

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 that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION
REGULAR MEETING
JUNE 11, 2013
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street

- II. **ANNOUNCEMENTS**

- III. **CONSENT AGENDA**
 - A. **Approval of Minutes**
 - 1. May 14, 2013 Regular Meeting
 - 2. May 28, 2013 Study Session

- IV. **PUBLIC FORUM**

- V. **LEGISLATIVE AMENDMENT PUBLIC HEARING**
 - A. **PLANNING ACTION: #2013-00593**
 - APPLICANT: City of Ashland**
 - DESCRIPTION: Amendments to Ashland's Municipal Code related to existing Traveler's Accommodations (i.e. B&Bs), as well as the establishment and operation of non-owner occupied, short-term home rentals within Multiple Family Residential Districts (R-2; R-3).**

 - B. **PLANNING ACTION: #2013-00545**
 - APPLICANT: City of Ashland**
 - DESCRIPTION: Recommendation to the City Council regarding adoption of an ordinance amending the City of Ashland Municipal Code and Land Use Ordinance to provide new standards for the keeping of micro-livestock and bees.**

- VI. **ADJOURNMENT**

**CITY OF
ASHLAND**



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
REGULAR MEETING
MINUTES
May 14, 2013

CALL TO ORDER

Chair Melanie Mindlin called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Troy J. Brown, Jr.
Michael Dawkins
Richard Kaplan
Debbie Miller
Melanie Mindlin
Tracy Peddicord

Staff Present:

Bill Molnar, Community Development Director
Brandon Goldman, Senior Planner
Derek Severson, Associate Planner
Dawn Lamb

Absent Members:

None

Council Liaison:

Mike Morris

ANNOUNCEMENTS

None.

CONSENT AGENDA

A. Approval of Minutes.

1. April 9, 2013 Regular Meeting.
3. April 23, 2013 Study Session.

Commissioners Miller/Kaplan m/s to approve the Consent Agenda with changes. Voice Vote: Commissioners Brown, Dawkins, Kaplan, Mindlin, Peddicord, and Miller.all AYES. Motion passed 5-0.

PUBLIC FORUM

None.

DISCUSSION ITEMS

A. Unified Land Use Code Ordinance Discussion of Procedure and Green Development Evaluations

Staff Report

Recap of April 23rd meeting was given Positive feedback from the evaluations: the procedural side of the code is meeting and exceeding state requirements in terms of timing and noticing area; and on the green development side when comparing the existing code to the LEED Neighborhood standards, the current code addresses most standards already. This has been a really positive outcome. At the last meeting the Commission asked for continued discussion on the topic. Three issues in particular have been brought back for further information. One was to discuss the procedure type for economic development applications from Type 1 administrative review to Type 2 public hearing review. Two; under the Green Development piece more discussion was requested for solar orientation standards. And three was the addition of cottage housing standards to the ordinance.

Site Review Procedure:

Commission reviewed map showing the Site Review Zones showing the four design zones: Downtown, Detail, Basic, and Croman Mill. These are the four different areas used for site review and they are based on location.

Downtown Design Standard: Before the 2008 amendments the downtown site reviews requiring public hearing were for large-scale development described as 10,000 sq ft or greater, or more than 100 feet in width of depth and in the detailed site review zone. Those thresholds were lowered to 2,500 sq ft or larger. Buildings at 150 Lithia Way and 11 First Street would not have required a hearing, but now does require a hearing.

Basic Site Review Zone: Before 2008 there was no size threshold and there was no design zone so there was no requirement to have a public hearing. Now if it is larger than 10,000 sq. ft. it requires a public hearing. The building at 210 Hersey Street, the Darex building, was about 45,000 sq. ft. and under current ordinance it would require a hearing, but not before 2008 because of the zone. Buildings at 705 – 709 Washington Street are areas that are separated from downtown and nestled in residential zoned as light industrial. Modern Fan buildings are about 18,000 sq ft buildings with warehouse with some office. First phase was approved in 2005 and was done through administrative approval but second application was after 2008 and required annexation which triggered a public hearing. Oak Street Tank and Steel at 789 Jefferson Street, a 20,000 sq. ft. building would not have required a hearing but now it does.

Detailed Site Review: No major changes have been made to the zone. 10,000 sq. ft. requires a public hearing.

Green Development:

Solar Orientation Standards: Staff amended ordinance to include language from Melanie Mindlin:

- Layout streets for solar orientation so that longer sides of the buildings are facing south.
- Building designs that preserve south sidewall for passive solar access.
- Locating primary living space for south side.
- Preserving area of south facing roof for solar collection.

Staff recommends that these are most applicable to single-family developments. Council goal that generated the Green Development Standards evaluations talked about incentives included in the ordinance as recommendations rather than requirements. Preferred Mindlin's language from the LEED-ND, it is more straightforward. The issue with LEED ND is that it is not geared toward small towns like Ashland, rather assumes developing a lot of area. Ashland typically is developing a parcel of land already situated in an area that is not that large and it has streets on either side that you need to connect to. Infill developments such as Ashland Village had to connect to existing Munson Drive on one side and Mountain on another. The lots that were already developed needed to be worked around limiting options to making the streets go in a certain direction.

Cottage Housing: Key considerations in terms of talking about adding it to the ordinance. The definition of cottage housing is a group of small, detached homes that are clustered around a common space.

Laid out 4 key considerations:

- Where to allow cottage housing: Other cities utilize multi and single-family zones. Staff suggests single-family zones because multi-family zones already support the housing density and design standards and single family has much more surplus land in the city limits. Single-family zones are where the opportunity lies for Ashland.
- Number of Units: Generally an ordinance has a 2:1 ratio. So if you are allowed one single-family house, you can do 2 cottages instead of that house. The assumption is that smaller units make less impact. This correlates to 7 to 14 units per acre. Ashland's single-family zones range from 2.4 to 7.2 units per acre, but offer a density bonus to increase density up to 60%.
- Size of Units: Generally other codes support 750 to 1000 sq ft with height regulation of 1.5.
- Design standards: In all the codes and examples there is a trade off for increased density that the houses are required to meet a higher quality design with specific design features. That is the trade off for the cottage housing approach. A list of those standards is included in the memo included in the packet.

For reference a map showing single-family zones is in the packet to show cottage housing opportunities for a better perspective.

Next steps: After commission finishes discussion of evaluations, an action plan will be introduced with amendments and what parts of the code they would affect. This will fold into the final draft for review. Staff is gearing up for the public meetings for the first or second week in June.

Commission Discussion:

Site Review Procedure- Kaplan asked what the driver was for the Type 2 hearing changes in 2008. Molnar recalled that it was a period of extensive code revisions mostly driven by a new Community Development Director David Stalheim. Molnar vaguely remembered a discussion once regarding the changes to the downtown design standards being reduced to 2500 sq feet. The lots in this zone are small enough to never trigger the threshold of 10,000 sq. ft. but they tend to be high profile projects in the downtown corridor. These buildings are subjected to the Historic Commission review which generally would bump it to a public hearing anyway and maybe the applicant would even request a public hearing to save time. That may have been the basis for tightening the threshold in the downtown zone. The one that is a real question is the basic site review because that almost seems to be a tighter threshold than the detailed site review zone. The detailed site review zone exists along visible corridors. The basic tends to be back away from public visibility in light industrial zones. These buildings tend to be warehouse type of relatively basic design and use. Do these types of applications need to be public hearings or can they be administratively reviewed.

Miller questioned the outcome of the 2008 changes; is there better overview of applications or is it less effective. Has the design improved overall because it is going to be subjected to a panel? The design standards have not changed. Harris reflected that since they are the basis of the decision making process, I don't think I could make a judgment. The changes passed right before the recession creating another difficulty in qualifying success. The two downtown buildings would have required a hearing regardless of the change. We don't have a thumbnail reference. The downtown is a cherished part of the community and it is obviously a Historic District too. If you look at the Council's goal which focused on economic development projects, it is really focused on family wage jobs and trying to support those in green businesses in Ashland in a variety of ways. But if the idea is to make the process timely and predictable it is more correlated with the type of buildings in the basic site review zone. Miller questioned if there is a reason to change. Harris suggested remembering that the recommendations are written by a consultant who looks at the City from a distance and taking an objective view of the ordinance while comparing it to other jurisdictional ordinances. There is an expectation that the Community will tailor to Ashland's needs. Mindlin recollects that the 2008 reviews moved a lot of other items out of public hearing and into administrative approval. Other changes were completed to streamline. The Hearings Board was done away with at that time. Molnar stated that the option to have a Hearings Board still exists. There was a time saving to have them combined with the Planning Commission. Molnar seems to feel that more items have been put to public hearing since 2008. Harris gave the example of a conditional use permit being unchanged. If it is an existing building and it is involving 3 units or less it is a Type 1, anything else is a Type 2. That did not change at all. Variance thresholds also stayed the same. Harris feels that nothing was really relaxed by the process changes. Molnar reiterated that this is hard to test because the bottom fell out right after the adoptions. There have only been four approvals and two were large and required public hearings. Miller suggested postponing another three years to see the outcome. Miller did agree that the downtown needs scrutiny. Mindlin is not hearing a move to change it including staff. Seems that it is acceptable the way it is.

Molnar suggests a slight change in the Basic Site Zone for threshold from 10,000 sq. ft or a 20% addition requires a public hearing in a Basis Site Review Zone. That might deserve attention. Kaplan commented that it seems that the downtown needs public involvement and a chance to comment while the Basic Site Review areas are out of the way enough that unless there is a unique feature, they could be handled by a Type 1 review. Brown agrees that general seems to be too stringent for the light industrial areas. You could be looking at a 50% change to the size or shape of the building or land coverage/ usage. A 20% threshold seems incredibly low. Because of the type of usage it should not be same as downtown. Hold for light industrial frontage would show on street so that second 20% is too light it needs to be much larger for these building types. Other than that it is good the way it is. Dawkins reflected that Modern Fan possessed a unique parking situation and if not for that it would have been a Type 1. The requirement was for a lot more parking but by bringing it in front of the commission we were able to reduce the impervious surface. There are times when things come up and another 14 eyes look at it differently. Miller observed that different areas of the Basic Site Review zone are more publicly visible than others. Hersey and Clear Creek are close to town and perhaps there would not be enormous buildings but it is an area close to residential and that might justify a lower percentage. Peddicord asked how much time in regards to an industrial building is added when it comes before the commission. Harris responded with three and a half months at the outside. Molnar approvals are tracked and Type 1 average 43 days this year, Type 2 take 80 days and 120 days on the outside. Sometimes it is the perception of an applicant on how long it takes. Dawkins raises a good point, that there are things that changed like the code amendments to pedestrian places and review of off street parking creating more flexibility that was applicable to the Modern Fan application. Those types of changes have helped us find other codes that do not correspond. Brown supported that observation and that there is always an option

for the applicant to come before the Commission for a public hearing to resolve issues. It adds time for coordination of the meetings and it becomes more than it needs to be for what we are trying to accomplish. I think the new codes staff should be allowed to review light industrial to have a different standard than the downtown central corridor. Mindlin voiced that there are considerations on both sides if this. It is up to owners to bring it to public hearing, but the Council charged us with looking at ways to specifically improve the speed and predictability of the economic development applications. I think we should give them something. I think we could give a reasonably positive move to increase the level of our standard somewhat. Harris asked for clarity: we are not changing the initial new building square footage, we are talking about additions being raised from 20% to 50%. Mindlin also added the size of new buildings in the basic size review zone from 10,000 to 15,000. Harris will bring this back as a draft ordinance for another review prior to going to Council for public hearing and adoption.

Solar Orientation – Mindlin feels including these standards as recommendations is a good way to introduce them. Including the information in an application packet for developers is enough at this time. Brown agreed with Mindlin, the standard requiring the long side of building to be face south should never be a requirement. Not many existing lots could accommodate this and we should support best practice of land usage. If it is a smaller lot it could be facing the wrong way. Use light language including wording like "when appropriate or where feasible, or when not appropriate". Mindlin doesn't recall that wording from the Croman language. Harris reviewed and the words "when permitted" were left out. As long as it is qualified it is supported. Molnar clarified that the Commission wants these presented guidelines when written. Orient street layout needs to be added to language. Give developer other options to help design. Harris said it would be refined to say, "where conditions exist orient the long side of the building to the south" and during the application the developer would address why it wouldn't work in their situation. Molnar iterated that Oregon law wants relatively clear and objective standards that are delineated between a guideline and mandatory standards but you can have a relatively objective standard with some nuances.

Cottage housing – Brown supports the idea. Problems he foresees are the Type 1 single-family residential districts it is more a conceptual design than a functional problem and that is the ideas of neighbors and what expectations are in a neighborhood. I have also seen it successfully done. He feels the community is well open to it and that the city can support it.

Dawkins it would seem as though you would need a certain amount of land to create cottage housing. There is a number that makes it work. Not sure in our Buildable Land Inventory how much land really exists to make it applicable. Look at large swaths of area like between Siskiyou and Ashland but those are single lots. Dawkins doesn't see it as neighbor issue but you need a certain amount of land to make it work.

Miller would like it to be encouraged if done as single family it would be near a collector street. On a quiet street the addition of large density would not be welcome to someone who wanted to live on an R1 lot for the expected privacy. It would affect their property values and their planned way of life. During the site visit, I did not see a lot of public space in the examples. All of these common space notions were not observed on the ground. That would be my concern, usable space. Harris thought in terms of the site visits being compared to cottage housing, none of the site visits were cottage housing, they were R-2 and R-3 zones; townhomes, apartments, single family, or multifamily. None were actual cottage housing. Miller saw it as a pocket neighborhood. Mindlin explained that pedestrian accessed housing was looked at, which is another aspect worth pursuing, but not the same. If we put cottage housing in the R1 zone they would have larger setbacks and more pervious surface. Mindlin really supports the limitation on lot coverage. Molnar explained further that if you generally have 6 units an acre it increases the density to 12 cottages. It still is the same lot coverage for the zone. Kaplan asked if examples exist in Ashland; one example off of Fordyce exists. The median single-family house size footprints over the last 5 years ranged from 1656 sq. ft. and 3 of the years it was above 1900. One way to think of it is that you would have coverage, but two smaller cottages that make up the footprint. In theory they are the same scale, bulk and impact.

Peddicord felt if we are talking about same lot coverage with same amount of residents. A development next door wouldn't impede the solar access or view so there might be a benefit to having a building that is of less bulk. Brown qualified that if a house has 2000 sq. ft. and next door is a cottage with 2 units of 2000 sq. ft., you have more people and density of the area goes higher. If someone develops the the smallest lot available in a neighborhood and adds on residence there is little impact to the neighborhood. The minute you put two in the place of one, you double the amount people and cars.

Brown is willing to move in the direction of cottage housing and review all the standards to see what would work. Higher density is a good concept. We need to consider lot coverage percentages, setback requirements, spaces between units, parking

accommodations, all of these details that need to be a little more examined. Brown does not agree to making this an R1 addition, but open to discussing. Need to see photos and examples from other cities that are successful. Harris one thing is a spacing standard in an ordinance so that a model is established in single family and introducing a cap on the number of units. We need to fit that different model that gives reasonable units on the R1. Molnar suggested looking at minimum and maximum units to protect exiting neighborhood. Morris asked if this is applicable in R-10 or would this be too small to get setbacks, parking and lot coverage. Molnar look at properties at ¾ or 1 acre in an R1.5 the base density is 5 units, but that could be 12 units. There would need to be cluster parking or centralize parking. Look at areas where possible like N. Mountain north of E. Main, south of Ashland Street on Tolman, and lots that are deep enough. There are not a lot of neighborhoods that would support this type of development especially hillside developing and it could just fall out of some zones.

Mindlin stated that there is not lot of places to do this and we could get creative with our infill to meet goal for affordable housing goals. Regional plans are trying to add to the toolbox of potential developments. In some places it would be available if the developer bought more than one lot. Make our standards supportive of developing lots that will achieve the same R1 district. Miller it is not for one vacant lot, the need will be for 1 or 2 acres to make it work. Mindlin felt the most important standard would be limiting the lot coverage. Superficially making it the same as the underlying zone makes sense. The idea is that we are covering the same amount with house with less parking and driveway might be able to substitute it with more green space. Include that homes are not required to face the street. This is a sticking point around designing these. On page 4 of the handout a few bullet points up, orientation to the street needs clarification that not all are required to be street facing. Make the house sizes even more flexible; maybe 1200 sq ft. Designing for small housing is challenging. Experts seem to think that 20 homes make a nice co-housing community in terms of social interactions. Consider pushing the limit upward, 20 maybe 16.

Will we allow duplexes? Harris said that the majority of references came from code aspect. Looking at communities where it has been vetted through their public process and most are from Washington and seem to be detached. Houses are more similar to other single-family homes if detached. One code limited the size of footprint and allowed two stories. R1 generally allows duplexes and there is no reason not to. Mindlin supports the idea of maximum flexibility. To preserve natural area footprints can be varied and it just needs to be single-family unit which could accept duplexes. It is what will fit in the area. People consider cottages cute while duplexes are not so much. Kaplan could still be done with duplexes. Brown prefers the flexibility also. Molnar questioned how a duplex would affect the overall size and this could create incompatibility. There needs to be a formula to keep it from doubling the house size. Staff is going to put together a draft number for duplexes.

Miller reviewed the setbacks that were looked at during the site visit. Setbacks for R1 are 10' in the back 6' on the sides and I would like to keep those setbacks. There is not enough space to do anything in a 5 feet separation. Mindlin if both have 5 it becomes a 10 foot space. Six feet is allowed in other zones.

Storm water-Mindlin recalls hearing interest in storm water reuse, like rain gardens at the last meeting. Harris felt it was more educational and not part of the ordinance or code requirements.

Incentive Program - Mindlin spent a lot of time looking at recommendations around incentives program is that being dropped. Harris understood that the commission felt that it was a big undertaking and conservation staff felt it could overlap the Earth Advantage that is already used. The issue is duplication of Earth Advantage and who would run and administer the program. We fared well in the review of our Green code evaluation so it is better to fine tune and if the community was interested in expanding the Earth Advantage. If it is an interest we could look at it after the unified code changes because it is big enough and it is a resource issue. Mindlin wonders about neighborhood development because LEED and Earth Advantage are geared toward large or commercial developments and the standards are directed at large employers or large developments, but we don't have these types of large developments happening. These are not geared toward smaller towns and we have done a great job with walkable neighborhoods and efficient land use patterns, and transportation choices.

D. Other Business

ADJOURNMENT

Meeting adjourned at 8:19 PM.

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
STUDY SESSION
MINUTES
May 28, 2013

CALL TO ORDER

Chair Melanie Mindlin called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Tracy Peddicord
Troy J. Brown, Jr.
Michael Dawkins
Richard Kaplan
Debbie Miller
Melanie Mindlin

Staff Present:

Bill Molnar, Community Development Director
Brandon Goldman, Senior Planner
Derek Severson, Associate Planner
Dawn Lamb

Absent Members: None

Council Liaison: Mike Morris

ANNOUNCEMENTS

The Normal Avenue Neighborhood Plan presentation is scheduled for the June 25th Council Meeting. Molnar will present updates to the Council on the Unified Land Use plan in late July.

PUBLIC FORUM

Dale Swire, 233 Clay Street, is a 24-year resident of the valley. He bought a bed and breakfast in 1989 and operated it for eight years, then moved to Medford for 12 years. He recently returned to Ashland. Swire discussed a recent AARP Study pertaining to senior citizens perspective of the Rogue Valley. Affordability and employment and relating interrelationships showed a need for improvement. Ashland shows a high number of financially stable retirees and empty nesters. But this does not help support the diversity of attracting young families. There are very few living wage jobs for families. Ashland possesses a much higher land values than the rest of the valley. It is a desirable hot spot for retirees. SOU and Shakespeare attract financially established retirees, but not many families. Empty nesters, semi-retired residents with nest eggs, and entrepreneurs are not going to change that market because they like what exists. The developers will not be able to change that attraction. There is some diversification with the student population. Middle-income seniors are attracted to single-family homes with shared community space. Most retirees cannot afford the Mountain Meadow assisted living-type residences. Most want to stay in their homes forever and he would like to see more options for these seniors. ADA accommodations built into larger facilities will out price the seniors. This is a future topic that will be addressed by the Planning Commission.

DISCUSSION ITEMS

A. Zoning and Comprehensive Plan Maps

Mindlin asked the commissioners to voice expectations of this meeting to help guide staff in the open discussion. Brown wants to see the available land, the locations, and really look at opportunities for infill, and review zoning. Miller appreciates the review of the maps and the education on the process. This will present an idea of how the projections compare to what is presently on the books. One set of projections show the city accommodating 2,500 more people than are projected to come depending on the type of zoning. Peddicord feels very useful for new commission. She questioned the pedestrian place overview and would appreciate more explanation. Kaplan feels maps are helpful to see differentiated areas and what are we looking at in terms of residential and industrial units and buildable opportunities. He is anxious to see geographic information live. Dawkins pleased with the informational value of the maps. Mindlin scrutinized the maps and recalls wanting to study and discuss the density challenges and the pedestrian zones. Interesting to seeing how the quarter-mile and half-mile pedestrian zones will develop.

Goldman included several maps in the packet with the intention of showing the commission how the ArcGIS system compiles and processes the information supplied to determine buildable land. The packet included the following maps:

Comprehensive Plan Map Zoning Map Buildable Lands Inventory

Goldman projected the live GIS system for the commission to view as he compiled different layers to the maps. The demonstration will help the commission visualize and understand how the program accesses different layers of information to determine a comprehensible calculation. The maps were based on aerial photos and then various layers are attached to the maps; buildable lands inventory, zoning, comprehensive plan, pedestrian places, and physical constraints.

The Buildable Lands Inventory is updated by the issuance of building permits by the GIS department to ensure the maps are current. The physical constraints overlay mitigates seemingly potential lots. The physical constraints include hillside slope, flood area, riparian areas, and other physically restricting characteristics of lots. It may look as though a given property as having vacant area, but considerable amounts may not be buildable. Infill properties are listed as partially vacant and have remaining lot area that is undeveloped. The program helps to identify additional unit potential for an already developed lot with seemingly extra space. It is a long-term projection because of the existing development and the replacement is an unknown time factor. The potential for developing a second house or additional commercial buildings may not be exercised but additional units could be created if standards could be met. The program recognizes the constraints of the lot area and determines number of potential units. Infill properties are listed as partially vacant due to the number of units on the property and given that they have a lot size that would support an accessory unit.

Mindlin knows of an analysis that shows 109 multifamily parcels comprising of about 40 acres, which if divided evenly would be pretty small multifamily properties. The BLI layers look at the lot size, the constraints of development assuming developable land, and how many units would be allowed to determine build ability; Adjusted Dwelling Units (ADJDUS). The program automatically calculates and references the number of potential units. Kaplan questioned how owners would be aware that they have the potential to build. Brown commented that when he moved here and met with the realtor, they were forthcoming which lots were further developable. Staff could compare the 2002 maps to the 2011 to identify the number of second units created. Kaplan asked if the City encourages this communication to developers. Molnar commented that most are aware of the fact and applications are constant. Dawkins reflected back to the creation of the Calypso Drive development and how that was a great example of where we can be creative and that kind of creativity cannot be shown on the maps. Goldman agreed that this is the underlying base zone and if we have the ability to change the underlying zone to change the density. The BLI is based on the underlying zoning. Brown looks at the broadest zone capacity for determination. Mindlin this is a great way to identify potential cottage housing on the smaller lots. Each lot could be handled in a creative way. Molnar feels having a cluster-housing overlay would be a great tool. Current street standards limit the number of units on a particular lot size. Infrastructure and street standards also limit the usable land for actual buildings. Dawkins it is our understanding and purview to be creative to develop within the existing UGB.

