

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
JANUARY 13, 2015
AGENDA**

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

- II. **ANNOUNCEMENTS**

- III. **AD-HOC COMMITTEE UPDATES**

- IV. **CONSENT AGENDA**
 - A. **Approval of Minutes**
 - 1. November 25, 2014 Special Meeting
 - 2. December 9, 2014 Regular Meeting

- V. **PUBLIC FORUM**

- VI. **UNFINISHED BUSINESS**
 - A. **Approval of Findings for PA-2014-01956, First Place Subdivision (Lithia Way & First Street)**

- VII. **DISCUSSION ITEMS**
 - A. **Accessory Traveler's Accommodations in Residential Zoning Districts (Short Term Rentals)**

- VIII. **OTHER BUSINESS**
 - A. **Planning Commission's Annual Report**

- IX. **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
SPECIAL MEETING
MINUTES
November 25, 2014

CALL TO ORDER

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

Commissioners Present:

Michael Dawkins
Richard Kaplan
Debbie Miller
Melanie Mindlin
Tracy Peddicord
Lynn Thompson

Staff Present:

Bill Molnar, Community Development Director
Derek Severson, Associate Planner
April Lucas, Administrative Supervisor

Absent Members:

Troy J. Brown, Jr.

Council Liaison:

Mike Morris, absent

ANNOUNCEMENTS

Community Development Director Bill Molnar announced next Tuesday's council agenda includes first reading of the Unified Land Use Ordinance and the recommendation from the Normal Neighborhood Plan Working Group. He noted the Planning Commission's annual presentation to the Council is scheduled for December 16 and stated all commissioners are welcome to attend.

CONSENT AGENDA

A. Approval of Minutes

1. November 12, 2014 Regular Meeting.

Commissioners Miller/Mindlin m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed unanimously.

PUBLIC FORUM

No one came forward to speak.

TYPE II PUBLIC HEARING

A. PLANNING ACTION: #2014-01837

SUBJECT PROPERTY: 95 Winburn Way (Ice Rink parking lot)

OWNER/APPLICANT: City of Ashland, Ashland Parks & Recreation

DESCRIPTION: A request for Site Review approval to place a canopy over the Ice Rink, a recreational facility within Lithia Park, located at 95 Winburn Way. The application includes requests for Exception to the Site Design and Use Standards (IV-C) and for a Variance to allow the canopy structure to be placed within the required ten-foot side yard setback along Winburn Way. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-7.5; **ASSESSOR'S MAP:** 39 1E 09; **TAX LOTS:** Part of Tax Lot #100 (Lithia Park lot).

Commissioner Kaplan read aloud the public hearing procedures for land use hearings.

Ex Parte Contact

Commissioner Dawkins declared a site visit; no ex parte contact was reported.

Staff Report

Associate Planner Derek Severson provided a brief review of the application and stated staff is supportive of the request with the conditions of approval in the findings document. He added the draft findings presented to the Commission are reflective of the staff report, however the Commission is not bound to this language and are free to make changes if they choose to support the application. Mr. Severson reminded the Commission at the initial hearing on November 12 the applicant agreed to meet with the neighbors directly impacted by this proposal and develop a landscape plan that was agreeable to them, and that plan has been submitted into the record for their review (Exhibit P-23).

Applicant's Presentation

Michael Black/Ashland Parks & Recreation Director/Clarified they met with the neighbors at 94, 98 and 102 Granite who's property abuts the ice rink property and were able to work out a landscaping plan that would provide the screening necessary to alleviate their concerns. He noted one of the property owners was concerned with the slope and potential slope failure. He stated the Parks Department staff evaluated this concern very closely and determined this is not an issue, however agreed to plant eight Cedar trees to reinforce the slope and soil, and provide additional screening. Mr. Black stated the agreed upon Yew trees are 9-9.5 feet in height and will be planted on the City's property and will provide immediate screening for the neighbors, and cited the email submitted into the record from John Spillman which expresses his satisfaction with the planted trees and voices his support for the ice rink canopy. Mr. Black stated they feel they have successfully mitigated the neighbors' concerns regarding the canopy and asked for the Commission's approval.

Questions of the Applicant

The applicant was asked to address the removal of the Maple trees on the site. Mr. Black explained these trees had exposed roots and posed a hazard. He added the fear of falling trees prompted them to take care of this issue, and clarified they worked with a certified arborist and received the proper tree removal permits from the City.

The applicant was asked to comment on the requested five month operating season for the ice rink. Mr. Black explained it is their desire to operate from November 15 to March 15, but they would like an additional week at the tail end of the season to continue operations if weather permits.

Public Input

Devon Dicker/451 Williamson/Questioned why this hearing did not occur last year before the canopy was purchased and put up, but expressed his support for the ice rink and canopy and stated it is an important asset for Ashland.

John Joynt/1949 Crestview/Voiced his support for the canopy and stated he is here tonight on behalf of a number of friends and family who also wish to extend their support.

Claudia Everett/140 S Pioneer/Read aloud her written statement in opposition to the application (Exhibit O-4).

Barry Peckham/315 Oak/Spoke in favor of the canopy and noted a large number of people and children enjoy skating at the rink. Mr. Peckham recommended the Commission not reduce the rink's season and commended the Parks Department on their good faith efforts to work with the individuals who had concerns and resolve their issues.

Lincoln Zeve/2710 Siskiyou/Stated he skates nearly daily when the rink is open and stated it is a great asset for our community. Mr. Zeve questioned why there is not a permanent roof and stated this would offer even more protection and would allow this space to be used for community gatherings or music shows in the warmer months. He stated he skated last Friday in the rain and it was very unpleasant, and expressed his support for the canopy.

Applicant's Rebuttal

Mr. Black clarified the lights underneath the canopy are pointed downward, and the canopy material and thickness is different from the previously used canopy and captures much of the light within the cover. He added the rink is open to 10 pm most nights, however he will look into turning off some of the lights during the half hour it takes to shut everything down. In terms of noise, he asked that they be held to the same standards as everyone else and adhere to the City's noise ordinance. Mr. Black encouraged the Commission to adopt the findings tonight, if possible, and explained the Parks Department would like to erect the tent after the appeal period ends and have the rink functional in time for the Christmas

holiday. He stated they have already shown good faith in planting the trees and noted the Parks Department did go through an approval process before the canopy was purchased and installed last year; however, it was determined later on that it was not the correct approval process which is why they are here tonight.

Questions of the Applicant

Recreation Superintendent Rachel Dials clarified when the rink is not staffed, it is still open to the public and they can skate for free until there is staff on site. Mr. Black stated they will address the neighbor concern about early morning noise and can post notices discouraging hockey playing before the rink opens.

Regarding the light and glare concern, Mr. Black clarified the canopy captures much of that light and the mitigation will resolve the rest of that issue.

Mr. Molnar commented on the approval procedures and stated the Parks Department approached staff and did everything they were asked to do when the replacement canopy was purchased. He stated when it became clear that the canopy was larger than the old one, and due to the code changes that occurred in 2008, it was clear that a site review public hearing was required. That is when staff notified the Parks Department that there was an error in the procedures and before they erected the canopy this year it would have to go through this process.

Commissioner Kaplan closed the record and the hearing at 7:45 p.m.

Deliberations & Decision

The commissioners shared their comments on the application. Commissioner Miller commented that this appears to be the best way to protect the rink and noted the height is necessary to withstand the load. She added the entire rink was not covered before and the new canopy provides additional protection. Commissioner Peddicord stated the cover is relevant to the functioning of the ice rink and they are not here to decide if the rink should exist. Commissioner Dawkins agreed with Peddicord. He stated the old cover was minimal and functioned, but not as well as it could. He stated the glare and noise is reduced with the thicker canopy, and the canopy's height is necessary to accommodate snow load. Commissioner Kaplan noted the public testimony indicating there is less debris on the ice with the canopy and stated having the canopy protects the city and the users from potential injury. Commissioner Miller stated the benefits to the community outweigh the impacts, and if the applicant can mitigate the impacts to the few people who are impacted, than this is a win-win situation. Commissioner Kaplan noted this application went before the Historic Commission and their approval is included in the record.

Commissioners Dawkins/Peddicord m/s to approve Planning Action #2014-01837 with the conditions of approval recommended by staff. DISCUSSION: Comment was made questioning if they should include a condition about the early morning noise. Kaplan commented that the applicant has been very responsive to the neighbors' concerns and he trusts them to follow up on this concern. He added it may be cleaner to include this provision in the findings rather than the approval motion. Mr. Severson agreed and stated because the applicant made this stipulation during their testimony, the Commission can require it to be adhered to. **Roll Call Vote: Commissioners Dawkins, Miller, Mindlin, Peddicord, Thompson, and Kaplan, YES. Motion passed unanimously.**

B. Adoption of Findings for PA-2014-01837, 95 Winburn Way.

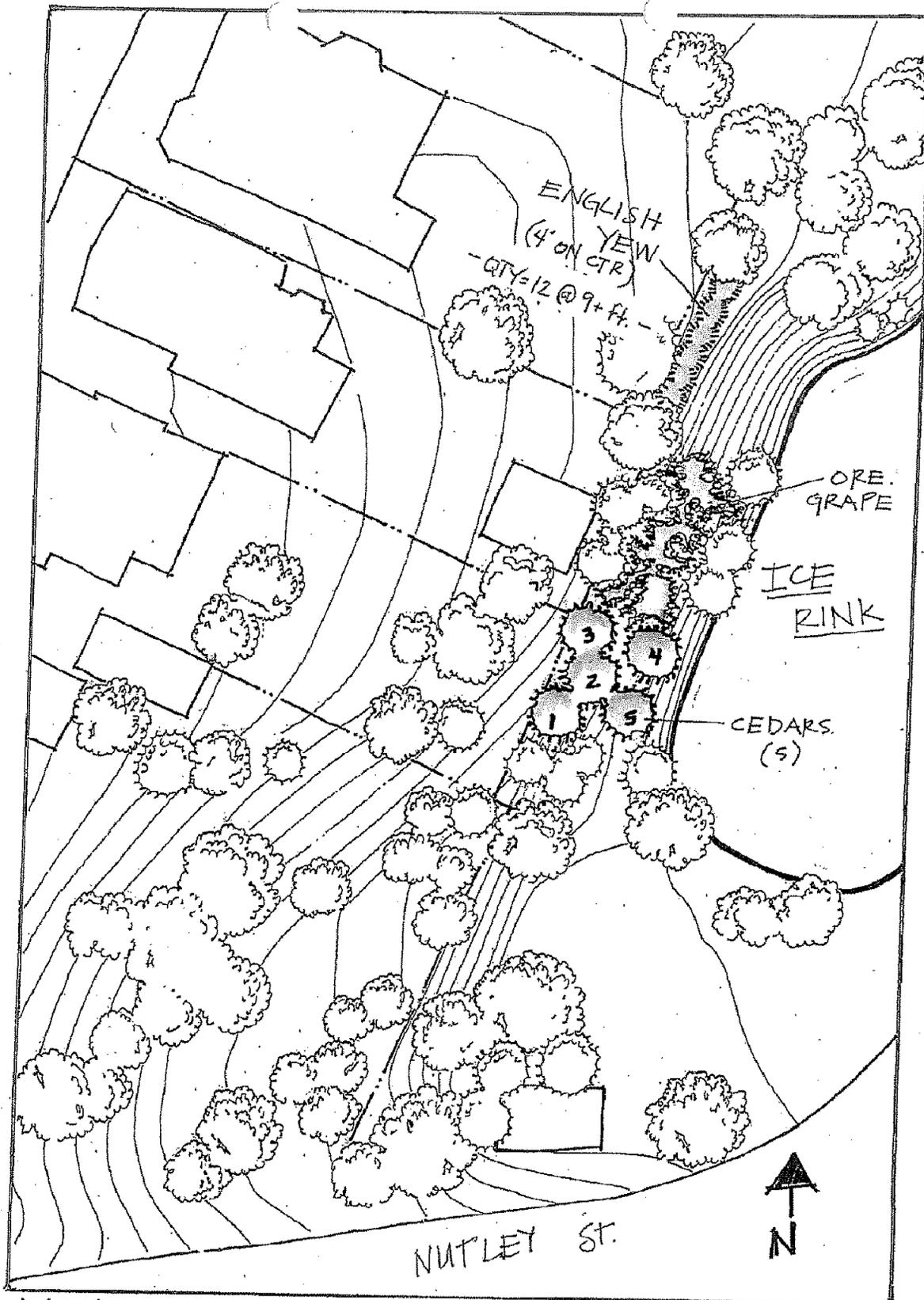
Commissioner Kaplan reviewed the findings document with the proposed changes. Commissioner Thompson questioned if the group is comfortable with how they are interpreting the law as far as the conditional use permit requirement. Mr. Molnar stated he discussed this application with the City Attorney and he was comfortable with the way this was interpreted for this application. He added a similar action could come before the Commission and they have the ability to make a different finding. Commissioner Mindlin requested the following changes to the findings: 1) strike the term "proper" from the first sentence on #6 and add include that two notices were done, and 2) strike the term "ridge" from the third paragraph on page five and insert "elevation change".

Commissioners Dawkins/Thompson m/s to approve the Findings with the changes outlined. Roll Call Vote:
Commissioners Thompson, Peddicord, Dawkins, Miller, Mindlin, and Kaplan, YES. Motion passed unanimously.

ADJOURNMENT

Meeting adjourned at 8:20 p.m.

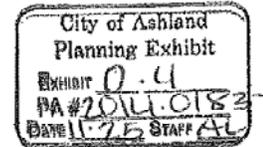
*Submitted by,
April Lucas, Administrative Supervisor*



LANDSCAPE PLAN - ICE RINK - NOV. 25, 2014

City of Ashland
 Planning Exhibit
 Exhibit P-23
 PA #20110183
 Date 11/25/14 (STAFF: AJ)

November 25, 2014
Planning action #2014-01837
Ice rink/parking lot



To the women and men of the Ashland Planning Commission:

My name is Claudia Everett. I own and live in the house at 140 South Pioneer St. It is directly across Lithia Park from the ice rink. I would like to thank the staff for including me in this 2nd public hearing on this action. I understand that I am outside the 200 ft. perimeter of properties which are considered affected.

I have lived at this address since before the rink was built. This is the second time I've attended a meeting about the ice rink. In 1996 when it was first proposed, the public funding campaign presented it as a Currier & Ives print. When it opened it looked more like a stadium. From across the park the lighting starkly lit the back walls of my living room. A woman from the parks commission came to my home to take a look and, as a result, hoods were added to the lights. Much better! Now, 16 years later, the lights from the two United Rental units at the rink cast shadows on my walls again. Today they came on at 3:30. Saturday they were still shining in at 10:30 PM. I hope these will be covered up when the big tent is finally in place. But it's already been 10 days! Least you think that I am a crank, timing all the goings on at the rink, let me assure you that, because of the big, bright white expanse, that is the predominate view from my house between mid Nov. and whenever the tent gets taken down.

I've always assumed that since the rink is in the park, even as a neighbor, I had no input. Now I notice that this property is zoned R-1, single family residential. As a neighbor, I'd like to suggest a few things to make the impact of the rink a little easier on us.

First: no hockey puck smashing until 10 AM, especially on Sunday. (Currently it starts as early as 7:30.)

Second: Lights OUT by 10 PM.

Third: How about a 'dark day', once a week-like OSF. It would be a break from the noise and bright light.

Last: I think we will need to learn to live with the big white tent-but please, please take it down soon after the rink closes for the season.

Thanks for allowing me to speak, Claudia Everett

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
REGULAR MEETING
MINUTES
December 9, 2014

CALL TO ORDER

Chair Richard Kaplan called the meeting to order at 7:02 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
Lynn Thompson

Staff Present:

Bill Molnar, Community Development Director
Derek Severson, Associate Planner
April Lucas, Administrative Supervisor

Absent Members:

None

Council Liaison:

Mike Morris, absent

ANNOUNCEMENTS

Community Development Director Bill Molnar announced the second reading of the Unified Land Use Ordinance will take place at the next City Council meeting. Also on the agenda is the Planning Commission's annual presentation.

