

# Council Business Meeting

November 5, 2018

<b>Agenda Item</b>	Vacation of a Public Right-of-Way; A Portion of Terrace Street	
<b>From</b>	Scott Fleury P.E.	Deputy Public Works Director
<b>Contact</b>	<a href="mailto:Scott.fleury@ashland.or.us">Scott.fleury@ashland.or.us</a>	541-552-2412

## SUMMARY

Before the Council is a request to vacate a portion of public right-of-way. The right-of-way in question is a 2621.5 square foot section located at the current end of Terrace Street. A previous right-of-way vacation adjacent to this request was granted in 1947 by Ordinance 1065. This previously granted vacation eliminates the ability of a roadway connection between Terrace Street and Glenview Drive, but does grant an easement for the placement of public infrastructure at the discretion of the City.

## POLICIES, PLANS & GOALS SUPPORTED

*City Council:*

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

## PREVIOUS COUNCIL ACTION

No previous action on this item, but Council in 1947, previously approved the vacation of the adjacent right-of-way through Ordinance 1065.

## BACKGROUND AND ADDITIONAL INFORMATION

### **Right-of-Way Vacation Requirements:**

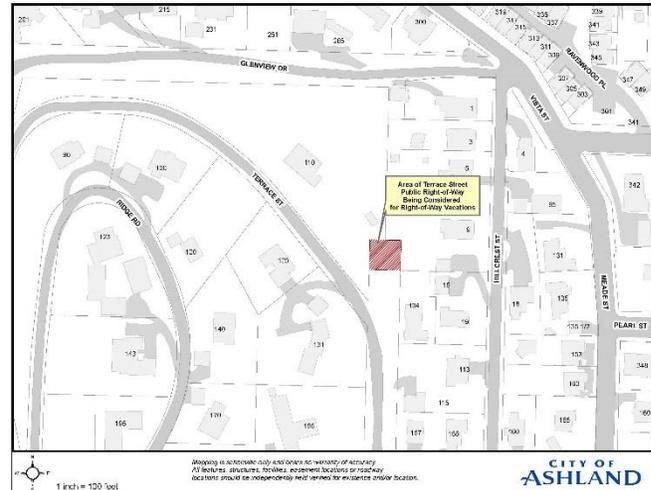
In order to appropriately process a right-of-way vacation certain state and local codes must be addressed. The Oregon Revised Statutes (ORS) and City of Ashland Municipal Code detail the requirements to vacate City property:

#### **4.18.010 Purpose**

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

#### **4.18.020 Application**

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



- Property owner submitted application fee of \$250 and petition to City recorder on March 12, 2018. **Condition is satisfied.**

#### **4.18.030 Review by Planning Commission**

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

- Engineering reviewed submitted petition and verified signatures and boundary of petition limits appropriate for right-of-way vacation to proceed. **Condition is satisfied.**
- The Planning Commission held a hearing on the matter at their May 8, 2018, meeting. **Condition is satisfied.**

#### **4.18.040 Public Hearings**

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

- The City recorder as required has advertised the public hearing. **Condition is satisfied.** Council will hold a public hearing as part of this proceeding.
- The Planning Commission meeting minutes are attached. **Condition is satisfied.**

#### **4.18.050 Action By Council**

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

- The City Council will hold a public hearing at the November 5, 2018, business meeting to hear and consider testimony on this proposed action.

#### **General Background:**

The City of Ashland was approached by the property owner at 9 Hillcrest Street about vacating a portion of the right-of-way adjacent to the property within the Terrace Street right-of-way. Staff informed the property owner of requirements for vacating city right-of-way which includes the appropriate petition and subsequent public hearings at the Planning Commission and City Council.

Public Works Engineering performed an initial assessment to determine if a right-of-way vacation would be in the public interest. The current dedicated, but non-opened right-of-way, provides driveway access to 9 Hillcrest Street and 110 Terrace Street. Staff has verified there are no public utilities within the right-of-way area request for vacation. No current plans exist for the connection between Terrace Street and Glenview Drive through this un-opened right-of-way as the Council previously approved a right-of-way vacation via Ordinance 1065 in 1947 eliminating that ability unless the property is reacquired. In addition, the slope of the property is estimated

to be 24% which exceeds the maximum grade allowable for roadway construction in the City's planning code section 18.4.6.040 (C) (5).

The previous vacation did account for the possibility for placement of public utilities at the discretion of the City. Staff has discussed this with the adjacent property owners and they understand the final map of survey for the vacation will account for a 10-foot-wide public utility easement across the vacated area. This easement will also be reflected in the updated deed records for the adjacent property. Per ORS 271.140 requirements the title to vacated right-of-way will be divided by equal portions to abutting property owners.

The Planning Commission heard the request for vacation at the May 8, 2018, meeting. After discussion on the request, the Planning Commission made the following recommendation to the City Council:

**Motion:** Commissioners Norton/Dawkins motion to approve the recommendation of vacation to the City Council as recommended by staff with the inclusion of the easement for 110 Terrace Street; unanimous approval.

### **FISCAL IMPACTS**

The only resource requirements were/are associated with staff time to bring the vacation forward through the Planning Commission and City Council. The applicant is required to submit a vacation petition fee of \$250.00 to the City Recorder as reimbursement for associated staff time. The applicant is responsible for the recording of all applicable documents with Jackson County. If the property is vacated, it will become private and assessable for property taxes as part of each individual tax lot.

### **STAFF RECOMMENDATION**

Staff recommends approval of the right-of-way vacation.

### **ACTIONS, OPTIONS & POTENTIAL MOTIONS**

- I move to approve the first reading of an ordinance titled: An Ordinance Vacating a Certain Portion of Terrace Street in the City of Ashland, Jackson County, Oregon, and move to second reading.

If approved the property owners will be required to finalize the map of survey showing the property split on both parcels for 9 Hillcrest Street and 110 Terrace Street; include the addition of a 10-foot wide public utility easement on final survey for 110 Hillcrest Street; have deeds created that describe new property boundaries for the adjacent tax lots and have all documents recorded with Jackson County.

The City Recorder will have the ordinance approving the right-of-way vacation recorded with Jackson County.

If not approved, there is no further action by staff or property owner and the right-of-way will remain in place.

