

Council Communication

December 16, 2014, Business Meeting

Second Reading of an Ordinance Replacing Title 18 Land Use of the Ashland Municipal Code with a Restated and Revised Unified Land Use Ordinance

FROM:

Maria Harris, planning manager, harrism@ashland.or.us

SUMMARY:

The attached land use ordinance is proposed to replace Title 18 Land Use of the Ashland Municipal Code. The Planning Commission recommended approval of the reformatted and amended land use ordinance on July 22, 2014. The City Council held public hearings on August 19, 2014 and December 2, 2014, and further reviewed the key amendments at the October 7, 2014 and November 4, 2014 meetings. The Council approved first reading and moved the ordinance to second reading on December 2, 2014.

BACKGROUND AND POLICY IMPLICATIONS:

The revised land use ordinance combines the existing land use ordinance, site design and use standards, and street design standards into one document with improved organization, wording, formatting, and graphics. In addition, amendments are included to: address recommendations of the 2006 Land Use Ordinance Review, the planning application procedure evaluation, and green development evaluations; improve standards and procedures; standardize chapters; and address inconsistencies and clarify wording. The revised land use ordinance is also referred to as the Unified Land Use Ordinance (ULUO). The [project web page](#) includes background information on the project including a table of the amendments, current and past drafts of the land use ordinance, a meeting schedule, and meeting packets and videos.

All but one of the edits made to the land use ordinance between first and second reading were to correct minor typographical, formatting, and cross-referencing errors. Staff made one substantive edit to the porous pavement exemption from lot coverage in residential zones in tables 18.2.5.030.A, B, and C on pages 2-40, 2-41, and 2-42. Specifically, the maximum size of the exempted porous solid surface was changed to two hundred square feet or five percent of lot coverage, whichever is **less**. The previous language said whichever is **greater**. The Council directed staff to make this change at the October 7, 2014 meeting so that the exempted porous solid surface area is proportional to the lot size. This change was highlighted in the written and oral staff reports at the December 2, 2014 meeting.

COUNCIL GOALS SUPPORTED:

Goal 2. Promote effective citizen communication and engagement.

Goal 13. Develop and support land use and transportation policies to achieve sustainable development.

13.1 Create incentives and ordinances for energy-efficient buildings.

13.2 Develop infill and compact urban form policies.



13.3 Support alternative transportation choices.

FISCAL IMPLICATIONS:

N/A

STAFF RECOMMENDATION AND REQUESTED ACTION:

Staff recommends approval of the second reading of the ordinance replacing Title 18 Land Use of the AMC with a restated and revised unified land use ordinance.

SUGGESTED MOTION:

I move to approve second reading of an ordinance titled, “An ordinance of the City of Ashland repealing Ordinance No. 2052 and replacing in its entirety existing Title 18 Land Use of the Ashland Municipal Code with a restated and revised unified land use ordinance.”

ATTACHMENTS:

1. An ordinance of the City of Ashland repealing Ordinance No. 2052 and replacing in its entirety existing Title 18 Land Use of the Ashland Municipal Code with a restated and revised unified land use ordinance
2. [Exhibit A – City of Ashland Land Use Ordinance](#)
3. Findings of Fact and Conclusions of Law in the matter of the City of Ashland repealing Ordinance No. 2052 and replacing in its entirety existing Title 18 Land Use of the Ashland Municipal Code with a restated and revised unified land use ordinance



ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF ASHLAND REPEALING
ORDINANCE NO. 2052 AND REPLACING IN ITS ENTIRETY EXISTING
TITLE 18 LAND USE OF THE ASHLAND MUNICIPAL CODE WITH A
RESTATED AND REVISED UNIFIED LAND USE ORDINANCE**

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293; 531 P 2d 730, 734 (1975); and

WHEREAS, Oregon Statewide Planning Goal 2 – Land Use Planning and Chapter 197 of the Oregon Revised Statutes require a land use planning process and policy framework as a basis for all decision and actions related to the use of land, and allow land use ordinances as an implementation measure to control land uses, development, and construction as measures for carrying out the Comprehensive Plan; and

WHEREAS, AMC 18.108.170 allows amendments to the land use ordinance to conform to with the comprehensive plan or to meet other changes in circumstances and conditions; and

