



# 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.

**March 12, 2024**  
**REGULAR MEETING**  
**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.

**Commissioners Present:**

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

**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**

Chair Verner announced that she received an email from the Oregon Ethics Committee and advised all Commissioners to register as members of the Planning Commission.

Community Development Director Brandon Goldman made the following announcements:

- The Oregon state legislature passed Senate Bill 1537 which will now go to the governor's office to be signed. SB 1537 contains numerous housing provisions, such as the ability for applicants to request exceptions to existing standards that cities are required to approve in order to promote the creation of additional housing. It also contains a provision that would grant opportunities for cities of Ashland's size to expand their Urban Growth Boundary into urban reserve areas by up to 50 acres, provided that at least 30% any new housing units created as a result are affordable housing.
- The Historic Preservation Advisory Committee will be holding its annual award ceremony on May 18, 2024 at Railroad Park from 10:00am – 2:00pm. It will include tours and a ribbon cutting ceremony for the Marking Ashland Places (MAP) project.
- The audio/visual equipment in the Civic Center Council Chambers is being replaced in the last week of March. The March 26, 2024 Study Session will be held in an alternate location.
- The March 26, 2024 Study Session will examine the scope of work for Climate Friendly Areas (CFAs), as well as a closer review of SB 1537.





## Planning Commission Minutes

- All Commissioners whose terms expire on April 31, 2024 and wish to continue serving on the Commission should contact the City Records Office for reappointment. The Commission will also hold Elections of Officers at its May 14, 2024 Regular Meeting.

### III. **CONSENT AGENDA**

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

- a. February 13, 2024 Regular Meeting

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

### IV. **PUBLIC FORUM** – None

### V. **TYPE II PUBLIC HEARING**

**A. PLANNING ACTION:** PA-T2-2024-00046

**SUBJECT PROPERTY:** 210 Alicia Ave

**APPLICANT:** Rogue Planning & Development Services

**OWNER:** Adderson Construction Inc.

**DESCRIPTION:** A request for Outline and Final Plan approval for a five-lot Performance Standards Subdivision (4 residential lots, 1 common area) for the property located at 210 Alicia Ave. 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. The application also includes an Exception to Street Standards due to the existing unimproved street. The application also includes the request to remove a single 20" plum tree along the western side of the property as it is in conflict with the proposed driveway. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-5; **ASSESSOR'S MAP:** 39 IE 04 DB; **TAX LOT:** 1700

#### **Ex Parte Contact**

All Commissioners except for Commissioner Herron conducted a scheduled site visit on March 11, 2024. Commissioner Knauer conducted an additional site visit. No ex parte contact was declared.

#### **Staff Presentation**

Senior Planner Aaron Anderson began by outlining the application, which includes a request for Outline and Final Plan approval, as well as an Exception to Street Standards and a Variance to the number of lots accessed by a private drive and relief from street dedication. Mr. Anderson briefly described the development history of the neighborhood and explained that this project would be





## Planning Commission Minutes

processed as a Performance Standard Subdivision (see attachment #1).

Mr. Anderson stated that the applicant's findings addressed the following eight main approval criteria, with staff primarily focusing on the 3<sup>rd</sup> and 7<sup>th</sup> criterion:

- 1) The development meets all applicable ordinance requirements of the City.
- 2) Adequate key City facilities can be provided including water, sewer, paved access.
- 3) The natural features, such as wetlands, large trees, are included in unbuildable areas.
- 4) The development of the land will not prevent adjacent land from being developed.
- 5) There are adequate provisions for the maintenance of common open space.
- 6) The proposed density meets the base and bonus density standards.
- 7) The development complies with the street standards.
- 8) The proposed development meets the common open space standards.

Regarding the 3<sup>rd</sup> criterion, he explained that it was staff's determination that the wetland was not subject to the regulations under Ashland Municipal Code (AMC) 18.3.11, and that the two 20-inch willows cited in the application's site plan were not found when staff conducted a site visit. Mr. Anderson mentioned that the applicant would likely argue that AMC defines "significant trees" but does not define "large trees", but that staff had recommended a condition of approval that the building envelope for lot #2 be modified so that those trees identified would not be in the buildable area.

