

Council Business Meeting

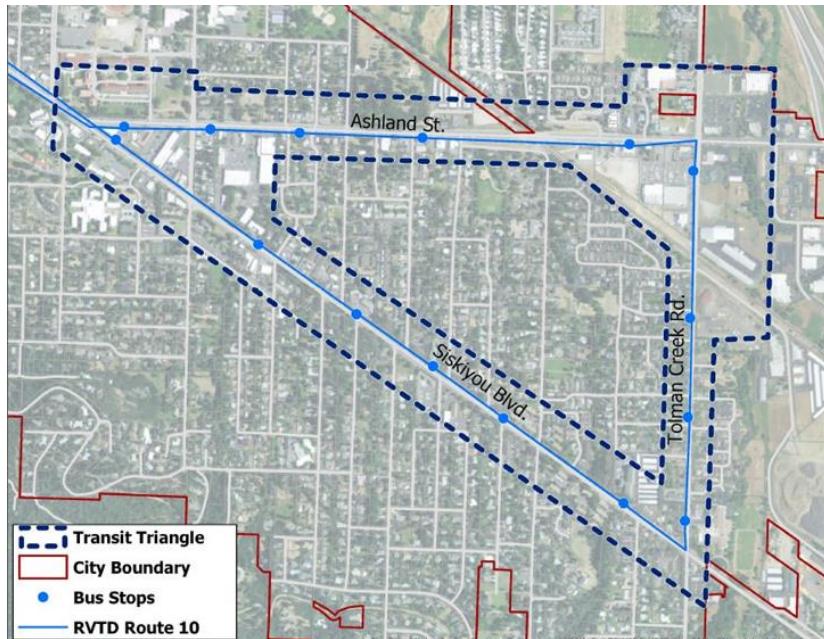
December 18, 2018

Agenda Item	Approval of Findings Document and Second Reading of Infill Strategy Ordinance and Map Amendments	
From	Maria Harris	Planning Manager
Contact	maria.harris@ashland.or.us (541) 552-2045	

SUMMARY

The City Council is being asked to approve the findings document for the legislative decision to accompany the ordinances and to approve the second reading of the infill strategy ordinance and map amendments. The Council held public hearings at the September 18, 2018, October 16, 2018, and November 20, 2018 meetings. At the November 20, 2018 meeting, the Council approved first reading of the infill strategy ordinance and map amendments and moved the ordinances to second reading on December 18, 2018.

The public hearing was continued to the November 20, 2018 meeting to allow the Oregon Department of Transportation (ODOT) to review and comment on the project materials in relation to the Transportation Planning Rule (TPR) requirements (OAR 660-012-0060). ODOT completed their review and submitted written comments supporting the project and indicating their TPR concerns are addressed (see attached November 5, 2018 letter). ODOT did not submit any further comments since the November 20, 2018 meeting.



The proposed ordinance and map amendments are intended to encourage the development of housing near the bus route and implement recommendations of the infill strategy report prepared by Fregonese Associates. Fregonese Associates is the consulting firm hired to assist with the project. The proposal includes a new Chapter 18.3.14 Transit Triangle Overlay, a Transit Triangle (TT) overlay map and a series of amendments

to the Ashland Municipal Code (AMC) Title 18 Land Use (PA-L-2018-00001). The proposed amendments cover the area surrounding the bus route in the southeastern part of Ashland that circulates on Ashland St., Tolman Creek Rd., and Siskiyou Blvd., also referred to as the transit triangle (see map below).

Project objectives for the transit triangle include providing an area to construct greater numbers of moderately sized housing units, providing a better environment for local business development and expansion, supporting transit service through increased ridership, and creating a walkable setting with close proximity to existing residential neighborhoods.

POLICIES, PLANS & GOALS SUPPORTED

The project addresses a variety of City Council goals and adopted City policies and is consistent with the *Ashland Comprehensive Plan*.

The City Council identified developing infill and compact urban form as a mid-priority item in the *2015-2017 Council Goals and Objectives* (Objective 13.2). The specific action item was to “update the infill strategy along major transportation corridors to promote housing and business development, as well as alternative transportation choices.” In addition, the *2015-2017 Council Goals and Objectives* identified pursuing affordable housing opportunities, especially workforce housing and identifying specific incentives for developers to build more affordable housing (Objective 5.2).

The City’s *Economic Development Strategy* includes a strategy 7.3 to “Consider changes to Land Use Development Code that may be inhibiting redevelopment or new construction.”

The infill strategy project also relates to policies included in the City’s *Climate and Energy Action Plan (CEAP)*. Specifically, the plan includes strategies to address residential travel and the emissions associated with passenger cars and trucks. The *CEAP* discusses replacing residential travel trips in passenger cars and trucks by making using transit and alternate modes of transportation possible and desirable and promoting land use development patterns that utilize existing public infrastructure.

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. In addition, the *Ashland Comprehensive Plan* includes several transportation goals and policies that apply to the project, including the following.

Design the Land Use Ordinance to ensure Ashland Street is developed as a multi-modal corridor including attractive landscaping, sidewalks, bike lanes and controlled access. Development along Ashland Street shall be compatible with and support a multi-modal orientation (10.09.02.7).

Zoning shall allow for residential densities and a mix of commercial businesses with walking distance of existing and planned public transit service which support use of public transportation (10.19.02.2).

The *Transportation System Plan* includes four projects in the transit triangle related to improving sidewalks, bus shelters and intersections enhancements for pedestrians including two projects for Ashland Street Streetscape Enhancements (R38 for Siskiyou Blvd. to Walker Ave. and R-39 for Walker Ave. to Normal Ave.), Ashland St./Tolman Creek Rd. (R41) and the Walker Ave. festival street (R40).

PREVIOUS COUNCIL ACTION

The Council directed the Planning Commission to initiate ordinance revisions to implement the infill strategy for the transit triangle study area based on the recommendations prepared by Fregonese Associates at the [January 16, 2018](#) meeting. The Planning Commission held public hearings on [May 22, 2018](#), [June 12, 2018](#), and [July 24, 2018](#) and recommended approval of the proposed ordinance and map amendments.

Fregonese Associates and staff presented the land use ordinance and map amendments to the City Council on [September 18, 2018](#). The City Council opened the public hearing at the September 18th meeting, received testimony, continued the public hearing to the October 16th meeting, and directed staff to address several issues raised in public testimony and from City Councilors.

Fregonese Associates and staff presented information on issues raised at the September 18th meeting and example development programs for test sites on [October 16, 2018](#). The City Council opened and continued the public hearing to the November 20, 2018 meeting. The Council voted and approved a motion to direct staff to revise the ordinance to include an alternative to the building step back requirement at the October 16th meeting.

The City Council opened the public hearing at the November 20, 2018 meeting. The public hearing was continued to the November 20, 2018 meeting to allow ODOT to review and comment on the project materials in relation to the Transportation Planning Rule (TPR) requirements (OAR 660-012-0060). ODOT completed their review and submitted written comments supporting the project and indicating their TPR concerns are addressed. The Council voted and approved first reading of the infill strategy ordinance and map amendments and moved the ordinances to second reading on December 18, 2018.

BACKGROUND AND ADDITIONAL INFORMATION

1. Findings Document

The first item attached to the Council Communication is the findings document which accompanies the packet of amendments sent to the Oregon Department of Land Conservation and Development. The findings document addresses the applicable City of Ashland, Statewide Planning Goals and related Oregon Administrative Rule requirements.

2. Ordinances

No revisions were made to the attached ordinances since the approval of first reading at the November 20, 2018 meeting. The attached ordinances include two options to address the building mass that is within 25 feet of a residential zone or facing a street – a building step back option or a design standard that requires offsets or distinctive changes in the building facade. This change was directed by the Council at the October 16th meeting and approved by the Council at First Reading on November 20th.

FISCAL IMPACTS

The review of development proposals and building permits is currently part of the normal work flow for Planning and Building Division staff. The potential increases in the planning actions and building permits in the TT overlay can continue to be covered with existing resources.

STAFF RECOMMENDATION

No revisions were made to the attached ordinances since the approval of first reading at the November 20, 2018 meeting. Staff recommends approval of the findings document and of second reading of the ordinance and map amendments to implement the infill strategy for the transit triangle.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

1. Motion to Approve the Findings Document

I move to approve the Findings of Fact and Conclusions of Law dated December 18, 2018 to accompany the infill strategy ordinance and map amendments.

2. Motion to Approve of Second Reading of Ordinances

- A. I move to approve second reading of an ordinance titled, “An Ordinance Amending the Ashland Land Use Ordinance to Include a new Chapter 18.3.14 Transit Triangle Overlay.”
- B. I move to approve second reading of an ordinance titled, “An Ordinance Amending Chapter 18.2.1, 18.2.2, 18.2.3, 18.2.5, 18.3.12, 18.3.13, 18.4.3 and 18.6.1 of the Ashland Land Use Ordinance to Implement an Infill Strategy in the Transit Triangle and Miscellaneous Edits for Clarity and Consistency.”
- C. I move to approve second reading of an ordinance titled, “An Ordinance Amending the City of Ashland Zoning Map to Add a Transit Triangle Overlay.”

REFERENCES & ATTACHMENTS

Attachment 1: Findings of Fact and Conclusions of Law, December 18, 2018

Attachment 2: Proposed ordinance and map amendments

- An Ordinance Amending the Ashland Land Use Ordinance to Include a new Chapter 18.3.14 Transit Triangle Overlay
- An Ordinance Amending Chapter 18.2.1, 18.2.2, 18.2.3, 18.2.5, 18.3.12, 18.3.13, 18.4.3 and 18.6.1 of the Ashland Land Use Ordinance to Implement an Infill Strategy in the Transit Triangle and Miscellaneous Edits for Clarity and Consistency
- An Ordinance Amending the City of Ashland Zoning Map to Add a Transit Triangle Overlay

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

December 18, 2018

In the Matter of Amendments to the City of Ashland)
land use ordinance and zoning map concerning) FINDINGS OF FACT AND
the addition of Chapter 18.3.14 Transit Triangle Overlay) CONCLUSIONS OF LAW
and associated amendments, including three ordinances.)

PURPOSE:

The proposal includes a new Chapter 18.3.14 Transit Triangle Overlay, a Transit Triangle (TT) overlay map and a series of amendments to the Ashland Municipal Code (AMC) Title 18 Land Use to implement the recommendations of the Ashland Transit Triangle Infill Strategies Project report dated January 2018 by Fregonese Associates for the area surrounding the bus route in the southeastern part of Ashland that circulates on Ashland St., Tolman Creek Rd., and Siskiyou Blvd., also referred to as the transit triangle.

Implementation is achieved by three distinct ordinances. The first ordinance amends the land use ordinance to include a new chapter 18.3.14 Transit Triangle Overlay as implementing regulations for the land use designation. The second ordinance amends the zoning map to add the Transit Triangle (TT) overlay. The third ordinance includes a series of amendment to AMC Title 18 Land Use for clarity and consistency.

PUBLIC HEARINGS:

Notice was published in The Ashland Daily Tidings on May 12, 2018 and July 13, 2018 prior to the Planning Commission public hearings and on September 7, 2018 prior to the City Council public hearings. Notice was also sent to the Department of Land Conservation and Development on April 16, 2018.

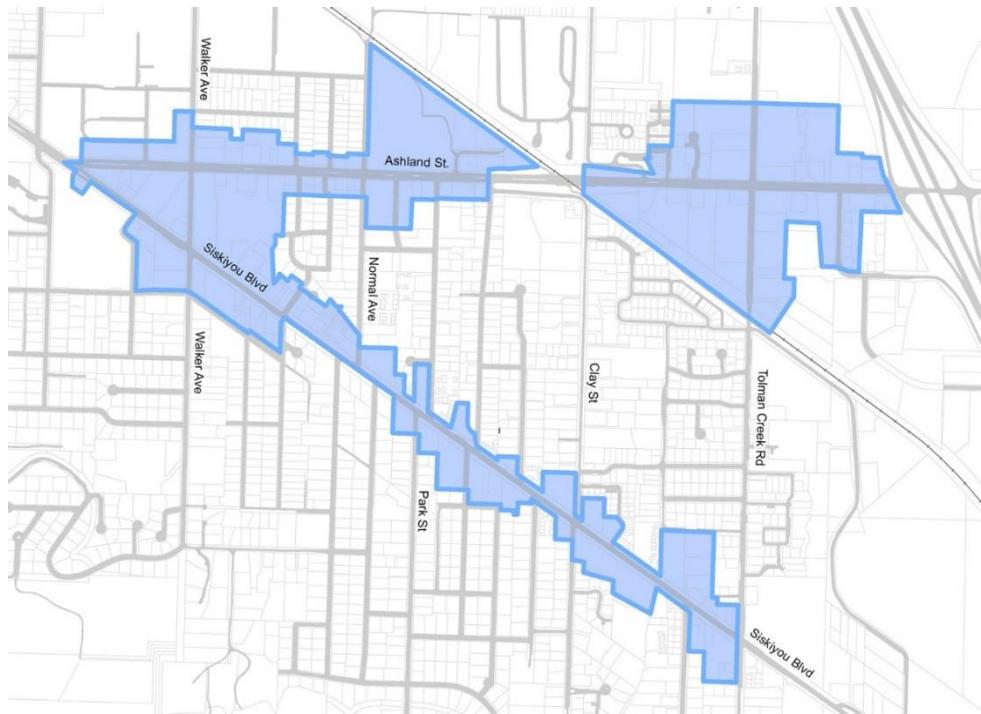
A public hearing was held at the Planning Commission on May 22, 2018 and continued to June 12, 2018 and June 24, 2018. A public hearing was held at the City Council on September 18, 2018 and continued to October 16, 2018 and November 20, 2018.

