

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
SEPTEMBER 26, 2017
AGENDA**

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

- II. **ANNOUNCEMENTS**

- III. **PUBLIC FORUM**

- IV. **DISCUSSION ITEMS**
 - A. **Housing Element Update**

- V. **TYPE III PUBLIC HEARINGS**
 - A. **PLANNING ACTION: PA-2017-01421**
APPLICANT: City of Ashland
DESCRIPTION: Legislative amendment to the Ashland Land Use Ordinance chapters 18.2.2, 18.2.3, 18.2.5, 18.3.4, 18.3.5, 18.3.9, 18.4.3, 18.4.8, and 18.5.2, to establish standards to permit cottage housing developments within single family residential zones.

- 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).

Memo

DATE: 09/26/2017
TO: Planning Commission
FROM: Linda Reid, Housing Program Specialist
RE: Discussion Draft Housing Element Review

Background

The City's comprehensive plan was adopted in 1982; since that time only technical supporting documents have been adopted as amendments to the original Housing Element. The data used to compile the documents referenced the data from the 1980 census, consequently the data and assumptions contained in the element comes across as dated.

The City's Comprehensive plan is required to be consistent with the State of Oregon's Planning goals. Goal 10 of the Statewide Planning goals specifies that each city must plan for and accommodate all needed housing types (OAR 660-015-0000(10)) The State requires each city to inventory its buildable residential lands, project future housing needs, and provide the appropriate types and amounts of land within the urban growth boundary necessary to meet those needs. The statewide housing goal also prohibits local plans from discriminating against needed housing types. To ensure that the City is continuing to meet the requirements of Goal 10 the City is undertaking the process of updating the Housing Element of the City of Ashland Comprehensive Plan.

The City is undertaking this update for a variety of reasons: the current document contains language that is limited to specific time periods and conditions which are no longer representative of existing conditions within the city, the data and language is outdated, and it is an appropriate time to revisit the housing policies within the element. Consequently, staff is beginning the process of updating the housing element to remove dated demographic data and to revise the narrative to better reflect current conditions. With this update staff is presenting a broader more generalized view of change in data and demographics over time, and where needed replacing specific data with references to technical supporting documents that are updated on a more regular basis. These changes will allow the document to remain relevant over time as comprehensive plan elements are not updated regularly or often.

The draft document that is attached to this memo is an initial discussion draft which includes both the narrative of the Housing Element and a revised goals and policies section. Staff



anticipates further refinements to this initial discussion draft as the document is ultimately prepared for public review during the legislative hearing process. Due to the numerous changes to the element that are expected, staff will present the entire revised document to be adopted as a full replacement of the existing housing element, rather than to adopt changes to the original document, line by line. The current Housing Element [is available online at http://www.ashland.or.us/Files/ComprehensivePlan_Updated9.2016.pdf](http://www.ashland.or.us/Files/ComprehensivePlan_Updated9.2016.pdf).

Public Outreach Efforts

As part of the Housing Element update process a Public Participation Planning Group (PPPG) comprised of two Planning Commissioners and two Housing Commissioners was established. The PPPG decided upon a public involvement plan to gain feedback from the community on the efficacy and relevancy of the current housing policies within the Housing Element. The public involvement plan included a questionnaire posted on the City's website and two outreach events; an open house and a community forum intended to elicit feedback and suggest changes to make the policies more effective for the community in the coming years.

City staff and the PPPG developed and posted a questionnaire on Open City Hall from January through March 31st. Availability of the questionnaire was advertised in the City Source utility bill mailer, on the City's website, and on public access channels. The Open City Hall topic received 324 visits and 144 responses (56 registered respondents and 88 unregistered respondents). The City also held two public meetings; one open house and one facilitated public forum. The City also held two study sessions to obtain feedback on the revised policies; one before the Planning Commission on July 25th and one before the Housing and Human Services Commission on July 27th, 2017. The feedback from each commission was utilized in the policy refining process.

Next Steps

Following review by the Planning Commission on September 26th, and the Housing Commission on September 28th, 2017, the draft policies will be posted on Open City Hall to elicit additional public feedback regarding the revised goals and policies section of the document.

Attachments:

Discussion Draft Housing Element Narrative and Policies



Section 6.01 Introduction

The City's Housing Element is an important part of the overall Comprehensive Plan, as housing makes up the vast majority of land use in an urban area. Cities have taken various roles in housing, ranging from the very active role of being a housing provider and landlord to one of simply allowing the housing market to freely determine what should occur in a given area with very little regulation. The role that the City has traditionally taken lay somewhere in between, enacting policies that seek to temper the fluctuations of the market while preserving the unique character, and small town rural livability of the City and enhancing the quality of life which continues to draw families and individuals to Ashland. The City does not see itself as a provider or major developer of housing, but does recognize the impacts that its policies and land use ordinances will have on land availability, development sites, and housing types which will be used to meet the City's housing needs. The policies enacted to maintain the vibrancy of the community through land use ordinances that seek to ensure a variety of housing types and to meet the mandates of State planning guidelines. Statewide Planning Goal 10 requires that: *Buildable lands for residential use shall be inventoried, and plans shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.*

The City has a responsibility to inventory its land and ensure that the proper amount of land is set aside to accommodate the various housing needs in the City, and that its land use ordinances are broad enough to allow for variation in housing type and density.

In evaluating housing needs the City must be acutely aware of changing demographics and provide for the full cross section of age, income and household sizes:

*Total population growth offers only a very crude insight into future development.
What will most determine future development patterns is the intersection between*

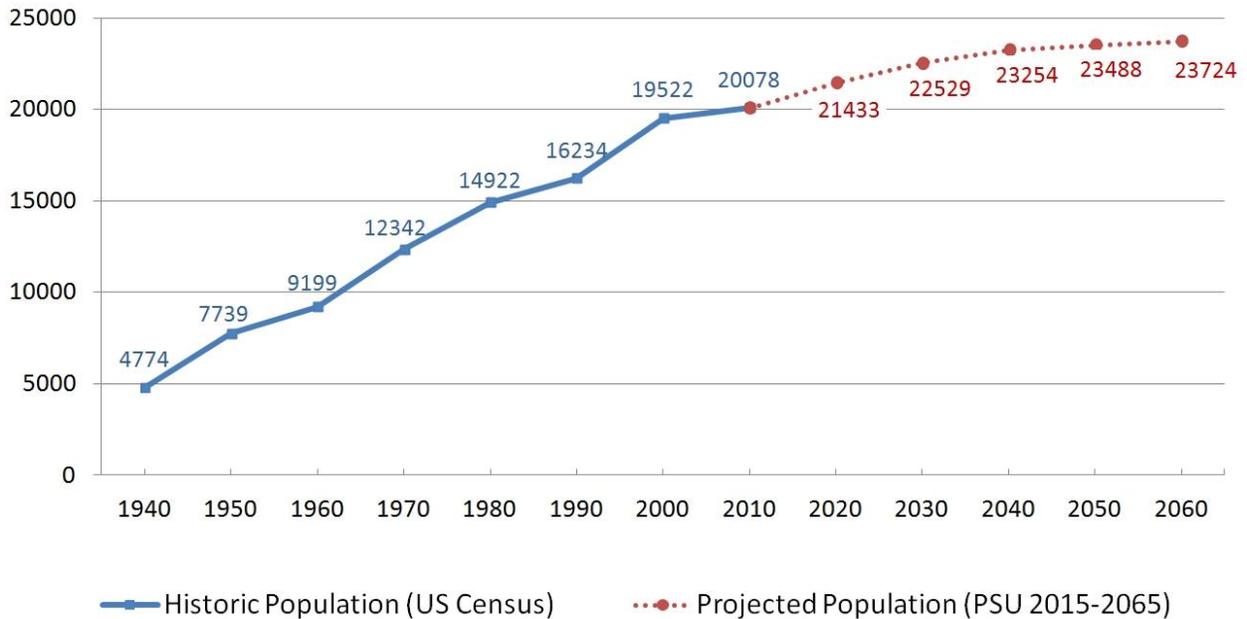
growth in specific population's segments and the available supply that is attractive to those segments. What has been overlooked by most housing analysts is that growth of homeowners in the oldest age group has the potential effect of accelerating the release of supply on to the market, when the oldest households move to retirement homes or die. An important determinant of the... [arrangement] of new housing supply has been the extent to which the existing housing stock matches or, most importantly, fails to match, the demands of growing numbers of households.” (Myers and Pitkin, 2006)¹

Section 6.02 Historical Trends

As stated in the introduction to the Population Element; Population Projections and Growth, “*A community’s population change constitutes an important part of a comprehensive plan [as] housing, economic growth, public services, and land requirement projections are based on population size and characteristics.*” The population of the City of Ashland historically has been measured using census population counts and the historic percentage of Ashland’s population in proportion to the County’s population. The Population element of the Comprehensive plan using those measures, as well as birth rates, death rates and migration rates, project that Ashland’s population would grow at rate of 0.75% annually. Estimates based solely on Census data would project that the City’s population would grow at a slightly higher rate, an average growth rate of .79%. In 2015 the City began utilizing population counts and estimates based on Portland State University (PSU) office of Population Research’s certified counts, which estimates that the City’s population will grow at rate much lower than that of previous estimates; at an annual average growth rate of .5%.

¹ Myers, D. and Pitkin, J. 2006. U.S. Housing Trends, Generation Changes and the Outlook to 2050.

Historic and Future Population Graph



Household Size

Historical data show that the number of persons per household increased steadily from 1940 to 1960, reaching a high of almost three persons per household by the 1960 Census. Since that time, it has declined steadily, dropping from 2.84 persons per household in 1970 to 2.36 in 1980 and to a low of 2.03 persons per household by 2010.² PSU’s Coordinated Population forecast expects persons per household to decline slightly, as “smaller household size is associated with an ageing population in Jackson County and its sub-areas.”³ Conversely, while the number of persons per household has declined, average square footage of a single family housing unit has increased. For example, Census data reports that the average square footage of a single family housing unit in the U.S. was 1,660 square feet in 1973 and has grown to 2,392 square feet by 2010. While the City of Ashland did not exhibit such large increases in square footage in that same period, Ashland did see a modest increase in square footage over the same period. These increases coupled with a reduction in persons per household resulted in a net increase in square footage per person.

² U.S. Census Bureau: Profile of General Population and Housing Characteristics: 2010 Demographic Profile Data.

³ Population Research Center; PSU: Coordinated Population Forecast 2015 Through 2065.

Housing Stock

The City's housing stock has grown at varying rates throughout the City's history and is influenced by several factors. These factors include; land value, housing market fluctuations, income, age, household size, and household composition of the general population, economic conditions and employment options, just to name a few. The City's housing stock is also impacted by the student population. Table VI-1 shows the change over time in: population, persons per household and household tenure. While past housing trends cannot be used to accurately predict future housing trends; a comparison of housing changes over long periods of time can be valuable to show trends which have existed, or which are occurring, that may impact the development of future needed housing types.

TABLE VI-1

Housing and Population Data 1940-2010, U.S. Department of Census								
<i>Year</i>	<i>1940</i>	<i>1950</i>	<i>1960</i>	<i>1970</i>	<i>1980</i>	<i>1990</i>	<i>2000</i>	<i>2010</i>
<i>Persons</i>	4,774	7,739	9,9119	12,342	14,922	16,234	19,522	20,078
<i>Housing Units</i>	1,785	2,747	3,043	4,337	6,312	7,204	9,050	10,455
<i>PPH</i>	2.675	2.817	2.997	2.846	2.364	2.14	2.14	2.03
<i>% Owner Occupied</i>	Not Available	63.7%	66.7%	57.7%	Not Available	52%	52.2%	51.6%

While it is anticipated that future population growth will be moderate to slow in comparison with surrounding areas, it is expected that future growth in housing units will continue, as the number of persons per household continues to drop. Another trend is the decrease in the percentage of owner occupied households since the 1960's; Table VI-1 shows that the percent of owner-occupied housing has dropped steadily from 1960 to 2010. The percentage of owner-occupied housing in Ashland has dropped below that of both Jackson County, and United States as a whole⁴.

