

**CITY OF  
ASHLAND**  
ASHLAND PLANNING COMMISSION  
REGULAR MEETING  
*DRAFT* Minutes  
December 13, 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  
Doug Knauer

**Staff Present:**

Brandon Goldman, Interim Community Development Director  
Derek Severson, Senior Planner  
Aaron Anderson, Senior Planner  
Michael Sullivan, Executive Assistant

**Absent Members:**

Kerry KenCairn  
Lisa Verner

**Council Liaison:**

Paula Hyatt

**II. ANNOUNCEMENTS**

Chair Norton noted that Commission Thompson was attending the meeting remotely due to illness.

Interim Community Development Director Brandon Goldman made the following announcements:

- The City Council approved PA-T3-2022-00004, 1511 Highway 99 North at its December 6, 2022 meeting. On January 3, 2023 the Council will hear an appeal of the Planning Commission's decision to deny PA-T2-2022-00037, 165 Water Street. This was originally going to be heard by the Council on June 21, 2022, but was postponed at the request of the applicant.
- The Social Equity and Racial Justice Commission is requesting that a member of the Commission join them at a future meeting to discuss the Commission's role in fostering social equity.

**III. CONSENT AGENDA**

**A. Approval of Minutes**

1. November 8, 2022 Regular Meeting
2. November 22, 2022 Study Session

Commissioners Michael/Knauer m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed. 5-0.

**IV. PUBLIC FORUM – None**

**V. LEGISLATIVE HEARING:**

**A. PLANNING ACTION: PA-L-2022-00015**

**APPLICANT:** City of Ashland

**ORDINANCE REFERENCES:** AMC 18.2.2 Base Zones & Allowed Uses  
AMC 18.2.3.145 Food Trucks and Food Carts

AMC 18.3.2	Croman Mill District
AMC 18.3.3	Health Care Services District
AMC 18.3.4	Normal Neighborhood District
AMC 18.3.5	N. Mountain Neighborhood District
AMC 18.5.4	Conditional Use Permits
AMC 18.6.1.030.F	Definitions

**REQUEST:** The proposal would amend the Ashland Land Use Ordinance to provide additional options for food trucks and food carts in a new section AMC 18.2.3.145 'Food Trucks and Food Carts.'

**Staff Presentation**

Senior Planner Derek Severson provided the Commission with a brief presentation on the current state of draft ordinance PA-L-2022-00015. He detailed the current limited allowances for food trucks, which include short-term events, permitting as an accessory to an existing use, or with a Conditional Use Permit (CUP). Mr. Severson detailed the changes that staff had proposed to the allowances for short-term events and CUPs, but that the accessory to an existing use criteria would remain unchanged. As proposed, the Ministerial Permits would allow up to three food trucks in an approved plaza space or parking area at a time, with any exceptions requiring a Site Design Review. Mr. Severson stressed that food trucks or carts would not be permitted in residential areas, but that the temporary use allowance currently in the Ashland Municipal Code (AMC) applies across zones and could permit food trucks in residential or downtown areas for short-term events (see attachment #1).

**Deliberation and Recommendations**

Commissioner Thompson expressed concern that some of the references to approved plaza space within the draft ordinance was unclear. She suggested that staff remove the term **“existing approved plaza space”** in subsection A and replace it with **“initial caps review plaza space.”** Commissioner Thompson also recommended that staff add further clarity regarding food trucks on private property or approved plaza spaces in subsection E.

Chair Norton closed the Public Hearing at 7:13 p.m.

Chair Norton reopened the Public Hearing to give late attendants to the meeting an opportunity to speak on the matter.

Chair Norton closed the Public Hearing at 7:17 p.m.