Dawkins brought up older areas of town like Ashland Street, Clay Street, Park Street, and Siskiyou Blvd which are screaming for redevelopment. The area has no east west accessibility whatsoever. The houses accommodated employees of the 12 mills that no longer exist. Miller questioned how older areas with poor functionality are redeveloped; is there a process for updating multifamily zones to create access or other updated improvements? Dawkins felt identifying homes that could be removed would accommodate a new street access. Peddicord questioned, in terms of already developed lots, what is our purview of up zoning for lots that are developed. Molnar commented that up zoning is very controversial but there are times when the opportunity is there and the neighbors are in favor. Existing ordinances provide developed properties opportunities for second units to encourage infill which began in 1990 and has been progressive. The addition of accessory units is far less controversial than asking an entire neighborhood to raise the density and change the zoning. Intact neighborhoods are typically not in favor of redevelopment. We look for creative ways for additional units in line with the character of the neighborhood. Rezoning looks more into areas that are under or less developed. Peddicord asked for clarification on what mechanism would be used to improve street circulation. Molnar would look at the geographic area and focus on opportunities such as outbuildings or lots that have sections that could accommodate right-of-way. This is the benefit of creating neighborhood plans such as Mountain Meadows, Croman, and Normal. When you look at three largest areas of vacant or partially vacant area, the commercial areas provide services and population density. The vacancies are spread between commercial areas. The zoning is in place for fairly significant residential density but how do you encourage development. The commission needs to look at character to see if infrastructure could accommodate something better.

Goldman Pedestrian Placement Overlay – Three areas that have been approved and are identified as areas that are within a ¼ mile of closest neighborhood center. The overlay considers transit, density, and neighborhood centers. It was developed as part of the Transportation System Plan. Downtown operates as an existing pedestrian place. The commission could identify other areas suitable for a commercial center. In conjunction with the BLI the pedestrian placement identifies development and redevelopment potential where increased density would be in concert with the area. BLI was not going with the assumption that 100% of residential would be met on commercial lots so it uses an assumption that 50% of residential being met. The opportunity to increase density is feasible by maximizing the development as mixed-use. Kaplan asked how are trailer parks represented? Goldman said they are shown on the map as redevelopment opportunities zoned as commercial. Trailer parks would be a no net increase if redeveloped because maximum density already existing.

Miller wanted to know an instance of redevelopment. State has a mathematical computation for redevelopment based on market needs. If the combined value of the improvements plus land is worth less than 35% of the combined value of improvement plus land then redevelopment is an option. Basically it means the development on the property is not maximizing the value of the property. Based on that standard a lot of area in the Railroad District is defined as redevelopable. Some communities use redevelopable in the BLI to determine land availability there is, but we stayed away from that in our BLI because it is not reasonable because the land has a high value even if the building does not. It is not viable if the revenue generated from the trailer park rentals make it viable. Market value is more of a pressure than societal pressure. Some family properties are paid off and they don't see a reason to change. Oregon has been more progressive in mobile home park evacuations and they require a year's notice along with relocation fees and other costs to the existing tenants.

Goldman showed the impervious area layer which is dedicated to parking or travel lanes. It is a determining factor for development. The cost of a parking structure compared to its revenue does not always equal out. The community is not robust enough to support a more extensive transit system either. So creating more pervious surfaces is not always more affordable. Goldman pulled up the transit routes on the map. There are two routes; Route 10 and 15 Route. Route 10 duplicates parts of Route 15. The proximity of the routes and bus stops to developable land is another contributing factor to density. It will help to show where bus stops and routes could be beneficial.

Mindlin asked to see the ¼-acre pedestrian circle represented on the Normal Avenue Neighborhood. Molnar some communities use quarter acre radii and others use half acre radii. Goldman planned to show both radii at the Council meeting in June to show distance from developed neighborhoods and commercial centers. More advanced computer models are beginning to show pedestrian distances as affected by the same criteria as vehicles. They are really looking into factors that come into play to see if people chose walking as their mode of transit. Commission needs to consider pedestrian amenities are included to accommodate people.

Goldman could show consumption rates of land development based on building permits to help with projections in terms of supply. Mindlin wanted clarification is development based on ¾ of a percent per year growth? Molnar said that previous year's land consumption based on building permit issuance. Updates were completed on the BLI: 1990-1999, and then 1990-2002, and then 1990-2005. Population growth is based on the Comprehensive Plan which anticipates growth at 187 people per year. This is a .75% growth rate and Jackson County model .73% between 2010 and 2060. At the next BLI it would be prudent to look at the County's adopted population estimate compared to ours now that we are part of the Regional Problem Solving. Mindlin pointed out that the material from the economic opportunity analysis is not based on the same population growth. It is more in line with job creation. It is not correlated. Molnar explained residential developers were hoping that there was a surplus of commercial employment land that could be rezoned for residential developments. The market was stronger and we could show commercial development land for economic growth. Ashland projects out only 20 years since we are not expanding our UGB. Some communities look at 30, 40 or 50 years out. After you run out of commercial land there is not locations around the perimeter to expand your employment zones.

C. **Other Business:** None

ADJOURNMENT

Meeting adjourned at 8:10 PM.

ASHLAND PLANNING DIVISION
STAFF REPORT
June 11, 2013

PLANNING ACTION: #2013-00593

APPLICANT: City of Ashland

ORDINANCE REFERENCES: **AMC 18.08** Definitions
 AMC 18.24 Low Density Multiple Residential (R-2)
 AMC 18.28 High Density Multiple Residential (R-3)

REQUEST: Amendments to Ashland’s Municipal Code related to existing Traveler’s Accommodations (i.e. B&B’s), as well as the establishment and operation of non-owner occupied, short term home rentals within Multiple Family Residential Districts (R-2; R-3)

I. Relevant Facts

A. Background

City Code Compliance has seen a dramatic increase in the number of unlicensed, short-term home rentals being operated without zoning approval. In all cases, these short term transient accommodations are avoiding paying local transient occupancy taxes, licensing fees and commercial utility rates normally associated with the guest accommodation industry.

The Council held a study session in August 2012 in order for staff to provide an overview of the problem, explain the advantages and disadvantages commonly related to short-term rentals and summarize code provisions that are currently applied to these establishments by other Oregon communities. The Council requested that the Planning Commission evaluate the existing code requirements, identify potential opportunities for increasing flexibility and forward a recommendation for possible code amendments to the Council for their direction.

Both Ashland’s Planning and Housing Commission’s held meetings to discuss a range of possible alternatives and solicit public testimony on the issue. The Planning Commission considered options that would increase the number of properties eligible to request a conditional use permit to operate a short term rental. The Housing Commission primarily focused their discussion about how amending the code might have implications on the city’s housing supply. Both Commissions provided recommendations to the Council, which were described separately in two memorandums.

At their March 5, 2013 meeting, the Council reviewed the recommendations of the two city commissions, as well as took testimony from the public. The Council directed staff to prepare changes to the land use code that would:

- Allow for the operation of non-owner occupied, short term home rentals as a conditional use within the R-2 and R-3, multiple family zones;
- Require the short term home rentals to abut or be within 200-feet of a city arterial or collector street; and
- Not place a limit on the total number of short term home rentals permitted within the city limits.

B. Ordinance Amendments

The proposed Land Use Code amendments address the approval process and minimum requirements for establishing and operating short term home rentals within Ashland multiple family zoning districts, R-2 and R-3. It is recommended that operation of a short term home rental be listed as a conditional use. A land use application would be prepared by an owner-applicant and submitted with a fee. Public notice would be sent to property owners within 200-feet of the site, making people aware of the land use request. Unless the proposal included significant deviations from the standards and criteria, the decision to approve the application would be an administrative decision, made at the staff level, with notice of the decision sent to surrounding property owners. The decision could be appealed to the Planning Commission.

Some key aspects of the proposed code amendments include:

General Requirements

The property owner or business owner is not required to reside on the property, which hosts the short term home rental. This is in recognition that a short term home rental provides a different transient accommodation experience than that offered by a traditional hotel, motel or B&B, by providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, and cooking.

Management Provisions

The conditional use permit for the short term home rental is required to be in the name of the owner-applicant. In addition, it is intended that one property owner operate not more than one vacation home rental. This is to permit a reasonable ancillary use of an existing residential dwelling, without unwittingly enticing removal of residences from the long term home rental market.

A local contact person must be available 24-hours a day and able to respond within 30-minutes to issues related to the short term home rental. Information about the local contact person is required to be posted in a conspicuous location on the property, as well as distributed to neighboring property owners within 200-feet way. The owner-applicant is responsible for ensuring that

occupants do not create unreasonable noise or disturbances or commit violations of this code.

Licensing, Inspections, Taxes & Advertising

Both the existing Traveler's Accommodation section and the newly proposed Short Term Home Rental code section include language that describes the owner's responsibility for ensuring that the establishment has a valid business license, is paying applicable transient occupancy tax, and has verification of having undergone a safety inspection, if applicable.

Additionally, the code amendments clarify that it is not permitted to advertise the availability of property for use as a traveler's accommodation or for short term home rental purposes without land use approval, a current business license and transient occupancy tax registration.

II. Procedural

18.108.170 Legislative amendments

A. It may be necessary from time to time to amend the text of the Land Use Ordinance or make other legislative amendments in order to conform with the comprehensive plan or to meet other changes in circumstances and conditions. A legislative amendment is a legislative act solely within the authority of the Council.

B. A legislative amendment may be initiated by the Council, by the Commission, or by application of a property owner or resident of the City. The Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is submitted, and within thirty days after the hearing, recommend to the Council, approval, disapproval, or modification of the proposed amendment.

C. An application for amendment by a property owner or resident shall be filed with the Planning Department thirty days prior to the Commission meeting at which the proposal is to be first considered. The application shall be accompanied by the required fee.

D. Before taking final action on a proposed amendment, the Commission shall hold a public hearing. After receipt of the report on the amendment from the Commission, the Council shall hold a public hearing on the amendment. Notice of time and place of the public hearings and a brief description of the proposed amendment shall be given notice in a newspaper of general circulation in the City not less than ten days prior to the date of hearing.

E. No application of a property owner or resident for a legislative amendment shall be considered by the Commission within the twelve month period immediately following a previous denial of such request, except the Commission may permit a new application if, in the opinion of the Commission, new evidence or a change of circumstances warrant it.

III. Conclusions and Recommendations

At the initial Council study session in August 2012, staff noted that changes to land use requirements related to short-term vacation home rentals should be undertaken with caution. This was because of potential impacts to longstanding community goals for maintaining strong neighborhoods, as well as a diverse, permanent housing stock designed to serve a wide range of households representing a variety of household incomes. The council communication included the following summary of potential impacts:

Positive Impacts

- Increase TOT and business license fees
- Increased choice of accommodation types, especially for families
- Income source for individual property owners
- Employment opportunities

Negative Impacts

- Reduced housing and rental availability for residents
- Neighborhood Impacts – noise, traffic, physical changes to site, etc.
- Decreased sense of localness
- Increased stress on infrastructure and services

How a city deals with short term rentals is strictly a local choice, unique to that community and influenced by its history and values. Ashland's Travelers' Accommodation ordinance was established in the early 1980s. The ordinance was intended to make available the opportunity for the owner of an existing historic structure to gain additional income by offering overnight accommodations. In turn, a portion of the revenue would be reinvested into improving the building and site and, as a result, the surrounding neighborhood. To date, most take the form of Bed & Breakfast Inns, integrated into existing residential neighborhoods and with the requirement that the property or business owner live on the premises. It is estimated that there are over 70 approved short-term accommodation establishments in the City, accounting for approximately 1300 rooms.

Currently, traveler's accommodations in residential areas are limited to specific portions of the city's multiple-family zoning districts (R-2, R-3), within 200-feet of an arterial or collector street. A conditional use permit is required before these short-term accommodations can be established and several other code provisions are in place that address the total number of units on the property, age of structure and required number of parking spaces. Additionally, existing land use code language requires the property or business owner to reside on the property, as a means of managing the accommodation and providing a link between the neighborhood and these quasi-business establishments.

At the direction of the Council, both the Planning Commission and Housing Commission have held public meetings to discuss additional allowances and flexibility for establishing and operating stand alone, short term home rentals. The Planning Commission considered options presented by Staff that would

increase the number of properties eligible to operate a short term rental and the Housing Commission raised concern over possible implications that amending the code may have on the city's housing supply. The Housing Commission ultimately recommended no changes to the existing code, while the Planning Commission did recognize that there could be demand for short term home rentals that is not being met due to current land use restrictions.

The changes proposed will provide opportunities for increasing the number of stand-alone short term home rentals. Reservation about the amendments are valid because of the potential impacts to existing neighborhoods and the City's long term rental stock. The amendments presented, however, provide a chance for some of those currently operating an unlicensed short term home rental to seek an appropriate land use approval and pay established licensing fees and taxes, while setting a specific protocol for management and operations to help minimize negative consequences to the neighborhood.

Attachments:

- Draft Ordinance – TA's and Short Term Home Rentals, R-2 & R-3 zones
- Map – Locations w/in R-2 & R-3, w/in 200 feet of arterial/collector
- Council Meeting Minutes – March 5, 2013
- Planning Commission Recommendation to Council
- Housing Commission Recommendation to Council
- Other Discussion Materials

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTERS 18.08, 18.24.030 AND 18.28.030
OF THE ASHLAND LAND USE ORDINANCE RELATING TO
TRAVELER’S ACCOMMODATIONS AND SHORT TERM HOME
RENTALS IN MULTI-FAMILY RESIDENTIAL DISTRICTS.**

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are **~~lined through~~** and additions are **underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City Council has determined that preservation of the character of residential neighborhoods is a legitimate and beneficial goal; and

WHEREAS, the City Council has found an increasing number of single family residential dwellings are being rented to transients on a short-term basis for less than thirty (30) days; and

WHEREAS, the City Council has determined short-term rentals of single family dwellings is a business activity which escalates demand for City services; and

WHEREAS the City Council has determined the City has a substantial interest in ensuring that all transient occupancy tax required to be collected and remitted is in fact collected and remitted on a fair and equitable basis; and

WHEREAS, the City Council finds that non-owner occupied, short-term rentals of single family dwellings is not currently listed as a permitted or conditionally permitted use in any residential zoning district in the City; and

WHEREAS, the City Council has determined it is necessary to establish rules and regulations to permit short term rentals within the City in order to ensure the safety and convenience of transients, and to preserve the peace, safety and general welfare of the long-term resident of neighboring properties; and

WHEREAS, the Planning Commission of the City of Ashland conducted a duly advertised public hearing on the amendments to the Ashland Municipal Code and Land Use Ordinances on June 11, 2013; and

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Municipal Code and Land Use Ordinance in the manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the comprehensive plan and that such amendments are fully supported by the record of this proceeding.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 18.08 [Definitions] of the Ashland Land Use Ordinance is hereby amended to newly include the following definitions:

18.08 Definitions

18.08.605 Primary Residence

The property that the taxpayer uses a majority of the time during the year ordinarily will be considered the taxpayer's principal residence. In addition to the taxpayer's use of the property, relevant factors in determining a taxpayer's principal residence, include, but are not limited to:

- (i) The taxpayer's place of employment;**
- (ii) The principal place of abode of the taxpayer's family members;**
- (iii) The address listed on the taxpayer's federal and state tax returns, driver's license, automobile registration, and voter registration card;**
- (iv) The taxpayer's mailing address for bills and correspondence;**
- (v) The location of the taxpayer's banks; and**
- (vi) The location of religious organizations and recreational clubs with which the taxpayer is affiliated.**

18.08.658 Short-Term Home Rental

The short term occupancy of a dwelling unit in a residential zone by the general public for a fee for a period of less than 30 consecutive days. A short term home rental shall not include the rental of individual rooms within a residential dwelling unit.

SECTION 2. Chapter 18.24.030 [R-2 Low Density Multifamily Residential District] of the Ashland Land Use Ordinance, is hereby amended to read as follows:

18.24.030 Conditional Uses

The following uses and their accessory uses are permitted when authorized in accordance with the chapter on conditional use permits:

- A. Churches and similar religious institutions.
- B. Parochial and private schools, business, dancing, trade, technical, or similar schools.
- C. Manufactured housing developments subject to Chapter 18.84.
- D. Public and quasi-public halls, lodges and clubs.
- E. Professional offices or clinics for an accountant, architect, attorney, dentist, designer, doctor or other practitioner of the healing arts, engineer, insurance agent or adjuster, investment or management counselor or surveyor.
- F. Hospitals, rest, nursing and convalescent homes.
- G. Limited personal service establishments in the home, such as beauticians, masseurs and the uses listed in subsection E above.
- H. Wholesale plant nurseries, including accessory structures.
- I. Retail commercial uses located in a dwelling unit within the Railroad Historic District approved by the City Council. Such business shall be no greater than six hundred (600) sq. ft. in total area, including all storage and accessory uses, and shall be operated only by the occupant of the dwelling unit uses, and the equivalent of one (1) half (½) time employee (up to twenty-five (25) hours per week). Such use shall be designed to serve primarily pedestrian traffic, and shall be located on a street having a fully improved sidewalk on at least the side occupied by the business. The street shall be a fully improved street of residential City standards or greater.

~~J. (Ord. 2624 S2, 1991; deleted Ord. 2942 S2, 2007)~~

J. Traveler's accommodations, subject to the following:

1. That all residences used for travelers accommodation be business-owner occupied. The business-owner shall be required to reside on the property occupied by the accommodation, and occupancy shall be determined as the traveler's accommodation location being the primary residence of the owner during operation of the accommodation. "Business-owner" shall be defined as a person or persons who own the property and accommodation outright; or who have entered into a lease agreement with the property owner(s) allowing for the operation of the accommodation. Such lease agreement to specifically state that the property owner is not involved in the day to day operation or financial management of the accommodation, and that the business-owner is wholly responsible for all operations associated with the accommodation, and has actual ownership of the business. (ORD 2806 S1, 1997)

2. The property on which the traveler's accommodation is established is within 200 feet of an arterial (Boulevard) or collector (Avenue) street as designated in the City's Comprehensive Plan. Distances shall be measured via a public street or public alley to the site from the collector or arterial.

3.4. That the number of accommodation units allowed shall be determined by the following criteria:

- a. That the total number of units, including the owner's unit, shall be determined by dividing the total square footage of the lot by 1800 sq. ft. Contiguous lots under the same ownership may be combined to increase lot area and the number of units, but not in excess of the maximum established by this ordinance. The maximum number of accommodation units shall not exceed **nine, 9** per approved traveler's accommodation with primary lot frontage on **an** arterial street. ~~streets.~~

The maximum number of units shall be seven, 7 per approved traveler's accommodation with without primary lot frontage on designated arterial street, but within 200 feet of an arterial or collector street. ~~collector streets; or for a traveler's accommodations not having primary frontage on an arterial and within 200 feet of an arterial.~~ Street designations shall be as determined by the Ashland Comprehensive Plan. Distances shall be measured via a public street or alley access to the site from the collector or arterial.

b. Excluding the business-owner's unit and the area of the structure it will occupy, there must be at least 400 sq. ft. of gross interior floor space remaining per unit.

~~4.5.~~ That the primary residence on the site be at least 20 years old. The primary residence may be altered and adapted for traveler's accommodation use, including expansion of floor area. Additional structures may be allowed to accommodate additional units, but must be in conformance with all setbacks and lot coverage of the underlying zone.

~~5.2.~~ That each accommodation unit shall have 1 off-street parking space and the ~~owners~~ owner's unit shall have two (2) parking spaces. All spaces shall be in conformance with the requirements of the Off-Street Parking section of this Title.

~~6.3.~~ That only one ground or wall sign, constructed of a non-plastic material, non-interior illuminated of 6 sq. ft. maximum size is ~~be~~ allowed. Any exterior illumination of signage shall be installed such that it does not directly illuminate any residential structures adjacent or nearby the traveler's accommodation in violation of 18.72.110.

~~7.6.~~ Transfer of business-ownership of a traveler's accommodation shall be subject to all requirements of this section and conformance with the criteria of this section. All traveler's accommodations receiving their initial approvals prior to the effective date of this ordinance shall be considered as approved, conforming uses, with all previous approvals, conditions and requirements remaining in effect upon change of business-ownership. Any further modifications beyond the existing approvals shall be in conformance with all requirements of this section.

~~8.7.~~ An annual inspection by the Jackson County Health Department shall be conducted as required by the laws of Jackson County or the State of Oregon.

~~8.~~ That the property on which the traveler's accommodation is operated is located within 200 feet of a collector or arterial street as designated in the City's Comprehensive Plan. Distances shall be measured via a public street or alley access to the site from the collector or arterial.

9. The business-owner shall maintain a city business license and pay all transient occupancy tax in accordance with Chapter 4.24 of this code as required.

10. Advertising for any traveler's accommodation shall include the City of Ashland Planning Action number assigned to the land use approval.

11. Advertising the availability of residential property for use as a travelers accommodation without a valid Conditional Use Permit approval, current business license, and Transient Occupancy Tax registration shall be subject to enforcement procedures.

K. Short Term Home Rental, subject to the following:

General Requirements

1. Short term home rental under this section shall not include the rental of less than an entire dwelling unit.

2. Not more than one dwelling per parcel may be used as a short-term home rental.

3. The property on which the short-term home rental is established is located within 200 feet of an arterial (Boulevard) or collector (Avenue) street as designated in the City's Comprehensive Plan. Distances shall be measured via a public street or public alley to the site from the collector or arterial.
4. That the dwelling used for the short term home rental shall be at least 20 years old. The dwelling may be altered and adapted for a short term home rental use, including expansion of floor area.
5. The total number of guests staying in the short-term home rental at any one time shall be no greater than two times the number of bedrooms plus two persons, up to a maximum of ten (10) persons.
6. A minimum of two off-street parking spaces shall be available for use by the occupants of the short-term home rental.

Management

7. The conditional use permit for the short-term home rental shall be in the name of the owner-applicant, who shall be an owner of the real property upon which the short-term home rental is operated. One person may hold not more than one conditional use permit for a short term home rental. The conditional use permit shall not be transferable.
8. The owner-applicant shall keep on file with the city the name, telephone number, and email address of a local contact person responsible for responding to questions or concerns regarding the operation of the short-term rental.
 - a. The information required above shall be posted in a conspicuous location inside the short-term home rental dwelling.
 - b. The local contact person shall be available twenty-four hours a day to accept telephone calls and respond to the short-term home rental matters within thirty (30) minutes when the short term rental is rented and occupied.
9. Once the conditional use permit is approved, and prior to April 1st of each subsequent year, the owner shall provide written notice to all neighboring property owners within a two-hundred (200) foot distance from the parcel on which the short-term vacation home rental is located and include the following information:
 - a. The name, telephone number and email address of the local contact person provided to the city pursuant to subsection K(8) of this section.
 - b. The maximum number of guests permitted to stay in the short-term rental unit.
 - c. A copy of the conditions of approval and Planning Action number for the Conditional Use Permit approving the short-term home rental.
 - d. Contact information for the city official that members of the public may contact to report violations of the short-term rental regulations or conditions of approval attached to the short-term home rental.
10. The owner-applicant shall post "house policies" within each guest bedroom. The house policies shall be included in the rental agreement, which must be signed by the renter and enforced by the owner applicant or the owner-applicant's designated contact person. The house policies at a minimum shall include the following provisions:

- a. Quiet hours shall be maintained from 10:00 p.m. to 7:00 a.m., during which noise within or outside the short-term rental dwelling shall not disturb anyone on a neighboring property.
- b. Amplified sound that is audible beyond the property boundaries of the short-term rental dwelling is prohibited.
- c. Vehicles shall be parked in the designated parking areas.
- d. Parties or group gatherings shall be limited to two times the number of guests permitted to occupy the short-term rental dwelling pursuant to subsection K(5) of this section.

11. The owner-applicant shall use best efforts to ensure that the occupants and/or guests of the short-term home rental do not create unreasonable noise or disturbances. Upon notification that occupants and/or guests of the short-term home rental have created unreasonable noise or disturbances, or committed violations of this code, the owner shall promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.

Licensing, Inspections, Taxes & Advertising

12. Short-term rental dwellings shall meet all applicable building, health, fire and related safety codes at all times and shall be inspected by the fire department before occupancy following approval of a conditional use permit for the short-term vacation home rental.

13. The owner-applicant shall maintain a city business license and pay all transient occupancy taxes in accordance with Chapter 4.24 of this code as required.

14. All advertising for any short-term rental shall include the City of Ashland Planning Action number assigned to the owner-applicant.

15. Advertising the availability of residential property for use as a short term home rental without a valid Conditional Use Permit approval, current business license, and Transient Occupancy Tax registration shall be subject to enforcement procedures.

L. Hostels

M. Disc antenna for commercial use.

N. Nonconforming use or structure changes required by Section 18.68.090.

O. New structures and additions to existing structures within a designated Historic District which exceeds the Maximum Permitted Floor Area (MPFA), subject to the general regulations set forth in Section 18.24.040.

