

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION
SPECIAL MEETING
FEBRUARY 28, 2012
AGENDA**

I. CALL TO ORDER

II. ANNOUNCEMENTS

III. PUBLIC FORUM

IV. UNFINISHED BUSINESS

A. Approval of Findings for PA-2011-01731, Green Code Updates.

V. PUBLIC HEARINGS

A. PLANNING ACTION: #2011-01174

DESCRIPTION: A continuation of the January 24, 2012 public hearing to review the pedestrian access and circulation standards (AMC 18.92) that were adopted as part of the Pedestrian Places project. The zoning and land use ordinance amendments associated with the Pedestrian Places project were approved by the City Council on November 15, 2011 and went into effect on December 16, 2011. Subsequent to the approval, the City Council directed the Planning Commission to re-review the ordinance amendments that apply to the Detail Site Review Zone and citywide, and make recommendations to the Council for changes as appropriate.

VI. ADJOURNMENT

**CITY OF
ASHLAND**



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

BEFORE THE PLANNING COMMISSION
City of Ashland, Jackson County, Oregon
February 28, 2011

IN THE MATTER OF PLANNING ACTION # 2011-01731, A REQUEST)
TO AMEND THE DEFINITIONS CHAPTER (18.08), GENERAL)
REGULATIONS CHAPTER (18.68), AND SITE DESIGN AND USE)
STANDARDS (18.72) OF THE ASHLAND LAND USE ORDINANCE)
(ALUO) TO ADDRESS DEER FENCING, KEEPING OF CHICKENS,)
SOLAR ENERGY SYSTEMS ON COMMERCIAL AND EMPLOYMENT) **RECOMMENDATION**
ZONED BUILDINGS WITHIN DESIGNATED HISTORIC DISTRICTS,)
RAIN BARRELS, AND EAVE EXTENSIONS INTO REQUIRED YARD)
AREAS..)

APPLICANT: City of Ashland)
-----)

RECITALS:

1) The application is to amend the Definitions (18.08), General Regulations (18.68), and Site Design and Use Standards (18.72) chapters of the ALUO to provide new standards for deer fencing, the keeping of chickens, solar energy systems on commercial and employment zoned properties within Ashland’s designated historic districts, and address yard requirements relating to rain barrels and eave extensions.

2) **The requirements for a Legislative Amendment are described in 18.108.170 and 18.08.345 as follows:**

18.108.170 Legislative Amendments

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

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

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

D. Before taking final action on a proposed amendment, the Commission shall hold a public hearing. After receipt of the report on the amendment from the Commission, the Council shall hold a public hearing on the amendment.

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

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

SECTION 18.08.345. Legislative amendment.

An amendment to the text of the land use ordinance or the comprehensive plan or an amendment of the zoning map, comprehensive plan maps or other official maps including the street dedication map described in section 18.82.050, for land involving numerous parcels under diverse ownerships.

3) The Planning Commission, following proper public notice, held a public hearing on February 14, 2012, at which time testimony was received and exhibits were presented. The Planning Commission held their deliberations and recommended to the City Council approval of the amendments to the Definitions (18.08), General Regulations (18.68) and Site Design and Use Standards (18.72) chapters of the ALUO and further provided revisions regarding the proposed ordinances as described in Section 2.

Now, therefore, The Planning Commission of the City of Ashland recommends as follows:

SECTION 1. EXHIBITS

For the purposes of reference to this recommendation, the attached index of exhibits, data, and testimony will be used.

SECTION 2. RECOMMENDATION

2.1 The Planning Commission finds that it has received all information necessary to make a recommendation based on the Staff Report, public hearing testimony and the exhibits received. The public hearing at the Planning Commission on February 14, 2012 was noticed in the newspaper as required in 18.108.170.D.

2.2 The Planning Commission finds the proposed ordinance amendments exempting the installation of solar energy system installation on commercial and employment zoned properties within historic districts (18.72.030) from obtaining Site Design Review approval, are appropriate amendments necessary to promote energy conservation objectives and to retain the historic integrity of buildings within Ashland's Historic Districts. The Planning Commission recommends approval of this ordinance amendment as proposed.

2.3 The Planning Commission finds the proposed ordinance amendments addressing the measurement of fence height, fence construction, and fence materials (18.68.010 A, B, &C), provide greater clarity in the ordinance and recommends the Council approve these amendments

as proposed.