WHEREAS, the Unified Land Use Ordinance is a reformatted version of Title 18 which combines the existing land use ordinance, site design and use standards, and street standards into a reformatted and amended document with improved organization, wording, formatting and graphics; and

WHEREAS, the Unified Land Use Ordinance includes amendments to the existing Title 18 which are detailed in the table of land use ordinance and amendments and are intended to address recommendations of the 2006 Land Use Ordinance Review, the planning application procedure evaluation and green development evaluations; to improve standards and procedures; to standardize chapters; and to address inconsistencies and clarify wording; and

WHEREAS, the City held a series of informal public meetings over the course of the project and prior to the public hearings to review and discuss the reformatted document and ordinance amendments including 22 Planning Commission meetings, nine advisory commission meetings, two focus group meetings, and an open house; and

WHEREAS, the Planning Commission of the City of Ashland conducted a duly advertised public hearing on the amendments to Title 18 Land Use of the Ashland Municipal Code on July 22, 2014, and following deliberations, recommended approval of the amendments by a unanimous vote; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on August 19, 2014 and December 2, 2014, and following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the public health, safety, and welfare of existing and future residents of the City, it is necessary to revise the Ashland Land Use Ordinance in the manner proposed, that an adequate factual base exists for the amendments, that the amendments are consistent with the comprehensive plan and that such amendments are fully supported by the record of this proceeding.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. The above recitations are true and correct and are incorporated herein by this reference.

SECTION 2. Ordinance No. 2052 is repealed.

SECTION 3. The document entitled “City of Ashland Land Use Ordinance,” is attached hereto as Exhibit A is hereby adopted, replacing in its entirety the existing Title 18 Land Use of the Ashland Municipal Code.

SECTION 4. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 5. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions, and text descriptions of amendments (i.e. Sections 1-4) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2014, and duly PASSED and ADOPTED this ____ day of _____, 2014.

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this ____ day of _____, 2014.

John Stromberg, Mayor

Reviewed as to form:

David Lohman, City Attorney

**BEFORE THE CITY COUNCIL
CITY OF ASHLAND, JACKSON COUNTY, OREGON**

December 16, 2014

In the Matter of the City of Ashland Repealing)
Ordinance No. 2052 and Replacing in its Entirety)
Existing Title 18 Land Use of the Ashland Municipal) FINDINGS OF FACT AND
Code with a Restated and Revised Unified Land Use) CONCLUSIONS OF LAW
Ordinance)

PURPOSE:

Increase the clarity, responsiveness, and certainty of the development process and create incentives for energy, water, and land efficient development that supports a multi-modal transportation system to implement the 2011-2012 City Council goals.

The revised land use ordinance combines the existing land use ordinance, site design and use standards, and street design standards into one document with improved organization, wording, formatting, and graphics. In addition, amendments are included that: address recommendations of the 2006 Land Use Ordinance Review, address the planning application procedure evaluation, and green development evaluations; improve standards and procedures; standardize chapters; and address inconsistencies and clarify wording.

PUBLIC HEARINGS:

On July 8, 2014 a notice of the Planning Commission public hearing was sent by mail to approximately 250 design and development professionals, contractors, advisory commission members, past planning applicants, and interested parties. On August 1, 2014 a notice of the City Council public hearing was sent by mail to approximately 250 design and development professionals, contractors, advisory commission, past planning applicants, and interested parties.

Newspaper notices were published in accordance with AMC 18.108.170.D in the Mail Tribune and Ashland Daily Tidings on July 12, 2014 prior to the Planning Commission public hearing on July 22, 2014, on August 9, 2014 prior to the August 19, 2014 City Council public hearing, and on November 21, 2014 prior to the December 2, 2014 City Council public hearing.

The Oregon Department of Land Conservation and Development was notified of the legislative amendment on December 6, 2013 as required by ORS 197.610, OAR 660-018-0020, and OAR 660-025-0080. A notice under ORS 227.175 was not required because the amendments do not involve a zone change affecting a manufactured home or mobile home park. A notice under ORS 227.186 was not required because the proposed amendments do not change the base zoning classification of any properties and do not limit or prohibit current land uses.

A Public Hearing was held at the Planning Commission on July 22, 2014. Public Hearings were held at the City Council on August 19, 2014 and December 2, 2014.

REVIEW CRITERIA

The decision of the City Council together with the recommendation by the Planning Commission was based on consideration and findings of consistency with the following factors.

