

**Ashland Housing Commission**  
Regular Meeting Agenda

CITY OF  
**ASHLAND**

**January 24, 2013: 4:00 – 5:45pm**  
Lithia Room – 51 Winburn Way

**1. (4:00) Approval of Minutes** (5 min)

October 22, 2012

**2. (4:05) Public Forum** (5 min)

**3. (4:10) Update on fundraising efforts of Ashland Emergency Food Bank** (15 min)

Ward Wilson, Food Bank Board Member-Capital Campaign Organizer

**4. (4:25) Unified Land Use Code Update** (25 min)

Maria Harris, Long Range Planner

**5. (4:50) Vacation Rental Discussion and Recommendation** (20 min)

**6. (5:10) Liaison Reports discussion** (15 min)

**Liaison Reports**

Council (Carol Voisin)

Staff (Linda Reid)

General Announcements

**8. (5:25) 2012 Goal Review and Approval** (15 min)

**9. (5:40) February 27<sup>th</sup> 2013 Meeting Agenda Items**

Commissioner items suggested (5 min)

**Quorum Check** – Commissioners not available to attend upcoming regular meetings should declare their expected absence.

**10. (5:45) Upcoming Events and Meetings**

**Next Housing Commission Regular Meeting**  
4:00-5:45 PM; February 27, 2013

**11. (5:45) Adjournment**

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 HOUSING COMMISSION  
DRAFT MINUTES  
October 24, 2012

**CALL TO ORDER**

Chair Regina Ayars called the meeting to order at 4:10 p.m. at the Council Chambers located at 1175 East Main St. Ashland, OR 97520.

<b>Commissioners Present:</b>	<b>Council Liaison</b>
Regina Ayars	Carol Voisin
Ben Scott	
Barb Barasa	<b>Staff Present:</b>
Evan Lasley	Linda Reid, Housing Specialist
	Carolyn Schwendener, absent
<b>Commissioners Absent:</b>	
Michael Gutman	
Brett Ainsworth	

**APPROVAL OF MINUTES**

Lasley/Scott m/s to approve the minutes of the September 26, 2012 regular Housing Commission meeting. Voice Vote: All Ayes; minutes were approved as presented.

**PUBLIC FORUM**

No one spoke

**VACATION RENTAL DISCUSSION**

Bill Molnar, Community Development Director was present to brief the Commission on an issue that has come before the City Council. Molnar asked the question "What impact does the way the City treats vacation rentals in the community have on our housing inventory?" Council has directed staff to look at possible changes to the zoning. Because there is an impact on housing the Council would like the Housing Commission to participate and weigh in on this discussion. The purpose of this presentation is to give the Housing Commission some background.

Short term accommodations traditionally are the motels, hotels, and bed and breakfasts where a guest can stay less than 30 days. Ashland has prohibited the renting out of homes in single family residential neighborhoods on a short term basis. It is prohibited by the land use ordinance. As part of the Community Development Department we also address Code Compliance as it relates to zoning violations, stated Molnar. We have seen an increase in activity not only from complaints but from looking at internet sites. The department took an aggressive compliance effort in the summer and sent out forty to fifty code compliance letters to those properties they were aware of that did not have a land use permit and were not paying transient occupancy tax. This created some frustration from those individuals bringing about the question; should we create some flexibility with the zoning code? There is also the issue of fairness for those who follow the guidelines and rules.

Molnar stated the key issues for future discussion are: What is the impact on available housing in the community due to this circumstance? Does this increase the cost of housing? Ultimately these homes are taken out of the rental market.

The long term history in Ashland as a community has been the concern about growing outward. The desire has been to maintain a compact community that promotes alternative modes of transportation. The City has taken a position in the region where they adopted the City Urban Growth boundary (UGB) thirty years ago (1981) being one of the few cities if not the only city in the state who has never increased the UGB. The City chose not to identify future areas to expand the UGB but offered to develop more innovative land use strategies to accommodate future business, employment and housing over the next twenty years using the current land base.

Molnar explained that the next step will be, after the first of the year the staff will know what direction the Planning Commission would like them to take. Ultimately before they write any specific ordinance language staff will bring suggestions from both the Planning Commission and the Housing Commission back to the Council.

The Commissioners asked for a profile of the rental houses. They were curious if people are renting high end housing or inexpensive housing. Molnar conveyed that the preliminary internet searches for code compliance showed rentals for smaller inexpensive homes within walking distance to the downtown. The proximity to downtown seemed to out weight the amenities that might be offered.

**Abi Maghamfar** owner of Abigail's Bed & Breakfast (B&B) located on North Main Street spoke. Maghamfar explained that he understands the situation that has arisen regarding the problem with illegal units being rented. Maghamfar stated he is just looking for a fairness level playing field. As long as the houses operating as a vacation rental are permitted properly and provide adequate insurance and safety features just the way Bed & Breakfast and hotels offer he has no concern. Competition is a good thing as long as it's an even and fair playing field. Though forty to fifty letters went out to properties that the Planning Department was aware of, Maghamfar stated there is evidence that as many as one hundred and fifty houses are actively being rented for vacation rentals. With that number of units being out of the short term housing market it is his opinion it does make a difference to the City's housing inventory. These are homes that would otherwise be available to those wishing to live in Ashland. People coming into town do have a place to stay as the Bed & Breakfasts in town are not 100% full.

**Ellen Campbell**, Campbell addressed the question of what the typical profile of the rental houses is. She stated that they are not just second homes for people it's an entire range of scenarios. In the last twelve years the industry has seen an eighteen percent decrease in the number of B&B's that are operating in Ashland. Though it would make sense that the current B&B's would absorb that increase in occupancy the opposite has happened. In the last ten years the occupancy has either been stable or declined due to the increase of illegal units in town. Campbell commented that it might be tempting for the City to allow these additional vacation rentals in order to receive the Transient Occupancy Tax. She believes that the City could in fact receive an increase in tax by not allowing those illegal rentals which would increase the occupancy of the legal units.

#### **PROPOSED CHANGES TO UNIFORM POLICIES FOR COMMISSIONS AND COMMITTEES DISCUSSION AND RECOMMENDATION**

Reid pointed out that City Recorder, Barbara Christianson and City Attorney Dave Lowman took the information provided to them by the Commissions and created three options for the Commissioners to vote between.

After the discussion the Commissioners made the following recommendation.

*Lasley/Scott m/s to recommend Section 2.10.025 of Option Two with Section 2.10.040 of Option Three and Section 2.10.050 of Option Three with the definition of excused absence the same as defined adding the following ("An excused absence is defined as an urgent personal or job related matter or a matter where the member has no control over their ability to attend a meeting.")*

*Ayars made an amendment to the motion adding the following sentence after the definition of excused absence to say "also a Commissioner is allowed a single annual excused absence for a vacation"*

*The Commissioners' voted on the amendment. Voice Vote: All Ayes, amendment passed unanimously  
The Commissioners voted on the original motion. Voice Vote: All Ayes. Motion passed unanimously to include the amendment*

## **COMMISSIONER AND SOU LIAISON RECRUITMENT DISCUSSION**

Lasley announced the Commission will soon have a new SOU Liaison. He spoke with the President of ASSOU and there is a freshman who is interested in the position. Lasley sent the person an email for confirmation and the Commission would like to have them on board by the January meeting.

The Commission is down one member and each Commissioner agreed to make an effort to try and recruit someone as soon as possible.

## **LIAISON REPORTS**

**Council** – Voisin acknowledged that Reid did an excellent job presenting the Fair Housing Ordinance to the City Council.

**Staff** – Reid reported the Fair Housing Ordinance passed first reading at Council and will be going to second reading on the sixth of November along with the first reading of the Housing Needs Analysis. The Fair Housing Council of Oregon has hired a three quarter time person, Louise Dix, to serve the Jackson, Josephine, Curry, Coos and Klamath regions. She will be stationed at ACCESS and is expected to be down next month. Ms Dix recently left the city of Gresham though prior to that she was the CDBG administrator for the City of Medford. She was on the Medford Housing Commission, Chair of the Homeless task force as well as the Chair of the Southern Oregon Housing Resource Center.

