

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
REGULAR MEETING
Minutes
March 8, 2022

I. **CALL TO ORDER:** 7:00 PM, via Zoom
Chair Haywood Norton called the meeting to order at 7:00 p.m.

Commissioners Present:

Michael Dawkins
Haywood Norton
Roger Pearce
Lynn Thompson
Lisa Verner
Kerry KenCairn
Doug Knauer

Staff Present:

Bill Molnar, Community Development Director
Brandon Goldman, Planning Manager
Derek Severson, Senior Planner
Aaron Anderson, Associate Planner
Michael Sullivan, Administrative Assistant

Absent Members:

None

Council Liaison:

Paula Hyatt, not present

II. **ANNOUNCEMENTS**

Chair Haywood Norton began by welcoming Doug Knauer to the Planning Commission.

Community Development Director Bill Molnar made the following announcements:

- Commissioners Kerry KenCairn and Lisa Verner have volunteered to join the Housing Production Strategy Advisory Committee. The Housing Production Strategy will build upon the Housing Capacity Analysis and will result in specific programs and actions to address the housing needs of the community. The state requires the Housing Production Strategy to create an active plan that can be implemented over the next several years. The Committee will meet five times over a period of ten months. A consultant for EcoNorthwest will give an overview of the Housing Production Strategy at the March 22, 2022 Planning Commission Meeting, as well as detail some public involvement processes that the Commission can engage in.
- Discussions will be held about a Planning Commission retreat in the future.

III. **CONSENT AGENDA**

A. **Approval of Minutes**

1. February 8, 2022 Regular Meeting

Commissioners Thompson/KenCairn m/s to approve the Regular Meeting Minutes. Commissioner Knauer abstained due to the meeting taking place before his appointment to the Commission. Voice Vote: all AYES. Motion passed. 6-0.

IV. **PUBLIC FORUM** - None

V. **UNFINISHED BUSINESS**

- A. Approval of Findings for PA-T2-2022-00036, 329 Granite St.

Ex Parte Contact

Commissioner KenCairn recused herself due to her presence on the design team. No ex parte contact was reported.

Associate Planner Aaron Anderson informed the Commission that revisions were made to the Findings prior to the meeting after Commissioner Lynn Thompson identified the necessary corrections within the distributed copy. Three were editorial revisions, an addition of the Tree Commission's recommendations, and significantly reworked paragraph 2.4 dealing with Conditions of

Approval.

Questions of Staff

Commissioner Thompson asked Mr. Anderson for clarification regarding the Physical & Environmental Restraints criteria for the project, specifically that the Findings state that the family dwelling was well within the maximum allowed on this parcel despite it needing an exception before proceeding. Mr. Anderson explained that per State Bill 2001 the maximum number of units allowed on the parcel would be two, which this single dwelling development would fall under.

Commissioners Thompson/Dawkins m/s to approve PA-T2-2022-00036 with staff's revisions. Commissioner KenCairn abstained due to her presence on the design team, and Commissioner Knauer abstained due to the item being approved before his appointment to the Commission. Voice Vote: Dawkins, Pearce, Thompson, Verner, and Norton, YES. Motion passed 5-0.

B. Recommendation to City Council for PA-T2-2021-00031, 375/475 E. Nevada

Ex Parte Contact

No ex parte contact was reported.

Questions of Staff

Commissioner Pearce inquired if the City Council would have full access to the Findings and Recommendation for this item before voting, to which Senior Planner Derek Severson responded that both would be provided to the Council.

Commissioners Pearce/Dawkins m/s to approve Recommendation to the City Council on item PA-T2-2022-00031. Commissioner Knauer abstained due to the item being approved before his appointment to the Commission. Voice Vote: all AYES. Motion passed 6-0.

