

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

**ASHLAND PLANNING COMMISSION
REGULAR MEETING
MARCH 10, 2015
AGENDA**

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

- II. **ANNOUNCEMENTS**

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

- IV. **CONSENT AGENDA**
 - A. **Approval of Minutes**
 - 1. February 10, 2015 Regular Meeting

- V. **PUBLIC FORUM**

- VI. **PRESENTATION**
 - A. **Presentation by Mike Faught, Public Works Director: Draft East Main Multi-Modal Concept Drawings**

- VII. **ADJOURNMENT**

**CITY OF
ASHLAND**



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

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
REGULAR MEETING
MINUTES
February 10, 2015

CALL TO ORDER

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

Commissioners Present:

Troy J. Brown, Jr.
Michael Dawkins
Richard Kaplan
Debbie Miller
Melanie Mindlin
Tracy Peddicord
Lynn Thompson

Staff Present:

Bill Molnar, Community Development Director
Maria Harris, Planning Manager
April Lucas, Administrative Supervisor

Absent Members:

None

Council Liaison:

Greg Lemhouse, absent

ANNOUNCEMENTS

Community Development Director Bill Molnar stated Greg Lemhouse has been appointed as the Commission's new council liaison and announced the March study session may be moved to March 31st. He noted copies of the Mayor's state of the city address have been handed out and provided a brief status update on the Normal Working Group and neighborhood plan.

Commissioner Mindlin cited a letter sent to the Commission from one of the Normal residents and asked if city staff went out to investigate and make notations about the condition of the Normal neighborhood wetlands after the recent rain storms. Mr. Molnar indicated he would follow up with the Public Works Department on this.

AD-HOC COMMITTEE UPDATES

Downtown Parking Management and Circulation Committee

Commissioner Dawkins provided an overview of the committee's last meeting. He stated a new traffic pattern proposal was presented that reduces East Main Street to two lanes, includes traffic lights at Oak/East Main and Oak/Lithia, and removes the light at Helman. He noted a lot of people came to the meeting to share their concerns about tree removals, but clarified this may not be needed. He added the venue has been changed to council chambers moving forward due to the public participation levels.

CONSENT AGENDA

A. Approval of Minutes

1. January 13, 2015 Regular Meeting.

Commissioner Mindlin requested a correction on page two. The first sentence under Discussion Items should read:
"Commissioner Mindlin left the meeting due to a potential public perception of conflict of interest."

Commissioners Thompson/Dawkins m/s to approve the January 13, 2015 minutes with the noted correction. Voice Vote: All AYES. Motion passed unanimously.

PUBLIC FORUM

Huelz Gutcheon/2253 Highway 99/Shared his vision for a City of Ashland Renewable Equity Acquisition Department.

LEGISLATIVE PUBLIC HEARINGS

A. PLANNING ACTION: #2014-02053

DESCRIPTION: Proposed amendments to the land use ordinance which would allow small scale short-term rental units (i.e., accessory traveler's accommodations) in the single-family and multi-family zones. The proposed amendments are to Chapter 18.2.2 Base Zones and Allowed Uses, Chapter 18.2.3 Special Use Standards, and Chapter 18.6.1 Definitions.

Commissioner Mindlin left the meeting due to a potential public perception of conflict of interest.

Staff Report

Community Development Director Bill Molnar presented the staff report for the accessory traveler's accommodation ordinance. He explained this discussion began back in August 2012. After the adoption of code amendments for multi-family zoned lands, the City Council discussed code changes that would create a minor allowance for short term accommodations on owner occupied properties in single-family districts and requested the Planning Commission hold public meetings and put forth an ordinance for Council consideration. Mr. Molnar reviewed the requirements of the draft ordinance, which include: 1) the accessory traveler's accommodation operator must be the property owner, it must be their primary residence, and they must be present during operation, 2) the property is limited to one accessory traveler's accommodation covered under a single reservation and consisting of two or fewer rooms, 3) the accessory accommodation must be on a property that is located within 200 feet of a major city street, 4) the total number of guests occupying the accessory traveler's accommodation may not exceed three, 5) separate kitchen facilities are not permitted, 6) the property must have two off-street parking spaces and guests are limited to one automobile, and 7) the request to operate an individual accessory traveler's accommodation would require approval of a conditional use permit followed by a one-time renewal within 24 months of the original approval.