SUMMARY OF AMENDMENTS

The TT overlay includes 129 acres of land in the southeastern part of Ashland in an area surrounding the bus route that circulates on Ashland St., Tolman Creek Rd., and Siskiyou Blvd. (see map on page 3). The TT overlay includes lands zoned Commercial (C-1), Employment (E-1), High Density Multifamily Residential (R-3) and Low Density Multifamily Residential (R-2), Single-family Residential (R-1) and Southern Oregon University (SO). The TT overlay applies to the C-1, E-1, R-3 and R-2 zones and these zones cover 98 percent of the land area located in the overlay.

The purpose of the TT overlay is to encourage development and redevelopment adjacent to the bus route that includes a mix of commercial and residential uses, especially of

housing units. In turn, greater concentrations of housing and businesses near the bus route provides transportation choices and promotes sustainable planning initiatives. Project objectives for the transit triangle include providing an area to construct moderately sized housing units, providing a better environment for local business development and expansion, supporting transit service through increased ridership, and creating a walkable setting with close proximity to existing residential neighborhoods.



A summary of implementing regulations in Chapter 18.3.14 Transit Triangle Overlay follows.

- 1) The applicant can choose whether to develop under the TT overlay or to develop under the current zoning requirements. Applicants electing to perform development using the TT overlay option are required to meet all of the requirements of the new Chapter 18.3.14. If an applicant doesn't elect to use the TT overlay option, the property can be developed under the existing zoning and land use standards.
- 2) The allowed number of dwelling units per acre (i.e., density) is eliminated and instead building volume and intensity is regulated by a maximum floor area ratio (FAR). The FAR is 1.5 for C-1 and E-1 zones and 1.25 for the R-2 and R-3 zones. Current zoning includes a number of housing units that are allowed per acre, which is often referred to as base density. Thirty housing units per acre are allowed in C-1, 15 units per acre are allowed in E-1, 20 units per acre in the R-3 zone and 13.5 units per acre in the R-2 zone. In addition, there is no maximum FAR in place at this time.

- 3) The height of buildings is allowed to increase to 50 feet or four stories in the C-1 and E-1 zones and 42 feet or three stories in the R-2 and R-3 zones. Current zoning limits building height to 40 feet with a five-foot parapet (i.e., three stories) in the C-1 and E-1 zones and 35 feet or 2.5 stories in the R-2 and R-3 zones. In addition, the current code allows buildings located more than 100 feet from a residential zone in the C-1 zone to be approved up to 55 feet in height through the conditional use permit process.
- 4) Building mass is required to be stepped back at least 10 feet for any portion of the building over 25 feet or two stories or by breaking up the mass of buildings over 25 feet or two stories in height by using architectural features such as varying the building surface with offsets, jogs and distinct changes in surface. The building mass standard applies within 25 feet of a residential zone or on any side of a building facing a street. Building step backs are not currently required. Breaking up the building mass is required in the Detail Site Review Overlay for buildings over 100 feet in length or greater than 10,000 square feet.
- 5) Front yards in the R-2 and R-3 zones are reduced to a minimum of five feet. Currently, the minimum front yard is eight feet for unenclosed porches and 15 feet to the enclosed building. The side and rear yard setback requirements are unchanged in the multifamily zones.
- 6) Side and rear yards abutting residential zones in the C-1 and E-1 zones are 15 feet. This results in an increase in the side yard and a reduction in the rear yard for multi-story buildings. Currently, the minimum side yards abutting residential zones is ten feet and the minimum rear yard is 10 feet per story.
- 7) Residential units developed under the TT overlay option are required to be rental units. Condominiums and travelers' accommodations are not allowed.
- 8) The off-street parking requirement is reduced to one space for residential units less than 800 square feet. Currently, one parking space is required for units less than 500 square feet and two parking spaces are required for larger units.
- 9) Restaurant, retail and office uses located in mixed-use buildings can reduce the off-street parking requirement by three spaces.
- 10) The required landscape area is reduced to 20 percent in the R-3 and R-2 zones. Currently, the required landscape area is 25 percent in the R-3 zone and 35 percent in the R-2 zone.
- 11) Mixed-use developments in the C-1 and E-1 zones are required to have 35 percent of the ground floor in permitted and uses permitted with special standards that are not residential uses. Current zoning requires 65 percent of the ground floor in permitted and uses permitted with special standards that are not residential uses.

12) Limited floor area for commercial uses is allowed in the R-2 and R-3 zones.

The proposed amendments also include miscellaneous edits and corrections to AMC 18.2.3.120 Dwelling in Historic District Overlay, AMC 18.2.3.130 Dwelling in Non-Residential Zone, AMC 18.2.5.070 Maximum Permitted Residential Floor Area in Historic District, AMC 18.3.13.010 Residential Overlay Regulations, AMC 18.4.3.030.C Downtown Zone, AMC 18.4.3.060 Parking Management Strategies and AMC 18.6.1.030 Definitions. The miscellaneous edits and corrections are included in the second ordinance titled, “An Ordinance Amending Chapter 18.2.1, 18.2.2, 18.2.3, 18.2.5, 18.3.12, 18.3.13, 18.4.3 and 18.6.1 of the Ashland Land Use Ordinance to Implement an Infill Strategy in the Transit Triangle and Miscellaneous Edits for Clarity and Consistency.”

Many of the miscellaneous edits and corrections are not directly related to the infill strategy for the transit triangle but rather are items that were noted for correction during Planning Commission review of the proposed amendments for the infill strategy and development proposals at past public hearings. The exceptions are the deletion of the affordable unit requirement for mixed-use projects including more than ten residential units in the C-1 and E-1 zones (AMC 18.2.3.130.5 and AMC 18.2.13.010.4) and the proposed microcar parking management strategy (AMC 18.4.3.060B). A summary of the miscellaneous edits and corrections follows.

1) AMC 18.2.3.120 and AMC 18.2.5.070.B

The proposed changes clarify that the maximum permitted floor area (MPFA) requirement applies to homes in residential zones. The Planning Commission identified this as an issue in a review of a development proposal for 868 A St. in 2016. MPFA in the pre-2015 ordinance was included as a requirement in the chapters for the single-family (R-1) and multifamily (R-2 and R-3) zones and was not included as a requirement in the non-residential zones (C-1, E-1 or M-1).

2) AMC 18.2.3.130 and 18.3.13.010

The change to the section on housing units in the C-1 and E-1 zones are to delete the affordable housing unit requirement for projects involving more than ten residential units. The requirement to provide affordable units in mixed-use projects including more than ten residential units in the C-1 and E-1 zones is deleted. Residential units are allowed to be developed in the C-1 and E-1 zones in conjunction with commercial and employment uses. However, the development of residential units is voluntary and not mandatory. Fregonese Associates recommended deleting the existing language because it is inconsistent with state law and has proven to be a disincentive to the development of projects with more than ten dwelling units. State law allows local jurisdictions to require affordable units of multifamily structures including 20 or more housing units.

3) AMC 18.4.3.030

The word “commercial” is added to the reference to the downtown zone for

consistency with the language in Title 18 Land Use and the zoning district title.

4) AMC 18.4.3.060.B and AMC 18.6.1.030

The proposed language allows a normal full sized space to be used for one automobile or two microcars. The suggestion was made at the December 12, 2017 stakeholder meeting.

5) AMC 18.6.1.030

The Planning Commission requested clarification of the definition of gross floor area, basement and story to address issues from the review of a development proposal for 1651 Ashland St. in 2017.

- a. Gross Floor Area is used in the existing development standards for calculating the floor area ratio (FAR), plaza requirements for large scale development and amount of allowed residential uses in non-residential zones. The Commission felt the definition needed more specificity regarding measuring the gross floor area (i.e., exterior of walls or centerline of walls in attached buildings) and portions of the building that are not included in the gross floor area (i.e., basements, unenclosed steps, porches, terraces and balconies).
- b. Gross Habitable Floor Area is used in the existing development standards to regulate accessory residential unit (ARU) size and dwelling units less than 500 square feet in the C-1 and E-1 zones.
- c. Maximum Permitted Floor Area (MPFA) – This is existing language in AMC 18.2.5.070.D and E is added to this section for a cross reference. MPFA is used to regulate the volume of residential buildings located in residential zones in the Historic District overlay.

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 approval criteria for legislative amendments and zoning map amendments, AMC 18.5.9.020.B
- B. Consistency with City of Ashland Comprehensive Plan and Other City Policies
- C. Consistency with Oregon land use laws and regulations including specifically Oregon Statewide Planning Goal 10 Housing as implemented by OAR chapter 660, Division 8
- D. Consistency with Oregon land use laws and regulations including specifically Oregon Statewide Planning Goal 12 Transportation as implemented by OAR Chapter 660, Division 12

EVALUATION AND COUNCIL FINDINGS:

- A. Consistency with City of Ashland approval criteria for legislative amendments and zoning map amendments, AMC 18.5.9.020.B

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

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

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

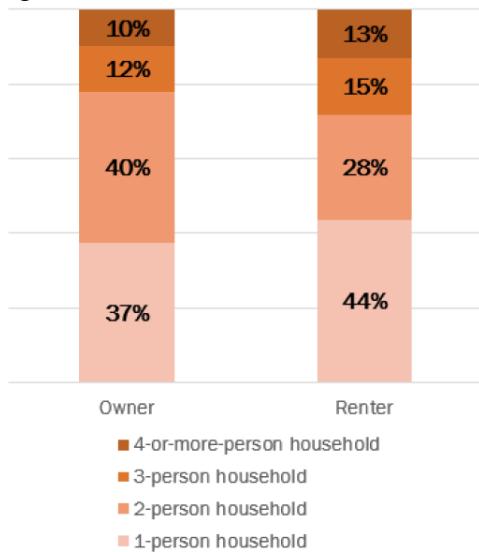
Ashland Municipal Code (AMC) 18.5.9.020.B permits legislative amendments to meet changes in circumstances and conditions. The City Council finds it is necessary to amend the land use ordinance and zoning map to provide an area to construct moderately priced multifamily rental housing to respond to changes in the housing supply and to meet the target residential density in the *Greater Bear Creek Valley Regional Plan*.

Housing prices, diversity of housing types and housing availability have been a concern in Ashland for some time. However, these concerns intensified in the last several years throughout the region, state and west coast. Housing prices including rents have continued to rise at a rapid rate. The supply of housing was impacted by less construction during the recession. The gap between wages and housing prices increased and households earning 120 percent of median income and less can not afford to purchase a home in Ashland. In addition, the rental housing vacancy rates remain at one to two percent for the region, indicating there are little to no available units for rent.

Fregonese Associates reviewed *U.S. Census 2015 American Community Survey* data and identified three important demographic factors in developing the recommendations of the Ashland Transit Triangle Infill Strategies Project report dated January 2018 by Fregonese Associates. First, Ashland's population is largely comprised of young people and older adults with a sizable proportion of people in their teens and early 20s as well as those in

their late 50s and 60s. Second, one and two-person households represent a large and growing segment of the housing market. While this is a national and state trend, Ashland's proportion of households is higher than Oregon. In Ashland, 72 percent of renter households are comprised of one or two people.

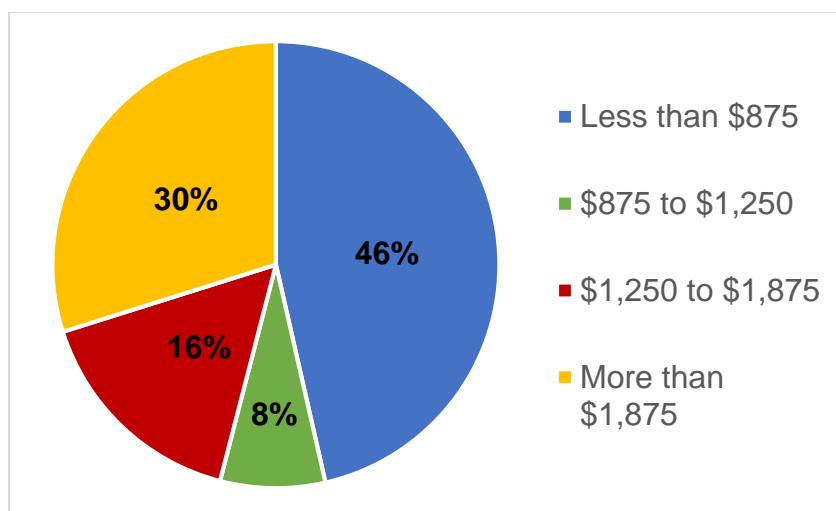
Figure 1: Number of Persons in Ashland Households by Tenure



Source: U.S. Census, 2015 American Community Survey

Finally, the Envision Tomorrow model indicated that market-rate apartments are financially and physically feasible at rents that are affordable to households at 120% of median income.

