



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.

October 8, 2024 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. Councilor Hyatt attended the meeting via Zoom.

Commissioners Present:

Lisa Verner
Doug Knauer
Susan MacCracken Jain
Eric Herron
Russell Phillips

Staff Present:

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

Absent Members:

Kerry KenCairn
Gregory Perkinson

Council Liaison:

Paula Hyatt

II. **ANNOUNCEMENTS**

Community Development Director Brandon Goldman made the following announcements:

- The City will be hosting an Open House on October 9, 2024 regarding the 2200 Ashland Street Masterplan. It will be held from 5:30–7:30 p.m. at the Rogue Valley Unitarian Universalist Fellowship Church at 87 Fourth Street.
- At the Commission's October 22, 2024 Study Session 3J Consultants will offer a presentation on their progress regarding Climate Friendly Areas (CFAs), which included a code audit.
- The Commission will have its annual retreat on November 7, 2024 from 12:00–4:00 p.m. They will visit manufactured homes parks, as well as other sites around the valley. The City has rented a van for this purpose.

III. **CONSENT AGENDA**

1. **Approval of Minutes**

- a. August 13, 2024 Regular Meeting
- b. August 27, 2024 Study Session
- c. September 10, 2024 Regular Meeting

Commissioners Knauer/Herron m/s to approve the consent agenda as presented. Voice Vote: All





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AYES. Motion passed 5-0.

IV. PUBLIC FORUM – None

V. UNFINISHED BUSINESS

A. Approval of Findings PA-T2-2024-00049, 2308 Ashland Street

Ex Parte Contact

Commissioners Phillips and Herron disclosed site visits. No ex parte contact was disclosed.

Deliberation and Decision

Commissioners Phillips/Herron m/s to approve the Findings as presented. Commissioner MacCracken Jain abstained due to her absence from the September 10, 2024 meeting. Roll Call

Vote: All AYES. Motion passed 4-0.

VI. TYPE I PUBLIC HEARING

A. PLANNING ACTION: PA-T1-2024-00245

SUBJECT PROPERTY: 329 Granite Street

OWNER/APPLICANT: Jovick for Clarke

DESCRIPTION: An application for a modification to the previously approved planning action PA-T2-2022-00036. The modification is a request to modify a portion of retaining near the garage into a split wall design. The application also addresses grading and a small third wall at the first turn in the drive. **COMPREHENSIVE PLAN DESIGNATION:** Woodland / LDR; **ZONING:** WR / RR-.5; **MAP:** 39 1E 08 EE; **TAX LOT:** 704

Ex Parte Contact

Commissioners Knauer and Verner disclosed site visits. Commissioner Herron stated that he visited the site with the rest of the Commission during its 2022 annual retreat. No ex parte contact was disclosed.

Staff Presentation

Mr. Goldman provided a brief history on the development of the site, and explained that the current application had been submitted as a Type I planning action, which are typically reviewed at the staff level, but that staff determined that a review by the Commission was warranted due to a number of smaller changes that had been made to the original application since it was approved in March of 2022. He stated that the request is for a minor change to improve maneuverability and safety of the





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driveway without any greater impact on the natural features on the property. He added that the original application requested exceptions to existing standards due to the difficulty in developing the site, and that a potential approval by the Commission of the current application would not necessarily constitute a precedent for future developments.

Senior Planner Aaron Anderson described the difficulty in developing the subject site, pointing to its severely constrained slopes. He provided a brief history of changes to the application that had been approved by staff, which began in August, 2022 with a request to remove three additional trees and culminating with the current proposal (see attachment #1). He displayed several aerial photos and plans of the site and described how the proposal would effectively combine two retaining walls, creating additional turnaround space at the top of the driveway near the dwelling. He noted that the gradient between the driveway and the house would be unchanged from the original application.

Questions of Staff

Commissioner Phillips asked if combining the retaining walls would require them to be reengineered. Mr. Anderson responded that they would likely require minor changes and that the applicant had been working with their project engineer to address any necessary changes.

Commissioner Herron asked what the elevation of the two combined retaining walls would be, to which Mr. Anderson responded that they would come to approximately 11ft.

Commissioner MacCracken Jain noted that drainage considerations had not been addressed in the current proposal. Mr. Anderson responded that all drainage is provided by the engineer and is required for all retaining walls to prevent collapse. Commissioner MacCracken Jain asked if the driveway would accommodate ambulance access, to which Mr. Anderson responded that it would.

Commissioner Phillips asked if a guardrail would be installed at the top of the retaining wall. Mr. Anderson responded that no guard rail was included in the renderings but that the applicant could speak to that.

Applicant Presentation

Chris Hearn represented the applicants as their attorney, reiterating that the proposal is a request was for a minor modification to an approved plan and would not create any visual difference when viewing the property from the surrounding area. He stated that the changes would also create a greater safety consideration, including access to the site in the case of a wildfire.

Questions of the Applicant

Commissioner MacCracken Jain expressed concern that these changes had not been considered before. Mr. Hearn stated that the difficulty in developing the site made these design changes necessary.



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Chair Verner closed the Public Hearing and Public Record at 7:26 p.m.

Deliberation and Decision

Commissioner Knauer pointed to the difficulty in developing the site and stated that the changes made sense to provide greater safety and access.

Commissioner Phillips noted the height of the proposed retaining wall and suggested that a guard rail be installed. Commissioner MacCracken Jain asked if guard rails are required. Mr. Goldman responded that rails are not required by planning code but that the Commission could make the addition of a rail to delineate the edge a condition of approval. Commissioner Herron pointed out that Building code may require the installation of a safety rail.

Commissioner Knauer/MacCracken Jain m/s to approve the application with the added condition that the installation of a rail be investigated, if not already planned, for the protection of residents and automobile drivers by creating a clearly delineated edge. Roll Call Vote: All AYES. Motion passed 5-0.

VII. TYPE II PUBLIC HEARING – CONTINUED

A. **PLANNING ACTION:** PA-T2-2024-00050

SUBJECT PROPERTY: 113 Pine St.