### **REFERENCES & ATTACHMENTS**

Attachment 1: Proposed Right-of-Way Vacation Map of Survey

Attachment 2: Terrace Street Vacation Ordinance 19xx

Attachment 3: Terrace Street Vacation Ordinance 1065 (September 23, 1947)

Attachment 4: Planning Commission Minutes May 8, 2018

EXHIBIT "A"

LEGAL DESCRIPTION – TERRACE STREET VACATION  
PATTON - 9 HILLCREST STREET & 100 TERRACE STREET  
ASSESSOR'S MAP NO. 39 1E 09 BD, TAX LOTS 8000 & 15200

A Public Street Vacation of that portion of Terrace Street adjacent to those tracts of lands described within Instrument No. 2009-044517 and Instrument No. 2013-019786 of the Official Records in Jackson County, Oregon, lying situate within the Northwest Quarter of Section 9, within Township 39 South, Range 1 East of the Willamette Meridian in the City of Ashland, Jackson County, Oregon, being more particularly described and bounded as follows, to wit;

All of that 50.00 foot wide portion of Terrace Street in the City of Ashland, Oregon, lying adjacent to and westerly of Lot 19 and the South 0.60 feet of Lot 20 of the Summit Addition to the City of Ashland, recorded on December 21, 1888 in Volume 18, Pages 8, 9, 10 and 11 of the Deed Records in Jackson County, Oregon, and adopted by the Ashland City Council on February 4, 1889.

Containing 0.06 acres or 2,500 square feet more or less.

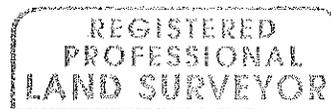
Prepared by:

Shawn Kampmann  
Professional Land Surveyor

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

Date: May 16, 2018

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*Shawn Kampmann*



RENEWAL DATE: 6/30/19



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING A CERTAIN PORTION OF TERRACE STREET IN THE CITY OF ASHLAND, JACKSON COUNTY OREGON**

**WHEREAS**, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

**WHEREAS**, by petition signed by the majority of the adjoining property owners, it has been requested the City of Ashland vacate a portion of the Terrace Street roadway hereinafter described, and

**WHEREAS**, the Planning Commission of the City of Ashland has recommended that said roadway be vacated, and

**WHEREAS**, due notice of said vacation has been given in the manner and form required by law; and a hearing has been held thereon; and it appearing to the City Council of the City of Ashland that the public convenience and welfare will be served thereby and that this vacation is in the public interest,

**NOW THEREFORE,**

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

**SECTION 1.**

That the certain roadway section of Terrace Street, described as follows:

All of that 50.00 foot wide portion of Terrace Street in the City of Ashland, Oregon, lying adjacent to and westerly of Lot 19 and the South 0.60 feet of Lot 20 of the Summit Addition to the City of Ashland, recorded on December 21, 1888 in Volume 18, Pages 8, 9, 10, 11 of the Deed Records in Jackson County, Oregon, and adopted by the Ashland City Council on February 4, 1889.

Containing 0.06 acres or 2,500 square feet more or less.

Be, and the same hereby is, vacated.

**SECTION 2.**

That the City Recorder is hereby directed to deliver a certified copy of said ordinance to the County Clerk and County Assessor of Jackson County, Oregon.

The foregoing ordinance was duly passed as a regular Council Business Meeting held on the Fifth day of November, 2018.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the \_\_\_\_ day of \_\_\_\_\_, 2018, and duly PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Melissa Huhtala, City Recorder

SIGNED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
John Stromberg, Mayor

Reviewed as to form:

\_\_\_\_\_  
David H. Lohman, City Attorney



CITY OF ASHLAND  
TO  
285-553

Kind of Instrument	STATE OF OREGON } County of Jackson }
ORDINANCE NO. 1065	I hereby certify that the annexed instrument of writing was received and filed for record at 8:30 o'clock A. M. on the 22nd day of October 1947.
234979	
Consideration	G. R. Carter Clerk
\$	By Deputy

ORDINANCE NO. 1065

An Ordinance vacating a certain portion of Terrace Street in the City of Ashland, Jackson County, Oregon, and requiring the City Recorder to certify a copy of this Ordinance to the County Clerk and the County Assessor.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

Section 1.

That the North two hundred fifty two (252) feet of Terrace Street in the City of Ashland, Jackson County, Oregon, be, and the same is hereby vacated, reserving, however, to the City of Ashland a right of way for the erection and maintenance of telephone, telegraph, electric, water and sewer lines across, over and upon said vacated portion on such course or courses as the City of Ashland may determine.

Section 2.

That the City Recorder is hereby directed to certify a copy of this Ordinance to the County Clerk and the County Assessor of Jackson County, Oregon.

The foregoing Ordinance was duly passed under suspension of the rules at an adjourned meeting of the Mayor and Common Council held on the 23rd day of September, 1947, the vote being: Ayes 5, Nays 0.

Approved this 23rd day of September, 1947.

T. S. Wiley, Mayor.

To all of which I hereby certify:

J. Q. Adams, Recorder.

# Agendas and Minutes

City of Ashland

Planning Commission ([View All](#))

## Planning Commission Mtg

### Minutes

[View Agenda](#)

Attachments 

Tuesday, May 08, 2018

#### ASHLAND PLANNING COMMISSION

#### MINUTES - *Draft*

May 8, 2018

#### CALL TO ORDER

Vice Chair Melanie Mindlin called the meeting to order at 7:03 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

#### **Commissioners Present:**

Troy Brown, Jr.  
Michael Dawkins  
Melanie Mindlin  
Haywood Norton  
Lynn Thompson

#### **Staff Present:**

Bill Molnar, Community Development Director  
Maria Harris, Planning Manager  
Derek Severson, Senior Planner  
Dana Smith, Executive Assistant

#### **Absent Members:**

Roger Pearce

#### **Council Liaison:**

Dennis Slattery, absent

#### ANNOUNCEMENTS

Community Development Director Bill Molnar explained at the City Council approved PA-2018-00154 for the annexation at 601 Washington Street at their meeting May 1, 2018. Testimony from a staff person at the Oregon Department of Transportation thought the street cap for the area was necessary. There was no objection from the applicant so Council

included the cap in the approval. Council would review PA-2017-02129 for 475 East Nevada Street at their meeting May 15, 2018. The primary change in the request currently was the applicants were no longer working with Habitat for Humanity. They would construct the four affordable housing units themselves. Habitat for Humanity had raised some issues regarding the term of affordability and requested a 30-year term instead of 60 years. Staff was looking at the Commission's Study Session in May to discuss the Transit Triangle Overlay amendments. In June, they were tentatively scheduled for the Wild Fire Ordinance amendments at the Commission's regular meeting. The City Council would have an overview of the amendments at their Study Session May 21, 2018.

