

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

ASHLAND PLANNING COMMISSION
May 8, 2018
AGENDA

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

- II. **ANNOUNCEMENTS**

- III. **AD-HOC COMMITTEE UPDATES**

- IV. **CONSENT AGENDA**
 - A. **Approval of Minutes**
 - 1. April 10, 2018 Regular Meeting
 - 2. April 24, 2018 Special Meeting

- V. **PUBLIC FORUM**

- VI. **UNFINISHED BUSINESS**
 - A. **Approval of Findings for PA-2018-00429, 469 Russell Street**

- VII. **PUBLIC HEARINGS**
 - A. **SUBJECT PROPERTY: Public Right-of-Way at the end of Terrace Street**
OWNER/APPLICANT: City of Ashland Public Works Department
DESCRIPTION: The Planning Commission will consider a request to vacate a portion of the Terrace Street right-of-way between 110 Terrace Street and 9 Hillcrest Street, and make a recommendation to the City Council.
COMPREHENSIVE PLAN DESIGNATION: Single-Family Residential and Rural Residential; **ZONING:** R-1-7.5 and RR-.5; **ASSESSOR'S MAP/TAX LOT:** Between 39 1E 09BC 8000 & 39 1E 09BD 15200.

- VIII. **DISCUSSION ITEMS**
 - A. **Planning Commission Recommendation for Accessory Residential Unit Ordinance Amendments**
 - B. **Letter of support for the Transportation Growth Management (TGM) grant**
 - C. **Annual Retreat dates**

- XI. **ADJOURNMENT**

CITY OF
ASHLAND



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

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
MINUTES - Draft
April 10, 2018

CALL TO ORDER

Chair Roger Pearce called the meeting to order at 7:01 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Troy Brown, Jr.
Michael Dawkins
Melanie Mindlin
Haywood Norton
Roger Pearce
Lynn Thompson

Staff Present:

Bill Molnar, Community Development Director
Derek Severson, Senior Planner
Dana Smith, Executive Assistant

Absent Members:

Debbie Miller

Council Liaison:

Dennis Slattery, absent

ANNOUNCEMENTS

Community Development Director Bill Molnar explained City Council had a public hearing March 20, 2018 for PA-2017-02129, East Nevada Street. The discussion focused around the affordable housing provision. The council had some issues they wanted the applicant to come back and address. Between the time it went from the Planning Commission to Council, the application had changed slightly. It was continued to the April 17, 2018 meeting but most likely would go to the Council at their meeting May 1, 2018. During that meeting, Council will hear PA-2018-00154, 601 Washington Street.

Mr. Molnar announced on May 9 and 10, the annual Southern Oregon Planners Network meeting. Commissioners interested needed to let him know in order to register them for the event.

He went on to address the new format for staff reports. It was a work in progress and he wanted feedback from the Commission for improvements. The format would make it easier for the public to read. It would increase efficiency for staff and save time. The new report would include draft findings detailing the planning action. There was a suggestion to leave an area available in the draft findings for anything disputed. The Commission would email Mr. Molnar their suggestions.

AD-HOC COMMITTEE UPDATES

Mr. Molnar noted the System Development Charges Committee was running slightly behind after the orientation.

CONSENT AGENDA

A. Approval of Minutes

1. March 13, 2018 Regular Meeting.

Commissioners Thompson/Dawkins m/s to approve the minutes of March 13, 2018. Voice Vote: all AYES. Motion passed 6-0.

PUBLIC FORUM

Huelz Gutcheon/Ashland/Spoke to climate change, reducing the speed limit to 20 miles per hour in Ashland and ways to measure carbons.

UNFINISHED BUSINESS

A. Approval of Findings for PA-2017-00154, 601 Washington Street.

The Commission had no ex parte contacts regarding the matter. Commissioner Thompson suggested an edit on page 19, the first sentence of the first full paragraph adding, "...the requested zone change and associated development of the property implements a public need for industrial development and is consistent..."

Commissioners Thompson/Dawkins m/s to approve the Findings for PA-2018-00154, 601 Washington Street as amended. Chair Pearce amended the motion and suggested on page 25, the paragraph following 2.9, changing "The Commission conditionally approves the requested Zone Change..." to "The Commission recommends that City Council approve the proposed annexation and that the Council approve the Zone Change and that the Planning Commission recommended the Site Design Review approval, Conditional Use Permit..." Commissioner Brown suggested an alternate amendment changing, "...subject to City Council approval of the requested Annexation," to "...subject to City Council approval of the requested Annexation and Zone Change," instead. The Commission agreed on adding "...and Zone Change," to the sentence. Voice Vote: all AYES. Motion passed 6-0.

TYPE II PUBLIC HEARINGS

A. PLANNING ACTION: PA-2018-00429

SUBJECT PROPERTY: 469 Russell Street

OWNER/APPLICANT: Laz Ayala/KDA Homes, LLC

DESCRIPTION: A request for Site Design Review approval to construct a new 11,296 square foot, two-story mixed-use building at 469 Russell Street. The 5,648 ground floor space is to be used for corporate offices while the second floor will consist of seven residential condominiums ranging in size from 482 to 834 square feet per unit. COMPREHENSIVE PLAN

DESIGNATION: Employment; ZONING: E-1; ASSESSOR'S MAP: 39 1E 09AA; TAX LOTS: 2802

Chair Pearce read aloud the public hearing procedures for land use hearings.

Ex Parte Contact

Commissioners Dawkins and Brown knew the site but had no ex parte. Commissioner Norton declared no ex parte and drove past the site. Commissioner Thompson had no ex parte and no new site visit. Chair Pearce declared no ex parte and one site visit.

Commissioner Mindlin declared a potential conflict of interest. The prospective buyer, NatureWise was a primary donor to an organization she worked for as a contracted administrator. It would not bias or prohibit her from making an unbiased objective decision in the matter.

Staff Report

Senior Planner Derek Severson explained the proposal was a Site Design Review approval to construct a new 11,296 square foot (sq. ft.), two-story mixed-use building at 469 Russell Street. It was Lot #3 of the Falcon Heights Subdivision. The 5,648 sq. ft. ground floor space would be corporate offices for NatureWise. The second floor will consist of seven residential condominiums ranging in size from 482 to 834 square feet per unit.

The subject property was adjacent to 479 Russell Street. The pedestrian path, bio swale, landscaping and public plaza space along the street would relate well to the proposed building. The separation between the buildings would be 30 feet. Parking was located to the side and rear.

The proposed building would complete the sidewalk to current standards with street trees along the frontage. The building would be placed in the approved envelope with the primary entrance off of the sidewalk near 479 Russell Street. Existing parking consisted of eleven spaces at the rear of the property. The applicants would install seven more adjacent to the building. Utility and drainage plans, elevation drawings were included in the packet.

The primary entrance would be on the east side with residential entrances on the west and rear. The application included a Solar Shadow Study subject to a Class A Solar Standard. A landscape plan, plaza space, and pedestrian walkways was also included in the application.

Tree Commission reviewed the proposal and suggested the following:

- The tree grates should not be used.
- The applicants should look at ways to provide more soil volume with larger tree wells.
- The tree trunks should be wrapped to provide protection from sun damage.
- The street trees should be watered regularly for two to three years to ensure they can establish themselves.

The Tree Commission was interested in a broader discussion on using tree grates in general. It related to 479 Russell that recently removed trees that had grown into the grates and cracked the sidewalk.

The staff report identified three key issues:

- Parking Management Strategies

Twenty-two spaces were required. The applicant proposed 18 off-street spaces, two on-street credits and two mixed-uses parking credits. It created a 15.48% reduction. Staff thought it was appropriate and consistent with what had been approved at the other sites.

- Building & Site Design

Staff thought the building and site design were well thought out and addressed the standards.

- Falcon Heights Parking & Landscaping

Prior to plat, all of the parking was treated as subdivision infrastructure. It was required to be installed before plat.

The public streets went in before the sidewalks along with parking areas and associated parking lot landscaping prior to plat. They were on private lots but easements were granted so all of the lots had the right to circulate through the parking area.

The original applicant developed a fence and landscaping layout. Lot #3 had six different sections of fencing types that were approved. The intention of the condition at the time was there be at least a 42-inch screen to prevent headlights from shining into the neighboring lots. Currently, the fencing appeared taller at 46-51 inches. In several sections lattice extended above the fence 30 inches. The neighbors had adequate screening and light. The subdivision included this fence plan as a requirement of the overall subdivision and the applicants were required to maintain that as part of the subdivision approval. There was a five to six-foot screening requirement in **18.4.3.080.E.6** between property and adjacent residential properties that could be reduced in a setback area to 30 inches or in an area closer to the street. The screening in the application was not 5-6 feet tall. Staff did not think an exception was necessary.

Other requirements that applied in terms of parking was the 7% parking lot landscaping and one tree per seven parking spaces in **18.4.3.080.B.7**. The landscaping on site was not maintained well and needed to be restored and maintained properly. The applicant recognized that and included a condition to that effect.

Two new standards had gone into effect since the approval. Dividing parking in **18.4.3.080.B.4**, when parking was more than fifty spaces or 150 feet in length did not apply to the application. Minimizing adverse microclimatic impacts through design and materials in **18.4.3.080.B.5** did apply. There was a swale but the existing parking surface did not meet the standard and would be expanded for seven additional spaces. The Commission could make an exception to that standard to complete the parking without meeting the standards. Staff would add it as a condition.

The raised plaza on the east side and rear of the building related well to the adjacent properties. It also agreed with the pedestrian path and the storm water drainage. It was a good layout.