APPLICANT & OWNER: Rogue Development for Charlie Hamilton

DESCRIPTION: A request for concurrent Outline and Final Plan approval of four-lot, Performance Standards Option (PSO) subdivision. The proposal includes three proposed residential lots and a common area lot. The application includes a request for an exception to street standards to not install park row and to retain the existing frontage improvements. The application also includes a request to remove a total of seventeen trees, five of which are 'significant'. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-7.5; **MAP:** 39-1E-08-AD; **TAX LOT:** 2600

Chair Verner stated that this item was continued from the September 10, 2024 Planning Commission meeting, where the Public Hearing was closed and the Public Record was left open to allow time for parties of record to provide additional evidence and public comments.

Ex Parte Contact

No ex parte contact was disclosed. Commissioner Phillips was absent from the September 10, 2024 meeting but reviewed the recording and minutes prior to tonight's meeting in order to participate in the proceedings.





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Staff Presentation

Mr. Anderson recounted how the record was left open until September 17, 2024 to allow parties of record to submit additional comments or evidence into the record, after which the applicant had until September 24, 2024 for rebuttal and until October 1, 2024 to submit any final arguments (see attachment #2). Mr. Anderson noted that staff received a public comment from "Farmer James," though he is not believed to be a party of record. His comments were included in the packet as due diligence and the Commission can determine if they should be included in the record.

Mr. Anderson stated that staff had revised conditions of approval #2 and #4 for the Commission's consideration:

- Condition #2: That the building envelope on lot three be modified to protect the Critical Root Zone of Trees #2386 (15" Walnut) and #2361 (16" Oak) and that the revised plan be submitted prior to any site work.
- Condition #4: That any excavation within the critical root zones (CRZ) of trees #2339 #2421, #2439 and #2443, be supervised by the project arborist. Should impacted trees tree die within a two years following excavation activities, as a direct result of such disturbance, that the trees will be removed and replaced at the applicants cost in coordination with the affected property owner.

Mr. Anderson stated that staff added the following potential conditions of approval to the staff report for the Commission's consideration following the September 10th meeting:

- 5) That the screening for the flag drive, as required by AMC 18.5.3.060.N, shall be provided or maintained along the northern and southern property lines of the parent parcel to screen the drive from adjacent properties, but driveway screening within the subdivision is not required.
- 6) That a seven-foot-wide strip of right-of-way along Pine Street shall be dedicated, as shown on the preliminary subdivision plat, to incorporate the existing sidewalk within the public street right-of-way.
- 7) That the fire truck turnaround located at the southern property line terminus of the driveway in Lot 2 shall be limited in length to the minimum necessary to accommodate a fire truck turnaround or staging area, as required by Ashland Fire and Rescue.
- 8) That if the decision of the Planning Commission is to remove the open space lot from the subdivision that the following three conditions of approval be added:
 - a. That the Common Open Space lot shall be eliminated, and the designated area shall be incorporated into Lots 2 and 3. A conservation and reciprocal access



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easement shall be established and shown on the Final Survey, covering the proposed open space area and all lands with slopes exceeding 35%. This easement shall restrict development in the designated area and be maintained in perpetuity for conservation purposes

b. That a private maintenance agreement be created to ensure continued maintenance of the private drive, all storm drain infrastructure, and conservation area in equal parts

c. That each of the lots be limited to a Maximum Permitted Floor Area (MPFA) as proposed by the applicant with the open space lot as follows:

- i. Lot 1: $9291 \times 0.75 \times 0.38 = 2,648$ square feet.
- ii. Lot 2: $10705 \times 0.68 \times 0.38 = 2,766$ square feet.
- iii. Lot 3: $10,587 \times 0.65 \times 0.38 = 2,735$ square feet.

Questions of Staff

Commissioner Knauer asked if the area of the property that is considered unbuildable space was included when calculating lot coverage. Mr. Anderson responded that the Maximum Permitted Floor Area (MPFA) is used for residential use as measured from the exterior surface of each floor of the building. Mr. Goldman added that MPFA only applies within the City's historic districts to ensure that new developments are commensurate with existing dwellings.

Commissioner MacCracken Jain asked if the revised conditions of approval addressed Peter Nystrom's concerns regarding a tree on his property, which is adjacent to the subject lot. Mr. Anderson responded that it was included, but noted that this concern was raised by Anne Schreiber on behalf of Mr. Nystrom as he was not a party of record.

Deliberation and Decision

Chair Verner proposed the following changes to staff's conditions of approval:

- 4) That any excavation within the critical root zones (CRZ) of trees #2339 #2421, #2439 and #2443, be supervised by the project arborist. Should **any of these** impacted **trees** ~~tree~~ die within two years following excavation activities, as a direct result of such disturbance, ~~that~~ the trees will be removed and replaced at the applicants cost in coordination with the affected property owner.
- 7) That the fire truck turnaround located at the southern property line terminus of the driveway in Lot 2 shall be **shortened and** limited in length to the minimum necessary to accommodate a fire truck turnaround or staging area, as required by Ashland Fire and Rescue.
- 8) ~~The if the decision of the Planning Commission is to remove the open space lot from the~~





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~~subdivision that the following three conditions of approval be added:~~

That the Common Open Space lot shall be eliminated, and the designated area shall be incorporated into Lots 2 and 3. A conservation and reciprocal access easement shall be established and shown on the Final Survey, covering the proposed open space area and all lands with slopes exceeding 35%. This easement shall restrict development in the designated area and be maintained in perpetuity for conservation purposes.

- 9) That a private maintenance agreement **between the three lots** be created to ensure continued maintenance of the private drive, all storm drain infrastructure, and conservation area in equal parts.
- 10) That each of the lots be limited to a Maximum Permitted Floor Area (MPFA) ~~as proposed by the applicant with the open space lot~~ follows:
 - i. Lot 1: $9291 \times 0.75 \times 0.38 = 2,648$ square feet.
 - ii. Lot 2: $10705 \times 0.68 \times 0.38 = 2,766$ square feet.
 - iii. Lot 3: $10,587 \times 0.65 \times 0.38 = 2,735$ square feet.

