

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
REGULAR MEETING
Minutes
October 11, 2022

I. CALL TO ORDER: 7:00 PM

Chair Haywood Norton called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

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

Staff Present:

Brandon Goldman, Acting Community Development Director
Derek Severson, Senior Planner
Michael Sullivan, Executive Assistant

Absent Members:

Kerry KenCairn

Council Liaison:

Paula Hyatt

II. ANNOUNCEMENTS

Acting Community Development Director Brandon Goldman made the following announcements:

- The Oregon American Planning Association held a conference in Talent on September 29-30th, which was attended by several members of the Commission.
- The City Council will discuss Preserving Manufactured Housing Parks at its October 31st meeting, and will also examine the Community Development process and any related questions. The Council will then have a first reading of the Legislative Amendment on Housing in E-1 and C-1 Zones at its November 15th meeting.
- Staff had included information in the packet detailing appropriate conduct for public officials and employees regarding elections. Mr. Goldman noted that members of the Commission are considered public officials and as such are prohibited from engaging in political advocacy while in their official capacity.

III. CONSENT AGENDA

A. Approval of Minutes

1. September 13, 2022 Regular Meeting
2. September 27, 2022 Special Meeting

A correction was made to the September 13, 2022 Regular Meeting minutes on page 3 under "Discussion and Deliberation"; Commissioner Knauer noted that in the sentence "... and that this project would have a serious impact on the grid..." that "would" should be replaced with "might."

Commissioners Verner/Dawkins m/s to approve the September 13, 2022 Regular Meeting minutes with a correction.
Voice Vote: all AYES. Motion passed. 6-0.

Commissioners Dawkins/Knauer m/s to approve the September 27, 2022 Special Meeting minutes as presented. Voice
Vote: all AYES. Motion passed. 6-0.

IV. PUBLIC FORUM - None

V. **UNFINISHED BUSINESS**

A. Approval of Findings for PA-APPEAL-2022-00016, 580 Clover Ln

Ex Parte Contact

No ex parte contact was reported.

Commissioners Verner/Herron m/s to approve the Findings for PA-APPEAL-2022-00016, 580 Clover Ln. Voice Vote: all AYES. Motion passed. 6-0.

VI. **TYPE III PUBLIC HEARING - CONTINUED**

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

Commissioners Dawkins, Thompson, Verner, Herron, and Knauer did not report any ex parte contact, Commissioner Knauer conducted one site visit. Chair Norton disclosed contact that he initiated with the applicant in order to clarify the structure of this meeting. They did not discuss the project itself. Commissioner KenCairn is part of the applicant's team and therefore abstained from the meeting.

There were no challenges for bias.

Chair Norton reopened the Public Hearing at 7:14 p.m.

Chair Norton noted that the September 13, 2022 Commission meeting had been adjourned before the applicants could submit their rebuttal and that the Commission would now hear the continued testimony. Steve Rouse of Rogue Advocates had requested at the September 13, 2022 Commission meeting that the Public Hearing remain open to provide additional time to submit written comments. Staff received four additional written comments, including one from Mr. Rouse (see attachment #1).

Public Comments

Micah Horowitz/Mr. Horowitz notified the Commission that he is a Transportation Planner with the Oregon Department of Transportation (ODOT) and had submitted written comments to staff regarding this project. He stated that ODOT does support the project with conditions and supported the traffic analysis findings submitted by the applicants. ODOT did recommend frontage improvements, which are detailed in the staff report, as well as the installation of a Rectangular Rapid-Flashing Beacon (RRFB) and a striped pedestrian crossing across the highway.

Mr. Horowitz then spoke to a speed-zone investigation conducted by ODOT in 2021 to determine whether a reduction in the posted speed along Highway 99 was warranted, and found that a speed reduction was not necessary at that time. However, ODOT did recommend that another study be conducted after the annexation and the resulting change in road conditions.