Figure 2: Household Income Converted to Affordable Monthly Rents (30% of income)



Source: U.S. Census, 2015 American Community Survey

Past housing studies completed by the City of Ashland include the 2003 Housing Needs Analysis, 2007 Rental Needs Analysis and 2012 Housing Needs Analysis. While the methodology and conclusions vary, all of the studies identify a deficit of rental housing units and a surplus of ownership units. In addition, the 2007 Rental Needs Analysis and 2012 Housing Needs Analysis identified a need for small rental units for one or two person households. All of the past studies recommend encouraging the development of more multifamily housing (i.e., rental units) and included specific suggestions to restrict housing to apartments in certain zones, promote development of residential units in commercial and employment zones, increase the land supply for multifamily development, locate rental units near employment centers and limit the conversion of existing rental units to condominiums.

According to figures released in January 2018 by the Southern Oregon Multiple Listing Service, the median sales price for existing single-family residences in Ashland in 2017 was \$421,500, which was a 7.5 percent gain over 2016 (“Ashland continued to lead house prices in 2017,” Greg Stiles, *Ashland Daily Tidings*, January 10, 2018). In contrast, the purchasing power of an Ashland household earning the median income in 2017 was \$217,950 (median income for household of four) based on a household spending up to 30 percent of income on housing costs. The U.S. Department of Housing and Urban Development (HUD) defines cost-burdened households as those who pay more than 30 percent of their income for housing and severe cost-burdened as paying more than 50 percent of income on housing costs.

The rental housing market has experienced increased prices and shortages over the last several years. Residential rental unit vacancy rates remain at one to two percent for the region. A low vacancy rate for rental units is generally considered to be an indicator that there are little to no available units for rent.

As of May 2018, rentjungle.com showed the average rental unit price in Ashland as \$1,297 a month, with 43 units listed as available. There was one unit listed below \$875 a month and seven units available below \$1,250, leaving 35 of the advertised units or 81 percent of the advertised units above the affordable monthly rent for workforce housing. As of July 2018, rentjungle.com shows the average rental unit price in Ashland as \$1,493. In August 2018, 31 units were listed as available. There was one unit listed below \$875 a month and five units listed below \$1,250. As a result, 25 of the advertised units or 81 percent of the advertised units were above the affordable monthly rent for workforce housing.

The second change in circumstances involves the City accommodating future housing needs within the existing boundaries. 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 urban reserve areas (URAs) 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.

As a result, Ashland committed to exploring ways to increase land use efficiency and accommodate future housing needs without identifying URAs. Changes to the zoning and land use ordinance that encourage development of residential units in the transit triangle can provide needed multifamily residential units to contribute toward accommodating future housing needs.

The TT overlay is well situated for multifamily housing because: 1) the streets include well-linked and continuous sidewalks and bicycle lanes, 2) shopping, services, parks and neighborhoods are located within walking distance, and 3) the overlay is located on a bus route.

The TT overlay has had limited development or redevelopment. Despite an allowance in the C-1 and E-1 for 15 to 30 dwelling units per acre and in the R-2 and R-3 zones for 13 to 20 units per acre, past development adjacent to the bus route on Ashland St. has primarily comprised of single-use, one story commercial buildings without a residential component. There have been nine developments on Ashland St. since the mid 1990's. Two of the nine developments included residential units that resulted in 41 housing units. The remaining seven development sites had an allowable residential density of 158.5 units but did not take advantage or include housing units. As a result, 21 percent of the allowed housing units were developed on Ashland St. over the last 25 years.

The transit triangle is served by Rogue Valley Transportation District (RVT) Route 10 with 20-minute service from 7am-5pm (Monday-Friday) and 30-minute service for the remainder of the day (5am-7am and 5pm-8pm, Monday - Friday). Route 10 also includes service on Saturdays at 30-minute intervals from 6am-7pm. Route 10 provides the highest ridership in the RVT system (50 percent of all RVT riders) and the Bi-Mart stop on Tolman Creek Rd. is one of the most used stops system wide.

RVT provided service enhancements to Route 10 in early 2018 including expanded later evening service Monday through Friday and 30-minute service on Saturdays. Weekday service was extended an hour from 7pm to 8pm and Saturday service was changed from hour intervals to 30-minute intervals.

The Council finds the land use ordinance and map amendments are consistent with Ashland Municipal Code (AMC) 18.5.9.020.B.

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

The amendments are consistent with the goals and policies in the Ashland Comprehensive Plan as well as other City documents and policies.

The City Council identified developing infill and compact urban form as a mid-priority item in the *2015-2017 Council Goals and Objectives* (Objective 13.2). The specific action item was to "update the infill strategy along major transportation corridors to promote housing and business development, as well as alternative transportation choices."

The *2015-2017 Council Goals and Objectives* also identified pursuing affordable housing opportunities, especially workforce housing and identifying specific incentives for developers to build more affordable housing (Objective 5.2). The specific action item was to “adjust infill strategies in order to promote housing development along major transportation corridors.”

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 *Ashland Housing Analysis* identified a deficit in rental housing and recommended more rental studio and one-bedroom units.

The TT overlay provides an area to construct moderately sized housing units adjacent to the bus route. The Envision Tomorrow model was used in the project analysis to evaluate the financial and physical feasibility a variety of building prototypes. The analysis demonstrated that the amendments, including removing the residential density cap, made it possible to develop projects with a greater number of housing units. This in turn resulted in smaller multifamily units that were projected to be at rates affordable to households at 120 percent of Ashland’s median income. Affordable rates were defined as 30 percent of household income.

The *Ashland Comprehensive Plan* includes an economic policy to provide specific development guidelines which will ensure that “Development along Siskiyou Boulevard and Ashland Street will not primarily be automobile-oriented, but will also include attractive landscaping and designs that encourage pedestrian, bicycle, and mass transit forms of travel.

The *Ashland Comprehensive Plan* includes several transportation goals and policies that apply to the project, including the following. Design the Land Use Ordinance to ensure Ashland Street is developed as a multi-modal corridor including attractive landscaping, sidewalks, bike lanes and controlled access. Development along Ashland Street shall be compatible with and support a multi-modal orientation. Zoning shall allow for residential densities and a mix of commercial businesses with walking distance of existing and planned public transit service which support use of public transportation.

The *Transportation System Plan* includes four projects in the transit triangle related to improving sidewalks, bus shelters and intersections enhancements for pedestrians including two projects for Ashland Street Streetscape Enhancements (R38 for Siskiyou Blvd. to Walker Ave. and R-39 for Walker Ave. to Normal Ave.), Ashland Street/Tolman Creek Road (R41) and the Walker Ave. festival street (R40).

The infill strategy project also relates to policies included in the City’s *Climate and Energy Action Plan (CEAP)*. Specifically, the plan includes strategies to address residential travel and the emissions associated with passenger cars and trucks. Common

strategies for replacing residential travel trips in passenger cars and trucks include promoting land use development patterns that utilize existing public infrastructure and making using transit and alternate modes of transportation possible and even desirable.

The TT overlay is well situated for multifamily housing because: 1) the streets include well-linked and continuous sidewalks and bicycle lanes, 2) shopping, services, parks and neighborhoods are located within walking distance, and 3) the overlay is located on a bus route. The amendments allow for a concentration and mix of residential and commercial uses within $\frac{1}{4}$ to $\frac{1}{2}$ of a mile from the existing RVTD Route 10.

In turn, greater concentrations of housing and businesses in the TT overlay provide transportation choices for residents, business patrons and employees. An increase in the density and mix of uses in the overlay along with bus route and the walking and bicycling facilities provides the environment to replace trips in passenger cars with walking, bicycling and transit trips. In addition, living in the TT overlay provides the option for households to reduce or eliminate car ownership. Reduced car ownership can reduce household transportation costs.

The *Ashland Comprehensive Plan* includes an economic goal “to ensure that the local economy increases in its health, and diversifies in the number, type, ad size of businesses consistent with the local social needs, public service capabilities, and the retention of a high quality environment.”

The amendments are designed to facilitate the development of housing in an area adjacent to the bus route that has seen limited development and redevelopment over the past 25 years. The purpose of the TT overlay is to encourage development and redevelopment adjacent to the bus route that includes a mix of commercial and residential uses, especially of housing units. In turn, greater concentrations of housing in the overlay area can create a more vibrant walking environment and additional potential customers and employees.

The City’s *Economic Development Strategy* includes a strategy 7.3 to “Consider changes to Land Use Development Code that may be inhibiting redevelopment or new construction.”

The TT overlay project is designed to facilitate the development of housing in an area adjacent to the bus route that has seen limited development and redevelopment over the past 25 years. The amendments remove barriers in the existing zoning standards to multifamily residential development in zones (i.e., C-1, E-1, R-3, R-2) that currently allow residential uses. The ordinance amendments include removing residential density caps to facilitate the development of more residential units in slightly larger building volumes that are controlled by Floor Area Ratio (FAR) and building mass standards.

indicators including a committed residential density for the city limits of 6.6 dwelling units per acre and targets for mixed-use/pedestrian-friendly areas.

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 urban reserve areas (URAs) 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.

As a result, Ashland committed to exploring ways to increase land use efficiency and accommodate future housing needs without identifying URAs. Changes to the zoning and land use ordinance that encourage development of residential units in the TT overlay can provide needed multifamily residential units to contribute toward accommodating future housing needs.

The Council finds and determines that the proposed amendments are consistent with the Comprehensive Plan and other aforementioned City documents and policies.

C. *Consistency with Oregon land use laws and regulations including specifically Oregon Statewide Planning Goal 10 Housing as implemented by OAR Chapter 660, Division 8*

Oregon 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.

As explained in the findings in section A, housing prices and rents have continued to rise at a rapid rate since the recession. For-purchase housing is not affordable to Ashland households earning 120 percent of median income and less. Rental housing vacancy rates remain at one to two percent for the region, indicating there are little to no available units for rent. While housing affordability was an issue in Ashland prior to the latest recession, trends in increased housing prices and lack of rental housing intensified in the last several years throughout the region, state and west coast. Loss of homes because of foreclosures and job homes shifted more households to the rental market. The supply of housing was also impacted by less construction during the recession.

In addition to the demographic research by Fregonese Associates in section A, the City of Ashland 2012 Housing Needs Analysis, along with the 2007 Rental Needs Analysis and 2003 Housing Needs Analysis were used in defining the most pressing housing need for the focus of the TT overlay project. The 2012 Housing Needs Analysis was adopted as technical supporting document to the Comprehensive Plan (Ordinance #3085).

While the methodology and conclusions of the housing and rental needs analyses vary, all of the studies identify a deficit of rental housing units and a surplus of attached and detached single-family homes. In addition, the 2007 Rental Needs Analysis and 2012

Housing Needs Analysis identified a need for small rental units for one or two person households. All of the past studies recommend encouraging the development of more multifamily housing (i.e., rental units) and included specific suggestions to restrict housing to apartments in certain zones, promote development of residential units in commercial and employment zones, increase the land supply for multifamily development, locate rental units near employment centers and limit the conversion of existing rental units to condominiums.

The TT overlay project is designed to facilitate the development of housing in an area adjacent to the bus route that has seen limited development and redevelopment. Despite an allowance in the C-1 and E-1 for 15 to 30 dwelling units per acre and in the R-2 and R-3 zones for 13 to 20 units per acre, past development adjacent to the bus route on Ashland St. has primarily comprised of single-use, one story commercial buildings without a residential component. There have been nine developments on Ashland St. since the mid 1990's. Two of the nine developments included residential units that resulted in 41 housing units. The remaining seven development sites had an allowable residential density of 158.5 units but did not take advantage or include housing units. As a result, 21 percent of the allowed housing units were developed on Ashland St. over the last 25 years.

The amendments remove barriers in the existing zoning standards to multifamily residential development in zones (i.e., C-1, E-1, R-3, R-2) that currently allow residential uses. The ordinance amendments include removing residential density caps to facilitate the development of more residential units in slightly larger building volumes with the intent of decreasing dwelling unit size and thereby cost. The City Council finds the proposed amendments provide an area to construct greater numbers of moderately sized housing units in an area located on the bus route as well as within walking and bicycling distance to shopping and services, parks and existing residential neighborhoods.

The City Council finds the amendments meet the City's needs consistent with the intent of Oregon Statewide Planning Goal 10 Housing.

