



Planning Commission Minutes

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note the public testimony may be limited by the Chair.

MARCH 14, 2023
REGULAR MEETING
MINUTES

I. CALL TO ORDER:

Chair Norton called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 E. Main Street. He thanked Commissioner Verner for chairing the February 14th and February 28th Planning Commission meetings in his stead.

Commissioners Present:

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

Staff Present:

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

Absent Members:

Council Liaison:

Paula Hyatt

II. ANNOUNCEMENTS

Interim Community Development Director Brandon Goldman made the following announcements:

- The Community Development Department has filled the Code Compliance Specialist and Associate Planner positions.
- The position of Community Development Director had also been advertised, and finally closed on March 8, 2023. The City's Human Resources Department will now begin reviewing the applications.
- Mr. Goldman distributed an informational document regarding a meeting being held by the Department of Land Conservation and Development on March 17, 2023, at the Medford Public Library from 6:00–9:00 p.m. The meeting will review how shifting weather patterns effect Oregon residents. This meeting is not compulsory for the Commission to attend.
- The next Climate-Friendly and Equitable Communities meeting is tentatively scheduled for April 13, 2023 at 6:00–7:30 p.m. at the Talent Community Center. City staff from Medford, Talent, and Ashland will be in attendance.





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III. **CONSENT AGENDA**

A. **Approval of Minutes**

1. February 14, 2023, Regular Meeting
2. February 28, 2023 Study Session

Commissioners Dawkins/Knauer m/s to approve the consent agenda. Voice Vote: all AYES. Motion passed 7-0.

IV. **PUBLIC FORUM** – None

V. **UNFINISHED BUSINESS**

- ### A. Approval of Findings for PA-T2-2023-00038, 2308 Ashland Street

Ex Parte Contact

No ex parte contact was reported.

Commissioner Knauer made several grammatical corrections to the Findings, and also suggested that some verbiage be changed to indicate the current status of the Findings.

Commissioners KenCairn/Dawkins m/s to approve the Findings for PA-T2-2023-00038 with the amendments made by Commissioner Knauer. Voice Vote: all AYES. Motion passed 7-0.

VI. **TYPE II PUBLIC HEARINGS**

A. **PLANNING ACTION:** PA-T2-2023-00039

SUBJECT PROPERTY: 440 Granite St.

OWNER/APPLICANT: Jordan Willing/Rogue Development Services

DESCRIPTION: A request for planning approval to construct a new single family home on a non-conforming lot. The planning action requires both a Water Resource Protection Zone (WRPZ) Reduction and a Variance to exceed seven-percent lot coverage. **COMPREHENSIVE**

PLAN DESIGNATION: WR; **ZONING:** Woodland Residential; **MAP:** 39-1E-16-BB; **TAX LOT:** 1300.

Chair Norton read aloud the guidelines for a Type II Public Hearing.

Ex Parte Contact

No Commissioners reported ex parte contact. Commissioners KenCairn, Verner, and Norton





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conducted a site visit with staff at 3:00 p.m. on Friday, March 9, 2023. All Commissioners noted their familiarity with the site.

Staff Presentation

Senior Planner Aaron Anderson gave a brief overview of the site, including its history, zoning, and topography. Mr. Anderson pointed out that the home site is approximately 15ft above the creek, which is important when evaluating flood risk. He noted that the adopted City map shows the site within a Federal Emergency Management Agency (FEMA) A Flood Zone, but that a Letter of Map Amendment (LOMA) overruled that determination in 2009. Therefore, staff did not evaluate the project with regards to flood code regulations.

Mr. Anderson detailed the two main elements of the proposal, namely the request for a Variance to lot coverage requirements, and a reduction to the Water Resource Protection Zone (WRPZ). He added that staff did not believe that a Conditional Use Permit (CUP) would be required to modify a non-conforming development, though the applicant had provided Findings addressing that issue. Mr. Anderson detailed the current property lot coverage. He noted that the applicants were requesting a variance to lot coverage, but that the removal of hardscape on the north end of the property would result in a 4% reduction in lot coverage. Mr. Anderson described how the WRPZ approval criteria would apply to the project, and that the tree removal requested in the application could be done without hazard (see attachment #1).