Commissioner Verner asked if a reevaluation of the speed limit would need to be a condition of approval for the project, or if the City would need to request that ODOT conduct another study. Mr. Horowitz responded that the City's Public Works Department would need to make a request to ODOT for another study. Commissioner Verner asked if the pandemic could have affected the accuracy of the 2021 study, to which Mr. Horowitz responded that they would be unlikely to see changes in traffic without the roadway having undergone any physical alterations.

Commissioner Thompson requested clarification regarding a passage from ODOT's letter to the Commission over whether the proposed development would conform to Oregon Administrative Rule (OAR) 99. Mr. Horowitz responded that ODOT believed that the traffic study was sufficient to make a determination and that the project would conform and generally agreed with the traffic analysis. Commissioner Thompson inquired about the proposed crosswalk's relation to the bus stop outlined in the proposal, and expressed concern about the lack of a sidewalk going north along the highway. Mr. Horowitz agreed with her concern, and stated that ODOT had not yet received the civil plans identifying a specific spot for the crosswalk.

Jim Falkenstein/Mr. Falkenstein supported the proposed development. He detailed his opposition to similar developments in the past, but emphasized the need to embrace change and appealed to the Commission to approve the project.

Susan Rounds/Ms. Rounds expressed concern that the new development would increase traffic congestion on an already heavily trafficked highway. She detailed the congested traffic along Highway 99 when she was forced to flee from the Alameda fire, and contested the traffic study's findings that there was adequate line-of-site along the highway to safely merge into traffic. She asked if oncoming traffic was expected to stop for residents attempting to exit the development site. Ms. Rounds was also concerned that the addition of more residents to the City would increase the burden on its low water supply, and questioned whether the City would have sufficient facilities to accommodate new residents. She concluded stating that she had questions regarding the proposed walkway and bus stop.

David Runkel/Mr. Runkel supported the project, stating that it would increase the City's limited housing and help alleviate those who are economically burdened. He added that it would provide critical affordable housing and convenient transportation to essential business.

Alex Knecht/Mr. Knecht supported the project, citing the City's lack of affordable housing, particularly for employees of local business. He stated that he and his wife would like to relocate their business to Ashland, but that the limited affordable housing means that many workers cannot afford to live there, making such a change difficult. Mr. Knecht added that drawing in employers is critical to the City's financial sustainability, and that it directly tied to the affordable housing. He implored the Commission to approve the development.

Applicants' Rebuttal

Chair Norton informed the applicants that their rebuttal period would be increased to ten minutes due to the complexity of the project.

Amy Gunter began by stating that, according to the City's Water Department, the water pressure is so strong in the project area that pressure reduction valves would be necessary, and that the water line would be extended to the property from where it terminates at North Main Street. She added that there is not a moratorium on water use in the City, nor on developments due to a lack of water, and that the City's Public Works department had stated that there are adequate facilities to accommodate this project.

Robert Kendrick stressed to the Commission that many of the comments received regarding traffic congestion are not substantiated by criteria utilized by traffic engineers to design and evaluate transportation systems. He stated that Kelly Sandow, a member of the project's engineering team, has 22 years of experience performing traffic analysis, and is well versed in the City, industry, and ODOT standards required to perform a technical analysis of the site. Mr. Kendrick added that Steve Rouse is untrained in the field of transportation engineering, and that Ms. Sandow's testimony will refute the claims submitted by Mr. Rouse and Rogue Advocates.

Ms. Sandow began by addressing Ms. Rounds, stating that oncoming traffic would not be expected to stop for residents exiting the site. She stated that the line-of-sight measurement used ensured that drivers would have adequate space to slow down in the event that someone would be entering or exiting the site. She also assured Ms. Rounds that there would be sufficient facilities for pedestrians walking to and waiting at the bus stop.

Addressing the concern raised by Rogue Advocates that the driveways would be unsafe due to congestion, Ms. Sandow stated that the applicant team's analysis showed that the driveway would operate well within ODOT's standards for approval. She then detailed how the operative line-of-sight would be adequate for residents entering and exiting the development site. Ms. Sandow then clarified that the sight-distance is not a point on the pavement but a location of a vehicle on the roadway, refuting Rogue Advocate's claim that traffic could obscure line-of-sight from the intersection. She added that she had personally measured the sight-distance and concluded that it measured 577ft in both directions from the driveway, which ODOT independently confirmed would be sufficient.