VI. PUBLIC FORUM - None

VII. TYPE II PUBLIC HEARINGS

PLANNING ACTION: PA-T2-2022-00037

SUBJECT PROPERTY: 165 Water Street, 160 Helman Street and 95 Van Ness (*corner of Van Ness & Water Streets*)

APPLICANT/OWNER: Rogue Planning & Development Services, LLC, *agent for*

DESCRIPTION: A request for an eight-lot commercial subdivision to construct a phased mixed-use development for the three properties at 95 Van Ness Street, 165 Water Street and 160 Helman Street. The applicant's Phase I requests Site Design Review approval for five mixed-use buildings consisting of two ground floor commercial spaces with two residential units above in each building, as well as associated surface parking, utility infrastructure and street improvements. The remaining three building sites would be developed in a later phase. The application also includes a request for a Physical & Environmental (P&E) Constraints Review Permit because the proposal includes development on severe constraints lands with slopes greater than 35 percent and on floodplain corridor lands; a request for an Exception to the Development Standards for Hillside Lands; a request for a Tree Removal Permit to remove 20 trees on the three properties and within the adjacent rights-of-way; a request for an Exception to the Site Development and Design Standards to allow 3,087 square feet of plaza space where the standards require 5,624 square feet; and a request for an Exception to Street Standards to allow parking bays with street trees in bump-outs along Van Ness Avenue rather than standard park row planting strips.

COMPREHENSIVE PLAN DESIGNATION: Employment; ZONING: E-1; ASSESSOR'S MAP: 39 1E 04CC; TAX LOTS #: 2000, 2100 & 7100

Chair Norton read aloud the public hearing procedures for land use hearings.

Ex Parte Contact

All Commissioners conducted site visits, Commissioner KenCairn resides in the neighborhood. No ex parte contact was reported.

Staff Report

Prior to the Staff Report, Chair Norton read from one passage on page 16 that he believed would impact how the meeting would be conducted: "In staff's assessment, there are still additional items needed to complete the Commission's review of the

application. Without a Traffic Impact Analysis and Geotechnical Report, and time to review them, staff does not believe that findings can be made that all applicable criteria have been satisfied, however staff believed it was worthwhile to begin the public process, solicit comments from both the Tree and Historic Commissions, and provide the Planning Commissioners with an opportunity to familiarize themselves with the site and proposal and weigh in on key issues including the Exceptions to the Site Development and Design, Solar Access and Hillside standards.”

Mr. Severson presented the application for an eight-lot commercial subdivision to construct a phased mixed-use development of the three properties including 95 Van Ness Avenue, 165 Water Street, and 160 Helman Street totaling 1.9 acres. The Phase I site would consist of five mixed-use buildings containing commercial and residential units, with the remaining three being developed in Phase II. Four Exceptions would be necessary for development; 1) Exception to the Site Development and Design Standards to allow for an approximately 45% reduction in the required plaza space; 2) Exception to Street Standards to allow parking bays with street trees in bump-outs along Van Ness Avenue rather than standard park row strips; 3) Exceptions to the Development Standards for Hillside Lands; and 4) Solar Access Exceptions for Lots #3 and #4 (request received after public noticing, requiring continuance of the Public Hearing to the Planning Commission meeting on April 12 to allow for re-noticing). A Physical and Environmental Constraints Review Permit and a Tree Removal Permit to remove twenty trees would also be required.

As noted by Chair Norton Mr. Severson detailed further requirements for development, including a complete Geo-Technical report and time for the Planning and Public Works staff to review a Traffic Impact Analysis (TIA) that was received on March 2, 2022. As such it was Staff’s recommendation that the Public Hearing be continued to the April 12, 2022 Planning Commission Meeting.

Mr. Severson called attention to the site’s proximity to C-1, R-2, R-3, and M-1 zoning, and is at the edge of the Residential Overlay. It is also in the E-1 zone, within the Skidmore Academy Historic district, is adjacent to Railroad district, and is in close proximity to the Downtown district. The site is not in the Hillside Overlay and thus not subject to the Hill Constraints, therefore the only slopes regulated on the parcel would be those with a grade of over 35%. Mr. Severson noted that commercial development had largely not been considered by staff when that ordinance was created. The existing neighborhood largely consists of one-story historic residential buildings and a two-story mixed-use building on Water Street with an increase in mixed-use buildings closer to Downtown.