- A. Consistency with City of Ashland requirements for legislative amendments in 18.108.170
- B. Consistency with the City of Ashland Comprehensive Plan
- C. Consistency with the Oregon Statewide Planning Goals

EVALUATION AND COUNCIL FINDINGS:

A. Consistency with City of Ashland Requirements for Legislative Amendments in Section 18.108.170

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 18.108.170.A recognizes that the land use ordinance may need to be updated “...to meet other changes in circumstances and conditions.” The purpose of revising the land use ordinance is to make the document more user-friendly, and to update the development standards to make the planning application procedure more timely and predictable and to encourage energy, water, land efficiency and multi-modal transportation.

The revised land use ordinance combines the existing land use ordinance, site design and use standards, and street design standards into one document with improved organization, wording, formatting, and graphics. In addition, amendments are included that: address recommendations of the 2006 Land Use Ordinance Review, address the planning application procedure evaluation, and green development evaluations; improve standards and procedures; standardize chapters; and address inconsistencies and clarify wording.

The land use ordinance implements the community’s vision as expressed in the Ashland Comprehensive Plan and governs the development of property within the City limits. The land use ordinance has been incrementally amended since it was originally adopted in 1964. Each update was prepared and adopted independently, and there are several documents that comprise the land use regulations (i.e., Land Use Ordinance, Site Design and Use Standards, Ashland Street Standards).

The revised land use ordinance is organized and formatted so the document is easy to understand and navigate by the wide variety of people that use the code. The new document provides an approachable code framework by dividing the land use ordinance into six parts of related chapters. Information that was previously spread throughout multiple chapters is consolidated in tables for convenient reference. Twenty new graphics are added to the revised land use ordinance to clarify definitions and standards.

The updated development standards and land use ordinance amendments are addressed in further detail in section B.

The City Council finds that the revised and restated unified land use ordinance is consistent with the requirements for legislative amendments in Section 18.108.170.

B. Consistency with the Ashland Comprehensive Plan

A table summarizing the amendments is included in the August 19, 2014 City Council meeting packet. The table is divided into six sections – substantive amendments, development and design standards, procedures, new language for standardization, housekeeping, and new graphics. All of the amendments in the table were noted in the first and second drafts of the revised land use ordinance that the Planning Commission reviewed and discussed in meetings from September 2012 thru July 2014.

Section 1 in the table of proposed amendments describes substantive amendments or those amendments that could be considered or perceived as significant policy changes. Most of the substantive amendments are from three sources – the 2006 Land Use Ordinance Review, the green development evaluation, and the procedures evaluation.

Staff added a fourth “other” category under the substantive amendments. These issues are related to the other substantive amendments or were issues involved in past appeals.

Sections 2 and 3 in the table of proposed amendments include other less significant amendments to the development and design standards and procedural requirements. Section 4 describes the new language added to the code which is largely comprised of purpose and applicability sections for newly combined chapters or for chapters that previously didn’t specify the purpose or applicability. Section 4 also includes new definitions for words that are used in the land use ordinance, but were previously not defined. Section 5 includes housekeeping amendments to correct inconsistencies and delete language that is no longer applicable.

The Ashland Comprehensive Plan includes a variety of goals and policies that establish the basis for revising the land use ordinance to improve citizen involvement, to accommodate future population and employment growth, to accommodate a mix of uses and housing types, to maintain a compact urban form, to facilitate pedestrian and bicycle trips, to concentrate housing and businesses with ¼ to ½ of a mile transit routes, and to reduce energy consumption in the community. The Ashland Comprehensive Plan goals and policies implemented by the substantive amendments in the revised land use ordinance are described below.

Chapter 1 Historic Resources and Chapter 4 Environmental Resources

Chapter 1 requires the preservation of historically significant structures and sites in Ashland. Chapter 4 requires protecting life, property, and environmental resources from flooding and wildfire; directing development to stable slopes; maintaining water quality; and protecting riparian areas, wetlands, natural areas, and wildlife habitats.

The amendments to the historic resource, environmental resource, and natural hazard regulations are for purposes of clarification and do not change the content of the standards. There are no amendments to the regulations concerning environmental resources. The City’s existing ordinance provisions for floodplains, water resources, hillsides, severe constraints areas, and the wildfire zone remain in effect. The standards have been reformatted but are substantially the same.

