



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.

November 14, 2023

REGULAR MEETING

Minutes

I. CALL TO ORDER:

Chair Verner called the meeting to order at 7:00 p.m. at the Civic Center Council Chambers, 1175 E. Main Street. She noted that Commissioner Phillips was attending the meeting via Zoom.

Commissioners Present:

Lisa Verner
Doug Knauer
Eric Herron
Russell Phillips
Susan MacCracken Jain

Staff Present:

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

Absent Members:

Kerry KenCairn
Gregory Perkinson

Council Liaison:

Paula Hyatt (absent)

II. ANNOUNCEMENTS

Community Development Director Brandon Goldman made the following announcements:

- The City's new emergency shelter at 2200 Ashland Street opened on November 1, 2023. There are currently thirty unhoused persons residing there, including children. The site will also serve as an inclement weather shelter.
- Staff received building permit applications for the Les Schwab Tire Center and for Habitat for Humanity's two proposed buildings in the Beach Creek Subdivision.
- The Ashland Parks & Recreation Department will be presenting an update to the Park, Trails, and Open Space map of the City's Comprehensive Plan to the Commission at its November 28, 2023 meeting.
- The City Council will be holding a Special Meeting regarding the workplans of the City's Commissions and Committees, where the Council will also hold an appreciation event for these groups.
- The December Study Session will fall on December 26, 2023. The Commission agreed to cancel the meeting.
- The annual Planning Commission update to Council will be held on March 4, 2023.





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III. **CONSENT AGENDA**

1. **Approval of Minutes**
 - a. October 10, 2023, Regular Meeting

Commissioners Knauer/Herron m/s to approve the consent agenda as presented. Voice Vote: All AYES. Motion passed 5-0.

IV. **PUBLIC FORUM** – None

V. **TYPE II PUBLIC HEARING**

- A. **PLANNING ACTION:** PA-T2-2023-00043
SUBJECT PROPERTY: 192 North Mountain Avenue
OWNER / APPLICANT: KDA Homes, LLC
DESCRIPTION: A request for a modification of the previously approved Outline Plan (PA-T3-2021-00003), and revised Final plan for the third phase of the Beach Creek Subdivision. The proposal revises the subdivision plan to include a private alley and to add one additional lot. The project is currently under construction with Phases I and II recorded and houses under construction. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-5; **ASSESSOR'S MAP:** 39 1E 10; **TAX LOT #'s:** 800

Ex Parte Contact

Chair Verner recused herself from participating in the discussion of this item because of her previous contact with one of the applicant's, Mark Knox, and because she has resided in two homes developed by the owner, KDA Homes. Vice-Chair Knauer presided over this portion of the meeting. No ex parte contact or site visits were reported.

Staff Presentation

Senior Planner Anderson stated that the proposal is requesting a minor modification to the already approved outline plan, which would add a private alley and one additional lot to the Beach Creek subdivision. He gave a brief timeline, starting with the Commission's approval of the original project on September 28, 2021, and ending with the current proposal's 120-day application timeline on February 22, 2024. He noted that development would still be within the allowed density, even with the additional lot (see attachment #1).

Mr. Anderson noted that staff had received comments from nearby residents during the public noticing period regarding various aspects of the project, including grading and solar access, development of affordable housing, and an existing storm drain on the property. He stated that he had met with members of the adjacent Homeowner's Association (HOA) to discuss their solar





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access and setback concerns, and that there would be no changes to the number of affordable housing units proposed. Mr. Anderson stated that, per a meeting the City's Public Works Department and the applicant's engineer of record, the aforementioned private storm drain would need to be rehabilitated.

Questions of Staff

Vice-Chair Knauer asked if staff had satisfied the HOA's concerns regarding solar setbacks. Mr. Anderson responded that they appeared to be satisfied.

Commissioner MacCracken Jain asked if the proposed amendments would result in any changes to public or open spaces, and Mr. Anderson responded that they would not. Commissioner MacCracken Jain inquired if the affordable housing units would change under the new proposal. Mr. Anderson responded that the locations of the affordable housing units had not been finalized.

Commissioner Herron asked if the recorded easement would benefit the 6-7 units adjacent to it, or if it would affect the whole neighborhood. Mr. Anderson stated that the easement would likely only affect the adjacent lots, and as such would not pose any potential issues. Commissioners Herron and Knauer expressed concern over parking access along the alley. Mr. Anderson responded that the alley meets the City's parking standards.

Applicant Presentation

Mark Knox noted that he is retired, but had returned to help complete this project. He stated that the proposal is relatively simple and that he will reserve much of his presentation for rebuttal.