Mr. Severson pointed out that the subdivision has no planned common or open area and the two parking areas are proposed via easement. Lot #5 was proposed without any street frontage other than on an alley, which the Ashland Municipal Code requires for a minimum of 40 feet. He stated that in staff’s view the easiest remedy would be to provide an eight-foot flagpole consistent with the partition’s chapter to create a connection for lot #5 to Helman Street. Mr. Severson brought to the attention of the Commission that the proposal was not clear on which areas would constitute the Plaza space, and that the ground floor designs appeared to be less than the required 65% of a mixed-use building. It was his recommendation that the Commission request elaboration from the applicants over these issues.

The Solar Access Exception was requested in regards to the height of each building and the respective shade cast onto adjacent buildings. Though the buildings fall under the 40ft max building height in the E-1 zone, the shadow cast on adjacent buildings would exceed the E-1 standard of 16ft because of their close proximity to each other. Commissioner KenCairn questioned whether height would be an issue if the Historic District max height was met, to which Mr. Severson responded that Solar Access exception would still likely be necessary for development. As part of its report to the Historic Commission staff presented design plans from a proposal in 2006 that had been approved but not developed. Mr. Severson directed attention to the design which consisted of several three-story buildings, but because of the staggered nature of the rooftops they would not have cast an exceptional amount of shade. He also stated that the building design in the current proposal are similar to designs used in another prior project that had been approved but not developed further.

Mr. Severson briefly outlined the view of the Historic Commission, which felt that in terms of the Historic District Design Standards the height, massing, and scale were not compatible with the homes across the street. Height, scale, and massing were seen to be the greatest flaws. The Historic Commission felt that there was no precedence for three similarly scaled buildings to be adjacent to each other in the Historic District, and recommended that the applicants consider varying the materials and height to break up the monotony of appearance and design. Mr. Severson concurred with the Historic Commission’s assessment, and detailed how subtle shifts in upper floor design and recesses could help mitigate the uniformity and massing of the three buildings along Helman Street.

The Tree Commission voted unanimously to support recommendation to approve the project as submitted, with the further recommendation that alternatives to tree grates be considered for the street trees. Tree Commissioner Simpson also noted that the shade provided by the tall buildings could provide the opportunity to plant some species that would be unable to be planted otherwise.

Questions of Staff

Commissioner Knauer commented that the Staff report mentioned portions of the structures exceeding the maximum height of 40ft. Mr. Severson explained that individual portions of the wall can exceed the 40ft maximum provided that the average height of all four walls be lower than 40ft.

Commissioner Pearce cautioned that because the Public Hearing on this item would continue until the April 12, 2022 meeting it would be difficult to make an informed and responsible decision before the end of the application's 120 day review. Commissioner Verner pointed out that the applicant can ask to extend the review period. to which Commissioner Pearce stated that an extension should be recommended to the applicants otherwise he would have to vote no on the proposal.

Commissioner Pearce also raised concerns over the designs and contents of Phase I and Phase II. He pointed out that staff and the Commission were seemingly being asked to apply site development standards to the entire project despite there being a separate application and process for Phase II development. Commissioner Pearce stated that there was ambiguity in the application over the contents of Phase I and Phase II and requested clarification. He contended that development standards should be applied separately to each individual Phase if they would be developed at different times, otherwise the applicants should clearly dictate the contents of each phase and not deviate from those plans after the application is approved. There was general discussion and agreement that the Commission required more information particularly regarding the plaza ratios. Chair Norton added that the applicants should also request an exception for the lobby floor plans due to them falling below the 65% required floor space ratio.

Commissioner KenCairn questioned why the application was deemed to be complete if the applicants did not comply with solar standards and had not yet supplied the Commission with a TIA. Mr. Severson responded that because the project's scope likely warranted the continuation of the Public Hearing, and that the arrival of the absent studies was imminent, staff determined that it would be beneficial to begin deliberations on this item. He added that a letter of incomplete had been sent to the applicants, who addressed many of the issues raised by staff.