Code Compliance Officer Kevin Flynn addressed the Commission and provided an overview of his efforts to curb illegal vacation rentals in the city. He explained when he first came on board there were 150-180 properties under review for illegal operations, however he has had a lot of success and the vast majority have either gone through the land use approval process or have ceased their illegal operation. He commented on his experience with these homeowners and stated most of them want to get legal and follow the rules, and stated many are waiting for a decision from the city on this issue. Mr. Flynn clarified 90% of this work is complaint driven, however he does locate some of the illegal operations on his own. When asked if the proposed ordinance is unenforceable, Mr. Flynn said no and remarked that it would not be difficult to obtain information from operators and guests.

Public Testimony

Dr. Ruth Resch/1000 Terra/Voiced support for accessory traveler's accommodations in the R-1 zone. Dr. Resch stated she is 79 years old and disabled and her one bedroom Airbnb rental allowed to her supplement her limited income and keep her home in Ashland.

Nancy Blono/49 Fourth/Stated Airbnb rentals attract a different demographic that would not necessarily stay at a traditional bed and breakfast or hotel, and stated a study conducted by Boston University concluded Airbnb generates a demand that did not exist before and has a positive impact on the local economy. Ms. Blono commented on parking and recommended the ordinance only require one parking space per bedroom rented. She also stated it would be in Ashland's best interest to allow accessory travelers accommodations in all zones and not just properties located within 200 ft. of a major street.

Rhonda Lee/2949 Barbara/Stated there is no evidence that host occupied stays have any greater impact than someone renting long term or someone operating a home business. She recommended the Commission remove the 200 ft. rule in all zones, allow both land owners or business owners to operate the rental, and allow up to four total guests.

Lois Van Aken/140 Central/Stated she is the owner of two legal traveler's accommodations in the multi-family zone and stated allowing these in single family zones is a poor idea that will reduce rental housing, increase traffic congestion, worsen downtown traffic and the parking problem, and negatively change neighborhoods.

Russ Manzone/249 Hillcrest/Stated he operated two rentals until he was contacted by code enforcement and explained his neighbors enjoyed his property and there were no impacts in terms of noise or value. He stated his experience with short term rentals was positive and feels that everyone should have this opportunity.

Joseph Kanth/1 Corral #13/Voiced his support for the ordinance and stated small cottage rentals could be great for the economy.

Ellen Campbell/120 Gresham/Stated the ordinance fails to identify whether the owner's kitchen would be accessible to the guests, and if it is accessible than by definition that room has the potential to be a long term rental. Ms. Campbell stated Ashland has a deficit of long term rentals and if this ordinance goes through there will be a lot of people who will convert their long term rental units into short term rentals. She added this would drive up the cost of rentals and make it difficult for people who want to live in Ashland to be able to do so.

Melody Jones/79 Pine Street/Stated there is no evidence that short term rentals are detrimental to neighborhoods and stated if a guest is loud or destructive she is present and can address it immediately, whereas if it is a renter there is a lengthy eviction process.

Brenda Heyden/801 Forest/Cited an article from the San Francisco Chronicle and stated Ashland does not need to reinvent the wheel and should review the San Francisco law. Ms. Heyden voiced support for allowing residents to share their homes with guests in order to make ends meet and asked the city to find a balanced solution to this issue.

Anita Isser/84 Garfield/Stated she has an upstairs unit that she would like to turn into a vacation rental and asked that the 200 ft. rule be reconsidered. Ms. Isser recommended each property be looked at individually to determine if it could be a legal and safe rental.

Val Bachmeyer/172 Skidmore/Voiced her opposition to allowing vacation rentals in single family zones and questioned how the city could adopt this without sending a public notice to all the property owners in the R-1 zone. Ms. Bachmeyer stated once this is in action there is no way to reverse it and commented that the city's code compliance officer will have a difficult time gaining access to the inside of homes to verify compliance.

Kelly Weisheipl/831 Liberty/Voiced support for short term vacation rentals and believes the city can draft rules that will benefit travelers and residents alike. Ms. Weisheipl recommended the 200 ft. requirement be removed and stated the conditional use approval process is sufficient to allow neighborhoods to decide if this is wanted. She stated the impacts of short term rentals are much less than that of a long term renter and asked the city to protect the economic health of the entire population.

Commissioner Kaplan closed the public hearing at 8:25 p.m.

Commission Discussion & Decision

The Commission held discussion on the provisions of the draft ordinance.

C-1: The operator of the accessory traveler's accommodation must be the property owner and the property must be the operator's primary residence. The operator must be present during operation of the accessory traveler's accommodation.

Comment was made that the intent of this requirement is to prohibit owners from vacating the property but trips to work or the grocery store (etc.) is fine. No issues were raised with this provision.