AD-HOC COMMITTEE UPDATES

Normal Neighborhood Plan Working Group: Commissioner Kaplan stated the working group presented their recommendation to the City Council and the Council has directed staff to incorporate the suggestions into a final document. He stated staff will bring the final document before the Parks Commission, Transportation Commission, and Planning Commission for comment before it goes back to the City Council for final approval. Kaplan suggested a joint meeting and staff indicated this may be possible for the Transportation and Planning Commissions.

Downtown Parking and Multi-Modal Committee: Commissioner Dawkins stated the group has been meeting for over a year and the scope continues to expand. He explained they have formed an executive subcommittee to develop a template that will describe how they will go about looking at the various pieces that relate to the downtown transportation plan in an organized manner. He added there are competing ideological differences among the committee members that will need to be worked out.

PUBLIC FORUM

Colin Swales/95 Coolidge/Requested the City take another look at the medical marijuana dispensary ordinance. He stated the new dispensary on North Main backs up to a residential neighborhood and there are residential houses directly across the street. He added it seems unfair that these are being pushed out of the downtown and closer to residential neighborhood in order to not upset merchants and visitors.

TYPE II PUBLIC HEARING

A. **PLANNING ACTION:** #2014-01956

SUBJECT PROPERTIES: First Place Subdivision, corner of Lithia Way & First Street

APPLICANTS: First Place Partners, LLC

DESCRIPTION: A request for Site Review approval to construct the second and third phases of the First Place Subdivision for the property located at the corner of Lithia Way and First Street.

- Phase Two is a request for Site Review approval to construct a new mixed use building (Plaza Central East) on Lots #2 and #3 at the corner of Lithia Way and First Street. The proposal includes consolidation of the two lots and construction of a 32,191 square foot, three-story mixed-use building consisting of basement parking, ground floor commercial, and 15 residential units distributed between the ground, second and third floors. The application includes requests to modify the common area landscaping and parking configuration to better accommodate the proposal, and Exceptions to the Site Design and Use Standards' Downtown Design Standards to allow for balconies on the front of the building and to allow windows that are more horizontal than vertical.
- Phase Three is a request for Site Review approval to construct a new mixed use building (Plaza North) on Lots #4 and #5 at the northeast corner of the site, on First Street. The proposal includes consolidation of the two lots and construction of a 9,607 square foot, three-story mixed-use building including ground floor commercial space and four residential units. The application includes requests to modify the common area landscaping and parking configuration to better accommodate the proposal, and two requests for Exceptions to the Site Design and Use Standards' Downtown Design Standards to allow for a staggered street setback and to allow two sets of windows to be more horizontal than vertical.
- (Phase One, a three-story 18,577 square foot mixed-use building (Plaza West) consisting of basement parking, commercial and residential space on the first floor and residential space on the second and third floors was recently completed at 175 Lithia Way.)

COMPREHENSIVE PLAN DESIGNATION: Commercial; ZONING: C-1; ASSESSOR'S MAP: 39 1E 09BA; TAX LOTS: 10100, 10102, 10103, 10104 and 10105.

Commissioner Kaplan read aloud the public hearing procedures for land use hearings.

Ex Parte Contact

Commissioners Brown, Dawkins, Kaplan, Miller, Mindlin, Peddicord and Thompson declared site visits. No ex parte contact was reported.

Staff Report

Associate Planner Derek Severson addressed the Commission and noted the items that were distributed to the group, including an email from Colin Swales, a submittal from the applicants, and the Tree and Historic Commission recommendations. Mr. Severson explained the applicant has requested site review approval to construct the second and third phases of the First Place subdivision; Phase One (Plaza West) is a mixed use three-story building and has already been approved and completed. Mr. Severson provided an overview of the Phase Two and Phase Three development proposals. Phase Two involves consolidating two lots into one and constructing a single, three-story mixed use building with underground parking. Mr. Severson noted two proposed changes to the site plan: 1) remove two surface parking spaces to allow for a trash enclosure and add two underground spaces, and 2) install a single driveway entry instead of two. Mr. Severson added while the proposal is to build a single building, the façade will be treated as two separate buildings. He explained the application for Phase Two includes an exception to the Site Design & Use Standards to allow for balconies on the front of the building and an exception to allow windows that are more horizontal than vertical. For Phase Three, Mr. Severson explained lots four and five would be consolidated, and a three-story mixed use building is proposed. He noted the application includes an exception to the Site Design & Use Standards to allow for a staggered street setback, and an exception to allow windows that are more horizontal than vertical. Mr. Severson commented further on the exception requests. He noted Plaza West was approved with a similar exception for the balconies, and noted the similar treatment on the Jasmine Building across the street. Regarding the windows, he stated the Historic Commission discussed this element at length and they found that the vertical divisions in the windows retain the vertical character, even though the windows are technically more horizontal when placed side by side. Mr. Severson concluded his presentation and stated staff is supportive of the request and have recommended conditions of approval for the Commission's consideration.

Applicant's Presentation

Mark Knox, Applicant's Representative/Mr. Knox explained they have no issues is the conditions of approval recommended by staff, and noted the Historic Commission was very supportive of this application. He added the policy

decisions of the City over the last 20 years address how the City should grow and incorporate infill, as well as provide the opportunity for people to live and work downtown. He added the main issue to be discussed tonight is likely the architecture of the proposed buildings.

Steve Ennis, Project Architect/Mr. Ennis explained he is the architect for Plaza North and provided a brief overview of the proposal. He noted the stepped design of the building and stated this was done to address the grade and slope issue, but also to meet the solar ordinance and to be respectful of the adjacent residential neighborhood. Mr. Ennis commented on the architectural elements of the building and also provided an overview of the proposed building materials. He stated this building meets the Downtown Design Standards and provides the appropriate transition to the adjacent residential zone.

Jerome White, Project Architect/Mr. White clarified consolidating the driveways helps the site to function better, and stated the balconies and entrance alcoves were done to break up the façade of the building. He noted the vertical rhythm of the building and stated the proposed balconies would enhance the street livability. Mr. White cited the exception criteria and the images contained in the Downtown Design Standards and stated the proposed balconies and windows meet the intent of the code. Mr. White displayed images of existing downtown buildings which contain similar features to this building and noted the Historic Commission unanimously approved this application. He added the City has adopted a limit to the urban growth boundary and this is the type of building we want to see.

Mr. Knox noted the standards include exceptions because each situation is unique and they believe these buildings meet the intent of the code. He added the windows are not one single pane, and stated this pattern can be clearly seen elsewhere downtown.

Questions of the Applicant

The applicant was asked why they are not building to the full density allowed. Mr. Knox commented that meeting the parking requirement would have been an issue and stated they did not want to request a parking variance.

The applicant was asked if the commercial spaces would allow for a restaurant use. Mr. White commented that restaurants require a higher number of parking spaces and the design was intended to accommodate commercial retail space.

The applicant was asked to elaborate on the design of the Plaza Central building. Mr. White stated this structure will include a lot of windows and glass and the intent was to open it up, but maintain a simple design, not unlike the City Hall building. He noted color will be added on the base with tile accents and stated the intent was to have this portion be more subtle in order to provide contrast with the other two facades.

The applicant was asked if this development will have CCRs and whether short term rentals would be permitted. Mr. Knox explained the CCRs were approved when this project first came forward and were part of the subdivision approval. He stated the approved CCRs do not allow short term rentals and any changes to this provision would be subject to the board of directors approval. Mr. Molnar noted that once the unified code is adopted it would allow individual owners to come back at a later date and request a conditional use permit for a travelers accommodation.

Public Input

Colin Swales/95 Coolidge/Voiced his disappointment that he is the only person present to provide comment. He noted the denial of the Northlight project and stated this was supposed to come back as a subdivision divided into multiple lots to get away from the large massing and to better address bulk and scale; however, the applicants are now asking to combine the buildings into one. Mr. Swales stated at least the top story of the first building is stepped back, which makes it read more like a two story. He voiced concern that the maximum density allowance is not being built, and stated the intent was for workforce housing, not high end condos that can be used as vacation rentals. He stated he has no objections to the balconies, but would have preferred for some public art to have been included and asked that the Commission ensure the public plaza space is usable.

Rebuttal

Mr. Knox stated they meet every standard and the exceptions in the Design Standards are intended to create some uniqueness. He agreed that the buildings are large, but noted that the Planning Commission and City Council just recently

approved an additional 1,500 sq.ft. allowance to these types of buildings. He added the Design Standards recommend multiple stories in the downtown, and disagreed that this creates a canyon effect.

Mr. White noted the subdivision was approved with three lots fronting Lithia Way and they chose to combine the buildings to deal with efficiency, but the appearance that was originally approved is still being honored.

Mr. Knox commented that they have no intention to convert these units to short term home rentals and stated it would be very difficult for someone to change the CCRs. He noted they would have to convince the rest of the tenants, as well as convince staff and get the Planning Commission's approval.

Commissioner Kaplan closed the hearing and the public record at 8:10 p.m.

Questions of Staff

Mr. Molnar commented on parking and agreed that this influences how the design is laid out. Regarding density and possible future intensification of the site, he noted the entire parking chapter was revised when the Pedestrian Places Overlay was adopted and allows for parking consolidation. If it could be shown that there is not a peak parking demand at the same time, the current code could allow for a change in use over time.

Staff was asked if any project that came forward for this space would have the same potential for short term rentals down the road. Mr. Molnar stated this is correct. He added while the City desires residential in the downtown, around 85% of the City's short term rentals are in the downtown area and stated there are advantages to having these types of uses close to downtown.

Mr. Severson clarified the Historic and Tree Commission recommendations are included in the recommended conditions of approval.

Deliberations & Decision

Commissioners Thompson/Mindlin m/s to approve Planning Action #2014-01956 with the conditions of approval recommended by staff. DISCUSSION: Thompson commented that the applicants have done a good job of meeting the requirements of the code. She added the question of whether this parcel should be developed is not up to them; there are rules around how development can occur and she sees no basis for denial of this project. Mindlin agreed that the applicant has done an excellent job of meeting the criteria. She stated the balconies are an asset and agrees with the applicant regarding the windows. She stated the intent was to maximize building in the downtown area and while it is unfortunate that these will be luxury condos instead of workforce housing, it is not within their purview to make that decision. Brown stated that overall this is a good project, but stated building frontages over 100 ft. should include some setbacks to break up the long flat façade. Additionally, he stated the height of the building proposed for Lithia Way does not have enough height variation. Dawkins stated he is comfortable with the architecture and will vote in support of the motion, but expressed his disappointment with how this piece of property is being developed. He stated he advocated multiple times in the past that this piece of property be looked at and have some visioning and he is disappointed that these will be luxury condos that are lived in part of the time instead of affordable workforce housing. Mr. Severson commented on the concerns raised regarding the building heights and façade. He stated the building that fronts Lithia has distinctive changes so that it reads as two separate buildings and a corner tower, and noted the requirement for the applicant to build up to the property line. He added it could be found that the balconies and inset proposed do meet the intent of the code. Regarding the height, Mr. Severson noted the language does state slightly dissimilar and clarified there is a difference between the building heights. **Roll Call Vote: Commissioners Dawkins, Mindlin, Peddicord, Thompson, and Kaplan, YES. Commissioners Brown and Miller, NO. Motion passed 5-2.**

OTHER BUSINESS

Mr. Molnar noted the Council Goals and Objectives document that was distributed and asked that the Commission keep these in mind and look for opportunities to embrace them as they continue their work over the next year and a half. He noted that Wildfire Hazard Zones will come before the Commission early next spring, and Short Term Rentals and amendments to the Airport Overlay Zone will come forward next year as well.

ADJOURNMENT

Meeting adjourned at 8:35 p.m.

*Submitted by,
April Lucas, Administrative Supervisor*

BEFORE THE PLANNING COMMISSION
January 13, 2015

IN THE MATTER OF PLANNING ACTION #2014-01956, A REQUEST FOR SITE)
REVIEW APPROVAL TO CONSTRUCT THE SECOND AND THIRD PHASES)
OF THE FIRST PLACE SUBDIVISION FOR THE PROPERTY LOCATED AT)
THE CORNER OF LITHIA WAY AND FIRST STREET. THE PROPOSED)
PHASE TWO REQUESTS SITE REVIEW APPROVAL FOR A NEW MIXED-)
USE BUILDING (THE APPLICANTS' "PLAZA CENTRAL/EAST") ON LOTS)
#2 AND #3 AT THE CORNER OF LITHIA WAY AND FIRST STREET. THE)
PROPOSAL INCLUDES CONSOLIDATION OF THE TWO LOTS AND CON-)
STRUCTION OF A 32,191 SQUARE FOOT, THREE-STORY MIXED-USE BUILD-)
ING CONSISTING OF BASEMENT PARKING, GROUND FLOOR COMMER-)
CIAL AND 15 RESIDENTIAL UNITS DISTRIBUTED BETWEEN THE)
GROUND, SECOND AND THIRD FLOORS. THE APPLICATION INCLUDES)
REQUESTS TO MODIFY THE COMMON AREA LANDSCAPING AND PARK-)
ING CONFIGURATION TO BETTER ACCOMMODATE THE PROPOSAL,)
AND EXCEPTIONS TO THE SITE DESIGN AND USE STANDARDS' DOWN-)
TOWN DESIGN STANDARDS TO ALLOW FOR BALCONIES ON THE FRONT)
OF THE BUILDING AND TO ALLOW WINDOWS THAT ARE MORE HORI-)
ZONTAL THAN VERTICAL. THE PROPOSED **PHASE THREE** REQUESTS)
SITE REVIEW APPROVAL TO CONSTRUCT A NEW MIXED-USE BUILDING)
(THE APPLICANTS' "PLAZA NORTH") ON LOTS #4 AND #5 AT THE NORTH-)
EAST CORNER OF THE SITE, ON FIRST STREET. THE PROPOSAL INCLUDES)
CONSOLIDATION OF THE TWO LOTS AND CONSTRUCTION OF A 9,607)
SQUARE FOOT, THREE-STORY MIXED-USE BUILDING INCLUDING)
GROUND FLOOR COMMERCIAL SPACE AND FOUR RESIDENTIAL UNITS)
ABOVE. THE APPLICATION INCLUDES REQUESTS TO MODIFY THE)
COMMON AREA LANDSCAPING AND PARKING CONFIGURATION TO)
BETTER ACCOMMODATE THE PROPOSAL AND EXCEPTIONS TO THE SITE)
DESIGN AND USE STANDARDS' DOWNTOWN DESIGN STANDARDS TO)
ALLOW A STAGGERED STREET SETBACK AND TO ALLOW TWO SETS)
OF WINDOWS MORE HORIZONTAL THAN VERTICAL. (**PHASE ONE**,)
THE APPLICANTS' "PLAZA WEST," WAS APPROVED BY THE PLANNING)
COMMISSION AS PART OF PA #2012-01122 AND WAS RECENTLY)
COMPLETED ON LOT #1, NOW ADDRESSED AS 175 LITHIA WAY.))

**FINDINGS,
CONCLUSIONS
AND ORDERS**

APPLICANT: First Place Partners, LLC (*applicants*))

RECITALS:

- 1) Tax lots 10100, 10102, 10103, 10104 and 10105 of Map 39 1E 09 BA are located at the corner of Lithia Way and First Street within the First Place Subdivision and are zoned Commercial (C-1).
- 2) The applicants are requesting Site Review approval to construct the second and third phases of the First Place Subdivision for the property located at the corner of Lithia Way and First Street.

Phase One included the construction of a three-story 18,577 square foot mixed-use building (designated as "Plaza West" by the applicants) with basement parking, commercial space on the first floor, and ten residential units split between the ground, second and third floors. This building was approved by the Planning Commission in 2012 as part of PA #2012-01122 and was recently completed on Lot #1, which is now addressed as 175 Lithia Way.

