



# Planning Commission Minutes

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**  
**Minutes**

## **I. CALL TO ORDER:**

Chair Verner had a scheduled absence from this meeting. Vice-Chair Knauer called the meeting to order at 7:00 p.m. at the Civic Center Council Chambers, 1175 E. Main Street.

### **Commissioners Present:**

Doug Knauer  
Kerry KenCairn  
Eric Herron  
Russell Phillips  
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:**

Lisa Verner

### **Council Liaison:**

Paula Hyatt

## **II. ANNOUNCEMENTS**

Community Development Director Brandon Goldman made the following announcement:

- The City will hold its annual town hall meeting on January 24, 2024, 5:30-7:30 p.m. at the Rogue River Room on the SOU campus. The Mayor will give the State of the City address, and awards will be given to residents for their volunteer work over the past year.

## **III. CONSENT AGENDA**

### **1. Approval of Minutes**

- a. December 12, 2023 Regular Meeting

Commissioner MacCracken Jain suggested a non-substantive change to page five of the December 12, 2023 minutes.

**Commissioners KenCairn/Perkinson m/s to approve the consent agenda with correction suggested by Commissioner MacCracken Jain. Voice Vote: All AYES. Motion passed 6-0.**





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## IV. PUBLIC FORUM

**James Jarrard**/Mr. Jarrard noted that the Pledge of Allegiance was not made at the onset of the meeting. Vice-Chair Knauer informed him that it is not common practice for it to be recited during Commission or Advisory Committee meetings.

Mr. Jarrard directed the Commission's attention to public testimony that he had submitted into the record for the Commission's review of PA-T2-2023-00043, 192 N. Mountain Avenue at the November 14, 2023 Regular Meeting. He stated that these letters contained an unintentional clerical error (see attachment #1). He apologized for this error, and expressed his appreciation for the Commission. He added that he will be implementing stronger quality control measures to ensure such errors are not repeated. Mr. Jarrard also submitted a written apology to Chair Verner and the City Recorder's office the record expressing his apologies, and requested that this apology be including in the Public Record. He also requested that the error be corrected in public documents from past meetings.

## V. UNFINISHED BUSINESS

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

#### Ex Parte Contact

Commissioner Herron disclosed a site visit. No ex parte contact or other site visits were declared.

#### Deliberation and Decision

Commissioner Phillips inquired if the dates on section 2.2 of the findings were correct. Mr. Anderson responded that those dates were in error and would be corrected in the final draft of the findings.

**Commissioners Perkinson/Phillips m/s to approve the findings as proposed with the correction noted by Commissioner Phillips. Roll Call Vote: All AYES. Motion passed 6-0.**

## 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





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## **Ex Parte Contact**

Commissioners KenCairn and MacCracken Jain stated that they have had social engagements with the applicant through the Rotary Club, but that this project was not discussed. Vice-Chair Knauer stated that he had conducted a site visit. No other ex parte contact or site visits were declared.

## **Staff Presentation**

Mr. Anderson began by outlining the request from the applicant. He stated that the requested exception to street standards is likely not warranted and that staff recommended that this portion of the application be denied. Mr. Anderson noted that the applicant had provided findings formatted similarly to City findings, which can be found on pages 79-87 of the packet, which reference approval of the exception to street standards. Mr. Anderson explained that these findings were cited by staff in their own findings, found on pages 57-73 of the packet, but were amended by staff to recommend denying the exception to street standards.

Mr. Anderson outlined how the application met density standards for cottage housing, stating that the City adopted standards that allow such housing in R-1-5 zones. He added that the City had approved four cottage housing developments since these changes took effect.

Regarding street standards, Mr. Anderson stated that the requested exception to the requirement for a park row is likely warranted given the width and curb location of the subject right-of-way (ROW). He added that the development of cottages on this property would allow for the installation of sidewalks that otherwise might not be installed in the near future. Staff recommended partially approving the exception to street standards by granting relief from the requirement of a park row, but requiring a 5ft-wide curb-tight sidewalk. Mr. Anderson noted that the installation of such a sidewalk would likely impact the fence on the southern edge of the property, but that this requirement would still be appropriate based on the proposed development (see attachment #2).