P. Temporary uses.

Q. Wireless Communication Facilities when attached to existing structures and authorized pursuant to Section 18.72.180.

SECTION 3. Chapter 18.28.030 [R-3 High Density Multifamily Residential District] of the Ashland Land Use Ordinance, is hereby amended to read as follows:

18.28.030 Conditional Uses

The following uses and their accessory uses are permitted when authorized in accordance with the Chapter on Conditional Use Permits:

A. Churches and similar religious institutions.

- B. Parochial and private schools, business, dancing, trade, technical or similar schools.
- C. Manufactured housing developments, subject to Chapter 18.84.
- D. Public and quasi-public halls, lodges and clubs.
- E. Professional offices or clinics for an accountant, architect, attorney, dentist, designer, doctor, or other practitioner of the healing arts, engineer, insurance agent or adjuster, investment or management counselor or surveyor.
- F. Hospitals, rest, nursing and convalescent homes.
- G. Limited personal service establishments in the home, such as beauticians, masseurs, and the uses listed in subsection E above.
- H. Wholesale plant nurseries, including accessory structures.

~~I. (Ord. 2624 S3, 1991; DELETED Ord 2942 S5; 2007)~~

I. Traveler’s accommodations, subject to the following:

1. That all residences used for travelers accommodation be business-owner occupied. The business-owner shall be required to reside on the property occupied by the accommodation, and occupancy shall be determined as the traveler’s accommodation location being the primary residence of the owner during operation of the accommodation. "Business-owner" shall be defined as a person or persons who own the property and accommodation outright; or who have entered into a lease agreement with the property owner(s) allowing for the operation of the accommodation. Such lease agreement to specifically state that the property owner is not involved in the day to day operation or financial management of the accommodation, and that the business-owner is wholly responsible for all operations associated with the accommodation, and has actual ownership of the business. (ORD 2806 S1, 1997)

2. The property on which the traveler’s accommodation is established abuts or is within 200 feet of an arterial (Boulevard) or collector (Avenue) street as designated in the City’s Comprehensive Plan. Distances shall be measured via a public street or public alley to the site from the collector or arterial.

~~3.4.~~ That the number of accommodation units allowed shall be determined by the following criteria:

- a. That the total number of units, including the owner's unit, shall be determined by dividing the total square footage of the lot by 1800 sq. ft. Contiguous lots under the same ownership may be combined to increase lot area and the number of units, but not in excess of the maximum established by this ordinance. The maximum number of accommodation units shall not exceed ~~nine, 9~~ **nine, 9** per approved traveler’s accommodation with primary lot frontage on ~~an~~ **an** arterial street. ~~streets.~~ The maximum number of units shall be ~~seven, 7~~ **seven, 7** per approved traveler’s accommodation ~~with~~ **without** primary lot frontage on designated ~~arterial street,~~ **arterial street,** ~~but within 200 feet of an arterial or collector street.~~ ~~collector streets; or for a~~ **but within 200 feet of an arterial or collector street.** ~~collector streets; or for a~~ **collector streets; or for a** traveler’s accommodations not having primary frontage on an arterial and within 200 feet of an arterial. Street designations shall be as determined by the Ashland Comprehensive Plan. Distances shall be measured via a public street or alley access to the site from the collector or arterial.
- b. Excluding the business-owner's unit and the area of the structure it will occupy, there must be at least 400 sq. ft. of gross interior floor space remaining per unit.

~~4.5.~~ That the primary residence on the site be at least 20 years old. The primary residence may be altered and adapted for traveler’s accommodation use, including expansion of

floor area. Additional structures may be allowed to accommodate additional units, but must be in conformance with all setbacks and lot coverage of the underlying zone.

- ~~5.2.~~ That each accommodation unit shall have 1 off-street parking space and the **owners owner's unit** shall have **two (2)** parking spaces. All spaces shall be in conformance with the requirements of the Off-Street Parking section of this Title.
- ~~6.3.~~ That only one ground or wall sign, constructed of a non-plastic material, non-interior illuminated of 6 sq. ft. maximum size **is be** allowed. Any exterior illumination of signage shall be installed such that it does not directly illuminate any residential structures adjacent or nearby the traveler's accommodation in violation of 18.72.110.
- ~~7.6.~~ Transfer of business-ownership of a traveler's accommodation shall be subject to all requirements of this section and conformance with the criteria of this section. All traveler's accommodations receiving their initial approvals prior to the effective date of this ordinance shall be considered as approved, conforming uses, with all previous approvals, conditions and requirements remaining in effect upon change of business-ownership. Any further modifications beyond the existing approvals shall be in conformance with all requirements of this section.
- ~~8.7.~~ An annual inspection by the Jackson County Health Department shall be conducted as required by the laws of Jackson County or the State of Oregon.
- ~~8.~~ **That the property on which the traveler's accommodation is operated is located within 200 feet of a collector or arterial street as designated in the City's Comprehensive Plan. Distances shall be measured via a public street or alley access to the site from the collector or arterial.**
- 9. The business-owner shall maintain a city business license and pay all transient occupancy tax in accordance with Chapter 4.24 of this code as required.**
- 10. Advertising for any traveler's accommodation shall include the City of Ashland Planning Action number assigned to the land use approval.**
- 11. Advertising the availability of residential property for use as a travelers accommodation without a valid Conditional Use Permit approval, current business license, and Transient Occupancy Tax registration shall be subject to enforcement procedures.**

J. Short Term Home Rental, subject to the following:

General Requirements

- 1. Short term home rental under this section shall not include the rental of less than an entire dwelling unit.**
- 2. Not more than one dwelling per parcel may be used as a short-term home rental.**
- 3. The property is located within 200 feet of an arterial (Boulevard) or collector (Avenue) street as designated in the City's Comprehensive Plan. Distances shall be measured via a public street or public alley to the site from the collector or arterial.**
- 4. That the dwelling used for the short term home rental shall be at least 20 years old. The dwelling may be altered and adapted for a short term home rental use, including expansion of floor area.**
- 5. The total number of guests staying in the short-term home rental at any one time shall be no greater than two times the number of bedrooms plus two persons, up to a maximum of ten (10) persons.**

6. A minimum of two off-street parking spaces shall be available for use by the occupants of the short-term home rental.

Management

7. The conditional use permit for the short-term home rental shall be in the name of the owner-applicant, who shall be an owner of the real property upon which the short-term home rental is operated. One person may hold not more than one conditional use permit for a short term home rental. The conditional use permit shall not be transferable.

8. The owner-applicant shall keep on file with the city the name, telephone number, and email address of a local contact person responsible for responding to questions or concerns regarding the operation of the short-term rental.

a. The information required above shall be posted in a conspicuous location inside the short-term home rental dwelling.

b. The local contact person shall be available twenty-four hours a day to accept telephone calls and respond to the short-term home rental matters within thirty (30) minutes when the short term rental is rented and occupied.

9. Once the conditional use permit is approved, and prior to April 1st of each subsequent year, the owner shall provide written notice to all neighboring property owners within a two-hundred (200) foot distance from the parcel on which the short-term vacation home rental is located and include the following information:

a. The name, telephone number and email address of the local contact person provided to the city pursuant to subsection K(8) of this section.

b. The maximum number of guests permitted to stay in the short-term rental unit.

c. A copy of the conditions of approval and Planning Action number for the Conditional Use Permit approving the short-term vacation home rental.

d. Contact information for the city official that members of the public may contact to report violations of the short-term rental regulations or conditions of approval attached to the short-term home rental.

10. The owner-applicant shall post "house policies" within each guest bedroom. The house policies shall be included in the rental agreement, which must be signed by the renter and enforced by the owner applicant or the owner-applicant's designated contact person. The house policies at a minimum shall include the following provisions:

a. Quiet hours shall be maintained from 10:00 p.m. to 7:00 a.m., during which noise within or outside the short-term rental dwelling shall not disturb anyone on a neighboring property.

b. Amplified sound that is audible beyond the property boundaries of the short-term rental dwelling is prohibited.

c. Vehicles shall be parked in the designated parking areas.

d. Parties or group gatherings shall be limited to two times the number of guests permitted to occupy the short-term rental dwelling pursuant to subsection J(5) of this section.

11. The owner-applicant shall use best efforts to ensure that the occupants and/or guests of the short-term home rental do not create unreasonable noise or

disturbances. Upon notification that occupants and/or guests of the short-term home rental have created unreasonable noise or disturbances, or committed violations of this code, the owner shall promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.

Licensing, Inspections, Taxes & Advertising

12. Short-term rental dwellings shall meet all applicable building, health, fire and related safety codes at all times and shall be inspected by the fire department before occupancy following approval of a conditional use permit for the short-term vacation home rental.

13. The owner-applicant shall maintain a city business license and pay all transient occupancy taxes in accordance with Chapter 4.24 of this code as required.

14. All advertising for any short-term rental shall include the City of Ashland Planning Action number assigned to the owner-applicant.

15. Advertising the availability of residential property for use as a short term home rental without a valid Conditional Use Permit approval, current business license, and Transient Occupancy Tax registration shall be subject to enforcement procedures.

K. Structures in excess of thirty-five (35) feet in height, not to exceed 50 feet in height.

L. Hostels

M. Disc antenna for commercial use.

N. Enlargement, extension, reconstruction, substitution, structural alteration or reactivation of nonconforming uses and structures pursuant to Section 18.68.090.

O. New structures and additions to existing structures within a designated Historic District which exceeds the Maximum Permitted Floor Area (MPFA), subject to the general regulations set forth in Section 18.28.040.

P. Temporary uses.

Q. Wireless Communication Facilities when attached to existing structures and authorized pursuant to Section 18.72.180.

SECTION 4. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinances(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 5. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 6. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-3) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2013, and duly PASSED and ADOPTED this ____ day of _____, 2013.

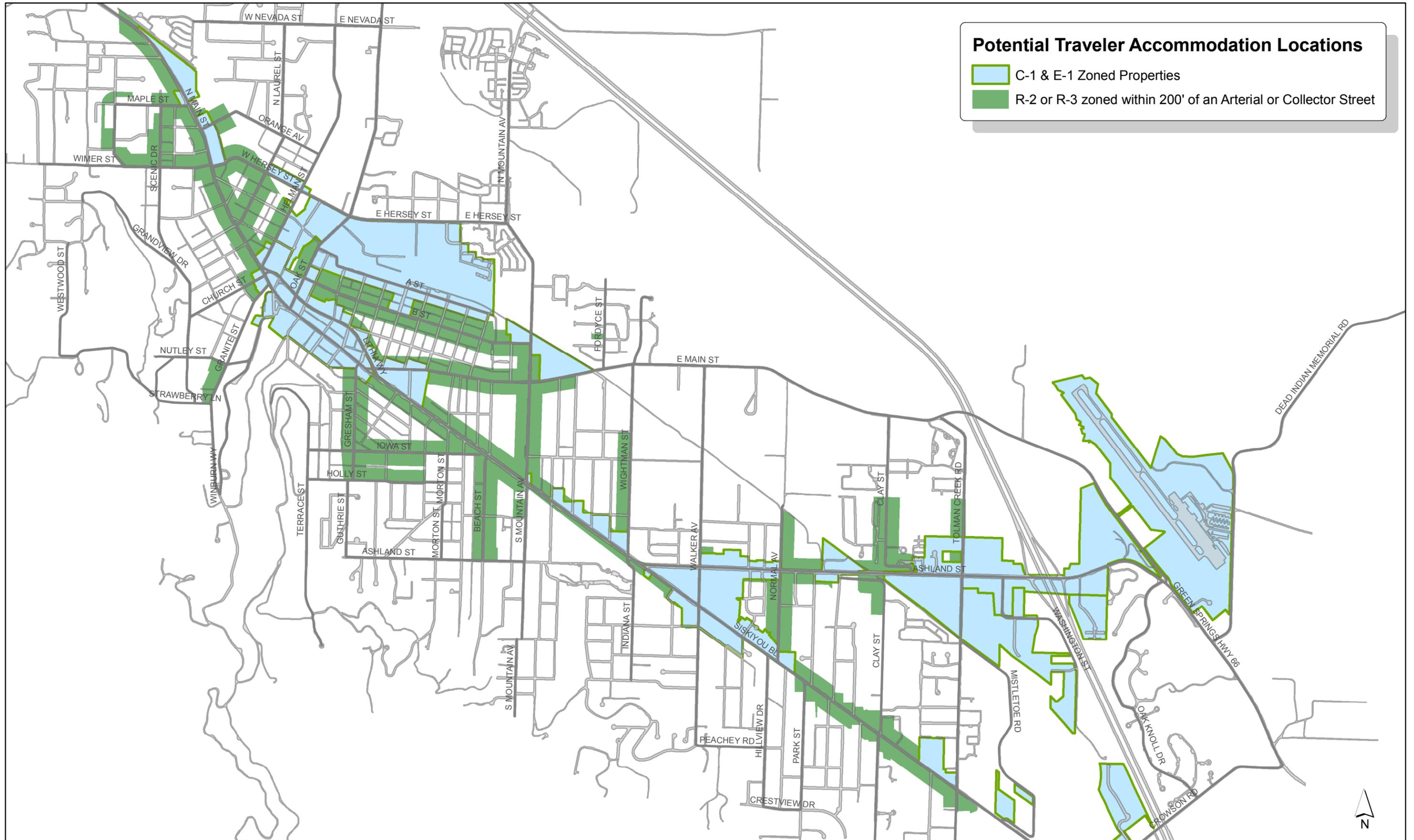
Barbara M. Christensen, City Recorder

SIGNED and APPROVED this ____ day of _____, 2013.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney



0 900 1,800 3,600 5,400 7,200 Feet

Property lines are for reference only, not scaleable

City Council - Minutes
Tuesday, March 05, 2013

MINUTES FOR THE REGULAR MEETING

ASHLAND CITY COUNCIL

March 5, 2013

Council Chambers

1175 E. Main Street

CALL TO ORDER

Mayor called the order at 7:00 p.m. Civic Center Council Chambers.

ROLL CALL

Councilor Voisin, Morris, Lemhouse, Slattery, Rosenthal, and Marsh were present.

MAYOR'S ANNOUNCEMENTS

Mayor Stromberg announced the City was accepting applications for annual appointments to the various Commissions and Committees. The deadline for applications was March 15, 2013.

APPROVAL OF MINUTES

The minutes of the Business Meeting of February 19, 2013 were approved as presented.

SPECIAL PRESENTATIONS & AWARDS

The Mayor's proclamation of March 8 as International Women's Day was read aloud.

CONSENT AGENDA

- 1. Approval of minutes from Boards, Commissions, and Committees**
- 2. Report on Full Faith & Credit Bond sales - \$6,345,000 tax-exempt bonds for Public Works and Parks Projects; \$11,675,000 taxable bonds refunding Ashland Fiber Network debt**
- 3. Award of a contract to the apparent low bidder for the Ashland Creek sanitary trunkline sewer, phase two**
- 4. Jackson County scenic bikeway application letter of support**
- 5. Approval of 2013 Council liaisons to boards, commissions, and committees.**

Councilor Slattery pulled Consent Agenda item #5 for discussion. City Recorder Barbara Christensen explained staff would notify the various boards, commissions, and committees of the Council Liaison appointments and provide contact information.

Councilor Slattery/Marsh m/s to approve Consent Agenda items. Voice Vote: all AYES. Motion passed.

NEW AND MISCELLANEOUS BUSINESS

- 1. Council consideration to initiate amendments to Ashland's Municipal Code related to the establishment and operation of short-term vacation rentals**

City Administrator Dave Kanner provided background on local vacation home rentals. Council directed the Planning and Housing Commissions to review potential code amendments to short-term vacation rentals. Vacation homes were typically single-family dwellings rented to travelers on a nightly basis for a period of less than 30 days. They fell into a gray area in terms of state law, city code, and county environmental health ordinances.

Community Development Director Bill Molnar explained the Ashland zoning ordinance had provisions for these types of accommodations since the early 1980s. The Housing Commission recommended no changes to the current land use ordinance that allowed short-term accommodations through a conditional use process in the commercial and multifamily zoning districts. They were concerned providing opportunities to convert existing rental homes to short-term accommodations would have a negative impact on housing availability and costs. Existing parameters for Vacation Rentals by Owner (VRBO) required conditional use permits in all zones, owner occupancy, or a manager on premise in multifamily zones.

The Planning Commission was not convinced the current supply of VRBOs was not meeting the demand. Additionally, there was sufficient land currently zoned for property owners to go through a conditional use permit process to add to the supply. However, the Commission determined current regulations did not meet the full demand for travelers' coming to town to lease an individual home on a lot for a short period that did not have an owner or manager on the premise. They recommended modifying the land use code to allow a limited number of short-term home rentals within multifamily zones and walking distance to the downtown without an owner or manager on the premise. They also recommended maintaining the restriction in the zoning code prohibiting short-term accommodations in the single-family zones.

Mr. Kanner noted other municipal codes involved with tourist facilities. The first was **Chapter 4 Revenue and Finance, 4.24 Transient Occupancy Tax, 4.24.010 Definitions**. Staff believed the definition of hotel in the code could apply to vacation homes. In **Chapter 18 Land Use**, staff thought it was clear a vacation rental dwelling was subject to Transient Occupancy Tax (TOT) but there was value in cleaning up code language to make it clear. Staff recommended modifying language in **Chapter 6 Business Licenses and Regulations, 6.04 Business Licenses** to require business licenses for vacation home rentals. The next two were subject to debate. **Chapter 15 Fire Code** did not require vacation rental homes to have smoke detectors or a fire inspection because they were single-family homes. Council could adopt a local code ordinance requiring fire inspections for Bed and Breakfasts, boutique inns that slept less than 10 guests, or vacation homes. The last code affected was **Chapter 9 Health and Sanitation**. State law did not consider vacation homes as tourist facilities subject to a tourist facility license. Because of that Jackson County did not require vacation homes to obtain a tourist facility license nor would they inspect a vacation home or enforce a city ordinance that designated a vacation home as a tourist facility. Staff did not recommend tourist facility license requirements for vacation homes.

He went on to address enforcement and explained the Code Enforcement Officer position was cut several years before so code enforcement was now an ad hoc function spread amongst many people and entirely complaint driven. The goal of code enforcement was compliance

through fees. If the City reinstated a Code Enforcement Officer, that position would handle all the code issues currently spread throughout the departments and serve as a single point of contact, coordinate with departments and have the resources necessary for follow up and tracking compliance.

Mr. Molnar explained the primary purpose for having a certain number of VRBOs was limiting the potential impacts to the residential areas. Staff researched other cities regulations on vacation home rentals that placed limits on numbers and distance from each other. Mr. Kanner added the Planning Commission would recommend a specific number as well code suggestions.

Mr. Molnar noted the Planning Commission recognized the need for single unit non-owner occupied vacation rentals because of a national preference for VRBOs. The City allowed VRBOs in the commercial and employment zones but did not allow a lot of land or zoning designation to accommodate the demand. Staff focused on multifamily zones because the City did not permit VRBOs in residential zones.

Stacy Waymire/1070 Greenmeadows Way/Explained he was part of a Limited Liability Company that owned property in Ashland that was currently a 30-day rental and supported vacation home rentals in the R1 Zone area.

Margery Winter/634 Iowa Street/Agreed with Mr. Waymire on the need of vacation home rentals in the R1 Zone, preferably historic houses. VRBOs provided rentals for people with short-term jobs or engagements.

Abi Maghamfar/451 North Main Street/Explained he was a member of the Ashland Lodging Association and the founder of the Ashland Bed and Breakfast Network who submitted 46 petitions supporting active enforcement of unlicensed vacation rentals. People were doing illegal activities and it needed to stop. He listed legal lodging costs that unlicensed VRBOs did not pay emphasizing unfair competition and illegal business practices.

Pete Hawes/431 Courtney/Submitted a letter into the record that he hoped Council would consider during deliberation. He went on to speak in favor of vacation home rentals and the how they benefited the community.

Kim Blackwolf/354 Liberty Street/Referenced and read from a letter she submitted into the record supporting vacation home rentals.

Jean Fyfe/215 Sherman Street/Lived closed to a vacation rental home and noted the guests were quiet, personable, and interested in experiencing a private setting. She shared her experiences renting vacation homes.

Stewart McCollum/819 Elkader Street/Explained how and why he started renting his home as a vacation rental, shared personal experiences and ideas for VRBOs.

Carolyn Shaffer/234 7th Street/Noted her personal circumstances as a widow and how home

rentals helped supplement her income.

Ellen Campbell/120 Gresham Street/Explained she was a member of the Ashland Bed and Breakfast Network and the Ashland Lodging Association. Ashland had 76 lodging establishments with 29 legal vacation homes not up to full occupancy and questioned the need for more.

Yvonne Fried/1320 Prospect Street/Used her home as an adult foster care home that was handicapped accessible. She spoke in favor of vacation home rentals and benefits of housing entire families.

Melody Jones/79 Pine Street/Owned a home with a mother in-law unit that she rented on a monthly basis. She supported VRBOs, disclosed utility costs had not changed, and there were no parking issues.

Lisa Beam/1015 Mary Jane Avenue/Spoke on behalf of the Ashland Chamber of Commerce and explained how illegal vacation home rentals caused unfair competition.

Council majority supported compliance through land use codes, approval conditions for Conditional Use Permits, distance to arterials, freeing up the requirement for on-site owners for R-2 and R-3 Zones, but did not support VRBOs in the R-1 Zone. Staff would research how many vacation home rentals were prior long-term rentals.

Councilor Voisin/ Rosenthal m/s to approve the initiation of amendments to the Ashland Municipal Code related to short-term rentals that incorporate the recommendations forwarded to the Council by the Planning Commission, and further direct staff to prepare amendments to Chapters 4, 6 and 15 of the AMC, as necessary, to ensure that taxation and licensing issues are appropriately addressed. DISCUSSION: Councilor Marsh did not support the Planning Commission recommendation for a new district downtown for VRBOs, or having caps on the number of facilities but supported retaining the 200 feet within an arterial.

Councilor Marsh/Lemhouse m/s to amend the motion to eliminate the Planning Commission recommendations to include a Downtown District element, retain the current standard for distance from an arterial requirement, and have the ordinance not include a cap on specific kinds of facilities. DISCUSSION: Councilor Voisin would not support the motion and wanted information on how many VRBOs were close to the downtown area. Councilor Lemhouse thought the free market would dictate rental areas so the City did not need to regulate them. Councilor Slattery would not support the motion and wanted to see the ordinance in its entirety prior to voting. **Roll Call Vote: Councilor Morris, Marsh, and Lemhouse, YES; Slattery, Voisin, and Rosenthal, NO. Mayor Stromberg broke the tie with a YES vote. Motion passed 4-3.**

Roll Call Vote on amended Main Motion: Councilor Morris, Slattery, Marsh, Lemhouse, Voisin and Rosenthal, YES. Motion passed.

ORDINANCES, RESOLUTIONS AND CONTRACTS

1. Second reading of an ordinance titled, “An ordinance amending the City of Ashland Comprehensive Plan to adopt the Transportation System Plan as a supporting document and to amend the street dedication map”

Community Development Director Bill Molnar explained the Planning Commission’s recommendation to approve the Transportation System Plan (TSP) included clarifications to the document, and added maps that staff and the consultants agreed with.

Public Works Director Mike Faught addressed the connection from Ashland Mine Road to Wimer and explained the contours were so complex staff would have to engineer a connection when they annexed the area. For projects in general, staff would apply for grants and funds and did not plan to spend more money than what they had spent historically.

Mr. Molnar clarified the TSP was part of the Comprehensive Plan, the studies and projects were not mandated and contingent on funding sources.

Mr. Faught went on to address the connection street between Clay Street and Tolman Creek Road. Neighbors in the area strongly opposed the connection and worked with staff on a compromise that delayed the project until a redevelopment of the manufactured home occurred. In the interim, they agreed to a multi use path. Mr. Molnar explained that most of the development in that area was subject to annexation. Staff would do a traffic impact analysis on Normal Street and if findings showed the connection needed to occur earlier it would be a basis for not allowing annexation or future development until the connection occurred. The remaining property along Clay Street was in the Urban Growth Boundary but outside city limits and annexation required adequate transportation access. Mr. Faught added the TSP was sufficient to ensure the connection between Clay Street and Tolman Creek Road happened.