The proposed Phase Two requests Site Review approval to construct a new mixed-use building (the applicants' "Plaza Central/East") on Lots #2 and #3 at the corner of Lithia Way and First Street. The proposal includes consolidation of the two lots and construction of a 32,191 square foot, three-story mixed-use building consisting of basement parking, ground floor commercial, and 15 residential units distributed between the ground, second and third floors. The application includes requests to modify the common area landscaping and parking configuration to better accommodate the proposal, and Exceptions to the Site Design and Use Standards' Downtown Design Standards to allow for balconies on the front of the building and to allow windows that are more horizontal than vertical.

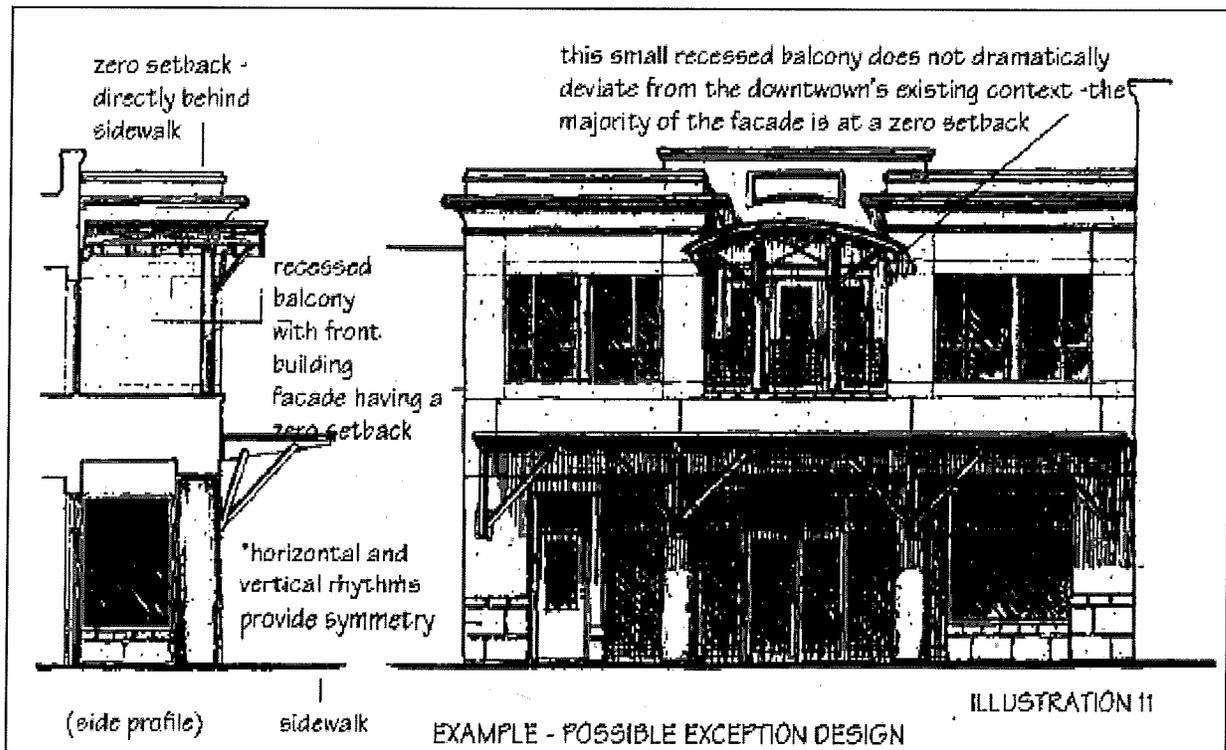
The proposed Phase Three requests Site Review approval to construct a new mixed-use building (the applicants' "Plaza North") on Lots #4 and #5 at the northeast corner of the site, along First Street. The proposal includes consolidation of the two lots and construction of a 9,607 square foot, three-story mixed-use building including ground floor commercial space and four residential units above. The application includes requests to modify the common area landscaping and parking configuration to better accommodate the proposal, and two requests for Exceptions to the Site Design and Use Standards' Downtown Design Standards to allow for a staggered street setback and to allow two sets of windows to be more horizontal than vertical.

Proposed site improvements are outlined on the plans on file at the Department of Community Development.

- 3) The criteria for Site Review approval are described in Chapter 18.72.070 as follows:
 - A. *All applicable City ordinances have been met or will be met by the proposed development.*
 - B. *All requirements of the Site Review Chapter have been met or will be met.*
 - C. *The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.*
 - D. *That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be*

provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options.

- 4) The criteria for an Exception to the Downtown Design Standards are described in Section VI-K of the Site Design and Use Standards' Downtown Design Standards as follows:
 1. There is a demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site, an existing structure or proposed use of the site;
 2. There is demonstrable evidence that the alternative design accomplishes the purpose of the Downtown Design Standards and Downtown Plan in a manner that is equal or superior to a project designed pursuant to this standard or historical precedent (Illustration: Recommend 11).



3. The exception requested is the minimum necessary to alleviate the difficulty of meeting the Downtown Design Standards.
- 6) The Planning Commission, following proper public notice, held a public hearing on December 9, 2014 at which time testimony was received and exhibits were presented. Following the close of the hearing, the Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

Now, therefore, the Planning Commission of the City of Ashland finds, concludes and recommends as follows:

SECTION 1. EXHIBITS

For the purposes of reference to these Findings, the following index of exhibits, data and testimony is used:

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

Hearing Minutes, Notices, and Miscellaneous Exhibits lettered with an "M"

SECTION 2. CONCLUSORY FINDINGS

2.1 The Planning Commission finds that it has received all information necessary to make a decision based on the Staff Report, public hearing testimony and the exhibits received.

2.2 The Planning Commission finds that the proposal to construct the second and third phases of the First Place Subdivision for the property located at the corner of Lithia Way and First Street meets all applicable criteria for Site Review as described in Chapter 18.72.070, and that the proposals for Exceptions to the Site Design and Use Standards' Downtown Design Standards meet all applicable criteria for an Exception as described in Section VI-K of the Site Design and Use Standards' Downtown Design Standards.

2.3 The Planning Commission finds that the current application involves the development of the remaining vacation lots created with the six-lot "First Place" subdivision of the parent parcels approved by the Planning Commission in October of 2012 as PA #2012-01122. In conjunction with that approval, a Site Review permit to construct a three-story 18,577 square foot mixed-use building with a basement consisting of basement parking, commercial and residential space on the first floor and residential space on the second and third floors was approved as Phase I. This building, now called "Plaza West" by the applicants, was recently granted occupancy approval and will house a bank and coffee shop in the ground floor commercial space, with the remainder of the building to house ten residential units. The Commission further finds that site infrastructure including most utilities, paving of the driveway and parking areas, sidewalks, street trees, and streetlights were installed along both frontages with completion of the subdivision improvements and the subsequent development of Lot #1 as Plaza West.

The Commission finds that the proposed Phase Two of the First Place subdivision development requires Site Review approval to construct a new mixed-use building (the applicants' "Plaza Central East") on Lots #2 and #3 at the corner of Lithia Way and First Street. The proposal includes consolidation of the two lots nearest the corner on Lithia Way to construct a 32,191 square foot, three-story mixed-use building consisting of basement parking, ground floor commercial, and 15 residential units. The building will include five commercial spaces and

three residential units on the ground floor, with the 12 remaining residential units distributed on the second and third floors. The proposed building will be designed to appear as two distinct buildings from the exterior, but will be built as one building with various internal connections including a single, under-structure basement to accommodate parking and storage. The center portion will be designated as "Plaza Central" by the applicants, and the end portion of the building will be "Plaza East". The Plaza Central/East application includes requests to modify the common area landscaping and parking configuration to better accommodate the proposal, and Exceptions to the Site Design and Use Standards' Downtown Design Standards to allow for balconies on the front of the building and to allow windows that are more horizontal than vertical.

The Commission finds that the proposed Phase Three of the First Place subdivision development requires Site Review approval to construct a new mixed-use building (the applicants' "Plaza North") on Lots #4 and #5 at the northeast corner of the site, with both lots fronting on First Street across from the Post Office parking area. The proposal includes consolidation of the two lots to construct a 9,607 square foot, three-story mixed-use building including ground floor commercial space and four residential units above. The application also includes requests to modify the common area landscaping and parking configuration to better accommodate the proposal, and two requests for Exceptions to the Site Design and Use Standards' Downtown Design Standards to allow for a staggered street setback and to allow two sets of windows to be more horizontal than vertical.

2.4 The Planning Commission finds that the proposal involves a mix of permitted commercial uses (retail, office, and restaurant) and residential units. The commercial uses are outright permitted in the Retail Commercial (C-1) district, and residential units are a special permitted use in the district. C-1 zoning regulations require a minimum of 65 percent of the gross floor area of the ground floor of the building be used for permitted or special permitted uses. The proposal designates 66.9 percent of the ground floor area for Plaza Central East as commercial space, with the remaining 33.1 percent of the ground floor and the full second and third floors dedicated to accommodating the 15 residential units, including one required affordable unit. For Plaza North, the applicants identify 67.5 percent of the ground floor as dedicated to commercial use and the remaining 32.5 percent of the ground floor, and the full second and third floors, accommodating four residential units.

With the current application and the recently completed Plaza West building, 29 units of the parent parcel's 43-unit residential density will be built on site. The applicants propose to allocate parking between the proposed buildings, and have provided calculations demonstrating how the available 56 spaces of surface parking and 33 garage spaces might be allocated between the buildings and their component uses to accommodate retail, office and restaurant uses in addition to the proposed residential units. The proposed allocations are summarized in the table below, prepared by staff.

FIRST PLACE SUBDIVISION ALLOCATIONS			
BUILDING	SURFACE PARKING (56 Spaces Available)	GARAGE PARKING (33 Spaces Available)	RESIDENTIAL UNITS (43 Unit Available Density)
Plaza West (18,577 s.f.)	16	12	10 (1 affordable)
Plaza Central/East (32,191 s.f.)	26	19	15 (1 affordable)
Plaza North (9,607 s.f.)	14	2	4
TOTAL	56	33	29

A condition has been included below requiring that revised parking allocation information be provided with each building permit as the commercial tenant spaces develop to verify that the parking allocated will accommodate the parking required for all existing and proposed uses.

The C-1 zoning district does not require standard setbacks from property lines unless a parcel abuts a residential zoning district, in which case a ten-foot per story rear yard setback and a ten-foot side yard setback are required. As proposed, none of the proposed building lots abuts the R-2 residential zoning district to the north, however the common area parcel north of Plaza North abuts the R-2 zoning district and there is at least a 38-foot setback between the residential property and the proposed three-story Plaza North building. Calculations have also been provided demonstrating compliance with the Solar Access Ordinance “Standard B” for the proposed Plaza North building.

Given its direct frontage on Lithia Way, the Plaza Central East parcel is also subject to the Arterial Setback requirements of AMC 18.68.050. These requirements call for a setback that is the lesser of 20 feet or the width necessary to install city standard sidewalk and parkrow improvements. In this case, an additional two feet of sidewalk is to be installed along the frontage with construction of the proposed building to comply with the current sidewalk standards, and the building is to be constructed immediately behind the sidewalk to comply with the arterial setback requirement and applicable design standards.

The proposed building height for the Plaza Central East building is 39.94 feet and 40 feet for Plaza North, both of which are calculated based on an average of the finished grade on all four elevations. 40 feet is the maximum height permitted in the C-1 zone. The landscaping plan provided identifies 17.48 percent of the site as included in landscaped areas, which satisfies both the 15 percent requirement for the C-1 district and the required seven percent landscaping requirement for the parking area.

The bicycle parking requirements in AMC 18.92.060 call for at least one bicycle parking space to be provided for every five automobile parking spaces, with fifty percent of these spaces to be covered, and that additional covered bicycle parking spaces be provided for each residential unit. For the 56 surface automobile parking spaces proposed, at least 12 bicycle parking spaces are required to be provided on site, in addition to those spaces necessary for the residential units that

the applicants propose to address in individual basement storage areas provided for each unit. As originally approved, the subdivision proposal identified five “inverted U” racks for ten bicycle parking spaces in the plaza space to the west of Plaza West and three “inverted U” racks for six bicycle parking spaces adjacent to the walkway north of what is to be Plaza North. These eight racks would provide 16 bicycle parking spaces, exceeding the amount required in association with the surface parking. The subdivision approval included a condition that at least half of the required bicycle parking spaces (six of the 12 required) be covered. As currently installed, only three racks for six spaces are in place adjacent to Plaza West and two racks for four spaces are in place near the proposed Plaza North. At least one additional rack to accommodate two additional spaces, for a total of 12, is needed and at least 50 percent of these spaces are required to be covered. A condition has been added below to require that the additional bicycle parking and coverage in keeping with the requirements of AMC 18.92.060 be identified in the building permits and installed prior to occupancy of either of the buildings proposed here.

In keeping with the requirements of the Site Review Chapter, the application materials provided identify that both the required 15 percent landscaping and seven percent parking lot landscaping are to be provided with completion of the project, and that an irrigation system will be installed that is a low volume, fully automatic design. As previously required of the subdivision, a condition has again been added below that for those lots that are undeveloped and not actively in use for construction or staging, the building pads be seeded with a low-water use wildflower mix and maintained in a weed-free condition. The application notes that required trash and recycling facilities will be provided within the building’s basement for Plaza Central/East and in an enclosure behind Plaza North, and that lights will be selected and placed to avoid direct illumination of adjacent residential properties. Conditions to ensure that these items are installed and maintained according to standards have been included below.

The First Place subdivision lies within the Detail Site Review Zone, the Downtown Design Standards Zone, and the Downtown and Railroad historic districts. As a result, the application is subject to the Basic Site Review Standards for Commercial Development, Detail Site Review Standards, Downtown Design Standards and Historic District Design Standards. Additionally, because the proposed Plaza Central East building is greater than 10,000 square feet in size and is located within the Detail Site Review Zone, it is also subject to Additional Standards for Large Scale Projects. The Commission finds that because site layout, parking, pedestrian and vehicular access and circulation, and landscaping were largely addressed through the 2012 Subdivision and Site Review applications, the current review focuses largely on the designs of the proposed new Plaza Central East and Plaza North buildings as they relate to the applicable standards.

The Commission finds that the proposed building designs meet the Basic Site Review Standards. Plaza Central East has a strong orientation to Lithia Way, and Plaza North relates well to the First Street frontage. Streetscape and landscape amenities are being provided in conformance with standards. Parking and circulation are placed behind the buildings, and requisite parking lot landscaping and screening are detailed in the plans provided in a manner consistent with the original approvals and minor modifications here. The application recognizes the requirements to

address noise and glare, and notes that noise will be within limits typical of the permitted use and will not exceed standards, and that lighting will be provided in the form of under-canopy lights, strategically placed wall lights, and pedestrian scale bollard lighting designed to comply with standards to minimize glare.

The Commission also finds that the Detail Site Review Standards are fully addressed with both buildings as well. The project is subject to meeting at least a 0.50 Floor Area Ratio (FAR), and the application includes calculations demonstrating that with the build-out proposed, the FAR will be at approximately 1.24. The building faces along Lithia Way incorporate many windows as well as covered entries and horizontal canopies to provide pedestrians with protection from the elements, and Plaza North utilizes covered entries and roof overhangs to provide protection from the elements. Both buildings' masses are divided into vertical bays and have strong entries from the sidewalk emphasized through design elements. Plaza areas and pedestrian walkways are treated in scored, colored concrete to clearly designate "people areas" of the site, and the proposed Plaza Central East building is to be set directly behind the Lithia Way sidewalk while Plaza North steps back along the First Street sidewalk.

The Plaza Central East building is subject to Large Scale Design Standards, as its floor area is greater than 10,000 square feet. The application explains that the building complies with the 45,000 square foot floor area limitation as applied within the Downtown Design Standards Zone, noting that exclusive of the basement parking area located within the building footprint the proposed building consists of 32, 622 square feet of gross floor area and adding that even if the basement parking were included this square footage would rise to only 43,824 square feet and remain below the 45,000 square foot limit.