A condition was added requiring the trash enclosure to be thirty feet from the north property line. The application had it at twelve feet. The original condition was added during 479 Russell Street. The developer at the time agreed to have it imposed on the full development. To comply with that, the trash enclosure would have to move closer to the building. Staff thought it was ok to leave it at twelve feet. It would create the same impacts whether it was twelve or 30 feet.

Staff recommended approval with the conditions in the draft Findings.

Questions of Staff

The trash enclosure was approximately 20-22 feet from the neighbor's home. The new parking area would not runoff into the swale. There was a catch basin and storm drain line right through the back of the parking lot. The easements for parking was written as a reciprocal access agreement. The assumption was the parking on each lot would count towards the parking requirement of that parcel as it developed. It was for the use of that lot and not the use of other lots.

Applicant's Presentation

Mark Knox/604 Fair Oaks Court/KDA Homes and **Mark McKechnie/Oregon Architecture/Medford, OR/Spoke** to the application. Mr. Knox explained the Ashland business going into the building wanted to be good neighbors and would not argue about the landscaping or fencing. He limited the fencing for the site barrier to four feet so the neighbor had the opportunity for solar and views.

He was open to moving the trash enclosure. It was a question of who would receive the negative impacts of a trash enclosure, two houses or several units. The neighbors present in 2002 played a significant role in the subdivision's design. In 2007, when the 479 Russell Street building went in, they added conditions to the site review that were imposed on the rest of the subdivision. He was not sure how they were able to do that without modifying the application. He thought there was some flexibility on either points. They could modify the application. It might mean losing one parking space. It appeared the applicants were requesting parking exceptions or on street parking credits. Their intention was minimizing the "paving paradise" strategy and optimizing competing uses. He encouraged the Commission to push applicants in general to request more credits. He clarified that parking within a subdivision was shared.

He had not had the opportunity to look at the addition of the seven parking spaces and how they would treat those to meet the new standards. He was open to suggestions and willing to work with the architect and civil engineer.

Questions of the Applicant

The applicants had placed the trash enclosure where they did to protect the tenants of the building unaware of the condition imposed on 479 Russell Street. The landscaping between the parking lot and the fence existed but was not cared for properly. In the applicant's findings, the landscaping needed updating and restoration. They would plant using the city standard of 50% the first year and 90% after five years. They would not replant the tree in that location.

There was room on either side of the trash enclosure to plant fragrant shrubs or vines. Two transformers behind the enclosure precluded planting.

Public Testimony - None

Rebuttal by Applicant

Laz Ayala/KDA Homes/604 Fair Oaks Court/Spoke to the trash enclosure and explained there was a five to seven-foot drop in elevation between the parking lot and the backyards of the neighboring homes. Heat, fumes and smells rose upward. Having the enclosure under the patios of the units would have a negative effect.

Mr. Knox agreed with the recommendations from the Tree Commission. Tree grates were expensive. They were open to using pavers or alternative measures. He went on to confirm there was one single family residence behind the proposed trash enclosure.

Commission comment expressed concern regarding the location of the trash enclosure in proximity to the single family residence.

Deliberations & Decision

Mr. Severson clarified the fencing standard was in **18.4.3.080**. Staff considered fencing an existing condition of the subdivision. The site had not developed, the standard was in place, and they were modifying the parking. At the subdivision level, the screening was addressed and the same standard was in place. They thought the fencing adequately addressed the standards. With the grade change and as long as there was a site obscuring fence or landscaping material 42-inches about the parking surface. Mr. Molnar added to increase the fence height would have a negative impact on the residential property owner. Commission comment thought there should be findings indicating the City was comfortable with the compromise made at the subdivision level and it was still appropriate.

Mr. Molnar explained the Tree Commission's recommendation to remove tree grates was a Public Works Department standard. Once improvements were in the City took over liability. The removal of the trees on the adjacent property had little to do with tree grates. There were other issues involved. It was an ordinance or standard amendment.

Commission comments supported something more progressive regarding tree health and the use of tree grates. Another comment was interested in seeing the standards changed. Mr. Severson explained the five-foot commercial tree park row was in the Land Use Code and the Street Standards. The actual five by five tree grate was in the Public Works standards for streets.

The 30-inch allowance in the standard for fencing was unique because abutting a residential, any commercial will have a 10-foot per story setback. Chair Pearce supported the exception.

The Commission discussed the trash enclosure and decided to leave it in its proposed location. They suggested adding mitigation measures to screen and landscape the location.

Commissioners Dawkins/Thompson m/s to approve PA-2018-00429 with all of the conditions and an amendment to incorporate an exception to the fencing. DISCUSSION: Commissioner Dawkins had participated in the initial planning actions for the subdivision and commented on how difficult and contentious the process had been. There were conditions in this proposal to upgrade and maintain the landscape along the fences. He hoped the trash enclosure was large enough to diminish Commission concerns. Commissioner Thompson added that since the trash enclosure was an issue it was best to leave it alone instead of imposing further requirements. **Roll Call Vote: Commissioners Mindlin, Norton, Thompson, Brown, Pearce, and Dawkins, YES. Motion passed 6-0.**

DISCUSSION ITEMS

A. Planning Commissioner Representative for Transportation Expansion Feasibility Study Project Advisory Committee

Mr. Molnar explained the Public Works Department wanted a representative from the Planning Commission to serve on the technical advisory committee for the Transportation Expansion Feasibility Study. The committee would work with Nelson\Nygaard, a consultant firm hired by the Public Works Department. Commissioner Dawkins volunteered to participate in the committee.

ADJOURNMENT

Meeting adjourned at 8:28 p.m.

*Submitted by,
Dana Smith, Executive Assistant*

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
SPECIAL MEETING
MINUTES - *Draft*
April 24, 2018

CALL TO ORDER

Chair Roger Pearce called the meeting to order at 7:02 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Troy Brown, Jr.
Michael Dawkins
Melanie Mindlin
Haywood Norton
Roger Pearce
Lynn Thompson

Staff Present:

Bill Molnar, Community Development Director
Maria Harris, Planning Manager
Dana Smith, Executive Assistant

Absent Members:

Council Liaison:

Dennis Slattery, absent

ANNOUNCEMENTS

Community Development Director Bill Molnar noted agenda items coming before the City Council. Tuesday, May 1, 2018, the Council would review the annexation for 601 Washington Street. At the Council Study Session May 14, 2018, the Council would have a presentation on the wildfire ordinance changes. Ashland Fire and Rescue had tentatively scheduled an open house for the general public May 31, 2018. After that staff will prepare for the Measure 56 notice. They were currently working with Fregonese and Associates to come down in June.

AD-HOC COMMITTEE UPDATES

Commissioner Dawkins attended the first of three ad hoc meetings for the Transportation Expansion Feasibility Study. He listed the participants and described how the group was focusing on what were the most important things public transportation provided. They will meet two more times before it goes before the Transportation Commission with completion targeted November 2018.

PUBLIC FORUM - None

LEGISLATIVE PUBLIC HEARINGS

A. Accessory Residential Unit Ordinance Amendments

Chair Pearce clarified this was not a quasi-judicial public hearing. The Commission would make a recommendation to the City Council.

Staff Report

Planning Manager Maria Harris provided a presentation that included the following:

Legislative History

- 1991: ARUs allowed in Single-Family Zones (R-1)
- 2002: ARUs allowed Rural Residential Zones (RR)
- 2008: ARUs allowed in the Multi-Family Zones (R-2 & R-3)
- 2015: ARUs changed from conditional to permitted use

Background

- 191 ARUs approved since 1991
- Last ten years (2007-2017)
 - 79 units approved
 - 41 of 79 or 52% units less than 500 sq. ft.
- 9,382 lots in the city, 9,621 households, 10,534 housing units
 - ARUs represent 2% of lots
 - ARUS represent 1.9% of households
 - ARUs represent 1.8% of housing units

Small Households - 2016 American Community Survey

- 39.4% of households are single person
- 35.3% of households are age 65 and older
- 2.30 person per household (2010 Census)

Ashland Goals, Policies and Objectives

- 2015 City Council Strategic Plan
 - 5.2.a. Pursue affordable housing opportunities, especially workforce housing. Identify specific incentives for developers to build more affordable housing.
- Comprehensive Plan Goal
 - 6.10 Ensure a variety of dwelling types and provide housing opportunities for the total cross-section of Ashland's population, consistent with preserving the character and appearance of the city.
- 2012 Housing Analysis recommends more rental studio and one-bedroom units.

State Goals and Laws

- Statewide Planning Goal 10

To provide for the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.
- Senate Bill 1051

A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

City zone map

- R-2 and R-3 will continue to require site design review

Draft Amendments

- ARUs less than 500 sq. ft. and attached or within a single-family residence exempt from planning approval process
 - Existing or new construction
 - "Exempt" ARUs allowed in R-1, R-1-3.5, RR, NN and NM zones
 - Does not require off-street parking if on-street within 200 feet
- ARU parking requirement changed
 - Existing = 1 off-street parking space for units up to 500 sq. ft.
 - Units 500 and over require 2 off-street parking spaces
 - Proposed = 1 off-street parking space for units up to 800 sq. ft.
 - Units 800 and over require 2 off-street parking spaces
- ARU standards for RR zone
 - Delete requirement that ARU on less than 25 percent slope
 - Requires Physical Constraints Review Permit for 25 percent and over
 - Delete requirement ARU accessed by city street paved to 20 feet with curbs, gutters and sidewalks

RR Zone

- 350 lots
- 40 streets – more than half do not meet existing street width requirement

On Street Parking

Ms. Harris monitored parking on eight streets at 2:00 p.m. Friday April 20, 2018 and between 6:00-6:30 p.m. Monday April 23. All streets were in the R-1.5 zones.

