



# Planning Commission Agenda

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note the public testimony may be limited by the Chair.

**September 12, 2023**

**REGULAR MEETING**

**AGENDA**

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

**II. ANNOUNCEMENTS**

**III. CONSENT AGENDA**

**1. Approval of Minutes**

- a. July 25, 2023 Study Session
- b. August 8, 2023 Regular Meeting

**IV. PUBLIC FORUM**

Note: To speak to an agenda item in person you must fill out a speaker request form at the meeting and will then be recognized by the Chair to provide your public testimony. Written testimony can be submitted in advance or in person at the meeting. If you wish to discuss an agenda item electronically, please contact [PC-publictestimony@ashland.or.us](mailto:PC-publictestimony@ashland.or.us) by August 8, 2023 to register to participate via Zoom. If you are interested in watching the meeting via Zoom, please utilize the following link: <https://zoom.us/j/94873447272>

**V. UNFINISHED BUSINESS**

**A. Adoption of Remand Findings for PA-T3-2022-00004, 1511 Highway 99 North**

**VI. OTHER BUSINESS**

**A. Discussion of proposed amendments to the Ashland Municipal Code's Land Use Ordinance to implement the requirements of the Climate-Friendly & Equitable Communities (CFEC) rules regarding parking. This includes amendments to: AMC 18.2.2 Base Zones & Allowed Uses; AMC 18.2.3 Special Use Standards; AMC 18.3.2 Croman Mill District; AMC 18.3.4 Normal Neighborhood District; AMC 18.3.5 North Mountain Neighborhood District; AMC 18.3.9 Performance Standards Option & PSO Overlay; AMC 18.3.14 Transit Triangle Overlay; AMC 18.4.3 Parking, Access & Circulation; AMC 18.5.2 Site Design Review; AMC 18.5.3 Land Divisions & Property Line Adjustments; AMC 18.5.4 Conditional Use Permits; AMC 18.5.5 Variances; AMC 18.5.6 Modifications to Approved Planning Actions. (Under the CFEC rules, parking code amendments must be adopted by December 31, 2023.)**

**VII. OPEN DISCUSSION**

**VIII. ADJOURNMENT**

**Next Scheduled Meeting Date:** September 26, 2023 Study Session





# Planning Commission Minutes

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**July 25, 2023**

**STUDY SESSION**

**DRAFT Minutes**

## **I. CALL TO ORDER:**

Chair Verner called the meeting to order at 7:00 p.m. at the Civic Center Council Chambers, 1175 E. Main Street.

### **Commissioners Present:**

Lisa Verner  
Kerry KenCairn  
Doug Knauer  
Gregory Perkinson  
Russell Phillips  
Susan MacCracken Jain

### **Staff Present:**

Brandon Goldman, Community Development Director  
Derek Severson, Planning Manager  
Michael Sullivan, Executive Assistant

### **Absent Members:**

Eric Herron

### **Council Liaison:**

Paula Hyatt

## **II. ANNOUNCEMENTS**

Community Development Director Brandon Goldman made the following announcements:

- The City Council will hear an update from the Department of Environmental Quality (DEQ) regarding the Croman Mill Site. The DEQ conducted testing of the site on May 5, 2023, where contaminants were identified. A cleanup plan and timeline for development are now being created.
- The Community Development Department is in the process of creating a Development Process Advisory Committee. The group will meet once a month to discuss the department's development process by utilizing feedback from frequent developers in the area. Mr. Goldman stated that a liaison from the Commission to the Committee would be beneficial. Commissioner Knauer inquired if the purview of the new Committee would exclusively be land use. Mr. Goldman responded that it would, stating that building code is based off established guidelines from the Oregon Building Codes Division and would be difficult to change.

## **III. PUBLIC FORUM - None**





# Planning Commission Minutes

## IV. **OTHER BUSINESS**

### **A. Croman Mill Site Update**

Mr. Goldman stated that Townmakers, LLC had spoken before the Commission before on January 25, 2022, and have since been working on a conceptual development proposal for the site.

#### **Presentation**

Michael Mehaffy began by introducing Michael Weinstock from Townmakers, LLC, and Carlene Chin, a third-party consultant. Mr. Mehaffy stated that this will be an informal update, and that the team would be returning in the coming months with a formal application.

Mr. Mehaffy gave a brief history of the site, stating that it was first used as a municipal airport before becoming a mill site in 1934. The mill was closed in 1996, with further industrial uses for the site planned but never realized. He described how the site encompasses 61 square acres and is in an ideal position for urban expansion. He added that the proposed neighborhood would complement the downtown area, and that the team is currently trying to identify a large commercial employer to readily bring business and employment opportunities to the neighborhood (see attachment #1).

Mr. Mehaffy emphasized their commitment to retaining as much of the Ashland Municipal Code related to the Croman Mill Site as possible, but that some changes would be necessary. He detailed how the COVID-19 pandemic had altered the work-life paradigm, with more people working from home and starting small businesses. He noted that the Ashland Economic Diversification Plan had called for the cultivation of small-batch businesses. Mr. Mehaffy detailed the need for more live-work-play areas, particularly those that could provide market-ready employment housing opportunities, stating that a lack of workforce housing results in a lack of workforce.

Mr. Mehaffy stated that the project's planning team is focused on a climate and environmentally friendly development and want to incorporate features of the state's new Climate Friendly Area (CFA) guidelines. He mentioned that the team had engaged in several public outreach activities and had received valuable feedback from the community.

Mr. Mehaffy detailed his team's plan to employ a phased development, starting from Siskiyou Boulevard and moving north with each subsequent phase. He explained that the proposed plan would include a binding site plan, some proposed amendments to district standards, and an annexation plan. Mr. Mehaffy stated that his team is currently conducting a Traffic Impact Analysis (TIA), an economic analysis, and a financial development plan. He added that the team's philosophy behind this project is to regulate the impacts of buildings, not the uses.

#### **Questions**





## Planning Commission Minutes

Chair Verner asked if the applicants would be the one to develop the site. Mr. Weinstock responded that his team would do portions of the commercial developments, but that they would likely use individual builders for some of the smaller and residential projects. He emphasized his commitment to retaining the rental properties. Mr. Mehaffy stated that their proposed buildings would all be built to the same standard, even if they were built by different developers. Ms. Chin added that the team has specific design standards and is committed to developing a quality neighborhood.

Chair Verner inquired how the team would attract a core employer to the new development. Mr. Weinstock responded that his team had met with a wide variety of employers already, but that they are also garnering feedback from the community, including the Commission. Ms. Chin stated that the team is also looking for employers outside the City to bring their business in and inject capital into the community. She added that the community has significant outdoor recreational resources to help increase employment opportunities, such as the popularity of biking, skiing, and pickleball in the area.

Commissioner MacCracken Jain asked how already existing businesses in the area would be supported by the project. Ms. Chin responded those existing small businesses are aspirational for the team, and that they hope to support and complement those businesses with the new neighborhood.

Commissioner Perkinson asked what the greatest risks are to this project with regards to land use. Mr. Weinstock responded that a “no further action needed” notice from the DEQ is necessary before development begins, as well as flexible zoning to allow for the new development to be market-facing. Mr. Mehaffy explained that a market-facing development would be one that had readily available spaces for businesses to open. He added that the team is dedicated to seeing the neighborhood grow, and not to simply sell residential properties.

Commissioner Perkinson asked how the team’s commitment to fully realizing the development of the site would be enforced. Mr. Mehaffy responded that Townmakers, LLC will have a minimum commitment to the City, with some flexibility. This will ensure that the plans for development are not drastically changed after approval is granted. Ms. Chin added that the team could not simply build residential units and then leave without fulfilling its obligation to also develop the promised commercial and industrial buildings. Mr. Goldman commented that the development would be done in phases, and that each phase will have a minimum percentage of residential, commercial, and industrial buildings being developed before the next phase could begin.

Commissioner KenCairn stated that some annexations with comparable development plans had failed in the past, and that the City was forced to dissolve similar agreements with developers. She asked how the applicants would protect the City from a similar situation. Mr. Weinstock responded that his retention of ownership rights ensures his commitment to fully realizing the project. Mr. Mehaffy reiterated that the applicants will hold all buildings developed to the same high standard.







## Planning Commission Minutes

Commissioner Knauer requested clarification over the applicant's goal to "regulate the impacts, not the uses" of the site, stating that such a philosophy could open the development to unintended uses. He emphasized the need for a regulatory apparatus, particularly if this philosophy negatively impacts the downtown plaza. Mr. Mehaffy responded that form-based zoning has a similar impact, where commercial buildings adjacent to residential units are subject to setbacks and other mitigating requirements, rather than them being disallowed outright. Mr. Goldman commented that the City has hybrid zones that allow residential and commercial buildings adjacent to each other, but that the Croman Mill Site would be the largest area for this adaptive use. He added that the existing Croman Mill Site code will need to be amended for this development.

The Commission discussed the difficulty in arranging residential and commercial buildings in the same neighborhood, as well as the impact of noise from the railroad on the proposed dwelling units.

Commissioners MacCracken Jain and KenCairn lamented the lack of detailed plans for this project, and Mr. Mehaffy responded that a more detailed plan will be submitted with the formal application.

Commissioner MacCracken Jain requested further clarification regarding the applicants aim to "regulate the impact, not the use." Mr. Mehaffy related the dangers in over-regulating zoning, and that the needs of the neighborhood's residents should be the focus of the City. He explained that this is the practice of mitigating any potential impact a commercial building could have on an adjacent residential building, such as requiring setbacks. He stated that the City is already engaging in this practice, and that he hopes it can be applied to the Croman Mill Site. Commissioner KenCairn cautioned that too many restrictions on commercial buildings could dissuade businesses from operating there. Mr. Mehaffy responded that the City is a desirable place for residences and businesses, and that these types of conflicts are seen in any mixed-use areas. He emphasized the importance in not over-regulating, stating that private landlord/tenant agreements will be as vital as regulations from the public sector. Commissioner Knauer expressed appreciation for the project and that he is anticipating the formal application.

Mr. Mehaffy asked if there was support from the Commission for this project to employ a phased-development model that included a mix of residential, commercial, and industrial buildings in each phase. There was general support from the Commission. Mr. Goldman commented that greater allowances would also be granted to this project if the site was designated as a CFA.

### **B. Legislative Update**

#### **Presentation**

Planning Manager Derek Severson gave a brief update to the Commission on recent House and





## Planning Commission Minutes

Senate bills that have passed the Oregon Legislature. Mr. Severson limited this update to those bills that could affect the City, such as those relating to housing, wildfire resilience, climate, and transportation (see attachment #2).

### **Questions of Staff**

Councilor Hyatt thanked staff for the update, particularly with regards to HB 3151, stating that increasing rents are in danger of pricing residents out of the City. HB 3151 would provide protections and incentives for residents living in manufactured home parks, as well as designating manufactured dwellings as affordable housing.

The Commission asked clarifying questions about the various House and Senate bills. Commissioner Knauer inquired about the vulnerable communities referenced in SB 80. Mr. Severson responded that these likely refer to community members who are underserved. Commissioner Perkinson thanked staff for putting this information together.

### **V. OPEN DISCUSSION**

Mr. Goldman informed the Commission that staff had received a request to consider the remand issues for PA-T3-2022-00004, 1511 Highway 99 North. He stated that this item would be coming before the Commission on August 8, 2023.

### **VI. ADJOURNMENT**

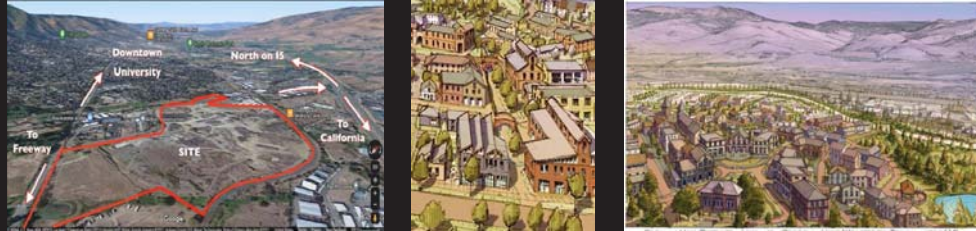
*Meeting adjourned at 8:47 p.m.*

*Submitted by,  
Michael Sullivan, Executive Assistant*



## Croman Mill Redevelopment Update

Ashland, Oregon



### Planning Commission Presentation

July 25, 2023

## Agenda

1. Update on site background and current status
2. Update on environmental (conducted by current owner)
3. Discuss project goals and opportunity for city-wide benefits
4. Discuss current master plan proposal
5. Discuss potential timeline and next steps

Development Proposal: Townmakers LLC, Developer  
Master Planning: Michael Mehaffy, Ph.D., Structura Naturalis Inc.  
Laurence Qamar, Architect, Qamar and Associates  
Engineering: Paul Crabtree, P.E., Crabtree Group  
Economics: Jerry Johnson, Johnson Economics  
Others (TBD)



### TOWARD A NEW MASTER PLAN FOR CROMAN MILL

*Background document on a development proposal for a key "opportunity site"*

#### Summary

Many Ashland citizens are eager to see the site of the former Croman Mill cleaned up and developed into a beneficial new district for the city. Townmakers LLC and its team also sees an opportunity for an innovative and successful new development on the site, and they intend to move forward on acquisition and redevelopment. However, if the site is to be more than simply another form of conventional development, careful strategy and collaboration will be needed.

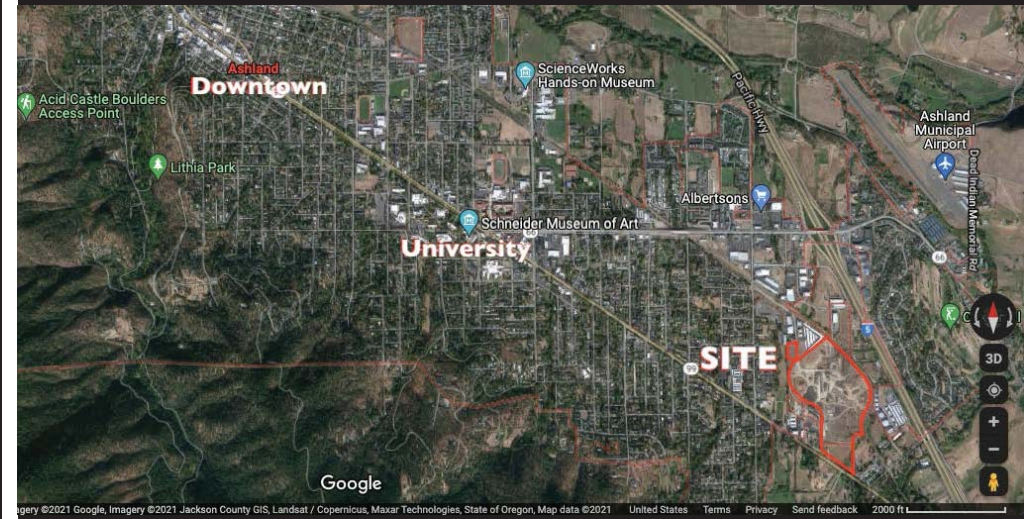
In a recent report on economic diversification of the City, the economics consulting firm ECONorthwest

## History of Croman Mill



- *Originally the site of a municipal airport*
- *The timber mill opened in 1934*
- *The mill closed in 1996*
- *Hoped-for new industrial uses have not materialized*
- *Many other changes – employment, housing, markets...*

### Ideal urban extension position

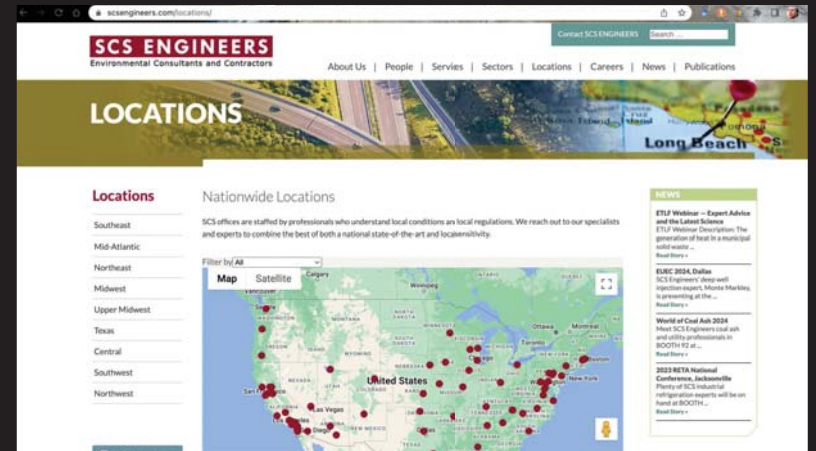


### The site today:

*61 acres with excellent access to downtown, the University, I-5, future trails, and existing infrastructure*

## Remediation – Now Under Way

*Current owners have hired prominent national firm SCS Engineers*



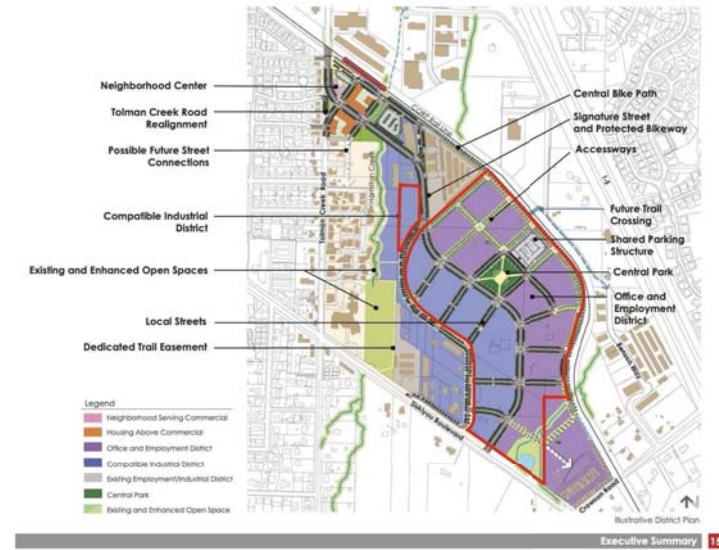


## Remediation – Now Under Way

- Former timber mills normally not major problems
- Current owners are performing the work
- Testing under way, Oregon DEQ is monitoring
- Some cleanup to be expected, also grading of the site



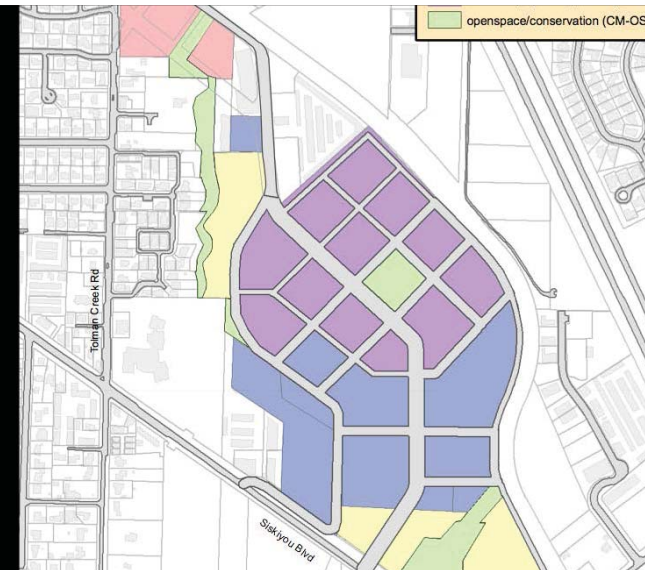
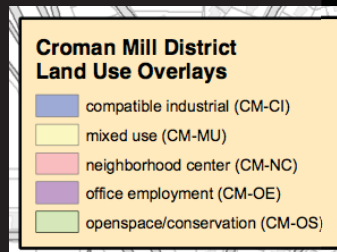
## Redevelopment Plan of 2008: Expected Large Industrial Users



## Redevelopment Planning

2008-2021

## 2010 Land Use Plan ("Compatible Industrial" + "Office Employment")



# AMC 18.3.2 CM District

## The post-COVID employment world has changed...

mckinsey.com/featured-insights/leadership/the-next-normal-arrives-trends-that-will-define-2021-and-be...

The COVID-19 pandemic has changed the world, and its effects will last. Here are some factors that business leaders should keep in mind as they prepare for the next normal.

Region	Percentage
US	3.2%
Oregon	7.4%
SOREDI	9.0%
Jackson County	10.0%

The world has changed a lot since 2010!

## Ashland 2022 Economic Diversification Strategy (ECONorthwest)

### Support Specialty Districts

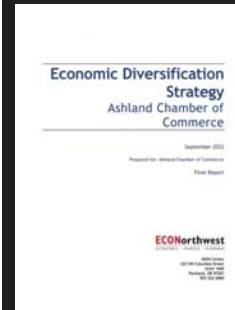
A balanced economy can also be reflected in a city's geography and having different areas with identities that each exert their own gravity. In addition to downtown, there are three districts that show strong potential to continue developing into distinct, mixed-use areas of the city: University District, Railroad District, and the Croman Mill District. Each brings its own potential to expand past residential and commercial into areas like research, flex industrial, entertainment or small manufacturing.

- University District** – Southern Oregon University has the potential to transform not only a few properties on its campus, but its role within the city. By developing some strategic locations into dense, mixed-use buildings that cater to students and young professionals, the organization can establish an anchor for both residential and commercial development.
- Railroad District** – Already a popular part of the city, with some strategic investments this area could act as a walkable, nearby counterbalance to the downtown and provide the opportunity to define a separate cluster of retail and nightlife activities.
- Croman Mill District** – Perhaps the property with the most potential to redefine its area, the former Croman Mill site can provide the type of residential and commercial development at scale to significantly expand the growth of the city. If the city would like to develop more housing for young families, this site provides an opportune landscape. The fact that the site remains undeveloped 15 years after the adoption of the Croman Mill Master Plan suggests that the master plan and implementing ordinances should be revisited.

## Ashland Economic Diversification Strategy (ECONorthwest)

3. **Croman Mill District** – Perhaps the property with the most potential to redefine its area, the former Croman Mill site can provide the type of residential and commercial development at scale to significantly expand the growth of the city. If the city would like to develop more housing for young families, this site provides an opportune landscape. The fact that the site remains undeveloped 15 years after the adoption of the Croman Mill Master Plan suggests that the master plan and implementing ordinances should be revisited.

## Ashland Economic Diversification Strategy (ECONorthwest)



### Establish Small Batch Ashland

Key ingredients to a thriving micro-batch community are: (1) A strong customer base that has disposable incomes and values authentic goods; (2) A city brand that signifies quality and craft; and (3) A culinary community that supports restaurateurs and food entrepreneurs. These are all elements that few cities outside of Ashland have in high concentration. To better support current (or future) small food and beverage manufacturers, the city can provide the tools for those entrepreneurs to easily scale production. By partnering with an operator of a co-working or makerspace, a small facility could be developed with the equipment (bottling, labeling, etc.) that is a common barrier to growth.



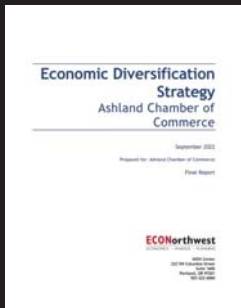
#### Potential Actions

- Research the growth process for these types of enterprises and the common challenges.

#### Potential Partners:

Small businesses, Rogue Valley Community College, SOU, Talent Maker City

## Ashland Economic Diversification Strategy (ECONorthwest)



Potential Actions	Potential Partners:
<ul style="list-style-type: none"> <li>• Explore branding concepts and public space improvements that build community support for any potential projects.</li> <li>• Develop public financing tools to invest in public infrastructure that can help unlock sites and achieve world class developments.</li> <li>• Work with the city to develop clear and consistent objectives that allow potential private or nonprofit partners to feel confident in the process.</li> </ul>	Private property owners, City of Ashland, SOU
	<b>How to Measure Success:</b>
	Projects initiated and completed
	<b>First Step:</b>
	Meet with SOU and focus on University District

## And - Ashland needs more housing, and more diverse housing... more affordable, more "missing middle", et al. This is now a jobs and economic development issue....

### City of Ashland 2021–2041 Housing Capacity Analysis

#### What are the key findings of the Housing Capacity Analysis?

The key findings of the Ashland's Housing Capacity Analysis are that:

- Ashland has sufficient land to accommodate its housing forecast between 2021 and 2041 and can accommodate growth (858 dwelling units) over the next 20-years with a surplus of capacity. Some development in the Suburban Residential, Normal Neighborhood, and Multifamily Residential Plan Designations will need to be accommodated in the City's urban growth boundary, outside the City Limits.
- Ashland is planning for the continued growth of single-family detached units, however, more opportunities for multifamily and single-family attached will need to occur to meet the City's needs. The factors driving the shift in types of housing needed in Ashland include changes in demographics and decreases in housing affordability. The aging of the baby boomers and the household formation of the millennials and Generation Z will drive demand for renter- and owner-occupied housing, such as single-family detached housing, townhouses, duplexes, tri- and quad-plexes, and apartments. Both groups may prefer housing in walkable neighborhoods, with access to services.
- Over the 2021 to 2041 period, Ashland will need to plan for more multifamily dwelling units in the future to meet the City's housing needs. Historically, 66% of Ashland's housing was single-family detached. While 35% of new housing in Ashland is forecast to be single-family detached, the City will need to provide opportunities for the

development of new single-family attached (10% of new housing); duplex, triplex, and quadplex housing (10% of new housing); and multifamily units (35% of new housing).

- Ashland has unmet needs for affordable housing. Ashland has unmet housing needs for households with extremely-low and very-low-income households, as well as households with low- and middle-income. The forecast shows 273 of Ashland's new households will have incomes of \$32,600 (in 2019 dollars) or less. These households can afford monthly housing costs of \$820, which is considerably below market rate rents starting around \$1,145 for a two-bedroom unit. About 127 of Ashland's new households will have incomes between \$32,600 and \$52,000 and can afford \$820 to \$1,300 in monthly housing costs.
- Ashland will need more diverse housing types to meet these housing needs and address demographic changes. These housing types include rental and ownership opportunities such as small single-family detached housing, accessory dwelling units, cottage housing, townhouses, duplexes, tri- and quad-plexes, and apartments. Without the diversification of housing types, lack of affordability will continue to be a problem, possibly growing in the future if incomes continue to grow at a slower rate than housing costs.

