

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

**ASHLAND PLANNING COMMISSION
SPECIAL MEETING
February 26, 2019
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street
- II. **ANNOUNCEMENTS**
- III. **PUBLIC FORUM**
- IV. **UNFINISHED BUSINESS**
 - A. Approval of Findings for PA-T2-2018-00006, 476 N Laurel
- V. **UPDATES**
 - A. Croman Mill District
 - B. State Legislative updates regarding Housing
- VI. **ADJOURNMENT**

**CITY OF
ASHLAND**



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

BEFORE THE PLANNING COMMISSION
February 26, 2019

IN THE MATTER OF PLANNING ACTION #PA-T2-2018-00006, A REQUEST FOR)
OUTLINE PLAN SUBDIVISION AND SITE DESIGN REVIEW APPROVALS FOR A)
12-UNIT/13-LOT COTTAGE HOUSING DEVELOPMENT LOCATED AT 476 NORTH)
LAUREL STREET. THE APPLICANTION ALSO REQUESTS AN EXCEPTION TO)
THE STREET STANDARDS TO EITHER INSTALL A CURBSIDE SIDEWALK OR)
TO REDUCE THE REQUIRED PARKROW WIDTH TO 3.7 FEET ON THE MOUN-)
TAIN VIEW DRIVE FRONTAGE OF 478 NORTH LAUREL STREET; A TREE RE-)
MOVAL PERMIT TO REMOVE TWO SIGNIFICANT TREES – A 12-INCH APPLE)
AND A 12-INCH WALNUT; AND A DEMOLITION REVIEW PERMIT TO DEMOL-)
ISH THE EXISTING HOME AND TWO ACCESSORY BUILDINGS.)

FINDINGS,
CONCLUSIONS &
ORDERS

OWNER/APPLICANT: DAVE CLOVER FOR CLOVER LIVING TRUST/
KDA HOMES, LLC

RECITALS:

- 1) Tax lot #8800 of Map 39 1E 04CB is located at 476 North Laurel Street and is zoned Single Family Residential (R-1-5).

- 2) The applicant is requesting Outline Plan subdivision and Site Design Review approvals for a 12-unit/13-lot Cottage Housing development located at 476 North Laurel Street. The application includes requests for an Exception to the Street Standards to either install a curbside sidewalk or to reduce the required parkrow width to 3.7 feet on the Mountain View Drive frontage of 478 North Laurel Street; a Tree Removal Permit to remove two significant trees: a 12-inch diameter at breast height (dbh) Apple tree and a 12-inch dbh Walnut tree; and a Demolition Review Permit to demolish the existing home and two accessory buildings. The applicant proposes that all cottages be built to Earth Advantage® Platinum/Net Zero standards, with solar panels installed during initial construction so that each cottage can produce at least as much energy as it consumes. In addition, one of the open space areas proposed is to be a pollinator garden where the use of pesticides will be restricted, and the applicant also indicates that the Cottage Housing development is designed for Life Long Housing® certification to better enable residents to age in place. The proposal is outlined in plans on file at the Department of Community Development.

- 3) The criteria for Outline Plan approval are described in **AMC 18.3.9.040.A.3** as follows:
 - a. *The development meets all applicable ordinance requirements of the City.*
 - b. *Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.*

- c. *The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.*
 - d. *The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.*
 - e. *There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.*
 - f. *The proposed density meets the base and bonus density standards established under this chapter.*
 - g. *The development complies with the Street Standards.*
- 4) The criteria for Site Design Review approval are detailed in **AMC 18.5.2.050** as follows:
- A. **Underlying Zone:** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
 - B. **Overlay Zones:** *The proposal complies with applicable overlay zone requirements (part 18.3).*
 - C. **Site Development and Design Standards:** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
 - D. **City Facilities:** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*
 - 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 or 2, 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.*
- 5) The development standards for Cottage Housing standards are detailed in **AMC 18.2.3.090** as follows:
- 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 NM-R-1-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7,500 sq.ft.	0.35
R-1-7.5 NM-R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11,250 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.

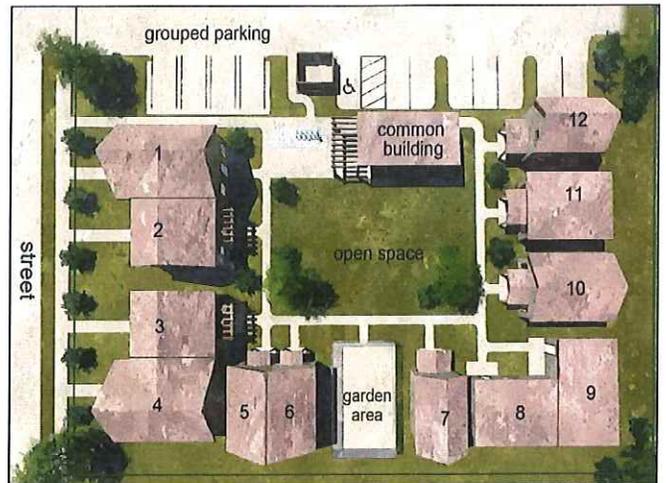
3. **Access, Circulation, and Off-Street Parking Requirements.** Notwithstanding the provisions of chapter 18.3.9 Performance Standards Option and 18.4 Site Development and Site Design Standards, cottage housing developments are subject to the following requirements:

- 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 multi-auto structures shall not be attached to individual cottages. Single-car garages and carports may be attached to individual cottages. Uncovered parking is also permitted provided that off street parking is screened in accordance with the applicable landscape and screening standards of chapter 18.4.4.

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 built prior to the effective date of this ordinance (date), 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. Existing garages, other existing non-habitable floor area, and the 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.

- 6) The approval criteria for an Exception to Street Standards are detailed in **AMC 18.4.6.020.B.1** as follows:
- a. *There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.*
 - b. *The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.*
 - i. *For transit facilities and related improvements, access, wait time, and ride experience.*
 - ii. *For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.*
 - iii. *For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.*
 - c. *The exception is the minimum necessary to alleviate the difficulty.*
 - d. *The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.*
- 7) The criteria for a Tree Removal Permit are described in **AMC 18.5.7.040.B** as follows:
1. **Hazard Tree.** *A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
 - a. *The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.*
 - b. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*
 2. **Tree That is Not a Hazard.** *A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
 - a. *The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.*

- b. *Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.*
- c. *Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.*
- d. *Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.*
- e. *The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*

8) The criteria for a Demolition or Relocation Review Permit are detailed in **AMC 15.04.216** as follows:

A. *For demolition or relocation of structures erected more than 45 years prior to the date of the application:*

1. *The applicant must demonstrate that either subparagraphs a or b apply:*

a. *The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property. In determining whether an economically beneficial use can be made of the property, the Demolition Review committee may require the applicant to:*

(i) *Furnish an economic feasibility report prepared by an architect, developer, or appraiser, or other person who is experienced in rehabilitation of buildings that addresses the estimated market value of the property on which the building lies, both before and after demolition or removal, or*

(ii) *Market the property utilizing a marketing plan approved by the Demolition Review Committee or by advertising the property in the Ashland Daily Tidings and Medford Mail Tribune at least eight times and at regular intervals for at least 90 days and by posting a for sale sign on the property, four to six square feet in size and clearly visible from the street, for the same 90 day period.*

b. *The structure proposed for demolition is structurally unsound despite efforts by the owner to properly maintain the structure.*

2. *In addition to subparagraphs a or b above, the applicant must also:*

- a. *Submit a redevelopment plan for the site that provides for replacement or rebuilt structure for the structure being demolished or relocated. The replacement or rebuilt structure must be a minimum of 1,000 square feet, unless the structure being demolished or relocated is less than 1,000 square feet. If the structure is less than 1,000 square feet, the replacement structure must be a minimum of 500 square feet. The redevelopment plan must indicate in sufficient detail the nature, appearance and location of all replacement or rebuilt structures. No replacement structure is required, however, if:*
 - (i) *the applicant agrees to restrict the property to open space uses and a finding is made that such restriction constitutes a greater benefit to the neighborhood than redevelopment would, or*
 - (ii) *the structure being demolished or relocated is a nonhabitable accessory structure.*
 - b. *Demonstrate, if the application is for a demolition, the structure cannot be practicably relocated to another site.*
3. *If a permit is issued and the redevelopment plan:*
- a. *Requires a site review permit, no demolition or relocation may occur until the site review permit has been issued, unless the site is restricted to open space uses as provided in section 15.04.216.A.2.*
 - b. *Does not require a site review permit, no demolition or relocation may occur until the building permit has been issued for the replacement or rebuilt structure, unless the site is restricted to open spaces uses as provided in section 15.04.216.A.2.*
4. *The Demolition Review Committee may require the applicant to post with the City a bond, or other suitable collateral as determined by the City administrator, ensuring the safe demolition of the structure and the completed performance of the redevelopment plan.*

9) The Planning Commission, following proper public notice, held a public hearing on January 8, 2019 at which time testimony was received and exhibits were presented. Prior to the closing of the hearing, participants requested that the hearing or record remain open pursuant to ORS 197.763(6) to present additional evidence or argument. The Planning Commission closed the hearing, but left the record open to the submittal of new evidence until 4:30 p.m. on January 15, 2019; to the submittal of responses to the new submittals until 4:30 p.m. on January 22, 2019; and to the submittal of written arguments, but no new evidence, by the applicant only until 4:30 p.m. on January 29, 2019. The meeting was continued for Planning Commission deliberations until 7:00 p.m. on February 12, 2019 at the City Council Chambers at which time the Planning Commission reconvened and after consideration of the materials received, approved the application subject to conditions pertaining to the appropriate development of the site.

Now, therefore, the Planning Commission of the City of Ashland finds, concludes and recommends as follows:

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

Hearing Minutes, Notices, Miscellaneous Exhibits lettered with an "M"

SECTION 2. FINDINGS & CONCLUSIONS

2.1 The Planning Commission finds that it has received all information necessary to make a decision based on the staff report, public hearing testimony and the exhibits received.

2.2 The Planning Commission finds that the proposal for Outline Plan approval, Site Design Review approval, Cottage Housing, Exception to Street Standards, Tree Removal Permit and Demolition Review meets all applicable criteria for Outline Plan approval described in AMC 18.3.9.040.A.3; for Site Design Review described in AMC 18.5.2.050; for a Cottage Housing Development described AMC 18.2.3.090; for an Exception to Street Standards described in AMC 18.4.6.020.B.1; for a Tree Removal Permit as described in AMC 18.5.7.040.B; and for a Demolition Review Permit described in AMC 15.04.216.

2.3 The Planning Commission concludes that the proposal satisfies all applicable criteria for Outline Plan approval.

The first approval criterion for Outline Plan approval is that, *"The development meets all applicable ordinance requirements of the City."* The Commission finds that the proposal meets all applicable ordinance requirements, is requesting no Variances and only a single Exception to the Street Standards (discussed further below), and that this criterion has been satisfied.

The second approval criterion for Outline Plan approval is that, *"Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity."* Staff have noted the following based on discussions with city utility departments:

Water, Sewer, Electricity and Urban Storm Drainage

Water – The Public Works Department has indicated that the property is currently served by a four-inch water main in North Laurel Street and a six-inch water main in Mountain View Drive. Water meters are illustrated being placed at the sidewalk off of both mains, with lines generally extending within the setback areas at the perimeter of the site to serve the proposed cottages. The Public Works

Department has indicated that the existing lines have the ability to provide capacity for the proposed development.

Sanitary Sewer - The Public Works Department has indicated that property is currently served by a six-inch sanitary sewer main in North Laurel Street and an eight-inch sanitary sewer main in Mountain View Drive, and that an 18-inch line picks up at the end of the six-inch line at Laurel and Otis. Public Works have indicated that existing lines have adequate capacity, that SDC's paid by the developer will provide for future improvements as necessary in the future, and that the Wastewater Treatment Plan has capacity to treat the development's wastewater. The conceptual utility plan proposes to connect to the sewer main in Mountain View Drive and extend a sewer line under the parking lot into the center of the property to provide connections for the cottages.

Electricity – The application proposes to connect to existing power on the north side of Mountain View Drive and along North Laurel Street, with a new secondary power transformer and meter bank to be installed at the southwest corner of the parking lot, and a new street light west of the driveway on Mountain View Drive. All existing overhead lines are to be converted to underground, with overhead connections abandoned.

Urban Storm Drainage - The Public Works Department has indicated that the property is currently served by a 12-inch storm sewer main in Mountain View Drive. The conceptual utility plan provided also notes an existing 12-inch storm sewer main in North Laurel Street. The plan illustrates storm water quality bio-swales at the southwest corner of the parking lot and within the parkrow planting strip along Mountain View Drive, with proposed storm water facility ponds illustrated on the north side of the proposed parking lot. All storm drainage is illustrated as entering the city system through a proposed outlet control structure just west of the driveway off of Mountain View Drive. The application indicated that the applicant will provide an on-site storm water detention facility capable of accommodating a 25-year storm event as required by adopted regional standards. The Engineering Division has indicated that based on the conceptual plan which illustrates two water quality swales, two detention ponds, and the entire parking area constructed in porous paving to provide additional detention, City stormwater requirements will be satisfied. In addition, the applicant has agreed to provide a drainage easement and install a storm drain pipe under city permit at their cost with the initial site infrastructure to provide neighbors with the option of connecting - at the neighbors' expense - their storm water drains to the provided pipe to resolved surrounding drainage issues.