Wightman Street – Mill Pond to East Main – 1986 Subdivision

- Curb to curb width 27-feet.
- Parking on both sides of the street.
- 20 houses with 29 on-street spaces.
- Both days and times there was 1 car parked out of 29 spaces.

Romeo Drive – Fordyce to cul-de-sac – 1991 Subdivision

- Curb to curb width 25-feet.
- Parking on one side of the street.
- 7 houses with 10 on-street spaces.
- Friday 2:00 p.m. there was 1 car, Monday 6:00-6:30 p.m. there were 2.

Mill Pond – Fordyce to corner - 1993 Subdivision

- Curb to curb width 27-feet.
- Parking on 1.5 sides of the street.
- 10 houses with 8 on-street spaces.
- Friday 2:00 p.m. there were no cars, Monday 6:00-6:30 p.m. there was 1.

Orchid Street – Fordyce to dead end – 1994 Subdivision

- Curb to curb width 25-feet.
- Parking on both sides of the street.
- 14 houses with 23 on-street spaces.
- Friday 2:00 p.m. there were 2 cars, Monday 6:00-6:30 p.m. there were 2.

Village Square Drive – 1996 Subdivision

- Curb to curb width 25-feet.
- Parking on one side of the street.
- 13 houses with 9 on-street spaces.
- Friday 2:00 p.m. there was 1 car, Monday 6:00-6:30 p.m. there was 1.

Old Willow Lane– Fordyce to dead end – 1997 Subdivision

- Curb to curb width 22-feet.
- Parking on one side of the street.
- 12 houses with 12 on-street spaces.
- Friday 2:00 p.m. there were 2 cars, Monday 6:00-6:30 p.m. there were 2.

Clinton Street – Ann to Lynn – 2002 Subdivision

- Curb to curb width 26-feet.
- Parking on one side of the street.
- 18 houses with 22 on-street spaces.
- Friday 2:00 p.m. there were 2 cars, Monday 6:00-6:30 p.m. there were 2.

Drager Street – midblock – 2012 Subdivision

- Curb to curb width 22-feet.
- Parking on one side of the street.
- 7 houses with 13 on-street spaces.
- Friday 2:00 p.m. there were 2 cars, Monday 6:00-6:30 p.m. there were 4.

There were minor corrections to the draft not included in the report. The City Attorney issued a memo addressing the City's responsibility to enforce Covenants, Conditions and Restrictions (CC&Rs). It also spoke to whether a subdivision had to be changed in the quasi-judicial process if an ARU was added later and changed the density. The answers were no on both questions. Staff received two comments earlier in the day that were distributed to the Commission at the meeting.

Questions of Staff

Miss Harris addressed the comments received that day from Mark Knox and Amy Gunter. Mr. Knox suggested eliminating the planning application fee for all ARUs whether it was exempt or not. He questioned why detached units less than 500 square feet were not exempt. He did not think the City should require landscape and irrigation plans for all ARUs, not just the exempt ones. Ms. Harris clarified neither plans were required at this time and would not be in the future. Lastly, he did not think bike parking should not be required for ARUs. Ms. Gunter's comments were similar to Mr. Knox's comments. She did not think ARUs should go through multifamily development standards. Currently, ARUs went through site design review because they were a special use. Owner occupancy was not required for ARUs.

Standard on-street parking credits may be approved up to 50% of the total required parking. Staff treated it as a discretionary decision and always looked at availability before approval. In most cases, on-street credits were approved. Community Development Director Bill Molnar further clarified the parking standard was an objective standard and always required. There was also the parking management strategy that looked at reductions.

The rationale for having a different standard for a detached ARU versus attached was that neighbors were more concerned about detached ARUs. Staff took the approach of gradually introducing changes and monitoring them after a year. Site design focused on placement and orientation. When someone detached a building, it became more relevant than adding on or converting spaces. In the last year, 25% or more of all residential units approved were ARUs. It brought up the question on whether the site review process for detached units represented a barrier or did it allow for more thoughtful, coordinated development between neighbors.

Commission comment was concerned with the fairness of on-street parking space availability as more residents began adding ARUs. Ms. Harris included corner lots for the on-street parking study she did on the eight streets. Commissioner Brown thought if a lot could accommodate a parking space it should be required whether there was an on-street credit or not. On site review should be a part of the process.

Commissioner Thompson had the following drafting suggestions:

- **18.2.3.040.A.2** change “...except for the off-street parking requirements,” to “the unit meets all the requirements of the applicable zone except as otherwise defined in this subsection A.”
- **18.2.3.040.B.R-1 Zone**, remove “...unless exempted...”

Commissioner Brown addressed **18.2.3.040.B.2** and wanted clarity on why the City would not count ARUs for density in subdivisions. It allowed an additional ARU on a lot without counting against the density limits in the underlying zoning. Commissioner Norton clarified he did not have an issue with the density of units, it was the density of lots per acre. They could look at the units separate from the lots. He had looked at a couple CC&Rs and neither addressed density. They discussed residential units only and did not indicate a number. There was some flexibility. It also stated the City did not enforce CC&Rs.

Commissioner Thompson questioned if “...**subject to Site Design Review under chapter 18.5.2...**” in **18.4.2.040 Accessory Residential Unit** was enough to prompt someone to look further in the code for all applicable standards. Ms. Harris would add a reference to see **Special Use Standards for Accessory Residential Units** and cite the section.

Commissioner Thompson wanted to ensure the overlay requirements would apply to a non-exempt unit. They did not seem to apply to an exempt unit. Ms. Harris explained an exempt ARU in a historic district required a building permit only and was not subject to historic district site review. It did not exempt hillside plains or flood plains. It would still have to go through the physical and environmental constraints review permit process. Commission comment noted it just exempted one from the design standard. It would have to conform to all the overlays that applied and all the standards in the zone. Ms. Harris clarified the first pages depicted what was regulated in the base zones and overlay zones. It did not go use-by-use and list the standards that applied.

Commissioner Thompson addressed Rural Residential (RR). She was struggling with the notion that the land disturbance had to be on a less than 25% slope. Other than it being a potential impediment in some cases, was it wise to give up this further constraint. Ms. Harris replied that was a deliberation for the Commission to decide. Anything 25% or greater would go through the physical constraints review permit and involved a geo-technical expert assessing the slope. An ARU could not be developed on slopes 25% or greater. The policy question would be, if you have a hillside development permit process that looks at stability and slope and ensures it is built correctly, how come an ARU cannot be built on a slope.

Commissioner Norton referred to the East Village development. It had a higher density and several parking bays. It was difficult to discern if they were part of the on-street parking or part of a common area removing it from the street parking category. The Oak Knoll neighborhood had areas with no on-street parking. There were parking bays designed differently from the street. They appeared to be under the control of a Home Owners Association (HOA). If they were under the HOA, then there was no parking in the area within the 200 feet.

Ms. Harris responded most were in the public right of way. Commissioner Norton further explained subdivisions built in the last ten years did not have sufficient land for detached ARUs. It would have to be inside.

Commissioner Thompson addressed ARUs not going through site design review. If they were subject to the overlay requirements, what triggered that review? Ms. Harris explained the Planning and Building Divisions both reviewed applications for ARUs. Planning first looked at location and whether there was an overlay. It was part of the building permit process. Mr. Molnar added what triggered a Type I under a physical and environmental constraints review was if it met the definition for development. Development applied to a structure, an addition, or driveway. Planning staff always checked the property, the catch overlay and Type I requirements.

PUBLIC TESTIMONY

Russ Chapman/Ashland/Spoke to the consideration of increased density in R-1 zone. In his R-1 neighborhood for over a decade, a neighbor had run an illegal boarding house. He provided history on the property and code compliance efforts that were to date unsuccessful. Before the Commission increased density in the R-1 zones, he wanted the Planning Division and Legal Department to have an ordinance that was enforceable.

Chair Pearce explained the Planning Commission did not have any jurisdiction over code enforcement. He suggested Mr. Chapman consult with a private attorney or work with the City Attorney and Code Compliance Specialist.

DISCUSSION

Commissioner Thompson had drafting issues with the ordinance. She supported the ordinance substantively except in exempting historic design standards for additions. Ms. Harris explained the Historic Review Board reviewed all building permits. But if it was just a building permit and not part of a planning action, it was an advisory review only.

Commissioner Brown confirmed what was allowed in the historic district had to conform to the overlay, with reviews by the Planning and Building Divisions, would apply to ARU additions. Ms. Harris added it was because it was part of the building orientation and design standards. Commissioner Brown was not in favor of removing the site review. The code should be as cognizant about the owner as it was about the neighbors. He was fine with internal ARUs. Commissioner Mindlin disagreed. Anyone could build an addition to their house for any reason and add doors and decks that neighbors would consider obnoxious. Commissioner Brown added it could end up being rental that was not part of the neighborhood. Chair Pearce countered and explained a rental could house a family up to five who were unrelated individuals. An applicant could build an addition and rent it as long as it conformed to the setbacks and standards for a single family house.

Commissioner Norton had an issue with the parking space not being contiguous within the 200-feet. It could create conflict with neighbors. He wanted a site design review or some other form of review. Newer subdivisions had more houses and less curb space.

Chair Pearce agreed with the Department of Land Conservation and Development (DLCD). They did not think required parking for an ARU was a reasonable standard. Instead they recommended other ways to address parking through residential parking zones and passes. Commissioner Brown thought parking should be taken care of up front to avoid issues in the future. Commissioner Thompson noted the standard required one additional parking space under the parking ratios for units less than 500 sq. ft. The proposed ordinance did not require any additional parking if there was on-street parking within 200 feet. Alternatively, one off-street parking may be provided. It they flipped it so the preference was on-site parking went if possible. If an applicant could not provide that, the on-street parking within 200 feet would apply. She questioned enforcement if there was not site design review. Ms. Harris did not think it could be exempt because it would be exercising discretion. Chair Pearce added it would not be a clear and objective standard. Commissioner Brown though it could be clear through square footage. Ms. Harris noted what prevented most single family lots from putting in an addition was having a house accessed by a driveway did not allow room. Most of the lot was behind the house or to the side. People cross the threshold in terms of the front yard that could be parking.