The proposed building's mass design incorporates elements to the façade that are articulated to relate to the human scale, with the building's length along Lithia Way treated to read as two distinct buildings more in keeping with the historic downtown pattern, and each of these divided into more human scale vertical bays, with covered entrances and horizontal canopies to provide pedestrians with protection from the elements and relate the building to a more human scale. A ground floor recessed entry and recessed upper floor balconies on Plaza Central also serve to break up the building's mass and provide a more staggered streetscape appearance. The Large Scale requirements call for one square foot of plaza or public space to be provided for every 10 square feet of gross floor area. The application notes that the development as proposed, including the floor area of all buildings, will have a combined floor area of 60,761 square feet which would require 6,076 square feet of plaza or public space and that the project includes 7,428 square feet of public plaza space which is in excess of that required. The application also notes that the plaza space provided incorporates a mix of at least four of the six elements for plazas and public spaces as called for in the standards, with sitting areas, areas that provide sunlight and shade, protection from wind, trees, and potential outdoor eating areas. The applicants also note that while public art possibilities have not yet been explored, they would be open to dialogue with the Public Arts Commission once the project is complete. The applicants have been in discussions with Planning, Administration and RVTD staff and have offered to partner in upgrading the nearby RVTD bus

stop with improved transit amenities in keeping with the city and RVTD guidelines. Trash and recycling facilities are to be provided within the Plaza Central East basement.

The Commission further finds that other than the Exceptions requested, which are discussed more fully below, the buildings' designs also comply with the Downtown Design Standards. The applicants have proposed multi-story, downtown-style buildings which extend from side lot line to side lot line placed generally at the back of the sidewalk, and which incorporate large street-level windows and transparent doors. The buildings incorporate horizontal and vertical rhythms through divisions on the facade as required by the standards, and have provided for some variation in parapet height to provide the traditional streetscape appearance sought by the standards. The buildings incorporate varied architectural and material treatments to provide bases for a sense of strength, flat roofs with parapets and cornices, and manage to create a varied streetscape with a distinct character for each of the proposed building which is in keeping with the standards seeking to maintain the traditional rhythms of the historic downtown even on lots that are wider than was traditional.

The Commission finds that the proposed building designs are generally in keeping with the height, scale, massing, setbacks, roof forms, and rhythm of openings typical of the nearby Lithia Way corridor and sought in the Historic District and Downtown Design Standards. The full Historic Commission reviewed the application at its regular meeting of December 3rd and voted to recommend approval of the request with a single recommendation that, *"A lintel be added on the South and East facades of the Plaza North building at the intersection of the driveway and street. The lintel would break up the massing and add interest to the recessed commercial entrance on the Plaza North building."* This recommendation has been incorporated as a condition of approval below.

The Commission finds that public facilities and utilities were installed with the subdivision's infrastructure following the Planning Commission's approval of the project in 2012. These included:

- Some electric infrastructure was extended in association with the 2007 Subdivision approval, and the 2012 subdivision infrastructure work and subsequent development of Plaza West completed the installation of transformers necessary to serve the site and first building. Three-phase electrical service is available to the site, and the Electric Department has indicated that there is adequate power available to serve the full development of the property with the extension of the necessary individual services for each of the proposed buildings.
- Existing four-inch water mains are available in both Lithia Way and First Streets, and a new eight-inch water line was extended to provide a connection to B Street as part of the subdivision improvements in 2007. Four-inch laterals were also extended to each of the individual lots with the 2007 subdivision work.
- A six-inch sewer line in First Street was upgraded to eight-inches to serve the project as part of the 2007 subdivision improvements.
- A private 12-inch storm drain line was installed on site, and a new 12-inch public storm drain line was installed in First Street to convey stormwater run-off from the site to the existing storm

drain line at B and First Streets as part of subdivision improvements in 2007. With completion of the current request, 17 percent of the site is proposed to be landscaped, reducing run-off from the site, which was until the 2007 subdivision improvements entirely covered with pavement and buildings, and a bio-swale is to be installed in the northeastern portion of the common area lot to allow for on-site detention and filtration of stormwater before it enters the city storm sewer system.

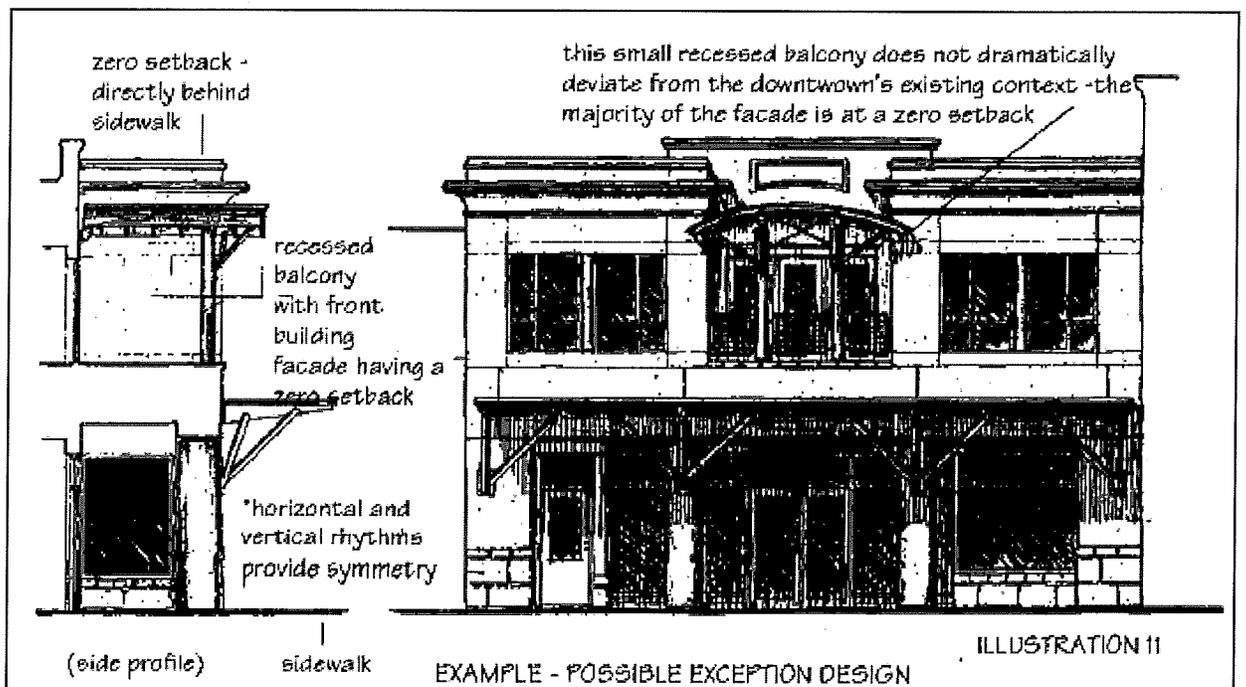
- Paved access is provided directly from First Street and to Pioneer Street via an easement through the existing City of Ashland public parking lot. With the subdivision's initial site work in 2007, two curb cuts were removed from Lithia Way and one from First Street in order to comply with city and state requirements for controlled access.
- As part of the 2007 subdivision improvements, the existing public sidewalks along the project perimeter on both Lithia Way and First Street were widened. The Lithia Way pedestrian corridor was improved to the Boulevard/Arterial standards that at the time required a minimum of 12 feet in improvement width. A five-foot commercial hardscape parkrow with tree wells between the curb and sidewalk and an eight-foot wide sidewalk were installed. Subsequent to that approval, but prior to completion of the subdivision improvements or recording of the plat, city sidewalk standards were changed to require a 15-foot pedestrian corridor on Lithia Way. The 2012 subdivision approval required that the applicants widen sidewalks to the new standards along the frontage of each lot as it develops, and a condition to that effect has been included below. The installation of street trees, tree grates, irrigation and streetlights complying with downtown streetlight spacing requirements was recently completed.
- There is an existing transit stop located along Lithia Way nearby, between First and Second Streets, and the Rogue Valley Transportation District (RVT) has suggested that it may need some upgrades to address likely additional transit use with full development of the site. The applicants have met with the City and RVT, and are looking at partnering to improve the existing stop.

The Planning Commission finds that water, sewer, paved access to and through the development site, electricity, urban storm drainage and adequate transportation to and through the subject property can and will be provided, with site utilities completed with the subdivision infrastructure and individual services to the proposed buildings to be completed under the current request; vehicular access provided from existing fully-improved streets; sidewalks which are to be widened to meet current street standards along Lithia Way; and easements which were provided with the subdivision to increase vehicular and pedestrian connectivity to and through the site. Conditions have been added below to require final electrical service and utility plans for each of the proposed buildings for the review and approval of the Planning, Building, Public Works and Electric Departments in conjunction with building permit review.

2.5 The Planning Commission finds that the applicants' proposed Phase Two (Plaza Central/East) includes two requests for Exceptions to the Site Design and Use Standards' Downtown Design Standards; one of these is to allow for balconies on the front of the building, and the other is to allow windows that are more horizontal than vertical.

The first Exception to the Downtown Design Standards deals with standard #VI-B-3, which states, "Recessed or projecting balconies, verandas or other usable space above the ground level

on existing and new buildings shall not be incorporated in a street facing elevation.” The application materials provided note that there are two balconies proposed from Plaza Central that front on Lithia Way, and two “flexible” balconies at the corner tower of Plaza East. The application goes on to note that the two balconies on the second and third floors at the right of Plaza Central’s south elevation are the result of the design team’s attempts to offset the façade of the building by recessing the entry approximately eight feet. The application explains that this offset created the opportunity for outdoor living spaces and in turn provides for “eyes on the street”. The application asserts that these balconies are set between the zero-setback facades of the building faces to either side and do not deviate from the downtown’s existing context as called for in the #VI-K-2 “Exception to Standards.” The application goes on to explain that the two balconies at the second and third floors at the on the corner tower element of Plaza East, at the corner of Lithia Way and First Street, are flexible in that the windows can be closed or can accordion open to the inside to create an enclosed, covered balcony. When the windows are closed, the balconies virtually disappear with only the guardrails exposed, but when open they create an outdoor living space that provides for “eyes on the street.” The application materials argue that both balcony Exceptions are consistent with the standards in VI-K, and note the “Example – Possible Exception Design Illustration #11” (shown below) illustrates an appropriate exception with “an attractive façade with a second floor recessed deck that does not dramatically deviate from the downtown’s existing context and that the majority of the building’s façade remains at the back of the sidewalk’s edge.”



In considering this Exception, the Commission finds that the request seems consistent with the illustrated "Possible Exception Design." A similar request for the adjacent "Plaza West" building to include small balconies along Lithia Way was approved with a finding that there was a demonstrable difficulty in building to urban densities in the downtown environment while at the same time providing some measure of functional, private outdoor space for residents. With regard to the "Plaza West" exception, it was also noted at that time that these balconies helped to break up the mass of the building and better provide for the staggered streetscape sought through the standards and demonstrated to be effective on the nearby Jasmine Building. The Commission finds that similar findings can be made with the current request, but would further note here that the design seeks to address vertical and horizontal rhythm standards while clearly distinguishing the building into two facades while complying with setback standards and creating a positive sense of entry. The balconies provide a solution that also adds a recreational amenity to upper floor residents, and the Commission finds that these balconies are consistent both with the criteria for an Exception and with the possible exception design illustrated in the standards.

The application also requests Exception from Standard #VI-D-3, which states that "*Upper floor window orientation shall primarily be vertical (height greater than width).*" The second and third floor windows of Plaza Central are more horizontal than vertical, necessitating the Exception request. The application explains that the purpose of the Exception is to create a façade that addresses contextual compatibility, but also distinguishes itself from adjacent buildings. The application goes on to note that the window frames are more horizontal to reflect the building's "Moderne Architectural Style," but that the internal window muntins (small window moldings that separate panes of glass) are configured vertically to mitigate the design. The applicants conclude that the project architects, designers and property owners desire to design and construct buildings that are everlasting and appreciated for their attractiveness, quality and compatibility with the downtown. They suggest that the variety of materials proposed provides a striking and complex palate of materials, and that the Exception do not dramatically depart from the code's intended direction but instead rely upon a slight deviation to differentiate the building facades and improve the urban living environment while remaining consistent with the overall purpose of the Downtown Design Standards. The applicants' findings suggest that they are seeking, along with Plaza West, to address contextual compatibility while retain individual identity for each of the proposed building facades (Central and East) through distinguishing elements, materials, colors and styles. They suggest that some exception is helpful in avoiding a too-similar streetscape appearance that could result from strict adherence to the standards.

The Commission finds that the proposed Exception serves to create a unique character for the Plaza Central façade which is equal to what could be achieved through the standards and which serves to add variety to the Lithia Way streetscape.

The proposed Plaza North building, as the applicants Phase Three, includes two requests for Exceptions to the Site Design and Use Standards' Downtown Design Standards. One of these

would allow for a staggered street setback and the other would allow two sets of windows to be more horizontal than vertical.

Standard #VI-B-1 states that, “*Except for arcades, alcoves and other recessed features, buildings shall maintain a zero setback from the sidewalk or property line. Areas having public utility easements or similar restricting conditions shall be exempt from this standard.*” The proposed Plaza North building steps back from the sidewalk’s edge, and the application explains that this is due to the property, which is otherwise rectangular, having an acute angle with First Street. The applicants go on to explain that this provided the opportunity to create a stepped façade that works better with the lot shape and which creates a more interesting streetscape. The design places the corners of each step at or near the First Street sidewalk, steps back a prescribed distance, and then steps again at the point the front wall intersects with First Street sidewalk. Entrances are recessed in keeping with the standards (#VI-B-2) to emphasize their respective locations, and planters are provided in the stepped back areas to create low seating walls. The applicants argue that the standard, and the majority of buildings in the downtown, are based on a 90 degree frontage and that the proposed design is an attempt to create a more traditional frontage treatment in response to what is roughly a 120 degree angled frontage, and which they believe is consistent with the intent of the standard in seeking to create an engaging pedestrian streetscape.

The application also requests Exception from Standard #VI-D-3, which states that “*Upper floor window orientation shall primarily be vertical (height greater than width).*” The applicants explain that there are six vertical elements making up the Plaza North building’s front façade, and one has windows on the second and third floors that are more horizontal than vertical. This is attributed to efforts to respond to the property’s angled frontage with step-backs in the façade, and which necessitate this window treatment to retain the building’s broader window pattern. The applicants note that they have attempted to mitigate this design with the division of the window giving each pane a vertical appearance, and that this single vertical element having more horizontal windows does not overwhelm the façade and instead compliments the overall design. The Commission concurs, and finds that these windows do not overwhelm the character of the façade, and believe that the efforts to step the building’s façade back with the angled frontage while stepping the building’s mass down as it gets nearer to the adjacent residential neighborhood provide an appropriate and effective transition.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposals for Site Review approval to construct the second and third phases of the First Place Subdivision and for Exceptions to the Site Design and Use Standards’ Downtown Design Standards are supported by evidence contained within the whole record.

The project poses a number of challenges in that it involves developing what amounts to an entire block of the downtown at essentially the same time and under the same set of standards while maintaining contextual compatibility with a downtown that has developed and evolved organically over more than 100 years, and doing so while managing the transition between the downtown core and the historic

residential neighborhood literally just over the fence.

During the 2012 review of the Subdivision application and request for Site Review approval for the first building, it was noted that the project could result in a large, prominent downtown site which had stalled with the economy and languished for nearly five years developing to a degree beyond that required by city standards while providing increased vehicular and pedestrian connectivity, aesthetic improvements, and a significant reduction in stormwater run-off. It was further suggested that the first proposed building, with ten residential units including one affordable unit, could inject a new vitality into the Lithia Way corridor while at the same time the subdivision could provide for a smooth transition between the intense commercial uses of the downtown and the less intense, residential character of the adjacent neighborhood. With the recent completion of that first Plaza West building and much of the common area of the subdivision, and the proposed second and third phases made up of Plaza Central East and Plaza North, including a total of 29 residential units with two deed-restricted affordable units, to complete development of the site, the Commission finds that the applicants have effectively met the challenges posed in designing buildings that, while compatible with one another, their surroundings and various design standards, still manage to maintain strong individual characters that contribute positively to the streetscape. Plaza North manages to balance this design compatibility with the buildings along Lithia Way while stepping back with the angle of First Street and down with its slope to blend the entire project smoothly into the Railroad District.