⁴ 2006-2010 ACS 5-yr. estimates: Percentage of owner-occupied housing units in the U.S. was 66.6%, 2010 Census: percentage of owner-occupied housing units in Medford, OR was 51.9 and 62.6 for Jackson County.

Table VI-2 shows the difference in the development of various housing types over time in Ashland. In 1970, single-family detached units accounted for almost 77% of all the units in Ashland, in 1980, they accounted for only 64%, and multi-family units rose from 21% to 33% in the same period. Between 1980 and 2010 the level of multi-family development stagnated and the percentage of multi-family housing decreased to 26.6%⁵ of the overall housing stock. There are many factors that could have influenced this trend, such as the decrease in the number of persons per household which occurred over the last decade and the increase in non-owner-occupied detached single family housing units in the City. This trend reverts to 1970's ratios of development with a resurgence in the development of single family units outpacing that of multi-family units.

TABLE VI-2

Housing Mix 1970-2010, U.S. Department of Census/Portland State Center for Population Research⁶					
<i>Year</i>	<i>1970 %</i>	<i>1980 %</i>	<i>1990 %</i>	<i>2000%</i>	<i>2010%</i>
<i>Single Family detached/attached</i>	76.8%	63.7%	Not Available	65%	71.9%
<i>Multi-Family 2+ units</i>	21.3%	33.3%		32%	26.6%
<i>Mobile Homes</i>	1.9%	3.0%		2.4	1.5%

Age of Housing Stock

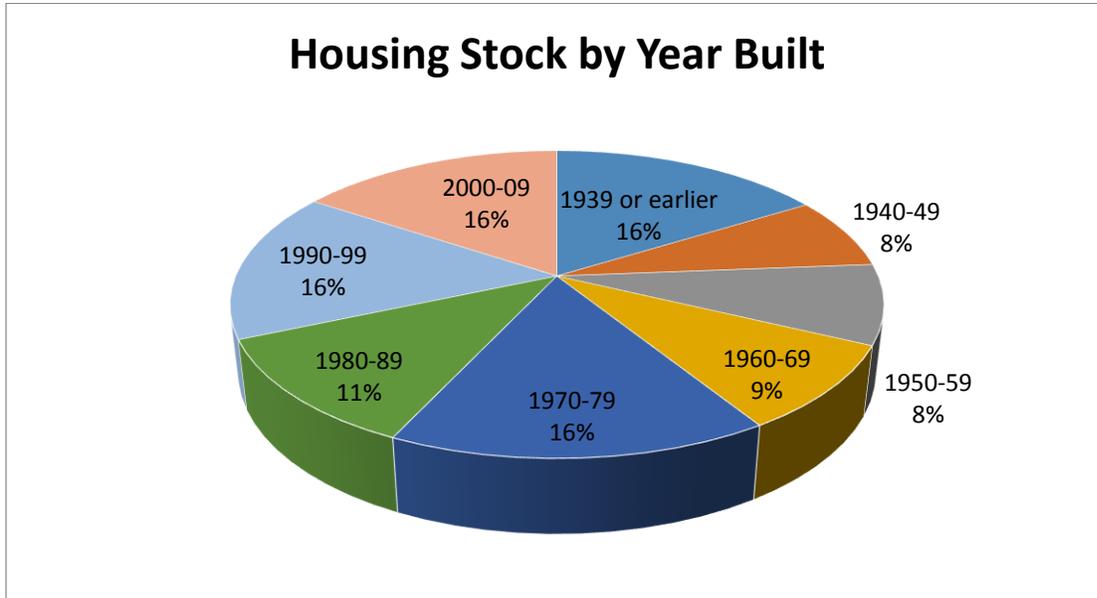
The City has a relatively old housing stock. Out of the 1,785 housing units existing in 1940, 1,526 still exist today and are still used for housing. Chart VI-1 shows a breakdown of housing stock by age. This chart shows both the fluctuations in housing construction by decade as well as the high percentage of housing stock which was built prior to the adoption and implementation of current energy and ADA building code requirements and which may require energy efficiency and/or ADA upgrading to continue to meet future housing needs. Undoubtedly,

⁵ This percentage does not entirely represent a loss of multi-family units but is somewhat reflective of the margin of error (+/- 1.5%) in data from Community Survey versus decennial census data.

⁶ 2006-2010 ACS 5-year estimates, Selected Housing Characteristic's (DP04)

this accounts for the large numbers of older homes in Ashland which have become more valuable in recent decades, as an appreciation for their uniqueness increases.

Housing Stock by Year Built

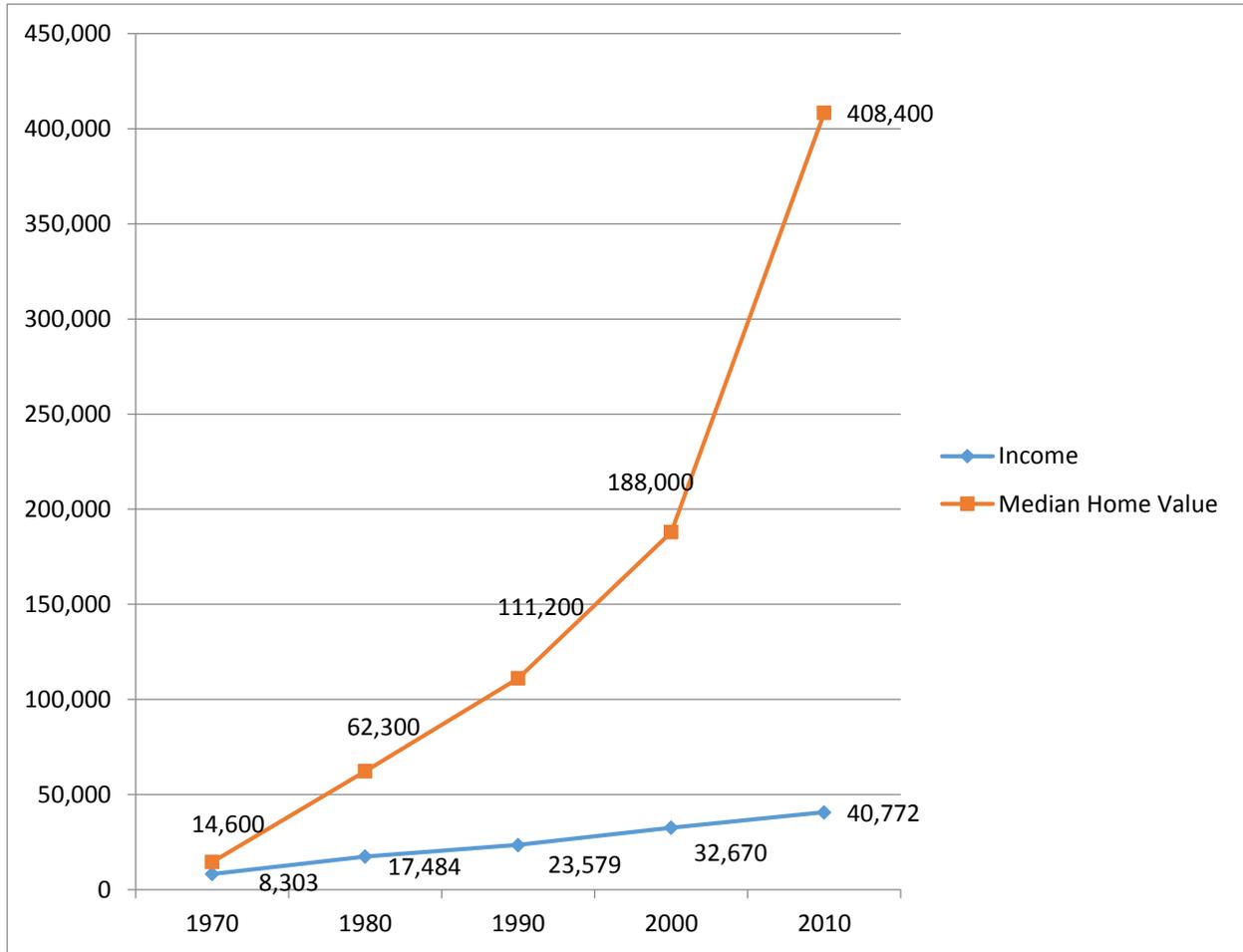


Section 6.03 Income and Housing

A major determinant of the housing types that will be desired in the City of Ashland is the income range of existing and new occupants of Ashland. Table VI-3 shows historic estimates of income by percentage of population in Ashland using census data.

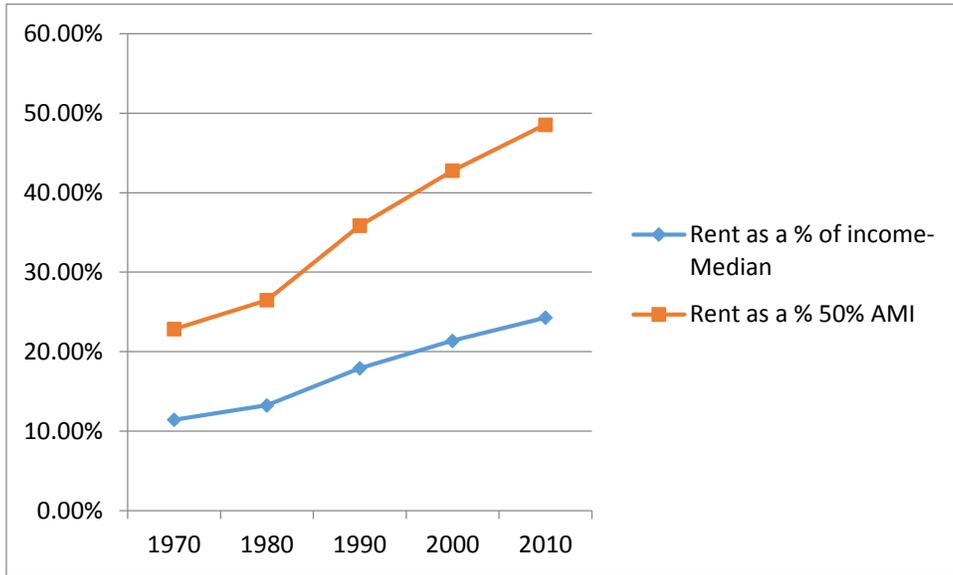
The increasing disparity between home value and income growth is shown in the chart below. The value of homes in Ashland has been increasing at an exponential rate in comparison to incomes: whereas the median home value was less than twice the median income in 1970, median home value represents nearly 10 times the median income three decades later.

Home Value and Incomes 1970-2010



For rental units, it is expected that no more than 30% of a household's monthly gross income should be applied toward rent (Department of Housing and Urban Development definition of housing cost burden). The graph below illustrates the increasing percentage of household income that is applied toward rent for both median income and low income households. The changes demonstrate that for low income households (those earning below 50% of gross median income) housing cost burden has been growing at a faster rate than for median income households. If trends identified by the historic rates of increase for both home values and rental amounts continue to increase at a rate greater than that of incomes, housing cost burden for all populations will continue to rise.

Rent as a percentage of income 1970-2010



As can be seen by the charts and tables throughout this section, an increasing proportion of Ashland's population does not earn enough to afford to purchase a median valued home. Consequently, much of the population falls in the income range that necessitates renting; either single family rentals, apartment rentals, subsidized housing or mobile homes in parks. Very low income households can only afford rental housing which is offered below fair market value or housing which is subsidized. These housing types have traditionally not been provided directly by the City, but rather by affordable housing providers and the private market.