#### **AD-HOC COMMITTEE UPDATES** - None

#### **CONSENT AGENDA**

##### **A. Approval of Minutes**

1. April 10, 2018 Regular Meeting
2. April 24, 2018 Special Meeting

**Commissioners Brown/Dawkins m/s to approved the minutes of April 10, 2018, Regular Meeting and April 24, 2018, Special Meeting. Voice Vote: all AYES. Motion passed 5-0.**

#### **PUBLIC FORUM**

**Louise Shawkat/Ashland/**Described conventional and unconventional natural gas deposits and how unconventional gas deposits affected the climate. In order to reduce the impact of climate change, society had to address methane and carbon dioxide emissions. Approximately 25% of the global warming experienced today was caused by methane emissions. Ashland had a Climate and Energy Action Plan (CEAP) with an implementation committee and a goal to reduce greenhouse gases. She did not understand why the City did not charge citizens the cost to dig up the streets to install gas lines. She wanted the Commission to consider charging for that service. It would make money for the City and discourage people from getting natural gas.

**Huelz Gutcheon/Ashland/**Wanted 20 mile per hour speed limits in Ashland. All accidents involving cars should be the motorist's fault. He also wanted Your Speed signs everywhere. Many bike and walking injuries were not reported. Emergency responders and Emergency Room attendants should be required to file reports on accidents involving pedestrians and bicyclists with cars. All roofs should be redone to point south. Natural gas heat should be replaced with electric. Electricity was the only way to combat climate change. Bonneville Power Administration (BPA) did not have the capacity to meet future electricity needs. The 10x20 ordinance would not work unless it cost more. The 10x20 needed to be accomplished within the city limits.

#### **UNFINISHED BUSINESS**

##### **A. Approval of Findings for PA-2018-00429, 469 Russell Street**

The Commission had no ex parte contacts regarding the matter.

**Commissioners Thompson/Norton m/s to approve the Findings for PA-2018-00429. Voice Vote: all AYES. Motion passed 5-0.**

**PUBLIC HEARINGS****A. SUBJECT PROPERTY: Public Right-of-Way at the end of Terrace Street****OWNER/APPLICANT: City of Ashland Public Works Department****DESCRIPTION:** The Planning Commission will consider a request to vacate a portion of the Terrace Street right-of-way between 110 Terrace Street and 9 Hillcrest Street, and make a recommendation to the City Council. **COMPREHENSIVE****PLAN DESIGNATION:** Single-Family Residential and Rural Residential; **ZONING:** R-1-7.5 and RR-.5; **ASSESSOR'S****MAP/TAX LOT:** Between 39 1E 09BC 8000 & 39 1E 09BD 15200.

Senior Planner Derek Severson explained the property was approximately a 2,600 square foot unimproved section of Terrace Street Right-of-Way (ROW) between 9 Hillcrest Street and 110 Terrace Street. It was an unused spur of Terrace Street with two sections of driveway. The section proposed for vacation extended almost to the driveway. The Public Works Department managed the vacation process governed by the Oregon Revised Statutes (ORS). The process involved obtaining signatures from surrounding property owners with a certain number agreeing to the vacation. The vacated ROW was typically dedicated to the adjacent property owners proportionally. For this request, the requisite petition signatures were received. The Public Works Department needed a recommendation from the Planning Commission. Following that, they would notice the newspapers, sign the property and have two City Council hearings to discuss the vacation. Staff was seeking a recommendation from the Planning Commission to the City Council supporting the vacation.

An additional ROW to the north of Terrace Street was vacated in 1947 precluding future street or pedestrian connectivity. The section was not identified in the Transportation System Plan (TSP). The slopes were in excess of what was allowed for a public street under the current standards. The Public Works Department was requesting the City retain a public utility easement in the section. The property owners were related. Instead of splitting the ROW between the two properties, it would go to the property owner at 9 Hillcrest Street. This property will be responsible for the utility easement and any access needed to serve 110 Terrace Street.

Staff recommended the Planning Commission forward their support of the vacation to City Council and retain a public utility easement.

Commissioner Thompson noted the lack of supporting documents and wanted to understand the rationale behind the request. She was also interested in the possible impact on the surrounding properties. Mr. Severson responded the land was owned by the City and at one time was intended to extend through to Glenview Drive. The portion vacated in 1947 was now privately owned. This was a remnant piece of right of way. The ORS stated this was a City Council decision. A local procedure had it come to the Planning Commission prior to ensure the requisite neighboring properties were consulted and agreed to the vacation. The Commission also looked into whether there was a basis to require retaining a trail or pedestrian connectivity even though the vehicular connection was going away. There was a \$250 fee to file the petition. He thought the reason for the vacation was that it was appropriate to have the ROW go to the owners instead of sitting as unused City property.

Vice Chair Mindlin added there was an advantage for the City to be released from the liability and responsibility for the land.

Commissioner Dawkins further added there had never been a trail on the right of way and the land was steep. The vacation would provide a clean title for the families involved.

Commissioner Thompson thought asking the Planning Commission to make a recommendation without the supporting documents or explanation put the Commission in an odd position. Community Development Director Bill Molnar explained the Comprehensive Plan had a specific element related to street vacations. Part of the street vacation process involved the Planning Commission when providing a recommendation to the Council. The Commission would also consider the potential for retaining some form of bike and pedestrian connectivity. In this case, the City relinquished part of the ROW 60 years ago and due to steep grades, it was not appropriate to retain. It was the responsibility of Planning staff to look at the Comprehensive Plan policies. Staff was in agreement the connectivity was not appropriate.

Vice Chair Mindlin suggested including the utility and access easement for 110 Terrace Street in the recommendation to Council.

**Commissioners Norton/Dawkins m/s to approve the recommendation of vacation to the City Council recommended by staff with the inclusion of the easement for 110 Terrace Street. Voice Vote: ALL AYES. Motion passed 5-0.**

## **DISCUSSION ITEMS**

### **A. Planning Commission Recommendation for Accessory Residential Unit Ordinance Amendments**

Planning Manager Maria Harris explained the Planning Commission voted unanimously to recommend approval of the ordinance to City Council. There were two main pieces. The ordinance changes where staff had added comment boxes to any changes made during the April 24, 2018 meeting. The other was the Planning Commission Report that encapsulated the Commission's decision.

