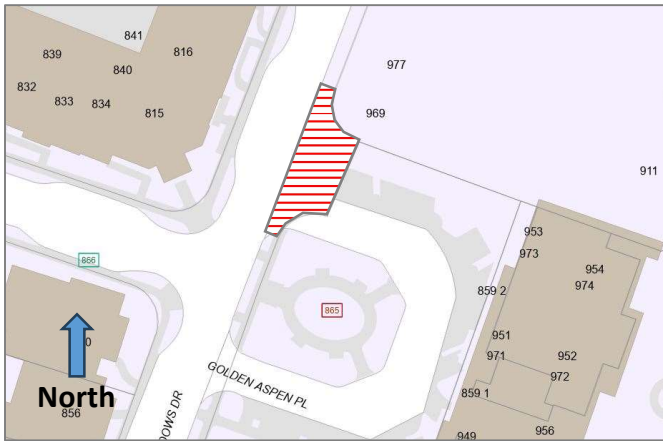
4.18.030 Review by Planning Commission

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.

Staff Report

Mountains Meadow Drive R-o-W Vacation Staff Report

Planning Commission review and recommendation on the requested vacation of a portion of the public right-of-way for Mountain Meadows Drive near Fair Oaks Avenue and quitclaiming an associated "street plug" reserve strip..



Proposal Details

Site Description/History

The portion of right-of-way was originally dedicated as a potential future street connection as part of the 1996 Mountain Meadows Subdivision, Phase 2 plat. With development that has occurred in the interim, this street connection is no longer necessary and has no purpose or benefit to the City's transportation network. The area to be vacated currently contains a portion of a private parking lot and driveway.

Proposal

Approval of the current request would vacate the right-of-way and quitclaim a street plug on the east side of Mountain Meadows Drive near the intersection of Mountain Meadows Drive and Fair Oaks Avenue, shown in red in the figures above, between Tax Lots #233 and 234.

Key Issues

Street Connectivity

This vacation eliminates a no longer needed street connection and poses no street connectivity issues.

Pedestrian Connectivity

Staff recommends that Council require that with the completion of the development to the north, the sidewalk be extended through the vacated area to provide a continuous sidewalk on the east side of Mountain Meadows Drive.

Public Utility Easement (PUE)

Staff would recommend that a ten-foot wide public utility easement be retained within the vacated area to preserve the ability to extend public infrastructure. There are ten-foot PUE's in place immediately to the north and south of the area proposed to be vacated.

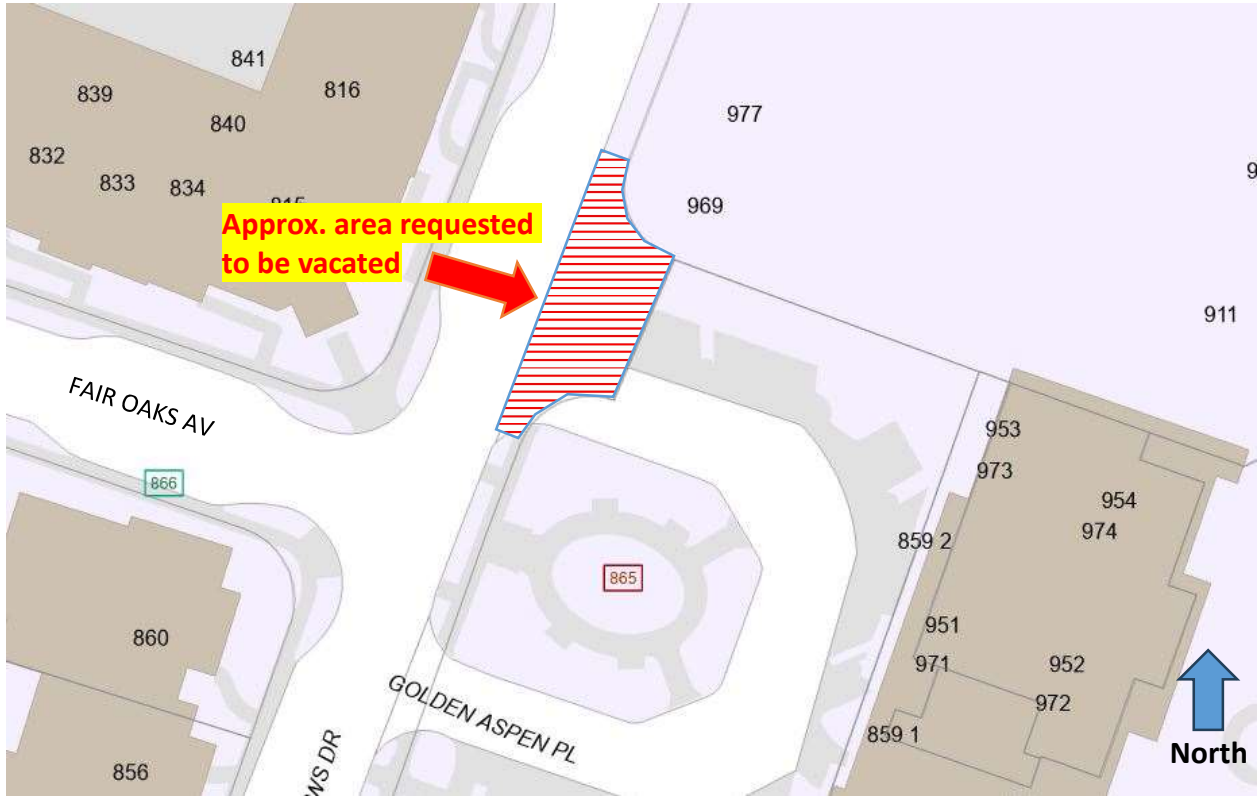
Staff Recommendation

Staff recommends that the Planning Commission forward a favorable recommendation to the City Council and ask that a ten-foot public utility easement be retained through the vacated area, and that with the completion of the development to the north, the sidewalk be extended through the vacated area to provide a continuous sidewalk.

Mountains Meadow Drive Right-of-Way Vacation

Staff Report

Planning Commission review and recommendation on the requested vacation of a portion of the public right-of-way for Mountain Meadows Drive near Fair Oaks Avenue.



Applicant Submittal



Council Business Meeting

December 5, 2023

Agenda Item	Right of Way Vacation Initiation – Mountain Meadows Drive		
From	Scott Fleury PE	Public Works Director	
Contact	Scott.fleury@ashland.or.us		
Item Type	Requested by Council <input type="checkbox"/>	Update <input type="checkbox"/>	Request for Direction <input checked="" type="checkbox"/> Presentation <input type="checkbox"/>

SUMMARY

Before the Council is a request to initiate the vacation of a portion of the public right of way. The right of way in question is a portion of Mountain Meadows Drive near Fair Oaks Avenue. The section of right of way was dedicated as a potential future street connection as part of the Mountain Meadows Development. This street connection is no longer necessary and does not serve a purpose that benefits the City's transportation network.



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](#)).





Council Business Meeting

BACKGROUND AND ADDITIONAL INFORMATION

The City of Ashland was contacted by the property owner and representative surveyor regarding the initiation of the vacation process for the right of way and dedicated street plug as allowed by Oregon Revised Statute. The owner has had the appropriate survey documents and legal description prepared to facilitate the right of way vacation and they can be referenced as attachment #1.

271.130 Vacation on city governing body's own motion; appeal.

- (1) **The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners.** Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.
- (2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.
- (3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.
- (4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases.
[Amended by 1995 c.658 §101]

Public Works performed an initial assessment to determine if a right of way vacation would be in the public interest. There are no public utilities using that section of right of way. All utilities are provided for on Mountain Meadows Avenue. The right of way does not provide a significant public benefit with respect to a future street corridor connection as development has occurred in the adjacent area restricting future street connections.

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.





Council Business Meeting

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)

- **This is not required if the Council initiates the vacation process as allowed by ORS.**

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.

- **This meeting will need to be scheduled in the future to allow for the Planning Commission to make a recommendation to the City Council regarding the vacation.**

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.

- **This will be done if Council initiates the vacation process as a formal ordinance and maps of survey will be completed.**

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 owners will be responsible for the development of new property





Council Business Meeting

deeds and recording the applicable documents with the County. 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 Council initiate the right of way vacation for said portion of right of way.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

I move to begin the process to vacate a portion of the public right of way on Mountain Meadows Way as allowed by ORS 271.130 and then follow Ashland Municipal Code 14.18.

I move to take no action on the matter.

REFERENCES & ATTACHMENTS

Attachment #1: Mountain Meadows Drive Vacation Background

FARBER CONSULTING

• FARBER & SONS, INC. • POST OFFICE BOX 5286 • CENTRAL POINT, OR 97502 •

September 19, 2022

City Council and Mayor
20 East Main Street
Ashland, Oregon 97520

Re: Partial Street right of way vacation Mountain Meadows Drive.

Councilors and Mayor;

This request is for the City Council to initiate the vacation of public right of way, dedicated to the city on the 1996 Mountain Meadows Subdivision, Phase 2 plat. Also, to and Quit Claim a street plug deeded to the city on this plat as illustrated on the accompanying exhibit maps/plat copy. The area requested for vacation was approved in 1996 as a future street approach as a part of a future development plan. This plan was revised, with the property now fully developed, the street approach was never utilized. The street approach now has a portion of a private parking lot and driveway constructed on it as well as the street plug for the Mountain Meadows Parkside Condominium development. This section of Mountain Meadows Drive is improved to City standards with a straight-line curb and gutter and other improvements as noted.

Planning Action PA-T2-2020-00026 approval for Mountain Meadows Estates, LLC approved plan shows the northerly curb return for the proposed vacation but inadvertently did not show it as public right of way. Portions of this area along with the street plug lies in an approved property line adjustment to provide proper building setbacks to buildings approved by this planning action. The property line adjustment and the final plat for the approved planning action cannot proceed without the right of way being vacated and street plug Quit Claimed back to private ownership.

The following quoted Oregon Revised Statute authorizes the city to initiate the vacation on their own motion.

271.130 Vacation on city governing body's own motion; appeal. (1) *The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.*

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

The vacation of this public right of way area for the street approach has no impact on traffic flow or public safety. It does resolve many existing issues and appears to be in the best interest of all concerned parties.

Mountain Meadows Estates, LLC will pay all reasonable fees for staff time and expenses for notices to processing this request.