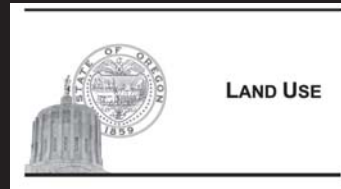
The memorandum Ashland Housing Strategy (Appendix A of this report) was developed to present recommendations for policy changes to address Ashland's unmet housing needs. Based on this Housing Capacity Analysis report and using the Ashland Housing Strategy for guidance, Ashland will need to develop a Housing Production Strategy within one year of adoption of



To be clear, core employment is still a major goal of the project.

Two requirements to satisfy for employment:

1. State land use law mandating a sufficient supply of “employment land”
2. City goals for employment diversity and family-wage jobs across the spectrum



Family-wage employment... not just in isolated districts, but increasingly in more competitive live-work-play neighborhoods



With home-based businesses as well as “third places”  
(Increasingly where meetings happen and deals are made)

Larger employers, smaller employers, home-based businesses, work-from-home: an “ecology” of businesses



In a neighborhood that’s attractive to employers,  
because it’s attractive to employees

Housing is increasingly linked to employment in many ways.

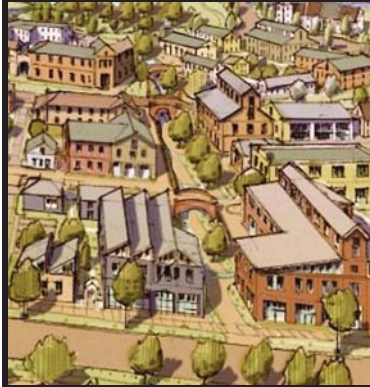
“Lack of workforce housing therefore lack of workforce”

- “What We Heard,” Ashland Economic Diversification Strategy (2023)

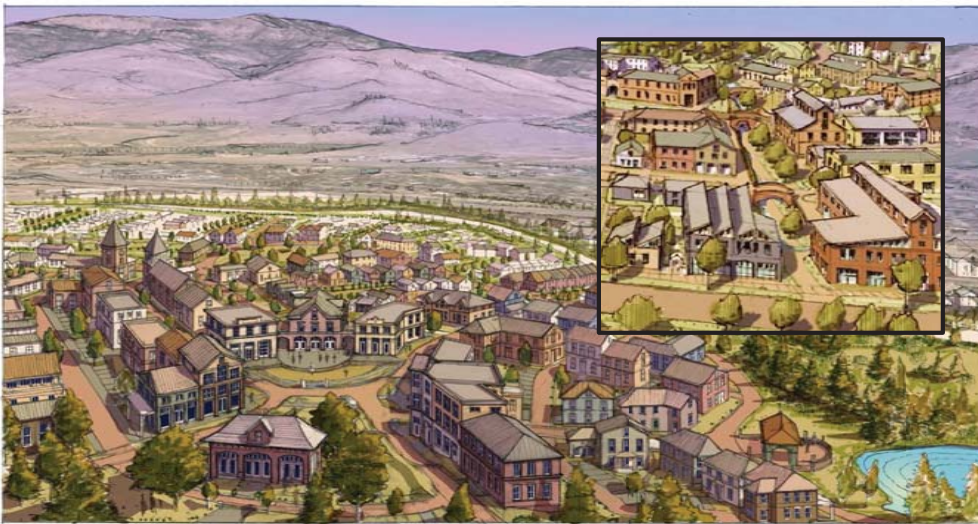


# Diverse Housing, Diverse Employment

Makers District & Light Industrial



Pocket Neighborhoods



CROMAN MILL DISTRICT - ASHLAND, OREGON - MIKE WEINSTOCK, TOWNMAKERS LLC.  
TOWN PLANNERS AND DESIGNERS: QAMAR & ASSOCIATES, AND STUCTURA NATURALIS - JANUARY 1, 2022

“Missing Middle” Housing, Live-Works, etc.





## “Missing Middle” Housing, Live-Works, etc.



## Development Team:

Many years of history in and emotional connection to Ashland as well as the Northwest region



Mike Weinstock  
Manager,  
Townmakers LLC

Ally Weinstock  
Administrator,  
Townmakers LLC



Carlene Chin  
Team Coordinator,  
Townmakers LLC

## The New Development Team (As of 2021)

## Planning Team:

Many years experience in planning and building popular, successful, live-work-play neighborhoods that respect the local character and quality



Michael Mehaffy, Ph.D.  
Urban Planner  
Structura Naturalis Inc.



Laurence Qamar, CNU-A  
Urban Designer  
Qamar & Associates Inc



Paul Crabtree, P.E.  
Civil Engineer  
Crabtree Group Inc.

## Planning Team:

Expertise in climate-friendly development, strategic issues and tools



Mehaffy doctoral dissertation on urban form and climate change, Delft University of Technology, 2015

## Previous Meetings

- *Planning Commission*
- *City Council*
- *City staff meetings*



## Other successful communities by the planning team

*Live, work, shop, create, learn, play...in a five-minute walk from home*



Orenco Station TOD



Seabrook WA



Nansledan, UK



Affordable Housing



Markets



Parks

## Public Outreach

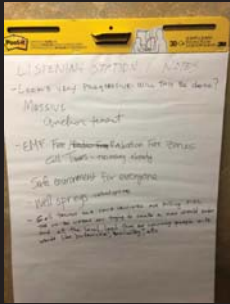
- *Project website*
- *Stakeholder meetings*
- *Community open house*
- *Media coverage*



## Community Open House Comments

83 comments in total

- Safety
- Traffic impacts
- Construction access
- More industrial



townmakers.net/

### Comments from the Croman January 12, 2022

LISTENING STATION 1: Walk, Bike, Recreate, Connect

- Looks very progressive - will this be done?
- Massive anchor tenant?
- EMF free and radiation free zone? Cell towers - too many already
- Safe environment for everyone
- Tap into natural springs

## Key Features:

1. Create a flexible, market-facing zoning that allows the highest possible achievement of public goals
2. Specify coherent, walkable public realm while allowing a mix of uses
3. Regulate the impacts, not the uses
4. Deliver an agreed minimum of employment lands with each phase
5. Deliver an agreed minimum of tenant-ready employment spaces in each phase

## The New Plan

APPLICANT DRAFT REVISION  
xxx 2023

### Chapter 18.3.2 CROMAN MILL DISTRICT

#### Sections:

- 18.3.2.010 Purpose.
- 18.3.2.020 Applicability.
- 18.3.2.030 General Requirements.
- 18.3.2.040 Allowed Uses.
- 18.3.2.050 Dimensional Standards.
- 18.3.2.060 Site Development and Design Standards.
- 18.3.2.070 Open Space Zone.

#### 18.3.2.010 Purpose

The purpose of this section is to establish a special district for the orderly development of the Croman Mill site, implement the Croman Mill Site Redevelopment Plan. The district is designed to provide an environment suitable for employment, recreation, and living. The CM district is a blueprint for promoting family-wage jobs, professional office and manufacturing commerce, neighborhood-oriented businesses, mixed-use projects, and community services in a manner that enhances property values by providing transportation options and preserving significant open spaces while minimizing the impact on natural resources through site and building design. The Croman Mill District Standards were adopted by the City Council on August 17, 2010 (Ordinance No. [R031](#)), and amended on December 16, 2011 (Ordinance No. [R053](#)).

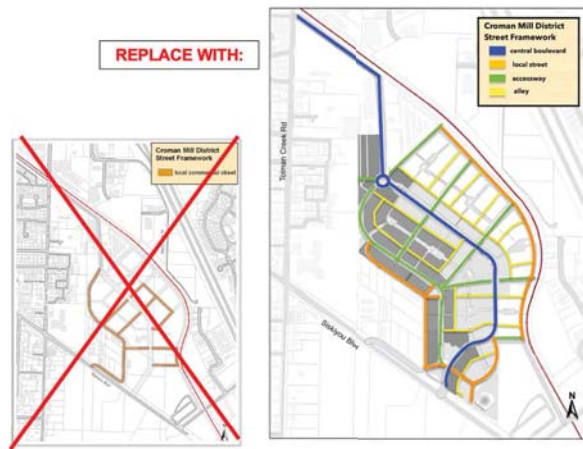


Figure 18.3.2.060.A.4.a. Street Framework

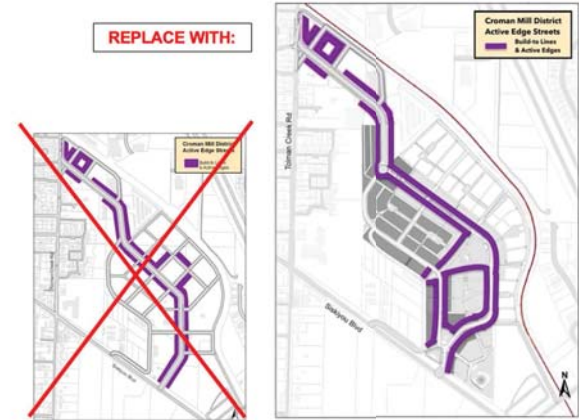


Figure 18.3.2.060.B.2. Active Edge Streets

a. Buildings shall be set back not more than ten feet from a public sidewalk unless additional setback area is used for pedestrian entries, such as alcoves, or for pedestrian activities such as

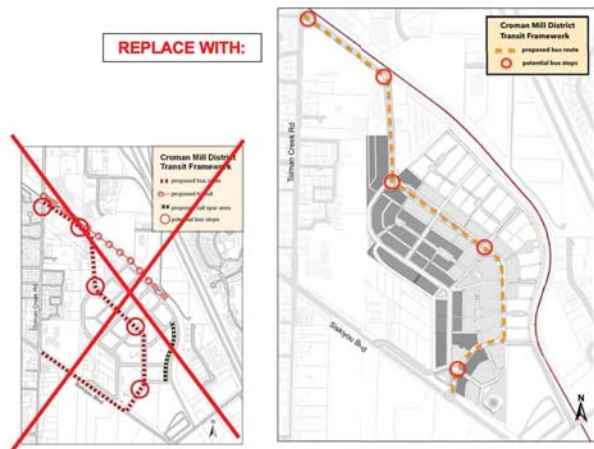


Figure 18.3.2.060.B.12. Transit Framework

a. All large scale development located on an existing or planned transit route shall accommodate a transit stop and other associated transit facilities unless the Community Development Director determines that adequate transit facilities already exist to serve the needs of the development or



Figure 18.3.2.060.A.6.a. Multi-Use Paths



2010:



2023:



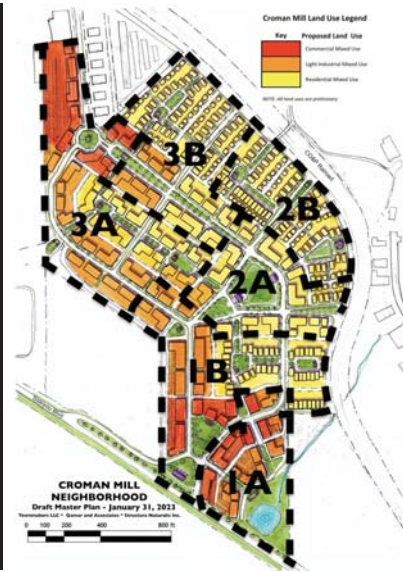
Croman Mill Neighborhood, Ashland, Oregon Qamar and Associates Inc. - Urban Design  
Town Makers LLC., Developers Structura Naturals Inc. - Planning

0 100 200 400ft.

2010:



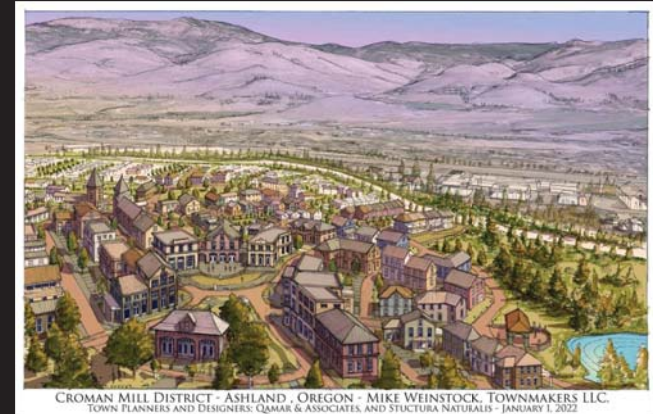
2023:





## Current Status

1. Development of proposed binding site plan, amended district standards, zoning code, annexation... in progress
2. Traffic Impact Analysis – firm is ready to proceed
3. Economic analysis – report just completed (Johnson Economics); State / DLCDC legal requirements and City goals
4. Infrastructure finance – proposal in development for public improvements – paths, trails, major streets, parks (MuniCap)



*Thank You!*

## Economics Team:

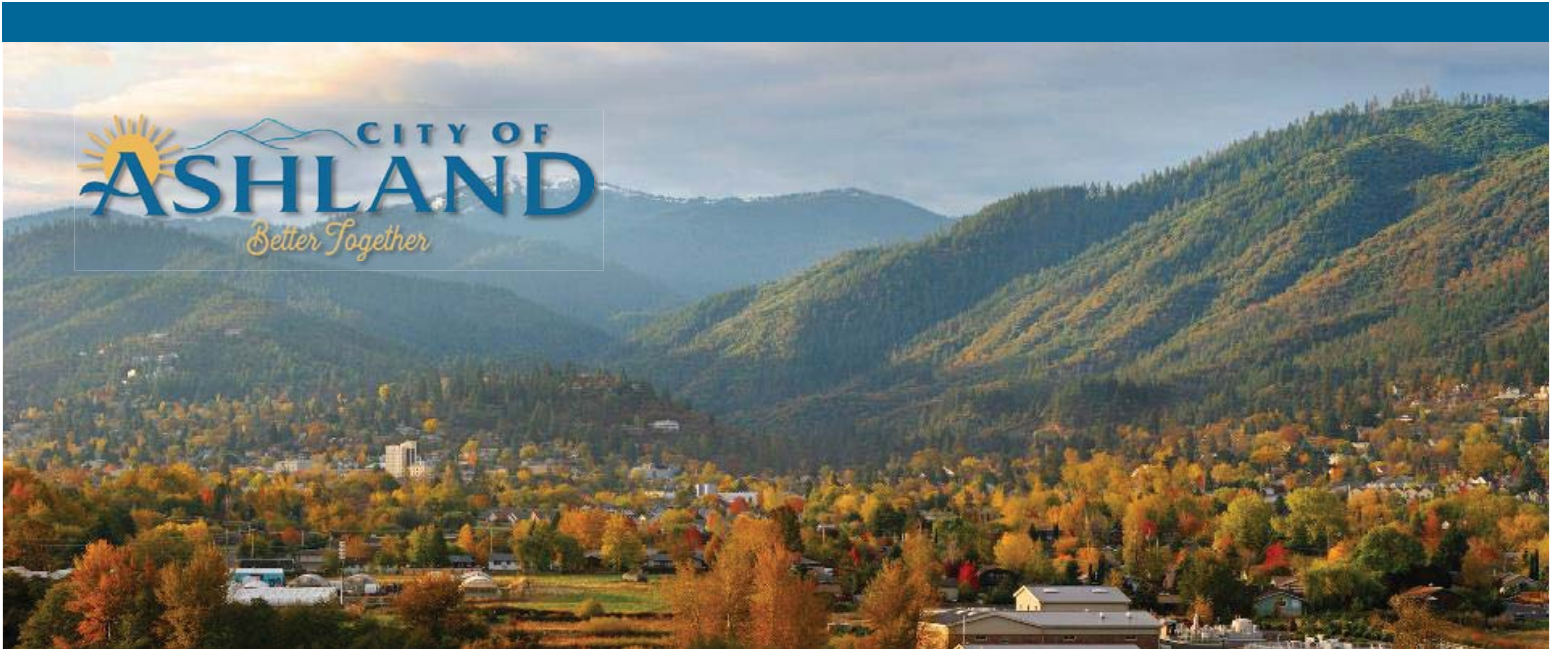
- Discussion of State Law issues, City economic goals
- Discussion of public-private models to unlock wider benefits for the full district and the city as a whole



Jerry Johnson  
Principal, Johnson Economics



Thad Wilson  
Senior Vice President, MuniCap



# 2023 Legislative Update

Planning Commission  
July 25, 2023

Planning Commission

## 2023 Legislative Update

Housing

Natural & Working  
Lands  
Food Systems  
Rural Climate  
Solutions

Transportation

Climate

Wildfire





## HOUSING

### HB 2001 “Housing for All”

Establishes Oregon Housing Needs Analysis (OHNA) framework. Includes tools, investments & strategies to support building housing for all.  
[Ashland has completed our HNA; will update in eight years.]

### HB 2984 “Reuse Commercial Buildings for Workforce Housing”

Convert existing commercial & employment to housing. Cities cannot require zone change, CUP or more parking, and the bill limits SDC’s for conversions.  
[Settles local discussion of ground floor commercial allowances.]

### HB 3151 “Manufactured Dwellings & Parks”

Provides protections & incentives to tenants, adds manufactured dwellings to affordable housing definition, and gives state loan authority to include new parks.  
[Ashland will be bringing forth a new Manufactured Housing Park zoning ordinance in the near future.]



## HOUSING

### HB 3309 “Housing Accessibility”

Oregon Housing & Community Services to assess number of accessible units funded & estimate unmet accessibility needs.  
Report to Legislature.

### HB 3395 “Housing Package”

Affordable housing on commercial lands. Shelters inside UGBs.  
SROs on single family-zoned lands. Local housing grants. [Single room occupancy (SRO) allowance is for 4+ units sharing a common kitchen; Ashland has already allowed – 880 Park Street quads.]

## NATURAL & WORKING LANDS, FOOD SYSTEMS & CLIMATE SOLUTIONS

### **HB 3409** "Climate Resilience Package"

Uses a \$90 million initial state investment in natural climate solutions, resilience and energy efficiency to leverage approximately \$1 billion in federal money.

### **SB 506** "Omnibus Funding Bill"

Includes OSU Extension Service, Oregon Community Food Systems Network, Oregon Farm to School grant program.



## TRANSPORTATION

### **HB 3014** "Alternative Transportation Options for Schools"

Greater flexibility to schools in funding multimodal, active transportation options for kids to get to school.





## CLIMATE

### **HB 3630** “State Energy Strategy”

Package of bills requiring ODOE to develop a comprehensive strategy to optimally achieve state energy policy goals, including renewables.

### **SB 5506** “CFEC Omnibus Funding”

Continues state fundings for assistance to cities in continuing to implement CFEC rules. *[Staff have been in conversations with DLCD and believe this will enable another round of land use and transportation consultant services funded and managed by DLCD to assist staff in adopting new rules and maps for Climate Friendly Areas as required in the CFEC rules.]*



## WILDFIRE RESILIENCE & PREPAREDNESS

### **SB 80** “State Hazard Mapping”

Reclassifies state wildfire map as a hazard map rather than a risk map. Focuses state efforts in high hazard areas and areas with vulnerable populations. Establishes three funds to aid in hazard reduction.

### **SB 5506** “Land Use & Wildfire Omnibus Funding”

Funds Oregon Conservation Corps defensible space work. Funds wildfire mitigation.



# Planning Commission Minutes

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note the public testimony may be limited by the Chair.

**August 8, 2023**  
**REGULAR MEETING**  
**DRAFT Minutes**

## **I. CALL TO ORDER:**

Chair Verner called the meeting to order at 7:00 p.m. at the Civic Center Council Chambers, 1175 E. Main Street.

### **Commissioners Present:**

Lisa Verner  
Doug Knauer  
Eric Herron  
Russell Phillips  
Susan MacCracken Jain

### **Staff Present:**

Brandon Goldman, Community Development Director  
Derek Severson, Planning Manager  
Michael Sullivan, Executive Assistant

### **Absent Members:**

Kerry KenCairn  
Gregory Perkinson

### **Council Liaison:**

Paula Hyatt

## **II. ANNOUNCEMENTS**

Community Development Director Brandon Goldman made the following announcement:

- The annual Planning Commission annual retreat will be held on August 29, 2023, and the August 22, 2023 Study Session will be cancelled.

## **III. CONSENT AGENDA**

### **1. Approval of Minutes**

- a. June 27, 2023, Study Session
- b. July 11, 2023, Regular Meeting

**Commissioners Knauer/MacCracken Jain m/s to approve the consent agenda as presented.**  
**Voice Vote: All AYES. Motion passed 5-0.**

## **IV. PUBLIC FORUM**

Chair Verner noted that the Commission had received a letter from Brent Thompson prior to the meeting (see attachment #1).







## Planning Commission Minutes

**Echo Fields**/Ms. Fields introduced herself as the Housing and Human Services Advisory Committee (HHSAC). She stated that there is significant overlap between items reviewed by the HHSAC and those reviewed by the Commission, and that she looks forward to working with them in the future.

**Brent Thompson**/Mr. Thompson implored the Commission to consider new projects and the rezoning of existing districts before approving annexations, and that the Croman Mill Site could be rezoned as a trailer park. Mr. Thompson stated that the periphery doesn't sustain the City as much as the core. He cautioned that large annexation projects are likely to get appealed to the Land Use Board of Appeals (LUBA), but that smaller projects and rezonings might not be appealed.

### V. **TYPE III PUBLIC HEARING**

#### A. **PLANNING ACTION:** PA-T3-2022-00004

**SUBJECT PROPERTY:** 1511 Highway 99 North

**OWNER:** Casita Developments, LLC for owner Linda Zare

**DESCRIPTION:** The City Council previously approved the Annexation of 16.86 acres located at 1511 Highway 99 North into the City of Ashland, along with 6.6 acres of adjacent Oregon Department of Transportation state highway right-of-way and 7.68 acres of California Oregon & Pacific railroad property. These properties are located in Jackson County and zoned Rural Residential (RR-5); with Annexation they are to be brought into the City as Low Density, Multi-Family Residential (R-2). In addition to Annexation, the approved application included Outline Plan subdivision approval to create 12 lots; Site Design Review to construct 230 apartments in ten buildings including 37 affordable units; an Exception to the Street Design Standards; and Tree Removal Permits to remove two trees greater than six-inches in diameter at breast height. *This approval was appealed to the Land Use Board of Appeals (LUBA) and has been remanded to the city to consider two issues: 1) That the city erred in approving an exception to the on-street parking requirement in AMC 18.3.9.060; and 2) That the affordable unit sizes as approved do not comply with AMC 18.5.8.050.G.3 which requires that affordable studios be a minimum of 350 square feet and that affordable one-bedroom units be a minimum of 500 square feet. This Planning Commission hearing will be strictly limited in scope to the consideration of these two issues on remand.* **COMPREHENSIVE PLAN DESIGNATION:** Multi-Family Residential; **ZONING:** Existing – County RR-5 Rural Residential, Proposed – City R-2 Low Density Multi-Family Residential; **ASSESSOR'S MAP:** 38 1E 32; **TAX LOT #'s:** 1700 & 1702.

Chair Verner related how this project was approved by the City Council on December 6, 2022, but was subsequently appealed to LUBA by Rogue Advocates. LUBA remanded it to the City on the two counts noted above, which will be the only items considered by the Commission at this limited Public







## Planning Commission Minutes

Hearing. Chair Verner noted that public testimony was submitted by Rogue Advocates prior to the meeting (see attachment #2).

Chair Verner stated that a letter was received from lawyers on behalf of the owners of Knox Storage, LLC, the property adjacent to 1511 Highway 99 North. She noted that the issue raised in the letter is a civil matter and will not be considered by the Commission (see attachment #3).

Chair Verner stated that Commissioners Russell and MacCracken Jain were not present when this item was reviewed by the Commission on September 13 and October 11, 2022 meetings. She stated that they could both participate in the discussions and deliberations if they could attest to having reviewed the minutes from the aforementioned meetings, and read the Findings, Conclusions and Orders adopted at the November 8, 2022 meeting. Both Commissioners Russell and MacCracken Jain attested that they had.

### **Ex Parte Contact**

No ex parte contact was reported, and no site visits were conducted since this item was remanded back to the City.

### **Staff Presentation**

Mr. Goldman reiterated that this item was remanded back to the City on two main issues; that the City erred in approving and Exception to the on-street parking requirements in Ashland Municipal Code (AMC) 18.3.9.060; and that the affordable unit sizes as approved did not comply with AMC 18.5.8.050.G.3. Mr. Goldman noted that these unit sizes do not apply to market-rate housing units but are applied to affordable-housing units. The Commission's comments and recommendations will be incorporated into written findings which would be recommended by this body to the Council. He stated that the annexation portion of the application was adopted by ordinance by the Council, and any changes to the findings that reference the annexation would result in changes to the ordinance.

Planning Manager Derek Severson provided a brief background on the project, showing the proposed site layout, parking lot ingress/egress points, and the easement to the north of the property (see attachment #4). He restated that the affordable unit sizes, as approved, don't apply to the table laid out in AMC 18.5.8.050.G.3, which requires studios be at least 350sqft if affordable, and that one-bedroom affordable units be no less than 500sqft.

Mr. Severson noted that no Exception or Variance was requested to the on-street parking standards in the application, but that the Commission determined that these standards did apply based on the street improvements proposed, therefore an Exception to the street standards would be appropriate. Subsequently, the Climate Friendly and Equitable Communities (CFEC) rules were approved in July 2022 by the Land Conservation and Development Commission (LCDC) and went into effect on January 1, 2023. Part of these new CFEC rules prevent cities from enforcing existing off-street parking





## Planning Commission Minutes

mandates within ½-mile of frequent transit, and that cities may not require parking for units less than 750sqft or affordable units. Staff recommended that the Commission evaluate the application based on the new CFEC rules. Mr. Severson noted that the City had dealt with similar situations where ordinances that have been adopted but not taken effect have been applied to planning actions being reviewed at the time. He cited Ordinance 3015 and its application to the Grand Terrace decision in 2019.

Mr. Severson stated that, in consultation with City Attorney Doug McGeary, Rogue Advocates' application of ORS 227.178(3)(a) to the project is erroneous, and that the rule is meant to protect applicants from being held to more stringent guidelines that were not in effect when the application was submitted. Mr. McGeary asserted that it is not used to prevent the City from applying a rule that is less strict, where the applicant accepts that rule, and doesn't require resubmitting the same request to get a different result under the new rule.

