

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please fill out a Speaker Request Form and place it in the Speaker Request Box by staff. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION  
REGULAR MEETING  
October 11, 2022**

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

II. **ANNOUNCEMENTS**

III. **CONSENT AGENDA**

A. **Approval of Minutes**

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

IV. **PUBLIC FORUM**

V. **UNFINISHED BUSINESS**

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

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

VII. **ADJOURNMENT**

**CITY OF  
ASHLAND**



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 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 1).



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



# 580 Clover Lane

## Appeal of type-1 approval

CITY OF  
ASHLAND

## Planning Commission

### September 13, 2022

**PA-APPEAL-2022-00016** – An appeal of the administrative approval of Planning Action #PA-T1-2022-00187, 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.

# 580 Clover Lane

## Appeal of type-1 approval

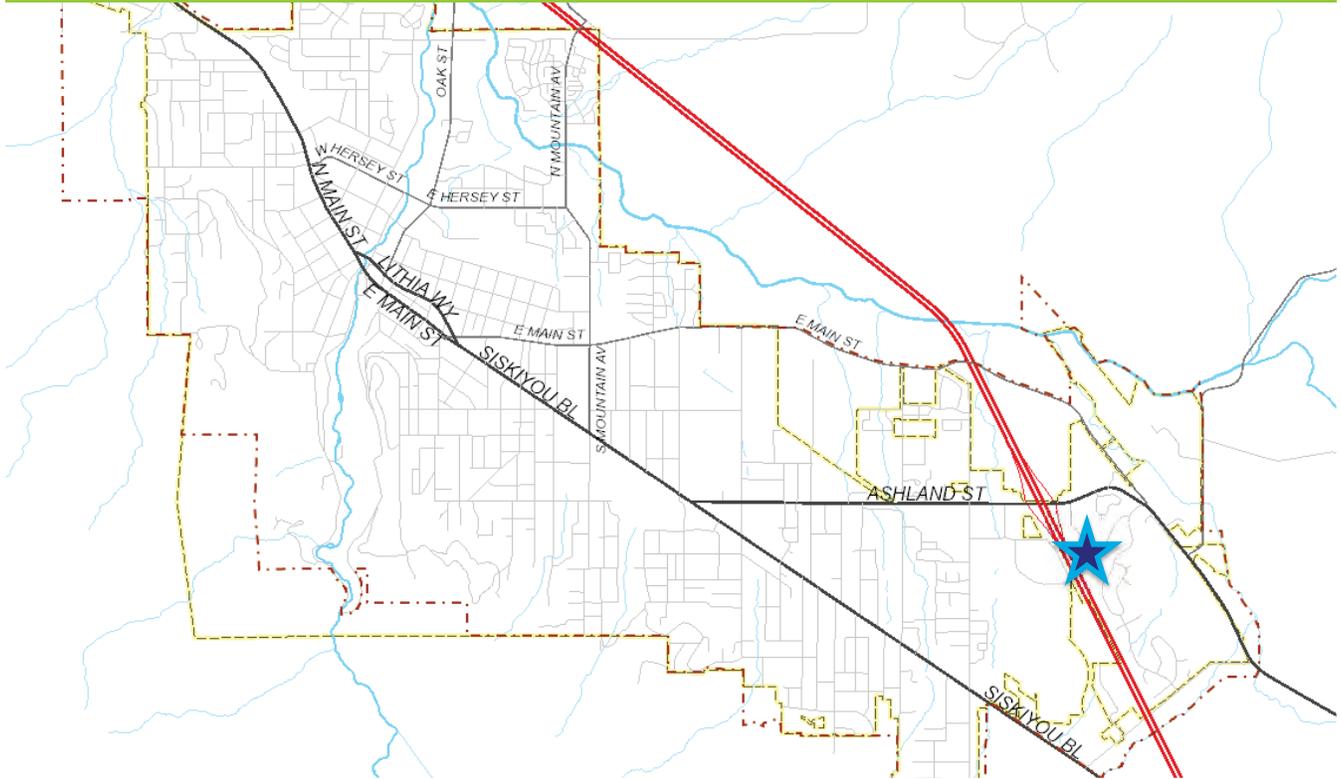
CITY OF  
ASHLAND

<b>SUBMITTAL DATE:</b>	June 21, 2022
<b>DEEMED COMPLETE DATE:</b>	July 18, 2022
<b>STAFF APPROVAL DATE:</b>	August 9, 2022
<b>APPEALED:</b>	August 22, 2022
<b>HEARING:</b>	September 13, 2022
<b>120-DAY DEADLINE:</b>	November 15, 2022

# 580 Clover Lane

## Appeal of a type 1 decision

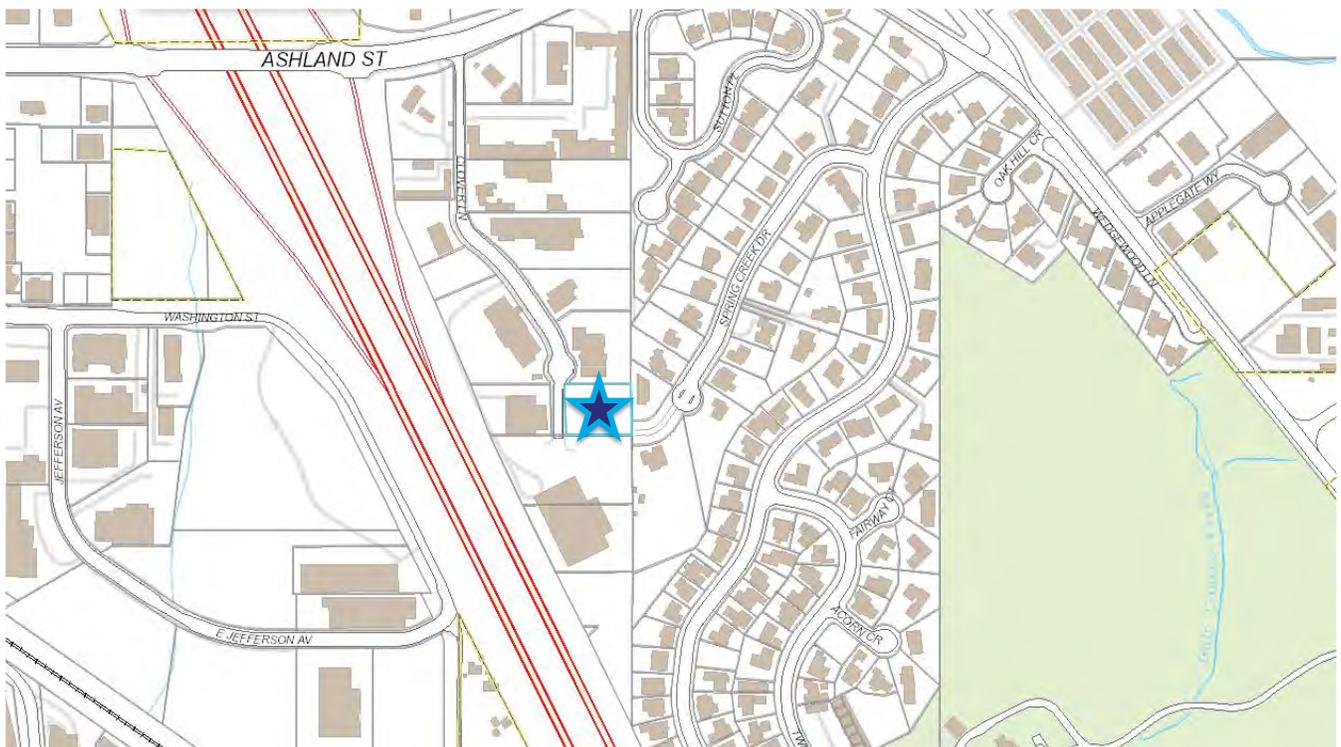
CITY OF  
ASHLAND



# 580 Clover Lane

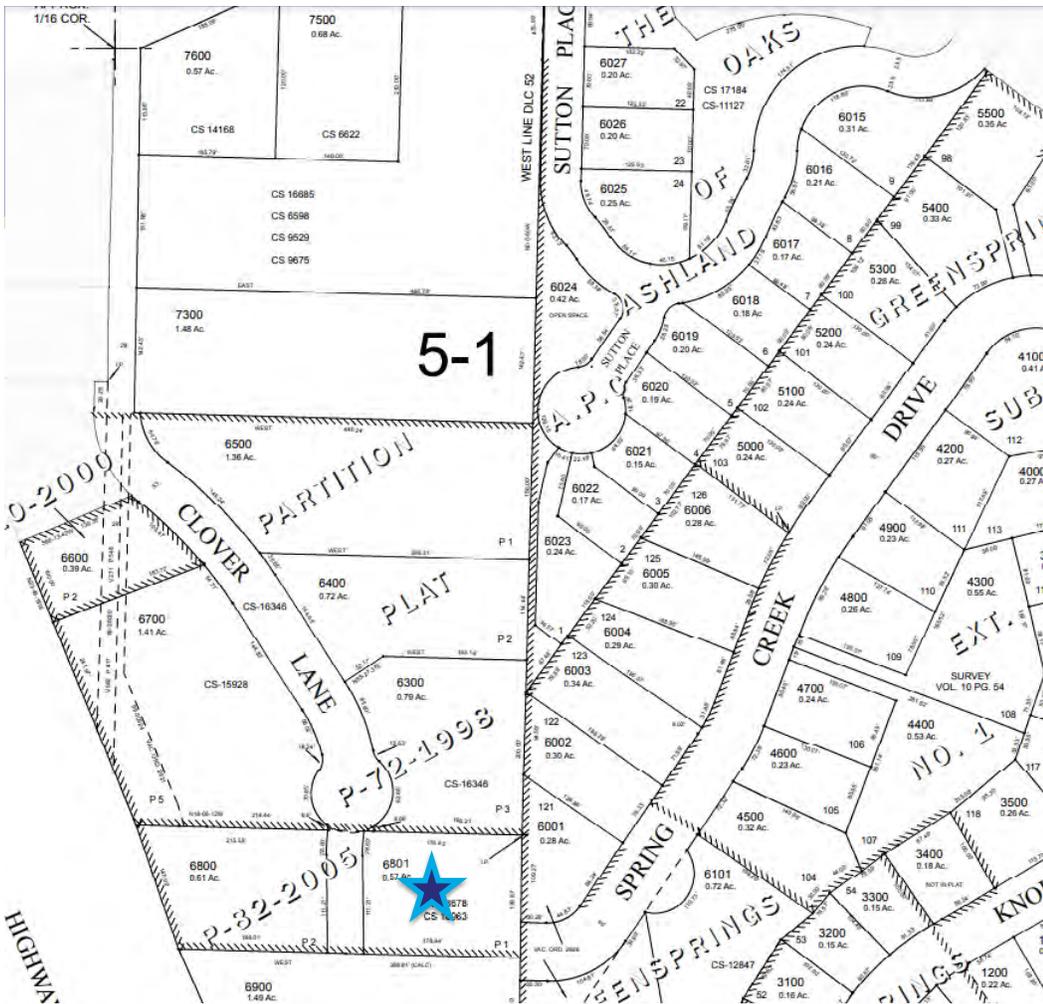
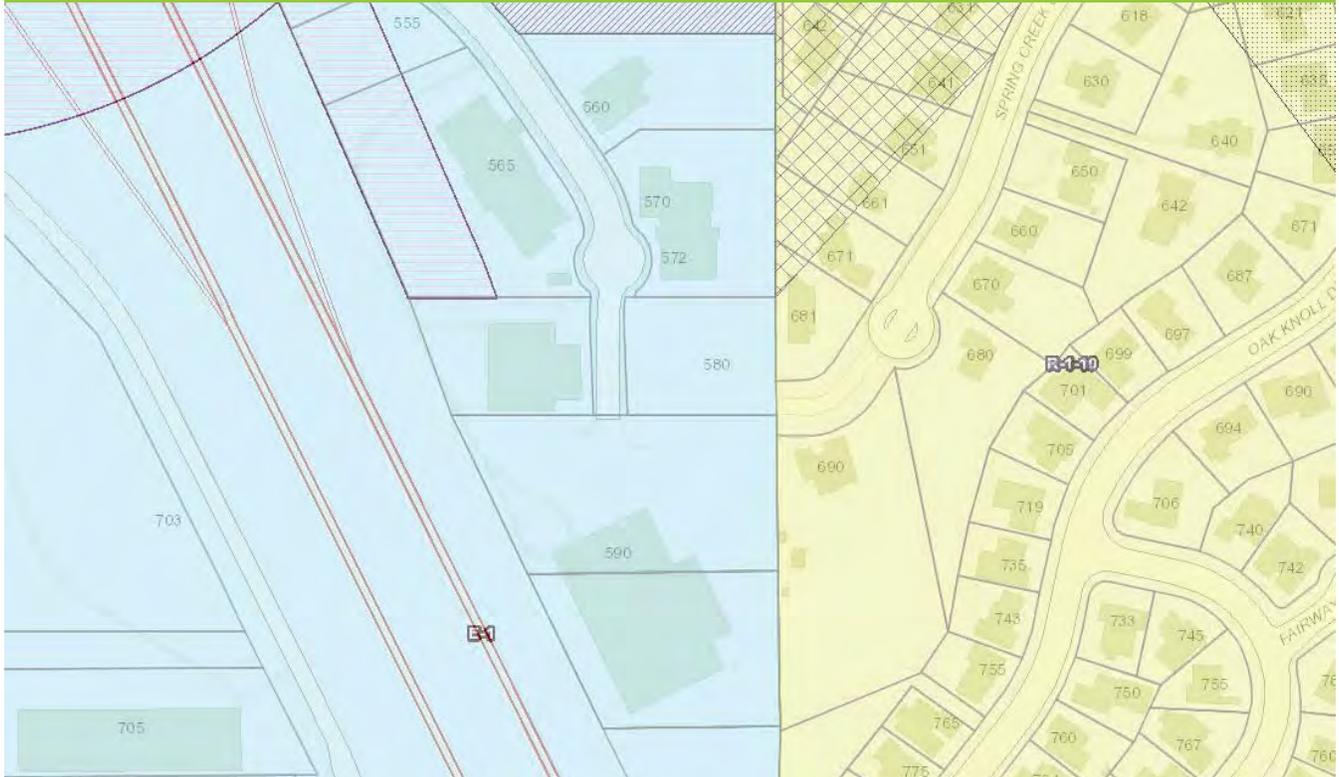
## Appeal of a type 1 decision

CITY OF  
ASHLAND



# 580 Clover Lane

## Appeal of a type 1 decision





# 580 Clover Lane

## Appeal of a type 1 decision

### Proposal

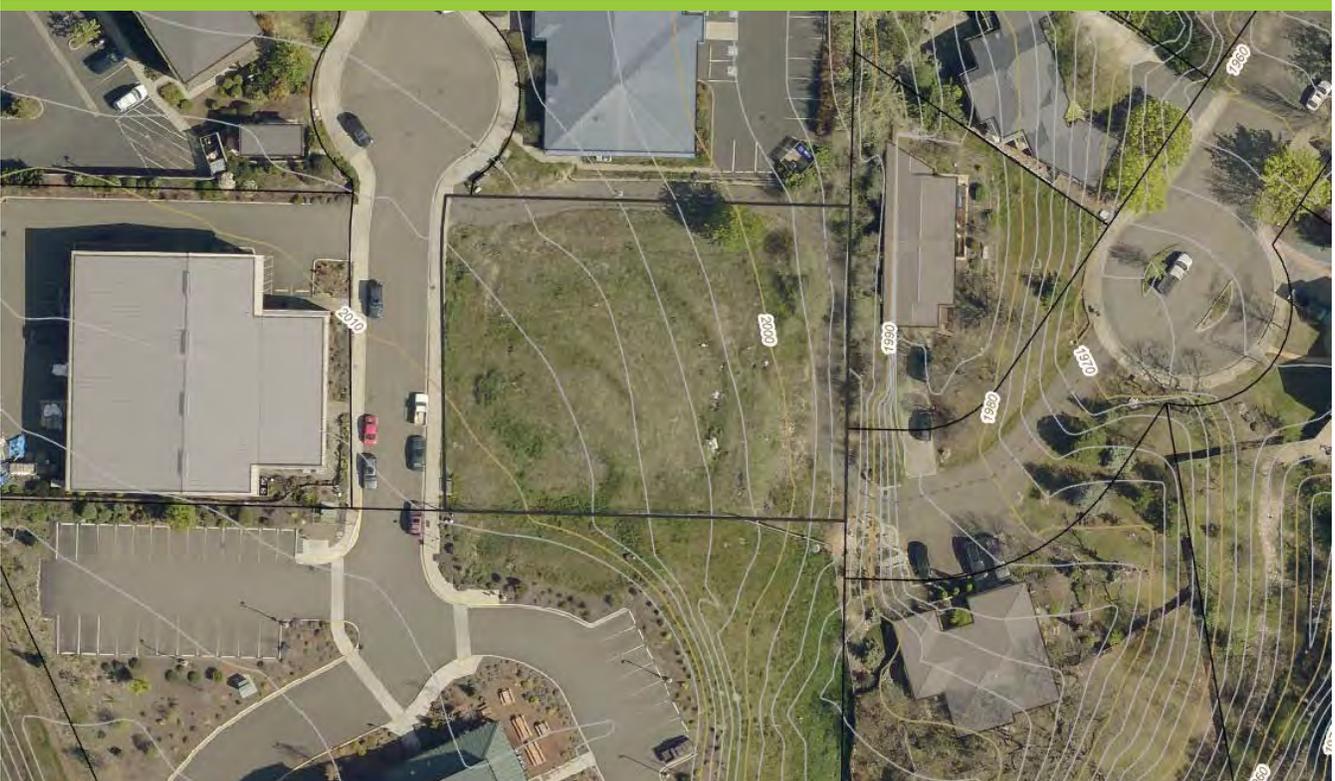
The proposal is a request for Site Design Review and a Conditional Use Permit to allow the development of a Tesla Charging Station. The application explains that the property is served by public utilities which have adequate capacity for the proposed use.