## **Questions of Staff**

Vice-Chair Knauer requested clarification regarding the impact on the fence if a sidewalk was required. Mr. Anderson responded that there is uncertainty where the property line falls, and that the fence might not need to be removed if it is more than 5ft from the property line.

Commissioner MacCracken Jain noted that the application referred to a proposed sidewalk running through the site would serve as access to the properties, and asked why this was not deemed to be sufficient by staff. Mr. Anderson responded that the pedestrian connectivity into the development to the proposed dwellings is a requirement of site design review, separate from the public facilities. Therefore, they do not provide the same aspect of a multimodal transport network by having pedestrian connectivity to Nevada Street. Commissioner KenCairn commented that one of the City's long-term goals is to have sidewalks on all streets with park rows. Mr. Goldman added that the internal sidewalks serving the proposed dwellings would not be publicly accessible, but the street





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sidewalks would be.

## **Applicant Presentation**

Alan Harper stated that his team had been developing this proposal prior to the pandemic. He welcomed the recent Climate Friendly and Equitable Communities (CFEC) rules that removed the requirement for applicants to provide parking as part of this development, which could free up space that could be used for communal amenities. Mr. Harper commented that this project was problematic to budget for, as dwellings without attached parking spaces are new to Oregon and makes pricing the dwellings difficult.

Mr. Harper stated that his team had discussed deferring the street standards, similar to a Low Impact Development (LID). He elaborated that the requested exception to street standards was warranted, but that his team would be willing to install sidewalks if the Commission required them.

## **Questions of the Applicant**

Commissioner MacCracken Jain asked staff why an LID would not be considered adequate. Mr. Goldman responded that an LID could be pursued, and it would be incumbent upon the City to establish an LID, and that 50% of the property owners within that area would need to sign in favor of the LID before it could be initialized by the City. He stated that there are alternatives available, and that the Commission could consider them. Mr. Harper discussed signing an LID in lieu of completing sidewalks along the street frontage.

Vice-Chair Knauer requested clarification over how the two cottages in the back of the development would be accessed. Mr. Harper responded that those properties would be reached by pedestrian access from Cambridge Street. Vice-Chair Knauer responded that he would then agree with staff's recommendation for sidewalks to be installed, otherwise residents would be required to walk on the street to access their homes.

Vice-Chair Knauer asked if it was the applicant's intention to split the lots. Mr. Harper responded that the property would be split into five lots, with one lot being a common area.

Vice-Chair Knauer closed the Public Hearing and Public Record at 7:37 p.m.

## **Deliberation and Decision**

Commissioner Herron emphasized the need for pedestrian traffic and street parking to be more closely considered with the new CFEC rules. He cautioned that more dwellings without off-street parking would make sidewalks more necessary. Commissioner KenCairn agreed that sidewalks should be required.

## **Commissioners Herron/KenCairn m/s to approve the application, excluding the park row**





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**exception as recommended by staff and approve the draft findings provided by staff. Roll Call Vote: All AYES. Motion passed 6-0.**

- 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

Vice-Chair Knauer noted that the Commission would make a recommendation to the City Council, which would then make a final decision on this item.

### **Ex Parte Contact**

No ex parte contact was declared. Commissioners KenCairn and MacCracken Jain related their familiarity with the site, and Vice-Chair Knauer disclosed a site visit.