Mr. Severson related how the original application designated each of the ten identical proposed buildings as containing 20 one-bedroom units at 499.5sqft each, and three studio-units at 250 sqft each. Two of those buildings would be relied on to meet affordability requirements, which called for 38 deed-restricted units, assuming the applicant was building the units themselves or partnering with an affordable housing provider. Mr. Severson noted that AMC 18.5.8.050.G.3 requires the affordable one-bedroom units be a minimum of 500sqft, and that the affordable studios be a minimum of 350sqft. Mr. Severson pointed out that the original application was approved with the following added conditions relating to affordability:

**Condition #7e.** [That prior to final approval and annexation of the property, the applicant shall provide:] A deed restriction agreement that development of the property shall comply with the affordability requirements for annexations in AMC 18.5.8.050.G including that where the required number of affordable units is fractional it shall be rounded up, and that should the applicant opt to dedicate land area to an affordable housing provider, it will require that the dedication comply with the requirements of AMC 18.5.8.050.G.2 and dedicate sufficient land area to accommodate 47 ownership units affordable at 100 percent AMI.

**Condition #10g.** If the applicant opts to dedicate land area to a non-profit affordable housing developer, dedication shall occur in a manner consistent with AMC 18.5.8.050.G.2 and recording of deed restrictions guaranteed affordability described herein shall occur in conjunction with plat signature and recording.

Mr. Severson stated that LUBA remanded the City's approval on the basis that the affordable unit seizes did not comply with AMC 18.5.8.050.G.3. The applicants had subsequently submitted a revised floor plan increasing the size of the one-bedroom units to meet the 500sqft minimum standard. Additionally, the applicant noted that affordable basement level studios would be modified to 499.5





## Planning Commission Minutes

square feet to significantly exceed the required 350 square feet per affordable studio unit requirement. As such, staff recommended modifying Condition #7e to the following:

**Condition #7e.** [That prior to final approval and annexation of the property, the applicant shall provide:] A deed restriction agreement that development of the property shall comply with the affordability requirements for annexations in AMC 18.5.8.050.G including that: **1)** where the required number of affordable units is fractional it shall be rounded up, **2) and** that should the applicant opt to dedicate land area to an affordable housing provider, it will require that the dedication comply with the requirements of AMC 18.5.8.050.G.2 and dedicate sufficient land area to accommodate 47 ownership units affordable at 100 percent AMI, **and 3) that each of the required affordable units comply with the minimum affordable units size requirements of AMC 18.5.8.050.G.3, with one bedroom affordable units being a minimum of 500 square feet, and affordable studio units being a minimum of 350 square feet.**

If approved by the Commission, Mr. Severson stated that staff will draft findings that address both remand issues and bring them back to the Commission at the September 12, 2023, Regular Meeting.

Mr. Severson noted that the letter from Rogue Advocates raised concerns over unit density with density bonuses, particularly after adjusting the unit sizes to meet the standards found in AMC 18.5.8.050.G.3. Mr. Severson stated that no density bonuses were included in the original application. He added that the increase of 38 affordable to 500sqft would increase the density of the property to 182 units, where the minimum density is 167.0625 units.

### **Questions of Staff**

Commissioner Knauer asked if there would not be any 250sqft units in the revised proposal. Mr. Goldman responded that there would not be. He added that the increase of the 250sqft units to 499.5sqft resulted in a 182-unit density for the whole project.

Commissioner Knauer remarked that the remand issue over parking was seemingly due to the approval timeline of the application in relation to the recent implementation of CFEC rules. Mr. Goldman responded that neither the applicant nor the appellant addressed the CFEC rules during LUBA's deliberations, and so it was not considered. He indicated that LUBA did not feel that the City made an adequate argument for why the CFEC rules should be applied to this project, but that this would not be the case if the project is appealed again.

Commissioner MacCracken Jain requested clarification regarding the number of affordable housing units the applicant is required to provide. Mr. Goldman responded that the applicant is required to provide 38 affordable units, rented at 80% Area Median Income (AMI), if they partner with an affordable housing provider. However, if the applicant dedicates the land, then they are required to





## Planning Commission Minutes

provide an additional 25% of the base density as affordable housing, which would result in 47 affordable units. He added that LUBA ruled in favor of the City on this issue.

### **Applicant Presentation**

Applicants Robert Kendrick and Amy Gunter stated that staff had adequately presented their submitted materials and that they would reserve the remainder of their time for rebuttal.

### **Public Comments**

**Craig Anderson**/Mr. Anderson began by noting an error he made on page three, paragraph two of the letter he submitted to the Commission. He stated that he erred in referring to a Type I planning action as a non-discretionary approval.

Mr. Anderson lamented that there had been no attempts by the applicants to meet with Rogue Advocates and expressed the opinion that there had been multiple breaches of conduct throughout the application process. Mr. Anderson stated that LUBA acts as a judiciary body, and can only rule on the evidence that is provided to them. He remarked that this project was finalized on December 20, 2022, and that it was incorrect to refer to it as “in-process” or to apply CFEC rules that went into effect on January 1, 2023. Mr. Anderson stated that Rogue Advocates would appeal any approval of this project by the Council to LUBA.

Chair Verner closed the Public Hearing and Public Record at 7:41.

### **Deliberation and Decision**

Commissioner Knauer inquired if it is standard practice to have a preliminary outline plan that is approved before the final plan is reviewed. Mr. Goldman responded that it is, and that the final plan is an opportunity for the applicant to revise their plans, provided these changes do not deviate more than 10% from the outline plan. Commissioner Knauer asked how a 10% deviation would be measured. Mr. Goldman responded that it is relative to the plan itself but could involve items such as parking spaces and unit sizes, to be determined by the Commission. Mr. Severson added that any deviation of more than 10% would require the application to go back through the approval process.

Commissioner Knauer asked if staff was confident that the application did not need to restart the review process. Mr. Goldman assured him that staff was confident, and that the Commission can amend the findings on remand to clarify those issues that were previously approved, particularly regarding the affordable unit sizes and the parking requirements. Mr. Goldman pointed out that the discretionary review process of the final plan would be taking place after the CFEC rules went into effect. Therefore, the applicant would no longer be held to the City’s parking requirements. In consultation with the City’s legal department, it was determined that the application could move forward without going through the outline plan process.





## Planning Commission Minutes

Commissioner Knauer remarked that the Commission made its recommendation for approval in December 2022, before the CFEC guidelines went into effect. He noted that Rogue Advocates cited an Oregon code where it is dictated that a project be subject to laws in effect at the time of approval, not those made after. Mr. Goldman stated that there is precedent for the City to apply less-stringent standards after an application has been approved, and that staff will clarify this in its findings. Commissioner Knauer emphasized the importance of basing any decision the Commission makes in established case law, to which Mr. Goldman agreed.

Chair Verner pointed out that the City approved the outline plan, and that the applicants would still be required to submit a final plan for approval. Mr. Goldman stated that the aspects of the application that were approved were the site review, annexation, and the outline plan. The site review and annexation will not be reviewed during the final plan process, but the outline plan that encompasses parking requirements will be subject to further review.

Commissioner MacCracken Jain requested clarification regarding the City Attorney's assessment of the CFEC rules overriding the City's current parking requirements. Mr. Goldman responded that the City Attorney considered the CFEC rules as superseding the City's parking requirements. Commissioner MacCracken Jain asked how many parking spaces would be included in the project. Staff responded that there will be 212 parking spaces for the 230 units, but that public transit facilities will also be provided.

### **Commissioners MacCracken Jain/Herron m/s to approve the application with the following amendments:**

1. To insert a paragraph in the Planning Commission's findings as follows:  
The Planning Commission recommends that the City Council find that the Climate Friendly & Equitable Communities parking rules are appropriate for this planning action, that neither on- or off-site street parking are required in this case, and that the findings for the original approval should be amended accordingly.
2. To amend Condition #7e of the original approval as follows:  
Condition 7e. A deed restriction agreement that development of the property shall comply with the affordability requirements for annexations in AMC 18.5.8.050.G including that: 1) where the required number of affordable units is fractional it shall be rounded up, 2) that should the applicant opt to dedicate land area to an affordable housing provider, it will require that the dedication comply with the requirements of AMC 18.5.8.050.G.2 and dedicate sufficient land area to accommodate 47 ownership units affordable at 100 percent AMI, and 3) that each of the required affordable units comply with the minimum affordable unit size requirements of





## Planning Commission Minutes

AMC 18.5.8.050.G.3, with one bedroom affordable units being a minimum of 500 square feet and affordable studio units being a minimum of 350 square feet.

**Roll Call Vote: All AYES. Motion passed 5-0.**

### VI. OTHER BUSINESS

#### A. Croman Mill Site Sampling Results & Next Steps

##### Staff Presentation

Mr. Goldman informed the Commission that the owners of the Croman Mill Site have engaged in a voluntary cleanup effort in consultation with SCS Engineering and under the regulatory authority of the Department of Environmental Quality (DEQ). Mr. Goldman stated that the DEQ is committed to engaging the community throughout this process, and that representatives already spoke before the Council on July 31, 2023. Mr. Goldman noted that several contaminants have been identified on the site, and the DEQ has already received an interim removal plan from SCS Engineering. Townmakers, LLC is requiring that the owners clean the site to residential standards as a pre-condition for this project. SCS Engineering's report noted different levels of safety for environmental cleanup for the intended use, with residential being the highest level of environmental quality. Some areas could be considered for non-residential uses if they could not be cleaned to residential levels. Mr. Goldman concluded that Townmakers, LLC is committed to and eager to proceed with the development.

##### Questions of Staff

Chair Verner asked how long the cleanup effort could take. Mr. Goldman responded that the most optimistic estimate is a matter of months but will likely be years. Some removal of contaminated materials is set to begin in sometime between September and November of 2023.

Commissioner Phillips asked if the cleanup will be done in phases. Mr. Goldman answered that the southern portion of the property, outside the City limits, has no contaminants, so development could begin there if applicant wished. However, Townmakers, LLC has indicated that it would like to receive a "no further action required" notice from the DEQ for the entire site before beginning any development.

#### B. Discussion of August 29, 2023 Planning Commission Retreat Details

The Commission discussed which items they would like to review as part of their annual retreat. Commissioner Knauer suggested discussing opportunities for regional cooperation, such as the sharing of general services.





## Planning Commission Minutes

Mr. Goldman informed the Commission that staff had arranged for site visits to the Water Treatment Plant, as well as the Reeder Reservoir dam. Mr. Severson stated that the remaining site visits will include the West Village subdivision and cottages, the Railroad property, the Beach Creek subdivision, the former Croman Mill Site, Kingston Cannabis at 2366 Ashland Street, and the new Tesla charging station at 580 Clover Lane.

The Commission deliberated and decided to move the date of the retreat from August 29 to August 30, 2023.

### **VII. ADJOURNMENT**

*Meeting adjourned at 8:20 p.m.*

*Submitted by,  
Michael Sullivan, Executive Assistant*



Brent Thompson  
P.O. Box 201  
Ashland, OR 97520

July 25, 2023

Ashland City Council  
20 East Main Street  
Ashland  
OR 97520

RE: Siskiyou Boulevard Needs a Plaque Explaining Why It Exists.

To the City Council

Besides Lithia Park, Siskiyou Boulevard is the most distinguishing feature of Ashland. Few cities have grand boulevards such as Siskiyou Blvd. Its history should be commemorated. Lithia Park has a sign near its entrance explaining how it came to be, but there is no monument nor plaque explaining why we have Siskiyou Boulevard. We do have the "public art" sculpture some call The Bicycle Wreck, which was approved by a former misguided City Council. But the "Bicycle Wreck" is a monument to nothing.

Let's add a plaque below the Bicycle Wreck" which commemorates the origins of Siskiyou Boulevard. It could read something like the following gleaned from: (1) Images of America -Ashland; Joe Peterson c 2009 p. 25: (2) Legendary Locals of Ashland; Sam Wheeler c 2015 p 20: (3) Ashland --The first 130 Years; Marjorie Lutz O'Harra c 1981 p 36.

Henry and Harriet Carter arrived in Ashland in 1884 and became involved in banking and orchards. They planted hundreds of acres of orchards south of the downtown, and on September 16, 1888 gave the City of Ashland a 60' wide swath of land later expanded to 100 ' through the middle of their orchards with the idea that some day it would become a grand boulevard. Initially their donated right of way led nowhere because most traffic going east and south used East Main Street. Later as the city grew their donated roadway became Siskiyou Blvd.

Other knowledgeable people about Ashland history who might help are George Kramer, Peter Finkle, Jeff LeLand sp?, and Terry Skibby. They would be good composers of a plaque if the above attempt might not suffice. But let's have something commemorating the origins of our most noteworthy street before another 130 years passes.

Thank you.

Brent Thompson  
541 944-6954

cc. Historic Commission, Planning Commission, Parks Commission



Advocating for a livable and sustainable  
Rogue Valley through responsible land use

August 8, 2023

Ashland Planning Commission

Filed via email: [derek.severson@ashland.or.us](mailto:derek.severson@ashland.or.us)

**RE:** Land Use Board of Appeals (LUBA) Remand of PA-T3-2022-00004, 1511 Highway 99  
North “Grand Terrace” Annexation Approval

Dear Ashland Planning Commission,

Rogue Advocates is a land use advocacy organization with members in Ashland. We are supportive of Ashland’s goal of increasing the availability of affordable housing. We are also supportive of Ashland’s longstanding efforts to accomplish their housing goals while emphasizing reduced dependency on the automobile and while improving conditions for walking, cycling and transit. The achievement of these goals requires an adherence to Ashland’s municipal code. Unfortunately, with respect to the Grand Terrace annexation, this has not been the case.

Rogue Advocates, as the petitioner in the appeal of Ashland’s approval of Grand Terrace, submits the below comments for your consideration during these remand proceedings.

**I. First Assignment of Error, Second Subassignment - AMC 18.3.9.060.A**

Under petitioner’s assignment of error here, LUBA found that:

*The city does not dispute that the city council erred in approving an exception to the requirement for on-street parking in AMC 18.3.9.060(A). Instead, in the respondent's*

**BOARD MEMBERS**

Jamie Talarico Jimmy MacLeod Steve Rouse Hugo Hamblin-Agosto Pepper Trail Robin Elliott  
RogueAdvocates.org \* 541-846-1083 \* PO Box 624 Ashland, OR 97520

*brief the city argues that "under Oregon's Equitable Communities and Climate Friendly Act of 2023, as of January 1, 2023, cities within Oregon's [eight] Metropolitan Planning Organizations (MPOs), including the City of Ashland, can no longer require more than one parking space per multi-family unit."*

LUBA goes on to conclude that:

*Because the challenged decision was made in December 2022, we agree with petitioner the legislation does not apply to Casita's application. The city may or may not be correct that the legislation prevents it from requiring more than one parking space per multi-family unit and that, on remand, it will be unable to apply the requirement for on-street parking in AMC 18.3.9.060(A). However, the city does not develop that argument sufficiently for our review in the respondent's brief. We will therefore not conclude that the issue of whether the city council improperly construed AMC 18.3.9.060(A) is moot.*

On remand, the city must show how the Climate-Friendly and Equitable Communities (CFEC) legislation prevents it from requiring more than one parking space per multi-family unit as per AMC 18.3.9.060.A.

In the August 8, 2023 memo to the Planning Commission, staff notes that OAR 660-012-0012(5) (e) requires cities and counties to “implement the requirements of OAR 660-012-0430 and 660-012-0440 when reviewing development applications submitted after December 31, 2022.” Staff goes on to describe the final plan review process under the city’s Performance Standards Option claiming that (the Grand Terrace approval) “remains in process now more than eight months after these new CFEC rules have taken effect.” Staff further claims that “prior to the physical development of the site, another development application for final plan approval will be required at which time the applicant will not be subject to (AMC 18.3.9.060.A) parking requirements” and that “the Planning Commission and Council have the discretion to assess the current request based on the new CFEC rules.”

Staff is incorrect in multiple respects. Firstly, the Grand Terrace annexation is not “in process,” as staff claims. Final approval of the application occurred on December 20, 2022. The application was submitted on July 8, 2022, more than five months prior to that date. The CFEC rules are applicable to applications submitted after December 31, 2022, not applications that have been approved before that date. Further, Oregon law requires that “*approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.*” [ORS 227.178(3)(a)] The plain language of OAR 660-012-0012(5)(e) renders the CFEC rules inapplicable to the city’s (unlawful) approval.

Secondly, AMC 18.3.9.060.A is not rendered “moot” through the final plan approval process, which is a “Type I”/non-discretionary approval that serves only to verify “substantial conformance with the outline plan.” [AMC 18.3.9.040.B.5] There is nothing within the final plan approval criteria that requires a reevaluation of outline plan criteria under AMC 18.3.9.060, and if there were, such a reevaluation could not be done through a “Type I” process.

In conclusion, the city’s approval of an exception to the parking standards under AMC 18.3.9.060.A was unlawful, as the city has already acknowledged. Further, the city has failed to show how AMC 18.3.9.060.A is rendered “moot” by legislation that went into effect after the city’s approval.

## **II. Fourth Assignment of Error, Second Subassignment - AMC 18.5.8.050.G.3**

Under petitioner’s assignment of error here, LUBA found that:

*The city does not identify a provision of the AMC, or a condition of approval, that requires Casita to demonstrate compliance with AMC 18.5.8.050(G)(3) at the final plan approval stage, and we are aware of none.*



On remand, the city must identify a provision of the AMC, or a condition of approval, that requires Casita to demonstrate compliance with AMC 18.5.8.050.G.3 at the final plan approval stage.

The city does not directly address LUBA's remand. Rather, in the August 8, 2023 memo to the Planning Commission, staff describes a proposed amendment to the approved annexation application that would presumably satisfy the requirements under AMC 18.5.8.050.G.3. Applicant's proposed amendments to increase dwelling unit sizes represent a substantial modification of the city's approval, particularly given the density bonuses that have been awarded under AMC 18.2.5.080.B.2.

As outlined in the city's ordinance findings of approval, only 185.625 dwelling units would be allowed under the applicant's modified proposal, not 230. This fact does not seem to have been considered by either the applicant or staff. Other impacts associated with increasing the size of the dwelling units, along with approval criteria that may be invoked through such a modification, have also not been evaluated by staff.

With regard to the proposed amendments as outlined by staff, these do not respond to LUBA's remand of this assignment of error, which is specific to determining how, given the city's approval, Casita would be required to demonstrate compliance with AMC 18.5.8.050.G.3 at the final plan approval stage. The city has no authority under this remand proceeding to approve a substantial modification to a prior approval in an effort to paper-over an illegal decision.

LUBA's rules [OAR 661-010-0071] require reversal of a decision that violates a provision of applicable law. The city's proposed method of complying with AMC 18.5.8.050.G.3, as outlined in the August 8, 2023 memo to the Planning Commission, amounts to an admission - the second such admission - that the Grand Terrace annexation approval violated a provision of applicable law.

### III. Conclusion

The Grand Terrace annexation application was subject to approval criteria within AMC 18.3.9.060.A and AMC 18.5.8.050.G.3. Through their approval of the application, the city of Ashland made erroneous and illegal findings claiming that the application complied with these provisions when it clearly did not. Given the above facts, and the city's inability to absolve themselves from the assignments of error subject to LUBA's remand here, there are two options available to the applicant: 1) Withdrawal and resubmittal; or 2) Reversal at LUBA.

Respectfully submitted,



Craig Anderson  
Member, Rogue Advocates

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July 26, 2023

**FIRST CLASS MAIL**

Doug McGeary  
City Attorney, City of Ashland  
20 East Main Street  
Ashland, OR 97520

**RE: GRAND TERRACE DEVELOPMENT**

Dear Doug:

Enclosed please find a copy of my office's letter to Linda Zare pertaining to the annexation of her property located at 1511 Highway 99 in Ashland. In short, plans for the Grand Terrace development on Ms. Zare's property appear to rely on an easement through property owned by Knox Storage LLC, an Oregon limited liability company, to provide one of two required points of access.

As articulated in the enclosed letter, Knox Storage takes the position that the dramatic increase in traffic along such easement which will result from the Grand Terrace development will impermissibly overburden the easement and interfere with the use and enjoyment of Knox Storage's use of its property. To the extent it may factor into the City's future approval of Grand Terrace development plans, Knox Storage intends to take any and all legal action necessary to prevent the overburdening of the above-referenced easement and protect its property interest.

Please feel free to contact me if discussion of this matter is necessary.

Very Truly Yours,

JARVIS, GLATTE, LARSEN & BUNICK, LLP

s/ Riley J. MacGraw  
RILEY J. MACGRAW

RJM

Enclosed: Letter to Zare

JARVIS,  
GLATTE,  
LARSEN &  
BUNICK, LLP

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July 26, 2023

**FIRST CLASS MAIL**

Linda Zare  
1511 Highway 99  
Ashland, Oregon 97520

**RE: GRAND TERRACE DEVELOPMENT**

Dear Ms. Zare:

This office represents Knox Storage LLC, an Oregon limited liability company, and owner of the real property located at 1515 Highway 99, Ashland, Oregon ("Knox Storage Property"). As you are aware, the annexation of your property located at 1511 Highway 99, Ashland, Oregon ("Zare Property") into the City of Ashland, and to facilitate the Grand Terrace housing development, is likely in its final stages of approval.

According to the Grand Terrace development plans, the development will be accessed from Highway 99 at two separate points, one of which is over the existing 30-foot-wide easement for ingress and egress through the Knox Storage Property and depicted on Survey No. 12814 (the "Easement"). Robert Kendrick, on behalf of Casita Developments LLC, previously provided verbal assurances that the Easement would be used only for emergency ingress and egress from the Grand Terrace development, but the development plans clearly contemplate using the Easement as one of two main access point.

Although Knox Storage does not dispute your right to the above-referenced Easement, it firmly believes that the drastic increase in traffic along the Easement that will result from the Grand Terrace development would overburden the Knox Storage Property. The increase in vehicle trips per day resulting from the Grand Terrace development is estimated to be approximately 1,800. Assuming those trips are split evenly between the two contemplated points of access to Grand Terrace, that would result in an approximately 900% increase in traffic along the Easement.

The Zare Property has historically been used for agricultural purposes and is currently zoned as RR-5. When the Easement was granted, the grantor did not, and could not have, reasonably envisioned the prospect of a 200+ apartment complex on the Zare Property and the associated increase in traffic along the Easement. Indeed, the December 9, 2019, letter from grantor Leo van Dijk confirms as much. This letter and the previous use and zoning of the Zare Property would be highly relevant in determining the scope of the easement and whether a 900% increase in traffic would overburden it. Although there is no expressly restrictive language in the grant of Easement document, the dominant estate can only make such use of the Easement as is reasonably necessary for its intended purpose. *See, e.g., Clark v. Kuhn*, 171 Or. App. 29, 33 (2000). The



Linda Zare  
July 26, 2023  
Page 2

intended purpose of the Easement is for ingress and egress to a single residence. And while there is little doubt some increase in traffic would be within the scope of the Easement, the drastic increase in traffic that would result from the Grand Terrace development would overburden the Easement to extent it would interfere with the use and enjoyment of the servient estate.

Notwithstanding the above, Knox Storage's desire is to avoid litigation (abiding by Mr. Kendrick's verbal assurances that the Easement would be used only for emergency access would be acceptable and preferable to Knox Storage) but given the enormous increase in traffic along the Easement that will result from the Grand Terrace development, and the significant disruption it would have on Knox Storage's business located on the Knox Storage Property, and on the veterinary practice and grooming business adjacent to the Knox Storage Property, Knox Storage intends to take any and all legal action necessary to protect its interests and prevent the Grand Terrace development from overburdening the Easement.

Please feel free to contact me, or have your legal counsel contact me, to discuss this matter further.

