

**CITY OF  
ASHLAND**  
ASHLAND PLANNING COMMISSION  
REGULAR MEETING  
Minutes  
September 13, 2022

**I. CALL TO ORDER: 7:00 PM**

Chair Haywood Norton called the meeting to order at 7:00 p.m.

**Commissioners Present:**

Michael Dawkins  
Haywood Norton  
Lynn Thompson  
Eric Herron  
Lisa Verner  
Doug Knauer

**Staff Present:**

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

**Absent Members:**

Kerry KenCairn

**Council Liaison:**

Paula Hyatt (absent)

**II. ANNOUNCEMENTS**

Community Development Director Bill Molnar made the following announcement:

- The Commission will be discussing a draft ordinance regarding food trucks at its September 27, 2022 Study Session before making a recommendation to the City Council.
- That Study Session will then turn into a Regular Meeting which will allow the Commission to hold a Public Hearing on housing in employment zones. This item went before the Planning Commission on December 14, 2021 where it was approved, but the Council since remanded it to the Commission for further review. Staff also requested feedback from developers of mixed-use housing on some of the items contained in the ordinance.
- The Council will discuss potential amendments to the City's Commissions at its meeting on September 19, 2022. These changes would include creating a manger-advisory group that could lend its expertise to staff, which would then be included in the staff report.
- Mr. Molnar announced his retirement from the City on October 1, 2022. His last Commission meeting will be the upcoming Special Meeting on September 27<sup>th</sup>. He said that he was fortunate to have been able to work for so many years as a land-use planner, and expressed appreciation to the Commission for the work that it has done.

**III. CONSENT AGENDA**

**A. Approval of Minutes**

1. August 9, 2022 Regular Meeting

**B. Initiation of an Ordinance Amendment Relating to Food Trucks & Food Carts**

Commissioners Dawkins/Knauer m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed. 6-0.

**IV. PUBLIC FORUM - None**

V. **TYPE I PUBLIC HEARING**

**PLANNING ACTION:** PA-APPEAL-2022-00016 (Appealing PA-T1-2022-00187)

**SUBJECT PROPERTY:** 580 Clover Ln

**APPLICANT/OWNER:** Tesla / Asia Johnson

**APPELLANT:** Stracker Solar / Jeff Sharpe

**DESCRIPTION:** An appeal of the staff decision approving a request for a Conditional Use Permit and Site Design Review approvals to allow for the installation of an asphalt-paved parking lot with approximately 24 electric vehicle (EV) charging stalls on an undeveloped site. The project proposes to install associated electrical equipment (transformers, switchgears, Tesla supercharger cabinets and surcharger posts), storm drainage and water (for onsite irrigation only) utilities, and landscaping. **COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** E-1; **ASSESSOR'S MAP:** 39 1E 14 AA; **TAX LOT:** 6801.

**Ex Parte Contact**

No ex parte contact was reported. All Commissioners conducted site visits except for Commissioner Dawkins who was familiar with the site.

**Staff Presentation**

Senior Planner Aaron Anderson gave a brief overview of the application process, timeline, and scope of the project. He noted that many of the approval criteria do not apply to this project because the applicants are not proposing any buildings on the site in the near future. Because a fueling station is not an allowed use in an E-1 zone a Conditional Use Permit (CUP) was requested by the applicant. The applicants had also requested an exception to storm water collection standards due to the site's topography. while the remainder of the plans conformed to the City's design standards.

Mr. Anderson listed the three grounds for appeal submitted by the appellants, and noted that no citations from relevant criteria or procedures from the Ashland Municipal Code (AMC.) were included. The grounds for appeal were as listed:

- A request for the City to consider future developments when determining this project's effect on the City's electrical grid.
- That Clover Lane is narrow and that the project could negatively impact traffic.
- The Tesla charging station would not benefit other electric vehicles or the City.

Mr. Anderson outlined how the applicant had worked extensively with the City's Electrical Department before and after the application was submitted, and noted that there was one deficiency identified within the electrical grid that is being addressed. The width of Clover Lane was found to be within standards for a neighborhood street. Mr. Anderson also clarified that the applicant would be providing third-party charging in the future, and that the exclusivity of any particular brand is not relevant to the approval criteria.

Staff believed that there was sufficient evidence in the record to demonstrate that all applicable standards had been met by the application and recommended that the Commission deny the appeal and uphold the original approval (see attachment #1).