Table VI-3-Distribution of Population by Income

	Number of households (2000)	Percentage of households (2000)	Number of households (2010)	Percentage of households (2010)
All Households	8,552	100%	9,339	100%
Less than 10,000	1,173	13.7%	906	9.7%
\$10,000 to \$14,999	918	10.7%	677	7.2%
\$15,000 to \$24,999	1,300	15.2%	1,203	12.9%
\$25,000 to \$34,999	1,090	12.7%	1,286	13.8%
\$35,000 to \$49,999	1,141	13.3%	1,490	16.0%
\$50,000 to \$74,999	1,309	15.3%	1,553	16.6%
\$75,000 to \$99,999	789	9.2%	779	8.3%
\$100,000 to \$149,999	545	6.4%	819	8.8%
\$150,000 to \$199,999	166	1.9%	294	3.1%
\$200,000 or More	121	1.4%	332	3.6%
Median Household Income	\$32,670		\$40,140	

For households earning the median income or below there are very few housing options in the City that are affordable for purchase. The primary housing options for households earning median income or below are condominium or townhouse units or mobile homes in parks. While the percentage of those in the highest income groups have doubled, due to exponential increases in housing costs, fewer households are able to purchase single-family detached homes than a decade ago. In most instances single family detached homes are the highest cost option available.

While it is important to discuss housing types in Ashland, it is impossible to accurately predict how the marketplace will allocate housing units. Therefore, it is necessary for the City to set aside amounts of land that are correctly zoned and to enact policies and regulations that ensure the housing needs of Ashland can be met. The marketplace will then be the significant factor in determining which type of housing will be built in the various zones, within limits imposed by the City based on density, aesthetics, and neighborhood compatibility.

Section 6.04 Estimating Housing Demand

In order for this document to more accurately reflect housing demand over time no estimates will be contained in this section, rather this section will reference the current Housing Needs Analysis document which is updated regularly upon substantial changes in market or demographic conditions. Consequently, the technical supporting document adopted through a separate process is better able to reflect the changing market, population, and demographic conditions within the City of Ashland which drive development and demand for housing. The City of Ashland Housing Needs Analysis is adopted by the City Council as a technical supporting document to the Comprehensive Plan. The methodology used to ascertain future housing demand is detailed more fully within individual iterations of the Housing Needs Analysis.

In general, a projection of housing needs will utilize a methodology based on several factors including: housing tenure, price, and housing type choices to determine housing needs, in some cases housing needs could also include a market or demand driven approach which is commonly used to define housing needs for an area. Furthermore, a projection of housing demand could include a review of historic housing production trends then projecting those trends forward. The Housing Needs Analysis process also takes into account the age and income demographics of a study area and projects those demographic trends into the future, as the market driven method will show development trends, those historic trends may not have been meeting the housing needs of the population to begin with.

Housing Demand by Type and Cost

The housing market is not static. Consequently, future housing needs are not expected to be the same as the needs of the previous planning period. The changing lifestyles and demographics of the community will lead to a variety of new housing options such as small single family homes on small lots, cottage housing developments, and manufactured housing in parks and in single family neighborhoods. For the purposes of estimating demand for various housing categories, by type and by cost with consideration to the historic and current income and housing tenure trends; four general types of housing demand are assumed.

Single Family homes (detached and attached). There will always be a strong demand for single

family detached housing. As can be seen Table VI-5, Single family housing types comprise the majority of the City's housing stock, however this housing type is often the highest cost housing option for both ownership and rental housing. This housing type is found throughout the City in all residential zones. Similarly, single family attached housing continues to be in strong demand as a housing type which primarily serves as a housing option that is more affordable for purchase and for rental, but which continues to be a high cost housing option for much of the population.

Multiple Family Housing. As mentioned under Government Assisted Housing; multiple family housing can be government assisted and mandated to rent at a rate with is below market rate or can be offered as market rate rentals. Based on past housing tenure income trends, multiple family housing has been and will continue to be a highly sought after housing type which will serve the majority of the City's population. This housing type can accommodate the broadest housing needs within the City and ranges from relatively low-cost attached housing and condominium units to a more traditional single-family style home type such as townhomes. As can be seen in Table VI-5, the percentage of multiple family housing stock needs to be much higher than in the past to meet the demands of the City's residents for a moderate priced housing option⁷. Multiple family housing can be located in several zones throughout the city including Single Family zones, suburban residential, multiple-family zones, and all residential and commercial zones with residential overlays.

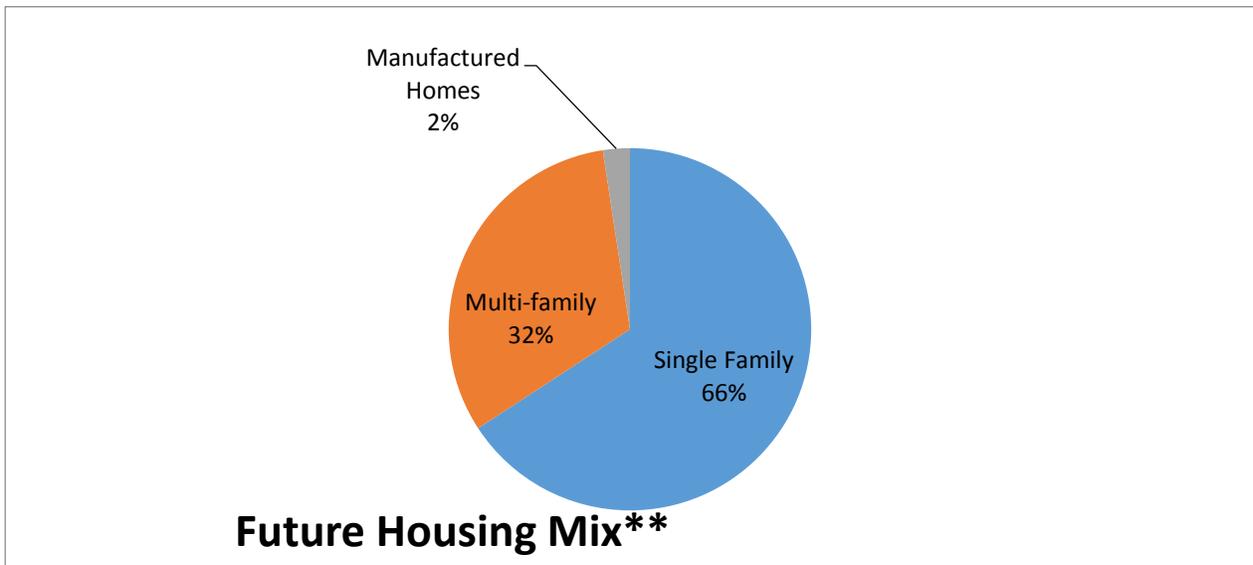
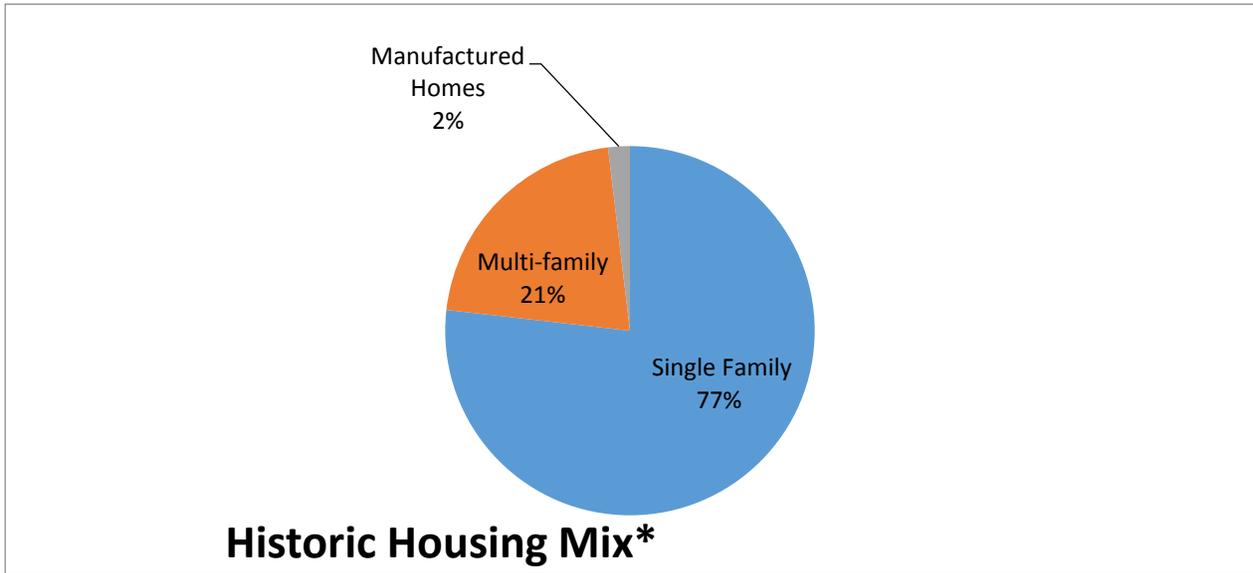
Government assisted housing/ "subsidized" housing. This housing type is in high demand as it serves a need unmet by the private market; the housing needs of low-income, extremely, low-income, and special needs populations. Government assisted housing is primarily comprised of multi-family housing units developed with federal or state funding, and can be found only in multi-family zones. While government assisted housing types are a highly sought after housing type they represent only a fraction of all multi-family housing stock within the City

Manufactured Housing. This housing type provides for low and moderate-income purchase homes. The population which falls into this category includes many of those households occupying rental housing at any given time. Due to escalating housing costs this population will most likely be in the market for manufactured homes in parks or in single family neighborhoods,

⁷ This conclusion is based on data on household income levels and housing stock taken from the 2012 Housing Needs Analysis.

may include condominiums and townhomes most likely deed restricted through a Federal, State or City program to rent or sell at a price which is below market rate. This housing type has been decreasing as a percentage of the City's overall housing stock for a number of decades and for a variety of reasons. However, this housing type may need to be accommodated through City policies to incentivize the market to retain existing or perhaps provide more of these homes as low-to moderate income residents make up a large percentage of the population and have few options for purchase housing among more expensive housing types. Furthermore, manufactured housing has changed substantially over the decades, offering, more green building technology and materials, and offering greater energy efficiency standards which may prove to be both more economical and environmentally conscience for homeowners over time

Table-VI-5



Housing Demand in Different Zones

Assuming that each type of housing would be provided in several zones, an estimate must be made of the percentage of total housing demand in each zone. We estimate the following to be the types of housing and the zones in which the housing will be provided:

Subsidized or Shared Housing - Subsidized housing depends primarily on the type of assistance which will form the subsidy. Most subsidized housing is higher-density apartments and, therefore, the majority of this housing type would be met in the R-2, or Urban Low Residential zone.

Rental - Rental housing types form a large cross-section in the City. In Ashland there are single-family homes which have been built primarily for the purpose of renting. About 27% of the single-family housing stock was rental in 1970. Assuming that this practice will continue in the single-family detached housing market, and in the attached townhouse and condominium markets, then we estimate that about 40% of this demand would be met in the R-2, or Urban Low Residential zone, 30% in the townhouse zone (R-1-3), and another 30% in the R-1-5 residential subdivision areas, specifically by smaller, inexpensive housing units, and duplexes with the owner occupying one unit and renting the second unit.

Moderate Cost Purchase - The moderate cost purchase units will also be spread across several zones. We estimate that 20% of it will be met in the R-1-3, or townhouse, zone, and 80% in the single-family residential areas in the R-1-5, R-1-7.5, and R-1-10 zones.