Reid gave an update from the Homeless Steering Committee. A joint meeting was held with members of the faith based community. Good things came out of the meeting; Trinity Episcopal announced they will add a weekly shelter night on Wednesdays starting Thanksgiving week. The Universal Unitarian Church is considering also hosting a weekly shelter night; they are continuing to take up a special collection to provide materials like sleeping bags. A shelter training is being organized.

**General Announcements** – The Council meeting may change from November 6<sup>th</sup> to the 7<sup>th</sup> due to the general election. Councilman Chapman has resigned and there is a process for appointing a new Council person. The City has sixty days to appoint a new person.

## **GOAL SETTING RETREAT AGENDA DISCUSSION**

Voisin will not attend the goal setting retreat. She did encourage the Commissioners to send their suggested goals to the Council no later than January. Suggested topics were:

- Co-housing ordinances and zoning issues. More and more seniors are considering co-housing experiences.
- Review the recommendations in the Housing Needs Analysis.
- Review the 2012 goals to see what has been accomplished and what may need to carry over to 2013.
- A more in depth look at the Housing Trust Fund. Still need a revenue source.
- Dot Exercise/Goal prioritization
- Discussion of Fair housing for students

## **UPCOMING EVENTS AND MEETINGS**

Normal Avenue Neighborhood Design Workshop – October 25<sup>th</sup>, Ashland Middle School 7:00 – 9:00 P.M.

Public Hearing – First Reading Housing Needs Analysis – November 6<sup>th</sup>, City Council Chambers 7:00 – 10:00 P.M.

Discussion of policy changes for commissions and committees – December 3<sup>rd</sup> City Council Study Session, Community Development Building 5:30-7:00 P.M.

## **Next Meeting-Housing Commission Retreat**

**9:00-12:00 PM; November 17<sup>th</sup> (Lunch included from 12:00-1:00)**

**ADJOURNMENT** - The meeting was adjourned at 5:50 p.m.

*Respectfully submitted by Carolyn Schwendener*

# Memo

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DATE: January 23, 2013

TO: Ashland Housing Commission

FROM: Maria Harris, Planning Manager

RE: Update on Unified Land Use Ordinance Project

## **SUMMARY**

The Planning Commission has reviewed a substantial amount of the first draft of the Unified Land Use Ordinance (see attached Ordinance Outline). Several amendments the Housing Commission had previously expressed interest in were reviewed as part of this work, and are detailed below. Staff has also included several other items related to lot size and dimensions that may be of interest to the Commission.

## **PROPOSED AMENDMENTS**

QUESTION: Does the Housing Commission have comments on the proposed changes to the land use ordinance?

BACKGROUND: The purpose of the Unified Land Use Ordinance project is to combine the land use ordinance and related standards into one user-friendly document with improved organization, wording, formatting and graphics. The project also includes an evaluation of the planning application process and green development incentives, and preparation of code amendment options addressing these areas for consideration.

SUMMARY OF AMENDMENTS: In the sections of the Unified Land Use Ordinance reviewed by the Planning Commission thus far, there are several potential amendments related to housing issues. These items are summarized below, and the individual pages of the draft ordinance are attached. The complete sections of code along with memos highlighting proposed amendments and meeting minutes can be viewed at the project web page in the Planning Commission packet materials [www.ashland.or.us/unifiedcode](http://www.ashland.or.us/unifiedcode).

- **Accessory Residential Units (ARUs)**

ARUs currently require a conditional use permit in the single-family zones (R-1 and RR), and a site review (but not a conditional use permit) in the multi-family zones (R-2 and R-3). The proposed amendment discussed by the Planning Commission is to make ARUs a permitted use in all zones, and removing the conditional use permit requirement. The proposed change makes ARUs a permitted use in the four zoning districts they are currently allowed in (R-1, RR, R-2 and R-3). A site review planning approval would continue to be required to address parking



requirements, landscaping and screening, building orientation and design, but the more discretionary conditional use permit process would be eliminated in the single-family zones.

- **Manufactured Homes on Individual Lots**

Several items were revised for consistency with the Oregon Revised Statutes (ORS) regarding placement of manufactured homes on individual lots. The proposed amendments include the deletion of the requirement that a home be 28 feet in width, a change in wording for exterior building materials and the maximum height above grade. Additionally, the requirement to have a garage or storage building is proposed to be deleted. The ORS does allow local jurisdictions to require a garage to be constructed with manufactured homes on individual lots. However, the Planning Commission concurred with the Housing Commission regarding the cost of a garage offsetting the monetary savings gained by using a manufactured home, and using the same requirements as single-family homes which in Ashland are to provide the required number of off-street parking spaces, but not requiring a garage or carport.

- **Manufactured Housing Developments**

Amendments were recommended to the setback requirements for consistency with ORS requirements for manufactured home parks. Currently, the code requires a minimum of 20 feet from the street or any exterior property line while the ORS requires a minimum of five feet from a property boundary line. For exterior property lines, staff recommends using the same approach as used in Performance Standards Subdivisions which requires setbacks along the perimeter of the development to have the same setback as required in the parent zone. The second issue is the interior side and rear yard setbacks. Currently, the code requires a minimum of six feet and a minimum separation between units of 12 feet. In contrast, the ORS requires a minimum of ten feet between units.

- **Affordable Housing Density Bonus** – For housing projects in the multi-family zones (R-2 and R-3) and for subdivisions developed under the Performance Standards Options (Chapter 18.88), the current ordinance allows for an equivalent density bonus for every percent of units that are affordable. The 2006 Land Use Ordinance Review recommends doubling the density bonus for affordable housing to provide a greater incentive for affordability.

Two items were suggested by Planning Commissioners for consideration regarding the affordable housing density bonus. First, it was suggested that staff solicit input from the development community to get feedback as whether the increase in the density bonus would provide a greater incentive to provide affordable units. Second, concern was expressed regarding the size of the affordable units in projects that voluntarily utilize the density bonus, such as multi-family developments and subdivisions that do not involve a zone change or annexation. (Currently, zone changes and annexations are required to provide affordable units in a variety of unit sizes, of comparable building materials and distributed throughout the project in accordance with 18.106.030.G.) As a result, the suggestion was to consider using the affordable housing requirements that are now limited to zone changes and annexations for projects that voluntarily use the density bonus.



- **Corner Lots in R-1 Zone**

Currently, the code requires corner lots to have a minimum width of 60 feet, and a minimum lot size of 6,000 square feet. Per the 2006 Land Use Ordinance Review recommendation, the proposed amendment is to change the requirement for corner lots to the same for interior lots – minimum width of 50 feet and minimum lot size of 5,000 square feet.

- **Minimum Lot Depth in R-1 Zone**

Currently, the code requires lots in the R-1 zone to have a minimum depth of 80 feet. Per the 2006 Land Use Ordinance Review recommendation, the proposed amendment is to reduce the minimum lot depth to match the minimum lot width.

- **Front Porch Setback in R-1 Zone**

Currently, the code requires lots in the R-1 zone to be setback a minimum of eight feet from the property line. In contrast, the requirement in the R-2 and R-3 zones is ten feet. Per the 2006 Land Use Ordinance Review recommendation, the proposed amendment is to make the setback ten feet uniformly across all of the zones. Ten feet was chosen because it is the standard width of public utility easements that run along the front of properties.

- **Cottage Housing or Pocket Neighborhoods** – Though there is no clear or set definition for this type of development, the terms cottage housing or pocket neighborhoods are typically used to describe a type of development involving relatively small homes (750 to 1,250 square feet) clustered around a common open space developed at two to two and a half times the density normally allowed in land zoned for single-family development. The Planning Commission directed staff to pursue revisions to the code to promote the development of pocket neighborhoods.

#### NEXT STEPS:

The Planning Commission will review the final piece of the first draft, Part 5 - Site Development and Design Standards, in February. Additionally, the Planning Commission will review evaluations of the planning application process and green development incentives, and code amendment options addressing these areas for consideration in the spring. Public meetings will be held in the late spring after the Planning Commission has gone through the initial review of the complete first draft of the Unified Land Use Ordinance and the related evaluations. The public meetings will provide informal opportunities to learn about and make comments on the draft code, as well as the process and green development incentive code amendment options. The final draft of the Unified Land Use Ordinance is expected to be completed by September 2013, with the formal adoption process taking place directly thereafter.