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

Commissioner Brown voiced support for including a statement that meals are not included to remove the perception that this is a type of bed and breakfast. Recommendation was made to modify the second sentence of this provision to read *"Meals are not provided and kitchen cooking facilities are not permitted..."* General support was voiced for this change.

C-3: The total number of guests occupying an accessory traveler's accommodation must not exceed three people.
Commissioner Dawkins commented that three seems like an odd number and the intent was to keep the rental to one family and one car. Commissioner Kaplan suggested limiting the number of guests per bedroom (no more than two people per bedroom) and general support was voiced for this modification.

C-4: The property must have two off-street parking spaces. The total number of guest vehicles associated with the accessory traveler's accommodation must not exceed one.
No issues were raised with this provision.

C-5: Signs are not permitted in conjunction with the operation of an accessory traveler's accommodation.
No issues were raised with this provision.

C-6: A home occupation is prohibited with an accessory traveler's accommodation.
Commissioners Dawkins and Brown expressed concern with this limitation. Mr. Molnar clarified the intent was to limit the overall impact on the neighborhood and stated the ordinance would not allow a property owner to operate an accessory travelers accommodation and a home occupation concurrently. He added there are different levels of home occupations; some have no travel or visitors while others have more frequent customers and deliveries. The Commission discussed this provision and recommended it be modified to allow for flexibility. Suggestion was made to tie this into the conditional use approval process and evaluate the number of visitors associated with the home occupation on a case by case basis. Mr. Molnar commented that staff would evaluate this and draft alternate language that would allow both an accessory traveler's accommodation and a home occupation so long as the cumulative impact is not greater than the eight clients that is currently allowed under the home occupation ordinance.

C-7: The accessory traveler's accommodation requires the renewal of the conditional use permit under chapter 18.5.4 within 24 months of the original approval.
Support was voiced for this language. Comment was made that a one-time review was beneficial and would allow for input from the neighborhood.

Definition of Accessory Traveler's Accommodation

Commissioner Thompson raised concern with the definition and stated as written it implies that whole house rentals are allowed. Mr. Molnar clarified the last phrase was taken from the adopted traveler's accommodation definition and is there to provide teeth for enforcement. Suggestion was made to modify the language to read *"...no more than two bedrooms under a single reservation to overnight guests on one or more than one occasions for a period of less than 30 consecutive days..."*. Mr. Molnar stated he would present this change to the legal department for consideration.

Commissioners Brown/Dawkins m/s to recommend approval of the ordinance with the changes as discussed in the event the City Council decides to adopt an ordinance. Roll Call Vote: Commissioners Brown, Dawkins, Miller, Peddicord, Thompson, and Kaplan, YES. Motion passed unanimously.

200-Foot Rule

The Commission held discussion on the language that requires traveler's accommodations and accessory traveler's accommodations to be located within 200 ft. of a boulevard, avenue, or neighborhood collector. Mr. Molnar clarified this was put into the code in the 1970's and the intent was to make it convenient and easy for travelers who are not familiar with town to get to their destination and to keep traffic on the major streets. Commissioner Dawkins commented that he does not find a lot of value in this rule. He stated if you have accommodations within a short distance from downtown people will walk; however once outside downtown people will drive. Commissioner Peddicord agreed and stated this seems arbitrary. Commissioner Brown commented that the city is always talking about how to cut down on cars and stated he would like to see the results of the downtown traffic study that is currently being conducted before they add more cars. Commissioner Kaplan remarked that the majority of R-1 areas within 200 ft. of a major street are not walkable to downtown. Commissioner

Peddicord noted there are neighborhoods much further from downtown that would adhere to the rule, and others much closer to downtown that don't. Commissioner Miller suggested removing this requirement for the historic districts since those areas are truly walking distance from downtown. General support was voiced for this modification. Mr. Molnar noted the four nationally recognized historic districts are all roughly within a 10-minute walking distance of downtown. Commissioner Dawkins voiced support for this change and commented that this is a good first step. Commissioner Thompson commented that the 200 ft. rule is arbitrary and there should be a better way to determine what parts of town they want these located.

Commissioners Miller/Peddicord m/s to eliminate the 200 ft. rule for accessory travelers accommodations in the historic districts. Roll Call Vote: Commissioners Thompson, Miller, Dawkins, Peddicord, and Kaplan, YES. Commissioner Brown, NO. Motion passed 5-1.