Ms. Sandow then addressed concerns expressed by Rogue Advocates that the presence of bicycles and pedestrians would create hazardous traffic conditions near the development site. She stated that the project would create a bicycle, pedestrian, and transportation-user friendly site by encouraging its residents to utilize non-vehicular modes of transportation. Additionally, the applicants would be providing buffered sidewalks and bike-lanes along the site-frontage, an off-street bus pullout, as well as a multi-use path that would transition into a bike-lane and sidewalk connecting to Schofield Street.

Questions of the Applicant

Commissioner Thompson requested clarification regarding the line-of-sight and emerging gaps for residents to enter traffic. Ms. Sandow replied that the gaps would be sufficient for residents to observe oncoming traffic, and that her team's statistical analysis showed that a gap in traffic would emerge every five seconds. Commissioner Thompson noted the delay factor and queuing cited in Ms. Sandow's report and inquired if that data determined that adequate gaps would emerge for residents to enter traffic. Ms. Sandow responded that her analysis examined peak traffic times, specifically the morning and evening period when residents would be commuting to and from work, and determined that the average wait time for a vehicle to exit the development would be approximately 40 seconds. This total delay would include the time spent waiting for another car in front to exit the development before exiting itself. She added that the AMC allowed for a maximum 50 second delay, and that this analysis had also included the additional traffic created by the development's residents.

Commissioner Knauer requested clarification regarding the layout of the proposed bus stop on the east side of the highway. Ms. Sandow responded that there would not be a sidewalk on the east side, but there would be one on the west side. Ms. Gunter stated that the east side location would be a flag stop without a specific location, and would be a more flexible space where a bus would only stop if there was a resident waiting in the area. She added that there is currently no physical demarcation signifying it as a flag stop.

Commissioner Verner inquired if the development would include a sidewalk heading south underneath the railroad trestle. Mr. Kendrick stated that there would be a raised sidewalk and a curb, with a 4ft concrete barrier on top of the curb. Ms. Gunter added that ODOT will need to make a final determination on the design.

Chair Norton noted that any questions should be related to the rebuttal material and should not include items beyond that scope. Commissioner Thompson suggested that the Commission should be liberal with its line of questioning due to the complexity of the issue, to which Chair Norton agreed.

Commissioner Verner cited page 48 of the City staff report and requested clarification over which driveway and its connecting sidewalk were being discussed. Ms. Gunter responded that it was discussing the main driveway and the sidewalk that would connect the space between El Tapatio and the development site, before transitioning into City standard street improvements along the frontage of the project. Commissioner Verner asked if the park row would be developed between the two driveways, to which Ms. Gunter responded that there is not sufficient public right-of-way (ROW) between adjacent properties and the existing highway improvements for that to be feasible.

Commissioner Verner asked if the applicants would be developing the affordable housing units themselves or if they would be using an affordable housing partner. Mr. Kendrick responded that he would prefer to partner with a non-profit organization to develop the affordable units. He detailed that they would have the ability to go down to 0% rent on the units while he could only go down to 80%, and that his team would not be able to meet the same criteria that a group like Jackson County Housing could. Mr. Kendrick also clarified that the market rate units would be the same size as the affordable housing units. Commissioner Verner asked if the project would have separate phases of development. Mr. Kendrick responded that the off-site improvements, including developing the sidewalks, bike lanes, and bus plazas, would occur first before phasing into developing the site and constructing 1-2 of the buildings at a time.

Commission Thompson noted that the proposed apartments would all be under 500sq. ft., which the Department of Housing and Urban Development (HUD) require as a minimum size. Mr. Kendrick responded that his proposal would factor in the HUD requirements and would be fitted to accommodate those more strict guidelines.