High Cost Purchase - Most of the high cost housing would involve relatively large lot sizes and correspondingly low densities. As such, we would expect that 50% of this demand would be met in the single-family residential areas and 50% in the low-density residential areas.

Section 6.05 Housing Types

Various housing types each have a place in Ashland in providing for housing need and demand.

Detached single-family homes: Detached single-family homes, which include the vast majority of the existing housing units in Ashland, will unfortunately only be available to persons of relatively high income. However, changes in development standards may alter this situation, as discussed below. Single-family homes will continue to be built and are encouraged in conjunction with other housing types, especially in residential subdivision developments. Alternatives to the conventional subdivision home, such as lot-line homes, or small cottages on small lots in developments with common open space, should help reduce the cost of some units. They typically work best in relatively low-density situations of less than 5 dwelling units per acre. Manufactured homes or modular prefabricated dwelling are increasingly being used as single family homes on single family lots.

Attached single-family homes: Ashland considers the attached single-family home to be a more

suitable low-cost alternative. Since they are attached by one or two walls, there are some savings over the same square footage built as detached units. Therefore, attached single-family houses are one of the major components of Ashland's housing strategy. They should be allowed in most undeveloped portions of the City as an out-right permitted use, along with single-family detached housing.

Townhouses and Condominiums: Townhouses differ from multi-unit apartments in that each individual living unit is contained in a separate structure, attached by common walls to other structures. These units are usually grouped in clusters of four or more and are associated with higher density developments. They have the advantage of providing greater privacy and sometimes an opportunity for individual ownership. Densities can range from 7 to 8 dwelling units per acre up to over 20 dwelling units per acre. However, as these units typically have a larger lot coverage per square foot of interior living space than multi-family, multi-unit apartments, the lower densities are preferable for townhouse developments. Very attractive and desirable homes can be built with this housing type. It is used for moderate to high cost rental units, and low to moderate cost purchase units in residential subdivision developments or condominium developments.

Cottage Housing: Cottage housing units are small dwellings grouped around a common open space which maintain a visual and pedestrian connection between the residences. Cottage housing developments can consist of as few as three or as many as twelve units developed as a cohesive plan for the entire site. Cottage housing is typically built as infill development in established residential zones and can provide increased density, diversity and a slightly more affordable alternative to traditional detached single family housing on individual lots.

Mobile or manufactured homes in Parks and in Developments: This housing type forms an insignificant part of Ashland's housing stock at present, and is expected to continue to be a small percentage in the future. Mobile homes are structures that are constructed for movement on public highways that have sleeping, cooking, and plumbing facilities that are intended for human occupancy, that are being used for residential purposes, and that were constructed between January 1, 1962 and June 15, 1976, and met the construction requirements for Oregon mobile home law in effect at the time of construction. Manufactured homes are similar to Mobile homes delineated

above, but were constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. Manufactured homes are typically located in parks but are increasingly sited on single family lots. This housing type can be built to a wide variety of specifications and its method of prefabrication can lead to greater efficiencies in both time, materials, and energy efficiency. Manufactured housing both on lots and in parks can assist in regulating housing costs while offering ownership opportunities. In other communities around Ashland, mobile home subdivisions have grown to be increasingly popular.

However, realizing that the marketplace may demand these, even if cost-competitive alternatives are provided, there should be land set aside for mobile home developments at densities relatively consistent with their needs. The R-2, R-3, R-5, R-3.15 and R-1-3.5 zones are the areas which can most easily accept mobile or manufactured housing.

The new lands within the Urban Growth Boundary which have these zoning designations are relatively flat and have large, regularly shaped parcels available. Also, these areas have little existing development so that neighborhood compatibility is not a problem. Thus, they are the most suitable location for mobile home development.

Accessory Residential Units (ARU's) (Also Called Accessory Dwelling Units, ADU's): A secondary dwelling unit on a lot where the primary use is a single family dwelling, either attached to a single family dwelling or in a detached building located on the same lot and having an independent means of access (i.e. door). They should be allowed in most un-developed portions of the City as an out-right permitted use, along with single-family detached housing.

Multi-family, multi-unit apartments: Multi-unit apartments refer to those dwelling units in a structure or grouping of structures containing two or more dwelling units located on one lot. These have the advantage of relatively low cost per unit and relatively high density without a great deal of lot coverage. Densities in this type of garden apartment usually range from 15-22 dwelling units per acre in Ashland. However, they are most successful in the range of 15-20 dwelling units per acre. Because of this, Ashland will use the R-2, or Multi-Family Residential, zone to meet its new housing needs for this type of housing. The user and income groups in multi-family apartments would include households of all ages, compositions and sizes, from those with the lowest incomes (30% of the Area Median Income or less) through those earning 120% of Area

Median Income and above.

Group Housing and Senior Housing: Group housing is characterized by the long-term residential occupancy of a structure by a group of people. The size of the group typically is larger than the average size of a household. Group housing structures do not include self-contained units but rather have common facilities for residents including those for dining, social and recreational, and laundry. Residential care homes, residential care facilities, senior living and senior care facilities, and room and board facilities are types of group living.

Residential Care Homes: a residential treatment or training or adult foster home licensed by or under the authority of the state department.

Residential facility: Residential facilities provide housing and care for 6-15 individuals who need not be related as defined by the Oregon Revised Statutes for alcohol and drug abuse programs and for persons with disabilities. Staff persons required to meet State-licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents.

Room and Board Facility: Group living establishment located in a dwelling or part thereof, other than a travelers' accommodation or hotels, where lodging, with or without meals, is provided for compensation for a minimum period of 30 days. Personal care, training, and/or treatment is not provided at a room and board facility. Example include dormitories, fraternities, sororities, and boarding houses.

Senior housing: Housing designated and/or managed for persons over a specified ages. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities.

Government Assisted Housing: Means housing that is financed in whole or in part by either a federal or state housing agency or a local housing authority as defined by the Oregon Revised Statute, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.

Section 6.06 Estimating Land Needs

Future availability of housing in Ashland will be heavily influenced by the availability of land for development. Pursuant to ORS 197.628 (Periodic review) to 197.651 (Appeal to Court of Appeals for judicial review of final order of Land Conservation and Development Commission) a local government shall demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years. The City should therefore ensure that there is sufficient land set aside for the development of housing to meet the needs of the population. In general, there should be at least a five years' supply of land for each comprehensive Plan Designation within the City limits and a 20-year supply within the Urban Growth Boundary

The most recent adopted Buildable Lands Inventory details the methodology that the City used to estimate its land needs, based on the number of housing units necessary to meet the current and future needs for residential development and based on future population growth and demographic forecasts. The estimate of future land needs will invariably take into account the changing demographics of the Ashland community in relation to the population's housing needs. To insure adequate supply of needed housing types, the City may enact policies to increase, protect, and preserve land set aside to accommodate identified needed housing types. Historically the City's demand has primarily been for single family detached and attached housing. However, over time both the need and demand for multi-family and government assisted housing has increased. Similarly, consumption of multi-family zoned land for single family attached and detached housing has reduced the supply of land available for these needed housing types. As is shown in table VI-5 in section 6.4, single family housing made up an overwhelming majority of the historic housing stock within the City at 77% while the housing mix needed to accommodate Ashland's changing demographics would increase the percentage of multi-family housing from 22% to 32% while decreasing the City's overall percentage of single family housing to 66%.

The Residential Land Supply Table, an appendix to the Buildable Lands Inventory details the number of acres necessary to accommodate needed housing types in each comprehensive plan designation.

Section 6.07 Development Standards

The City's development standards also have an impact on the provision of housing and on the expense of each house. In the past, conventional subdivision development has resulted in attractive but sometimes monotonous neighborhoods. At the present time, the cost of developing land is usually too high for moderate-cost housing to be located in areas that are zoned for 7500-10,000 square feet lot size. Also, because of the changes in housing patterns and market perceptions, conventional subdivision regulations no longer can accommodate the full range of housing types and residential environments desired in the marketplace. As a result, Ashland has adopted a performance standards approach, which will govern development on most new land. The performance standards approach will be used to guide residential development. It emphasizes quality of life, overall density, and the residential environment created in each neighborhood, and compatibility with surrounding neighborhoods, with less emphasis on the type of housing to be built on the site, within the guidelines established by the City. Several different housing types may be compatible with an existing neighborhood. Subdivision standards should continue to be used where development occurs in neighborhoods, which have largely been developed under subdivision standards and for minor land partitioning needs.

Section 6.08 Energy, Transportation and Housing

The consumption of natural resources is a very important topic for the Ashland community. Many policies have been implemented which address the reduction of energy usage and promote a reduction in a historic reliance on automobiles and automobile oriented communities. Arguably there is no stronger correlative relationship than that relationship between energy, transportation and housing. The residential sector uses more energy than any other in Ashland. Similarly, the impact of housing availability and affordability impacts the inflow and outflow of residents by whatever means including automobile, bus, or bicycle. Lastly, the impacts of transportation costs in U.S. households is nearly equal to housing costs in some instances, making those two areas the biggest expenses in the budgets of American Households.

Neighborhood design can promote a reduction in energy use by encouraging trips by bicycle and foot. The City of Ashland has long worked to maintain a compact urban form and provide multimodal transportation options to allow residents to use less energy and spend less on

transportation costs, whether by making fewer or shorter car trips, or using other less expensive modes of transportation like bicycling, walking, or transit. Transportation costs typically represent the second highest household expense, following housing.

It is expected that efficient urbanization and improved multi-modal transportation options will result in a decrease in transportation costs. By decreasing transportation costs, the City can continue to improve the overall affordability and livability of Ashland. Growth management policies improve the supply and location of affordable housing and accommodate other development needs, thereby increasing the desirability of the community and thus the price of housing. However higher housing prices are often offset by lower transportation and energy costs and better access to jobs, services, and amenities. Workers who routinely commute to work put added strain on both the environment, through the production of pollution and the demand for fossil fuels, and public infrastructure such as roadways and parking. Promoting housing types that meet the financial and physical needs of Ashland residents reduces the strain on public infrastructure such as roadways, and on the environment through a decrease in vehicle emissions helping to reduce pollution and maintain good air quality. The more functions of day-to-day life that can occur at the neighborhood level, the greater the savings in energy. This type of development shall be encouraged.

Encouraging energy efficiency in housing can reduce overall housing costs by lowering consumption and the expenses of utilities such as gas, electricity, and water. These actions can help to enhance the policies identified in the Energy Element of the comprehensive plan, thereby reinforcing Ashland's commitment to conservation of resources. Older housing tends to be less energy efficient as older housing stock was built to a different construction and energy efficiency standard than exists today. New housing is constructed to a higher construction and energy efficiency standard often featuring a tighter building envelope and incorporating additional energy saving features such as passive solar design. Promoting greater energy efficiency in the existing housing stock can help to maintain the stock of more moderately priced older housing, while incentivizing energy efficiency in new construction can serve to offset long term energy usage and promote overall community conservation.

Due to numerous factors including: the high cost of housing, low vacancy rates, as well as Ashland's success as a tourist destination, many of the people who work in Ashland live outside of the city. Given the small geographic size of the Rogue Valley, the regions encompassing Medford and Ashland often function as one regional market for both housing and employment. Consequently, while many Ashland employees reside outside of the City the savings realized through reduced housing costs are negated by increased transportation, environmental, and public facilities costs which are born not just by the individual household but by the community as a whole. When families and individuals devote ever increasing amounts time, energy, and resources commuting to and from their residences and places of employment, community and family engagement must bear the cost. Similarly, individuals who do not live within a community do not contribute to the fabric and economy of that community in the same ways and to the same extent as the residents of that community. These opportunity costs can negatively impact communities in a myriad of less overt and measurable ways.