Chapter 3 Citizen Participation and Involvement

Chapter 3 of the Ashland Comprehensive Plan requires the City to ensure opportunities for citizens to be involved in all phases of the planning process. In addition, Policy 5 says, “*The City should develop education material such as guidelines, handouts, etc. to increase understanding of the City codes by the general public.*” The public process for the project and the revised land use ordinance satisfy the citizen participation and involvement goals and policies.

The Planning Commission held 21 public meetings throughout the process to review and discuss drafts of the revised land use code and proposed amendments. In addition, drafts of the revised land use ordinance were reviewed at ten advisory commission meetings including the Conservation, Historic, and Housing, Tree, and Transportation

commissions.

In addition to the Planning Commission work sessions, an open house was held on June 20, 2013, and three focus group meetings of design and development professionals were held on June 10, 2013, September 23, 2013, and August 18, 2014. The open house was an informal drop-in setting where participants could have one-on-one discussions with staff members. The focus group meetings included a staff presentation and informal roundtable discussions. The open house and focus group meetings covered the code organization and format, amendment highlights, and the evaluations of the planning application procedures and green development measures.

Three hundred postcards announcing the open house and focus group meetings and the project web site were mailed to design and development professionals, contractors, advisory commission members, and past planning applicants on June 10, 2013. The open house was also announced in the *Ashland Daily Tidings*.

The project web page www.ashland.or.us/unifiedcode was created at the beginning of the project and updated with draft documents, a meeting schedule, and meeting packets and videos.

For the formal adoption process, a notice of the Planning Commission public hearing was sent by mail to approximately 250 design and development professionals, contractors, advisory commission members, past planning applicants, and interested parties on July 8, 2014. On August 1, 2014 a notice of the City Council public hearing was sent by mail to approximately 250 design and development professionals, contractors, advisory commission members, past planning applicants, and interested parties. A topic was posted on Open City Hall asking for feedback on the format and proposed amendment at the beginning of the public hearing process.

Newspaper notices were published in accordance with AMC 18.108.170.D in the Mail Tribune and Ashland Daily Tidings on July 12, 2014 prior to the Planning Commission public hearing on July 22, 2014, on August 9, 2014 prior to the August 19, 2014 City Council public hearing, and on November 21, 2014 prior to the December 2, 2014 City Council public hearing.

The Oregon Department of Land Conservation and Development was notified of the legislative amendment on December 6, 2013 as required by ORS 197.610, OAR 660-018-0020, and OAR 660-025-0080. A notice under ORS 227.175 was not required because the amendments do not involve a zone change affecting a manufactured home or mobile home park. A notice under ORS 227.186 was not required because the proposed amendments do not change the base zoning classification of any properties and do not limit or prohibit current land uses.

A Public Hearing was held at the Planning Commission on July 22, 2014. Public Hearings were held at the City Council on August 19, 2014 and December 2, 2014.

One of the goals of the project was to present the information contained in the existing land use ordinance and design standards in one user-friendly document. The revised land use ordinance meets this project goal by combining the existing land use ordinance, site design and use standards, and street design standards into one document with improved organization, wording, formatting, and graphics. The revised land use ordinance provides an approachable code framework by dividing the document into six parts of related chapters. Information that was previously spread throughout multiple chapters is consolidated in tables for convenient reference. Twenty new graphics are added to the revised land use ordinance to clarify definitions and standards.

Procedural amendments are made to improve the timeliness and predictability of the planning application process and are described under Chapter 7 Economy. Outside of these amendments, the amendments to the review procedures are primarily for purposes of clarification and do not substantially change the planning application or legislative process. The procedures have been reformatted but are substantially the same.

Chapter 5 Population Projections and Growth, Chapter 6 Housing, Chapter 7 Economy, Chapter 12 Urbanization, and Chapter 14 Regional Plan

Chapter 5 requires providing for the needs of the expected population growth and maintaining diversity of income, cultural, and age groups in Ashland's population. Chapter 6 requires that a variety of dwelling types and housing opportunities are provided for the total cross-section of Ashland's population consistent with preserving the character and appearance of the City. Chapter 7 requires ensuring that the local economy increases in its health, and diversifies in the number, type, and size of businesses consistent with local social needs, public service capabilities, and the retention of a high quality environment. Chapter 12 requires maintaining a compact urban form, including an adequate supply of vacant land in the City, and ensuring orderly and sequential development of land in the City limits. Chapter 14 adopts the goals of the Regional Plan to manage future regional growth for the greater public good; conserve resource and open space lands for their important economic, cultural, and livability benefits; and recognize and emphasize the individual identity, unique features, and relative competitive advantages and disadvantages of each community within the region.