**Commissioners Dawkins/Knauer m/s to recommend the draft ordinance to the City Council with the proposed clarifications. Voice Vote: all AYES. Motion passed. 5-0.**

**VI. TYPE I PUBLIC HEARINGS - APPEAL**

- A. PLANNING ACTION:** PA-APPEAL-2022-00017 Appealing PA-T1-2022-00185
- SUBJECT PROPERTY:** 897 Hillview Drive
- APPLICANT & OWNER:** Suncrest Homes, LLC
- DESCRIPTION:** An appeal of the administrative approval of planning action #PA-T1-2022-00185, An approval for a two-lot partition of a 0.36-acre lot. The tentative partition plat submitted with the application indicates that the two resultant parcels will be 0.18 and 0.17 acres in size. The application includes detailed findings explaining how the proposal meets the relevant criteria. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-7.5; **MAP:** 39 1E 15 AC; **TAX LOT:** 900

Chair Norton recited the public hearing procedures for land use hearings.

### Ex Parte Contact

No ex parte contact was reported. Commissioners Dawkins, Knauer, and Norton conducted site visits.

### Staff Presentation

Senior Planner Aaron Anderson began by noting a clerical error regarding the notice for this item. The planning action number was noticed as "PA-APPEAL-2022-00015" and should instead have read "PA-APPEAL-2022-00017."

Mr. Anderson briefly outlined the timeline for the project, including its approval by staff on October 20, 2022 and its subsequent appeal on November 1, 2022. He drew the Commission's attention to a map of the preliminary partition plat showing an eight-foot flagpole on the property, but added that the applicant was proposing an additional two-foot easement across parcel one so in order to provide a ten-foot legal access to the lot (see attachment #2). Mr. Anderson then listed the requisite approval criteria under AMC 18.5.3.050, noting that the application had satisfied all of those criteria, and recommended that the original staff approval be upheld and the appeal denied.

### Questions of Staff

Commissioner Thompson inquired if this property was considered a flag lot, to which Mr. Anderson responded that it is.

Commissioner Knauer commented that the map used in the noticing of this project seemed to indicate that the alley terminates prior to the property in question. Mr. Anderson responded that the City's GIS may suggest that, but the alley actually ends at the northern end of the lot. Commissioner Knauer requested clarification on how this partition could impact the alley in terms of vehicle access to the lot. Mr. Anderson responded that there is currently only one lot with access to the alley, which would still be the case after the partition in question, so staff saw no increase in use of the alley. Mr. Anderson elaborated that staff had spoken to the Public Works Department, whose only requirement for this project would be additional grading and laying down gravel for the alley's improvement. He added that staff does not require improvements to existing alleys. Commissioner Knauer remarked that staff's requirement for the alley to be used for vehicular access would increase its use. Mr. Anderson pointed out that the lot owner is currently permitted to use and park vehicles down the alley, an allowance which will continue after the lot is partitioned. There was general discussion about the use of the alley for vehicular access and parking.

Commissioner Thompson requested clarification regarding the required 4ft wide pedestrian access to the back parcel, noting that the proposed pedestrian access appeared to only connect to the front parcel. Mr. Anderson responded that the proposed pedestrian access would also serve the back parcel, and that the applicant would be providing a 10ft wide paved driveway, which would fulfill the pedestrian access requirements and exceed the 4ft wide minimum. Mr. Anderson referred to page 94 of the Commission's packet to show how the proposed driveway would provide vehicular and pedestrian access from Hillview Drive to parcel 2. He added that there would also be vehicular access to parcel 2 from the alley. Commissioner Knauer inquired if the driveway would run the length of the property between Hillview Drive and the alley. Mr. Anderson responded that the driveway would not provide a throughway connection to the alley from the street, but that such a connection could be approved in a future planning action if an applicant applied for it.

Chair Norton remarked that the driveway could have provided vehicular access to both parcels without the need for any access from the alley, but that had not been proposed by the applicants. Mr. Goldman pointed out that the applicants had proposed placing all three required parking spaces in front of the house, not along the alley. He added that the flag lot partition standards require that parking access from the alleyway be accommodated, but that he believed that the applicant would not be utilizing those parking spaces.