Regarding condition #4, Commissioner MacCracken Jain asked if the code specifies how any damaged trees would be replaced with. Mr. Goldman responded that applicant would have to replace any trees damaged by the development, but would need to do so in coordination with the neighbor whose tree was damaged. So the neighbor could choose to not have the tree replaced. If they did want any trees replaced they would contact the City's Planning Department to invoke the condition. Commissioner MacCracken Jain asked if there is a size requirement for the replacement tree. Mr. Goldman responded that the standards call for a 2inch caliper tree at breast height to be planted as mitigation when a tree is removed.

Commissioner Herron pointed out that two public comments received from property owners adjacent to the subject property emphasized the need to retain the subject property as open wildlife space, while their properties had 6ft high fences that kept wildlife out. He mentioned that denying this project would prohibit more people from experiencing the area's natural amenities, which a resident stated was one of the benefits of the neighborhood. He pointed out that the Council and Commission have encouraged greater density in the City, which this project would provide.

Commissioner Knauer requested clarification on the applicant's request for an exception to sidewalk standards. Mr. Anderson responded that the exception would allow for the continuous curbline to not be disturbed and allow the existing sidewalk to be retained and dedicating it as public right-of-way (ROW). Commissioner Knauer suggested that a condition be included requiring that an existing, protruding rosemary bush be removed for a safe and walkable sidewalk. Chair Verner suggested that the dedication of a 7ft-wide strip of ROW along Pine Street be included in Condition #6, and a new condition be added requiring the sidewalk to be maintained as safe and freely walkable.



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Commissioners MacCracken Jain/Herron m/s to approve the application with the revised conditions presented by staff with the amendments suggested by Chair Verner, including the changes to Condition #6 and the added condition of maintaining the sidewalk in a safe and walkable state. Roll Call Vote: All AYES. Motion passed 5-0.

V. OPEN DISCUSSION

Chair Verner reminded the Commission that its annual retreat will take place on November 7, 2024, and will begin at the Phoodery in Phoenix before moving on to site visits. The Commission agreed to utilize a van for the afternoon.

Commissioner MacCracken Jain commented that the reference to the occupations of the owners of 329 Granite Street during the applicant's presentation was spurious or irrelevant to the discussion. There was general agreement from the rest of the Commission.

Commissioner Herron suggested that the Commission discuss the allowances and criteria for the general public to request the record be left open. Mr. Goldman pointed out that state law requires the City to leave the record open if requested by a party of record, and is typically done by closing the Public Hearing but leaving the Public Record open for seven days for additional comments to be submitted. Commissioner Phillips asked if meetings could be continued to the Commission's Study Sessions instead of the next Regular Meeting for the sake of expediency. Mr. Goldman responded that this could be done.

Regarding the public comment received from "Farmer James," Commissioner MacCracken Jain asked if those submitting public comments are prohibited from anonymity. Mr. Goldman responded that anyone submitting a public comment is required to provide their name. The Commission agreed that his public comment should be dismissed as irrelevant.

The Commission discussed bringing findings for 113 Pine Street to the October 22, 2024 Commission Study Session in the form of a Special Meeting. Mr. Goldman remarked that this could be possible and that he would discuss it with the Planning Manager.

ADJOURNMENT

Meeting adjourned at 8:06 p.m.

*Submitted by,
Michael Sullivan, Executive Assistant*



329 Granite Street

PLANNING
COMMISSION

OCT 10, 2024

Introduction - 329 Granite St.

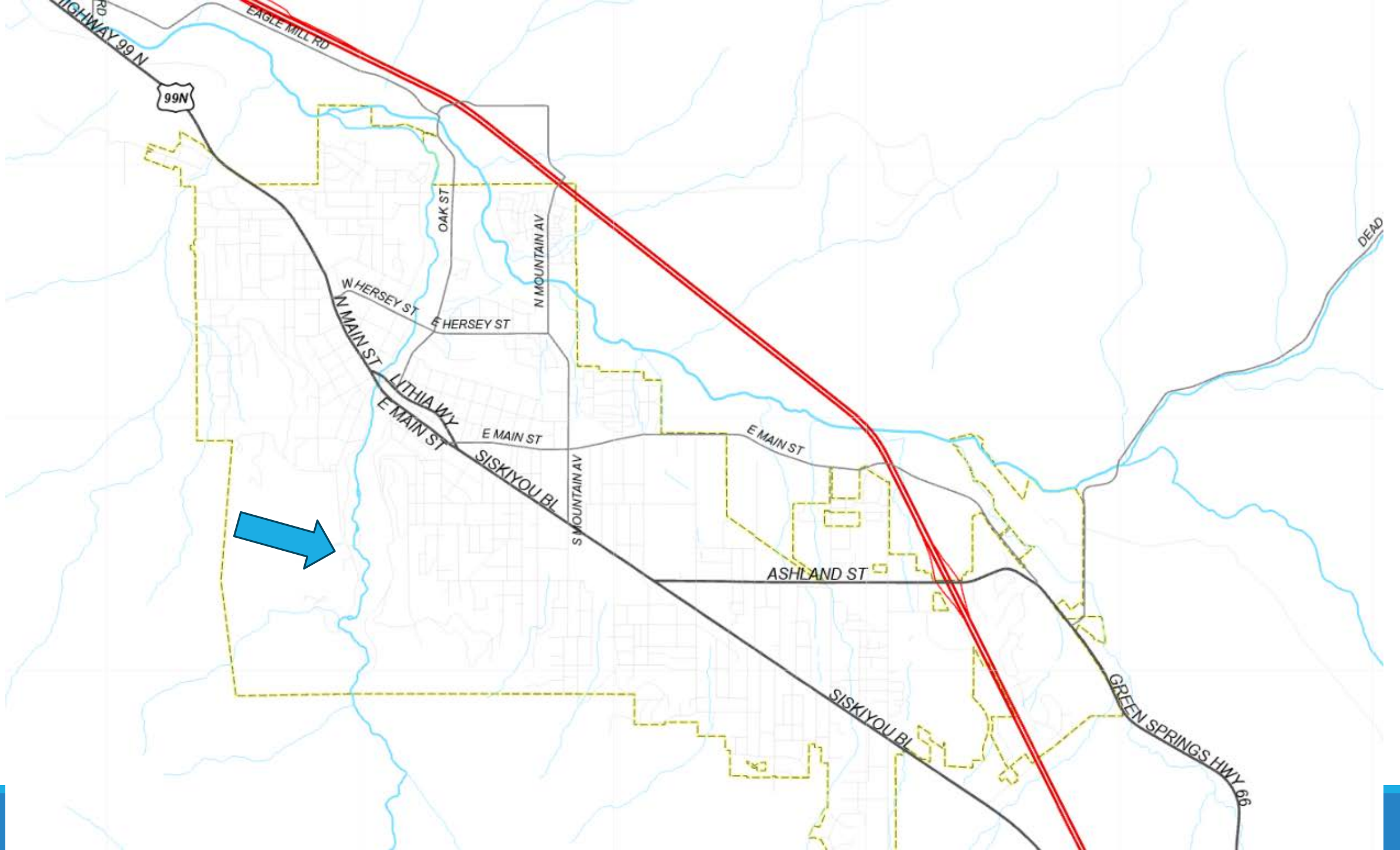
This is a proposed modification to a previously approved plan.