Commissioner Mindlin commented the goal was increasing the possibility of more rental units. The state had identified this as an important and essential need. Commissioner Brown thought parking had to be provided. Commissioner Mindlin noted Ashland did not have a shortage of parking. Commissioner Brown reasoned that two people moving into a 500 square foot ARU would most likely have two cars. Commissioner Dawkins observed this was a policy issue. The objective was bringing in smaller affordable units and it conflicted with parking. He was concerned with the lack of smaller units, not parking. He supported staff's recommendation. Commissioner Norton questioned if it was reasonable to give up a small part of a front yard to add an ARU and parking. Commissioner Dawkins disagreed. Ashland put an emphasis on the front appeal of homes. Garages were in the back. He did not want to give up the aesthetic of a neighborhood to accommodate parking.

Commissioner Thompson explained there were two issues, parking and external changes in historic districts. Commissioner Brown had a broader concern about any addition in any zone that was externally visible and whether site design should be required. Commissioner Thompson wondered if it made sense to consider an adjustment to the framework where short form exemptions would apply to changes within an existing structure and still require site design for exterior additions or modifications using the reduced design requirements in the proposed ordinance. Chair Pearce thought it might be prudent to retain site design review for external additions in historic districts.

Ms. Harris clarified under the existing site design review process outside of the historic district, there were not any design standards that affect the outside of a building. The only thing it stated for a multifamily residential was the building had to be oriented to the street. The second clarification regarded requiring off-street parking on small ARUs. It actually made it more restrictive that is was presently. If someone had a space in front of their lot, they would get an on-street parking credit unless there was an obvious problem with on-street parking. They did not have to put in their lot first. The difference in the proposed code was the 200-foot margin.

Commissioner Brown noted in the current ARU ordinance it did not indicate how many people could occupy a unit. Commissioner Mindlin explained the state restricted any lot from having more than five unrelated individuals. Chair Pearce added there was not a limit for related family.

Commission majority wanted to retain site design review for expansions to existing dwellings in historic districts. Ms. Harris would add that as not exempt within a historic district if it was external.

For the parking within 200-feet of the property. Commissioner Brown thought it might be better to remove the 200-foot provision and leave it consistent with the current ordinance. Ms. Harris explained the 200-foot was in the code in several places. It was used for commercial projects. Mr. Molnar added it was in the performance standards subdivision. Commissioner Dawkins clarified home owners did not own the street space in front of their homes. Because of that, he was comfortable with the 200-feet. Commissioner Mindlin explained residences with parking on one side of the street located on the no parking side would never get the on-street parking credit. Ms. Harris confirmed in the existing code, the

200-feet did not apply to both sides of the street, only the side where the property was located. Commissioner Norton suggested allowing people who could provide parking on their property or in front of their house. Before they got the 200-feet, they had to prove they could not provide parking on site.

Commissioner Thompson questioned why the language could not just say, “**provide additional off-street parking in accordance with the table,**” and have an exception under the parking management strategy section. Chair Pearce responded there was not a parking management strategy that would work for single family house. They would have to establish it was impractical or put in a parking lot. Commissioner Thompson suggested that even if an owner could provide parking on their lot, they could be eligible for a credit if they qualified. Ms. Harris explained current parking code for ARUs was one space for a unit less than 500 sq. ft. and two spaces for units larger than 500 sq. ft. Commissioner Thompson replied this was under the exemption and parking standards were not applicable. She suggested deleting 6 and adding language that would apply that standard subject to a credit under that section of the code.

Commissioner Mindlin wanted to use the language in draft ordinance. Chair Pearce agreed. It was a trade-off between parking and housing. Commissioner Mindlin added between number of ARUs being built and the availability of parking in R-1 districts, she was not concerned with parking. The parts of town really challenged were mostly in the R-2 zone.

The Commission was split regarding parking. Commissioner Brown summarized that it came down to either housing or parking. It appeared they could not have a clear, enforceable ordinance that allowed both parking and housing. Plan B could have the Planning and Building Divisions making a “hard sell” to applicants to put parking on their lots. He supported the proposed language as written. He agreed with singling out the historic district. It was difficult to require a site review for an ARU when it was not required for an addition.

Commissioner Thompson noted this was the first step for ARU privileges. The Commission could evaluate parking going forward for larger units. Chair Pearce thought it would be valuable for the Council to hear the Commission’s concerns regarding the parking. Commissioner Brown thought Council should also hear the concerns regarding site design review.

Mr. Molnar confirmed with Commissioner Brown he only wanted the historic district design standards and a site review to apply when it was an attached addition. Ms. Harris summarized the ordinance changes as follows:

- Add Commissioner Thompson’s drafting changes and bring it back for approval
- Add under the exempt section if it involved exterior changes in the historic district it was not exempt

Staff would make the changes and bring them back along with a recommendation to a future Commission meeting.

Commissioners Mindlin/Dawkins m/s to approve the ordinance changes as written in the packet with changes Commissioner Thompson suggested in the drafting, and the change that additions in historic district still require site review. Voice Vote: All AYES. Motion passed 6-0.

DISCUSSION ITEMS

A. Annual Retreat, possible dates May 19 or June 9

The Commission could not meet in full May 19, 2018 or June 9, 2018. They discussed having a retreat during the work week. Staff would send out a poll with a several options.

ADJOURNMENT

Meeting adjourned at 9:07 p.m.

*Submitted by,
Dana Smith, Executive Assistant*

BEFORE THE PLANNING COMMISSION
May 8, 2018

IN THE MATTER OF PLANNING ACTION #2018-00429, A REQUEST FOR)
SITE DESIGN REVIEW APPROVAL TO CONSTRUCT A NEW 11,296 SQUARE)
FOOT, TWO-STORY MIXED-USE BUILDING AT 469 RUSSELL STREET. THE)
5,648 SQUARE FOOT GROUND FLOOR SPACE IS TO BE USED FOR COR-)
PORATE OFFICES WHILE THE SECOND FLOOR WILL CONSIST OF SEVEN)
RESIDENTIAL CONDOMINIUMS RANGING IS SIZE FROM 482 TO 834)
SQAURE FEET PER UNIT.)

**) FINDINGS,
) CONCLUSIONS,
) & ORDERS**

OWNER/APPLICANT: Laz Ayala/KDA Homes, LLC)
)
)

RECITALS:

- 1) Tax lot #2802 of Map 39 1E 09 AA is located at 469 Russell Street within the E-1 Employment zoning district and the Detail Site Review and “R” Residential overlays.
- 2) The applicants are requesting Site Design Review approval to construct a new 11,296 square foot, two-story mixed-use building at 469 Russell Street, which is Lot #3 of the Falcon Heights Subdivision. The 5,648 ground floor space is to be used for corporate offices while the second floor will consist of seven residential condominiums ranging in size from 482 to 834 square feet per unit. The proposal is outlined on plans on file at the Department of Community Development.
- 3) The criteria for Site Design Review approval are described in **AMC 18.5.2.050** as follows:
 - A. ***Underlying Zone:*** *The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*
 - B. ***Overlay Zones:*** *The proposal complies with applicable overlay zone requirements (part 18.3).*
 - C. ***Site Development and Design Standards:*** *The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*
 - D. ***City Facilities:*** *The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.*
 - E. ***Exception to the Site Development and Design Standards.*** *The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.*

1. *There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.;*
or
2. *There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.*

4) The Planning Commission, following proper public notice, held a public hearing on April 10, 2018 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission approved the application subject to conditions pertaining to the appropriate development of the site.

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

SECTION 1. EXHIBITS

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

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

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

SECTION 2. CONCLUSORY FINDINGS

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

2.2 The Planning Commission finds that the proposal for Site Design Review approval meets all applicable criteria for Site Design Review approval described in Chapter 18.5.2.050.

2.3 The Planning Commission finds that the first approval criterion for Site Design Review is that, *“The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot*

coverage, building height, building orientation, architecture, and other applicable standards.” The application materials provided note that all of the applicable provisions of the property’s E-1 zoning from AMC 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 are being complied with, and no exceptions or variances are requested.

The Commission further finds that the subject property’s underlying zone is E-1 (Employment) and within this zone, there is no minimum lot area, width, or depth; no minimum front, side or rear yard area except where abutting a residential zone to the side or rear; no maximum lot coverage; and no minimum residential density. The subject property abuts residential zones to the rear along the north property line and as such AMC 18.2.6.030 requires that a ten-foot per story rear yard be provided. In addition, as part of the creation of the subdivision, the original applicant agreed to a “Standard A” solar setback between the subdivision and the residential properties to the north. The proposed two-story building is 52 feet 5 inches from the north property line at the closest point, and the applicants’ sheet “A0.3 Shadow Study” demonstrates that the building complies with a required 67-foot setback from the northern property line in keeping with “Standard A” solar access. Russell Street is not classified as an arterial street, and as such no arterial setback requirements come into play. The maximum building height is limited to 40 feet, and the proposed 32-foot maximum height here complies with the applicable E-1 height limit.