#### **ATTACHMENTS**

1. Unified Ordinance Outline
2. Misc. Pages from Draft 1 of the Unified Land Use Ordinance



## Ordinance Outline

The following outline groups similar code functions together into six distinct parts of the land use ordinance (Title 18), with each part containing a suite of related chapters, and subsections with each chapter.

### 18-1 General Provisions

- 18-1.1 Introduction
- 18-1.2 Title, Purpose and General Administration
- 18-1.3 Lot of Record and Legal Lot Determination
- 18-1.4 Non-Conforming Situations
- 18-1.5 Ordinance Interpretations
- 18-1.6 Zoning Permit Expiration, Extension and Enforcement

PC  
reviewed  
at  
9/25/12  
meeting

### 18-2 Zoning Regulations

- 18-2.1 Zoning Regulations – General Provisions
- 18-2.2 Base Zones – Allowed Uses
- 18-2.3 Special Use Standards
- 18-2.4 General Regulations for Base Zones
- 18-2.5 Standards for Residential Zones
- 18-2.6 Standards for Non-Residential Zones

PC  
reviewed  
at  
11/13/12  
meeting

### 18-3 Special Districts and Overlay Zones

- 18-3.1 Special District and Overlay Zone Purpose and Administration
- 18-3.2 Croman Mill District
- 18-3.3 Health Care Services District
- 18-3.4 North Mountain Neighborhood District
- 18-3.5 Southern Oregon University District
- 18-3.6 Airport Overlay

PC  
reviewed  
at  
11/27/12  
meeting



- 18-3.7 Freeway Sign Overlay
- 18-3.8 Performance Standards Options Overlay
- 18-3.9 Physical and Environmental Constraints Overlays (Floodplain Corridors, Hillside Lands, Severe Constraints, Wildfire Lands)
- 18-3.10 Water Resource Overlay
- 18-3.11 Site Development and Design Overlays (Detail Site Review, Downtown Design, Historic District, Pedestrian Place)
- 18-3.12 Residential Overlay

PC will  
review in  
February  
2013

## 18-4 Site Development and Design Standards

- 18-4.1 Design Standards Administration
- 18-4.2 Building Placement and Orientation
- 18-4.3 Access and Circulation
- 18-4.4 Parking and Loading
- 18-4.5 Landscaping and Screening
- 18-4.6 Light and Glare
- 18-4.7 Public Facilities and Utilities
- 18-4.8 Recycling Requirements
- 18-4.9 Sign Regulations
- 18-4.10 Solar Access
- 18-4.11 Subdivision Design Standards
- 18-4.12 Grading and Excavation
- 18-4.13 Tree Preservation and Protection
- 18-4.14 Wireless Communication and Facilities and Disc Antennas

PC  
reviewed  
at  
11/27/12  
meeting

## 18-5 Application Review Procedures and Approval Criteria

- 18-5.1 General Review Procedures
- 18-5.2 Site Design Review



- 18-5.3 Land Divisions and Property Line Adjustments
- 18-5.4 Conditional Use Permits
- 18-5.5 Adjustments and Variances
- 18-5.6 Modifications to Approved Planning Applications
- 18-5.7 Annexations
- 18-5.8 Plan Amendments and Zone Changes
- 18-5.9 Ballot Measure 49 Claims

## **18-6 Definitions and Rules of Measurements**



# **Accessory Residential Units (ARU's)**

from draft Unified Land Use Ordinance

## 18-2.2 – Allowed Uses

**Table 18-2.2.030 – Uses Allowed by Zone**

	R-I	R-I-3.5	R-2	R-3	RR	WR	C-I	E-I	M-I	Special Use Standards
<b>A. Agricultural Uses<sup>1</sup></b>										
Agriculture and Farm Use, except Livestock	P	P	P	P	P	P				Except no animal sales, feed yards, keeping of swine, commercial compost, or similar uses; and standards of Sec. 18-2.3.160 apply.
Keeping of Livestock	S			S	S					
<b>B. Household Living Uses</b>										
Single-Family Dwelling	P	P	P	P	P	P				Sec. 18-2.3.110
Accessory Residential Unit										See Single-Family and Duplex Dwelling standards in 18-2.5.050.
The change from CU to S is per the 2006 LUO Evaluation and PC input.	[S]	[S]	S	S	[S]					Dwellings in Historic District Overlay may require CUP, per chapter 18-5.4
Duplex Dwelling	P									Sec. 18-2.3.040
Dwelling with Personal or Professional Service Exceeding Home Occupation Threshold	CU+	CU+	CU+		S					See Dwelling standards in 18-2.5.050.
Manufactured Home on Individual Lot	S	S	S	S						Sec. 18-2.3.120 for C-I zone and E-I zone Sec. 18-2.3.170 and not allowed in Historic District Overlay
Manufactured Housing Development	S	CU+	S							Sec. 18-2.3.180
Multifamily Dwelling	P	P	P		S	S				Sec. 18-2.3.150 for R zones Sec. 18-2.3.120 for C-I zone and E-I zone
Rental Dwelling Unit Conversion to For-Purchase Housing			S	S						Sec. 18-2.3.190
Home Occupation	S	S	S	S	S	S				Sec. 18-2.3.150
<b>C. Group Living</b>										Dwellings in Historic District Overlay require CUP, per chapter 18-5.4

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

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## 18-2.3 – Special Use Standards

### 18-2.3.030 Review Process

The Staff Advisor or Planning Commission, applies the standards of chapter 18-2.3 through the applicable review process (i.e. Ministerial Review, Type I review, or Type II review). Site Review may be required for some uses, pursuant to chapter 18-5.2.

### 18-2.3.040 Accessory Residential Unit

**Comment:** Per the Planning Commission's input on the Policy Issues and Recommendations from the 2006 Land use Ordinance Review, Accessory Residential Units (ARU) are proposed to be permitted subject to special use standards and Site Review. In the current ordinance, ARUs are a CUP in the single-family residential zones (R-1 and RR whereas in the multi-family zones (R-2 and R-3) Site Review approval is required but a CUP is not required. The special use standards listed below are unchanged from the current ordinance. However, shifting ARUs to a permitted use subject to Site Review in the R-1 and RR zones is a policy change.

Where accessory residential units are allowed, they are subject to the Type I Site Review, are not required to meet the density or minimum lot area requirements, and shall meet all of the following requirements.

**A. R-1 Zone.** Accessory residential units in the R-1 zones shall meet the following requirements:

1. The proposal shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.
2. The maximum number of dwelling units shall not exceed two (2) per lot.
3. The maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50% of the GHFA of the primary residence on the lot, and shall not exceed 1,000 sq. ft. GHFA. An accessory residential unit is not subject to density, floor area, or lot area standards, provided the primary dwelling meets those standards.
4. Additional parking shall be in conformance with the off-street parking provisions for single-family dwellings of this ordinance.

**B. RR Zone.** In addition to the standards in Section 18-2.3.040.A, accessory residential units in the RR zone shall meet the following requirements:

1. In the RR zone, if the accessory residential unit is not part of the primary dwelling, all construction and land disturbance associated with the accessory residential unit shall occur on lands with less than 25% slope.
2. In the RR zone, if located in the Wildfire zone, the accessory residential unit shall have a residential sprinkler system installed.
3. In the RR zone, the lot on which the accessory residential unit is located shall have access to an improved city street, paved to a minimum of twenty (20) feet in width, with curbs, gutters, and sidewalks.
4. In the RR-.5 zone, no on-street parking credits shall be allowed for accessory residential units.

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## 2.3 – Special Use Standards

**C. R-2 and R-3 Zones.** Accessory residential units in the R-2 and R-3 zones shall meet the following requirements:

- I. The maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50% of the GHFA of the primary residence on the lot, and shall not exceed 500sq. ft. GHFA.