D. *Consistency with Oregon land use laws and regulations including specifically Oregon Statewide Planning Goal 12 Transportation as implemented by OAR Chapter 660, Division 12*

Goal 12 is implemented through the Transportation Planning Rule (TPR), as defined in Oregon Administrative Rule OAR 660-012-0000, et seq. OAR 660-012-0060(1) states that when land use changes would significantly affect an existing or planned transportation facility the local government must put in place measures to assure that the allowed land uses are consistent with the identified function, capacity and performance standards (level of service, volume to capacity ratio, etc.) of the impacted transportation facilities.

Accordingly, local jurisdictions are required to make an assessment of transportation impacts when land use regulation and zoning map amendments are proposed. While the Findings of Fact and Conclusions of Law

TT overlay is optional for applicants and is far from a wholesale change of the existing Ashland zoning designations, an assessment of significant affect is included to address the requirements of OAR 660-012-0060.

The development of the TT overlay was evaluated in comparison of development of the overlay area under current zoning. The proposed and existing trip generation was considered as well as run of the regional transportation demand model for 2037. Based on the potential trip generation and 2037 modeling scenarios of the TT overlay compared to the current zoning, there is a reduction in vehicle trips and therefore no significant affect on the surrounding transportation network. The table below summarizes the potential trip generation for the TT overlay in comparison to the adopted (No-build) land uses.

Land Use	ITE Code	Size	Total Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total Trips	In	Out	Total Trips	In	Out
Net Increase in Housing									
Apartments	220	273	1,998	126	29	97	153	96	57
Net Decrease in Retail									
Retail	820	60,000	2,266	56	35	21	229	110	119
Retail pass-by (34%)			770	20	10	10	78	39	39
Net New Retail			1,496	36	25	11	151	71	80
Retail less Apartments			-502	-90	-4	-86	-2	-25	23

The TT overlay covers an area that largely developed with some infill development potential. A review of the lots located in the TT overlay determined approximately 15 percent of the land located within the TT overlay has development potential. Residential density was calculated under the TT overlay and existing zoning to determine the net number of multifamily housing units. In addition, the TT overlay allows for a reduction in ground floor nonresidential uses from the current 65 percent to 35 percent. The commercial square footage under the TT overlay and existing zoning was calculated to determine the net change in commercial square footage. Full development of the TT overlay results in an increase of 273 multifamily residential units over the current zoning and a reduction of 60,000 commercial square footage over current zoning.

It is important to note that the trip generation and modeling analysis was based on the full build out of the TT overlay using the new development code that is proposed for the specific geographic area. However, in reality the TT overlay is an optional approach for the applicant and is not required. The degree of the number of properties that will use the TT overlay is difficult to predict. As a result, the full build out of the TT overlay was used as the most extreme or impactful scenario in terms of changes to uses for the purposes of comparing the trip generation and modeling results to build out under current zoning.

The OAR is directed at maintaining a balance between changes in allowed land uses and the transportation system that supports those land uses. Where a proposed change from

the adopted land use regulations and zoning map would “significantly affect” an existing or planned transportation facility, a local government must put in place measures to assure that the land uses being proposed are consistent with the identified function, capacity and performance standards of the surrounding transportation network. The planning rule identifies that a “significant affect” would be determined by meeting one of the following three key elements.

- 1. *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan).***

The TT overlay amendments do not request or result in the change of any of the functional classifications on the surrounding roadway network as adopted in the current Ashland Comprehensive Plan Transportation Element (1996) and Ashland Transportation System Plan (2013).

- 2. *Change standards implementing a functional classification system.***

The TT overlay amendments do not include any improvements within the transportation infrastructure that would be beyond the design standards for the adopted functional classification of roadways in the adopted City of Ashland Transportation System Plan (TSP).

- 3. *As measured by the end of the planning period identified in the adopted transportation system plan:***

- a. *Create types or level of travel or access that are inconsistent with the functional classification of existing or planned transportation facilities.***

An increase in multifamily residential units in the TT overlay and reduced commercial square footage will not create trips that are inconsistent with the type or level of travel on surrounding boulevards (Ashland St. and Siskiyou Blvd.) and avenues (Tolman Creek Rd.). Ashland St., Siskiyou Blvd. and Tolman Creek Rd. are fully improved streets with continuous sidewalks and bike lanes, as well as the location of RVT bus route 10. The analysis demonstrates that there will be a decrease in vehicle trips resulting in full build out under the TT overlay. In addition, an increase in the concentration and mix of housing and commercial uses in the area may ultimately result in increased transit, walking and bicycle trips.

- b. *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan.***

The analysis demonstrates that there will be a decrease in vehicle trips resulting from full build out under the TT overlay and therefore no significant affect an existing or planned transportation facility. Specifically, there no significant affect

on the surrounding roadway network including the boulevards (Ashland St. and Siskiyou Blvd.) and avenue (Tolman Creek Rd.). In addition, the decrease in vehicle trips creates no significant affect on key intersections including Ashland St./Siskiyou Blvd., Ashland St./Walker Ave., Ashland St./Tolman Creek Rd., Ashland St./Washington Ave., Ashland St./I-5 SB ramp, Ashland St./I-5 NB ramp, Siskiyou Blvd., Walker Ave., and Tolman Creek Rd./Siskiyou Blvd. Finally, the TT overlay is located on RVTD bus route 10 and has a continuous and connected network of pedestrian and bicycle facilities. While transit, pedestrian and bicycle trips were not included in the trip generation and modeling analysis, it is likely future uses in the TT overlay will result in increased multimodal trips and thereby could further reduce vehicle trips.

- c. ***Degrade the performance of an existing or planned transportation facility such that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.***

The analysis demonstrates that there will be a decrease in vehicle trips resulting from full build out under the TT overlay and therefore no significant affect an existing or planned transportation facility. Specifically, there no significant affect on the surrounding roadway network including the boulevards (Ashland St. and Siskiyou Blvd.) and avenue (Tolman Creek Rd.). In addition, the decrease in vehicle trips creates no significant affect on key intersections including Ashland St./Siskiyou Blvd., Ashland St./Walker Ave., Ashland St./Tolman Creek Rd., Ashland St./Washington Ave., Ashland St./I-5 SB ramp, Ashland St./I-5 NB ramp, Siskiyou Blvd., Walker Ave., and Tolman Creek Rd./Siskiyou Blvd. Finally, the TT overlay is located on RVTD bus route 10 and has a continuous and connected network of pedestrian and bicycle facilities. While transit, pedestrian and bicycle trips were not included in the trip generation and modeling analysis, it is likely future uses in the TT overlay will result in increased multimodal trips and thereby could further reduce vehicle trips.

The Council finds and determines that the proposed amendments do not significantly affect an existing or planned transportation facility and are consistent with Oregon Statewide Planning Goal 12 Transportation as implemented by OAR Chapter 660, Division 12.

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, the detailed findings and analysis of the Planning Commission, and supporting documents together with all staff reports, addenda and supporting materials in the whole record.

Specifically, the Council finds that the proposed amendments are consistent with City of Ashland approval criteria for land use ordinance and zoning map amendments as set forth in ALUO 18.5.9.020.B. The Council finds that the proposed amendments are consistent

with the City of Ashland Comprehensive Plan and other City policies. The Council finds and determines that the proposed amendments are consistent Oregon land use laws and regulations including specifically Oregon Statewide Planning Goal 10 Housing and Oregon Statewide Planning Goal 12 Transportation.

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 Ashland Land Use Ordinance and Ashland Zoning Map as reflected in three distinct ordinances:

- Chapter 18.3.14 Transit Triangle Overlay is added to the land use ordinance, AMC Title 18 Land Use.
- The zoning map is amended to include the Transit Triangle (TT) overlay.
- The land use ordinance, AMC Title 18 Land Use is amended to implement the infill strategy and for clarity and consistency.

Ashland City Council Approval

John Stromberg, Mayor

Date

Signature authorized and approved by the full Council this 18th day of December, 2018.

Attest:

Melissa Huhtala, City Recorder

Date

Approved as to form:

David H. Lohman, City Attorney

Date

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ASHLAND LAND USE ORDINANCE
TO INCLUDE A NEW CHAPTER 18.3.14 TRANSIT TRIANGLE OVERLAY**

Annotated to show deletions and additions to the code sections being modified.
Deletions are **bold lined through** and additions are **bold 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 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, 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, according to figures released in January 2018 by the Southern Oregon Multiple Listing Service, the median sales price for existing single-family residences in Ashland in 2017 was \$421,500, which was a 7.5 percent gain over 2016. In contrast, the purchasing power of an Ashland household of four earning the median income in 2017 was \$217,950.

WHEREAS, Ashland households earning 120% of median income can afford \$1,270 to \$1,295 per month for housing costs. Workforce housing has come to be defined as housing targeted to households who may earn too much to qualify for affordable housing subsidies but not enough to afford a home or an apartment. The gap between earned income of people living and working in a community and the housing costs tends to be intensified in high-cost housing areas. As a result, affordable housing programs and providers generally consider workforce housing to be households earning 80 to 120 percent of area median income. Given these parameters, 46 percent of Ashland households can afford up to \$875 a month for housing and an additional eight percent can afford up to \$1,250 a month on housing (2015 American Community Survey, U.S. Census).

WHEREAS, the rental housing market has experienced increased prices and shortages over the last several years. Residential rental unit vacancy rates remain at one to two percent for the region. A low vacancy rate for rental units is generally considered to be an indicator that there are little to no available units for rent.

WHEREAS, 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 within the Ashland's current boundaries rather than identify future growth areas on the perimeter of the city. Also as a part of the regional planning process, the City of Ashland committed to provided 6.6 units per gross acre for new development. Changes to the zoning and land use ordinance that encourage development of residential units in the transit triangle can provide needed multi-family residential units to contribute toward meeting the regional density target.

WHEREAS, the City Council determined it is necessary to amend the land use ordinance to encourage the development of multifamily rental units in the area adjacent to the bus route to respond to changes in the housing supply and to meet the target residential density in the *Greater Bear Creek Valley Regional Plan*. Housing availability, diversity of housing types and housing prices have been a concern in Ashland for some time. However, these concerns have been intensified in the last several years throughout the region, state and west coast. Housing prices including rents have continued to rise at a rapid rate. In addition, the supply of housing was impacted by less construction during the recession. The changes in housing market and resulting impacts on housing supply necessitate a change in the zoning and land use ordinance to allow the diversification of the housing supply by providing an area to construct moderately priced multifamily rental housing.; 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, the City of Ashland Planning Commission considered amending the land use ordinance to include a new Chapter 18.3.14 Transit Triangle Overlay and recommended the amendment to the Ashland Municipal Code and Land Use Ordinances

at a duly advertised public hearings on May 22, 2018, June 12, 2018 and July 24, 2018, following deliberations, recommended approval of the amendments; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on September 18, 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 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. The above recitations are true and correct and are incorporated herein by this reference.

SECTION 2. A new Chapter 18.3.14 of the Ashland Municipal Code creating a new overlay zone [Transit Triangle Overlay] set forth in full codified form on the attached Exhibit A and made part hereof by this reference, is hereby added to the Ashland Municipal Code.

SECTION 3. 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 4. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions, and text descriptions of amendments (i.e., Section 2) 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

Chapter 18.3.14 – Transit Triangle Overlay

Sections:

- 18.3.14.010 Purpose
- 18.3.14.020 Applicability
- 18.3.14.030 General Requirements
- 18.3.14.040 Use Regulations
- 18.3.14.050 Dimensional Regulations
- 18.3.14.060 Site Development and Design Standards

18.3.14.010 Purpose

The Transit Triangle (TT) overlay is intended to promote the development of a mix of housing units and businesses adjacent to the bus route designed in a way that encourages walking, bicycling and transit use. The Transit Triangle (TT) overlay was adopted by the City Council on month 2018 (Ordinance No. #).

18.3.14.020 Applicability

- A. Transit Triangle (TT) Overlay Designation.** This chapter applies to properties designated as Transit Triangle (TT) overlay on the Site Design Zones map, and pursuant to the Transit Triangle overlay development standards and map adopted by Ordinance No. # (month, 2018).
- B. TT Overlay Option.** The TT overlay may be used to develop residential and commercially zoned land located in the TT overlay, but is not mandatory. Development using the TT overlay option shall meet all of the provisions of this chapter and all other applicable sections of this ordinance, except as otherwise provided in this chapter. The provisions of this chapter do not apply to development located in the TT overlay that does not elect to fully exercise the TT overlay option.
- C. Pedestrian Places Overlay.** The Pedestrian Places overlay and associated development standards do not apply to properties electing to develop under the Transit Triangle (TT) overlay option.
- D. Governing Standards.** Notwithstanding the provision of chapter 18.2.2 Base Zones, additional use restrictions and land use standards apply within the TT overlay. Where the provisions of this chapter conflict with comparable standards described in any other ordinance, resolution or regulation, the provisions of the TT overlay shall govern.
- E. Exceptions and Variances.** Requests to depart from the requirements of this chapter are subject to chapter 18.5.5 Variances, except that deviations from the standards in section 18.3.14.050 for minimum residential density and subsections 18.3.14.060.A and 18.3.14.060.B are subject to 18.5.2.050.E Exception to the Site Development and Design Standards.