**Questions of Staff**

Commissioner Thompson asked whether there is a minimum Floor Area Ratio (FAR) requirement for developments in an E-1 Zone. Mr. Anderson responded that there is an FAR requirement, and that past projects have provided similar shadow plan showing that any future development would meet FAR standards. Commissioner Thompson asked that a code reference be provided for projects developing at .5 FAR, to which Senior Planner Derek Severson cited AMC 18.4.2.040. Commissioner Thompson pointed out that staff did not include calculations for the shadow development when determining the project's traffic impact, requiring any future development to conform to the remaining land. Mr. Anderson replied that any future development would require a site design review and that the shadow plan would not manifest without an additional planning action. At that time staff would evaluate the proposed building and its parking demand, and how it would impact the CUP being discussed. Commissioner Thompson noted that staff was analyzing a future development based on the least intensive use of the space, a single-tenant building, and that any future development would likely have a greater traffic impact than is being considered. Mr.

Anderson responded that a traffic study would be required for any future development, adding that any future plans would likely be accessory to the Tesla station and that linked-trips would not greatly increase traffic.

Chair Norton requested clarification on the parking allowed along Clover Lane. Mr. Anderson responded that there is no parking allowed on the northern end of Clover, but is allowed on the southern end where it is wide enough to accommodate parking on both sides of the street. Chair Norton expressed concern that the narrowness of the street would result in congestion.

Commissioner Knauer commented that the Electrical Department's review did not seem to be primarily focused on the Tesla proposal. Mr. Anderson replied that the Electrical Department had used this as an opportunity to review the grid as well as re-conductor the lines identified by the engineering firm.

### **Questions of the Applicant**

Brian Sliger, Design Manager, and Alex Schoknecht, Project Developer, assured the Commission that Tesla was working to create universal charging adapters to allow non-Tesla vehicles to use the station. Mr. Sliger mentioned that their traffic data was extrapolated from similar charging stations and the number of visits by customers.

Commissioner Dawkins expressed concern that a restroom would not be included as part of the project. Mr. Schoknecht responded that their data showed most of their customers visited the charging stations while nearby businesses were in operation and providing amenities, making the inclusion of a sanitary facility unnecessary. Commissioner Thompson asked if Tesla was planning on developing the remainder of the lot, to which Mr. Sliger responded in the negative.

Chair Norton expressed concern over the potentially long wait-times for customers to charge their vehicles. Mr. Sliger agreed that keeping ahead of their capacity means is a primary goal for the company, but that Tesla's plans to develop additional charging stations in southern Oregon should help alleviate any potential wait-times. Mr. Schoknecht added that their goal is for a maximum of 10% occupancy at any given time before it is considered congested.

Chair Norton noted that a Tesla charging station in Sutherlin has two ingress/egress points to the site, and inquired if this was considered for the Clover Lane development. Mr. Sliger responded that their original plan included two points of entrance, but that staff had suggested altering the site plans to include one entrance and a widening of the middle lane per the AMC.

### **Appellant's Presentation**

Appellant Jeff Sharpe noted that he was appealing as a citizen, and not on behalf of his company, and that he submitted this appeal in order to have adequate time to provide comments before the comment period deadline passed. Mr. Sharpe expressed concern for the potential strain that this project could place on the electrical grid, particularly with many large business buildings nearby. He shared Chair Norton's apprehension regarding the narrowness of the street, but rescinded his third ground for appeal due to Tesla's commitment to installing universal charging adapters.

### **Applicant's Rebuttal**

The Applicants offered no rebuttal.

Chair Norton closed the Public Hearing and Record at 7:56 p.m.

### **Discussion and Deliberation**

Commissioner Thompson conveyed apprehension over the speculative nature of future developments in shadow plans, which could be used by applicant's to circumvent FAR standards. She asked if, in the event that the CUP is permitted, any future developments would cause the CUP to be reconsidered. Mr. Anderson responded that in the process of reviewing a new application it would be incumbent on staff to reexamine the CUP. He added that the Commission could include a condition of approval for staff to reevaluate the CUP when a future development is proposed depending on the application. Commissioner Thompson remarked that any future project could then be denied based on the combined impact of it and the CUP. Mr. Anderson responded that the site design review for any future development would include the use of the entire property. Mr. Molnar pointed out that the CUP would not need to be reestablished, but that you would evaluate the cumulative impacts of the CUP and the proposed project. Adjustments could then be made off of that evaluation, such as to the station or its traffic impact, but that it should not necessarily preclude the approval of the item being discussed.