## 18-2.5 – Standards for Residential Zones

7. Bay window (min. 12" projection)
8. Eaves (min. 6" projection)
9. Off-sets in building face or roof (min. 16")

### 18-2.5.060 Accessory Residential Unit Density Exception in R-I, WR and RR Zones

**Comment:** Per the Planning Commission's input on the Policy Issues and Recommendations from the 2006 Land use Ordinance Review, Accessory Residential Units (ARU) are proposed to be permitted with special use standards and subject to Site Review. In the current ordinance, ARUs in the single-family residential zones (R-1 and RR) are not required to meet the density of the zone, but through the CUP process have to show that the proposed ARU along with the existing single-family home will not make more of an impact on the surrounding area than the "target use" of the property. This target use analysis is discretionary, and is typically justified by having a parcel that is larger than the minimum lot size. In contrast, the current ordinance allows ARUs in the R-2 and R-3 zones without a CUP, and an ARU "is not required to meet density or minimum lot area requirements" (18.24.040.A.a). The language below uses the approach currently allowed for the R-2 and R-3 zones in the R-1 and RR zones, and clarifies that accessory residential units are not subject to density requirements.

An accessory residential unit is not required to meet density or minimum lot area requirements, provided the unit is not greater than fifty percent (50%) of the gross habitable floor area of the single-family residence on the lot and does not exceed 1,000 square feet of gross habitable floor area, and subject to the Special Use Standards in section 18-2.3.040.

### 18-2.5.070 Residential Density Calculation in R-2 and R-3 Zones

**Comment:** This section carries forward and consolidates the density standards in subsections 18.24.040.A and 18.28.040.A, and attempts to clarify the relationship between density bonuses allowed in R-2 and R-3 and those allowed under 18.88 Performance Standards Option (now 18-3.8).

- A. **Density Standard.** Except as permitted under chapter 18-3.8 Performance Standards Option, development density in the R-2 and R-3 zones, including the density gained through bonus points under section 18-2.5.070, shall not exceed the densities established by this section.
- B. **Density Computation.** The density shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public, and subject to the Exceptions below
- C. **Exceptions.**
  -  1. An accessory residential unit is not required to meet density or minimum lot area requirements, provided the unit is not greater than fifty percent (50%) of the gross habitable floor area of the single-family residence on the lot and does not exceed 500 square feet of gross habitable floor area.
  2. Units not considered as an accessory residential unit and less than 500 square feet of gross habitable area shall count as 0.75 units for the purposes of density calculations.
  3. Exceptions to minimum density standards. The following lots are totally or partially exempt from minimum density standards.

## 18-2.5 – Standards for Residential Zones

- a. Lots less than 10,000 sq. ft. in existence prior to the effective date of this ordinance.
- b. Lots located within any Historic District designated within the Ashland Municipal Code.
- c. Lots with existing, or proposed, conditional uses may be exempt for that portion of the property that is subject to the conditional use for calculations of the minimum base density standard.
- d. Where a lot is occupied by a single-family residence as of the effective date of this ordinance, the single-family residence may be enlarged or reconstructed without being subject to the minimum base density standard.
- e. In the event that a fire or natural hazard destroys a single-family residence, such residence may be replaced without being subject to the minimum base density standard.
- f. Where floodplains, streams, land drainages, wetlands, and or steep slopes exist upon the lot an exception to minimum density requirements may be obtained to better meet the standards of chapter 18-3.9 Physical and Environmental Constraints.
- g. A lot that is nonconforming in minimum density may not move further out of conformance with the minimum density standard. However, units may be added to the lot which bring the lot closer to conformance without coming all the way into conformance provided it is demonstrated that the minimum density will not be precluded.

### D. Residential Density Bonus

**Comment:** This section carries forward and consolidates the density bonus provisions currently contained in the R-2 and R-3 zones, per subsections 18.24.040.B and 18.28.040.B. These density bonus provisions are different than those available through the Performance Standards Option 18-3.8. Those subsections also reference "Resolution 2006-13 Affordable Housing; however, the ordinance contains the full text of the resolution (Affordable Housing). The text is repeated in the R-2 and R-3 zones, per 18.24.041 and 18.28.041. The proposed rewrite (18-2.5.070 and 18-2.5.080) reorganizes the existing density bonus and affordable housing regulations without changing the standards.

1. Density Bonus Points Authorized. Except as allowed under chapter 18-3.8, Performance Standards Option, the permitted base density shall be increased only pursuant to this section.
2. Maximum Bonus Points. The maximum bonus permitted shall be 40%.
3. Bonus Point Criteria. The following bonuses shall be awarded:
  - a. Conservation housing, maximum 15% bonus – 100% of the homes or residential units approved for development, after bonus point calculations, shall meet the minimum requirements for certification as an Earth Advantage home, as approved by the Ashland Conservation Division under the City's Earth Advantage program as adopted by resolution 2006-6.
  - b. Provision of outdoor recreation space above minimum requirement established by this ordinance, maximum 10% bonus. The purpose of the density bonus for outdoor recreational space is to permit areas that could otherwise be developed as a recreational amenity. It is not the purpose of this provision to permit density bonuses for incidental open spaces that have no realistic use by project residents on a day-to-day basis. One percent increased density bonus for each percent of the

**Manufactured Homes on Individual Lots  
and  
Manufactured Housing Developments**

from draft Unified Land Use Ordinance

## 2.3 – Special Use Standards

### 18-2.3.160 Keeping of Livestock

**Comment:** This section carries forward 18.20.20. See also, chicken coop regulations under 18-2.4.020 Accessory Structures.

Where the keeping of livestock is allowed, it shall meet all of the following requirements. This section does not apply to the keeping of chickens, which is subject to 18-2.4.020 Accessory Structures.

- A. The keeping of swine is prohibited.
- B. No livestock shall be kept on any lot less than one (1) acre in area.
- C. Not more than two (2) head of livestock over the age of six (6) months may be maintained per acre.
- D. Barns, stables, and other buildings and structures to house livestock shall not be located closer than fifty (50) feet to any property line.

### 18-2.3.170 Manufactured Home on Individual Lot

**Comment:** The following consolidates and replaces the regulations for manufactured homes on lots (18.20.20.H), per the Oregon Model Code. The model code implements the provisions in ORS 197.314 Required Siting of Manufactured Dwellings.

Manufactured homes are permitted on individual lots, subject to all of the following design standards. Manufactured dwellings relocated into the City of Ashland] shall conform to City standards. The following standards do not apply to dwellings lawfully established and existing within the City prior to [effective date of code], which are subject to the regulations in effect at the time the dwelling is established.

Oregon Revised Statutes (ORS) require that local regulations permit manufactured dwellings in zones where single-family dwellings are permitted. The statutes also include placement standards that local governments may adopt, or adopt a less restrictive standard, to satisfy the ORS requirements [ORS 197.307(8)]. Any standards differing from the ORS placement standards require that land use regulations applied to manufactured homes must not exceed those applied to single-family dwellings.

The majority of the standards in the current ordinance are consistent with the placement standards in the ORS, and therefore have been retained. The item that does not conform to the placement standards in the current ordinance was Section 18.20.020.H.1, and it has been deleted. This section requires that manufacture homes not be located on slopes over 10 percent. Single-family homes in Ashland are subject to the hillside land standards which require homes be located on slopes 35 percent and less, with a planning approval required for structures on slopes 25 percent and greater. Manufactured homes would be subject to the same hillside requirements given the removal of this section.

**Comment:** Section A Floor Area above is similar to the current ordinance requirement and is consistent with the ORS placement standards. The requirement that the manufactured home is 28 feet in width has been deleted as it is not consistent with the ORS placement standards. The SOU student group suggested reducing or eliminating the square footage requirement.

## 18-2.3 – Special Use Standards

- A. Floor Plan.** The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet.

Section B Roof is the same requirement as in the current ordinance, and is consistent with the ORS placement standards.

- B. Roof.** The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each twelve (12) feet in width (14 degrees).

**Comment:** The current ordinance prescribes wood or wood product siding and composition roofing, and prohibits metal siding or roofing in Section 18.20.020.H.4. This language is not consistent with the statutes, and is replaced in Section C below with the approved language from the ORS placement standards.