### Site Description

The subject property is rectangular and is 0.57 acres in size. The property is located on the east side of Clover Lane and is presently undeveloped. The Parcel was created as Parcel 1 of Partition plat P-82-2005, approved by Planning Action #2003-112, which also annexed the property into the city and installed the improvements to the Right of Way. The subject property and surrounding area zoned Employment (E-1). To the east are the Greensprings and Oak Knoll subdivisions. The property is also located in the Detail Site Review, and wildfire overlays.

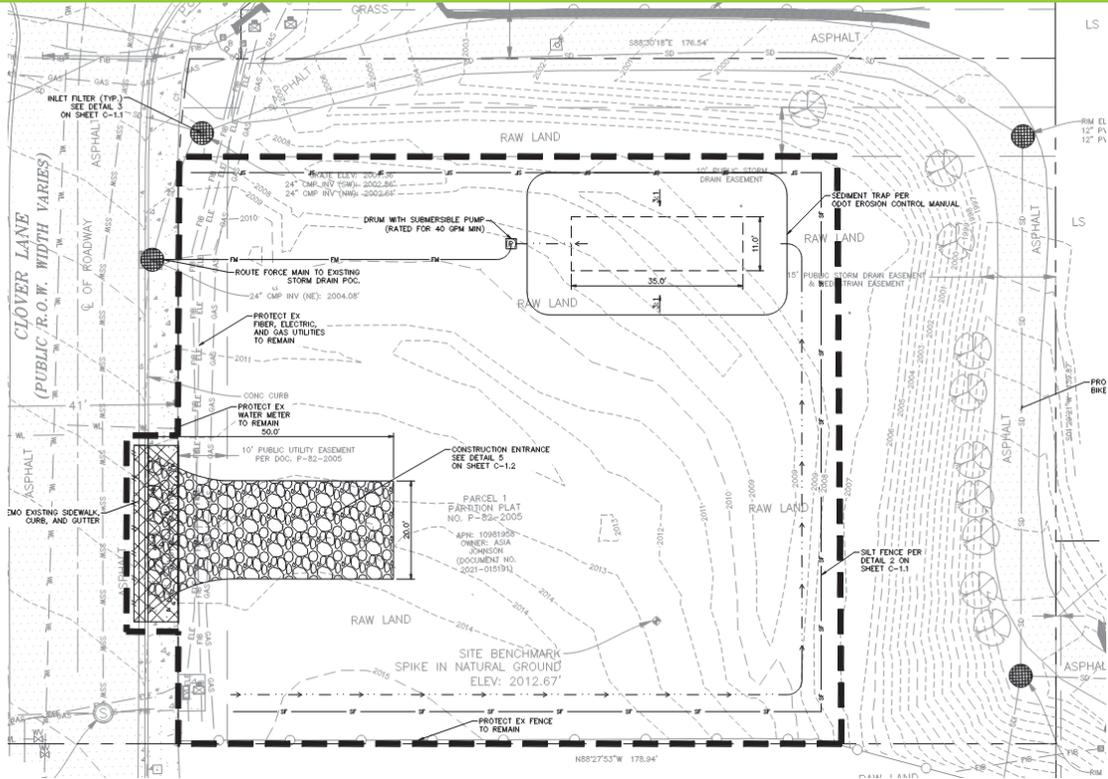
# 580 Clover Lane

## Appeal of a type 1 decision



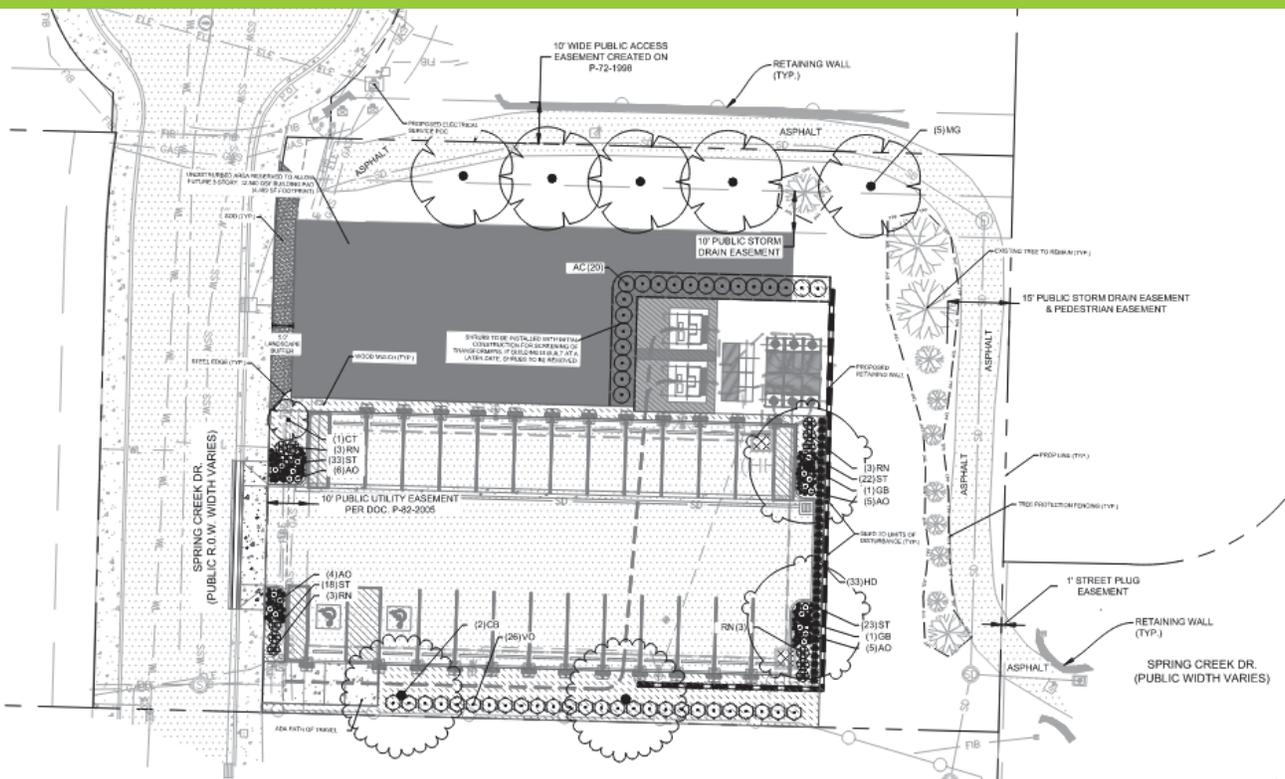
# 580 Clover Lane Project Site

CITY OF  
ASHLAND



# 580 Clover Lane Site Plan

CITY OF  
ASHLAND



# 580 Clover Lane

## Site Design Review

### Site Design Review and CUP

The approval criteria for Site Design Review are provided at AMC 18.5.2.050. The applicant has submitted comprehensive written replies to each of the relevant design standards and approval criteria.

Many of the approval criteria do pertain to the applicant as there is no building currently proposed, so mass, orientation and other design standards do not apply.

An examination of the site plans shows that parking, access and circulation have addressed the dimensional design standards.

The application includes an exception to the standard storm water collection based on site topography and instead proposes an “a Contech Stormfilter” at the catchment basin.

# 580 Clover Lane

## SDR Approval Criteria

An application for Site Design Review shall be approved if the proposal meets the criteria in subsections A, B, C, and D below. The approval authority may, in approving the application, impose conditions of approval, consistent with the applicable criteria.

**A. Underlying Zone.** The proposal complies with all of the applicable provisions of the underlying zone (part [18.2](#)), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.

**B. Overlay Zones.** The proposal complies with applicable overlay zone requirements (part [18.3](#)).

**C. Site Development and Design Standards.** The proposal complies with the applicable Site Development and Design Standards of part [18.4](#), except as provided by subsection E, below.

**D. City Facilities.** The proposal complies with the applicable standards in section 18.4.6 Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.

**E. Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part [18.4](#) if the circumstances in either subsection 1, 2, or 3, below, are found to exist.

1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty;
2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards; or
3. There is no demonstrable difficulty in meeting the specific requirements for a cottage housing development, but granting the exception will result in a design that equally or better achieves the stated purpose of section [18.2.3.090](#). (Ord. 3147 § 9, amended, 11/21/2017)

# 580 Clover Lane CUP

The Land Use Ordinance allows for certain uses to be approved through with a Conditional Use Permit to ensure that they are compatible with surrounding uses. There are four approval criteria for a Conditional Use Permit provided at AMC 18.5.4.050 (lightly edited for clarity):

- 1) That the use is in conformance for the standards of the zone
- 2) That adequate capacity of city facilities exists.
- 3) That the use will have no greater adverse effect compared to the target use
- 4) That the use is not prohibited.

The proposed use as an automotive fueling station is found to be in conformance with the base standards of the zone including landscaping, setbacks, and lot coverage. Staff finds that there is adequate capacity in city facilities and that there will be no greater adverse effect compared to the target use.

# 580 Clover Lane CUP Approval Criteria

1. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
3. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection [18.5.4.050.A.5](#), below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.
  - a. Similarity in scale, bulk, and coverage.
  - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
  - c. Architectural compatibility with the impact area.
  - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
  - e. Generation of noise, light, and glare.
  - f. The development of adjacent properties as envisioned in the Comprehensive Plan.
  - g. Other factors found to be relevant by the approval authority for review of the proposed use.
4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.
  - f. E-1. The general office uses listed in chapter [18.2.2](#) Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.

# 580 Clover Lane

## Notice of appeal

### Appeal

The request for appeal included the standard Land Use Appeal form which has spaces for up to three specific grounds for appeal and a citation for the relevant applicable criteria that it relates to.

The items listed were as follows:

- We urge the city to look at decisions made today that will affect future electrical projects
- Clover Lane is a crowded street and not at all an ideal location to send more traffic
- This is a Tesla only charging station that only benefits Tesla and none of our local car dealerships.

There were no references to any specific criteria or procedure.

# 580 Clover Lane

## Appeal response

**Electrical Capacity** - “The Electric Department gathered the necessary information from Tesla regarding their requirements and then shared it with Stoddard Power Systems, who is contracted for the electrical engineering service needs of the Utility. Stoddard Power modeled the new service request and identified one potential weak point in the City’s Electrical system that would need addressed to reliably serve the new load, particularly in an extreme weather event. The one recommendation was to upgrade two spans of overhead conductor on the tap line that comes down Clover Lane”

Staff notes that based on the forgoing there is sufficient evidence in the record to make a determination that there is adequate capacity for electricity and finds that the approval criteria is satisfied.

# 580 Clover Lane

## Appeal response

**Clover Lane** - In 2014 Public works trip counts were taken and recorded an ADT of 1046, far below the 1500 design standard. The ROW width at the subject site is 41' and staff finds that the fully improved public street was built in accordance with the approval PA#2003-112 and does not require additional ROW dedication or improvements.

**Tesla Exclusivity** - Tesla stated that, "This station will include infrastructure provisions that enable it to be third party EV capable in the future but the site will not initially be open to non-Tesla vehicles." Furthermore, staff finds that exclusivity for a vehicle fueling charging is not a criteria of approval

# 580 Clover Lane

## Staff Recommendation

### **Staff Recommendation**

The Staff Report addresses items raised on appeal and staff believes that there is sufficient evidence in the record to demonstrate that all applicable approval standards have been met.

Staff recommends that the Planning Commission deny the appeal and uphold the original approval.

# 580 Clover St. Appeal

## Timelines

CITY OF  
ASHLAND

**If record is left open pursuant to ORS 197.763(6)...**

<b>New Evidence or Argument/Parties:</b>	Sept 20, 2022 @ 4:30 p.m.
<b>Argument/Parties response to New Submittals:</b>	Sept 27, 2022 @ 4:30 p.m.
<b>Final Legal Argument from Applicant:</b>	October 4, 2022 @ 4:30 p.m.
<b>Next Regular PC Meeting Date:</b>	October 11, 2022 @ 7:00 p.m. November 8, 2022 <- findings
<b>The 120-day Deadline:</b>	November 12, 2022
<b>+ 14 days to Adopt Findings:</b>	November 25, 2022

# 1511 Highway 99N

## “Grand Terrace” Annexation

CITY OF  
ASHLAND

City Council  
Annexation Hearing  
September 13, 2022



# 1511 Highway 99N

## “Grand Terrace” Annexation

CITY OF  
ASHLAND

### Annexation

16.86 acres located at 1511 Highway 99 North

6.6 acres of adjacent Oregon Department of Transportation state highway R-o-W

7.68 acres of California Oregon & Pacific railroad

Properties are currently in Jackson County & zoned Rural Residential (RR-5). With Annexation these properties would be brought into the City as Low Density, Multi-Family Residential (R-2) allowing a 13½-d.u./acre base density. Concurrent with Annexation, the application also requests:

### Outline Plan

Subdivision approval to create 12 lots.

### Site Design Review

Construct 230 apartments in ten buildings including 37 affordable units.

### Tree Removal Permits

Remove two trees greater than six-inches in diameter at breast height. (A third dead tree to be removed does not require a permit.)

# 1511 Highway 99N

## “Grand Terrace” Annexation

CITY OF  
ASHLAND

### Exception to the Street Design Standards

The proposal includes the installation of more than 3,000 linear feet of sidewalks.

An Exception to the Street Design Standards is requested to allow curbside sidewalks in order to install a bus pull-out lane, bus stop and transit supportive plaza along the properties' frontage.

