

Council Study Session

October 31, 2022

Agenda Item	Community Development Permitting Process and Code Review	
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Item Type	Requested by Council <input checked="" type="checkbox"/> Update <input type="checkbox"/> Request for Direction <input type="checkbox"/> Presentation <input type="checkbox"/>	

SUMMARY

The Community Development Department is introducing a variety of initiatives the City can undertake to address concerns raised during the Economic Development and Business Roundtable meeting regarding Ashland’s Planning and Building permit review process. This effort would examine current processes and code provisions to identify where inefficiencies, delays, and duplicative or conflicting code requirements currently exist, and then suggest potential changes to the Municipal Code to resolve such conflicts.

ORGANIZATIONAL CULTURE AND BACKGROUND

An efficient land development review and approval process reduces both time and cost for developers and provides benefits to municipalities and government staff. While remaining cognizant of the benefits provided through public involvement and in consideration of State mandated noticing and public hearing requirements, reducing redundant review and time-consuming procedures that have little measurable benefit, can assist in accelerating processing time and reducing costs for the City

Although the primary role of Community Development staff permit reviewers is regulatory in nature, staff can act as partners with applicants rather than umpires to assist applicants in refining proposals to meet adopted standards. Providing clear direction and feedback to applicants early in the process helps reduce delays, and ensures projects presented to the Planning Commission adequately address the applicable standards. A culture of promoting communication and feedback between staff reviewers and applicants throughout the development process, has the combined effect of reorienting the permitting process toward partnership, accessibility, transparency, and open communication. Often local governments establish that “transparency” goals are achieved simply by publishing agendas, documents, meeting minutes, and providing access to public meetings where decisions are made. Technically making information public is “transparent” and necessary for an informed citizenry, it is through providing “clarity” that we can better assist residents and applicants in understanding development processes, code requirements, and most importantly the purpose behind the regulations. Our communications with the public, including the wording of our local codes,

should be both clear and objective in order to achieve transparency and clarity in the decision making process.

The City Council has already taken steps to facilitate a shift in the organizational culture through the authorization of new staff position to be created under the Administration Department. This position, once filled, will address comments received at the Economic Development and Business Roundtable meeting through actions taken to promote economic development and foster improved communication among city staff, businesses, community, developers, and a wide variety of stakeholders. This new facilitator position is expected to assist in reviewing Ashland's development code to identify barriers and/or opportunities for streamlining the development review process. Through periodic review of City policies and code relating to the development process, we can better ensure prior policy decisions implemented through code requirements are not having unintended consequences or resulting in impediments to the economic development the City desires.

In this Council Communication we will outline steps the City has already initiated to get feedback from the development community on where processes could be improved, or codes could be amended, to better serve our customers. Additionally, we will identify legislative code amendments that have been mandated by the State which address a number of development related concerns affecting the future built environment within Ashland.

Staff Initiated Efficiency Improvements

Public Involvement

A key first step in streamlining the development approval process is to identify where inefficiencies, delays, and duplicative or conflicting requirements currently exist, ideally through outreach and consultation with those most familiar with the process—developers, contractors, architects, permitting staff, and other stakeholders.

- **Customer Satisfaction Questionnaire**

On October 20, 2022, the Community Development Department distributed a Customer Satisfaction Questionnaire to the 1200 citizens, business owners, contractors, and design professionals who have applied for a building permit, zoning permit, or land use action with the City of Ashland between March 2018 and July 2022.

This is the fourth time this questionnaire has been administered since 2006. Its purpose is to measure the Department's progress, identify areas that need attention, and evaluate opportunities to strengthen performance.

The online questionnaire includes a series of questions targeted at evaluating development services and processing timelines and contains two additional areas for write in

comments/suggestions. Responses will be collected through the end of November with the final results compiled and distributed in December 2022.

- **Developer/Builder stakeholder interviews and/or ad hoc group roundtable discussion(s)**
It is vital to hear from developers and builders with different levels of experience with Ashland’s permit review processes, and who are engaged in a range of project types, to better understand concerns experienced by the development community. To facilitate this exchange of information the City will offer opportunities for local builders, developers, and design professionals to have one-on-one discussions, or small group roundtable meetings, with the City Manager and or Planning and Building staff to identify specific issues that have arisen in relation permit reviews that could have resulted in avoidable delays or added costs. Additionally, should the Council wish to establish an Ad-Hoc Development Code Review committee comprised of people familiar and experienced with the City’s land use and building codes, such a group could also help identify where bottlenecks occur, and which area(s) should be the primary focus of streamlining efforts.

