

Council Business Meeting

July 17, 2018

Title: Second Reading of an Ordinance Amending Title 18 Land Use of the Ashland Municipal Code Relating to Accessory Residential Units and Miscellaneous Edits for Clarity and Consistency

From: Maria Harris Planning Manager
maria.harris@ashland.or.us

Summary:

The proposed ordinance amendments create a streamlined approval process for accessory residential units (ARUs) that are less than 500 square feet in size and located within or attached to a single-family home. The amendments would exempt these small ARUs in the single-family zones from the planning application process and allow a property owner to obtain a building permit to convert existing floor area or construct an ARU attached to a home.

The proposed ordinance also includes miscellaneous edits for clarity and consistency, often referred to as housekeeping amendments. The housekeeping amendments involve changes to the ordinance to remove repetitive language, correct omissions from the 2015 code update, provide clarification to existing sections and define terms that are currently used in the code. The [meeting materials](#) from the June 19, 2018 City Council Business Meeting include a list of the housekeeping amendments and staff notes in the draft ordinance explaining the housekeeping amendments as well as the ARU standard changes.

The City Council passed first reading of the ordinance at the June 19, 2018 meeting. The ordinance is scheduled for second reading at the July 17, 2018 meeting. If the Council approves second reading, the ordinance amendments will become effective 30 days after the ordinance is signed.

At the June 19 meeting, staff mentioned the need for more specificity in the proposed ordinance concerning ARUs involving exterior changes to homes in the historic districts. As a result, staff added language to AMC 18.2.3.040.A.4 on page 14 of the attached ordinance. The additional language is to clarify that exterior building changes that require a building permit will also continue to require a planning application. The same approach is used in the existing code - if a building permit is required for an exterior change to a structure that is listed on the National Register of Historic Places (AMC 18.5.2.020.B.3), then a planning application is required prior to obtaining a building permit and initiating construction. The language added to the attached ordinance is discussed further under the Background section of this memo.

Actions, Options, or Potential Motions:

I move to approve second reading of an ordinance titled, "An ordinance amending chapters 18.2.2, 18.3.4, 18.3.5, 18.3.9, 18.4.2, 18.4.3, 18.4.4, 18.5.2 and 18.6.1 of the Ashland Land Use

Ordinance relating to accessory residential units and miscellaneous edits for clarity and consistency.”

Staff Recommendation:

Staff recommends approval of second reading of the ordinance amendments as presented.

Resource Requirements:

The review of ARU building permits is currently part of the normal work flow for Planning and Building Division staff. Any increases in the ARU building permits can continue to be covered with existing resources.

Policies, Plans and Goals Supported:

The project addresses a variety of City Council goals and strategies, adopted City plans and State requirements.

The *2015-2017 Council Goals and Objectives* also identified a goal of seeking opportunities to enable all citizens to meet basic needs (Goal 5) and an objective to pursue affordable housing opportunities, especially workforce housing and identify specific incentives for developers to build more affordable housing (Objective 5.2).

Statewide Planning Goal 10 requires cities to inventory and plan for buildable lands for residential use to provide for adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and to allow for flexibility of housing location, type and density.

In 2017, Oregon passed Senate Bill 1051 which included a provision that requires cities and counties to allow at least one accessory dwelling unit (ADU) per lot in areas zoned for detached single-family dwellings subject to reasonable local regulations relating to siting and design. The new regulations become effective on July 1, 2018. See [*Guidance on Implementing the Accessory Dwelling Units \(ADU\) Requirement under Oregon Senate Bill 1051*](#) by the Oregon Department of Land Conservation and Development, March 2018.

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.

The *2012 Ashland Housing Analysis* identified a deficit in rental housing for extremely-low income (less than 30 percent of area median income) and low-income households (between 30 and 50 percent of area median income) and recommended more rental studio and one-bedroom units.

The City of Ashland participated in the regional planning process that resulted in the adoption of the *Greater Bear Creek Valley Regional Plan* in 2012. Cities throughout the region identified reserve areas to accommodate housing for future population growth. The City of Ashland decided to accommodate housing for future population with the Ashland’s current boundaries rather than identify future growth areas on the perimeter of the city. The City of Ashland

committed to provided 6.6 units per gross acre for new development as part of the regional planning process.

Background and Additional Information:

Staff suggested one change to the ordinance at the June 19 meeting concerning ARUs in the historic district. The text that is highlighted below was added to the ordinance since approval of first reading on June 19. This language is included in the new “exemptions” section of the ARU standards in AMC 18.2.3.040.A (see page 14 of the attached ordinance).

- 4. The accessory residential unit is attached to the primary residence or within an existing primary residence. Accessory residential units located in the Historic District overlay and including exterior building changes that require a building permit, and accessory residential units located in detached structures (i.e., not attached to the primary residence) require Site Design Review under chapter 18.5.2 and are not permitted outright under this subsection.**

The Planning Commission recommended that ARUs involving exterior building changes in the historic district continue to require a planning approval and therefore not be included in the exempt group of small ARUs. Subsequent to the Planning Commission review and recommendation, staff realized the draft wording wasn’t clear and consistent with the existing code.

The threshold in the existing code to require a separate planning application for historic structures is when the exterior change requires a building permit. Specifically, if a building permit is required for an exterior change to a residential structure that is listed on the National Register of Historic Places (AMC 18.5.2.020.B.3), then a planning application is required.

Frequently, property owners make exterior improvements to residential structures in historic districts that do not require a building permit such as replacing roofing, siding, windows and doors. In contrast, a building permit would typically be required for more significant building work such as structural changes and additions.

The Planning Commission recommended approval of the attached ordinance amendments and their report is attached. The Planning Commission held a public hearing on [April 24, 2018](#) and reviewed the draft amendments on April 24, 2018 and [May 8, 2018](#). The Planning Commission initially discussed providing more flexibility for homeowners that are interested in locating an accessory residential unit (ARU) within or attached to their homes at the May 2017 annual retreat. Prior to the public hearing, the Commission held four study sessions on [August 22, 2017](#), [October 24, 2017](#), [November 28, 2017](#) and [February 27, 2018](#).

Attachments:

1. Ordinance to Amend AMC Title 18 Land Use for ARU Standards and Housekeeping Changes
2. Findings of Fact and Conclusions of Law, July 17, 2018

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 18.2.2, 18.2.3, 18.3.4, 18.3.5, 18.3.9, 18.4.2, 18.4.3, 18.4.4, 18.4.9, 18.5.2 AND 18.6.1 OF THE ASHLAND LAND USE ORDINANCE RELATING TO ACCESSORY RESIDENTIAL UNITS AND MISCELLANEOUS EDITS FOR CLARITY AND CONSISTENCY

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are **~~lined through~~** and additions are **underlined**.

WHEREAS, Statewide Planning Goal 10 requires cities to inventory and plan for buildable lands for residential use to provide for adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density; and

WHEREAS, the Legislature passed Senate Bill 1051 in 2017 which included a requirement that cities with populations greater than 2,500 and counties with populations greater than 15,000 allow at least one accessory dwelling unit for each detached single-family dwelling in single-family zones subject to reasonable local regulations relating to siting and design; and

WHEREAS, the City Council identified the need to provide incentives to create affordable and workforce housing in the 2015-2017 Council Goals and Objectives; and

WHEREAS, 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; and

WHEREAS, the 2012 Ashland Housing Analysis identified a deficit in rental housing for extremely-low income (less than 30 percent of area median income) and low-income households (between 30 and 50 percent of area median income) and recommended more rental studio and one-bedroom units; and

WHEREAS, Ashland began allowing accessory residential units (ARUs) in 1991 with 191 ARUs approved since that time, and has found that the introduction of second units in single-family zones provides rental units and at the same time preserves neighborhood character; and

WHEREAS, the 2016 American Community Survey shows that 39.4 percent of Ashland households are single-person compared to 27.8 percent of Oregon Households, and 44.8 percent of single-person households in Ashland are renter-occupied compared to 36 percent of single-person households in Oregon are renter-occupied; and

WHEREAS, the City Council determined it is necessary to amend the ARU requirements to

respond to changes in the housing supply, in part affected by the lack of construction of housing units during the recession, to encourage the development of small units less than 500 square feet in size to help address Ashland's small household and rental needs; and

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

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

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

WHEREAS, under Oregon law, local governments may regulate the operation and location of certain types of uses within their jurisdiction limits except when such action has been specifically preempted by state statute; and