2.4 The Planning Commission finds that the second Site Design Review approval criterion is that, *“The proposal complies with applicable overlay zone requirements (part 18.3).”* The application materials explain that the proposal complies with the Residential Overlay regulations found in AMC 18.3.13.010, including but not limited to commercial and residential ground floor ratios as well as permissible residential densities. The applicants emphasize that the *“project is for an attractive and well thought-out mixed use development that will not only provide the City with needed small unit housing and new office space close to the downtown core, but is also in keeping with the original subdivision’s envisioned concept plans and is contextually compatible with the existing building on Lot #4 and the two new buildings under construction on Lot #6 across the street.”*

The Commission finds that for properties within the E-1 zoning district’s Residential Overlay, residential development is allowed at a density of 15 dwelling units per acre. The application materials provided explain that the property is 0.44 acres in size and thus has a base density of 6.6 dwelling units (**0.44 acres x 15 dwelling units/acre = 6.6 dwelling units**). The proposal is for three one-bedroom studio units which will be less than 500 square feet, and thus count as only ¾ units for density purposes, and four two-bedroom units, which equates to 6.25 units and therefore complies with the property’s allowed 6.6 dwelling unit base density [**(3 x 0.75 units) + 4 units = 6.25 dwelling units**].

The Commission further finds that within the Residential Overlay zone, AMC 18.2.3.130.B.1 provides that, *“If there is one building on a site, ground floor residential uses shall occupy not more than 35 percent of the gross floor area of the ground floor. Where more than one building is located on a site, not more than 50 percent of the total lot area shall be designated for residential uses.”* The application explains that the proposal involves a single building, and that the ground floor will be 5,648 square feet with the only area to be used by the second floor residents limited to the stairwell and elevator which are roughly 350 square feet or six percent of the ground floor area. The Commission finds that the ground floor

commercial/residential split complies with the standard.

2.5 The Planning Commission finds that the third approval criterion is that, “*The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.*” Generally, these Site Development & Design Standards seek to improve each project’s appearance; to create a positive, human scale relationship between proposed buildings and the streetscape which encourages bicycle and pedestrian travel; to lessen the visual and climatic impacts of parking; and to screen adjacent uses from adverse impacts of development. To these ends, buildings are to have their primary orientation to the street rather than to parking areas, with visible, functional and attractive entrances oriented to the street, placed within 20 feet of the street, and accessed directly from the public sidewalk. Sidewalks and street trees are to be provided along subject properties’ frontages, and automobile parking and circulation areas are not to be placed between buildings and the street.

The Commission finds that the application materials assert that the proposal complies with the applicable Site Development and Design Standards of AMC Chapter 18.4, and that no exceptions to the Site Development and Design Standards are requested.

With regard to the Basic Site Review standards, the Commission finds that the application materials note that the site’s parking areas sits behind the proposed building and will be screened from the front of the property by the building. The applicants assert that the proposed building occupies the majority of the streetscape.

The Commission further finds that the applicant explains that the building’s primary commercial entrance is located on the ground level adjacent to the public sidewalk, and the applicants explain that the design will accommodate an array of uses including commercial offices and service businesses that will benefit from the design and access to public sidewalks. The proposal includes a public sidewalk built to current city street standards, and street trees selected from the approved street tree list are to be installed at one per 30 feet of frontage.

The Commission finds that the application materials provided include landscaping and site plans identifying a screened trash and recycling area, and that the combination of the enclosure, landscape screening and the grade change between the subject property and the neighborhood to the north will adequately buffer this placement of the enclosure. The applicant further notes that all site and building lighting will meet requirements not to directly illuminate adjacent properties and noise ordinance requirements as well. The applicant emphasizes that they have an interest in minimizing any typical nuisance issues related to lighting or noise in order to provide the expected quality of living to the project’s residents.

With regard to the Detail Site Review Overlay standards, the Planning Commission finds that the site is 0.44 acres in size, or 19,306 square feet, and has a total proposed floor area of 11,296 square feet, for a Floor Area Ratio (F.A.R.) of 0.58, not including the plaza area, which exceeds the minimum requirement

for a 0.50 F.A.R. The applicant notes that the buildings' frontages have a variety of jogs and other distinctive changes in the façade for the purpose of creating an attractive streetscape, and that the walls facing the street and plaza area will have displays, windows and doorways for at least 20 percent of the wall area. The buildings' working areas, pedestrian entrances and display areas are to be transparent while also addressing current building code and conservation standards relating to energy efficiency. The applicant explains that the buildings incorporate lighting and changes in mass, surface and finish to give emphasis to the entrances, and that the buildings' elevations illustrate awnings between windows and vertical forms of the building that not only accentuate the building's design, but also protect pedestrians from the rain and sun, and will provide a minimum seven-foot covered area (awning and recessed entry) at entries for pedestrians to assemble. The applicant further notes that the buildings will front onto a 13-foot sidewalk with street trees planted in irrigated tree wells that, along with the building awnings, provide relief from inclement weather and in return promote walking and 'people areas', and explains that the design of the common space to the east of the building and the rear plaza space, will enhance the "people" area and make the building more pleasant for both visitors and residents.

The Commission finds that the building is to be placed within five feet of the sidewalk as required in the Detail Site Review standards, and that the landscape plan includes landscaping between the existing driveway and the neighboring residences to the north. The applicants note that the landscaping and irrigation in these areas were installed with the subdivision infrastructure in 2003-2004 and have since matured, but that in some areas the landscaping has been vandalized or has died, and that any missing landscaping materials will be replaced prior to occupancy to ensure that required sight-obscuring screening is maintained. A condition to this effect has been added below. The application materials point out that the building materials include changes in relief for at least 15 percent of the exterior wall area, and that bright paint colors or significant amounts of glass are not to be incorporated in the buildings' facades.

In terms of the Additional Standards for Large Scale Developments in AMC 18.4.2.040.D., the Commission finds that the proposed building has been designed to divide large building masses into heights and sizes that relate to human scale, and that the design incorporates changes in building masses, has sheltering awnings and recessed entrances, and includes a distinct pattern of divisions on surfaces. In addition, the design includes windows, small scale lighting and trees that will be planted along the property's frontage.

The Commission further finds that the subject property is outside the Downtown Design Standards Overlay, and as such is subject to standards which limit the building area and length. The application explains that the total square footage of the proposed building is 11,296 square feet, and the property frontage is 125 lineal feet, and as such the buildings comply with the standards limiting their footprints and areas to less than 45,000 square feet and their lengths to no more than 300 feet.

The Commission finds that the project was designed with a roughly 2,000 square foot plaza, and that the building's floor area is 11,296 square feet. As such, the plaza space represents roughly 18 percent of the

floor area, which exceeds the minimum ten percent plaza space requirement. The applicant emphasizes that the plaza was designed to serve multiple purposes ranging from a view corridor, a break in the building mass, a place for gathering and recreation, a wind break, and an area for seating, dining and general relaxation for both the commercial and residential tenants. The plaza incorporates four of the required elements for plaza space – sitting spaces, a mixture of sunlight and shade, protection from wind, and trees. The applicant goes on to explain that there are roughly eight formal seats in the plaza area as proposed, where only three are required, and that all of the seats will be at least 16-inches in height and 30-inches in width. The plaza area also includes six shade trees, all of which will be at least two-inches in diameter when planted. The Planning Commission finds that the existing building to the east at 479 Russell Street has a small plaza space at its southwest corner, along the street, and that there is landscaping, a pedestrian path and stormwater detention along the property line between the two buildings, and that the applicants’ proposed placement of their plaza space on the side and rear of the building will relate well to these existing improvements.

The Commission finds that the applicant has provided the following parking calculations to address the city’s parking requirements, which are detailed in AMC 18.4.3.040:

469 Russell Street – Mixed-Use

3 One-bedroom residential units (< 500 sq. ft.) @ 1 space per unit	=	3 spaces
4 Two-bedroom residential units (> 500 sq. ft.) @ 1¾ spaces per unit	=	7 spaces
5,648 sq. ft. of general office @ 1 space per 500 sq. ft.	=	11.296 spaces
Total Parking Required	=	21.296 spaces

Total Parking Required:	21.296 spaces
Surface Parking Provided (Off-Street):	18 spaces
On-Street Parking Credit Requested:	2 spaces
Mixed-Use Parking Credit Requested:	1.296 spaces
Total Off-Street Parking Provided:	21.296 spaces with 3.296 credits

The Commission finds that a total of 11 parking spaces were installed as part of the subdivision’s original infrastructure installation, and that the applicant proposes to construct seven additional off-street parking spaces. As detailed above, the total parking required is 21.296 spaces, and a total of 18 off-street spaces are proposed. The applicant has requested to meet the additional 3.296 space parking requirement through the parking management strategies found in AMC 18.4.3.060 which provide that the off-street parking requirements may be reduced by up to 50 percent through on-street parking credits, alternative vehicle parking credits, mixed or joint use credits where it can be shown that the peak demand for the individual uses is off-set and does not materially overlap, transportation demand management plan credits, or transit facilities credits. The applicants have also noted that parking spaces originally provided as part of the subdivision are open and available to tenants and customers from all lots within the subdivision.

The Commission finds that the parking managements strategies allow for a maximum combined reduction in parking demand of 50 percent; the combined reduction requested here is approximately 15.48 percent ($3.296/21.296 = 0.15477$). For the adjacent property at 479 Russell Street, the Planning Commission approved a one-space on-street parking credit and allowed an additional two-space reduction in the parking requirement through an 11 percent mixed-use parking credit as it was determined that the peak demand of the ground floor commercial space and the five-residential units above was materially offset to a degree to merit the reduction. For 474 Russell Street, the building under construction across the street, a 23.71 percent reduction was granted combined a four space on-street parking credit and a 4.7 space reduction in parking demand for the off-set in peak parking demand of the ground floor commercial and second-story residential uses. The Commission finds that the combination of mixed-use and on-street credits requested seems reasonable as the peak demand for the commercial and residential uses is likely to be materially off-set, and this reduction is consistent with other credits granted for buildings within the development. The Commission also finds that the shared use of parking throughout the subdivision further supports the requested reduction in off-street parking requirements through the proposed parking management strategies.