Respectfully submitted,



HERBERT A. FARBER

EMAIL: herb@farberconsulting.biz

PHONE: 541-664-5599

CC: City Administrator, Joe Lessard
Public Works Director, Scott Fluery

VACATION DESCRIPTION

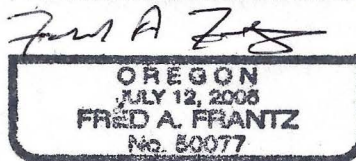
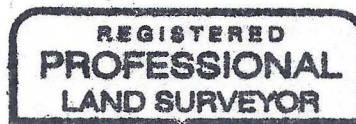
A tract of land within the right of way of Meadows Drive, as created on the plat of Mountain Meadows Subdivision, Phase 2 recorded in Volume 21, Page 22 of the Plat Records of Jackson County, Oregon, located in the Northeast Quarter of Section 4, Township 39 South, Range 1 East of the Willamette Meridian, in the City of Ashland, said County and State, more particularly described as follows:

Commencing at a brass disk monumenting the center line intersection of Meadows Drive and Skylark Place, located in the Northeast Quarter of Section 4, Township 39 South, Range 1 East of the Willamette Meridian, in the City of Ashland, Jackson County, Oregon; thence South $21^{\circ}12'12''$ West, along the centerline of Meadows Drive, a distance of 146.40 feet; thence South $68^{\circ}47'48''$ East, leaving said centerline, a distance of 20.50 feet, to the southeasterly right of way line of said road and the POINT OF BEGINNING; thence along said right of way through the following courses, along the arc of a curve to the left having a radius of 20.00 feet, a central angle of $92^{\circ}19'58''$, a length of 32.23 feet and a long chord bearing and distance of South $24^{\circ}57'47''$ East, 28.85 feet; thence South $23^{\circ}28'20''$ West, a distance of 41.13 feet; thence along the arc of a curve to the left having a radius of 20.00 feet, a central angle of $87^{\circ}40'02''$, a length of 30.60 feet and a long chord bearing and distance of South $65^{\circ}02'13''$ West, 27.07 feet; thence, leaving said right of way, North $21^{\circ}12'12''$ East, a distance of 81.06 feet, to the POINT OF BEGINNING.

LESS AND EXCEPTING:

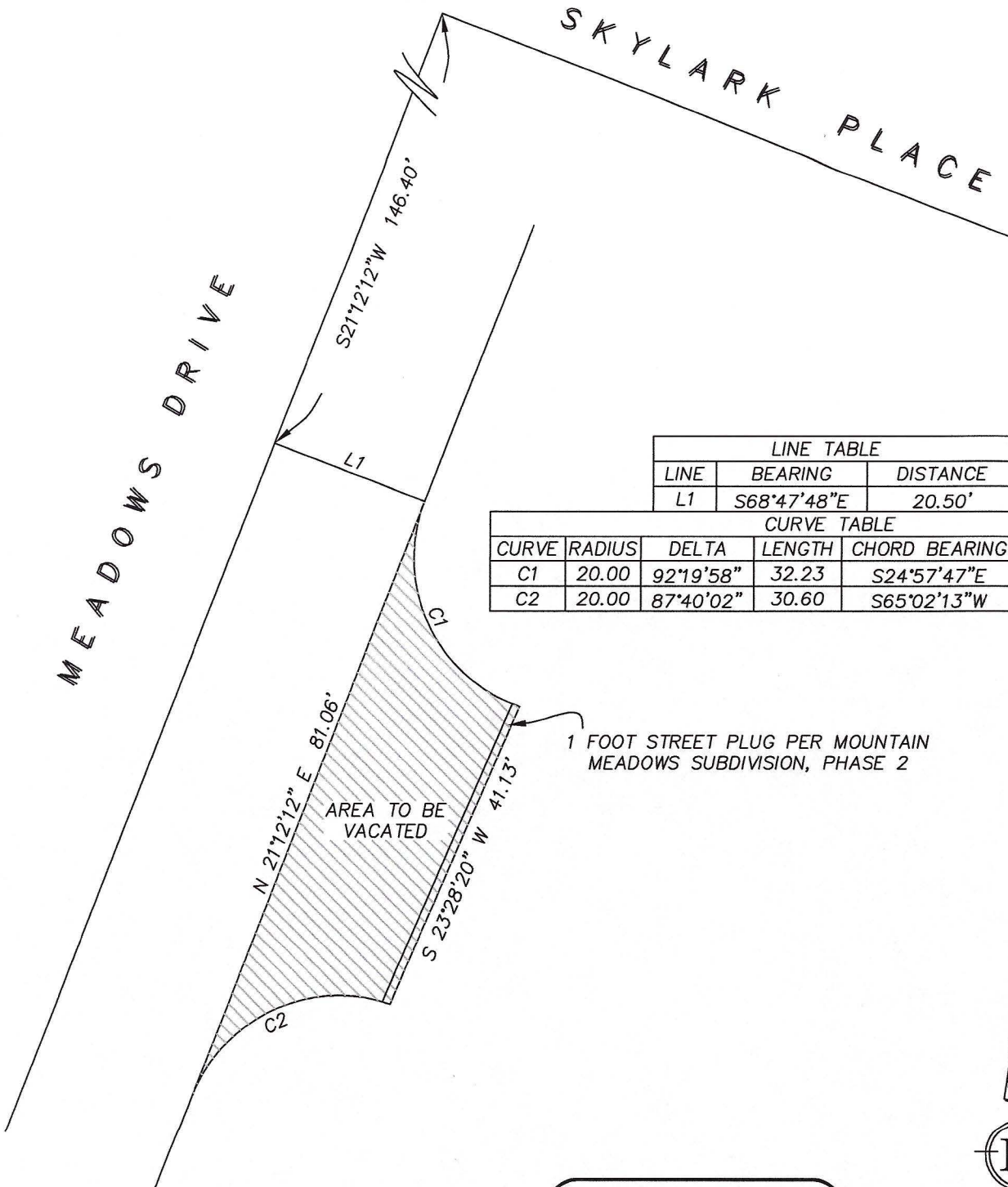
The 1' street plug deeded to the City of Ashland per Mountain Meadows Subdivision, Phase 2 recorded in Volume 21, Page 22 of the Plat records of Jackson County, Oregon.

Prepared by:
Terrasurvey, Inc.
274 Fourth Street
Ashland, Oregon 97520



Renewal 12-31-22

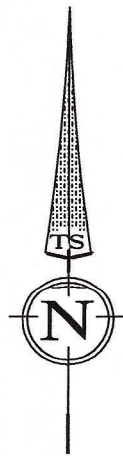
EXHIBIT 'A'
VACATION AREA



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S68°47'48"E	20.50'

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD LENGTH
C1	20.00	92°19'58"	32.23	S24°57'47"E	28.85'
C2	20.00	87°40'02"	30.60	S65°02'13"W	27.70'

1 FOOT STREET PLUG PER MOUNTAIN MEADOWS SUBDIVISION, PHASE 2



TERRASURVEY, INC.

PROFESSIONAL LAND SURVEYORS

274 FOURTH STREET
ASHLAND, OREGON 97520

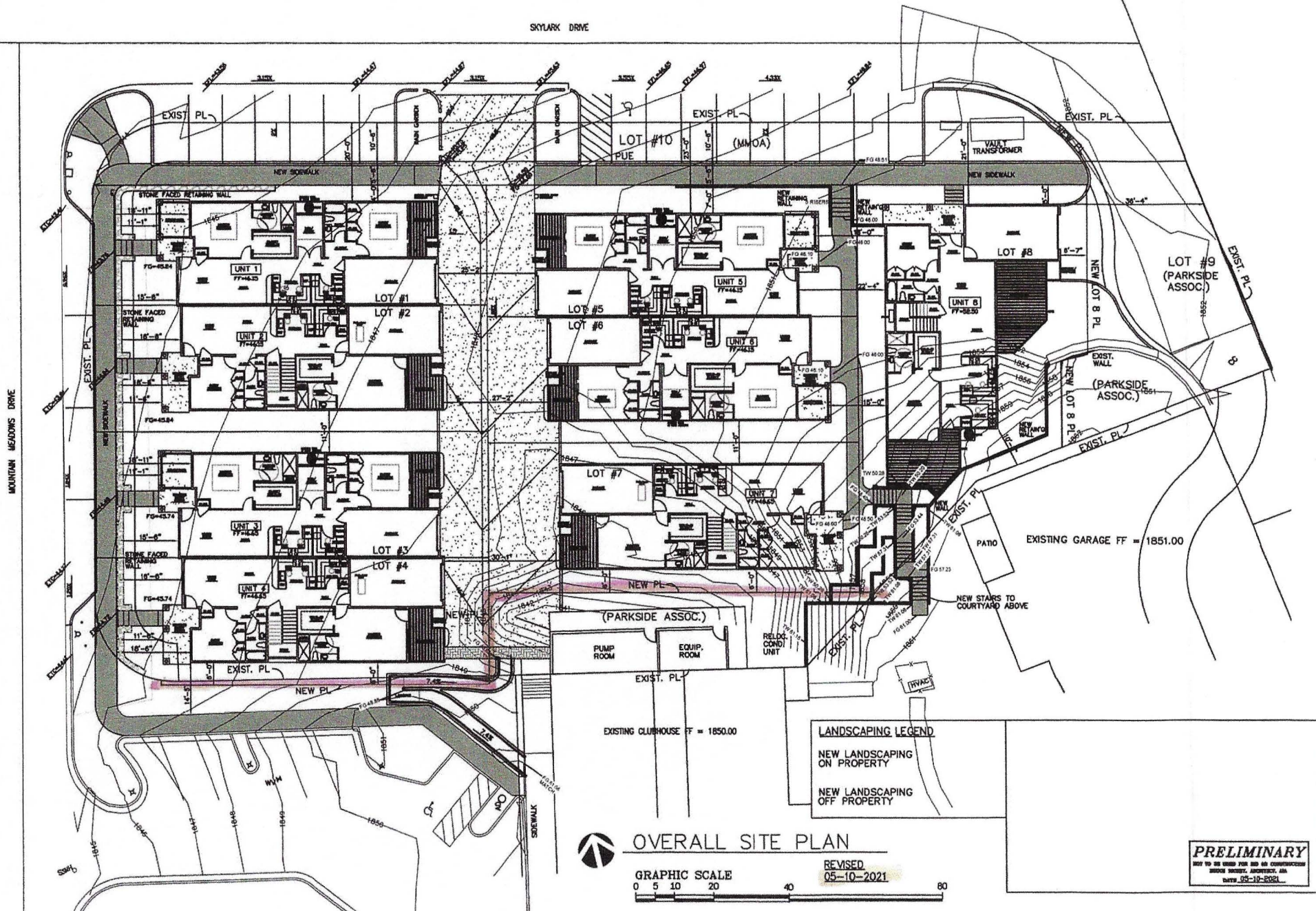
(541) 482-6474
terrain@bisp.net
JOB NO. 1621-22