2.4 The Planning Commission finds the proposed ordinance amendments addressing deer fencing (18.68.010 D) will allow residents to better protect their gardens from the foraging of Ashland's urban deer population while preserving largely unobstructed views through the deer fencing materials. The Planning Commission recommends specific revisions to the proposed ordinance to ensure that deer fencing located within the front yard area is less visually obstructive than is proposed for rear and side yard deer fencing. Testimony provided at the hearing indicated there is a concern regarding section 18.68.10(D)3 as proposed which limits the size of structural supports adjacent to a public street to no greater than 2"x2". The Commission expressed that the approach proposed, to limit the size of structural supports, may unnecessarily restrict designs which are compatible with existing fences, and may be insufficient to provide adequate support for larger expanses of fencing when dimensional lumber is utilized instead of steel. To address these concerns and allow a greater degree of flexibility in structural materials used for deer fencing, the Planning Commission recommends 18.68.10(D)3 be stricken and that front yard deer fencing be instead regulated by establishing a higher percentage of visibility through the deer fence than is otherwise proposed for rear and side yard fences. The Commission recommends Staff evaluate a range of 85-90% clear view above the regular fence height to provide a recommendation to Council a standard that minimizes the visual prominence of front yard deer fences to the greatest degree feasible. Regarding front yard deer fences the Commission expressed concerns that wire and polypropylene mesh materials with a small diameters were either too visually obstructive (e.g. wire mesh used for rodent fencing) or not durable and prone to sagging (e.g. 3/4" square polypropylene mesh used as bird netting), and as such these materials were considered inappropriate for use as front yard deer fencing. The Commission requests that a minimum mesh diameter be further evaluated (i.e. greater than 1.5" square) to potentially exclude the use of small diameter mesh material in front yards. The Planning Commission recommends modifying the proposed provision requiring a monofilament line atop polypropylene fences (18.68.10(D)5) to instead require all types of mesh deer fencing be constructed with a support at the top of the fence that functions to prevent sagging. In consideration of the recommendations noted above the Commission recommends the Council approve these amendments.

2.5 The Planning Commission finds the proposed ordinance amendment allowing eaves, awnings, and gutters to intrude up to three feet into required yards (18.68.040) provides greater latitude to design buildings in a manner that capitalize on passive solar and natural cooling opportunities. The Planning Commission recommends approval of this amendment as proposed.

2.6 The Planning Commission finds the proposed ordinance amendments allowing chicken coops and chicken runs to be maintained as accessory structures on properties containing a single family dwelling in residential districts (18.68.140 C) provides increased opportunities for the keeping of chickens and thus promotes local food production. The Planning Commission recommends that structures housing chickens need not be screened from the view of the public right-of-way or adjacent properties, and as such that subsection 18.68.140(C)2e should be

stricken in its entirety. In consideration of the specific recommendation noted above the Commission recommends the Council approve these amendments.

2.7 The Planning Commission discussed proposed amendments to the Health and Sanitation Chapter (9.08) of the Ashland Municipal regarding the keeping of chickens as the proposed amendments to the Land Use Ordinance cite them by reference (18.68.140C3). The Commission suggested that the Council eliminate the provision that prohibited the slaughtering of chickens outdoors (9.08.040(D)3c) expressing that due to the limited number of chickens permitted on a given property (five or less) slaughtering would not be prevalent or adversely impact adjoining properties.

2.8 The Planning Commission finds the proposed amendment allowing rain barrels to be located within side and rear yard setbacks (18.68.140E) promotes individual water conservation practices. The Commission expressed concern that the proposed definition of rain barrels, as less than 90 gallons in size (18.08.616), may be too limiting in consideration of large capacity rain water storage systems presently available. The Commission recommends that Staff examine the size limitation as proposed in the interest of allowing larger rainwater storage systems in side and rear yard setbacks. In consideration of the specific concern noted above the Commission recommends the Council approve these amendments.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission recommends approval of Planning Action #2011-01731. The Planning Commission recommends the Council further consider revisions to the proposed ordinance amendments as described in Sections 2.3, 2.4, 2.6, 2.7 and 2.8.

Planning Commission Approval

Date

Memo

DATE: February 28, 2012

TO: Ashland Planning Commission

FROM: Maria Harris, Planning Manager

RE: Re-review of Pedestrian Places Ordinance Revisions

At the January 24, 2012 meeting, the Planning Commission continued the public hearing and discussion of the Re-review of the Pedestrian Places Ordinance Revisions, and the Commission identified two issues for further discussion – Pedestrian Access and Circulation (18.92.090) and Arterial Street Setback Requirements (18.68.050).