Conditions have been included below requiring that final utility, grading and drainage plans and associated civil engineering drawings be provided for review and approval with the Final Plan application.

Police & Fire Protection

Existing fire hydrants are in place at the southwest corner of the subject property, along North Laurel Street, and at the northeast corner of the site, across Mountain View Drive. The Fire Marshal has noted that he will review the civil drawings and building permit submittals for compliance with fire codes relative to water supply and fire apparatus access, but he has further indicated that there are two routes available to provide fire protection to the site via existing, improved public streets and he sees no obvious red flag issues which would pose significant concerns with the proposal. Based on

comments from the Fire Marshal, a condition has been included below to require that the applicants address the requirements of the Fire Department including but not limited to approved addressing, fire apparatus access, fire hydrant distance and fire flow, as part of the Final Plan application submittal.

Paved Access and Adequate Transportation

Compliance with street standards is addressed under the appropriate criterion later in this section. With regard to paved access to and throughout the property and adequate transportation, the application materials include a Traffic Impact Analysis Review prepared by Alex Georgevitch Consulting.

Transportation Impact Analysis Review – Georgevitch’s review concludes that the proposed development is likely to generate approximately 88 average daily trips with eight p.m. peak hour trips and six a.m. peak hour trips. He further notes that if the entire surrounding neighborhood east of the development were to rely exclusively on Mountain View Drive, there would be a total of 475 daily trips with 48 p.m. peak hour trips and 35 a.m. peak hour trips, which is well below the 1,500 average daily trips considered in the design assumptions for a residential neighborhood street in the city’s street standards. Georgevitch concludes that the volume of trips to be generated by the proposal is very low and does not warrant a full traffic impact analysis. He notes that the site is well-served by multi-modal facilities, with sidewalks either already in place or to be built in conjunction with the development, on all frontages and continuing to downtown, shopping, schools and the transit corridor serving Ashland and the rest of the Rogue Valley. He further emphasizes that traffic along Mountain View Drive will not be adversely impacted by the development, and that even if all homes east of the development were to rely on Mountain View it would still operate safely and be well within the range of daily trips considered in the street design standards.

The application includes a “Conceptual Utility, Grading & Drainage Plan” as Exhibit C.1 prepared by Register Professional Engineer Anthony M. Bakke of Construction Engineering Consultants, Inc. which identifies existing facilities available in the adjacent rights-of-way along with proposed connections, meter placements, stormwater quality bio-swale and pond placement, and the applicant recognizes that some upgrades on their part will be necessary and that a final utility plan and associated civil engineering drawings will be provided with the Final Plan application. The Planning Commission finds that the site’s utilities will be extended to and through the subject property from the various public utility easements and street rights-of-way surrounding the site, and that based on the conceptual plans and details from the various service providers, adequate key city facilities are available within the adjacent rights-of-way and will be extended by the applicant to serve the proposed development. Conditions have been included below to require that final electric service, utility and civil plans be provided for the review and approval of the Staff Advisor and city departments in conjunction with the Final Plan submittal, and that civil infrastructure be installed by the applicants, inspected and approved prior to the signature of the final survey plat.

The third criterion for approval of an Outline Plan is that, *“The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space,*

common areas, and unbuildable areas.” The Planning Commission finds that that there are no significant natural features on the subject property.

The fourth criterion for approval of an Outline Plan is that, *“The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.”* The Planning Commission finds that the development will not prevent adjacent land from being developed with the uses envisioned by the Comprehensive Plan. Adjacent properties are largely developed as envisioned in the Comprehensive Plan.

The fifth approval criterion is that, *“There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.”* The Planning Commission finds that at the time the Final Plan application is submitted, a “Covenants, Conditions and Restrictions (CC&R’s)” document will be drafted by the project’s land use attorney for review and approval by the City. These documents will address the project’s common area in order provide adequate assurances relative to open space maintenance. The Commission further finds that the common open space is to be completed during the final stages of construction, but in no case will this extend beyond the sixth unit’s occupancy, and all private landscaping improvements are to be completed prior to each unit’s individual occupancy. Conditions requiring draft CC&R’s and phasing details be included with the final plan submittal have been included below. Based on the foregoing, the Commission concludes that the proposal complies with the fifth approval criterion.

The sixth criterion is that, *“The proposed density meets the base and bonus density standards established under this chapter.”* AMC Table 18.2.3.090.C.1 Cottage Housing Development Density addresses the permissible number of cottages for a cottage housing development in the R-1-5 zoning district providing that one cottage per 2,500 square feet of lot area is allowed, with a maximum number of 12 cottages. The Planning Commission finds that the 32,492 square foot property here will accommodate 12 cottages ($32,492/2,500 = 12.9968$) and 12 are proposed which complies with the allowed Cottage Housing Development Density. Based on the foregoing, the Commission concludes that the proposal complies with the sixth approval criterion.

The final Outline Plan approval criterion is that, *“The development complies with the Street Standards.”* The subject property has frontages on North Laurel Street and Mountain View Drive.

North Laurel Street is a residential neighborhood collector street, and city standards envision five-foot sidewalks, seven-foot parkrow planting strips, a six-inch curb, seven-foot parking bays on each side, and nine- to ten-foot travel lanes on each side. The city-standard cross-section includes a 22- to 34-foot curb-to-curb paved width within a 49- to 61-foot right-of-way, *dependent on the on-street parking configuration.* The existing curb-to-curb paved width along the frontage is 29 to 30 feet, and the right-of-way width along the corridor varies from 47- to 60-feet. There are curbs, gutters, paving and curbside sidewalks in place along the property’s Laurel Street frontage. The sidewalks were installed subject to an Exception to allow curbside sidewalks with the recent Laurel Street LID, as provided in the Street Design Standards in AMC 18.4.6.040.A.2:

All streets [shall] have parkrows and sidewalks on both sides.... Exceptions could result in construction of meandering sidewalks, sidewalks on only one side of the street, or curbside sidewalk segments instead of setback walks. Exceptions should be allowed when physical conditions exist that preclude development of a public street, or components of the street. Such conditions may include... limited right-of-way when improving streets through a local improvement district (LID).

As part of the current application, the applicant proposes to remove both Laurel Street curb cuts and replace the disturbed areas of curb and sidewalk to improve the streetscape aesthetics, reduce conflict points and create two additional on-street parking spaces in the public realm along Laurel Street. Three street trees are to be planted behind the existing curbside sidewalk, and these will be selected and irrigated in keeping with city standards.

Mountain View Drive is a residential neighborhood street, and city standards envision five-foot sidewalks, seven-foot parkrow planting strips, a six-inch curb and seven-foot parking bays on each side, with an 11- to 14-foot queuing travel lane. The city standard cross-section includes a 25- to 28-foot curb-to-curb paved width in a 50- to 55-foot right-of-way.

The existing improvements consist of paving, curb, gutter, and curbside sidewalks on the north side, with no sidewalks or parkrows on the south (i.e. applicant's) side. The existing right-of-way width varies from 47- to 50-feet and the paved curb-to-curb width is 27-feet 8-inches. Public Works has indicated that an 8.7-foot right-of-way dedication along the frontage is necessary to provide full right-of-way width and accommodate the installation of city standard frontage improvements. The applicant proposes to make this dedication and install the required frontage improvements.

The Commission finds that the existing right-of-way width is consistent with the street standards, and that the width and presence of parkrows serve to provide neighborhood traffic calming. The Commission further finds that the city's Street Standards seek a residential neighborhood street design that functions safely while reducing the need for extensive traffic regulations, control devices, and enforcement. This is achieved by minimizing the paved width of neighborhood streets, and is consistent with efforts to reduce street construction and maintenance costs, storm water runoff, and negative environmental impacts, and is in keeping with Comprehensive Plan Policy 10.09.02.5 which seeks to, *"Reduce excessive street pavement width in order to facilitate convenient pedestrian and bicycle circulation, to reduce the costs of construction, to provide for more efficient use of land and to discourage excessive traffic volumes and speeds."*

Sidewalk Exception - There are no sidewalks along the property's Mountain View Drive frontage. The applicant proposes to install a public sidewalk and parkrow planting strip along their frontage. Along the adjacent frontage at 478 Laurel Street, there is only 8.7 feet from the curb to the property line, and as such a standard five-foot sidewalk and seven-foot park row planting strip are not possible; the applicant requests an Exception to Street Standards to install either a five-foot curbside sidewalk or to provide a five-foot sidewalk with a reduced 3.7-foot parkrow. An Exception is necessary because the applicant does not own the property at 478 Laurel Street and as such there is not adequate area available to install both parkrow and sidewalk to the standards. The sidewalk and parkrow along the Mountain View frontage of the applicant's development will be improved with a standard five-foot

sidewalk and full seven-foot park row planting strip with irrigated street trees, and the applicant will dedicate the necessary right-of-way to the City to fully comply with street standards along their frontage and an approximately 100-foot long, 8.7-foot wide remnant strip along the frontage of 478 Laurel Street as well.

The Planning Commission finds that an Exception is both necessary and merited here because of the limited available space between the existing curb and the neighbor's property line which represents a demonstrable difficulty due to unique aspect of the site. The applicant would not normally be required to install improvements along a neighbor's frontage, but in this case the applicant owns a narrow 8.7-foot strip between the curb and the neighbor's property line and is proposing to complete the improvement. The Commission finds that the appropriate Exception, as recommended by staff, is to provide the standard five-foot sidewalk with a reduced 3.7 foot parkrow width as this will provide equal transportation facilities and connectivity and is the minimum necessary to alleviate the difficulty posed by the limited available area. Trees planted behind a curbside sidewalk would likely adversely impact or be impacted by the proximity to the neighbor's fence, and in order to accommodate street trees within the reduced park row planting strip width, staff have recommended and the applicant has agreed to conditions requiring: 1) that irrigated street trees be selected from the "4 Foot Parkrow" list in the Recommended Street Trees guide and planted at a spacing of one per 30- to 50-feet within this reduced parkrow; and 2) that the sidewalk design in this section incorporate a means for channeling roots under pavement such as using two-foot diameter porous or perforated drain pipe half-filled with loose top soil and slow release fertilizer, one-inch thick aeration or drainage pads installed vertically beneath the sidewalk, or any other Tree Commission-approved alternative to increase the effective root zone beyond the narrow park row planting strip. A condition to this effect has been included below, and the applicant will be able to present any proposed alternative to the Tree Commission with their Final Plan application. The Planning Commission concludes that as detailed above and with the conditions discussed, the proposal complies with the street standards with the exception of the section of Mountain View Drive sidewalk adjacent to 478 North Laurel Street, for which the requested Exception to allow a narrower than standard parkrow with for an approximately 100-foot section along Mountain View Drive is merited.

The Planning Commission concludes that as detailed above and with the conditions discussed, the proposal complies with the requirements for Outline Plan subdivision approval under the Performance Standards Options chapter.

2.4 The Planning Commission concludes that the proposal satisfies all applicable criteria for Site Design Review approval.

The first approval criterion addresses the requirements of the underlying zone, requiring that, *"The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards."* The Planning Commission finds that the building and yard setbacks and other applicable standards have been evaluated to ensure consistency with the applicable provisions of part 18.2, and all regulations of the underlying R-1-5 zoning will be satisfied.

The second approval criterion deals with overlay zones, and requires that, *“The proposal complies with applicable overlay zone requirements (part 18.3).”* The Planning Commission finds that the property is within the Performance Standards Option (PSO) overlay zone, which requires that all developments other than partitions or individual dwelling units be processed under Chapter 18.3.9., and that the proposal involves a 12-unit cottage housing development and 13-lot subdivision for which the applicant has requested Outline Plan approval under the PSO-Overlay chapter 18.3.9. The Planning Commission finds that this criterion is satisfied.

The third criterion addresses the Site Development and Design Standards, requiring that *“The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.”* The Planning Commission finds that the proposal complies with the applicable Site Development and Design Standards including provisions for access management, building orientation, parking configuration, etc. and that the various plans have been prepared based on these standards and the recently adopted Cottage Housing ordinance. With regard to the parking requirements in AMC 18.4.3, cottage housing units less than 800 square feet require one off-street parking space be provided per unit. The applicant proposes to provide 12 off-street parking spaces for the 12 proposed units here. In addition, there are three on-street parking spaces along the property’s Laurel Street frontage, five along its Mountain View Drive frontage, and an additional three along the frontage adjacent to 478 Laurel Street. No on-street parking credits are requested. Bicycle parking is to be provided under each unit’s over-sized eaves, in covered alcoves and in a centralized bicycle barn in accordance with the requirements of AMC 18.4.3.070.C.1. The Planning Commission finds that all required off-street parking has been provided on site. The Planning Commission concludes that the third criterion has been satisfied.

The fourth approval criterion addresses city facilities, specifically requiring that, *“The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.”* The Planning Commission finds that adequate capacity of city facilities, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property, and that these items are addressed in detail in the Outline Plan discussion in section 2.3 above. The Commission concludes that this criterion has been satisfied.

The final criterion for Site Design Review approval addresses “Exception to the Site Development and Design Standards.” The Planning Commission finds that the proposal does not include any Exceptions to the Site Development and Design Standards, and as such this criterion does not apply.

The Planning Commission concludes that as detailed above and with the conditions discussed, the proposal complies with the requirements for Site Design Review approval.

2.5 The Planning Commission finds that concludes that the proposal satisfies all applicable standards specific to Cottage Housing Development.