Mr. Knox briefly described the circumstances that led to the proposed creation of the additional lot and alley, and that the development conforms well with the space. He stated that the findings of fact are contained within the application, and that he saw no need to request exceptions or variances. Mr. Knox stated that he met with nearby residents to address their concerns regarding solar access. He also noted that lots 44 and 48 would be used for affordable housing, and would be accessed by a driveway from Orchid Street.

Questions of the Applicant

Vice-Chair Knauer requested clarification regarding the orientation of lots 45 and 46 in relation to Hagen Way. Mr. Goldman responded that those lots would be accessed from Rosemary Alley, but would be facing Hagen Way. Mr. Knox added that Hagen Way will have street trees planted along it.

Public Comments

Laz Ayala/Mr. Ayala submitted a speaker request form but declined to comment.

Sue Whiteman/Ms. Whiteman distributed an informational packet to the Commission outlining her



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concerns (see attachment #2). She stated that she is a member of the Ashland Village HOA adjacent to the subject property, and that her main concern is the state of the existing storm drain on the property that is not in accordance with engineering requirements. Ms. Whiteman related her repeated attempts to contact KDA Homes, which were unsuccessful, resulting in her meeting with Mr. Anderson on November 3, 2023 to discuss the drainage area, where the City determined that the storm drain was not in compliance. She added that she was able to meet with KDA Homes on November 13, 2023, regarding proposed changes to the drainage area.

Ms. Whiteman stated that Ashland Village HOA had been restoring its section of Beach Creek for the last two and a half years under guidance from the state, the City, KDA Homes, and the Jackson Soil and Water Conservation District (JSWCD). She asked why KDA Homes was not being required to reseed the area surrounding the storm fall, and requested that the City provide a copy of its final inspection of the storm drain to the Ashland Village HOA.

Vice-Chair Knauer asked for the location of the storm fall. Mr. Anderson responded that it is within the common area associated with Bear Creek, and that the storm drain is on private property. He added that the applicant's engineer is working with the City's Public Works department to ensure that all appropriate corrections are made.

Commissioner MacCracken Jain asked how storm drain concern would affect the development of phase III of this project. Mr. Anderson responded that the recording of phase III would not be approved until all concerns with the subdivision have been addressed, including the storm drain. Mr. Severson added that some items from phase II are still being addressed, including landscaping near the bridge installation, and the applicant submitted a letter of credit to secure those approval criteria in order to get the phase II plat signed.

Vice-Chair Knauer asked Ms. Whiteman how the status of the storm fall would affect the Ashland Village HOA, particularly in terms of erosion. Ms. Whiteman responded that it is largely an ecological concern, and that this issue was brought up by the Jackson Soil and Water Conservation District.

Applicant's Rebuttal

Mr. Knox stated that he met with Ms. Whiteman and other members of the HOA on November 13, 2023 to address their concerns, and apologized for not being more available over the past four months of this project's development. He stated that the applicant team is working with the Lomakatsi Restoration project to create a cohesive corridor along the property, and that they have planted over 400 trees as part of a fuel management program. Mr. Knox explained that they are also intending on reinforcing the sides of the storm fall and adding netting, and that this issue is currently being addressed. Vice-Chair Knauer asked if these improvements would meet Jackson County standards. Mr. Knox responded that the proposed improvements are all in accordance with engineering



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specifications. He informed the Commission that the applicant team donated to the HOA to assist in mitigating any possible erosion.

Deliberation and Decision

Vice-Chair Knauer directed attention to public comments received from the public in advance of the meeting (see attachment #3). He stated that James Jarrard had directed inflammatory remarks towards each member of the Commission, as well as Mr. Goldman and Councilor Paula Hyatt. He stated that these comments were false and despicable.

Commissioners Herron/MacCracken Jain m/s to approve the application with staff's recommendations, including a final approval by staff of the storm drain. Roll Call Vote: All AYES. Motion passed 4-0.

VI. TYPE III PUBLIC HEARING

A. TO CONSIDER AN ORDINANCE AMENDING THE ASHLAND LAND USE ORDINANCE TO REMOVE AUTOMOBILE PARKING MANDATES AND AMEND PARKING STANDARDS SET FORTH IN ASHLAND MUNICIPAL CODE SECTIONS 18.2.2, 18.2.3, 18.3.14, 18.3.2, 18.3.4, 18.3.5, 18.3.9, 18.4.2, 18.4.3, 18.4.4, 18.4.6, 18.5.2, 18.5.3, 18.5.4, 18.5.5, AND 18.5.6.

Chair Verner returned to preside over the remainder of the meeting.