Commissioner Knauer commented that there is a significant movement to fully electrify the City, and that this project might have a serious impact on the grid if every charging station were utilized at once, and that the City should attempt to plan accordingly.

Commissioner Herron inquired if there were any requirements in the AMC for a travel center to include restrooms or sanitary facilities. Mr. Molnar responded that there weren't any in the land use codes, and that he was not aware of one in the building codes. There was general concern from the Commission that the charging station would not include a sanitary facility for customers. Commissioners Verner and Dawkins lamented the applicant's lack of foresight in not including restrooms, but acknowledged that this was not grounds for denial of the project.

Chair Norton emphasized that parking and the narrowness of Clover Lane continued to concern him. Commissioner Thompson agreed that the on-street parking should be reevaluated, but stated that she would vote in favor of the project despite this because all applicable approval criteria appeared to be met by the application.

**Commissioners Knauer/Verner m/s to deny the appeal. Roll Call Vote: Commissioners, Knauer, Thompson, Verner, Herron, Dawkins: AYE. Commissioner Norton: NAY. Motion passed. 5-1.**

#### **VI. TYPE III PUBLIC HEARING**

**PLANNING ACTION:** PA-T3-2022-00004

**SUBJECT PROPERTY:** 1511 Highway 99 North

**APPLICANT/OWNER:** Casita Developments, LLC for owner Linda Zare

**DESCRIPTION:** A request for the Annexation of 16.86 acres located at 1511 Highway 99 North into the City of Ashland, along with 6.6 acres of adjacent Oregon Department of Transportation state highway right-of-way and 7.68 acres of California Oregon & Pacific railroad property. The property is currently located in Jackson County and zoned Rural Residential (RR-5); with Annexation these properties would be brought into the City as Low Density, Multi-Family Residential (R-2). Concurrent with Annexation, the application also requests: Outline Plan subdivision approval to create 12 lots; Site Design Review to construct 230 apartments in ten buildings including 37 affordable units; an Exception to the Street Design Standards; and Tree Removal Permits to remove two trees greater than six-inches in diameter at breast height. **COMPREHENSIVE PLAN DESIGNATION:** Multi-Family Residential; **ZONING:** Existing – County RR-5 Rural Residential, Proposed – City R-2 Low Density Multi-Family Residential; **ASSESSOR'S MAP:** 38 1E 32; **TAX LOT #'s:** 1700 & 1702

#### **Ex Parte Contact**

No ex parte contact was reported. All Commissioners conducted site visits.

#### **Presentation**

Senior Planner Derek Severson began by pointing out that the application contained several Type II elements, including site review, subdivision, the exception and tree removal, and that the Type III element would be the annexation request. The Commission would make a recommendation to the Council for final approval. Mr. Severson added that a similar application was approved by the Commission and Council in 2019, but was appealed to the Land Use Board of Appeals (LUBA) and ultimately denied because the application did not include plans for a development or full frontage improvements. City codes have since been adjusted and the new application meet, and also include the requisite plans for developing the site. The annexed area is currently separated from the City limits by a railroad crossing, which is not considered a public right-of-way (ROW). State law allows that the City can annex property where the owner has not consented provided that the City has a triple-majority where half of the property owners or half of the property's assessed value consent to the annexation. Therefore the railroad property should be included in the annexation to make the City limits contiguous and to extend utilities and services.

Mr. Severson stated that the annexed area would enter the City as Low-Density, Multi-Family Residential (R-2), and the applicant would be installing 3,000 of sidewalk and a new bus-stop along the street-front. The development would make up twelve buildings, ten of which would contain 230 apartments and 37 affordable units (see attachment #2). The sidewalks would result in pedestrian connectivity along Highway 99 from the downtown area to El Tapatio Restaurant.

A significant portion of the site would be along the highway, making it the jurisdiction of the Oregon Department of Transportation (ODOT). The application requested an Exception to the Street Design Standards to allow the development of curbside sidewalks in order to install a bus pull-out lane, bus stop, and transit supportive plaza along the property's frontage. The applicants requested a reduction in required parking from 230 spaces to 212 due to the transit-supportive plaza. A provision in the AMC allows for such a reduction request.