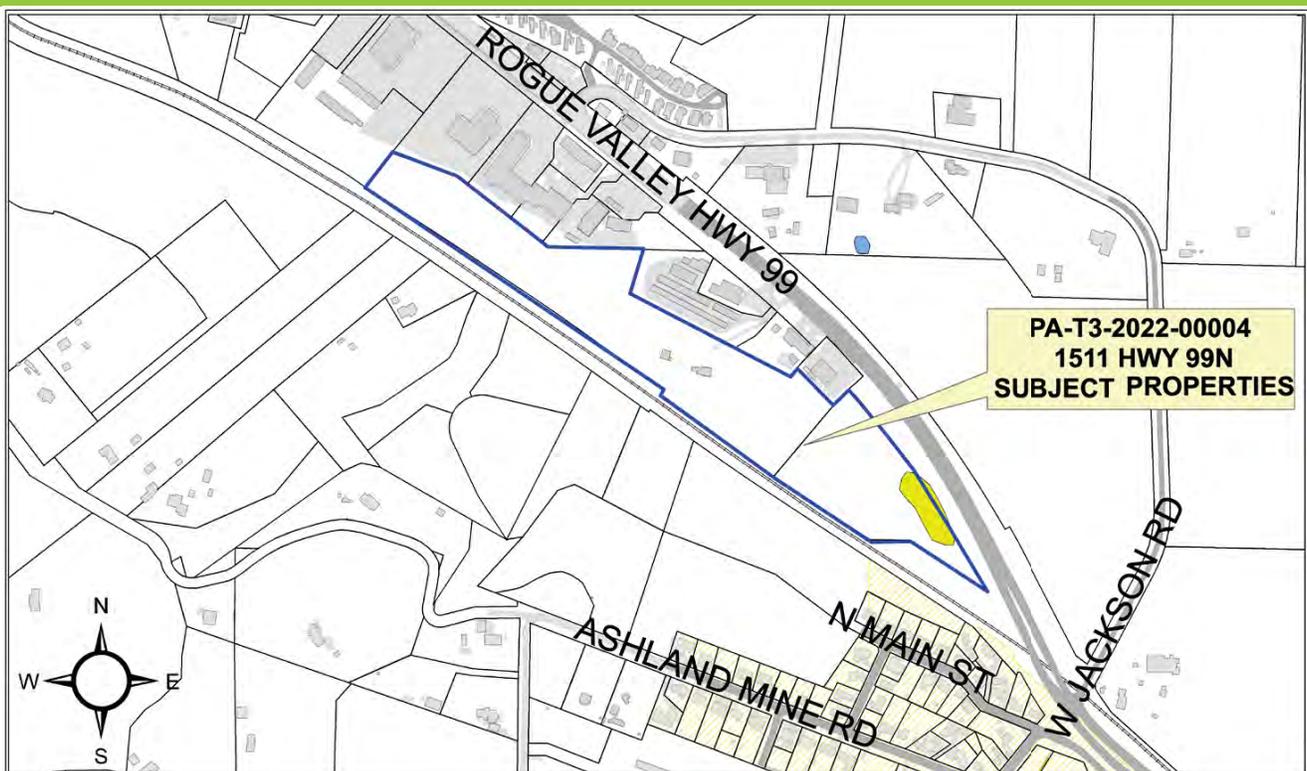
For the remainder of the areas to be improved, which are outside the applicant's ownership or control, curbside sidewalks are also proposed where there are impediments to city-standard improvements due to:

- The steepness of others' properties adjacent to the right-of-way.
- Obstructions created by private property owners and privately-owned encroachments into the highway right-of-way; and
- Physical barriers including private property curbing and the railroad overpass.

# 1511 Highway 99N

## Vicinity Map

CITY OF  
ASHLAND





# 1511 Highway 99N

## Site Design Review

CITY OF  
ASHLAND



# 1511 Highway 99N

## Site Design Review – Front/Rear Elevations

CITY OF  
ASHLAND



# 1511 Highway 99N

CITY OF  
ASHLAND

## Site Design Review – Front/Rear Elevations



**SOUTHWEST EXTERIOR ELEVATION**

SCALE: 1/8" = 1'-0"



1/8" = 1'-0"

NOTE: SEE A2.0 FOR EXTERIOR FINISHES AND FINISH KEY



**NORTHEAST EXTERIOR ELEVATION**

SCALE: 1/8" = 1'-0"



1/8" = 1'-0"

NOTE: SEE A2.0 FOR EXTERIOR FINISHES AND FINISH KEY

HVAC COMPRESSOR BANKS CONCEALED BEHIND LANDSCAPING

# 1511 Highway 99N

CITY OF  
ASHLAND

## Site Design Review – Side Elevations



NOTE: SEE A2.0 FOR EXTERIOR FINISHES AND FINISH KEY

**NORTHWEST EXTERIOR ELEVATION**

SCALE: 1/8" = 1'-0"



1/8" = 1'-0"

SURFACE MOUNTED ELECTRICAL METERS AND CABLE BOXES



NOTE: SEE A2.0 FOR EXTERIOR FINISHES AND FINISH KEY

**SOUTHEAST EXTERIOR ELEVATION**

SCALE: 1/8" = 1'-0"



1/8" = 1'-0"

SURFACE MOUNTED ELECTRICAL METERS AND CABLE BOXES

# 1511 Highway 99N

CITY OF  
ASHLAND

## Site Review – Transit Supportive Plaza



Bus pull-out lane, Bus Stop & Transit Supportive Plaza

# 1511 Highway 99N

CITY OF  
ASHLAND

## Site Design Review – Southern Driveway



# GRAND TERRACE II ANNEXATION, SITE DESIGN REVIEW, STREET STANDARDS EXCEPTION AND PERFORMANCE STANDARDS SUBDIVISION REVIEW

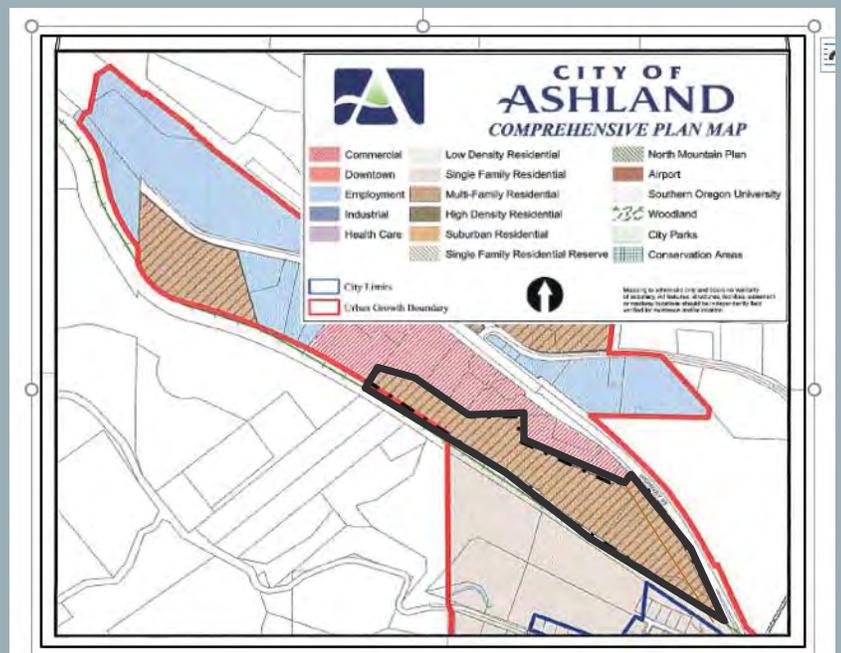


## ANNEXATION REQUEST

The property is within the Urban Growth Boundary of the City of Ashland. This area of North Ashland was added 40 years ago. The Comprehensive Plan Designation of the property is Multi-Family Residential.

The current zoning of the property is RR-5, Jackson County Rural Residential. The properties to the north are Jackson County Commercial and Jackson County Exclusive Farm Use.

The properties to the S across the tracks are zoned Jackson County Rural Residential and City of Ashland, single family zoning.



1511 Hwy 99 N, Ashland

39 2E 32: 1700 & 1702

TABLE OF COLUMNS

NO.	DESCRIPTION	AREA	REMARKS
1	Lot 1	0.12	Area of Lot 1
2	Lot 2	0.12	Area of Lot 2
3	Lot 3	0.12	Area of Lot 3
4	Lot 4	0.12	Area of Lot 4
5	Lot 5	0.12	Area of Lot 5
6	Lot 6	0.12	Area of Lot 6
7	Lot 7	0.12	Area of Lot 7
8	Lot 8	0.12	Area of Lot 8
9	Lot 9	0.12	Area of Lot 9
10	Lot 10	0.12	Area of Lot 10
11	Lot 11	0.12	Area of Lot 11
12	Lot 12	0.12	Area of Lot 12
13	Lot 13	0.12	Area of Lot 13
14	Lot 14	0.12	Area of Lot 14
15	Lot 15	0.12	Area of Lot 15
16	Lot 16	0.12	Area of Lot 16
17	Lot 17	0.12	Area of Lot 17
18	Lot 18	0.12	Area of Lot 18
19	Lot 19	0.12	Area of Lot 19
20	Lot 20	0.12	Area of Lot 20

TABLE OF CURVES

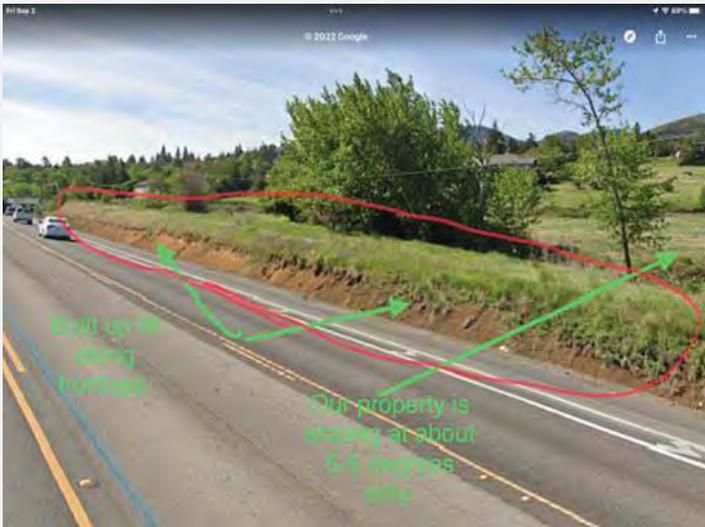
NO.	DESCRIPTION	AREA	REMARKS
1	Curve 1	0.12	Area of Curve 1
2	Curve 2	0.12	Area of Curve 2
3	Curve 3	0.12	Area of Curve 3
4	Curve 4	0.12	Area of Curve 4
5	Curve 5	0.12	Area of Curve 5
6	Curve 6	0.12	Area of Curve 6
7	Curve 7	0.12	Area of Curve 7
8	Curve 8	0.12	Area of Curve 8
9	Curve 9	0.12	Area of Curve 9
10	Curve 10	0.12	Area of Curve 10
11	Curve 11	0.12	Area of Curve 11
12	Curve 12	0.12	Area of Curve 12
13	Curve 13	0.12	Area of Curve 13
14	Curve 14	0.12	Area of Curve 14
15	Curve 15	0.12	Area of Curve 15
16	Curve 16	0.12	Area of Curve 16
17	Curve 17	0.12	Area of Curve 17
18	Curve 18	0.12	Area of Curve 18
19	Curve 19	0.12	Area of Curve 19
20	Curve 20	0.12	Area of Curve 20

Google Earth

©2018 Google

800 ft





## TRANSPORTATION IMPROVEMENTS

### Major sidewalk improvements

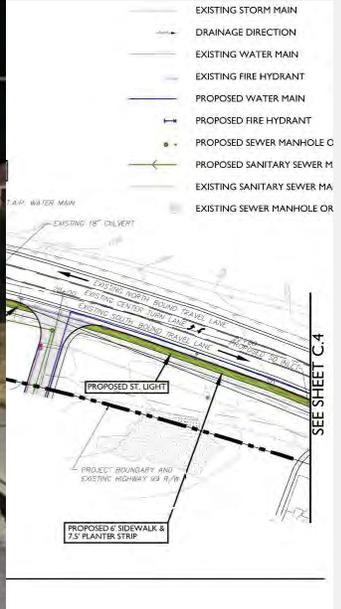
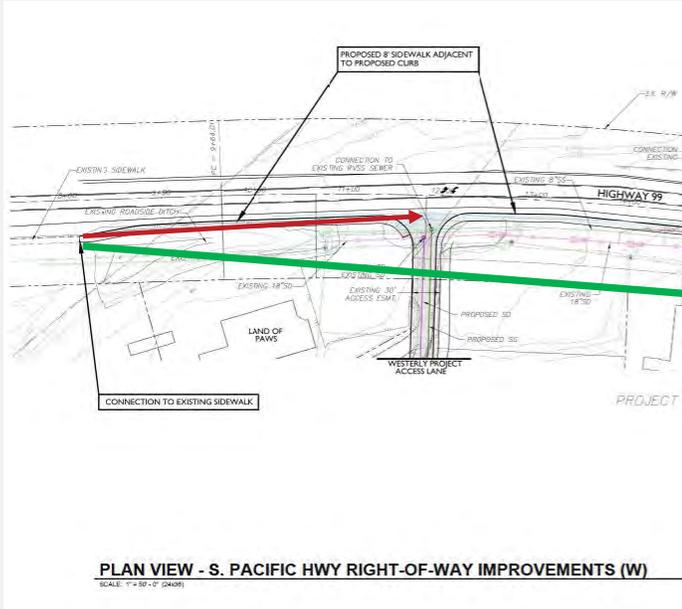
Extension of the existing sidewalk that terminates at the intersection of Schofield Street and Hwy 99 continuing the sidewalk over 3,300 feet north and beyond the frontage of the subject property.