The site layout, parking, pedestrian and vehicular access and circulation, and landscaping were largely completed with the 2012 Subdivision and Site Review approvals, and the current review focuses largely on the designs of the proposed new buildings as they relate to the applicable design standards. For the Commission, the proposed Plaza Central East and North buildings can be found to satisfy the relevant approval criteria for Site Review and Exception to the Downtown Design Standards and merit approval.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2014-01956. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2014-01956 is denied. The following are the conditions and they are attached to the approval:

1. That all proposals of the applicant are conditions of approval unless otherwise modified herein.
2. That lots not actively being constructed or used for staging shall be treated with a low-water use wildflower mix and generally maintained in a weed-free condition.
3. The windows on the ground floor of the proposed buildings shall not be tinted so as to prevent views from outside of the building into the interior of the building, and the commercial entrances adjacent to Lithia Way and First Street shall remain functional and open to the public during all business hours.
4. That prior to tree removal, site work, storage of materials or building permit issuance, tree identification and protection measures shall be installed, inspected and approved on site by the Staff Advisor through a Tree Verification Permit. Tree Verification for this application is limited to identification of the two trees to be removed.
5. That any necessary construction closure or detouring of the sidewalks shall be approved by the

Ashland Engineering and Planning Departments prior to issuance of permits or work in the right-of-way. An area of the sidewalks extending at least five feet from the back of curb shall remain open to accommodate limited pedestrian use while ensuring public safety during active construction.

6. That prior to the issuance of a building permit:

- a) The plans submitted for the building permit shall be in conformance with those approved here. If the plans submitted for the building permit are not in conformance with those approved as part of this application, an application to modify this Site Review approval shall be submitted and approved prior to issuance of a building permit.
- b) The recommendations of the Historic Commission's December 3, 2014 meeting, where consistent with applicable standards and with final approval by the Staff Advisor, shall be conditions of this approval and incorporated into the final building permit submittals.
- c) The recommendations of the Tree Commission's December 4, 2014 meeting, where consistent with applicable standards and with final approval by the Staff Advisor, shall be conditions of this approval and incorporated into the final building permit submittals.
- d) That a comprehensive sign program in accordance with the requirements of AMC Chapter 18.96 shall be developed for the buildings and submitted for review and approval with the building permit submittals. Sign permits shall be obtained prior to installation of any new signage.
- e) All easements shall be shown on the building permit submittals.
- f) A final drainage plan shall be submitted at the time of a building permit for review and approval by the Engineering, Building, and Planning Divisions.
- g) A final utility plan for the project shall be reviewed and approved by the Planning, Engineering, and Building Divisions prior to issuance of a building permit. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins.
- h) The applicant submit a final electric design and distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment for each building. This plan must be reviewed and approved by the Electric Department prior to building permit submittals. Transformers and cabinets shall be located in areas least visible from the street, while considering the access needs of the Electric Department.
- i) That mechanical equipment shall be screened from view from Lithia way. Location and screening of mechanical equipment shall be detailed on the building permit submittals.
- j) Exterior lighting shall be shown on the building permit submittals and appropriately shrouded so there is no direct illumination of surrounding properties.
- k) That the building materials and the exterior colors shall be identified in the building permit submittals. The information shall be consistent with the colors, texture, dimensions and shape of materials and building details proposed and approved as part of the land use application. Exterior building colors shall be muted colors, as described in the application. Bright or neon paint colors shall not be used in accordance with II-C-2f-1

of the Detail Site Review Standards.

- l) Building permit submittals shall identify all required bicycle parking installations. Inverted u-racks shall be used for the bicycle parking, and the building permit submittals shall verify that the bicycle parking spacing and coverage requirements are met in accordance with 18.92.060. A total of at least 12 bicycle parking spaces shall be provided on the common area of the project, and at least six of these must be covered.
- m) Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard B in the formula $[(\text{Height} - 16) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$ and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade shall be included in building permit submittals.
- n) Prior to any work within the public rights-of-way, all necessary permits must be obtained from the Public Works/Engineering Department. Prior to the issuance of permits or commencement of any site work in the Oregon Department of Transportation's (ODOT) right-of-way for Lithia Way, the applicant shall provide proof of also having obtained required approvals and permits from ODOT. The applicants shall maintain a vision clearance triangle that complies with ODOT and City of Ashland standards.
- o) Revised parking allocation information shall be provided with each building permit as the commercial tenant spaces develop and are occupied to verify that the parking allocated is sufficient for the uses proposed.

7) That prior to the issuance of a certificate of occupancy:

- a) All landscaping and irrigation shall be installed according to the approved plans, inspected and approved by the Staff Advisor.
- b) All bicycle parking shall be installed in accordance with design, placement, coverage and rack standards in 18.92.060 prior to the issuance of the certificate of occupancy. A total of at least 12 bicycle parking spaces are to be provided on the common area of the project, and at least six of these must be covered.
- c) An opportunity to recycle site of equal or greater size than the solid waste receptacle for each building shall be included in the trash enclosure in accordance with the Recycling Requirements of AMC 18.72.115.
- d) The requirements of the Building Department shall be satisfactorily addressed, including but not limited to that the mixed-use occupancy is required to be fire sprinkled, that construction may not cross a property line, and that the site and structures are required to meet all accessibility requirements.
- e) The requirements of the Fire Department shall be satisfactorily addressed, including approved addressing; fire apparatus access including angle of approach, necessary easements, and review of any obstructions such as fences or gates; fire flow; fire hydrant distance, spacing, flow and clearance; fire department connection; and a "Knox Box" key box. Fire Department requirements shall be included on the construction documents, and if a fire protection vault is required, the vault shall not be located in the sidewalk corridor.
- f) That the sidewalks along the Lithia Way frontage of each lot shall be widened by two feet to comply with current width standards, inspected for installation according to the

approved plans and approved by the Staff Advisor, as proposed by the applicants. This area shall be dedicated as public right-of-way or public pedestrian access easements provided.

- g) The applicant shall sign an agreement prepared by the City of Ashland stipulating that one unit within Plaza Central East comply with the Affordable Housing Guidelines established by the City of Ashland for purchase or rental housing for a period of not less than 30 years prior as outlined in Resolution 2006-13. The agreement shall be recorded in the deed records. Prior to the recordation of the agreement, the applicant shall meet with the City's Affordable Housing Officer in order to review and verify all City requirements, as noted in Resolution 2006-13, are satisfactorily addressed.

Planning Commission Approval

January 13, 2015

Date

Memo

TO: Ashland Planning Commission
FROM: Bill Molnar, Community Development Director
DATE: January 13, 2015
RE: Accessory Traveler's Accommodations in Residential Zoning Districts

SUMMARY:

On November 4, 2013, the City Council discussed the potential for permitting short term accommodations on owner-occupied properties in single-family zoning districts, and requested that the Planning Commission hold public meetings and forward suggestions for Council to consider. After several meetings, the Commission compiled a report that was presented to Council in July 2014. The report discussed and suggested code standards that would allow, but place limitations on operating short term accommodations from an owner-occupied property. Based upon the Commission's report and feedback from Council, staff has prepared a draft ordinance that with approval of a conditional use permit would allow a homeowner the ability to lease a single short term accommodation. Given that the scope of the operation would be far more limited than the existing traveler's accommodation ordinance, the proposed single accommodation is defined as an "accessory traveler's accommodation". Highlights of the draft code amendment include restricting the conditional use to owner-occupied properties, permitting not more than one accommodation per property, prohibiting the provision of kitchen facilities in the accommodation, disallowing the use in combination with a home occupation permit and setting a maximum number of individuals residing on the property at one time.

BACKGROUND:

For several years the City has had an ongoing problem with illegal lodging facilities in all of its residential zones. These facilities, which operate without conditional use permits or business licenses and without paying transient occupancy tax, will often advertise on web sites such as VRBO.com or AirBnB.com, making them relatively easy to find for code enforcement purposes. Since May of 2012, when the City began more vigorous code enforcement efforts with regard to illegal lodging facilities, about 60% to 70% of the code enforcement actions have targeted facilities in single family zoning districts. Most of these case involved whole house rentals where the property owner or manager did not reside on the property.

At the direction of Council, the Planning Commission initiated a new discussion about potentially permitting short term accommodations in single family zoning districts. Public meetings on the subject were conducted in January, March and April, with the Commission focusing on prospective land use code language that would allow for limited operations comprised of a single accommodation on a

“hosted” property. Additionally, the Commission reviewed and discussed the existing code standard that limits approval of traveler’s accommodations to only properties located within 200-feet of a boulevard, avenue or neighborhood collector. In a prior Council communication, staff noted that there are currently 5,305 parcels in R-1 zones, with approximately 2,710 of these parcels within 200 feet of an arterial, avenue or neighborhood collector street.

Draft Ordinance

The draft code amendments have been incorporated into the format of the recently approved Unified Land Use Ordinance (ULUO). Land uses allowed by zone are identified in Table 18.2.2.030. Accessory Traveler’s Accommodations are allowed and described in the table as a conditional use with special use standards in R-1; R-1-3.5, R-2 and R-3 zoning districts. Staff has provided comments (in italics) following some of the draft standards. This is intended to present some additional background information as well as to provide a basis for public discussion.

The Commission’s report delivered to Council in July addressed the issue of making adjustments to the standard that specifies that a traveler’s accommodation be within 200-feet of a major street. The report noted that it is unclear that the rationale behind the standard is still valid and that the standard is still accomplishing what it was intended to achieve. However, the Commission concluded that it was not obvious that the standard was broken and that there exists a logical reason at this time to change it. During Council discussion about the report, it was suggested that any additional guidance with respect to the “200-foot” standard would be useful.

For discussion purposes, staff has included information compiled for prior meetings concerning possible changes to standards for traveler’s accommodations in multi-family zoning districts, R-2 and R-3. By adjusting the required distance from a major street, staff estimated the number of potentially new traveler’s accommodation establishments based upon each scenario. Out of the existing 1507 properties within 200-feet of a boulevard, avenue or neighborhood collector, 39 (2.6%) of the properties have a conditional use permit to operate a traveler’s accommodation. Applying these percentages to the three additional scenarios for R-2 and R-3 zoning properties yields the results shown in Table 1.

Table 1 - R-2 and R-3 zoned properties

Distance from a major street	# of properties	# of traveler’s accommodation establishments	# of traveler’s accommodation units/rooms	# of traveler’s accommodations w/in Historic District
200’	1507	39 (existing)	122 units/rooms (existing)	34 (existing)
300’	1861	48 (projected)	150 units/rooms (estimate)	42 (estimate)
400’	2026	53 (projected)	166 units//rooms (estimate)	47 (estimate)
no restriction	2126	56 (projected)	175 units/room (estimate)	49 (estimate)

For single family zoned properties (R-1), Staff extrapolated the same type of information for each of the four scenarios. Some of the data used for providing the hypothetical scenarios, however, had certain limitations and did not have the same level of accuracy as in the case for multi-family zoned land. This represents a general estimate of the potential for new short term rentals in single family zoned neighborhoods based upon the number and location of existing traveler’s accommodations in

multi-family zones. Simply stated, the tables show the potential of 2.6 accommodations for every 100 properties. This is merely an assumption and clearly there are other factors that have a greater influence on an increase or decline in the total number of establishments.

Table 2 - R-1 zoned properties

Distance from a major street	# of properties	Potential # of traveler's accommodation establishments	Potential # of traveler's accommodation units/rooms
200'	2710 (actual)	70 (estimate)	70 (estimate)
300'	3322 (estimate)	86 (estimate)	86 (estimate)
400'	3620 (estimate)	94 (estimate)	94 (estimate)
no restriction	5305	138 (estimate)	138 (estimate)

NEXT STEPS:

The purpose for this agenda item is to present code amendments that allow through the conditional use permit process a property owner to establish a single, short term rental. This new land use, an accessory traveler's accommodation, would be subject to a number of the same standards as a typical traveler's accommodation, but also would have to comply with specific standards intended to limit impacts to single family zoned neighborhoods.

Based upon direction provided by the Commission, staff will prepare a revised draft ordinance. As required by the municipal code, a formal public hearing on the draft ordinance will be scheduled at a future date before the Commission. At that time, the Commission will again take public testimony, deliberate on the code amendments and forward a recommendation to the City Council.

Attachments:

- Draft Ordinance
- Council Meeting Minutes
- Planning Commission Report to Council

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTERS 18.2.2, 18.2.3, AND 18.6.1.030
OF THE ASHLAND LAND USE ORDINANCE RELATING TO
DEFINITIONS AND ACCESSORY TRAVELER’S ACCOMMODATIONS
IN VARIOUS RESIDENTIAL ZONING DISTRICTS.**

Should an allowance for an “accessory traveler’s accommodation” through the conditional use permit process be available to all properties within single family, suburban, and multi-family zoning 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 preservation of the character of residential neighborhoods is a legitimate and beneficial goal; and

WHEREAS, the City Council has found an increasing number of 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 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 has determined it is necessary to establish rules and regulations to permit transient lodging within the City that allows a variety of choices, while ensuring 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 _____; 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 18.2.2 [Base Zones and Allowed Uses] of the Ashland Land Use Ordinance is hereby amended as follows:

18.2.2.030 Allowed Uses

- A. Uses Allowed in Base Zones.** Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to approval of a conditional use permit. Where Table 18.2.2.030 does not list a specific use and chapter 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040. Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited. For uses allowed in special districts CM, HC, NM, and SOU, and for regulations applying to the City's overlays zones, refer to part 18.3.
- B. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as "Permitted (P)" are allowed. Uses listed as "Permitted Subject to Special Use Standards (S)" are allowed, provided they conform to chapter 18.2.3 Special Use Standards. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020.
- C. Conditional Uses.** Uses listed as "Conditional Use Permit Required (CU)" are allowed subject to the requirements of chapter 18.5.4.
- D. Prohibited Uses.** Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use following the procedures of section 18.1.5.040 are prohibited. Prohibited uses are subject to the violations, complaints, and penalties sections in 18-1.6.080, 18-1.6.090, and 18-1.6.100.
- E. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of chapter 18.2.2, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. For regulations applying to the City's overlays zones, please refer to part 18.3.
- F. Accessory Uses.** Uses identified as "Permitted (P)" are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the land use categories in part 18.6 Definitions.

G. Mixed-Use. Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

H. Temporary Uses. Temporary uses require a Conditional Use Permit under chapter 18.5.4; except as follows:

1. **Short-Term Events.** The Staff Advisor may approve through Ministerial review short-term temporary uses occurring once in a calendar year and lasting not more than 72 hours including set up and take down. Activities such as races, parades, and festivals that occur on public property (e.g., street right-of-way, parks, sidewalks, or other public grounds) require a Special Event Permit pursuant to AMC 12.03.
2. **Garage Sales.** Garage sales shall have a duration of not more than two days and shall not occur more than twice within any 365-day period. Such activity shall not be accompanied by any off-premises advertisement. For the purpose of this ordinance, garage sales meeting the requirements of this subsection shall not be considered a commercial activity.
3. **Temporary Buildings.** Temporary occupancy of a manufactured housing unit or similar structure may be permitted for a period not to exceed 90 calendar days upon the granting of a permit by the Building Official. Such occupancy may only be allowed in conjunction with construction on the site. Said permit shall not be renewable within a six-month period beginning at the first date of issuance, except with approval of the Staff Advisor.