Councilor Voisin/Slattery m/s to approve the findings of fact to accompany the ordinance for the TSP adoption and Street Dedication map amendment. Roll Call Vote: Councilor Rosenthal, Voisin, Marsh, Lemhouse, Slattery, and Morris, YES. Motion passed.

Councilor Voisin/Marsh m/s the Second Reading of an Ordinance amending the City of Ashland Comprehensive Plan to adopt the TSP as a supporting document and to amend the Street Dedication Map.

Staff explained they did not have the explicit language of the changes made to the ordinance and needed to continue second reading to the next Council meeting.

Councilor Marsh /Slattery m/s to continue Second Reading of the Ordinance to March 19, 2013. Voice Vote: all AYES. Motion passed.

2. Resolution titled, “A resolution setting forth policies and conditions under which Ashland will provide extreme weather related emergency shelter housing and repealing Resolution No. 2007-11”

City Administrator Dave Kanner provided the background and listed the seven conditions

added to the language from Resolution 2007-11 that formulated the draft resolution allowing dogs in the emergency shelter:

- 1) Shelter volunteers must designate a specific area in the shelter for dogs. The floor of such area must be covered with thick plastic.
- 2) Dogs must remain in crates while in the shelter. Crates will not be provided, stored, repaired or cleaned by the City of Ashland and must be removed from the shelter when it is vacated.
- 3) If taken outside for biological needs, dogs must be leashed.
- 4) Shelter volunteers are to devise and follow procedures to keep dogs away from each other and other guests as they are being housed for the night and as they exit in the morning.
- 5) Shelter volunteers must be responsible for cleaning and sanitizing any areas soiled by a dog or dogs. Such cleaning is to be done to the satisfaction of City facilities maintenance staff.
- 6) Dogs that become threatening to others or are otherwise unmanageable will be required to leave the shelter.
- 7) Shelter volunteers must notify Jackson County Animal Control in the event a dog bite breaks the skin of an emergency shelter guest or volunteer.

Councilor Slattery/Marsh m/s to approve Resolution #2013-04.

DISCUSSION: Councilor Lemhouse would support the motion but wanted better justification to allow dogs in the winter shelter. Mr. Kanner explained insurance coverage for the emergency shelter fell under providing emergency services and was different from the ongoing shelter in a City building. He went on to confirm that staff stopped by the Thursday night shelter and would continue if Council allowed dogs. **Roll Call Vote: Councilor Lemhouse, Morris, Rosenthal, Voisin, Marsh, and Slattery, YES. Motion passed.**

3. Resolution titled, “A resolution of the City Council of the City of Ashland allocating anticipated revenues from the transient occupancy tax for the biennium 2013-2015 budget and repealing resolution 2012-04”

Councilor Slattery declared a conflict of interest due to his wife being the Executive Director of the Ashland Chamber of Commerce.

Councilor Lemhouse/Marsh m/s to accept Councilor Slattery’s conflict of interest and allow him to leave the meeting. Voice Vote: all AYES. Motion passed.

Councilor Slattery left the room at 9:56 p.m.

Administrative Services Director Lee Tuneberg explained Council had designated \$110,000 to the Oregon Shakespeare Festival (OSF) a few years prior and that amount had not changed. The allocation fell under the state requirement regarding tourism. Council questioned if returns on the allocation had declined over the years since OSF was receiving less funds by not incurring an increase.

Councilor Voisin motioned in the non-tourism monies under the economic development

program, the 10% is divided between the General Fund at 85% and small grants at 15%. Motion died for lack of a second.

Councilor Rosenthal/Lemhouse m/s to approve Resolution #2013-05.

DISCUSSION: Councilor Lemhouse agreed OSF was receiving declining funds over the years but the City had not heard from them regarding an increase. Councilor Voisin added OSF provided Council a report on how they spent the allocation annually. Mr. Tuneberg explained allocation amounts for the Vacation Convention Bureau (VCB) was another identified use of tourism dollars from the state definition. Councilor Voisin wanted to increase the allocation percentage for the grantees.

Councilor Voisin m/s to amend grantees under the tourism section and increase the percentage to 20% from 10%. Motion died for lack of a second.

Continued Discussion on Main Motion: Councilor Rosenthal noted the Chamber allocation and how it related to the City's recently adopted Economic Development Plan and did not think the current allocation was adequate to achieve the goals stated in the plan.

Roll Call Vote: Councilor Marsh, Morris, Lemhouse, Voisin and Rosenthal, YES. Motion passed.

OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

ADJOURNMENT

Meeting adjourned at 10:09 p.m.

Memo

DATE: 2/27/2013

TO: Honorable Mayor and City Council

FROM: Ashland Planning Commission

RE: Preliminary feedback on potential code amendments related to vacation home rentals

Summary

The Planning Commission discussed zoning regulations for short term vacation rentals at two meetings in January and February. All public comment received was from owners of existing legal travellers accommodations and emphasized the need for compliance with current regulations. Discussion addressed the question of whether there was increased demand that warranted extending access to travellers' accommodation permits to additional categories or areas and the potential impacts of changing regulations.

The Commission concluded that they had not heard convincing evidence that there is more demand for travellers' accommodations than can be met by current supply. However there is a type of demand that is not being met within our current regulations, that is the desire for a short term rental of a single unit, complete home without owners on the premises. These travellers are seeking greater privacy or a place to host family-style events.

The Commission decided to recommend that Ashland expand our regulations to allow for some single unit, non-owner occupied, short term home rentals with the following restrictions:

- must be located in a multi-family zoning district; and
- must be within walking distance of the downtown area

It was further suggested that Ashland may wish to set a limit on the total number of such units that are available and can be given such permits, similar to the limit on drive-up window use permits.

The Commission also recommends adopting language that prohibits the advertising of non-permitted short term rentals.

The Commission supports maintaining the existing requirement that a conditional use permit be obtained in order to operate a Bed and Breakfast as well as an individual vacation home rental. The Commission does not propose removing the current prohibition of operating short term, overnight rentals in single family zoning districts (R-1).



Background

On August 6, 2012, the Council requested that the Commission evaluate the issue about the growth in numbers of unlicensed vacation home rentals. The Housing Commission was also asked to weigh in on the issue and forward their thoughts to the Council. The Planning Commission held a public meeting on January 22, and again on February 12, 2013 to review and make refinements to their recommendation. Additionally, the Community Development Director introduced the item at the Housing Commission's meeting on October 24, 2012, with the Housing Commission again discussing the issue at their January 27, 2013 meeting where they provided a recommendation to the Commission and Council.

The Planning Commission discussed the appropriateness and potential implications of amending the Land Use Code so that additional opportunities for short term home rentals could be increased. Overall, there appears to be general consensus that the current standards regulating short term vacation rentals have been effective in providing accommodations quite different from traditional hotel or motels, while fitting in well with multi-family residential areas.

Recommendation

In order to facilitate our discussion on this matter, the Commission was provided with a few basic options to consider. Our recommendation or suggestions for possible code amendments have been described below.

1. Should changes to the Land Use Ordinance be considered that provide more opportunity for property owners to operate vacation home rentals?

Since the initial adoption of Ashland's Travelers' Accommodation Ordinance in the early 80's, the code has been amended as a way to adjust to new conditions and concerns. Given the measurable increase in non-licensed, individual vacation home rentals, the Commission feels it is timely to consider whether travellers' needs are being met by current permitted accommodations. Testimony was given by operators of current permitted travellers accommodations that vacancy rates indicate the ability to meet current demand, however travellers may be choosing non-permitted offerings that are lower in price and close enough to the downtown area to walk. Testimony indicated the belief that non-compliant rentals can offer a lower price because they are not burdened with the costs associated with maintaining compliance. Commissioners concluded that Ashland should find ways to enforce compliance with regulations, but also expand the types of accommodations to include some single units in the downtown area that are non-owner-occupied.

2. Currently, vacation home rentals are permitted as a conditional use in multi-family zoning districts (R-2 and R-3) on properties abutting or located within 200 feet of an arterial or collector street. Should the area eligible for establishing a vacation home rental be increased to include:

a. All land within Ashland's multi-family zoning districts? and



The Commission strongly considered allowing all properties within multi-family zoning districts (R-2 & R-3) to be eligible to submit a land use application for short term vacation rentals. Currently, only properties abutting or within 200 feet of a major street, such as an arterial and collector, are eligible to request a conditional use permit. While the intent of the 200-foot rule was likely to direct the additional traffic from vacation rentals to a limited area adjacent to or within a block of streets designed and anticipated to accommodate greater loads, this may not be a significant factor given the proximity of much of the city's multi-family lands to major streets with our network. An evaluation of this recommendation shows that this would result in 600 additional properties being eligible to operate vacation rentals, an approximately 40 percent increase above the current number of properties.

The Commission believes that this approach may draw the least neighborhood notice as the city's multi-family zoning districts already allow a wide variety of uses. They noted that the Comprehensive Plan supports economic uses in multi-family zoning where it does not impact the primary residential use. This could also be the option, however, most likely to impact more existing and future rental housing, since those are generally located in the R-2 and R-3 zones.

b. Should a property owner/business-owner/manager be required to live on site in the case of a property where only one vacation home rental is in operation?

The Commission believes that it would not create significantly greater impacts if we did not require the property/business owner or site manager to reside on the property in cases where the use of the site consists only of a single, individual vacation home rental in the downtown area. If the Council chooses to make this change, it is recommended that the code be amended to require that 24-hour contact information be posted in the home, as well as made available to surrounding neighbors within a specified distance from the property.

As part of the discussion, a commissioner expressed concern about the potential impacts of having too many individual vacation homes without an on-site owner/manager concentrated in a given area. "Could we run the possibility of certain neighborhoods taking on a character more like Sunriver, Oregon?" Another commissioner expressed concern for neighbors in the area and the need for them to readily contact the property owner or property management should major problems arise. Another commissioner proposed limiting the total number of units of this type that would be permitted.

3. Currently, vacation home rentals are prohibited as a use in single family zoning districts (R-1). Should lands within Ashland's single family zoning districts be eligible for establishing a vacation home rental through the conditional use procedure?

The Commission recommended that Council continue to prohibit short term vacation rentals in single family (R-1) zoning districts. In general, the Commission would prefer to make small changes initially and evaluate the effectiveness of those changes, rather than opening up larger areas of the city to be eligible when not fully understanding the potential impacts.



4. **In all cases above, should establishing a vacation home rental be subject to a land use application, such as a conditional use permit, with public notice providing to surrounding neighbors?**

The Commission suggests that the decision of whether to permit short term vacation home rentals should be handled through the conditional use permit process, as currently required. This process allows for surrounding property owners to be notified and key impacts addressed through conditions of approval.

Operation of a short term vacation rental in a residential zone represents a quasi-commercial use in the form of providing an overnight accommodation for travelers and visitors. The Housing Element of Ashland's Comprehensive Plan states that mixed uses often create a more interesting neighborhood environment and should be considered wherever they will not disrupt existing residential area. The Plan states this policy should be implemented through the list of Conditional Uses in multi-family zones and the adopted approval procedures. We believe the recommendation for maintaining the requirement that these operations, regardless of scale, require a conditional use permit is consistent with existing Plan policies.

Other Considerations

1. Code Compliance

The Commission did not feel that concerns raised by citizens concerning the need for city staff to be more diligent in their efforts to seek compliance with existing city codes was within their scope of action. Historically, compliance with provisions related to travelers' accommodations in the Ashland Land Use Ordinance (ALUO) has been enforced on a case by case basis, initiated by written neighbor complaints as well as owners of approved visitor accommodations. The Commission wished to draw attention to the fact that noncompliant vacation rentals go beyond being out of conformance with the ALUO, and are also not paying commercial utility rates, transient occupancy taxes or business licensing fees.

It seems unlikely that simply expanding the number of properties eligible to request land use approval for a vacation home rental will solve the compliance problem. Enforcement would ultimately depend on more aggressive actions that may necessitate a new approach and very likely additional resources. The Commission also believed that there are some proactive alternatives to code compliance that should be explored. This would include making a list of approved accommodations readily available to traveler's seeking to visit Ashland, as well as evaluating a formal certification process that assists to clearly identify licensed and approved overnight accommodations.

2. Limitation on Concentrations

Individual members expressed concerns over possible adverse impacts that a concentration of legitimately approved vacation rentals may have upon a neighborhood. Other code provisions for possible consideration might include a limitation on total number of vacation homes; a limitation on new vacation homes to be added each year and/or a limitation on numbers of vacation homes



within a certain distance of each other. While uncertain of the level of success, these represent examples of requirements employed by other communities.



Memo

DATE: 2/27/2013
TO: Bill Molnar, Community Development Director
FROM: Linda Reid
RE: HC recommendation on vacation rentals

At their regular meeting held on January 23, the Housing Commission forwarded a recommendation that the Council make no changes to the existing code that regulates vacation rentals units.

Commissioners cited several reasons for making such a recommendation, including: the detrimental effects that allowing current rental units to convert to vacation rentals could have on the available rental housing stock; a reduction in housing availability (both ownership and rental), and the potential to raise housing costs as it is more lucrative for owners to rent properties for short term stays than to maintain them for year round residents.

Many commissioners felt that allowing the conversion of current owner-occupied and rental units to vacation rentals would further exacerbate the existing lack of housing for families with children as less housing will be available for those who already live in the community or those who would like to live in the community.

Housing Commissioners were also concerned about the effects on the housing stock occupied or sought by students and for long term renters, citing the City survey's low scores for housing affordability and availability. Housing Commissioners felt that the City would need to work on the compliance piece if the code were to stay the same.



**Other
Discussion
Materials**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTERS 18.08 AND 18.20.030 OF THE
ASHLAND LAND USE ORDINANCE TO ESTABLISH STANDARDS FOR
SEASONAL SHORT TERM HOME OR ROOM RENTALS WITHIN
SINGLE FAMILY RESIDENTIAL DISTRICTS.**

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are **~~lined through~~** and additions are **underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City Council has determined that preservation of the character of residential neighborhoods is a legitimate and beneficial goal; and

WHEREAS, the City Council has found an increasing number of single family residential dwellings are being rented to transients on a short-term basis for less than thirty (30) days; and

WHEREAS, the City Council has determined short-term rentals of single family dwellings is a business activity which escalates demand for City services; and

WHEREAS the City Council has determined the City has a substantial interest in ensuring that all transient occupancy tax required to be collected and remitted is in fact collected and remitted on a fair and equitable basis; and

WHEREAS, the City Council finds seasonal short-term home or room rentals are not currently listed as a permitted or conditionally permitted use in the R-1, Single Family zoning districts in the City; and

WHEREAS, the City Council has determined it is necessary to establish rules and regulations to permit seasonal short term home or room rentals within the City in order to ensure the safety and convenience of transients, and to preserve the peace, safety and general welfare of the long-term resident of neighboring properties; and

WHEREAS, the Planning Commission of the City of Ashland conducted a duly advertised public hearing on the amendments to the Ashland Municipal Code and Land Use Ordinances on June 11, 2013; and

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Municipal Code and Land Use Ordinance in the manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the comprehensive plan and that such amendments are fully supported by the record of this proceeding.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. The definitions Chapter 18.08 of the Ashland Land Use Ordinance is hereby amended to newly include the following definitions:

18.08 Definitions

18.08.638 Seasonal Short Term Home or Room Rental
Interim or seasonal use of a dwelling or bedroom in an R-1, single family zone, for short term rental purposes. Use of the seasonal short term rental is limited to a maximum of 90 days in a calendar year

SECTION 2. Chapter 18.20.030 [R-1 Single-Family Residential District] of the Ashland Land Use Ordinance, is hereby amended to read as follows:

18.20.030 Conditional Uses.

The following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.104, Conditional Use Permits.

- A. Churches and similar religious institutions.
- B. Hospitals, rest, nursing or convalescent homes.
- C. Parochial and private schools, including nursery schools, kindergartens, day nurseries, business, dancing, trade, technical or similar schools.
- D. Public and public utility buildings, structures and uses. (Ord. 2121 S2, 1981)
- E. Recreational uses and facilities, including country clubs, golf courses, swimming clubs and tennis clubs; but not including such intensive commercial recreational uses as a driving range, race track or amusement park.
- F. Off-street parking lots adjoining a C or M district subject to the provisions of Chapter 18.92, Off-Street Parking.
- G. Public and quasi-public halls, lodges and clubs.

- H. Accessory residential units, subject to the Type I procedure and criteria, and the following additional criteria:
 1. The proposal must conform with the overall maximum lot coverage and setback requirements of the underlying zone.
 2. The maximum number of dwelling units shall not exceed 2 per lot.
 3. The maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50% of the GHFA of the primary residence on the lot, and shall not exceed 1000 sq. ft. GHFA.
 4. Additional parking shall be in conformance with the off-street Parking provisions for single-family dwellings of this Title.
- I. Group Homes. (Ord. 2348 S1, 1985; Ord. 2624 S1, 1991)
- J. Disc antenna for commercial use.
- K. Dwellings in the Historic District exceeding the maximum permitted floor area pursuant to Section 18.20.040.
- L. Nonconforming use or structure changes required by Section 18.68.090.
- M. Temporary uses.
- N. Wireless Communication Facilities when attached to existing structures and authorized pursuant to Section 18.72.180.

**O. Seasonal Short Term Home or Room Rental, subject to the following:
General Requirements**

- 1. The seasonal short term home or room rental is on the property which houses the primary residence of the property owner;**
- 2. The property on which the seasonal short-term rental is established is located within 200 feet of an arterial (Boulevard) or collector (Avenue) street as designated in the City's Comprehensive Plan. Distances shall be measured via a public street or public alley to the site from the collector or arterial.**
- 3. Not more than one dwelling or one room in a dwelling per parcel may be used as a seasonal short-term rental.**
- 4. Use of the seasonal short term home or room rental is limited to a maximum of 90 days in a calendar year;**
- 5. Before April 1st, the property owner shall provide City Community Development and Administrative Services Department's the dates for period of use (i.e. June through September);**
- 6. A seasonal short term home rental shall have a maximum occupancy of two persons per bedroom. The total number of guests staying in the seasonal short-term home at any one time shall be no greater than two times the number of bedrooms plus two persons, up to a maximum of eight (8) persons. The total number of guests staying in the seasonal short-term room rental at any one time shall be two;**
- 7. A minimum of two off-street parking spaces shall be available for use by the occupants of a seasonal home rental and one off-street parking space for a seasonal room rental.**

Management

- 8. The conditional use permit for the seasonal short-term home or rental shall be in the name of the owner-applicant, who shall be an owner of the real property upon which the seasonal short-term rental is to be issued. One person may**

hold not more than one conditional use permit for a seasonal short term rental. The permit shall not be transferable.

9. The owner-applicant shall keep on file with the city the name, telephone number, and email address of a local contact person responsible for responding to questions or concerns regarding the operation of the seasonal short-term rental.
 - a. The information required above shall be posted in a conspicuous location inside the seasonal short-term rental.
 - b. The local contact person shall be available twenty-four hours a day to accept telephone calls and respond to the seasonal short-term rental matters within thirty (30) minutes when the seasonal short term rental is rented and occupied.
10. Once the conditional use permit is approved, and prior to April 1st of each subsequent year, the owner shall provide written notice to all neighboring property owners within a two-hundred (200) foot distance from the parcel on which the seasonal short-term rental is located and include the following information:
 - a. The name, telephone number and email address of the local contact person provided to the city pursuant to subsection O (9) of this section.
 - b. The maximum number of guests permitted to stay in the seasonal short-term rental.
 - c. A copy of the conditions of approval and Planning Action number for the Conditional Use Permit approving the seasonal short-term rental.
 - d. Contact information for the city official that members of the public may contact to report violations of the seasonal short-term rental regulations or conditions of approval attached to the seasonal short-term rental.
11. The owner-applicant shall post "house policies" within the seasonal short-term rental. The house policies shall be included in the rental agreement, which must be signed by the renter and shall be enforced by the owner applicant or the owner-applicant's designated contact person. The house policies at a minimum shall include the following provisions:
 - a. Quiet hours shall be maintained from 10:00 p.m. to 7:00 a.m., during which noise within or outside the seasonal short-term rental shall not disturb anyone on a neighboring property.
 - b. Amplified sound that is audible beyond the property boundaries of the seasonal short-term rental is prohibited.
 - c. Vehicles shall be parked in the designated parking areas.
12. The owner-applicant shall use best efforts to ensure that the occupants and/or guests of the seasonal short-term rental do not create unreasonable noise or disturbances. Upon notification that occupants and/or guests of the short-term home rental have created unreasonable noise or disturbances, or committed violations of this code, the owner shall promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.

Licensing, Inspections, Taxes & Advertising

13. A seasonal short-term rental shall meet all applicable building, health, fire and related safety codes at all times and shall be inspected by the fire

department before occupancy following approval of a conditional use permit for the seasonal short-term rental.

14. The owner-applicant shall maintain city business licenses and pay all transient occupancy taxes in accordance with Chapter 4.24 of this code as required.

15. All advertising for any seasonal short-term rental shall include the City of Ashland Planning Action number assigned to the owner-applicant.

16. Advertising the availability of residential property for use as a seasonal short-term rental without a valid Conditional Use Permit approval, current business license, or transient occupancy tax registration shall be subject to enforcement procedures.

SECTION 4. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinances(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 5. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 6. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-3) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2013, and duly PASSED and ADOPTED this ____ day of _____, 2013.

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this ____ day of _____, 2013.

John Stromberg, Mayor

Reviewed as to form:

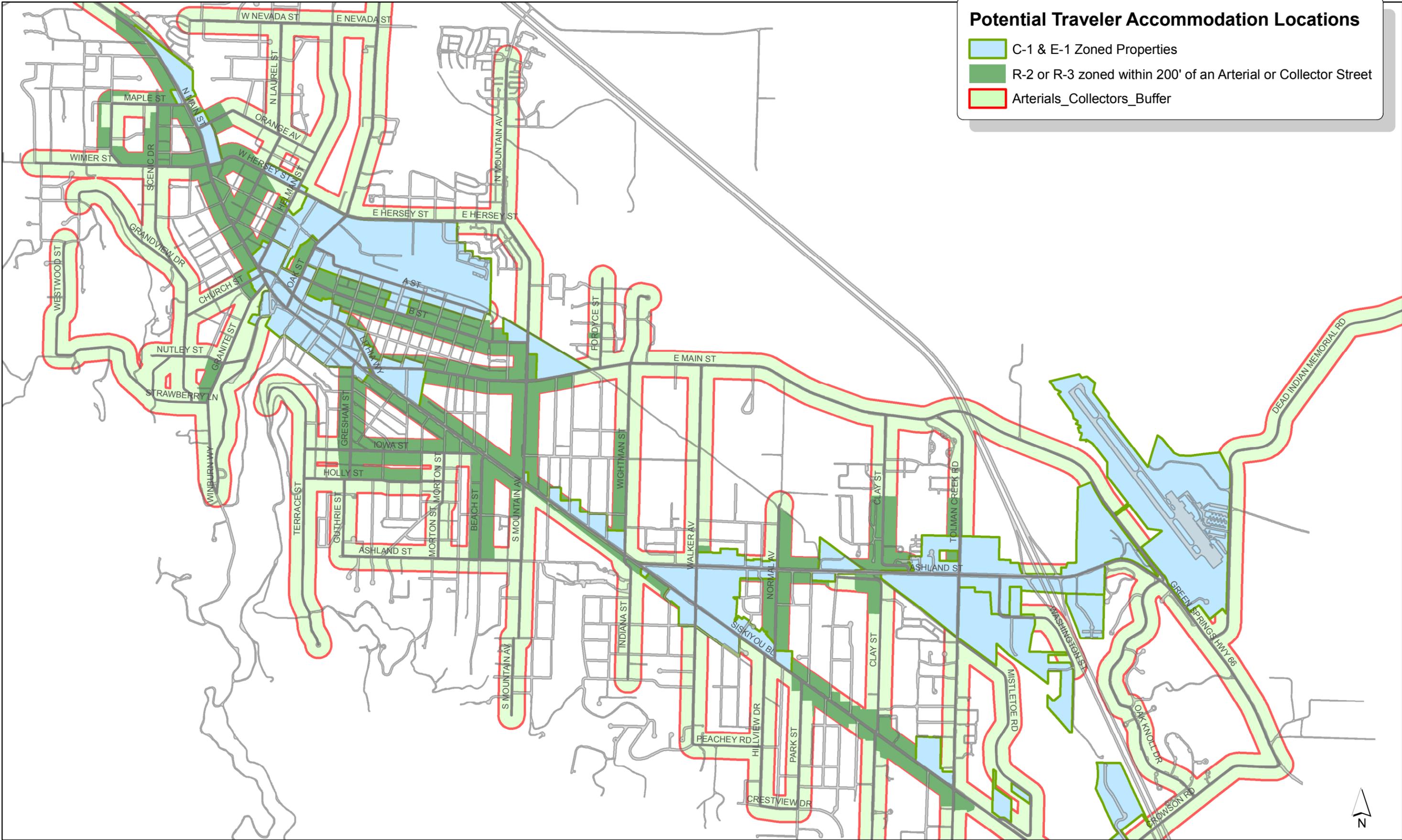
Ordinance No. ____

Page 5 of 6

David H. Lohman, City Attorney

Potential Traveler Accommodation Locations

- C-1 & E-1 Zoned Properties
- R-2 or R-3 zoned within 200' of an Arterial or Collector Street
- Arterials_Collectors_Buffer



0 900 1,800 3,600 5,400 7,200 Feet

Property lines are for reference only, not scaleable

**ASHLAND PLANNING DEPARTMENT
STAFF REPORT
June 11, 2013**

PLANNING ACTION: 2013-00545
APPLICANT: City of Ashland

ORDINANCE REFERENCES: AMC 09.08 [Health and Sanitation]
AMC18.68 [General Regulations]

REQUEST: Recommendation to the City Council regarding adoption of an ordinance amending the City of Ashland Municipal Code and Land Use Ordinance to provide new standards for the keeping of micro-livestock and bees.