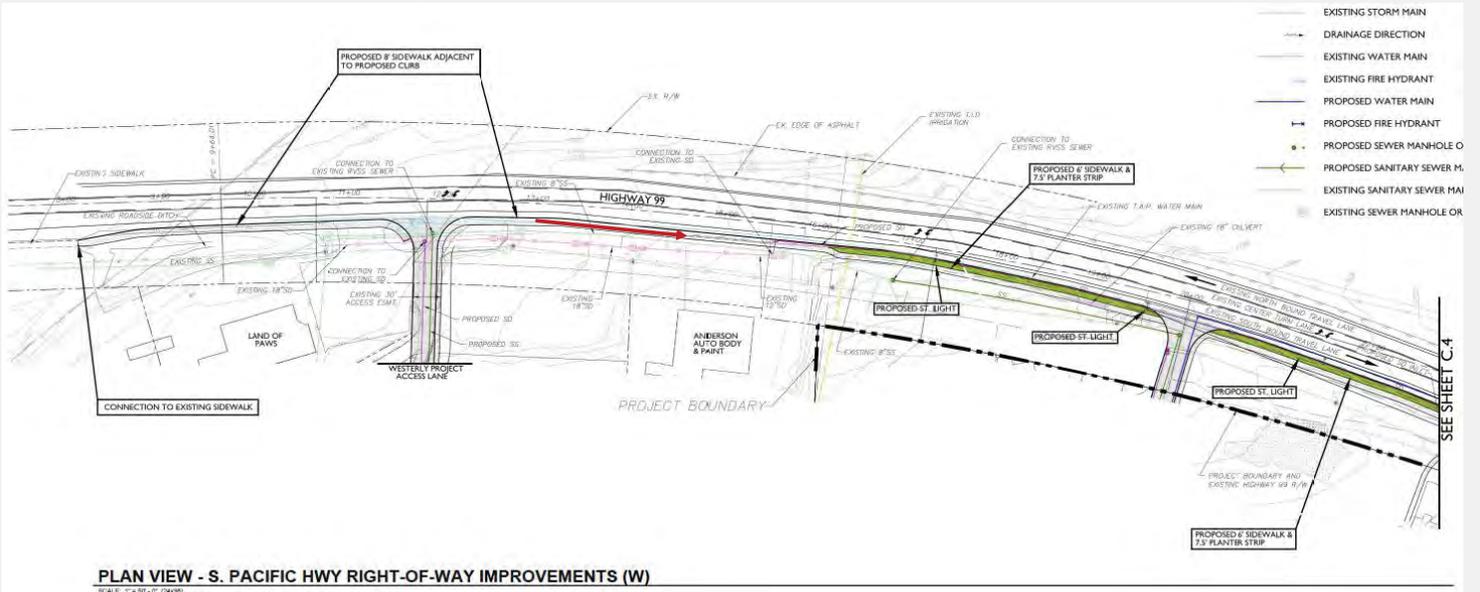
### Underpass improvements

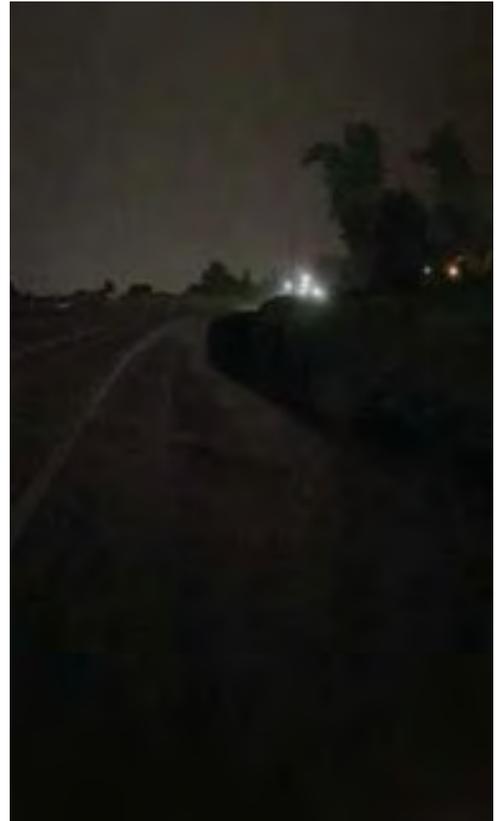
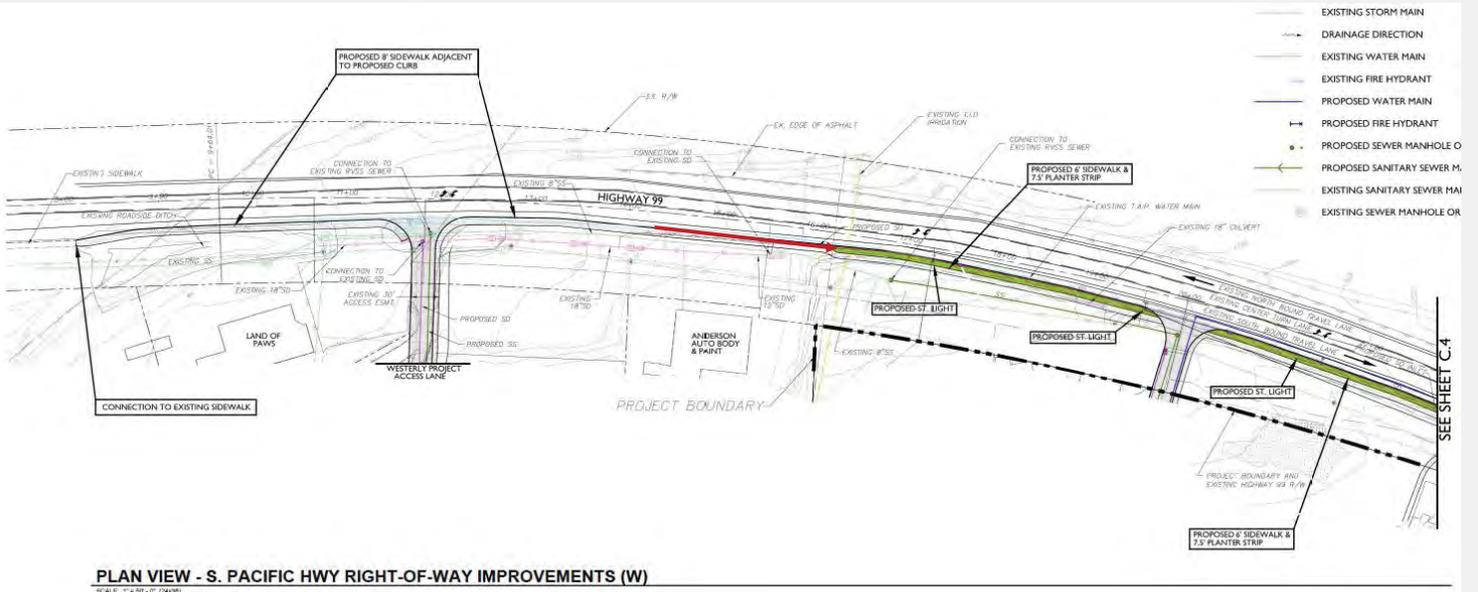
Rectangular Rapid Flashing Beacon (RRFB) Crosswalk

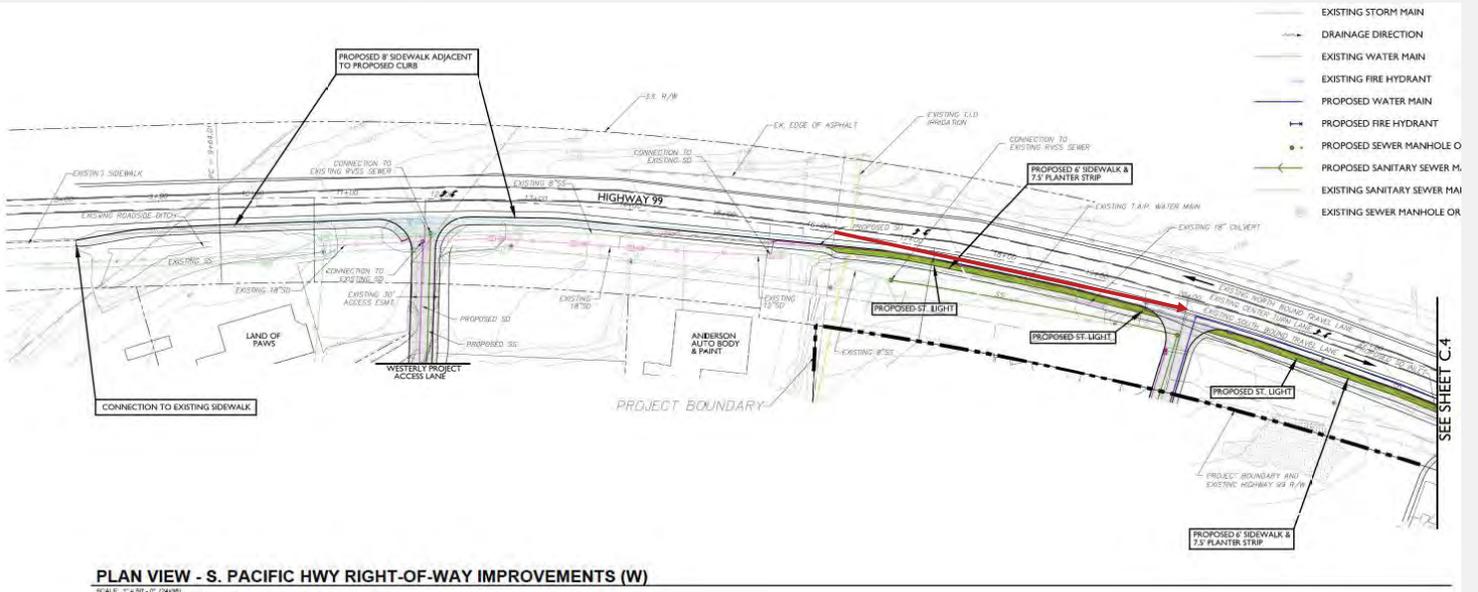
Overhead street lighting

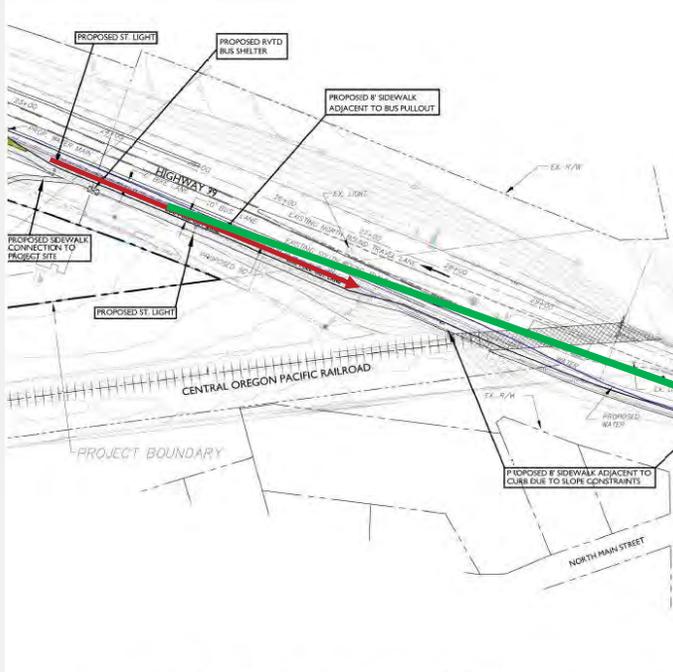




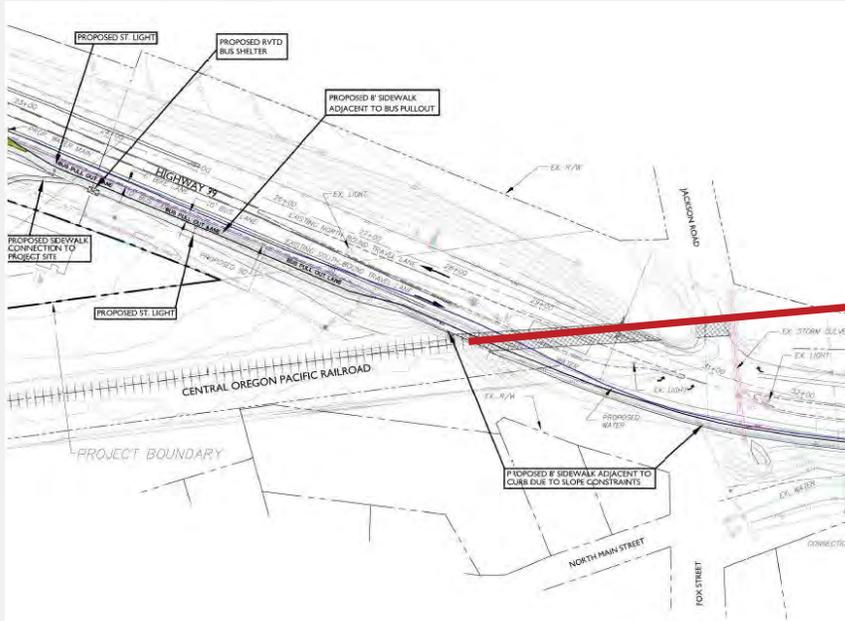




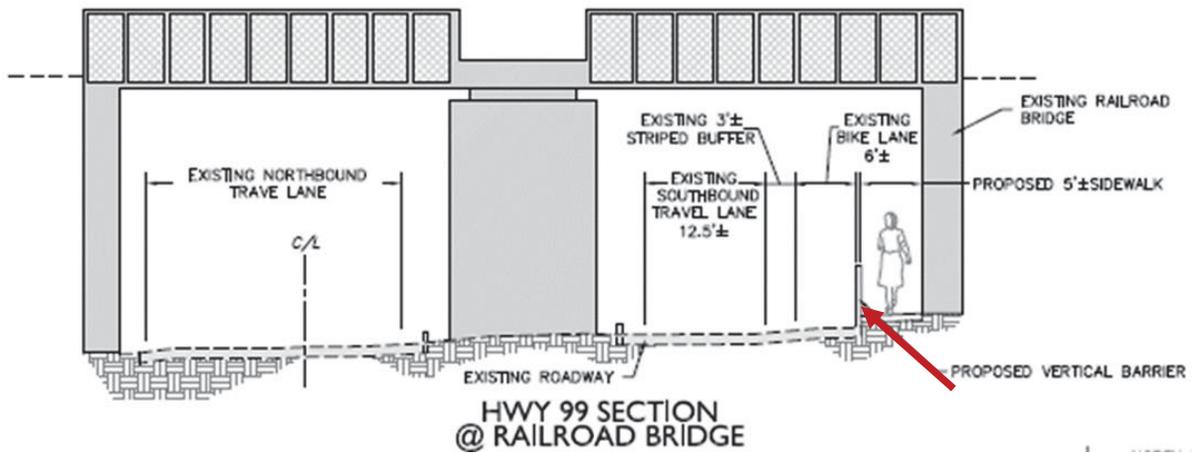




**PLAN VIEW - S. PACIFIC HWY RIGHT-OF-WAY IMPROVEMENTS (E)**  
SCALE: 1"=50'-0" (5000)



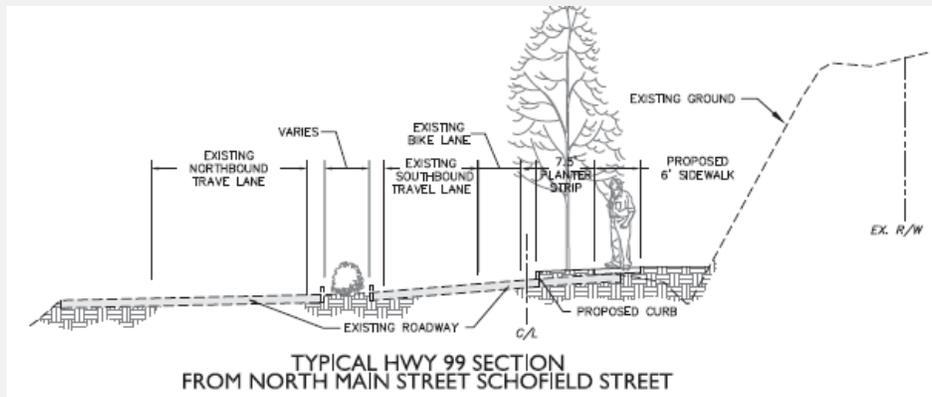
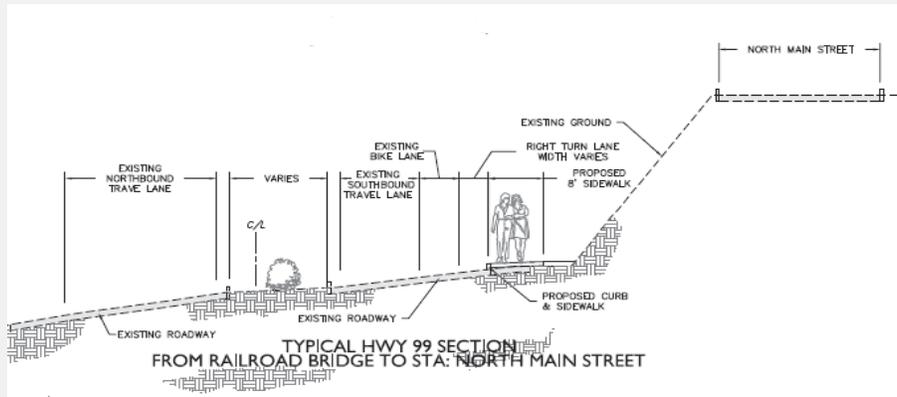
**PLAN VIEW - S. PACIFIC HWY RIGHT-OF-WAY IMPROVEMENTS (E)**  
SCALE: 1"=50'-0" (5000)



OR HWY 99 UNDERPASS IMPROVEMENT



Steep slopes and public infrastructure beyond the trestle at N Main and OR HWY prevent park row and sidewalk. An eight-foot curbside sidewalk is proposed.



## CROSSWALK WITH RECTANGULAR RAPID FLASHING BEACON

New pedestrian crosswalk with a Rectangular Rapid Flashing Beacon (RRFB) has been proposed S of N Main and N of Schofield leading to the northbound bus stop.

RRFB's increase motorist yielding rates because the lights are controlled by the pedestrian's presence and do not turn off until they are safely out of the crosswalk.

RRFB crosswalks provide a safe pedestrian and bicyclist crossing for all the residents in north Ashland where none existed before.

Safe pedestrian access by crossing Hwy 99 to access the North & South bound bus stops and to access Grand Terrace.