Amendments are included concerning residential development. First, the planning approval process for accessory residential units in the single-family zones, is simplified to a site design review process in section 18.2.3.040 rather than the previous conditional use permit and site design review requirement. This amendment is intended to encourage a smaller housing type with affordable rent levels, to provide consistency in the planning application process in single-family and multi-family zones, and to address the performance indicators in the Regional Plan Element of the Ashland Comprehensive Plan concerning accommodating future population growth within the City's existing boundaries. The second amendment involves increasing the affordable housing density bonus in multi-family developments and subdivisions in sections 18.2.5.080.F.3.d and 18.3.9.050.B.4 to promote the construction of affordable housing by increasing the incentive to incorporate affordable housing units in market rate projects. The third amendment changes the minimum separation between two primary buildings in multi-

family zones in section 18.2.5.030.A to provide a separation standard that is proportional to the size of buildings, to provide consistency with the single-family zones, and to provide more flexibility in building placement in the multi-family zones. Finally, the standards for manufactured homes on individual lots and in manufactured home developments are updated in sections 18.2.3.170 and 18.2.3.180 for consistency with the requirements for single-family homes siting and subdivisions.

Outside of the aforementioned amendments, the City's ordinance requirements related to housing remain in effect. The standards have been reformatted but are substantially the same.

Amendments are included that provide the flexibility to increase the concentration of jobs and residential units on transit corridors by increasing the allowable floor area, use the employment land supply efficiently, and address the performance indicators in the Regional Plan Element of the Ashland Comprehensive Plan concerning accommodating future growth within the City's existing boundaries. The building setback from an abutting residential zone is changed to 10 feet for side yards in the E-1 zone in section 18.2.6.030 for consistency with the C-1 and C-1- D zones. In section 18.2.6.030, the building height in the C-1 zone is allowed with a conditional use permit to be increased from three to four stories if the building is located a least 100 feet form a residential zone.

Procedural amendments are made to improve the timeliness and predictability of the planning application process. The effective date of a Type II decision is changed to ten days in section 18.5.1.060.F, and the planning approval and extension timelines are increased to 18 months and 24 months in sections 18.1.6.030.A and 18.1.6.040.A respectively. The threshold for a public hearing for non-residential site design review application is increased to buildings 15,000 square feet or larger or additions of more than 50 percent of an existing building's square footage in section 18.5.2.030.B to provide a more expedited and less resource intensive review process for economic development project in the employment areas of Ashland.

The City's other existing ordinance requirements related to commercial, employment, and industrial zones are unchanged and remain in effect. The standards have been reformatted but are substantially the same.

Chapter 8 Parks, Open Space, and Aesthetics

Chapter 8 requires providing a variety, quantity, and quality of parks, park facilities, open spaces, trails, and visual resources sufficient for the people of Ashland. The standards have been reformatted but are substantially the same.

Chapter 9 Public Services and Chapter 10 Transportation

Chapter 9 requires providing public utilities, services, and facilities in an orderly, efficient, and environmentally sensitive way and in sufficient quantity to meet needs now and in the future. Sections 18.4.6.070, 18.4.6.080, and 18.4.6.090 are included in the revised land use code to clarify the approval criteria "adequate capacity" of public facilities (water, sewer, storm drainage, and electric) for land divisions, site design

review, conditional use permits, and annexations. Public improvements are required to be connected to City facilities and consistent with the City's adopted facility master plans. Outside of the aforementioned additions, the existing ordinance requirements related to public utilities remain in effect. The standards have been reformatted but are substantially the same.

Chapter 10 focuses on people being able to move easily through the City by all modes of travel. The goals address the various modes of transportation, including providing all citizens with safe and convenient transportation while reinforcing public rights-of-way as critical public spaces; raising the priority of convenient, safe, accessible, and attractive walking and bicycling networks; creating a public transit system that is linked to pedestrian, bicycle, and motor vehicle travel modes; and providing efficient and effective movement of goods, services, and passengers by air, rail, water, pipeline, and highway freight transportation while maintaining the high quality of life in Ashland.