Section 6.09 Assumption

Ashland will continue to increase in the number of housing units commensurate with population growth. Existing, older residential neighborhoods will be preserved and will experience relatively few shifts in housing types and styles. New housing areas will contain housing types other than single-family residential detached units, and much of the City's new housing demands will be met by single-family detached units, attached units in residential subdivision developments, and housing in higher densities than experienced in the past, such as townhouse developments and garden apartments. Rising land costs and smaller households will result in housing units with relatively small living spaces in each unit compared to past housing.

Section 6.10 Goals and Policies

(1) Goal: Ensure a range of different dwelling types that provide living opportunities for the total cross section of Ashland's population.

Policy 1: Provide for a mix of housing types that are attractive and affordable to a diversity of ages, incomes, household sizes, and cultural backgrounds.

Policy 2: Support accessible design and housing strategies that provide housing options

for seniors and for disabled persons.

Policy 3: Integrate housing with other compatible land uses.

Policy 4: Housing opportunities should be accessible to all residents without discrimination and consistent with local, state, and federally recognized protected classes under fair housing law.

Policy 5: Zone sufficient land at densities to accommodate an adequate supply of housing by type and cost to meet population growth and projected housing needs.

Policy 6: Promote methods of more efficiently using or adapting the City's existing housing stock to accommodate needed housing types.

Policy 7: Protect Ashland's historic neighborhoods thorough programs and efforts that promote preservation, rehabilitation, and the use of limited design review to protect the integrity of neighborhoods specifically in the historic resources.

Policy 8: Use Design Standards to promote neighborhood compatibility and maintain consistency with the character of the surrounding built environment.

(2) Goal: Support the creation and preservation of housing that is affordable to low and moderate income households and that is commensurate with the incomes of Ashland's workforce.

Policy 9: Encourage the preservation of affordable housing, including non-subsidized units, to avoid the net loss of decent, safe, healthy, affordable housing.

Policy 10: Utilize Ashland's Housing Trust Fund to encourage the creation and retention of housing for homeownership or rent at a cost that will enable low and moderate income families to afford quality housing.

Policy 11: Cooperate with for-profit and non-profit affordable housing providers in locating low and moderate income units in Ashland.

Policy 12: Work in partnership among various levels of government and with other public agencies to address homeless and low-income housing needs.

Policy 13: Provide for minimal off-street parking requirements in locations where it is demonstrated that car ownership rates are low for resident populations to help reduce housing costs and increase affordability and where the impact on neighborhoods allows.

Policy 14: Give priority in land use and permitting processes for affordable housing developments, multifamily rental housing, and other needed housing types as documented in the Housing Needs Analysis.

Policy 15: Discourage demolition and conversion of needed housing types as identified by the Housing Needs Analysis.

Policy 16: Evaluate the cost of public infrastructure in relation to the impact on the cost of housing.

(3) Goal: Encourage the development of housing in ways that protect the natural environment and encourage development patterns that reduce the effects of climate change.

Policy 17: Development standards shall be used to fit development to topography, generally following the concept that density should decrease with an increase in slope to avoid excessive erosion and hillside cuts.

Policy 18: Promote infill and compact development patterns to encourage housing affordability, maximize existing land resources, and conserve habitat and environmentally sensitive areas.

Policy 19: Promote building and site design that supports energy-efficiency, renewable energy generation, and water conservation in new residential developments.

Policy 20: Ensure that city housing efficiency policies, programs and standards support the implementation strategies and actions described in the Ashland Climate and Energy Action Plan

(4) Goal: Forecast and plan for changing housing needs over time in relation to land supply and housing production.

Policy 21: Maintain a data base, which includes measurement of: vacant land and land consumption; housing conditions; land use, land values, and any other pertinent information.

Policy 22: Encourage development of vacant land within the City Limits, while looking to the lands within the Urban Growth Boundary to provide sufficient new land for future housing needs. This shall be accomplished with specific annexation policies.

Policy 23: Coordinate growth management planning with other jurisdictions in the region to accommodate expected residential growth and anticipated demand for different types of housing.

Policy 24: Strive to minimize the time taken to process land use and building permits so that the intent of state and local laws is fulfilled with the greatest possible thoroughness and effectiveness.

**ASHLAND PLANNING DIVISION
STAFF REPORT
September 26, 2017**

PLANNING ACTION: #2017-01421

APPLICANT: City of Ashland

ORDINANCE REFERENCES:

- AMC 18.2.2 Base Zones and Allowed Uses
- AMC 18.2.3 Special Use Standards
- AMC 18.2.5 Unified Standards for Residential Zones
- AMC 18.3.4 Normal Neighborhood District
- AMC 18.3.5 North Mountain Neighborhood District
- AMC 18.3.9 Performance Standards Option and PSO Overlay
- AMC 18.4.3 Parking, Access, and Circulation
- AMC 18.4.8 Solar Access
- AMC 18.5.2 Site Design Review

REQUEST: Amendments to Ashland’s Municipal Code establishing a “Cottage Housing” as a new type of housing, allowed within specific residential zoning districts and subject to explicit standards.

I. Relevant Facts

A. Background

The Planning Commission held a public hearing in July 2014 and recommended approval of an ordinance replacing Title 18 Land Use of the Ashland Municipal Code (AMC) with a reformatted and amended land use ordinance. This ordinance included a section on Cottage Housing Developments. Upon adopting the Title 18, the City Council removed the proposed cottage housing provisions, and directed this section to be returned to the Planning Commission for further review.

Over the past several years the Planning Commission held numerous study sessions meetings to refine the draft cottage housing ordinance.

The proposed ordinance was presented to the City Council at a study session on September 19, 2017.

B. Policies, Plans and Goals Supported:

The general objectives of the Cottage Housing Standards will be to provide alternative types of housing for small households; provide high quality infill development which maintains traditional cottage amenities and proportions; contribute to neighborhood character; efficiently use residential land supply; and meet regional plan commitments through consideration of innovative land use strategies to accommodate future population growth.

The City Council's "Ashland 2020" goals and objectives that relate to the development of a cottage housing ordinance include.

- *Support and promote, through policy, programs that make the City affordable to live in. Pursue affordable housing opportunities, especially workforce housing. Identify specific incentives for developers to build more affordable housing. (high priority for 2015-2017)*
- *Support land-use plans and policies that encourage family-friendly neighborhoods. Draft pocket neighborhood code that allows for the construction of small scale, cottage housing projects.*

The Regional Plan Element of the Ashland Comprehensive Plan adopted in 2012 incorporates applicable portions of the adopted the Greater Bear Creek Valley Regional Plan. As a part of the regional planning process, six of the seven communities identified areas outside their respective urban growth boundaries (UGB) for future growth. However, the City of Ashland did not identify UGB expansion areas and committed to evaluating innovative land use strategies to accommodate future residential and employment growth within the City's existing boundaries. The Ashland Comprehensive Plan includes the following performance indicators in the Regional Plan Element.

- *Reach density of 6.6 dwelling units per acre for land in the UGB that is annexed or offset by increasing the residential density in the city limits.*
- *Achieve targets for dwelling units and employment in mixed-use/pedestrian-friendly areas.*
- *Participate in a regional housing strategy that strongly encourages a range of housing types.*

Other related goals and policies in the Ashland Comprehensive Plan include the following.

- *Ensure a variety of dwelling types and provide housing opportunities for the total cross-section of Ashland's population, consistent with preserving the character and appearance of the city. (Housing Element)*
- *Encourage the development of private common open space area in new residential developments to offset the demand for additional public parks. (Parks, Open Space, and Aesthetics Element)*
- *Maintain and improve Ashland's compact urban form to allow maximum pedestrian and bicycle travel. (Transportation Element)*

C. Ordinance Amendments

The proposed Land Use Code amendments address the approval process and set forth minimum requirements for the development of cottage housing in particular residential zoning districts (R-1-5, R-1-7.5, NN-1-5, NM-R-1-5, NM-R-1-7.5). Establishment of a cottage housing development would be subject to city procedures for a Performance Standards Subdivision under Chapter 18.3.9 and Site Design Review under Chapter 18.5.2. Public notice would be sent to property owners within 200-feet of the site, making neighbors aware of the land

use request. The application would be processed as a Type II Planning Action with decision by the Planning Commission and appealable to the City Council.

The general objectives of the Cottage Housing Standards provide for an alternative types of housing for small households; provide high quality infill development which maintains traditional cottage amenities and proportions; contribute to neighborhood character; efficiently use residential land supply; and meet regional plan commitments through consideration of innovative land use strategies to accommodate future population growth.

Following is a summary of key special use standards that will be applied to cottage housing developments:

- A minimum of 3 cottage housing units and a maximum of 12.
- Cottages shall be no larger than 1000sq.ft. and at least 75% of the cottages shall be less than 800sq.ft.
- A floor area ratio (FAR) of 0.35 is required for the entire development, with exemptions for common buildings and pre-existing non-conforming structures, to ensure the total volume of buildings on site are comparable to that of average single family home developments.
- A maximum building height of 18' with a ridgeline no greater than 25' above grade.
- Lot coverage remains consistent with the underlying zone, however the ordinance includes an allowance for an additional 10% of lot coverage for the use of pervious materials.
- Setbacks have been reduced to 6 ft. between buildings, with the exception that setbacks along the perimeter of the development must meet the existing requirements of the zone.
- There is a 20% common open space requirement. The open space may be divided into multiple open spaces provided they are interconnected and accessible to all residents of the development.
- Cottage Housing Development are subject to the existing Site Design Standards which will provide for orientation toward the street and pedestrian connections to the neighborhood.
- Solar access requirements are amended for cottage housing developments to stipulate that shadows cast from structures within the development may not cast shadows upon the roof of another cottage.
- Cottage housing development parking standards are as follows:
 - Units less than 800 sq. ft. - 1 space/unit.
 - Units greater than 800 square feet and less than 1000 square feet - 1.5 spaces/unit.
 - Units greater than 1000 square feet - 2.00 spaces/unit.
 - Retirement complexes for seniors 55-years or greater - One space per unit.
- Cottage Housing Development would be permitted on R-1-5, R-1-7.5, NN-1-5. NM-R-1-5 and NM-R-1-7.5 zoned properties.

Changes to the draft ordinance following the July 25th Planning Commission Meeting

Staff has made the following amendments to the draft ordinance for the Commission's consideration:

- The cottage housing development parking standard has been incorporated into Chapter 18.4.3, Parking, Access and Circulation, as previously discussed by Commission.
- The maximum floor area standard (18.2.3.090.C.2) that 75% of the cottages shall be less than 800 square feet has been amended to recognize that this percentage applies to developments of four units or greater. The amended standard clarifies that within cottage housing developments of only three units that at least two of the three shall be less than 800 sq.ft. with no cottage exceeding 1000 sq.ft.
- The allowed uses table within the North Mountain Neighborhood District's NM-R-1-5 and NM-R-1-7.5 zoning designations has been amended to newly include cottage housing as a special permitted residential use when approved in accordance is the standards in 18.2.3.090.
- The section of the proposed ordinance relating to non-conforming dwelling units, 18.2.3.090 C.6, has been amended to clarify that the habitable floor area of an existing single family residential structure in excess of 1000 sq.ft., would not contribute to the maximum floor area permitted per 18.2.3.090 C.2.a, and thus not be calculated as contributing the floor area ratio.
- Conceptual site plans for a four unit development and a 12 unit development scenarios have been included in the draft ordinance to illustrate key concepts relating to cottage housing developments.

II. Procedural

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

B. Type III. It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following

planning actions shall be subject to the Type III procedure.

1. Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.
2. Comprehensive Plan changes, including text and map changes or changes to other official maps.
3. Land Use Ordinance amendments.
4. Urban Growth Boundary amendments.