Several modifications have been administratively reviewed and approved since that time. Due to that reason the Staff Advisor has chosen to bring this type 1 minor modification before the Planning Commission for its review due to the cumulative nature of the previous modifications.

2022 Approval - 329 Granite St.

PA-T2-2022-00036

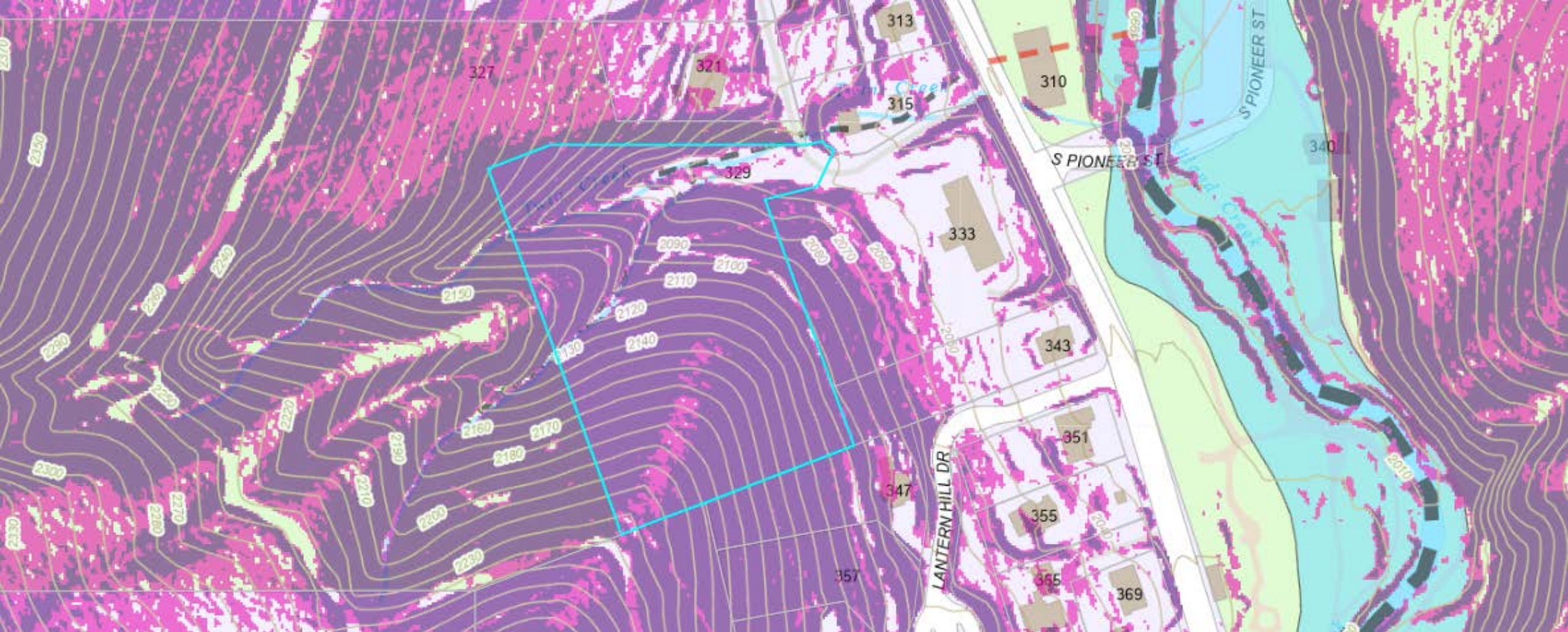
- A Physical and Environmental constraints review (P&E) was approved which included several requested exceptions, a limited activity and uses permit in the Water Resource Protection Zone (WRPZ), a variance to both maximum allowed lot coverage and maximum grade of a driveway, and tree removal permits.