REGISTERED
**PROFESSIONAL
LAND SURVEYOR**

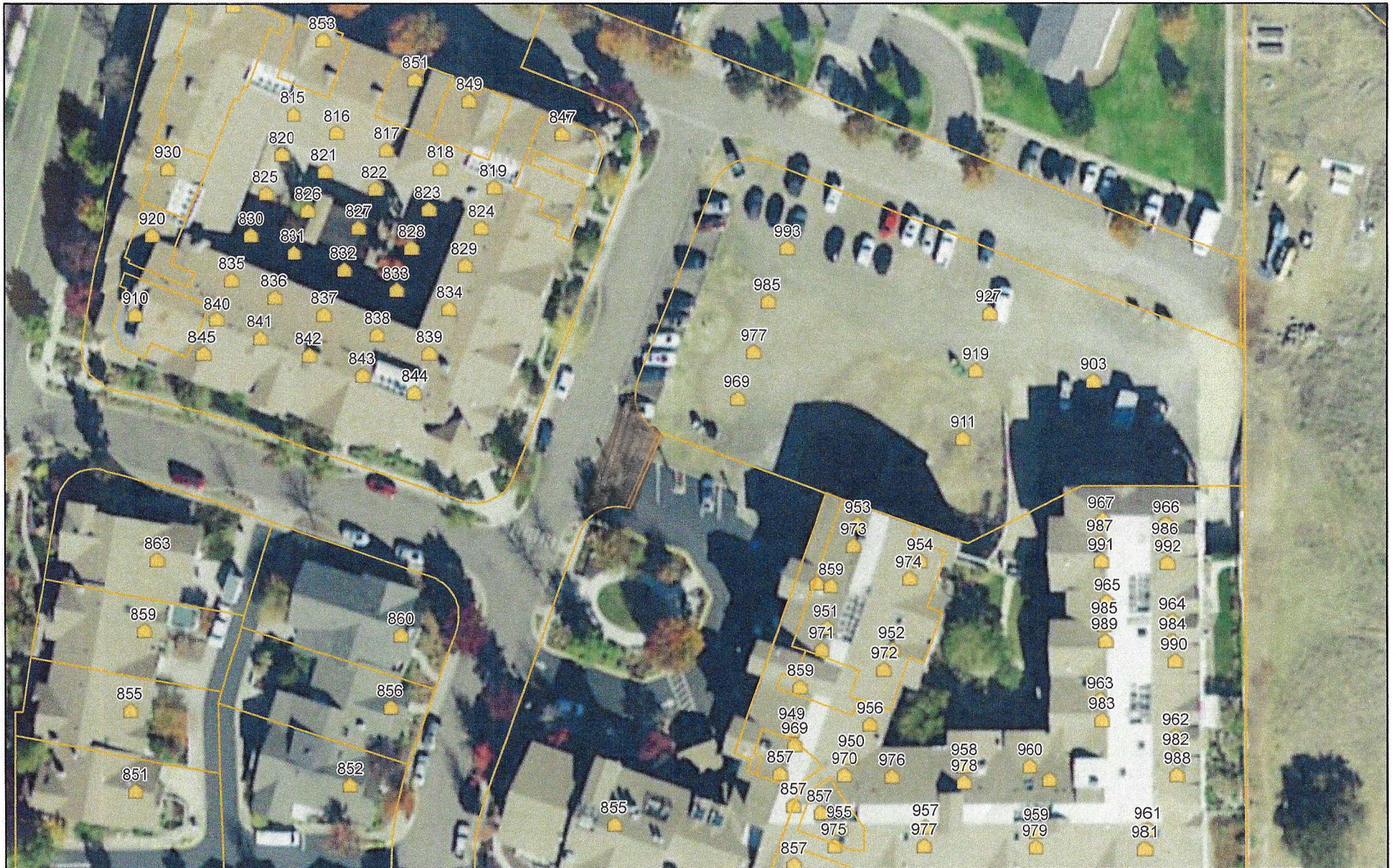
Fred A. Frantz
OREGON
JULY 12, 2005
FRED A. FRANTZ
No. 50077

Renewal 12-31-23



DATE: AUGUST 29, 2022
SCALE: 1" = 20'

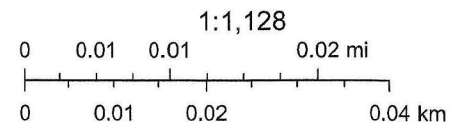


ArcGIS Web Map



9/12/2022, 4:27:04 PM

-  Tax Lots
-  Site Address Point



Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team

APPROVAL Bill Hill 5/23/96
Ashland Planning Commission
PA #96-007 Subdivision
Date

We certify that pursuant to authority granted to us by the Ashland Planning Commission in open meeting January 9, 1996 this plot is hereby approved.
Dated this 23rd day of MAY, 1996.

Barbara R. Jordin John M. Campbell
President Secretary

APPROVALS:

EXAMINED AND APPROVED this 22nd day of May, 1996.

James H. Olson
City Surveyor

EXAMINED AND APPROVED as required by ORS 92.100 as of 30 May, 1996.

Mark Anne Deputy
Assessor, Department of Assessment

ALL TAXES, FEES, ASSESSMENTS or other charges as required by ORS 92.095 have been paid as of May 30, 1996.

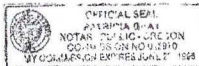
Carol Applegate, Deputy
Tax Collector

DECLARATION
Know all men by these presents that MOUNTAIN MEADOWS L.L.C. is the owner in fee of the lands shown on this plot, more particularly described in the Surveyor's Certificate, and has caused the same to be subdivided into lots and streets as shown, and that the size of the lots and the course and length of all lines are plainly set forth, and that this plot is a correct representation of the Subdivision and that it hereby dedicates to the City of Ashland the Street Plugs and hereby dedicates to the City of Ashland for public use the streets and the strips along the Easement (Public Utility Easement) (PUE), with the condition that TCI Cablevision has the right to use said PUE. It hereby establishes those easements shown on Sheets 2 & 3 labeled as Ingress-Egress Easements. Hunter S. Hill and Madeline Hill hereby state that we are the owners in fee of the lands lying under the PUE, shown on Sheets 2 & 3 that lie outside of the Subdivision Boundary as described in the Surveyor's Certificate by virtue of Decree No. 89-23863, Official Records of Jackson County, Oregon and that we hereby dedicate to the City of Ashland the said PUE that lie outside of the Subdivision Boundary, MOUNTAIN MEADOWS L.L.C. hereby designates said Subdivision as MOUNTAIN MEADOWS SUBDIVISION, PHASE 2.

Hunter S. Hill Madeline Hill
Hunter S. Hill, MEMBER Madeline Hill, MEMBER
MOUNTAIN MEADOWS L.L.C. MOUNTAIN MEADOWS L.L.C.

STATE OF OREGON
COUNTY OF JACKSON
PERSONALLY appeared the above named Hunter S. Hill and Madeline Hill, and acknowledged the foregoing instrument to be their voluntary act and deed.
Dated this 9th day of April, 1996.

Before me, Patricia Gray
Notary Public of Oregon.



AFFIDAVITS OF CONSENT
From the MARY ANN JACOBSON TRUST recorded as Doc. No. 96-17828, ORJCO.

I HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.
James H. Olson
SURVEYOR

391E04AD TL201 & 04DA TL 102,103

MOUNTAIN MEADOWS SUBDIVISION PHASE 2

A PLANNED COMMUNITY
Located in the N.E. 1/4 & S.E. 1/4 of Sec. 4,
T.39 S., R.1 E., W.M., City of Ashland
Jackson County, Oregon
for
Mountain Meadows L.L.C.
66 Scenic Avenue
Ashland, OR 97520

RECORDING
For order of the County Court approving this Plat see Volume _____ Page _____ of the County Commissioner's Journal of Proceedings.

Filed for record this 5 day of June, 1996 at 3:15 o'clock P. and recorded in Volume 31 of Plats at Page 27 of records of Jackson County, Oregon.

Kathleen S. Berkott Cheryl Cogerud
County Clerk Deputy

Declaration of Covenants, Conditions and Restrictions recorded as Doc. _____ Official Records of Jackson County, Oregon.

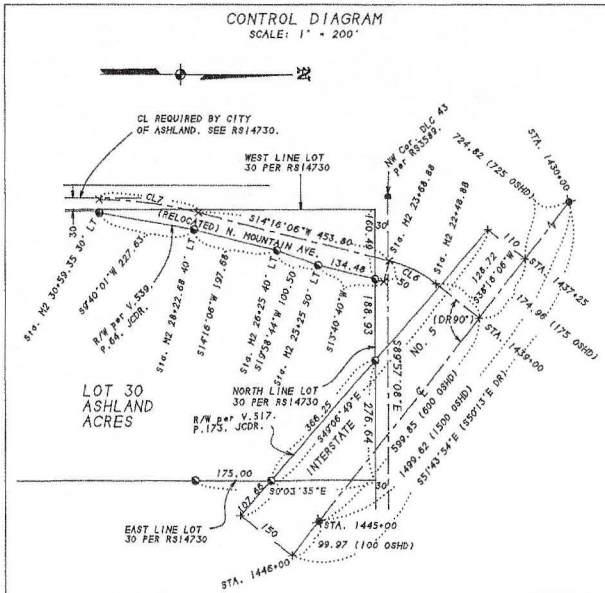
SURVEYOR'S CERTIFICATE
I, JAMES E. HIBBS, A REGISTERED LAND SURVEYOR OF THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS AS PROVIDED BY LAW, THE TRACT OF LAND SHOWN HEREOIN SAID PLAT BEING AN ACCURATE REPRESENTATION OF THE SAME, AND THAT THE FOLLOWING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