WHEREAS, the Planning Commission of the City of Ashland conducted a duly advertised public hearing on the amendments to the Ashland Municipal Code and Land Use Ordinances on April 24, 2018; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the amendments to the Ashland Municipal Code and Land Use Ordinances on June 19, 2018; and

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

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

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

SECTION 1. Section 18.2.2.030 [Base Zones and Allowed Uses – Allowed Uses] of the Ashland Land Use Ordinance is hereby amended as follows:

18.2.2.030 Allowed Uses

- A. Uses Allowed in Base Zones.** Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to approval of a conditional use permit. Where Table 18.2.2.030 does not list a specific use and chapter 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040. ~~Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited. For uses allowed in special districts CM, HC, NM, and SOU, and for regulations applying to the City's overlays zones, refer to part 18.3.~~
- B. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as "Permitted (P)" are allowed. Uses listed as "Permitted Subject to Special Use Standards (S)" are allowed, provided they conform to chapter 18.2.3 Special Use Standards. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020.
- C. Conditional Uses.** Uses listed as "Conditional Use Permit Required (CU)" are allowed subject to the requirements of chapter 18.5.4.
- D. Prohibited Uses.** Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use following the procedures of section 18.1.5.040 are prohibited. Prohibited uses are subject to the violations, complaints, and penalties sections in 18-1.6.080, 18-1.6.090, and 18-1.6.100.
- E. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of chapter 18.2.2, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. For uses allowed in special districts CM, HC, NM, NN and SOU, and for regulations applying to the City's overlays zones, refer to part 18.3. ~~For regulations applying to the City's overlays zones, please refer to part 18.3.~~
- F. Accessory Uses.** Uses identified as "Permitted (P)" are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the land use categories in part 18.6 Definitions.
- G. Mixed-Use.** Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.
- H. Temporary Uses.** Temporary uses require a Conditional Use Permit under chapter 18.5.4; except as follows:
1. Short-Term Events. The Staff Advisor may approve through Ministerial review short-term temporary uses occurring once in a calendar year and lasting not more than 72 hours including set up and take down. Activities such as races, parades, and festivals that occur on public property (e.g., street right-of-way, parks, sidewalks, or other public grounds) require a Special Event Permit pursuant to AMC 13.03.
 2. Garage Sales. Garage sales shall have a duration of not more than two days and shall not occur more than twice within any 365-day period. Such activity shall not be

accompanied by any off-premises advertisement. For the purpose of this ordinance, garage sales meeting the requirements of this subsection shall not be considered a commercial activity.

3. Temporary Buildings. Temporary occupancy of a manufactured housing unit or similar structure may be permitted for a period not to exceed 90 calendar days upon the granting of a permit by the Building Official. Such occupancy may only be allowed in conjunction with construction on the site. Said permit shall not be renewable within a six-month period beginning at the first date of issuance, except with approval of the Staff Advisor.

- I. **Disclaimer.** Property owners are responsible for verifying whether a proposed use or development meets the applicable standards of this ordinance.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
A. Agricultural Uses¹										
Agriculture, except Keeping of Bees, Livestock and Micro-Livestock, Homegrown Marijuana Cultivation, and Marijuana Production	P	P	P	P	P	P	N	N	N	Animal sales, feed yards, keeping of swine, commercial compost, or similar uses not allowed
Keeping of Bees	S	S	S	S	S	S	N	N	N	Sec. 18.2.3.160
Keeping of Livestock	S	N	N	N	S	S	N	N	N	
Keeping of Micro-Livestock	S	S	S	S	S	S	N	N	N	
Marijuana Cultivation, Homegrown	S	S	S	S	S	S	S	S	S	Sec. 18.2.3.190 See General Industrial, Marijuana Production
B. Residential Uses										
Single-Family Dwelling	P	P	P	P	P	P	S	S	N	See Single-Family standards in Sec. 18.2.5.090 Sec. 18.2.3.130 for C-1 zone and E-1 zone. Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Accessory Residential Unit	<u>P or S</u>	<u>P or S</u>	S	S	<u>P or S</u>	N	N	N	N	Sec. 18.2.3.040 and Sec. 18.5.2.020.C.2
Cottage Housing	S	N	N	N	N	N	N	N	N	Sec. 18.2.3.090 Cottage Housing
Duplex Dwelling	S	P	P	P	N	N	S	S	N	Sec. 18.2.3.110 Duplex Dwelling

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

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
B. Residential Uses² <i>(continued)</i>										
Manufactured Home on Individual Lot	S	S	S	S	N	N	N	N	N	Sec. 18.2.3.170 and not allowed in Historic District Overlay
Manufactured Housing Development	N	S	CU+S	N	N	N	N	N	N	Sec. 18.2.3.180
Multifamily Dwelling	N	P	P	P	N	N	S	S	N	Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Rental Dwelling Unit Conversion to For-Purchase Housing	N	N	S	S	N	N	N	N	N	Sec. 18.2.3.200
Home Occupation	S	S	S	S	S	S	S	S	N	Sec. 18.2.3.150
C. Group Living										
Nursing Homes, Convalescent Homes	CU	CU	CU	CU	CU	CU	N	N	N	See chapter 18.3.3 Health Care Services
Residential Care Home	P	P	P	P	P	P	N	N	N	Subject to State licensing requirements
Residential Care Facility	CU	P	P	P	CU	CU	N	N	N	Subject to State licensing requirements
Room and Boarding Facility	N	P	P	P	N	N	N	N	N	
D. Public and Institutional Uses										
Airport										See chapter 18.3.7 Airport Overlay

² KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Cemetery, Mausoleum, Columbarium	N	N	N	N	CU	N	N	N	N	
D. Public and Institutional Uses <i>(continued)</i> ³										
Child Care Facility	CU	CU	CU	CU	CU	CU	P	P	P	Family Child Care Home exempt from planning application procedure pursuant to ORS 329A.440, see part 18.6 for definition
Club Lodge, Fraternal Organization	CU	CU	CU	CU	CU	CU	P	CU	CU	
Community Service, includes Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Electrical Substation	N	N	N	N	N	N	CU	CU	P	
Hospitals	CU	CU	CU	CU	CU	N	N	N	N	See chapter 18.3.3 Health Care Services
Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Mortuary, Crematorium	N	N	N	N	CU	N	P	P	P	
Public Park, Open Space, and Recreational Facility, including playgrounds, trails, nature preserves, athletic fields, courts, swim pools, similar uses	P	P	P	P	P	P	N	N	N	
Public Parking Facility	N	N	N	N	N	N	P	NP	NP	

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

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Public Works/Utilities Storage Yard; includes vehicle and equipment, maintenance, repair	N	N	N	N	N	N	N	P	P	
D. Public and Institutional Uses <i>(continued)</i> ⁴										
Recycling Depot	N	N	N	N	N	N	N	P	P	Not allowed within 200 ft of a residential zone
Religious Institution, Houses of Worship	CU	CU	CU	CU	CU	CU	CU	CU	CU	
School, Private (Kindergarten and up)	CU	CU	CU	CU	CU	CU	N	N	N	
School, Public (Kindergarten and up)	P	P	P	P	P	CU	N	N	N	
School, Private College/Trade/Technical School	N	N	N	N	N	N	N	CU	P	
Utility and Service Building, Yard and Structure, Public and Quasi-Public, excluding underground utilities and electrical substations	CU	CU	N	N	CU	CU	P	P	P	<u>Includes public service building, yard, and structures such as public works yards</u> Yards not allowed in the <u>RR, WR, and C-1</u> zone
Wireless Communication Facility	CU	CU	CU	CU	CU	CU	P or CU	P or CU	P or CU	Sec.18.4.10
E. Commercial Uses										
Amusement/Entertainment, includes theater, concert hall, bowling alley, miniature golf, arcade; excluding drive-up uses	N	N	N	N	N	N	P	CU	P	
Automotive and Truck Repair, or Service; includes fueling station, car wash, tire sales	N	N	N	N	N	N	S or CU	S or CU	P	Sec. 18.2.3.050