Policy 10.09.02.3 of Chapter 10 states that, "*Design streets as critical public spaces where creating a comfortable and attractive place that encourages people to walk, bicycle, and socialize is balanced with building an efficient travel corridor. Design streets with equal attention to all right-of-way users and to promote livability of neighborhoods.*" The commercial and employment design standards in section 18.4.2.040.B.1.a and b are amended to limit parking to one side of the building and to require the building to occupy the majority of the street frontage. The amended commercial design standards are intended to locate buildings in new development along the majority of the lot's street frontage to enhance the environment for walking, cycling, and mass transit use by locating the concentration and mix of uses close together and creating an interesting street wall.

The same amendments that implement the goals in Chapter 5 Population Projections and Growth, Chapter 6 Housing, Chapter 7 Economy, Chapter 12 Urbanization, and Chapter 14 Regional Plan also address the goals of Chapter 10 Transportation by providing the flexibility to increase the concentration of jobs and residential units on transit corridors by increasing the allowable floor area. An increased concentration and mix of uses supports and encourages walking, bicycling, and transit trips. Policy 10.19.02.2 states that, "*Zoning shall allow for residential densities and a mix of commercial businesses within walking distance (one-quarter to one-half mile) of existing and planned public transit services which support use of public transportation.*" Policy 10.15.06.2 of Chapter 10 states that, "*Promote a mixed land use pattern, where appropriate, and pedestrian environment design that supports walking and bicycling trips.*" The building setback from an abutting residential zone is changed to 10 feet for side yards in the E-1 zone in section 18.2.6.030 for consistency with the C-1 and C-1- D zones. In section 18.2.6.030, the building height in the C-1 zone is allowed with a conditional use permit to be increased from three to four stories if the building is located at least 100 feet from a residential zone.

Outside of the aforementioned amendments, the City's existing ordinance requirements for parking requirements and street design remain in effect. The standards have been

reformatted but are substantially the same.

Chapter 11 Energy, Air, and Water Conservation

Chapter 11 requires reducing energy consumption within the community. Policy 3.d says, “*Passive solar design and sun tempering are very cost effective in new home construction. They shall be encouraged in new housing developments and individual houses.*” An amendment is included in section 18.4.8.050 requiring land divisions in residential zones to orient new streets and buildings so that the long sides of lots and buildings face north and south for maximum solar access. The amendment is consistent with Chapter 11 by reducing future energy consumption through the protection of properties’ access to solar energy. Outside of the aforementioned solar orientation standard, the City’s existing ordinance requirements related to energy, air, and water conservation remain in effect. The standards have been reformatted but are substantially the same.

The City Council finds that the revised and restated unified land use ordinance is consistent with the goals and policies in the Ashland Comprehensive Plan.

C. Consistency with Oregon Statewide Planning Goals

Oregon Statewide Planning Goal 2 – Land Use Planning, as well as Chapter 197 of the Oregon Revised Statutes require a land use planning process and policy framework as a basis for all decision and actions related to use of land. Specifically, plans and implementation measures such as ordinances controlling use and construction are permitted as measures for carrying out Comprehensive Plans.

Goal 1 Citizen Involvement

Goal 1 requires cities to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The Planning Commission held 21 public meetings throughout the process to review and discuss drafts of the revised land use code and proposed amendments. In addition, drafts of the revised land use ordinance were reviewed at ten advisory commission meetings including the Conservation, Historic, and Housing, Tree, and Transportation commissions.

In addition to the Planning Commission work sessions, an open house was held on June 20, 2013, and three focus group meetings of design and development professionals were held on June 10, 2013, September 23, 2013, and August 18, 2014. The open house was an informal drop-in setting where participants could have one-on-one discussions with staff members. The focus group meetings included a staff presentation and informal roundtable discussions. The open house and focus group meetings covered the code organization and format, amendment highlights, and the evaluations of the planning application procedures and green development measures.

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advisory commission members, and past planning applicants on June 10, 2013. The open house was also announced in the *Ashland Daily Tidings*.

The project web page www.ashland.or.us/unifiedcode was created at the beginning of the project and updated with draft documents, a meeting schedule, and meeting packets and videos.