Beginning at the most Westerly Northwest corner of MOUNTAIN MEADOWS SUBDIVISION, PHASE 1, according to the official plat thereof now of record in Jackson County, Oregon, said point being North 00° 42' West, 488.40 feet to the Southeast corner of Lot 30 of ASHLAND ACRES, according to the official plat thereof, now of record, in Jackson County, Oregon; thence North 89° 26' 54" East, 2.67 feet to the INITIAL POINT OF BEGINNING; thence South 82° 02' 13" West, 2.67 feet, to said Westerly Northwest corner; thence along the West line of said Lot 30, North 00° 42' West, 499.40 feet to the Southwest right-of-way line of relocated North Mountain Avenue as described in Volume 89-23863, Jackson County Deed Records; thence along said right-of-way line, South 89° 25' 54" East, 7.26 feet to an angle point; thence North 94° 00' East, 187.80 feet; thence leaving said right-of-way line, along the arc of a 20.00 foot radius curve to the left having a central angle of 88° 09' 51", a distance of 30.78 feet (the long chord of which bears South 34° 24' 54" East, 27.70 feet; thence along the arc of a 20.00 foot radius curve to the right having a central angle of 22° 03', a distance of 63.75 feet (the long chord of which bears South 74° 48' 48" East, 63.70 feet); thence South 71° 09' 46" East, 122.90 feet; thence along the arc of a 20.00 foot radius curve to the left having a central angle of 87° 40' 02", a distance of 30.60 feet (the long chord of which bears North 63° 02' 13" East, 27.70 feet); thence North 21° 12' 12" East, 123.84 feet; thence along the arc of a 20.00 foot radius curve to the left having a central angle of 90° 00' 00", a distance of 31.42 feet (the long chord of which bears North 23° 47' 48" West, 28.28 feet); thence North 68° 47' 48" West, 50.00 feet; thence North 21° 12' 12" East, 41.00 feet; thence North 68° 47' 48" West, 190.48 feet to the Easterly right-of-way line of the aforesaid relocated North Mountain Avenue; thence along said right-of-way line, North 19° 58' 44" East, 144.96 feet to an angle point; thence North 134° 40' East, 134.48 feet to the North line of Lot 30, said ASHLAND ACRES; thence along said North line, South 89° 27' 08" East, 188.93 feet to the Southeast right-of-way line of Interstate 5, as described in Volume 517, Page 173, said Deed Records; thence along said right-of-way line, South 49° 06' 49" East, 366.25 feet to the East line of Lot 30, said ASHLAND ACRES; thence along said East line, North 89° 27' 08" East, 188.93 feet; thence North 89° 27' 08" East, 188.93 feet; thence North 89° 27' 08" East, 188.93 feet; thence South 66° 12' 12" West, 28.28 feet; thence South 21° 12' 12" West, 105.74 feet; thence along the arc of a 20.00 foot curve to the left having a central angle of 92° 19' 58", a distance of 32.23 feet (the long chord of which bears South 24° 57' 47" East, 28.65 feet); thence South 23° 28' 19" West, 41.13 feet; thence along the arc of a 20.00 foot curve to the left having a central angle of 87° 40' 02", a distance of 30.60 feet (the long chord of which bears South 24° 57' 47" East, 28.65 feet); thence South 21° 12' 12" West, 115.62 feet; thence along the arc of a 20.00 foot curve to the left having a central angle of 90° 40' 37", a distance of 105.38 feet (the long chord of which bears South 10° 47' 18" East, 100.52 feet); thence South 41° 07' 46" East, 39.74 feet; thence along the arc of a 120.50 foot radius curve to the right having a central angle of 26° 53' 12", a distance of 160.51 feet (the long chord of which bears South 7° 41' 10" East, 56.03 feet); thence South 141° 14' 34" East, 9.48 feet; thence along the arc of a 210.00 foot radius curve to the right having a central angle of 18° 42' 31", a distance of 160.51 feet (the long chord of which bears South 7° 41' 10" East, 56.03 feet); thence along said boundary of said MOUNTAIN MEADOWS SUBDIVISION, PHASE 1; thence along said boundary along the arc of a 210.00 foot curve to the right having a central angle of 42° 44', a distance of 16.30 feet (the long chord of which bears South 31° 46' 20" West, 16.29 feet); thence South 33° 59' 43" West, 95.12 feet; thence along the arc of a 120.50 foot radius curve to the right having a central angle of 22° 50' 05", a distance of 48.34 feet (the long chord of which bears South 45° 22' 16" West, 49.02 feet); thence North 33° 01' 12" West, 41.00 feet; thence South 56° 58' 48" West, 34.12 feet; thence along the arc of a 70.51 foot curve to the right having a central angle of 33° 00' 25", a distance of 45.80 feet (the long chord of which bears South 73° 29' 01" West, 45.17 feet); thence South 89° 59' 13" West, 65.65 feet; thence along the arc of a 20.00 foot curve to the right having a central angle of 14° 20', a distance of 31.44 feet (the long chord of which bears North 44° 58' 37" West, 28.30 feet) to the INITIAL POINT OF BEGINNING.

POST MONUMENTATION
The deferred monuments shown on Sheets 2 & 3 will be set by June 30, 1998.

The deferred monuments are now set. See Doc. 00-11930.
ORJCO, this 22nd day of March, 1998 (See SN 16473)

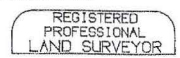
Approved: James E. Hibbs
Jackson County Surveyor



James E. Hibbs
SURVEYOR

SURVEY NARRATIVE TO COMPLY WITH O.R.S. 209.250

PURPOSE: To survey and monument the exterior of MOUNTAIN MEADOWS SUBDIVISION PHASE 2. See Ashland, PA #96-007.
PROCEDURE: The exterior of Lot 30, ASHLAND ACRES, was computed and shown on MOUNTAIN MEADOWS SUBDIVISION PHASE 1. The monuments on the boundary as Interstate 5, and calculated the centerline R/W of relocated North Mountain Avenue per Vol. 517, P. 173, JCDR, and calculated the centerline R/W of relocated North Mountain Avenue per Vol. 539, P. 64, JCDR. The exterior boundary of the exterior, streets & Lots of PHASE 2, per the tentative plat and set the exterior boundary of PHASE 2, with the remaining corners being deferred as shown on Sheets 2.



James E. Hibbs
OREGON
JULY 17, 1986
JAMES E. HIBBS
228

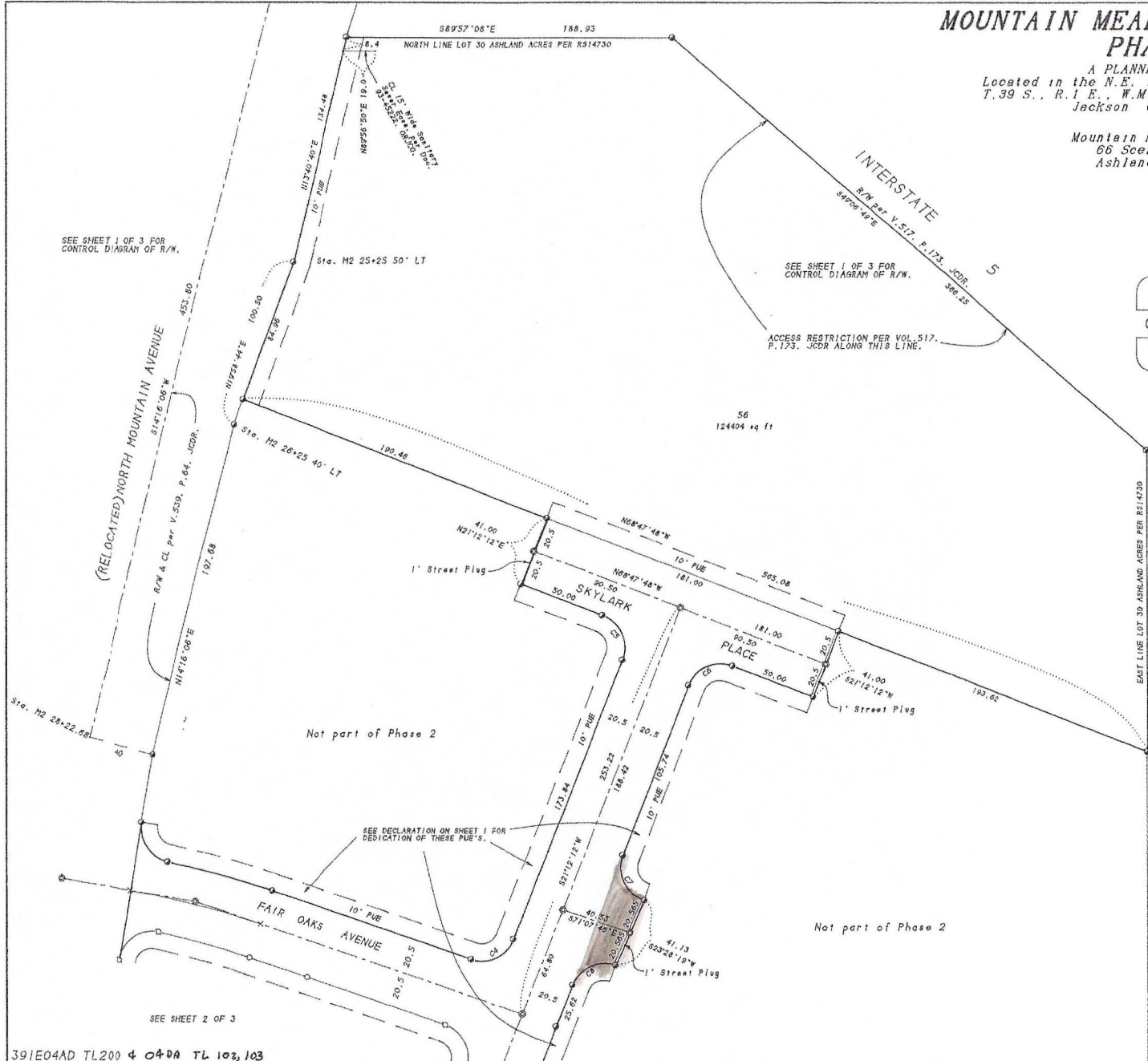
SHEET 1 OF 3
Renewal Date 6-30-97 95-161-2-EP1

19 7 11/97

MOUNTAIN MEADOWS SUBDIVISION PHASE 2

A PLANNED COMMUNITY
Located in the N.E. 1/4 & S.E. 1/4 of Sec. 4,
T.39 S., R.1 E., W.M. City of Ashland
Jackson County, Oregon
for
Mountain Meadows L.L.C.
66 Scenic Avenue
Ashland, OR 97520

REGISTERED
PROFESSIONAL
LAND SURVEYOR
James E. Hibbs
CREATED
JULY 17, 1996
JAMES E. HIBBS
2234
Renewal Date 6-30-97



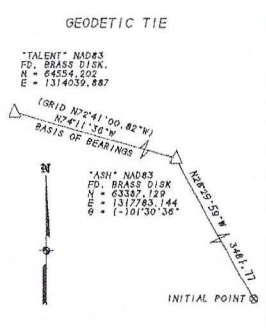
RECEIVED
Date 6-5-96 By *JFH*
This survey consists of
3 sheets plus
0 sheets of
JACKSON COUNTY
SURVEYOR