Staff Presentation

Mr. Goldman described how new state guidelines that went into effect earlier this year prohibit cities from mandating parking within a half mile of public transit routes. He related how Oregon had adopted Climate-Friendly and Equitable Communities (CFEC) rules relating to parking in July, 2022, with the goal of reducing greenhouse gas emissions by promoting alternative modes of transportation. Cities were then given three options for how to adopt these rules, with the Commission and City Council directing staff to explore Option 1, which would eliminate parking mandates City-wide. This option was selected because the removal of parking mandates within a half mile of public would eliminate parking mandates for much of the City, particularly with the designation of future Climate-Friendly Areas (CFAs).

Mr. Goldman briefly detailed the CFEC guidelines with regards to parking, then described amendments that the City is considering that are not required by the new state guidelines (see attachment #4). These City-specific amendments included new draft codes for the City's ADA-accessible parking requirements; conditional use permits for excess parking; amendments to on-street parking in subdivisions; driveway separation standards; vehicular circulation width standards; and maximum grade for flag drives.





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Mr. Goldman outlined the timeline for adoption of the CFEC parking reforms, with the adoption of Findings at the November 28, 2023 Commission meeting, before going to the City Council on December 5 and December 19, 2023 for a first and second reading, respectively.

Questions of Staff

Commissioner Herron requested clarification regarding proposed accessible parking standards to Ashland Municipal Code (AMC) 18.4.3.050, which state *"in cases where no parking spaces are voluntarily proposed for commercial, industrial, public use, mixed-use, and multifamily developments with three or more units, it is mandatory to provide at least one accessible parking space."* Mr. Goldman responded that this change was made to differentiate multi-family units from duplexes, single-family residential units, or even two units on one lot which would be considered multi-family units. He elaborated that an ADA-accessible parking space would not be required for a duplex. Commissioner Herron suggested that this be amended to include only residential units.

Commissioner Herron noted that buildings in C-1-D zones are not required to provide parking, and asked if the proposed changes to AMC 18.4.3.050 would result in current businesses being out of compliance if they don't offer ADA-accessible parking. Mr. Goldman responded that staff had not considered that impact, and that the Commission could make a recommendation to change this before a final decision is made by the Commission and Council.

Commissioner MacCracken Jain requested clarification regarding sections of the draft ordinance that were included in the packet from the September 12 Commission meeting that were crossed out. Mr. Severson responded that the September 12, 2023 meeting presented two sets of code changes, which were combined in preparation for the current meeting.

The Commission engaged in a discussion about unbundling parking spaces from rental units. Mr. Goldman noted that a decision to unbundle parking is not being included as part of the proposed amendments, and that the CFEC guidelines require that cities notify all those affected by such changes before any amendments can be made. There was general agreement among the Commission that unbundling parking should be reviewed more closely at a future date.

Commissioner MacCracken Jain asked if all existing parking would be grandfathered in with the proposed changes. Mr. Goldman responded that all required parking would convert to voluntary parking, which would not be required to be maintained. Commissioner Phillips asked if existing voluntary parking could be converted to other types of buildings or areas. Mr. Goldman responded that voluntary parking areas could be considered developable land, though any such proposals would be required to undergo site review before being approved.

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



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Deliberation and Decision

The Commission expressed anticipation in discussing unbundling parking at a later date, and also appreciation for the public comments received on this matter.

Commissioners MacCracken Jain/Phillips m/s to approve staff's proposal with the changes discussed. Roll Call Vote: All AYES. Motion passed 5-0.

VII.

UNFINISHED BUSINESS

A. Approval of Findings for PA-APPEAL-2023-00018, 321 Clay Street.

Ex Parte Contact

No ex parte contact or site visits were declared.

Deliberation and Decision

Commissioner MacCracken Jain noted that sections 3.1 and 3.2 of the findings made mention of a partition, which is not part of original application. Mr. Severson responded that those sections should refer to the tree removal, and that this would be changed in the final draft of the findings.

Commissioners MacCracken Jain/Verner m/s to approve the Findings with the corrections suggested by Commissioner MacCracken Jain. Roll Call Vote: All AYES. Motion passed 5-0.

VIII. OPEN DISCUSSION

Commissioner MacCracken Jain asked if the Commission needed to take any further action on the comments received by Mr. Jarrard. Mr. Goldman responded that staff believed that the accusations from Mr. Jarrard may have been made in error due to an editing mistake, because a digital copy of those letters was also received that did not include those claims. He outlined the City's Acting City Attorney submitted a letter into the record refuting these claims, and that there should be no need for any further action.

IX. ADJOURNMENT

Meeting adjourned at 8:37 p.m.

*Submitted by,
Michael Sullivan, Executive Assistant*