Mr. Severson noted that the Transportation Commission raised concerns about high traffic speeds near a large residential development, but that ODOT had decided that a reduction in speed along the development site was not required. A pedestrian-controlled crosswalk is being proposed crossing Highway 99 and was supported by ODOT. The sidewalks being proposed are consistent with both City and ODOT standards, and the applicants proposed to maintain the current bicycle lanes and widen them where necessary.

Mr. Severson related how the Tree Commission had reviewed the application and concluded that the proposed tree removals were acceptable and voted unanimously to approve the project.

Mr. Severson noted that the affordability standards had changed since the previous application, and now require that the total number of affordable units proposed by a development be rounded up. Therefore the number of affordable units required by the application should be increased to 38. However, if the applicants choose to partner with a provider then the dedicated land should be adequate to accommodate the required number of 47 ownership units at 100% AMI on the final plat. Alternatively, if the applicants partnered with an affordable housing provider that is willing to participate in the design program proposed by the applicant, then the applicants would only be required to provide 38 affordable housing units at the 80% AMI rental rate. Staff recommended that a condition be included for the Final Plan submittal to make clear how the affordability requirements would be addressed.

Mr. Severson concluded that staff was generally supportive of the request and that the applicants met the criteria for approval.

### **Questions of Staff**

Commissioner Knauer requested clarification on the applicant's choice on whether to construct the development themselves or to partner with a provider. Mr. Severson responded that the applicants would still supply the facilities, but that a partner could be brought in construct the proposed buildings. Mr. Goldman added that the external amenities would stay the same with a partnered provider, but that the internal amenities may differ.

Commissioner Thompson asked for further information regarding the open-space amenity requirements are for the project. Mr. Severson responded that the staff report did not examine the requirements in detail because the proposal was providing significantly more open-space than the 8% required for multi-family developments. The plans also included a play area for children, as well as recreational areas and patios.

### **Applicant's Presentation**

Amy Gunter began by stating that the applicant team had reviewed staff's evaluation, findings, and recommended conditions of approval, and accepted them as presented. She provided the Commission with a presentation for the annexation and development for 1511 Highway 99 N. and gave a brief overview of the project and the development area. She noted that substantial public improvements would be required, and that this project would provide all improvements necessary (see attachment #3).

Ms. Gunter detailed how the current sidewalks along Highway 99 terminate on Schofield Street and how this development would greatly improve pedestrian access from the site to downtown. She pointed out how there is currently no safe passage for pedestrians to travel alongside Highway 99, and that there is also limited bicycle safety measures. She showed the Commission several nighttime photos of the highway to emphasize the need for safe pedestrian walkways. Ms. Gunter noted how there were still discussions being held about what the underpass pedestrian improvements would entail at the railroad bridge, but that a pedestrian sidewalk and bike lane would be included. She pointed out at the proposed improvements would be superior to the existing facilities, and that a crosswalk with Rectangular Rapid Flashing Beacons (RRFBs) was being planned where two new bus-stops would be installed.

Robert Kendrick pointed to various driveways and ingress/egress points along the highway that don't conform to ODOT standards. He noted that this project would not be able to improve those areas, but that the installation of sidewalks and curbs would greatly increase pedestrian connectivity and safety between downtown and the proposed development, meeting the design standards for improvement. Mr. Kendrick stated that his goal in requesting a reduction in parking standards was to encourage the use of other modes of transportation, namely walking, biking, and buses. He added that they have an offer from Rogue Valley Transportation District (RVTD) to provide bus passes with unlimited use for every resident in the development for \$10.00 per month.

Mr. Kendrick stated that his target tenant demographic are those between 80-120% AMI, who, on average, spend 29% on car-related expenses. The proposed transportation upgrades would free up these expenses and increase quality of life for the tenants. He pointed out that residents of northern Ashland are unable to use the bus-stops along the highway due to the lack of safe crosswalks, and that his team had worked with ODOT for two years to get the RRFB crosswalk approved which would benefit the neighborhood.

Mr. Kendrick then cited a Vehicle Access Safety Evaluation provided by his team's traffic consultant. The safety standard is based on Stopping Sight Distance (SSD) and vehicle speed, and would require an SSD of 360ft for a car traveling at 45mph. Mr. Kendrick stated that his proposal would have an SSD of over 700ft in both directions from the project site.

Ms. Gunter concluded the presentation by informing the Commission that the project would provide required public infrastructure improvements per annexation code standards. She pointed out that the layout for the site was largely determined by the Billing's Siphon that runs through the property, which would reduce the number of trees needing to be removed from the site. She added that the wetland buffer included in the application is larger than is necessary for approval, and that the site was designed for family use.