III. Conclusions and Recommendations

If the Commission recommends approval of the attached ordinance amendments, staff will prepare a formal recommendation to the Council for the Commission's review on October 17, 2017. The public hearing and First Reading of the proposed ordinance is scheduled at the Council on November 7, 2017.

Attachments:

Draft Ordinance dated 9/26/2017

City of Ashland

COTTAGE HOUSING STANDARDS

Draft Ordinance Amendments -9/26/2017

18.2.3.090 Cottage Housing

A. Purpose and Intent.

The purpose and intent of this chapter is to encourage innovative site planning and variety in housing while ensuring compatibility with established neighborhoods, and to provide opportunities for ownership of small detached single family dwellings for a population diverse in age, income, and household size. Where cottage housing developments are allowed, they are subject to Site Design Review under chapter 18.5.2, and shall meet all of the following requirements.

B. Exceptions and Variances. Requests to depart from the requirements of this chapter are subject to the approval criteria under section 18.5.2.050.E Exception to the Site Development and Design Standards.

C. Development Standards

Cottage housing developments shall meet all of the following requirements.

1. Cottage Housing Density the permitted number of units and minimum lot areas shall be as follows.

Table 18.2.3.090.C.1 Cottage Housing Development Density					
Zones	Maximum Cottage Density	Minimum number of cottages per cottage housing development	Maximum number of cottages per cottage housing development	Minimum lot size (accommodates minimum number of cottages)	Maximum Floor Area Ratio (FAR)
R-1-5, NN-1-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7500 sq.ft.	0.35
R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11250 sq.ft.	0.35

2. Building and Site Design.

- a. *Maximum Floor Area Ratio:* The combined gross floor area of all cottages and garages shall not exceed a 0.35 floor area ratio (FAR). Structures such as parking carports, green houses, and common accessory structures are exempt from the maximum floor area calculation.
- b. *Maximum Floor Area.* The maximum gross habitable floor area for 75 percent or

more of the cottages, within developments of four units or greater, shall be 800 square feet or less per unit. At least two of the cottages within three unit cottage housing developments shall have a gross habitable floor area of 800 square feet or less. The gross habitable floor area for any individual cottage unit shall not exceed 1000 square feet.

- c. *Height.* Building height of all structures shall not exceed 18 feet. The ridge of a pitched roof may extend up to 25 feet above grade.
 - d. *Lot Coverage.* Lot coverage shall meet the requirements of the underlying zone outlined in Table 18.2.5.030.A.
 - e. *Building Separation.* A cottage development may include two-unit attached, as well as detached, cottages. With the exception of attached units, a minimum separation of six feet measured from the nearest point of the exterior walls is required between cottage housing units. Accessory buildings (e.g., carport, garage, shed, multipurpose room) shall comply with building code requirements for separation from non-residential structures.
 - f. *Fences.* Notwithstanding the provisions of section 18.4.4.060, fence height is limited to four feet on interior areas adjacent to open space except as allowed for deer fencing in subsection 18.4.4.060.B.6. Fences in the front and side yards abutting a public street, and on the perimeter of the development shall meet the fence standards of section 18.4.4.060.
3. Access, Circulation, and Off-Street Parking Requirements. Notwithstanding the provisions of chapter 18.3.9 Performance Standards Option and 18.4 Site Development and Site Design Standards, cottage housing developments are subject to the following requirements:
- a. *Public Street Dedications.* Except for those street connections identified on the Street Dedication Map, the Commission may reduce or waive the requirement to dedicate and construct a public street as required in 18.4.6.040 upon finding that the cottage housing development meets connectivity and block length standards by providing public access for pedestrians and bicyclists with an alley, shared street, or multi-use path connecting the public street to adjoining properties.
 - b. *Driveways and parking areas.* Driveway and parking areas shall meet the vehicle area design standards of section 18.4.3.
 - i. Parking shall meet the minimum parking ratios per 18.4.3.040.
 - ii. Parking shall be consolidated to minimize the number of parking areas, and shall be located on the cottage housing development property.
 - iii. Off-street parking can be located within an accessory structure such as a multi-auto carport or garage, but such structures shall not be attached to individual cottages. Uncovered parking is also permitted provided that off street parking is screened from direct street view.
4. Open Space. Open space shall meet all of the following standards.
- a. A minimum of 20 percent of the total lot area is required as open space.

- b. Open space(s) shall have no dimension that is less than 20 feet unless otherwise granted an exception by the hearing authority. Connections between separated open spaces, not meeting this dimensional requirement, shall not contribute toward meeting the minimum open space area.
- c. Shall consist of a central space, or series of interconnected spaces.
- d. Physically constrained areas such as wetlands or steep slopes cannot be counted towards the open space requirement.
- e. At least 50 percent of the cottage units shall abut an open space.
- f. The open space shall be distinguished from the private outdoor areas with a walkway, fencing, landscaping, berm, or similar method to provide a visual boundary around the perimeter of the common area.
- g. Parking areas and driveways do not qualify as open space.

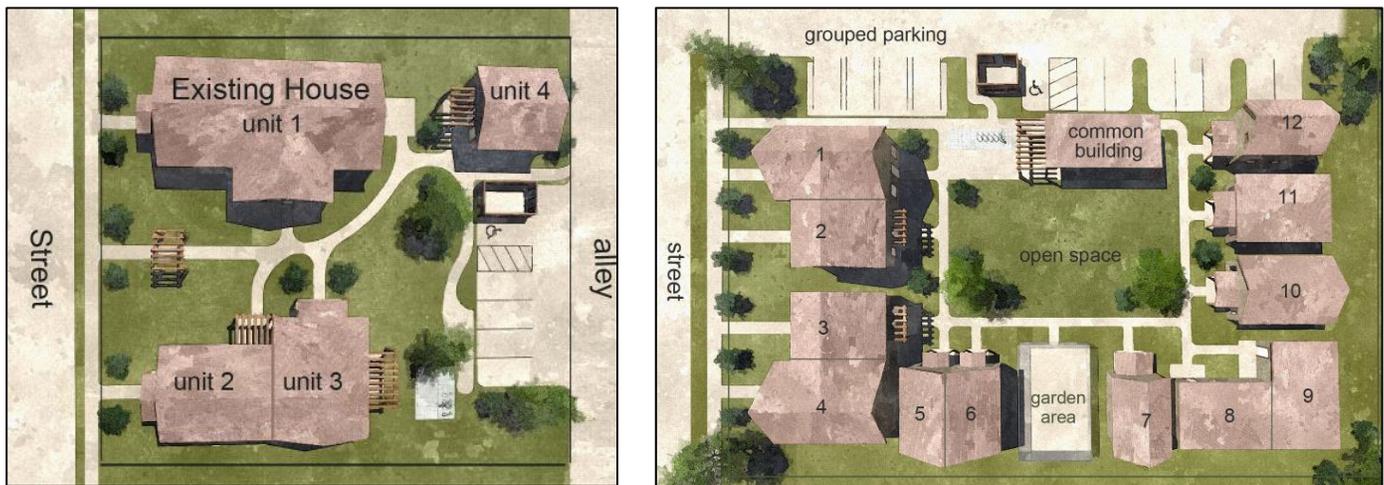


Figure 18.2.3.090 Cottage Housing Conceptual Site Plans

- 5. Private Outdoor Area. Each residential unit in a cottage housing development shall have a private outdoor area. Private outdoor areas shall be separate from the open space to create a sense of separate ownership.
 - a. Each cottage unit shall be provided with a minimum of 200 square feet of usable private outdoor area. Private outdoor areas may include gardening areas, patios, or porches.
 - b. No dimension of the private outdoor area shall be less than 8 feet.
- 6. Common Buildings, Existing Nonconforming Structures and Accessory Residential Units.
 - a. *Common Buildings.* Up to 25 percent of the required common open space, but no greater than 1,500 square feet, may be utilized as a community building for the sole use of the cottage housing residents. Common buildings shall not be attached to cottages.

- b. *Carports and garage structures.* Consolidated carports or garage structures, provided per 18.2.3.090.C.3.b, are not subject to the area limitations for common buildings.
- c. *Nonconforming Dwelling Units.* An existing single-family residential structure, which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain.. Existing nonconforming dwelling units shall be included in the maximum permitted cottage density. 1,000 square feet of the habitable floor area of such nonconforming dwellings shall be included in the maximum floor area permitted per 18.2.3.090C.2.a, however existing attached garages and a nonconforming dwelling's habitable floor area in excess of 1,000 square feet shall not be included in the maximum floor area ratio.
- d. *Accessory Residential Units.* New accessory residential units (ARUs) are not permitted in cottage housing developments, except that an existing ARU that is accessory to an existing nonconforming single-family structure may be counted as a cottage unit if the property is developed subject to the provisions of this chapter.

7. Storm Water and Low-Impact Development.

- a. Developments shall include open space and landscaped features as a component of the project's storm water low impact development techniques including natural filtration and on-site infiltration of storm water.
- b. Low impact development techniques for storm water management shall be used wherever possible. Such techniques may include the use of porous solid surfaces in parking areas and walkways, directing roof drains and parking lot runoff to landscape beds, green or living roofs, and rain barrels.
- c. Cottages shall be located to maximize the infiltration of storm water run-off. In this zone, cottages shall be grouped and parking areas shall be located to preserve as much contiguous, permanently undeveloped open space and native vegetation as reasonably possible when considering all standards in this chapter.

8. Restrictions.

- a. The size of a cottage dwelling may not be increased beyond the maximum floor area in subsection 18.2.3.090.C.2.a. A deed restriction shall be placed on the property notifying future property owners of the size restriction.

Amendments to the Zoning Regulations, Base Zones and Allowed Uses Table

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
B. Residential Uses¹										
Single-Family Dwelling	P	P	P	P	P	P	S	S	N	See Single-Family standards in Sec. 18.2.5.090 Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Accessory Residential Unit	S	S	S	S	S	N	N	N	N	Sec. 18.2.3.040 Sec. 18.2.3.110 Duplex Dwelling Sec. 18.2.3.170 and not allowed in Historic District Overlay
Duplex Dwelling	S	P	P	P	N	N	S	S	N	
Manufactured Home on Individual Lot	S	S	S	S	N	N	N	N	N	
Manufactured Housing Development	N	S	CU+S	N	N	N	N	N	N	Sec. 18.2.3.180
Multifamily Dwelling	N	P	P	P	N	N	S	S	N	Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Cottage Housing	S	N	N	N	N	N	N	N	N	Sec. 18.2.3.090 Cottage Housing
Rental Dwelling Unit Conversion to For-Purchase Housing	N	N	S	S	N	N	N	N	N	Sec. 18.2.3.200
Home Occupation	S	S	S	S	S	S	S	S	N	Sec. 18.2.3.150

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

Amendments to the Standards for Residential Zones

18.2.5.030 Unified Standards for Residential Zones

A. Standards for Urban Residential Zones. Table 18.2.5.030.A contains standards for the R-1, R-1-3.5, R-2, and R-3 zones. Standards for the RR and WR zones are contained in subsections 18.2.5.030.B and 18.2.5.030.C.

Table 18.2.5.030.A – Standards for Urban Residential Zones² (Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)						
<i>Standard</i>	<i>R-1</i>				<i>R-2</i>	<i>R-3</i>
	<i>R-1-10</i>	<i>R-1-7.5</i>	<i>R-1-5</i>	<i>R-1-3.5</i>		
Lot Coverage – Maximum ^{10,11} (% of lot area)	40%	45%	50%	55%	65%	75%
<p>¹⁰A total area up to 200 sf or 5% of the permitted lot coverage, whichever is less, may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum; the porous solid surface exemption does not apply to driveways and parking areas.</p> <p>¹¹Within Cottage Housing Developments up to 10% of the permitted lot coverage may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum.</p>						

Amendments to the Normal Neighborhood District Allowed Uses

18.3.4.040 Use Regulations

B. Normal Neighborhood Plan Residential Building Types. The development standards for the Normal Neighborhood Plan will preserve neighborhood character by incorporating four distinct land use overlay areas with different concentrations of varying housing types.