I HEREBY CERTIFY THAT THIS IS AN
EXACT COPY OF THE ORIGINAL PLAT.
James E. Hibbs
SURVEYOR

SHEET 3 OF 3

391E04D TL200 4 04DA TL 103, 103

CURVE DATA TABLE				
NO.	RADIUS	DELTA	LENGTH	LONG CHORD or COURSE
C1	20.00	88°0'51"	30.78	S89°55'54"E 2.26
C2	495.73	0°2'03"	63.75	N82°24'54"E 27.83
C3	20.00	87°0'00"	30.60	S74°48'48"E 63.70
C4	20.00	90°0'00"	31.42	N65°03'13"E 27.70
C5	20.00	90°0'00"	31.42	N23°45'48"W 26.28
C6	20.00	90°0'00"	31.42	S66°12'18"W 26.28
C7	20.00	92°5'58"	32.23	S29°52'44"E 26.83
C8	20.00	87°0'00"	30.60	S65°02'13"W 27.70
C9	20.00	90°0'00"	31.42	S105°38'12"E 100.53
C10	120.30	28°0'12"	56.55	S24°41'12"E 56.03
C11	210.00	43°0'31"	160.51	S14°14'38"E 28.48
C12	210.00	24°0'48"	16.30	S07°30'11"W 156.63
C13	120.30	28°0'05"	48.34	S31°46'26"W 16.28
C14	20.00	90°0'00"	31.42	S65°03'13"E 27.70
C15	20.00	90°0'00"	31.42	S73°29'01"W 45.17
C16	20.00	90°0'00"	31.42	N45°58'31"E 28.30
C17	20.00	90°0'00"	31.42	S89°26'54"W 2.67
C18	20.00	90°0'00"	31.42	S89°55'54"E 3.96
C19	20.00	90°0'00"	31.42	S17°27'16"W 31.68
C20	79.50	22°0'05"	31.89	S09°55'35"E 136.12
C21	169.00	48°4'17"	142.28	S22°00'51"W 41.08
C22	169.00	13°44'41"	41.18	S05°16'03"W 86.14
C23	169.00	29°0'52"	87.10	N10°47'18"E 141.95
C24	169.00	04°44'11"	14.00	S27°41'10"E 36.96
C25	79.50	28°0'12"	37.31	N17°47'18"E 141.95
C26	140.50	02°4'42"	146.80	S39°56'25"E 141.95
C27	140.50	60°5'58"	3.67	S20°15'07"E 89.47
C28	140.50	37°5'58"	91.03	S08°56'01"E 517.8
C29	140.50	21°0'00"	32.09	S19°33'11"W 28.45
C30	20.00	90°0'57"	31.65	S74°38'32"E 55.72
C31	454.73	0°2'03"	55.72	S53°45'22"E 28.82
C32	20.00	92°0'42"	32.18	



MOUNTAIN MEADOWS SUBDIVISION PHASE 2

A PLANNED COMMUNITY
Located in the N.E. 1/4 & S.E. 1/4 of Sec. 4,
T.39 S., R.1 E., W.M. City of Ashland
Jackson County, Oregon
for
Mountain Meadows L.L.C.
66 Scenic Avenue
Ashland, OR 97520

SURVEY BY: L.J. Friar & Associates, P.C.
Consulting Land Surveyors
304 South Holly Street
Medford, Oregon 97501
Phone: (541) 772-2782

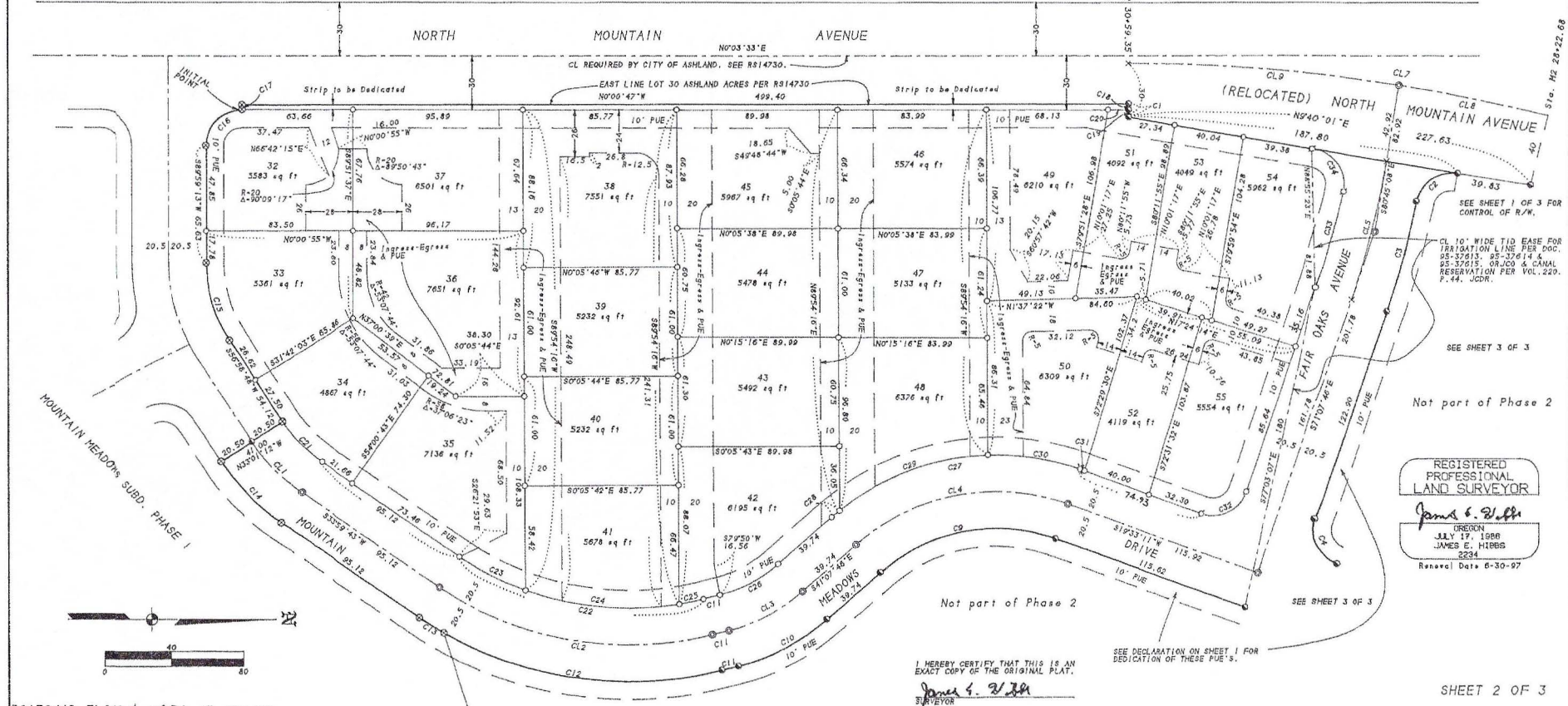
LEGEND:

- Found 5/8" Iron pin per RS3589.
- ✱ Found OSMD brass disk in concrete.
- ⊙ Found 5/8" iron pin w/ plastic cap mkd. L.J.FRIAR & ASSOC. per MOUNTAIN MEADOWS SUBDIVISION, PHASE 1.
- Set 5/8" x 30" iron pin w/ plastic cap mkd. L.J.FRIAR & ASSOC.
- Set 5/8" x 24" iron pin w/ plastic cap mkd. L.J.FRIAR & ASSOC. deferred.*
- Set 5/8" x 30" iron pin w/ plastic cap mkd. L.J.FRIAR & ASSOC. deferred.*
- ⊙ Set 1" x 30" galv. iron pipe w/ 2 1/2" brass disk mkd. L.J.FRIAR & ASSOC. in monument case, deferred.

() - Record data as shown. PR - Plat Record. DR - Deed Record.
ORJCO - Official Records of Jackson County, Oregon. RS - Recorded Survey #.
CL - Centerline PUE - Public Utility Easement, including TC; Cablevision.
CL CI - See course data table. JCDR - Jackson County Deed Records.

BASIS OF BEARINGS: NAD83 True bearing between Stations "ASH" & "TALENT".
DATE: January 29, 1996 SCALE: 1" = 40' UNIT OF MEASUREMENT: Feet

CENTERLINE OF STRAITS & (RELOCATED) NORTH MOUNTAIN AVENUE				
CL1	100.00	22°0'05"	40.17	N45°29'16"E 30.85
CL2	149.50	48°4'17"	139.54	N0°25'35"E 34.87
CL3	100.00	28°0'12"	46.93	N2°41'10"W 46.50
CL4	120.30	28°0'05"	127.09	N10°47'18"E 100.13
CL5	475.23	0°2'03"	79.81	S75°59'27"E 70.72
CL6	286.48	24°0'48"	129.09	S28°16'04"W 100.13
CL7	654.30	14°4'00"	236.67	S07°10'06"W 236.06
CL8	654.30	05°1'14"	83.68	S1°45'29"W 83.68
CL9	654.30	09°0'46"	156.82	S04°30'22"W 156.83



391E04AD TL240 & O4DA TL 102,103

14987 11/97

FARBER CONSULTING

• FARBER & SONS, INC. • POST OFFICE BOX 5286 • CENTRAL POINT, OR 97502 •

September 19, 2022

City Council and Mayor
20 East Main Street
Ashland, Oregon 97520

Re: Partial Street right of way vacation Mountain Meadows Drive.

Councilors and Mayor;

This request is for the City Council to initiate the vacation of public right of way, dedicated to the city on the 1996 Mountain Meadows Subdivision, Phase 2 plat. Also, to and Quit Claim a street plug deeded to the city on this plat as illustrated on the accompanying exhibit maps/plat copy. The area requested for vacation was approved in 1996 as a future street approach as a part of a future development plan. This plan was revised, with the property now fully developed, the street approach was never utilized. The street approach now has a portion of a private parking lot and driveway constructed on it as well as the street plug for the Mountain Meadows Parkside Condominium development. This section of Mountain Meadows Drive is improved to City standards with a straight-line curb and gutter and other improvements as noted.

Planning Action PA-T2-2020-00026 approval for Mountain Meadows Estates, LLC approved plan shows the northerly curb return for the proposed vacation but inadvertently did not show it as public right of way. Portions of this area along with the street plug lies in an approved property line adjustment to provide proper building setbacks to buildings approved by this planning action. The property line adjustment and the final plat for the approved planning action cannot proceed without the right of way being vacated and street plug Quit Claimed back to private ownership.

The following quoted Oregon Revised Statute authorizes the city to initiate the vacation on their own motion.

271.130 Vacation on city governing body's own motion; appeal. (1) *The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.*

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

The vacation of this public right of way area for the street approach has no impact on traffic flow or public safety. It does resolve many existing issues and appears to be in the best interest of all concerned parties.

