



# 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 28, 2023**

## Minutes

### **I. CALL TO ORDER:**

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

#### **Commissioners Present:**

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

#### **Staff Present:**

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

#### **Absent Members:**

#### **Council Liaison:**

Paula Hyatt (absent)

### **II. ANNOUNCEMENTS**

Interim Community Development Director Brandon Goldman made the following announcements:

- The City Council received a presentation by Union Pacific Railroad and the Department of Environmental Quality (DEQ) regarding a clean-up plan of the railroad property. Union Pacific Railroad is requesting a modification to a deed that would allow them to clean up the property to urban standards rather than residential standards. This group will provide a presentation to the Planning Commission at its May 9, 2023 meeting.
- A second Climate Friendly and Equitable Communities meeting will be taking place at the Talent Community Center on April 13, 2023 from 6:00-7:00 p.m.
- The Commission will review the findings for PA-T2-2023-00039, 440 Granite Street at its April 11, 2023 meeting, as well as an update on the Housing Production Strategy (HPS). The Commission may also review a Water Treatment Plant project proposal at that same meeting.

### **III. PUBLIC FORUM – None**



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## IV. **DISCUSSION ITEMS**

### A. Variances & Exceptions Discussion

Mr. Goldman stated that variances are a form of relief to deviate from strict adherence to zoning ordinances, and are granted rarely or only in unique circumstances. It is incumbent upon the Commission, or staff if it is a staff-granted variance, to show that it is a unique exception to the rule in order to be approved.

Exceptions are a specific use that is permitted within a zoning district, even if it is not explicitly specified by the zoning regulations. Exceptions are granted when a proposed use abides by the goals of the codes, and isn't in conflict with the welfare of the City. The benefit must out-weight any detriment to the City, and must be equal or better than the standard (see attachment).

Senior Planner Derek Severson detailed how the Ashland Municipal Code (AMC) demonstrates which portions of the AMC are subject to exceptions and variances. It also provides guidelines regarding what is subject to staff approval as Type I Planning Actions, or those that go to the Commission as Type II Planning Actions. Mr. Goldman elaborated that a number of variance requests are processed as Type I Planning Actions, though any neighbors can contest staff's decision and require the application to go before the Commission. He stated that staff has a certain degree of latitude to approve exceptions, but that some exception requests require Commission approval. Mr. Goldman added that staff will often advise applicants to revise their application so that an exception or variance will not be required, but that applicants can reject this advice and go before the Commission to make their case.

Commissioner Thompson requested clarification regarding staff's ability to approve Type I projects. She commented that projects involving Site Development and Design Standards predominantly go before the Commission already. She asked if staff are able to grant exceptions to residential projects that are not subject to Site Development and Design Standards in a Type I context, or if staff is required to use the variance standard. Mr. Goldman responded that the exceptions in the land use ordinance are delineated by type, and can be requested by applicants if they believe a particular code is relevant to their proposal. Mr. Severson added that exceptions are generally limited to the application, such as staff granting an exception to solar setbacks as part of a solar permit. Mr. Goldman stated that staff can determine that an exception is not necessary if the plans can simply be altered, but that the applicants can appeal this decision before the Commission.

Commissioner Thompson noted that single-family residences (SFRs) in residential zones are not subject to site design standards of AMC 18.5.2.050.E. She asked if a provision exists in the code for staff to grant exceptions when the code doesn't apply, or if a variance would need to be granted instead. Mr. Goldman responded that SFRs are subject to general requirements of the zone, and that staff can grant general yard exceptions to minimum yard requirements. He commented that these guidelines can be found in AMC 18.2.5.060, and that any exceptions granted would not be considered variances because they are subject to the underlying zoning requirements.



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Commissioner KenCairn stated that the project at 440 Granite Street discussed at the March 14, 2203 meeting confused the differences between variances and exceptions, and that their application may not have been applied appropriately to the project. Mr. Goldman commented that there has been some confusion in interpreting the code when reviewing planning actions, and that the City has attempted to provide clarity in these instances. He mentioned a provision of the AMC that permits the increase in lot coverage up to 10% “if feasible,” which has become misinterpreted by planners in the community and was revised in 2015, but has still resulted in some confusion.

Senior Planner Aaron Anderson pointed out that the Water Resource Protection Zones (WRPZ) reduction component of the 440 Granite Street project is considered a Type I planning action, and that the magnitude of the lot coverage was the Type II element of the application. This caused the project to come before the Commission. Mr. Goldman elaborated that the requested variance to lot coverage was over 10%, which caused it to go before the Commission, and that the Commission can then determine whether the applicant has demonstrated the need for a variance. Staff or the Commission can also require a reduction to lot coverage if possible, which makes these decisions somewhat discretionary and is why many applicants shy away from requesting exceptions.

The Commission discussed the difficulties in discerning the differences between variances and exceptions, particularly as they pertain to Type I and II planning actions and whether those decisions become the purview of staff or the Commission.

Commissioner Knauer commented that staff’s memo mentioned the applicability of variances and exceptions, but not in reference to solar projects. Mr. Goldman responded that the Solar Access chapter of the AMC outlines the applicability of projects and exceptions to solar standards, but that AMC 18.4.8.020.C discusses exceptions and variances.

Chair Norton commented that a previous project on Granite Street had been upgraded to a Type II planning action at the discretion of former Community Development Director Bill Molnar, and asked if there was a provision in the code for staff to upgrade planning actions to Type IIs if they could cause unusual controversy. Mr. Goldman responded that there was a provision for the staff advisor to make a planning application a Type II planning action in order to send it to the Commission for review.

### **V. OPEN DISCUSSION**

#### **A. Recognition of Retiring Commissioners**

Mr. Goldman informed the Commission that Commissioners Thompson and Norton have chosen to not to seek reappointment to the Commission at the end of their terms on April 30, 2023. He expressed his appreciation to both of them on behalf of the City. He thanked Commissioner Thompson for her attention to detail and keen insight, and thanked Chair Norton for his pragmatism and appreciation for the real-world impact of the Commission’s decisions. Mr. Goldman expressed his gratitude for both Commissioners’ objectivity and dedication.



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Commissioner Thompson expressed her appreciation for staff's professionalism, dedication and knowledge. She stated that she was honored to serve on the Commission, and thanked staff and the Commission.

Chair Norton thanked staff for assisting the Commission and serving the community. He mentioned that he had joined the Commission at Commissioner Thompson's suggestion, and that objectivity is paramount when serving on the Commission. Chair Norton lamented that former Commissioners Melanie Mindlin and Troy Brown could not be properly recognized for their contribution to the Commission when they left during the COVID-19 pandemic.

The Commission voiced their appreciation for Commissioners Norton and Thompson, stating that they would be missed.

### **VI. ADJOURNMENT**

Meeting adjourned at 8:13 p.m.

*Submitted by,  
Michael Sullivan, Executive Assistant*