Very Truly Yours,

JARVIS, GLATTE, LARSEN & BUNICK, LLP

*s/ Riley J. MacGraw*  
RILEY J. MACGRAW

RJM

Copy to: Client (via email); Casita Developments LLC; City of Ashland



# Grand Terrace Remand

Planning Commission  
*Limited* Public Hearing  
August 8, 2023

Planning Commission

## Grand Terrace Annexation (1511 Hwy 99N)

*Annexation, Outline Plan Subdivision, Site Design Review & Exceptions to Street Standards*

### Remanded on Two Issues

*On-Street Parking Exception & Affordable Unit Size Requirements*

PA-T3-2019-00001  
Annexation

*Approved 12/20*

LUBA Appeal 2021-009

*Reversed 5/21*

PA-T3-2002-00004

*Approved 12/22.*

LUBA Appeal 2023-007

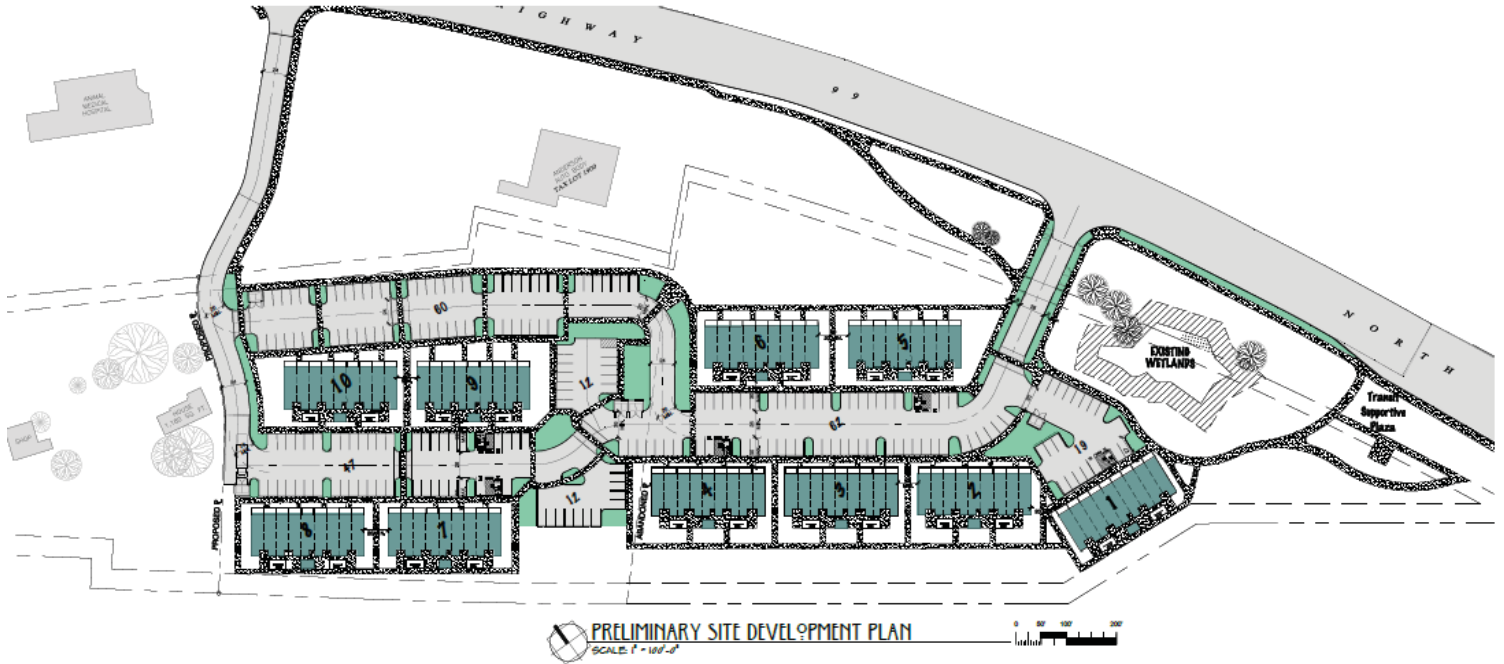
*Remanded 5/23*



# 1511 Highway 99N

## Site Design Review

CITY OF  
ASHLAND



# 1511 Highway 99N

## Site Design Review – Front/Rear Elevations

CITY OF  
ASHLAND





# 1511 Highway 99N

## Site Design Review – Front/Rear Elevations



**SOUTHWEST EXTERIOR ELEVATION**

SCALE: 1/8" = 1'-0"



NOTE: SEE A2.0 FOR EXTERIOR FINISHES AND FINISH KEY



**NORTHEAST EXTERIOR ELEVATION**

SCALE: 1/8" = 1'-0"



NOTE: SEE A2.0 FOR EXTERIOR FINISHES AND FINISH KEY

HVAC COMPRESSOR BANKS CONCEALED BEHIND LANDSCAPING

# 1511 Highway 99N

## Site Design Review – Side Elevations



**NORTHWEST EXTERIOR ELEVATION**

SCALE: 1/8" = 1'-0"



NOTE: SEE A2.0 FOR EXTERIOR FINISHES AND FINISH KEY

SURFACE MOUNTED ELECTRICAL METERS AND CABLE BOXES



**SOUTHEAST EXTERIOR ELEVATION**

SCALE: 1/8" = 1'-0"



SURFACE MOUNTED ELECTRICAL METERS AND CABLE BOXES

NOTE: SEE A2.0 FOR EXTERIOR FINISHES AND FINISH KEY



# 1511 Highway 99N

## Site Review – Transit Supportive Plaza

CITY OF  
ASHLAND



Bus pull-out lane, Bus Stop & Transit Supportive Plaza

# 1511 Highway 99N

## Site Design Review – Southern Driveway

CITY OF  
ASHLAND





## LUBA REMAND ISSUES

The city erred in approving an Exception to the on-street parking requirements in AMC 18.3.9.060

- ❑ Performance Standards require one on-street space/unit.
- ❑ Approval granted an Exception to this standard, where a Variance was required.

That the affordable unit sizes as approved do not comply with AMC 18.5.8.050.G.3

- ❑ Affordable studio-units are to be at least 350 square feet (*Studios proposed were 250 square feet.*)
- ❑ Affordable one-bedroom units are to be at least 500 square feet. (*One-bedrooms proposed were 499.5 square feet..*)

### REMAND ISSUE #1

## On-Street Parking Exception

*AMC 18.3.9.060 All development under this chapter shall conform to the following parking standards, which are in addition to the requirements of chapter 18.4.3, Parking, Access, and Circulation.*

- A. On-Street Parking Required. At least one on-street parking space per dwelling unit shall be provided, in addition to the off-street parking requirements for all developments in an R-1 zone, with the exception of cottage housing developments, and for all developments in R-2 and R-3 zones that create or improve public streets.*
- B. On-Street Parking Standards. On-street parking spaces shall be immediately adjacent to the public right-of-way on publicly or association-owned land and be directly accessible from public right-of-way streets. On-street parking spaces shall be located within 200 feet of the dwelling that it is intended to serve. In addition, on-street public parking may be provided pursuant to minimum criteria established under subsection 18.4.3.060.A.*



## On-Street Parking Exception

- No Variance or Exception to the on-street requirement was requested as part of the application.
- Planning Commission determined that AMC 18.3.9.060 was applicable, that an Exception to the Street Design Standards was the appropriate procedure if on-street parking could not be provided, and that such an Exception was merited.
- New Climate-Friendly and Equitable Communities (CFEC) rules were adopted in July of 2022 by the Land Conservation and Development Commission (LCDC) in response to Executive Order #20-04 by Governor Kate Brown.
- These CFEC rules delineate how cities may regulate a variety of land use and transportation issues, including a number of changes to the ways cities may regulate parking, going forward.

Among the new CFEC rules:



## On-Street Parking Exception

- After January 1, 2023, the Climate-Friendly & Equitable Communities rules prevent cities from enforcing existing *off-street* parking mandates within ½-mile of frequent transit.
- Cities may not require more than one parking space (on- or off-street) for multi-family residential units.
- **Cities may not require parking for units less than 750 square feet or for affordable units.**
- Cities are to implement the new CFEC parking rules for development applications submitted after December 31, 2022.
- Cities may modify ordinances or implement directly from the new rules. Pending ordinance modifications, Ashland is implementing directly from the new rules.



#### REMAND ISSUE #1

## On-Street Parking Exception

- Grand Terrace application submitted July 8, 2022 but remains in process now, 13 months after submittal and eight months after new rules are in place.
- LUBA remand for further review now, before City decision is final, is occurring after the new regulations were implemented.
- Final Plan approval, another development application, will be required before site development occurs.
- In staff's view, the Planning Commission and Council have the discretion to assess the current request based on the new CFEC rules, which remove parking requirements since all proposed residential units are smaller than 750 square feet.
- Staff recommends evaluating the current request under the new CFEC rules without requiring parking.



#### REMAND ISSUE #2

## Affordable Unit Size Requirements

- Original application identified each of the 10 identical buildings proposed as containing 20 one-bedroom units of 499.5 square feet each, and three studio units of 250 square feet each.
- Two of these ten buildings were to be relied on in meeting the affordability requirements, which were a total of 38 deed restricted affordable units assuming that the applicant either builds the units themselves or does so in cooperation with a non-profit affordable housing provider partner.
- **AMC 18.5.8.050.G.3** requires that the minimum square footage for affordable one-bedroom units be 500 square feet, and that the minimum square footage for affordable studios be 350 square feet.





REMAND ISSUE #2

## Affordable Unit Size Requirements

- The adopted conditions relating to affordability are:

**Condition #7e.** *[That prior to final approval and annexation of the property, the applicant shall provide:]* A deed restriction agreement that development of the property shall comply with the affordability requirements for annexations in AMC 18.5.8.050.G including that where the required number of affordable units is fractional it shall be rounded up, and that should the applicant opt to dedicate land area to an affordable housing provider, it will require that the dedication comply with the requirements of AMC 18.5.8.050.G.2 and dedicate sufficient land area to accommodate 47 ownership units affordable at 100 percent AMI.

**Condition #10g.** If the applicant opts to dedicate land area to a non-profit affordable housing developer, dedication shall occur in a manner consistent with AMC 18.5.8.050.G.2 and recording of deed restrictions guaranteed affordability described herein shall occur in conjunction with plat signature and recording.



REMAND ISSUE #2

## Affordable Unit Size Requirements

The City's approval was remanded by LUBA on the basis **"That the affordable unit sizes as approved do not comply with AMC 18.5.8.050.G.3 which requires that affordable studios be a minimum of 350 square feet and that affordable one-bedroom units be a minimum of 500 square feet."** In response to this issue, the applicant has provided a revised floor plan demonstrating how the one-bedroom units could be modified by reducing their recessed entry depth by 3-inches in order to achieve the required 500 square feet per affordable one-bedroom unit.

- AS PROPOSED:**  $12.5 \times 42 = 525$  square feet less **25.98** square feet for recessed entry = 499.02 square feet.
- AS MODIFIED:**  $12.5 \times 42 = 525$  square feet less **24.8975** feet for recessed entry = 500.1025 square feet.

In addition, the applicant notes that affordable basement level studios would be modified to be 499.5 square feet to significantly exceed the required 350 square feet per affordable studio unit requirement.



## REMAND ISSUE #2

# Affordable Unit Size Requirements

- Staff note that the affordability requirement for this project calls for 38 affordable units to be provided. Each building proposed has 20 one-bedroom units and 3 studios (i.e. 23 units).
- Assuming that two buildings will be developed by an affordable housing provider partner or the applicant themselves, the 38 required affordable units could be accommodated entirely with one-bedroom units, leaving one one-bedroom unit and three studios in each of the two buildings to be rented at market rate or provided as voluntarily affordable (i.e. not deed-restricted and not subject to the square footage requirements of AMC 18.5.8.050.G.3.).
- Staff believe that the second remand issue can be fully addressed by increasing the size of the one-bedroom units by a *de minimis* amount to comply with AMC 18.5.8.050.G.3 and making clear that as configured in the original proposal the studio units need not be considered among the required affordable units. If this approach is satisfactory to the Planning Commission and City Council, staff would recommend that Condition #7e be slightly modified as follows:



## REMAND ISSUE #2

# Affordable Unit Size Requirements

**Modified Condition #7e.** [That prior to final approval and annexation of the property, the applicant shall provide:] A deed restriction agreement that development of the property shall comply with the affordability requirements for annexations in AMC 18.5.8.050.G including that: **1)** where the required number of affordable units is fractional it shall be rounded up, **2) and** that should the applicant opt to dedicate land area to an affordable housing provider, it will require that the dedication comply with the requirements of AMC 18.5.8.050.G.2 and dedicate sufficient land area to accommodate 47 ownership units affordable at 100 percent AMI, **and 3) that each of the required affordable units comply with the minimum affordable units size requirements of AMC 18.5.8.050.G.3, with one bedroom affordable units being a minimum of 500 square feet, and affordable studio units being a minimum of 350 square feet.**

If the Planning Commission accepts the approaches outlined above for both of the remand issues, staff will draft findings and bring them back to the September meeting for adoption.



# Density

- No density bonuses were granted with the original proposal. The base density of the subject property is **185.625 units** (13.75 buildable acres x 13.5 units/acre). The minimum density of the subject property is **167.0625 units** (0.90 x 185.625).
- As initially proposed, all units were less than 500 square feet, and units of less than 500 square feet count as 0.75 units for density calculations (AMC 18.2.5.080.B.2). The density as proposed was **172.5 units** (230 x 0.75 units).
- Increasing the size of 38 affordable units from 499.5 to 500 square feet to comply with the minimum affordable unit size would increase the density to **182 units** ([192 x 0.75 units] + [38 x 1.0 units]). This is within the base density of the property without bonuses and exceeds the minimum density required for annexation.



QUESTIONS?



# **FINDINGS**

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**PA-T3-2022-00004**  
**1511 Highway 99 North**



**BEFORE THE PLANNING COMMISSION**  
**September 12, 2023**

IN THE MATTER OF PLANNING ACTION #PA-T3-2022-00004, A )  
REMAND OF THE ANNEXATION OF 16.86 ACRES LOCATED AT 1511 )  
HIGHWAY 99 NORTH INTO THE CITY OF ASHLAND, ALONG WITH )  
6.6 ACRES OF ADJACENT OREGON DEPARTMENT OF )  
TRANSPORTATION (ODOT) STATE HIGHWAY RIGHT-OF-WAY AND )  
7.68 ACRES OF CALIFORNIA, OREGON & PACIFIC (CORP) RAILROAD )  
PROPERTY. THE PROPERTIES ARE CURRENTLY LOCATED IN )  
JACKSON COUNTY AND ARE ZONED RURAL RESIDENTIAL (RR-5); )  
WITH ANNEXATION THESE PROPERTIES WOULD BE BROUGHT )  
INTO THE CITY AS LOW-DENSITY, MULTI-FAMILY RESIDENTIAL (R- )  
2). CONCURRENT WITH ANNEXATION, THE APPLICANT ALSO )  
REQUESTS OUTLINE PLAN SUBDIVISION APPROVAL TO CREATE 12 )  
LOTS; SITE DESIGN REVIEW APPROVAL TO CONSTRUCT 230 )  
APARTMENTS IN TEN BUILDINGS INCLUDING AT LEAST 38 )  
AFFORDABLE UNITS; EXCEPTIONS TO THE STREET DESIGN )  
STANDARDS; AND TREE REMOVAL PERMITS TO REMOVE TWO )  
TREES GREATER THAN SIX-INCHES IN DIAMETER-AT-BREAST- )  
HEIGHT (DBH).

**FINDINGS,  
CONCLUSIONS &  
ORDERS**

**OWNER:** LINDA ZARE/CASITA DEVELOPMENTS, LLC  
**APPLICANT:** CASITA DEVELOPMENTS, LLC

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**RECITALS:**

- 1) Tax lots #1700 and #1702 of Map 38 1E 32 are located at 1511 Highway 99 North, are presently outside the city limits within the city’s urban growth boundary, and are currently zoned RR-5, Jackson County Rural Residential.
  
- 2) The applicant requested the Annexation of 16.86 acres located at 1511 Highway 99 North into the City of Ashland, along with 6.6 acres of adjacent Oregon Department of Transportation state highway right-of-way and 7.68 acres of California Oregon & Pacific railroad property. The property is currently located in Jackson County and zoned Rural Residential (RR-5); with Annexation these properties would be brought into the City as Low Density, Multi-Family Residential (R-2). Concurrent with Annexation, the application also requests Outline Plan subdivision approval to create 12 lots; Site Design Review to construct 230 apartments in ten buildings including at least 38 affordable units; an Exceptions to the Street Design Standards; and Tree Removal Permits to remove two trees greater than six-inches in diameter at breast height. The proposal is outlined in plans on file at the Department of Community Development.

3) The approval criteria for Annexation are described in AMC 18.5.8.050 as follows:

*An application for an annexation may be approved if the proposal meets the applicable criteria in subsections A through H below. The approval authority may, in approving the application, impose conditions of approval consistent with the applicable criteria and standards, and grant exceptions and variances to the criteria and standards in this section in accordance with subsection 18.5.8.050.I.*

- A. The annexed area is within the City's Urban Growth Boundary.*
- B. The annexation proposal is consistent with the Comprehensive Plan plan designations applicable to the annexed area, including any applicable adopted neighborhood, master, or area plan, and is an allowed use within the proposed zoning.*
- C. The annexed area is contiguous with the city limits.*
- D. Adequate City facilities for the provision of water to the annexed area as determined by the Public Works Department; the transport of sewage from the annexed area to an approved waste water treatment facility as determined by the Public Works Department; the provision of electricity to the annexed area as determined by the Electric Department; urban storm drainage as determined by the Public Works Department can and will be provided from the annexed area. Unless the City has declared a moratorium based upon a shortage of water, sewer, or electricity, it is recognized that adequate capacity exists system-wide for these facilities. All required public facility improvements shall be constructed and installed in accordance with 18.4.6.030.A.*
- E. Adequate transportation can and will be provided to serve the annexed area. For the purposes of this section "adequate transportation" for annexations consists of vehicular, bicycle, pedestrian, and transit transportation meeting the following standards.*
  - 1. For vehicular transportation a minimum 22-foot wide paved access exists, or can and will be constructed, providing access to the annexed area from the nearest fully improved collector or arterial street. All streets bordering on the annexed area shall be improved, at a minimum, to an applicable City half-street standard. The approval authority may, after assessing the impact of the development, require the full improvement of streets bordering on the annexed area. All streets located within annexed areas shall be fully improved to City standards unless exception criteria apply. Where future street dedications are indicated on the Street Dedication Map or required by the City, provisions shall be made for the dedication and improvement of these streets and included with the application for annexation.*
  - 2. For bicycle transportation safe and accessible bicycle facilities according to the safety analysis and standards of the governing jurisdiction of the facility or street (e.g., City of Ashland, Jackson County, Oregon Department of Transportation)*

*exist, or can and will be constructed. Should the annexed area border an arterial street, bike lanes shall be constructed along the arterial street frontage of the annexed area. Likely bicycle destinations within a quarter of a mile from the annexed area shall be determined and the approval authority may require the construction of bicycle lanes or multi-use paths connecting the annexed area to the likely bicycle destinations after assessing the impact of the development proposed concurrently with the annexation.*

- 3. For pedestrian transportation safe and accessible pedestrian facilities according to the safety analysis and standards of the governing jurisdiction of the facility or street (e.g., City of Ashland, Jackson County, Oregon Department of Transportation). exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side of all streets bordering on the proposed annexed area. Sidewalks shall be provided as required by ordinance on all streets within the annexed area. Where the annexed area is within a quarter of a mile of an existing sidewalk system or a location with demonstrated significant pedestrian activity, the approval authority may require sidewalks, walkways or multi-use paths to be constructed and connect to either or both the existing system and locations with significant pedestrian activity.*
- 4. For transit transportation, should transit service be available to the annexed area, or be likely to be extended to the annexed area in the future based on information from the local public transit provider, the approval authority may require construction of transit facilities, such as bus shelters and bus turn-out lanes.*
- 5. Timing of Transportation Improvements. All required transportation improvements shall be constructed and installed in accordance with 18.4.6.030.A.*

**F.** *For all residential annexations, a plan shall be provided demonstrating that the development of the annexed area will ultimately occur at a minimum density of 90 percent of the base density for the zone, unless reductions in the total number of units are necessary to accommodate significant natural features, topography, access limitations, or similar physical constraints. The owner or owners of the annexed area shall sign an agreement, to be recorded with the county clerk after approval of the annexation, ensuring that future development will occur in accord with the minimum density indicated in the development plan. For purposes of computing maximum density, portions of the annexed area containing unbuildable lots, parcels, or portions of the annexed area such as existing streets and associated rights-of-way, railroad facilities and property, wetlands, floodplain corridor lands, slopes greater than 35 percent, or land area dedicated as a public park, shall not be included.*

**G.** *Except as provided in 18.5.8.050.G.7, below, annexations with a density or potential density of four residential units or greater and involving residential zoned lands, or*

*commercial, employment or industrial lands with a Residential Overlay (R-Overlay) shall meet the following requirements.*

1. *The total number of affordable units provided to qualifying buyers, or to qualifying renters, shall be equal to or exceed 25 percent of the base density as calculated using the unit equivalency values set forth herein. The base density of the annexed area for the purpose of calculating the total number of affordable units in this section shall exclude any unbuildable lots, parcels, or portions of the annexed area such as existing streets and associated rights-of-way, railroad facilities and property, wetlands, floodplain corridor lands, water resource areas, slopes greater than 35 percent, or land area dedicated as a public park.*
  - a. *Ownership units restricted to households earning at or below 120 percent the area median income shall have an equivalency value of 0.75 unit.*
  - b. *Ownership units restricted to households earning at or below 100 percent the area median income shall have an equivalency value of 1.0 unit.*
  - c. *Ownership or rental units restricted to households earning at or below 80 percent the area median income shall have an equivalency value of 1.25 unit.*
2. *As alternative to providing affordable units per section 18.5.8.050.G.1, above, the applicant may provide title to a sufficient amount of buildable land for development complying with subsection 18.5.8.050.G.1.b, above, through transfer to a non-profit (IRC 501(3)(c) affordable housing developer or public corporation created under ORS 456.055 to 456.235.*
  - a. *The land to be transferred shall be located within the project meeting the standards set forth in sections 18.5.8.050.G.5 and 18.5.8.050.G.6.*
  - b. *All needed public facilities shall be extended to the area or areas proposed for transfer.*
  - c. *Prior to commencement of the project, title to the land shall be transferred to the City, an affordable housing developer which must either be a unit of government, a non-profit 501(C)(3) organization, or public corporation created under ORS 456.055 to 456.235.*
  - d. *The land to be transferred shall be deed restricted to comply with Ashland's affordable housing program requirements.*
  - e. *Transfer of title of buildable land in accordance with this subsection shall exempt the project from the development schedule requirements set forth in 18.5.8.050.G.4.*

3. *The affordable units shall be comparable in bedroom mix with the market rate units in the development.*
  - a. *The number of bedrooms per dwelling unit in the affordable units within the residential development shall be in equal proportion to the number of bedrooms per dwelling unit in the market-rate units within the residential development. This provision is not intended to require the same floor area in affordable units as compared to market-rate units. The minimum square footage of each affordable unit shall comply with the minimum required floor area based as set forth in Table 18.5.8.050.G.3, or as established by the U.S. Department of Housing and Urban Development (HUD) for dwelling units developed under the HOME program.*

<b>Table 18.5.8.050.G.3 – Minimum Required Floor Area for</b>	
<b>Unit Type</b>	<b>Minimum Required Unit Floor Area</b>
	<b>(Square Feet)</b>
<i>Studio</i>	<i>350</i>
<i>1 Bedroom</i>	<i>500</i>
<i>2 Bedroom</i>	<i>800</i>
<i>3 Bedroom</i>	<i>1,000</i>
<i>4 Bedroom</i>	<i>1,250</i>

4. *A development schedule shall be provided that demonstrates that that the affordable housing units per subsection 18.5.8.050.G shall be developed, and made available for occupancy, as follows.*
  - a. *That 50 percent of the affordable units shall have been issued building permits prior to issuance of a certificate of occupancy for the last of the first 50 percent of the market rate units.*
  - b. *Prior to issuance of a building permit for the final ten percent of the market rate units, the final 50 percent of the affordable units shall have been issued certificates of occupancy.*
5. *That affordable housing units shall be constructed using comparable building materials and include equivalent amenities as the market rate units.*
  - a. *The exterior appearance of the affordable units in any residential development shall be visually compatible with the market-rate units in the*



*development. External building materials and finishes shall be substantially the same in type and quality for affordable units as for market-rate units*

*b. Affordable units may differ from market-rate units with regard to floor area, interior finishes and materials, and housing type provided that the affordable housing units are provided with comparable features to the market rate units, and shall have generally comparable improvements related to energy efficiency, including plumbing, insulation, windows, appliances, and heating and cooling systems.*

*6. Exceptions to the requirements of 18.5.8.050, subsections G.2 – G.5, above, may be approved by the City Council upon consideration of one or more of the following.*

*a. That an alternative land dedication as proposed would accomplish additional benefits for the City, consistent with the purposes of this chapter, then would development meeting the on-site dedication requirement of subsection 18.5.8.050.G.2.*

*b. That the alternative phasing proposal not meeting subsection 18.5.8.050.G.4 provided by the applicant provides adequate assurance that the affordable housing units will be provided in a timely fashion.*

*c. That the materials and amenities applied to the affordable units within the development, that are not equivalent to the market rate units per subsection 18.5.8.050.G.5, are necessary due to local, State, or Federal Affordable Housing standards or financing limitations.*

*7. The total number of affordable units described in this section 18.5.8.050.G shall be determined by rounding up fractional answers to the nearest whole unit. A deed restriction or similar legal instrument shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years for units qualified as affordable rental housing, or 30 years for units qualified as affordable for-purchase housing.*

**H.** *One or more of the following standards are met.*

*1. The annexation proposal shall meet the requirements of subsection 18.5.8.080.B, above.*

*2. A current or probable danger to public health exists within the proposed area for annexation due to lack of full City sanitary sewer or water services in accordance with the criteria in ORS Chapter 222 or successor state statute.*

3. *Existing development in the proposed area for annexation has inadequate water or sanitary sewer service, or the service will become inadequate within one year.*
4. *The proposed area for annexation has existing City water or sanitary sewer service extended, connected, and in use, and a signed consent to annexation agreement has been filed and accepted by the City.*
5. *The proposed area for annexation is an island surrounded by lands within the city limits.*

***I. Exceptions and Variances to the Annexation Approval Criteria and Standards.*** *The approval authority may approve exceptions to and variances from the approval criteria and standards in this section using the criteria in section 18.4.6.020.B.1 Exceptions to the Street Design Standards or chapter 18.5.5. Variances.*

- 4) The criteria for Outline Plan subdivision approval are described in 18.3.9.040.A as follows:

***Approval Criteria for Outline Plan.*** *The Planning Commission shall approve the outline plan when it finds all of the following criteria have been met:*

- a. *The development meets all applicable ordinance requirements of the City.*
- b. *Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.*
- c. *The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the common open space, common areas, and unbuildable areas.*
- d. *The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.*
- e. *There are adequate provisions for the maintenance of common open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.*
- f. *The proposed density meets the base and bonus density standards established under this chapter.*
- g. *The development complies with the street standards.*
- h. *The proposed development meets the common open space standards established under section 18.4.4.070. Common open space requirements may be satisfied by public open space in accordance with section 18.4.4.070 if approved by the City of Ashland.*

***Approval of the Outline Plan.***

- a. *After the City approves an outline plan and adopts any zone change necessary for the development, the developer may then file a final plan in phases or in its entirety.*

- b. *If an outline plan is phased, 50 percent of the value of the common open space shall be provided in the first phase and all common open space shall be provided when two-thirds of the units are finished.*
- 5) The criteria for Site Design Review approval are described in 18.5.2.050 as follows:
- A. ***Underlying Zone:*** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
  - B. ***Overlay Zones:*** *The proposal complies with applicable overlay zone requirements (part 18.3).*
  - C. ***Site Development and Design Standards:*** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
  - D. ***City Facilities:*** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*
  - E. ***Exception to the Site Development and Design Standards.*** *The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.*
    - 1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.;*  
*or*
    - 2. *There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.*
- 6) The criteria for the approval of a Tree Removal Permit are described in 18.5.7.040.B as follows:
- 1. **Hazard Tree.** *A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
    - a. *The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a*

*foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part [18.6](#).*

- b. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section [18.5.7.050](#). Such mitigation requirements shall be a condition of approval of the permit.*

2. ***Tree That is Not a Hazard.*** *A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*

- a. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part [18.4](#) and Physical and Environmental Constraints in part 18.3.10.*
- b. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.*
- c. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.*
- d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.*
- e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section [18.5.7.050](#). Such mitigation requirements shall be a condition of approval of the permit.*

7) The criteria for an Exception to the Street Design Standards are described in AMC Section 18.4.6.020.B.1 as follows:

- a. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.*
- b. The exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable.*
  - i. For transit facilities and related improvements, access, wait time, and ride experience.*
  - ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.*

iii. *For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safety and efficiency crossing roadway.*

c. *The exception is the minimum necessary to alleviate the difficulty.*

d. *The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.*

8) The Planning Commission, following proper public notice held a public hearing on September 13, 2022 at which time testimony was received and exhibits were presented both in person and via Zoom. Prior to the conclusion of this initial evidentiary hearing, participant Steve Rouse representing Rogue Advocates requested an opportunity to present additional evidence, arguments or testimony regarding the application as provided in ORS 197.797(6)(a). The Planning Commission granted this request by continuing the public hearing to October 11, 2022 at 7:00 p.m. at the Ashland Civic Center at 1175 East Main Street.