Ashland, OR

Concept location of New Crosswalk and RRFB

Safety Benefits:

**RRFBs can reduce crashes up to: 47%**  
for pedestrian crashes.<sup>4</sup>

**RRFBs can increase motorist yielding rates up to: 98%**  
(varies by speed limit, number of lanes, crossing distance, and time of day).<sup>3</sup>

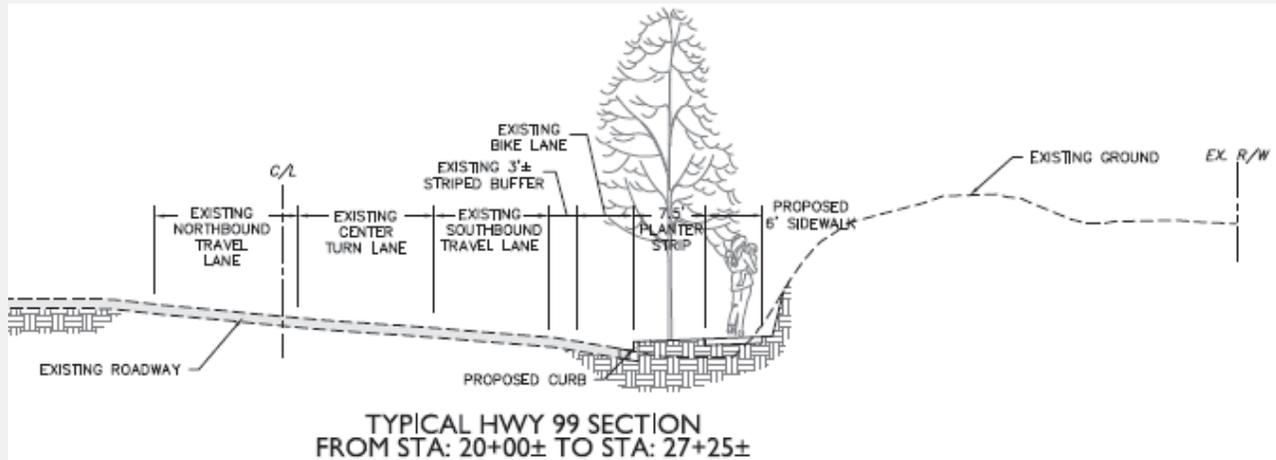
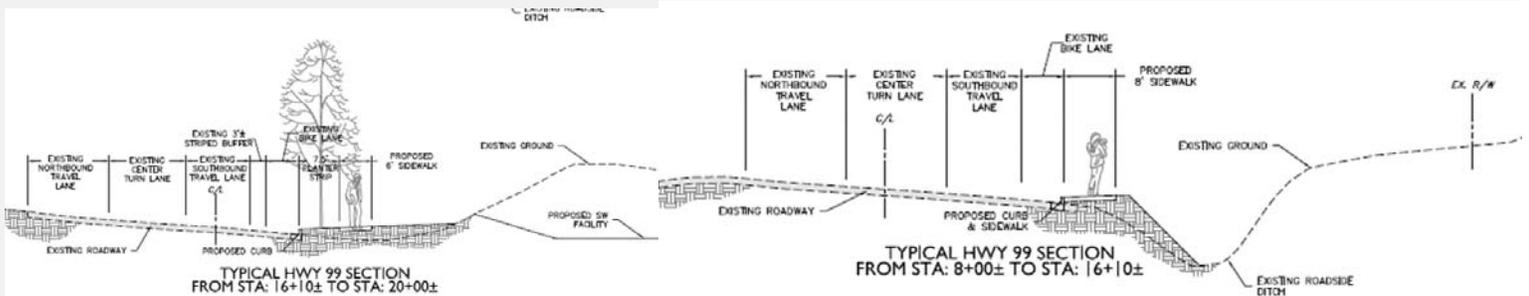


(Photo: ODOT)

## STREET STANDARDS EXCEPTION



DEMONSTRABLE DIFFICULTY IN MEETING THE SPECIFIC REQUIREMENTS OF THIS CHAPTER DUE TO A UNIQUE OR UNUSUAL ASPECT OF THE SITE OR PROPOSED USE OF THE SITE



# VEHICLE ACCESS SAFETY EVALUATION

## CRITERIA FOR SAFETY ACCESS EVALUATION

### SIGHT DISTANCE, STOPPING DISTANCE, AND INTERSECTION SIGHT DISTANCE

- **Sight Distance:**
- A safe, clear line of sight exists at the driveways.
- The application has the clear line of sight required for all conditions.
- **Stopping Sight Distance (SSD):**
- Stopping sight distance exceeds requirements.
- SSD based on speed of roadway. As per AASHTO the required SSD is 360 feet for vehicles traveling over 45 MPH. The measured available SSD measured over 700 feet in both directions.
- SSD exceeds the minimum required distance.
- **Intersection Sight Distance**
- Safe reaction time to turn exceeds required distance.

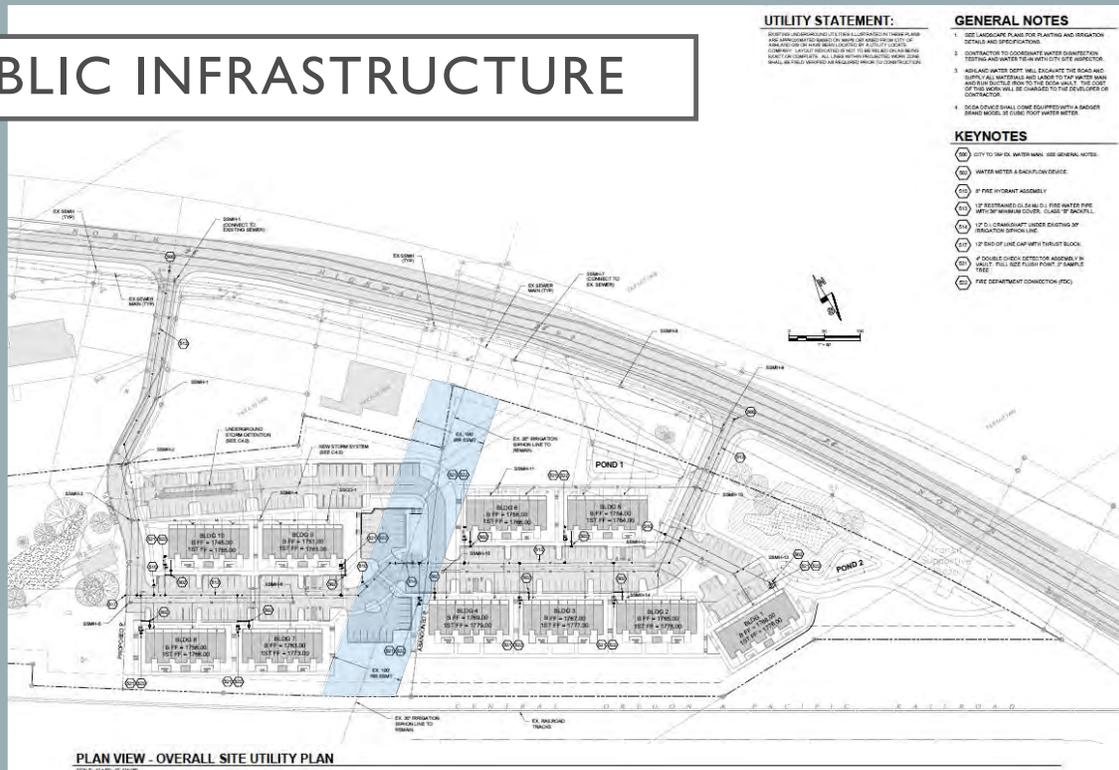


ISD requirement location looking north from site access. ISD is met

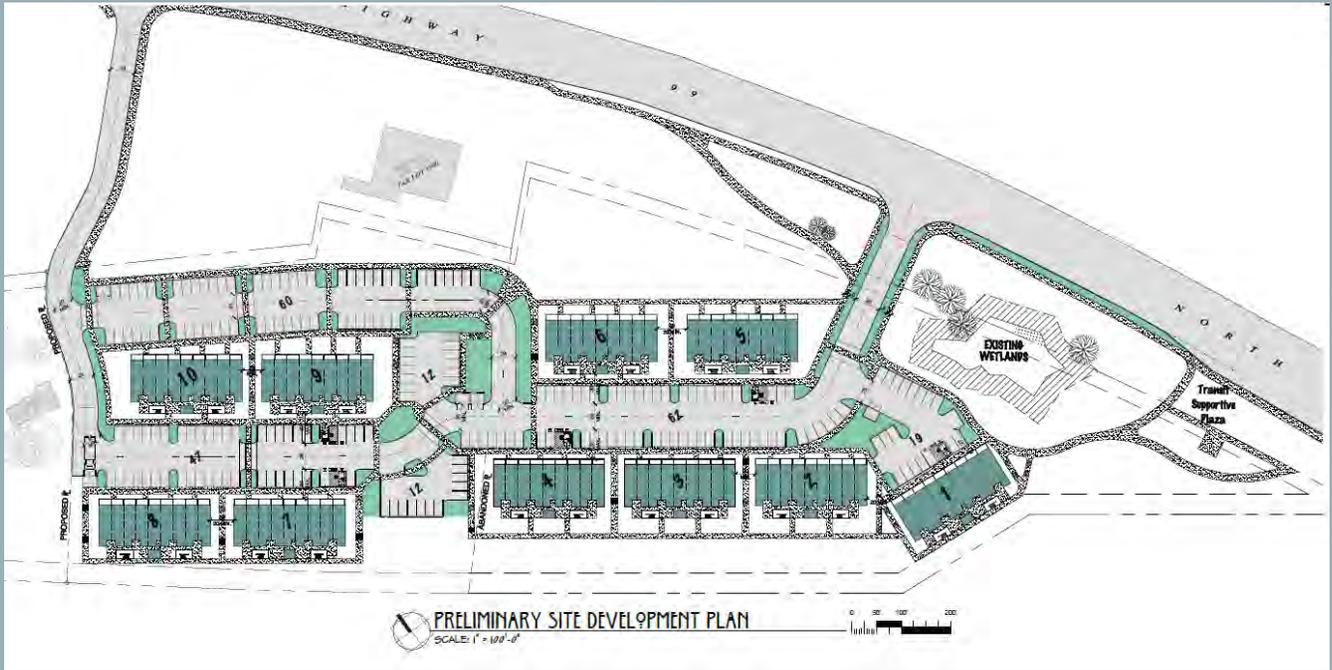


ISD Requirement looking south from access location. ISD is met

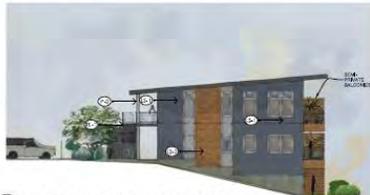
# PUBLIC INFRASTRUCTURE



# SITE DEVELOPMENT PLAN



**F NORTHWEST EXTERIOR ELEVATION**  
SCALE: NONE



**E SOUTHEAST EXTERIOR ELEVATION**  
SCALE: NONE



**B NORTHWEST BIRDBEYE VIEW**  
SCALE: NONE



**D SOUTHWEST EXTERIOR ELEVATION**  
SCALE: NONE

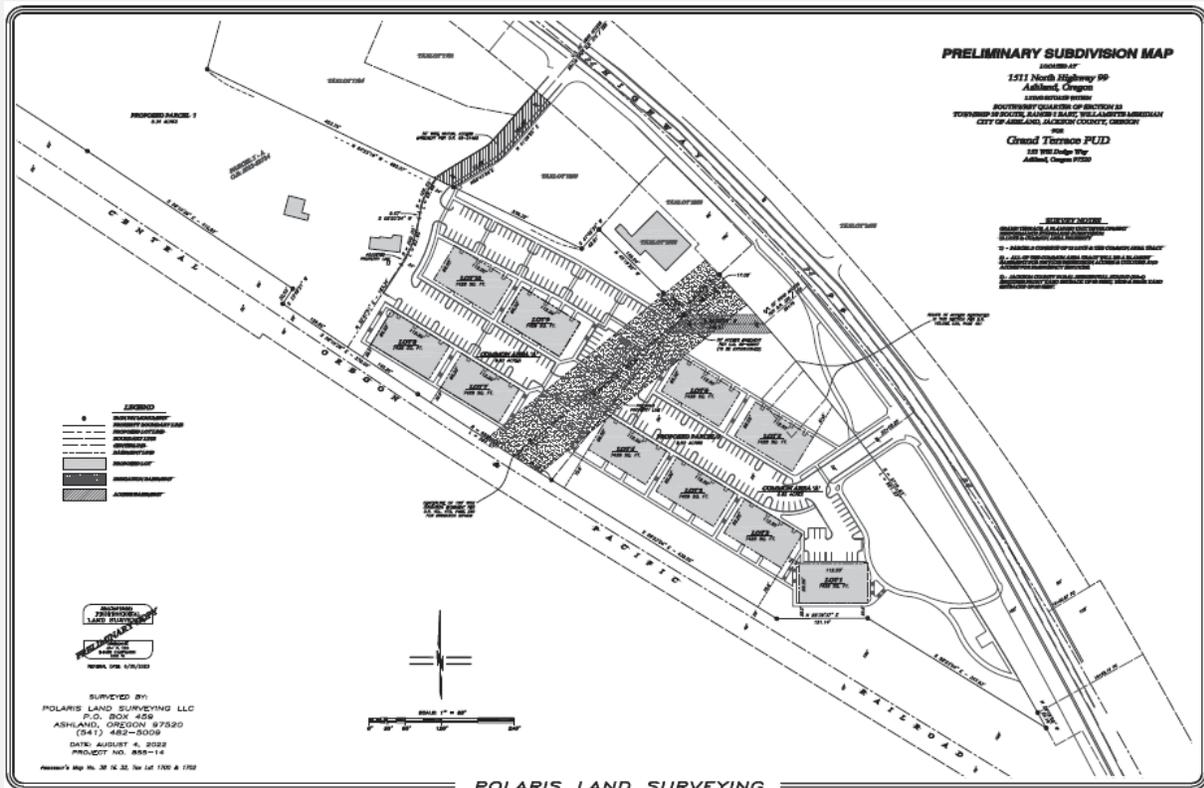
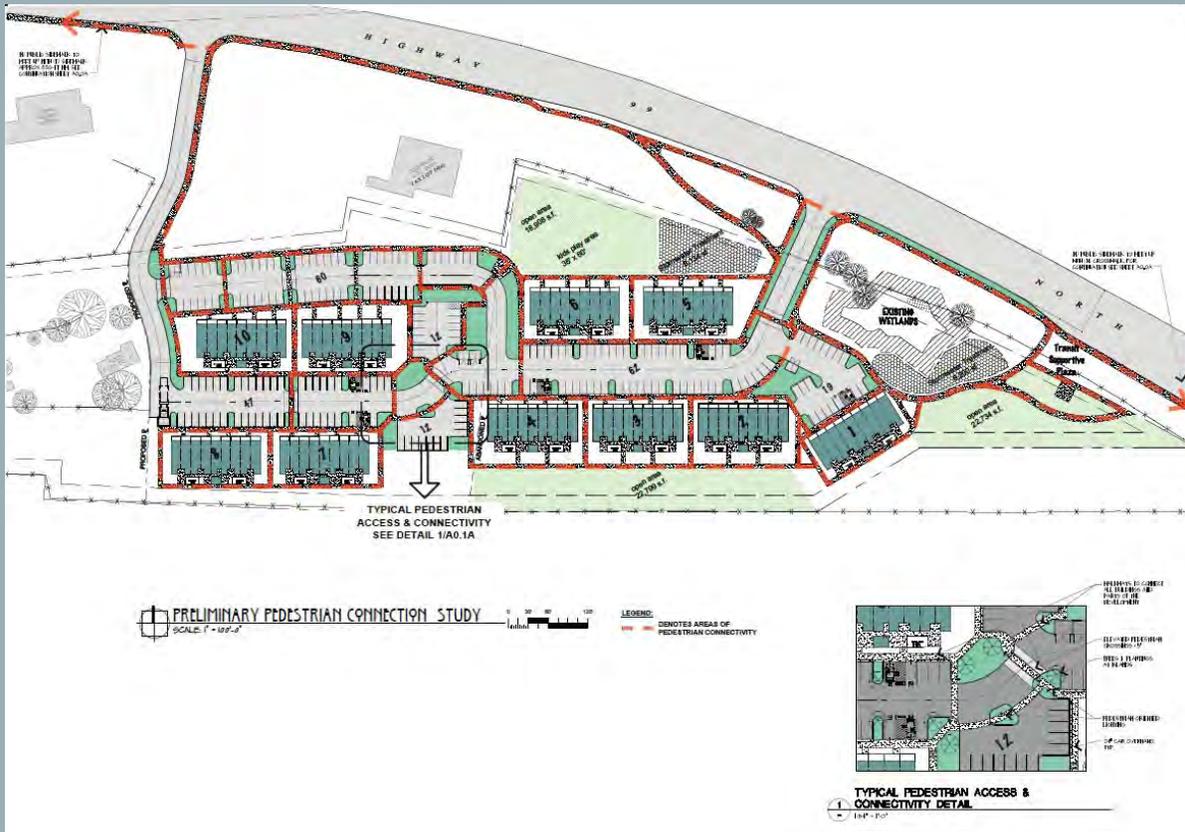