Zoning and vicinity map





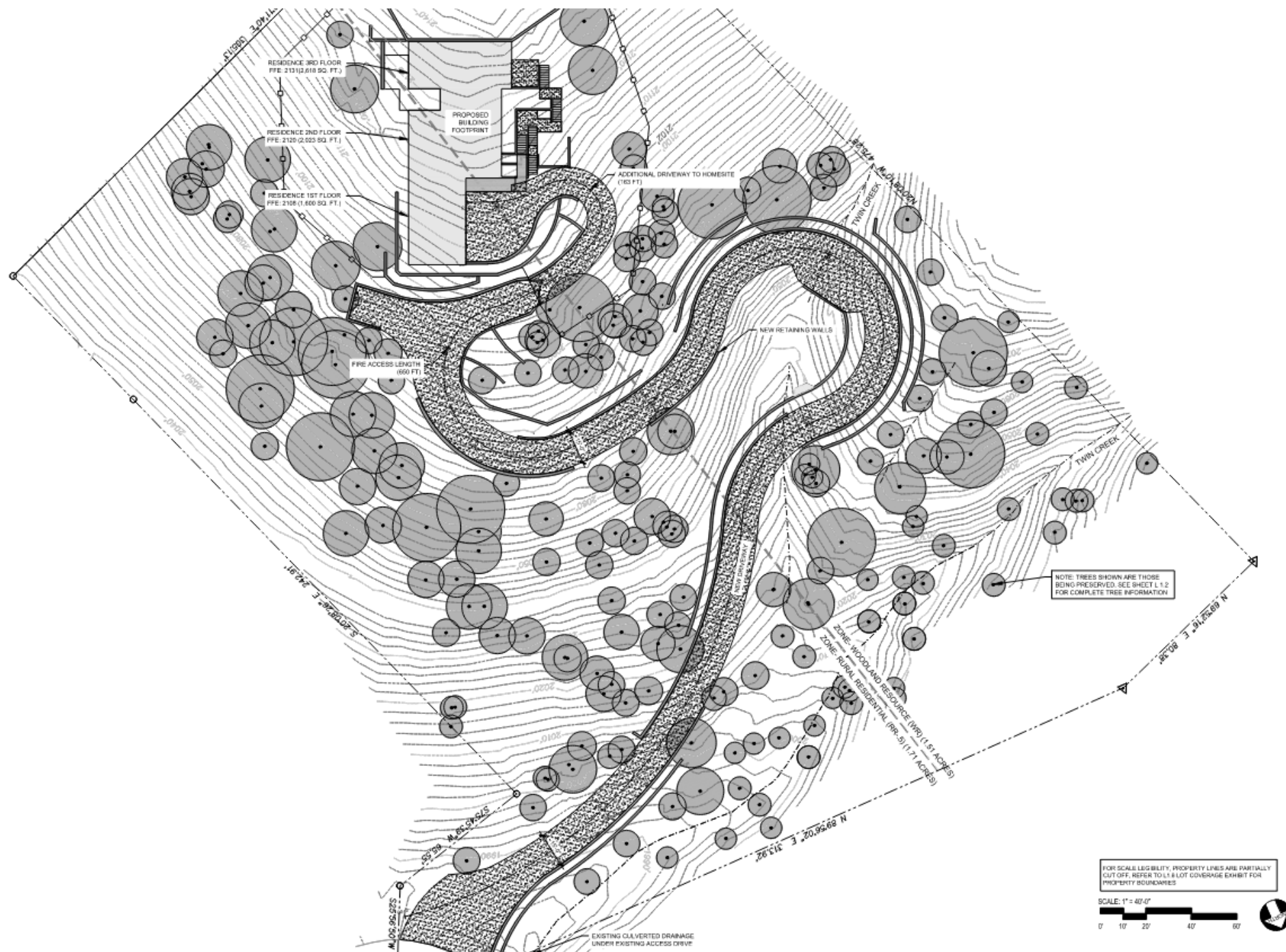
P&E Map

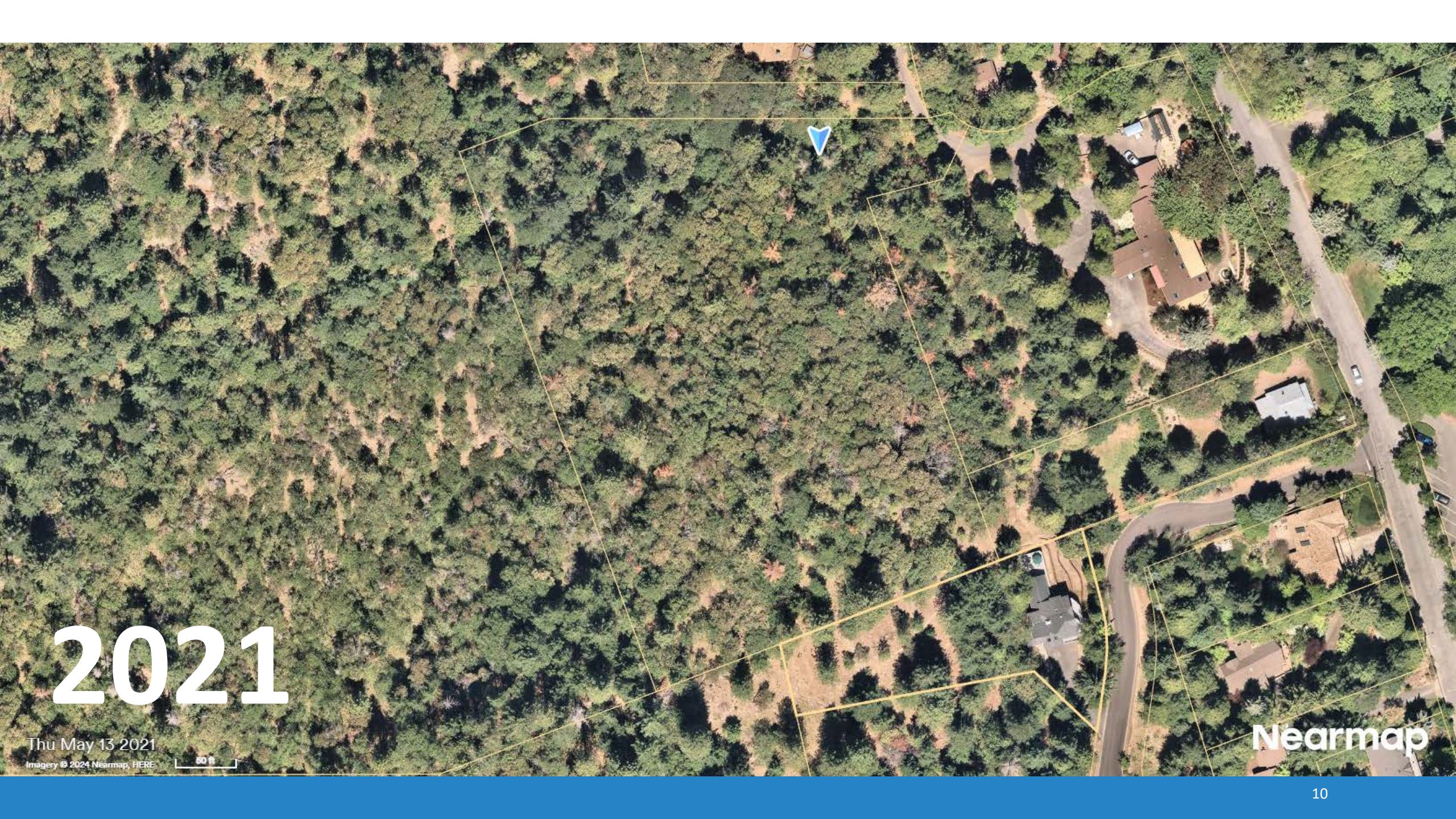
10-foot contours



Land Use Approval

- ❑ PA-T1-2021-00150 – May-Jun 2021 (determined to be incomplete for failure to address exceptions and variances - withdrawn)
- ❑ PA-T1-2021-00159 – July-Dec 2021 (interpretation on maximum allowed driveway Grade)
- ❑ PA-T2-2022-00036 – Jan-Mar 2022 [Approval of “a Physical and Environmental constraints review (P&E) which includes several requested exceptions, a limited activity and uses permit in the Water Resource Protection Zone (WRPZ), a variance to both maximum allowed lot coverage and maximum grade of a driveway, and tree removal permits”]