The Planning Commission reconvened the continued hearing on October 11, 2022 and an opportunity was provided at this continued hearing for persons to present and rebut new evidence, arguments or testimony. Subsequent to the closing of the hearing and the record, the Planning Commission approved the request for Outline Plan subdivision approval to create 12 lots; Site Design Review to construct 230 apartments in ten buildings including at least 38 affordable units; Exceptions to the Street Design Standards; and Tree Removal Permits to remove two trees greater than six-inches in diameter at breast height subject to the City Council's approval of the Annexation request. The Planning Commission also adopted a recommendation that the City Council approve the Annexation request subject to a number of conditions.

9) The City Council, following proper public notice held a public hearing and conducted first reading of an ordinance annexing the property and withdrawing it from Fire District #5 on December 6, 2022, at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the City Council approved the Annexation request subject to a number of conditions. The second reading of the annexing ordinance was conducted on December 20, 2022.

10) Subsequent to the City's approval of the application and mailing of a Notice of Decision, the approval was timely appealed to the Oregon Land Use Board of Appeals (LUBA) by Rogue Advocates. After considering the application on the appeal, LUBA remanded the decision back to the City with regard to two issues:

- 1) That the city erred in approving an exception to the on-street parking requirement in AMC 18.3.9.060; and
- 2) That the affordable unit sizes as approved do not comply with AMC 18.5.8.050.G.3 which requires that affordable studios be a minimum of 350 square feet and that affordable one-bedroom units be a minimum of 500 square feet.

11) The Planning Commission, following proper public notice held a limited public hearing on August 8, 2023, at which time testimony was received and exhibits were presented. As explained in the Notice of Public Hearing, this hearing was strictly limited to consideration of the two remand issues. Subsequent to the closing of the limited hearing and the record, the Planning Commission found that with regard to the first remand issue dealing with on-street parking requirements, the Climate Friendly and Equitable Community parking



rules as adopted under OAR660-012-430(3) could be appropriately applied here to not require either on- or off-street parking, and the findings for the original approval amended accordingly. With regard to the minimum size requirements for affordable units, in relation to the stipulated conditions for approval, it should be noted that the initial approval criteria mandated adherence to the specifications outlined in 18.5.8.050.G. This encompassed the requisite fulfillment of the minimal unit dimensions as outlined in Table 18.5.8.G.3. To elucidate, the original condition of approval could be satisfied through the presentation of architectural layouts by the applicant. These layouts demonstrated the feasibility of accommodating augmented floor areas within the existing building footprints.

The Commission determined that the concern raised in this subsequent remand review is effectively resolved by increasing the size of the one-bedroom units by a *de minimis* amount to comply with AMC 18.5.8.050.G3 and making clear that as configured in the original proposal the studio units need not be considered among the required affordable units. This resolution entails a slight augmentation in the dimensions of the one-bedroom units, an alteration adding one-half of a square-foot to each designated affordable unit, ensuring compliance with AMC 18.5.8.050.G.3. Furthermore, the commission clarified that, as per the initial proposal's configuration, the studio units need not be regarded as mandated affordable units.

In light of this determination, the Planning Commission recommended a modification to the wording of the original condition #7e for the purposes of clarity. Moreover, it proposed that the City Council adopt this course of action in its response to the remand review process. Now, therefore, with regard to the two remand issues, the Planning Commission of the City of Ashland finds, concludes and recommends as follows:

## **SECTION 1. EXHIBITS**

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

## **SECTION 2. FINDINGS & CONCLUSIONS**

2.1 The Planning Commission finds that it has received all information necessary to make a decision with regard to the two remand issues, and to make a recommendation to the City Council based on the staff's report, public hearing testimony and the exhibits received.

2.2 The Planning Commission notes that the originally approved application included a request for Outline Plan subdivision approval under the Performance Standards Options (Chapter 18.3.9) to create ten buildable lots and two common open space properties. During the public hearing process, the Planning Commission noted that AMC 18.3.9.060 dealing with Parking Standards for subdivisions proposed under AMC 18.3.9 requires that:

*All development under this chapter shall conform to the following parking standards, which are in addition to the requirements of chapter [18.4.3](#), Parking, Access, and Circulation.*

**A. On-Street Parking Required.** *At least one on-street parking space per dwelling unit shall be provided, in addition to the off-street parking requirements for all developments in an R-1 zone, with the exception of cottage housing developments, and for all developments in R-2 and R-3 zones that create or improve public streets.*

**B. On-Street Parking Standards.** *On-street parking spaces shall be immediately adjacent to the public right-of-way on publicly or association-owned land and be directly accessible from public right-of-way streets. On-street parking spaces shall be located within 200 feet of the dwelling that it is intended to serve. In addition, on-street public parking may be provided pursuant to minimum criteria established under subsection [18.4.3.060.A](#).*

The Planning Commission finds that while no Variance or Exception to this standard was requested as part of the original application, the Planning Commission at the time determined that AMC 18.3.9.060 was applicable, that an Exception to the Street Design Standards was the appropriate procedure if on-street parking could not be provided, and that such an Exception was merited.

The Planning Commission notes that new Climate-Friendly and Equitable Communities (CFEC) rules were adopted July 21, 2022, by the Land Conservation and Development Commission (LCDC) in response to Executive Order #20-04 by Governor Kate Brown and took effect August 17, 2022. The CFEC rules address how cities may regulate a variety of land use and transportation issues, including a number of changes to the ways cities may regulate parking. Among these new CFEC rules:

- Oregon Administrative Rule (OAR) 660-012-0430(2) states that “*Cities and counties may not require more than one **parking space** per unit in residential developments with more than one dwelling unit on a single legally established property.*” **Parking spaces** are defined in OAR 660-012-00005(29) as meaning “... *on and off-street spaces designated for automobile parking, other than parking spaces reserved for carpools, vanpools, or parking under the Americans with Disabilities Act.*”
- OAR 660-012-430(3) states that, “*Cities and counties may not require parking for the following development types.... (d) Residential units smaller than 750 square feet; (e) Affordable housing as defined in OAR 660-039-0010;*” The Planning Commission notes here that all of the residential

units proposed in the application under consideration are smaller than 750 square feet, and under the new CFEC rules the city may not require parking for this development type.

- OAR 660-012-440(3) states that “*Cities and counties may not enforce **parking mandates** for development on a lot or parcel that includes land within one-half mile of frequent transit corridors, including... corridors with the most frequent transit route or routes in the community if the scheduled frequency is at least once per hour during peak service.*” In OAR 660-012-00005(27), **parking mandates** are defined as “*requirements to include a minimum number of off-street parking spaces with development or redevelopment, or a fee-in-lieu of providing parking for residential development.*” In this instance, the Rogue Valley Transit District’s (RVTDs) Route 10 runs on Highway 99 North, which fronts directly on the subject properties here, with a peak hour scheduled frequency of every 20 minutes, and as such qualifies as frequent transit. Under the new CFEC rules, Ashland may not enforce parking mandates (i.e., require off-street parking) for the subject properties.

The Planning Commission further notes that under OAR 660-012-0012(5)(e) cities and counties were required to “*implement the requirements of OAR 660-012-0430 and 660-012-0440 when reviewing development applications submitted after December 31, 2022.*” Guidance from the Department of Land Conservation and Development (DLCD) has been that cities must either modify their regulations or implement these new rules directly from the OAR and disregard local regulations. Ashland is in the process of amending its parking codes to comply with these new CFEC parking rules, and others which took effect on June 30, 2023, and has received an extension allowing these code amendments to occur no later than December 31, 2023. In the interim, the City has been directly applying the applicable state rules.

With regard to the current application, the Planning Commission notes that it was initially submitted on July 8, 2022, however it remains in process now more than eight months after these new CFEC rules have taken effect. The Commission further notes that the Performance Standards subdivision process requires a preliminary or outline plan review followed by a final plan review, so prior to the physical development of the site, another development application for final plan approval will be required at which time the applicant will not be subject to parking requirements under the new CFEC rules and could request to amend their proposal as it relates to parking.

The Planning Commission further finds that Oregon Revised Statute (ORS) 197.307(4) requires that local governments adopt and apply only clear and objective standards, conditions, and procedures regulating the development of housing, including “needed housing.” Standards and conditions may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. This is to ensure that communities do not use discretionary or subjective criteria to deny housing projects. The Planning Commission finds that the rules having changed so that an applicant proposing needed housing is subject to one set of rules for the first part of a two-part application process and a different set of rules for the second part of the procedure does not provide the applicant a clear path to approval without unreasonable cost or delay. In addition, the city’s parking on-street parking requirement under AMC 18.3.9.060 in this instance would require that the applicant install on-street parking facilities on a state highway for which the city has no jurisdiction and where on-street parking is not allowed by the

Oregon Department of Transportation (ODOT), which regulates this roadway. The Planning Commission finds that the city's on-street parking standard being in direct conflict with ODOT's standard for the roadway does not provide a clear procedure for the applicant to move forward without unreasonable cost or delay. As such, the Planning Commission finds that this standard should not be applied to the application.

The Planning Commission believes that the Council has the discretion to assess the current request based on the new CFEC rules, which remove the requirement for parking since all proposed residential units are smaller than 750 square feet. The CFEC parking regulations have been in effect for eight months, and the LUBA remand for further review here means the final decision of the City on this application is occurring well after the new regulations were implemented. In addition, the applicant will be required to submit a second development application, Final Plan review, during which the city will be unable to enforce parking requirements under the new Climate Friendly and Equitable Communities rules. The Planning Commission further finds that to comply with ORS 197.307(4), which requires that the City apply only clear and objective standards, conditions, and procedures, when regulating the development of housing, the on-street parking standard in AMC 18.3.9.060 should not be applied. The Planning Commission accordingly recommends that the application be considered by the City Council under the current State law specified in OAR 660-012-0430 and -0440, without requiring on- or off-street parking given the size of the proposed residential units.

DLCD's implementation guidance to cities notes that the parking rule changes seek to help "*meet Oregon's climate pollution reduction targets, while providing more housing and transportation choices and improving equity.*" The Planning Commission finds that applying the new parking rules to a project that combines small market rate units with deed-restricted affordable housing, situated on a transit route and providing substantial improvements to support both transit and pedestrian travel is exactly what the Climate Friendly and Equitable Communities rules seek to enable, and requiring an applicant to withdraw and reapply with an identical proposal now in order to be subject to the new rules, when their application is still in process eight months after the new rules have taken effect, would pose an unreasonable impediment which would discourage the production of needed housing during a housing crisis.

2.3 The Planning Commission notes that the original application identified each of the ten identical buildings proposed as containing 20 one-bedroom units of 499.5 square feet each, and three studio units of 250 square feet each. Two of these ten buildings were to be relied on in meeting the affordability requirements, which were a total of 38 deed restricted affordable units assuming that the applicant either builds the units themselves or does so in cooperation with a non-profit affordable housing provider partner.

AMC 18.5.8.050.G.3 requires that the minimum square footage for affordable one-bedroom units be 500 square feet, and that the minimum square footage for affordable studios be 350 square feet. The adopted conditions relating to affordability were as follows:

**Condition #7e.** *[That prior to final approval and annexation of the property, the applicant shall provide:]* A deed restriction agreement that development of the property shall comply with the affordability requirements for annexations in AMC 18.5.8.050.G including that where the required number of affordable units is fractional it shall be rounded up, and that should the

applicant opt to dedicate land area to an affordable housing provider, it will require that the dedication comply with the requirements of AMC 18.5.8.050.G.2 and dedicate sufficient land area to accommodate 47 ownership units affordable at 100 percent AMI.

**Condition #10g.** If the applicant opts to dedicate land area to a non-profit affordable housing developer, dedication shall occur in a manner consistent with AMC 18.5.8.050.G.2 and recording of deed restrictions guaranteed affordability described herein shall occur in conjunction with plat signature and recording.

The Commission notes that the approval was remanded by LUBA on the basis “That the affordable unit sizes as approved do not comply with AMC 18.5.8.050.G.3 which requires that affordable studios be a minimum of 350 square feet and that affordable one-bedroom units be a minimum of 500 square feet.”

In response to this issue, the applicant has provided a revised floor plan demonstrating how the floor area of the one-bedroom units could be modified by reducing their recessed entry depth by three-inches to achieve the required 500 square feet per affordable one-bedroom unit.

- **AS PROPOSED:**  $12.5 \times 42 = 525$  square feet less 25.98 square feet for recessed entry = 499.02 square feet.
- **AS MODIFIED:**  $12.5 \times 42 = 525$  square feet less 24.8975 feet for recessed entry = 500.1025 square feet.

In addition, the applicant notes that affordable basement level studios could be modified to be 499.5 square feet to significantly exceed the required 350 square feet per affordable studio unit.

The Planning Commission notes that the affordability requirements for the project call for 38 affordable units to be provided. Each building proposed has 20 one-bedroom units and three studio units, and assuming that two buildings will be developed by an affordable housing provider partner or the applicant themselves, the 38 required affordable units could be accommodated entirely with one-bedroom units, leaving one one-bedroom unit and three studios in each of the two buildings to be rented at market rate or provided as voluntarily affordable, rather than being deed-restricted as affordable. Those units not required as affordable would not subject to the square footage requirements of AMC 18.5.8.050.G.3.

The Planning Commission finds that the original condition intended that the units’ sizes would be adjusted a *de minimis* amount (*i.e., a three-inch adjustment to recessed entry depth*) to comply with AMC 18.5.8.050.G, however this should have been articulated in the condition itself. The Commissions finds that the second remand issue can be fully addressed by increasing the size of the one-bedroom units by a *de minimis* amount to comply with AMC 18.5.8.050.G.3 and by making clear in the findings that as configured in the original proposal the studio units need not be considered among the required affordable units. The Planning Commission accordingly recommends that the City Council modify the previous Condition #7e as follows:

**Condition #7e.** A deed restriction agreement that development of the property shall comply with the affordability requirements for annexations in AMC 18.5.8.050.G including that: **1)**



where the required number of affordable units is fractional it shall be rounded up, **2) and** that should the applicant opt to dedicate land area to an affordable housing provider, it will require that the dedication comply with the requirements of AMC 18.5.8.050.G.2 and dedicate sufficient land area to accommodate 47 ownership units affordable at 100 percent AMI, **and 3) that each of the required affordable units comply with the minimum affordable units size requirements of AMC 18.5.8.050.G.3, with one bedroom affordable units being a minimum of 500 square feet, and any affordable studio units being a minimum of 350 square feet.**

2.4 The Planning Commission finds that while the project's density was not an issue under remand, the appellant has provided written testimony questioning the project density both in the original proposal and as modified here through the increase in square footage of the affordable units to comply with AMC 18.5.8.050.G.3. The Planning Commission finds that the *de minimis* increase in affordable unit sizes does nonetheless affect the project density, and as such needs to be addressed. The Planning Commission first notes that no density bonuses were granted with the original proposal. The *base* density of the subject property is 185.625 units (13.75 buildable acres x 13.5 units/acre). The *minimum* density of the subject property as required for annexation is 167.0625 units (0.90 x 185.625). The Planning Commission further notes that as initially proposed, all units were less than 500 square feet, and units less than 500 square feet are counted as 0.75 units for purposes of density calculations as detailed in AMC 18.2.5.080.B.2. The density as originally proposed was 172.5 units (230 x 0.75 units).

The Planning Commission finds that the increase in size of the 38 affordable units from 499.5 square feet to 500 square feet to comply with the minimum affordable unit size requirement will increase the project density to 182 units ([192 x 0.75 units] + [38 x 1.0 units]). The Planning Commission concludes that this is within the 185.625 unit base density of the property without the grant of any bonuses and that it exceeds the minimum 167.0625 unit density required for annexation.

### **SECTION 3. DECISION**

3.1 The issues remanded to the City are limited to addressing the on-street parking requirements of AMC 18.3.9.060, and to the minimum size requirements for studio and one-bedroom affordable units under AMC 18.5.8.050.G.3.

For the first remand issue regarding on-street parking, the Commission notes that the application was initially submitted on July 8, 2022, but remains in process, now more than eight months after new Climate Friendly & Equitable Communities (CFEC) rules limiting cities' abilities to require parking took effect. In addition, the Performance Standards subdivision process requires outline plan review, as requested here, followed by a final plan review, so prior to the physical development of the site, another development application for final plan approval will be required at which time the application will no longer be subject to parking requirements under the new CFEC rules and the applicant could request to amend their proposal as it relates to parking. Oregon Revised Statutes (ORS) 197.307(4) require that local governments adopt and apply only clear and objective standards, conditions, and procedures regulating the development of housing, including "needed housing." The proposal here involves market-rate and deed-restricted affordable multi-family residential rental units, both of which are needed housing types locally. Standards

and conditions may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. The Planning Commission finds that rules relating to parking having changed so that an applicant proposing needed housing is subject to one set of rules for the first part of a two-part application process and a different set of rules for the second part of the procedure does not provide the applicant a clear path to their development approval without unreasonable cost or delay. In addition, the city's on-street parking requirement under AMC 18.3.9.060 in this instance requires that the applicant install on-street parking facilities on a state highway for which the city has no jurisdiction and where on-street parking is not allowed by the Oregon Department of Transportation (ODOT), which has jurisdiction over improvements to the highway. The Planning Commission finds that the city's on-street parking standard being in direct conflict with the standards of the jurisdiction with authority for the roadway does not provide a clear procedure for the applicant to move forward without unreasonable cost or delay. As such, the Planning Commission finds that the on-street parking standard should not be applied to the application, and it should instead be considered in light of the new CFEC parking rules.

The Department of Land Conservation and Development (DLCD) implementation guidance to cities notes that the parking rule changes seek to help “*meet Oregon’s climate pollution reduction targets, while providing more housing and transportation choices and improving equity.*” The Planning Commission finds that applying the new parking rules to a project that combines small market rate units with deed-restricted affordable housing, situated on a transit route and providing substantial improvements to support both transit and pedestrian travel is exactly what the Climate Friendly and Equitable Communities rules seek to enable. The Planning Commission further finds that requiring an applicant to withdraw and reapply with an identical proposal now in order to be subject to the new rules, when their application is still in process eight months after the new rules have taken effect, is not a clear or objective process and would pose an unreasonable impediment which would discourage the production of needed housing during a housing crisis.

For the second remand issue, the Planning Commission notes that the original application identified each of the ten identical buildings proposed as containing 20 one-bedroom units of 499.5 square feet each, and three studio units of 250 square feet each. Two of these ten buildings were to be relied on in meeting the affordability requirements, which were a total of 38 deed restricted affordable units assuming that the applicant either builds the units themselves or does so in cooperation with a non-profit affordable housing provider partner. AMC 18.5.8.050.G.3 requires that the minimum square footage for affordable one-bedroom units be 500 square feet, and that the minimum square footage for affordable studios be 350 square feet. In response to this discrepancy between the proposed and required affordable unit sizes, the applicant has provided a revised floor plan demonstrating that the one-bedroom units could be modified with a de minimis reduction in their recessed entry depth (i.e., reducing the depth by three-inches) to achieve the required 500 square feet per affordable one-bedroom unit. The applicant further indicates that the affordable basement level studios could be modified to be 499.5 square feet to significantly exceed the required 350 square feet per affordable studio unit.

The Planning Commission finds that the affordability requirements for the project call for 38 affordable units to be provided. Each building proposed has 20 one-bedroom units and three studio units, and assuming that two buildings will be developed by an affordable housing provider partner or the applicant

themselves, the 38 required affordable units could be accommodated entirely with 19 one-bedroom units in each of the two buildings, leaving one one-bedroom unit and three studios in each of the two buildings to be rented at market rate or provided as voluntarily affordable, rather than being deed-restricted as affordable. Those units not required as affordable would not subject to the square footage requirements of AMC 18.5.8.050.G.3.

The Planning Commission finds that while the original condition intended that the units' sizes would be adjusted a de minimis amount (*i.e., a three-inch adjustment to recessed entry depth*) to comply with AMC 18.5.8.050.G, this was not clearly articulated in the condition itself. The Commission finds that the second remand issue can be fully addressed by increasing the size of the one-bedroom units by a *de minimis* amount to comply with AMC 18.5.8.050.G.3 and by making clear in the findings that as configured in the original proposal the studio units need not be considered among the required affordable units. The Planning Commission accordingly recommends that the City Council modify the previous Condition #7e as follows:

**Condition #7e.** A deed restriction agreement that development of the property shall comply with the affordability requirements for annexations in AMC 18.5.8.050.G including that: **1)** where the required number of affordable units is fractional it shall be rounded up, **2) and** that should the applicant opt to dedicate land area to an affordable housing provider, it will require that the dedication comply with the requirements of AMC 18.5.8.050.G.2 and dedicate sufficient land area to accommodate 47 ownership units affordable at 100 percent AMI, **and 3) that each of the required affordable units comply with the minimum affordable units size requirements of AMC 18.5.8.050.G.3, with one bedroom affordable units being a minimum of 500 square feet, and any affordable studio units being a minimum of 350 square feet.**

Therefore, based on our overall conclusions, the Planning Commission recommends that the City Council adopt findings addressing the two remand issues as discussed above, and modify existing Condition #7e as detailed below, with all other conditions to remain as originally adopted:

**#7e)** A deed restriction agreement that development of the property shall comply with the affordability requirements for annexations in AMC 18.5.8.050.G including that: **1)** where the required number of affordable units is fractional it shall be rounded up, **2) and** that should the applicant opt to dedicate land area to an affordable housing provider, it will require that the dedication comply with the requirements of AMC 18.5.8.050.G.2 and dedicate sufficient land area to accommodate 47 ownership units affordable at 100 percent AMI, **and 3) that each of the required affordable units comply with the minimum affordable units size requirements of AMC 18.5.8.050.G.3, with one bedroom affordable units being a minimum of 500 square feet, and any affordable studio units being a minimum of 350 square feet.**

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Planning Commission Approval

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September 12, 2023  
Date

REMAND.PA-T3-2022-00004  
September 12, 2023  
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## **OTHER BUSINESS**

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### **Climate-Friendly & Equitable Communities (CFEC)**

### **Proposed Amendments**

# Memo

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**DATE:** September 12, 2023  
**TO:** Planning Commission  
**FROM:** Derek Severson, *Planning Manager*  
**RE:** Climate-Friendly & Equitable Communities  
Parking Code Amendments

## **Background**

The Climate-Friendly and Equitable Communities (CFEC) rules, adopted by the Land Conservation and Development Commission (LCDC) in July of 2022, included substantial changes to the ways that cities can regulate parking. With the first tier of these new rules, which took effect January 1<sup>st</sup>, cities are no longer allowed to mandate off-street parking within ½-mile of frequent transit. In addition, cities can no longer mandate parking (on- or off-street) for small units (<750 s.f.), affordable housing, single room occupancy housing, shelters, child care facilities, or facilities for people with disabilities. Additionally, cities can no longer require more than one parking space per dwelling unit for residential developments with more than one dwelling unit. Assuming there would not be time between these new rules being adopted and taking effect on January 1, 2023, cities were directed to implement these new requirements directly from the rules (*i.e. to ignore locally-adopted regulations which can no longer be applied under the new state rules*).