Mountain Meadows Estates, LLC will pay all reasonable fees for staff time and expenses for notices to processing this request.

Respectfully submitted,



HERBERT A. FARBER

EMAIL: herb@farberconsulting.biz

PHONE: 541-664-5599

CC: City Administrator, Joe Lessard
Public Works Director, Scott Fluery

VACATION DESCRIPTION

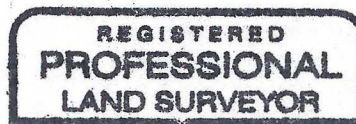
A tract of land within the right of way of Meadows Drive, as created on the plat of Mountain Meadows Subdivision, Phase 2 recorded in Volume 21, Page 22 of the Plat Records of Jackson County, Oregon, located in the Northeast Quarter of Section 4, Township 39 South, Range 1 East of the Willamette Meridian, in the City of Ashland, said County and State, more particularly described as follows:

Commencing at a brass disk monumenting the center line intersection of Meadows Drive and Skylark Place, located in the Northeast Quarter of Section 4, Township 39 South, Range 1 East of the Willamette Meridian, in the City of Ashland, Jackson County, Oregon; thence South $21^{\circ}12'12''$ West, along the centerline of Meadows Drive, a distance of 146.40 feet; thence South $68^{\circ}47'48''$ East, leaving said centerline, a distance of 20.50 feet, to the southeasterly right of way line of said road and the POINT OF BEGINNING; thence along said right of way through the following courses, along the arc of a curve to the left having a radius of 20.00 feet, a central angle of $92^{\circ}19'58''$, a length of 32.23 feet and a long chord bearing and distance of South $24^{\circ}57'47''$ East, 28.85 feet; thence South $23^{\circ}28'20''$ West, a distance of 41.13 feet; thence along the arc of a curve to the left having a radius of 20.00 feet, a central angle of $87^{\circ}40'02''$, a length of 30.60 feet and a long chord bearing and distance of South $65^{\circ}02'13''$ West, 27.07 feet; thence, leaving said right of way, North $21^{\circ}12'12''$ East, a distance of 81.06 feet, to the POINT OF BEGINNING.

LESS AND EXCEPTING:

The 1' street plug deeded to the City of Ashland per Mountain Meadows Subdivision, Phase 2 recorded in Volume 21, Page 22 of the Plat records of Jackson County, Oregon.

Prepared by:
Terrasurvey, Inc.
274 Fourth Street
Ashland, Oregon 97520

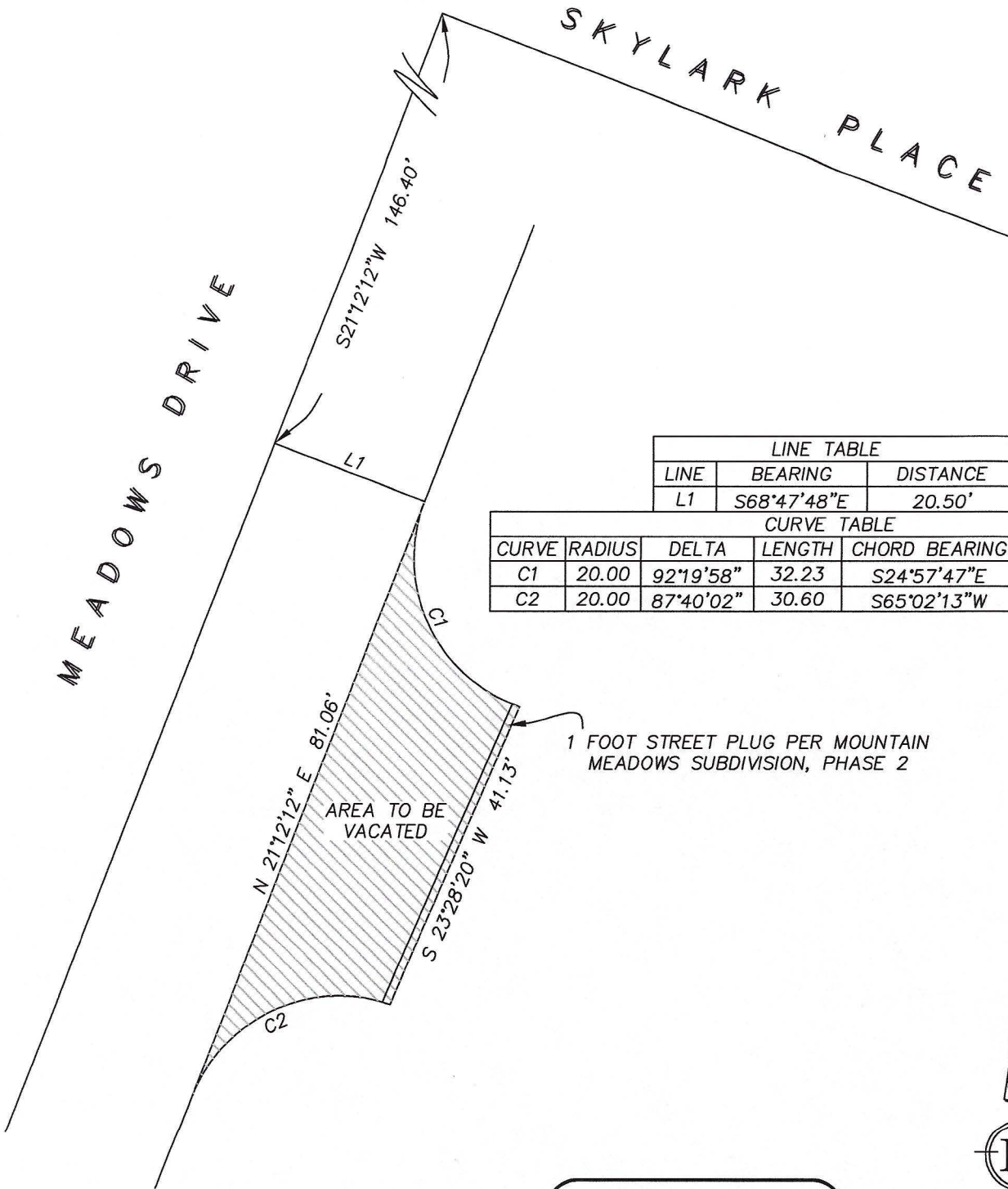


Fred A. Frantz



Renewal 12-31-22

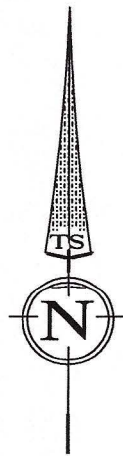
EXHIBIT 'A'
VACATION AREA



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S68°47'48"E	20.50'

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD LENGTH
C1	20.00	92°19'58"	32.23	S24°57'47"E	28.85'
C2	20.00	87°40'02"	30.60	S65°02'13"W	27.70'

1 FOOT STREET PLUG PER MOUNTAIN MEADOWS SUBDIVISION, PHASE 2



TERRASURVEY, INC.

PROFESSIONAL LAND SURVEYORS

274 FOURTH STREET
ASHLAND, OREGON 97520

(541) 482-6474
terrain@bisp.net
JOB NO. 1621-22

REGISTERED
**PROFESSIONAL
LAND SURVEYOR**

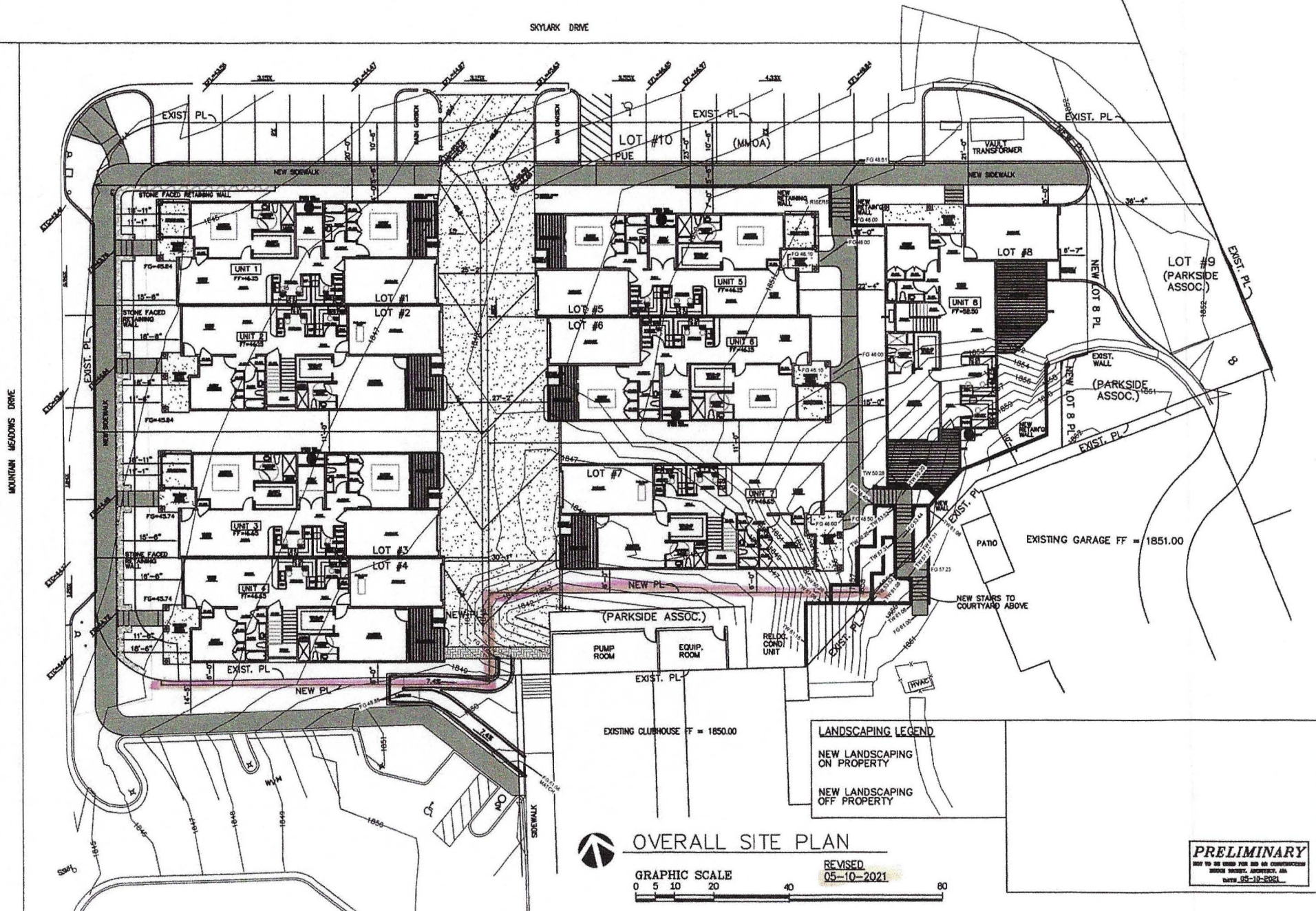
Fred A. Frantz

OREGON
JULY 12, 2005
FRED A. FRANTZ
No. 50077

Renewal 12-31-23

DATE: AUGUST 29, 2022
SCALE: 1" = 20'