### **Staff Presentation**

Mr. Severson described the site of the ROW to be vacated, located between South Mountain Avenue and Elkader Street, and outlined the criteria under which ROW vacations are typically reviewed by staff. These criteria include street connectivity; maintaining bike and pedestrian access; and providing any necessary utility easements to serve the future development of the area. Mr. Severson noted that this ROW vacation was initiated by the Council. He then described how the slopes present in this ROW exceed the allowed grade for a City street, rendering it unlikely to be developed by the City for such use in the future. Mr. Severson related staff's opinion that a mid-block pedestrian easement would be beneficial for the future walkability of the neighborhood. Staff also recommended reserving a public utility easement to support future development in the area (see attachment #3).

Staff recommended that the Commission recommend the Council approve the ROW vacation, with the requirement for easements for driveways, bike and pedestrian access, and utilities.

### **Questions of Staff**

Vice-Chair Knauer asked what purpose this process serves in general, and how it serves the residents adjacent to the proposed vacation. Mr. Severson responded that liability is removed from the City if the vacation takes effect, and that the vacated area would be evenly distributed to neighboring homeowners, increasing the size of their properties and also resulting in additional taxable land. Mr. Goldman added that this process was initially begun at the request of a resident to the City Manager, though the City is the applicant. A property owner also paid for the land to be





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surveyed at this vacation.

Commissioner KenCairn pointed out that the neighbors adjacent to the subject ROW would have more control over the area if it was vacated and could make improvements that might otherwise not be possible.

Commissioner Phillips asked if the current 15ft access between the parcels would be connected to the proposed access easement. Mr. Severson responded that the proposed access easement would support the existing driveways.

The Commission discussed who had historically paid for the surveys for ROW vacations. Vice-Chair Knauer asked who would pay for the survey if the applicant had not done so. Mr. Severson responded that the City had traditionally had a City surveyor to do these surveys, but no longer employed one. Therefore the homeowners would likely be asked to pay for a survey. Vice-Chair Knauer expressed concern that the City could be liable for any impairments to neighboring property values due to a survey that the City did not conduct itself. Mr. Severson remarked that this project would be subject to a formal hearing with the Council, where any concerns from adjacent property owners could be raised before the Council and City Attorney.

Commissioner MacCracken Jain asked if there was intent by the City to build a walkway through the easement, and if the City would be liable for any injuries sustained until a walkway is installed. Mr. Severson related that there are no current plans for a walkway installation, and the City merely wants to obtain the easement for that future possibility. He commented that there is currently a case going before the Oregon Supreme Court regarding recreational immunity for use of trails, so the issue of liability is yet to be determined. Mr. Goldman stated that the City is revising its Transportation System Plan and looking at making connections throughout the City, so this could potentially be added to a short-long term installation plan. He added that there is currently no expectation of a pedestrian connection to be installed by the City. He elaborated that there is fencing and a retaining wall that has been installed adjacent to Mountain Street that would likely need to be removed in order to create access to the existing Fern Street ROW. Mr. Goldman further noted that the public easement would go across private property, which would differ from pedestrian traffic through a public ROW.

### **Public Comments**

**Art Baden**/Mr. Baden declared that not all adjacent property owners requested this ROW vacation, and that this process was initiated by a property owner, Gil Livni, who applied for a subdivision to create what is now 619 and 621 Elkader Street and 1101 and 1107 Fern Street.

Mr. Baden expressed concerns that homeowners could become liable for any injuries sustained if the City vacates the ROW, particularly those adjacent to the proposed access easement. He requested





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that the access easement to South Mountain Avenue be excluded from the plan in order to remove any liability for adjacent homeowners.

**Gil Livni**/Mr. Livni expressed support for the ROW vacation, but emphasized that this request came from the City Manager, not himself. He stated that he is not concerned about the access easement, and that he does not believe that people would use the connection to access South Mountain Avenue because the grade is too steep.

Commissioner KenCairn remarked that the public easement would need to be removed if it was not going to be fully connected, as Mr. Baden suggested by requesting that the South Mountain Avenue section of the easement be excluded.