2021

Thu May 13 2021
Imagery © 2024 Nearmap, HERE

50 ft

Nearmap



2022

Tue Jun 21 2022

Imagery © 2024 Nearmap, HERE

50 ft

Nearmap

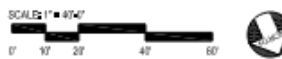
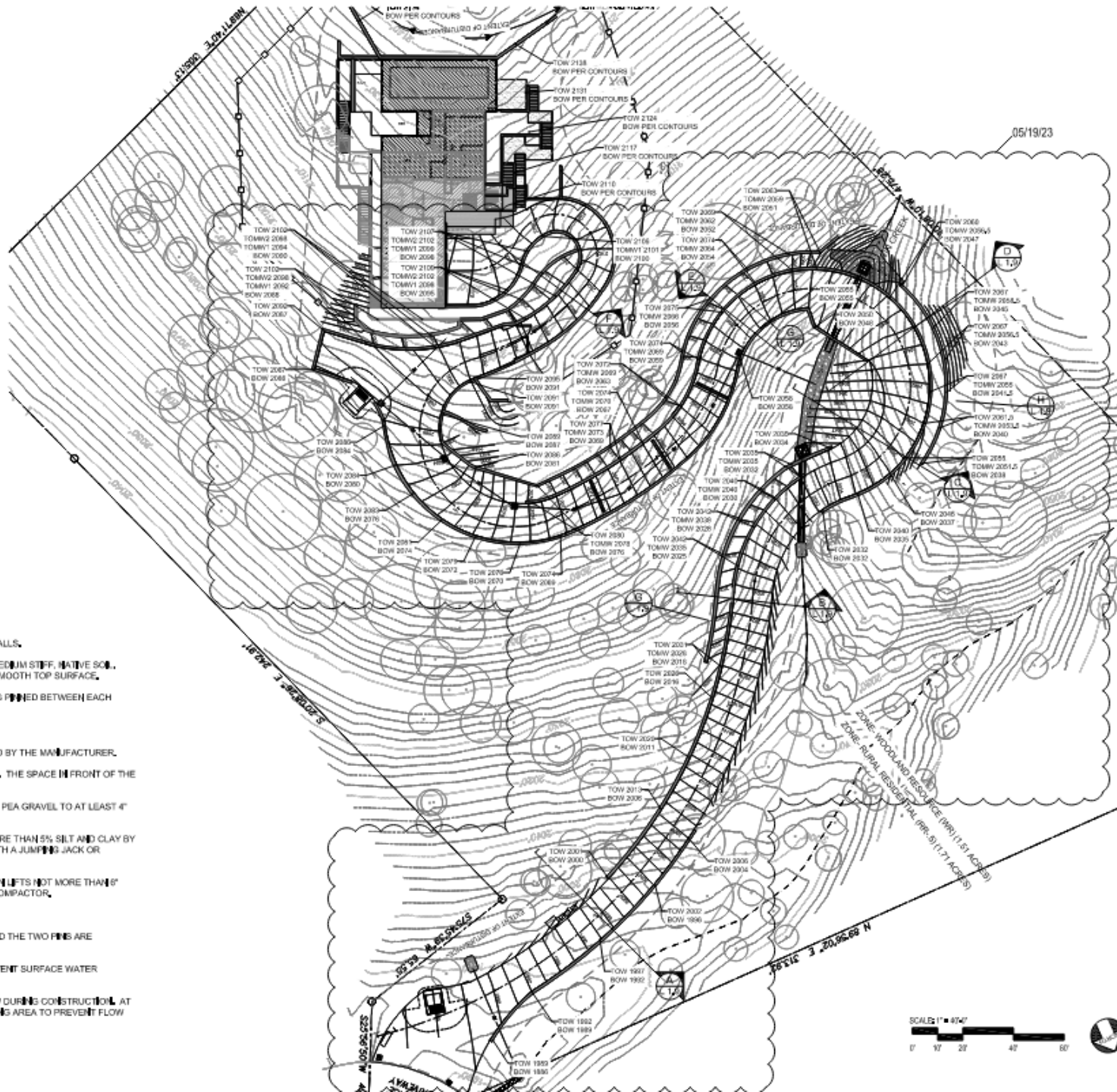
Previous Modifications