The Planning Commission finds that the project has been modeled after the examples illustrated in the recently adopted Cottage Housing ordinance (#3147). Half of the units being attached creates a similar mass when compared to the surrounding neighborhood which is generally an eclectic mix of styles and volumes, and provides a variety of housing that not only attempts to protect neighborhood views and privacy, but also provides opportunities for ownership of small, detached and semi-attached single family dwellings for a population diverse in age, income and household size.

The Planning Commission finds that other than an Exception to Street Standards discussed in section 2.3 above, no design standard Exceptions or Variances are proposed. The proposal complies with the allowed development density, floor area ratio, height and lot coverage standards, with 12 cottages proposed for a ¾-acre parcel and a combined floor area ratio of 0.28. All of the proposed cottages are less than 800 square feet in gross habitable floor area, with a combined average floor area of 767 square feet. All of the units are proposed at no more than 14 feet from finished grade to roof peak, where the cottage housing standards allow roof peaks up to 25 feet from grade. Lot coverage is noted at 49.3 percent, including the allowance for an addition 200 square feet for porous solid surfaces. The parking lot and a large section of private walkways are to be constructed with porous concrete.

The Commission further finds that building separations are equal or greater than the six-foot minimum for cottages, and the proposed carports, trash enclosure and bike parking areas are separated from the cottages with the closest point being nine feet, in compliance with building codes.

No fencing has been identified in the current proposal, and the Commission finds that any fencing will be detailed in the Final Plan submittal and demonstrated to comply with the limitations of the fence code and will not exceed four feet on interior areas adjacent to open space. A condition has been included below to requires that the CC&R's detail fencing limitations.

The Commission finds that the proposed cottage housing development is within an established neighborhood with the majority of streets fully improved with the exception of the sidewalks along the Mountain View Drive frontage of the subject property and the neighboring property immediately to the west. The applicant proposes to fully upgrade these sections of Mountain View Drive with sidewalks, planting strips and street trees, with the necessary right-of-way dedicated to the city at the time of Final Plat recording. The applicant's proposal includes dedication of the narrow strip adjacent to 478 North Laurel Street and the installation of standards sidewalks and a narrow parkrow along this section, as well.

The Commission finds that the driveway and parking area proposed meet the vehicle area design standards in AMC 18.4.3. 50 percent of the spaces are to be compact while 50 percent will be standard sized, and all are to have the minimum required back-up dimension of 22 feet. All spaces are to include wheel stops, striping, and will be appropriately surfaced.

The Commissioner further finds that the proposal meets the off-street parking requirements of AMC 18.4.3.040, providing 12 spaces for the 12 cottages in a single, consolidated parking area. Parking is to be provided in carports on each side of the drive aisle. Additional on-street parking exists, with five spaces along the property's Mountain View Drive frontage, three spaces along its Laurel Street

frontage, and four spaces along the Laurel Street frontage proposed to be improved adjacent to 478 North Laurel Street, however the proposal fully addresses the required parking on-site, and no on-street parking credits are required or requested.

The Planning Commission finds that 21½ percent of the site is proposed in open space, where a minimum of 20 percent is required. The proposed open space is in the center of the property and no dimension is less than 20 feet. The proposed open space consists of a central open space interconnected with an adjacent open space, each with its own recreational purpose. The central open space includes a turf area surrounded by plants and flowers intended to support small gatherings or light activities. A pollinator garden area is proposed to the west of the central open space. Nine of the 12 units directly abuts the open space, and the open space is distinguished from private outdoor areas with a walkway, landscaping and short fencing to provide a visual boundary. Private open space areas, separate from the common open space, include large porches, planter beds and smaller rear yards to provide the requisite private outdoor areas.

The Commission finds that the development proposes multiple storm water infiltration areas (bio-swales) within the site's landscaping to not only help reduce heavy particulates from entering the public storm water system, but also to provide added aesthetic benefits to the site. The site's parking lot is to be constructed of porous concrete to provide storm water percolation, including inlets from the carports' roofs. The cottages have been grouped, and parking consolidated, to preserve as much contiguous open space as reasonably possible.

The Planning Commission finds that the purpose and intent statement in AMC 18.2.3.090.A, *"to encourage innovative site planning and variety in housing while ensuring compatibility with established neighborhoods"* is not a specific approval criterion but rather the legislative rationale for adopting the chapter, and further finds that the standards detailed were intended to achieve compatibility with established neighborhoods by allowing a greater number of smaller, well-designed units rather than requiring units be of a comparable size to surrounding homes for the sake of compatibility.

Based on the foregoing, The Planning Commission concludes that, as detailed above and with the conditions discussed, the proposal is consistent with the Specific Cottage Housing Development Standards.

2.6 The Planning Commission finds that there are four trees on the property: a ten-inch Apple, a 12-inch Apple, a ten-inch Cypress and a 12-inch Walnut. All four trees are proposed for removal as part of the application. In addition, the application explains that a 50-inch Ash tree in the front yard was removed in September of 2018 when the project's arborist determined that the tree was a safety hazard to the old house, neighboring properties and pedestrians on the Laurel Street sidewalk.

The Planning Commission finds that with regard to the removal of the 50-inch Ash tree in September of 2018, at that time the property was residentially-zoned and occupied only by a single family detached dwelling and associated accessory structures and as such would have been exempt from Tree Removal Permit requirements. With the demolition of the single family detached dwelling now

proposed, the current removals are considered in light of AMC 18.5.7.020.B.3 wherein the removal of significant trees from vacant R-1 property requires a Tree Removal Permit. Tree Removal Permits are required to remove the 12-inch diameter Apple and the 12-inch diameter Walnut which are considered to be “significant” by definition as they are deciduous trees having a trunk 12 caliper inches in diameter at breast height or greater.

The first criterion for a Tree Removal permits is that, *“The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.”* The Planning Commission finds that all four trees are unhealthy due to a lack of recent irrigation, pruning and deer-rutting attributable to the long-term vacancy of the property. The Commission further finds that the trees are located in such a way that their removals are necessary to accommodate placement of cottages around a central open space as sought in the Cottage Housing standards and the placement of a single, consolidated parking area accessed from a lesser order street sought both through the Cottage Housing standards and in Transportation Element Policies #16, which calls for maintaining *“carrying capacity, safety and pedestrian, bicycle, public transit and motor vehicle movement on ... neighborhood collectors through driveway and curb cut consolidation or reduction”* and #18, which requires *“design that combines multiple driveway accesses to a single point in residential and commercial development.”* Based on the foregoing, the Commission concludes that the first criterion has been met.

The second approval criterion is that, *“Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.”* The Commission finds that the removals will not have significant negative impacts on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks. Three of the four trees to be removed are between eight and 15 feet in height and do not provide any windbreak while the fourth, the 12-inch Walnut recently lost one of its limbs in a windstorm. The Commission concludes that the second criterion is satisfied.

The third criterion is that, *“Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.”* The Commission finds that the removal of the trees will have no negative impacts on tree densities, sizes, canopies or species diversity, and concludes that this criterion is met.

The fourth criterion for approval of a Tree Removal Permit is that, *“Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.”* The Commission finds that the applicant pursued multiple site plan variations, however none of them were ultimately proposed as the four trees to be removed were noted as being in declining health and their central locations relative to

site development would have impacted meeting the allowed density and compliance with other standards. The Commission concludes that the fourth criterion has been satisfied.

The final criterion is that, *“The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.”* The Planning Commission finds that two mitigation trees are required, and further finds that a total of 22 trees and over 300 plants and shrubs are to be planted and irrigated with the proposal to more than adequately mitigate the requested tree removals. The Commission concludes that this final criterion has been met.

The Commission notes that the Ashland Tree Commission was unable to convene its regular monthly meeting for January of 2019 due to a lack of quorum and as such there is no Tree Commission recommendation. As provided in AMC 2.25.040, the failure of the Tree Commission to make a recommendation on any individual planning action shall not invalidate that action, and the Commission would further note that the Tree Commission will have the opportunity to review and comment on the Final Plan proposal.

The Commission further notes that while no trees are to be retained on the property, tree protection notes are provided on the applicant’s Landscape Plan (Sheet L.1). The application narrative indicates that trees on neighboring properties will be adequately protected by fencing in place at the property perimeter, however because the plan does not clearly address the trees on adjacent properties within 15 feet of the property line as required in AMC 18.4.5.030.B.1. staff have recommended that conditions requiring a Tree Protection Plan addressing any necessary protection for trees on adjacent properties within 15 feet of the property line be provided with the Final Plan submittal, and that a Tree Verification Permit be obtained to verify the identification of trees to be removed and the installation of any requisite tree protection for trees on adjacent properties prior to any site work. These conditions have been included below.

The Planning Commission concludes that as detailed above and with the conditions discussed, the proposal complies with the requirements for Tree Protection and for Tree Removal Permits to remove two trees.

2.7 The Planning Commission finds that a Demolition Review Permit is required for the proposed demolition of the existing house and two outbuildings on the property. The application indicates the applicant had initially sought to preserve the existing house and relocate it elsewhere on the property with a new foundation as they have done recently with the old house at 1068 East Main Street, however in looking into this possibility they determined that the house here had too many structural and systemic problems to be salvageable and are thus proposing that it be demolished along with the barn and the other outbuilding on the property. The applicant emphasizes that the demolition will be carried out in keeping with the Demolition and Relocation Standards in AMC 15.04.216. The Commission notes that Demolition Review is administered through the Building Division, but requires that the applicant obtain Site Design Review approval, requested here, for redevelopment of the property as a requirement for Demolition approval.

The Commission has included conditions recommended by staff that: 1) The applicant obtain a Demolition Permit from the Building Division, including paying associated fees and obtaining requisite inspections; and 2) That construction and demolition debris shall be salvaged or recycled in keeping with the city's "Building Demolition Debris Diversion Table," and that a demolition debris diversion plan shall be provided for the review and approval of the Building Official in conjunction with the Demolition Permit application.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Outline Plan subdivision and Site Design Review approvals for a 12-unit/13-lot Cottage Housing development, Exception to the Street Standards, Tree Removal Permit, and Demolition Review Permit to demolish the existing home and two accessory buildings is supported by evidence contained within the whole record.

In addition to being the first application under the relatively recently adopted Cottage Housing ordinance, the application also proposes that all cottages are to be built to Earth Advantage® Platinum/Net Zero standards, with solar panels installed during initial construction, with the intention that each cottage will produce at least as much energy as consumes. In addition, one of the open space areas proposed is to be a pollinator garden where the use of pesticides will be restricted, and the applicant also indicates that the Cottage Housing development has been designed for Life Long Housing® certification to better enable residents to age in place. The project considered as a whole is exactly the type of development the Commission and Council sought to encourage with the Cottage Housing ordinance, and the Commission believes that the development merits approval.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #PA-T2-2018-00006. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2018-00006 is denied. The following are the conditions and they are attached to the approval:

1. That all proposals of the applicant shall be conditions of approval unless otherwise modified herein.
2. That any new addresses shall be assigned by City of Ashland Engineering Department. Street and subdivision names shall be subject to City of Ashland Engineering Department review for compliance with applicable naming policies.
3. That permits shall be obtained from the Ashland Public Works Department prior to any work in the public right of way, including but not limited to permits for new driveway approaches or any necessary encroachments.
4. That the parkrow along the Mountain View Drive frontage of 478 North Laurel Street shall be installed to a 3.7-foot width as proposed by the applicant. Irrigated street trees selected from the "4 Foot Parkrow" list in the Recommended Street Trees guide shall be planted at a spacing of one per 30-50 feet within this reduced parkrow, and the sidewalk design in this section shall incorporate a means for channeling roots under pavement including but not limited to using 24-inch diameter porous or perforated drain pipe half-filled with loose top soil and slow release fertilizer, one-inch

- thick aeration or drainage pads installed vertically beneath the sidewalk to increase the effective root zone beyond the “planting pit,” or another Tree Commission-approved option. The means for channeling roots under the pavement shall be included in the civil drawings.
5. That a Tree Verification Permit shall be applied for and approved by the Ashland Planning Division prior to any site work including excavation, staging or storage of materials, or excavation permit issuance. The Tree Verification Permit is to inspect the identification of the trees to be removed and the installation of tree protection fencing for trees to be protected on adjacent properties. Standard tree protection consists of chain link fencing six feet tall and installed in accordance with the requirements of AMC 18.4.5.030.B. No construction shall occur within the tree protection zone including dumping or storage of materials such as building supplies, soil, waste, equipment, or parked vehicles.
 6. That the Final Plan submittal shall include:
 - a. Final electric service, utility and civil engineering plans; all civil infrastructure shall be installed by the applicants, inspected and approved prior to the submittal of the final survey plat for review and signature.
 - b. That draft CC&Rs for the Homeowner's Association shall be provided for review and approval of the Staff Advisor with the Final Plan application. The CC&R's shall describe responsibility for the maintenance of all common use-improvements including carports and parking areas, landscaping, storm water facilities and street trees and their planting strips. The cottage housing fencing limitations, floor area limitations and the prohibition on ARU's shall be clearly addressed in the CC&R's.
 - c. The approved Tree Protection Plan and accompanying standards for compliance shall be noted in the CC&Rs. The CC&Rs must state that deviations from the plan shall be considered a violation of the Planning Application approval and therefore subject to penalties described in the Ashland Municipal Code.
 - d. A phasing plan for the completion of the development.
 - e. Final site lighting details.
 - f. Final lot coverage calculations demonstrating how lot coverage is to comply with the applicable coverage allowances of the zoning district. Lot coverage includes all building footprints, driveways, parking areas and other circulation areas, and any other areas other than natural landscaping.
 - g. All easements including but not limited to public and private utilities, mutual access and circulation, and fire apparatus access shall be indicated on the Final Plan submittal for review by the Planning, Engineering, Building and Fire Departments.
 - h. Final civil engineering plans including but not limited to the water, sewer, storm drainage, electric, sidewalk and driveway improvements shall be submitted for the review and approval of the Planning, Building, Electric, and Public Works/Engineering Departments.
 - i. That a final utility plan for the parcels shall be submitted for review and approval by the Planning, Engineering, and Building Divisions with the Final Plan application. The utility plan shall include the location of connections to all public facilities including the locations of water lines and meter sizes, fire hydrants, sanitary sewer mains and services, manholes and clean-outs, and storm drainage