Improving the Efficiency of the Permitting Process

The process of obtaining a building permit, or planning approval, can be complex even for those familiar with the process. Approval of new developments, subdivision, and utility installations may involve reviews by many City departments including Planning, Building, Engineering, Electric, Fire, and outside agencies. Further new developments may additionally include a separate Planning Approval process which depending on the complexity of the action, or the amount of discretion involved in the approval process, are classified as follows:

- **Administrative Action** – Minor planning permits are approved by Planning Staff as an “Administrative Action”. Such approvals are limited to specific proposal types and when no discretion is involved. These actions are approved expeditiously upon review for compliance with objective standards and require no public notice or hearing process. (e.g. Fence Permits; Sign Permits; Property Boundary Line Adjustments; Sheds)
- **Type I Action** – The decision to approve or deny a “Type I Planning Action” is made by Staff following publication of a public notice which is mailed to properties within 200’ of the proposed development. Following review of any comments received during the notice period Staff makes the decision and mails a “Notice of Decision” to the project notification area. This Staff decision is subject to appeal, in which case a public hearing is held before the Planning Commission, and they render the final decision of the City. (e.g. Land Partitions; Solar Variance requests; Hillside development of single-family homes; small Commercial Buildings or Additions, multi-family developments)

- **Type II Action** – The decision to approve or deny a “Type II Planning Action” is made following a public hearing before the Planning Commission, and they render the City’s decision. The Planning Commission decision is subject to appeal to the City Council. (e.g. Subdivisions, larger Commercial Development, Wireless Communication Facilities)
- **Type III and Legislative Actions** – Development proposals that require a legislative change such as an annexation or zone change require public hearings before both the Planning Commission and City Council. The City Council makes the final decision of the City on such actions.

Regardless of the review process employed the City is required by law to enforce numerous Federal, State and local construction and development regulations to ensure that a project is safe and is an asset to the community. The City remains committed to explaining the process as clearly and concisely as possible to applicants. However, depending on the size and type of a project, an applicant may need the services of a licensed professional. In fact, State law may require that certain project proposals be prepared by a licensed architect or engineer. Building & Safety Division and Planning Division Staff can assist applicants in determining if the services of a licensed professional will be needed for their specific project.

The Community Development Department has initiated, or already, completed the following actions to improve the efficiency of the development proposal review and approval process:

- **Electronic Plans submission - completed**

The City of Ashland had long been keen to transition to electronic plan review for building permit applications. Due to the pandemic in 2020 Community Development was able to fully pivot to accept electronic building plan submittals. Through this transition we have effectively linked permitting workflows and plan review processes together to coordinate a more efficient plan review process for everyone involved, such as fire, building, planning, electric, and engineering. Each department’s plan reviewer now has equal access to the same information at the same time without having to shuttle around 24’x36” paper plans. It is also beneficial for the architects and designers that are not located in our area to now submit plans electronically, removing the need for them to ship cumbersome triangle boxes. Electronic Plan submittal also saves local development professionals the costs associated with preparing duplicate sets of construction plans to hand deliver to the City. As a result of this change to a paperless review process the City has been able to reduce review times and building permit processing times.

- **Consolidated Building Permit Review - completed**

A Building Permit may include building, grading, plumbing, mechanical and electrical permits. The City currently processes these various permit types under a singular permit

application. Due to this process, an applicant can apply for a permit (e.g., an addition) with one set of consolidated plans and not be subject to submitting separate permit requests for an Electrical Permit, Plumbing Permit, Structural Permit, and Mechanical Permit. This consolidated review process both simplifies the application process for the customer, as well as ensures the elements of a development proposal are evaluated as a cohesive system.

- **Citizen Self Service (Online Permitting) - to be completed in FY22-2023**

In the coming year the Community Development Department will develop and deploy features of our permitting software (Energov) which will provide our customers with the ability search for an address or parcel, apply for a permit, request an inspection and more. Importantly our customers will also be able to check status of an open building permit, receive automatic email updates on submittals, and check on the status of inspections in real time. Inspection requests will be able to be made online, and contractors will be able to request multiple inspections from numerous job sites on a single screen. Citizen Self Service (CSS) will foster timely communication between the permit applicant and the City through the collaborative digital sharing of up-to-date information. It is anticipated that CSS will provide efficiencies for both City staff and for our customers. This enhancement to our permitting software is covered under existing licensing agreements with our permitting software company, Tyler Technology, and as such can be implemented without additional ongoing cost to the City once developed.