PA-T2-2020-00026



OVERALL SITE PLAN

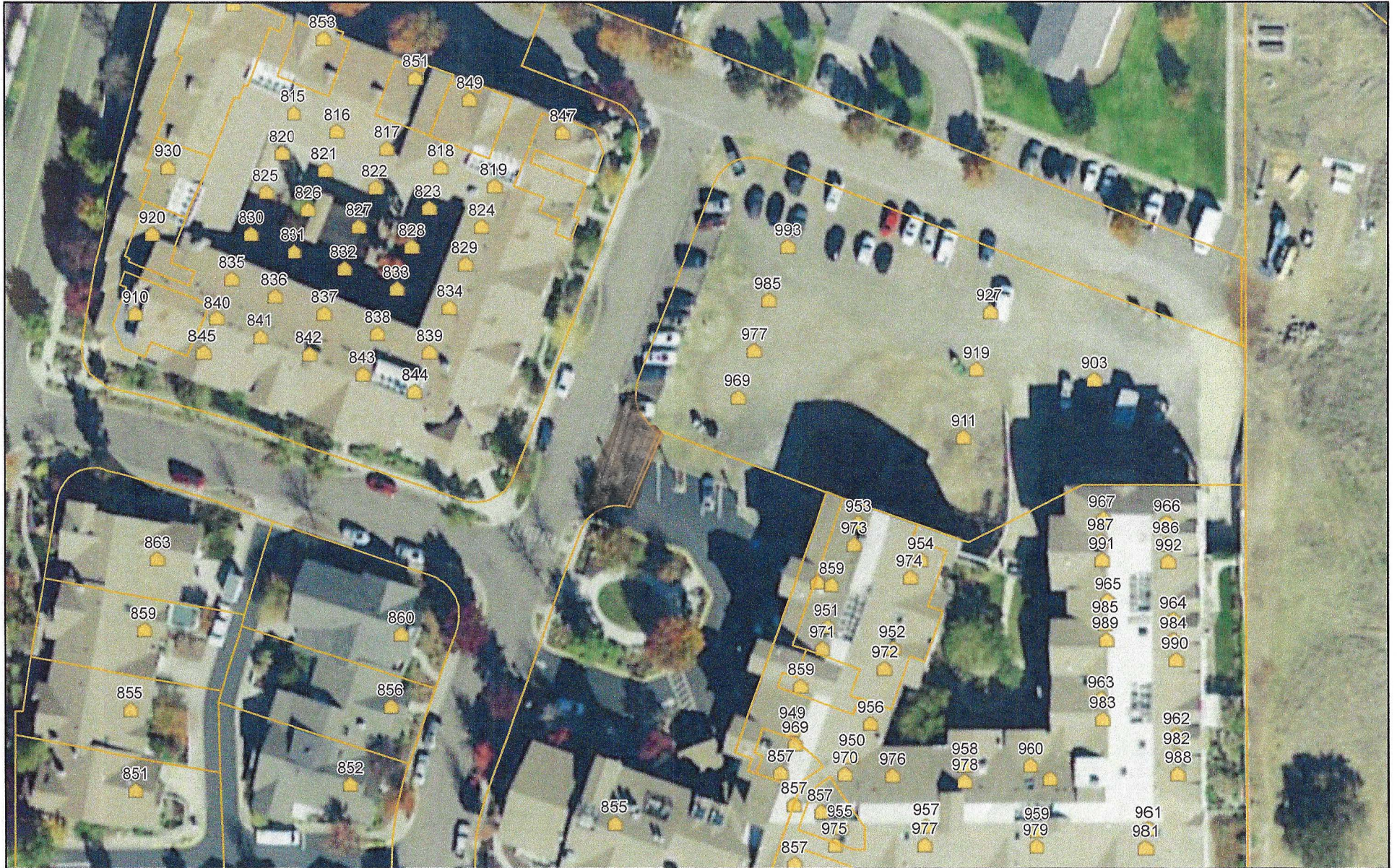
GRAPHIC SCALE 0 5 10 20 40 80
 REVISED 05-10-2021

LANDSCAPING LEGEND



- NEW LANDSCAPING ON PROPERTY
- NEW LANDSCAPING OFF PROPERTY

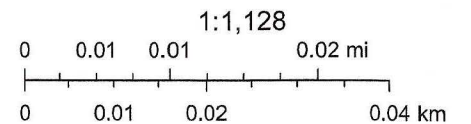
PRELIMINARY
 NOT TO BE USED FOR ANY CONSTRUCTION
 BEFORE REVIEW, APPROVAL, AND
 DATE 05-10-2021

ArcGIS Web Map



9/12/2022, 4:27:04 PM

-  Tax Lots
-  Site Address Point



Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team

APPROVAL Bill Hill 5/23/96
Ashland Planning Commission
PA #96-07 Subdivision

We certify that pursuant to authority granted to us by the Ashland Planning Commission in open meeting January 9, 1996 this plot is hereby approved.
Dated this 23rd day of MAY, 1996.

Barbara R. Jordin President
John M. Campbell Secretary

APPROVALS:

EXAMINED AND APPROVED this 22nd day of May, 1996.

James H. Olson
City Surveyor

EXAMINED AND APPROVED as required by ORS 92.100 as of 30 May, 1996.

Mark Anne Deputy
Assessor, Department of Assessment

ALL TAXES, FEES, ASSESSMENTS or other charges as required by ORS 92.095 have been paid as of May 30, 1996.

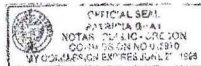
Carol Applegate, Deputy
Tax Collector

DECLARATION
Know all men by these presents that MOUNTAIN MEADOWS L.L.C. is the owner in fee of the lands shown on this plot, more particularly described in the Surveyor's Certificate, and has caused the same to be subdivided into the lots and streets as shown, and that the size of the lots and the course and length of all lines are plainly set forth, and that this plot is a correct representation of the Subdivision and that it hereby dedicates to the City of Ashland the Street Plugs and hereby dedicates to the City of Ashland for public use the streets and the strips along the Eastern line of North Mountain Avenue together with those easements shown on Sheets 2 & 3 (labeled as Public Utility Easement (PUE)) with the condition that TCI Cablevision has the right to use said PUE. It hereby establishes those easements shown on Sheets 2 & 3 (labeled as Ingress-Egress Easements, Hunter S. Hill and Madeline Hill) hereby states that we are the owners in fee of the lands lying under the PUE, shown on Sheets 2 & 3 that lie outside of the Subdivision Boundary as described in the Surveyor's Certificate by virtue of Decree No. 89-23263, Official Records of Jackson County, Oregon and that we hereby dedicate to the City of Ashland the said PUE that lie outside of the Subdivision Boundary, MOUNTAIN MEADOWS L.L.C. hereby designates said Subdivision as MOUNTAIN MEADOWS SUBDIVISION, PHASE 2.

Hunter S. Hill Member
MOUNTAIN MEADOWS L.L.C.
Madeline Hill Manager
MOUNTAIN MEADOWS L.L.C.

STATE OF OREGON)
COUNTY OF JACKSON)
PERSONALLY appeared the above named Hunter S. Hill and Madeline Hill, and acknowledged the foregoing instrument to be their voluntary act and deed.
Dated this 9th day of April, 1996.

Before me, Patricia Gray
Notary Public of Oregon.



AFFIDAVITS OF CONSENT

From the MARY ANN JACOBSON TRUST recorded as Doc. No. 96-17828, ORJCO.

I HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.
James H. Olson
SURVEYOR

391E04D TL201 & 04DA TL 102,103

MOUNTAIN MEADOWS SUBDIVISION PHASE 2

A PLANNED COMMUNITY
Located in the N.E. 1/4 & S.E. 1/4 of Sec. 4,
T.39 S., R.1 E., W.M., City of Ashland
Jackson County, Oregon
for
Mountain Meadows L.L.C.
66 Scenic Avenue
Ashland, OR 97520

RECORDING
For order of the County Court approving this Plat see Volume _____ Page _____ of the County Commissioner's Journal of Proceedings.

Filed for record this 5 day of June, 1996 at 3:15 o'clock P. and recorded in Volume 31 of Plats at Page 27 of records of Jackson County, Oregon.

Kathleen S. Berkott County Clerk
Cheryl Cogerud Deputy

Declaration of Covenants, Conditions and Restrictions recorded as Doc. _____ Official Records of Jackson County, Oregon.