### Applicant Presentation

Applicant Charlie Hamilton gave a description of the developmental process that the project had gone through thus far, and detailed his work with the City to ensure that nearby residents not be required to undergo an address change as a result of the partition. He noted nearby residents' opposition to parcel 2 having its primary access from the alley, and that that was why the driveway extension from Hillview Drive was included in the proposal. Mr. Hamilton stated that he worked to assuage many of the concerns of the neighbors opposed to the partition, including those of the appellant, Chuck Smith. He outlined how many of Mr. Smith's concerns lay with water runoff and its impact on his property at 895 Hillview Drive. Mr. Hamilton listed the ways in which he would address these issues, including a catch-basin on the northwest corner of the lot, perimeter drains for each dwelling, and

attempting to capture water runoff inundating Mr. Smith's property. Mr. Hamilton concluded by detailing how his team had conducted an unrequired neighborhood meeting in order to address concerns from local residents.

### **Appellant Presentation**

Mr. Smith requested that the Commission uphold the appeal and deny the original application. He cited a similar partition at 893 Hillview Drive that was denied by the Commission on December 12, 2005, and detailed how the nearly fifty neighbors he spoke with opposed the current partition. Mr. Smith stated that he opposed the partition primarily due to water runoff in the neighborhood, citing the design standards dealing with surface water drainage in AMC 18.5.3.050. He provided the Commission with a presentation detailing the water damage that his property had sustained due to water runoff. He related how he had already installed curtain drains on his property due to the water runoff that passes through 897 Hillview Drive and saturates his property at 895 Hillview Drive, and requested that the applicant be required to install a French drain in order to mitigate water damage as a condition of approval. Mr. Smith detailed the drainage system that comes down from Ross Lane and connects with a dry well and drainage system along the alleyway, and stated that trees planted in the easement between 897 and 895 Hillview Drive are clogging his drain-line. He noted that the City had required that he install a wet trench with a 24inch-wide footing when he added an addition to his property. Mr. Smith then read testimony from the previous owner of 897 Hillview that was given at the December 12, 2005 Planning Commission Meeting (see attachment #4). He concluded by stating that a flag lot would be out of character with the neighborhood and requested that the Commission uphold the appeal and deny the project.

Chair Norton asked if staff was aware of the easement before the meeting. Mr. Anderson responded that staff was made aware before the meeting of the easement for the TID drainage, and that there is also City infrastructure along the easement.

### **Public Testimony**

**Keith Kleinedler**/Mr. Kleinedler voiced support for the appellant, and detailed the December 12, 2005 Planning Commission Meeting. He stated that the water runoff and flooding was his main reason to oppose the partition, and pointed to the flooding that the neighborhood already sustains from the alleyway. He implored the City to make substantial improvements to the drainage systems that are unable to handle the significant amount of water runoff from Ross Lane, and from the Our Lady of the Mountain church parking lot at 987 Hillview Drive.

### **Applicant Rebuttal**

Zac Moody stated that the Staff Report had detailed all the relevant materials. He noted that many of the appellant's issues with the project were related to stormwater, and that the City's Public Works department had identified areas that could drain water from the site to Hillview Drive. He added that additional impervious surface will be added as part of the partition, but that the added drainage systems will help to divert water from flowing onto the neighboring properties.

Addressing the issue of the subject property having too much pavement, Mr. Moody pointed out that the applicant was required to include driveways and meet other building minimum standards. He noted that the Comprehensive Plan allows for increased dwelling density in this neighborhood, particularly with the adoption of House Bill 2001. Mr. Moody stated that the proposed partition is the minimum that could be done with the parcel in light of recent house bills, but that the applicants are content with the subject plan. He added that it is the intention of the applicants to provide additional housing in the neighborhood.

Mr. Moody stated that easements are generally addressed at the final plat by a surveyor, but that he was unaware of the easement until it was raised at the meeting. He assured the Commission that the buildings would not be built over the easement, because that would have resulted in a denial of the proposal during the application process.

Mr. Moody stated that there are numerous criteria that any application has to meet in order to be approved, such as tree preservation, solar, wildfire hazard, and setbacks, and the applicant will be removing cypress trees as they pose a potential fire hazard. Other trees may be removed if they interfere with the building footprint, but there is no current plan to remove any more trees than necessary.

Mr. Moody noted that the footing issue raised by the appellant is not a partition standard or criteria, and will be addressed during the building application phase.