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One of the goals of the project was to present the information contained in the existing land use ordinance and design standards in one user-friendly document. The revised land use ordinance meets this project goal by combining the existing land use ordinance, site design and use standards, and street design standards into one document with improved organization, wording, formatting, and graphics. The revised land use ordinance provides an approachable code framework by dividing the document into six parts of related chapters. Information that was previously spread throughout multiple chapters is consolidated in tables for convenient reference. Twenty new graphics are added to the revised land use ordinance to clarify definitions and standards.

Procedural amendments are made to improve the timeliness and predictability of the planning application process and are described under Chapter 7 Economy. Outside of these amendments, the amendments to the review procedures are primarily for purposes

of clarification and do not substantially change the planning application or legislative process. The procedures have been reformatted but are substantially the same.

Goal 2 Land Use Planning

Goal 2 requires cities to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land. The amendments are consistent with the Ashland Comprehensive Plan as addressed in section B above.

Goal 5 Scenic, Historic, and Natural Resources

Goal 5 requires cities to adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. The amendments to the historic resource and environmental resource are for purposes of clarification and do not change the content of the standards. The City's existing ordinance provisions for floodplains, water resources, hillsides, severe constraints areas, and the wildfire zone remain in effect. The standards have been reformatted but are substantially the same.

Goal 6 Land Resources

Goal 6 requires cities to maintain and improve the quality of air, water, and land resources of the state. There are no amendments to the regulations concerning environmental quality or air and water resources. The standards have been reformatted but are substantially the same.

Goal 7 Natural Hazards

Goal 7 requires cities to plan to reduce the risk to people and property from natural hazards. The amendments to the existing natural hazard regulations are for purposes of clarification and do not change the content of the standards. The City's existing ordinance provisions for floodplains, water resources, hillsides, severe constraints areas, and the wildfire zone remain in effect. The standards have been reformatted but are substantially the same.

Goal 8 Parks and Recreation

Goal 8 requires cities to plan for future parks and recreation needs. The City's existing ordinance requirements for open space in subdivisions and public space in large-scale commercial development remain in effect. The standards have been reformatted but are substantially the same.

Goal 9 Economy

Goal 9 requires cities to plan for future employment and provide an adequate supply of sites of suitable, sizes, types, and locations for a variety of industrial and commercial uses consistent with plan policies.

Amendments are included that provide the flexibility to increase the concentration of jobs and residential units on transit corridors by increasing the allowable floor area, use the employment land supply efficiently, and address the performance indicators in the Regional Plan Element of the Ashland Comprehensive Plan concerning accommodating

future growth within the City's existing boundaries. The building setback from an abutting residential zone is changed to 10 feet for side yards in the E-1 zone in section 18.2.6.030 for consistency with the C-1 and C-1- D zones. In section 18.2.6.030, the building height in the C-1 zone is allowed with a conditional use permit to be increased from three to four stories if the building is located a least 100 feet form a residential zone.

Procedural amendments are made to improve the timeliness and predictability of the planning application process. The effective date of a Type II decision is changed to ten days in section 18.5.1.060.F, and the planning approval and extension timelines are increased to 18 months and 24 months in sections 18.1.6.030.A and 18.1.6.040.A respectively. The threshold for a public hearing for non-residential site design review application is increased to buildings 15,000 square feet or larger or additions of more than 50 percent of an existing building's square footage in section 18.5.2.030.B to provide a more expedited and less resource intensive review process for economic development project in the employment areas of Ashland.

The City's other existing ordinance requirements related to commercial, employment, and industrial zones are unchanged and remain in effect. The standards have been reformatted but are substantially the same.

Goal 10 Housing

Goal 10 requires cities to plan for future population and housing needs and provide an adequate supply of residential land for a variety of housing types.

Amendments are included concerning residential development. First, the planning approval process for accessory residential units in the single-family zones is simplified to a site design review process in section 18.2.3.040 rather than the previous conditional use permit and site design review requirement. This amendment is intended to encourage a smaller housing type with affordable rent levels, to provide consistency in the planning application process in single-family and multi-family zones, and to address the performance indicators in the Regional Plan Element of the Ashland Comprehensive Plan concerning accommodating future population growth within the City's existing boundaries. The second amendment involves increasing the affordable housing density bonus in multi-family developments and subdivisions in sections 18.2.5.080.F.3.d and 18.3.9.050.B.4 to promote the construction of affordable housing by increasing the incentive to incorporate affordable housing units in market rate projects. The third amendment changes the minimum separation between two primary buildings in multi-family zones in section 18.2.5.030.A to provide a separation standard that is proportional to the size of buildings, to provide consistency with the single-family zones, and to provide more flexibility in building placement in the multi-family zones. Finally, the standards for manufactured homes on individual lots and in manufactured home developments are updated in sections 18.2.3.170 and 18.2.3.180 for consistency with the requirements for single-family homes siting and subdivisions.