- C. Residential Building Materials.** The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing).

**Comment:** The current ordinance requires a garage or storage building at least 14 x 20 feet in area, and constructed of similar materials as the manufactured home in Section 18.20.020.H.5. This language is consistent with the ORS placement standards.

However, staff recommends consideration of deleting the requirement. The affordability that is gained by a manufactured home seems to be decreased or eliminated if a garage or storage building is required to be provided, especially if the accessory building is stick built and not available in a manufactured form. Also, while single-family homes are required to provide off-street parking spaces, a single-family home is not required to provide a garage, carport or similar structure. Finally, the Housing Commission and SOU student group that studied manufactured housing suggested deleting this requirement.

- D. Garages and Carports.** If the manufactured home has a garage or carport, the garage or carport shall be constructed of materials like those used on the house.

**Comment:** Section E Thermal Envelope is similar to the current ordinance requirement and is the same as the ORS placement standards. The second sentence has been added to clarify what standards that are equivalent to the State Building Code for a single-family home.

- E. Thermal Envelope.** The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards, or equivalent standard, is deemed to satisfy the exterior thermal envelope certification requirement.

**Comment:** Section F Placement is similar to the current ordinance, and the ORS placement standards. However, the measurement above grade has been increased from 12 to 18 inches

## 2.3 – Special Use Standards

to reflect the most recent building code requirements.

**F. Placement.** The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 18 inches above grade, and complies with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, OAR 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home.

**G. Floodplain.** Manufactured homes shall comply with chapter 18-3.9 Physical and Environmental Constraints

Comment: Sections H – L, Foundation Skirt, Design Features, and Prohibited, are the same as the current ordinance, and consistent with the ORS requirements.

**H. Foundation Skirt.** The foundation area of the manufactured home shall be fully skirted with concrete, horizontal wood or vinyl siding, or other materials, pursuant to applicable building codes.

**I. Design Features.** The manufactured home shall incorporate at least two of the single-family design features in section 18-2.5.050.

**J. Prohibited.** The manufactured home shall not be located in a designated historic district.

### 18-2.3.180 Manufactured Housing Developments

Comment: This section carries forward chapter 18.84. This section refers to 18-3.8 Performance Standards Option for applicable review procedures because the procedure for manufactured housing developments is the same in the current ordinance as those for Performance Standards Option. The definitions are relocated to Part 18-6.

**A. Purpose.** The purpose of this section is to encourage the most appropriate use of land for manufacturing housing development purposes, to encourage design standards which will create pleasing appearances, to provide sufficient open space for light, air and recreation, to provide adequate access to and parking for manufactured housing sites, and to refer minimum utility service facilities to appropriate City codes.

**B. General Provisions.**

1. Manufactured housing development may be located or relocated only in R-1-3.5 and R-2 zones.

2. No manufactured housing developments may be located, relocated, or increased in size or number of units within any other zone.

3. No manufactured housing developments may be located within the Ashland Historic District.

Manufactured housing developments shall be subject to regulations of this chapter and shall be located only on sites approved for use under the provisions of such chapter. No person shall establish, operate, manage, maintain, alter or enlarge any manufactured housing development contrary to the provisions of this ordinance.

### 18-2.3 – Special Use Standards

5. In addition to the requirements of this chapter, all manufactured housing developments shall conform to the regulations of ORS 446, together with such administrative rules as may be adopted from time to time, except where such regulations are exceeded by the requirements of this chapter, in which case the more stringent requirements shall apply.
- C. Procedure for Approval.** The procedure for approving a manufactured home development is the same as for the Performance Standards Option (Outline Plan and Final Plan), pursuant to chapter 18-3.8.
- D. Manufactured Housing Development Design Standards.**
1. Minimum Court Size. A manufactured housing development shall occupy a site of not less than one (1) acre in size.
  2. Density. The maximum density permitted shall be eight manufactured housing units per acre of developed court area. Manufactured housing which is fourteen (14) feet wide or less, or which is less than 800 square feet in size will count as 0.75 units for this calculation.
  3. Manufactured Housing Sites or Lots. All manufactured housing sites or lots must be at least 2,000 square feet in size, at least thirty-five (35) feet wide, and at least forty (40) feet deep.
  4. Lot Coverage. Maximum lot coverage of any individual manufactured housing lot or site shall be 65% in the R-2 zone and 55% in the R-1-3.5 zone. In addition, the general lot coverage requirements of the parent zone shall also be complied with for the entire project site.

#### 5. Setbacks.

**Comment:** ORS 446.100 requires a minimum of five feet from a property boundary line to a manufactured dwelling, and a minimum of 10 feet of space between manufactured dwellings, unless the building code allows the units to be placed closer together.

Staff suggests the following changes to the setbacks:

- For exterior setbacks, use the same approach as allowed in Performance Standards Subdivisions which is "Setbacks along the perimeter of the development shall have the same setbacks as required in the parent zone."
- Retain the 10 foot front yard setback requirement as it is less than would be required in the R-1-3.5 or R-2 zoning district.
- Reduce the interior side and rear setbacks to five feet, or less if allowed by state building code so that the requirement is consistent with the ORS requirements.

- a. **Exterior Setbacks.** Manufactured housing sites along the exterior boundary of the court shall have the same setbacks as required in the parent zone, and no less than a minimum of five feet from a property boundary line.
- b. **Interior Front Yard Setbacks.** There shall be a front yard on each manufactured home lot or

## 2.3 – Special Use Standards

- space of at least ten (10) feet.
- c. **Interior Side and Rear Yard Setbacks.** There shall be side or rear yards of at least five feet. There shall be a minimum separation of ten (10) feet between manufactured housing units.
  - 6. **Street Standards.** Public streets shall comply with the design standards contained in chapter 18-4.7. Private streets shall be a minimum of twenty (20) feet in width, and constructed to the same standards as specified for an alley by the Ashland Public Works Department. A private street may be a dead-end street no more than 300 feet in depth from a higher order road. Adequate turn-around shall be provided according to standards established by the Planning Commission.
  - 7. **Sidewalk Standards.** Every manufactured housing development shall have a permanent pedestrian walkway at least forty-eight (48) inches wide connecting all manufactured housing units to public or private streets, common open spaces, recreational areas and commonly-owned buildings and facilities.
  - 8. **Off-Street Parking Standards.** Each manufactured housing unit shall be provided with one off-street parking space on each manufactured housing site, setback twenty (20) feet from the street. In addition, guest parking facilities of one parking space for each manufactured housing site shall also be provided on the project site, within 200 feet of the units they are intended to serve, either adjacent to the road or in a off street parking lot. Parking space construction, size, landscaping and design requirements shall be according to chapter 18-4.4 Parking and Loading, and chapter 18-4.5 Landscaping and Screening.
  - 9. **Utilities.** Provisions for electric, water and sanitary service shall be made in accordance with established City procedures and law, including number, size, quality and location of fixtures, connections and facilities. Telephone and electric lines shall be placed underground.
  - 10. **Landscaping.**
    - a. All areas of the development not occupied by paved roadways, pathways, parking areas, or not occupied by other facilities shall be landscaped. Areas that contain significant natural vegetation may be left in a natural state, if approved on the final landscaping plans.
    - b. Manufactured housing developments located in an R-I-3.5 zone shall have 45% of the entire site landscaped. Developments located in the R-2 zone shall have 35% of the entire site landscaped.
  - 11. **Fencing.** Fencing shall comply with all fencing requirements as per chapter 18-2.5.060.
  - 12. **Open Space.** All developments are required to provide a minimum of five percent (5%) of the total lot area in Open Space.
- Comment: ORS 446.095 requires a play area to be provided if the park is not an all adult park. This language is added in Section 13 below.
- 13. **Play Area.** If the manufactured housing development accommodates children less than 14 years of age, a separate general play area a minimum of 2,500 square feet in size, or 100 square feet of play area per unit, whichever is greater, shall be provided.