Commissioner Thompson had suggested a modification to page 13, under the new **C. RR Zone** that referenced **18.2.3.040.A**. It should be **18.2.3.040.B**. It stated in the RR Zone an applicant needed to meet the requirements in **18.2.3.040.B** for the R-1 Zone as well as the RR Zone. The new section **C. RR Zone** should read **"In addition to the standards in subsection 18.2.3.040.B, accessory residential units in the RR Zone shall meet the following requirements."** The same change would apply to the section below **D. R-2 and R-3 Zones**, the second sentence should read, **"In subsection 18.2.3.040.B..."**

Staff made changes on pages 12, 13 and 20, to make the language consistent. On page 20, **Table 18.4.3.040 – Automobile Parking Spaces by Use, Single-family Dwellings**, replaced **"the primary"** to **"detached"** to read **"2 spaces for detached dwelling units and the following."**

On page 29, the new definition for **Parking Area or Lot**, deleted **"...except that parking spaces serving a single-family home or accessory residential units are not considered a parking area or lot."** The definition now read,

**“Any area inside, under, or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, or structures.”** The term parking area was used throughout the code to refer to many single family situations. On page 25, staff exempted the landscaping parking lot standards by adding to **7. Landscaping, “In all zones, except single-family zones...”** Page 29, **Section 18.4.4.030(F)(2)**, added language that the screening requirements would not apply to accessory residential units.

Commissioner Thompson had relayed her concern to Ms. Harris regarding **Section 18.4.4.030(F)**. She thought the new language, **“Single-family dwellings and accessory residential units are exempt from the requirements of subsection 18.4.4.030.F.2,”** might represent a substantive change with respect to single-family dwellings. It was not clear that single-family dwellings were exempt from these requirements. It was determined not to be a substantive change to say the single-family dwellings were not subject to the parking lot landscaping and screening requirements. Vice Chair Mindlin clarified the parking requirements were not changing, they were not requiring site design review.

Commissioner Thompson had a similar concern whether there was a substantive change at the bottom of page 27 on what was subject to site design review. Specifically, **Section 18.5.2.020.C. Exempt from Site Design Review**, deleting **“...but are required to comply with the applicable provisions of part 18.4 Site Development and Design Standards.”** She was concerned they were not somehow substantively modifying these requirements to make the applicable provisions no longer applicable. Staff assured her this was the status quo and did not represent a substantive change. It was part of making the code internally consistent.

Ms. Harris noted other changes were numbering references.

In the Planning Commission Report, there was one change to the first sentence on page 2. The sentence, **“Additionally, the small ARUs are exempted from the landscaping, open space and parking requirements for multi-family housing,”** should move to the third paragraph. It applied to all sized accessory residential units (ARUs), attached or detached.

Commissioner Thompson noted for the record she had some confusion regarding the application of Overlays. She had shared a concern with Ms. Harris regarding ARUs having to meet the requirements of the underlying zone. The language needed to ensure that any applicable Overlay requirements applied. She was concerned it was not specifically stated although it was stated in other areas of the code. This concern stemmed from environmental constraints.

Commissioner Norton confirmed meeting minutes were attached to the information packet going to City Council. Staff did not typically include study session minutes. Commissioner Norton suggested linking the study session minutes to the attachments section on the Council Communication. Commissioner Brown agreed. The study session covered pros and cons discussed by the Commission. Commissioner Dawkins suggested adding a footnote indicating several issues were discussed during the study session. Ms. Harris would add the Planning Commission had a substantive discussion during the study session and link the minutes in the Council Communication. She would make the code revisions and forward it all to Council.

## **B. Letter of support for the Transportation Growth Management (TGM) grant**

Planning Manager Maria Harris explained the Public Works Department was submitting an application to the State's Transportation Growth Management (TGM) program. They were requesting funds for an implementation plan based on the results of the Downtown Parking Plan and Transportation System Plan (TSP). Commission letters of support helped the application.

Planning staff had reviewed the grant. It would consider a variety of issues that came from the Downtown Plan. Community Development Director Bill Molnar explained it would expand on what the Downtown Beautification Committee identified. Commissioner Dawkins added it would also include unfinished work done by the parking plan.

The grant was for \$110,000 with the City providing a match in staff time and a small amount of Public Works funds. It was a competitive process throughout the state. The Commission supported sending the letter.

**C. Annual Retreat dates**

Vice Chair Mindlin suggested having the retreat June 22, 2018 where she would be the only one unable to attend. The retreat time would be 11:00 a.m. to 4:00 p.m.

**ADJOURNMENT**

Meeting adjourned at 7:56 p.m.

*Submitted by,  
Dana Smith, Executive Assistant*

# Online City Services

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Ashland Fiber Network

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Evaluation



Proposals, Bids  
& Notifications

	
<p>Request Building Inspection</p> 	<p>Apply for Other Permits &amp; Licenses</p> 
<p>Building Permit Applications</p> 	<p>Register for Recreation Programs</p> 

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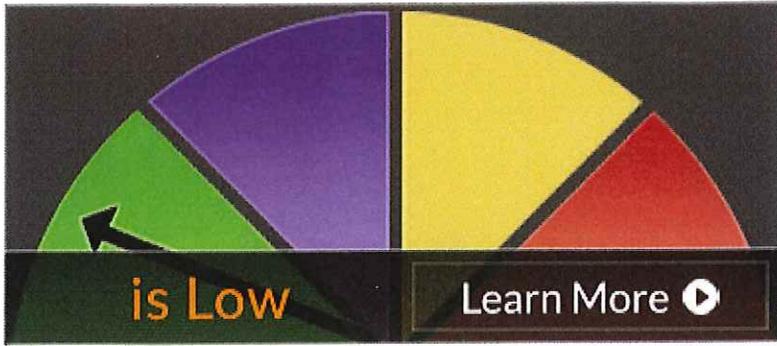
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## Emergency Contact Info