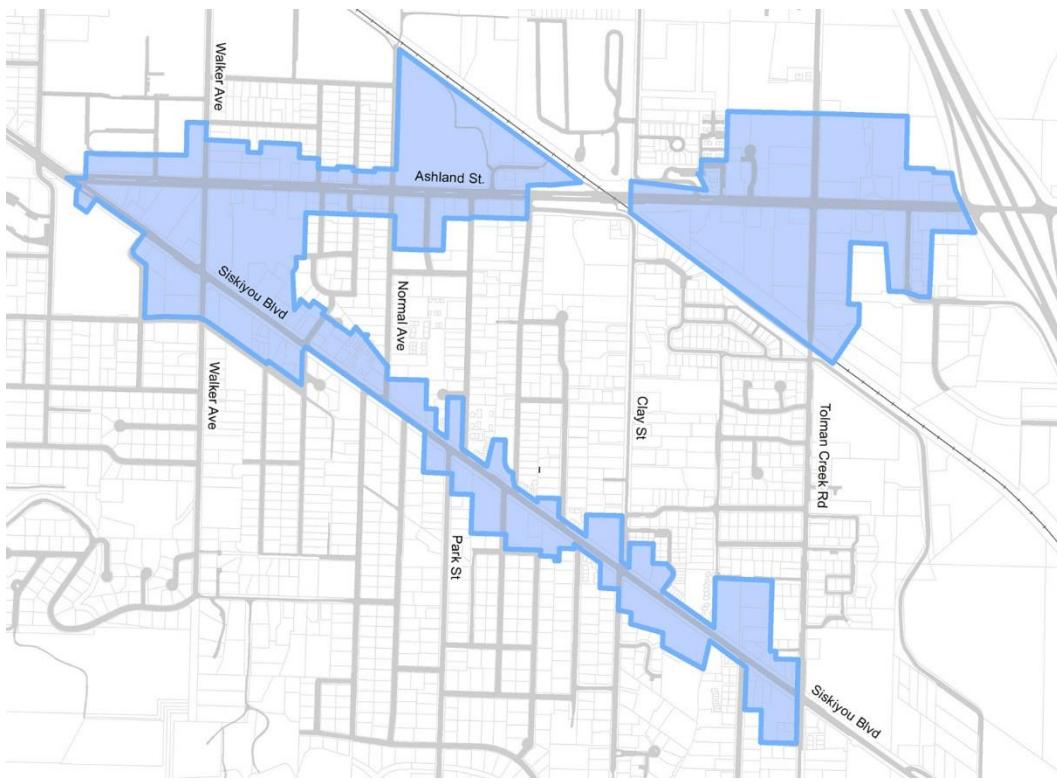


Figure 18.3.14.020
Transit Triangle (TT) Overlay

18.3.14.030 General Requirements

- A. **Site Development and Design Standards.** New development is subject to Site Design Review under chapter 18.5.2, and must comply with the applicable site development and design standards.

18.3.14.040 Allowed Uses

- A. **Uses Allowed in TT Overlay.** Allowed uses are determined by the base zone and in accordance with section 18.2.2.030, except as provided for in this chapter. Notwithstanding the provisions of chapter 18.2.2 Base Zones, section 18.3.14.040 includes additional allowed uses, use restrictions and prohibited uses within the TT overlay.
- B. **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 18.3.14.040 – Transit Triangle (TT) Overlay Uses Allowed by Base Zone¹

	Zones					Special Use Standards
	C-1	E-1	R-2	R-3		
A. Residential						
Multifamily dwelling, rental	P	P	P	P	Sec. 18.3.14.040.C.1 for C-1 and E-1 zone	
Multifamily dwelling, for purchase	N	N	N	N		
B. Commercial						
Hotel/Motel	N	N	N	N		
Travelers' Accommodation	N	N	N	N		
Commercial Retail Sales and Services, except Outdoor Sales and Services	Per 18.2.2.030	Per 18.2.2.030	S	S	Sec. 18.3.14.040.C.2	
Office	Per 18.2.2.030	Per 18.2.2.0e0	S	S	Sec. 18.3.14.040.C.2	
Restaurants	Per 18.2.2.030	Per 18.2.2.030	S	S	Sec. 18.3.14.040.C.2	

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

C. Special Use Standards. The uses listed as “Permitted with Special Use Standards (S)” in Table 18.3.14.040, above, are allowed provided they conform to the requirements of this section and the requirements of chapter 18.5.2 Site Design Review.

1. **Residential Uses.** Residential uses provided all of the following standards are met.
 - a. ***One Building.*** In the C-1 and E-1 zones, when a planning application is limited to one building, residential uses may occupy up to 65 percent of the gross floor area of the ground floor. At least 35 percent of the gross floor area of the ground floor shall be designated for permitted uses and uses permitted with special use standards, not including residential uses.
 - b. ***More Than One Building.*** When a planning application includes more than one building, the equivalent of at least 35 percent of the gross floor area of the ground floor for all buildings shall be designated for permitted uses and uses permitted with special use standards, not including residential uses.
2. **Commercial Uses in the R-2 and R-3 Zones.** The commercial uses described in Table 18.3.14.040, above, are allowed provided all of the following standards are met.
 - a. The maximum gross floor area occupied shall be 60 square feet for every residential dwelling unit developed on site.

18.3.14.050 Dimensional Standards

Notwithstanding the provisions of chapter 18.2.5 Standards for Residential Zones and chapter

18.2.6 Standards for Non-Residential Zones, Table 18.3.14.050 includes the dimensional standards within the TT overlay.

The dimensions shall conform to the standards in Table 18.3.14.050.

Table 18.3.14.050 Transit Triangle Overlay Dimensional Standards

	Base Zones ¹							
	C-1	E-1	R-2	R-3				
Residential Density (dwelling units/acre)								
Minimum ²	30 du/ac	15 du/ac	13.5 du/ac	20 du/ac				
Maximum	Maximum residential density is regulated by the FAR under the TT overlay option. The maximum dwelling units per acre of the base zones do not apply under the TT overlay option.							
² At a minimum, the development shall meet the residential density allowed in the underlying zone, as noted above and per section 18.2.6.030 for C-1 and E-1 and subsection 18.2.5.080.D for R-2 and R-3.								
Floor Area Ratio (FAR) ³								
Minimum	.5	.5	.5	.5				
Maximum	1.5	1.5	1.25	1.25				
³ Plazas and pedestrian areas shall count as floor area for the purposes of meeting the minimum FAR. Plazas and pedestrian areas may also be applied toward meeting the landscaping area requirements but shall not constitute more than 50% of the required area.								
Lot Area, Width, Depth and Coverage	NA	NA	Land divisions in the R-2 and R-3 zones shall meet the applicable requirements of table 18.2.5.030.A or chapter 18.3.9 Performance Standards Options.					
Yards, Minimum (feet) ⁴								
- Front	There is no minimum front, side, or rear yard required, except where buildings on the subject site abut a residential zone, in which case a side or rear yard of not less than 15 ft is required.	See table 18.2.5.030.A for standard yard requirements for the R-2 and R-3 zone	5 ft	5 ft				
- Side								
- Rear								
⁴ See building step back requirement in section 18.3.14.060.								
Building Separation, On Same Site – Minimum	NA		Building separation is not required under the TT overlay option, except as required by the building code.					
Building Height ⁵ & ⁶								
Maximum Height – feet/stories	50/4	50/4	42/3	42/3				
Solar Setback	Per table 18.2.6.030		Per chapter 18.4.8 Solar Access					
⁵ See definition of "height of building" in section 18.6.1.030.								
⁶ Parapets may be erected up to five feet above the maximum building height in the C-1 and E-1 zone; see also, 184.4.030.G.4 for mechanical equipment screening requirements, and 18.5.2.020 for Site Design Review for mechanical equipment review process.								
Lot Coverage – Maximum (% of lot area)	85%	85%	80%	80%				
Landscape Area – Minimum (% of developed lot area)	15%	15%	20%	20%				
Outdoor Recreation Space – Minimum (% of the area)	NA		Outdoor recreation space is not required under the TT overlay					

Table 18.3.14.050 Transit Triangle Overlay Dimensional Standards

	Base Zones ¹			
	C-1	E-1	R-2	R-3
	option.			

¹ Zones: C-1 = Commercial; E-1 = Employment; R-2 = Low Density Multiple Family; R-3 = High Density Multiple Family.

18.3.14.060 Site Development and Design Standards

New development is subject to Site Design Review under chapter 18.5.2, and must comply with site development and design standards in part 18.4 and section 18.3.14.060, below.

A. C-1 and E-1 zones. Development under the TT overlay option and located in the C-1 and E-1 zones are subject to the following standards.

1. **Building Mass.** Building facades within 25 feet of a residential zone or facing a street shall meet one of the following standards to reduce building mass. This standard applies along the perimeter of the development and shall not apply between buildings or lots within a development. See minimum side or rear yard requirement for buildings abutting a residential zone in table 18.3.14.050.
 - a. Incorporate a step back of ten feet for that portion of a building which is over 25 feet or two stories in height, whichever is greater. The building step back requirement does not apply to parapets. See Figure 18.3.14.060.A.1.a.
 - b. Buildings over 25 feet or two stories in height shall incorporate offsets, jogs, or other distinctive changes on building facades within 25 feet of a residential zone or facing a street.

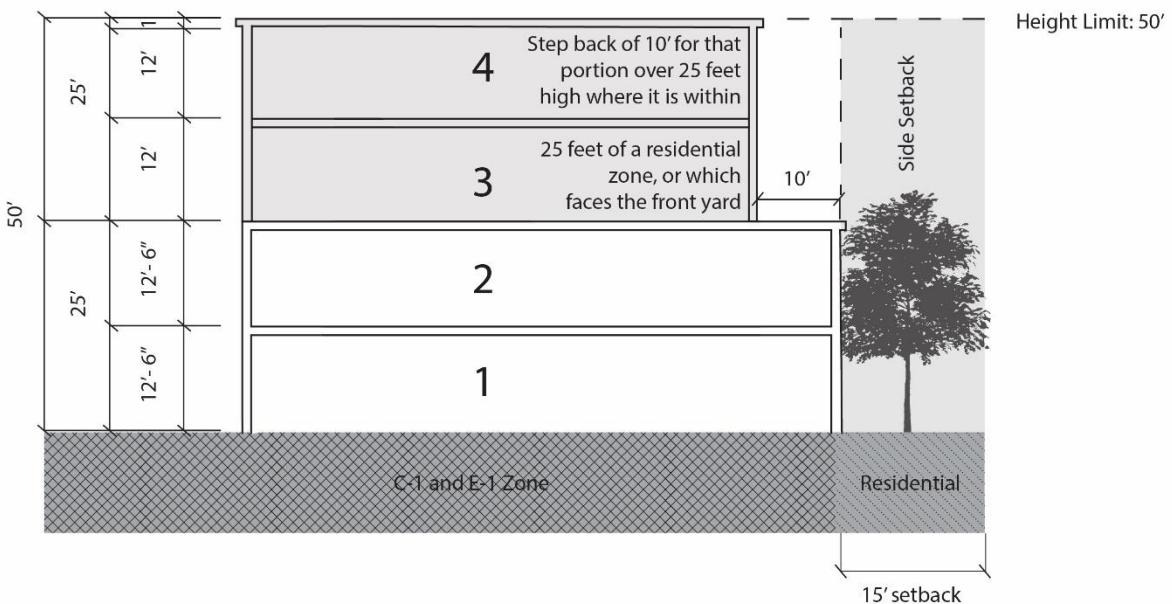


Figure 18.3.14.060.A.1.a

B. R-2 and R-3 zones. Development under the TT overlay option and located in the R-2 and R-3 zones are subject to the following standards.

1. **Detail Site Review Standards.** Lots with frontage on Ashland Street shall be subject to the building placement, orientation, and design standards in section 18.4.2.040, including the Detailed Site Review Standards. The area subject to this section shall be 150 feet in depth and the width of the subject lot. The depth of the regulated area shall be measured perpendicular to the lot line that parallels Ashland Street.
2. **Sidewalk Setback.** Mixed-use buildings shall be setback not more than five feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas, or for a required public utility easement.
3. **Minimum FAR and Plazas.** Mixed-use developments shall have a minimum Floor Area Ratio (FAR) of .50. Plazas and pedestrian areas shall count as floor area for the purposes of meeting the minimum FAR. Projects including existing buildings or vacant parcels of one-half an acre or greater in size shall achieve the required minimum FAR or provide a shadow plan that demonstrates to the approval authority how development may be intensified over time to meet the required minimum FAR.
4. **Building Mass.** Building facades within 25 feet of a residential zone or facing a street shall meet one of the following standards to reduce building mass. This standard applies along the perimeter of the development and shall not apply between buildings or lots within a development. See minimum side or rear yard requirement for buildings abutting a residential zone in table 18.3.14.050.
 - a. Incorporate a step back of ten feet for that portion of a building which is over 25 feet

- or two stories in height, whichever is greater. The building step back requirement does not apply to parapets. See Figure 18.3.14.060.B.4.a.
- Buildings over 25 feet or two stories in height shall incorporate offsets, jogs, or other distinctive changes on building facades within 25 feet of a residential zone or facing a street.