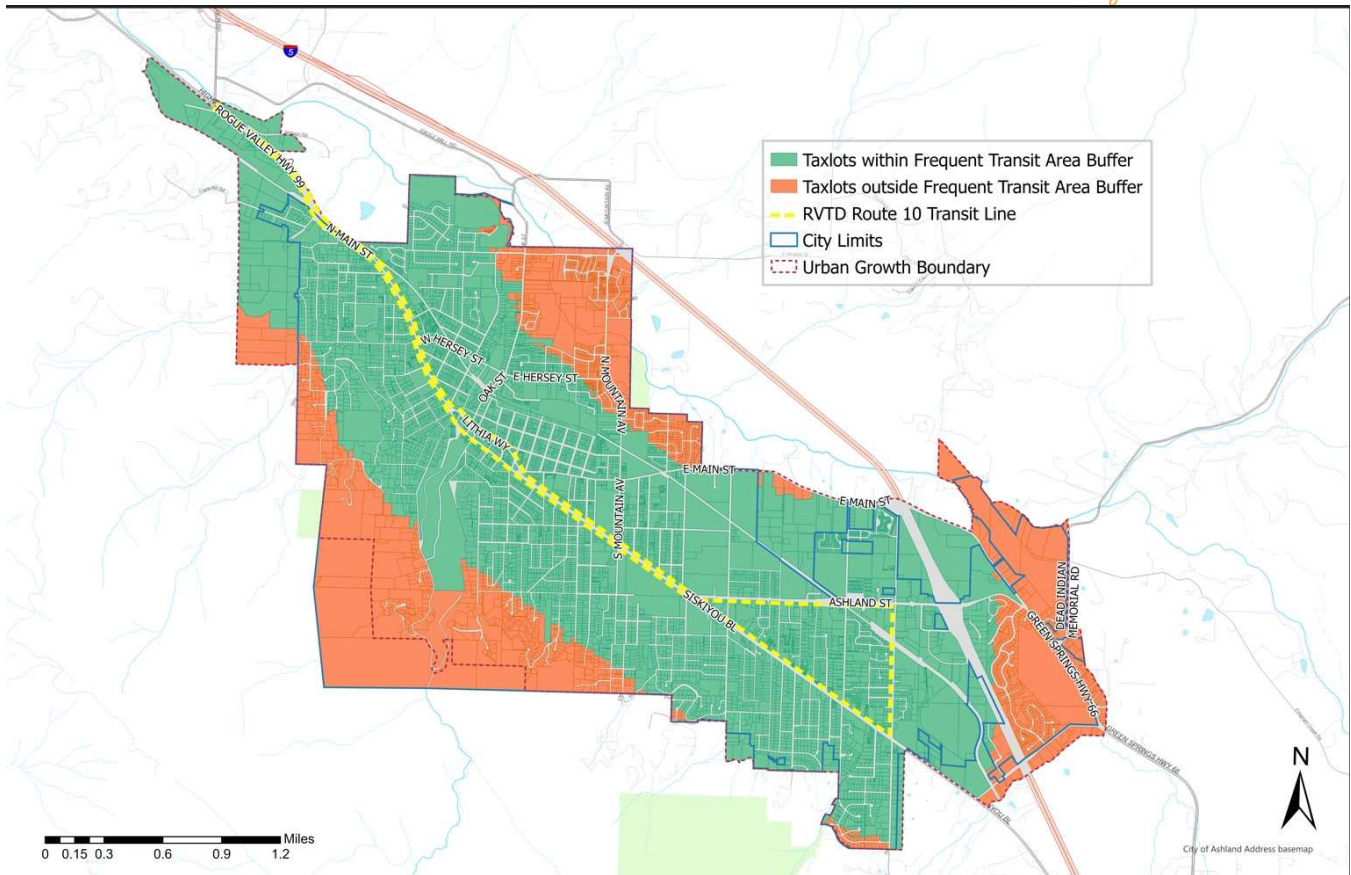
The map below illustrates the areas within ½-mile of frequent transit in Ashland in green where parking mandates were no longer allowed as of January 1, 2023. The yellow line is the Rogue Valley Transportation District's Route 10 which follows North Main/East Main to Siskiyou Boulevard to Ashland Street to Tolman Creek Road and back to Siskiyou Boulevard. Route 10s stops at Ashland locations at roughly 20 minute intervals between 5:30am and 8:30pm (Ashland Plaza stop).

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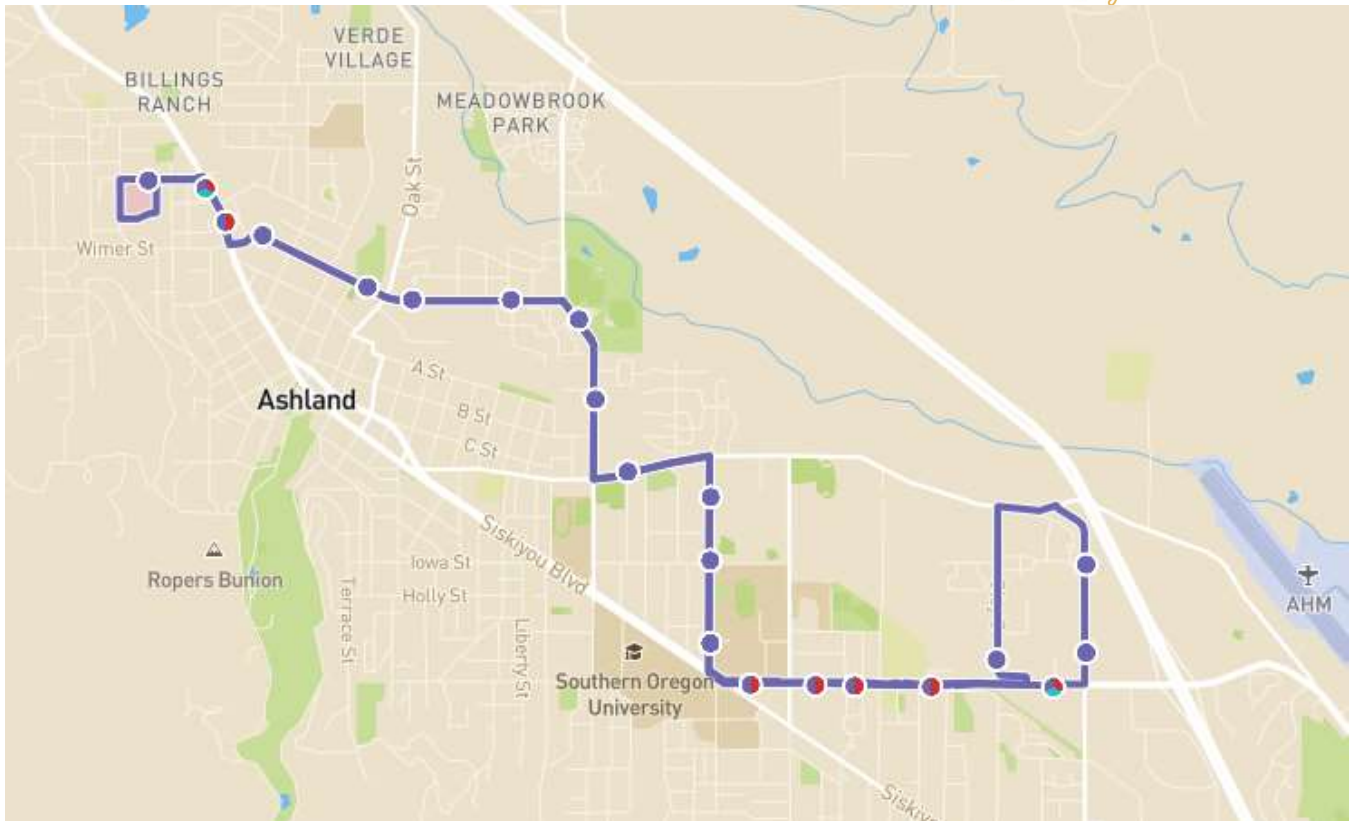
Under this first tier of CFEC parking rules, 79.4 percent of tax lots within the city’s Urban Growth Boundary (UGB) and 69 percent of the land within the UGB are no longer subject to parking mandates. Much of the remaining land outside the ½-mile buffer is constrained from further development by existing development including the airport and golf course and by hillside lands, water resource protection zones and floodplain corridors.

Additionally RVTD recently established a new route within Ashland, Route 17 – Ashland Circulator – which expands the area served by transit. This route presently has hourly service running between 9:00am and 4:00pm..

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RVTD Route 17 Ashland Circulator

A second tier of new rules requires that cities either eliminate all minimum parking requirements citywide ("**Option 1**") or select from a menu of additional requirements. This second tier of new rules was to have taken effect on June 30, 2023, however Ashland requested and received an extension from the state. As extended, Ashland must select one of the three options in the chart below and adopt the necessary code amendments by December 31, 2023.

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**Parking Mandate Reform**

Effective date June 30, 2023 per OAR 660-012-0012(4)(f)

Option 1 OAR 660-012-0420	Options 2 and 3 OAR 660-012-0425 through 0450	
Repeal all parking mandates within the jurisdiction	Reduce parking burdens – adopt eight land use regulations related to reduced mandates based on factors such as shared parking, solar panels, parking space accessibility, on-street parking; unbundling of parking from rent for multifamily units near transit (OAR 660-012-0425)	
	Cities with populations 100,000+ adopt on-street parking prices equivalent to at least 50¢/day per spot for 5%/10% of total on-street parking supply by September 30, 2023/2025 (OAR 660-012-0450; effective dates per OAR 660-012-0012(4)(g))	
	<p><b>Parking Reform Approaches</b>            Choose ONE of the following (option 2 -or- option 3)</p> <p><i>Policies to take effect no later than June 30, 2023            (effective date per OAR 660-012-0012(4)(f))</i></p>	
no additional action needed	<p><b>Option 2</b>            OAR 660-012-0445(1)(a) -            Adopt at least 3 of 5 policies below</p>	<p><b>Option 3</b>            OAR 660-012-0445(1)(b) - Adopt regulations minimizing or exempting required parking for 15 development types (summarized below)</p>
	<ol style="list-style-type: none"> <li>1. Unbundle parking for residential units</li> <li>2. Unbundle leased commercial parking</li> <li>3. Flexible commute benefit for businesses with more than 50 employees</li> <li>4. Tax on parking lot revenue</li> <li>5. No more than ½ space/unit mandated for multifamily development</li> </ol>	<p>No mandates for a variety of specific uses, small sites, vacant buildings, studio/one bedrooms, historic properties, LEED or Oregon Reach Code developments, etc.</p> <p>No additional parking for redevelopments/additions. Adopt parking maximums.</p> <p>No parking mandates within ½ mile walking distance of Climate-Friendly Areas.</p> <p>Designate district to manage on-street residential parking.</p>

**Option 1** eliminates all parking mandates citywide. This is by far the simplest option and requires no additional action on the part of the city after the initial code amendments. A number of other cities have already selected Option 1 including Portland, Salem, Corvallis, Tigard, Bend, Albany and Central Point. Option 1 does not eliminate parking, it simply allows the number of parking spaces associated with any development to be market-driven

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rather than a mandate imposed and enforced by the city. Although under this option the City can not mandate minimum parking requirements, a city can maintain or establish parking design standards, and limits on the maximum number of parking spaces permitted, when parking is voluntarily provided.

**Option 2** requires that, if the city opts to retain parking mandates in the roughly 30 percent of the city that is more than ½-mile from frequent transit, parking mandates be further reduced by adopting new land use regulations based on factors such as shared parking, solar panels, parking space accessibility and on street parking; that parking be unbundled from rent for multi-family units near transit; and that 3 of the 5 policies below be adopted as well:

1. Unbundle parking for all residential units.
2. Unbundle leased commercial parking.
3. Provide a flexible commute benefit for businesses with more than 50 employees.
4. Impose a tax on parking lot revenues.
5. Mandate no more than ½-space/unit for multi-family development.

As with Option 2, **Option 3** requires that, if the city opts to retain parking mandates in the roughly 30 percent of the city that is more than ½-mile from frequent transit, those mandates must be further reduced by adopting new land use regulations based on factors such as shared parking, solar panels, parking space accessibility and on street parking; that parking be unbundled from rent for multi-family units near transit; and that regulations be adopted to minimize or exempt parking requirements for 15 development types including no mandates for a variety of specific uses, small sites, vacant buildings, studio/one bedrooms, historic properties, LEED or Oregon Reach Code developments, etc.; no additional parking for redevelopments/additions; no parking mandates within ½-mile walking distance of Climate-Friendly Areas (CFAs); adopting parking maximums and designating a district to manage on-street residential parking.

### **Staff Recommendation**

Given that the area where mandates may be retained is relatively limited, and within that area there are constraints ranging from existing development, the airport, the golf course and hillside, flood plain and water resource lands which will limit further development, Option 1 seems both the most efficient option to administer for the city and the easiest option to understand for the citizenry.

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Staff accordingly recommends that the Planning Commission and Council select Option#1 and direct staff to make the necessary amendments to the land use ordinance. Staff would further recommend that existing parking maximums be retained, and that where parking is voluntarily provided it be held to current requirements including space dimensions, circulation, parking lot landscaping and screening, etc. In keeping with the CFEC rules, bicycle parking requirements will also need to be updated. Because parking is interwoven through much of the land use code, even the simplest option presented will involve the modification of the following chapters of the Ashland Municipal Code(AMC):

- AMC 18.2.2** Base Zones & Allowed Uses
- AMC 18.2.3** Special Use Standards
- AMC 18.3.2** Croman Mill District
- AMC 18.3.4** Normal Neighborhood District
- AMC 18.3.5** North Mountain Neighborhood District
- AMC 18.3.9** Performance Standards Option & PSO Overlay
- AMC 18.3.14** Transit Triangle Overlay
- AMC 18.4.3** Parking, Access & Circulation
- AMC 18.5.2** Site Design Review
- AMC 18.5.3** Land Divisions & Property Line Adjustments
- AMC 18.5.4** Conditional Use Permits
- AMC 18.5.5** Variances
- AMC 18.5.6** Modifications to Approved Planning Actions

Staff's proposed amendments to these chapters are detailed below:

**AMC 18.2.2 Base Zones & Allowed Uses**

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**AMC 18.2.2.030**

*Staff recommends making public parking lots an allowed use in all zones.*

**AMC 18.2.3 Special Use Standards**

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~~18.2.3.040.E. Accessory Residential Units Off-street parking spaces are not required for accessory residential units as specified in the parking ratio requirements in section [18.4.3.040](#).~~

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~~18.2.3.090.C.3.i Cottage Housing. Parking shall meet the minimum parking ratios per section [18.4.3.040](#).~~

**18.2.3.100.B.2 Drive-Thru's.** All facilities providing drive-up service shall provide ~~at least two designated parking spaces~~ **a waiting area to accommodate at least two customer vehicles outside of the queue** immediately beyond the service window or provide other satisfactory methods to allow customers requiring excessive waiting time to receive service ~~while parked~~.

**18.2.3.110.F. Duplexes.** ~~The property shall have two off-street parking spaces in conformance with the parking ratio requirements in section [18.4.3.040](#).~~ Parking spaces shall meet the vehicle area design requirements of section [18.4.3.080](#), except that parking spaces, turn-arounds, and driveways are exempt from the requirements in subsections [18.4.3.080.D.1](#) and [2](#) and paving requirements in subsection [18.4.3.080.E.1](#). (Ord. 3199 § 6, amended, 06/15/2021)

~~18.2.3.130.B.4 4. Dwelling in Non-Residential Zone. Off-street parking is not required for residential uses in the C-1-D zone. (Ord. 3167 § 5, amended, 12/18/2018)~~

**18.2.3.180. Manufactured Housing Developments. A. Purpose.** The purpose of this section is to encourage the most appropriate use of land for manufactured housing development purposes, to encourage design standards which will create pleasing appearances, to provide sufficient open space for light, air, and recreation, to provide adequate access to ~~and parking for~~ manufactured housing sites, and to refer minimum utility service facilities to appropriate City codes.

~~18.2.3.180.D.8. Off-Street Parking Standards. Each manufactured housing unit shall be provided with one off-street parking space on each manufactured housing site, set back 20 feet from the street. In addition, guest parking facilities of one parking space for each manufactured housing site shall also be provided on the project site, within 200 feet of the units they are intended to serve, either adjacent to the road or in an off-street parking lot. Parking space construction, size, landscaping, and design requirements shall be according to chapters [18.4.3](#) and [18.4.4](#).~~

~~18.2.3.180.E.8. Each manufactured housing unit shall have a one parking space located on or adjacent to the unit space. The parking space shall be set back at least 20 feet from the street.~~

### **AMC 18.2.3.200 Multi-Family Rental Unit Conversion to For Purchase Housing**

**C.1** Existing multiple-family dwelling structures may be converted from rental units to for-purchase housing, where all or only a portion of the structure is converted, as set forth in Table [18.2.3.200.C.1](#), provided the existing structure meets the following regulations of the applicable zone: permitted density, yard requirements, maximum height, maximum lot coverage, open space, maximum permitted floor area, waste enclosures, **parking**, and bike storage.

**C.2.a.** Conversion of existing multiple-family structures to for-purchase housing shall comply with the following general regulations and the site development and design standards in part [18.4](#): number of bike **and automobile** parking spaces, trash, and recycling enclosures.

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**AMC 18.2.3.210 Retail Uses Allowed in the Railroad Historic District.**

Uses are limited to those designed to serve primarily pedestrian traffic. ~~No additional off-street parking is required, except for accessible parking as required by the building code.~~

~~**AMC 18.2.3.220.B.5 Travelers Accommodations.** Each accommodation must have one off-street parking space and the business-owner's unit must have two parking spaces. All parking spaces shall be in conformance with chapter [18.4.3](#).~~

**AMC 18.2.3.220.C.4 Accessory Travelers Accommodations.** ~~The property must have two off-street parking spaces.~~ The total number of guest vehicles associated with the accessory travelers' accommodation must not exceed one.

## **AMC 18.3.2 Croman Mill District**

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**AMC 18.3.2.060.A.11 On-Street Parking.** On-street parallel parking may be required along the central boulevard and local streets as illustrated in Figure [18.3.2.060.A.10](#). **If** on-street parking is required on streets identified on the On-Street Parking map, angled parking and loading zones are prohibited on these streets. Options addressing the street configuration will be evaluated with the final design of the streets identified on the On-Street Parking map.

**18.3.2.060.B.4. Parking Areas and On-Site Circulation.** Except as otherwise required by this chapter, automobile parking, loading, and circulation areas shall comply with the requirements of part [18.4](#), Site Development and Design Standards, and the following standards:

- a. Primary parking areas shall be located behind buildings with limited parking on one side of the building, except that parking shall be located behind buildings only where

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development is adjacent to an active edge street or is within a NC, MU or OE zone.

b. Parking areas shall be shaded by deciduous trees, buffered from adjacent non-residential uses and screened from non-residential uses.

~~**c. Maximum On-Site Surface Parking. After a parking management strategy for the Croman Mill District is in place, a maximum of 50 percent of the required off-street parking can be constructed as surface parking on any development site. The remaining parking requirement can be met through one or a combination of the credits for automobile parking in chapter [18.4.3](#), Parking, Access, and Circulation.**~~

**18.3.2.060.C.13 b. Structured Parking Bonus.** A building may be increased by up to one story in height when ~~the corresponding required~~ parking is accommodated underground or within a private structured parking facility, subject to building height limitations for the zoning district.

## **AMC 18.3.4 Normal Neighborhood District**

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~~**AMC 18.3.4.060.A.4 Required On-Street Parking.**~~ On-street parking is a key strategy to traffic calming and may be required along the neighborhood collector and local streets.

~~**AMC 18.3.4.060.B.5 Off-Street Parking. Where provided,**~~ **Automobile parking, loading and circulation areas must comply with the requirements of chapter [18.4.3](#), Parking, Access, and Circulation, and as follows:**

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a. Neighborhood serving commercial uses within the NN-1-3.5-C zone must have parking primarily accommodated by the provision of public parking areas and on-street parking spaces, ~~and are not required to provide private off-street parking or loading areas, except for residential uses where one space shall be provided per residential unit.~~

## **AMC 18.3.5 North Mountain Neighborhood District**

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**AMC 18.3.5.040.I. Off-Street Parking. Voluntarily provided** Off-street parking shall be provided pursuant to the requirements of this chapter and 18.4.3 Parking, Access, and Circulation, ~~except in the NM-C zone. In the NM-C zone, all uses are not required to provide off-street parking or loading areas, except for residential uses where one space shall be provided per residential unit and in conformance with chapters [18.4.2](#) Building Placement, Orientation and Design, and 18.4.4 Landscaping, Lighting, and Screening.~~

### **AMC 18.3.5.050 Allowed Uses**

*Staff recommends making public parking lots an allowed use in all zones.*

## **AMC 18.3.9 Performance Standards Option & PSO Overlay**

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### **AMC 18.3.9.060 Parking Standards**

All development under this chapter shall conform to the following parking standards, which are in addition to the requirements of chapter [18.4.3](#) Parking, Access, and Circulation.

**A. On-Street Parking Required. ~~At least one on-street parking space per dwelling unit shall be provided, in addition to the off-street parking requirements for all developments in an R-1 zone, with the exception of cottage housing developments, and for all~~**

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**developments in R-2 and R-3 zones that create or improve public streets. For all Performance Standards Subdivisions in R-1 zones, with the exception of cottage housing developments, and for all Performance Standards Subdivisions in R-2 or R-3 zones which create or improve city streets, at least one on-street parking space per proposed lot shall be provided, with the total number of required on-street spaces not to exceed the total length of street frontage(s), less any areas where on-street parking is not allowed, divided by 22.**

**B. On-Street Parking Standards.** On-street parking spaces shall be immediately adjacent to the public right-of-way on publicly or association-owned land and be directly accessible from public right-of-way streets. On-street parking spaces shall be located within 200 feet of the **dwelling lot** that it is intended to serve. In addition, on-street public parking may be provided pursuant to minimum criteria established under subsection [18.4.3.060.A](#).

**C. Signing of Streets.** The installation of “No Parking” signs regulating parking in the public right-of-way and any other signs related to the regulation of on-street parking shall be consistent with the Street Standards in [18.4.6.030](#), and shall be consistent with the respective City planning approval. (Ord. 3147 § 6, amended, 11/21/2017)

## **AMC 18.3.14 Transit Triangle Overlay**

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**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](#).

**~~1. 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:~~**

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~~a. Units less than 800 square feet – 1 space/unit.~~

~~b. Units greater than 800 square feet and less than 1,000 square feet – 1.5 spaces/unit.~~

~~c. Units greater than 1,000 square feet – 2.00 spaces/unit.~~

~~2. 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. (Ord. 3166 § 2 (part), added, 12/18/2018)~~

### **AMC 18.4.3 Parking, Access & Circulation**

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*(Amendments to AMC 18.4.3 are presented separately at the end of this document.)*

### **AMC 18.5.2 Site Design Review**

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**AMC 18.5.2.020.A.7** Any change of occupancy from a less intense to a more intensive occupancy, as defined in the building code, ~~or a change in use that requires a greater number of parking spaces.~~

~~**AMC 18.5.2.020.B.5.** Any change in use that requires a greater number of parking spaces.~~

### **AMC 18.5.3 Land Divisions & Property Line Adjustments**

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**AMC 18.5.3.060.K Each flag lot has at least three parking spaces** Where off-street parking is voluntarily provided on a flag lot, it shall be situated to eliminate the necessity for vehicles backing out.

#### **AMC 18.5.4 Conditional Use Permits**

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**AMC 18.5.4.050.B.7** Designating the size, number, location, and/or design of vehicle and pedestrian access points or parking and loading areas. *[Should this be retained as is, with the understanding that the city may not require parking, but might want to require less parking than proposed, or require that voluntarily-provided parking be moved on site or better-screened, etc. to address impacts considered under a Conditional Use Permit?]*

#### **AMC 18.5.5 Variances**

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~~**AMC 18.5.5.030.A.5. Up to ten percent reduction in the number of required parking spaces.**~~

~~**AMC 18.5.5.030.A.6. Up to 50 percent reduction for parking requirements in the Historic District.**~~

#### **AMC 18.5.6 Modifications to Approved Planning Actions**

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**AMC 18.5.6.030.A Authorization of Major Modifications.** The approval authority and review procedure for Major Modification applications is the same as for the original project or plan approval. Any one of the following changes constitutes a Major Modification.

1. A change in land use, from a less intensive use to a more intensive use, as evidenced by **parking**, paved area, estimated an increase in automobile or truck trips (peak and/or average daily trips), an increase in hours of operation, **an increased demand for parking**, additional paved area, or similar factors, where the increase is 20 percent or more, provided the standards of

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parts [18.2](#), [18.3](#), and [18.4](#) are met. *[Should "an increased demand for parking" be one of the considerations in determining the intensification of use even though there are no off-street parking requirements?]*

## **AMC 18.6.1 Definitions**

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**AMC 18.6.1.030 Shared Parking. Required p**Parking facilities for two or more uses, structures, or lots **that are satisfied jointly with the same facilities**. See also, chapter [18.4.3](#) Parking, Access, and Circulation.

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Chapter 18.4.3  
PARKING, ACCESS, AND CIRCULATION

Sections:

- 18.4.3.010 Purpose.**
- 18.4.3.020 Applicability.**
- 18.4.3.030 General Automobile Parking Requirements and Exceptions.**
- 18.4.3.040 Parking Ratios.**
- 18.4.3.050 Accessible Parking Spaces.**
- 18.4.3.060 Parking Management Strategies.**
- 18.4.3.070 Bicycle Parking.**
- 18.4.3.080 Vehicle Area Design.**
- 18.4.3.090 Pedestrian Access and Circulation.**
- 18.4.3.100 Construction.**
- 18.4.3.110 Availability of Facilities.**

### 18.4.3.010 Purpose

In implementing the state’s Climate-Friendly & Equitable Communities rules, there is no longer a minimum required number of off-street automobile parking spaces. Where automobile parking is voluntarily provided, it must meet the requirements of Chapter 18.4.3 which also contains requirements for bicycle parking and vehicular and pedestrian access, circulation, and connectivity. The purpose of this chapter is to provide safe and effective access and circulation for pedestrians, bicyclists, and vehicles. For transportation improvement requirements, refer to chapter 18.4.6 Public Facilities. While off-street parking is no longer required, access for emergency vehicles must be retained, and adequate loading areas, delivery areas, and pick-up/drop-off areas should be considered.

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### 18.4.3.020 Applicability

A. The requirements of this chapter apply to parking, access, and circulation facilities in all zones, except those specifically exempted, whenever any building is erected or enlarged, parking, access or circulation is expanded or reconfigured, or the use is changed.

B. **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 subsections 18.4.3.080.B.4 and B.5 and section 18.4.3.090 Pedestrian Access and Circulation are subject to 18.5.2.050.F Exception to the Site Development and Design Standards.

### 18.4.3.030 General Automobile Parking Requirements and Exceptions

B. **Maximum Number of Off-Street Automobile Parking Spaces.** Voluntarily provided off-street automobile parking spaces shall not exceed the maximum number of spaces listed in Table 18.4.3.040 'Parking Spaces by Use'. Automobile spaces provided on-street, or within the 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.

### 18.4.3.040 Vehicle and Bicycle Quantity Standards

Except as provided by section 18.4.3.030, the standard ratios required for bicycle parking are as follows, as are the maximum allowances for voluntarily provided off-street automobile spaces. Fractional spaces shall be rounded up to the next whole number. See also accessible parking space requirements in section 18.4.3.050.

Table 18.4.3.040. Parking Spaces by Use

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C. All required parking, access, and circulation facilities shall be constructed when a use is intensified by the addition of floor space, seating capacity, or change in use, or when an existing building or dwelling is altered or enlarged by the addition or creation of dwelling units or guest rooms.