- **Accessory Dwelling Units (ADU) – Partially completed, to be completed in FY2022-23**

Since 2018 land use barriers to the development of ADUs in Ashland have largely been eliminated. Recent ordinances changes that went into effect in 2020 and 2021 now allow ADUs as an outright permitted use without any requirement for a planning action, and there is no longer any parking requirement for these dwellings. As a result, permitting of ADUs has been significantly expedited in Ashland in recent years.

Prior to 2019 the time spent processing an ADU through the planning and building departments could exceed 90 days. Today, with submission of a complete application, ADU permits are fully reviewed and issued in less than 30 days, and in many cases are issued within a week of being submitted.

To further remove obstacles to the installation of ADUs within the City, a program that assists homeowners in developing ADU's in existing neighborhoods has the potential to allow the private market to expeditiously add several small long term rental housing units to the City's housing stock. Staff has already reached out to designers and builders regarding establishment of a program which could include:

- The City could work with designers, architects, and or prefab housing developers to develop generic plans for small ADUS that could be provided by the City to property owners free of charge.
 - These plans would be reviewed and “pre-approved” by the Building Department, and thus ready to issue provided a suitable site is available on a property.
 - The resident obtaining the pre-approved plans from the City could contact the building’s designer to assist with siting and construction of the ADU on their property, and the City could readily approve the site-specific plan and building permit given the construction drawings had been previously reviewed and approved.
- **Food Trucks - ordinance amendment in process to be to be completed in early 2023**
On September 13th, 2022, the Planning Commission discussed options which might provide a smoother path for food truck owners interested in operating in Ashland. The Planning Commission is discussing options for food truck owners interested in operating in Ashland including expanding the allowances for short-term events beyond once per calendar year per property, looking at allowing food trucks outright in approved plaza spaces, and looking at appropriate allowances for individual food trucks in existing commercial parking lots, and the establishment of food courts with multiple food trucks.

City Council Initiated Actions

Reorganization of City Commissions

The Land Use Ordinance currently requires that a variety of Planning Actions (Type I, Type II, Type III) shall be presented to select Advisory Commissions (Historic Commission, Tree Commission, Housing Commissions) for recommendations prior to the item being considered by decision making authority whether that is Ashland Planning Staff, Planning Commission, or City Council. In approving the resolution dissolving existing Commissions, and establishing Standing Advisory Committees (SAC), and Management Advisory Committees (MAC), the Council has initiated a code amendment process where the references to the prior commissions need be omitted or revised within the Land Use Ordinance. During this amendment process there will be opportunities for streamlining review processes to consider which planning actions require review by Sacs or Macs in advance of being presented to the Planning Commission and City Council for consideration.

As one example, removal of the Tree Commission as a standing body, and the establishment of a Tree and Urban Forest MAC will necessitate changes to the Tree Preservation and Protection ordinance to address the lack of a standing commission which is referenced in the code. This change provides opportunities to streamline the tree removal permit process. Currently tree removal permits are processed as Type I Planning Actions which include a public notice to all

properties within 200’, and a comment period for public input prior to issuance of a permit. During this Comment period the Tree Commission would review the proposal and provide recommendations. In the case of diseased trees, or hazard trees, that have been evaluated by a certified arborist, and trees that pose a wildfire risk as determined by Ashland Fire & Rescue, this planning process and public review period can take up to a month or more before the public comment period is concluded and the removal can be approved. Were this process changed in amending the Tree Protection and Preservation ordinance, to instead allow administrative Staff approval, upon review of the applicant’s submittal and associated arborist report, such removals could be approved without delay. It is important to note that tree removals proposed in association with projects requiring a Type I, Type II, or Type III planning approval (subdivisions, new commercial development, new multi-family development, etc.), or the proposed removal of healthy trees in environmentally sensitive areas such as floodplains or severely sloped properties could still be subject to the formal planning action tree removal permit process and be presented to the Tree and Urban Forest Committee for recommendations in advance of the Staff decision or Planning Commission public hearing.

Creation of the new City staff position to assist in navigating the development review process.