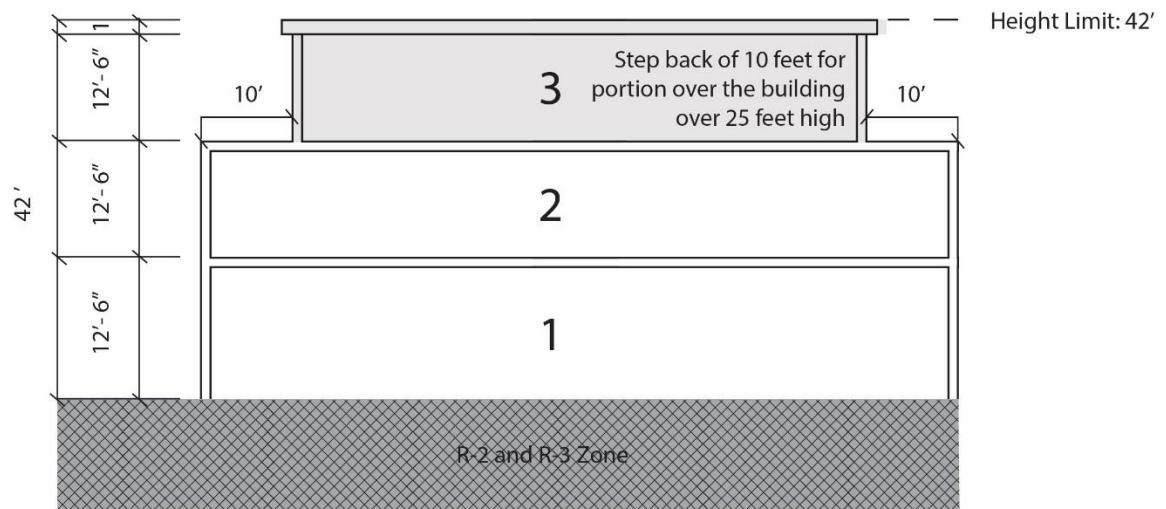


Figure 18.3.14.060.B.4.a

- C. Parking Ratios.** Properties developed under the TT overlay option are subject to the standard requirements of chapter 18.4.3 Parking, Access, and Circulation, except as provided by subsection 18.4.3.030.C, below.
- Multi-family Dwellings.** The minimum number of off-street automobile parking spaces required for multi-family dwelling units for development under the TT overlay option are as follows.
 - Units less than 800 sq. ft. -- 1 space/unit.
 - Units greater than 800 sq. ft. and less than 1000 sq. ft. -- 1.5 spaces/unit.
 - Units greater than 1,000 sq. ft. -- 2.00 spaces/unit.
 - Retail Sales and Services, Offices, and Restaurants.** The required off-street parking spaces may be reduced up to three parking spaces for retail sales and services, general office, or restaurant uses. The maximum reduction under this subsection is three parking spaces per building.
- D. Availability of Parking Facilities.** For properties developed under the TT overlay option, required off-street automobile parking spaces shall be available for use by residents, customers, and employees, and shall not be limited in use by hours or type of user through signage or other legal instrument. Required off-street automobile parking shall not be used for the storage or display of vehicles or materials.

ORDINANCE NO._____

AN ORDINANCE AMENDING CHAPTERS 18.2.1, 18.2.2, 18.2.3, 18.2.5, 18.3.12, 18.3.13, 18.4.3 AND 18.6.1 OF THE ASHLAND LAND USE ORDINANCE TO IMPLEMENT AN INFILL STRATEGY IN THE TRANSIT TRIANGLE AND MISCELLANEOUS EDITS FOR CLARITY AND CONSISTENCY

Annotated to show deletions and additions to the code sections being modified. Deletions are **bold lined through** and additions are **bold 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 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, 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, according to figures released in January 2018 by the Southern Oregon Multiple Listing Service, the median sales price for existing single-family residences in Ashland in 2017 was \$421,500, which was a 7.5 percent gain over 2016. In contrast, the purchasing power of an Ashland household of four earning the median income in 2017 was \$217,950.

WHEREAS, Ashland households earning 120% of median income can afford \$1,270 to \$1,295 per month for housing costs. Workforce housing has come to be defined as housing targeted to households who may earn too much to qualify for affordable housing subsidies but not enough to afford a home or an apartment. The gap between earned income of people living and working in a community and the housing costs tends to be intensified in high-cost housing areas. As a result, affordable housing programs and providers generally consider workforce housing to be households earning 80 to 120 percent of area median income. Given these parameters, 46 percent

of Ashland households can afford up to \$875 a month for housing and an additional eight percent can afford up to \$1,250 a month on housing (2015 American Community Survey, U.S. Census).

WHEREAS, the rental housing market has experienced increased prices and shortages over the last several years. Residential rental unit vacancy rates remain at one to two percent for the region. A low vacancy rate for rental units is generally considered to be an indicator that there are little to no available units for rent.

WHEREAS, 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 within the Ashland's current boundaries rather than identify future growth areas on the perimeter of the city. Also as a part of the regional planning process, the City of Ashland committed to provided 6.6 units per gross acre for new development. Changes to the zoning and land use ordinance that encourage development of residential units in the transit triangle can provide needed multi-family residential units to contribute toward meeting the regional density target.

WHEREAS, the City Council determined it is necessary to amend the land use ordinance to encourage the development of multifamily rental units in the area adjacent to the bus route to respond to changes in the housing supply and to meet the target residential density in the *Greater Bear Creek Valley Regional Plan*. Housing availability, diversity of housing types and housing prices have been a concern in Ashland for some time. However, these concerns have been intensified in the last several years throughout the region, state and west coast. Housing prices including rents have continued to rise at a rapid rate. In addition, the supply of housing was impacted by less construction during the recession. The changes in housing market and resulting impacts on housing supply necessitate a change in the zoning and land use ordinance to allow the diversification of the housing supply by providing an area to construct moderately priced multifamily rental housing.; 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, the City of Ashland Planning Commission considered amending the land use ordinance to implement an infill strategy in the transit triangle and miscellaneous edits for clarity

and consistency and recommended the amendments to the Ashland Municipal Code and Land Use Ordinances at a duly advertised public hearings on May 22, 2018, June 12, 2018 and July 24, 2018, following deliberations, recommended approval of the amendments; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on September 18, 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 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 18.2.1.020 [Zoning Regulations and General Provisions – Zoning Map and General Provisions] of the Ashland Land Use Ordinance is hereby amended as follows:

18.2.1.020 Zoning Map and Classification of Zones

For the purpose of this ordinance, the City is divided into zones designated and depicted on the Zoning Map, pursuant to the Comprehensive Plan Map, and summarized in Table 18.2.1.020.

Table 18.2.1.020	
Base Zones	Overlay Zones
Residential - Woodland (WR)	Airport Overlay
	Detail Site Review Overlay
Residential - Rural (RR)	Downtown Design Standards Overlay
Residential - Single-Family (R-1-10, R-1-7.5, and R-1-5)	Freeway Sign Overlay
Residential - Suburban (R-1-3.5)	Historic District Overlay
Residential - Low Density Multiple Family (R-2)	Pedestrian Place Overlay
Residential - High Density Multiple Family (R-3)	Performance Standards Options Overlay
Commercial (C-1)	Physical and Environmental Constraints Overlay
Commercial – Downtown (C-1-D)	-Hillside Lands
Employment (E-1)	-Floodplain Corridor Lands
	-Severe Constraints Lands
Industrial (M-1)	-Water Resources
	-Wildfire Lands
Special Districts	
Croman Mill District (CM)	Residential Overlay
	<u>Transit Triangle Overlay</u>
Health Care Services District (HC)	
Normal Neighborhood District (NN)	

Table 18.2.1.020

Base Zones	Overlay Zones
North Mountain Neighborhood District (NM)	
Southern Oregon University District (SOU)	

SECTION 2. Section 18.2.1.040 [Zoning Regulations and General Provisions – Applicability of Zoning Regulations] of the Ashland Land Use Ordinance is hereby amended as follows:

18.2.1.040 Applicability of Zoning Regulations

Part 18.2 applies to properties with base zone, special district, and overlay zone designations, as follows:

Table 18.2.1.040: Applicability of Standards to Zones, Plan Districts and Overlays

Designation	Applicability
<u>Base Zones</u>	
Residential - Woodland (WR)	Chapter 18.2 Applies Directly
Residential - Rural (RR)	Chapter 18.2 Applies Directly
Residential - Single-family (R-1-10, R-1-7.5, R-1-5)	Chapter 18.2 Applies Directly
Residential - Suburban (R-1-3.5)	Chapter 18.2 Applies Directly
Residential - Low Density Multiple Family (R-2)	Chapter 18.2 Applies Directly
Residential - High Density Multiple Family (R-3)	Chapter 18.2 Applies Directly
Commercial (C-1)	Chapter 18.2 Applies Directly
Commercial - Downtown (C-1-D)	Chapter 18.2 Applies Directly
Employment (E-1)	Chapter 18.2 Applies Directly
Industrial (M-1)	Chapter 18.2 Applies Directly
<u>Special Districts</u>	
Croman Mill District Zone (CM)	CM District Replaces chapter 18.2
Health Care Services Zone (HC)	
Normal Neighborhood District (NN)	NN District Replaces chapter 18.2
North Mountain Neighborhood (NM)	NM District Replaces chapter 18.2
Southern Oregon University (SOU)	
<u>Overlay Zones</u>	
Airport	Overlay Modifies chapter 18.2
Detail Site Review	Overlay Modifies chapter 18.2
Downtown Design Standards	Overlay Modifies chapter 18.2
Freeway Sign	Overlay Modifies chapter 18.2
Historic	Overlay Modifies chapter 18.2
Pedestrian Place	Overlay Modifies chapter 18.2
Performance Standards Options	Overlay Modifies chapter 18.2
Physical and Environmental Constraints	Overlay Modifies chapter 18.2
Residential	Overlay Modifies chapter 18.2
Transit Triangle	Overlay Modifies chapter 18.2

SECTION 3. 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.

- 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.
- 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	P or S	P or S	S	S	P or S	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(continued)										
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 <u>Dwellings in Transit Triangle (TT) overlay, see chapter 18.3.14</u> 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
D. Public and Institutional Uses (continued)³										
Cemetery, Mausoleum, Columbarium	N	N	N	N	CU	N	N	N	N	
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	
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	P	P	
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	

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
D. Public and Institutional Uses (continued)⁴										
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 electrical substations	CU	CU	N	N	CU	CU	P	P	P	Includes public service building, yard, and structures such as public works yards Yards not allowed in the RR, WR, and C-1 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 and repair/replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	N	N	N	N	N	N	S or CU	S or CU	P	Sec. 18.2.3.050 In C-1 zone, fuel sales and service 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

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
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	Not 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 Commission may approve a permanent facility through the Type II procedure
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

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
E. Commercial Uses (continued)⁶										
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	CU	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	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	
Restaurants	N	N	N	N	N	N	P	P	P	

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 (continued)⁷										
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' 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
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	

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 (continued)⁸										
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, planning 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 use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet

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
F. Industrial and Employment Uses (continued)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 4. Section 18.2.3.120 [Special Use Standards – Dwelling in Historic District Overlay] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.3.120 Dwelling in Historic District Overlay

Dwellings in the Historic District Overlay subject to all of the following requirements.

- A. Manufactured homes are prohibited.
- B. Dwellings located in residential zones shall conform to the maximum permitted floor area standards of section 18.2.5.070, except that dwellings exceeding the maximum permitted floor area are allowed subject to approval of a Conditional Use Permit under chapter 18.5.4.
- C. Notwithstanding the height standards of the R-1 zone, structures within the Historic Overlay shall not exceed a height of 30 feet.
- D. Retail commercial uses in a dwelling unit within the Railroad Historic Overlay are subject to approval of a Conditional Use Permit under chapter 18.5.4 and shall conform to the standards of section 18.2.3.210.

SECTION 5. Section 18.2.3.130 [Special Use Standards – Dwelling in Non-Residential Zone] of the Ashland Land Use Ordinance is hereby amended as follows:

18.2.3.130 Dwelling in Non-Residential Zone

Where dwellings are allowed in non-residential zones, they are subject to all of the following requirements.