At the February 28, 2012 meeting, staff will present several examples of pedestrian access and circulation on existing sites in Ashland as suggested by the Commission at the January 24 meeting. A question was raised at the January 24 meeting regarding the Accessible Route Requirement in 18.92.090.B.4. The Accessible Route Requirement is similar to the Disabled Person Parking Places in Section 18.92.040 in that it is a federal Americans with Disabilities Act (ADA) requirement that impacts site design and layout. The ADA standards are highlighted in the land use ordinance to coordinate the requirements and because it is beneficial to consider these items early in the site planning process. The ADA requirements are implemented through the state building code, and ultimately reviewed at the building permit stage.

For the Arterial Street Setback Requirement, staff suggests reviewing several key vacant sites adjacent to arterial streets for the purposes of discussion. A map of the key arterial sites is attached to this memo so that Commissioners have the option of individually visiting the sites prior to the meeting. The Buildable Lands Inventory map is also attached which identifies vacant and partially vacant lands located on the arterial streets. The next page includes a table of basic information for the key arterial sites identified on the map.

Arterial Street Setback Requirement Background

There are five streets in Ashland which are designated as a Boulevard or arterial street – North Main St., Lithia Way, E. Main St., Siskiyou Blvd., and Ashland St. The previous standard exempted the downtown (C-1-D), the properties abutting Lithia Way in the C-1 zoning district (north side of the street), and the Croman Mill district (CM) from the 20-foot front yard setback on arterial streets.

Section 18.68.050 Arterial Street Setback Requirements of the ALUO was established along with a new land use ordinance in 1964, and the requirement of a 20-foot front yard setback on arterials was added in 1979. The Site Design and Use Standards were first adopted in 1986. In 1992, the Site Design and Use Standards were updated and the Detail Site Review Standards were added. In 1998, the Site Design and Use Standards were revised to include the Downtown Design Standards. In 1996, the Transportation Element of the Ashland Comprehensive Plan was revised and adopted. Subsequently, the Ashland

Transportation System Plan (TSP) was adopted in 1998 and the Ashland Street Standards were adopted in 1999. In 2008, the Arterial Street Setback Requirement was amended to exempt the north side of Lithia Way from the arterial street setback requirements. In addition, the Ashland Street Standards were updated to require five foot by five foot street tree wells in commercial areas with on-street parking, to allow the use of landscape parkrow in commercial areas without on-street parking or where the overall design concept for the street corridor includes a landscape parkrow, and to require a minimum of a ten-foot wide sidewalk on Boulevard streets in the Downtown Design Standards Zone.

Vacant Arterial Sites
See Attached Map

Map Site Reference	Location	Zoning District	Additional Considerations	Front Yard Requirement¹
A	N. Main and Glenn St. (south corner)	Employment (E-1)	Residential Overlay Detail Site Review Zone Historic District	None Required
B	South side of Siskiyou between Beach St. and Mountain Ave. (across from Ashland High School)	Low Density Multiple-Family Residential (R-2)	Historic District	Minimum of 20 feet
C	1668/1690 Siskiyou Blvd., Siskiyou and Harmony Ln. (Minute Market site)	Retail Commercial (C-1)	Detail Site Review Zone	None Required
D	North side of Ashland St. between Walker Ave. and Lit Way (across from Wendy's)	Retail Commercial (C-1)	Pedestrian Place Overlay Detail Site Review Zone	None Required
E.	E. Main St. and N. Mountain Ave. (southwest corner across from massage school)	High Density Multiple-Family Residential (R-3)	Pedestrian Place Overlay	None Required