Commissioners Dawkins/Peddicord m/s to eliminate the 200 ft. rule for accessory traveler's accommodations. DISCUSSION: Commissioner Thompson voiced concern with the impact of accessory traveler's accommodations and stated while the 200 ft. rule is arbitrary, they do not have a better tool to limit the scope of these. **Commissioners Peddicord, Dawkins, and Kaplan, YES. Commissioners Miller, Brown, and Thompson, NO. Motion tied 3-3.**

Should accessory traveler's accommodations be allowed in residential zones?

Mr. Molnar clarified the distinction between accessory traveler's accommodations and regular traveler's accommodations for the Commission.

Commissioners Brown/Thompson m/s to allow accessory traveler's accommodations in R-2 and R-3 zones as shown in the Uses Allowed by Zone matrix. Roll Call Vote: Commissioners Miller, Peddicord, Thompson, Brown, Dawkins, and Kaplan, YES. Motion passed unanimously.

The Commission held discussion on whether accessory traveler's accommodations should be permitted in R-1 single family zones. Commissioner Peddicord stated she is empathetic to people wanting to make money in order to keep their homes, but is concerned about the overall impact to affordable housing and is worried about driving up housing prices long term. Commissioner Miller stated she is unsure and questioned if these would have any more impact than home occupations that are currently allowed. Commissioner Dawkins commented that people should have the right to use their homes this way to provide income and stated it is a changing time and it is a sharing economy right now. Miller countered that people who need supplemental income could rent long term. Commissioner Thompson commented that this is a very difficult problem. She stated the traditional thinking is that R-1 is strictly residential, but that has been eroded over time with a certain level of commercial activity and the number of people who work out of their homes. She stated from an impact standpoint accessory traveler's accommodations will not be dramatically different from home occupations, but she is concerned with how this will affect housing prices in the long run. Thompson stated they should be encouraging long term rentals in R-1 neighborhoods and this ordinance is not addressing a need that we have in the city. She stated there might be individual need, but as a city this is not something we need. She stated the 200 ft. rule does not make sense, but if the Council wants to allow accessory traveler's accommodations in R-1 she does not want to open this up to the entire city and this is the only reason she would support the 200 ft. regulation. Commissioner Brown commented that this will change the economics of the housing market and skews it away from long term renters and he does not believe this ordinance would benefit the city as a whole. He stated the R-1 districts have already been eroded and stated at what point do you draw the line. Commissioner Kaplan stated they have listened to a lot of testimony on both sides of this issue and he is not convinced this will be taken advantage of as much as some think. He stated it is a burden and there are costs involved and he believes there will be a lot of owners who could do this but won't want to. Commissioner Dawkins stated the neighborhoods have changed and are not the same as when he was growing up. He stated they have made the neighborhoods quiet, not energetic and he supports people doing business in their homes. He stated this is part of the change that is happening and while he is fine with the City Council saying no, this is what the future is and he believes they wrote a really good ordinance.

Commissioners Brown/Thompson m/s to not allow accessory travelers accommodations in the R-1 single family zone. Roll Call Vote: Commissioners Thompson, Brown, and Miller, YES. Commissioners Dawkins, Peddicord, and Kaplan, NO. Motion tied 3-3.

OTHER BUSINESS

The Commission agreed to move the Study Session to March 31.

ADJOURNMENT

Meeting adjourned at 10:10 p.m.

*Submitted by,
April Lucas, Administrative Supervisor*

Memo

DATE: March 10, 2015
TO: Ashland Planning Commission
FROM: Mike Faught, Public Works Director
RE: Draft Main Street Multi-Modal Concept Drawings

As part of the downtown parking and multi-modal circulation planning process, staff developed a draft concept for Main Street through downtown. The Ad Hoc Advisory Committee has reviewed the concept drawings. Staff would like to also present and discuss the concept with the Planning Commission. Maps of the concept drawings will be distributed at the meeting.

Background

The Downtown Parking and Multi-Modal Circulation Ad Hoc Advisory Committee has been working on the development of a parking management and multi-modal circulation plan over the last year. A component of the plan that will eventually come out of the process is addressing improvements in the downtown for walking, bicycling, transit, and truck deliveries. At the February 4, 2015 meeting, staff presented draft concept drawings for making Main Street more multi-modal and creating distinct truck loading/unloading spaces.

The Ashland Transportation System Plan (TSP) includes several projects that address improving the street system in the downtown for walking, bicycling, transit, truck deliveries, and vehicular travel. Specifically, the TSP identifies a list of general studies for the downtown including incorporating wider sidewalks and preferred pedestrian treatments (projects L3 and L5), developing incentives for truck deliveries (project L8), and developing parking management strategies (project L9). Additionally, filling in the gap in the existing bicycle network from Helman through downtown is identified as a high priority project (project B17).