⁴ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
and repair/replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.										In C-1 zone, fuel sales and service limited to is a permitted use provided within the Freeway Overlay , see chapter 18.3.8; conditional use in locations outside of Freeway Overlay In E-1 zone, auto and truck repair is a permitted use if 200 feet or more from residential zones ; fuel sales and service requires CU permit
E. Commercial Uses (continued) ⁵										
Automotive Sales and Rental, except within the Historic Interest Area ; includes motorcycles, boats, RVs, and trucks	N	N	N	N	N	N	CU	CU	P	Except nNot allowed within Historic District Overlay
Accessory Travelers' Accommodation (See also Travelers' Accommodation)	N	N	CU+S	CU+S	N	N	N	N	N	Sec. 18.2.3.220
Bakery, except as classified as Food Processing	N	N	N	N	N	N	P	P	P	
Commercial Laundry, Cleaning, and Dyeing Establishment	N	N	N	N	N	N	S	S	P	Sec. 18.2.3.080
Commercial Recreation, includes country club, golf course, swimming club, and tennis club; excluding intensive uses such as driving range, race track, or amusement park	CU	CU	N	N	CU	CU	N	N	N	
Drive-Up Use	N	N	N	N	N	N	S	N		Per Sec. 18.2.3.100, Drive-Up uses are limited to area east of Ashland St at intersection of Ashland St/Siskiyou Blvd
Hostel	N	N	CU	CU	N	N	CU*	N	N	*In C-1 zone, requires annual Type I review for at least the first three years, after which time the Planning

⁵ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
										Commission may approve a permanent facility through the Type II procedure
E. Commercial Uses (continued) ⁶										
Hotel/Motel	N	N	N	N	N	N	CU	CU	P	
Kennel (See also Veterinary Clinic)	N	N	N	N	N	N	S	S	CU	No animals kept outside within 200 feet of a residential zone
Limited Retail Uses in Railroad Historic District	N	CU	CU	CU	N	N	N	N	N	Sec. 18.2.2.210 for Retail Uses Allowed in Railroad Historic District
Lumber Yard and Similar Sales and Rental of Building or Contracting Supplies, or Heavy Equipment	N	N	N	N	N	N	NCU	CU	P	
Marijuana Retail Sales, includes sale of medical and recreational marijuana	N	N	N	N	N	N	S or CU	S or CU	N	Per Sec. 18.2.3.190, marijuana retail sales are limited to the C-1 and E-1 zones and located on a boulevard or 200 feet or more from any residential zone, see Sec 18.2.3.190.
Nightclub, Bar	N	N	N	N	N	N	S	CU	P	Not allowed within the Historic District Overlay unless located in C-1-D
Office (See also Commercial Services)	N	N	CU	CU	N	N	P	P	P	
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Plant Nursery, Wholesale, except Marijuana Production	N	N	CU	CU	N	N	N	N	N	

⁶ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
E. Commercial Uses <i>(continued)</i> ⁷										
<u>Restaurants</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Commercial Retail Sales and Services, except Outdoor Sales and Services	N	N	CU+S	N	N	N	P	S	S	In R-2 zone, uses limited to personal and professional services, except see Sec. 18.2.3.210 for retail uses allowed in Railroad Historic District In E-1 zone, Retail limited to 20,000 sq ft of gross leasable floor space per lot. In M-1 zone, uses limited to serving persons working in zone See Marijuana Retail Sales
Self-Service Storage, Commercial (Mini-Warehouse)	N	N	N	N	N	N	N	CU	P	
Traveler's ² Accommodation (See also Accessory Travelers' Accommodation)	N	N	CU+S	CU+S	N	N	N	N	N	Sec. 18.2.3.220
Veterinary Clinic	N	N	N	N	N	N	P	P	P	
F. Industrial and Employment Uses										
Cabinet, Carpentry, and Machine Shop, and related Sales, Services, and Repairs	N	N	N	N	N	N	N	S or CU	P	In the E-1 zone, uses within 200 feet of a residential zone require CU permit

⁷ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
F. Industrial and Employment Uses <i>(continued)</i> ⁸										
Commercial Excavation and Removal of Sand, Gravel, Stone, Loam, Dirty or Other Earth Products	N	N	N	N	CU+S	N	N	N	N	Sec. 18.2.3.070
Concrete or Asphalt Batch Plant	N	N	N	N	N	N	N	N	CU	
Dwelling for a caretaker or watchman	N	N	N	N	N	N	N	CU	CU	
Food Products Manufacture/Processing/Preserving, including canning, bottling, freezing, drying, and similar processing and preserving.	N	N	N	N	N	N	S	S	P	In the C-1 zone, manufacture or assembly of items sold is a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet In the E-1 zone, See Sec. 18.2.3.140
Manufacture, General, includes Marijuana Laboratory, Processing, and Production	N	N	N	N	N	N	N	P or S	P or S	In E-1 and M-1 zones, marijuana laboratory, processing, and production are subject to the special use standards in Sec. 18.2.3.190 See Marijuana Cultivation, Homegrown
Manufacture, Light; excluding saw, planing or lumber mills, or molding plants.	N	N	N	N	N	N	S	P	P	Requires assembly, fabricating, or packaging of products from previously prepared materials such as cloth, plastic, paper, cotton, or wood In the C-1 zone, manufacture or assembly of items sold in a permitted

⁸ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
										use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet
F. Industrial and Employment Uses <i>(continued)</i> ⁹										
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Television and Radio Broadcasting Studio	N	N	N	N	N	N	N	P	P	
Wholesale Storage and Distribution, includes Marijuana Wholesale	N	N	N	N	N	N	N	S	S	Deliveries and shipments limited to 7AM-9PM_within 200 feet of a residential zone In E-1 and M-1 zones, marijuana wholesale is subject to the special use standards in Sec. 18.2.3.190
Wrecking, Demolition, and Junk Yards	N	N	N	N	N	N	N	N	CU	
G. Other Uses										
Temporary Tree Sales	N	N	N	N	N	N	P	N	N	Allowed from November 1 to January 1
Temporary Use	CU, except uses lasting less than 72 hours are subject to Ministerial review, per Sec. 18.2.2.030.H									

⁹ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

SECTION 2. Section 18.2.3.040 [Special Use Standards – Accessory Residential Unit] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.3.040 Accessory Residential Unit

~~Where accessory residential units are allowed, they are subject to Site Design Review under chapter 18.5.2, and shall meet all of the following requirements.~~ Accessory residential units are subject to Site Design Review under chapter 18.5.2, except as exempted in subsection 18.2.3.040.A, below.

- A. Exemptions. Accessory residential units are permitted outright with an approved building permit, and are allowed without a Site Design Review under chapter 18.5.2 provided that the accessory residential unit meets all of the following requirements.
1. The accessory residential unit is located in the R-1, R-1-3.5, RR, NN and NM zones. Accessory residential units in the R-2 and R-3 zones require Site Design Review under chapter 18.5.2 and are not permitted outright under this subsection.
 2. The accessory residential unit meets all of the requirements of the applicable zone in subsections 18.2.3.040.B, C, E and F, below, except as otherwise exempted in subsection 18.2.3.040.A.
 3. The size of the accessory residential unit is less than 500 square feet of gross habitable floor area (GHFA).
 4. The accessory residential unit is attached to the primary residence or within an existing primary residence. Accessory residential units located in the Historic District overlay and including exterior building changes that require a building permit, and accessory residential units located in detached structures (i.e., not attached to the primary residence) require Site Design Review under chapter 18.5.2 and are not permitted outright under this subsection.
 5. The property must have two off-street parking spaces, except that parking spaces, turn-arounds, and driveways are exempt from the requirements in subsections 1 and 2 of 18.4.3.080.D and paving requirements in subsection 18.4.3.080.E.1.
 6. Additional off-street parking is not required for the accessory residential unit if on-street parking is permitted within 200 feet of the property. Alternatively, one off-street parking space may be provided on the property in conformance with the off-street parking provisions for accessory residential units in section 18.4.3.080.

AB.R-1 Zone. Accessory residential units in the R-1 zone shall meet the following requirements.

1. One accessory residential unit is allowed per lot, and the maximum number of dwelling units shall not exceed two per lot.
2. Accessory residential units are not subject to the density or minimum lot area requirements of the zone, ~~except that accessory residential units shall be counted in the density of developments created under the Performance Standards Option in chapter 18.3.9.~~

3. The maximum gross habitable floor area (GHFA) of the accessory residential unit shall not exceed 50 percent of the GHFA of the primary residence on the lot and shall not exceed 1,000 square feet GHFA.
4. The proposal shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.
5. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.080, except that parking spaces, turn-arounds, and driveways are exempt from the **requirements in subsections 1 and 2 of 18.4.3.080.D and paving requirements in subsection 18.4.3.080.E.1.**

BC.RR Zone. In addition to the standards in subsection ~~18.2.3.040.A~~**18.2.3.040.B,** accessory residential units in the RR zone shall meet the following requirements.