**Police & Fire, Water, Electric, Red Cross, Jackson County Health, Recology Ashland Sanitary ...**

## Fire Danger



## Let Us Know

Name

Phone or Email

Question or Comment

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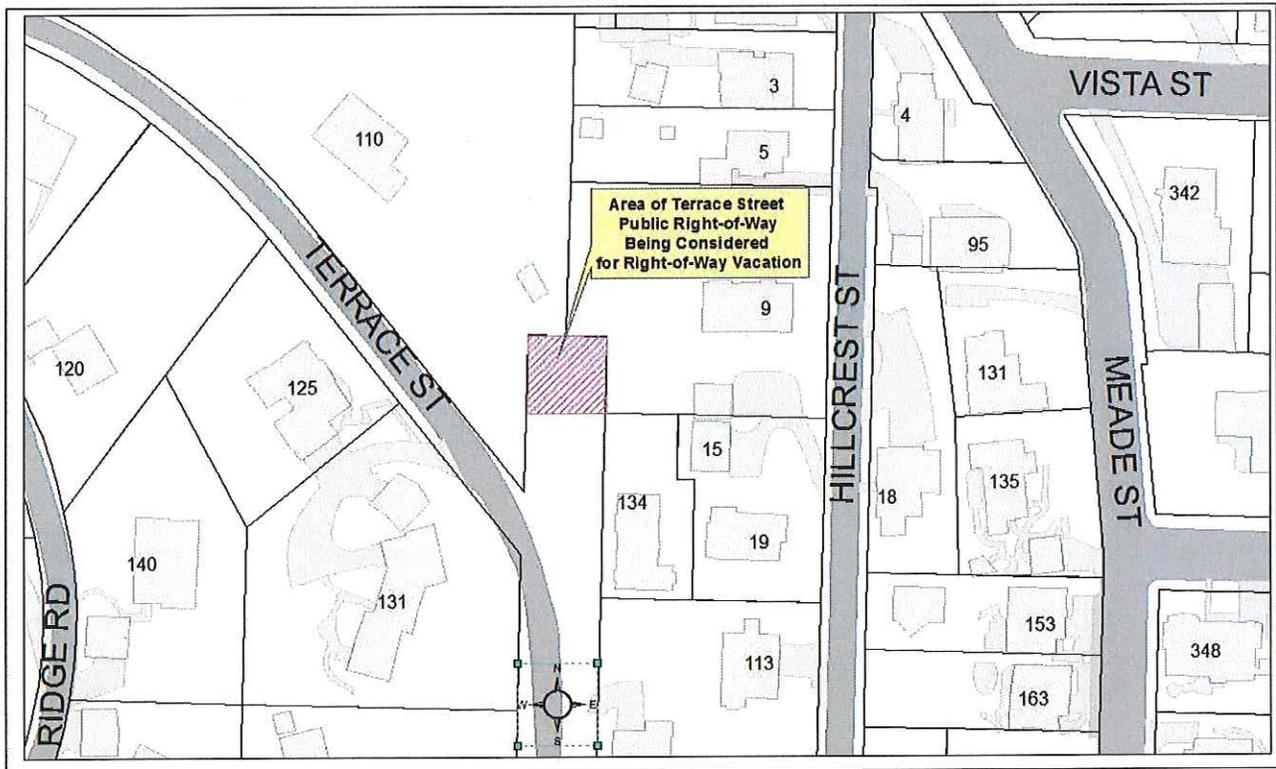
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**SUBJECT PROPERTY:** Public Right-of-Way at the end of Terrace Street  
**OWNER/APPLICANT:** City of Ashland Public Work Department  
**DESCRIPTION:** The Planning Commission will consider a request to vacate a portion of the Terrace Street right-of-way between 110 Terrace Street and 9 Hillcrest Street, and make a recommendation to the City Council. **COMPREHENSIVE PLAN DESIGNATION:** Single-Family Residential and Rural Residential; **ZONING:** R-1-7.5 and RR-.5; **ASSESSOR'S MAP/TAX LOT:** Between 39 1E 09BC 8000 & 39 1E 09BD 15200.

**ASHLAND PLANNING COMMISSION MEETING:** *Tuesday, May 8, 2018 at 7:00 PM, Ashland Civic Center, 1175 East Main Street.*



Notice is hereby given that a PUBLIC HEARING on the following request with respect to the ASHLAND MUNICIPAL CODE 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. 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.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. A copy of the Staff Report will be available for inspection seven days prior to the hearing and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Department, Community Development and Engineering Services, 51 Winburn Way, Ashland, Oregon 97520.

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.

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 the Ashland Planning Division, 541-488-5305.

## Chapter 4.18

### FILING FEES FOR 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

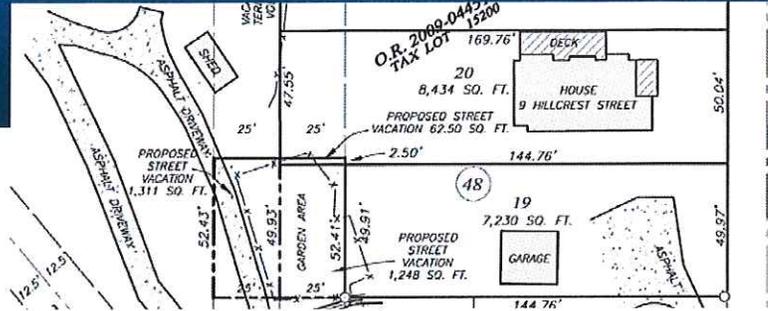
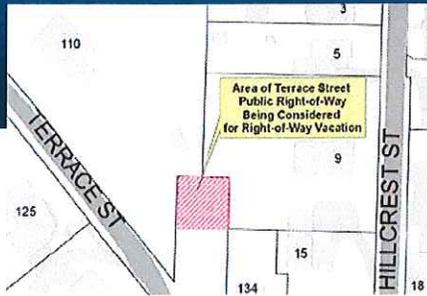
Any person interested in filing a petition for the vacation of all or part of any street, alley, or other public place, shall submit such petition in the form prescribed by the City Engineer pursuant to ORS 271.080, and upon filing of the petition shall deposit with the City Recorder a filing fee established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

# Terrace St. 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 Terrace Street between 110 Terrace Street & 9 Hillcrest Street.



## Proposal Details

### Site Description/History

The subject property is a 2,621.5 square foot section of unimproved right-of-way between 110 Terrace Street and 9 Hillcrest Street. It currently provides access for the adjacent lots, and does not contain utilities. Slopes between Terrace and Glenview Drive average 24 percent, but exceed 35 percent in places, and would exceed the maximum allowed street grade.