Regarding the 7<sup>th</sup> criterion, Mr. Anderson noted that the application proposed a total right-of-way (ROW) width of 47ft, with City standard's ranging from 50-55ft. Mr. Anderson explained that a subdivision of four lots or greater would require a street dedication and that the applicants were requesting a variance for the proposed four lots to instead be accessed by a single private drive. The application also included a request for an exception to street standards to not require the installation of two short sidewalks given the width of the proposed street and lack of connectivity to any existing sidewalks. Staff concluded that both the exception and variance request were reasonable.

Mr. Anderson noted that the application also requested the removal of a shed and plum tree from the site, the latter of which was supported by a recommendation from the Tree Management Advisory Committee.

Staff recommended that the application be approved with the conditions outlined in the staff report.

### **Questions of Staff**

Chair Verner asked if staff located any 20-inch trees like those cited in the application. Mr. Anderson responded that staff did not find any 20-inch trees where they were shown on the site plan, and advised that the Commission request further information from the applicant. Commissioner





## Planning Commission Minutes

KenCairn stated that she identified two deceased cottonwood trees, and that the walnut tree identified in the application was near the property line and would therefore not impact the development.

Commissioner Knauer requested clarification over the status and proposed location of an existing easement on the property. Mr. Anderson responded that a court maintained easement information rather than the City, and suggested that the Commission direct that inquiry towards the applicant.

Commissioner Knauer noted that the private driveway would be dedicated as a fire-apparatus access point and requested clarification over this designation. Mr. Anderson responded that all easements are dedicated areas for City use, and that this space would be used as a fire-apparatus turnaround point.

### **Applicant's Presentation**

Amy Gunter of Rogue Planning & Development Services began by reminding the Commission that this property was granted approval for a 12 unit, 13 lot cottage housing development which utilized the same driveway configuration and same street exceptions in 2020 (see attachment #2).

Ms. Gunter reiterated the applicant's request for the project, emphasizing that the tree removal was only for the 20-inch plum tree as all other trees on the property are under the regulatory sizes found in the City's Land Development Ordinance. She stated that there would be limited vehicular traffic generated by the four lots proposed, nor would it substantially effect the neighborhood street patterns of Alicia Avenue and Sylvia Street. Ms. Gunter explained that the proposed driveway would include a screening fence along the property line, as well as four on-street parking spaces.

Ms. Gunter stated that each lot exceeded the minimum density requirements for the zone, complied with minimum north-south lot dimensions for the solar access ordinance, and had substantial buildable areas within the building envelopes. She noted that the easement which crosses the property is non-descriptive, is only used for the transportation of irrigation waters, and that the adjacent property owner had agreed to relocate this easement. Ms. Gunter explained that lot #5 would effectively be used as an easement area for the driveways, parking areas, and utilities that extend from Alicia Avenue to the property.

Regarding the requested variance, Ms. Gunter stated that there a several reasons that the street would be unable to connect to adjacent properties to the east, west, or south. She added that the City's Public Works Department had not shown interest in only four lots being developed on a fully public street that resulted in a dead-end.

Ms. Gunter stated that the performance Standards for a Subdivision required that significant features be included in the open space, common areas, and unbuildable areas. She contended that



## Planning Commission Minutes

the only natural feature that met this criterion was the 20-inch plum tree identified above. Ms. Gunter stated that manually controlled irrigation water created this artificial wetland, which would move when the irrigation water is relocated. She pointed out that the 20-inch willows identified on the site plan are actually clusters of smaller trees, and therefore are not protected from removal.

Ms. Gunter concluded by stating that the variance and exception requests were generated due to conditions beyond the property owner's control, such as the existing layout, existing development patterns, existing frontage, and that the proposal represents the minimum necessary for such a development to be achieved. She outlined how the proposal conformed to City standards with the exclusion of the exception to Street Standards to not provide 18ft of street improvements and the variance to public street dedication, which are necessary for development.

### **Questions of the Applicant**

Commissioner KenCairn asked how wide the proposed driveway would be. Ms. Gunter responded that it would be 27ft wide. Commissioner KenCairn expressed concern about the lack of a landscape buffer along the driveway and suggested that a condition of approval be added to ensure the installation of one. Ms. Gunter noted that there would be a natural landscaping buffer due to the location of utilities.