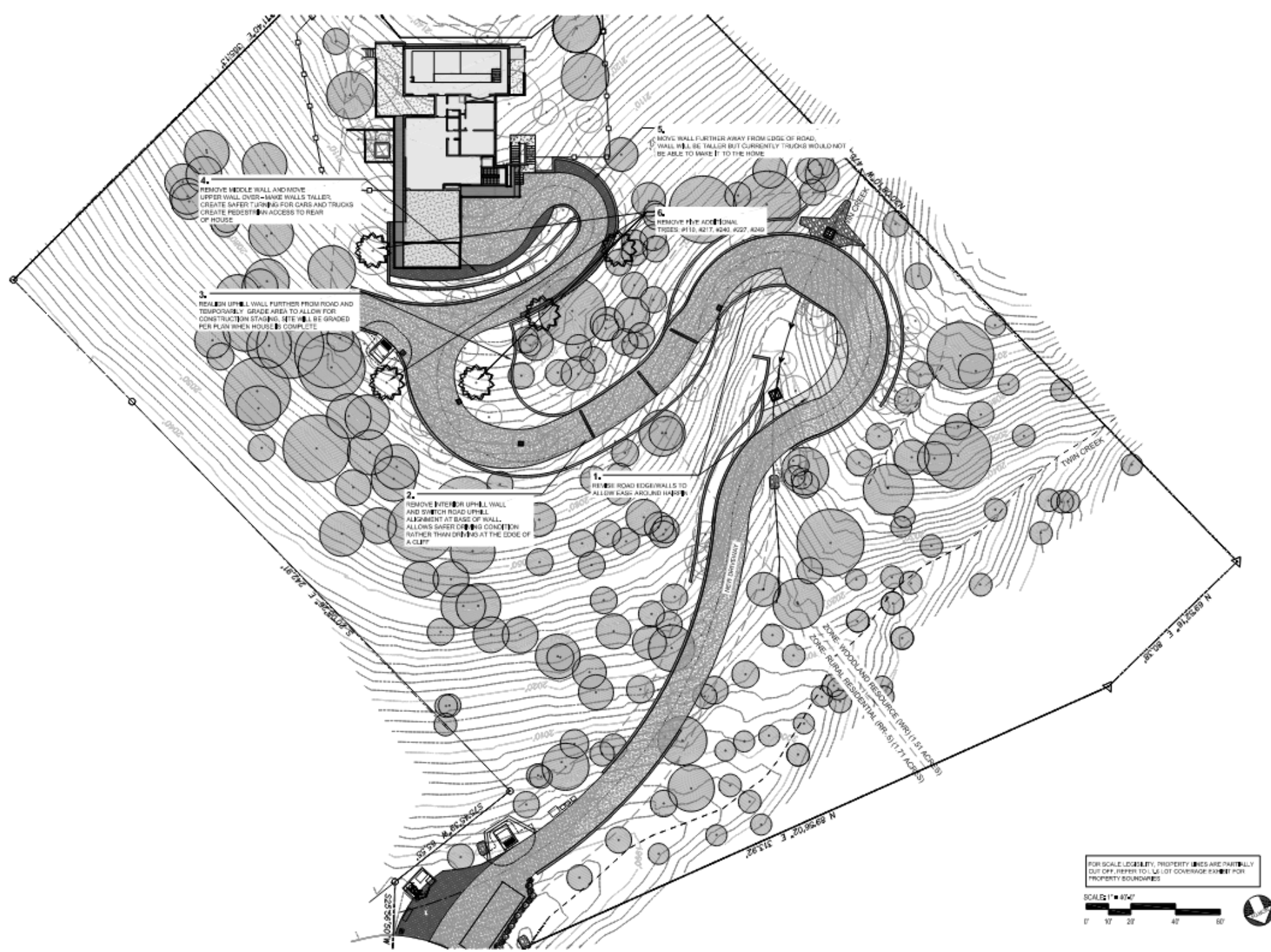
- ❑ PA-A-2022-00217 – Aug 2022 (additional tree removal)
- ❑ PA-T1-2023-00209 - May-July 2023 [1) to remove two additional trees due to the location of an electrical transformer 2) Modify two portions of retaining walls from three-tier to two-tier, and 3) to modify the WRPZ mitigation plantings with more appropriate plantings based on advice from a restoration expert.]
- ❑ PA-T1-0023-00215 – Sept-Oct 2023 [1) in two locations change the retaining walls from three tier to two tier, which also adjusts the height of these walls; 2) slight adjustment to the alignment of retaining walls and driveway; 3) removal of five additional trees; and 4) Increase the length of culvert through the driveway area.]
- ❑ BD-R-2023-01010 was issued on December 21, 2023
- ❑ PA-T1-2024-00231 – Mar-Aug 2024 [to change the retaining walls immediately adjacent to the garage to enable better vehicle maneuvering - *withdrawn*]



PLAN 1/8" = 1'-0"

BLE OUT OF NATIVE SOIL.
 SET AND NOT MORE THAN 3 TIER OF WALLS.
 SED ON AT LEAST MEDIUM DENSE OR MEDIUM STIFF, NATIVE SOIL.
 IT IS FIRM AND NON-YIELDING WITH A SMOOTH TOP SURFACE.
 FUNDS EACH AND BE CAPABLE OF BEING POURED BETWEEN EACH
 3/4" PER COURSE.
 PLASTIC OR FIBERGLASS PINS SUPPLIED BY THE MANUFACTURER.
 ERVE TO KEY THE WALL INTO THE SOIL. THE SPACE IN FRONT OF THE
 WITH COMPACTED CRUSHED ROCK.
 BEDDED IN ROUNDED DRAIN ROCK OR PEA GRAVEL TO AT LEAST 4"
 SHALL BE ANGULAR AND NOT HAVE MORE THAN 5% SILT AND CLAY BY
 WITH LIGHT TO MODERATE EFFORT WITH A JUMPING JACK OR
 RAINGAGE GRAVEL SHOULD BE PLACED IN LIFTS NOT MORE THAN 6"
 JUMPING JACK OR VIBRATORY PLATE TYPE COMPACTOR.
 BEFORE BACKFILLING.
 AT LEAST 4" FROM PREVIOUS JOINT AND THE TWO PINS ARE
 WL
 WITH 12" TO 18" OF SILTY SOIL TO PREVENT SURFACE WATER
 LL
 FROM RAIN AND SURFACE WATER FLOW DURING CONSTRUCTION. AT
 TOP OF WALL AND GRADE SURROUNDING AREA TO PREVENT FLOW
 ON AN APPROPRIATE DISCHARGE POINT.