I. Relevant Facts

A. Background

On August 7th, 2012 the City Council approved new standards for the Keeping of Chickens and directed Staff to examine the Municipal Code to further address requirements regulating the keeping of bees and of other animals suitable for backyard food production. To expand opportunities for the keeping of bees and micro-livestock including chickens, domestic fowl, rabbits, and miniature goats, within the City two separate sections of the Ashland Municipal Code need to be amended. The *Health and Sanitation Chapter* (9.08) includes a *Nuisances* subsection that specifically addresses the requirements for the keeping of animals and bees within the City. The second code provision to be amended is found within the Land Use Code concerning *Accessory Buildings and Structures* (Ch. 18..68.140). Amending the *Accessory Buildings and Structures* subsection is necessary to provide clear standards for the minimum distance between animal enclosures and adjacent dwellings, and to delineate the allowable sizes for the structures built to house micro-livestock.

The Planning Commission held a study session on March 26, 2013 to review the existing ordinances, hear from local residents interested in expanding opportunities for household food production, and to generally discuss potential amendments relating to the keeping of animals and bee keeping practices. During a second study session held on April 23rd, 2013 the Planning Commission reviewed initial draft ordinance language and identified a number of additional amendments that should be incorporated and brought back to the Commission for consideration at a public hearing.

Review and recommendations regarding amendments to AMC Chapter 9 fall outside of the Planning Commission's stated powers and duties, however this ordinance is

presented for consideration as it directly relates to the Chapter 18 ordinance amendments described below. Planning Commission recommendations regarding the proposed amendments to both the Health and Sanitation Chapter and the General Regulations Chapter of the Ashland Land Use code will be forwarded to the City Council for consideration at a public hearing scheduled for August 6, 1013.

B. Ordinance Amendments

The attached draft ordinance amendments to the Ashland Municipal Code (AMC) address the following:

Keeping of Micro-livestock

The attached draft ordinance amends the recently modified “Keeping of Chickens” section to more broadly apply similar standards to the keeping of micro-livestock in general. Micro-livestock includes domestic fowl, rabbits and miniature goats.

The draft ordinance provides for a maximum allowable number of both adult and juvenile micro-livestock animals of each type. (09.08.040.C.2-4). The specific allowance for juveniles and nursing young is intended to enable the successional replacement of adult animals as they are harvested for meat, or in the case of miniature dairy goats the allowance for nursing juveniles is necessary to ensure lactation.

Based on a given lot area the proposed ordinance establishes a maximum allowance for all micro-livestock to not exceed ten animals on a 5000 sq.ft. residential lot plus two animals per each additional 1000 sq.ft. of land area. This lot area capacity for micro livestock applies to the total number of both adult and juvenile animals (9.08.040.C.1).

The existing effective ordinance explicitly prohibits the keeping of chickens on multi-family properties containing multiple dwellings. As suggested by members of the Planning Commission at their study session on April 23rd, the draft ordinance presented amends this section to newly allow the keeping of chickens and other micro-livestock upon multi-family zoned properties containing multiple dwellings. Specific standards are proposed to ensure an on-site resident is designated as the responsible party and emergency contact. The proposed language establishes that the area in which micro-livestock are kept can be no closer than 20 feet to any residence within the multi-family complex or adjoining properties. The proposed ordinance would require a letter be provided by the property owner, or property manager, to all residents within the multi-family complex, and to the City, providing contact information and outlining the limitations and requirements relating to the keeping of micro-livestock on the property. The proposed language further acknowledges that the existing standards for the construction of accessory structures on a site containing multiple dwellings requires review to ensure site design and use standards are met (09.08.040.C.5).

Keeping of Bees

A new subsection of ordinance relating to bee keeping (9.08040 (D)) proposes a maximum number of three (3) hives on lots less than an acre in area, and five (5) hives on lots larger than an acre. A number of new provisions have also been put forth to assist in reducing the concentration of bees on adjacent properties including requirements for a flyway barrier, on-site water, and general hive maintenance. With these provisions the existing 150' setback requirement would be eliminated. New definitions for terms relating to bee keeping have been included in the draft ordinance presented (section 9.08.010 A-E).

Accessory Structures

Setback requirements for enclosures that house micro-livestock are addressed in section 18.68.140 [Accessory Buildings and Structures] of the Ashland Land Use Ordinance. The existing standards have been modified to extend the previously approved setback requirements for chicken coops and runs to apply to all micro-livestock animal enclosures. It is important to note that where the existing code requires chickens to be both 20 feet from neighboring dwellings and 10 feet from a property line, the proposed amendments would allow animals within a backyard to walk up to the property (fence) line provided they remain a minimum of 20 feet from any adjoining dwellings. The setback requirements for enclosures that house micro-livestock (chicken coops, runs, rabbit hutches, goat barns) of at least 10 feet from any property line, and 20 feet away from neighboring dwellings, is retained.

II. Procedural

The procedure for a legislative amendment is described in 18.108.170 as follows:

- A. It may be necessary from time to time to amend the text of the Land Use Ordinance or make other legislative amendments in order to conform with the comprehensive plan or to meet other changes in circumstances and conditions. A legislative amendment is a legislative act solely within the authority of the Council.
- B. A legislative amendment may be initiated by the Council, by the Commission, or by application of a property owner or resident of the City. The Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is submitted, and within thirty days after the hearing, recommend to the Council, approval, disapproval, or modification of the proposed amendment.
- C. An application for amendment by a property owner or resident shall be filed with the Planning Department thirty days prior to the Commission meeting at which the proposal is to be first considered. The application shall be accompanied by the required fee.
- D. Before taking final action on a proposed amendment, the Commission shall hold a public hearing. After receipt of the report on the amendment from the Commission, the Council shall hold a public hearing on the amendment. Notice of time and place of the public hearings and a

brief description of the proposed amendment shall be given notice in a newspaper of general circulation in the City not less than ten days prior to the date of hearing.

- E. No application of a property owner or resident for a legislative amendment shall be considered by the Commission within the twelve month period immediately following a previous denial of such request, except the Commission may permit a new application if, in the opinion of the Commission, new evidence or a change of circumstances warrant it.

III. Conclusions and Recommendations

The recommended zoning and ordinance amendments are intended to support community efforts to pursue local food production. Promoting such sustainable food practices and conservation efforts are in the best interest of the City and the ordinance amendments proposed will remove identified regulatory barriers that otherwise limit such opportunities.

Staff recommends approval of the proposed ordinance amendments.

Potential Motion

Move to recommend approval to the City Council adoption of an ordinance amending the Health and Sanitation chapter 9.08 (*as revised*) and the General Regulations for Accessory Buildings and Structures Chapter 18.68.140 (*as revised*) of the Ashland Municipal Code and Land Use Ordinance to establish provisions for the keeping of micro-livestock within residential districts.

Attachments:

- Draft Ordinance amending Chapters 9.08 [Health and Sanitation] and 18.68 [General Regulations] of the Ashland Municipal Code.
- PC Memo dated 3/26/2013
- PC Memo dated 4/23/2012
- Planning Commission Study Session Minutes:
 - March 26th, 2013
 - April 23rd, 2013
- Letters
 - Petition Letters & Comments and Petition Signatures
 - Rand – 5/6/13

ORDINANCE NO DRAFT - PC Hearing 6/11/13

AN ORDINANCE AMENDING THE HEALTH AND SANITATION CHAPTER (9.08) AND THE GENERAL REGULATIONS CHAPTER (18.68) OF THE ASHLAND MUNICIPAL CODE TO ESTABLISH PROVISIONS FOR THE KEEPING OF MICRO-LIVESTOCK WITHIN RESIDENTIAL DISTRICTS.

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are **~~bold lined through~~** and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City Council has determined that it is in the best interest of the citizens of the City to promote local food production and increased self sufficiency; and

WHEREAS, the City Council has determined that special attention regarding the raising of micro-livestock primarily as a source of food and animal products, is required to successfully integrate urban animal keeping into residential neighborhoods in a manner that avoids negative impacts to neighbors or a nuisance to the community; and

WHEREAS, the City of Ashland Municipal Code currently contains limits on beekeeping that are impractical and do not reflect today's best practices; and

WHEREAS, the City Council finds that honeybees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed; and

WHEREAS, the Planning Commission of the City of Ashland conducted a duly advertised public hearing on the amendments to the Ashland Municipal Code and Land Use Ordinances on June 11, 2013; and

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Municipal Code and Land Use Ordinance in the manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the comprehensive plan and that such amendments are fully supported by the record of this proceeding.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9.08.010 of the Health and Sanitation section of the Ashland Municipal Code, is hereby amended to read as follows:

Unless the context requires otherwise, the following mean:

A. Apiary means the assembly of one or more colonies of bees at a single location.

B. Beekeeper” means a person who owns or has charge of one or more colonies of bees.

C. Colony” means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

D. Hive” means the receptacle inhabited by a colony that is manufactured for that purpose.

E. Nucleus colony” means a small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose not including surplus honey storage or harvesting.

~~A. **F.** Person means a natural person, firm, partnership, association, or corporation, whether acting as an individual or as the clerk, servant, employee, or agent of another;~~

~~B. **G.** Person in Charge of Property means an agent, occupant, lessee, contract purchaser, or person, other than the owner, having possession or control of the property;~~

~~C. **H.** Public Place means a building, way, place, or accommodation, whether publicly or privately owned, open and available to the general public.~~

SECTION 2. Chapter 9.08.040 of the Health and Sanitation section of the Ashland Municipal Code, is hereby amended to read as follows:

A. Except as otherwise permitted by ordinance, no person shall keep or maintain more than three (3) dogs over the age of three (3) months on any one (1) parcel or tract of land.

B. No person shall keep or maintain swine. Notwithstanding the preceding sentence or the provisions of section 18.20.020, keeping or maintaining swine commonly referred to as

Miniature Vietnamese, Chinese, or Oriental pot-bellied pigs (*sus scrofa vittatus*) is allowed, subject to the following:

1. Such pigs shall not exceed a maximum height of 18 inches at the shoulder or weigh more than 95 pounds.
2. No more than one such pig shall be kept at any one parcel or tract of land.
3. Such pigs shall:
 - a. Be confined by fence, leash or obedience training to the property of the person keeping or maintaining them or to the property of another if such other person has given express permission;
 - b. Be confined to a car or truck when off property where otherwise confined; or
 - c. Be on leash not longer than six feet in length.
4. Such pigs shall be kept in accordance with the standards of minimum care for domestic animals as set forth in ORS 167.310.
5. Notwithstanding any of the above, no such pig shall be allowed in any park.

~~C. No person shall keep or maintain poultry within seventy-five (75) feet of another dwelling, except that chickens~~ **Micro-livestock including chickens, domestic fowl, turkeys, rabbits, and miniature goats,** may be kept or maintained ~~even within said seventy-five (75) foot buffer zone~~ provided each of the following requirements is continuously met ~~inside the buffer zone~~:

1. The total number of all micro-livestock, including both adult and juvenile animals, that may kept or maintained on any single property shall be limited to no more than ten (10) animals on properties of less than 5000 square feet and no more than two (2) additional animals for each one thousand (1,000) square feet of lot area, up to a maximum of twenty (20) animals.

~~2.~~ **2. Chickens and Domestic Fowl. For purposes of this chapter, “domestic fowl” means quails, pheasants, pigeons, doves, and muscovy ducks (*Cairina moschata*).**

a. No more than five (5) adult chickens or domestic fowl (over six months of age) and five (5) juvenile chickens or domestic fowl (less than 6 months of age) shall be kept or maintained on properties of less than five thousand (5000) square feet in area;

2.b. No more than one (1) adult chicken or domestic fowl (over six months of age) and one (1) juvenile chickens or domestic fowl (less than 6 months of age) for each one thousand (1,000) square feet of lot area, ~~up to a maximum of twenty (20) chickens,~~ shall be kept or maintained on properties greater than five thousand (5000) square feet in area,

c. No more than two (2) adult turkeys (over 6 months of age), and two (2) juvenile turkeys (less than 6 months of age) shall be kept or maintained on properties of less than one acre in area.

d. Roosters, geese, and peacocks are prohibited

3. Rabbits. No more than six (6) adult rabbits (over six months of age) shall be kept or maintained on properties of less than one acre in area

- a. Nursing offspring born to permitted adult rabbits may be kept until such animals are weaned.
- b. Rabbits shall be kept in a hutch or fenced enclosure.

4. Miniature Goats. For purposes of this chapter “miniature goats” are those goats commonly known as pygmy, dwarf, and miniature goats weighing less than 95lbs at full size.

- a. No more than two (2) adult miniature goats over six months of age shall be kept or maintained on properties of less than one acre in area.
- b. Nursing offspring born to permitted adult miniature goats may be kept until such animals are weaned.
- c. Solitary miniature goats are not permitted.
- d. Male miniature goats shall be neutered.

~~3.5. No chickens~~ Micro-livestock shall be allowed on properties containing multi-family complexes, including duplexes provided the following are continuously met:

- a. The property owner, or designated property manager, has provided written notification to all residents of the multi-family complex, and to the City, verifying the keeping of animals on the property will comply with the requirements of this chapter. Written notification shall include the following:
 - i. Property owner, property manager, or Home Owner Association representative contact information including the the name, address and phone number(s).
 - ii. 24 hour emergency contact information for an onsite resident designated as the primary responsible party for animal care and maintenance. Contact information shall include the name, address and phone number of the responsible party.
 - iii. The City requirements for the keeping of micro-livestock including the maximum number and type of animals permitted on the subject property and maintenance requirements per this chapter.
- b. Micro-livestock must be secured at all times and located at least twenty (20) feet from any dwelling within the multifamily complex or dwellings on adjoining properties.
- c. The area in which micro livestock are kept shall be continuously maintained regardless of any change of building tenancy or property ownership.
- d. The construction of accessory buildings and structures for the purpose of housing micro-livestock upon multi-family zoned properties occupied by two (2) or more residential units is subject to site design review standards outlined in Chapter 18.72 of this code.

~~4. 6.~~ In residential zones ~~chickens~~ **micro-livestock** shall be kept **primarily** for personal use ~~only, and not for the commercial exchange of goods or commodities with the exception of the sale of surplus eggs directly to the end consumer~~ **Sale of surplus eggs, honey or similar animal products produced by on-premises micro-livestock is permitted in compliance with applicable licensing and inspection requirements of the Oregon Department of Agriculture.**

~~5.~~ **No roosters shall be allowed;**

~~6. 7.~~ **Chickens Micro-livestock** must be secured at all times and located at least twenty (20) feet from dwellings on adjoining properties:

- a. ~~During non-daylight hours a~~ **A** secure ~~chicken coop enclosure~~ shall be provided to protect ~~chickens-micro-livestock~~ from predators **and to provide shelter from the weather;**
- b. ~~Chickens~~ **Micro-livestock enclosures** shall ~~be located in a chicken run that meets-meet~~ the requirements of AMC 18.68.140(C)(4) ~~or in a securely fenced area~~ and shall be located at least ten (10) feet from neighboring properties;

~~7. 8.~~ To protect public health, the areas in which ~~chickens-micro-livestock~~ are kept must be maintained in compliance with AMC 9.08.060 and the following requirements:

- a. ~~Chicken~~ **Animal** feed must be kept in rodent- and raccoon-proof containers;
- b. ~~Chicken~~ **Animal** manure must be collected, stored, and removed from the property on a regular basis in accordance with the following requirements:
 - i. All stored manure shall be within a non-combustible, air-tight, container and located in accordance with the Oregon Fire Code relating to the outdoor storage of combustibles;
 - ii. No more than one 20-gallon container of manure shall be stored on any one property housing ~~chickens-micro-livestock~~; and
 - iii. All manure not used for composting or fertilizing shall be removed;

~~8. 9.~~ **Micro-livestock enclosures, including** ~~chicken coops and runs,~~ **rabbit hutches, and goat barns** shall be built in compliance with AMC 18.68.140(C)(4) and with all applicable building and zoning codes;

~~9. 10.~~ The requirements of AMC 18.20.020(D) regarding of the keeping of livestock shall not apply to the keeping of ~~chickens-micro-livestock~~ or the buildings and structures that house ~~chickens~~ **micro-livestock.**

~~10. 11.~~ Noise resulting from the keeping or maintaining of ~~chickens~~ **micro-livestock** must not exceed the limitations set forth in AMC 9.08.170.

~~D. No person shall keep or maintain rabbits within one hundred (100) feet of another dwelling or within seventy-five (75) feet of a street or sidewalk.~~

E. No person shall keep or maintain a bee hive, bees, apiary, comb, or container of any kind or character wherein bees are hived, within one hundred fifty (150) feet of another dwelling or within one hundred fifty (150) feet of a street or sidewalk.

D Bees. The keeping or maintaining of bees, bee colonies, bee hives, combs, or containers of any kind or character wherein bees are hived is subject to the following:

1. **No more than three (3) bee colonies shall be kept or maintained on properties less than one acre in size.**
2. **No more than five (5) bee colonies shall be kept or maintained on properties greater than one acre in size.**
3. **Bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.**
4. **For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same property, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body.**
5. **In each instance where a colony is kept less than twenty five (25) feet from a property line, a flyway barrier at least six (6) feet in height shall be maintained parallel to the property line for a minimum of ten (10) feet in either direction from the hive. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that bees will fly over rather than through the material to reach the colony.**
6. **A constant supply of fresh water shall be provided for the colonies on site within fifteen (15) feet of each hive.**
7. **Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the property. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect proof container.**
8. **If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall be permitted to temporarily house the swarm on the property for no more than 30 days from the date acquired.**
9. **The sale of surplus honey or bee's wax produced on site shall be permitted on property where the keeping of bees is permitted.**

10. Africanized bees are prohibited.

F. No person shall keep or maintain a stable **housing large livestock** within one hundred (100) feet of another dwelling.

G. Where the conditions imposed by subsections (B) to (F) of this section differ from those imposed by another ordinance, the provision which is more restrictive shall control.

H. The applicable minimum care requirements of ORS 167.310 shall apply to all animals identified in this section.

I. Keeping of animals is a Class III violation.

SECTION 3 Chapter 18.68.140 of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.68.140 Accessory Buildings and Structures. Accessory buildings and structures shall comply with all requirements for the principal use except where specifically modified by this Title and shall comply with the following limitations:

A. A greenhouse or hothouse may be maintained accessory to a dwelling in an R district.

B. A guest house may be maintained accessory to a single-family dwelling provided there are no kitchen cooking facilities in the guest house.

C. **An enclosure housing micro-livestock** ~~A chicken coop and a chicken run~~ may be maintained ~~accessory to a single-family dwelling~~ in a residential district provided the following conditions are met:

~~1) No more than five (5) chickens shall be kept or maintained on properties of less than five thousand (5000) square feet in area;~~

~~2) No more than one (1) chicken for each one thousand (1,000) square feet of lot area, up to a maximum of twenty (20) chickens, shall be kept or maintained on properties greater than five thousand (5000) square feet in area;~~

~~3) No roosters shall be kept on the property at any time.~~

4) **1) Enclosures housing micro-livestock** ~~Chicken coops and chicken runs~~ shall be constructed as follows:

a) they shall not be located in a required front yard.

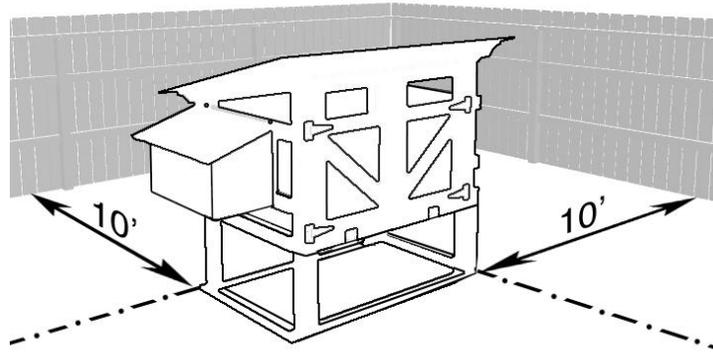
b) they shall be setback a minimum of ten (10) feet from abutting properties.

c) they shall be at least twenty (20) feet from dwellings on adjoining properties.

d) structures shall not exceed six (6) feet in height.

e) chicken coops **and rabbit hutches** shall not exceed forty (40) square feet in area, or four (4) square feet per ~~chicken~~ **animal**, whichever is greater.

f) chicken **and rabbit runs**, as enclosed outdoor structures, shall not exceed one hundred (100) square feet in area, or ten (10) square feet per ~~chicken~~ **animal**, whichever is greater.



~~5)~~ **2)** *The keeping of chickens, micro-livestock and the maintenance of their environment, shall be in accordance with Keeping of Animals chapter of the Ashland Municipal Code (Ch. 9.08.040).*

SECTION 4. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinances(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 5. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 6. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-3) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2013, and duly PASSED and ADOPTED this ____ day of _____, 2013.

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this ____ day of _____, 2013.

John Stromberg, Mayor

Reviewed as to form: _____
David H. Lohman, City Attorney

Ordinance No. ____

Memo

DATE: 03/26/2013
TO: Planning Commission
FROM: Brandon Goldman, Senior Planner
RE: Keeping of Animals Ordinance

Background

Upon approving new standards for the keeping of chickens in August 2012, the City Council directed Staff to examine the Municipal Code to further address requirements regulating the keeping of other animals that could further efforts to provide local food. Although there was discussion at the time regarding the development of a comprehensive Urban Agriculture ordinance, it was determined such an approach should be undertaken only if identified as a priority goal during the Council's annual goal setting process. Councilors did express interest in considering a more focused effort at identifying specific refinements to the Keeping of Animals provisions within the municipal code that could enhance opportunities for local food production at this time. Staff believes that with relatively minor code revisions property owners can have more flexibility to pursue actions that increase household food security..

On March 6th, 2013 a group of local residents experienced in animal husbandry met with Planning Staff to discuss potential amendments to the Keeping of Animals ordinance (ch 9.08.040). The group discussed various types of animals which are well suited to local food production on small properties in consideration of potential impacts on adjoining neighbors. The group generally discussed the number of animals needed to support the food needs of a household and how that the limitations in the existing ordinance act as impediments. A number of animals were discussed as being inappropriate in an urban setting (geese, pigs, cows, horses, etc.) on small properties. The group reviewed the current setback requirements for bees, rabbits, and chickens and discussed the potential of lessening the setbacks in a manner that remains sensitive to the potential adverse impacts on neighbors. The keeping of bees was discussed and a number of simple amendments were discussed that would allow for backyard apiaries to be established while ensuring the hives are located in a manner that reduces the concentration of bees on neighboring properties.