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### **18-2.3 – Special Use Standards**

- E. Manufactured Housing Unit Standards.** All manufactured housing units located in approved manufactured housing developments shall comply with the following requirements:
1. Manufactured housing units shall be a minimum of 650 square feet in size.
  2. Manufactured housing units shall be at least twelve (12) feet wide.
  3. Manufactured housing units shall have the Oregon Department of Commerce "insignia of Compliance." The City's Building Official shall inspect the manufactured housing unit and occupancy shall be approved only if the Building Official has determined that the manufactured housing unit has a valid insignia of compliance and has not deteriorated beyond an acceptable level of compliance.
  4. Manufactured housing units shall be placed on permanent foundations, with wheels and hitches removed, be fully skirted or bermed, and shall have no uncovered open spaces except for vents of sufficient strength to support the loads imposed by the manufactured housing unit, based on accepted engineering design standards, as approved by the Building Official.
  5. Manufactured housing units shall be provided with City water, sewer, electricity, telephone and storm drainage, with easements dedicated where necessary.
  6. Manufactured housing units shall comply with the thermal envelope requirements for heat loss required by the Oregon State Building Code for single-family detached homes.
  7. Manufactured housing units shall have a deck or patio area adjacent to the home. The deck or patio shall be constructed of a permanent material and shall be at least eighty (80) square feet in size, with a minimum width of eight feet in its least dimension.
  8. Each manufactured housing unit shall have a one parking space located on or adjacent to the unit space. The parking space shall be setback at least twenty (20) feet from the street.
  9. Notwithstanding the above, any manufactured home legally located within the Ashland Urban Growth Boundary prior to July 1, 1990 may be relocated to an approved manufactured home development, subject to a fire and life safety inspection by the Ashland Building official.

**F. Storage and Temporary Occupancy of Manufactured Homes.**

1. A no-charge permit from the Staff Advisor is required for the storage of any manufactured housing unit on the home premises of the owner for any length of time when not used for living purposes; provided, however, that all units so stored shall abide by the yard requirements for accessory buildings in this chapter.
2. No manufactured housing unit shall be stored on a public street except for temporary maneuvering purposes.
3. Temporary occupancy of a manufactured housing unit on premises that do not meet the requirements of this chapter for a manufactured housing development may be permitted for a period not to exceed ninety (90) calendar days upon the granting of a permit by the City Building Official. Such occupancy may only be allowed in conjunction with the construction of the applicant's residence 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.

**G. Non-Conforming Manufactured Housing Developments.** Notwithstanding the provisions of

## 2.3 – Special Use Standards

chapter 18-1.4 Non-conforming Situations, manufactured housing development and an individual manufactured housing unit utilized for living purposes on the effective date of this ordinance or of amendments thereto, which do not conform to the regulations of this chapter, shall be deemed to be non-conforming and may be continued, subject to the following regulations:

1. Routine maintenance and repairs may be performed within the manufactured housing development or upon individual manufactured housing units.
  2. No non-conforming manufactured housing development shall be enlarged, remodeled or modernized except in conformance with all requirements of this chapter, except that an area of less than two acres for a development to be enlarged, remodeled or modernized may be approved through the conditional use permit procedure contained in this ordinance.
  3. No manufactured housing unit shall be located on the site of, or substituted for, a non-conforming manufactured housing unit, the use of which has been discontinued, except within a manufactured housing development holding a certificate of sanitation issued by the Board of Health, State of Oregon, issued prior to the effective date of this chapter. Relocation of existing units within the City Urban Growth Boundary is exempted as provided in section 18-2.3.180.E.9.
  4. If a non-conforming manufactured housing development holding a certificate of sanitation issued by the Board of Health, state of Oregon, ceases operation for a period of six months or more, said development shall be considered abandoned and shall be reinstated only in conformance with the requirements of this chapter.
- H. Special Conditions.** For the mitigation of adverse impacts, the City may impose conditions, including, but not limited to, requiring view-obscuring shrubbery, walls or fences, and requiring retention of specified trees, rocks, water ponds or courses, or other natural features.

### 18-2.3.190 Multiple-Family Rental Unit Conversion to For-Purchase Units

**Comment:** The following regulations, carried forward from 18.24.040.L and 18.28.040.L in the R-2 and R-3 multiple-family zone chapters have been edited for clarity and readability.

- A. Section 18-2.3.190 applies to existing multiple-family rental units, which for the purpose of this section, are defined as dwelling units designed to house multiple households within one or more structures on a single property that were constructed and occupied prior to [effective date of the existing ordinance].
- B. Multi-family rental units constructed after [effective date of the existing ordinance] are not subject to the provisions of this section.
- C. Conversion of existing multiple-family dwelling rental units into for-purchase units, including the demolition of existing multiple-family dwelling rental units, is subject to the following:
  - I. Existing multiple-family dwelling structures may be converted from rental units to for-purchase housing, where all or only a portion of the structure is converted, as set forth in Table 18-2.3.190(I), provided the existing structure meets the following regulations of the applicable

# **Affordable Housing Density Bonus**

from draft Unified Land Use Ordinance

## 18-2.5 – Standards for Residential Zones

- a. Lots less than 10,000 sq. ft. in existence prior to the effective date of this ordinance.
- b. Lots located within any Historic District designated within the Ashland Municipal Code.
- c. Lots with existing, or proposed, conditional uses may be exempt for that portion of the property that is subject to the conditional use for calculations of the minimum base density standard.
- d. Where a lot is occupied by a single-family residence as of the effective date of this ordinance, the single-family residence may be enlarged or reconstructed without being subject to the minimum base density standard.
- e. In the event that a fire or natural hazard destroys a single-family residence, such residence may be replaced without being subject to the minimum base density standard.
- f. Where floodplains, streams, land drainages, wetlands, and or steep slopes exist upon the lot an exception to minimum density requirements may be obtained to better meet the standards of chapter 18-3.9 Physical and Environmental Constraints.
- g. A lot that is nonconforming in minimum density may not move further out of conformance with the minimum density standard. However, units may be added to the lot which bring the lot closer to conformance without coming all the way into conformance provided it is demonstrated that the minimum density will not be precluded.



### D. Residential Density Bonus

**Comment:** This section carries forward and consolidates the density bonus provisions currently contained in the R-2 and R-3 zones, per subsections 18.24.040.B and 18.28.040.B. These density bonus provisions are different than those available through the Performance Standards Option 18-3.8. Those subsections also reference "Resolution 2006-13 Affordable Housing; however, the ordinance contains the full text of the resolution (Affordable Housing). The text is repeated in the R-2 and R-3 zones, per 18.24.041 and 18.28.041. The proposed rewrite (18-2.5.070 and 18-2.5.080) reorganizes the existing density bonus and affordable housing regulations without changing the standards.

1. **Density Bonus Points Authorized.** Except as allowed under chapter 18-3.8, Performance Standards Option, the permitted base density shall be increased only pursuant to this section.
2. **Maximum Bonus Points.** The maximum bonus permitted shall be 40%.
3. **Bonus Point Criteria.** The following bonuses shall be awarded:
  - a. Conservation housing, maximum 15% bonus – 100% of the homes or residential units approved for development, after bonus point calculations, shall meet the minimum requirements for certification as an Earth Advantage home, as approved by the Ashland Conservation Division under the City's Earth Advantage program as adopted by resolution 2006-6.
  - b. Provision of outdoor recreation space above minimum requirement established by this ordinance, maximum 10% bonus. The purpose of the density bonus for outdoor recreational space is to permit areas that could otherwise be developed as a recreational amenity. It is not the purpose of this provision to permit density bonuses for incidental open spaces that have no realistic use by project residents on a day-to-day basis. One percent increased density bonus for each percent of the

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## 18-2.5 – Standards for Residential Zones

project dedicated to outdoor recreation space beyond the minimum requirement of this ordinance.