I. Disclaimer. Property owners are responsible for verifying whether a proposed use or development meets the applicable standards of this ordinance.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
A. Agricultural Uses¹										
Agriculture and Farm Use, except Livestock	P	P	P	P	P	P	N	N	N	Animal sales, feed yards, keeping of swine, commercial compost, or similar uses not allowed
Keeping of Bees	S	S	S	S	S	S	S	N	N	
Keeping of Livestock	S	N	N	N	S	S	N	N	N	See Keeping of Livestock and Bees standards in Sec. 18.2.3.160
Keeping of Micro-Livestock	S	S	S	S	S	S	N	N	N	
B. Residential Uses										
Single-Family Dwelling	P	P	P	P	P	P	S	S	N	See Single-Family standards in Sec. 18.2.5.090 Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Accessory Residential Unit	S	S	S	S	S	N	N	N	N	Sec. 18.2.3.040
Duplex Dwelling	S	P	P	P	N	N	S	S	N	Sec. 18.2.3.110 Duplex Dwelling
Manufactured Home on Individual Lot	S	S	S	S	N	N	N	N	N	Sec. 18.2.3.170 and not allowed in Historic District Overlay
Manufactured Housing Development	N	S	CU+S	N	N	N	N	N	N	Sec. 18.2.3.180
Multifamily Dwelling	N	P	P	P	N	N	S	S	N	Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Rental Dwelling Unit Conversion to For-Purchase Housing	N	N	S	S	N	N	N	N	N	Sec. 18.2.3.200

¹ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
B. Residential Uses² <i>(continued)</i>										
Home Occupation	S	S	S	S	S	S	S	S	N	Sec. 18.2.3.150
C. Group Living										
Nursing Homes, Convalescent Homes	CU	CU	CU	CU	CU	CU	N	N	N	See chapter 18.3.3 Health Care Services
Residential Care Home	P	P	P	P	P	P	N	N	N	Subject to State licensing requirements
Residential Care Facility	CU	P	P	P	CU	CU	N	N	N	Subject to State licensing requirements
Room and Boarding Facility	N	P	P	P	N	N	N	N	N	
D. Public and Institutional Uses										
Airport										See chapter 18.3.7 Airport Overlay
Public Parking Facility	N	N	N	N	N	N	P	N	N	
Cemetery, Mausoleum, Columbarium	N	N	N	N	CU	N	N	N	N	
Child Care Facility	CU	CU	CU	CU	CU	CU	P	P	P	Family Child Care Home exempt from planning application procedure pursuant to ORS 329A.440, see part 18.6 for definition Subject to State licensing requirements
Club Lodge, Fraternal Organization	CU	CU	CU	CU	CU	CU	P	CU	CU	
Community Service, includes Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Electrical Substation	N	N	N	N	N	N	CU	CU	P	
Hospitals	CU	CU	CU	CU	CU	N	N	N	N	See chapter 18.3.3 Health Care Services
Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	

² KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
D. Public and Institutional Uses <i>(continued)</i> ³										
Mortuary, Crematorium	N	N	N	N	CU	N	P	P	P	
Public Park, Open Space, and Recreational Facility, including playgrounds, trails, nature preserves, athletic fields, courts, swim pools, similar uses	P	P	P	P	P	P	N	N	N	
Public Works/Utilities Storage Yard; includes vehicle and equipment, maintenance, repair	N	N	N	N	N	N	N	P	P	
Recycling Depot	N	N	N	N	N	N	N	P	P	Not allowed within 200 ft of a residential zone
Religious Institution, Houses of Worship	CU	CU	CU	CU	CU	CU	CU	CU	CU	
School, Private (Kindergarten and up)	CU	CU	CU	CU	CU	CU	N	N	N	
School, Public (Kindergarten and up)	P	P	P	P	P	CU	N	N	N	
School, Private College/Trade/Technical School	N	N	N	N	N	N	N	CU	P	
Utility and Service Building, Yard and Structure, Public and Quasi-Public, excluding underground utilities and electrical substations	CU	CU	N	N	CU	CU	P	P	P	Yards not allowed in the C-1 zone
Wireless Communication Facility	CU	CU	CU	CU	CU	CU	P/ CU	P/ CU	P/ CU	Sec.18.4.10
E. Commercial Uses										
Amusement/Entertainment, includes theater, concert hall, bowling alley, miniature golf, arcade; excluding drive-up uses	N	N	N	N	N	N	P	CU	P	
Automotive and Truck Repair, or Service; includes fueling station, car wash, tire sales and repair/replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	N	N	N	N	N	N	S or CU	S or CU	P	Sec. 18.2.3.050 In C-1 zone, fuel sales and service limited to Freeway Overlay, see chapter 18.3.8 In E-1 zone, fuel sales requires CU permit

³ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
E. Commercial Uses (continued)⁴										
Automotive Sales and Rental, except within the Historic Interest Area; includes motorcycles, boats, RVs, and trucks	N	N	N	N	N	N	CU	CU	P	Except not allowed within Historic District Overlay
Accessory Traveler's Accommodation (See also Traveler's Accommodation)	CU+S	CU+S	CU+S	CU+S	N	N	N	N	N	Sec. 18.2.3.220
Bakery, except as classified as Food Processing	N	N	N	N	N	N	P	P	P	
Commercial Laundry, Cleaning, and Dyeing Establishment	N	N	N	N	N	N	S	S	P	Sec. 18.2.3.080
Commercial Recreation, includes country club, golf course, swimming club, and tennis club; excluding intensive uses such as driving range, race track, or amusement park	CU	CU	N	N	CU	CU	N	N	N	
Commercial Retail Sales and Services, except Outdoor Sales and Services	N	N	CU+S	N	N	N	P	S	S	In R-2 zone, uses limited to personal and professional services, except see Sec. 18.2.3.210 for retail uses allowed in Railroad Historic District In E-1 zone, Retail limited to 20,000 sq ft of gross leasable floor space per lot. In M-1 zone, uses limited to serving persons working in zone
Drive-Up Use	N	N	N	N	N	N	S	N		Per Sec. 18.2.3.100, Drive-Up uses are limited to area east of Ashland St at intersection of Ashland St/Siskiyou Blvd
Hostel	N	N	CU	CU	N	N	CU*	N	N	*In C-1 zone, requires annual Type I review for at least the first three years, after which time the Planning Commission may approve a permanent facility through the Type II procedure
Hotel/ Motel (See also Hostel and Traveler's Accommodation)	N	N	N	N	N	N	CU	CU	P	
Kennel (See also Veterinary Clinic)	N	N	N	N	N	N	S	S	CU	No animals kept outside within 200 feet of a residential zone

⁴ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
E. Commercial Uses (continued)⁵										
Limited Retail Uses in Railroad Historic District	N	CU	CU	CU	N	N	N	N	N	Sec. 18.2.3.210 for Retail Uses Allowed in Railroad Historic District
Lumber Yard and Similar Sales of Building or Contracting Supplies, or Heavy Equipment	N	N	N	N	N	N	N	CU	P	
Medical Marijuana Dispensary	N	N	N	N	N	N	S or CU	S or CU	S	Sec. 18.2.3.190
Nightclub, Bar	N	N	N	N	N	N	S	CU	P	Not allowed within the Historic District Overlay unless located in C-1-D
Office (See also Commercial Services)	N	N	CU	CU	N	N	P	P	P	
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Plant Nursery, Wholesale	N	N	CU	CU	N	N	N	N	N	
Self-Service Storage, Commercial (Mini-Warehouse)	N	N	N	N	N	N	N	CU	P	
Traveler's Accommodation (See also Accessory Traveler's Accommodation Hostel and Hotel)	N	N	CU+S	CU+S	N	N	N	N	N	Sec. 18.2.3.220
Veterinary Clinic	N	N	N	N	N	N	P	P	P	
F. Industrial and Employment Uses										
Cabinet, Carpentry, and Machine Shop, and related Sales, Services, and Repairs	N	N	N	N	N	N	N	S/ CU	P	In the E-1 zone, uses within 200 feet of a residential zone require CU permit
Commercial Excavation and Removal of Sand, Gravel, Stone, Loam, Dirty or Other Earth Products	N	N	N	N	CU+S	N	N	N	N	Sec. 18.2.3.070
Concrete or Asphalt Batch Plant	N	N	N	N	N	N	N	N	CU	
Dwelling for a caretaker or watchman	N	N	N	N	N	N	N	CU	CU	

⁵ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

F. Industrial and Employment Uses <i>(continued)</i> ⁶											
Food Products Manufacture/Processing/Preserving, including canning, bottling, freezing, drying, and similar processing and preserving.	N	N	N	N	N	N	N	S	S	P	In the C-1 zone, manufacture or assembly of items sold in a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet In the E-1 zone, See Sec. 18.2.3.140
Manufacture, General	N	N	N	N	N	N	N	N	P	P	
Manufacture, Light; excluding saw, planing or lumber mills, or molding plants.	N	N	N	N	N	N	N	S	P	P	Requires assembly, fabricating, or packaging of products from previously prepared materials such as cloth, plastic, paper, cotton, or wood In the C-1 zone, manufacture or assembly of items sold in a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	N	CU	CU	P	
Television and Radio Broadcasting Studio	N	N	N	N	N	N	N	N	P	P	
Wholesale Storage and Distribution	N	N	N	N	N	N	N	N	N	P	Distribution uses within 200 feet of a residential zone limited to 9PM-7AM
Wrecking, Demolition, and Junk Yards	N	N	N	N	N	N	N	N	N	CU	
G. Other Uses											
Temporary Tree Sales	N	N	N	N	N	N	N	P	N	N	Allowed from November 1 to January 1
Temporary Use	CU, except uses lasting less than 72 hours are subject to Ministerial review, per Sec. 18.2.2.030.H										

⁶ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

SECTION 2. Chapter 18.2.3 [Special Use Standards] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.3.220 ~~Traveler's Accommodations in R-2 and R-3 Zones~~

Where traveler's accommodations and accessory traveler's accommodations are allowed, they require a Conditional Permit under chapter 18.5.4, are subject to Site Design Review under chapter 18.5.2, and shall meet the following requirements. See definitions of traveler's accommodations (i.e., more than one guest unit) and accessory traveler's accommodations (i.e., one guest unit) in part 18-6.

A. Traveler's Accommodations and Accessory Traveler's Accommodations. Traveler's accommodations and accessory traveler's accommodations shall meet all of the following requirements.

- 1. The property is located within 200 feet of a boulevard, avenue, or neighborhood collector as identified on the Street Dedication Map in the Comprehensive Plan. Distances to the property from a boulevard, avenue, or neighborhood collector shall be measured via a public street or public alley to a lot line.**
- 2. Accommodations must meet all applicable building, fire, and related safety codes at all times and must be inspected by the Fire Department before occupancy following approval of a Conditional Use Permit and periodically thereafter pursuant to AMC 15.28.**
- 3. The business-owner of a traveler's accommodation or the property owner of an accessory traveler's accommodation must maintain a City business license and pay all transient occupancy tax in accordance with AMC 4.24 and AMC 6.04 as required.**
- 4. Advertising for either accommodation must include the City planning action number assigned to the land use approval.**
- 5. Offering the availability of residential property for use as an accommodation without a valid Conditional use Permit approval, current business license and Transient Occupancy Tax registration is prohibited and shall be subject to enforcement procedures.**

B. Traveler's Accommodations. In addition to the standards described above in section 18.23.220.A, traveler's accommodations shall meet all of the following requirements.

- 1A.** During operation of a traveler's accommodation, the property on which the traveler's accommodation is sited must be the primary residence of the business-owner. "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 must 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 has actual ownership of the business and is wholly responsible for all operations associated with the accommodation, and has actual ownership of the business.

~~B. The property is located within 200 feet of a boulevard, avenue, or neighborhood collector as identified on the Street Dedication Map in the Comprehensive Plan. Distances to the property from a boulevard, avenue, or neighborhood collector shall be measured via a public street or public alley to a lot line.~~

~~2C.~~ The primary residence on the site must 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 setback and lot coverage standards of the underlying zone.

~~3D.~~ The number of traveler's accommodation units allowed shall be determined by the following criteria.

~~a1.~~ The total number of units, including the business-owner's unit, shall be determined by dividing the total square footage of the lot by 1,800 square feet. 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 per approved traveler's accommodation with primary lot frontage on boulevard streets. For traveler's accommodation without primary lot frontage on a designated boulevard, but within 200 feet of a boulevard, avenue, or neighborhood collector street, the maximum number of units shall be seven. Street designations shall be as determined by the Street Dedication Map in the Comprehensive Plan. Distances to the property from a boulevard, avenue, or neighborhood collector shall be measured via a public street or public alley to a lot line.

~~b2.~~ Excluding the business-owner's unit and the area of the structure it will occupy, there must be at least 400 square feet of gross interior floor space remaining per unit.

~~4E.~~ Each accommodation must have one off-street parking space and the business-owner's unit must have two parking spaces. All parking spaces shall be in conformance with chapter 18.4.3.

~~5F.~~ Only one ground or wall sign, constructed of a non-plastic material, non-interior illuminated, and a maximum of six square feet total surface area is 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 accordance with subsection 18.4.4.050.C.1.

~~G. Traveler's accommodations must meet all applicable building, fire, and related safety codes at all times and must be inspected by the Fire Department before occupancy following approval of a Conditional Use Permit and periodically thereafter pursuant to AMC 15.28.~~

~~6H.~~ 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.

~~I. The business owner must maintain a city business license and pay all transient occupancy tax in accordance with AMC 4.24 and AMC 6.04 as required.~~

~~J. Advertising for any traveler's accommodation must include the City planning~~

~~action number assigned to the land use approval.~~

~~K. Offering the availability of residential property for use as a traveler's accommodation without a valid Conditional use Permit approval, current business license and Transient Occupancy Tax registration is prohibited and shall be subject to enforcement procedures.~~

~~L. Transfer of business-ownership of a traveler's accommodation shall be subject to all requirements of this section and conform with the criteria of this section. Any further modifications beyond the existing approval shall be in conformance with all requirements of this section.~~

C. Accessory Traveler's Accommodations. In addition to the standards in section 18.23.220.A, accessory traveler's accommodations shall meet all of the following requirements.

1. The operator of the accessory traveler's accommodation must be the property owner, and the property must serve as the property-owner's primary residence during operation of the accessory traveler's accommodation.

This standard would prevent an individual or household that subleases a house as their primary residence from operating an accessory traveler's accommodation. A concern was raised that this standard is not fair, since some cannot enjoy the same rights of use from their primary residence because they lease on a long term basis, rather than own the property.

2. The property is limited to having one accessory traveler's accommodation unit, covered under a single reservation and consisting of two or fewer bedrooms, not including bathrooms. Kitchen cooking facilities are not permitted with an accessory traveler's accommodation, with the exception of kitchen cooking facilities for the primary residence.

This standard would allow an accessory traveler's accommodation to consist of two or fewer rooms, under a single reservation. Separate kitchen cooking facilities are prohibited. This section would permit the use of a detached structure on the property as an accessory traveler's accommodation, as long as the structure did not contain kitchen cooking facilities. Consequently, should the property owner of an existing, approved accessory residential unit (ARU) desire to convert to an accessory traveler's accommodation, a new conditional use permit would need to be approved and all kitchen cooking facilities would need to be removed from the premises.

3. The total number of residents and guests occupying a dwelling unit with an accessory traveler's accommodation must not exceed the number allowed for a family. See definition of family in part 18-6.

Chapter 18.6.1.030 of AMC provides the following definition for a family:

***Family.** An individual or two or more persons related by blood, marriage, legal adoption, or guardianship; or not more than five persons who are not related by blood, marriage, legal adoption, or guardianship.*

4. The property must have two off-street parking spaces.
5. No signs shall be permitted in conjunction with the operation of an accessory traveler's accommodation.
6. A home occupation is prohibited with an accessory traveler's accommodation.

This prohibition is intended to minimize impacts associated with a single family household by limiting the property to a single commercial use, either in the form of a home occupation or an accessory traveler's accommodation.