Current Standards summarized

Currently Ashland's municipal code allows for a variety of animals used in food production and includes criteria relating to their maximum number and location as follows:

Large livestock is permitted on properties greater than one acre in size and stables must be located a minimum of one hundred (100) feet from a dwelling or fifty (50) feet from a property line.



A single family household can currently have five chickens plus one per thousand (1000) Square feet of lot area in excess of 5000sq.ft., up to a maximum of twenty chickens. Chickens must be located a minimum of ten (10) feet from a property line and twenty (20) from an adjoining dwelling.

Rabbits must be kept a minimum of one hundred (100) feet of another dwelling and further than seventy-five (75) feet of a street or sidewalk. There is currently no limitation on the number of rabbits allowed provided the distance requirements are met.

Bees hives must be kept at least one hundred fifty (150) feet of another dwelling, street, or sidewalk. There is currently no limitation on the number of hives provided the distance requirements are met.

Pygmy Goats are not explicitly addressed within the ordinance and as such would currently be regulated consistent with the large livestock standards.

A number of standards are provided relating to pot-belly pigs (less than 95lbs) but as these animals are typically kept as pets, not for meat production, they would not be covered in amendments relating to increasing opportunities for local food production.

Discussion Items

Localities that allow for the keeping of livestock in an urban setting typically cover a number of common regulatory themes within their municipal code which are broadly outlined below.

Categories of Animals

- Distinctions regarding the types of animals that can be kept dependent upon lot size:
 - Micro-livestock
 - chickens (hens)
 - ducks, quail, pheasant
 - rabbits
 - miniature goats (pygmy)
 - Bees
 - Large Livestock
 - cows
 - horses
 - goats
 - sheep, llama
 - emu, ostrich,
- Frequently prohibited animals due to issues with excessive noise, odor, or public safety include:
 - roosters (male chickens)
 - geese, guinea fowl, turkeys, peacocks,
 - pigs
 - dangerous animals.

Distance (setback) Requirements

- Setbacks for animal enclosure areas and buildings that house animals
 - from property lines
 - distance restrictions in relation to dwellings.
- Containment provisions (required fences, Coops, hives. no at large animals etc.), minimum and/or maximum enclosure size requirements;

Standards for Keeping Bees



- Fly-over barrier requirements located between beehives and the adjoining properties.
- Limitation on the number of colonies by lot area
- Requirements for water in the immediate vicinity

Health and Sanitation

- Nuisance clauses for noise, odor, and animals at large
- Waste disposal/storage requirements
- Protection from predators and pests.
- Slaughtering restrictions relating to public health and sanitation

Questions for consideration

Setbacks

The Planning Commission is familiar with the recent ordinance amendment process relating to the keeping of chickens. Through that process the number of chickens allowed was increased, and the required setback from adjacent dwellings was reduced. Additionally the Council ultimately amended the ordinance to require a minimum 10' distance from adjoining properties.

Should similar setback standards be drafted to permit the keeping of other micro-livestock (e.g rabbits & ducks) in closer proximity to neighbors on smaller lots?

Lot size

Lot size has commonly been used as a mechanism used to correlate the number of animals to the capacity of the property in consideration of the impacts upon neighboring properties. In short a sliding scale is used so the smaller the lot area the fewer animals are permitted.

Should the number of animals permitted be limited based on lot size in the event the setback standards are reduced?

Goats

The keeping of goats and miniature goats is increasingly prevalent among urban homesteaders where permitted. There are a number of varieties of pygmy Goats weighing less than 85 lbs when full grown that tend to be used as pets, meat goats, as well as milk producers. Typically municipalities require that all male goats are neutered to control odor. As goats are social animals a solitary goat tends to make more noise than two goats together, As such city's that allow pygmy goats typically allow two adults.

Should the keeping of animal's ordinance be amended to permit pygmy goats on lots less than an acre in size?

Should full size goats continue to be regulated as livestock requiring a minimum lot area of an acre in size?

Manure

Specific standards relating to the potential for odor and combustion potential were included in the recent ordinance amendments relating to chicken manure. Specifically manure not used actively as fertilizer on site shall be stored in a 20gallon air-tight container.



Should similar standards for the storage of manure be drafted relating to the keeping of other micro-livestock?

Bees

During the Green Codes update in 2012 a number of local bee keepers provided testimony that Bees can be kept on smaller lots without endangering public safety provided certain standards are met. The current 150' distance requirement was seen to limit opportunities for bee keeping without functionally addressing issues relating to the number and maintenance of hives. At the March 6th working group meeting a local expert on bee-keeping discussed a model ordinance that could be amended to be incorporated into Ashland's keeping of animals ordinance. It was presented that Ashland's ordinance could readily be amended to promote backyard bee keeping while affording better protections for neighbors by limiting the number of hives to no more than three on lots less than a half acre in size, and requiring a flyway barrier (wall fence, dense vegetation) near the hives if less than 25 feet from the nearest property line.

Should the existing requirement that hives be placed 150' away from adjoining dwelling, sidewalk or streets be amended?

Should the section of code relating to bees be expanded to address suggested standards relating to, hive number, placement and maintenance, and flyway barrier locations in the event the setback requirement is reduced?

Attached:

Background summary including existing ordinances



Memo

DATE: 04/23/2013
TO: Planning Commission
FROM: Brandon Goldman, Senior Planner
RE: Keeping of Animals Ordinance Amendments

Background

The Planning Commission reviewed existing standards for the keeping of animals at their regular study session on February 26th, 2013. At this meeting a number of local residents experienced in animal husbandry provided testimony regarding potential amendments to the Keeping of Animals ordinance (ch 9.08.040) and code language that relates to where micro-livestock is kept (ch 18.20.020 and 18.68.140). The Commission received and provided initial comments regarding the current setback requirements for bees, rabbits, and chickens and discussed the potential of applying standards to all micro-livestock similar to those recently adopted specifically relating to the keeping of chickens. The keeping of bees was discussed and it was recommended that a specific sub-section be drafted relating to the keeping of bees given the number of conditions necessary to ensure he hives are located in a manner that reduces the concentration of bees on neighboring properties.

The attached draft ordinance amends the “Keeping of Chickens” section to more broadly apply similar standards to the keeping of micro-livestock in general. Micro-livestock includes domestic fowl, rabbits and miniature goats. In addition to expanding the requirements to address micro-livestock in general, the proposed discussion draft ordinance also addresses the setback requirements for enclosures that house micro-livestock. Most notably, where the existing code requires chickens to be both 20’ from neighboring dwellings and 10’ from a property line, the discussion draft presented below would allow animals within a backyard to walk up to the property (fence) line provided they remain 20’ from an adjoining dwelling. The 10’ setback requirement for enclosures (chicken coops, runs, rabbit hutches, goat barns) is retained.

A new subsection of ordinance relating to bee keeping proposes a maximum number of three (3) hives on lots less than an acre in area, and five(5) hives on lots larger than an acre. A number of new provisions have also been put forth to assist in reducing the concentration of bees on adjacent properties including requirements for a flyway barrier, on-site water, and general hive maintenance. With these provisions the existing 150’ setback requirement would be eliminated

Staff believes that the requirements for keeping of micro-livestock, and bees, should ultimately be structured to establish measurable standards that will allow urban homesteaders to easily know and comply with the limits set forth. The amendments presented below for discussion aim to present such clear and objective standards that would not require staff-level discretion for approval or code enforcement purposes.



**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
STUDY SESSION
MINUTES
March 26, 2013

CALL TO ORDER

Chair Melanie Mindlin called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Troy J. Brown, Jr.
Michael Dawkins
Richard Kaplan
Debbie Miller
Melanie Mindlin

Staff Present:

Maria Harris, Planning Manager
Brandon Goldman, Senior Planner
April Lucas, Administrative Supervisor

Absent Members:

Council Liaison:

Mike Morris, absent

PUBLIC FORUM

Bryce Anderson/2092 Creek Drive/Spoke regarding the Normal Neighborhood Plan and indicated he was representing Meadowbrook Park Estates. Mr. Anderson explained they are not opposed to the Plan, but stated overdevelopment could lead to serious problems and there are certain protections that need to be put in place. He voiced opposition to the area between Creek Drive and the LDS Church being developed as high density residential and stated this could cause major traffic problems on East Main and Creek Drive. He also voiced concern with the property owner who is seeking to develop this area on the fast track and stated the Baptist Church has been less than an ideal member of our community. He stated the church has disregarded the maintenance of their property despite repeated requests, and they mow the weeds on this property themselves because it is an immediate fire hazard. Mr. Anderson elaborated on his concerns regarding traffic and stated the high rate of speed on East Main makes it difficult to turn onto it from Clay Street, and vehicles often have to wait a long time to get onto East Main. He suggested a stop light be installed at Tolman Creek and East Main, and secondary controls at the Clay Street intersection.

DISCUSSION ITEMS

A. Keeping of Animals Ordinance.

Senior Planner Brandon Goldman explained in August 2012 the City Council adopted ordinances related to the keeping of chickens. During their review of the code changes the Council heard testimony regarding the keeping of other animals and directed staff to look at potential code changes that would allow greater flexibility for local food production. Mr. Goldman stated staff has met with a group of individuals who are familiar with urban agriculture and are now requesting input from the Planning Commission so that a draft ordinance can be prepared. He noted the key questions for commission consideration outlined in the staff report and stated staff believes more flexibility could be provided by making minor revisions to the land use code.

Comment was made questioning if staff had reviewed the keeping of animal provisions for other cities. Mr. Goldman responded that he had reviewed several ordinances and could provide those to the commissioners for review, but noted that every community is different and the city will not be in a position to refine the codes of other cities until we receive input from the public.

Comment was made questioning if the city is considering the creation of an animal control division and an expansion of its code enforcement program. Mr. Goldman explained a clear and objective ordinance should alleviate the need for an animal control division and stated any code compliance complaints would be handled by staff. Commission Miller mentioned the Oregon statutes and stated the County's animal control would enforce these statutes, just as they do currently for pets.

Sarah Red-Laird/285 Wightman/Stated she is the executive director of Bee-Girl and thanked staff for contacting her for input. Ms. Red-Laird stated honey bees are dying out and the need for city bees is imminent. She explained the answer to this problem is sustainable agriculture and believes urban agriculture is an important piece of this. Ms. Red-Laird commented on the current city requirements, which state bee hives must be kept 150 ft. from the nearest roadway or building, and stated this is not very sensible because a honey bee has a flight range of up to 5 miles in every direction. As a replacement for the current code provisions, she recommended for lots less than .5 acre in size: 1) to allow no more than three bee hives, 2) provide water for the bees so they do not end up in your neighbor's pools and hot tubs, and 3) to require a flyway barrier if you are less than 25 ft. from the nearest property line.

Comment was made expressing concern that residents will find swarms of bees frightening. Ms. Red-Laird stated having more urban beekeepers is the first line of defense against swarms and stated honey bees are actually very docile and will only sting in defense of their life or to protect their hive. Commissioner Brown stated his son is highly allergic to bees and the statement that there will be more beekeepers around does not satisfy his concern.

Ryan King/420 Chestnut/Stated he is a graduate student at SOU studying environmental education and his thesis project was on beekeeping. He stated the two strategies he has focused on in his teachings are project based learning and thematic instruction, and explained he has been working with campus administration to establish the keeping of bees on campus. He stated the university agreed to his project and anyone who participates in beekeeping on campus is trained and mentored under Ms. Red-Laird on best management strategies. Mr. King noted SOU has established a "green fund" to fund eligible student projects and recommended the city's ordinance be amended as described by Ms. Red-Laird so that future beekeeping projects can be considered.

Mr. Goldman noted the state statues on the keeping of bees are extensive and stated he will provide this information at a future meeting.

Kim Blackwolf/354 Liberty/Stated there are swarms of bees in the city now, and people are keeping farm animals of all kinds within the city limits illegally because the rules are unreasonable. Ms. Blackwolf recommended reasonable care and best practices be the basis for any keeping of animals ordinance and shared the code requirements for the keeping of animals in the city of Central Point. She noted everyone is not going to run out and do this, and it is a select group of people who wish to raise animals as a food source. Ms. Blackwolf issued the following recommendations for the commission's consideration: 1) Rabbits – recommended a minimum of two, 2) Ducks – recommended the ordinance specifically identify Muscovy ducks, as they are quiet and make an excellent food source, 3) Turkeys and Meat Chickens – recommended the ordinance be amended to allow property owners to replace their flock and raise their own meat, and 4) Goats – stated they are social animals and recommended a minimum of two. She recommended the commission look at best practices and amend the ordinance to establish reasonable limits that allow people to raise their own food.

Ms. Blackwolf was asked to clarify which animals she believes the ordinance should allow. She responded that her recommendation is for bees, rabbits, ducks, goats, chickens and turkeys to be allowed within the city limits. She also recommended the code allow for people to sell their product directly to the end consumer.

Commissioner Mindlin thanked Ms. Blackwolf, Mr. King and Ms. Red-Laird for their input and recommended the commission discuss the questions outlined by staff. The commission held general discussion and the following recommendations and comments were made:

- The commission reach general consensus that setbacks similar to those developed for the keeping of chickens should be drafted to permit the keeping of micro-livestock.
- The commission reached general consensus that the ordinance should allow the slaughtering of animals and meat production.
- Comment was made recommending clear, quantifiable language be used in the draft ordinance and to establish rules that can be clearly enforced.
- Comment was made recommending the draft ordinance be based on the best practices and good science from other jurisdictions who have already established ordinances.

- Comment was made suggesting the Central Point code language be used as a preamble or a purpose statement in the ordinance.
- The commission reached general consensus to amend the existing requirement for bee hives to be placed 150 ft. away from adjoining dwellings, sidewalks or streets; and for the code section related to bees to be expanded to provide standards for the number of hives, placement, maintenance, and flyway barrier locations.

B. Unified Land Use Ordinance – Part 4: Site Development and Design Standards.

Planning Manager Maria Harris explained this is the final section of the draft Unified Land Use Code with the exception of the Definitions section which will come back with the next draft. She explained this section of the code has four substantive changes and reviewed those with the commission.

- 1) **Health Care Zone Signage.** Language was added to address the Health Care Zone in the sign standards for commercial, industrial, and employment centers.
- 2) **Commercial Exemption from Solar Setback.** Language was changed to exempt C-1 properties from the solar setback requirement if the properties are not abutting a Residential Zone to the north.
- 3) **Solar Access Permit Protection from Shading by Vegetation.** Language requiring a solar access permit be recorded on neighboring properties has been deleted; this language was found to be legally problematic by the city attorney. Comment was made regarding the definition of solar energy systems and for this code section to better clarify that the term solar energy systems is referring to both passive solar and mechanical solar systems.
- 4) **Disc Antenna Installation Requirements.** The language regarding the installation of disc antennas has been removed because it is already covered by the Building Code.

Commission Comments and Questions:

- Correction was noted to pg.4-27, Item C: “solar access recordation” should be removed.
- Correction was noted to pg.4-27, Item D-3 and pg.4.28, Item B: “collector” should be removed.
- Comment was made questioning the purpose statement on pg.4-39 and what “public health and safety” this is referring to. Ms. Harris responded that staff would look into this.

OTHER BUSINESS

Commissioner Mindlin commented on the email that was sent to the commission from Mayor Stromberg on revising the role of the council liaison. She explained the Mayor is proposing to relieve the councilors from having to attend all of the commission's meeting and as an alternative the commission can request their liaison's attendance when it is needed and commission chairs will be asked to present periodic updates to the City Council. She noted the Mayor has asked the commissions to discuss this and propose a schedule for periodic reporting.

The commission held general discussion on periodic reporting to the Council and questioned what types of things they would report on. It was noted that the City Council already receives the Planning Commission's meeting minutes on a regular basis; and concern was expressed about reporting on quasi-judicial actions that come before the commission. Suggestion was made to potentially speak to the Council on legislative actions that the Planning Commission has issued recommendations on, but before they are placed on the Council's agenda. Additional suggestion was made to report only once a year after the commission has completed their annual goal setting.

ADJOURNMENT

Meeting adjourned at 9:20 p.m.

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
STUDY SESSION
MINUTES
April 23, 2013

CALL TO ORDER

Chair Melanie Mindlin called the meeting to order at 7:04 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Tracy Peddicord
Troy J. Brown, Jr.
Michael Dawkins
Richard Kaplan
Debbie Miller
Melanie Mindlin

Staff Present:

Bill Molnar, Community Development Director
Brandon Goldman, Senior Planner
Derek Severson, Associate Planner
Dawn Lamb

Absent Members: None

Council Liaison: Mike Morris

ANNOUNCEMENTS

New Commissioner – Commission welcomed Tracy Peddicord.

City Commission activities: Housing and Ad Hoc Homeless Steering Committee may possibly merge in the next year creating a Housing and Services Commission. Historic and Public Arts Commission creating historic markers that would enable smartphones to access information on the four historic hubs and landmarks within Ashland. A proposal outlining the project will be presented to Council within the next month or so.

Update on Projects: SOU Dormitory project is presenting requests for final inspections. Increase activity in Planning and in Building Permit Applications.

PUBLIC FORUM

None.

DISCUSSION ITEMS

A. Keeping of Animals Ordinance Amendment Evaluation

Staff Report

Goldman presented draft with compiled feedback from the March 26th meeting. The draft ordinance includes items of concern voiced by the Commission: requiring setbacks, allowing the slaughtering of meat animals, use of clear quantifiable language based on best practices, and inclusion of matrix outlining other cities' animal ordinances. The inclusion by general consensus to amend the keeping of bee hives specifically to reduce requirements of distances and setbacks from structures and streets and include separate items for hive placement and maintenance, and flyaway barriers. The Ordinance establishes that micro livestock are small animals and supplies universal setbacks. The animals need to be both 20 feet away from joint dwellings and 10 feet away from property lines. It extends chicken feed and manure storage for micro livestock in general. Domestic fowl definition now includes quail, pheasant, Muscovy ducks, and chickens. Five chickens for every lot; one per 1,000 feet of lot area in excess of 5,000 square feet, up to a maximum of 20. A combination of domestic fowl could be used to reach the maximum of 20. Roosters are still prohibited. New additions allow for 2 turkeys, also 6 rabbits and the nursing offspring for lots less than an acre. Miniature goats are newly added with limits of no more than 2 and no less than 2 plus nursing offspring. Criteria states that male goats be neutered to curb aggression, smell, and noise.

Bees are a new addition and allow for 3 colonies on less than acre, 5 on lots greater than an acre. The Ordinance establishes a flyaway barrier of 6 feet be required to encourage trajectory over adjacent lots if the lot line is within 25

feet. It requires fresh water within 15 feet of each hive to mitigate searching out water from neighboring lots. It includes a clause regarding maintaining and temporary housing for swarms. No Africanized bees are allowed. Ordinance clarifies that commercial use and selling of animal products is permitted although the sale of meat and milk triggered ODA inspection and requirement compliance. Comments from tonight's meeting will be incorporated and forwarded to legal staff for review, and then the Ordinance will be sent to LCD for modification which could take 30 days. Staff expects the next Ordinance review on or around June 11th.

Comments from Commissioners:

Kaplan why is requirement on limiting dogs in the micro livestock section since they are not food. This was a pre-existing section of the whole ordinance. It is not intended to be under the micro livestock, it is its own section under the heading of Keeping of Animals. Section C.5 Sale of eggs, honey, etc does not speak of products that are sourced from the specific parcel's livestock, does this allow the selling of anyone's products. Goldman agreed to clarify that the intention is to sell products produced on that parcel. With reference to the matrix, Eugene limits number of animals from each breed on lots less than 20,000 feet. We do not limit the number of animals as a whole. Kaplan supports limits to keep from having farms in the residential neighborhoods. Noise and odor could become a problem. How much we allow reduces the impacts on other neighbors.

Miller on the goats it seems like it could simply say 2 goats. The wording creates the minimum number as 2 because goats are social and need partnering. A foreseen pig issue is that they they root and go under fences and we need to address this issue of confinement.

Mindlin asked for clarity on free range. Goldman explained that fowl and goats can go to fence line, but rabbits need to be contained. Section C.4 prohibits micro livestock at multi-family complexes, why? Staff had concern on the impact to adjoining properties. Mindlin suggested that this could be addressed as a site review approval where residents and tenants would be required to sign off. This could be defined in the requirements for recreational open space and community space. There is a need for oversight on those developments. Mindlin suggests it be allowed as part of the community garden or by homeowner's association approval. The 20-foot setback from the dwelling where there is a common building implies a shared responsibility.

Public Forum:

Sarah Red-Laird/ 285 Wightman Street, voiced support of Goldman's bee ordinance. It is important to offer a constant supply of fresh water. A birdbath with marbles works great, also drip lines with a timer. Morris asked for a description of a flyaway barrier. Any fence 8-foot fence or trellis with landscape flowers would work. Molnar received a concern regarding hot tubs being an attractant. Honeybees are docile and crave pollen, wasps and meat bees are sometimes confused with honeybees. The wasps and meat bees will be attracted to water as well as BBQs and food. If fresh water is available, honeybees will most likely avoid hot tubs for the alternative.

Kim Blackwolf/ 354 Liberty Street, thanked Goldman for hard work on ordinance. A handout was distributed to commissioners. The limits on the number of birds will cause issue with succession of younger fowl. A limit of 5 birds prohibits the reality of meat and egg production for a normal sized family. For her family, eight chickens are not enough. Two turkeys would be quickly eliminated. A stated minimum indoor and outdoor square foot area per animal would be more in line with best practices. The number limit stated makes it meaningless. It requires more than the limited number in order to replace older livestock. This is becoming increasingly important as people start to raise their own food. Keep the references to minimum clean up in the ordinance. She asks that the 10-foot setback from the property line for the placement of structures be eliminated to ensure the best location for the animals is available. Let Ashland be innovative. Eugene's ordinance is not seen as favorable.

Mindlin commented that Eugene has succession policy and has more allowable numbers. Blackwolf elaborated that it was commonplace to raise chickens in brooder boxes their whole life. Ashland has the opportunity to have best practices for the treatment of animals. Build in the ordinance a way to replace aging stock or have short time if people are raising them for meat. Chickens have a 2-4 year production period. Chickens go into retirement on her farm and typically they pass quickly after. Others eat the elderly chickens. Production cycles are skewed by the number limit.

Commission Discussion:

Dawkins was agreeable to a multifamily agreement and saw the community garden like a plausible answer. Feels it should be allowable and that the code could be more flexible. Brown felt this would be contentious if one occupant is adamantly against animals and one is for them, then one takes away right of the other. This seems unreasonable. It needs to work for both sides. Leave the decision up to the landlord. Houses are so close, not much difference between small yard and duplex. Mindlin feels tenant approval or homeowner's association would be sufficient. Brown supports it being completely prohibitive. Contain the animals to a fenced garden and limit it to only chickens and rabbits, but not larger animals. It would be nice for apartments to have animals. Set a requirement for a community physical space. Then it is again down to democratic vote of residences. Mindlin felt most have management or associations, and in that case it could be unanimous. Molnar felt from a code compliance angle, Council is concerned with offsite management where the complaints may not be addressed. Staff will look at word smiting. In the cases where properties are built from the ground up, supplying a space similar to community garden would work. But if units exist it would be difficult to introduce a new public space. Brown stated concern of abandoned animals when owners go belly up and leave. What happens when animals are abandoned; this feels like it would create problems not solve them. Kaplan would appreciate workable language for the multifamily situation. Without making effort we are not making the best effort. Mountain Meadows is a perfect example where an animal garden for the people to share would be welcome. Miller understands the older/young turnover and points out that it is addressed for the other animals, could the wording be used for fowl that exists for rabbits and turkeys.

Staff has four items to address: look for flexibility on prohibition of multifamily, consistency for succession planning, limit on the number of categories, and look at the maximum of domestic fowl being 20, but can other animals be added to that number. Miller feels it is practical to have a maximum number of animals. Brown thought the square footage maximum would limit the amount of animals. Cumulative numbers of animals on a defined square footage without numeric quantity. There could be a maximum number on a set area. Keep the numbers but with maximum square footage. Peddicord questioned who has the detail of enforcing the square footage. A numeric cap is simpler for enforcement. Molnar felt that when a follow-up to a neighbor's complaint happened a calculation could be done prior to a visit and legwork would verify. Total square footage of the the lot, not just the backyard, would be applicable. A number cap could be established and there should be a review or conditional approval beyond a certain amount.