- pipes and catch basins. Any required private or public utility easements shall be delineated on the civil plans.
- ii. That the applicant shall submit a final electric design and distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment with the Final Plan application. This plan must be reviewed and approved by the Electric Department prior to the signature of the final survey plat. Transformers and cabinets shall be located in areas least visible from streets and outside of vision clearance areas, while considering the access needs of the Electric Department. Electric services shall be installed underground to serve all lots within the applicable phase prior to submittal of the final survey plat for review and signature. At the discretion of the Staff Advisor, a bond may be posted for the full amount of underground service installation (with necessary permits and connection fees paid) as an alternative to installation of service prior to signature of the final survey plat. In either case, the electric service plan shall be reviewed and approved by the Ashland Electric Department and Ashland Engineering Division prior to installation.
 - iii. The engineered construction drawings for the proposed street improvements along Laurel Street (curb cut closure and sidewalk replacement) and Mountain View Drive (sidewalk and parkrow installation with street trees) shall be submitted for review and approval of the Ashland Planning and Engineering Divisions with the Final Plan application, prior to work in the street right-of-way or installation of improvements in the pedestrian corridor. The Mountain View sidewalks shall be a minimum of five feet in width with seven-foot landscaped parkrows between the sidewalk and the street along the property's Mountain View frontage, with the landscaped parkrow reduced to 3.7 feet along the Mountain View Drive frontage of 478 North Laurel Street. All frontage improvements, including but not limited to the sidewalk, irrigated street trees, and street lighting, shall be constructed across the entire Mountain View frontage of the site. The sidewalk shall be constructed to City of Ashland Street Standards.
 - iv. The storm drainage plan shall detail the location and final engineering for all storm drainage improvements associated with the project, and shall be submitted for review and approval by the Departments of Public Works, Planning and Building Divisions. The storm drainage plan shall demonstrate that post-development peak flows are less than or equal to the pre-development peak flow for the site as a whole, and that storm water quality mitigation has been addressed through the final design.
- i. A final grading and erosion control plan.
 - j. A Tree Protection Plan which clearly addresses the trees on the adjacent properties within 15 feet of the property line, and any fencing or other measures necessary for their protection for trees as required in AMC 18.4.5.030.B.1.
 - k. A final size- and species-specific landscaping plan including irrigation details and details of the landscape materials to be planted shall be provided for the review and approval of the Staff Advisor. Two mitigation tree plantings shall be installed according to the approved plan, inspected, and approved by the Staff Advisor prior to final approval. New

landscaping shall comply with the General Fuel Modification Area requirements and shall not include plants listed on the Prohibited Flammable Plant List adopted by Resolution #2018-028.

1. That the requirements of the Ashland Fire Department relating to fire hydrant distance, spacing and clearance; fire flow; fire apparatus access, approach, turn-around, and firefighter access pathway; approved addressing; fire sprinkler and extinguishers as applicable; limits on fencing and gates which would impair access; and wildfire hazard area requirements shall be satisfactorily addressed in the Final Plan submittals. Fire Department requirements shall be included in the civil drawings, and a Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements of AMC 18.3.10.100.A.2. shall be included with the Final Plan submittal.
7. A final survey plat shall be submitted for the review and approval of the Staff Advisor within 12 months and approved by the City of Ashland within 18 months of this approval. Prior to submittal of the final subdivision survey plat for review and signature:
- a. The final survey plat shall include dedication of the 8.7 feet of additional right of way on the south side of Mountain View Drive to accommodate city standard street improvements as proposed by the applicant.
 - b. The final survey plat shall include a deed restriction notifying future property owners that the size of a cottage dwelling may not be increased beyond the maximum floor area in subsection 18.2.3.090.C.2.a. This size limitation shall also be addressed in the development CC&R's.
 - c. All easements including but not limited to public and private utilities, mutual access, and fire apparatus access shall be indicated on the final survey plat as required by the Ashland Engineering Division.
 - d. Right-of-way necessary to accommodate proposed city standard street improvements including approximately 8.7 feet along the south side of Mountain View Drive shall be dedicated to the city on the final survey plat. All public improvements including but not limited to the paving, curbs, gutters, sidewalk, street trees in irrigated park row planting strips and street lighting shall be installed to City of Ashland standards (subject to approved Exceptions) under permit from the Public Works Department and in accordance with the approved plan prior to submittal of the final survey plat for review and signature. Laurel Street driveway curb cuts shall be removed and the curb and sidewalk replaced in these locations under permit from the Engineering Division. The new curb and sidewalks shall be installed, inspected and approved prior to the submittal of the final survey plat for signature.
 - e. Subdivision infrastructure improvements including but not limited to utility installations and common area improvements shall be completed according to approved plans prior to submittal of the final survey plat for review and signature.
 - f. Electric services shall be installed underground to serve all lots, inspected and approved. The electric service plan shall be reviewed and approved by the Ashland Electric, Building, Planning and Engineering Divisions prior to installation.

- g. That the sanitary sewer laterals and water services including connection with meters at the street shall be installed to serve all lots, inspected and approved.

Planning Commission Approval

February 26, 2019
Date

Council Business Meeting

February 19, 2019

Agenda Item	Croman Mill District Memorandum of Understanding	
From	Maria Harris	Planning Manager
Contact	maria.harris@ashland.or.us (541) 552-2045	

SUMMARY

The City Council is being asked to decide whether to participate in a project which would consider the revision of the Croman Mill District to allow for the development of additional housing units. The project would be undertaken in collaboration with the owners of the Croman Mill site, Croman Corporation. The Council directed staff to move forward with developing a memorandum of understanding (MOU) and scope of work for further consideration at the [March 5, 2018](#) meeting.

A draft MOU including a preliminary scope of work is attached and was reviewed by the Legal and Public Works departments. The MOU clarifies work expectations of both the City and Croman Corporation. Croman Corporation reviewed the MOU and indicated they are in agreement with the project as outlined.

The reason for considering potential amendments to the Croman Mill District is to evaluate allowing the development of additional housing units. Currently, housing is permitted in limited areas at the northern, western and southern edges of the plan area. The property owner indicated that the development of additional housing units will facilitate and finance the construction of the main street and necessary utilities (e.g., water, sewer, storm drain and electric) to serve the Croman Mill District. Establishing a road connection to Siskiyou Blvd. would also provide improved access for the trucks involved in the ongoing site clean-up and reclamation project, as well as jumpstart the development of the larger Croman Mill District area.

POLICIES, PLANS & GOALS SUPPORTED

The *2015-2017 Council Goals and Objectives* include the following goals and objectives related to housing and employment land.

- 5.2 *Support and promote, through policy, programs that make the City affordable to live in.*
- 5.2.a. *Pursue affordable housing opportunities, especially workforce housing. Identify specific incentives for developers to build more affordable housing.*
- 15.2 *Evaluate barriers to business startup and expansion.*
- 19.1 *Examine Croman Mill District redevelopment plan.*
- 19.4 *Create predictable pathways for development of employment land.*

The *Ashland Comprehensive Plan* includes a goal to “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.

PREVIOUS COUNCIL ACTION

The Council directed staff to move forward with developing a MOU and preliminary scope of work for further consideration at the [March 5, 2018](#) meeting.

BACKGROUND AND ADDITIONAL INFORMATION

1. Croman Mill Plan Area

The Croman Mill Plan area includes approximately 95 acres. The Croman Mill Plan area is bound by the railroad right-of-way to the north and east, Tolman Creek Road and Hamilton Creek to the west and Siskiyou Boulevard to the south (see attached aerial photo).

The majority of the property in the plan area is comprised of the abandoned Croman Mill site (approximately 64 acres), which is the largest, unused parcel of land in the city limits. The nonoperational Croman Mill site is centrally located in the plan area, between Mistletoe Road and the railroad right-of-way. Approximately seven acres of the former Croman Mill site are located outside the city limits but within Ashland's urban growth boundary. This comprises the southerly extent of the Croman Mill Plan area and is immediately to adjacent Siskiyou Boulevard. Also included within the Croman Mill Plan area, is the Oregon Department of Transportation (ODOT) maintenance yard located south of the intersection of Mistletoe and Tolman Creek, as well as some additional properties to the west of Mistletoe Road and near the intersection of Siskiyou Boulevard and Crowson Road area.

The mill site was a former planing and saw mill for 62 years, from 1934 – 1996. As a result, the area has limited utilities and infrastructure to support future development. The property contained an abundance of decommissioned equipment, construction material and piles of debris and organic material. The property owners began preparing the site for development by clearing the equipment, material and buildings after the Croman Mill District was adopted by the City in 2010.

2. Croman Mill Site Redevelopment Plan

The Croman Mill master planning effort began in December 2007 and the plan was adopted in August 2010. Concurrent with the adoption of the Croman Mill Site Redevelopment Plan in 2010, the City adopted the [2007 Economic Opportunity Analysis \(EOA\)](#), added the Croman Mill Plan designation to the Comprehensive Plan map, added the Croman Mill District including five zones to the Zoning map and added [Chapter 18.3.2 Croman Mill District](#) to Title 18 Land Use of the Ashland Municipal Code.

The key elements of the master plan are the preservation of industrial and office use lands, buffering the neighborhood to the west, mitigating traffic impacts to Tolman Creek Road, the preservation of natural features (creeks, pond, and wetlands), a central open space element, improving access into the property, creating a street network incorporating truck, transit, pedestrian and bicycle access, maintaining access to the railroad and creating a unique identity to improve visibility of area.

Prior to the adoption of the master plan, the Planning Commission denied an application in 2001 to change the industrial zoning of the mill site to housing and health-care for approximately two-thirds of the 64 acres and for employment uses for the remaining third of the acreage. In 2007, the City completed the EOA which projects employment growth for Ashland and identifies the land needed to accommodate the projected employment growth. Subsequent to the development of the EOA, the City Council identified a goal to develop a master plan for the Croman Mill site area, and the master planning project was initiated by the City. The master plan was funded by a state Transportation and Growth Management (TGM) grant and a consultant conducted the public workshops and developed a draft plan and design standards.

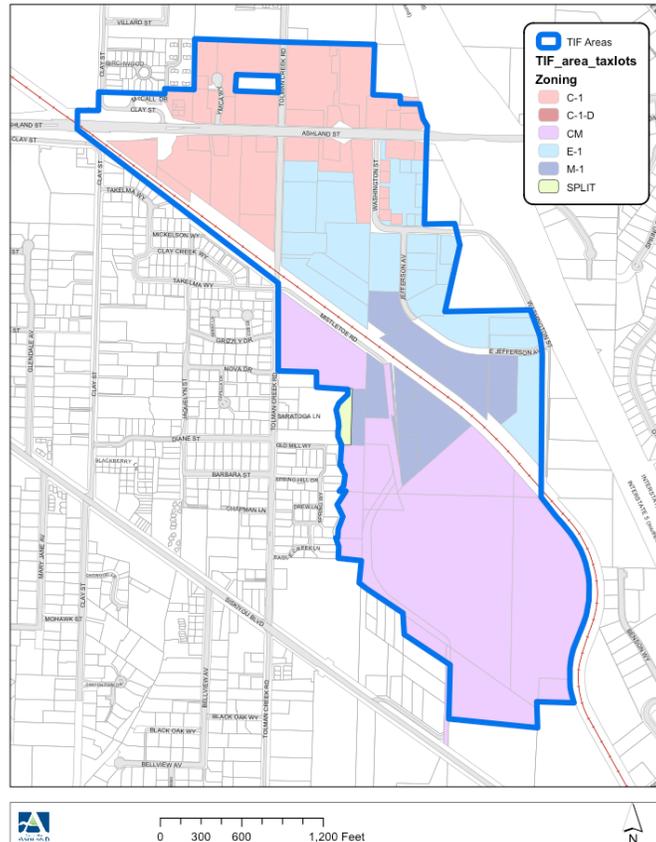
3. Recent Activities

The property owners began preparing the site for development by clearing the equipment, material and buildings after the Croman Mill District was adopted in 2010. At the same time, staff worked with an existing employer in Ashland that considered expanding operations and locating in the Croman Mill District. The discussions also involved a potential state grant to assist with funding the construction of streets and

utilities. The employer ultimately decided not to move forward. As a result, the state grant also didn't move forward because the funding was linked to maintaining and expanding jobs in the community.

The adopted master plan identified several priority projects to implement the plan. One of the recommended implementation projects was analyzing the feasibility of using tax increment financing (TIF) to publicly fund needed infrastructure (e.g., streets and utilities) and public improvements (e.g., central park, parking structure). The City completed an urban renewal feasibility study in 2011 that covered the technical issues pertaining to the feasibility of urban renewal in two study areas. The feasibility study evaluated the East Ashland Study Area which included the Croman Mill District as well as areas to the north and adjacent to Ashland St. (see map below). The feasibility study projected tax increment revenues to cover 53% of the projected infrastructure and public improvement costs for the East Ashland Study Area and identified the need to supplement TIF funds with other revenue sources.