Questions of Staff

Commissioner Thompson requested clarification regarding the proposed development's lot coverage. Mr. Anderson responded that the site currently has 33% lot coverage, and the new proposal will have 29% lot coverage. He noted that the lot coverage limit in this zone is 41%.

Commissioner Knauer commented that staff's report referred to what is currently on site, despite the structure having been demolished. Mr. Anderson responded that hardpack Decompressed Granite (DG) was left in place of the home, and was treated as an impervious surface when determining lot coverage.

Chair Norton inquired if the Commission would be asked to approve the removal of trees that have not been noticed as part of the proposal. Mr. Anderson responded that the applicants would be putting forward the argument that the tree removals are exempt from noticing. Mr. Goldman added that, should the Commission find that the trees are exempt from noticing because the property is not vacant, noticing would not be necessary.

Applicant Presentation

Applicant Jordan Wiling thanked the Commission for reviewing his team's application.



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Amy Gunter provided a presentation describing the scope of the project and its primary components, namely the non-conforming nature of the lot and the requested variance regarding the WRPZ guidelines. She detailed the existing lot coverage and zoning, as well as the impervious surfaces that include pathways, patio areas, and graveled surfaces. She confirmed that the existing lot coverage would be reduced from 33% to 29% (see attachment #2).

Ms. Gunter described the proposed WRPZ reduction, stating that the proposed modifications would not impact the riparian zone. She detailed the current riparian zone, stating that the portion of Ashland Creek transecting the property would not be impacted by the development and is protected by a retaining wall. Ms. Gunter pointed out that 80% of the WRPZ would be untouched by the proposed development.

Ms. Gunter concluded by detailing the narrow right-of-way (ROW) that prevents the front yard setback from being reduced, and described the flora that would be removed and improved by the development. She added that the home itself would be architecturally sensitive to the area.

Questions of the Applicant

Commissioner KenCairn asked if the original flood plain line corresponded with the WRPZ. Ms. Gunter responded that the City's map show the 100-year flood plain extending up to Granite Street, but that the LOMA written in 2009 found that the retaining wall significantly protected the property against flooding. Mr. Goldman stated that the WRPZ is not related to floodplains, and is instead determined based on the type and dimensions of the nearby creek. Ms. Gunter added that the Ashland Modified Floodzone follows the FEMA 100-year floodplain, but that there is no Ashland Modified Floodzone adopted on this side of Ashland Creek.

Commissioner Herron requested clarification regarding the proposed setbacks of the development. Ms. Gunter informed the Commission that criteria A in the WRPZ code provides instructions on how to reduce the need for variances in the WRPZ. She cited a building on B Street that is located closer to the property line than would otherwise be permitted due to its proximity to the WRPZ. Ms. Gunter stated that the applicants were opposed to moving the home closer to the relatively busy Granite Street.

Chair Norton closed the Public Hearing and Public Record at 7:48 p.m.

Deliberations and Decision

The Commission discussed the unnatural topography and layout of the site, and Commissioner KenCairn lamented the difficulty in denying a project based on its pre-existing conditions. Commissioner Dawkins stated that the zoning of the site was a mistake, but that the property has not suffered any floods thus far. Commissioner Thompson expressed concern over the proposal's need to encroach on the WRPZ, but stated that she was generally in favor of the application.



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Commissioner Knauer commented that the application's need for a variance appeared to be self-imposed due to the proposed layout of the property. He stated that approval of this project could create a concerning precedent. Commissioner Thompson elaborated that the difficulty arises due to the pre-existing conditions of the property. Commissioner Verner agreed, but pointed out that the proposed house would largely occupy the space as the previous house, and that any improvements made to the property as part of the application could be beneficial to the site itself.

**Commissioners Dawkins/KenCairn m/s to approve PA-T2-2023-00039. Roll Call Vote: all AYES.
Motion passed 7-0.**

VII. OPEN DISCUSSION

The Commission discussed the difficulty in discerning the differences between variances and exceptions, particularly when deliberating on planning actions such as this one. Mr. Goldman stated that staff would provide an informational presentation to the Commission at its March 28, 2023 Study Session regarding the differences between variances and exceptions.

VIII. ADJOURNMENT

Meeting adjourned at 8:15 p.m.

*Submitted by,
Michael Sullivan, Executive Assistant*