Outside of the aforementioned amendments, the City's ordinance requirements related to housing remain in effect. The standards have been reformatted but are substantially the

same.

Goal 11 Public Facilities

Goal 11 requires cities to plan for adequate public facilities and to provide standards for serving planned growth. Sections 18.4.6.070, 18.4.6.080, and 18.4.6.090 are included in the revised land use code to clarify the approval criteria “adequate capacity” of public facilities (water, sewer, storm drainage, and electric) for land divisions, site design review, conditional use permits, and annexations. Public improvements are required to be connected to City facilities and consistent with the City’s adopted facility master plans. Outside of the aforementioned addition, the existing ordinance requirements related to public utilities remain in effect. The standards have been reformatted but are substantially the same.

Goal 12 Transportation

Goal 12 and the State Transportation Planning Rule (TPR), OAR 660, Division 12, require cities to plan for an interconnected, multi-modal transportation system. Development standards must provide for transportation options, efficient street widths, and parking requirements that support compact, mixed-use development.

The commercial and employment design standards in section 18.4.2.040.B.1.a and b are amended to limit parking to one side of the building and to require the building to occupy the majority of the street frontage. The amended commercial design standards are intended to locate buildings in new development along the majority of the project’s street frontage to enhance the environment for walking, cycling, and mass transit use by locating the concentration and mix of uses close together and creating an interesting street wall.

The same amendments that implement Goal 9 Economy also address Goal 12 Transportation by providing the flexibility to increase the concentration of jobs and residential units on transit corridors by increasing the allowable floor area. An increased concentration and mix of uses supports and encourages walking, bicycling, and transit trips. The building setback from an abutting residential zone is changed to 10 feet for side yards in the E-1 zone in section 18.2.6.030 for consistency with the C-1 and C-1- D zones. In section 18.2.6.030, the building height in the C-1 zone is allowed with a conditional use permit to be increased from three to four stories if the building is located a least 100 feet form a residential zone.

Outside of the aforementioned amendments, the City’s existing ordinance requirements for parking requirements and street design remain in effect. The standards have been reformatted but are substantially the same.

Goal 13 Energy Conservation

Goal 13 requires cities to manage and control land development to maximize the conservation of energy based on sound economic principles. An amendment is included in section 18.4.8.050 requiring land divisions in residential zones to orient new streets and buildings so that the long sides of lots and buildings face north and south for

maximum solar access. The amendment is consistent with Goal 10 by reducing future energy consumption through the protection of the properties access to solar energy. Outside of the aforementioned solar orientation standard, the City's existing ordinance requirements related to streets and public utilities remain in effect. The standards have been reformatted but are substantially the same.

The City Council finds that the revised and restated unified land use ordinance is consistent with the applicable Statewide Planning Goals.

OVERALL COUNCIL CONCLUSIONS

The City Council finds and determines the requirements for a legislative amendment have been fully met, based on the detailed findings set forth herein and the detailed findings and analysis of the Planning Commission, together with all staff reports, addenda and supporting materials in the whole record. Specifically the Council finds that the revised and restated unified land use ordinance is consistent with City of Ashland requirements for legislative amendments in 18.108.170, the Ashland Comprehensive Plan, and the Oregon Statewide Planning Goals.

Accordingly, based on the above Findings of Fact and Conclusions of Law, and based upon the evidence in the whole record, the City Council hereby APPROVES the ADOPTION of an ordinance of the City of Ashland repealing Ordinance No. 2052 and replacing in its entirety existing Title 18 Land Use of the Ashland Municipal Code with a restated and revised unified land use ordinance.

Ashland City Council Approval

John Stromberg, Mayor

Date

Signature authorized and approved by the full Council this 16th day of December, 2014.

Attest:

Barbara Christensen, City Recorder

Date

Approved as to form:

David Lohman, Ashland City Attorney

Date