- A. Dwellings in the E-1 zone are limited to the R-overlay zone. See chapter 18.3.13 Residential Overlay.
- B. Dwellings in the E-1 and C-1 zones shall meet all of the following standards: except that dwellings developed under the Transit Triangle (TT) overlay option are not subject to subsection 18.2.3.130.B, below. See section 18.3.14.040 for the allowed uses in the TT overlay.
 - 1. Mixed-Use Developments. If there is one building on a site, ground floor residential uses shall occupy not more than 35 percent of the gross floor area of the ground floor. Where more than one building is located on a site, not more than 50 percent of the total lot area shall be designated for residential uses. At least 65 percent of the gross floor area of the ground floor shall be designated for permitted uses and uses permitted with special use standards, not including residential uses.
 - 2. Residential densities shall not exceed 15 dwelling units per acre in the E-1 zone, 30 dwelling units per acre in the C-1 zone, and 60 dwelling units per acre in the C-1-D zone. For the purpose of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.
 - 3. Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the underlying zone.
 - 4. Off-street parking is not required for residential uses in the C-1-D zone.

~~5. Where the number of residential units exceeds ten, at least ten percent of the residential units shall be affordable for moderate-income persons in accord with the standards of section 18.2.5.050. The number of units required to be affordable shall be rounded down to the nearest whole unit.~~

SECTION 6. Section 18.2.5.070 [Standards for Residential Zones – Maximum Permitted Residential Floor Area in Historic District] of the Ashland Land Use Ordinance is hereby amended as follows:

18.2.5.070 Maximum Permitted Residential Floor Area in Historic District

- A. **Purpose.** Section 18.2.5.070 regulates floor area of dwellings to promote compatible building volume and scale in the Historic District.
- B. **Applicability.** Within residential zones located in the Historic District Overlay, new structures and additions shall conform to the maximum permitted floor area standards of this section, except as provided by 18.2.5.070.C.

SECTION 7. Section 18.3.12.020 [Site Development and Design Overlays – Applicability] of the Ashland Land Use Ordinance is hereby amended as follows:

Chapter 18.3.12 – Site Development and Design Overlays

Sections

- 18.3.12.010 Purpose
- 18.3.12.020 Applicability
- 18.3.12.030 Detail Site Review Overlay
- 18.3.12.040 Downtown Design Standards Overlay
- 18.3.12.050 Historic District Overlay
- 18.3.12.060 Pedestrian Place Overlay
- 18.3.12.070 Transit Triangle Overlay**

18.3.12.010 Purpose

The Site Development and Design overlays provide special regulations and standards that supplement the base zoning regulations which are implemented through Site Design Review.

18.3.12.020 Applicability

This chapter applies to the Detail Site Review, Downtown Design Standards, Historic District, ~~and Pedestrian Place, and Transit Triangle~~ overlays. Development located within these overlays is required to meet all other applicable sections of this ordinance, except as modified by this chapter. Where the provisions of this chapter conflict with comparable standards described in any other ordinance or regulation, the provisions of this chapter apply.

SECTION 8. Section 18.3.12.060 [Site Development and Design Overlays – Pedestrian Places Overlay] of the Ashland Land Use Ordinance is hereby amended as follows:

18.3.12.060 Pedestrian Place Overlay

- A. Purpose.** The Pedestrian Place overlay is intended to direct and encourage development of small walkable nodes that provide concentrations of gathering places, housing, businesses, and pedestrian amenities situated and designed in a way to encourage walking, bicycling, and transit use.
- B. Applicability**
1. This section applies to properties designated as Pedestrian Places overlay on the Site Design Zones map.
 2. Review Procedure. The Pedestrian Place overlay requirements apply to proposed development located in the Pedestrian Place overlay that requires a planning application approval, and involves development of new structures or additions other than single-family dwellings and associated accessory structures and uses. The provisions of the Pedestrian Place overlay supplement those of the applicable base zoning district and other applicable ordinance requirements.
 3. Mixed-Use Buildings in Residential Zones. Mixed-use buildings located in an underlying residential zone require Site Design Review approval in accordance with chapter 18.5.2, and are subject to the standards subsection 18.4.2.040.B Basic Site Review Standards rather than section 18.4.2.030 Residential Development. Mixed-use buildings are subject to all other applicable provisions of part 18.4 Site Development and Design Standards.
 4. The Pedestrian Places overlay and development standards do not apply to properties electing to develop under the Transit Triangle (TT) overlay option. See chapter 18.3.14 Transit Triangle Overlay.
- C. Pedestrian Place Concept Plans.** The Pedestrian Place Concept plans (i.e., site plan, development summary, and building illustrations) are for the purpose of providing an example of development that conforms to the standards, and do not constitute independent approval criteria. Concept plans are attached to the end of this chapter.
- D. Development Standards.** The following standards shall apply to development in the Pedestrian Places overlay in addition to all applicable provisions of this ordinance.
1. Building Setbacks. The solar access setback in chapter 18.4.8 Solar Access applies only to those lots abutting a residential zone to the north.
 2. Plazas and Landscaping Ratio. Outdoor seating areas, plazas, and other useable paved surfaces may be applied toward meeting the landscaping area requirements in chapter 18.4.4 Landscaping, Lighting, and Screening, but shall not constitute more than 50 percent of the required area.
- E. Development in Residential Zone.** The following standards apply to development located in the Pedestrian Places overlay and a residential zone, in addition to all applicable provisions of this ordinance.
1. Special Permitted Uses. In addition to the permitted uses in the underlying residential

zone, the following uses and their accessory uses are permitted subject to the requirements of this section.

- a. Professional, financial, business and medical offices, and personal service establishments.
 - b. Stores, shops, and offices supplying commodities or performing services.
 - c. Restaurants.
2. Development Standards and Limitations.
- a. The maximum gross floor area occupied by a special permitted use shall be 2,500 square feet.
 - b. Special permitted uses shall be allowed in a building or in a group of buildings including a mixture of businesses and housing. At least 50 percent of the total gross floor area of a building, or of where there is more than one building on a site, 50 percent of the total lot area including accessory uses such as parking, landscaping and public space, shall be designated for residential uses.
 - c. The development shall meet the minimum housing density requirements of the underlying zone.
 - d. Mixed-use buildings shall be setback not more than five feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas, or for a required public utility easement.
 - e. Mixed-use developments shall have a minimum Floor Area Ratio (FAR) of .50. Plazas and pedestrian areas shall count as floor area for the purposes of meeting the minimum FAR. Projects including existing buildings or vacant parcels of a half an acre or greater in size shall achieve the required minimum FAR or provide a shadow plan (see graphic) that demonstrates how development may be intensified over time to meet the required minimum FAR.

SECTION 9. Section 18.3.12.070 [Site Development and Design Overlays – Transit Triangle Overlay] of the Ashland Land Use Ordinance is hereby added as follows:

18.3.12.070 Transit Triangle Overlay

- A. The Transit Triangle (TT) overlay is that area defined in the Site Design Zones map.**
- B. Development in the Transit Triangle overlay is subject to chapter 18.3.14 Transit Triangle Overlay in addition to all other applicable sections of this ordinance.**

SECTION 10. Section 18.3.13.010 [Residential Overlay – Residential Overlay Regulations] of the Ashland Land Use Ordinance is hereby amended as follows:

18.3.13.010 Residential Overlay Regulations

- A. Purpose. The Residential overlay is intended to encourage a concentration and mix of businesses and housing that provides a variety of housing types, supports resource and

- energy conservation, and promotes walking, bicycling, and transit use.
- B. Applicability. The Residential overlay applies to all property where 'Residential Overlay' (R) is indicated on the Zoning map.
- C. Requirements. The Residential overlay requirements are as follows, ~~1~~, except that dwellings developed under the Transit Triangle (TT) overlay option are not subject to subsection 18.3.13.010 C, below. See section 18.3.14.040 for the allowed uses in the TT overlay.
1. **Mixed-Use Developments.** If there is one building on a site, ground floor residential uses shall occupy not more than 35 percent of the gross floor area of the ground floor. Where more than one building is located on a site, not more than 50 percent of the total lot area shall be designated for residential uses. At least 65 percent of the gross floor area of the ground floor shall be designated for permitted uses and uses permitted with special use standards, not including residential uses.
 2. Residential densities shall not exceed 15 dwelling units per acre. For the purpose of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.
 3. Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the E-1 District.
 4. ~~If the number of residential units exceeds ten, then at least 10 percent of the residential units shall be affordable for moderate-income persons in accord with the standards established by resolution of the City Council through procedures contained in the resolution. The number of units required to be affordable shall be rounded down to the nearest whole unit.~~

SECTION 11. Section 18.4.3.030 [Parking, Access, and Circulation – General Automobile Parking Requirements and Exceptions] of the Ashland Land Use Ordinance is hereby amended as follows:

18.4.3.030 General Automobile Parking Requirements and Exceptions

- A. **Minimum Number of Off-Street Automobile Parking Spaces.** Off-street parking shall be provided pursuant to one of the following three methods and shall include required Disabled Person Parking.
1. Standard Ratios for Automobile Parking. The standards in Table 18.4.3.040.
 2. Unspecified Use. Where automobile parking requirements for any use are not specifically listed in Table 18.4.3.040, such requirements shall be determined by the Staff Advisor based upon the most comparable use specified in this section, and other available data.
 3. Parking Demand Analysis. The approval authority through a discretionary review may approve a parking standard that is different than the standards under subsection 1 and 2, above, as follows.

- a. The applicant submits a parking demand analysis with supporting data prepared by a professional engineer, planner, architect, landscape architect, or other qualified professional;
- b. The parking analysis, at a minimum, shall assess the average parking demand and available supply for existing and proposed uses on the subject site; opportunities for shared parking with other uses in the vicinity; existing public parking in the vicinity; transportation options existing or planned near the site, such as frequent bus service, carpools, or private shuttles; and other relevant factors. The parking demand analysis option may be used in conjunction with, or independent of, the options provided under section 18.4.3.060 Parking Management Strategies.
- c. The review procedure shall be the same as for the main project application.

- B. Maximum Number of Off-Street Automobile Parking Spaces.** The number of spaces provided by any particular use in ground surface lots shall not exceed the number of spaces required by this chapter by more than ten percent. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, shall not apply towards the maximum number of allowable spaces.
- C. Commercial Downtown Zone.** All uses within the C-1-D zone, except for hotel, motel, and hostel uses, are exempt from the off-street parking requirements of this section.
- D. North Mountain Plan District.** Within the Neighborhood Central zone of the North Mountain (NM) Neighborhood Plan district, all uses are exempt from the off-street parking requirements of this section, except that residential uses are required to provide a minimum of one parking space per residential unit.

SECTION 12. 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	<p>2 spaces for detached dwelling units and the following for attached dwelling units.</p> <ul style="list-style-type: none"> a. Studio units or 1-bedroom units less than 500 sq. ft. –1 space/unit. b. 1-bedroom units 500 sq. ft. or larger – 1.50 spaces/unit. c. 2-bedroom units – 1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit.

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.)
Accessory Residential Units	<ul style="list-style-type: none">a. Units less than 800 sq. ft.– 1 space/unit, except as exempted in subsection 18.2.3.040.A.b. Units greater than 800 sq. ft. and up to 1,000 sq. ft. – 2.00 spaces/unit.
Multi-family Dwellings	<ul style="list-style-type: none">a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit.b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit.c. 2-bedroom units -- 1.75 spaces/unit.d. 3-bedroom or greater units -- 2.00 spaces/unit.e. Retirement complexes for seniors 55-years or greater -- One space per unit.f. <u>Transit Triangle (TT) overlay option developments, see chapter 18.3.14.</u>
Cottage Housing	<ul style="list-style-type: none">a. Units less than 800 sq. ft. -- 1 space/unit.b. Units greater than 800 sq. ft. and less than 1000 sq. ft. -- 1.5 spaces/unit.c. Units greater than 1000 sq. ft. -- 2.00 spaces/unit.d. Retirement complexes for seniors 55-years or greater -- One space per unit.
Manufactured Housing	Parking for Manufactured Home on Single-Family Lot is same as Single Family Dwelling; for Manufactured Housing Developments, see sections <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 sq. ft. of the first 10,000 sq. ft. of gross land area; plus 1 space per 5,000 sq. ft. for the excess over 10,000 sq. ft. 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.
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.

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.)
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 uses, except that the City decision-making body may reduce or waive certain development and designs standards for temporary uses.

SECTION 13. 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.

A. On-Street Parking Credit. Credit for on-street parking spaces may reduce the required off-street parking spaces up to 50 percent, as follows.

1. **Credit.** One off-street parking space credit for one on-street parking space meeting the standards of subsections 2-4, below. See Figure 18.4.3.060.A.1.