7. Cottage Housing. ~~[Reserved]~~ **Cottage Housing are small dwelling units in developments approved in accordance with the standards in 18.2.3.090.**

C. General Use Regulations. Uses and their accessory uses are permitted, special permitted or conditional uses in the Normal Neighborhood Plan area as listed in the Land Use Table

Table 18.3.4.040 Land Use Descriptions	NN-1-5 Single family Residential	NN-1-3.5 Suburban Residential	NN-1-3.5-C Suburban Residential with commercial	NN-2 Multi-family Low Density Residential
Residential Uses				
Single Dwelling Residential Unit (Single-Family Dwelling)	P	P	N	N
Accessory Residential Unit	P	P	P	N
Double Dwelling Residential Unit	N	P	P	P
<u>Cottage Housing, subject to the requirements of 18.2.3.090</u> <i>[Placeholder]</i>	S	N	N	N
Clustered Residential Units	N	P	P	P
Attached Residential Unit	N	P	P	P
Multiple Dwelling Residential Unit	N	P	P	P
Manufactured Home on Individual Lot	P	P	P	P
Manufactured Housing Development	N	P	P	P

Amendments to the North Mountain Neighborhood District Allowed Uses

18.3.5.050 Allowed Uses

- A. Uses Allowed in North Mountain Neighborhood Zones.** Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.5.050 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.
- C. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. For regulations applying to the City's overlays zones, please refer to part 18.3.
- C. Mixed-Use.** Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

Table 18.3.5.050 – North Mountain Neighborhood Uses Allowed by Zone ³					
	North Mountain Neighborhood Zones ⁴				
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C	NM-Civic
A. Residential					
Residential Uses, subject to density requirements in Table 18.3.5.050	P	P	P	P	N
Accessory Residential Units	S	S	N	P	N
<u>Cottage Housing</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>
Home Occupations	P	P	P	P	N
Agricultural Uses, except Keeping of Livestock	P	P	P	P	S
Keeping of Micro-Livestock and Bees	S	S	S	N	S
Keeping of Livestock	N	N	N	N	N
Marijuana Cultivation, Homegrown	S	S	S	S	N
B. Public and Institutional Uses					
Community Services	N	S	N	S	P
Parks and Open Spaces	P	P	P	P	P
Public Parking Lots	N	N	N	CU	N
Religious Institution, Houses of Worship	N	N	N	S	N
Utility and Service Building, Public and Quasi-Public, excluding outdoor	N	N	N	S	N

³ Key: P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

⁴ Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

Table 18.3.5.050 – North Mountain Neighborhood Uses Allowed by Zone ³					
	North Mountain Neighborhood Zones ⁴				
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C	NM-Civic
storage and electrical substations					
B. Commercial					
Neighborhood Clinics	N	N	N	S	N
Neighborhood Oriented Retail Sales, Services, and Restaurants	N	N	N	S	N
Offices, Professional	N	N	N	S	N
Temporary uses	N	N	N	CU	N
C. Industrial					
Manufacturing, Light	N	N	N	S	N

D. *Special Use Standards.* The uses listed as “Permitted with Special Use Standards (S)” in Table 18.3.5.050, above, are allowed provided they conform to the requirements of this section and the requirements of chapter 18.5.2 Site Design Review.

1. Accessory Residential Units.

- a. Accessory residential units are not subject to the density requirements of the zone and are not included in the base density calculations.
- b. One accessory residential unit is allowed per lot, and the maximum number of dwelling units must not exceed two per lot.
- c. The proposal must comply with the lot coverage and setback requirements of the underlying zone.
- d. The maximum gross habitable floor area (GHFA) of the accessory residential unit must not exceed 50 percent of the GHFA of the primary residence on the lot, and must not exceed 750 square feet GHFA, except that second story accessory residential units constructed above a detached accessory building must not exceed 500 square feet GHFA.
- e. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.040.

2. Agricultural Uses. In the NM-Civic zone, agriculture may include community garden space.

3. Keeping of Micro-Livestock and Bees. Subject to the standards in section 18.2.3.160.

4. Marijuana Cultivation, Homegrown. Subject to the standards in subsection 18.2.3.190.A.

5. Community Services.

- a. In the NM-R-1-5 zone, each building may be up to a maximum of 2,500 square feet of gross floor area.
- b. In the NM-C zone, each building may be up to a maximum of 3,500 square feet of gross floor area.

6. Manufacturing, Light.

- a. The light manufacturing use shall occupy 600 square feet or less.

- b. The light manufacturing use shall be contiguous to the permitted retail outlet that operates in conjunction with and sells the manufactured items produced by the light manufacturing use.
- 7. Neighborhood Clinics. Each building may be up to a maximum of 3,500 square feet of gross floor area.
- 8. Neighborhood Oriented Retail Sales, Services, and Restaurants. Each building may be up to a maximum of 3,500 square feet of gross floor area.
- 9. Offices, Professional. Each building may be up to a maximum of 3,500 square feet of gross floor area.
- 10. Religious Institution, Houses of Worship. The same use cannot be located on a contiguous property, and there must be no more than two such uses in a given zone.
- 11. Utility and Service Building, Public and Quasi-Public. Each building may be up to a maximum of 3,500 square feet of gross floor area

12: Cottage Housing. Subject to the standards in section 18.2.3.090.

Amendments to the Performance Standards Options Chapter

18.3.9.030 PSO-Overlay

- A. Purpose.** The purpose of the PSO overlay is to distinguish between those areas that have been largely developed under the subdivision code, and those areas, which, due to the undeveloped nature of the property, sloping topography, or the existence of vegetation or natural hazards, are more suitable for development under Performance Standards.
- B. Applicability.** This chapter applies to properties located in the Performance Standards Option Overlay (PSO) as depicted on the Zoning Map. All developments in the PSO overlay, other than partitions and development of individual dwelling units, shall be processed under this chapter. The minimum number of dwelling units for a Performance Standards Subdivision within residential zoning districts is three.
- C. Permitted Uses.** In a PSO overlay, the granting of the application shall be considered an outright permitted use, subject to review by the Planning Commission for compliance with the standards set forth in this ordinance and the guidelines adopted by the City Council.
- D. Development Outside PSO-overlay.** If a parcel is not in a PSO overlay, then development under this chapter may only be approved if one or more of the following conditions exist.
1. The parcel is larger than two acres and is greater than 200 feet in average width.
 2. That development under this chapter is necessary to protect the environment and the neighborhood from degradation which would occur from development to the maximum density allowed under subdivision standards, or would be equal in its aesthetic and environmental impact.
 3. The property is zoned R-2, R-3 or CM.
 4. **The property is developed as a cottage housing development consistent with the standards in section 18.2.3.090**

18.3.9.040 [unchanged]

18.3.9.050 Performance Standards for Residential Developments

- A. Base Densities.** The density of the development shall not exceed the density established by this section. The density shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. Fractional portions of the final answer, after bonus point calculations, shall not apply towards the total density.
1. The base density, for purposes of determining density bonuses allowed under this section, **for developments other than cottage housing**, is as provided in Table 18.3.9.050.

Table 18.3.9.050.A.1. Base Densities for Determining Allowable Density Bonus with Performance Standards Option	
Zone	Allowable Density (dwelling units per acre)
WR-2	0.30 du/acre
WR-2.5	0.24 du/acre
WR-5	0.12 du/acre
WR-10	0.06 du/acre
WR-20	0.03 du/acre
RR-1	0.60 du/acre
RR-.5	1.2 du/acre
R-1-10	2.40 du/acre
R-1-7.5	3.60 du/acre
R-1-5	4.50 du/acre
R-1-3.5	7.2 du/acre
R-2	13.5 du/acre
R-3	20 du/acre

2. **The base density for cottage housing developments, for purposes of determining density bonuses, allowed under this section is as provided in Table 18.3.9.050.A.2**

Table 18.3.9.050.A.2 Base Densities for Determining Allowable Density Bonus with Performance Standards Option					
Zones	Maximum Cottage Density	Minimum number of cottages per cottage housing development	Maximum number of cottages per cottage housing development	Minimum lot size (accommodates minimum number of cottages)	Maximum Floor Area Ratio (FAR)
R-1-5, NN-1-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7500 sq.ft.	0.35
R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11250 sq.ft.	0.35

3. **Open Space Required.** All developments with a base density of ten units or greater shall be required to provide a minimum of five percent of the total lot area in Open Space; that area is not subject to bonus point calculations, however, density bonuses shall be awarded to open space areas in excess of the five percent required by this subsection.

B. Density Bonus Point Calculations. The permitted base density shall be increased by the percentage gained through bonus points. In no case shall the density exceed that allowed under the Comprehensive Plan. The maximum density bonus permitted shall be 60 percent (base density x 1.6), pursuant to the following criteria.

1. **Conservation Housing.** A maximum 15 percent bonus is allowed. One-hundred percent of the homes or residential units approved for development, after bonus point calculations, shall meet the minimum requirements for certification as a Earth Advantage

home, as approved by the Ashland Conservation Division under the City's Earth Advantage program as adopted by resolution 2006-06.

2. Provision of Common Open Space. A maximum ten percent bonus is allowed, pursuant to the following.
 - a. *Purpose.* Common open spaces may be provided in the form of natural areas, wetlands, playgrounds, active or passive recreational areas, and similar areas in common ownership. All areas set aside for common open space may be counted for base density, unless otherwise excluded by subsection 18.3.9.050.A.2. However, for the purposes of awarding density bonus points, the Planning Commission shall consider whether or not the common open space is a significant amenity to project residents, and whether project residents will realistically interact with the open space on a day-to-day basis. The purpose of the density bonus for common open space is to permit areas, which could otherwise be developed, or sold as individual lots, to be retained in their natural state or to be developed as a recreational amenity. It is not the purpose of this provision to permit density bonuses for incidental open spaces that have no realistic use by project residents on a day-to-day basis. **Open space provided in cottage housing developments, meeting the standards of section 18.2.3.090 Cottage Housing, is not eligible for density bonus points.**
 - b. *Standard.* Developments with fewer than ten units that provide more than two percent of the project area for common open space, or for developments of ten units or greater that provide more than five percent open space, a one percent bonus shall be awarded for each one percent of the total project area in common open space.
3. Provision of Major Recreational Facilities. A maximum ten percent bonus is allowed, pursuant to the following.
 - a. *Purpose.* Points may be awarded for the provision of major recreational facilities such as tennis courts, swimming pools, playgrounds, or similar facilities.
 - b. *Standard.* For each percent of total project cost devoted to recreational facilities, a six percent density bonus may be awarded up to a maximum of ten percent bonus. Total project cost shall be defined as the estimated sale price or value of each residential unit times the total number of units in the project. Estimated value shall include the total market value for the structure and land. A qualified architect or engineer shall prepare the cost of the recreational facility using current costs of recreational facilities.
 - c. **Major recreational facilities provided in cottage housing developments, meeting the standards of section 18.2.3.090 Cottage Housing, are not eligible for density bonus points.**
4. Affordable Housing. A maximum bonus of 35 percent is allowed. Developments shall receive a density bonus of two units for each affordable housing unit provided. Affordable housing bonus shall be for residential units that are guaranteed affordable in accordance with the standards of section 18.2.5.050 Affordable Housing Standards.

18.3.9.060 Parking Standards

All development under this chapter shall conform to the following parking standards, which are

in addition to the requirements of chapter 18.4.3 Parking, Access, and Circulation.

