

**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. 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 six 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. 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. Implies cost saving for applicant 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 is something not 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 that it is 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. To lengthen the time for a large commercial development it does become tight to find 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. 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 Forum:

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, nightsky pieces that 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.