B. Unified Land Use Ordinance Amendment Evaluation

Staff Report:

Maria Harris presented history. The process included taking and examining the existing standards and codes and creating one user-friendly document. There was a side project which was to streamline the application process. We now are looking at what can be accomplished in the Land Use Code to address those items. The entire revision project stemmed from 2011-2012 Council Goals and the Economic Development Strategy which asks for understandable requirements for predictable results and both addressed including incentives for meeting a green criteria.

Land Use Procedure:

Land use procedures are interchangeable with the planning application process. The review showed several suggested items that were previously addressed and adopted in the unified code project in 2008. Ashland exceeds the state law requirement of processing a land use application in 120 days; Ashland requires Type 1 applications to have an administrative review in 45 days. The evaluation addressed land use code items which could be adjusted to streamline the process.

1) Site Review Procedure Type 1 vs. Type 2 - Adjusting the site review procedure thresholds particularly where economic development projects are concerned to a Type 1 Administrative review. Consider moving more reviews from Type 2 to Type 1 to save time and resources. Public input time allowances and thresholds would need to be established. Type 2 has historically been used for large-scale projects in the retail site review zone. After the 2008 adoption three situations required public hearing. A Type 1 administrative decision by a staff advisor requires public noticing of a 200-foot radius, same as Type 2. Staff adopted a second noticing in 2008. A notice is now sent when the application is received and another after decision is made. Residents can still appeal a Type 1 application through the Planning commission.

Dawkins requested clarification. As increase in planning applications start this will help streamline the process. Dawkins questioned are we taking decisions away from commission. Should there be items we want to be able to weigh in on. Not

opposed to the change but uneasy when see it move from Citizen to staff. The applicants need timely approvals because of cost and time for them but then the balance of public involvement needs to be supported. Mindlin felt that developers often complain about the process, but they are really referring to the requirements which are not going to change. Molnar commented that before an application comes to pre-application there are months of pre-work to try and meet the requirements and criteria, then it has to go through the public process and Commission. Kaplan asked how concerns would be handled if there is no public hearing. Harris offered that staff is always open to help facilitate resolution between residents and applicants. They are noticed and if they are concerned they have the option for a public hearing by an appeal. The applicant can try and address situations with the developer on their own. Kaplan brought up the neighborhood public meetings that could be required prior to a public hearing or decision. Miller voiced concern that with the Type 1 process that people will not understand there is a place for input. The perception is that the public doesn't have ability to be heard with a Type 1 process. She agrees that the perception of the public process is more difficult than meeting the requirements. Developers go through the rigorous process to meet criteria and requirements and when they have to explain to the public they try harder to address any contentions. There is more an element to having to sell the project. Seven opinions are better than staff alone.

2) Neighborhood contact - The idea is to facilitate public involvement prior to application submission. This implies cost saving for applicants by not having to respond to appeals. But consider if you are adding cost and time to hold a meeting if there are no applicable reasons or opposition to the project. A neighborhood association framework works well for the metro area. A representative of the association handles the notices and determines impact. Gives the neighbors a chance to disperse the information amongst themselves. This does not exist in our community; it may not be as fluid. Miller felt the applicants need to be sensitive to the neighbors and supports the formal meetings before the application process. Get the concerns out on the table right away. Mindlin supports doing meetings on a voluntary basis, but questions non-mediated meetings between neighbors and developers and not sure they will have a good outcome. Miller asked if the 200-foot radius for noticing requirement was set by ORS or City. Harris said the ORS requires 100 feet. Miller felt this could be based on size/impact of the project instead of by feet. Certain projects would affect people far beyond 200 feet.

3) Expanding the approval periods- Extend application approvals to 18 months or even to 24 months. The effective date listed in the Ordinance for a Type 2 decision is 13 days before it becomes effective. The ORS requires 10 days. Peddicord is this in response to the economy. Mindlin we have had a high number of extension requests over the last few years. Lengthening the approval time for a large commercial development is beneficial. Time becomes tight when you need to find an engineer, contractor, building permits and first inspections. Make sure calendar day is defined to clarify from business days.

4) Fast tracking priority applications-Consider prioritizing economic development applications. It is already in place for LEED certified projects to fast track planning and building permits. This would give other applications the same priority. Certain economic development applications that generate a certain threshold of employment would be fast tracked. Thresholds are being considered based on employment per acre.

Commission Feedback:

Harris went over the model language for the ordinance thus far. It detailed the requirements for the proposed public meetings. Brown thought this would be due diligence before they came to submit the application. Molnar pointed out that the suggested language reads that the meeting would be required 21 days prior to submission of the application giving time to address any changes. This is just suggested language that could be adjusted for our own ordinance. Miller asks that the meeting be a recommendation so that the applicant doesn't feel constrained and would like to see a neutral moderator mediating the meeting. If a mediator is required then there is an objective party. Mindlin asked how does staff feel about the Siegel recommendations for the neighborhood meetings. Molnar feels some concern if they are mandatory and supports a suggested threshold requiring the meetings. Use the size of a subdivision or impact of a commercial application to determine necessity. Success has been gained by these meetings. Applicants will take advantage because they don't want to be in front of the commission and be put on the spot about already discussed issues. Kaplan asked if this could be written as a recommendation or as a guideline so if they want to have the meeting there is a process? Molnar felt that was a possibility and to include an outline in with the pre-application paperwork as an appendix would work. Morris commented that the owner of record is noticed and it is not always the person who lives at the address. The requirement is to the owner and the reality is they might not be around to address the issue. Find a better way to notify the residents and owners if possible. The notice is posted on the property also. Miller urges this be a strong recommendation because it is to the applicants peril if something is contentious.

5) Type 2 Alteration-Commission reviewed the existing requirements for site review of a Type 2 application. The new recommendations are included for review. Wording has been altered changing the threshold from 20% of a building square footage to 50% before triggering a public hearing. Miller questioned the reason of changing the 20% to 50%. Harris explained this is applicable to the economic development piece and that in expanding or growing a business what constitutes a reasonable threshold for requiring a public hearing. A small increase of 20% to an existing building of 1000 square feet does not really seem the best practice. A higher percentage makes sense in those areas. This is just one idea. The downtown design standards from 2008 bases the public hearing on a square footage increase of 25,000 sq/ft gross floor area or greater than 10% of the building floor area. The suggestion is to change to ground floor area rather than overall volume to reflect changes to the footprint or adding a building story. Harris questioned if there was some level of general support to moving some items to a Type 1 from a Type 2? Brown needs tangible examples because some problems may be hard to see. Could there be examples of items to see what is being adjusted. I agree that looking at 50% is something to look at, but only 20% maybe not. I want to see more than numbers. Potential or real examples, either would work.

Public Discussion:

Michael Shore/ 140 Clay Street, commented that the process of application sounds very friendly to the applicant. How can residents be represented? He suggested a commissioner be present and chair the public meetings. It would be helpful to have the expertise and authority of the commission during the meetings. Like to see meetings required and have commission presence.

6) Green Development Evaluation:

Land use code review to apply green LEED neighborhood model. Look at all the green development as a sustainable model with all the aspects. Ashland currently supports the LEED development so they are suggesting refinement and incentives. Key items for consideration:

Efficiency of Use of Land	Transportation
Natural Resources	Building and Infrastructure

Keep in mind the Council goal and economic strategy for incentives. Package these as incentives not as requirements. Incentives for other communities give people density bonuses which for residential results in residential units, height bonuses in commercial or mixed use.

Efficient use of land is similar to land conservation. Green sustainable development encourages less sprawl and conserves land to reduce the adverse reactions of sprawl. Recommends higher densities for projects containing small dwelling like pocket neighborhoods. Proximity to jobs similar to affordable housing density bonus where developments located within ½ mile of a place where there are jobs. Establish a threshold as to the number of jobs to reach the incentive. Recreational density bonus describes major facilities as tennis courts, swimming pools, playgrounds, or similar facilities. This could be reviewed and expanded to be more contemporary. Create requirements that are applicable to a standard subdivision.

Transportation limiting footprint of parking area to less than 20% of surface area is used for surface parking. Encourage bicycling in the community with available showering and changing facilities. This could be added to the parking management strategies to help reduce parking requirements. This is typical with commercial applications of 100 employees, which is a high threshold for Ashland. This could be lowered and adjusted. Look at the routes to schools density bonus providing alternate connections through long blocks and steep slopes for children.

In terms of natural resources the existing water resource protection zone allows reduction in that zone to restore creek or wetland areas and look at adding repair. Offsite transfers of development densities looks at areas that are constrained by flood zones or steepness. The ordinance currently transfers the density out of flood plains to the developable piece of the property. The examples given transfer to a bank or transfer them to another property. Solar access incentives address lot and building orientation. In addition to solar setback add lot and street layout to the ordinance.

Buildings and infrastructure recommendations include incentives for on-site non-polluting renewable energy. Incentives for water efficiency by reuse in landscaping, number of night-sky components used to reduce sky glow, provisions for rain water harvesting, and reducing heat island rooftops. This currently exists for parking garages by use of rooftop gardens and shade trees, different types of pavement, non-reflective rooftop material.

Those are the highlighted incentive based items that were suggested. Staff would like to investigate these recommendations to come up with density bonuses that include coordination with the Earth Advantage program. Some communities use Earth Advantage to met water and other items to fulfill the density bonus program. Commission needs to consider the scope of the program, how it will work, how will it be administered, and how to apply to commercial and/or residential. How do you offer positive benefits to commercial as well as residential? Harris is hoping for feedback at the next meeting. Come up with an action plan identifying the items we would like included in the code then compile the draft for adoption through the summer. Staff would like to have code ready for adoption by September.

Commission Comments:

Mindlin clarified that staff is considering creating a new incentive program with density bonuses as incentives for a points based system that goes beyond Earth Advantage. This seems like a lot of work and so many items are already addressed as part of that program in various ways, so is it worth our time. There are other things within the ordinance standards that could be expanded because they may not be adequately addressed. The handout on LEED for neighborhood development gives a great checklist to meet the LEED program. It goes well beyond just an incentive program with other strategies. Consider adding basic passive solar standards in the handout to the existing standards. Mindlin is unsure if it is premature to put in a recommendation to council for cottage housing as a strategy for addressing infill. Think about storm water and rain gardens in terms of education, more of a handbook to hand out showing strategies.

Dawkins agreed with Mindlin. Waste of storm water is criminal. Education for retaining storm water, and use of cisterns should be available. Transportation part with reduction of parking is righteous. Maybe have a city access parking storage area. This would leave more ground for human items. This could be a place for people who don't need their cars to have a safe place to put their cars.

Kaplan passed on commenting. Miller commented that there was too much to read that she would like another meeting to consider. Peddicord agreed that storm water is a critical piece. As we are pooling resources from other city's we need to be mindful of our types of soil and what generalized strategy would be best practice for here. Take a measured look to disseminate that information to the public.

Harris feels that the Commission needs more time to consider the green development incentives. The overall feeling seems to be that the idea of having density bonuses similar to other municipalities with all the different incentives is way too big and maybe we concentrate on a couple of things: solar standards and cottage housing. Mindlin is undecided on the cottage housing recommendation. It seems somewhat complicated at times. Staff does have ideas on how to include it in the code in a simplified approach. Mindlin commented that there are no prohibitions to stop people from doing those things in a multifamily zone. Do we want to extend that concept of cottage housing into single-family zones which would be extensive and do we consider getting extra density as suggested. Harris will put together a rough draft idea for the next meeting. Dawkins liked the Dallas Oregon example. Harris said the key is the administration of the programs. Some parts are straightforward such as solar orientation and resource protection, but the technical pieces like who is checking the rain gardens and energy and water efficiencies we don't have those mechanisms now. The problems become tracking and follow up to verify awarding the incentive. Miller would like a quick review of what we can do from here in smaller increments and then how do we get to the next step. Mindlin likes the idea of using LEED neighborhood development as a checklist for major developments like Normal. Use as a way to examine larger projects at the jurisdictional and applicant level. Harris there is a fair amount of technical expertise to check the points and items that we don't have on staff. The private developer should prepare the LEED checklist and hire a third party specialist to do the verification. Dawkins thought the housing diversity was interesting, but not the technical portions.

C. Other Business: None

ADJOURNMENT

Meeting adjourned at 9:27 PM.

Recipient: Ashland City Council

Letter: Greetings,

I am in full support of the proposed amendment to the current ordinance pertaining to keeping bees in Ashland City limits.

As it stands, the code states: No person shall keep or maintain a bee hive, bees, apiary, comb, or container of any kind or character wherein bees are hived, within one hundred fifty (150) feet of another dwelling or within one hundred fifty (150) feet of a street or sidewalk.

This legislation is nonsensical due to the fact that a honey bee's flight range is up to 25 square miles, and the bees disperse to the surrounding millage at approximately four feet from the hive. The below proposed legislation is common sense policy which considers beekeepers and neighbors of Ashlanders.

Proposed amendment to 9.08.040 D:

The keeping or maintaining of bees, bee colonies, bee hives, combs, or containers of any kind or character wherein bees are hived is subject to the following:

1. No more than three (3) bee colonies shall be kept or maintained on properties less than one acre in size.
2. No more than five (5) bee colonies shall be kept or maintained on properties greater than one acre in size.
3. Bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
4. For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same property, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body.
5. In each instance where a colony is kept less than twenty five (25) feet from a property line, a flyway barrier at least six (6) feet in height shall be maintained parallel to the property line for a minimum of ten (10) feet in either direction from

the hive. The flyway barrier may consist of a wall, fence, dense vegetation or a combination there of, such that bees will fly over rather than through the material to reach the colony.

6. A constant supply of fresh water shall be provided for the colonies on site within fifteen (15) feet of each hive.

7. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the property. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect proof container.

8. If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall be permitted to temporarily house the swarm on the property for no more than 30 days from the date acquired.

9. The sale of surplus honey or bee's wax produced on site shall be permitted on property where the keeping of bees is permitted.

10. Africanized bees are prohibited.

With national honey bee colony losses at an all time high in 2013, now is the time to adopt a bee-friendly ordinance which will support our local honey bee populations, sustainable urban food systems, and local food security.

Comments

Name	Location	Date	Comment
Shannon Davis	Ashland, OR	2013-06-04	Pollinators are very important
Ellen Wright	Ashland, OR	2013-06-04	Urban beekeeping is legal in Eugene, Springfield, Portland, Seattle, London, and New York. Surely Ashland can join in to support the bees and the keepers who try to help them.
Tamara White	Shaftsbury, VT	2013-06-04	A Bee-Friendly community in Oregon is as important to me as a Bee-Friendly Community in Vermont(my home state) because it would be so important to prioritize the honeybee's work in the food chain, the environment. Healthy honeybees means healthy environment for the rest of us. I lose colonies in Vermont for the same reasons that they might in Oregon. Silly as it sounds, we need to stand for the honeybees. Their lives depend on us. Our lives depend on them.
Andrew Mount	Talent, OR	2013-06-04	There is a crisis upon us that is jeopardizing the health of the food system and society as a whole. Bees are one of the most essential providers of ecosystem goods and services which dwarf the GDP of all human industry. We must preserve their habitat and, by extension, our own posterity.
Jerry Jensen	Eagle Point, OR	2013-06-04	we need hobby beekeepers to help keep bees from extenction
Deric Johnson	Talent, OR	2013-06-04	With national honey bee colony losses at an all time high, now is the time to adopt a bee-friendly ordinance which will support our local honey bee populations.
A J Boulton	Ashland, OR	2013-06-04	We support this amendment to The City ordinance for the following reasons: (a) it decreases government interference in The People's pursuit of happiness, (b) It is common sense, written by and for people that actually understand bees, and (c) bees are essential - and under threat, by default so are we.
Lisa Greene	Ashland, OR	2013-06-04	Bees provide an invaluable function with all of our daily lives...the food we eat, the flowers we admire and so much more.
Jennifer Middleton	Yreka, CA	2013-06-04	Because if Ashland OR will do it, maybe Yreak CA will follow. Lots of bee keepers here!
R Gustaveson	Phoenix, OR	2013-06-04	Survival of life on Earth all interconnected...there is no separation between the kingdom's of nature and you and I and the air we breath
Robert Denman	Grants Pass, OR	2013-06-04	declining bee population
Lori Hopkinson	Medford, OR	2013-06-04	The more pollinators the better!
Mara Doane	Ashland, OR	2013-06-04	Bees need our help. Honey bees are friendly, beneficial and important in our community and our environment.
Karen Taylor	Talent, OR	2013-06-04	We depend on pollinators which include the honey bee.
Teri Thomson Randall	Oak View, CA	2013-06-04	Bees are beneficial insects that ensure our food supply and beautify our gardens.
Josh Shupack	Ashland, OR	2013-06-04	Bees are vital to our survival. They pollinate so many of our crops and make honey! They are a valuable part of our city.
Morgan Greer	Ashland, OR	2013-06-04	Because I love our earth and I want to see the honey bees protected, especially in my own town.
Anne Pollack	Ashland, OR	2013-06-04	Having a sustainable bee population is critical to our food supply and ecosystem.
Leah Saturen	Ashland, OR	2013-06-04	Ashland has many people who care about our food supply; bees are an essential element to support healthy gardens.

Name	Location	Date	Comment
Gavin Kleiman	Ashland, OR	2013-06-04	Pollinate or perish!
Kathryn Casternovia	Ashland, OR	2013-06-04	Anything we can do to support the lives of bees is important to our world food supply. Please do the research before you respond. Thank you. Kathryn
Marianne O'Sheeran	Medford, OR	2013-06-04	Having been a former Ashland resident for 19 years, and former beekeeper, I am happy to lend my name to this petition for a sustainable bee population. Many thanks.
Casey Swanson	Ashland, OR	2013-06-04	Bees are essential to our environment and lifestyle.
Sarah DeLong	Ashland, OR	2013-06-04	Bees are absolutely essential to our ecosystem. Not only should we adopt this ordinance, we should ban the sale and use of all neonicotinoid pesticides in the entire valley as they are known to cause Honeybee Colony Collapse Syndrome.
Jennifer King-Harris	Ashland, OR	2013-06-04	The bees are important to me. They are responsible for the very foundation of a healthy, fertile, balanced and fruitful natural world. We need them!
Jana Carole	Ashland, OR	2013-06-04	I am a backyard gardener and know how important it is to help bees to help us.
Erika Robinson	Roseburg, OR	2013-06-04	I love honey bees! They pollinate beautiful flowers!
Mathew Freitas	Medford, OR	2013-06-04	We need bees. People need to be educated about the powerful honey bee!
Kristina Lefever	Marietta, GA	2013-06-04	By default, this means Ashland cannot allow pesticides that kill bees. Nor can we allow GMO crops with their poisonous pollen.
chris hardy	ashland, OR	2013-06-04	The health of our pollinators are directly connected to the health of our food supply. Please treat our honey bees with the utmost support and respect and allow their care to be managed per the proposed Ashland bee-friendly amendment to this ordinance. Thank You
Michael Bianca	Ashland, OR	2013-06-04	we need healthy bees and more bee awareness. Encourage bee cultivation.
Candace Youngmans	Ashland, OR	2013-06-04	I am in favor of sustainable urban food systems, to which bees are critical.
Nancy Rose	Ashland, OR	2013-06-04	Instead of killing the bees with Roundup ready GMO's let's keep our county 'nature friendly' and healthy
Matt Sheehan	ashland, OR	2013-06-04	I love supporting our bee populations in general, not just " our" honey bees, and this is another small but significant piece.
Mary McDermott	Williams, OR	2013-06-04	Instead of killing the bees with Roundup ready GMO's let's keep Southern Oregon 'nature friendly and healthy and support our organic farms and seed economy.
Justin Silva	Ashland, OR	2013-06-04	Ensuring that Ashland and the surrounding Rogue Valley continues to have a thriving bee population is vital to our community's economy and food security. Please keep this in mind when adopting the Bee-Friendly Ordinance. Thanks!
Claudia Steinbroner	Ashland, United States Minor Outlying Islands	2013-06-04	I am a gardener and know how much these little orbs are needed.
Diana Hartel	Ashland, OR	2013-06-04	Healthy bee colonies are crucial to healthy food supply and local ecology.
Noreen Hulteen	Ashland, OR	2013-06-04	If the bees -- so do humans
Lynnea Forderer	Medford, OR	2013-06-04	I have always had a sweet place in my heart for bee's and I love honey. AND we need bees for the health of the planet.
Gaea Yudron	Phoenix, OR	2013-06-04	bees are a vital aspect of life on earth.
zuriel devine	Ashland, OR	2013-06-04	Because I support honey bees and our food supply!
Claire McGee	Newport, OR	2013-06-04	no bees - no food !!!!!!!

Name	Location	Date	Comment
Michele Carnes Ellis	Ashland, OR	2013-06-04	Our devastated bee populations need all the support we can give. Thank you for considering this needed code change in our community.
Jami Ronda	Medford, OR	2013-06-04	We NEED bees!!! :)
Tanya Owen	Talent, OR	2013-06-04	Bees are extremely important!
Ingrid Edstrom	Ashland, OR	2013-06-04	Bees are such an important part of our ecosystem. I would like to actively host some on my Ashland property.
Fred Gant	Ashland, OR	2013-06-04	Save the bees, save the planet
Juliet Grable	Ashland, OR	2013-06-04	bees = food = life
Abby Capovilla	Ashland, OR	2013-06-04	Bees and beekeeping will support the sustainability of our community and local environment long term
Guy Appleton	Grants Pass, OR	2013-06-04	This is important to me because I eat food. This world need help, not restriction on health and the environment.
oshana catranides	Ashland, OR	2013-06-04	I am an accidental bee keeper who has rescued four swarms from areas in Ashland where people called me for help removing swarms from fruit trees, wall crevices, hanging limbs and other odd places. We are FORTUNATE in ASHLAND that the international crisis in the death and demise of millions of honeybees due to Colony Collapse Disorder IS NOT EFFECTING OUR REGION! By allowing Bee Keeping in Ashland, we CAN make a difference! We can help turn the trend of doom into a celebration of life! As Einstein Said, when all the pollinators perish, humanity will only have three years before our food supplies dwindle and we all starve! PLEASE, LET's HELP SAVE THE HONEY BEES FOR THE REST OF HUMANITY! I support a bee-friendly ordinance for CITY OF ASHLAND! PLEASE HELP!
Devin Hillyard	Vallejo, CA	2013-06-04	Bees are essential to the life of our community!
Erika Rogers	Grants Pass, OR	2013-06-04	Bees are very important to our food supply - whether you grow your own food or buy from a local farmer.
olivia doty	Ashland, OR	2013-06-04	We need to do all we can to support the health of bees in our community
Michele Carnes Ellis	Ashland, OR	2013-06-04	Our devastated bee populations need all the support we can give.
Dorine Owens	Medford, OR	2013-06-04	Our honey bees are disappearing at a rapid rate. Healthy bees are necessary for cross-pollination.
Janie Chandler	Ashland, OR	2013-06-04	Bees are crucial to our environment and habitat and I want to support their health in anyway I can.
Arthur Tetrault	Ashland, OR	2013-06-04	We need honey bees in order to protect our environment and agriculture. Pesticides are reducing the normal bee populaton. We must protect our bee population now.
Jordan Varvais	Ashland, OR	2013-06-04	The Survival of All Plant and Animal Life... (I think that's pretty important..)
Molly Ochoa	Ashland, OR	2013-06-04	We need the bees!!!!
Ernest Garcia	Ashland, OR	2013-06-04	Survival.
Sheila Filan	Ashland, OR	2013-06-04	Without bees we are all toast!
Jeanne Chouard	Ashland, OR	2013-06-04	We need more bees and other pollinators in Ashland . . My family depends on fruit from our backyard garden each summer and fall and having more city bees will ensure our apple, cherry and plum flowers will turn into juicy fruit! I would love to be able to keep my own bees to produce honey and local bee pollen (I use it to combat allergies). But, also would love it if my neighbors kept bees that could visit our garden. Thank for being Bee-Friendly!

Name	Location	Date	Comment
Kirpal Khalsa	Rogue River, OR	2013-06-04	We need bee homes....bees are good for everyone! Bees pollinate trees and flowers and make fruit and veggies which feed people locally....Ashland needs to be bee freindly!