7. When accessory traveler's accommodations are approved, they require a review of the original land use approval within 24 months of the initial decision. The review requires renewal of the Conditional Use Permit under chapter 18.5.4.

This step may be unnecessary because the original conditional use permit would be subject to the revocation process should the City receive complaints regarding the operation of an accessory traveler's accommodation. Should the property owner fail to comply with the conditions of approval from the original request, the property would be subject to compliance proceedings and possible revocation of conditional use permit. The current application fee for review of a previously approved conditional use permit (Type I procedure) is over \$1000.00.

SECTION 3. Chapter 18.6.1.030 [Definitions] of the Ashland Land Use Ordinance is hereby amended to read as follows:

Accessory Traveler’s Accommodation. Transient lodging in a residential zone where the property owner resides in a dwelling on its own lot and rents no more than two bedrooms, not including bathrooms, under a single reservation to overnight guests for a period of less than 30 consecutive days, as is rental of a dwelling, building, or any portion hereof on two or more occasions within a 30-day period. See also, definition of traveler’s accommodation.

Is this definition really needed? The intent of the definition is to clearly distinguish between the two types of traveler’s accommodations and highlight requirements for owner occupancy and the limitation of a single accommodation under a single reservation.

Hotel/Motel. A building or portion thereof designed and used for ~~occupancy of~~ transient **lodging individuals in a non-residential zone** for a period of less than 30 days, lodged with or without meals and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities. **(See ORS 446.310)**

Traveler’s Accommodations. Transient lodging in a residential zone having **a room,** rooms or dwellings rented or kept for rent to travelers or transients for a charge or fee paid or to be paid for rental or use of such facilities for a period of less than 30 consecutive days, as is rental of a dwelling, building, or any portion hereof on two or more occasions within a 30-day period. **See also, definition of accessory traveler’s accommodation.**

If a new definition for “accessory traveler’s accommodation” is recommended, then the wording suggested is intended to distinguish between the two types. Does having “rooms” plural create an issue if an accessory traveler’s accommodation is limited to a “singular” room?

SECTION 6. 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 7. 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 8. 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 6-7) 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 _____, 2015, and duly PASSED and ADOPTED this ____ day of _____, 2015.

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this ____ day of _____, 2015.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney

**MINUTES FOR THE REGULAR MEETING
ASHLAND CITY COUNCIL
July 1, 2014
Council Chambers
1175 E. Main Street**

CALL TO ORDER

Council Chair Slattery called the meeting to order at 7:01 p.m. in the Civic Center Council Chambers.

ROLL CALL

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

NEW AND MISCELLANEOUS BUSINESS

1. Planning Commission's Report on considering a limited type of short term traveler's accommodation in residential zones

Community Development Director Bill Molnar explained the Planning Commission and staff recommendation focused on primary elements of the zoning code and standards if Council decided to pass a limited form of short-term rentals (STR), and if it was desirable to have them.

Planning Commission vice Chair Michael Dawkins further explained the Planning Commission looked for an accommodation type and rules. The Commission did not consider accessory units because they were potentially long term affordable rentals. They defined long-term rentals as a unit with a kitchen and did not recommend short-term rentals of an entire house. Another discussion was whether the rental was a Bed and Breakfast or a room in a house. They looked at specific one car per visit scenarios.

Mr. Molnar added the Planning Commission recommended an owner occupied set up where the primary residence was on the property. Eligible locations were similar to traveler's accommodations in multifamily zones, on a property within 200-feet of a major street. One of the primary standards was having the accommodation within the footprint of an existing residence excluding out buildings. There was not clear consensus on maximum size or occupant number. The Commission recommended not allowing units with kitchen facilities to discourage converting an accessory unit within the building to a STR or an on sight space that had potential for a kitchen facility.

The Commission suggested using a Conditional Use Permit (CUP) with a reduced fee since the STR was smaller than a Bed and Breakfast or multiuse accommodation. A Type 1 procedure involved a pre-application where a property owner submitted a conceptual idea to the Community Development Department that led to a meeting with staff. Neighbors within 200-feet of the property received a land use request to operate as a STR. Staff would send another notice regarding approval to the same residents that could subsequently initiate an appeal

process.

Dr. Ruth Resch/1000 Terra Avenue/Lived in an R-1 zone, was a handicapped senior citizen renting one bedroom in her house in order to retain her home. Her home was located a block and a half from Siskiyou Boulevard. The one bedroom she rented did not create congestion, cars parked in her driveway. It was important for the community to maintain economic community diversity so Ashland was not just home for the rich and people could maintain homes with small businesses like short-term rentals.

Larry Chaser/1271 Munson Drive/Encouraged Council to allow host occupied STRs in all neighborhoods and provided examples of consistent use with small home businesses currently allowed in R-1 zones. Creating reasonable regulations to guide host occupied STRs, as a use already consistent with current use would maintain a suitable and sustainable R-1 housing environment. He urged Council to support sharing economy and allow host occupied STRs.

Ellen Campbell/120 Gresham/Ashland had a strong tourist industry and a local vibrant community due to zoning laws. Council needed to look for ways to broaden business base and not rely on tourism. Housing needed to be affordable and available to long-term residents not tourists. She encouraged Council not to move forward and change the ordinance. Allowing STRs in R-1 would be difficult to enforce. If STRs were allowed in the R-1 zone the requirements should be the same as R-2 and R-3 zones with a Conditional Use Permit, 200-foot buffer, owner occupied, no subletting, require user street fees, taxes, registered with the state, fire and county health inspections, water rates, and provide off street parking for each unit.

Corinne Lombardi/1685 Old Hwy 99 South/Explained she was surprised the Planning Commission ordinance referenced all residential zones. The term sharing economy was just a name change. San Francisco had 5,000 Air B&B rentals and over 66% were not one bedroom as indicated but multiple bedrooms and entire units. A third of the owners had multiple units and managed it as a property manager. The Ashland Compliance Officer removed 95 people who were operating illegally in Ashland.

Abby Hogge/1700 Parker Street/Described the difference from renting to a long-term tenant to when she used her accessory unit as an STR. She supported regulating STRs in R-1 zone and suggested Council conduct a one-year trial like the one the City did for Bed and Breakfasts in the 1970s. According to the City code enforcement division there were zero complaints regarding host occupied STRs. She encouraged Council to explore shared economy and facilitate peer-to-peer networking and commerce.

Tom Dubois/690 South Mountain Avenue/Noted 20 years prior Council approved residents in all residential zones to operate businesses from homes. STRs owners were neighbors and friends. People staying at STRs were visitors to Ashland and welcome guests. Allowing hosted micro stays in the R-1 was a seamless, natural addition. He supported reasonable regulations for host occupied micro stays in R-1 zones.

Melody Jones/79 Pine Street/Agreed with Ms. Hogge and Mr. Dubois and hoped the Council approved owner occupied STRs and did not exclude accessory dwelling units (ADU). Her ADU

was 375 square feet and two small for someone to live in long term. She wanted to rent it short term during the summer and long term during winter. With owners receiving cease and desist letters there were fewer places for visitors to stay. The City would be able to collect TOT (Transient Occupancy Tax) and Food and Beverage Tax. Her property was more beautiful as an STR than it would be if she were not having guests.

Laura Westerman/252 Timberlake Drive/Encouraged Council to pass the STR requirement. She had vacation rentals on her property with room to park six cars if needed. Her home was more beautiful now that it was an STR. She had her home as an STR for the past two years with no complaints from the neighbors.

Councilor Rosenthal/Marsh m/s to direct staff to prepare an ordinance to consider this type of home occupation and traveler's accommodation in the R-1 zone. DISCUSSION: Councilor Marsh supported the motion, expected to vote yes on the ordinance when it came back and wanted background information. There were three critical questions. The first was whether STRs in R-1 neighborhood provided tourists with positive and safe experiences. The second question was allowing STRs without undermining R-1 neighborhoods. The third question was if allowing STRs in R-1 could happen in a way that created a level playing field. She would limit STRs in R-1 to one bedroom, exclude accessory units, address the parking issue, and retain the same fee structure in the CUP. Councilor Morris would support the motion. His concern was impact to housing stock and rentals. He wanted the Planning Commission to look into parking and square footage instead of one bedroom. Councilor Slattery was not in favor of moving it forward or supporting visitor accommodations in R-1 zones. Overnight guests in neighborhoods changed the dynamic in that neighborhood. He was not comfortable allowing STRs in the entire R-1 zone even with a CUP.

Councilor Rosenthal withdrew motion with Councilor Marsh's consent.

Councilor Rosenthal/Marsh m/s to direct staff to craft an ordinance to permit a single traveler accommodation in the R-1 zone.

Councilor Marsh/Morris m/s to amend the motion to specifically exclude accessory residential units.

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

Councilor Morris/Marsh m/s to amend the motion and require it is owner occupied.

DISCUSSION: Councilor Morris clarified the owner needed to be present when the STR was rented.

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

Continued Discussion on Main Motion: Councilor Marsh requested the Planning Commission provide specific guidance on the 200-foot limit and that staff provide information on enforcement. She also wanted the equivalent requirements imposed on lodging to apply to STRs. Councilor Morris wanted an evaluation of which R-1 may or may not work. **Roll Call Vote on amended main motion: Councilor Marsh, Morris, and Rosenthal, YES; Councilor Slattery NO. Motion passed 3-1.**

Planning Commission Report on Limited Short Term Accommodations in Residential Zones

Potential Code Amendment: Amend the Land Use Ordinance to allow an owner-occupied residence to operate a single traveler’s accommodation in a residential zone. The goal is to minimize impacts on neighborhood character and ensure the affects of the code amendments are not inconsistent with other currently permitted uses. The single traveler’s accommodation use would be subject to the following types of standards and procedures:

A. Use-Related Standards:

1. Management of the accommodation

Property Owner Occupied – The individual operating and managing the traveler’s accommodation must be the owner of the property and the residence on the property must serve as the property owner’s “primary residence”. The property cannot be sub-leased to another individual that operates the traveler’s accommodation

Commission Discussion:

- *The presence of the property owner living on site would greatly reduce the opportunity for adverse impacts to the neighborhood.*

2. Location

All Residential Zoning Districts – Under the proposed recommendations, this type of short term rental could be allowed in all Residential Zones

Distance from a major street – The accommodation must be located on a property within 200 feet of a major city street. This would include a boulevard, avenue, or neighborhood collector.

Commission Discussion:

- *Given the limited nature of the use, a single accommodation within an owner-occupied home, the code amendment could be applied to all residential zoning districts.*
- *Maintaining the "200-foot rule" would be consistent with the existing standard applied to traveler's accommodations in R2 and R3 zoned neighborhoods and establishes a level playing field.*

- *While uncertain, the original rationale for the "200-foot" standard seems to have been intended to minimize directing non-local traffic into the interior of existing neighborhoods by limiting traveler's accommodations to within a half block of city streets identified for carrying more traffic.*
- *It is unclear that the rationale behind the standard is still valid and that the standard is still accomplishing what it was intended to achieve?*
- *The adjacency between and connectivity of Ashland's neighborhoods makes it difficult at times to identify neighborhood areas that appear more interior than others.*
- *Accommodations located in proximity to major city streets with a continuous public sidewalk system may provide an incentive for visitors to walk to their destination or public transit, especially when the accommodation is near the downtown or within a historic district.*
- *In the end, it is difficult to surmise that the standard is in fact protecting a more quiet residential character the further you get away from a major street.*
- *On the other hand, it is not obvious that the standard is broken and that there exists a logical reason to change it.*

3. Number, Size and Type of Accommodations per Property

Number of Accommodations - One traveler accommodation (i.e. reservation) permitted per property.

Accommodation Type – The single traveler accommodation could reflect A or B of the following accommodation types:

- A. A one bedroom or two bedroom suite located within the residence that uses the main entrance(s) of the residence to access the accommodation;
- B. A one bedroom or two bedroom suite within the foot print of an existing residence but accessed through a private, exterior entrance separate from main entrance; or

- C. A separate structure located on the property and detached from the primary residence of the property **(not recommended by the Planning Commission due to the potential impact on longer term accessory residential unit (ARU) rentals).**

Maximum Size – Accommodation can consist of one or two-bedrooms, potentially with restrictions limiting total size and/or maximum number of occupants.

Commission Discussion:

- *An owner-occupied property with a single accommodation within the footprint of the residence would be consistent with impacts associated with residential zoning districts, specifically single family districts.*
- *To reduce the potential for converting existing accessory residential units (i.e. ARU's) from long term rentals to short term traveler's accommodations, it is recommended that detached buildings not be permitted for use as a traveler's accommodation.*
- *The traveler's accommodation would need to be attached or located within the footprint of the primary residence, with visitors entering from the residence's main entrance(s) or from a private, exterior entrance.*
- *Consensus was not reached on whether or not the single traveler's accommodation unit should be limited in size or square footage, or restrictions placed on the number of bedrooms, or total number of occupants.*
- *Additional restrictions seem arbitrary and difficult to enforce, while most negative impacts seem related to the number of cars and number of occupants. It might be best to target those impacts.*
- *An argument could be made that greater specificity in the ordinance, through limitations on size and number of occupants and requiring a floor plan, could lead to more successful compliance.*

Restriction on Kitchen/Cooking Facilities – Kitchen cooking facilities would not be permitted in a limited short term accommodation.

- *Allowing kitchen cooking facilities within an individual, limited short term accommodation may encourage existing long term rentals and interior*

spaces suitable for long term rental use to be more readily converted to short term operations.

B. Potential Site Design Regulations

1. Parking

Off-street Parking – There would be no additional off-street parking requirement. However, the property must have two off-street parking spaces available.

Commission Discussion:

- *Given the limited nature of the use, no additional parking other than that which is already requisite for a single family residence would be required. This would discourage physical changes to the property and landscaping that is potentially out of character with the neighborhood.*

2. Signs

Signs prohibited – Similar to Home Occupations, signs would not be permitted, however, except as allowed under the “Exempt” section of 18.96, which could limit the use to two, small incidental signs provided signs do not exceed two square feet in area per sign.

Commission Discussion:

- *Additional signs would not be permitted, other than those already permitted under the “exempt” section of the sign code.*

C. Procedure for Approval

1. Land Use Application Type

Conditional Use Permit (Type I Procedure) – The request to operate a single traveler’s accommodation would require approval of a conditional use permit.

Annual or Biennial Review – A process to periodically review the operations of a single traveler’s accommodation could be established after the initial land use approval

Commission Discussion:

- *The conditional use permit process would include public notice to the surrounding neighborhood, informing neighbors of the request and*

providing an opportunity to provide comments to the Planning Division prior to final approval. The Community Development Director's decision could be appealed to the Planning Commission.

- *The conditional use permit process establishes a level playing field with existing, multi-unit traveler's accommodations in multiple family zoning districts (i.e. R-2; R-3).*
- *A biennial review after two years could be considered to allow city staff to confirm that the traveler's accommodation unit is being operated consistent with the land use approval.*

PLANNING COMMISSION ANNUAL REPORT TO THE ASHLAND CITY COUNCIL DECEMBER 16, 2014

My name is Richard Kaplan, Planning Commission Chair. Before providing a recap of this year's key projects I would like to acknowledge my six fellow commissioners:

- Troy Brown, Jr.
- Michael Dawkins
- Debbie Miller
- Melanie Mindlin, who served as Chair thru May and is currently Vice Chair
- Tracy Peddicord, and
- Lynn Thompson

The Planning Commission held 11 Regular meetings, 4 Special meetings and 7 Study Sessions this year, incorporating 10 Type II Land Use Hearings, a Type I Appeal, and 3 Legislative Public Hearings.

Future Planning Initiatives

- In January, the Council invited the Commission to participate in a joint study session to prioritize future planning projects.
- After discussion, three projects were affirmed as high priority – review of downtown zoning including the Winburn Way corridor, assessment of the City's approach to master planning, and infill strategies along transit corridors.
- We have started work on Master Planning assessment and other projects will be addressed in the coming months.