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 HEREOIN 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 Westerly Northwest corner of MOUNTAIN MEADOWS SUBDIVISION, PHASE 1, according to the official plat thereof now of record in Jackson County, Oregon, said point being North 00° 42' West, 488.40 feet to the Southeast corner of Lot 30 of ASHLAND ACRES, according to the official plat thereof, now of record, in Jackson County, Oregon; thence North 89° 26' 54" East, 2.67 feet to the INITIAL POINT OF BEGINNING; thence South 89° 26' 54" West, 2.67 feet, to said Westerly Northwest corner; thence along the West line of said Lot 30, North 00° 42' West, 499.40 feet to the Southwest right-of-way line of relocated North Mountain Avenue as described in Volume 59 of Jackson County Deed Records; thence along said right-of-way line, South 89° 55' 54" East, 7.26 feet to an angle point; thence North 94° 00' South, 187.80 feet; thence leaving said right-of-way line, along the arc of a 20.00 foot radius curve to the left having a central angle of 88° 09' 51", a distance of 30.78 feet (the long chord of which bears South 34° 24' 54" East, 27.70 feet; thence along the arc of a 20.00 foot radius curve to the right having a central angle of 2° 22' 03", a distance of 63.75 feet (the long chord of which bears South 74° 48' 48" East, 63.70 feet); thence South 71° 09' 46" East, 122.90 feet; thence along the arc of a 20.00 foot radius curve to the left having a central angle of 87° 40' 02", a distance of 30.60 feet (the long chord of which bears North 63° 02' 13" East, 27.70 feet); thence North 21° 12' 12" East, 123.84 feet; thence along the arc of a 20.00 foot radius curve to the left having a central angle of 90° 00' 00", a distance of 31.42 feet (the long chord of which bears North 23° 47' 48" West, 28.28 feet); thence North 68° 47' 48" West, 50.00 feet; thence North 21° 12' 12" East, 41.00 feet; thence North 68° 47' 48" West, 190.48 feet to the Easterly right-of-way line of the aforesaid relocated North Mountain Avenue; thence along said right-of-way line, North 19° 58' 44" East, 144.96 feet to an angle point; thence North 134° 40' East, 134.48 feet to the North line of Lot 30, said ASHLAND ACRES; thence along said North line, South 89° 57' 08" East, 188.93 feet to the Southeast right-of-way line of Interstate 5, as described in Volume 517, Page 173, said Deed Records; thence along said right-of-way line, South 49° 06' 49" East, 366.25 feet to the East line of Lot 30, said ASHLAND ACRES; thence along said East line, North 89° 57' 08" East, 115.00 feet; thence North 68° 47' 48" West, 193.02 feet; thence South 21° 12' 12" West, 41.00 feet; thence North 68° 47' 48" West, 50.00 feet; thence along the arc of a 20.00 foot curve to the left having a central angle of 32° 23' 32" East, 28.28 feet; thence North 21° 12' 12" West, 105.74 feet; thence along the arc of a 20.00 foot curve to the left having a central angle of 92° 19' 58", a distance of 32.23 feet (the long chord of which bears South 24° 57' 47" East, 28.85 feet); thence South 23° 28' 19" West, 41.13 feet; thence along the arc of a 20.00 foot curve to the left having a central angle of 87° 40' 02", a distance of 30.60 feet (the long chord of which bears South 24° 57' 47" East, 28.85 feet); thence South 21° 12' 12" West, 25.62 feet; thence South 19° 33' 11" West, 115.62 feet; thence along the arc of a 99.50 foot radius curve to the left having a central angle of 60° 40' 37", a distance of 105.38 feet (the long chord of which bears South 10° 47' 18" East, 100.32 feet); thence South 41° 07' 46" East, 39.74 feet; thence along the arc of a 120.50 foot radius curve to the right having a central angle of 26° 53' 12", a distance of 160.51 feet (the long chord of which bears South 7° 41' 10" East, 56.03 feet); thence South 141° 14' 34" East, 9.48 feet; thence along the arc of a 210.00 foot radius curve to the right having a central angle of 18° 42' 31", a distance of 160.51 feet (the long chord of which bears South 7° 41' 10" East, 56.03 feet); thence South 73° 29' 01" West, 45.17 feet; thence South 89° 59' 13" West, 65.65 feet; thence along the arc of a 20.00 foot curve to the right having a central angle of 14° 20' 20", a distance of 31.44 feet (the long chord of which bears North 44° 58' 37" West, 28.30 feet) to the INITIAL POINT OF BEGINNING.

POST MONUMENTATION

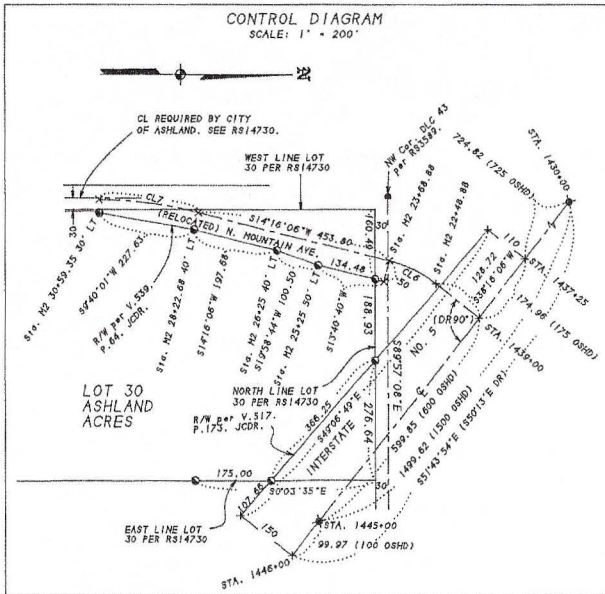
The deferred monuments shown on Sheets 2 & 3 will be set by June 30, 1998.

James L. White
Surveyor

The deferred monuments are now set. See Doc. 00-11930.

ORJCO, this 22nd day of March, 1990 (See SN 16473)

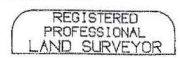
Approved: Robert R. White
Jackson County Surveyor



James L. White
SURVEYOR

SURVEY NARRATIVE TO COMPLY WITH O.R.S. 209.250

PURPOSE: To survey and monument the exterior of MOUNTAIN MEADOWS SUBDIVISION PHASE 2. See Ashland, PA #96-007.
PROCEDURE: The exterior of Lot 30, ASHLAND ACRES, was computed and shown on MOUNTAIN MEADOWS SUBDIVISION PHASE 1. The monuments on the corners as Interstate 5, and calculated the centerline R/W of relocated North Mountain Avenue per Vol. 539, P. 64. JCDR calculated the position of the exterior, streets & Lots of PHASE 2, per the tentative plat and set the exterior of PHASE 2, with the remaining corners being deferred as shown on Sheets 2.



James L. White
OREGON
JULY 17, 1986
JAMES E. HIBBS
228

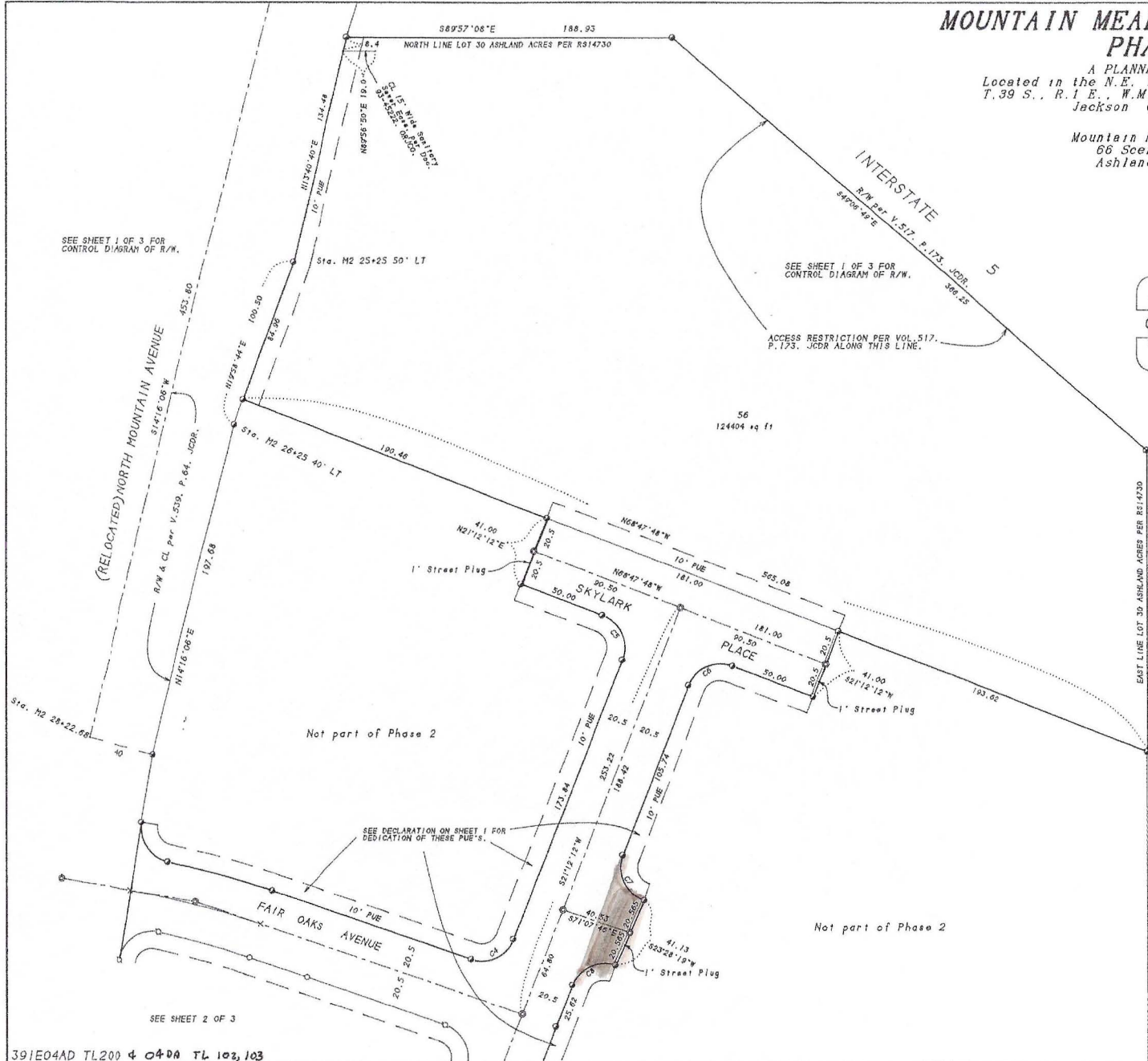
SHEET 1 OF 3
Renewal Date 6-30-97 95-161-2-EP1

19 7
11/197

MOUNTAIN MEADOWS SUBDIVISION PHASE 2

A PLANNED COMMUNITY
Located in the N.E. 1/4 & S.E. 1/4 of Sec. 4,
T.39 S., R.1 E., W.M. City of Ashland
Jackson County, Oregon
for
Mountain Meadows L.L.C.
66 Scenic Avenue
Ashland, OR 97520

REGISTERED
PROFESSIONAL
LAND SURVEYOR
James E. Hibbs
CREATED
JULY 17, 1996
JAMES E. HIBBS
2234
Renewal Date 6-30-97



SEE SHEET 1 OF 3 FOR
CONTROL DIAGRAM OF R/W.

SEE SHEET 1 OF 3 FOR
CONTROL DIAGRAM OF R/W.

ACCESS RESTRICTION PER VOL. 517,
P. 173, JCDR ALONG THIS LINE.

Not part of Phase 2

Not part of Phase 2

SEE DECLARATION ON SHEET 1 FOR
DEDICATION OF THESE PUB'S.

SEE SHEET 2 OF 3

RECEIVED
Date 6-5-96 By *JFH*
This survey consists of
3 sheets plus
0 sheets of
JACKSON COUNTY
SURVEYOR

I HEREBY CERTIFY THAT THIS IS AN
EXACT COPY OF THE ORIGINAL PLAT.
James E. Hibbs
SURVEYOR

SHEET 3 OF 3

391E04AD TL200 4 04DA TL 103, 103