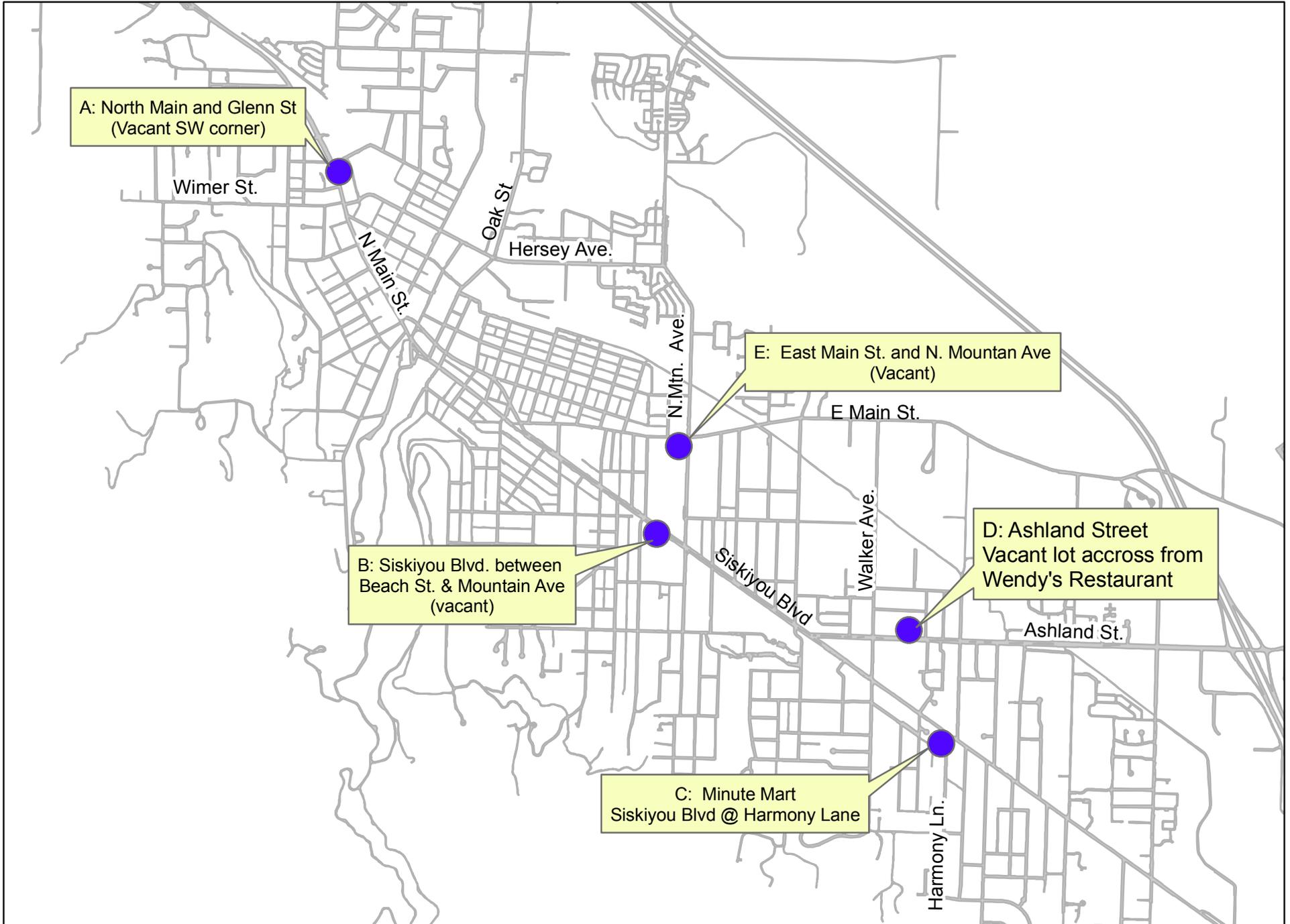
¹yard requirement is measured horizontally at a right angle from the property line to the nearest point of the building.

Attachments:

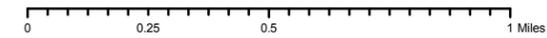
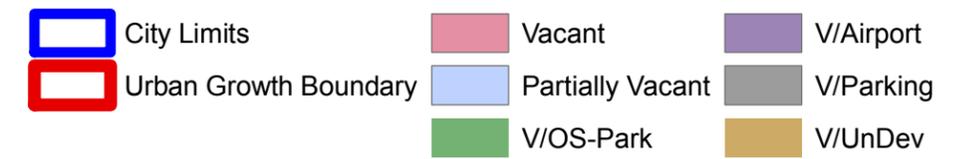
1. Pedestrian Places Arterial Setback review sites map
2. Buildable Lands Inventory Map (2011)



Pedestrian Places Arterial Setback review sites
Planning Commission Study Session 02/28/2012



Buildable Lands Inventory



Buildable Lands Inventory Map: June 2011
Produced by the Department of Community Development

Version 20110826
G:\comm-dev\planning\LongRange\BL\BLI_2010\GIS\bl_i_2011
Created in ArcView 9.0, by bg/mp

Sources:
Ashland Building Permit data current as of March 31, 2011
Jackson County Aerial Photography June 2010
Jackson County SmartMap
City of Ashland 2000 & 2005 BLI
City of Ashland GIS