1. ~~If the accessory residential unit is not part of the primary dwelling, all construction and land disturbance associated with the accessory residential unit shall occur on lands with less than 25 percent slope.~~
2. ~~The lot on which the accessory residential unit is located shall have access to an improved city street, paved to a minimum of 20 feet in width, with curbs, gutters, and sidewalks.~~
31. No on-street parking credits shall be allowed for accessory residential units.
42. If located in the Wildfire zone, the accessory residential unit shall have a residential sprinkler system installed.

CD.R-2 and R-3 Zones. Accessory residential units in the R-2 and R-3 zones shall meet the standards in subsection ~~18.2.3.040.A~~**18.2.3.040.B,** except that the maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 500 square feet GHFA.

E. NN Zones. Accessory residential units in the Normal Neighborhood District under chapter 18.3.4 shall meet the standards in subsection 18.2.3.040.B.

F. NM Zones. Accessory residential units in the North Mountain Neighborhood NM zones under chapter 18.3.5 shall meet the standards in subsection 18.2.3.040.B, except that the maximum gross habitable floor area (GHFA) of the accessory residential unit must not exceed 750 square feet GHFA and that second story accessory residential units constructed above a detached accessory building must not exceed 500 square feet GHFA.

SECTION 3. Section 18.2.3.160(B) [Special Use Standards – Keeping of Livestock and Bees] of the Ashland Land Use Ordinance is hereby amended as follows:

B. Structures. Livestock enclosures and structures, including barns, stables, chicken coops and runs, rabbit hutches, goat barns, and other structures, shall be in compliance with ~~18.2.4.020~~**subsection 18.2.5.040.D,** this ordinance and with all applicable building codes.

SECTION 4. Section 18.3.4.040(C) [Normal Neighborhood District – General Use Regulations] of the Ashland Land Use Ordinance is hereby amended as follows:

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

- 1. Uses Allowed in Normal Neighborhood District. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.4.040 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.**
 - a. Permitted Uses. Uses listed as “Permitted (P)” are allowed.**
 - b. Permitted Subject to Special Use Standards. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to chapter 18.2.3 Special Use Standards.**
 - c. Conditional Uses. Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.**
 - d. Prohibited Uses. Uses not listed in Table 18.3.4.040, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.**
- 2. Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone.**
- 3. Mixed-Use. Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.**

Table 18.3.4.040 Land Use Descriptions	NN-1-5 Single-Family Residential	NN-1-3.5 Suburban Residential	NN-1-3.5-C Suburban Residential with Commercial	NN-2 Multi-Family Low-Density Residential
Table 18.3.4.040 Normal Neighborhood District Uses Allowed by Zone¹⁰				
	Normal Neighborhood District Zones¹¹			
	<u>NN-1-5</u>	<u>NN-1-3.5</u>	<u>NN-1-3.5-C</u>	<u>NN-2</u>
<u>A. Residential Uses</u>				
Single Dwelling Residential Unit (Single-Family Dwelling)	P	P	N	N
Accessory Residential Unit, <u>see Sec. 18.2.3.040</u>	<u>P or S</u>	<u>P or S</u>	<u>P or S</u>	N
Double Dwelling Residential Unit (Duplex Dwelling)	N	P	P	P
Cottage Housing	P	N	N	N
Clustered Residential Units	N	P	P	P
Attached Residential Unit	N	P	P	P
Multiple Dwelling Residential Unit (Multi family Dwelling)	N	P	P	P
Manufactured Home on Individual Lot	P	P	P	P
Manufactured Housing Development	N	P	P	P
<u>B. Neighborhood Business and Service Uses</u>				
Home Occupation	P	P	P	P
Retail Sales and Services, with each building limited to 3,500 square feet of gross floor area	N	N	P	N
Professional and Medical Offices, with each building limited to 3,500 square feet of gross floor area	N	N	P	N
Light manufacturing or assembly of items occupying six hundred (600) square feet or less, and contiguous to the permitted retail use.	N	N	P	N
Restaurants	N	N	P	N
Day Care Center	N	N	P	N
Assisted Living Facilities	N	C	C	C
<u>C. Residential Uses</u>				
Religious Institutions and Houses of Worship	C	C	C	C
Public Buildings	P	P	P	P
Community Gardens	P	P	P	P
Open space and Recreational Facilities	P	P	P	P

¹⁰ Key: P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

¹¹ Zones: NN-1-5 = Single-Family Residential; NN-1-3.5 = Suburban Residential; NN-1-3.5-C = Suburban Residential with Commercial; MM-2 = Multi-Family Residential.

- ~~1. Permitted Uses. Uses listed as “Permitted (P)” are allowed. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of Part 18.5. See section 18.5.1.020 Determination of Review Procedure.~~
- ~~2. Conditional Uses. Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.~~
- ~~3. Prohibited Uses. Uses not listed in the Land Use Table, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.~~

SECTION 5. Section 18.3.4.060(B)(2) [Normal Neighborhood District – Site and Building Design Standards] of the Ashland Land Use Ordinance is hereby amended as follows:

2. Cottage Housing. [Reserved]Cottage Housing Developments in the Normal Neighborhood shall be developed in accordance with the standards in 18.2.3.090.

SECTION 6. Section 18.3.5.050 [North Mountain Neighborhood – Allowed Uses] of the Ashland Land Use Ordinance is hereby amended as follows:

18.3.5.050 Allowed Uses

A. Uses Allowed in North Mountain Neighborhood Zones. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.5.050 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. ~~Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited.~~ All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.

1. Permitted Uses. Uses listed as “Permitted (P)” are allowed.
2. Permitted Subject to Special Use Standards. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to subsection 18.3.5.050.D and chapter 18.2.3 Special Use Standards.
3. Conditional Uses. Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.
4. Prohibited Uses. Uses not listed in Table 18.3.5.050, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.

~~**CB Uses Regulated by Overlay Zones.** Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. For regulations applying to the City’s overlays zones, please refer to part 18.3.~~

C. Mixed-Use. Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and

building code requirements are met.

Table 18.3.5.050 – North Mountain Neighborhood Uses Allowed by Zone¹²

	North Mountain Neighborhood Zones ¹³				
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C	NM-Civic
A. Residential					
Residential Uses, subject to density requirements in Table 18.3.5.050	P	P	P	P	N
Accessory Residential Units, <u>see Sec. 18.2.3.040</u>	<u>P or S</u>	<u>P or S</u>	<u>NP or S</u>	P	N
Cottage Housing	S	S	N	N	N
Home Occupations	P	P	P	P	N
Agricultural Uses, except Keeping of Livestock	P	P	P	P	S
Keeping of Micro-Livestock and Bees	S	S	S	N	S
Keeping of Livestock	N	N	N	N	N
Marijuana Cultivation, Homegrown	S	S	S	S	N
B. Public and Institutional Uses					
Community Services	N	S	N	S	P
Parks and Open Spaces	P	P	P	P	P
Public Parking Lots	N	N	N	CU	N
Religious Institution, Houses of Worship	N	N	N	S	N
Utility and Service Building, Public and Quasi-Public, excluding outdoor storage and electrical substations	N	N	N	S	N
B. Commercial					
Neighborhood Clinics	N	N	N	S	N
Neighborhood Oriented Retail Sales, Services, and Restaurants	N	N	N	S	N
Offices, Professional	N	N	N	S	N
Temporary uses	N	N	N	CU	N
C. Industrial					
Manufacturing, Light	N	N	N	S	N

¹² Key: P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

¹³ Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

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

1. Accessory Residential Units. **Subject to the standards in section 18.2.3.040.**
 - ~~a. Accessory residential units are not subject to the density requirements of the zone and are not included in the base density calculations.~~
 - ~~b. One accessory residential unit is allowed per lot, and the maximum number of dwelling units must not exceed two per lot.~~
 - ~~c. The proposal must comply with the lot coverage and setback requirements of the underlying zone.~~
 - ~~d. The maximum gross habitable floor area (GHFA) of the accessory residential unit must not exceed 50 percent of the GHFA of the primary residence on the lot, and must not exceed 750 square feet GHFA, except that second story accessory residential units constructed above a detached accessory building must not exceed 500 square feet GHFA.~~
 - ~~e. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.040.~~
2. Agricultural Uses. In the NM-Civic zone, agriculture may include community garden space.
3. Keeping of Micro-Livestock and Bees. Subject to the standards in section 18.2.3.160.
4. Marijuana Cultivation, Homegrown. Subject to the standards in subsection 18.2.3.190.A.
5. Community Services.
 - a. In the NM-R-1-5 zone, each building may be up to a maximum of 2,500 square feet of gross floor area.
 - b. In the NM-C zone, each building may be up to a maximum of 3,500 square feet of gross floor area.
6. Manufacturing, Light.
 - a. The light manufacturing use shall occupy 600 square feet or less.
 - b. The light manufacturing use shall be contiguous to the permitted retail outlet that operates in conjunction with and sells the manufactured items produced by the light manufacturing use.
7. Neighborhood Clinics. Each building may be up to a maximum of 3,500 square feet of gross floor area.
8. Neighborhood Oriented Retail Sales, Services, and Restaurants. Each building may be up to a maximum of 3,500 square feet of gross floor area.
9. Offices, Professional. Each building may be up to a maximum of 3,500 square feet of gross floor area.
10. Religious Institution, Houses of Worship. The same use cannot be located on a

contiguous property, and there must be no more than two such uses in a given zone.