Verde Village Development Agreement Modification

- In February, we reviewed an application to modify Verde Village Subdivision's Development Agreement to clarify project phasing, change the energy efficiency and multi-use path landscaping requirements. The changes were intended to make the project more viable in the near term.
- You approved modification of the development agreement in April as Ordinance 3092.
- Subsequently, Planning Staff has discussed completion of the project with individuals considering partnering with the original applicants, in part because of your approval.

Medical Marijuana Dispensaries Ordinance

- In March, new state regulations went into effect that made the siting and operation of registered Medical Marijuana Dispensaries legal in areas zoned for commercial, industrial, and mixed use.
- At Council's direction, the Commission recommended land use standards for locating medical marijuana dispensaries, design requirements, and operating restrictions. Substantial public testimony at multiple hearings centered on concerns by neighborhood residents regarding safety and traffic impacts.
- In June, we recommended approval of an ordinance locating dispensaries as a Special Permitted Use on higher order boulevard streets in C-1, E-1 and M-1 zones. Additionally the Council allowed for dispensaries as a Conditional Use in the C-1 and E-1 zones for properties at least 200 feet from residential zones. You approved ordinance 3097 in July.

PLANNING COMMISSION ANNUAL REPORT TO THE ASHLAND CITY COUNCIL DECEMBER 16, 2014

Short Term Traveler Accommodation in Residential Zones

- In November 2013, you requested that we forward suggestions on potentially permitting short term traveler accommodations on owner-occupied properties in single-family residential zones. We began discussions with Planning Staff in January.
- The Commission took public input on this matter at three meetings in March and April and provided general recommendations to the Council in July.
- Notably, the Commission did not address the question of whether it is appropriate to allow short term accommodations in single family zoning districts, but rather discussed and suggested appropriate code standards and limitations on short term accommodations should you move ahead with a code amendment.
- The Commission anticipates that Planning Staff will present specific code amendments for consideration, with a formal recommendation to the Council in early 2015.

Normal Neighborhood Plan

- Following nearly two years of planning for future development of the 94-acre North Normal Avenue Neighborhood area located within Ashland's Urban Growth Boundary, the Planning Commission completed their review of the Normal Neighborhood Plan in April.
- After presentation of the plan to you, a Working Group was formed to further discuss various elements of the plan in detail, hear public comment, and formulate recommendations for presentation to the full Council.
- On December 2nd, Councilor Marsh presented the Working Group's recommendations on proposed zoning designations, housing densities, transportation connectivity, and provisions for open space.
- You directed Staff to incorporate these recommendations into a final draft plan, as well as conducting a financial analysis of needed public infrastructure improvements. At your direction the revised plan will be presented to the Planning Commission, Transportation Commission and Parks Department for comment before being returned to the Working Group and Council.

Master Planning Process

- Starting in September, the Commission worked with Planning Staff at three public meetings to review Ashland's approach to master planning and examine past master planning efforts for the North Mountain Neighborhood, Croman Mill District, and Normal Neighborhood.
- Master planning can be a challenging, resource intensive and lengthy process because neighborhoods or plan areas typically involve a variety of interests. Our general assessment, however, is that Master Plans can provide more beneficial detail about environmental characteristics, neighborhood land use and transportation patterns than the Comp Plan. In turn, this information can be used to develop policies for future development that are tailored to a specific area. Master planning also engages the public at an early stage to learn about and contribute to the planning effort.
- The Commission plans to forward to you its complete observations and detail recommendations early next year.

PLANNING COMMISSION ANNUAL REPORT TO THE ASHLAND CITY COUNCIL DECEMBER 16, 2014

Unified Land Use Ordinance

- Ashland's land use ordinance and development standards are being combined into a single user-friendly document to address the 2011-12 Council goal to "increase the clarity, responsiveness, and certainty of the development process" and to address the recommendations of the 2006 Land Use Ordinance Review by Siegel Planning Services.
- The project also included evaluation of the planning application procedure and green development standards.
- The proposed Unified Land Use Ordinance (or ULUO) replaces Title 18 Land Use of the Ashland Municipal code and we believe creates strong incentives for sustainable development, understandable requirements having more timely and predictable results.
- Beginning 2012, the Commission began to review draft sections of the proposed ULUO over a series of 21 public meetings. Planning Staff additionally held 14 meetings with the general public, focus groups, and advisory commissions; and also created a project web page and an Open City Hall topic.
- In July we recommended approval of the draft ULUO. To facilitate your review, you requested that we identify amendments having the "most significant impact to the community" and we submitted a report identifying nine such amendments.
- After further Council discussion and changes to the ULUO, you passed first reading on December 2nd. Second reading is on tonight's agenda.

Amending the Wildfire Hazard Zone

- In June, the Commission received a presentation by the Ashland Fire Department on amending the Wildfire Hazard Zone. A statewide planning goal requires cities to inventory hazardous areas, set policies, and adopt standards to protect property and citizens. In the coming year, Planning Staff will be proposing to the Commission amendments to broaden the City's wildfire hazard zone.

Finally, during the past year members of the Planning Commission served concurrently on various city committees including the:

- Downtown Parking Management and Circulation Ad Hoc Advisory Committee (Rich & Michael)
- System Development Charge (SDC) Review Committee (Troy)
- Downtown Beautification Improvement AdHoc Committee (Michael) and the
- Normal Neighborhood Plan Working Group (Rich & Michael)

At this time I would like to acknowledge the professionalism and diligence of the Ashland Community Development Department's Planning Staff and their support of the Commission's work. Bill Molnar and the entire planning team are an outstanding city resource. I would also like to thank Mike Morris who served as Council liaison to the Commission this year.

This concludes my presentation. I would be happy to answer questions at this time.

**PLANNING COMMISSION ANNUAL REPORT TO THE ASHLAND CITY COUNCIL
DECEMBER 16, 2014**

TYPE II PUBLIC HEARINGS

1.	<p>PLANNING ACTION: #2013-01506 SUBJECT PROPERTY: North Mountain & Fair Oaks Avenues OWNERS: Ayala Properties, L.L.C./Scott Lissberger Revocable Trust (Scott Lissberger, Trustee) APPLICANT: Ayala Properties, L.L.C. DESCRIPTION: A request for a Modification of Planning Action #2013-806, a Site Review Permit approved by the Planning Commission in August, which allowed for the construction of a grouping of three-story mixed use buildings consisting of four commercial spaces and ten parking spaces on the ground floor and ten residential units on the second and third floors for the vacant parcel (Tax Lot #700) at the corner of North Mountain and Fair Oaks Avenues. The August approval also included a Tree Removal Permit to remove seven Siberian Elm trees in the adjacent alley, and a request for a Modification of the original Meadowbrook Park II Subdivision approval to adjust the number of residential units allocated between the four subject parcels to allow a total of 40 dwelling units, where only ten units had previously been proposed, based on the permitted densities within the NM-C district. The modifications requested here involve: 1) clarification of the proposal's density allocations, parking management, and number of groundfloor commercial spaces between the subject properties; 2) an increase in the number of upper floor residential units on Tax Lot #700 from ten to 14; and 3) modifications to the proposed building design for Tax Lot #700.</p>
2.	<p>PLANNING ACTION #: 2014-00052 SUBJECT PROPERTY: 87 W. Nevada St. and 811 Helman Street APPLICANT: Wilma LLC DESCRIPTION: A request to modify the Development Agreement for the Verde Village Subdivision for the properties located at 87 W. Nevada Street and 811 Helman Street. The proposed modifications include: clarifications of the project phasing to make clear which improvements are required with each phase and to allow either phase to occur first; changes to the energy efficiency requirements of the development so that all units will be constructed to at least Earth Advantage Gold standards and will be "Photovoltaic Ready"; and changes to the landscaping and maintenance requirements associated with construction of the multi-use path.</p>

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<p>3.</p>	<p>PLANNING ACTION: 2014-00307 SUBJECT PROPERTY: 777 Oak Street OWNERS: Martha Howard-Bullen DESCRIPTION: A request for a Physical and Environmental Constraints Review and Water Resource Protection Zone Reduction Permit approval to construct a new 3,414 square foot, single-story single family residence. The application also requests a Conditional Use Permit approval for a 615 square foot Accessory Residential Unit for the property located at 777 Oak Street. The property is subject to the Physical Constraints and Water Resource permits due to the location of the proposed development within the adopted floodplain for Ashland Creek. The existing approximately 720 square foot residence on the site is proposed to be retained and added onto with the new construction. The application includes a request to remove 13 trees on site.</p>
<p>4.</p>	<p>PLANNING ACTION: 2014-00737 SUBJECT PROPERTY: Oak Street right-of-way, between Lithia and Main OWNERS: Rogue Valley Growers and Crafters Market DESCRIPTION: A request to modify the existing Conditional Use Permit approval (PA #2011-153) for the Rogue Valley Growers and Crafters Market's closure of one block of Oak Street in the downtown, between Lithia Way and East Main Street, for the weekly Saturday Market. The specific modifications requested are: 1) To allow vendors to sell the same goods as are sold at their other markets in the Rogue Valley, with the exception of hot prepared foods. This would allow the sale of goods grown, produced, prepared or crafted by RVG&CM members who are farmers, ranchers, food processors and crafters. The vendors are currently limited to fresh fruit, vegetables, flowers, bedding plants, meat, eggs, cheese, bread, pasta, dog bones, and jam, and are not to sell prepared food; 2) To allow the market's season and hours to mirror their other markets in the Rogue Valley, which run from March through November, and to begin the street closure at 6:30 a.m. The market is currently limited to a May through November season, and the Saturday closure is from 7:00 a.m. to 2:00 p.m. 3) Alter the market booth configuration to create a sidewalk access point between vendor booths at the entrance to the alleyway on the west side of Oak Street in order to better accommodate pedestrian and wheelchair traffic to adjacent businesses.</p>
<p>5.</p>	<p>PLANNING ACTION: 2014-00734 SUBJECT PROPERTY: 1163 Iowa Street APPLICANT: Ayala Properties, LLC DESCRIPTION: A request for Site Review and Outline Plan approval under the Performance Standards Options Chapter 18.88 for a four unit, five lot multi-family developments for the property located at 1163 Iowa Street. A Tree Removal Permit is requested to remove three trees greater than six-inches in diameter at breast height on the site. The existing single family residence on the site will be incorporated into the development as Lot #1.</p>
<p>6.</p>	<p>PLANNING ACTION: #2014-00710 SUBJECT PROPERTY: 143 Nutley Street APPLICANT: Robert Baldwin DESCRIPTION: A request for a Conditional Use Permit (CUP) approval to exceed maximum permitted floor area (MPFA) in the Skidmore Academy Historic District for the addition to the existing 896 square foot residence on the property at 143 Nutley Street. The request is to exceed the allowed MPFA by 17.9 percent or 392 square feet.</p>

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7.	<p>PLANNING ACTION: #2014-00967 SUBJECT PROPERTY: 572-582 Fair Oaks Avenue APPLICANT: Ayala Properties, LLC DESCRIPTION: A request for Site Review approval to construct a three-story mixed-use 10,748 square foot building at the corner of Fair Oaks Avenue and Plum Ridge Drive. The building will consist of six residential units on the upper two floors and one commercial space, with the option for interim residential use on the ground floor along with five parking spaces.</p>
8.	<p>PLANNING ACTION: #2014-01354 & #2014-01355 SUBJECT PROPERTY: 1016 Clear Creek Drive APPLICANT: Rick and Judy Lindeman and Urban Development Services, representing Mark Newberger Exempt Trust DESCRIPTION: A request for modifications of the Aleph Springs Subdivision approval (PA #2008-00183) which involved: a 12-lot, 15-unit Performance Standards Subdivision; Site Review approval for a two-story, six-unit residential building; an Exception to Street Standards; Tree Removal Permits; and Lot Line Adjustments. The modifications requested include: 1) partitioning the property at 1016 Clear Creek Drive into two separate single family residential parcels; 2) Conditional Use Permit and Site Review to allow for an accessory residential unit approval for one of the newly created parcels.</p>
9.	<p>PLANNING ACTION: #2014-01837 SUBJECT PROPERTY: 95 Winburn Way (Ice Rink parking lot) OWNER/APPLICANT: City of Ashland, Ashland Parks & Recreation DESCRIPTION: A request for Site Review approval to place a canopy over the Ice Rink, a recreational facility within Lithia Park, located at 95 Winburn Way. The application includes requests for Exception to the Site Design and Use Standards (II-C-1-a and IV-C) and for a Variance to allow the canopy structure to be placed within the required ten-foot side yard setback along Winburn Way.</p>

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10. PLANNING ACTION: #2014-01956

SUBJECT PROPERTIES: First Place Subdivision, corner of Lithia Way & First Street

APPLICANTS: First Place Partners, LLC

DESCRIPTION: A request for Site Review approval to construct the second and third phases of the First Place Subdivision for the property located at the corner of Lithia Way and First Street.

Phase Two is a request for Site Review approval to construct a new mixed use building (Plaza Central East) on Lots #2 and #3 at the corner of Lithia Way and First Street. The proposal includes consolidation of the two lots and construction of a 32,191 square foot, three-story mixed-use building consisting of basement parking, ground floor commercial, and 15 residential units distributed between the ground, second and third floors. The application includes requests to modify the common area landscaping and parking configuration to better accommodate the proposal, and Exceptions to the Site Design and Use Standards' Downtown Design Standards to allow for balconies on the front of the building and to allow windows that are more horizontal than vertical.

Phase Three is a request for Site Review approval to construct a new mixed use building (Plaza North) on Lots #4 and #5 at the northeast corner of the site, on First Street. The proposal includes consolidation of the two lots and construction of a 9,607 square foot, three-story mixed-use building including ground floor commercial space and four residential units. The application includes requests to modify the common area landscaping and parking configuration to better accommodate the proposal, and two requests for Exceptions to the Site Design and Use Standards' Downtown Design Standards to allow for a staggered street setback and to allow two sets of windows to be more horizontal than vertical.

(Phase One, a three-story 18,577 square foot mixed-use building (Plaza West) consisting of basement parking, commercial and residential space on the first floor and residential space on the second and third floors was recently completed at 175 Lithia Way.)

TYPE I APPEAL PUBLIC HEARING

1. TYPE I APPEAL PUBLIC HEARING

PLANNING ACTION #: 2013-01421

SUBJECT PROPERTY: 270 N First Street

APPLICANT: RNN Properties LLC

DESCRIPTION: A request for a Conditional Use Permit (CUP) approval to exceed maximum permitted floor area (MPFA) in the Railroad Historic District and variances to the required side-yard setbacks for the construction of a new residence on the property at 270 N First Street. The request includes the removal of the existing residence. COMPREHENSIVE PLAN

DESIGNATION: Low Density Multi-Family Residential; ZONING: R-2; ASSESSOR'S MAP: 39 1E 09BA TAX LOT: 1300.

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LEGISLATIVE PUBLIC HEARINGS

1.	PLANNING ACTION #: PL-2013-01858 DESCRIPTION: A proposal to amend the Comprehensive Plan, Comprehensive Plan Map, Transportation System Plan, and Ashland Land Use Ordinance and to implement the Normal Neighborhood Plan.
2.	PLANNING ACTION #: 2014-00539 DESCRIPTION: A proposal to amend the Ashland Land Use Ordinance Chapter 18.08 [Definitions], Chapter 18.32 [C-1 Retail Commercial District], Chapter 18.40 [E-1 Employment District], and Chapter 18.52 [M-1 Industrial District] regarding the establishment of medical marijuana dispensaries.
3.	PLANNING ACTION: 2014-00529 DESCRIPTION: A request to modify Title 18 of the Ashland Municipal Code to combine the land use ordinance language and related development standards into one document with improved organization, wording, formatting, and graphics. Amendments are included to address outstanding items from the 2006 Land Use Ordinance Review by Siegel Planning Services LLC, recommendations from the planning application procedure and green development audits, inconsistencies, and ambiguous wording. The land use ordinance implement the community's vision as expressed in the Ashland Comprehensive Plan and governs the development of property within the City limits.