The Commission finds that the required bicycle parking for the proposal includes nine required covered bicycle parking spaces for the seven residential units, and at least three bicycle parking spaces for the commercial space, with at least two of these spaces to be covered. The applicant has proposed to provide 12 covered bicycle parking spaces to address the combined commercial and residential bicycle parking requirement. All proposed bicycle parking spaces are to be designed in compliance with the Bicycle Parking Design Standards noted in AMC 18.4.070 and will be placed under cover at the northwest corner of the building.

The Commission finds that the subject property's parking lot is pre-existing, and was constructed in 2003-2004 in conjunction with the other subdivision improvements. The curbing, drainage, landscaping area, irrigation conduit, asphalt thickness, etc. met the Building and Planning standards at the time, and the applicant intends to utilize the parking lot as originally constructed, completing the necessary landscaping and irrigation improvements shown in the landscape plans, and does not propose to bring the parking lot into compliance with the recently adopted parking area design requirements from AMC 18.4.3.080.B.5, which would require substantial modifications to the parking lot's surfacing and stormwater drainage provisions.

2.6 The Planning Commission finds that the fourth criterion for Site Design Review approval is that, *“The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.”* The application materials indicate that all key facilities are available to service the proposed buildings and were installed during the subdivision's initial construction in 2003-2004. The application

further explains that all utilities to service the buildings are available within the adjacent Russell Street right-of-way or are already stubbed to the property, but that if necessary, services will be installed at the time of construction in accordance with Ashland Public Work Standards. The applicant indicates that in meetings with the various city utilities, it has been indicated that adequate City facilities are available to serve the subject property.

The Commission further finds that planning staff have noted that in discussing the available public facilities with the Public Works, Fire and individual utility departments they have determined the following:

- **Water** – There is an eight-inch water main in Russell Street, and the applicant will need to extend services and pay any applicable service and connection fees required for any new water services installed as part of this project. The Fire Department has also indicated that because the project is mixed-use, monitored fire sprinklers will be required.
- **Sanitary Sewer** – There is an eight-inch sanitary sewer main in Russell Street and an eight-inch main in Rogue Place.
- **Electricity** – The Electric Department has indicated that capacity was sufficient at the time of the subdivision, and that the applicants will need to work with the Electric Department to arrive at a final service plan addressing the service needs of the proposed building and its tenants.
- **Urban Storm Drainage** – The Public Works Department noted that stormwater issues were considered in the subdivision infrastructure installation, and there is a 12-inch storm sewer main in Russell Street.
- **Paved Access & Adequate Transportation** – Russell Street is a commercial neighborhood collector street, and was improved to city street standards as part of the subdivision infrastructure installation, with the exception of sidewalks and street trees which were to be installed as each lot develops. The street standards call for a five-foot hardscape parkrow with tree well with irrigated street trees and an eight- to ten-foot sidewalk. The applicant has proposed to meet these standards with the installation of a 13-foot sidewalk corridor.

With the construction of subdivision infrastructure, a pedestrian bridge over Mountain Creek was constructed to provide a link for pedestrian connectivity to the adjacent residential subdivision (Mountain Creek Estates) and down through the subdivision via Thimbleberry Lane to the North Mountain Park area. A future street connection will extend Russell Street to connect with Clear Creek Drive as part of the adopted street dedication map for the area, and the original subdivision's developer was required to sign in favor of a Local Improvement District (L.I.D.) to participate in the cost of constructing a future railroad crossing at Fourth Street.

The application materials include a Transportation Impact Analysis review prepared by Alex Georgevitch Consulting. In his review, Alex Georgevitch, P.E. concludes that the site is estimated

to generate approximately 11 trips during both the A.M. and P.M. peak hours, and further notes that there will be a less than 1.4 percent increase in PM Peak Hour traffic on East Hersey Street in 2034 and a ½ percent increase in PM Peak Hour traffic along North Mountain Avenue in the same period. Georgevitch indicates that these volumes are very low and would not in his opinion warrant analysis of any signalized or stop controlled intersections or turn lanes. As such, he does not believe that a traffic impact analysis is merited.

The Planning Commission finds that existing public facilities and utilities are in place and available to serve the project, and have been preliminarily identified on the Site Plan provided and discussed in the narrative. Utilities and street improvements were largely installed with the subdivision: water service, sanitary sewer and storm drainage are available in Russell Street, and the applicant has indicated that services will be extended as necessary to connect to the proposed buildings. Conditions have been included below requiring that final electrical distribution, utility, storm drainage, and street improvement plans be provided for review and approval prior to building permit submittal, and that any fees for necessary service upgrades or connection to address specific service requirements for the proposed buildings be paid for prior to permit issuance.

2.7 The Planning Commission finds the final criterion for Site Design Review approval provides that the Planning Commission may approve Exceptions to the Site Development and Design Standards of part 18.4 if certain circumstances are found to exist. In this instance, the Planning Commission finds section 18.4.3.080.B.5 requires that parking areas of more than seven spaces minimize the adverse microclimatic impacts of the parking through design and materials by utilizing light-colored paving, using at least 50 percent porous paving materials or providing 50 percent of the parking area shaded with trees or solar carports, and capturing and treating stormwater run-off in landscaped medians and swales. The Commission finds that this standard has taken effect subsequent to the subdivision approval and the installation of the subdivision infrastructure, including parking. There is a landscaped swale off of the parking lot between the existing building and 479 Russell Street and the proposed building here at 469 Russell Street, and an existing storm drain and catch basin are in place in the parking area behind the building. The Commission finds that modification of the existing parking surfacing or drainage facilities to comply with this new standard would pose a difficulty given that the parking and underlying infrastructure are in place and in use as originally approved, and reliance on the existing facilities is the minimum necessary to alleviate this difficulty and will not substantially negatively impact adjacent properties given that microclimatic impacts will be minimized by the location of the existing improvements on the north (shady side) of the building, the presence of the existing drainage swale between the buildings, and the landscaping to be restored and maintained.

The Commission further finds that section 18.4.3.080.E.6 requires that a sight-obscuring fence, wall or hedge between five and six feet high measured from the high grade side be provided adjacent to a residential zone. The Commission finds that this standard was in place with the modifications to the subdivision approval in 2006, and at that time the Planning Commission decision provided for the use of a customized fencing and landscaping plan developed in cooperation with all of the abutting neighbors. This plan sought a minimum 42-inch height of sight-obscuring screening measured from parking lot surface to screen adjacent residents from the headlights of parking cars through a combination of

landscaping and fencing to balance the need for a sight-obscuring buffer with neighbors' desire to avoid disrupting their views and access to light. In the case of the subject property, the fencing in place is between 46-51 inches in height as measured from the parking lot surface, while the grade change near the property line means that the same fencing is nearly 80-inches from neighbors' side, with open wire panels and arbors at the top in some places to provide a barrier while preserving views and access to sunlight. The application recognizes that the landscaping and screening needs to be restored in some areas and maintained to be consistent with the approved plan, and a condition to that effect has been incorporated below. The Commission further finds that an Exception to not increase the fence height to the full five-to six-feet required is merited here in that modifying the existing, previously agreed upon customized fencing and landscaping configuration, which was designed and installed at considerable expense and effort, would pose a disruption for neighboring properties and would run counter to the intent of the original plan. Restoration and maintenance of the previously approved landscaping and fencing along the subject property's north boundary is the minimum necessary to alleviate this difficulty, is consistent with the purpose and intent of the standards, and will not substantially negatively impact the adjacent properties.

2.8 The Ashland Tree Commission reviewed the applicants' proposed landscaping plan at their regular meeting on April 5, 2018 and recommended approval of the application with conditions that the applicants look at ways to provide more soil volume with larger tree wells, that the tree trunks should be wrapped to provide protection from sun damage, and that the street trees should be watered regularly for two to three years to ensure they can fully establish themselves.

2.9 The Planning Commission finds that utilities and street improvements were largely installed with the subdivision creating the lot, and that the applicant proposes to complete these by extending services to the buildings proposed and installing city standard frontage improvements. No Exceptions or Variances are requested, and the Commission finds that the proposed new buildings seem to have been designed with city standards in mind, with their primary orientation to the street rather than to parking areas, and a visible, functional and attractive entrance oriented to Russell Street and accessed directly from the sidewalk. Parking is located behind the building and surface parking will be visible from the second-story windows. The Commission finds that with the conditions attached below, the proposal seems well-suited to the standards, the site and the vicinity.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Site Design Review approval for a new two-story mixed-use building at 469 Russell Street is supported by evidence contained within the whole record.