- 11. Utility and Service Building, Public and Quasi-Public. Each building may be up to a maximum of 3,500 square feet of gross floor area.

SECTION 7. Section 18.3.9.050(A) [Performance Standards Option and PSO Overlay – Performance Standards for Residential Developments] of the Ashland Land Use Ordinance is hereby amended as follows:

- A. **Base Densities.** The density of the development shall not exceed the density established by this section. The density shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. Fractional portions of the final answer, after bonus point calculations, shall not apply towards the total density. **Accessory residential units are not required to meet the density requirements of this chapter in accordance with section 18.2.3.040.**

SECTION 8. Section 18.4.2.030(B) [Building Placement, Orientation, and Design – Residential Development] of the Ashland Land Use Ordinance is hereby amended as follows:

- B. Applicability. Except as otherwise required by an overlay zone or plan district, the following standards apply to residential development pursuant to section 18.5.2.020. See conceptual site plan of multi-family development in Figure 18.4.2.030.
 - 1. **Accessory Residential Units. Unless exempted from Site Design Review in 18.2.3.040.A, only the following standards in Chapter 18.4.2 apply to accessory residential units: building orientation requirements in 18.4.2.030.C, garage requirements in 18.4.2.030.D, and building materials in 18.4.2.030.E. If an accessory residential unit is located in the Historic District overlay, the standards in 18.4.2.050 also apply. See the Special Use Standards for accessory residential units in section 18.2.3.040.**

SECTION 9. Section 18.4.3.040 [Parking, Access, and Circulation – Parking Ratios] of the Ashland Land Use Ordinance is hereby amended as follows:

18.4.3.040 Parking Ratios

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

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Residential Categories	
Single-Family Dwellings	2 spaces for the primary detached dwelling units and the following

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
	for accessory residential units <u>attached dwelling units.</u> <ol style="list-style-type: none"> Studio units or 1-bedroom units less than 500 sq. ft. – 1 space/unit. 1-bedroom units 500 sq. ft. or larger – 1.50 spaces/unit. 2-bedroom units – 1.75 spaces/unit. 3-bedroom or greater units -- 2.00 spaces/unit.
<u>Accessory Residential Units</u>	<ol style="list-style-type: none"> <u>Units less than 800 sq. ft.– 1 space/unit, except. as exempted in subsection 18.2.3.040.A.</u> <u>Units greater than 800 sq. ft. and up to 1,000 sq. ft. – 2.00 spaces/unit.</u>
<u>Multi-family Dwellings</u>	<ol style="list-style-type: none"> Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. 2-bedroom units -- 1.75 spaces/unit. 3-bedroom or greater units -- 2.00 spaces/unit. Retirement complexes for seniors 55-years or greater -- One space per unit.
Cottage Housing	<ol style="list-style-type: none"> Units less than 800 sq. ft. -- 1 space/unit. Units greater than 800 square feet<u>sq. ft.</u> and less than 1000 square feet<u>sq. ft.</u> -- 1.5 spaces/unit. Units greater than 1000 square feet<u>sq. ft.</u> -- 2.00 spaces/unit. Retirement complexes for seniors 55-years or greater -- One space per unit.
Manufactured Housing	Parking for Manufactured Home on Single-Family Lot is same as Single Family Dwelling; for Manufactured Housing Developments, see sections <u>18.2.3.170</u> and <u>18.2.3.180</u> .
Performance Standards Developments	See chapter <u>18.3.9</u> .
Commercial Categories	
Auto, boat or trailer sales, retail nurseries and other open-space uses	1 space per 1,000 square feet <u>sq. ft.</u> of the first 10,000 square feet <u>sq. ft.</u> of gross land area; plus 1 space per 5,000 square feet <u>sq. ft.</u> for the excess over 10,000 square feet <u>sq. ft.</u> of gross land area; and 1 space per 2 employees.
Bowling Alleys	3 spaces per alley, plus 1 space for auxiliary activities set forth in this section.
Chapels and Mortuaries	1 space per 4 fixed seats in the main chapel.
Hotels	1 space per guest room, plus 1 space for the owner or manager; see also, requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities.

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Offices	General Office: 1 space per 500 sq. ft. floor area.
	Medical/Dental Office: 1 space per 350 sq. ft. floor area.
Restaurants, Bars, Ice Cream Parlors, Similar Uses	1 space per 4 seats or 1 space per 100 sq. ft. of gross floor area, whichever is less.
Retail Sales and Services	General: 1 space per 350 sq. ft. floor area.
	Furniture and Appliances: 1 space per 750 sq. ft. floor area.
Skating Rinks	1 space per 350 sq. ft. of gross floor area.
Theaters, Auditoriums, Stadiums, Gymnasiums and Similar Uses	1 space per 4 seats.
Travelers' Accommodations	1 space per guest room, plus 2 spaces for the owner or manager.
Industrial Categories	
Industrial, Manufacturing and Production, Warehousing and Freight	1 space per 1,000 sq. ft. of gross floor area, or 1 space for each 2 employees whichever is less, plus 1 space per company vehicle.
Institutional and Public Categories	
Aircraft Hangar - Ashland Municipal Airport	One space per hangar or one space per four aircraft occupying a hangar, whichever is greater. Parking spaces shall be provided within the hangar or within designated vehicle parking areas identified in the adopted Ashland Municipal Airport Master Plan.
Clubs, Fraternity and Sorority Houses; Rooming and Boarding Houses; Dormitories	2 spaces for each 3 guest rooms; in dormitories, 100 sq. ft. shall be equivalent to a guest room.
Daycare	1 space per two employees; a minimum of 2 spaces is required.
Golf Courses	Regular: 8 spaces per hole, plus additional spaces for auxiliary uses.
	Miniature: 4 spaces per hole.
Hospital	2 space per patient bed.
Nursing and Convalescent Homes	1 space per 3 patient beds.
Public Assembly	1 space per 4 seats
Religious Institutions and Houses of Worship	1 space per 4 seats.
Rest Homes, Homes for the Aged, or Assisted Living	1 space per 2 patient beds or 1 space per apartment unit.
Schools	Elementary and Junior High: 1.5 spaces per classroom, or 1 space per 75 sq. ft. of public assembly area, whichever is greater
	High Schools: 1.5 spaces per classroom, plus 1 space per 10 students the school is designed to accommodate; or the requirements for public assembly area, whichever is greater
	Colleges, Universities and Trade Schools: 1.5 spaces per classroom, plus 1 space per five students the school is designed to accommodate, plus requirements for on-campus student housing.
Other Categories	
Temporary Uses	Parking standards for temporary uses are the same as for primary

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
	uses, except that the City decision-making body may reduce or waive certain development and designs standards for temporary uses.

SECTION 10. Section 18.4.3.060 [Parking, Access, and Circulation – Parking Management Strategies] of the Ashland Land Use Ordinance is hereby amended as follows:

18.4.3.060 Parking Management Strategies

Except for single-family dwellings, the off-street parking spaces may be reduced through the application of the following credits. The total maximum reduction in off-street parking spaces is 50 percent, except as allowed for Off-Site Shared Parking credits in subsection 18.4.3.060.E, below. The approval authority **shall have the discretion to adjust the proposed off-street parking reduction based upon site specific evidence and testimony, and** may require a parking analysis prepared by a qualified professional. See 18.4.3.030.A.3 for parking analysis requirements.