Applicant's Presentation

Applicant Amy Gunter began by assuring the Commission that there would be very little delay in the development of Phases I and II, and that the purpose for phasing the project was to allow access for construction vehicles and materials for the lot with minimal traffic congestion. This is also why the public right-of-way and alley would be part of Phase I. She stressed there would be little-to-no changes in site design for Phase II going forward.

Ms. Gunter displayed several current structural designs present in the Historic district that the design team referenced when developing the buildings, as well as the material types that would be used in their construction. She said that the intent was to create breaks and changes in the façade to give an impression of there being separate spaces within the building itself. She also emphasized that the average height would be around 36ft and none of the buildings would be over the 40ft height maximum allowed.

Ms. Gunter presented more detailed plans of the buildings and the tree removal plan. Twenty trees would be removed from the site, to which the Tree Commission had no objections, and thirty-six trees would then be planted on site after development. Phase I would also have approximately 3,700 square feet of landscape and hardscape areas. This is below the standard plaza footage for a site of this size, but the applicants believed that, under the exception requested, the amenities and features of the plaza areas would equally achieve the purpose of creating a safe and comfortable environment.

Applicant Piper Von Chamier described that the proposed plaza space would amount to over 7,600 square feet of the entire lot. The plaza spaces would be made up of gathering spaces connected by smaller greenway spaces throughout the lot. A variety of flora would also be planted in the greenway areas and around the walkways to assist with storm-water treatment. The intention would be to create a green and sustainable space on the lot.

Regarding the Traffic Impact Analysis, Ms. Gunter granted that there would likely be a slight increase in traffic during development, but that driveway and pedestrian access were projected to be safe and efficient. In order to address the accessibility issue the applicants proposed combining lots #4 and #5 and converting lot #5 into a condominium. This would allow the applicants to only require one Solar Setback Waiver for building one being shaded by building three. This would also eliminate the issues with the access standards of lot five not having access to a public street.

Ms. Gunter concluded her presentation by formally requesting an extension to continue the Public Hearing to allow their team to address the issues raised by the Historic Commission and provide additional geotechnical evidence. Due to the complicated nature of the application Commissioner Pearce requested that the applicants be given additional presentation time in order to provide the Commission with as much information as possible.

Developer Gil Livni provided testimony wherein he clarified several issues raised by the Commission. He stated that there would be almost no delay between the development of Phase I and II and there would be no design changes to the plaza spaces. He apologized for the lateness of the TIA, stating that their team had requested the study four months prior to this meeting. Mr. Livni believed that a geotechnical analysis would confirm the stability of the site and there should be no issues with developing it. Regarding building height he conceded that the ceilings could be reduced from eleven to nine feet, and the shifting of corner rooflines could alleviate the shade issue. He pointed out that there are already several uniform, mixed-use buildings in the Historic district and suggested that this new development would be compatible with the existing neighborhood.

Public Testimony

Cat Gould/Ms. Gould showed several photos of a 28ft telephone pole at the corner of Helman Street and Van Ness Avenue to show the length of shadow it alone cast on the street. She then showed a photo of a two-story building whose shadow pass to the other side of the street. Her concern was that buildings nearing 40 feet in height would fully engulf the surrounding homes and streets in shade and that hazardous ice could potentially develop in winter. Ms. Gould supported development of the parcel, but expressed concern that the large project would not be cohesive with the historic and affordable neighborhood.

Mark Brouillard/Mr. Brouillard asked staff for additional notice time in preparation for public meetings, and also requested that information packets for Historic and Tree Commission meetings be made readily available before meetings, particularly when discussing items with numerous exceptions. Mr. Brouillard directed the Commission's attention to A.M.C.18.4.2.050.B, the criteria of which he believed would prohibit the kind of development proposed by the applicants. He then requested information regarding plans for the Helman irrigation ditch that transects the parcel and is a public right-of-way. He also cautioned against the proposed alley running from Helman Street to Water Street, which he believed could result in more transient crime in the area. Mr. Brouillard stated that there is already inadequate parking on Helman street, which would be exacerbated by this development. He also clarified that the Plaza Inns and Suites is located on Central Avenue and not on Helman Street.