- c. Provision of major recreational facilities, maximum bonus 10%. Density bonus points shall be awarded for the provision of major recreational facilities, such as tennis courts, swimming pools, playgrounds, or similar facilities. For each (1%) of the total project cost devoted to recreational facilities, a 6% density bonus shall be awarded to a maximum of 10%. Total project cost shall be defined as the estimated sale price or value of each residential unit times the total number of units in the project. Estimated value shall include the total market value for the structure and land. A qualified architect or engineer using current costs of recreational facilities shall estimate the cost of the recreational facility for City review and approval.
-  d. Affordable housing, maximum bonus 25%. For every one percent (1%) of units that are affordable, a two percent (2%) density bonus is allowed. For example, where 10% of units are affordable, a density bonus of 20% is allowed. Affordable housing bonus shall be for residential units that are guaranteed affordable for moderate-income persons in accord with the standards of section 18-2.5.080.

**Comment:** Subsection 4, above, revises the affordable housing incentive in 18.24.040.B and 18.28.040.B from 1% to 2%, per the 2006 LUO Evaluation and Planning Commission input.

**Corner Lots in R-1 Zones,  
Minimum Lot Depth in R-1 Zones,  
and Front Porch Setback**

from draft Unified Land Use Ordinance

## 18-2.5 – Standards for Residential Zones

**Table 18-2.5.030.A – Standards for Urban Residential Zones**

(Except as modified under chapter 18-5.7 Adjustments and Variances or chapter 18-3.8 Performance Standards Option.)

Standard	R-I				R-2	R-3
	R-I-10	R-I-7.5	R-I-5	R-I-3.5		
Residential Density (dwelling units/acre)						
- Minimum	NA	NA	NA	NA	10.8 du/ac	16.0 du/ac
- Maximum	Per Min. Lot Area	13.5 du/ac	20 du/ac			
See also, Sec. 18-2.5.060, for R-2 and R-3 zones.						
Lot Area – Minimum (square feet)					See density standards in Sec. 18-2.5.060	
- Interior Lot	10,000 sf	7,500 sf	5,000 sf	5,000 sf	See density standards in Sec. 18-2.5.060	
- Exception*	NA	NA	NA	3,500 sf	See density standards in Sec. 18-2.5.060	
*Exception providing for minimum lot area of 3,500 sf in R-I-1.5 zone applies only where the lot contains an existing single-family dwelling that meets setback, density, and lot coverage standards; variances under this section are subject to Type I procedure. See also, 18-2.5.050 General Exceptions.						
Lot Width - Minimum* (feet)	75 ft	65 ft	50 ft	50 ft	50 ft	50 ft
*Width shall not exceed depth, and shall not exceed 150 ft.						
<b>Comment:</b> Per the Planning Commission's input on the Policy Issues and Recommendations from the 2006 Land use Ordinance Review, this draft includes the following changes: 1) removes the R-I-5 minimum corner lot area (6,000 sf) and the minimum width for a corner lot of 60 feet; 2) changes the R-I minimum lot depth to equal minimum width to add flexibility for orienting lots (e.g., wide shallow lots can work better than deep-narrow lots for hillside development) - all other standards, such as lot area, setback, and coverage, would continue to apply; and 3) consistently makes the front porch setback from 10 ft in the residential zones which matches the public utility easement dimensions.						
Lot Depth (feet)						
- Minimum	75 ft (was 80 ft)	65 ft (was 80 ft)	50 ft (was 80 ft)	80 ft	80 ft	80 ft
- Maximum*	150 ft	150 ft	150 ft	250% of width	250% of width	250% of width
*Does not apply to Partitions						

## 18-2.5 – Standards for Residential Zones

**Table 18-2.5.030.A – Standards for Urban Residential Zones**

(Except as modified under chapter 18-5.7 Adjustments and Variances or chapter 18-3.8 Performance Standards Option.)

Standard	R-I				R-2	R-3
	R-I-10	R-I-7.5	R-I-5	R-I-3.5		
Standard Yards – Minimum* (feet)						
- Front – Standard, except:	15 ft	15 ft	15 ft	15 ft	15 ft	15 ft
- Front – Unenclosed Porch	10 ft <small>was 8 ft</small>	10 ft <small>was 8 ft</small>	10 ft <small>was 8 ft</small>	10 ft <small>was 20 ft</small>	10 ft	10 ft
- Front – Garage Opening						
- Side – Standard, except:	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft
- Side – Corner-Street Side						
- Rear – Single-Story Building	6 ft	6 ft	6 ft	6 ft	6 ft	6 ft
- Rear – Multi-Story Building						
	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
	10 ft Bldg Story	10 ft Bldg Story	10 ft Bldg Story	10 ft Bldg Story	10 ft Bldg Story	10 ft Bldg Story
*Minimum Front Yard is 20 ft in Historic Interest Area. Additional setbacks may be required as to avoid easement encroachments, and to comply with Solar Access requirements. See also, section 18-2.5.040 General Exceptions.						
Distance Between Buildings						
- Between Principal Building and Accessory Building	NA	NA	NA	10 ft	10 ft	10 ft
- Between Principal Buildings Accessed by Shared Court	NA	NA	NA	20 ft	20 ft	20 ft
- Between Other Principal Buildings [On Same Site]	NA	NA	NA	50% sum both bldgs, or 12 ft, whichever is greater	50% sum both bldgs, or 12 ft, whichever is greater	50% sum both bldgs, or 12 ft, whichever is greater
* Additional setbacks may be required to comply with Solar Access requirements.						
There are no minimum building separation standards for R-1. Staff suggests updating the distance between buildings requirements in the next draft to provide more flexibility in building placement in the R-2 and R-3 zones, and for consistency with the R-1 zones. For example, a detached garage or shed is not required to be setback from a single-family home in the R-1 zone, but is required to be separated by 10 feet in the R-2 and R-3 zones. (Building code generally requires 3 feet of separation.) Additionally, developments using several separate structures on one lot can be more compatible with the surrounding area, and/or considered a superior design, but the variance required for the setback between buildings requirement can inhibit these type of proposals.						
Building Height – Maximum (feet)	35 ft or 2 ½ stories, whichever is less, except structures within Historic Interest Area shall not exceed 30 ft.				35 ft or 2 ½ stories, except up to 50 ft with CUP approval.	
Lot Coverage – Maximum (feet) See also, Sec. 18-2.5.090 Maximum Residential FAR in Historic District	40%	45%	50%	55%	65%	75%

## 18-2.5 – Standards for Residential Zones

**Table 18-2.5.030.A – Standards for Urban Residential Zones**

(Except as modified under chapter 18-5.7 Adjustments and Variances or chapter 18-3.8 Performance Standards Option.)

<b>Standard</b>	<b>R-I</b>				<b>R-2</b>	<b>R-3</b>
	<b>R-I-10</b>	<b>R-I-7.5</b>	<b>R-I-5</b>	<b>R-I-3.5</b>		
Landscape Area – Minimum (% of developed lot area)	45%	45%	45%	45%	35%	25%
Outdoor Recreation Space - Minimum (% of site area)	NA	NA	NA	NA	8%	8%

# Council Communication

## August 6, 2012 Study Session

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### **Discussion of Issues Surrounding Short-term Vacation Rentals**

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**FROM:**

Bill Molnar, Community Development Director, molnarb@ashland.or.us

**SUMMARY**

Short-term vacation home rentals is a type of short-term rental housing that refers to a residence or dwelling that is rented for a period of less than 30 days. The Land Use Ordinance limits the use of short-term rental housing through the conditional use permit process to Commercial, Employment (Hotels & Motels) and Multi-family (B&B or Travelers Accommodations) zoning districts, while prohibiting short-term rental housing in areas zoned Single-Family. As a result, short-term vacation home rentals in Ashland's single-family residential districts are prohibited by the city's land use ordinance.

After hearing testimony on this subject during public forum at the June 18, 2012 Council meeting, staff was directed to bring back information on the item for Council discussion at a future study session. There is considerable debate at the local level around the country as to what role vacation rentals should or should not play in the visitor accommodation economy. Some of the arguments for allowing and for restricting vacation rentals are covered in this communication. Ultimately, changes to Ashland's longstanding land use code requirements for short-term rental housing could take considerable time given the number of issues and regulating standards worthy of possible consideration.