The Community Development Department currently employs a Development Coordinator who oversees both the building permit and planning permit issuance process and is available to any customer to discuss any issues that may arise in the proposal’s review process. In order to further respond to systemic issues, the City Council recently authorized a new Staff position within the Administrative Department that can assist in promoting economic development, with a specific objective of proactively seeking to improve communication among city staff, businesses, community, developers, and a wide variety of stakeholders. These efforts will assist in our goal to create a more streamlined review process in providing a key staff person that can assist in reviewing Ashland’s development code to opportunities for improvement.

Future Initiatives

In addition to process issues or code revisions that may be identified through the evaluation of the customer survey responses, group meetings, or ad-hoc review committee as stated above, Staff anticipates there are opportunities to further expedite minor permit applications through revisions to the Land Use Code. Permitting offices are responsible for many levels of review and approval—from building permits to approvals for rezoning, variances, and other land use amendments. In addition, a variety of other offices are often involved in the development approval process, both at the local and state levels, focused on planning, public works, utilities, and environmental review, among other functions. Permit applications for relatively minor projects may not require an especially long time to process but may make up a large volume of permitting requests. The time required to get through this backlog can slow down the approvals process for all applicants. To address this challenge the Staff would recommend the Planning

Commission and Council consider process changes to streamline requirements specifically for minor project approvals. This approach would be informed by the public involvement process noted above and would likely necessitate legislative changes to application processes outlined in the Ashland Land Use Ordinance.

One example of such a process change that Staff recommends be considered would be the elimination of a permit requirement for fences. Currently, fence permit applications are reviewed by the planning division and a permit is issued administratively. Upon completion of the permitted fence, the customer calls staff and requests a site inspection, and staff visits the site and inspects the fence to verify compliance with the standards and the permit application previously approved. The cost of a fence permit to the customer is \$31.50. Many communities do not require permits for fencing yet uphold their standards through a code compliance process. In such communities, and if an ordinance change were improved in Ashland eliminating the permit requirement, residents build fences without a permit and are responsible to build it in a manner that meets existing local standards (height, location, and ignition resistant material adjacent to structures) and building code requirements that may apply. In the event a fence is built that does not comply with the local standards the City could initiate a code compliance case to compel correction to come into compliance by altering or removing a fence built out of conformance with the standards.

Legislative Amendments

The development of major projects including subdivisions, new commercial buildings, multi-family development projects is a relatively complex undertaking in which identifying property and designing an economically feasible project that is consistent with local development codes is the first step in the process. Governmental constraints on the type and form of developments include: building code requirements; land use standards; environmental regulations; permitting processes; site improvement requirements; transportation and mobility planning; flood regulations; accessibility regulations; and permitting and infrastructure fees.

The Community Development Department is currently working on several legislative amendments which will directly impact the form and type of development permissible in Ashland.

State Initiated Legislative Changes

The following initiated changes include those mandated by the State of Oregon that will result in reducing constraints to development and the promotion of housing production:

- **Climate Friendly Equitable Communities (CFEC) – (State requirement – to be implemented in phases between December 2022 and 2024)**

Oregon's Department of Conservation and Development is the state's land use planning agency and they have prepared new rules that are to be implemented in Oregon's eight most populated areas, including the Medford-Ashland area. These rules direct cities to designate climate-friendly areas, which in part would allow people to build taller buildings (50' in height) providing more housing and increase or remove housing density maximums. The rules don't require taller buildings or greater numbers of residential dwellings, but make sure such buildings are allowed outright through local legislative amendments to the land use code. In climate-friendly areas, a minimum density standard would help ensure transit can serve the neighborhood and the neighborhood has a residential density sufficient to support transit. The rules also require Ashland to amend its Land Use Ordinance to remove parking mandates for desired types of development, such as smaller housing types, small businesses, childcare facilities, multi-family housing, and historic buildings. The rules also completely remove parking mandates within one-half mile of frequent transit, which accounts for approximately 80% of all tax lots in Ashland. As parking requirements often present a substantial design constraint, and installation of surplus parking can add significant costs to a project, the removal of local parking mandates is expected to simplify the planning process for applicants, reduce the cost of developments, and help promote transit supported development throughout the state.