### Proposal

The current request would vacate a 2,621.5 square foot section located at the current end of the Terrace Street right-of-way. A vacation granted in 1947 with Ord. #1065 vacated the section to the north and eliminated the possibility of a connection between Terrace Street and Glenview Drive, but does grant an easement for the placement of public infrastructure at the discretion of the City.

## Key Issues

### Street Connectivity

The adjacent section of Terrace Street right-of-way to the north was vacated in 1947, precluding future connectivity. Slopes in the area exceed the maximum allowed street grade. No street connectivity needs are identified here in the Transportation System Plan (TSP).

### Pedestrian Connectivity

The City would typically seek to retain pedestrian access easements to enable future trail connectivity, but in this instance the 1947 vacation of the right-of-way to the north precludes this possibility.

### Utility Easements

Staff would recommend that a ten-foot wide utility easement be retained within the vacated area to preserve the ability to extend public infrastructure between Terrace and Glenview if/when needed.

## Staff Recommendation

Staff recommends that the Planning Commission forward a favorable recommendation to the City Council and ask that a public utility easement be retained in the vacated section.

# PROPOSED STREET VACATION MAP "B"

LOCATED AT

9 Hillcrest Street  
Ashland, Oregon

LYING SITUATE WITHIN

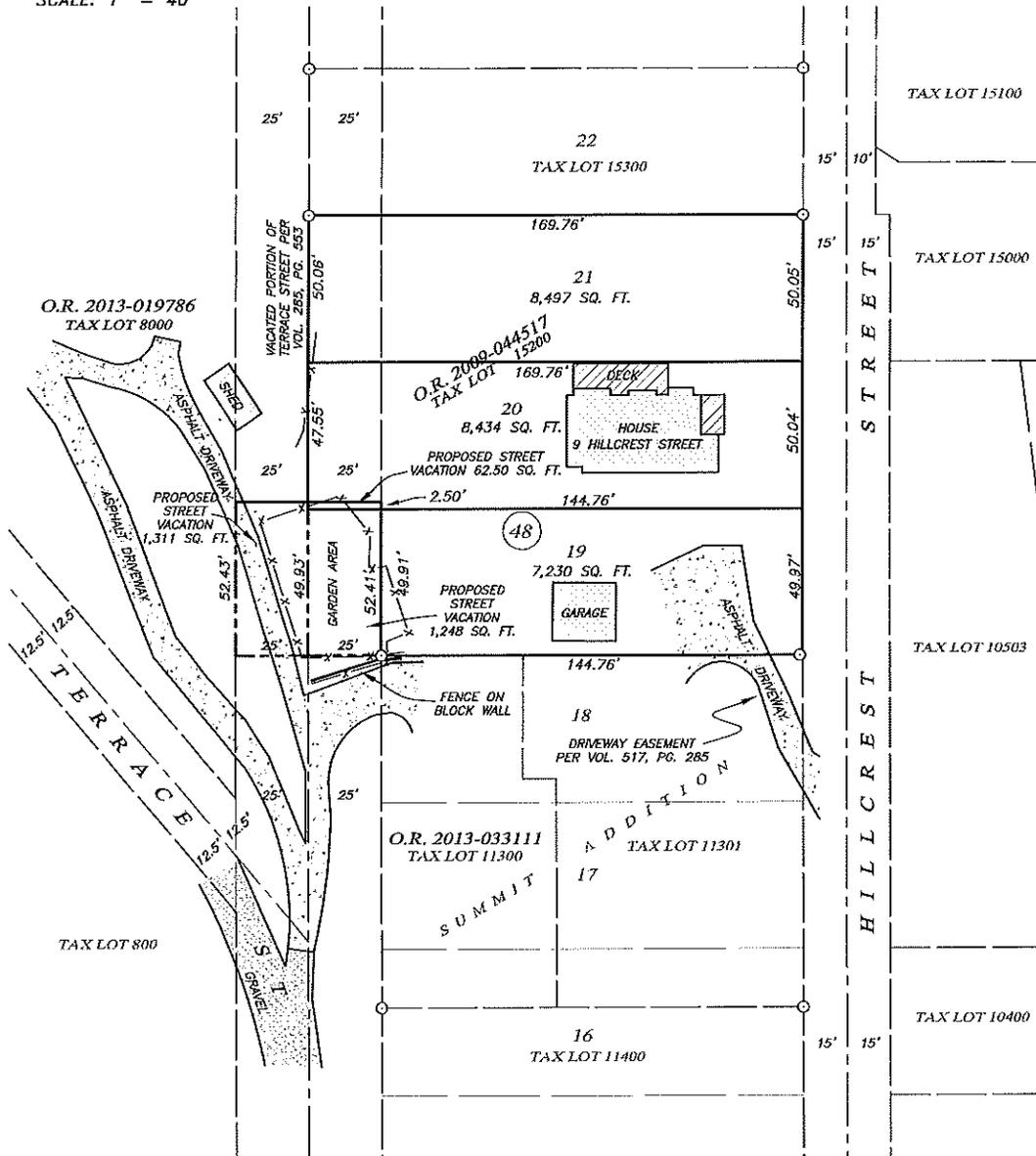
WEST ONE-HALF OF SECTION 9  
TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN  
CITY OF ASHLAND, JACKSON COUNTY, OREGON

FOR

Amy Patton

9 Hillcrest Street  
Ashland, Oregon 97520

SCALE: 1" = 40'



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 14, 1998  
SHAWN KAMPMANN  
2883 L.S.

RENEWAL DATE: 6/30/2017

SURVEYED BY:

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

DATE: APRIL 4, 2017  
PROJECT NO. 1084-16

Assessor's Map No. 39 1E 09 BD, Tax Lot 15200 & Assessor's Map No. 39 1E 09 BC, Tax Lot 8000

**POLARIS LAND SURVEYING**

# Memo

CITY OF  
ASHLAND

Date: April 26, 2018  
From: Scott A. Fleury-Deputy Public Works Director  
To: Planning Commission  
RE: Right of Way Vacation- of an un-opened portion of Terrace St.