Mr. Goldman commented that the state recently changed parking standards as part of the Climate Friendly and Equitable Communities (CFEC) guidelines. If the Commission determined that this project did not create a public street then the applicant would not need to provide the four on-street parking spaces proposed. Commissioner MacCracken Jain asked how wide the street would be if parking was provided on both sides of the street. Ms. Gunter responded that the street would be 7ft wide, but that those parking spaces are not required. Commissioner Perkinson suggested that the on-street parking be removed and replaced with a buffer.

Commissioner Knauer asked how stormwater would be managed. Ms. Gunter responded that each property would have its own rain garden features and that an engineering system would be installed to process stormwater. Ms. Gunter added that this engineering system had previously been approved by the City and utilized by past subdivisions.

Commissioner Knauer expressed concern over the proximity of pedestrians to the street and suggested that raised pedestrian access to the site be considered. He emphasized the need for raised pedestrian access to the property, particularly as the City further promotes developments with alternative transportation methods. Ms. Gunter noted that there would be approximately 5ft of gravel space along the driveway, as well as 15ft setbacks on the lots themselves that would provide a natural space for pedestrian access.

Chair Verner closed the Public Hearing and Public Record at 8:06pm.



# Planning Commission Minutes

## **Deliberation and Decision**

The Commission discussed the lack of dedicated pedestrian access along the driveway. Chair Verner suggested that the Commission add a condition to require the installation of a 6.5ft landscape strip with a 6-inch curb on the western side of the driveway adjacent to the existing home. This would result in a 20ft-wide driveway area.

Commissioner Knauer stated that this project should not be designed only for car-access, and the Commission generally agreed. Commissioner KenCairn pointed out that most sections of the code would require the installation of a buffer for a development like the one proposed.

**Commissioners Perkinson/MacCracken Jain m/s to accept staff's recommendations with the following revisions: 1) the removal of condition #2; 2) a condition of approval be added that specifies removal of the parking along the western side of the property; and 3) in lieu a 6.5ft buffer and 6in curb be installed. DISCUSSION:** Commissioner Knauer remarked that the Commission should not design this project for the applicant, but that it could provide guidelines. Commissioner Herron inquired if it would be appropriate for the Commission to require something be added to an application that was not already requested. Commissioner KenCairn responded that it would be. Commissioner Knauer posited whether the applicant should be required to install two new trees to replace the plum tree being removed. Commissioner KenCairn responded that the proposal is not for a new City street, so new street trees would not be required, and that future owners would likely plant new trees on their lots voluntarily. The Commission discussed whether to require the addition of safe pedestrian access. Commissioner MacCracken Jain pointed out that Alicia Avenue is not a pedestrian-friendly street and that this new subdivision would not generate significantly more foot-traffic.

**Amendment #1: Commissioners Knauer/Herron m/s to amend the motion such that the private drive shall include space on the east or west side designed to provide safe pedestrian access to Alicia Avenue.**

**Amendment #2: Commissioners KenCairn/MacCracken Jain m/s to require that the landscape buffer include the mitigation trees that are required for the project. DISCUSSION:** Chair Verner asked if the number of trees should be specified. Commissioner KenCairn responded that the number should not be specified, stating that at least one mitigation tree is already required for this project. Commissioner Perkinson pointed out that mitigation trees in the landscape buffer could limit fire access to the subdivision. Commissioner KenCairn cautioned that the landscape buffer could be left unmaintained if its condition is not specified and unenforced. **Amendment #2 is withdrawn.**

**Amendment #1 Roll Call Vote: Commissioners Knauer, Herron, KenCairn, Perkinson, Phillips: AYE. Commissioners MacCracken Jain, Verner: NAY. Motion passed 5-2.**





# Planning Commission Minutes

**Roll Call Vote on Main Motion as Amended: Commissioners Knauer, Herron, KenCairn, Perkinson, Phillips, Verner: AYE. Commissioner MacCracken Jain: NAY. Motion passed 6-1.**

**V. OPEN DISCUSSION** - None

**VI. ADJOURNMENT**

*Meeting adjourned at 8:38 p.m.*

*Submitted by,  
Michael Sullivan, Executive Assistant*