**Commissioners Dawkins/Thompson m/s to extend the meeting until 10:00 p.m. Voice Vote: all AYES. Motion passed. 6-0.**

### Questions of the Applicant

Commissioner Dawkins voiced concern that all affordable units would be located in one area instead of being dispersed around the site. Mr. Kendrick responded that the affordable units would be built to the same standard as the other units, and that the purpose of the project would be to increase available housing and decrease rental costs in the City. Commissioner Dawkins remarked that the proposal made mention of selling the units, to which Ms. Gunter responded that selling the units is merely an option but is not being considered.

Commissioner Verner inquired why the number of rental units was increased to 230 from the 2019 application's 196 units. Mr. Kendrick stated that the demand for housing had changed during that time, as well as the need for additional single, double, and triple occupancy housing. He added that privacy was also a focus when designing the units themselves, as well as providing open areas behind the buildings. Commissioner Verner asked if the annexation would include all of the ODOT property indicated in the application. Mr. Kendrick responded that it would, indicating that this would result in greater connectivity to the rest of the City. Mr. Severson added that in discussions during the 2019 application that ODOT had recommended that the annexation include the whole ROW.

Commissioner Verner noted that the SSD included in the traffic report only referred to one of the application's entrances. Mr. Kendrick responded that the SSD did apply to both entrances, but that the second entrance is unnecessary and only required by the City. The focus will be on the main entrance which will include ADA compliant pedestrian access points to encourage pedestrian and bicycle usage near that entrance. Commissioner Verner pointed out that the width of the secondary access point was only 24ft, to which Mr. Severson responded that the Fire Department only required the main entrance to have a width of 26ft.

Commissioner Verner inquired if the individual lots would be sold. Mr. Kendrick responded that it was not being considered, and that the involvement of Homeowner's Associations in the development would be to lower the potential capital needing to be borrowed from banks. Commissioner Verner inquired in the total lot coverage included the internal roadways. Ms. Gunter stated that all surfaces that are not landscaped areas make up the total lot coverage, including driveways, patios, pathways, and

structures. Mr. Kendrick elaborated that the landscaped areas would not include grass in order to conserve water. Commissioner Verner stated that the applicants and the City should do everything possible to reduce the speed limit along the highway to 35mph. Mr. Kendrick agreed and requested that the City to assist his team in that endeavor.

Commissioner Thompson requested clarification regarding the orientation of the units in relation to the parking areas. Mr. Kendrick responded that the entrance for the basement floor units would be facing outward, while the first and second floor units have entrances facing inward. He added that the affordable units could be placed anywhere on the property, and that the whole neighborhood will increase in value and quality. Ms. Gunter pointed out that the affordable unit would have some of the best views on the lot because of their height and placement. Commissioner Thompson asked in RVTD had agreed to add a regular stop outside the property. Mr. Kendrick responded that they had, and that the local ODOT office had also approved the new crosswalk.

### **Public Comments**

**Steve Rouse**/Mr. Rouse stated that he is the Vice-President of Rogue Advocates, the group who successfully appealed the original project to LUBA. He commented that he was impressed with the applicant's proposal, but that significant concerns remained. Mr. Rouse outlined the difficulty in adding additional residential traffic from the development to the highway, and suggested that the applicants reduce the number of units to limit congestion. He supported the applicant's intention of increasing pedestrian safety, but stated that traffic would only increase due to this project. Mr. Rouse also contested the findings from the traffic report, stating that the SSD would be much lower than was reported.

Mr. Rouse requested that the Public Record remain open so that he could submit additional written comments.

Ms. Gunter requested that the applicant team be given its five-minute rebuttal time before the meeting is adjourned. Chair Norton responded that the Commission would be unable to make a decision in the remaining time allotted. He suggested that the item be continued to the October 11, 2022 Regular Meeting when the Commission would have more time to deliberate, as well as allow for any additional comments to be submitted.

**Commissioners Thompson/Dawkins m/s to continue the Public Hearing on PA-T3-2022-00004 until the October 11, 2022 meeting. Voice Vote: all AYES. Motion passed. 6-0.**

### **VII. ADJOURNMENT**

Meeting adjourned at 9:58 p.m.

*Submitted by,  
Michael Sullivan, Executive Assistant*