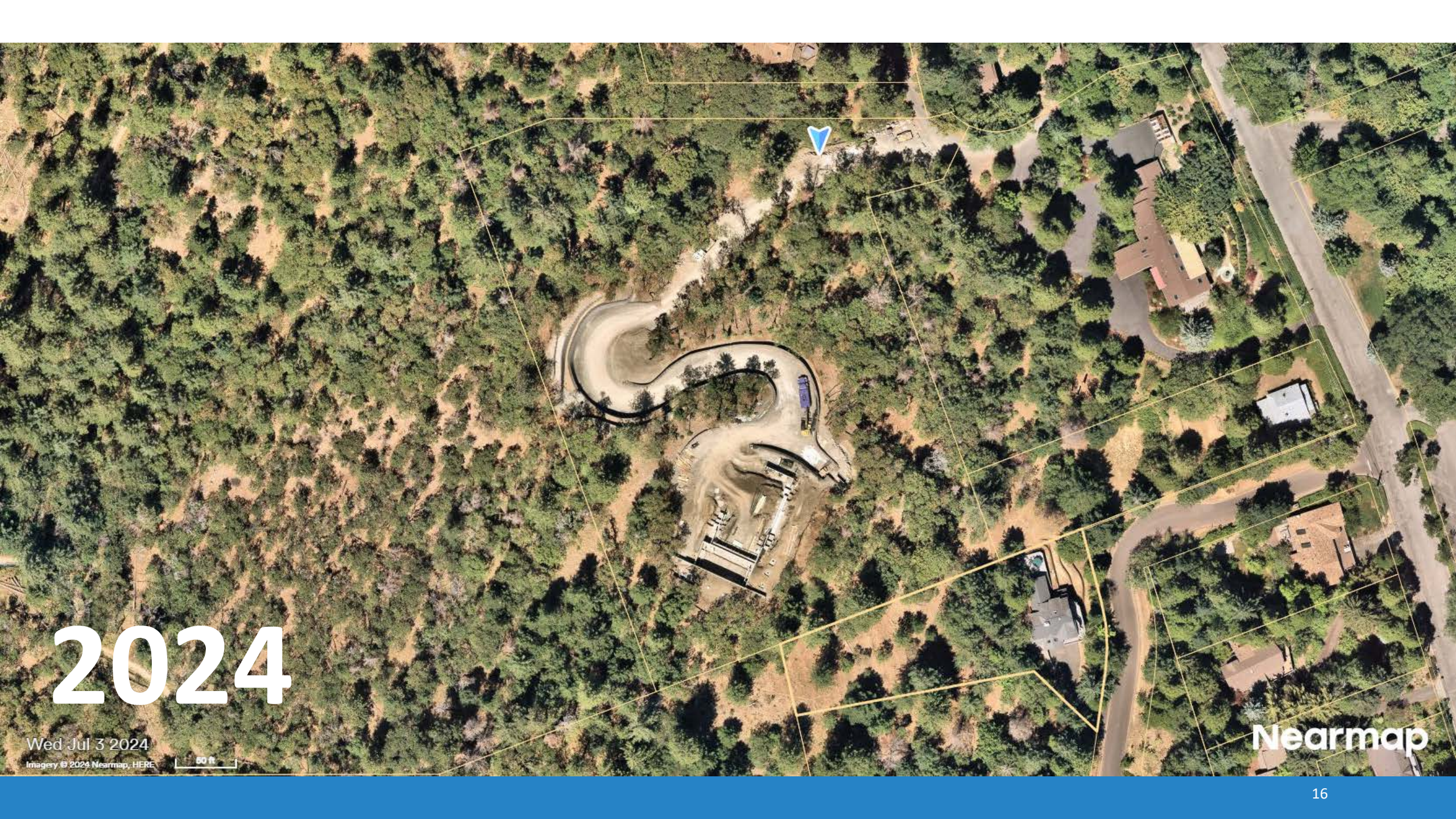
2023

Thu Jun 15 2023

Imagery © 2024 Nearmap, HERE

50 ft

Nearmap



2024

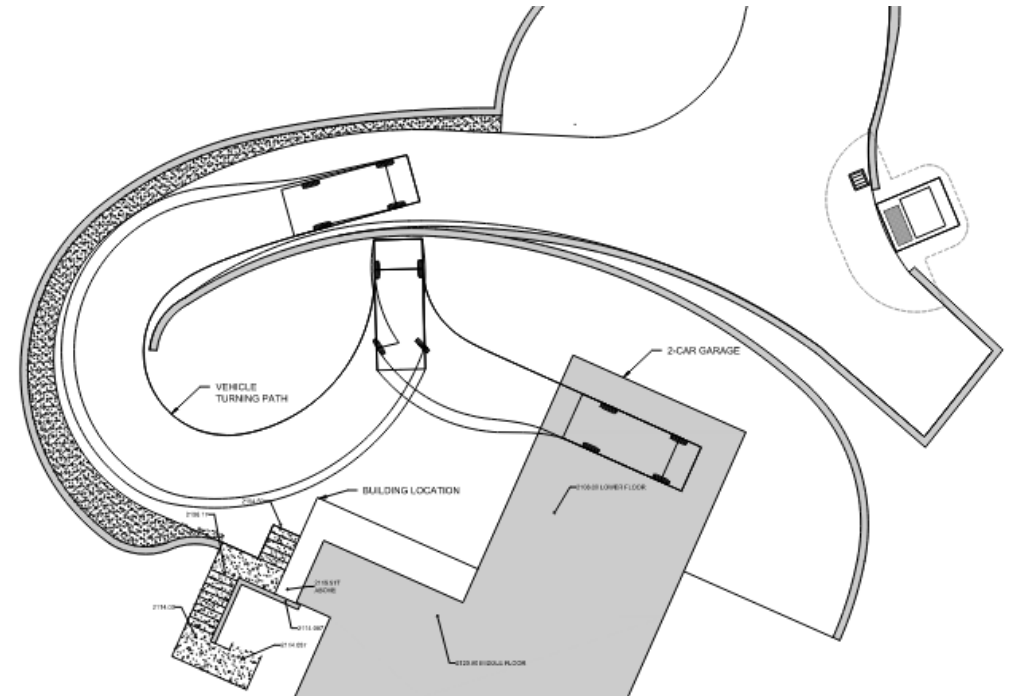
Wed Jul 3 2024

Imagery © 2024 Nearmap, HERE

50 ft

Nearmap

Present Request





Wed Jul 3 2024

Imagery © 2024 Nearmap, HERE

10 ft

Nearmap



Present Request





Approval Criteria

Minor Modification

C. Minor Modification Approval Criteria. A Minor Modification shall be approved only upon the approval authority finding that all of the following criteria are met.

- 1. Minor Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc. Notice shall be provided in accordance with chapter [18.5.1](#).
- 2. A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be deemed a Major Modification and/or may be subject to other ordinance requirements.
- 3. The approval authority shall approve, deny, or approve with conditions the application, based on written findings; except that conditions of approval do not apply, and findings are not required, where the original approval was approved through a Ministerial review.