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Deleted: E. **Variance to Parking Standard for Commercial Buildings in the Historic District.** In order to preserve existing structures within the Historic District overlay while permitting the redevelopment of property to its highest commercial use, the Staff Advisor, through a Type I procedure and pursuant to section 18.5.1.050, may grant a Variance to the parking standards of section 18.4.3.040 by up to 50 percent for commercial uses within the Historic District overlay. The intent of this provision is to provide as much off-street parking as practical while preserving existing structures and allowing them to develop to their full commercial potential. The City, through this ordinance provision, finds that reuse of the building stock within the Historic District overlay is an exceptional circumstance and an unusual hardship for the purposes of granting a variance.¶

Deleted: 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. **Maximum Number of Automobile Parking Spaces.** Off-street parking shall be provided [1]

Deleted: The number of spaces provided by any particular use in ground surface lots shall not [2]

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Deleted: C. **Commercial Downtown Zone.** All uses within the C-1-D zone, except for hotel, motel, [3]

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	<u>Maximum Number of Voluntarily- Provided Off-Street Automobile Parking Spaces</u>	<u>Minimum Number of Bike Parking Spaces per Land Use</u>
<b>Residential Categories</b>	<b>See definition of dwelling types in section 18.6.1.030.</b>	
Single-Family Dwellings, <u>Accessory Residential Units and Duplexes</u>	<u>No maximum</u>	<u>No bike parking requirements</u>
Multifamily Dwellings	<u>A maximum of 2 spaces per multifamily dwelling unit</u>	<u>a. Dwellings with an individual garage are not required to provide bike parking.</u>  <u>b. 1 sheltered space per studio/1 bedroom</u>  <u>c. 1.5 sheltered spaces per 2 bedrooms</u>  <u>d. 2 sheltered spaces per 3 bedrooms</u>  <u>e. Senior housing. 1 sheltered space per 8 dwelling units.</u>
Cottage Housing	<u>A maximum of 1.5 spaces per cottage</u>	<u>1 sheltered space per cottage</u>
Manufactured Housing	<u>A maximum of 2 spaces</u>	<u>2 sheltered spaces per manufactured dwelling without a garage</u>
Performance Standards Developments	See chapter 18.3.9.	
<b>Commercial Categories</b>		
Auto, boat or trailer sales, retail nurseries and other outdoor retail uses	<u>A maximum of 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 a maximum of 1 space per 2 employees.</u>	<u>1 per 5,000 sq. ft. of sales area</u>

- Deleted: Minimum**
- Deleted: Number of Parking Spaces per Land Use¶ (Based on Gross Floor Area; fractional spaces are rounded up**
- Deleted:** A maximum of 32 spaces for detached dwelling units and the following for attached dwelling units:
- Deleted: ¶**
  - a. Studio units or 1-bedroom units less than 500 sq. ft. – a maximum of 1 space/unit.¶
  - b. 1-bedroom units 500 sq. ft. or larger – a maximum of 1.50 spaces/unit.¶
  - c. 2-bedroom units – a maximum of 1.75 spaces/unit.¶
  - d. 3-bedroom or greater units – a maximum of 2.00 spaces/unit.
- Deleted:** No bike parking requirements for single family dwellings
- Deleted:** Accessory Residential Unit ... [4]
- Deleted:** a. Studio units or 1-bedroom units less than 500 sq. ft. – a maximum of 1 space/unit.¶  
 b. 1-bedroom units 500 sq. ft. or larger – a maximum of 1.50 spaces/unit.¶  
 c. 2-bedroom units – a maximum of 1.75 spaces/unit.¶  
 d. 3-bedroom or greater units – a maximum of 2.00 spaces/unit.¶  
 e. Retirement complexes for seniors 55 years or greater – a maximum of 1 space per unit.¶
- Deleted:** f. Transit Triangle (TT) overlay option developments, see chapter 18.3.14.
- Deleted:** a. Units less than 800 sq. ft. – a maximum of 1 space/unit.¶  
 b. Units greater than 800 sq. ft. and less than 1,000 sq. ft. – a maximum of 1.5 spaces/unit.¶  
 c. Units greater than 1,000 sq. ft. – a maximum of 2.00 spaces/unit.¶  
 d. Retirement complexes for seniors 55 years or greater – a maximum of 1 space per unit.
- Deleted:** No bike parking requirements for cottage housing....
- Deleted:** Parking for a manufactured home on a single-family lot is same as a single-family dwell... ... [5]
- Deleted:** No bike parking requirements for manufactured housing....
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Bowling Alleys	A maximum of 3 spaces per alley, plus additional spaces for auxiliary uses.	1 per 2 per alleys
Chapels and Mortuaries	A maximum of 1 space per 4 fixed seats in the main chapel.	1 per 20 seats
Hotels	A maximum of 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.	1 per 5 guest rooms
Offices	General Office: A maximum of 1 space per 500 sq. ft. floor area.	1 per 2,500 sq. ft. office
	Medical/Dental Office: A maximum of 1 space per 350 sq. ft. floor area.	1 per 1,750 sq. ft. office
Restaurants, Bars, Ice Cream Parlors, Similar Uses	A maximum of 1 space per 4 seats or 1 space per 100 sq. ft. of gross floor area, whichever is more.	1 per 20 seats or 1 per 500 sq. ft. of gross floor area, whichever is less.
Retail Sales and Services	General: A maximum of 1 space per 350 sq. ft. floor area.	1 per 1,000 sq. ft. floor area
	Furniture and Appliances: A maximum of 1 space per 750 sq. ft. floor area.	1 per 2,500 sq. ft. floor area
Skating Rinks	A maximum of 1 space per 350 sq. ft. of gross floor area.	1 per 1,000 sq. ft. floor area
Theaters, Auditoriums, Stadiums, Gymnasiums and Similar Uses	A maximum of 1 space per 4 seats.	1 per 10 seats
Travelers' Accommodations	A maximum of 1 space per guest room, plus 2 spaces for the owner or manager.	1 per 10 guest rooms
<b>Industrial Categories</b>		
Industrial, Manufacturing and Production, Warehousing and Freight	A maximum of 1 space per 1,000 sq. ft. of gross floor area, or 1 space for each 2 employees, whichever is more, plus 1 space per company vehicle.	1 per 5,000 sq. ft. floor area
<b>Institutional and Public Categories</b>		
Aircraft Hangar - Ashland Municipal Airport	Parking spaces shall be provided within the hangar or within designated vehicle parking areas identified in the adopted Ashland Municipal Airport Master Plan.	Parking spaces shall be provided within the hangar or within designated vehicle parking areas identified in the

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		<a href="#">adopted Ashland Municipal Airport Master Plan.</a>
Clubs, Fraternity and Sorority Houses; Rooming and Boarding Houses; Dormitories	<a href="#">A maximum of 2 spaces for each 3 guest rooms; in dormitories, 100 sq. ft. shall be equivalent to a guest room.</a>	<a href="#">1 per 5 guest rooms</a>
Daycare	<a href="#">A maximum of 1 space per 2 employees;</a>	<a href="#">Home: None</a> <a href="#">Commercial: 1 per classroom</a>
Golf Courses	Regular: <a href="#">A maximum of 8 spaces per hole, plus additional spaces for auxiliary uses.</a>	<a href="#">0.5 per hole</a>
	Miniature: <a href="#">A maximum of 4 spaces per hole.</a>	<a href="#">1 per hole</a>
Hospital	<a href="#">A maximum of 2 spaces per patient bed.</a>	<a href="#">1 per 2,000 sq. ft.</a>
Nursing and Convalescent Homes	<a href="#">A maximum of 1 space per 3 patient beds.</a>	<a href="#">1 per 5 employees</a>
Public Assembly	<a href="#">A maximum of 1 space per 4 seats.</a>	<a href="#">1 per 20 seats</a>
Religious Institutions and Houses of Worship	<a href="#">A maximum of 1 space per 4 seats.</a>	<a href="#">1 per 20 seats in main assembly area</a>
Rest Homes, Homes for the Aged, or Assisted Living	<a href="#">A maximum of 1 space per 2 patient beds or 1 space per apartment unit.</a>	<a href="#">1 per 5 employees</a>
Schools	Elementary and Junior High: <a href="#">A maximum of 1.5 spaces per classroom, or 1 space per 75 sq. ft. of public assembly area, whichever is greater.</a>	<a href="#">Preschool: 1 per classroom</a>
		<a href="#">Elementary and Junior High: 6 per classroom</a>
		<a href="#">High school: 6 per classroom</a>
	Colleges, Universities and Trade Schools: <a href="#">A maximum of 1.5 spaces per classroom, plus 1 space per 5 students the school is designed to accommodate, plus requirements for on-campus student housing.</a>	<a href="#">1 per 3 students/staff</a>
<b>Other Categories</b>		

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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 design standards for temporary uses.	<u>Bike parking standards will be determined the same as primary uses, except that the City decision-making body may reduce or waive certain development and design standards for temporary uses.</u>
<b>Transit Station</b>	<u>Automobile parking maximums are determined through the discretion of the City decision-making body.</u>	4 per 10 automobile parking spaces
<b>Park and Ride</b>	<u>Automobile parking maximums are determined through the discretion of the City decision-making body.</u>	4 per 10 automobile parking spaces

(Ord. 3199 § 21, amended, 06/15/2021; Ord. 3191 § 23, amended, 11/17/2020; Ord. 3167 § 12, amended, 12/18/2018; Ord. 3155 § 9, amended, 07/17/2018; Ord. 3147 § 7, amended, 11/21/2017)

### 18.4.3.050 Accessible Parking Spaces

Accessible parking shall be provided consistent with the requirements of the building code, including but not limited to the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements. Accessible parking shall be included and identified on the planning application submittals. Where off-street vehicle parking is provided, it must include the required number of accessible vehicle parking spaces as specified by the state building code and federal standards. Such parking spaces must be sized, signed, and marked as required by these regulations and in compliance with ORS 447.

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**Deleted:** Except for detached single-family dwellings and duplexes, 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 subsection [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](#).¶

... [6]

**Deleted: 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 red... [7]



### 18.4.3.070 Bicycle Parking Standards

**A. Applicability and Minimum Requirement.** All uses, with the exception of [single family residences, accessory residential units and duplexes](#), are required to provide a minimum of two sheltered bike parking spaces pursuant to this section. The required bicycle parking shall be constructed when an existing residential building or dwelling is altered or enlarged by the addition or creation of dwelling units, or when a non-residential use is intensified by the addition of floor space, seating capacity, or change in use.

**B. Calculation.** Fractional spaces shall be rounded up to the next whole space.

#### [Bicycle Parking Design Standards.](#)

1. Bicycle parking shall be located so that it is visible to and conveniently accessed by cyclists, and promotes security from theft and damage.
2. Bicycle parking requirements, pursuant to this section, can be met in any of the following ways.
  - a. Providing bicycle racks or lockers outside the main building, underneath an awning or marquee, or in an accessory parking structure. [Racks must be to the city standard detailed below or an approved alternative which can accommodate large bicycles, family and cargo bicycles and allows a bicycle to be secured by at least two points.](#)
  - b. Providing a bicycle storage room, bicycle lockers, or racks inside the building.
  - c. [Providing bicycle racks in the public right of way, subject to review and approval by the Staff Advisor and Public Works Director.](#)
3. All required exterior bicycle parking shall be located on-site and within 50 feet of a regularly used building entrance and not farther from the entrance than the closest motor vehicle parking space. Bicycle parking shall have direct access to both the public right-of-way and to the main entrance of the principal use. For facilities with multiple buildings, building entrances or parking lots (such as a college), exterior bicycle parking shall be located in areas of greatest use and convenience for bicyclists.

- Deleted:** 1. Pedestrian and transit supportive 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. (Ord. 3199 § 22, amended, 06/15/2021; Ord. 3167 § (... [8])

- Deleted:** residential units
- Commented [DS2]:** No bike parking currently required in C-1-D. If CFEC now requires it, is this a M56 issue?
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- Deleted:** and uses in the C-1-D zone
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- Deleted: C. Bicycle Parking for Residential Uses.** Every residential use of two or more dwelling units per structure and not containing a garage for e (... [9])
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- Commented [JG4]:** Cities and counties shall ensure that all bicycle parking provided must:
  - (a) **Allow ways to secure at least two points on a big (... [10])**
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- Deleted:** Must allow ways to secure at least two points on a bicycle.
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4. Required bicycle parking spaces located out of doors shall be visible enough to provide security. Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated, well lit, and visible from adjacent walkways or motor vehicle parking lots during all hours of use.

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5. Paving and Surfacing. Outdoor bicycle parking facilities shall be surfaced in the same manner as the automobile parking area or with a minimum of two inch thickness of hard surfacing (i.e., asphalt, concrete, pavers, or similar material) and shall be relatively level. This surface will be maintained in a smooth, durable, and well-drained condition.

6. Bicycle parking located outside the building shall provide and maintain an aisle for bicycle maneuvering between each row of bicycle parking. Bicycle parking including rack installations shall conform to the minimum clearance standards as illustrated in Figure 18.4.3.070.C.6.

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a. Bicycle parking must be installed in a manner to allow space for the bicycle to be maneuvered to a position where it may be secured without conflicts from other parked bicycles, walls, or other obstructions.

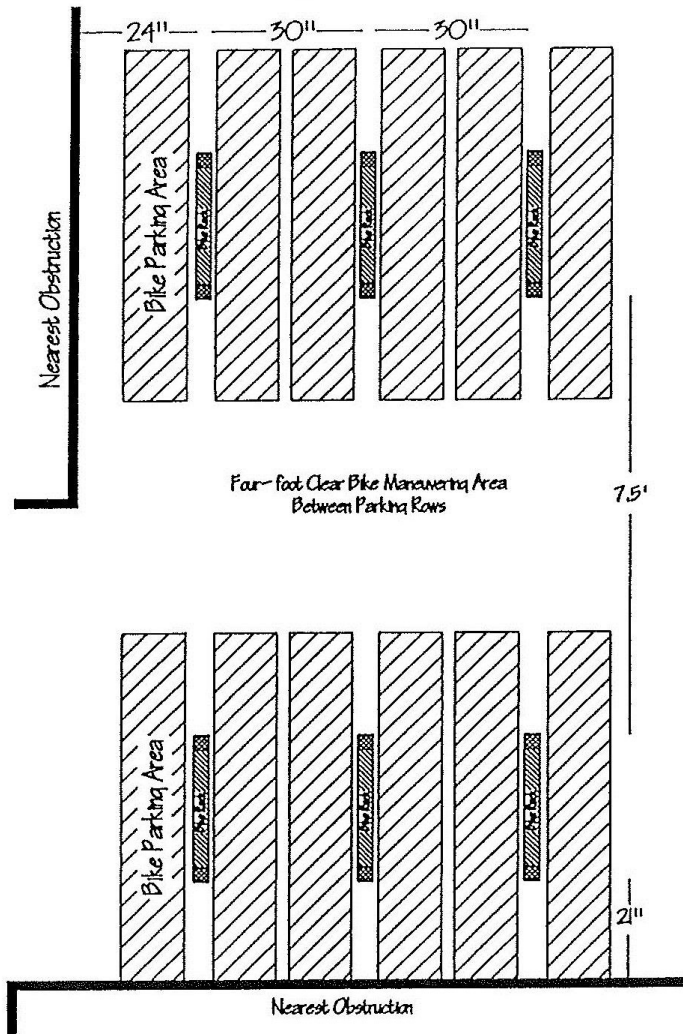
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b. Bicycle parking should include sufficient bicycle parking spaces to accommodate large bicycles, including family and cargo bicycles.

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**Figure 18.4.3.070.C.6. Bike Parking Layout**

7. A bicycle parking space located inside of a building for employee bike parking shall be a minimum of six feet long by three feet wide by four feet high.
8. Each required bicycle parking space shall be accessible without moving another bicycle.

**Commented [DS5]:** Need to update rack layout with more complete dimensions, verifying will accommodate cargobikes & longtails, and including coverage and lighting notes. (Something that can be provided as a handout similar to the City of San Antonio's.)

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- 9. Areas set aside for required bicycle parking shall be clearly marked and reserved for bicycle parking only.
- 10. Sheltered parking shall mean protected from all precipitation and must include the minimum protection coverages as illustrated in Figure 18.4.3.070.I.10.

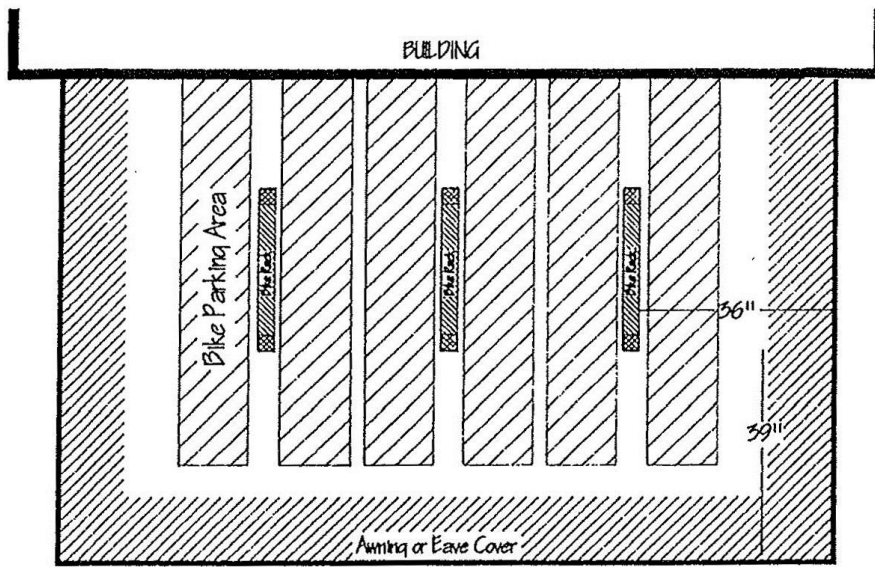


Figure 18.4.3.070.C.10.a. Covered Bike Parking Layout

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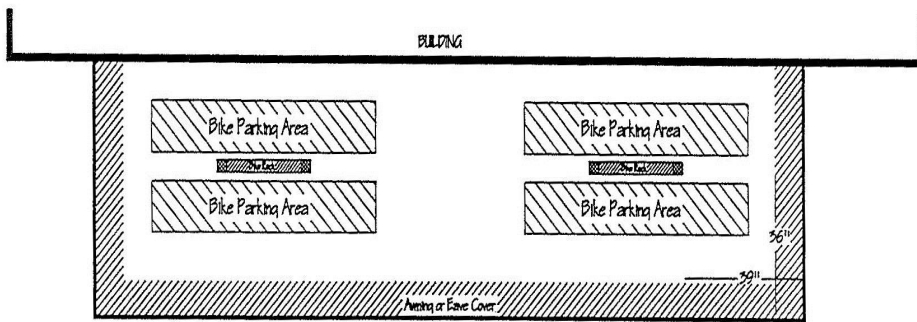


Figure 18.4.3.070.C.10.b. Covered Bike Parking Layout

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11. Bicycle parking shall be located to minimize the possibility of accidental damage to either bicycles or racks. Where needed, barriers shall be installed.

12. Bicycle parking shall not impede or create a hazard to pedestrians. They shall not be located so as to violate the vision clearance standards of section [18.2.4.050](#). Bicycle parking facilities should be harmonious with their environment both in color and design. Facilities should be incorporated whenever possible into building design or street furniture.

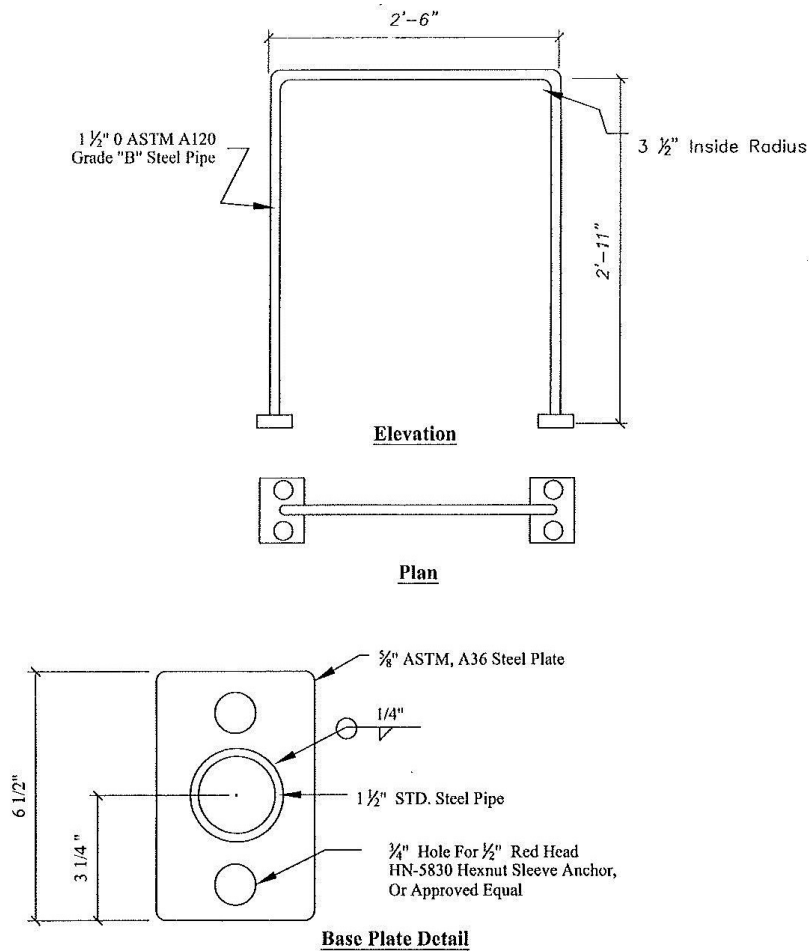
**D. Bicycle Parking Rack Standards.** The intent of the following standards is to ensure that required bicycle racks are designed so that bicycles may be securely locked to them without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

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1. Bicycle parking racks shall consist of staple-design or inverted-u steel racks meeting the individual rack specifications as illustrated in Figure [18.4.3.070.D.1](#). The Staff Advisor, [in consultation with the Public Works Director](#), may approve alternatives to the above standards. Alternatives shall conform to all other applicable standards of this section [including accommodating large bicycles, family bicycles or cargo bicycles so that they may be secured by at least two points, and providing adequate shelter and lighting](#).

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**Figure 18.4.3.070.D.1. Bicycle Parking Rack**

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2. Commercial bike lockers are acceptable according to manufacturer's specifications.
3. Bicycle parking racks or lockers shall be anchored securely.
4. Bicycle racks shall hold bicycles securely by means of the frame. The frame shall be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels. Bicycle racks shall accommodate all of the following.



- a. Locking the frame and both wheels to the rack with a high-security U-shaped shackle lock, if the bicyclist removes the front wheel.
- b. Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock, if the bicyclist leaves both wheels on the bicycle.
- c. Locking the frame and both wheels to the rack with a chain or cable not longer than six feet without removal of the front wheel.

### 18.4.3.080 Vehicle Area Design

#### A. Parking Location.

1. Except as allowed in the subsection below, automobile parking shall not be located in a required front and side yard setback area abutting a public street, except alleys.

2. In all residential zones, off-street parking in a front yard for all vehicles, including trailers and recreational vehicles, is limited to a contiguous area no more than 25 percent of the area of the front yard, or a contiguous area 25 feet wide and the depth of the front yard, whichever is greater. Since parking in violation of this section is occasional in nature, and is incidental to the primary use of the site, no vested rights are deemed to exist and violations of this section are not subject to the protection of the nonconforming use sections of this code.

**B. Parking Area Design.** Voluntarily-provided parking areas shall be designed in accordance with the following standards and dimensions as illustrated in Figure 18.4.3.080.B. See also accessible parking space requirements in section 18.4.3.050 and parking lot and screening standards in subsection 18.4.4.030.F.

- 1. Parking spaces shall be a minimum of 9 feet by 18 feet.
- 2. Parking spaces may be designated for compact cars. Minimum dimensions for compact spaces shall be 8 feet by 16 feet. Such spaces shall be signed or the space painted with the words "Compact Car Only."

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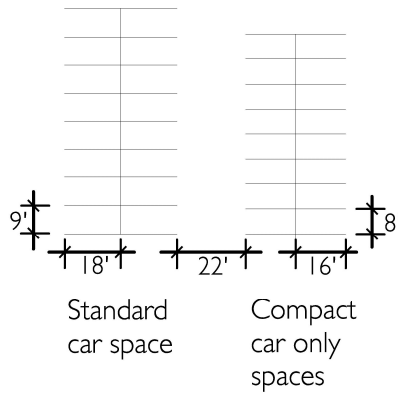
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3. Parking spaces shall have a back-up maneuvering space not less than 22 feet, except where parking is angled, and which does not necessitate moving of other vehicles.



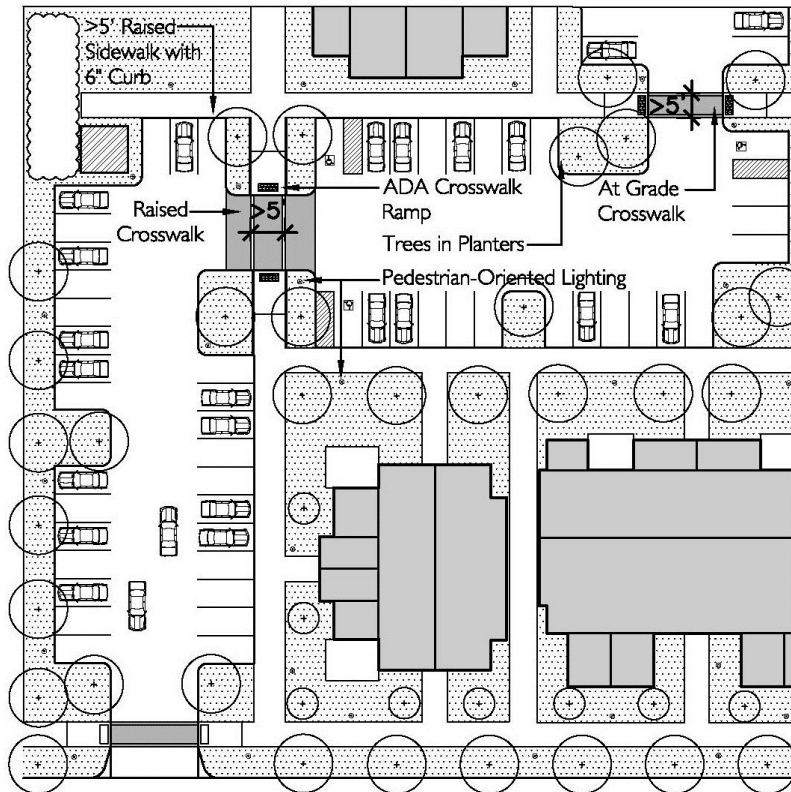
Note: Up to 50% of the total of all parking spaces in parking lot may be designated for compact cars.