Figure 1: East Ashland Study Area



In 2012, the property owners began a reclamation process to remove layers of organic material from the northwest corner of the site in the former log deck area. The reclamation of the log deck area continues and is projected to be complete in January 2020. Reclamation may also be necessary in other parts of the site and will likely need to occur prior to development. Finally, the Oregon Department of Environmental Quality (DEQ) may require a remediation plan which could involve additional site work.

In 2018, Community Development and City Administration staff had several meetings with the Croman Corporation owner's representative, Mike Montero. Croman Corporation owns and controls the largest amount of acreage within the Croman Mill District. Conversations with Mr. Montero centered around identifying options for jumpstarting private land development and associated public infrastructure installation (i.e. streets and utilities). Also discussed was the construction of a new public street connection to Siskiyou

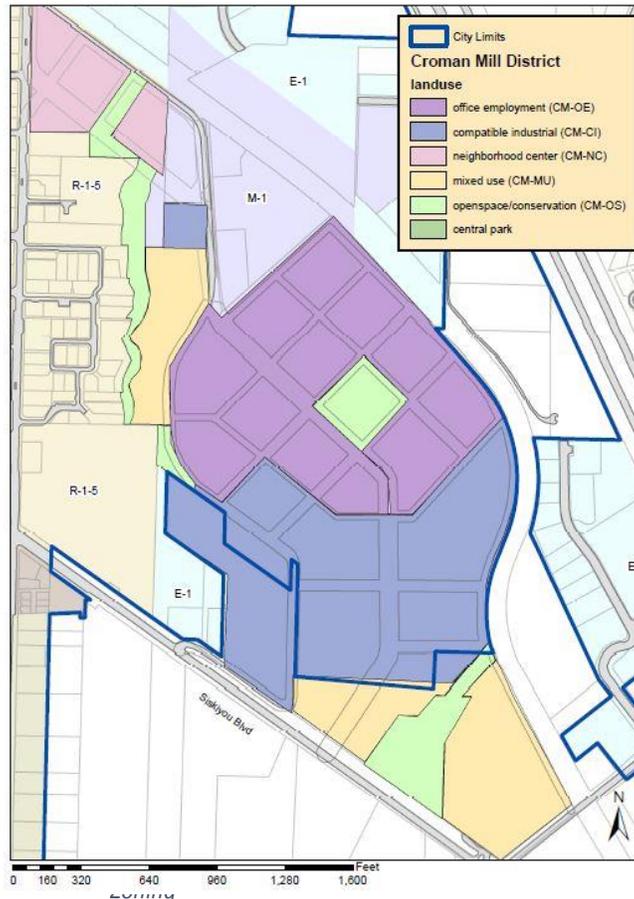
Boulevard to address concerns related to the impacts of ongoing site clean-up and reclamation. The ongoing site clean-up and reclamation activities create dust, noise, track out of debris onto adjoining city streets and truck traffic impacts at the intersection of Tolman Creek Road and Ashland Street.

4. Scope of Work

The MOU includes a preliminary scope of work (pp. 5-6) which includes the following key components.

- Establish objectives for mix and types of housing based on needs identified by the City of Ashland Housing Program, including required affordable housing.
- Prepare concept for amending the Croman Mill District zoning designations to allow for an increase in housing above what is currently permitted. Present concept to the City Council and Planning Commission.
- Update the traffic analysis and buildable lands inventory (BLI) as needed.
- Prepare a phasing plan for the construction of the Central Boulevard.
- Present potential Croman Mill District amendments and Central Boulevard improvement plan to the City Council and Planning Commission.
- Prepare and submit Croman Mill District amendments and annexation application for the formal review process. Schedule and hold public hearings at Housing and Transportation commissions. Schedule and hold public hearings for legislative amendment and annexation request at City Council and Planning Commission.
- If amendments are approved, Croman Corporation submits planning application for housing development consistent with legislative amendment.

Figure 2: Croman Mill District - Existing Zoning



Task 9 in the preliminary scope of work is a contingency to update the buildable lands inventory (BLI). The City may be required by the Oregon Department of Land Conservation and Development (DLCD) to update the BLI as part of changing zoning of additional areas from employment to housing. An update of the BLI would be performed in-house by staff.

Task 8 in the preliminary scope of work will require the expertise of an outside consultant to update of the traffic impact analysis (TIA). The TIA that was prepared with the master plan in 2010 will need to be updated to assess any changes in the projected traffic resulting from a shift from employment uses to housing. In addition, an updated TIA is required to address the state Transportation Planning Rule (TPR) requirements regarding impacts of zone changes to the street network and specifically, any state facilities. Staff estimates hiring a consultant for task 8 will cost approximately \$15,000 to \$20,000.

5. Timeline

The approximate timeline for the project is 12 to 18 months. The project would be undertaken in collaboration with Croman Corporation and Croman Corporation is responsible for significant portions of the work. As a result, adherence to the timeline would be dependent on both parties, the City and Croman Corporation.

FISCAL IMPACTS

The fiscal impacts related to the project fall into two categories – City staff time and specialized analysis requiring outside expertise.

Staff estimates between 540 to 660 hours of City staff time is required to complete the preliminary scope of work include in the MOU. The staff time is approximately equivalent to between \$41,000 to \$48,000. The estimate includes staff time from the Community Development, Public Works and Legal departments. The range of hours and cost of staff time is because of the contingency task for the update of the BLI (task 9), in the preliminary scope of work.

Outside expertise is required for the update of the TIA (task 8). Staff estimates hiring consultants for task 8 will cost approximately \$15,000 to \$20,000. Staff's recommendation is to negotiate cost sharing with the Croman Corporation after the scope of work for the TIA update is determined.

STAFF RECOMMENDATION

Staff recommends approval of the MOU.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

1. Motion to Approve Participation in a Project to Consider Potential Amendments to the Croman Mill District

I move to participate in collaboration with Croman Corporation in a project which would consider the revision of the Croman Mill District and direct the City Administrator to approve the memorandum of understanding.

2. Motion to Decline Participation in a Project to Consider Potential Amendments to the Croman Mill District

I move to decline participating in a project to consider the revision of the Croman Mill District.

REFERENCES & ATTACHMENTS

Attachment 1: Croman Mill District Amendments, Memorandum of Understanding (MOU)

Attachment 2: Croman Mill District Aerial Photo

Attachment 3: Croman Mill District Zoning Map

Attachment 4: Croman Mill District Potential Amendment Areas

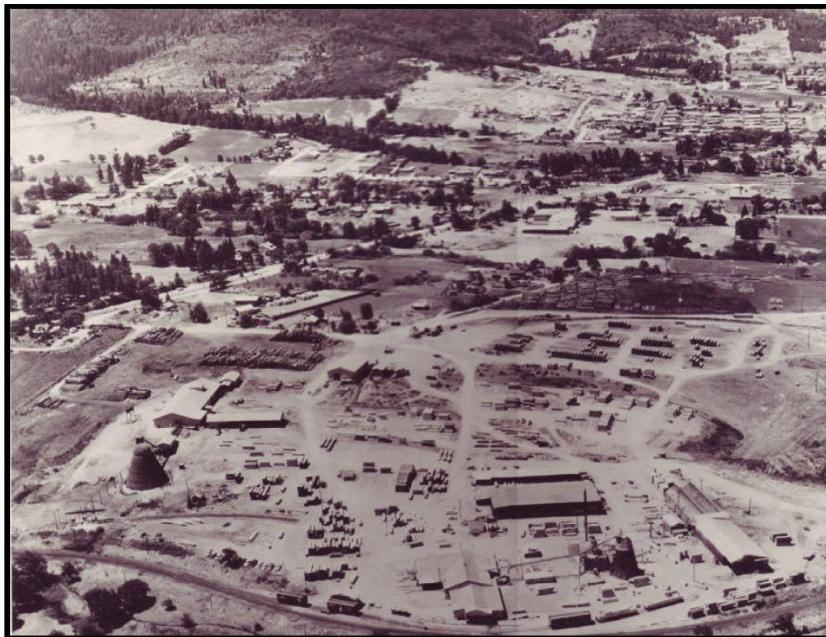
CROMAN MILL DISTRICT AMENDMENTS
Memorandum of Understanding

The City of Ashland (hereinafter referred to as “City”) and Croman Corporation (hereinafter referred to as “Croman”) enter into this Memorandum of Understanding (this “MOU”) effective as of _____, 2019 (the “Effective Date”). This MOU explains and memorializes the respective goals and expectations of the City and Croman as they work to bring about a project that substantially benefits both entities. The specific purpose of this collaboration is to facilitate the construction of the Central Boulevard to provide improved access to the site and jumpstart the redevelopment of the Croman Mill Site.

A. Background

The parties acknowledge the following facts.

1. The Croman Mill site was a planing and saw mill for 62 years, from 1934 – 1996. Lumber mills are a land intensive use that is industrial in nature and involve large areas of outdoor storage, primarily shed-like structures and the use of large equipment. As a result, the mill site included an informal, unpaved network of roads and limited water,



McGrew Bros. Sawmill, 1967



sewer and electric utilities. Vehicular access to the mill site was and continues to be by Mistletoe Rd. on the eastern border. Because of the industrial and primarily outdoor use by the mill, the area has limited infrastructure to support future development.

2. Croman purchased the mill property and assumed control in December 1982. The mill continued to operate until 1996. At the end of the operations, most of the mill structures were removed. In 2001, the Planning Commission denied an application to change the industrial zoning of the mill site to housing and health-care for approximately two-thirds of the 64 acres and for employment uses for the remaining third of the acreage.
3. In 2010, the City of Ashland amended its Comprehensive Plan and Land Use Ordinance with the acknowledgement of the Croman Mill Site Redevelopment Plan, a technical report and supporting document of the Comprehensive Plan, and adoption of the Croman Mill District, a special district found in Ashland Municipal Code (AMC) 18.3.10. The Croman Mill District creates a framework for business park that includes professional offices, manufacturing, open space, neighborhood-oriented businesses and residential dwelling units.
4. The Croman Mill Site Redevelopment Plan and AMC 18.3.10 Croman intend to implement the following project goals and principles acknowledged through the plan adoption public involvement process.

Circulation

- Creation of a local street network that provides balanced circulation for pedestrian, bikes, auto/truck and transit and is well connected to existing streets
- Improve visibility and identity for the study area
- Mitigate impacts of auto and truck traffic on Tolman Creek Road and Ashland Street
- Preserve rail access for commuters, passengers and freight
- Provide for non-motorized trails linked to existing trails and parks systems

Land Use

- Promote the creation of a significant number of family wage jobs
- Allow for light industrial and manufacturing
- Create parcels with the flexibility to support local new small business, existing business expansion and large employers
- Consider a range of housing options
- Allow for a mix of uses
- Incorporate a public gathering space



- Preserve streams and wetlands
 - Include sustainable and green development codes
5. The property contained decommissioned equipment, construction material and piles of debris and organic material. The property owners began preparing the site for development by clearing the equipment, material and buildings after the Croman Mill District was adopted by the City in 2010.

The property owners began a reclamation process in 2012 to remove layers of organic material from the northwest corner of the site in the former log deck area. The reclamation of the log deck area continues and is projected to be complete in January 2020. Reclamation will also be necessary in other parts of the site and likely need to occur prior to development.

6. Ashland and Croman endeavor to accomplish specific goals and objectives of Chapter 18.3.10 - Croman Mill District - through cooperation in evaluating and proposing agreed upon adjustments/amendments to the Croman Mill District code and official city maps.

B. Project Objectives

1. Establish a clear pathway to jumpstart private land development and associated public infrastructure installation (i.e. streets and utilities).
2. Accelerate the construction of a new street connection to Siskiyou Boulevard to address concerns related to the impacts of ongoing site clean-up and reclamation, which has resulted in dust, noise, track out of debris onto adjoining city streets as well as presented challenges at the intersection of Tolman Creek Road and Ashland Street.
3. Facilitate a land use application for annexation of the remaining seven-acres of land currently outside the Ashland city limits but within the urban growth boundary (UGB).
4. Collaborate on possible amendments to the Croman Mill District that create momentum for local business expansion/development and facilitate construction of housing types that meet the needs of a cross-section of Ashland's population based upon the findings of technical analyses recognized within the Ashland Comprehensive Plan.



C. Roles and Responsibilities

1. City: Confer with and provide technical and policy suggestions on potential solutions, code amendment options and City policies with respect to housing and local business growth. Prepare Croman Mill District map revisions, ordinance amendments and written findings to address the Oregon Transportation Planning Rule OAR 660-012-0060.
2. Croman: Prepare and submit an application to amend the Croman Mill District including proposed changes to land use, site and street framework plans and a timeline and phasing plan for the Central Boulevard. Prepare and submit an application for annexation of the southerly portion of the plan area that is outside of the city limits and within the Urban Growth Boundary (UGB).
3. City and Croman: The City and Croman will each appoint a project manager to be a principal contact person.