SECTION 11. Section 18.4.3.080(D), (E) and (F) [Parking, Access, and Circulation – Vehicle Area Design] of the Ashland Land Use Ordinance is hereby amended as follows:

D. Driveways and Turn-Around Design. Driveways and turn-arounds providing access to parking areas shall conform to the following provisions.

1. A driveway for a single dwelling shall be minimum of nine feet in width, and a shared driveway serving two units shall be a minimum of 12 feet in width, except that driveways over 50 feet in length or serve a flag lot shall meet the width and design requirements of section 18.5.3.060. **Accessory residential units are exempt from the requirements of this subsection.**
2. Parking areas of seven or fewer spaces shall be served by a driveway 12 feet in width. **Accessory residential units are exempt from the requirements of this subsection.**
3. Parking areas of more than seven parking spaces shall be served by a driveway 20 feet in width and constructed to: facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety; be clearly and permanently marked and defined; and provide adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner.
4. The width of driveways and curb cuts in the parkrow and sidewalk area shall be minimized.
5. For single-family lots and multi-family developments, the number of driveway approaches and curb cuts shall not exceed one approach/curb cut per street frontage. For large multi-family developments and other uses, the number of approaches and curb cuts shall be minimized where feasible to address traffic safety or operations concerns.

6. Vertical Clearances. Driveways, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13.5 feet for their entire length and width. Parking structures are exempt from this requirement.
7. Vision Clearance. No obstructions may be placed in the vision clearance area except as set forth in section 18.2.4.040.
8. Grades for new driveways in all zones shall not exceed 20 percent for any portion of the driveway. If required by the City, the developer or owner shall provide certification of driveway grade by a licensed land surveyor.
9. All driveways shall be installed pursuant to City standards prior to issuance of a certificate of occupancy for new construction.
10. Driveways for lots created or modified through a land division or property line adjustment, including those for flag lots, shall conform to the requirements of chapter 18.5.3 Land Divisions and Property Line Adjustments.

E. Parking and Access Construction. The development and maintenance as provided below, shall apply in all cases, except single-family dwellings **and accessory residential units.**

1. Paving. All required parking areas, aisles, turn-arounds, and driveways shall be paved with concrete, asphaltic, porous solid surface, or comparable surfacing, constructed to standards on file in the office of the City Engineer.
2. Drainage. All required parking areas, aisles, and turn-arounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.
3. Driveway Approaches. Approaches shall be paved with concrete surfacing constructed to standards on file in the office of the City Engineer.
4. Marking. Parking lots of more than seven spaces shall have all spaces permanently and clearly marked.
5. Wheel stops. Wheel stops shall be a minimum of four inches in height and width and six feet in length. They shall be firmly attached to the ground and so constructed as to withstand normal wear. Wheel stops shall be provided where appropriate for all spaces abutting property lines, buildings, landscaping, and no vehicle shall overhang a public right-of-way.
6. Walls and Hedges
 - a. Where a parking facility is adjacent to a street, a decorative masonry wall or evergreen hedge screen between 30 and 42 inches in height and a minimum of 12 inches in width shall be established parallel to and not nearer than two feet from the right-of-way line, pursuant to the following requirements.
 - i. The area between the wall or hedge and street line shall be landscaped.
 - ii. Screen planting shall be of such size and number to provide the required screening within 12 months of installation.
 - iii. All vegetation shall be adequately maintained by a permanent irrigation system, and said wall or hedge shall be maintained in good condition.

- iv. Notwithstanding the above standards, the required wall or screening shall be designed to allow access to the site and sidewalk by pedestrians and shall meet the vision clearance area requirements in section 18.2.4.040.
- b. In all zones, except single-family zones, where a parking facility or driveway is adjacent to a residential or agricultural zone, school yard, or like institution, a sight-obscuring fence, wall, or evergreen hedge shall be provided, pursuant to the following requirements.
 - i. The fence, wall or hedge shall be placed on the property line and shall be between five feet and six feet in height as measured from the high grade side of the property line, except that the height shall be reduced to 30 inches within a required setback area and within ten feet of a street property line.
 - ii. Screen plantings shall be of such size and number to provide the required screening within 12 months of installation.
 - iii. Adequate provisions shall be made to protect walls, fences, or plant materials from being damaged by vehicles using said parking area.
 - iv. Notwithstanding the above standards, the required wall or screening shall be designed to meet the vision clearance area requirements in section 18.2.4.040.
 - v. The fence, wall, or hedge shall be maintained in good condition.
- 7. Landscaping. In all zones, all parking facilities shall include landscaping to cover not less than seven percent of the area devoted to outdoor parking facilities, including the landscaping required in subsection 18.4.3.080.E.6, above. Said landscaping shall be uniformly distributed throughout the parking area, and provided with irrigation facilities and protective curbs or raised wood headers. It may consist of trees, plus shrubs, ground cover, or related material. A minimum of one tree per seven parking spaces is required. **Single-family dwellings and accessory residential units are exempt from the requirements of this subsection.**
- 8. Lighting. Lighting of parking areas within 100 feet of property in residential zones shall be directed into or on the site and away from property lines such that the light element shall not be directly visible from abutting residential property. Lighting shall comply with section 18.4.4.050.

SECTION 12. Section 18.4.4.030(F)(2) [Landscaping, Lighting, and Screening – L] of the Ashland Land Use Ordinance is hereby amended as follows:

F. Parking Lot Landscaping and Screening. Parking lot landscaping, including areas of vehicle maneuvering, parking, and loading, shall meet the following requirements. **Single-family dwellings and accessory residential units are exempt from the requirements of subsection 18.4.4.030.F.2, below.**

1. Landscaping.

a. Parking lot landscaping shall consist of a minimum of seven percent of the total

parking area plus a ratio of one tree for each seven parking spaces to create a canopy effect.

- b. The tree species shall be an appropriate large canopied shade tree and shall be selected from the street tree list approved by the Ashland Tree Commission to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians. See the Ashland Recommended Street Tree Guide.
 - c. The tree shall be planted in a landscaped area such that the tree bole is at least two feet from any curb or paved area.
 - d. The landscaped area shall be distributed throughout the parking area and parking perimeter at the required ratio.
 - e. That portion of a required landscaped yard, buffer strip, or screening strip abutting parking stalls may be counted toward required parking lot landscaping but only for those stalls abutting landscaping as long as the tree species, living plant material coverage, and placement distribution criteria are also met. Front or exterior yard landscaping may not be substituted for the interior landscaping required for interior parking stalls.
2. Screening.
- a. *Screening Abutting Property Lines.* A five foot landscaped strip shall screen parking abutting a property line. Where a buffer between zones is required, the screening shall be incorporated into the required buffer strip, and will not be an additional requirement.
 - b. *Screening Adjacent to Residential Building.* Where a parking area is adjacent to a residential building it shall be setback at least eight feet from the building, and shall provide a continuous hedge screen.
 - c. *Screening at Required Yards.*
 - i. Parking abutting a required landscaped front yard or exterior yard shall incorporate a sight obstructing hedge screen into the required landscaped yard.
 - ii. The screen shall grow to be at least 36 inches higher than the finished grade of the parking area, except within vision clearance areas, section 18.2.4.050.
 - iii. The screen height may be achieved by a combination of earth mounding and plant materials.
 - iv. Elevated parking lots shall screen both the parking and the retaining walls.

SECTION 13. Section 18.4.4.030(G)(4) [Landscaping, Lighting, and Screening – Landscaping and Screening] of the Ashland Land Use Ordinance is hereby amended as follows:

4. Mechanical Equipment. Mechanical equipment shall be screened by placement of features at least equal in height to the equipment to limit view from public rights-of-way,

except alleys, and adjacent residentially zoned property. Mechanical equipment meeting the requirements of this section satisfy the screening requirements in 18.5.2.020.C.~~34~~.

- a. *Roof-mounted Equipment.* Screening for roof-mounted equipment shall be constructed of materials used in the building's exterior construction and include features such as a parapet, wall, or other sight-blocking features. Roof-mounted solar collection devices are exempt from this requirement pursuant to subsection 18.5.2.020.C.~~34~~.
- b. *Other Mechanical Equipment.* Screening for other mechanical equipment (e.g., installed at ground level) include features such as a solid wood fence, masonry wall, or hedge screen.