**C NORTHEAST EXTERIOR ELEVATION**  
SCALE: NONE



**A NORTHEAST BIRDBEYE VIEW**  
SCALE: NONE

EXTERIOR FINISH & COLOR SCHEDULE					
SYMBOL	FINISH	COLOR	PRODUCT	NOTES	RTS
01.1	EXTERIOR STUCCO	YES	STUCCO (20)		
01.2	EXTERIOR STUCCO	YES	STUCCO (20)		
01.3	EXTERIOR STUCCO	YES	STUCCO (20)		
02.1	WOOD				
02.2	WOOD	MADEIRA	WOOD (10)		
02.3	WOOD	MADEIRA	WOOD (10)		
03.1	ROOF FINISH	ASPH/FLT	ROOF (10)		
03.2	ROOF FINISH	ASPH/FLT	ROOF (10)		
03.3	ROOF FINISH	ASPH/FLT	ROOF (10)		
04.1	WALL FINISH	CONCRETE	CONCRETE (10)		
04.2	WALL FINISH	CONCRETE	CONCRETE (10)		
04.3	WALL FINISH	CONCRETE	CONCRETE (10)		
05.1	CEILING	CONCRETE	CONCRETE (10)		
05.2	CEILING	CONCRETE	CONCRETE (10)		
05.3	CEILING	CONCRETE	CONCRETE (10)		
06.1	WALL PANEL	GLASS	GLASS (10)		
06.2	WALL PANEL	GLASS	GLASS (10)		
06.3	WALL PANEL	GLASS	GLASS (10)		
07.1	ROOF PANEL	GLASS	GLASS (10)		
07.2	ROOF PANEL	GLASS	GLASS (10)		
07.3	ROOF PANEL	GLASS	GLASS (10)		
08.1	ROOF PANEL	GLASS	GLASS (10)		
08.2	ROOF PANEL	GLASS	GLASS (10)		
08.3	ROOF PANEL	GLASS	GLASS (10)		
09.1	ROOF PANEL	GLASS	GLASS (10)		
09.2	ROOF PANEL	GLASS	GLASS (10)		
09.3	ROOF PANEL	GLASS	GLASS (10)		
10.1	ROOF PANEL	GLASS	GLASS (10)		
10.2	ROOF PANEL	GLASS	GLASS (10)		
10.3	ROOF PANEL	GLASS	GLASS (10)		
11.1	ROOF PANEL	GLASS	GLASS (10)		
11.2	ROOF PANEL	GLASS	GLASS (10)		
11.3	ROOF PANEL	GLASS	GLASS (10)		
12.1	ROOF PANEL	GLASS	GLASS (10)		
12.2	ROOF PANEL	GLASS	GLASS (10)		
12.3	ROOF PANEL	GLASS	GLASS (10)		
13.1	ROOF PANEL	GLASS	GLASS (10)		
13.2	ROOF PANEL	GLASS	GLASS (10)		
13.3	ROOF PANEL	GLASS	GLASS (10)		
14.1	ROOF PANEL	GLASS	GLASS (10)		
14.2	ROOF PANEL	GLASS	GLASS (10)		
14.3	ROOF PANEL	GLASS	GLASS (10)		
15.1	ROOF PANEL	GLASS	GLASS (10)		
15.2	ROOF PANEL	GLASS	GLASS (10)		
15.3	ROOF PANEL	GLASS	GLASS (10)		
16.1	ROOF PANEL	GLASS	GLASS (10)		
16.2	ROOF PANEL	GLASS	GLASS (10)		
16.3	ROOF PANEL	GLASS	GLASS (10)		
17.1	ROOF PANEL	GLASS	GLASS (10)		
17.2	ROOF PANEL	GLASS	GLASS (10)		
17.3	ROOF PANEL	GLASS	GLASS (10)		
18.1	ROOF PANEL	GLASS	GLASS (10)		
18.2	ROOF PANEL	GLASS	GLASS (10)		
18.3	ROOF PANEL	GLASS	GLASS (10)		
19.1	ROOF PANEL	GLASS	GLASS (10)		
19.2	ROOF PANEL	GLASS	GLASS (10)		
19.3	ROOF PANEL	GLASS	GLASS (10)		
20.1	ROOF PANEL	GLASS	GLASS (10)		
20.2	ROOF PANEL	GLASS	GLASS (10)		
20.3	ROOF PANEL	GLASS	GLASS (10)		
21.1	ROOF PANEL	GLASS	GLASS (10)		
21.2	ROOF PANEL	GLASS	GLASS (10)		
21.3	ROOF PANEL	GLASS	GLASS (10)		
22.1	ROOF PANEL	GLASS	GLASS (10)		
22.2	ROOF PANEL	GLASS	GLASS (10)		
22.3	ROOF PANEL	GLASS	GLASS (10)		
23.1	ROOF PANEL	GLASS	GLASS (10)		
23.2	ROOF PANEL	GLASS	GLASS (10)		
23.3	ROOF PANEL	GLASS	GLASS (10)		
24.1	ROOF PANEL	GLASS	GLASS (10)		
24.2	ROOF PANEL	GLASS	GLASS (10)		
24.3	ROOF PANEL	GLASS	GLASS (10)		
25.1	ROOF PANEL	GLASS	GLASS (10)		
25.2	ROOF PANEL	GLASS	GLASS (10)		
25.3	ROOF PANEL	GLASS	GLASS (10)		
26.1	ROOF PANEL	GLASS	GLASS (10)		
26.2	ROOF PANEL	GLASS	GLASS (10)		
26.3	ROOF PANEL	GLASS	GLASS (10)		
27.1	ROOF PANEL	GLASS	GLASS (10)		
27.2	ROOF PANEL	GLASS	GLASS (10)		
27.3	ROOF PANEL	GLASS	GLASS (10)		
28.1	ROOF PANEL	GLASS	GLASS (10)		
28.2	ROOF PANEL	GLASS	GLASS (10)		
28.3	ROOF PANEL	GLASS	GLASS (10)		
29.1	ROOF PANEL	GLASS	GLASS (10)		
29.2	ROOF PANEL	GLASS	GLASS (10)		
29.3	ROOF PANEL	GLASS	GLASS (10)		
30.1	ROOF PANEL	GLASS	GLASS (10)		
30.2	ROOF PANEL	GLASS	GLASS (10)		
30.3	ROOF PANEL	GLASS	GLASS (10)		
31.1	ROOF PANEL	GLASS	GLASS (10)		
31.2	ROOF PANEL	GLASS	GLASS (10)		
31.3	ROOF PANEL	GLASS	GLASS (10)		
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43.3	ROOF PANEL	GLASS	GLASS (10)		
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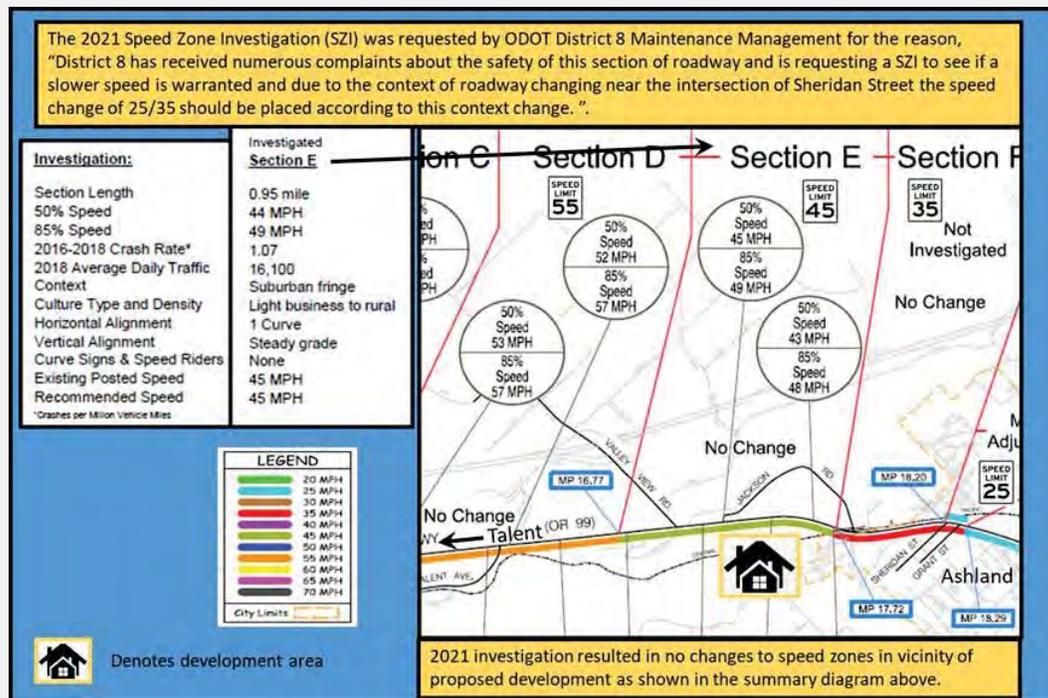
# TRANSPORTATION IMPACT ANALYSIS

Kelly Sandow PE, of Sandow Engineering, LLC has evaluated the impacts of the proposal.

Key findings of the TIA include – these are addressed in the Technical Memorandum and the TIA Review Response Letter from ODOT dated May 7, 2020:

- The TIA shows all studied intersections (Hwy 99N at South Valley View, Highway 99N at Jackson Road, North Main Street at Jackson Road, North Main Street at Maple Street, and Hwy 99N at the project access points) will meet the mobility standards through the Year 2034 with the addition of the traffic associated with anticipated development of the subject property.
- The addition of development traffic will not substantially increase queuing conditions over the background conditions.
- All site driveways are projected to operate safely and efficiently.
- The TIA recommends that Highway 99N be restriped to include a left-turn lane for vehicles entering the site.
- The TIA review by ODOT concludes that the Transportation Planning Rule (TPR) has been met.

## ODOT SPEED STUDY



**ORS 222.170  
-CONTIGUITY THROUGH CONSENT AT A  
PUBLIC HEARING**

- The applicant proposes that the Council process, as provided in state law (ORS 222.170), an annexation by consent through a public hearing which may be approved without requiring an election, when: more than one-half of the owners with land in the area to be annexed consent to the annexation; owners of more than one-half the land in the area to be annexed consent to the annexation; and that the land represents more than one-half of the total assessed value in the area to be annexed, an annexation can be approved.
- ORS 222.170(4) addresses when one of the properties in the election for consent is owned by the public, is right-of-way for a utility...or railroad, or is exempt from ad valorem taxation shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation, unless the owner of such property files a statement consenting to or opposing the annexation with the legislative body of the city on or before the day the public hearing is held.
- The annexed area of the subject properties and the ODOT right-of-way is substantially more land area than the property controlled by the railroad company.
- ORS 222.170 provides contiguity with the majority of the owners in favor of annexation before a public hearing.
- AMC 18.5.8.060 has been used numerous times over the years to reach across the railroad property and annex it into the city to provide a more logical and orderly expansion of the boundaries of the city.
- City of Ashland Charter, Article 1, Section 3, Boundaries. This states that the City Council has the power to modify the boundaries.

**CITY OF  
ASHLAND**  
ASHLAND PLANNING COMMISSION  
SPECIAL MEETING  
*DRAFT* Minutes  
September 27, 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:**

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

**Absent Members:**

Kerry KenCairn

**Council Liaison:**

Paula Hyatt

**II. ANNOUNCEMENTS**

Community Development Director Bill Molnar made the following announcement:

- Townmakers, LLC will be providing a presentation at the October 3, 2022 City Council meeting. They have previously conducted an open house to engage with the public, as well as met with the Planning Commission at its January 25, 2022 Study Session.
- Mr. Molnar reminded the Commission that he would be retiring effective September 30, 2022, and that Planning Manager Brandon Goldman had been appointed as interim Community Development Director.

**III. PUBLIC FORUM - None**

**IV. LEGISLATIVE HEARING:**

**A. PLANNING ACTION: #PA-L-2021-00013**

**APPLICANT:** City of Ashland

**ORDINANCE REFERENCES:** AMC 18.2.3 Special Use Standards

AMC 18.2.6 Standards for Non-Residential Zones

AMC 18.3.13 Residential Overlay

AMC 18.6.1 Definitions

**REQUEST:** The proposal includes a series of amendments to the Ashland Municipal Code (AMC) Title 18 Land Use to the residential standards for mixed-use development in the Commercial (C-1) and Employment (E-1) zones.

**Staff Presentation**

Mr. Goldman gave a brief legislative history of the ordinance before it was approved by the Commission in December of 2021. The Council remanded it back to the Commission in order to consider if there were opportunities to further increase affordable residential rentals on the ground floor of mixed-use developments. The affected areas would be C-1 zones outside of downtown, and E-1 zones with residential overlay. There is a provision in the ordinance for lots

over 10 acres to be unaffected in order to retain larger scale commercial development potential. The ordinance would also include a designation for “Commercial Ready Residential Space” on the ground floor, which would be built to meet commercial standards but could be used explicitly for affordable rental housing. Mr. Goldman added that the Residential density caps in C1, C-1-D, and E-1 were removed in order to encourage a variety of housing types (see attachment #1). Added to the code would be the definition for Commercial Ready Residential Space under AMC 18.6.1.030, and Mr. Goldman outlined the proposed code provisions for discussion:

- 35% of the ground floor area shall be designated for permitted (commercial) uses, not including residential uses, or as **Commercial Ready Residential Space** consistent with 18.2.3.130.B.1.c.
- Affordable rental housing could occupy Commercial Ready Residential Space.
- Affordable to renters earning 80% the Area Median Income or less.
- Require affordable rental occupants be income qualified by the City at any change in tenancy.
- Require a deed restriction or agreement with City clarifying the 35% ground floor area cannot be used as market rate housing.

### Questions of Staff

Commissioner Thompson drew attention to a non-substantive correction on page 4, section 3 of the draft ordinance.

Commissioner Thompson stated that the main obstacle the Commission encountered when it first reviewed the ordinance was that a change to the Comprehensive Plan and the Housing Analysis in 2007 would need to take place in order to allow 100% residential on the ground floor of mixed-use buildings. Commissioner noted that staff had utilized Senate Bill 8 as a means of circumventing this issue, and inquired if staff would require a legal opinion on that argument. Mr. Goldman responded that there have already been legal opinions rendered by Medford and Roseburg on how the senate bill was drafted, but that they had yet been tested. It was staff's opinion that the residential use could be maintained in perpetuity due to deed restrictions on the properties, rather than limited to the 30-year term referenced in Senate Bill 8. Mr. Molnar remarked that staff had been in contact with the state, who did not indicate that this draft ordinance would be contrary to Goal 9. The state is awaiting the ordinance in its entirety before passing judgement, particularly because a significant amount of the City's inventory does not allow for E-1 without a Residential overlay. Commissioner Thompson suggested that a preamble articulating the legal rationale for this legislative change be included in the ordinance. Mr. Molnar responded that the rationale would be reflected in the findings to the Council.

Commissioner Thompson inquired if parking would be developed to commercial standards, and how parking requirements would be determined for commercial or residential use buildings. Mr. Goldman confirmed that they would be developed for commercial use. For residential the number of parking spaces would be determined based on the number of bedrooms in the building, while commercial parking are determined by the square footage of the building and its intended use. Commissioner Knauer inquired in these parking requirements would change based on the new Climate Friendly and Equitable Communities state guidelines, and Mr. Goldman confirmed that they would.

Commissioner Verner requested clarification over why the Commercial Ready Residential Space ordinance would not apply to properties over 10 acres in size. Mr. Goldman responded that properties over 10 acres were being retained for larger scale development rather than be divided into smaller mixed-use projects.

Commissioner Dawkins asked why projects could develop one commercial and one residential building as part of the same development, rather than developing both as mixed-use. Mr. Goldman responded that there are current standards in the AMC that allow for this separation. As an example he cited the Rogue Credit Union and accompanying residential building on the same parcel, stating that the combined floor areas of the buildings then met code standards.

**Commissioners Thompson/Verner m/s to recommend that the City Council adopt the proposed ordinance as presented with a few non-substantive changes. Voice Vote: all AYES. Motion passed. 6-0.**

V. DISCUSSION ITEMS  
A. Food Truck Code Discussion

Staff Presentation

Senior Planner Derek Severson began by stating that this discussion is to determine how best to allow additional options for food trucks, while finding further use for vacant lots and underutilized properties.

Staff first recommended changes to allowances for temporary use permits and special events, including holiday celebrations and employee appreciation events. Currently there are allowances in the AMC for temporary use permits for food trucks limited to once per year, with staff suggesting an increase to once per month.

The second recommendation would be to make it an administrative policy that any property in the Detail Site Review Zone that can accommodate food vendors and outdoor eating spaces in their existing plaza space without physical alteration of the space could do so without separate land use approval. Mr. Severson displayed a map of the Detail Site Review Overlay to showcase the affected areas of such a change.