D. Key Contacts

City

Maria Harris
Community Development
20 E. Main St.
Ashland, OR 97520
maria.harris@ashland.or.us
(541) 552-2045

Croman

Mike Montero
Montero and Associates, LLC
4497 Brownridge Terrace, Suite 202
Medford, OR 97504
Montero-associates@charter.net
(541) 944.4376

E. Scope of Work

Acknowledging the information recited in Section A and the mutually agreed upon project objectives set forth in Section B, the parties agree to the scope of work, as outlined in Exhibit A.



Scope of Work – Exhibit A

	Task	Responsible Party and Deliverables
1	Schedule and hold joint meeting between city staff and Croman representatives to clarify details of the scope of work.	City: Task list and timeline Croman: Schedule meeting
2	Coordinate with state agencies (DLCD, ODOT) to identify potential issues related to the buildable lands inventory (BLI) and traffic impact analysis.	City: Schedule and attend meetings
3	Establish objectives for mix and types of housing based on upon the findings of technical analyses recognized within the Ashland Comprehensive Plan.	City: Copy of relevant City plans Croman: Draft objectives
4	Prepare general site plan, street layout and land uses.	Croman: Draft plans
5	Review and provide feedback on general site plan and proposed housing types.	City: Memo summarizing comments
6	Revise general site plan, street layout and land uses.	Croman: Revised plans
7	Update City Council and Planning Commission.	City: Schedule meetings, written materials for packet and meeting presentation Croman: Attend meetings
8	Update traffic impact analysis (TIA) for proposed changes to existing zoning and identify potential mitigation strategies.	City: Existing TIA, summary of proposed changes to land uses, acreage and floor area/number of residential units, procurement documents and project management Consultant: Updated traffic impact analysis
9	Update BLI, as needed.	City: Updated BLI
10	Prepare timeline and phasing plan for construction of Central Boulevard.	Croman: Central Boulevard plan
11	Review and provide feedback on plan for construction of Central Boulevard.	City: Memo summarizing comments
12	Submit materials for a pre-application conferences between City departments.	Croman: Pre-application conference submittals
13	City Council and Planning Commission study sessions to present proposed Croman Mill District amendments and timeline and phasing plan for the construction of the Central Boulevard.	City: Written materials for packet and meeting presentation Croman: Draft site plan, street layout, land uses and timeline and phasing plan for construction of Central Boulevard; attend meetings



	Task	Responsible Party and Deliverables
14	City Council regular meeting to initiate planning application.	City: Written materials for packet and meeting presentation
15	Jointly prepare major amendments to the Croman Mill District per 18.3.2.020.C, any necessary ordinance amendments and written findings addressing the Statewide Planning Goal 12 Transportation including OAR 660-012-0060.	City: Revised plan maps as needed (e.g. Croman Mill District zoning), draft ordinance amendments and written findings for OAR 660-012-0060 Transportation Croman: Written findings addressing major amendment approval criteria, proposed changes to land uses and proposed changes to site and street framework plans
16	Prepare annexation planning application.	Croman: Application submission requirements
17	Prepare developer agreement (if necessary) to memorialize responsibilities, including but not limited to preparation of civil drawings for public improvements and construction schedule for the Central Boulevard.	City: Developer agreement
18	Submit Type III (Legislative) planning application for annexation and amendments to the Croman Mill District.	Croman
19	Commission hearings (Housing; Transportation; Planning).	City: Commission meeting hearing dates and notices as required Croman: Presentation to commissions
20	City Council Hearing Process on Legislative Changes and Annexation request.	City: City Council meeting date and notices as required Croman: Presentation to City Council
21	Permanent Road Access Permit (ODOT/Jackson County).	Croman
22	Submit Type II application for housing development proposals consistent with revised Croman Mill District.	Croman: Planning application materials

D. Other Considerations

This non-binding MOU will be effective as of the date of the last signature. Any party wishing to terminate this MOU should provide the other party written notice at least 60 days prior to the planned termination.

Except as provided herein, nothing in this MOU shall be construed as obligating either party to expend funds or oblige future payment of money authorized by law and administratively available for this work. The City's participation in the work agreed to in this MOU does not



obligate the City to approve or modify the requirements for, any applications Croman may submit.

City of Ashland

City Administrator

Date

Croman Corporation

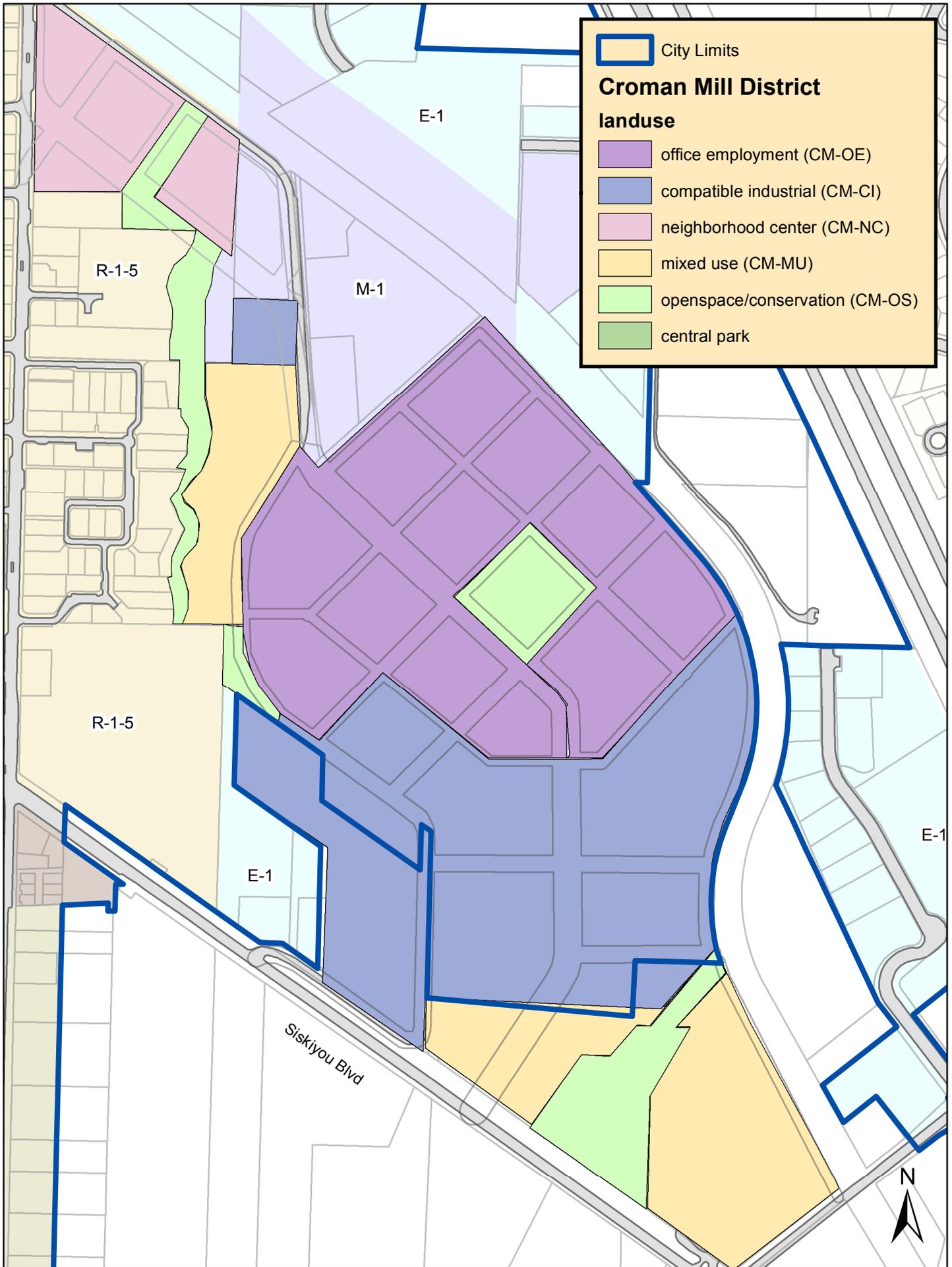
Signature of Official

Date



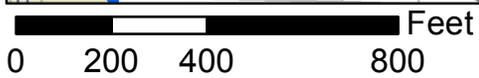
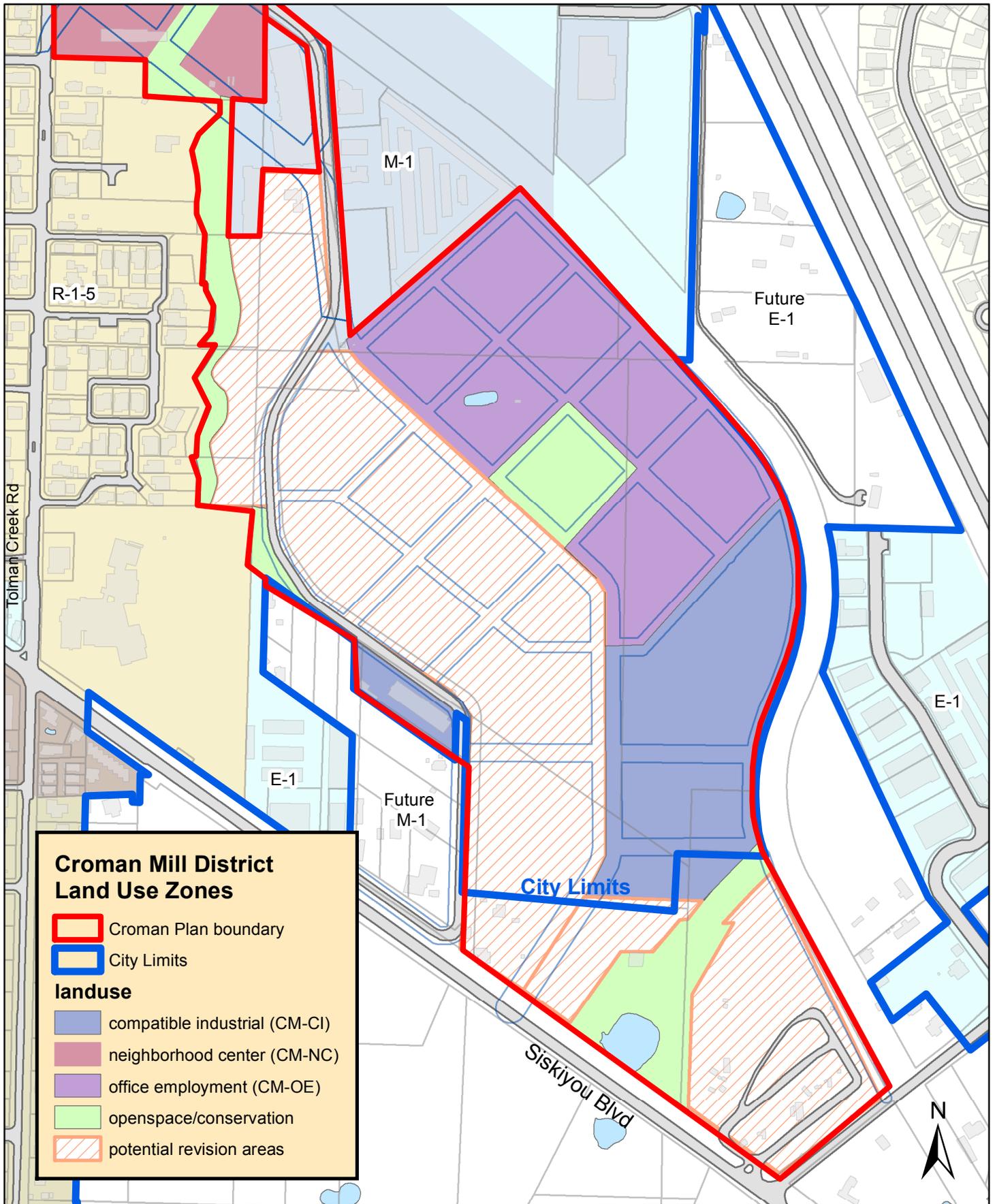


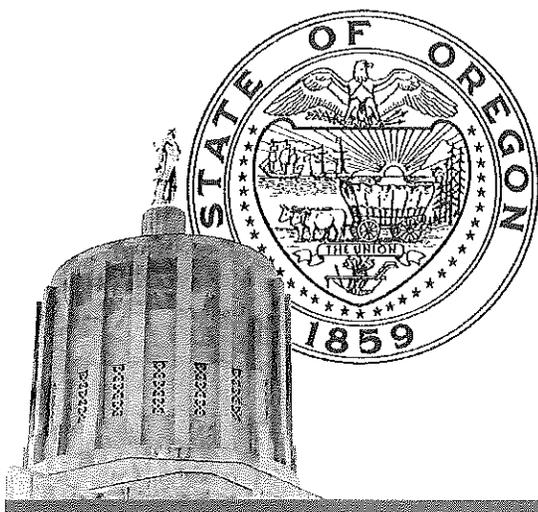
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Croman Mill District Potential Revision Areas (3/05/2018)

Attachment 3





HOUSING

2018 SUMMARY OF LEGISLATION: MEASURE SUMMARIES

The *2018 Summary of Legislation – Housing* summarizes selected measures related to this policy area that were considered by the 79th Oregon Legislative Assembly, including bills, memorials, and resolutions. This publication will become part of a more comprehensive *2018 Summary of Legislation* that includes all topic area summaries and committee membership lists.

This publication begins with a table highlighting measures that establish task forces or create reporting requirements. The summaries of selected measures follow in three groups—bills, memorials, and resolutions—each listed in numerical order.