Therefore, based on our overall conclusions, and upon the proposal being subject to each of the following conditions, we approve Planning Action #2018-00429. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #2018-00429 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein.
- 2) That the plans submitted for the building permit shall be in conformance with those approved as part of this application. If the plans submitted for the building permit are not in conformance with those approved as part of this application, an application to modify this approval shall be submitted and approved prior to the issuance of a building permit.
- 3) That the recommendations of the Ashland Tree Commission from their April 5, 2018 meeting, where consistent with the applicable ordinances and standards and with final approval of the Staff Advisor, shall be conditions of approval unless otherwise modified herein.
- 4) That prior to the installation of any signage, a sign permit shall be obtained. All signage shall meet the requirements of the Sign Ordinance (AMC 18.4.7).
- 5) That all requirements of the Fire Department shall be satisfactorily addressed, including approved addressing; commercial fire apparatus access including angle of approach and any necessary easements; provisions for firefighter access pathways; fire flow; fire hydrant clearance; fire department connection (FDC); fire extinguishers; a Knox key box; and monitored fire sprinklers for mixed-use buildings.
- 6) That mechanical equipment shall be screened from view from Russell Street, and the location and screening of all mechanical equipment shall be detailed on the building permit submittals.
- 7) That the front business entrance(s) adjacent to Russell Street shall remain functional and open to the public during all business hours, and the windows on the ground floor shall not be tinted so as to prevent views from outside of the building into the interior of the building.
- 8) That building permit submittals shall include:
 - a) The identification of all easements, including but not limited to public or private utility or drainage easements, mutual access easements, fire apparatus access easements, and public pedestrian access easements.
 - b) The identification of exterior building materials and paint colors for the review and approval of the Staff Advisor. Colors and materials shall be consistent with those described in the application and very bright or neon paint colors shall not be used.
 - c) Specifications for all exterior lighting fixtures. Exterior lighting shall be directed on the property and shall not directly illuminate adjacent properties.
 - d) Revised Landscape, Irrigation and Tree Protection Plans shall be provided for the review and approval of the Staff Advisor with the building permit submittals. These revised plans shall address: 1) The recommendations of the Tree Commission from their April 5, 2018 meeting where consistent with applicable criteria and standards, and with final approval by the Staff Advisor; 2) required size and species specific replacement planting details and associated irrigation plan details, including the requirements for programmable automatic timer controllers and a maintenance watering schedule with seasonal modifications; 3) lot coverage and required landscaped area calculations, including all building footprints, driveways, parking, and circulation areas, and landscaped areas. Lot coverage shall be limited to no more than 85 percent, and the calculations shall demonstrate that the requisite 15 percent landscaping and seven percent parking lot landscaping are provided.

- e) Stormwater drainage, grading and erosion control plans for the review and approval of the Engineering, Building and Planning Departments. The stormwater plan shall address Public Works/Engineering standards requiring that post-development peak flows do not exceed pre-development levels. Any necessary drainage improvements to address the site's stormwater shall be provided at the applicants' expense. Storm water from all new impervious surfaces and run-off associated with peak rainfall events must be collected on site and channeled to the city storm water collection system (*i.e., curb gutter at public street, public storm pipe or public drainage way*) or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals.
- f) A final utility plan for the project for the review and approval of the Engineering, Planning and Building Divisions. The utility plan shall include the location of any necessary connections to public facilities in and adjacent to the development, including the locations of water lines and meter sizes, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins. Meters, cabinets, vaults and Fire Department Connections shall be located outside of pedestrian corridors and in areas least visible from streets, sidewalks and pedestrian areas, while considering access needs. Any necessary service extensions or upgrades shall be completed by the applicant at applicant's expense.
- g) An electric design and distribution plan including load calculations and locations of all primary and secondary services including any transformers, cabinets and all other necessary equipment. This plan must be reviewed and approved by the Electric, Engineering, Building and Planning Departments prior to the issuance of excavation or building permits. Transformers, cabinets and vaults shall be located outside the pedestrian corridor in areas least visible from streets, sidewalks and pedestrian areas, while considering the access needs of the Electric Department. Any necessary service extensions or upgrades shall be completed at the applicant's expense.
- h) That the applicants shall provide engineered plans for the installation of city-standard street frontage improvements for the full frontage of the subject property, including five-foot width hardscape parkrows with irrigated street trees, eight-foot sidewalks, and city-standard pedestrian scale street lighting for the review of the Planning and Public Works/Engineering Departments. If necessary to accommodate city standard street frontage improvements, the applicant shall dedicate additional right-of-way or provide public pedestrian access easements. Any necessary easements or right-of-way dedications shall be submitted for the review and approval of the Planning and Public Works/Engineering Departments.
- i) Identification or required bicycle parking, which includes 12 covered bicycle parking spaces as proposed by the applicants. Inverted u-racks shall be used for the outdoor bicycle parking, and the building permit submittals shall verify that the bicycle parking spacing and coverage requirements are met.
- j) That the building permit drawings shall clearly demonstrate that an area of at least seven feet in depth is provided at the front entries to provide pedestrians with protection from rain and sun as required in AMC 18.4.2.040.C. This depth may be met by a combination of any entry recess and the depth of an awning or other covering.

- k) Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard A as required in the subdivision approvals. Calculations shall be in the formula $[(\text{Height} - 6) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$ and elevations or cross section drawings shall be provided clearly identifying the highest shadow producing point(s) and the height(s) from natural grade.
- 9) That prior to the issuance of the building permit, the commencement of site work including staging or the storage of materials:
- a) That all necessary building permits fees and associated charges, including permits and connections fees for new, separate, underground electrical services to each proposed unit, and system development charges for water, sewer, storm water, parks, and transportation shall be paid.
- 10) That prior to the final approval of the project, signature of the final plat or issuance of a certificate of occupancy:
- a) All hardscaping including the sidewalk corridor, parking lot and driveway; landscaping; and the irrigation system shall be installed according to the approved plan, inspected, and approved by the Staff Advisor. Any landscaping or other screening required on the subject property in the subdivision's landscaping plan which has died or been removed shall be replaced to insure that the required sight-obscuring screening is maintained.
- b) All utility service and equipment installations shall be completed according to Electric, Engineering, Planning, and Building Departments' specifications, inspected and approved by the Staff Advisor.
- c) Sanitary sewer laterals, water services including connection with meters at the street, and underground electric services shall be installed according to the approved plans to serve all units prior to signature of the final survey plat or issuance of a certificate of occupancy.
- d) That all exterior lighting shall be directed on the property and shall not directly illuminate adjacent residential properties.
- e) All required street frontage improvements, including but not limited to the sidewalk, parkrow with irrigated street trees spaced at one tree per 30 feet of frontage, and street lighting, shall be installed under permit from the Public Works Department and in accordance with the approved plans, inspected and approved by the Staff Advisor.
- f) The CC&Rs for the Homeowner's Association or similar maintenance agreement shall be provided for the review and approval of the Staff Advisor prior to signature of the final survey plat. This agreement shall describe the responsibility for the maintenance of all common use-improvements including landscaping, driveways, planting strips and street trees. The CC&Rs must state that deviations from the approved plan shall be considered a violation of the Planning Application approval and therefore subject to penalties described in the Ashland Municipal Code.

- g) Screening for the trash and recycling enclosure shall be installed in accordance with the Site Design and Use Standards, and an opportunity to recycle site of equal or greater size than the solid waste receptacle shall be included in the trash enclosure as required in AMC 18.4.4.040.
- h) 12 required covered bicycle parking spaces shall be installed according to approved plan, inspected and approved by the Staff Advisor.

Planning Commission Approval

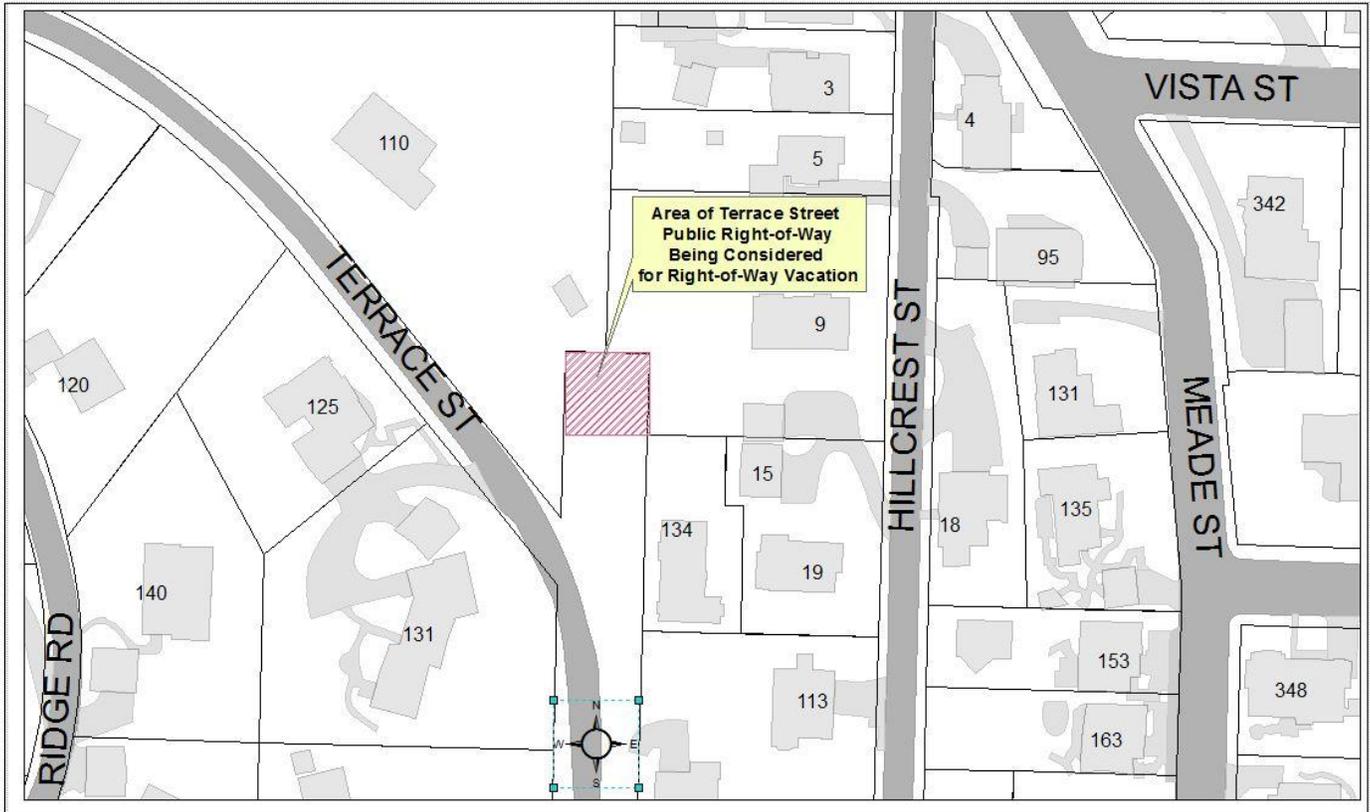
May 8, 2018

Date



SUBJECT PROPERTY: Public Right-of-Way at the end of Terrace Street
OWNER/APPLICANT: City of Ashland Public Work Department
DESCRIPTION: The Planning Commission will consider a request to vacate a portion of the Terrace Street right-of-way between 110 Terrace Street and 9 Hillcrest Street, and make a recommendation to the City Council. **COMPREHENSIVE PLAN DESIGNATION:** Single-Family Residential and Rural Residential; **ZONING:** R-1-7.5 and RR-.5; **ASSESSOR'S MAP/TAX LOT:** Between 39 1E 09BC 8000 & 39 1E 09BD 15200.