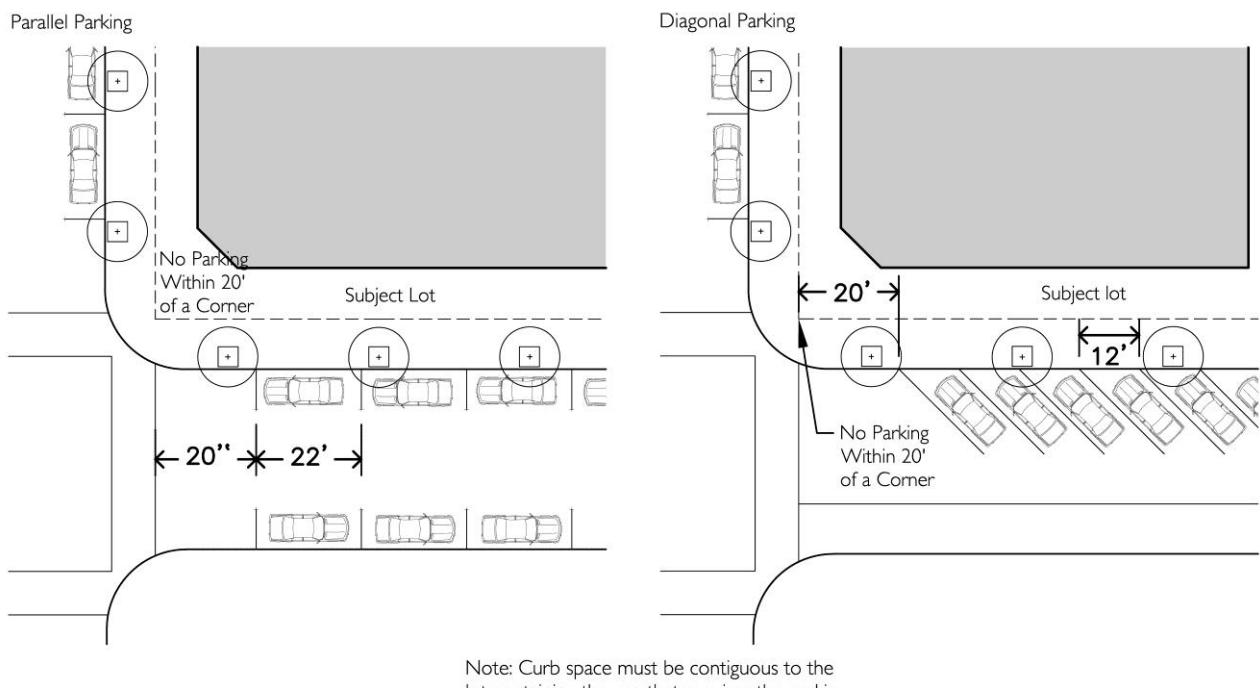


Figure 18.4.3.060.A.1
On-Street Parking Credit

2. **Dimensions.** On-street parking shall follow the established configuration of existing on-street parking, except that 45-degree diagonal parking may be allowed with the approval of the Public Works Director, taking into account traffic flows and street design, with the parking spaces designed in accord with the standards on file with the Public Works Department.
 - a. Parallel parking, each 22 feet of uninterrupted curb.
 - b. 45-degree diagonal, each 12 feet of uninterrupted curb.

3. Location

 - a. Curb space must be contiguous to the lot containing the use that requires the parking.
 - b. Parking spaces may not be counted that are within 20 feet measured along the curb of any corner or intersection of an alley or street, nor any other parking configuration that violates any law or standard of the City or State.
 - c. Parking spaces located on arterials and collectors may only receive credit if the arterial or collector is greater in width than the minimums established by the street standards in section 18.4.6.040.
 - d. Parking spaces may not be counted that are within 200 feet of a C-1-D or SOU zone.
 - e. Parking spaces may not be counted that are required as on-street parking in accordance with section 18.3.9.060 in a development under the Performance Standards Option.
 4. Availability. On-street parking spaces credited for a specific use shall not be used exclusively by that use, but shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be permitted.
- B. Alternative Vehicle Parking.** Alternative vehicle parking facilities may reduce the required off-street parking spaces up to 25 percent, as follows.

 1. Motorcycle or scooter parking. One off-street parking space credit for four motorcycle or scooter parking spaces.
 2. Bicycle parking. One off-street parking space credit for five additional, non-required bicycle parking spaces.
 3. Microcar parking. One off-street parking space credit for two microcar parking spaces. Microcar spaces shall be designed so that one full size automobile can use two microcar spaces, and the microcar spaces shall not be limited in use by hours or type of vehicle through signage or other legal instrument.
- C. Mixed Uses.** In the event that several users occupy a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for the several uses computed separately unless it can be shown that the peak parking demands are offset, in which case the mixed-use credit may reduce the off-street parking requirement by a percentage equal to the reduced parking demand. A mixed-use parking credit may reduce the required off-street parking spaces up to 50 percent.
- D. Joint Use of Facilities.** Required parking facilities of two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g., uses primarily of a daytime vs. nighttime nature) and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use. Jointly-used parking facilities may reduce the required off-street parking spaces up to 50 percent.
- E. Off-Site Shared Parking.** One off-street parking space credit for every one parking space constructed in designated off-site shared parking areas, or through payment of in-lieu-of-

parking fees for a common parking. Off-site shared parking facilities may reduce the required off-street parking spaces up to 100 percent.

- F. TDM Plan Credit.** Through implementation of an individual Transportation Demand Management (TDM) plan that demonstrates a reduction of long-term parking demand by a percentage equal to the credit requested. A TDM plan may reduce the required off-street parking spaces up to 50 percent.
- G. Transit Facilities Credit.** Sites where at least 20 spaces are required and where at least one lot line abuts a street with transit service may substitute transit-supportive plazas as follows. A Transit Facilities Credit may reduce the required off-street parking spaces up to 50 percent.
1. Pedestrian and transit supportive plazas may be substituted for up to ten percent of the required parking spaces on-site.
 2. A street with transit service shall have a minimum of 30-minute peak period transit service frequency.
 3. Existing parking areas may be converted to take advantage of these provisions.
 4. The plaza must be adjacent to and visible from the transit street. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop.
 5. The plaza must be at least 300 square feet in area and be shaped so that a ten-foot by ten-foot (10 feet X 10 feet) square will fit entirely in the plaza.
 6. The plaza must include all of the following elements.
 - a. A plaza that is open to the public. The owner must record a public access easement that allows public access to the plaza.
 - b. A bench or other sitting area with at least five linear feet of seating.
 - c. A shelter or other weather protection. The shelter must cover at least 20 square feet and the plaza must be landscaped. This landscaping is in addition to any other landscaping or screening required for parking areas by this ordinance.

SECTION 14. Section 18.6.1.030 [Definitions] of the Ashland Land Use Ordinance is hereby amended as follows:

18.6.1.030 Definitions

The following definitions are organized alphabetically.

~~Floor Area, Gross Habitable.~~ The total area of all floors in a dwelling measured to its outside surfaces that are under the horizontal projection of the roof or floor above with at least seven feet of head room, excluding uninhabitable spaces accessed solely by an exterior door.

~~Floor Area, Gross.~~ The total area of all floors in a building measured to the outside surfaces that are under the horizontal projection of the roof or floor above.

Floor Area. The area of an enclosed floor measured from the exterior faces of exterior walls or from the center line of walls separating two buildings.

- **Gross Floor Area. The sum of the gross horizontal areas of all enclosed floors measured from the exterior faces of exterior walls or from the center line of walls separating two buildings, but excluding basements, attic space providing structural head room of less than six-and-a-half feet, and unenclosed steps, porches, terraces and balconies. Individual sections of this ordinance may exempt additional spaces from gross floor area.**
- **Gross Habitable Floor Area. The sum of the gross horizontal areas of all enclosed floors with at least seven feet of headroom in a dwelling unit measured from the exterior faces of exterior walls or from the center line of walls separating two buildings, excluding uninhabitable spaces accessed solely by an exterior door.**
- **Maximum Permitted Floor Area (MPFA). The gross floor area of the primary dwelling, including but not limited to potential living spaces within the structure with at least seven feet of head room and attached garages. Basements, detached garages, detached accessory structures, and detached accessory residential units are not counted in the gross floor area for the MPFA calculation if separated from the primary dwelling by six feet or more. Similarly, unenclosed breezeways, and similar open structures connecting an exempt detached structure to the primary dwelling are not counted in the MPFA calculation.**

Microcar. An automobile that is less than nine feet in length and typically is limited to two seats for passengers. Microcars can be parked in a head-in fashion in a parallel parking space so that one standard parallel parking space accommodate two microcars.

Story. That portion of a building included between the upper surface of ~~any one~~ floor and the ~~upper~~ surface of the ~~next~~ floor next above, ~~or if there is no floor above, the finished ceiling directly above except that the top story is that portion of a building included between the upper surface of the top floor and the ceiling above.~~ A basement is not considered a story. Unenclosed decks, porches, balconies, and similar features are not considered stories.

SECTION 15. 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 16. 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 17. 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 1-14) 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

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF ASHLAND ZONING MAP TO ADD A TRANSIT TRIANGLE OVERLAY

Annotated to show **deletions** and **additions** to the code sections being modified. Deletions are **bold lined through** and additions are in **bold underline**.

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 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, 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, according to figures released in January 2018 by the Southern Oregon Multiple Listing Service, the median sales price for existing single-family residences in Ashland in 2017 was \$421,500, which was a 7.5 percent gain over 2016. In contrast, the purchasing power of an Ashland household of four earning the median income in 2017 was \$217,950.

WHEREAS, Ashland households earning 120% of median income can afford \$1,270 to \$1,295 per month for housing costs. Workforce housing has come to be defined as housing targeted to households who may earn too much to qualify for affordable housing subsidies but not enough to afford a home or an apartment. The gap between earned income of people living and working in a community and the housing costs tends to be intensified in high-cost housing areas. As a result, affordable housing programs and providers generally consider workforce housing to be households earning 80 to 120 percent of area median income. Given these parameters, 46 percent of Ashland households can afford up to \$875 a month for housing and an additional eight percent can afford up to \$1,250 a month on housing (2015 American Community Survey, U.S. Census).

WHEREAS, the rental housing market has experienced increased prices and shortages over the last several years. Residential rental unit vacancy rates remain at one to two percent for the region. A low vacancy rate for rental units is generally considered to be an indicator that there are little to no available units for rent.

WHEREAS, 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 within the Ashland's current boundaries rather than identify future growth areas on the perimeter of the city. Also as a part of the regional planning process, the City of Ashland committed to provided 6.6 units per gross acre for new development. Changes to the zoning and land use ordinance that encourage development of residential units in the transit triangle can provide needed multi-family residential units to contribute toward meeting the regional density target.

WHEREAS, the City Council determined it is necessary to amend the land use ordinance to encourage the development of multifamily rental units in the area adjacent to the bus route to respond to changes in the housing supply and to meet the target residential density in the *Greater Bear Creek Valley Regional Plan*. Housing availability, diversity of housing types and housing prices have been a concern in Ashland for some time. However, these concerns have been intensified in the last several years throughout the region, state and west coast. Housing prices including rents have continued to rise at a rapid rate. In addition, the supply of housing was impacted by less construction during the recession. The changes in housing market and resulting impacts on housing supply necessitate a change in the zoning and land use ordinance to allow the diversification of the housing supply by providing an area to construct moderately priced multifamily rental housing; 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, the City of Ashland Planning Commission considered amending the City of Ashland Zoning Map to add a Transit Triangle Overlay and recommended the amendment to the

Ashland Municipal Code and Land Use Ordinances at a duly advertised public hearings on May 22, 2018, June 12, 2018 and July 24, 2018, following deliberations, recommended approval of the amendments; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on September 18, 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 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. The above recitations are true and correct and are incorporated herein by this reference.

SECTION 2. The officially adopted City of Ashland Zoning Map, adopted and incorporated by Ashland Municipal Code Section 18.1.2.070, is hereby amended to add a Transit Triangle (TT) Overlay designation to approximately 170 acres of land within the City limits, said overlay amendment is reflected on the revised Zoning Map, attached hereto as Exhibit A, and made a part hereof by this reference.

SECTION 3. 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 4. Codification. Provisions of this Ordinance shall be incorporated in the City Comprehensive Plan and the word “ordinance” may be changed to “code”, “article”, “section”, or another word, and the sections of this Ordinance may be renumbered, or re-lettered, and amendments – including map amendments, combined, provided however that any Whereas clauses and boilerplate provisions and text descriptions of the map amendments (i.e. Section 2) 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

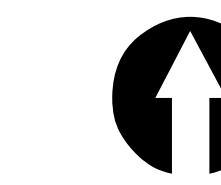


Site Design Zones

- Downtown Design Standards
- City Limits
- Urban Growth Boundary
- Detailed Site Review Zone
- Transit Triangle Overlay

NOT TO SCALE

Mapping is schematic only and bears no warranty of accuracy.
All features, structures, facilities, easement or roadway locations
should be independently field verified for existence and/or location.



This is to certify that this is the Official Detail Site Review Zone Map referred to in Section 18.12.030 of
Title 18.12 of the Ashland Municipal Code. Adopted as Ordinance No. 2951

Signed: _____ Date: _____

City Recorder: _____ Date: _____