Each summary provides information on the chief sponsors, committees assigned, background and current law, description of the measure, and date when the measure, if enacted, becomes effective. Each summary also includes a link to the measure on the [Oregon Legislative Information System \(OLIS\)](#), which provides a more comprehensive staff measure summary, all versions of the measure, amendments, public testimony, a complete measure history, and final vote tallies.

The *2018 Summary of Legislation* focuses on policy measures. Information on revenue measures is available on the [Legislative Revenue Office website](#). Information on the state budget and selected legislation that impacts state agencies is available on the [Legislative Fiscal Office website](#).

The Legislative Policy and Research Office will update this publication with each bill's effective date and assigned chapter in Oregon Laws 2018 when that information becomes available.

Contact information:

Legislative Policy and Research Office

900 Court Street NE, Room 453

Salem, OR 97301

503-986-1813

<https://www.oregonlegislature.gov/lpro>



HOUSING TASK FORCES AND REPORTING REQUIREMENTS

The following bills created task forces and reporting requirements. Additional information is provided in the bill summaries.

Bill Number	Requirement	Deadline
HB 4006	The governing body of a city with a population over 10,000 is required to submit a report to the Department of Land Conservation and Development annually on the number of housing units permitted and produced during the preceding year.	Annually by February 1st
HB 4010	The Task Force on Addressing Racial Disparities in Home Ownership must report recommendations for legislation to an interim committee on housing.	September 15, 2019

2018 MEASURE SUMMARIES: HOUSING

House Bill 4006

Effective Date: April 3, 2018

Rent Burdened Community Survey

Chief Sponsors: Rep. Kotek

Committees: House Human Services and Housing, Joint Ways and Means

Background and Current Law: According to the U.S. Census Bureau, approximately 26.4 percent of Oregonians were severely rent burdened in 2015. The U.S. Department of Housing and Urban Development defines “severely rent burdened” as experiencing housing costs exceeding 50 percent of the household’s reported income.

Bill Summary: House Bill 4006 requires cities with populations greater than 10,000, with more than 25 percent of renter households experiencing severe rent burden, to complete a survey related to housing affordability and to hold at least one public meeting regarding severe rent burden. The Oregon Housing and Community Services Department is directed to develop a survey for these cities to provide information on housing affordability, including actions related to land use and any intended actions to reduce rent burdens for severely rent-burdened households. Additionally, cities with populations greater than 10,000 are required to report annually to the Department of Land Conservation and Development on the total number of housing units permitted and produced.

Oregon Laws 2018: Chapter 47

House Bill 4007

Effective Date: June 2, 2018

First-Time Home Buyer Savings Account and Document Recording Fee

At the request of: House Interim Committee on Human Services and Housing

Committees: House Human Services and Housing, House Revenue, Joint Ways and Means

Background and Current Law: Oregon has seen some of the fastest-growing rent increases in the country in recent years. Studies identify low vacancy rates, high demand, and increasing property prices as factors in rising rents. Oregon Housing and Community Services (OHCS) oversees several housing assistance programs assisting low- to moderate-income families. Other states also have first-time home buyer assistance programs such as savings account programs. Funds in these accounts are used for costs associated with first-time home purchases.

In Oregon, document recording is done by county clerks for certain real property records including mortgages and contracts affecting the title to real property. Currently, the document recording fee includes a \$20 affordable housing fee, and the funds are used for multiple housing programs. In 2017, OHCS received and distributed over \$15 million through these programs.

Bill Summary: House Bill 4007 allows individuals to establish first-time home buyer savings accounts and increases the document recording fee for affordable housing from \$20 to \$60 to fund housing-related programs in Oregon.

Oregon Laws 2018: Chapter 109

2018 MEASURE SUMMARIES: HOUSING

House Bill 4010

Effective Date: April 13, 2018

Racial Disparities in Home Ownership

Chief Sponsors: Reps. Meek, Bynum; Sen. Manning Jr.; Reps. Hernandez, Parrish, Power, Sanchez; Sen. Frederick

Committees: House Human Services and Housing, Joint Ways and Means

Background and Current Law: Oregon Housing and Community Services reports decreasing home ownership rates across the state from 2000 to 2015 for all Oregonians. According to the U.S. Census Bureau's American Community Survey, individuals identifying as Pacific Islander (23 percent) or African American (30 percent) accounted for the lowest home ownership rates in Oregon in 2014. Other racial and ethnic minorities also experienced low home ownership rates in 2014.

Bill Summary: House Bill 4010 establishes the 11-member Task Force on Addressing Racial Disparities in Home Ownership, charged with making recommendations for changes in lending practices to eliminate discrimination and remove barriers to home ownership for people of color in Oregon.

Oregon Laws 2018: Chapter 110

House Bill 4085

Not Enacted

Court Awards in Landlord-Tenant Law Disputes

Chief Sponsors: Rep. Power

Committees: House Human Services and Housing

Background and Current Law: When issues arise between landlords and tenants, they are generally required to notify the other party in writing within a certain time frame, and a reasonable amount of time is typically allowed for correction. If an issue is not resolved, either party may bring an action in court. Current law allows courts to award costs, necessary disbursements, and attorney's fees to prevailing parties in such actions regardless of rental agreements.

Bill Summary: House Bill 4085 would have directed courts to award costs, necessary disbursements, and attorney's fees as follows: to prevailing tenants without qualification; to prevailing landlords if the tenant had no reasonable basis to file; and in the court's discretion, to prevailing landlords generally.

2018 MEASURE SUMMARIES: HOUSING

House Bill 4121-A

Not Enacted

Home Weatherization, Retrofit, and Affordability Program

Chief Sponsors: Rep. Marsh

Committees: House Economic Development and Trade, Joint Ways and Means

Background and Current Law: Oregon Housing and Community Services (OHCS) has developed programs and services to support housing stability and promote energy improvement. Locally administered weatherization programs help lower income residents reduce heating costs while improving the efficiency and condition of their homes. Homeowners previously used Oregon's Residential Energy Tax Credits, which ended in 2017, to improve residential energy efficiency. The Small-Scale Energy Loan Program also previously provided long-term fixed rate loans for Oregon energy projects.

Bill Summary: House Bill 4121-A would have required Oregon Housing and Community Services to establish and administer a program to provide incentive payments, funding, and grants for certain energy improvement projects. Incentive payments would have been made directly to construction contractors for qualified projects. The bill would have required OHCS to reserve a portion of program funding for energy efficiency, weatherization, solar technology, and affordable housing activities.

House Bill 4134

Effective Date: March 16, 2018

Petitions to Remove Discriminatory Restrictions from Real Property Titles

Chief Sponsors: Reps. Keny-Guyer, Fahey, Vial, Meek; Sens. Frederick, Winters

Committees: House Human Services and Housing, Senate Human Services

Background and Current Law: The federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) prohibits discrimination in the sale, rental, and financing of dwellings based on race, color, religion, sex, or national origin. Similarly, state law prohibits a title of real property from restricting the use of the property by reason of race, color, religion, sex, sexual orientation, national origin, or disability. Because of these state and federal prohibitions, any discriminatory language existing in a real property title is unenforceable, but the language sometimes remains in the title itself.

Bill Summary: House Bill 4134 provides a legal procedure for petitioning a court for removal of discriminatory restrictions in a title of real property.

Oregon Laws 2018: Chapter 35

Local Bonds for Affordable Housing Projects

At the request of: House Interim Committee on Human Services and Housing

Committees: House Human Services and Housing, Senate Human Services, Senate Rules

Background and Current Law: Bonds are debt instruments issued by an entity with a promise to repay the original amount of the bond plus interest over a designated time. The state's authority to authorize bonds comes from constitutional and statutory provisions. Issuance of bonds is used to finance public investments. Article XI, section 9 of the Oregon Constitution prohibits a county or city from assisting corporations by becoming a stockholder in, raising money for, or loaning the state's credit to any joint company, corporation, or association.

Bill Summary: House Joint Resolution 201 refers to the voters, for their approval or rejection at the next general election, an amendment to the Oregon Constitution that exempts affordable housing-related bonds from the prohibitions in Article XI, section 9, if certain conditions are met.



Open Government Impact Statement

80th Oregon Legislative Assembly
2019 Regular Session

Measure: HB 2001

Only impacts on Original or Engrossed
Versions are Considered Official

Prepared by: Cameron D. Miles
Date: 1/14/2019

SUMMARY

Requires cities with population greater than 10,000 and counties with population greater than 15,000 to allow middle housing in lands zoned for single-family dwellings within urban growth boundary. Requires Land Conservation and Development Commission to draft model code. Requires cities and counties to amend their comprehensive plan and land use regulations to conform with requirement by December 31, 2020, or to directly apply model code developed by commission. Requires Department of Consumer and Business Services to amend Low-Rise Residential Dwelling Code to apply to low-rise middle housing and to amend State of Oregon Structural Specialty Code to not apply to low-rise middle housing.

Allows attorney fees, beginning January 1, 2021, for prevailing applicant whose proposal to develop middle housing is denied.

Prohibits conditioning approval of accessory dwelling unit within urban growth boundary on off-street parking availability or owner occupancy.

Prohibits local governments from requiring system development charges to be paid by developer of middle housing before occupancy permit is issued.

Declares emergency, effective on passage.

NOTICE OF NO OPEN GOVERNMENT IMPACT

House Bill 2001

Sponsored by Representative KOTTEK (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Requires cities with population greater than 10,000 and counties with population greater than 15,000 to allow middle housing in lands zoned for single-family dwellings within urban growth boundary. Requires Land Conservation and Development Commission to draft model code. Requires cities and counties to amend their comprehensive plan and land use regulations to conform with requirement by December 31, 2020, or to directly apply model code developed by commission. Requires Department of Consumer and Business Services to amend Low-Rise Residential Dwelling Code to apply to low-rise middle housing and to amend State of Oregon Structural Specialty Code to not apply to low-rise middle housing.

Allows attorney fees, beginning January 1, 2021, for prevailing applicant whose proposal to develop middle housing is denied.

Prohibits conditioning approval of accessory dwelling unit within urban growth boundary on off-street parking availability or owner occupancy.

Prohibits local governments from requiring system development charges to be paid by developer of middle housing before occupancy permit is issued.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to housing; creating new provisions; amending ORS 197.312; and declaring an emergency.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 197.**

4 **SECTION 2. (1) As used in this section:**

5 (a) "Cottage clusters" means groupings of no fewer than four detached housing units per
6 acre with a footprint of less than 900 square feet each and that include a common courtyard.

7 (b) "Middle housing" means:

8 (A) Duplexes;

9 (B) Triplexes;

10 (C) Quadplexes; and

11 (D) Cottage clusters.

12 (2) Each city with a population greater than 10,000 and each county with a population
13 greater than 15,000 shall allow, within its urban growth boundary in areas zoned for detached
14 single-family dwellings, the development of at least one middle housing type on each lot,
15 subject to reasonable local regulations related to siting and design.

16 **SECTION 3. No later than December 31, 2020:**

17 (1) Notwithstanding ORS 197.646, each local government subject to section 2 of this 2019
18 Act shall update its comprehensive plan and land use regulations to implement section 2 of
19 this 2019 Act.

20 (2) The Land Conservation and Development Commission, with the assistance of the
21 Building Codes Division of the Department of Consumer and Business Services, shall develop
22 a model middle housing code.

23 (3) A local government that has not adopted its own comprehensive plan and land use
24

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted.
New sections are in boldfaced type.

1 regulations under subsection (1) of this section shall directly apply the model code developed
2 by the commission under subsection (2) of this section under ORS 197.646 (3).

3 **SECTION 4.** (1) It is the policy of the State of Oregon to reduce to the extent practicable
4 administrative and permitting costs and barriers to the construction of middle housing, as
5 defined in section 2 of this 2019 Act, while maintaining safety, public health and the general
6 welfare with respect to construction and occupancy.

7 (2) Notwithstanding ORS 455.035, on or before January 1, 2021, the Department of Con-
8 sumer and Business Services shall adopt changes to:

9 (a) The Low-Rise Residential Dwelling Code to apply the code to all middle housing types;
10 and

11 (b) The State of Oregon Structural Specialty Code to exempt all middle housing that is
12 three stories or less above grade from requirements of the code.

13 **SECTION 5.** Section 6 of this 2019 Act is added to and made a part of ORS 223.297 to
14 223.314.

15 **SECTION 6.** A local government may not require that a system development charge for
16 middle housing, as defined in section 2 of this 2019 Act, be paid prior to the issuance of an
17 occupancy permit for the dwelling. The local government may enforce the system develop-
18 ment charge by an encumbrance against the property, but may not charge any interest on
19 the system development charge prior to the issuance of the occupancy permit.

20 **SECTION 7.** ORS 197.312, as amended by section 7, chapter 15, Oregon Laws 2018, is amended
21 to read:

22 197.312. (1) A city or county may not by charter prohibit from all residential zones attached or
23 detached single-family housing, multifamily housing for both owner and renter occupancy or manu-
24 factured homes. A city or county may not by charter prohibit government assisted housing or impose
25 additional approval standards on government assisted housing that are not applied to similar but
26 unassisted housing.

27 (2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a
28 permitted use in any residential or commercial zone that allows single-family dwellings as a per-
29 mitted use.

30 (b) A city or county may not impose a zoning requirement on the establishment and maintenance
31 of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential
32 or commercial zone described in paragraph (a) of this subsection that is more restrictive than a
33 zoning requirement imposed on other single-family dwellings in the same zone.

34 (3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted
35 use in any residential or commercial zone that allows multifamily housing generally as a permitted
36 use.