**Figure 18.4.3.080.B. Parking Area Dimensions**

**Commented [DS6]:** Note about up to 50% of spaces being compact needs to be removed from Figure 18.4.3.080.B

4. Parking lots with 50 or more parking spaces, and parking lots where pedestrians must traverse more than 150 feet of parking area, as measured as an average width or depth, shall be divided into separate areas by one or more of the following means: a building or group of buildings; plaza landscape areas with walkways at least five feet in width; streets; or driveways with street-like features as illustrated in Figure 18.4.3.080.B.4. "Street-like features," for the purpose of this section, means a raised sidewalk of at least five feet in width, with six-inch curb, accessible curb ramps, street trees in planters or tree wells and pedestrian-oriented lighting (i.e., not exceeding 14 feet typical height). [New parking areas of one-half acre or larger shall include street trees in planters or tree wells along all driveways or otherwise demonstrate that 30 percent tree canopy coverage over the parking area will be achieved within five years of occupancy.](#)

**Commented [DS7]:** Confirm that street like features here satisfy CFEC.



**Figure 18.4.3.080.B.4. Dividing Parking Lots into Separate Areas**

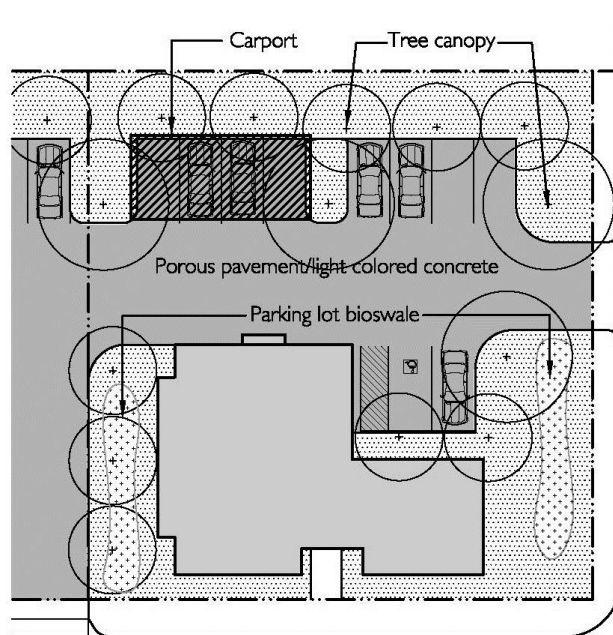
5. Parking areas shall be designed to minimize the adverse environmental and microclimatic impacts of surface parking through design and material selection as illustrated in Figure [18.4.3.080.B.5](#). Parking areas of more than seven parking spaces shall meet the following standards:

- a. Use one or more of the following strategies for the surface parking area, or put 50 percent of parking underground. For parking lots with 50 or more spaces, the approval authority may approve a combination of strategies.

- i. Use light colored paving materials with a high solar reflectance (Solar Reflective Index (SRI) of at least 29) to reduce heat absorption for a minimum of 50 percent of the parking area surface.
- ii. Provide porous solid surfacing or an open grid pavement system that is at least 50 percent pervious for a minimum of 50 percent of the parking area surface.
- iii. Provide at least 50 percent shade from tree canopy over the parking area surface within five years of project occupancy.
- iv. Provide at least 50 percent shade from solar energy generating carports, canopies or trellis structures over the parking area surface.

[New parking areas of greater than one-half acre must provide at least 50 percent shade from either tree canopy or solar panels over the parking surface.](#)

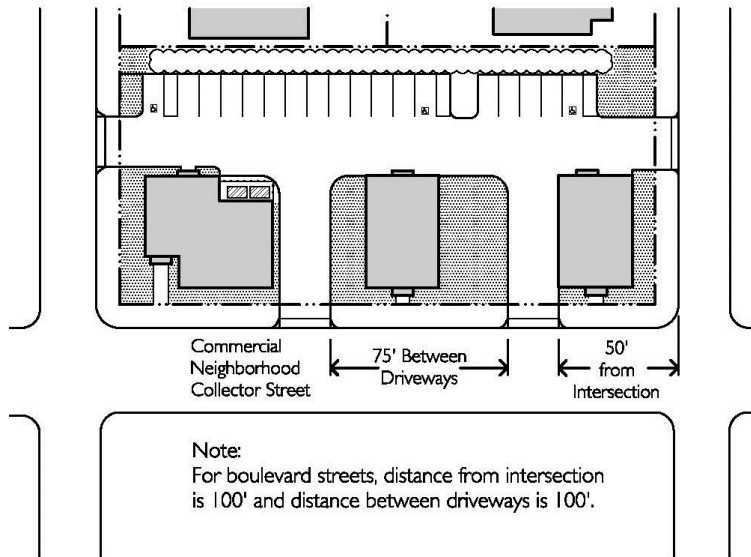
- b. Design parking lots and other hard surface areas in a way that captures and treats runoff with landscaped medians and swales.



**Figure 18.4.3.080.B.5. Parking Design to Reduce Environmental Impacts**

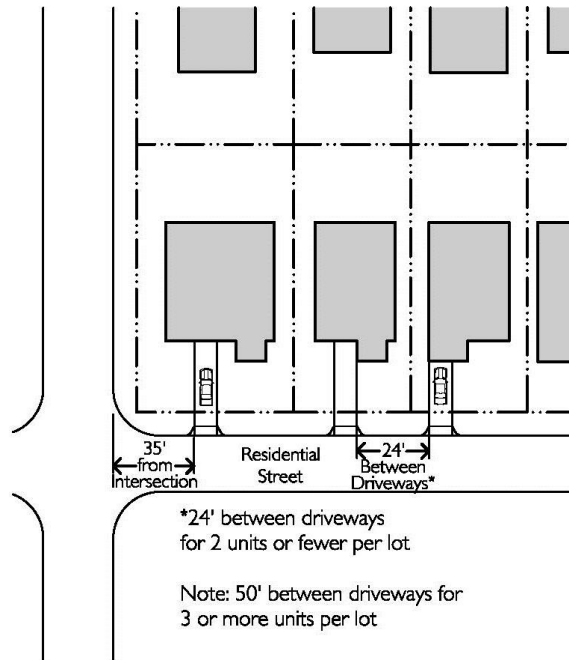
**C. Vehicular Access and Circulation.** The intent of this subsection is to manage access to land uses and on-site circulation and maintain transportation system safety and operations. For transportation improvement requirements, refer to chapter [18.4.6](#), Public Facilities.

1. Applicability. This section applies to all public streets within the City and to all properties that abut these streets. The standards apply when developments are subject to a planning action (e.g., site design review, conditional use permit, land partition, performance standards subdivision).
2. Site Circulation. New development shall be required to provide a circulation system that accommodates expected traffic on the site. All on-site circulation systems shall incorporate street-like features as described in [18.4.3.080.B.4](#). Pedestrian connections on the site, including connections through large sites, and connections between sites and adjacent sidewalks must conform to the provisions of section [18.4.3.090](#).
3. Intersection and Driveway Separation. The distance from a street intersection to a driveway, or from a driveway to another driveway shall meet the minimum spacing requirements for the street's classification in the Ashland Transportation System Plan (TSP) as illustrated in Figures [18.4.3.080.C.3.a](#) and [18.4.3.080.C.3.b](#).



**Figure 18.4.3.080.C.3.a. Driveway Separation for Boulevards, Avenues, and Collectors**





**Figure 18.4.3.080.C.3.b. Driveway Separation for Neighborhoods Streets**

- a. In no case shall driveways be closer than 24 feet as measured from the bottom of the existing or proposed apron wings of the driveway approach.
- b. Partitions and subdivisions of property located in an R-2, R-3, C-1, E-1, CM, or M-1 zone shall meet the controlled access standards set forth below. If applicable, cross access easements shall be required so that access to all properties created by the land division can be made from one or more points.
- c. Street and driveway access points in an R-2, R-3, C-1, E-1, CM, or M-1 zone shall be limited to the following:
  - i. Distance between driveways.

on boulevard streets: 100 feet

on collector streets:	75 feet
on neighborhood streets:	24 feet for 2 units or fewer per lot, 50 feet for three or more units per lot

ii. Distance from intersections.

on boulevard streets:	100 feet
on collector streets:	50 feet
on neighborhood streets:	35 feet

d. Access Requirements for Multifamily Developments. All multifamily developments which will have automobile trip generation in excess of 250 vehicle trips per day shall provide at least two driveway access points to the development. Trip generation shall be determined by the methods established by the Institute of Transportation Engineers.

4. Shared Use of Driveways and Curb Cuts.

a. Plans submitted for developments subject to a planning action shall indicate how driveway intersections with streets have been minimized through the use of shared driveways and all necessary access easements. Where necessary from traffic safety and access management purposes, the City may require joint access and/or shared driveways in the following situations.

- i. For shared parking areas.
- ii. For adjacent developments, where access onto an arterial is limited.
- iii. For multifamily developments, and developments on multiple lots.

b. Developments subject to a planning action shall remove all curb cuts and driveway approaches not shown to be necessary for existing improvements or the proposed development. Curb cuts and approaches shall be replaced with standard curb, gutter, sidewalk, and planter/furnishings strip as appropriate.

c. If the site is served by a shared access or alley, access for motor vehicles must be from the shared access or alley and not from the street frontage.

5. Alley Access. Where a property has alley access, vehicle access shall be taken from the alley and driveway approaches and curb cuts onto adjacent streets are not permitted.

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

1. A driveway for a single-family dwelling or a duplex shall be a minimum of nine feet in width except that driveways over 50 feet in length or serving a flag lot shall meet the width and design requirements of section [18.5.3.060](#). Accessory residential units are exempt from the requirements of this subsection.

2. Parking areas of seven or fewer spaces shall be served by a driveway 12 feet in width, except for those driveways subject to subsection [18.4.3.080.D.1](#), above. Accessory residential units are exempt from the requirements of this subsection.

3. Parking areas of more than seven parking spaces shall be served by a driveway 20 feet in width and constructed to: facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety; be clearly and permanently marked and defined; and provide adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner.

4. The width of driveways and curb cuts in the parkrow and sidewalk area shall be minimized.

5. For single-family lots and multifamily developments, the number of driveway approaches and curb cuts shall not exceed one approach/curb cut per street frontage. For large multifamily developments and other uses, the number of approaches and curb cuts shall be minimized where feasible to address traffic safety or operations concerns.

6. Vertical Clearances. Driveways, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13.5 feet for their entire length and width. Parking structures are exempt from this requirement.

7. Vision Clearance. No obstructions may be placed in the vision clearance area except as set forth in section [18.2.4.040](#).

8. Grades for new driveways in all zones shall not exceed 20 percent for any portion of the driveway. If required by the City, the developer or owner shall provide certification of driveway grade by a licensed land surveyor.
9. All driveways shall be installed pursuant to City standards prior to issuance of a certificate of occupancy for new construction.
10. Driveways for lots created or modified through a land division or property line adjustment, including those for flag lots, shall conform to the requirements of chapter [18.5.3](#), Land Divisions and Property Line Adjustments.

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

1. Paving. All required parking areas, aisles, turn-arounds, and driveways shall be paved with concrete, asphaltic, porous solid surface, or comparable surfacing, constructed to standards on file in the office of the City Engineer.
2. Drainage. All required parking areas, aisles, and turn-arounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.
3. Driveway Approaches. Approaches shall be paved with concrete surfacing constructed to standards on file in the office of the City Engineer.
4. Marking. Parking lots of more than seven spaces shall have all spaces permanently and clearly marked.
5. Wheel stops. Wheel stops shall be a minimum of four inches in height and width and six feet in length. They shall be firmly attached to the ground and so constructed as to withstand normal wear. Wheel stops shall be provided where appropriate for all spaces abutting property lines, buildings, landscaping, and no vehicle shall overhang a public right-of-way.
6. Walls and Hedges.
  - a. Where a parking facility is adjacent to a street, a decorative masonry wall or fire-resistant broadleaf evergreen sight-obscuring hedge screen between 30 and 42 inches in height and a minimum of 12 inches in width shall be established parallel to and not

nearer than two feet from the right-of-way line, pursuant to the following requirements:

- i. The area between the wall or hedge and street line shall be landscaped.
  - ii. Screen planting shall be of such size and number to provide the required screening within 12 months of installation.
  - iii. All vegetation shall be adequately maintained by a permanent irrigation system, and said wall or hedge shall be maintained in good condition.
  - iv. Notwithstanding the above standards, the required wall or screening shall be designed to allow access to the site and sidewalk by pedestrians and shall meet the vision clearance area requirements in section [18.2.4.040](#), and shall not obstruct fire apparatus access, fire hydrants, or other fire appliances.
- b. In all zones, except single-family zones, where a parking facility or driveway is adjacent to a residential or agricultural zone, school yard, or like institution, a sight-obscuring fence, wall, or fire-resistant broadleaf evergreen sight-obscuring hedge shall be provided, pursuant to the following requirements:
- i. The fence, wall or hedge shall be placed on the property line and shall be between five feet and six feet in height as measured from the high grade side of the property line, except that the height shall be reduced to 30 inches within a required setback area and within ten feet of a street property line.
  - ii. Screen plantings shall be of such size and number to provide the required screening within 12 months of installation.
  - iii. Adequate provisions shall be made to protect walls, fences, or plant materials from being damaged by vehicles using said parking area.
  - iv. Notwithstanding the above standards, the required wall or screening shall be designed to meet the vision clearance area requirements in section [18.2.4.040](#).
  - v. The fence, wall, or hedge shall be maintained in good condition.

7. Landscaping. In all zones, all parking facilities shall include landscaping to cover not less than seven percent of the area devoted to outdoor parking facilities, including the

landscaping required in subsection [18.4.3.080.E.6](#), above. Said landscaping shall be uniformly distributed throughout the parking area, and provided with irrigation facilities and protective curbs or raised wood headers. It may consist of trees, plus shrubs, ground cover, or related material. A minimum of one tree per seven parking spaces is required.

8. [Electric Vehicle Charging. Mixed-use or multifamily residential developments with five or more dwelling units shall provide electrical service capacity by extending conduit to support future electric vehicle charging infrastructure to at least 40 percent of the off-street parking spaces provided in keeping with the state building code adopted pursuant to ORS 455.417.](#)

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9. [Where new designated employee parking areas are voluntarily provided in new developments, preferential parking for carpools and vanpools shall be included.](#)

10. [Lighting.](#) Lighting of parking areas within 100 feet of property in residential zones shall be directed into or on the site and away from property lines such that the light element shall not be directly visible from abutting residential property. Lighting shall comply with section [18.4.4.050](#). (Ord. 3199 § 23, amended, 06/15/2021; Ord. 3158 § 5, amended, 09/18/2018; Ord. 3155 § 11, amended, 07/17/2018)

### 18.4.3.090 Pedestrian Access and Circulation

**A. Purpose.** The purpose of this section is to provide for safe, direct, and convenient pedestrian access and circulation.

**B. Standards.** Development subject to this chapter, except single-family dwellings on individual lots, accessory residential units, duplexes, and associated accessory structures, shall conform to the following standards for pedestrian access and circulation:

1. [Continuous Walkway System.](#) Extend the walkway system throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent sidewalks, trails, parks, and common open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property for this purpose.

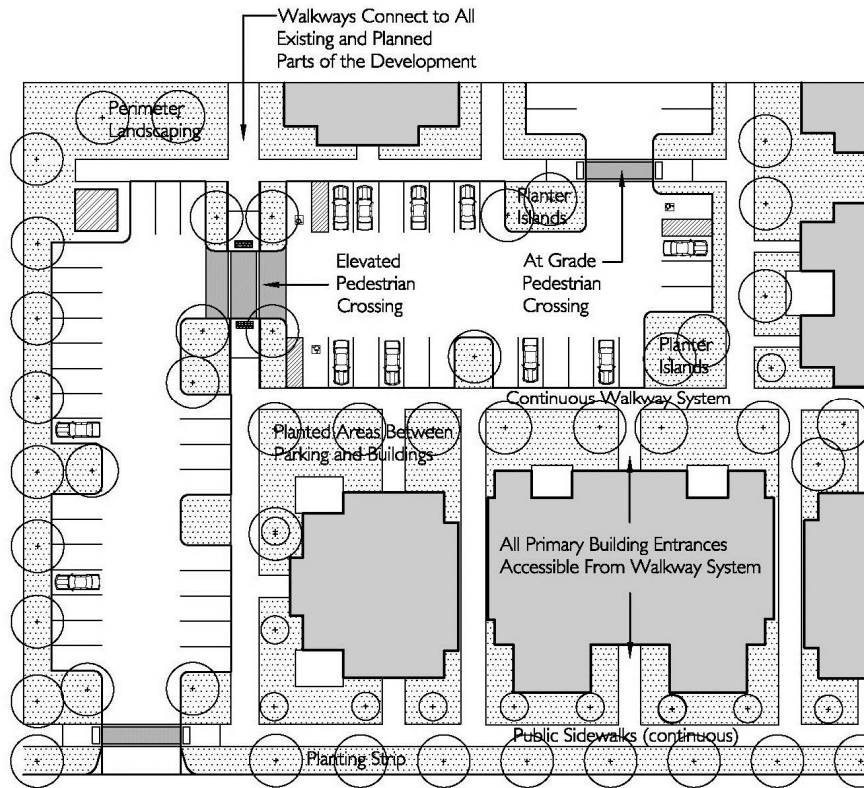


2. Safe, Direct, and Convenient. Provide safe, reasonably direct, and convenient walkway connections between primary building entrances and all adjacent streets. For the purposes of this section, the following definitions apply:

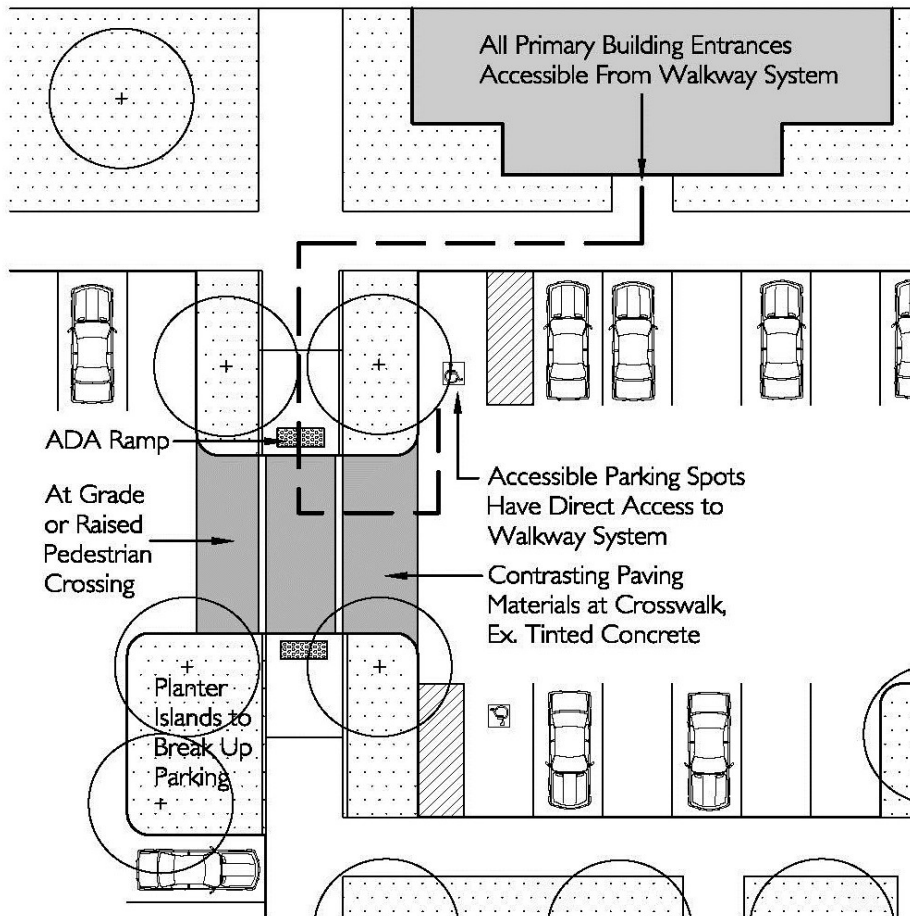
- a. Reasonably Direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
- b. Safe and Convenient. Reasonably free from hazards and provides a reasonably direct means of walking between destinations.
- c. Primary Entrance. For a non-residential building, the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
- d. Primary Entrance. For a residential building, the front door (i.e., facing the street). For multifamily buildings and mixed-use buildings where not all dwelling units have an individual exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway serving as a common entrance for more than one dwelling.

3. Connections within Development. Walkways within developments shall provide connections meeting all of the following requirements as illustrated in Figures [18.4.3.090.B.3.a](#) and [18.4.3.090.B.3.b](#):

- a. Connect all building entrances to one another to the extent practicable.
- b. Connect on-site parking areas, common and public open spaces, and common areas, and connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections.
- c. Install a protected raised walkway through parking areas of 50 or more spaces, and where pedestrians must traverse more than 150 feet of parking area, as measured as an average width or depth.



**Figure 18.4.3.090.B.3.a. Pedestrian Access and Circulation**



**Figure 18.4.3.090.B.3.b. Pedestrian Access and Circulation Detail**

4. Walkway Design and Construction. Walkways shall conform to all of the following standards as illustrated in Figures [18.4.3.090.B.3.a](#) and [18.4.3.090.B.3.b](#). For transportation improvement requirements, refer to chapter [18.4.6](#), Public Facilities.

a. Vehicle/Walkway Separation. Except for crosswalks, where a walkway abuts a driveway or street, it shall be raised six inches and curbed along the edge of the driveway. Alternatively, the approval authority may approve a walkway abutting a

driveway at the same grade as the driveway if the walkway is distinguished from vehicle-maneuvering areas. Examples of alternative treatments are mountable curbs, surface treatments such as stamped concrete or reflector bumps, and using a row of decorative metal or concrete bollards to separate a walkway from a driveway.

b. Crosswalks. Where walkways cross a parking area or driveway, clearly mark crosswalks with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

c. Walkway Surface and Width. Walkway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, and at least five feet wide. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, and at least ten feet wide, in accordance with section [18.4.6.040](#), Street Design Standards.

d. Accessible routes. Walkways shall comply with applicable Americans with Disabilities Act (ADA) and State of Oregon requirements. The ends of all raised walkways, where the walkway intersects a driveway or street, shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

e. Lighting. Lighting shall comply with section [18.4.4.050](#). (Ord. 3199 § 24, amended, 06/15/2021; Ord. 3191 § 24, amended, 11/17/2020)

### 18.4.3.100 Construction

Parking, access, and circulations facilities, shall be installed as approved, prior to a release of a certificate of use and occupancy or a release of utilities, and shall be permanently maintained as approved as a condition of use. However, the Building Official may, unless otherwise directed by the Planning Commission or Staff Advisor, release a temporary certificate of use and occupancy and a temporary release of utilities before the installation of said facilities provided: (1) there is proof that the owner has entered into a contract with a qualified, bonded, and insured contractor for the completion of the parking, including walkways, landscaping, and other elements required by this chapter, with a specified time, and no other conditions of

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approval are outstanding; or (2) the owner has posted a satisfactory performance bond to ensure the installation of said parking facilities within a specified time.

### 18.4.3.110 Availability of Facilities

Parking, access, and circulation shall be available for use by residents, customers, and employees only, and shall not be used for the storage or display of vehicles or materials.

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**The Ashland Land Use Ordinance is current through Ordinance 3204, passed December 21, 2021.**

Disclaimer: The City Recorder's office has the official version of the Ashland Land Use Ordinance. Users should contact the City Recorder's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.ashland.or.us](http://www.ashland.or.us)

City Telephone: (541) 488-5307

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Cities and counties shall ensure that all bicycle parking provided must:

- (a) Allow ways to secure at least two points on a bicycle;
- (b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position where it may be secured without conflicts from other parked bicycles, walls, or other obstructions;
- (c) Be in a location that is convenient and well-lit; and
- (d) Include sufficient bicycle parking spaces to accommodate large bicycles, including family and cargo bicycles.



**MEMORANDUM**

**To:** *Derek Severson, Planning Manager  
City of Ashland  
51 Winburn Way, Ashland, Oregon 97520*

**From:** *Journie Gering  
Planner*

**Date:** *July 31, 2023*

**Project Name: Ashland Parking Code Audit**  
**Project No. 22755**

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Climate Friendly and Equitable Communities (CFEC) rules were adopted in July of 2022. These rules require local governments to study, identify, and designate Climate Friendly Areas (CFAs) within cities to provide local residents with more housing and transportation choices while also meeting Oregon’s Climate Pollution Reduction Targets for 2050. These rules allow some cities, such as Ashland, to update their transportation, land use plans, and development code to accommodate walkable, mixed-use development. A part of the CFEC legislation includes reforming parking mandates. Reforming parking mandates in certain areas will help to promote a diversity of development that would otherwise not occur due to current parking standards and the cost of creating parking. Parking reform initiated by CFEC allows for two different options for reform.

The first option allows cities to remove the parking minimum mandates within one-half mile of frequent transit and three-quarters of a mile of rail stops, where parking demand is lower per unit due to alternative transportation options. Alongside this standard, CFEC also requires new housing and mixed-use development with at least five units to include electrical conduits to 40 percent of parking spots. This will ensure these spots be ready for wiring and charging stations for electric vehicles, supporting Oregon’s Climate Goals to lower emissions. The second option allows for cities to bundle more options for reform such as providing preferential placement of carpool/vanpool parking, encouraging redevelopment of underused parking, allowing and facilitating shared parking, and more.

The City of Ashland has chosen the option to reform parking within the buffers of rail stations and frequent transit corridors. When the Rouge Valley Transit District routes and stops were analyzed, the buffers of one-half mile around these transit corridors were very frequent within the city. These buffer zones cover approximately 80 percent of Ashland. From this analysis, the City of Ashland has determined that parking reform will occur throughout the city. Parking reform will include removing off-street automobile parking minimum standards for developments and replacing this language with maximum off-street automobile parking standards. A minimum number of bike parking spaces will also be required depending on the development type within the development code.

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