**BACKGROUND AND POLICY IMPLICATIONS:**

Ashland's Travelers' Accommodation ordinance, which allows for short-term, overnight accommodations within multi-family zones with approval of a conditional use permit, was established in the early 1980s. The ordinance was intended to provide an opportunity for the owner of an existing and preferably historic structure to gain additional income by offering overnight accommodations. In turn, a portion of the revenue would be reinvested into improvements to the historic structure and site.

Ashland limits short-term accommodations to specific zoning districts throughout the city, while specifically prohibiting the use in single-family zones. Hotels and motels are allowed in Ashland's commercial and employment zones, while travelers' accommodations in residential areas, commonly referred to as bed & breakfasts, are limited to multi-family zoning districts. A land use approval in the form of a conditional use permit is required before operating a hotel/motel or bed and breakfast. Additionally, the property or business owner is required to reside on the travelers' accommodation site. It is estimated that there are over 70 approved short-term accommodation establishments in the City, accounting for approximately 1300 rooms.



Annually, Code Compliance staff sends enforcement letters to property owners believed to be operating short-term rentals in violation of local land use regulations. These potential zoning infractions may be brought to staff's attention by complaints from residents, but the majority of properties were identified from a review of internet sites that advertise short-term home rentals. Staff has witnessed a rise in the number of short-term home rentals operating illegally within the city limits over the past two to three years. In May and June of 2012, approximately 40 letters were mailed to property owners believed to be offering short term home rentals without the required land use approval, or within areas of the town not zoned for short-term accommodations.

In light of the recent compliance effort, a resident addressed the Council during public forum and requested that the Council consider changes to the land use code that would result in a relaxation of current restrictions on homeowners in single-family zoning districts. After reviewing information on this topic, it is evident that many communities are dealing with issues and impacts related to short-term vacation home rentals in their communities. While the politics of individual communities ultimately influence the adopted code language dealing with short-term vacation home rentals, the following issues and concerns commonly highlight local discussion and debate.

### **Protection of Neighborhood Character**

A common municipal purpose for regulating short-term rental housing is to protect the character of existing residential neighborhoods. Tension between permanent residents and operators of short-term vacation home rentals arise due to increased traffic, noise, impacts to available on-street parking and other potentially disruptive activities (e.g. late night celebrations). Another concern cited, yet often difficult to measure, is the perception that too many short-term vacation rentals in a neighborhood could lead to a decreased sense of "localness," based on the idea that permanent residents often hold a greater attachment to local social networks and community involvement.

2010 Census data estimates the average household size of Ashland at 2.03 persons, while an informal survey of short-term vacation rentals in Ashland listed on the VBRO website offers accommodations for an average of seven persons. Similarly, statistics compiled by the North Carolina Vacation Managers Association estimates that the average number of people utilizing a vacation rental per night is six persons. The impact of six people in a household per night versus the average Ashland household of two can be quite significant in terms of noise generation, traffic, water and wastewater usage, solid waste generation and road maintenance.

### **Increase Choice and Fairer Competition with Licensed Lodging**

Short-term vacation home rentals in existing neighborhoods offer a greater sense of freedom and choice to visitors. In general, short-term vacation home rentals differ from bed & breakfasts, hotels, motels, and other "lodging" uses by providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Although Ashland's bed & breakfasts often are similar in appearance and location to many short-term vacation home rentals, they are distinguishable by the requirement that the property or business owner reside onsite. This standard ensures that the person(s) responsible for the daily operations of the accommodation and compliance with the conditions of the land use application are housed on the property, while also being integrated into and accessible to the immediate neighborhood should concerns arise.



### **Effects on Housing Supply and Affordability**

The local housing market may also be impacted by the proliferation of illegal, short-term vacation home rentals. According to the 2010 Census, 357 or 3.4% of all housing units in the City of Ashland are for seasonal, recreational, or occasional use. This is an increase of 140% from the 2000 census that showed 150 seasonal, recreational, or occasional use units making up only 1.7% of the City's total housing stock. The economic benefits to property owners from the conversion of existing residences to short-term vacation homes can potentially drive up prices of existing homes, decreasing the supply available to long-term residents. Additionally, an increase in short-term vacation homes can lead to a reduction in the availability in the number of long-term, single-family home rentals. This is because the economic benefits to the property owner from operating a short-term vacation home are potentially greater than that of a traditional, longer term home rental.

### **Physical Impacts**

While not necessarily the case in Ashland, some communities cite the need for restrictions on short-term vacation rentals in order to protect the physical characteristics of their residential neighborhoods. The underlying rationale is that short-term home rentals in single-family zones generally are not owner-occupied and therefore are less likely to be cared for to the same degree as permanent residences. Other communities note, however, that it is in the best interest of the owners of short-term vacation homes to take good care of their property in order to have a successful business and, therefore, have a strong incentive to select guests who are respectful of their properties.

### **Economic Impacts**

For Ashland with its robust tourist industry, short-term vacation home rentals represent a potential additional source of tax revenue. In addition to Ashland's Transient Occupancy Tax (TOT), establishments offering overnight accommodation are required to hold and annually renew a business license, as well as have a valid land use approval (i.e. conditional use permit and other applicable permit fees).

As a tool for economic growth, short-term vacation home rentals can create considerable economic benefits within a community through the creation of jobs, and attracting visitors who spend money in local shops and restaurants. Many of the jobs created by short-term vacation home rentals, however, often are low skilled, low paying and seasonal or part time. This can create a drain on the local workforce and exacerbate issues related to continuing a cycle of lower paying jobs in a community with an expensive housing market.

Studies have identified both negative and positive property tax impacts from an increase in short-term vacation rentals on small, medium and large communities. In some instances, the increased value of vacation rental properties has driven the price of property up and therefore property taxes. This can have the effect of raising the property tax rate on year round citizens and in some communities have driven lower income residents out of the community altogether.

### **Summary of Potential Impacts - Short Term Rentals in Single-Family zones**

#### **Positive Impacts**

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



- Employment opportunities

**Negative Impacts**

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

**FISCAL IMPLICATIONS:**

A review of other communities indicate that expanding short-term rental restrictions to include other areas of Ashland (i.e. single family neighborhoods) may put additional administrative burdens on the local government, including the processing of land use and building permits, licensing and registration applications and code compliance. Building officials are likely to be faced with an increased volume of required inspections. Code Compliance personnel and the police officers may need to assume additional enforcement duties under a short-term rental ordinance. Down the road, this could lead to a discussion about the potential reinstatement of the citywide Code Compliance position that was eliminated in January 2009.

**STAFF RECOMMENDATION AND REQUESTED ACTION:**

Changes to land use requirements related to short-term vacation home rentals should be undertaken with caution and an understanding of the potential effects to longstanding community goals for maintaining strong neighborhoods, and a diverse, permanent housing inventory designed to serve a wide range of households representing a variety of household incomes. A discussion and review of possible code amendments likely would attract considerable community dialogue and debate consisting of a mixture of housing and neighborhood advocates, individual property owners, members of the travelers' accommodation industry (i.e. B&B and Hotel/Motel owners), etc. Consequently, the Council may wish to discuss where this issue fits in with other priorities, or continue discussion of the topic as part of their annual goal setting process.

**SUGGESTED MOTION:**

N/A. This item is for the purpose of Council discussion.

**ATTACHMENTS:**

Informal Survey of Other Cities

Map of Ashland – Identification of areas zoned for Travelers' Accommodations (Hotel, Motels, and Bed & Breakfasts)

Document submitted by Mark Dennettis

Document submitted by Ashland Bed & Breakfast Network



# Memo

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DATE: 1/17/2013

TO: Housing Commission

FROM: Linda Reid, Housing Program Specialist

RE: Housing Commission goals 2013

The Housing Commission held their annual goal setting retreat on **November 17th**. At their retreat they identified six goals to pursue in the following year: explore and potentially implement a Student fair housing plan. The next HC meeting will take place in January.

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1. Establishment of a Rental Registry
2. Preservation of vulnerable properties (Focus on Sun Village)
3. Housing Trust fund-identify 3 viable options to forward to the council
4. Develop a Landlord Tenant Brochure.
5. Support the implementation of specific (to be identified at a later date) potential strategies identified in the HNA
6. Explore and potentially implement a Student fair housing plan