Applicant's Rebuttal

Ms. Gunter pointed out that the shadows shown in Ms. Gould's testimony point to the West, while the solar setbacks shadows are calculated and factored to be in the North. She contended that shadowing neighboring buildings to the North is not a criteria that applies.

Ms. Gunter directed attention to the civil drawings included in the packet for this meeting for the irrigation line. Currently the irrigation line does not have an easement through the property and suffers from leaks. The property has no rights to that irrigation so this proposal would carry the pipe through the plaza and under the parking area and reconnect it to the irrigation line on Van Ness Avenue and Helman Street.

Ms. Gunter emphasized the importance of looking at the Transitional Area code because despite the property being in the Historic District the Employment Zone standards should not be changed to fit those criteria. The general shape, form, scale, and materials of the buildings should be paramount in determining conformity. While size and scale was the main concern of the Historic Commission, Ms. Gunter stated that in her estimation the A.M.C. does not require a commercial building to conform in size and scale to one-story residential buildings within the Historic District. She cited A.M.C. 18.4.2.050.B.1. which speaks to the Transitional Areas and the criteria in place when developing on district boundaries, and had led to the design of what her team deemed to be appropriate buildings for the area.

Ms. Gunter then referenced several past cases of structures built in in the Historic District that reached well over the 40-foot

height limit, including the Woolen Mill, the Planing Mill, and the Ashland Iron Works. She argued that, though these buildings are no longer present, their development created precedence for large scale buildings in this district. She concluded by stating that there is residential height limitation that exists in residential zones, but not a commercial limitation.

Commissioner Comments

Commissioner KenCairn commended the design of the project, but remarked that it disregarded the Historic District that it is in. Between the scale, exceptions requested, and its incongruous nature she stated that she could not support this development.

Chair Norton requested that staff research whether the applicants would need to request an exception for not meeting the 65% commercial floorplan ratio. If an exception were necessary then the planning action would need to be re-noticed to include this request. Commissioner Thompson recommended that the applicants address what the relevant requirements and standards are, and identify whether they are met nor not. She specifically mentioned the hillside standards, plaza spaces, solar, and the lobby, feeling that they were not adequately examined in the proposal. Commissioner Thompson requested greater specificity from the applicants on all of those requirements at the April 12th meeting.

Commissioner Pearce agreed with Commission Thompson and voiced the opinion that there was too much ambiguity over the plaza areas and their contents. He added that nowhere in the application was there a delineation of square footage for the plaza spaces, nor how they met the required criteria for development. He leant support for some design elements, but stated that more details were needed before the Commission could make a decision. He suggested that the applicants consider combining more lots in order to solve their solar exception issue and conveyed that the height issue would be problematic to reconcile.

Chair Norton agreed that more precision over plaza coverage was needed from the applicants. He suggested that they clearly demarcate each plaza space and provide dimensions, as well as which lot they are a part of, and in which phase they would be developed.

Commission Dawkins questioned whether the smaller and more scattered elements of the design plan were meant to be counted as potential plaza space, and if so then whether they met four of the six criteria elements necessary for development. Commissioner Verner agreed that the plaza was too dispersed and that the aggregate space was not sufficient to constitute an open meeting area. She voiced disappointment that despite the dispersion of the plaza space the proposal still necessitated an exception, and also worried that the stark difference in building size and mass would overwhelm the surrounding houses.

There was general discussion over the building size and scale. Commissioner KenCairn commented that this project was an opportunity to either embrace the eventual takeover by commercial buildings in the district, or an opportunity to preserve affordable, residential housing near downtown. She stated that because of its designation as an R-3 zone it is in danger not being residential any longer. She acknowledged that those are not criteria under which the Commission operates, but wanted to draw attention to that reality.

**Commissioners Pearce/Dawkins m/s to continue the Public Hearing on PA-T2-2022-00037 to the April 12, 2022 meeting.
Voice Vote: all AYES. Motion passed 7-0.**

VIII. ADJOURNMENT

Meeting adjourned at 9:33 p.m.

*Submitted by,
Michael Sullivan, Administrative Assistant*