SECTION 14. Section 18.4.9.040(C) [Disc Antennas – Development Standards] of the Ashland Land Use Ordinance is hereby amended as follows:

- C. No more than one disc antenna shall be permitted on each lot, except three or fewer parabolic disc antennas, each under one meter in diameter, are permitted on any one lot in accordance with 18.5.2.020.C.~~34~~.b.

SECTION 15. Section 18.5.2.020 (B) and (C) [Site Design Review – Applicability] of the Ashland Land Use Ordinance is hereby amended as follows:

B. Residential Uses. Site Design Review applies to the following types of residential uses and project proposals, pursuant to section 18.5.2.030 Review Procedures.

1. Two or more dwelling units **on a lot in any zoning district**, including the addition of an accessory residential unit, ~~on a lot in any zoning district unless exempt from Site Design Review per subsection 18.2.3.040.A.~~
2. Construction of attached (common wall) single-family dwellings (e.g., townhomes, condominiums, rowhouses) in any zoning district.
3. Any exterior change, including installation of Public Art, to a structure individually listed on the National Register of Historic Places that requires a building permit.
4. Any change to off-street parking or landscaping in a residential development where such parking or landscaping is provided in common area (e.g., shared parking) and is approved pursuant to chapter 18.3.9 Performance Standards Option.
5. Any change in use that requires a greater number of parking spaces.
6. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from Site Design Review per subsection 18.5.2.020.C.
7. Installation of wireless communication facilities (e.g., accessory to a residential use), in accordance with section 18.4.10.

C. Exempt From Site Design Review. The following types of uses and projects are exempt from Site Design Review, ~~but are required to comply with the applicable provisions of part 18.4 Site Development and Design Standards.~~

1. Detached single-family dwellings and associated accessory structures and uses, ~~except that accessory residential units require Site Design Review pursuant to section 18.2.3.040.~~
- 2. Accessory residential units meeting the requirements of subsection 18.2.3.040.A.**
- ~~32.~~ Land divisions and property line adjustments, which are subject to review under chapter 18.5.3.
- ~~43.~~ The following mechanical equipment.
 - a. Private, non-commercial radio and television antennas not exceeding a height of 70 feet above grade or 30 feet above an existing structure, whichever height is greater, and provided no part of such antenna shall be within the setback yards required by this ordinance. A building permit shall be required for any antenna mast or tower over 50 feet above grade or 30 feet above an existing structure when the same is constructed on the roof of the structure.
 - b. Not more than three parabolic disc antennas, each under one meter in diameter, on any one lot or dwelling unit.
 - c. Roof-mounted solar collection devices in all zones, with the exception of E-1 and C-1 zoned properties located within designated historic districts. The devices shall comply with solar setback standards described in chapter 18.4.8 and the height standards of the respective zoning district.
 - d. Roof-mounted solar collection devices on E-1 and C-1 zoned properties located within designated historic districts if the footprint of the structure is not increased, the plane of the system is parallel to the slope of the roof and does not extend above the peak height of the roof or existing parapets, or is otherwise not visible from a public right-of-way. The devices shall comply with solar setback standards described in chapter 18.4.8 and height requirements of the respective zoning district.
 - e. Installation of mechanical equipment other than those exempted in 18.5.2.020.C.~~34~~, subsections a – d, above, and which is not visible from a public right-of-way, except alleys, or adjacent residentially zoned property and consistent with other provisions of this ordinance, including solar access in chapter 18.4.8, and noise and setback requirements of subsection 18.2.4.020.B. See also, screening standards for mechanical equipment in subsection 18.4.4.030.G.4.
 - f. Routine maintenance and replacement of existing mechanical equipment in all zones.

SECTION 16. Section 18.6.1.030 [Definitions] of the Ashland Land Use Ordinance is hereby amended as follows:

Accessory Use. A use or activity that is subordinate to a primary use and that is clearly incidental to the primary use on a site. See also, definition of Primary Use.

Dwelling. A structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory

dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar. For the purposes of this ordinance, the following types of dwelling units are defined:

- Accessory Residential Unit. A secondary dwelling unit on a lot where the primary use is a single-family dwelling, either attached to a single-family dwelling, **within a portion of an existing single-family dwelling (i.e. conversion of gross floor area within the primary residence)**, or in a detached building located on the same lot, and having an independent means of access (i.e., door).
- Duplex Dwelling. A structure that contains two dwelling units located on one lot. The units must share a common wall or common floor/ceiling.
- Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.
- Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- Multifamily Dwelling. A dwelling in a structure or grouping of structures containing two or more dwelling units located on one lot.
- Senior Housing. Housing designated and/or managed for persons over a specified age. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities.
- Single-Family Dwelling. A detached or attached structure containing one dwelling unit located on its own lot.

Parking Area or Lot. Any area inside, under, or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, or structures.

- **Private Parking Area or Lot. A parking area for the exclusive use of the owners of the lot on which the parking area is located or whomever else they permit to use the parking area.**
- **Public Parking Area or Lot. A parking area available to the public, with or without payment of a fee.**

Primary Use. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use. **See also, definition of Accessory Use.**

Retail Sales and Services. Retail sales and service uses sell, lease, or rent new or used products, goods, or services. **They include services such as a beauty salon, barber, repair service, and similar uses.**

SECTION 17. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinances(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 18. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 19. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 6-7) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2018, and duly PASSED and ADOPTED this ____ day of _____, 2018.

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ____ day of _____, 2018.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney

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

July 17, 2018

In the Matter of Amendments to the Ashland Municipal Code Title 18 Land Use to accessory residential unit requirements and miscellaneous edits for clarity and consistency.)
) FINIDNGS OF FACTAND
) CONCLUSIONS OF LAW
)

PURPOSE:

In an effort to address the rental housing supply and supply of studio and one-bedroom units, the purpose of the ordinance amendments is: 1) to provide an incentive for the development of accessory residential units (ARUs) in single-family zones that are less than 500 square feet in size and located within or attached to a single-family dwelling by providing a streamlined approval process, 2) to improve the approval process for ARUs by eliminating additional multi-family landscaping and open space requirements and reducing off-street parking requirements, 3) to improve the approval process for ARUs located in the Rural Residential zone by eliminating street and slope requirements, and 4) to reduce repetitive language, correct inadvertent omissions, provide clarification and consistency and define terms by making minor edits and corrections to the ordinance.

PUBLIC HEARINGS:

A Public Hearing was held at the Planning Commission on April 24, 2018 and at the City Council on June 19, 2018.

Newspaper notices were published in accordance with AMC 18.5.1.070.D.3 in the Ashland Daily Tidings on April 14, 2018 prior to the Planning Commission public hearing and on April 24, 2018 and on June 8, 2018 prior to the City Council public hearing and first reading of the ordinances on June 19, 2018. Notice was also sent to the Oregon Department of Land Conservation and Development on September 25, 2017.

REVIEW CRITERIA

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

- A. Consistency with City of Ashland Requirements for Legislative Amendments in AMC 18.5.9.020.B
- B. Consistency with City of Ashland Comprehensive Plan and other applicable City of Ashland Goals and Policies
- C. Consistency with Oregon land use laws, regulations including Oregon Senate Bill 1051 and the Regional Plan

EVALUATION AND COUNCIL FINDINGS:

The ordinance amendments create a streamlined approval process for ARUs that are less than 500 square feet in size and located within or attached to a single-family home. The amendments exempt qualifying ARUs from the planning application requirement and allow a property owner to obtain a building permit to convert existing floor area or construct an ARU attached to a home. The streamlined approval process is allowed in the R-1, R-1-3.5, RR, NN and NM zones. The ARUs could be built as part of new construction or added to a primary residence at a later date. While the primary residence is required to have two off-street parking spaces, off-street parking would not be required for the ARU if on-street parking is available within 200 feet of the property. Existing requirements for ARUs would continue to apply including the ARU size is limited to half the size of the primary residence and the structures and site have to meet the setbacks and lot coverage for the zone.

The amendments also include a change in the off-street parking requirement for ARUs, exemptions from multi-family site design standards and changes to the requirements for ARUs in the Rural Residential (RR) zone. The proposal is to require one parking space for ARUs up to 800 square feet in size instead of the current requirement of one space required for ARUs up to 500 square feet in size. This off-street parking requirement is the same as the recently adopted cottage housing off-street parking requirement. Additionally, ARUs are exempted from the multi-family landscaping and open space requirements. Finally, two requirements for ARUs in the Rural Residential (RR) zone are deleted including the prohibition of ARUs on hillside lands (i.e., 25 percent slope and greater) and a location on an improved city street that is at least 20 feet in paved width with curbs, gutters and sidewalks.