Commissioner Thompson drew attention to a portion of the applicant's submittal that appeared to mention the possibility of selling off portions of the subdivided lot. Mr. Kendrick rejected that notion, stating that the reason for the subdivision would be to obtain loans from multiple banks and minimize the financial burden of the project.

Commissioner Thompson remarked that one of the requirements in the Performance Standards option of the code was adequate on-street parking, which this development would not be able to provide, and whether an exception to those standards would be necessary. Mr. Kendrick responded that the goal of the project would be to encourage alternative modes of transportation, such as biking, walking, and bussing, but that his team has contingency plans in place in the event that the residents require more parking. He added that his team hopes to attract City residents who do not own cars. Chair Norton emphasized that the question remains whether an exception would be required by the application. Mr. Severson clarified that the standard in question is in the Performance Standards section of the code, which speaks to on-street parking requirements, and suggested that a development in a potential R-2 Zone would not be required to provide on-street parking along a highway where no such parking is permitted. Ms. Gunter concurred, adding that a property owner should not be required to request a parking exception where no parking is permissible.

Chair Norton closed the Public Hearing and Record at 8:24 p.m.

Discussion and Deliberation

Commissioner Verner suggested that two conditions for approval be added. The first would be the clarification that 38 affordable units to be provided instead of 37, and second that a new traffic study be performed by ODOT to determine whether lowering the speed limit along that section of the highway is warranted. There was general discussion about when such a study should take place, and whether such a condition could be imposed on the applicant when it is the purview of the Public Works department to request a new study be performed. Commissioner Verner pointed out that having the study be a condition of approval would increase the likelihood of it taking place, and agreed with Commissioner Knauer that the efficacy of such a study would be contingent on it taking place after the development had finished in order to gauge its impact more accurately. Mr. Goldman suggested that the Commission recommend to the Council that the City initiate a request to ODOT to conduct a speed study within a year of occupancy of the development, as opposed to placing it as a condition upon the applicant that they may not be able to fulfill.

Commissioner Thompson commended the applicants for including the RRFB at the proposed crosswalk, but stated that its placement by ODOT should be clearly marked and its demarcation be a condition of approval. She expressed concern that the RRFB's location could be disconnected from the flag stop, and in that event a sidewalk or some sort of guidance be provided connecting the crosswalk to the bus stop. Mr. Severson responded that the flag stop is marked, and that it is placed in that area because the pavement encompassing the bike lane and shoulder is wide enough to accommodate the bus and pedestrian traffic. Commissioner Thompson emphasized that a condition should be included requiring the crosswalk be connected to the flag stop, or that safe access be provided connecting the two. Commissioner Knauer commented that the Commission could only make a recommendation to ODOT regarding its placement, to which Commissioner Thompson said that the Commission could require the applicants to connect the flag stop to the crosswalk if necessary.

Commissioner Thompson reiterated her concern about the code requiring on-street parking and inquired if a set of findings would be required stating why an exception to those standards would be necessary for approval. Mr. Severson stated that findings could be provided addressing this issue.

Commissioner Thompson acknowledged the traffic concerns raised by several of the public speakers, but stated that she was unwilling to go against the provided traffic study without evidence. Commissioner Thompson then recognized the concerns over water availability raised by Ms. Rounds, but did not believe that the code standards gave the Commission discretionary authority to deny the project based on water availability in the future.

Commissioner Thompson/Dawkins m/s the approval of the site review and performance standards of the code including all of the necessary permits and subject to approval by the City Council with the following conditions:

- Clarification at final plan on the number of affordable units provided.
- Clarification at final plan whether Mr. Kendrick would develop the affordable housing units or dedicate to a provider, which would change the requirement, unless that provider was a partner in the development.
- An exception to the on-street parking requirement.
- A condition relating to the crosswalk and its proximity to the flag stop, or if they are not proximate based on ODOT's findings that there be safe access to it.

Roll Call Vote: all AYES. Motion Passed 6-0.

VII. ADJOURNMENT

Meeting adjourned at 8:54 p.m.

*Submitted by,
Michael Sullivan, Executive Assistant*