Petition signatures in support of

[City of Ashland: Adopt a Bee-Friendly Ordinance](#)

List Printed as of 4:30pm 6/4/2013

Name	City	State	Zip Code	Country	Signed On
Sarah Red-Laird	Ashland	Oregon	97520		6/4/2013
lydia norris	ashland	Oregon	97520	United States	6/4/2013
Jessica Pierce	Ashland	Oregon	97520	United States	6/4/2013
Shannon Davis	Ashland	Oregon	97520	United States	6/4/2013
Honore Depew	Ashland	Oregon	97520	United States	6/4/2013
Morgan Pierce	Ashland	Oregon	97520	United States	6/4/2013
Ellen Wright	Ashland	Oregon	97520	United States	6/4/2013
Lori Brandt	Ashland	Oregon	97520	United States	6/4/2013
Diane werich	Ashland	Oregon	97520	United States	6/4/2013
Tamara White	Shaftsbury	Vermont	5262	United States	6/4/2013
Rebecca Pierce	Ashland	Oregon	97520	United States	6/4/2013
Scott Allison	Ashland	Oregon	97520	United States	6/4/2013
Brittnee Zwirn	Ashland	Oregon	97520	United States	6/4/2013
Terra Sharp	Ashland	Oregon	97520	United States	6/4/2013
Jessica shaner	Ashland	Oregon	97520	United States	6/4/2013
Julie Ford	Ashland	Oregon	97520	United States	6/4/2013
molly kreuzman	Ashland	Oregon	97520	United States	6/4/2013
Andrew Mount	Talent	Oregon	97540	United States	6/4/2013
Bill Lobsitz	Talent	Oregon	97540	United States	6/4/2013
Tim Oates	Ashland	Oregon	97520	United States	6/4/2013
Sean Davis	Harwich	MA	2645	United States	6/4/2013
Mary Foster	Ashland	Oregon	97520	United States	6/4/2013
Fonda Horton	White City	Oregon	97503	United States	6/4/2013
Angelina McClean	Ashland	Oregon	97520	United States	6/4/2013
Tracy Horton	White city	Oregon	97503	United States	6/4/2013
Jerry Jensen	Eagle Point	Oregon	97524	United States	6/4/2013
stu o'neill	ashland	Oregon	97520	United States	6/4/2013
Joey Connelly	Owensboro	Kentucky	42303	United States	6/4/2013
Deric Johnson	Talent	Oregon	97540	United States	6/4/2013
Janet Adams	Ashland	Oregon	97520	United States	6/4/2013
A J Boulton	Ashland	Oregon	97520	United States	6/4/2013
Jessica Ellis	Eagle point	Oregon	97526	United States	6/4/2013
Jesse Dewyer	Ashland	Oregon	97520	United States	6/4/2013
Matt Vogel	Ashland	Oregon	97520	United States	6/4/2013
Ben Kinhead	Medford	Oregon	97501	United States	6/4/2013
Lisa Greene	Ashland	Oregon	97520	United States	6/4/2013
Natasche O'Brien Legg	Lake Oswego	Oregon	97035	United States	6/4/2013
Beth Mogford	Ashland	Oregon	97520	United States	6/4/2013
Jennifer Middleton	Yreka	California	96097	United States	6/4/2013
R Gustaveson	Phoenix	Oregon	97535	United States	6/4/2013
Robert Denman	Grants Pass	Oregon	97527	United States	6/4/2013
Kasey Acker	Ashland	Oregon	97520	United States	6/4/2013
Bob Kuenzel	Ashland	Oregon	97520	United States	6/4/2013
Chelsea Acker	Ashland	Oregon	97520	United States	6/4/2013
Malena Marvin	Ashland	Oregon	97520	United States	6/4/2013
Tessa Brinckman	Talent	Oregon	97540	United States	6/4/2013
Dustin Poland	Medford	Oregon	97501	United States	6/4/2013

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Name	City	State	Zip Code	Country	Signed On
Jenni Maybin	Ashland	Oregon	97520	United States	6/4/2013
Stephanie Tidwell	Ashland	Oregon	97520	United States	6/4/2013
Lori Hopkinson	Medford	Oregon	97501	United States	6/4/2013
Andrew Harris	Ashland	Oregon	97520	United States	6/4/2013
Kate Lundquist	Medford	Oregon	97504	United States	6/4/2013
Megan Fehrman	Jacksonville	Oregon	97530	United States	6/4/2013
Jesse Anderson	Ashland	Oregon	97520	United States	6/4/2013
Mara Doane	Ashland	Oregon	97520	United States	6/4/2013
joseph freel	Ashland	Oregon	97524	United States	6/4/2013
Liz Victor	Grants Pass	Oregon	97527	United States	6/4/2013
Marianne Heater	Grants Pass	Oregon	97526	United States	6/4/2013
Karen Taylor	Talent	Oregon	97540	United States	6/4/2013
Teri Thomson Randall	Oak View	California	97540	United States	6/4/2013
Barbie Breneiser	Ashland	Oregon	97520	United States	6/4/2013
Brenda Cabrera	White City	Oregon	97503	United States	6/4/2013
David Winston	Ashland	Oregon	97540	United States	6/4/2013
Rebecca Requejo	Ashland	Oregon	97520	United States	6/4/2013
Scott Griessbach	Ashland	Oregon	97520	United States	6/4/2013
Traci Davis	Ashland	Oregon	97520	United States	6/4/2013
Daniela Bress	Niedersachsen		38226	Germany	6/4/2013
Josh Shupack	Ashland	Oregon	97520	United States	6/4/2013
Arianna Van Heusen	San Mateo	California	94403	United States	6/4/2013
Kristen Beck	Medford	Oregon	97501	United States	6/4/2013
John Fox	Ashland	Oregon	97520	United States	6/4/2013
Chris Jowaisas	Ashland	Oregon	97520	United States	6/4/2013
John Schinnerer	Ashland	Oregon	97520	United States	6/4/2013
De Guy	Gold Hill	Oregon	97525	United States	6/4/2013
Constance Murphy	Jacksonville	Oregon	97530	United States	6/4/2013
Isabella Thorndike	Ashland	Oregon	97520	United States	6/4/2013
Morgan Greer	Ashland	Oregon	97520	United States	6/4/2013
anne pollack	ashland	Oregon	97520	United States	6/4/2013
Amanda Brophy	Ashland	Oregon	97520	United States	6/4/2013
braxton reed	Ashland	Oregon	97520	United States	6/4/2013
Anastasia Risley	Ashland	Oregon	97520	United States	6/4/2013
caitlin mezger-sieg	Ashland	Oregon	97520	United States	6/4/2013
Dr/ Richard Guches	Ashlad	Oregon	97520	United States	6/4/2013
Leah Saturen	Ashland	Oregon	97520	United States	6/4/2013
Lisa Stutey	Ashland	Oregon	97520	United States	6/4/2013
Chari Ansary	Medford	Oregon	97504	United States	6/4/2013
Barry Snitkin	Cave Junction	Oregon	98523	United States	6/4/2013
Karen Horn	Ashland	Oregon	97520	United States	6/4/2013
Gavin Kleiman	Ashland	Oregon	97520	United States	6/4/2013
Heather Loring	Ashland	Oregon	97520	United States	6/4/2013
Isaac Taylor	Medford	Oregon	97501	United States	6/4/2013
Kathryn Casternovia	Ashland	Oregon	97520	United States	6/4/2013
Myra Vilella	Ashland	Oregon	97520	United States	6/4/2013
Helga Motley	Ashland	Oregon	97520	United States	6/4/2013
Misha Hernandez	Ashland	Oregon	97520	United States	6/4/2013
Kate Levin	Ashland	Oregon	97520	United States	6/4/2013
Joanne Gunter	Ashland	Oregon	97520	United States	6/4/2013

Petition signatures in support of

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Name	City	State	Zip Code	Country	Signed On
Jaelle Dragomir	Medford	Oregon	97501	United States	6/4/2013
Peter Warren	Ashland	Oregon	97520	United States	6/4/2013
Marianne O'Sheeran	Medford	Oregon	97501	United States	6/4/2013
Sarah Rudeen	Ashland	Oregon	97520	United States	6/4/2013
Katie Oppenheimer	Ashland	Oregon	97520	United States	6/4/2013
Mackenna Greene	Ashland	Oregon	97520	United States	6/4/2013
Oona Meade	Ashland	Oregon	97520	United States	6/4/2013
Donald Murphy	elizabeth	New Jersey	7206	United States	6/4/2013
Casey Swanson	Ashland	Oregon	97520	United States	6/4/2013
Abraham Bettinger	Ashland	Oregon	97520	United States	6/4/2013
Heather ONeill	Ashland	Oregon	97520	United States	6/4/2013
Marge Bernard	Ashland	Oregon	97520	United States	6/4/2013
Brett Schumacher	Ashland	Oregon	97520	United States	6/4/2013
Emily Waymire	Ashland	Oregon	97520	United States	6/4/2013
barbara keen	Ashland	Oregon	97520	United States	6/4/2013
Jean deFauw	Ashland	Oregon	97520	United States	6/4/2013
Sandra Park	Jacksonville	Oregon	97530	United States	6/4/2013
Gretchen Harteis	Talent	Oregon	97540	United States	6/4/2013
Genevieve Klam	Ashland	Oregon	97520	United States	6/4/2013
Holly Christiansen	Ashland	Oregon	97520	United States	6/4/2013
Sarah DeLong	Ashland	Oregon	97520	United States	6/4/2013
Jennifer King-Harris	Ashland	Oregon	97520	United States	6/4/2013
Suzanne Cruce	Ashland	Oregon	97520	United States	6/4/2013
Jana Carole	Ashland	Oregon	97520	United States	6/4/2013
Sarah Ratto	Ashland	Oregon	97520	United States	6/4/2013
Chris Chambers	Ashland	Oregon	97520	United States	6/4/2013
Lisa DiPaoli	Ashland	Oregon	97520	United States	6/4/2013
James Fuda	renton	Washington	98056	United States	6/4/2013
Erika Robinson	Roseburg	Oregon	97470	United States	6/4/2013
Yasiu Kruszynski	Chicago	Illinois	60613	United States	6/4/2013
Tracy Harding	Ashland	Oregon	97520	United States	6/4/2013
Robert Wright	Ashland	Oregon	97520	United States	6/4/2013
Mathew Freitas	Medford	Oregon	97504	United States	6/4/2013
Kristina Lefever	Ashland	Oregon	97520	United States	6/4/2013
tim musial	east aurora	New York	14052	United States	6/4/2013
Deborah stamper	Ashland	Oregon	97520	United States	6/4/2013
Linda Thomas	ashland	Oregon	97520	United States	6/4/2013
Nicole Robinson	Ashland	Oregon	97520	United States	6/4/2013
Vanessa Houk	ashland	Oregon	97520	United States	6/4/2013
chris hardy	ashland	Oregon	97520	United States	6/4/2013
Michael Bianca	Ashland	Oregon	97520	United States	6/4/2013
Heather Kendall	Ashland	Oregon	97520	United States	6/4/2013
Jeffrey Bernard	Ashland	Oregon	97520	United States	6/4/2013
Jason Houk	Ashland	Oregon	97520	United States	6/4/2013
Candace Youngmans	Ashland	Oregon	97520	United States	6/4/2013
Breanna Farmer	Ashland	Oregon	97520	United States	6/4/2013
Mary Morison	Talent	Oregon	97540	United States	6/4/2013
Stephanie Friedman	Ashland	Oregon	97520	United States	6/4/2013
Meghan Flannery	Ashland	Oregon	97520	United States	6/4/2013
elise thiel	ashland	Oregon	97520	United States	6/4/2013

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Name	City	State	Zip Code	Country	Signed On
Nancy Rose	Ashland	Oregon	97520	United States	6/4/2013
Dan Wahpepah	Phoenix	Oregon	97535	United States	6/4/2013
Joyce Hansen	Ashland	Oregon	97520	United States	6/4/2013
Stephanie Saldana	Portland	Oregon	97321	United States	6/4/2013
Carol Valentine	Selma	Oregon	97538	United States	6/4/2013
Winston Friedman	Ashland	Oregon	97520	United States	6/4/2013
Yehudit Platt	Ashland	Oregon	97520	United States	6/4/2013
carola marashi	Talent	Oregon	97540	United States	6/4/2013
Matt Sheehan	Ashland	Oregon	97520	United States	6/4/2013
Shannon Clery	Ashland	Oregon	97520	United States	6/4/2013
Mary McDermott	Williams	Oregon	97544	United States	6/4/2013
Patrick Tovatt	Talent	Oregon	97540	United States	6/4/2013
Monika Neri	Ashland	Oregon	97520	United States	6/4/2013
Jerry Solomon	ashland	Oregon	97520	United States	6/4/2013
Brian Gaida	Plattsburgh	New York	12901	United States	6/4/2013
melinda ball	Medford	Oregon	97504	United States	6/4/2013
Sabena Vaughan	Ashland	Oregon	97520	United States	6/4/2013
Justin Silva	Ashland	Oregon	97520	United States	6/4/2013
Kimberly Green-list	Medford	Oregon	97537	United States	6/4/2013
Daniel Cook	Medford	Oregon	97501	United States	6/4/2013
tamee comstock	Medford	Oregon	97504	United States	6/4/2013
marsha carrino	phoenix	Oregon	97535	United States	6/4/2013
Jen Logan	Eagle Point	Oregon	97524	United States	6/4/2013
Mira Peterson Adams	Ashland	Oregon	97520	United States	6/4/2013
Chantal Buslot	Hasselt	Texas	78753	United States	6/4/2013
Levi Anderson	Talent	Oregon	97540	United States	6/4/2013
jon burt	ashland	Oregon	97520	United States	6/4/2013
Brooke Daniel	Ashland	Oregon	97520	United States	6/4/2013
Laura Saxon	morrison	Florida	32668	United States	6/4/2013
Claudia Steinbroner	Ashland	Oregon	97520	United States	6/4/2013
Laurie Hultquist	Talent	Oregon	97540	United States	6/4/2013
Allison Bean	Livermore	California	94550	United States	6/4/2013
Jinnee Joos	Ashland	Oregon	97520	United States	6/4/2013
Alicia Hwang	Ashland	Oregon	97520	United States	6/4/2013
Diana Hartel	Ashland	Oregon	97520	United States	6/4/2013
Carla Sylvae	Ashland	Oregon	97520	United States	6/4/2013
Amber Caudell	Williams	Oregon	97544	United States	6/4/2013
Monica Fioretti	Ashland	Oregon	97520	United States	6/4/2013
darrel pearce	ashland	Oregon	97520	United States	6/4/2013
Noreen Hulteen	Ashland	Oregon	97520	United States	6/4/2013
Morgan O. Heller	Ashland	Oregon	97520	United States	6/4/2013
Lynnea Forderer	Ashland	Oregon	97520	United States	6/4/2013
Ryan King	Ashland	Oregon	97520	United States	6/4/2013
Ronnie Colby	Truckee	California	96161	United States	6/4/2013
Mindy Lindgren	ashland	Oregon	97520	United States	6/4/2013
shedy berrios	jacksonville nc	North Carolina	28540	United States	6/4/2013
Gaea Yudron	Phoenix	Oregon	97535	United States	6/4/2013
Amy Norris	Ashland	Oregon	97520	United States	6/4/2013
Caroline Tinker	Cave Junction	Oregon	97523	United States	6/4/2013
R L	San Jose	California	95132	United States	6/4/2013

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Name	City	State	Zip Code	Country	Signed On
zuriel devine	Ashland	Oregon	97520	United States	6/4/2013
suzia aufderheide	ashland	Oregon	97520	United States	6/4/2013
Amanda Hochman	Ashland	Oregon	97520	United States	6/4/2013
Ryan Coons	San Diego	California	92127	United States	6/4/2013
Mike Gardiner	Ashland	Oregon	97520	United States	6/4/2013
kyla carreau	Oregon	Oregon	97520	United States	6/4/2013
Treasa Cordero Runzi	Ashland	Oregon	97520	United States	6/4/2013
Alex Landt	Ashland	Oregon	97520	United States	6/4/2013
Mary Gardiner	Ashland	Oregon	97520	United States	6/4/2013
Claire McGee	Newport	Oregon	97365	United States	6/4/2013
Dana Black	Medford	Oregon	97504	United States	6/4/2013
Samantha Stovall	Ashland	Oregon	97520	United States	6/4/2013
Jeffrey Baxter	Ashland	Oregon	97520	United States	6/4/2013
Kiova Staley	Ashland	Oregon	97520	United States	6/4/2013
Kathy Prout	Ashland	Oregon	97520	United States	6/4/2013
Jennifer Gossman	Boston	Massachusetts	2135	United States	6/4/2013
Sam markling	Ashland	Oregon	97520	United States	6/4/2013
Jami Ronda	Medford	Oregon	97504	United States	6/4/2013
Paul Garber	Ashland	Oregon	97520	United States	6/4/2013
Monica Port	Ashland	Oregon	97520	United States	6/4/2013
J Goff	Ashland	Oregon	97520	United States	6/4/2013
nancy emerson	Talent	Oregon	97540	United States	6/4/2013
Liz Schmidt	Ashland	Oregon	97520	United States	6/4/2013
Aura Johnson	Ashland	Oregon	97520	United States	6/4/2013
Tanya Owen	Talent	Oregon	97540	United States	6/4/2013
Ingrid Edstrom	Ashland	Oregon	97520	United States	6/4/2013
kayla starr	Talent	Oregon	97540	United States	6/4/2013
laura ferrara	medford	Oregon	97501	United States	6/4/2013
Misha Fradin	Portland	Oregon	97217	United States	6/4/2013
Aura Aryeff	Ashland	Oregon	97520	United States	6/4/2013
tim rios	ashland	Oregon	97520	United States	6/4/2013
maya moore	Ashland	Oregon	97520	United States	6/4/2013
Joan Tyler	Springfield, OR	Oregon	97477	United States	6/4/2013
Peter Martin	Portland	Oregon	97202	United States	6/4/2013
Amy McCallan	Ashland	Oregon	97520	United States	6/4/2013
Deborah Josephson	Ashland	Oregon	97520	United States	6/4/2013
Fred Gant	Ashland	Oregon	97520	United States	6/4/2013
Juliet Grable	Ashland	Oregon	97520	United States	6/4/2013
Abby Capovilla	Ashland	Oregon	97520	United States	6/4/2013
todd ellis	ashland	Oregon	97520	United States	6/4/2013
Amanda Evey	Ashland	Oregon	97520	United States	6/4/2013
Holly McCormack	Ashland	Oregon	97520	United States	6/4/2013
Guy Appleton	Grants Pass	Oregon	97527	United States	6/4/2013
oshana catranides	Ashland	Oregon	97520	United States	6/4/2013
Hannah Ewing	Ashland	Oregon	97520	United States	6/4/2013
Devin Lafferty	Ashland	California	97520	United States	6/4/2013
Jessica Volk	ashland	Oregon	97520	United States	6/4/2013
Dee Fretwell	Ashland	Oregon	97520	United States	6/4/2013
Erika Rogers	Grants Pass	Oregon	97527	United States	6/4/2013
olivia doty	Ashland	Oregon	97520	United States	6/4/2013

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Name	City	State	Zip Code	Country	Signed On
Jason Baker	Medford	Oregon	97501	United States	6/4/2013
Michele Carnes Ellis	Ashland	Oregon	97520	United States	6/4/2013
Sheila Walker	Ashland	Oregon	97520	United States	6/4/2013
Dorine Owens	Medford	Oregon	97504	United States	6/4/2013
Becky Brown	Ashland	Oregon	97520	United States	6/4/2013
Edwina Harmon	Ashland	Oregon	97520	United States	6/4/2013
Janie Chandler	Ashland	Oregon	97520	United States	6/4/2013
jason jackson	Grants Pass	Oregon	97526	United States	6/4/2013
Jennifer Stevens	ASHLAND	Oregon	97520	United States	6/4/2013
Art Tetrault	Ashland	Oregon	97520	United States	6/4/2013
Sequoia Perryman	Pheonix	Oregon	97535	United States	6/4/2013
Emma Wells	Ashland	Oregon	97520	United States	6/4/2013
judith clinton	ashland	Oregon	97520	United States	6/4/2013
Valerie Blazer	ashland	Oregon	97520	United States	6/4/2013
Thomas Klinefelter	Applegate	Oregon	97530	United States	6/4/2013
James Freeberg	Ashland	Oregon	97520	United States	6/4/2013
Jeri Karcey	Central Point	Oregon	97502	United States	6/4/2013
John Schmidt	Ashland	Oregon	97520	United States	6/4/2013
sue sch.	Florida	Florida	89077	United States	6/4/2013
Luna Summers	Talent	Oregon	97540	United States	6/4/2013
Jordan Varvais	Ashland	Oregon	97520	United States	6/4/2013
Claire Anderson	Grants Pass	Oregon	97527	United States	6/4/2013
Autumn Micketti	ashland	Oregon	97520	United States	6/4/2013
Kelley Caudell	Williams	Oregon	97544	United States	6/4/2013
Jeanine Moy	Ashland	Oregon	97520	United States	6/4/2013
Rich Rohde	Ashland	Oregon	97520	United States	6/4/2013
Molly Ochoa	Ashland	Oregon	97520	United States	6/4/2013
Heidi Gottlieb	Ashland	Oregon	97520	United States	6/4/2013
Ernest Garcia	Ashland	Oregon	97520	United States	6/4/2013
Kathleen Pyle	Jacksonville	Oregon	97530	United States	6/4/2013
Rossano Castelli			25060	Italy	6/4/2013
Curtis Charles	Ashland	Oregon	97520	United States	6/4/2013
Sheila Filan	Ashland	Oregon	97520	United States	6/4/2013
catherine schwarz	Phoenix	Oregon	97535	United States	6/4/2013
Dan Shaw	Ashland	Oregon	97520	United States	6/4/2013
Angela Fleischer	Ashland	Oregon	97520	United States	6/4/2013
Jon Carlson	Ashland	Oregon	97520	United States	6/4/2013
Jeanne Chouard	Ashland	Oregon	97520	United States	6/4/2013
Bonnie Folick	Ashland	Oregon	97520	United States	6/4/2013
sally jones	ashland	Oregon	97520	United States	6/4/2013
Elly Hereth	Ashland	Oregon	97520	United States	6/4/2013
Angelika Curtis	Eagle Point	Oregon	97524	United States	6/4/2013
Lindy Miller	Ashland	Oregon	97520	United States	6/4/2013
Tahiti Stodola	Ashland	Oregon	97520	United States	6/4/2013
kristi reynolds	medford	Oregon	97504	United States	6/4/2013
Cathy Berger	Ashland	Oregon	97520	United States	6/4/2013
Mimi Chouard	Ashland	Oregon	97520	United States	6/4/2013
Kirpal Khalsa	Rogue River	Oregon	97537	United States	6/4/2013
Lucy Whitridge	Ashland	Oregon	97520	United States	6/4/2013
Molly Romero	Ashland	Oregon	97520	United States	6/4/2013

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Name	City	State	Zip Code	Country	Signed On
Ashley Merrill	Ashland	Oregon	97520	United States	6/4/2013
Melissa Lema	Ashland	Oregon	97520	United States	6/4/2013
jennifer lunt	Ashland	Oregon	97520	United States	6/4/2013
Susannah Cole	Ashland	Oregon	97520	United States	6/4/2013
Aliza Kawecki	Cave Junction	Oregon	97523	United States	6/4/2013
freesia modica	phoenix	Oregon	97535	United States	6/4/2013
Melanie Lancaster	Talent	Oregon	97540	United States	6/4/2013
Savannah Kahn	Ashland	Oregon	97520	United States	6/4/2013
laurie red	ashland	Oregon	97520	United States	6/4/2013
Amanda Alford	Ashland	Oregon	97520	United States	6/4/2013
Sara Fiorenzo	Holland	Michigan	49423	United States	6/4/2013
Jasmyne Chandler	Ashland	Oregon	97520	United States	6/4/2013
Matt Roberts	Medford	Oregon	97501	United States	6/4/2013
Kyrill Stiritz	ashland	Oregon	97520	United States	6/4/2013
Craig Tate	Hobart		7150	Australia	6/4/2013
olin anderson	medford	Oregon	97501	United States	6/4/2013
Gina Patterson	Ashland	Oregon	97520	United States	6/4/2013
jeremy braun	Talent	Oregon	97540	United States	6/4/2013
Melanie Turner	ashland	Oregon	97520	United States	6/4/2013
Lisa Dunagan	Ashland	Oregon	97520	United States	6/4/2013