Mr. Severson suggested that the Commission could recommend that the Council consider liability issues when reviewing the easement. Vice-Chair Knauer clarified that the City's position was that the pedestrian accessibility was necessary due to the length of the block. Mr. Severson agreed, but added that staff determined that this accessibility would likely not be imminently available, and so an easement would not be necessary until the accessibility was there. Commissioner KenCairn cautioned that the access could be blocked in the interim in the easement is not already in place.

The Commission discussed the question of liability for public easements. KenCairn stated that the City is responsible for public easements. Commissioner MacCracken Jain asked if a private property owner could build a fence to block the public easement. Mr. Goldman responded that a public pedestrian easement would preclude a property owner from building an encroachment across that access.

Commissioner Herron pointed out that the Commission was tasked with making a recommendation to Council so it can go to a public hearing, therefore those legal aspects can be worked out at such a meeting by the Council.

Vice-Chair Knauer closed the Public Hearing and Public Record at 8:18 p.m.

### **Decision**

**Commissioners KenCairn/Perkinson m/s to recommend approval of the ROW vacation to Council as recommended by staff, and that the Council also review the question of liability with the City Attorney. Roll Call Vote: Commissioners Herron, Phillips, Perkinson, MacCracken Jain, KenCairn; AYE. Vice-Chair Knauer; NAY. Motion passed 5-1.**

**C. SUBJECT PROPERTY:** Public Right-of-Way adjacent to 39 IE 04AD Tax Lot #233 and #234







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**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

Vice-Chair Knauer noted that the map information appeared to be duplicated in the notice, and that one instance of the text "39 1E 04AD" could be removed.

### **Ex Parte Contact**

Commissioners Herron, KenCairn, and Phillips conducted site visits. Commissioner KenCairn stated that she had been involved in the Mountain Hills Estate project, which is adjacent to this ROW and could be impacted by its vacation, and recused herself. No other ex parte contact was declared.

### **Staff Presentation**

Mr. Severson described the location of the proposed ROW vacation as being between Mountain Meadows ROW and Golden Aspen. Mr. Severson stated that the area to be vacated consists of a driveway approach where a street had previously be planned, but the adjacent lot has now been fully developed. He noted that the vacation could have some effect on the platting of the adjacent Mountain Hill Estates development which was approved by the Commission in 2021.

Mr. Severson reiterated that most ROW vacations are reviewed by staff using the following criteria: street connectivity; maintaining bike and pedestrian access; and providing any necessary utility easements to serve the future development of the area. As currently platted in the Mountain Hill Estates subdivision, there is a 10ft-wide public utility easement along Mountain Meadows Drive that is bisected by the subject ROW. Staff recommended retaining a public utility easement across the vacation, making it continuous along the street. Mr. Severson noted that the Mountain Hills Estate project had an approved sidewalk plan associated with it, and suggested that the sidewalk to the south be extended to make this a continuous sidewalk, except where the existing driveway access is located.

Staff recommended that the Commission make a favorable recommendation to Council and request that sidewalks be provided and that continuous public utility easement be established.

### **Questions of Staff**

Commissioner MacCracken Jain asked staff to clarify if the northern curb was listed as part of the public ROW, as mentioned in a letter from Farber Consulting contained within the meeting packet. Mr. Goldman related how the approved planning application for the Mountain Hills Estate identified the northern curb as being square. It was revealed during the building application process that this curb was rounded and part of the public ROW, therefore a vacation of it would be necessary for the







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development to continue. This vacation was subsequently requested by the applicant.

Vice-Chair Knauer closed the Public Hearing and Public Record at 8:30 p.m.

### **Decision**

**Commissioners Perkinson/Phillips m/s to favorably support staff's recommendation and forward this to Council. Commissioner KenCairn recused herself. Roll Call Vote: All AYES. Motion passed 5-0.**

**V. OPEN DISCUSSION** – None

### **VI. ADJOURNMENT**

*Meeting adjourned at 8:32 p.m.*

*Submitted by,  
Michael Sullivan, Executive Assistant*