- **Housing Production Strategy - to be completed by May 2023**

The City of Ashland has initiated the development of a Housing Production Strategy (HPS) to identify and prioritize a variety of strategies and actions for accommodating needed housing. The City of Ashland received a grant from the State Department of Land Conservation and Development (DLCD) to undertake this effort, with consultant services provided by ECONorthwest. This effort to produce an HPS builds on the efforts completed in 2019-2021 by the City of Ashland including the adoption of a Housing Needs Analysis and Buildable Lands Inventory. Additionally, in 2019 the City obtained a grant for the State to utilize consultant services by ECONorthwest to complete a Housing Implementation Report that addressed potential code amendments and financing methods that could be considered by the City to facilitate the development of Multifamily Housing specifically. All three of these reports were acknowledged by the City and have formed the factual basis of information upon which the HPS is based. Additionally, the strategies identified in the Housing Needs Analysis and Housing Implementation Report have been incorporated into the draft HPS for consideration.

The draft HPS report is expected to be completed in January- February 2023, at which time the City will have a hearings-ready draft and will schedule hearings before the Planning Commission and the City Council to adopt the Housing Production Strategy by May 2023.

The final Housing Production Strategy report will identify a set of specific actions the city will undertake over an 8-year period to promote the development needed housing. Such actions may include land use ordinance amendments, zoning changes, financial incentives, and other actions within the City's purview.

Completion of a Housing Production Strategy, following adoption of a Housing Capacity Analysis, is a requirement adopted by the Oregon Legislature through passage of [House Bill 2003](#).

City Initiated Legislative Changes

Activity Centers

An activity center is generally an area that attracts people for shopping, work, school, recreation, and socializing. It is an urban planning term that implies a dense area with significant pedestrian traffic and a focus of concentration such as tourism, shopping, and entertainment, education and student life, or housing and employment. Defining Ashland's Downtown, University District, and Croman Mill District as distinct activity centers will allow the City to target economic development, infrastructure, and placemaking resources in ways that strengthen these centers, support their growth and development in more equitable ways, improve connectivity within and between them, and ensure that existing residents and businesses benefit from new investment. Each of these Activity Center initiatives will take a cooperative and collaborative effort between the City and the stakeholders within the district. Staff is working on identifying the appropriate planning process for each for Council consideration. Additionally, the City and the stakeholders will need to consider connectivity between the activity centers and how they relate to, and support, one another. Ultimately the practical implantation of an Activity Center may necessitate the City consider major investment decisions as well as decisions regarding how the City's organizational culture can adapt to better accommodate the desired changes.

Croman Mill District

The Croman Mill District offers one of the City's largest remaining areas to accommodate future development and is likely to be the first area identified for establishing a distinct Activity Center. Currently the City has a unique opportunity to promote the development of an activity center in that as of September of 2021, the owners of the former 61-acre Croman Mill site, and the development team named Townmakers LLC, began conceptualizing the future development of the property for a mixed-use development incorporating commercial, employment, light industrial and residential uses. The expectation is that the development plan will propose a new flexible mixed-use zone to the Land Development Ordinance to facilitate by-right approval and promote more walkable, transit-oriented projects that seek to provide a better housing-jobs creation balance. Additionally, through the legislative review process to adopt a new plan for the area, the City will have the opportunity to evaluate how the jobs/housing balance is addressed by the proposed vision for the property.