The third staff recommendation would be to allow food trucks and associated outdoor eating spaces in existing parking lots in commercial zones with over five spaces, except in cases where the parking lot is already subject to a mixed-use or joint-use credit. Mr. Severson added that up to 20% of required parking spaces could be used for food trucks as an outright permitted use without a requirement for land use approval.

Mr. Severson detailed how any potential food vendor would then need to obtain a staff-approved ministerial permit. They would also be required to obtain a business license, register for and pay food and beverage tax, and obtain any required inspections from the City's Building, Fire, and Health departments. Food trucks would not be permitted to remain in one place for more than five consecutive days, and more than three food trucks on a single property would trigger a Site Review. The proposed language would not permit food trucks to operate in public rights-of-way, public parking lots, or parks through the ministerial process (see attachment #2). Mr. Severson added that this is a similar process to one used in Medford, and would create a consistent model for food truck vendors in the area.

Questions of Staff

Commissioner Verner requested clarification on the differences between the temporary use permit and the ministerial permit. Mr. Severson responded that the temporary use permit would be limited to short-term special events, while the ministerial permit would allow for more consistent service provided that the food truck moved sites every five days.

Chair Norton conveyed surprise that the City had not received feedback from local restaurants regarding the introduction of additional food trucks to the City.

Commissioner Thompson expressed concern over the prospect of food trucks being permitted in the Historic District and the potentially negative impact they could have on residential areas. She also stressed the importance of not suggesting that a food cart is a required element in a plaza when it is merely one of the optional elements. Commissioner Thompson drew attention to subsection A of the staff memo and inquired if food trucks would be permitted in residential zones, to which Mr. Severson responded that they would not. He added that the Detail Site Review standards are not residential standards, and that language could be added to clarify that distinction.

Commissioner Thompson reiterated her concern that food trucks could be permitted in the Historic Districts, even those with commercial buildings. She drew attention to the potential erosion of residential zoning and where housing is permitted, and how the addition of food trucks could have a negative impact in E-1 and C-1 zones with residential buildings. Commissioner Thompson asked what the approval criteria for food trucks would be. Mr. Severson responded that they would have to meet the zoning and dimensional requirements, as well as a site plan and Fire, Building and Health department inspections. Commissioner Thompson suggested that a minimum distance from residential areas be considered as a requirement for the ministerial permit.

Commissioner Knauer asked how many food trucks were issued Conditional Use Permits (CUP) in a standard year prior to the pandemic. Mr. Severson responded that 2-3 would be typical because of the lengthy application process. Commissioner Knauer remarked that food trucks could benefit the City if managed properly, but that the proposed changes might not be sufficient to perform an adequate experiment. Commissioner Thompson emphasized the significant change this would make in the process, to which Commissioner Knauer responded that it could be approached in a different fashion. Chair Norton commented that the changes presented might not result in a significant number of food trucks entering the City, particularly when Medford has a greater population, customer base, and roadways that are more beneficial to them.

Commissioner Herron inquired why health care zoning was not included in the memo. Mr. Severson responded that health care is typically residential, but that it can be included if the Commission believed it appropriate. Commissioner Herron indicated that they should be included in order service health care workers nearby. He then asked if these changes addressed the sale of alcohol. Mr. Severson replied that it did not, but could be addressed.

There was general concern from the Commission over the lack of grease-traps, restrooms or other public amenities. Commissioner Dawkins voiced the opinion that it would be unfair to ask other local businesses to support food trucks who lacked public amenities, and suggested that in the future staff consider code amendments to address this issue. Chair Norton commended the inclusion of trash disposal as part of the staff memo, but suggested that staff include a condition that required food trucks to have sanitary services for their employees. Commissioner Herron stated that the City should be modeling its food truck codes after Portland, Eugene, and Bend, pointing out that they are on dedicated lots and require grease-traps and restrooms. He went on to say that blight should be used in a way that is resourceful and sustainable.

Commissioner Thompson commented that the plaza space requirement seems to largely focus on serving the residents of a particular neighborhood, but that any resulting food courts could potentially attract visitors from outside those areas of the City. The Commission suggested that the maximum number of food trucks allowed on a lot before it is considered a food court be reduced to two. Chair Norton pointed out that the two designated food truck spots on Exit 14 have amenity hookups and restrooms.

Commissioner Herron asked if staff had received feedback from food truck owners regarding the proposed code changes. Mr. Severson responded that staff had not received feedback about the changes specifically, but that they had complained to staff about the difficulty in acquiring a CUP for food trucks in the past. Commissioners Herron and Verner requested that staff gather feedback from food truck owners, and Mr. Severson replied that staff can attempt to contact them.

Commissioner Herron asked that staff provide the Commission with a variety of approval options at a later meeting. Chair Norton outlined how the temporary event permits were near approval, but that the ministerial permits would require more deliberation. Commissioner Dawkins commented that food trucks will be entirely market driven, and that they are unlikely to have a strong presence in the City.

Members of the Commission expressed appreciation to Mr. Molnar for his long service in the Planning Department and to the City.

## VII. ADJOURNMENT

Meeting adjourned at 8:24 p.m.

*Submitted by,  
Michael Sullivan, Executive Assistant*

# Housing in employment lands

Code amendments targeted at increasing housing on City zoned employment lands.



Planning Commission Hearing 9/27/2022

## Ordinance Development Timeline



# Ordinance Provisions

- Nearly doubles the allowance for ground floor residential
  - currently 35% ground floor residential allowed in mixed use buildings
  - proposed 65% allowance for ground floor residential.
  - currently all stories above the ground floor can be residential
- NEW** • Creates a new designation for “Commercial Ready Residential Space” on the ground floor, which may be used as affordable rental housing.
- Residential density caps in C-1, C-1-D, and E-1 removed
  - Encourages a variety of housing types
  - No change in the maximum size of buildings.

# Considerations

## ORDINANCE NO. 3205

### Proposed Code Provisions for discussion:

- 35% of the ground floor area shall be designated for permitted [commercial] uses, not including residential uses, or as **Commercial Ready Residential Space** consistent with 18.2.3.130.B.1.c
- Affordable rental housing could occupy Commercial Ready Residential Space.
- Affordable to renters earning 80% the Area Median Income or less.
- Require affordable rental occupants be income qualified by the City at any change in tenancy.
- Require a deed restriction or agreement with City clarifying the 35% ground floor area cannot be used as market rate housing.

# New Code Provisions

18.2.3.130 B. 3

**Commercial Ready Residential Space.** Gross floor area designated as commercial ready residential space shall be in compliance with the following:

- i. Residential uses provided within the designated commercial ready residential space shall be limited to rental units affordable to households earning 80% Area Median Income consistent with the requirements of the Ashland Affordable Housing Program including household income verification and maximum rental amounts.
- ii. An Agreement shall be executed with the City, or a deed restriction shall be recorded on the property, which stipulates that the Commercial Ready Residential Space shall not be used as market rate rental housing or sold as a residential unit.
- iii. If residential uses are provided immediately above the ground floor level (i.e., second floor residential), horizontal occupancy separation must be provided to accommodate future commercial occupancies as required by the building code at the time of construction.

# New Code Provisions

18.2.6.030 Table

Standard	C-1	C-1-D	E-1	M-1
Residential Density <sup>1</sup> (dwelling units/acre)	<del>30 du/acre</del> <u>NA</u> <u>No Density</u> <u>Maximum</u>	<del>60 du/acre</del> <u>NA</u> <u>No Density</u> <u>Maximum</u>	<del>15 du/acre</del> <u>NA</u> <u>No Density</u> <u>Maximum</u>	<u>NA</u>

<sup>1</sup>where allowed per section [18.2.3.130](#); within E-1 zone, per R-Overlay (see chapter [18.3.13](#) Residential Overlay). **For calculation of the affordable housing requirements provided in 18.5.8.050 the base residential density of C-1 shall be considered 30du/acre, and E-1 shall be considered 15 du/acre.**

# New Code Provisions

18.2.6.030 Table

## 18.6.1.030 - Definitions

**Commercial Ready Residential Space.** Ground floor area within a mixed-use building that is designed to accommodate commercial uses in compliance with applicable design and building code standards. Commercial Ready Residential Space provides the flexibility of occupying a space with commercial uses and allowing the use in such space to change to affordable rental housing in accordance with the Ashland Affordable Housing Program.

## Next Steps

Planning Commission review of proposed code options.

Forward recommendations to the City Council for consideration at the continuation of First Reading.



## Project Goal and Objectives

### **Project Goal:**

Provide more flexibility in the employment zones to respond to fluctuations and changes in the economy and demand for housing.

### **Project Objectives**

- Maintain an inventory of employment parcels in a variety of sizes and locations to encourage new business development.
- Increase the supply of moderately-priced rental and for-purchase housing.
- Jumpstart redevelopment in areas that have trouble attracting projects and/or are in proximity to public transit and walking distance to daily service needs, such as groceries, shops, parks, etc.)

# Council Hearing - Direction

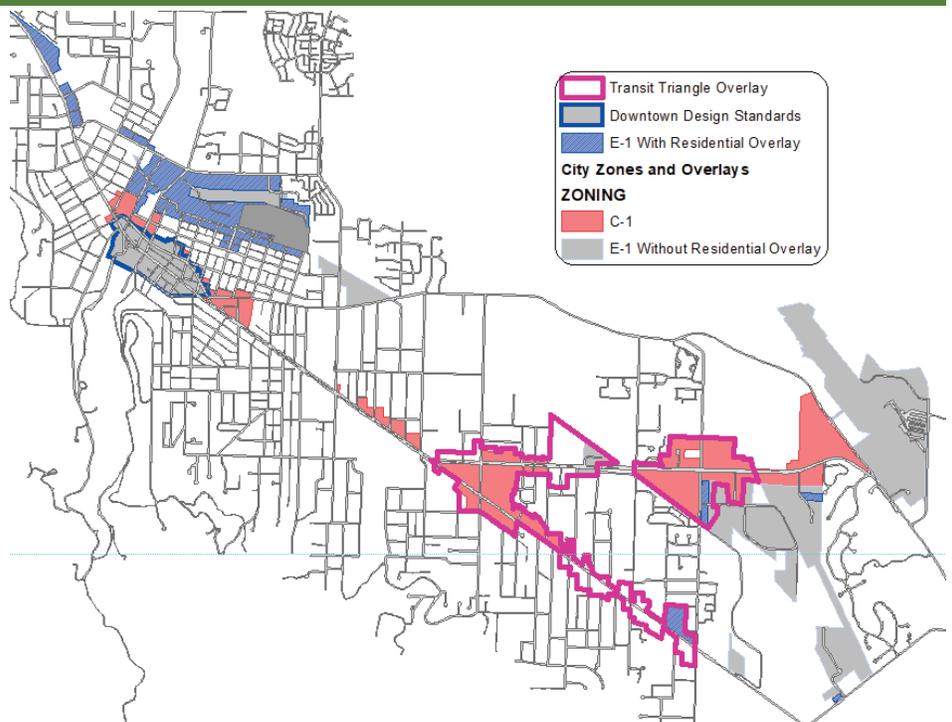
Council held First Reading of the draft ordinance on February 1, 2022 and postponed the item recommending the following:

*Postpone the item until the end of May 2022 to give staff time to analyze the economic information that comes forward from the Chamber Study*

*Revert this item back to the Planning Commission to specifically have a conditional use permit on the 35% that would be commercial to be used as residential rental only between 80-100% AMI revertible upon expiration of lease between 5–10-year period.*

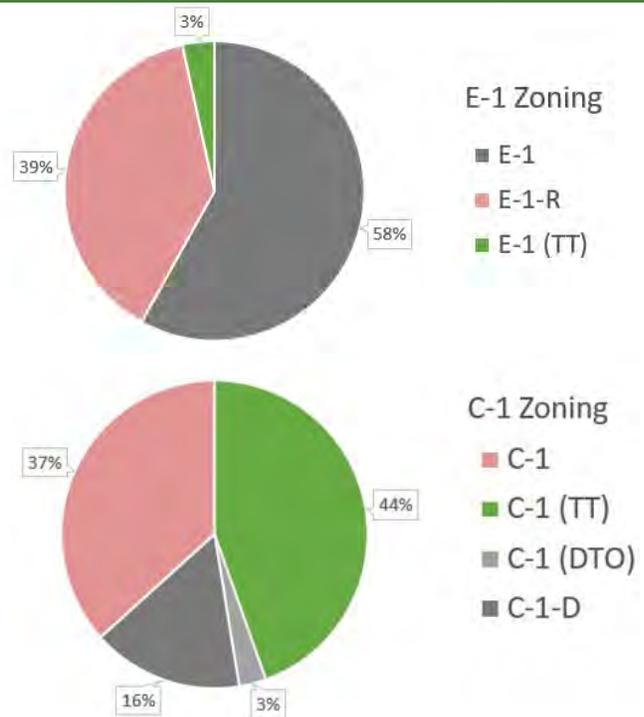
# Ordinance Applicability

- Amendments apply in C-1 zones (outside of downtown) and E-1 zones with residential overlay.
  - buildings that are 2 or more stories
  - lots that are less than 10 acres in size

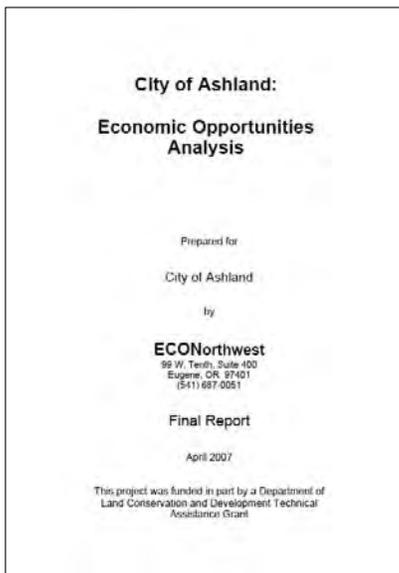


# Ordinance Applicability

- E-1 zone: 272.6 total acres
  - 114.3 acres with Residential overlay
  - 158.3 acres without Residential overlay
- C-1 zone: 175.3 acres total acres
  - 95.5 acres within the Transit Triangle
  - 79.7 acres outside of the Transit Triangle
    - 6.1 acres of this amount are within the downtown overlay
- C-1-D zone: 34.13 acres
  - Proposed Amendments do not apply



# Employment Lands Need



- The 2007 EOA forecasted more employment growth than has occurred over the last 15 years.
- The 2007 EOA projected Ashland would have 15,220 jobs by 2027. Recent employment data shows there are 10,237 jobs in the Ashland UGB (2019).
- The 2007 EOA stated that about 30% of employment growth will not require consumption of vacant land.
- Employment growth in residential areas continues to increase as more people work from home.
- The Fregonese 2007 analysis concluded that in consideration of the proposed ordinance the supply of employment lands would likely remain sufficient to accommodate employment growth.



*Tacos by Word on the Street*



*Salad by Truffle Pig*



*Filipino Friday by Daddy Ramen*

# Food Trucks

Ashland Planning Commission  
Study Session Sept. 26, 2022



## Initial Staff Recommendation # 1

Change the allowances for temporary uses under a short-term event permit from no more than once per year to no more than once per month.



## Temporary Uses



# Variety



## Special Events

Temporary Use – Pop-up for special events such as employee appreciation events, private catering, holiday celebrations.



## Initial Staff Recommendation # 2

Food vendors and space for outdoor eating are requisite elements where plaza space is required in the Detail Site Review zone. As such, it could be made an administrative policy that any property in the Detail Site Review Zone that can accommodate food vendors and outdoor eating spaces in their existing plaza space without physical alteration of the space could do so without separate land use approval (i.e. not requiring a Conditional Use Permit for something that is already a required element for plaza space in the Detail Site Review zone). As an example, the OSF Bricks could accommodate food trucks or carts without alteration and would be allowed under the proposed amended language.



## Existing Plaza Space





*Word on the Street  
Medford*

## Initial Staff Recommendation # 3

Allow food trucks and associated outdoor eating space in existing parking lots in commercial zones with over five spaces, except in cases where the parking lot is already subject to a mixed-use or joint-use credit. Up to 20 percent of required parking spaces could be used for food trucks as an outright permitted use without a requirement for land use approval.