37 (b) A city or county may not impose a zoning requirement on the establishment and maintenance
38 of multifamily housing for farmworkers and farmworkers' immediate families in a residential or
39 commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning
40 requirement imposed on other multifamily housing in the same zone.

41 (4) A city or county may not prohibit a property owner or developer from maintaining a real
42 estate sales office in a subdivision or planned community containing more than 50 lots or dwelling
43 units for the sale of lots or dwelling units that remain available for sale to the public.

44 (5)(a) A city with a population greater than 2,500 or a county with a population greater than
45 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-

1 family dwellings the development of at least one accessory dwelling unit for each detached single-
2 family dwelling, subject to reasonable local regulations relating to siting and design.

3 (b) As used in this subsection[,]:

4 (A) "Accessory dwelling unit" means an interior, attached or detached residential structure that
5 is used in connection with or that is accessory to a single-family dwelling.

6 (B) "Reasonable local regulations relating to siting and design" does not include owner-
7 occupancy requirements of either the primary or accessory structure or requirements to
8 construct additional off-street parking.

9 (6) Subsection (5) of this section does not prohibit local governments from regulating
10 vacation occupancies, as defined in ORS 90.100, to require owner-occupancy or off-street
11 parking.

12 **SECTION 8.** Section 2 of this 2019 Act is amended to read:

13 **Sec. 2.** (1) As used in this section:

14 (a) "Cottage clusters" means groupings of no fewer than four detached housing units per acre
15 with a footprint of less than 900 square feet each and that include a common courtyard.

16 (b) "Middle housing" means:

17 (A) Duplexes;

18 (B) Triplexes;

19 (C) Quadplexes; and

20 (D) Cottage clusters.

21 (2) Each city with a population greater than 10,000 and each county with a population greater
22 than 15,000 shall allow, within its urban growth boundary in areas zoned for detached single-family
23 dwellings, the development of at least one middle housing type on each lot, subject to reasonable
24 local regulations related to siting and design.

25 (3) **An applicant whose proposal to develop middle housing under this section is denied
26 is entitled to attorney fees if the applicant is the prevailing party on an appeal to the Land
27 Use Board of Appeals.**

28 **SECTION 9.** (1) Sections 2, 3, 4 and 6 of this 2019 Act and the amendments to ORS 197.312
29 by section 7 of this 2019 Act become operative on January 1, 2020.

30 (2) The amendments to section 2 of this 2019 Act by section 8 of this 2019 Act become
31 operative on January 1, 2021.

32 (3) The Land Conservation and Development Commission, the Department of Consumer
33 and Business Services and the Residential and Manufactured Structures Board may take any
34 actions before the operative date specified in subsection (1) of this section necessary to en-
35 able the commission to exercise, on or after the operative date specified in subsection (1) of
36 this section, the duties required under section 3 of this 2019 Act.

37 **SECTION 10.** In addition to and not in lieu of any other appropriation, there is appro-
38 priated to the Land Conservation and Development Commission, for the biennium beginning
39 July 1, 2019, out of the General Fund:

40 (1) The amount of \$_____ for the purpose of enforcing section 3 (1) of this 2019 Act
41 through enforcement actions as provided in ORS 197.319 to 197.335; and

42 (2) The amount of \$_____ for the activities of the commission under section 3 (2) and
43 (3) of this 2019 Act.

44 **SECTION 11.** This 2019 Act being necessary for the immediate preservation of the public
45 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect

1 on its passage.

2



Open Government Impact Statement

80th Oregon Legislative Assembly
2019 Regular Session

Measure: SB 334

Only impacts on Original or Engrossed
Versions are Considered Official

Prepared by: Cameron D. Miles
Date: 1/14/2019

SUMMARY

Requires city to expand its urban growth boundary to include land designated as urban reserve that supports workforce housing and commercial development supportive of workforce housing if urban services are or can be made available.

NOTICE OF NO OPEN GOVERNMENT IMPACT

Senate Bill 334

Sponsored by Senator BAERTSCHIGER JR (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Requires city to expand its urban growth boundary to include land designated as urban reserve that supports workforce housing and commercial development supportive of workforce housing if urban services are or can be made available.

A BILL FOR AN ACT

1 Relating to workforce housing.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1.** Section 2 of this 2019 Act is added to and made a part of ORS chapter 197.

4 **SECTION 2.** (1) As used in this section:

5 (a) "Workforce commercial" means commercial use, in a building of 2,000 square feet or
6 smaller, that is of a type and scale supportive of nearby households in workforce housing.

7 (b) "Workforce housing" means housing that is affordable to moderate income house-
8 holds or low income households, both as defined in ORS 456.270.

9 (2) Notwithstanding ORS 197.295 to 197.314 or any statewide land use planning goal re-
10 lating to urbanization or housing, a local government shall amend its urban growth boundary
11 upon a petition from a landowner to include land if:

12 (a) The land is designated as an urban reserve under ORS 195.137 to 195.145;

13 (b) A city, a county, a district as defined in ORS 195.060, an authority, the owner or pri-
14 vate developer of the land or a combination of any of those entities has committed to pro-
15 viding the land with all necessary urban services, as defined in ORS 195.065, within two years;

16 (c) The land is subject to an affordable housing covenant as described in ORS 456.270 to
17 456.295, of no less than 60 years, that allows the development and use of property only for:

18 (A) Workforce housing; and

19 (B) Workforce commercial; and

20 (d) The land is:

21 (A) Not high-value farmland, as defined in ORS 195.300;

22 (B) Not designated for protection in an acknowledged comprehensive plan pursuant to
23 open spaces, scenic and historic areas and natural resource goals; and

24 (C) Capable of being rezoned for workforce housing and workforce commercial consistent
25 with any land use planning goal relating to transportation planning.

26 (3) As part of the urban growth boundary amendment described in subsection (2) of this
27 section, the local government shall amend its comprehensive plan map or zoning map to al-
28 low the land to be used for workforce housing or both workforce housing and workforce
29 commercial. Nothing in this section prohibits a local government from imposing on the land
30 additional conditions on housing affordability allowed under ORS 197.309.
31

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in boldfaced type.

Dexter A. Johnson
LEGISLATIVE COUNSEL



900 COURT ST NE S101
SALEM, OREGON 97301-4065
(503) 986-1243
FAX: (503) 373-1043
www.oregonlegislature.gov/lc

Open Government Impact Statement

80th Oregon Legislative Assembly
2019 Regular Session

Measure: SB 529

Only impacts on Original or Engrossed
Versions are Considered Official

Prepared by: Cameron D. Miles
Date: 1/14/2019

SUMMARY

Defines "housing-limited city." Allows housing-limited city to support housing construction and increased density by temporarily suspending or exempting properties from certain planning and zoning ordinances and by allowing expansion of its urban growth boundary without review by Land Conservation and Development Commission.

NOTICE OF NO OPEN GOVERNMENT IMPACT

Senate Bill 529

Sponsored by Senator BENTZ (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Defines "housing-limited city." Allows housing-limited city to support housing construction and increased density by temporarily suspending or exempting properties from certain planning and zoning ordinances and by allowing expansion of its urban growth boundary without review by Land Conservation and Development Commission.

A BILL FOR AN ACT

1
2 Relating to housing-limited cities.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 197.**

5 **SECTION 2. (1) As used in this section:**

6 (a) "Goals restricting housing" means statewide planning goals relating to natural re-
7 sources, agriculture, forest lands, coastal shorelands, beaches and dunes, the Willamette
8 River Greenway, transportation or public facilities and services.

9 (b) "Housing-limited city" means a city or metropolitan service district that has:

10 (A) A rental vacancy rate of less than four percent; or

11 (B) Experienced a decrease in the city's or district's population of ethnic and racial mi-
12 norities of greater than three percent within a five-year period.

13 (2) If a city or metropolitan service district determines that it is a housing-limited city,
14 for a period of five years following the determination, the housing-limited city, without tak-
15 ing any exception under ORS 197.732 to a goal restricting housing, may:

16 (a) Suspend by ordinance for up to five years any provision of its local comprehensive
17 plan, land use regulations or other ordinances that may have the effect of restricting the
18 construction or density of housing, except for provisions relating to health, safety or
19 habitability;

20 (b) Approve any zoning change application allowing housing or increasing housing den-
21 sity, notwithstanding any other building or development standards within the housing-limited
22 city's comprehensive plan or land use regulations, except standards relating to health, safety
23 or habitability; and

24 (c) Notwithstanding ORS 197.295 to 197.314 or 197A.300 to 197A.325, amend its urban
25 growth boundary to add to the area within the urban growth boundary, without requiring
26 review or approval of the Land Conservation and Development Commission under ORS
27 197.626 and 197.633, a cumulative area of up to:

28 (A) 200 acres; or

29 (B) Two percent of the area within the housing-limited city's urban growth boundary on
30 the date of the determination under this subsection.

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in boldfaced type.



Open Government Impact Statement

80th Oregon Legislative Assembly
2019 Regular Session

Measure: SB 569

Only impacts on Original or Engrossed
Versions are Considered Official

Prepared by: Cameron D. Miles
Date: 1/14/2019

SUMMARY

Allows certain local governments to include within urban growth boundary lands for needed housing. Requires consent of city and affected properties. Inclusion results in city annexation of land.

Declares emergency, effective on passage.

NOTICE OF NO OPEN GOVERNMENT IMPACT

Senate Bill 569

Sponsored by Senator KNOPP, Representative ZIKA (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Allows certain local governments to include within urban growth boundary lands for needed housing. Requires consent of city and affected properties. Inclusion results in city annexation of land.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to urban growth boundary expansion to address low vacancy rates; creating new pro-
3 visions; amending ORS 197.298; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS 197.295 to**
6 **197.314.**

7 **SECTION 2. (1) Notwithstanding ORS 197.296 or 197.298 or a statewide planning goal ad-**
8 **dresssing urbanization, a local government may amend its urban growth boundary to include**
9 **land for needed housing, as defined in ORS 197.303, if the local government determines that**
10 **in the immediately preceding calendar year:**

11 (a) **The number of new households within the jurisdiction of the local government ex-**
12 **ceeded the number of new housing units within the jurisdiction; and**

13 (b) **The average monthly vacancy rate for rental units within the jurisdiction of the local**
14 **government did not exceed six percent.**

15 (2) **Notwithstanding ORS 197.298 or 197A.320, a local government that amends its urban**
16 **growth boundary under this section shall prioritize including land dedicated to needed hous-**
17 **ing that is:**

18 (a) **Adjacent to the urban growth boundary;**

19 (b) **Served, or capable of being served within one year, by urban services, as defined in**
20 **ORS 195.065, necessary for the development of needed housing; and**

21 (c) **Adequate to meet the projected demand for new housing units for the jurisdiction of**
22 **the local government.**

23 (4) **A local government may not amend its urban growth boundary under this section**
24 **unless approved by:**

25 (a) **The city to which the land included by the amendment will be annexed; and**

26 (b) **All owners of land included by the amendment, by unanimous consent.**

27 (5) **Notwithstanding ORS chapter 222 or any other provision of law related to annexation**
28 **of territory by cities, upon receipt of the approvals required under subsection (4) of this**
29 **section, land included within an urban growth boundary under this section is annexed to the**
30 **city with the longest contiguous adjacent city limit. Annexation under this subsection is not**

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in boldfaced type.

1 a land use decision.

2 (6) For no fewer than 10 years following the amendment of an urban growth boundary
 3 under this section, a local government shall require that developed housing on included land
 4 remains used for needed housing through:

5 (a) Zoning classifications or ordinances; or

6 (b) Regulations, provisions or requirements described in ORS 197.309.

7 **SECTION 3.** ORS 197.298 is amended to read:

8 197.298. (1) In addition to any requirements established by rule addressing urbanization, land
 9 may not be included within an urban growth boundary of Metro except under the following priori-
 10 ties:

11 (a) First priority is land that is designated urban reserve land under ORS 195.145, rule or met-
 12 ropolitan service district action plan.

13 (b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of
 14 land needed, second priority is land adjacent to an urban growth boundary that is identified in an
 15 acknowledged comprehensive plan as an exception area or nonresource land. Second priority may
 16 include resource land that is completely surrounded by exception areas unless such resource land
 17 is high-value farmland as described in ORS 215.710.

18 (c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the
 19 amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247
 20 (1991 Edition).

21 (d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the
 22 amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan
 23 for agriculture or forestry, or both.

24 (2) Higher priority shall be given to land of lower capability as measured by the capability
 25 classification system or by cubic foot site class, whichever is appropriate for the current use.

26 (3) Land of lower priority under subsection (1) of this section may be included in an urban
 27 growth boundary if land of higher priority is found to be inadequate to accommodate the amount
 28 of land [*estimated in*] **identified for inclusion in the urban growth boundary under** subsection (1)
 29 of this section for one or more of the following reasons:

30 (a) Specific types of identified land needs cannot be reasonably accommodated on higher priority
 31 lands;

32 (b) Future urban services could not reasonably be provided to the higher priority lands due to
 33 topographical or other physical constraints; or

34 (c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion
 35 of lower priority lands in order to include or to provide services to higher priority lands.

36 (4) When a city includes land within the urban growth boundary of the city pursuant to ORS
 37 197.295 to 197.314, the city shall prioritize lands for inclusion as provided in ORS 197A.320.

38 **SECTION 4.** This 2019 Act being necessary for the immediate preservation of the public
 39 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
 40 on its passage.

41