The ordinance amendments also include miscellaneous edits for clarity and consistency. The miscellaneous edits involve changes to the ordinance to remove repetitive language, correct omissions from the 2015 code update, provide clarification to existing sections and define terms that are currently used in the code. The [meeting materials](#) from the June 19, 2018 City Council Business Meeting include a list of the housekeeping amendments and staff notes in the draft ordinance explaining the housekeeping amendments.

A. *Consistency with City of Ashland Requirements for Legislative Amendments in AMC 18.5.9.020.B.*

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

1. Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II

- procedure pursuant to subsection 18.5.9.020.A, above.
2. Comprehensive Plan changes, including text and map changes or changes to other official maps.
 3. Land Use Ordinance amendments.
 4. Urban Growth Boundary amendments.

AMC 18.5.9.020.B permits legislative amendments to meet changes in circumstances and conditions. The City Council finds it is necessary to amend the ARU requirements to encourage the development of small units less than 500 square feet in size, to address the rental housing supply and low vacancy rates for rental housing, to encourage the development of studio and one-bedroom dwelling units to provide for Ashland's substantial portion of single-person occupied households, and to respond to changes in the housing supply, in part affected by the lack of construction of housing units during the recession.

The City Council identified the need to provide incentives to create affordable and workforce housing in the *2015-2017 Council Goals and Objectives*. Local newspapers reported vacancy rates in rental housing below two percent for the Rogue Valley ("Merkley: Oregon is in a Housing Crisis," March 30, 2016, *The Medford Mail Tribune*; "Rogue Valley's Top 10 Stories", December 31, 2017, *The Medford Mail Tribune*). Also reported at the end of 2017, were tenants reporting rent increases up to 40 percent.

The 2016 American Community Survey shows that 39.4 percent of Ashland households are single-person occupied compared to 27.8 percent of Oregon households, and 44.8 percent of single-person households in Ashland are renter-occupied compared to 36 percent Oregon households. In addition, Ashland's average household size was 2.03 persons per household in the 2010 Census, compared to 2.47 people per household in Oregon.

The Oregon Legislature passed Senate Bill 1051 in 2017 which includes a requirement that cities with populations greater than 2,500 and counties with populations greater than 15,000 allow at least one accessory dwelling unit for each detached single-family dwelling in single-family zones subject to reasonable local regulations relating to siting and design. The purpose of the legislation was to address the statewide need for affordable housing because of increasing population, increasing housing prices outpacing employment and wage growth, and insufficient housing supply impacted by less building during the recession.

The City Council finds the amendments to the land use ordinance for ARUs are necessary to respond to recent changes to the rental housing supply including limited availability as indicated by low vacancy rates and increased prices. In addition, the amendments are intended to encourage the development of studio and one-bedroom dwelling units to provide for Ashland's substantial portion of single-person households in Ashland that require rental housing. Finally, the Council finds that ARUs can be an economical way to add rental units to the housing supply and at the same time, provide a compatible type of development in existing and new single-family neighborhoods. The City Council finds

that the ordinance amendments are consistent with the requirements for Legislative Amendments in AMC 18.5.9.020.B.

B. Consistency with the Ashland Comprehensive Plan and other applicable City of Ashland Goals and Policies

The ordinance amendments are consistent with the goals and policies in the *Ashland Comprehensive Plan*. The *Ashland Comprehensive Plan* includes a housing 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.*” As stated previously, the revisions are intended to address the rental housing supply and encourage the development of studio and one-bedroom units for Ashland’s significant share of single person and small households.

The *2015-2017 Council Goals and Objectives* identified a goal of seeking opportunities to enable all citizens to meet basic needs (Goal 5) and an objective to pursue affordable housing opportunities, especially workforce housing and identify specific incentives for developers to build more affordable housing (Objective 5.2).

The *2012 Ashland Housing Analysis* identified a deficit in rental housing for extremely-low income (less than 30 percent of area median income) and low-income households (between 30 and 50 percent of area median income) and recommended more rental studio and one-bedroom units.

The City Council finds that the ordinance amendments are consistent with and implement applicable *Ashland Comprehensive Plan Goals and Policies* and other applicable City of Ashland Goals and Policies.

The miscellaneous amendments for clarity and consistency involve changes to the land use ordinance to remove repetitive language, correct omissions from the 2015 code update, provide clarification to existing sections and define terms that are currently used in the code. The City Council finds that the miscellaneous amendments are not substantive in nature because the changes are either intended to make the existing wording more clear or are items that were inadvertently repeated or deleted in the 2015 code update.

C. Consistency with Oregon land use laws and regulations including specifically Oregon Statewide Planning Goal 10 and with the Regional Plan

Statewide Planning Goal 10 requires cities to inventory and plan for buildable lands for residential use to provide for adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and to allow for flexibility of housing location, type and density.

In 2017, the Oregon Legislature passed Senate Bill 1051 which included a provision that requires cities and counties to allow at least one accessory dwelling unit per lot in areas

zoned for detached single-family dwellings subject to reasonable local regulations relating to siting and design. The new regulations become effective on July 1, 2018. See [Guidance on Implementing the Accessory Dwelling Units \(ADU\) Requirement under Oregon Senate Bill 1051](#) by the Oregon Department of Land Conservation and Development, March 2018.

While not all communities in Oregon allow ARUs, Ashland is in the 27th year of allowing ARUs in single-family zones. Since Ashland began allowing ARUs in 1991, 191 units have been approved at an average of seven ARUs approved a year. According to staff's research, 79 ARUs have been approved in the last ten years (2007 – 2017) and 41 of those units, or 52 percent, were less than 500 square feet in size.

The ordinance amendments are intended to streamline and improve the City's existing approval process for ARUs to further encourage the development of small second residential units in single-family zones. The Council finds that the City's existing ARU requirements and process complies with Senate Bill 1051 and has resulted in significant ARU development given the population of Ashland and the annual rate of development. The Council also finds that refining the existing requirements and streamlining the ARU approval process to encourage ARU development addresses the accessory dwelling requirement of Senate Bill 1051. The City Council finds that the ordinance amendments are consistent with the applicable Statewide Planning Goals and Senate Bill 1051.

The City of Ashland participated in the regional planning process that resulted in the adoption of the *Greater Bear Creek Valley Regional Plan* in 2012. Cities throughout the region identified reserve areas to accommodate housing for future population growth. The City of Ashland decided to accommodate housing for future population with the Ashland's current boundaries rather than identify future growth areas on the perimeter of the city. The City of Ashland committed to provided 6.6 units per gross acre for new development as part of the regional planning process. The City Council finds that the ordinance amendments are consistent the *Greater Bear Creek Valley Regional Plan*.

OVERALL COUNCIL CONCLUSIONS

The City Council finds and determines the approval criteria for this decision have been fully met, based on the detailed findings set forth herein and the detailed findings and analysis of the Planning Commission, together with all staff reports, addenda and supporting materials in the whole record. Specifically, the Council finds that the ordinance amendments are consistent with City of Ashland requirements for Legislative Amendments in AMC 18.5.9.020.B. The Council finds that the amendments are consistent with and implement applicable *Ashland Comprehensive Plan Goals and Policies* and other City of Ashland Goals and Policies. The Council finds and determines that the amendments are consistent Oregon land use laws and regulations including Oregon Statewide Planning Goal 10 Housing and Senate Bill 1051 and with the *Greater Bear Creek Valley Regional Plan*.

Accordingly, based on the above Findings of Fact and Conclusions of Law, and based upon the evidence in the whole record, the City Council hereby APPROVES the ADOPTION of the following amendments to the AMC Title 18 Land Use as reflected in an ordinance amending chapters 18.2.2, 18.2.3, 18.3.4, 18.3.5, 18.3.9, 18.4.2, 18.4.3, 18.4.4, 18.4.9, 18.5.2 and 18.6.1 of the Ashland Land Use Ordinance relating to accessory residential units and miscellaneous edits for clarity and consistency.

Ashland City Council Approval

John Stromberg, Mayor

Date

Signature authorized and approved by the full Council this 17th day of July, 2018.

Attest:

Melissa Huhtala, City Recorder

Approved as to form:

David Lohman, Ashland City Attorney

Date