Mr. Moody concluded by addressing Mr. Kleinedler's comments regarding the housing approval standards. He stated that much had changed in city planning since the December 12, 2005 decision by the Commission to deny the partition of 893 Hillview Drive. He reiterated that the new proposed partition is the minimum that could be done with the parcel in light of recent code changes.

Chair Norton closed the Public Hearing and Public Record at 8:27 p.m.

### **Deliberations and Decision**

Commissioner Dawkins sympathized with the neighbors who did not want to see the partitioning of the parcel in question, but that the main topic in question was water runoff. He stated that he would have a difficult time denying the application based on criteria that neither the applicant nor appellant could control. Commissioner Dawkins stated that he appreciated the neighbor's desire to keep the neighborhood as single dwellings only, which echoed the argument made at the 2005 meeting. Commissioner Dawkins pointed out that the water runoff was coming down the alley from the south, aided by the parking lot from the nearby church, which is something that the City could examine and address in the future.

Chair Norton noted that the applicant had proposed four voluntary conditions for approval, but that condition #1 should be removed because there would be no way for the City to enforce it.

**Commissioners Knauer/Herron m/s to deny the appeal with the conditions proposed, excluding condition #1. Roll Call Vote: all AYES. Motion passed. 5-0.**

Chair Norton stated that the AMC has changed in the 17 years since a similar partition was denied in 2005, and that variances and exceptions are no long required of such applications if they meet certain criteria. He commented that the appellants are the first to come before the Commission with the new guidelines in place, and that the Commission may need to make some unpopular decisions in order to abide by recent code changes. He thanked the applicants and the appellant for their civility.

Mr. Goldman informed the Commission that staff had prepared the Findings for the item in the event that the appeal was denied, and that the Findings could be approved by the Commission at this time if it wished. He added that the first condition would be removed from the Findings in accordance with the Commission's denial of the appeal.

**Commissioners Dawkins/Thompson m/s to approve the Findings with the conditions proposed, excluding condition #1. Voice Vote: all AYES. Motion passed. 5-0.**

## **VII. OPEN DISCUSSION**

Chair Norton informed the Commission that the Social Equity and Racial Justice Advisory Committee (SERJAC) had requested that a Commissioner attend a future committee meeting detailing their Commission uses the lens of social equity when making land use decisions. Councilor DuQuenne commended the Commission's earlier presentation given by Commissioner Knauer at the May 7, 2022 SERJAC meeting, and hoped that a member of the Commission would go before the Committee and provide a similar report. Commissioner Knauer commented that he would be willing to provide another presentation to SERJAC, but that any Commissioners should feel welcome to assume that duty.

Chair Norton stated that the Commission is bound to the existing code, and must remain objective when making land use decisions. Commissioner Knauer commented that it is his intention to bring SERJAC's recommendations back to the Commission to discuss how best to incorporate them into its decision-making process. Mr. Severson pointed out that the Housing Production Strategy, as well as the Climate-Friendly and Equitable Communities (CFEC) guidelines from the state, will incorporate an anti-displacement tool that will overlap with SERJAC's recommendations. Mr. Goldman detailed how the Commission must use codified code standards when examining planning actions, but that it could use its role in advising legislation to promote social equity and racial justice. Chair Norton suggested that a member of staff accompany the attending Commissioner to the SERJAC meeting. Mr. Severson pointed out that the City's CFEC representative will likely go before SERJAC before a member of the Commission will have an opportunity to attend their meeting.

Commissioner Dawkins informed the Commission that he has been diagnosed with late-stage prostate cancer. He stated that he would may need to resign his position on the Commission in the future, but that he will remain a member as long as he can. The Commission expressed appreciation for Commissioner Dawkins and offered him their support.

There was general discussion regarding approved projects that have begun construction and will provide additional housing. Mr. Goldman stated that such developments could open up houses that are currently being used by college students for group housing.

**VIII. ADJOURNMENT**

Meeting adjourned at 8:56 p.m.

*Submitted by,  
Michael Sullivan, Executive Assistant*