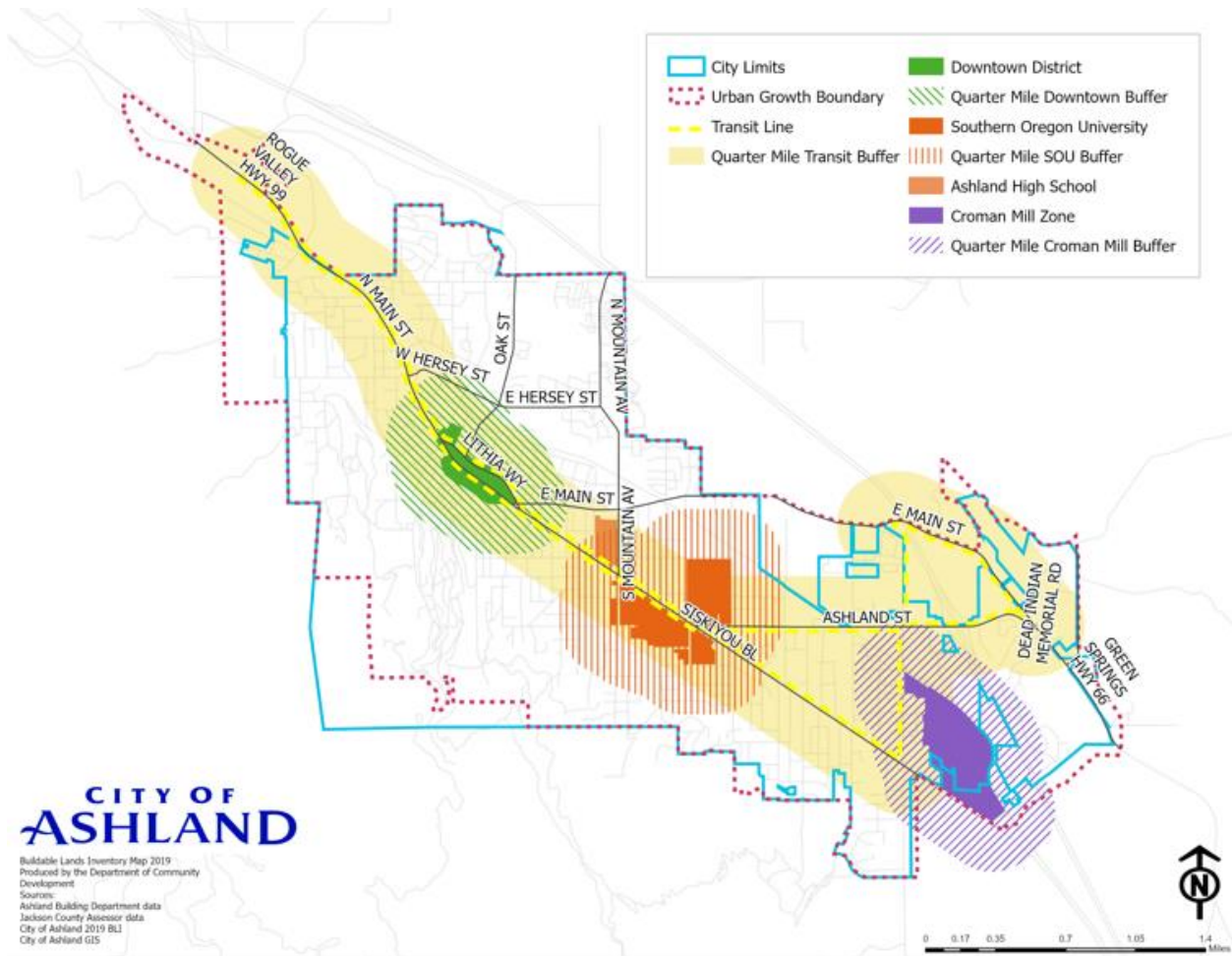
Changes to the Croman Mill District’s underlying zoning designations, allowable uses, road and multi-use path layout, site and building design standards, and residential allowances and densities will be required.

Downtown District Ashland’s Downtown is widely known as a destination for shopping, dining, and entertainment. Local retail stores, restaurants, park amenities, and local entertainment and arts venues such as the Oregon Shakespeare Festival all collaborate to create an active pedestrian-oriented area. Working to enhance the synergies created through these activities and promote the vitality of the downtown will be of benefit to the residents and tourists that frequent the downtown.

University District

A defined “University District” centered around Southern Oregon University would be intended to promote investment and development in academic and related uses within the boundaries of the district. Through identifying opportunities for student serving businesses, compatible residential and student housing, and promotion of the identity of the University District, the City can support sustainable development patterns, including development at densities that are both appropriate and beneficial to the campus setting and supportive of a walkable transit supported district.

“Within Ashland itself, SOU is removed from the heart of downtown, with its pedestrian-oriented streetscapes and bustling tourism, by just over one mile’s distance. This is a limitation in some senses, but also allows a separate community focal point to exist in the context of the campus environment” SOU 2010-2021 Masterplan



**CITY OF
ASHLAND**

Buildable Lands Inventory Map 2019
Produced by the Department of Community
Development
Sources:
Ashland Building Department data
Jackson County Assessor data
City of Ashland 2019 BLI
City of Ashland GIS

Ashland Activity Center Areas

DISCUSSION QUESTIONS

Does the City Council have any questions or comments regarding the Community Development Permitting Process and Code Review items, and initiatives, covered in this Council Communication?

SUGGESTED NEXT STEPS

N/A

REFERENCES & ATTACHMENTS

None