- A. On-Street Parking Required.** At least one on-street parking space per dwelling unit shall be provided, in addition to the off-street parking requirements for all developments in an R-1 zone, **with the exception of cottage housing developments**, and for all developments in R-2 and R-3 zones that create or improve public streets.
- B. On-Street Parking Standards.** On-street parking spaces shall be immediately adjacent to the public right-of-way on publicly or association-owned land and be directly accessible from public right-of-way streets. On-street parking spaces shall be located within 200 feet of the dwelling that it is intended to serve. In addition, on-street public parking may be provided pursuant to minimum criteria established under subsection 18.4.3.060.A.
- C. Signing of Streets.** The installation of “No Parking” signs regulating parking in the public right-of-way and any other signs related to the regulation of on-street parking shall be consistent with the Street Standards in 18.4.6.030, and shall be consistent with the respective City planning approval.

Amendments to the Parking Ratios Table

18.4.3.040 Parking Ratios

Except as provided by section 18.4.3.030, the standard ratios required for automobile parking are as follows. See also, accessible parking space requirements in section 18.4.3.050.

<i>Table 18.4.3.040 – Automobile Parking Spaces by Use</i>	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Residential Categories	
Single Family Dwelling	<p>2 spaces for the primary dwelling unit and the following for accessory residential units.</p> <ul style="list-style-type: none"> a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units --1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit.
Multifamily	<ul style="list-style-type: none"> a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units -- 1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit. e. Retirement complexes for seniors 55-years or greater -- One space per unit.
Cottage Housing	<ul style="list-style-type: none"> a. Units less than 800 sq. ft. -- 1 space/unit. b. Units greater than 800 square feet and less than 1000 square feet -- 1.5 spaces/unit. c. Units greater than 1000 square feet -- 2.00 spaces/unit. d. Retirement complexes for seniors 55-years or greater -- One space per unit.
Manufactured Housing	Parking for Manufactured Home on Single-Family Lot is same as Single Family Dwelling; for Manufactured Housing Developments, see sections 18.2.3.170 and 18.2.3.180.
Performance Standards Developments	See chapter 18.3.9.

Amendments to the Solar Access Chapter

18.4.8 Solar Access

18.4.8.020 B. Exemptions.

1. Architectural Projections. Rooftop architectural features a maximum of four feet in width, such as chimneys and vent pipes, and light poles and flag poles shall be exempt from the setback standards in section 18.4.8.030.
2. Steep Slopes. Any lot with a slope of greater than 30 percent in a northerly direction, as defined by this ordinance, shall be exempt from the setback standards in section 18.4.8.030.
3. Zones. Any lot in the C-1-D, CM, and NM-C zones, and properties in the C-1 zone not abutting a residential zone, shall be exempt from the setback standards in section 18.4.8.030.
4. Existing Shade Conditions. If an existing structure or topographical feature casts a shadow at the northern lot line at noon on December 21, that is greater than the shadow allowed by the requirements of this section, a structure on that lot may cast a shadow at noon on December 21, that is not higher or wider at the northern lot line than the shadow cast by the existing structure or topographical feature. This exemption does not apply to shade caused by vegetation.
 - a. *Actual Shadow Height.* If the applicant demonstrates that the actual shadow that would be cast by the proposed structure at noon on December 21 is no higher than that allowed for that lot by the provisions of this section, the structure shall be approved. Refer to Table 18.4.8.020.B.4.a, below, for actual shadow lengths.

Table 18.4.8.020.B.4.a: Actual Shadow Length (at solar noon on December 21st)

Height in feet	Slope									
	-0.30	-0.25	-0.20	-0.15	-0.10	-0.05	0.00	0.05	0.10	0.15
8 *	55	41	33	27	23	20	18	16	15	13
10 *	69	51	41	34	29	25	22	20	18	17
12 *	83	61	49	41	35	30	27	24	22	20
14 *	96	72	57	47	41	35	31	28	26	24
16 *	110	82	65	54	46	40	36	32	29	27
18 *	124	92	73	61	52	46	40	36	33	30
20 *	138	102	82	68	58	51	45	40	37	34
22 *	151	113	90	75	64	56	49	44	40	37
24 *	165	123	98	81	70	61	54	48	44	40
26 *	179	133	106	88	75	66	58	53	48	44
28 *	193	143	114	95	81	71	63	57	51	47
30 *	207	154	122	102	87	76	67	61	55	50
32 *	220	164	130	108	93	81	72	65	59	54
34 *	234	174	139	115	98	86	76	69	62	57
36 *	248	184	147	122	104	91	81	73	66	60
38 *	262	195	155	129	110	96	85	77	70	64
40 *	275	205	163	135	116	101	90	81	73	67

5. **Structures within Cottage Housing Developments meeting the standards in 18.2.3.090, that cast their shadows entirely within the parent parcel of the Cottage Housing Development, shall be exempt from the setback standards in 18.4.8.030 provided they do not cast a shadow upon the roof of a dwelling within the cottage housing development.**

C. Exceptions and Variances. Requests to depart from section 18.4.8.030 Solar Setbacks are subject to 18.4.8.020.C.1 Exception to the Solar Setback, below. Deviations from the standards in section 18.4.8.050 Solar Orientation Standards are subject to subsection 18.5.2.050.E Exception to the Site Development and Design Standards.

1. Solar Setback Exception. The approval authority through a Type I review pursuant to section 18.5.1.050 may approve exceptions to the standards in 18.4.8.030 Solar Setbacks if the requirements in subsection a, below, are met and the circumstances in subsection b, below, are found to exist.
 - a. That the owner or owners of all property to be shaded sign, and record with the County Clerk on the affected properties' deed, a release form supplied by the City containing all of the following information.
 - i. The signatures of all owners or registered leaseholders holding an interest in the property in question.
 - ii. A statement that the waiver applies only to the specific building or buildings to which the waiver is granted.
 - iii. A statement that the solar access guaranteed by this section is waived for that particular structure and the City is held harmless for any damages resulting from the waiver.
 - iv. A description and drawing of the shading which would occur.
 - b. The approval authority finds all of the following criteria are met.
 - i. The exception does not preclude the reasonable use of solar energy (i.e., passive and active solar energy systems) on the site by future habitable buildings.
 - ii. The exception does not diminish any substantial solar access which benefits a passive or active solar energy system used by a habitable structure on an adjacent lot.
 - iii. There are unique or unusual circumstances that apply to this site which do not typically apply elsewhere.

18.4.8.030 Solar Setbacks

A. Setback Standard A. This setback is designed to ensure that shadows are no greater than six feet at the north property line. Buildings on lots which are classified as standard A, pursuant to 18.4.8.020.A.1, shall be set back from the northern lot line according to the following formula.

$$SSB = \frac{H - 6'}{0.445 + S}$$

Where:

SSB = the minimum distance in feet that the tallest shadow producing point which creates the longest shadow onto the northerly property must be set back from the northern property

line. See definition of northern property line in part 18.6.

H = the height in feet of the highest shade producing point of the structure which casts the longest shadow beyond the northern property line. See definition of highest shade producing point in part 18.6.

S = the slope of the lot, as defined in this chapter.

Table 18.4.8.030.A: Setback Standard "A"

Height in feet	Slope									
	-0.30	-0.25	-0.20	-0.15	-0.10	-0.05	-0.00	0.05	0.10	0.15
8 *	14	10	8	7	6	5	4	4	4	3
10 *	28	20	6-16	4-14	2-12	0-10	9	8	7	7
12 *	41	31	24	20	17	15	13	21	11	10
14 *	55	41	33	27	23	20	18	16	15	13
16 *	69	51	41	34	29	25	22	20	18	17
18 *	83	61	49	41	35	30	27	24	22	20
20 *	96	72	57	47	41	35	31	28	26	24
22 *	110	82	65	54	46	40	36	32	29	27
24 *	124	92	73	61	52	46	40	36	33	30
26 *	138	102	82	68	58	51	45	40	37	34
28 *	151	113	90	75	64	56	49	44	40	37
30 *	165	123	98	81	70	61	54	48	44	40
32 *	179	133	106	88	75	66	58	53	48	44
34 *	193	143	114	95	81	71	63	57	51	47
36 *	207	154	122	102	87	76	67	61	55	50
38 *	220	164	130	108	93	81	72	65	59	54
40 *	234	174	139	115	98	86	76	69	62	57

B. Setback Standard B. This setback is designed to ensure that shadows are no greater than 16 feet at the north property line. Buildings for lots which are classified as standard B, pursuant to 18.4.8.020.A.2, shall be set back from the northern lot line as set forth in the following formula.

$$SSB = \frac{H - 16'}{0.445 + S}$$

Table 18.4.8.030.B: Setback Standard "B"

Height in feet	Slope									
	-0.30	-0.25	-0.20	-0.15	-0.10	-0.05	0.00	0.05	0.10	0.15
8 *	0	0	0	0	0	0	0	0	0	0
10 *	0	0	0	0	0	0	0	0	0	0
12 *	0	0	0	0	0	0	0	0	0	0
14 *	0	0	0	0	0	0	0	0	0	0
16 *	0	0	0	0	0	0	0	0	0	0
18 *	14	10	8	7	8	5	4	4	4	3
20 *	28	20	16	14	12	10	9	8	7	7
22 *	41	31	24	20	17	15	13	12	11	10
24 *	55	41	33	27	23	20	18	16	15	13
26 *	69	51	54	34	29	25	22	20	18	17
28 *	83	61	49	41	35	30	27	24	22	20
30 *	96	72	57	47	41	35	31	28	26	24
32 *	110	82	65	54	46	40	36	35	29	27

Table 18.4.8.030.B: Setback Standard "B"

Height in feet	Slope									
	-0.30	-0.25	-0.20	-0.15	-0.10	-0.05	0.00	0.05	0.10	0.15
34 *	124	92	73	61	52	46	40	36	33	30
36 *	138	102	82	68	58	51	45	40	37	34
38 *	151	113	90	75	64	56	49	44	40	37
40 *	165	123	98	81	70	61	54	48	44	40

C. Setback Standard C. This setback is designed to ensure that shadows are no greater than 21 feet at the north property line. Buildings on lots which are classified as standard C, pursuant to 18.4.8.020.A.3, shall be set back from the northern lot line according to the following formula.

$$SSB = \frac{H - 21'}{0.445 + S}$$

Table 18.4.8.030.C: Setback Standard "C"

Height in feet	Slope									
	-0.30	-0.25	-0.20	-0.15	-0.10	-0.05	0.00	0.05	0.10	0.15
8 *	0	0	0	0	0	0	0	0	0	0
10 *	0	0	0	0	0	0	0	0	0	0
12 *	0	0	0	0	0	0	0	0	0	0
14 *	0	0	0	0	0	0	0	0	0	0
16 *	0	0	0	0	0	0	0	0	0	0
18 *	0	0	0	0	0	0	0	0	0	0
20 *	0	0	0	0	0	0	0	0	0	0
22 *	7	5	4	3	3	3	2	2	2	2
24 *	21	15	12	10	9	8	7	6	6	6
26 *	34	26	20	17	14	13	11	10	9	8
28 *	48	36	29	24	20	18	16	14	13	12
30 *	62	46	37	30	26	23	20	18	17	15
32 *	76	56	45	37	32	28	25	22	20	18
34 *	90	67	53	44	38	33	29	26	24	22
36 *	103	77	61	51	43	38	34	30	28	25
38 *	117	87	69	58	49	43	38	34	31	29
40 *	131	97	77	64	55	48	43	38	35	32

Amendments to Site Design Review Chapter

18.5.2.050 Approval Criteria

- E. **Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1, **2, or 3**, below, are found to exist.
1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
 2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.
 - 3. There is no demonstrable difficulty in meeting the specific requirements for a cottage housing development, but granting the exception will result in a design that equally or better achieves the stated purpose of 18.2.3.090**