*Wok Star in Talent*

## In Parking Lots



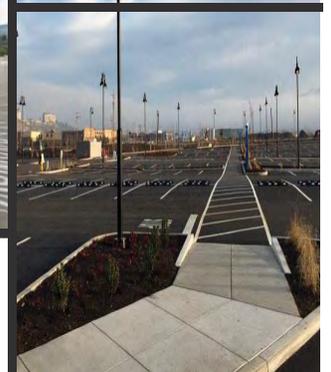
*Albert's Arepas in Talent*



## Vacant and Underutilized Properties



Currently vacant properties, and underutilized areas, offer an opportunity for the temporary or intermittent placement of food trucks or parks without impacting any existing uses.



## Ministerial Permit

### Food truck operator would need to:

- Obtain a ministerial food truck permit.  
*(No more than three food trucks or carts could be approved on one property through a ministerial permit.)*
- Business license.
- Register for and pay food and beverage tax.
- Obtain any required inspections from the Building, Fire and the Health Departments.



*Bartlett Bites in Medford*

## Next Steps

- Policy Considerations
- Ordinance Development
- Public Hearings and Adoption



# **FINDINGS**

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**PA-APPEAL-2022-00016,  
580 Clover Ln.**



**BEFORE THE PLANNING COMMISSION**

October 11, 2022

IN THE MATTER OF PLANNING ACTION #PA-APPEAL-2022-00016, )  
AN APPEAL OF THE ADMINISTRATIVE APPROVAL OF PLANNING )  
ACTION #PA-T1-2022-00187, 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. STAFF INITIALLY APPROVED THE )  
APPLICATION. SUBSEQUENT TO THE MAILING OF A NOTICE OF )  
DECISION, JEFF SHARPE WHO PARTICIPATED IN THE PROCEEDINGS )  
BELOW FILED AN APPEAL REQUEST. )

**FINDINGS,  
CONCLUSIONS,  
AND ORDERS.**

**OWNER:** ASIA JOHNSON )  
**APPLICANT:** TESLA )  
**APPELLANT:** JEFF SHARPE OF STRACKER SOLAR )  
\_\_\_\_\_ )

**RECITALS:**

- 1) Tax lot #6801 of Assessor’s Map 39-1E-14-AA is located at 580 Clover Lane is in the E-1 zone and is 0.57 acres in size.
- 2) The application requested a Conditional Use Permit and Site Design Review approvals to allow for the installation of an asphalt-paved parking lot with 24 electric vehicle (EV) charging stalls on an undeveloped site.
- 3) On July 18, 2022, the application was deemed complete, and in accordance with AMC 18.5.1.050.B.4 a Notice of Complete application was posted at the subject property in clear view from the public right-of-way and mailed to all property owners of record within 200 feet of the parcel.
- 4) The Staff Advisor approved the application on August 9, 2022, and a Notice of Decision (NOD) was mailed on the same date.
- 5) On August 22, 2022, a Notice of Intent to Appeal (NITA) was received with Jeff Sharpe named as the appellant.
- 6) In the proceedings below Jeff Sharpe submitted no written comment on the application, however Denise Deneaux submitted public comment on behalf of Stracker Solar. The appeal application, submitted by a representative of Stracker Solar in the name of Jeff Sharpe, included no statements demonstrating the person filing the notice of appeal has standing to appeal, nor was there a statement demonstrating that the appeal issues were raised

during the public comment period, as required pursuant to AMC 18.5.1.050.G.2.c \*. For that reason, the appeal could be considered to have a jurisdictional defect and not be considered, however the Staff Advisor felt that the public was better served by hearing the appeal on its merits. It is understood that the comments received from Ms. Deneaux on behalf of Stracker Solar are the issues that have been preserved for the Stracker Solar / Jeff Sharpe appeal.

- 7) The Planning Commission, following proper public notice, held a public hearing on September 13, 2020. Public testimony was received, and exhibits were presented.
- 8) The criteria of approval for Site Design Review are described in Ashland Municipal Code (AMC) 18.5.2.050 which state that the approval authority shall approve an application only where all the following criteria are met:

An application for Site Design Review shall be approved if the proposal meets the criteria in subsections A, B, C, and D below. The approval authority may, in approving the application, impose conditions of approval, consistent with the applicable criteria.

**A. Underlying Zone.** The proposal complies with all of the applicable provisions of the underlying zone (part [18.2](#)), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.

**B. Overlay Zones.** The proposal complies with applicable overlay zone requirements (part [18.3](#)).

**C. Site Development and Design Standards.** The proposal complies with the applicable Site Development and Design Standards of part [18.4](#), except as provided by subsection E, below.

**D. City Facilities.** The proposal complies with the applicable standards in section 18.4.6 Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.

**E. Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part [18.4](#) if the circumstances in either subsection 1, 2, or 3, below, are found to exist.

1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and

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\* c. Content of Notice of Appeal. The notice of appeal shall be accompanied by the required filing fee and shall contain.

- i. An identification of the decision being appealed, including the date of the decision.
- ii. A statement demonstrating the person filing the notice of appeal has standing to appeal.
- iii. A statement explaining the specific issues being raised on appeal.
- iv. A statement demonstrating that the appeal issues were raised during the public comment period.

Design; and the exception requested is the minimum which would alleviate the difficulty;

2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards; or

3. There is no demonstrable difficulty in meeting the specific requirements for a cottage housing development, but granting the exception will result in a design that equally or better achieves the stated purpose of section [18.2.3.090](#).

9) The criteria of approval for a CUP are described in Ashland Municipal Code (AMC) 18.5.4.050 which state that the approval authority shall approve an application only where all the following criteria are met:

1. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.

2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.

3. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection [18.5.4.050.A.5](#), below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.

a. Similarity in scale, bulk, and coverage.

b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.

c. Architectural compatibility with the impact area.

d. Air quality, including the generation of dust, odors, or other environmental pollutants.

e. Generation of noise, light, and glare.

f. The development of adjacent properties as envisioned in the Comprehensive Plan.

g. Other factors found to be relevant by the approval authority for review of the proposed use.

4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.

5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.

f. E-1. The general office uses listed in chapter [18.2.2](#) Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all

ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.

Now, therefore, the Planning Commission of the City of Ashland finds, concludes and recommends as follows:

## **SECTION 1. EXHIBITS**

For the purposes of reference to these Findings, the attached index of exhibits, data, and testimony will be used.

Staff Exhibits lettered with an "S"  
Proponent's Exhibits, lettered with a "P"  
Opponent's Exhibits, lettered with an "O"  
Hearing Minutes, Notices, and Miscellaneous Exhibits lettered with an "M"

## **SECTION 2. CONCLUSORY FINDINGS**

2.1 The Planning Commission finds that it has received all information necessary to render a decision based on the application, previous findings, Staff Report, public hearing testimony, and the exhibits received.

2.2 The Planning Commission notes that electrical charging station for cars is not a use in the Land Use Ordinance. The Planning Commission finds that an 'electrical charging station' is a 'vehicle fueling station' which is a conditionally allowed use in the E-1 zone.

2.3 The Planning Commission finds that the application was deemed complete on July 18, 2022, and notice was both posted at the frontage of the subject property and mailed to all property owners within 200-feet of the subject property. The Planning Commission further finds that the application was approved by the Staff Advisor on August 9, 2022, with a 12-day appeal period which extended through August 22, 2022.

2.4 The Planning Commission finds that AMC Title 18 Land Use regulates the development of land to carry out the pattern envisioned by the Comprehensive Plan and to encourage efficient use of land resources among other goals. When considering the decision to approve or deny an application the Planning Commission considers the application materials against the relevant approval criteria in the AMC. The Planning Commission finds that the proposal for Site Design Review and a Conditional Use Permit meets all applicable criteria described in sections 18.5.2.050 and 18.5.4.050.

2.5 The Planning Commission finds that there is substantial evidence in the record to make findings that each of the approval criteria have been met as demonstrated in the staff report dated September 13, 2022 prepared for this appeal, the original findings approving the application, and the application materials themselves. each of which are hereby incorporated herein by their references as if set out in full.

2.5.1 The Planning Commission finds that the vehicular charging station is not a

prohibited use within the zone, and the use is in conformance with all standards within the zoning district, and in conformance with the Comprehensive Plan.

2.5.2 The Planning Commission finds that the capacity of City facilities for water, sewer, electricity, urban storm drainage, and transportation, is adequate to serve the property and the proposed vehicular charging station use.

2.5.3 The Planning Commission finds that the vehicular charging station as proposed will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone.

2.6 The Planning Commission finds that on August 22, 2022, prior to the end of the appeal period, the appeal application, submitted in the name of Jeff Sharpe, was submitted by a representative of Stracker Solar. In the proceedings below Denise Deneaux submitted public comment on behalf of Stracker Solar. The Planning Commission finds that Stracker Solar / Jeff Sharpe have standing to appeal.

2.7 The Planning Commission finds that the notice of appeal identified the following issues on appeal:

- We urge the city to look at decisions made today that will affect future electrical projects
- Clover Lane is a crowded street and not at all an ideal location to send more traffic
- This is a Tesla only charging station that only benefits Tesla and none of our local car dealerships.

2.7.1 The Planning Commission notes that the appeal application supplies a field for the applicable criteria or procedure in the Ashland Municipal Code that was violated, these were left blank. Nowhere in the appeal materials are there citations to specific criteria or procedures that are alleged to be violated. The Planning Commission therefore presumes that the first item relates to AMC 18.5.4.050.A.2 (adequate capacity of City facilities), and that the second item relates to AMC 18.5.4.050.A.3.b (generation of traffic), in the alternative it could relate to AMC 18.5.2.050.D (adequate capacity of City facilities and adequate transportation). The Planning Commission notes that the third assignment of error does not appear to relate to any approval criterion.

2.7.2 The Planning Commission notes that the first assignment of error is regarding adequate capacity of City facilities, specifically electrical. The Planning Commission notes that there is a memo in the record from the Department head of the Electrical Department explaining that an engineering firm examined the expected demand under full load and extreme weather conditions and made a single recommendation to upgrade two spans of overhead conductor. The Planning Commission further notes that the Electrical Department is already planning on installing these upgrades in additions to other improvements in the area with planning already underway. The Planning Commission finds that there is substantial evidence in the record that there will be adequate capacity of City facilities. The Planning Commission denies the first assignment of error.

2.7.3 The Planning Commission notes that the second assignment of error is that Clover Lane is a crowded Street. The Planning Commission notes paved curb to curb width exceed

the standards for a neighborhood street, and further notes that while the Right-of-Way at the subject site is only 41' the Planning Commission finds that this was improved in accordance with the approval PA#2003-112 and will not require additional ROW dedication or improvements. The Planning Commission denies the second assignment of error.

2.7.4 The Planning Commission notes that the third assignment of error is regarding the exclusivity to Tesla Vehicles. The Planning Commission finds that the exclusivity to Tesla vehicles is not relevant to any of the approval criteria. The Planning Commission denies the third assignment of error.

2.8 The Commission finds that the proposal satisfies the applicable approval criteria and that none of the appeal issues raised provide a basis to reverse the initial decision of the Staff Advisor.

### **SECTION 3. DECISION**

3.1 Based on the record of the Public Hearings on this matter, the Planning Commission concludes that the request for Site Design Review and Conditional Use Permit approvals are supported by evidence contained within the whole record.

3.2 The Planning Commission denies the appeal and re-affirms the Staff Advisor's original approval of the application. The following are the conditions, and they are attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified herein.
- 2) That all proposed signage be applied for through a separate ministerial permit
- 3) That prior to the issuance of the certificate of occupancy
  - a. That the irrigation and landscaping has been installed according to the approved plan.

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Planning Commission Approval

October 11, 2021

Date

**INFORMATIONAL ONLY**

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## ORS 260.432 Quick Reference— Restrictions on Political Campaigning for Public Employees rev 12/13

Generally, ORS 260.432 states that a public employee\* may not, while on the job during working hours, promote or oppose election petitions, candidates, political committee or ballot measures. Additionally, no person (including elected officials) may require a public employee (at any time) to do so.

\*A “public employee” includes public officials who are not elected, whether they are paid or unpaid (including appointed boards and commissions).

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### As used in this Quick Reference

We use the phrase “advocate(s) a political position” to mean—

promote or oppose an initiative, referendum or recall petition, candidate, political committee or ballot measure.

The term “impartial” means equitable, fair, unbiased and dispassionate.

See the Secretary of State’s detailed manual on ORS 260.432 for specific factors to assist in ensuring impartiality in communications about ballot measures. It is posted on the website under Election Laws, Rules and Publications, Manuals and Tutorials.

For more detailed information about ORS 260.432 and information about other election laws, contact:

Elections Division	phone	503-986-1518
Secretary of State	fax	503-373-7414
255 Capitol St NE, Suite	tty	1-800-735-2900
Salem, OR 97310	web	<a href="http://www.oregonvotes.gov">www.oregonvotes.gov</a>

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### Prohibited Activities

A public employee, while on the job during work hours may not:

- prepare or distribute written material, post website information, transmit emails or make a presentation that advocates a political position
- collect funds, prepare filing forms or correspondence on behalf of candidates or political committees
- produce or distribute a news release or letter announcing an elected official’s candidacy for re-election (except for an elections official doing so as an official duty) or presenting an elected official’s political position
- make outgoing calls to schedule or organize campaign events or other political activity on behalf of an elected official or political committee (however, a scheduler may, as part of official duties, take incoming calls about the official’s availability and add an event to the schedule)
- grant unequal access to public facilities to candidates or political committees
- direct other public employees to participate in political activities, when in the role of a supervisor
- draft, type, format or edit a governing body’s resolution that advocates a political position (except to conform the resolution to a standard format)
- prepare or give recommendations to the governing body urging which way to vote on such a resolution
- sign such a resolution, except if the signature is only ministerial and clearly included to attest the board took the vote
- announce the governing body’s position on such a resolution to the media
- include the governing body’s position or vote on such a resolution in a jurisdiction’s newsletter or other publication

A public employee who provides voter registration assistance under the federal National Voter Registration Act (NVRA) must not, when performing voter registration services, influence a client’s political choices. This means no display of political preferences, including a restriction that no political buttons may be worn. ORS 247.208(3)

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## Allowable Activities

A public employee, while on the job during working hours may:

- prepare and distribute impartial written material or make an impartial presentation that discusses election subjects (using the guidelines provided in the Secretary of State's detailed manual on ORS 260.432.)

The Secretary of State's Elections Division is also available for an advisory review of draft material about ballot measures produced by government agencies.

- perform standard job duties, such as taking minutes at a public meeting, maintaining public records, opening mail, inserting a proposed resolution into a board agenda packet, etc.
- impartially advise employees about possible effects of a measure, but not threaten them with financial loss to vote a particular way
- address election-related issues while on the job, in a factual and impartial manner, if such activity is legitimately within scope of employee's normal duties
- as staff of an elected official, handle incoming calls about the official's availability for political events
- prepare neutral, factual information for a governing body to use in determining what position to take on an issue (planning stage of a governing body's proposed issue before certified as a measure to a ballot is not subject to ORS 260.432)
- in a clerical manner, incorporate amendments into a finalized version of a governing body's resolution on an issue respond to public records request for information, even if the material advocates a political position
- wear political buttons subject to applicable employer policies unless the public employee is providing voter registration services under NVRA, where additional restrictions apply - see note on previous page about ORS 247.208(3)

A public employee, on their own, off duty time, may send letters to the editor that advocate a political position and may participate in any other lawful political activity.

It is advised that a salaried public employee keep records when appropriate in order to verify any such political activity that occurs while off duty.

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## Prohibited and Allowable Activities for Elected Officials\*

\*includes a person appointed to fill a vacancy in an elective public office

### Elected officials may:

- advocate a political position at any time. Elected officials are not considered a "public employee" for purposes of ORS 260.432. ORS 260.432(4)(a).
- vote with the other elected officials of a governing body (such as a school board, city council or county commission) to support or oppose a measure, and publicly discuss such a vote—but must not use the public employee staff time to assist in this, except for ministerial functions
- perform campaign activity at any time, however must take caution not to involve any public employee's work time to do so

### Elected officials may not:

- in the role of a supervisor, request a public employee—whether the public employee is on or off duty—to perform any political activity  
A request made by a person in a position of supervisor or superior is viewed as a command for purposes of this election law.
- have an opinion piece or letter advocating a political position published in a jurisdiction's newsletter or other publication produced or distributed by public employees