**BACKGROUND:**

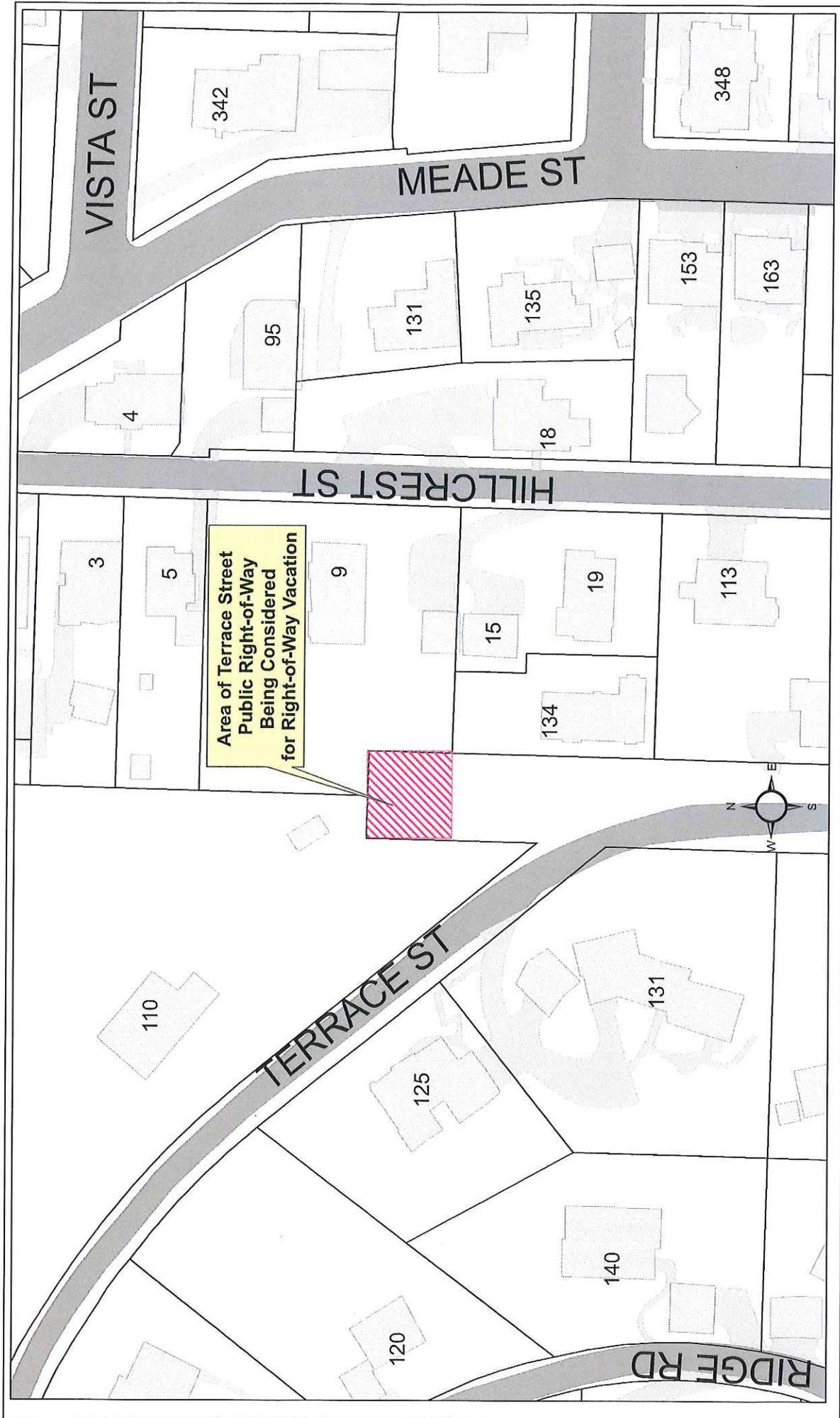
The City of Ashland was approached by the property owner at 9 Hillcrest St. about vacating a portion of the un-opened right of way adjacent to the property within the Terrace St. right of way. Staff informed the property owner of requirements for vacating city right of way which includes the appropriate petition and subsequent public hearings at the Planning Commission and City Council.

The property owner has obtained the necessary petition signatures and paid the appropriate fee to move the right of way vacation request forward to the Planning Commission and then on discussion and potential approval at a Council Business meeting.

Public Works/Engineering performed an initial assessment to determine if a right of way vacation would be in the public interest. The current dedicated but non-opened right of way currently provides driveway access to 9 Hillcrest St. and 110 Terrace St. Staff has verified there are no public utilities within the right of way area request for vacation. There are no current or long term plans for Public Works with respect to this right of way for either utilities or any transportation related connection. A previous Council action vacated a northerly portion of the adjacent right of way limiting the potential for any future roadway plans.

Public Works recommends the Planning Commission provide a motion to the City Council that they approve vacating the public right of way as proposed on the map of survey provided. In order to be consistent with the previous vacation Public Works is requesting placement of a ten (10') foot wide public utility easement on the final recorded map of survey.

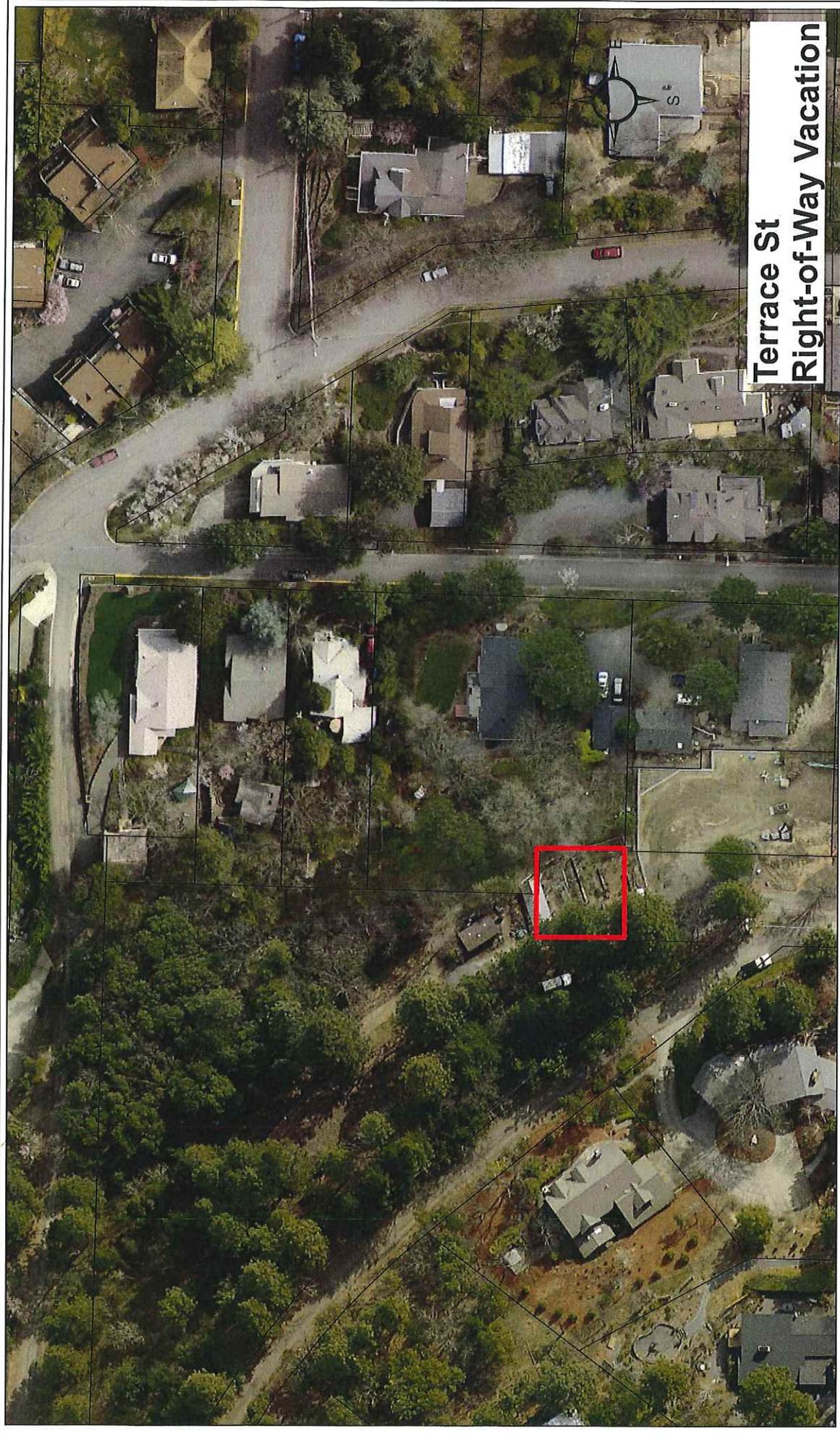
If the right of way vacation ordinance is approved by the City Council a final map of survey will be developed along with new property deeds and these new documents will be recorded by the petitioner.



Area of Terrace Street  
Public Right-of-Way  
Being Considered  
for Right-of-Way Vacation

Mapping is schematic only and bears no warranty of accuracy.  
All features, structures, facilities, easement or roadway locations  
should be independently field verified for existence and/or location.

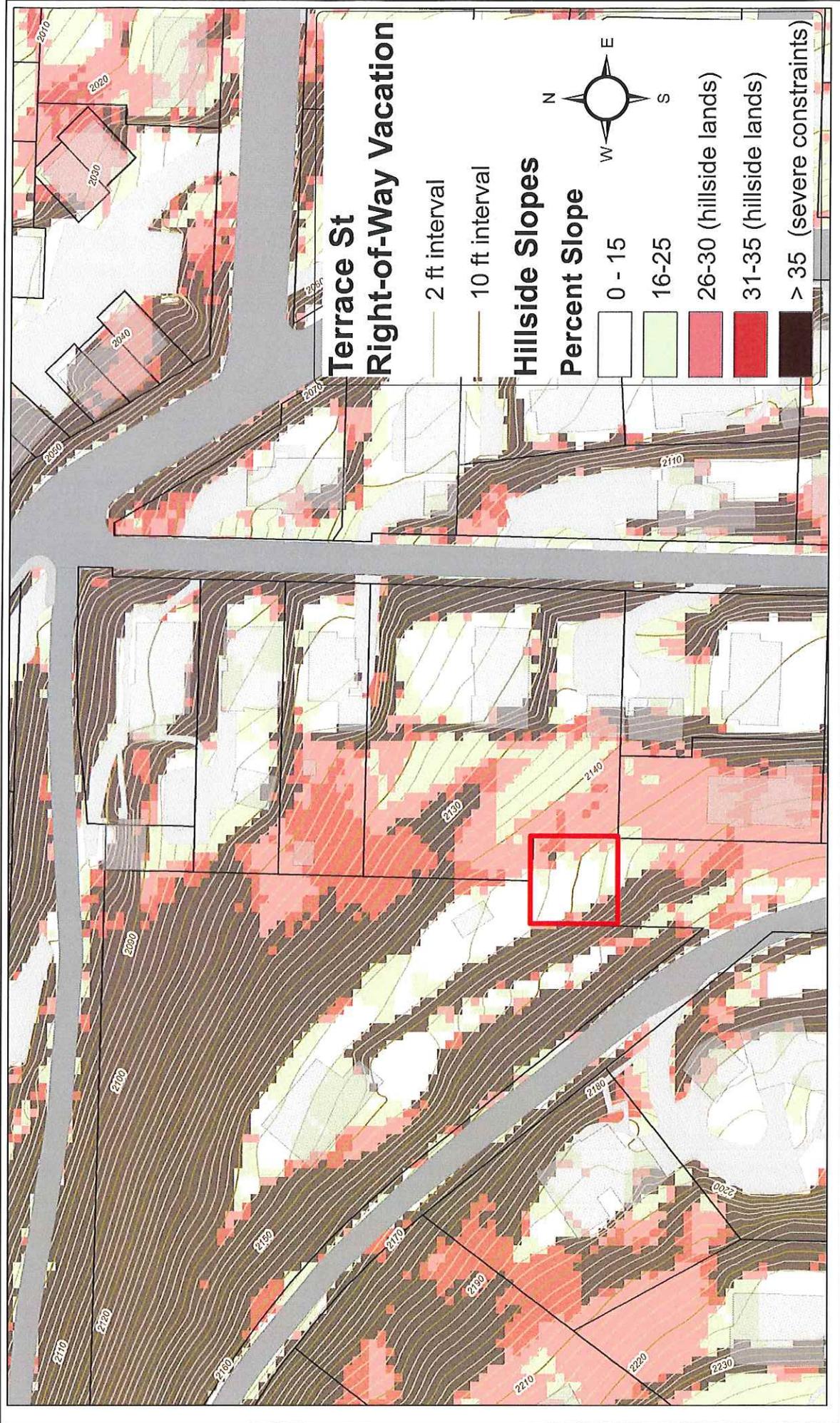
1:600  
1 inch = 50 feet



# Terrace St Right-of-Way Vacation

1:600  
1 inch = 50 feet

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1:600  
1 inch = 50 feet