ASHLAND PLANNING COMMISSION MEETING: *Tuesday, May 8, 2018 at 7:00 PM, Ashland Civic Center, 1175 East Main Street.*



Notice is hereby given that a PUBLIC HEARING on the following request with respect to the ASHLAND MUNICIPAL CODE will be held before the ASHLAND PLANNING COMMISSION on meeting date shown above. The meeting will be at the ASHLAND CIVIC CENTER, 1175 East Main Street, Ashland, Oregon. The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. A copy of the Staff Report will be available for inspection seven days prior to the hearing and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Department, Community Development and Engineering Services, 51 Winburn Way, Ashland, Oregon 97520.

During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at 541-488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102.-35.104 ADA Title I).

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division, 541-488-5305.

Chapter 4.18

FILING FEES FOR VACATION OF PUBLIC PROPERTY

4.18.010 Purpose

The purpose of this Chapter is to establish the procedure for processing requests for the vacation of public rights of-way and places, and to require petitioners for vacation to deposit with the City Recorder a fee sufficient to cover the cost of publication, posting and other anticipated expenses as authorized by ORS 271.080, et seq.

4.18.020 Application

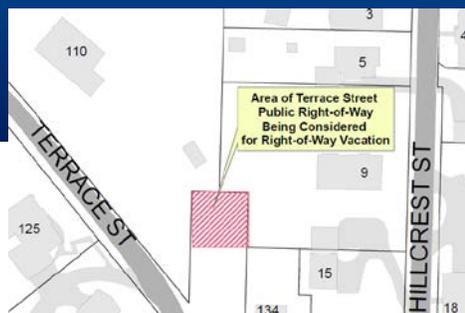
Any person interested in filing a petition for the vacation of all or part of any street, alley, or other public place, shall submit such petition in the form prescribed by the City Engineer pursuant to ORS 271.080, and upon filing of the petition shall deposit with the City Recorder a filing fee established by resolution of the City Council. (Ord. 2742, amended, 1994; Ord. 2654, amended, 1991)

4.18.030 Review by Planning Commission

Upon receipt of the petition, the same shall be referred to the City Engineer for a determination of whether it contains the requested number of sworn signatures. The City Engineer shall return any petition not meeting the requirements of ORS 271.080, together with the filing fee to the petitioner. If the City Engineer determines that the petition is sufficient, it shall be referred to the City Planning Commission for their review and recommendation to the City Council. The Planning Commission shall submit its report to the City Council within sixty (60) days of receipt. Upon receipt of the report by the Commission, or if no report is received from the Commission upon the expiration of sixty (60) days, the City Administrator shall set the matter for public hearing as set forth in ORS 271.100, et seq.

Terrace St. R-o-W Vacation Staff Report

A request for the Planning Commission to review and make a recommendation on the vacation of a portion of the public right-of-way for Terrace Street between 110 Terrace Street & 9 Hillcrest Street.



Proposal Details

Site Description/History

The subject property is a 2,621.5 square foot section of unimproved right-of-way between 110 Terrace Street and 9 Hillcrest Street. It currently provides access for the adjacent lots, and does not contain utilities. Slopes between Terrace and Glenview Drive average 24 percent, but exceed 35 percent in places, and would exceed the maximum allowed street grade.

Proposal

The current request would vacate a 2,621.5 square foot section located at the current end of the Terrace Street right-of-way. A vacation granted in 1947 with Ord. #1065 vacated the section to the north and eliminated the possibility of a connection between Terrace Street and Glenview Drive, but does grant an easement for the placement of public infrastructure at the discretion of the City.

Key Issues

Street Connectivity

The adjacent section of Terrace Street right-of-way to the north was vacated in 1947, precluding future connectivity. Slopes in the area exceed the maximum allowed street grade. No street connectivity needs are identified here in the Transportation System Plan (TSP).

Pedestrian Connectivity

The City would typically seek to retain pedestrian access easements to enable future trail connectivity, but in this instance the 1947 vacation of the right-of-way to the north precludes this possibility.

Utility Easements

Staff would recommend that a ten-foot wide utility easement be retained within the vacated area to preserve the ability to extend public infrastructure between Terrace and Glenview if/when needed.

Staff Recommendation

Staff recommends that the Planning Commission forward a favorable recommendation to the City Council and ask that a public utility easement be retained in the vacated section.

PROPOSED STREET VACATION MAP "B"

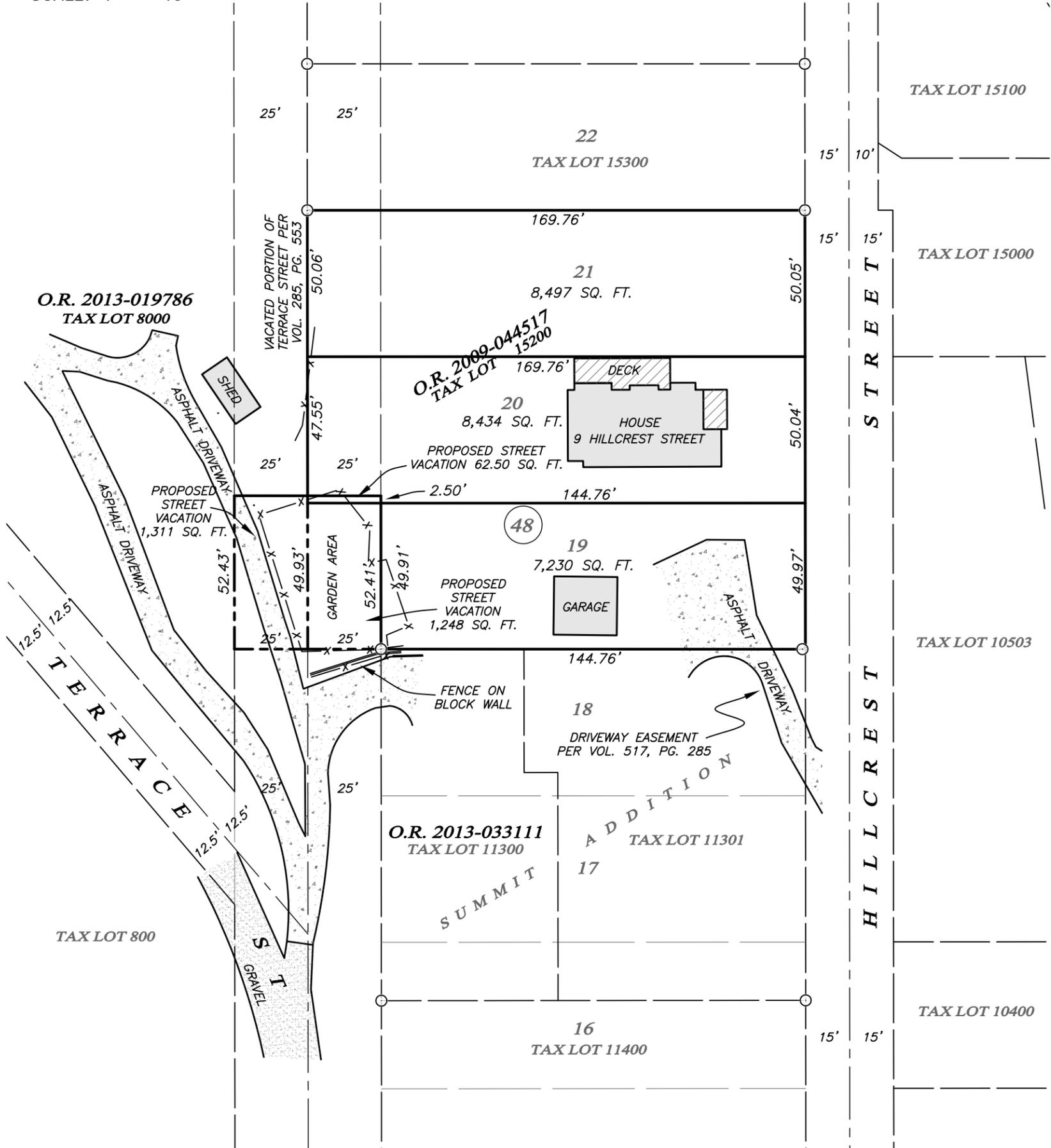
LOCATED AT
9 Hillcrest Street
Ashland, Oregon

LYING SITUATE WITHIN
 WEST ONE-HALF OF SECTION 9
 TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
 CITY OF ASHLAND, JACKSON COUNTY, OREGON

FOR
Amy Patton

9 Hillcrest Street
 Ashland, Oregon 97520

SCALE: 1" = 40'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 14, 1998
 SHAWN KAMPMANN
 2883 LS

RENEWAL DATE: 6/30/2017

SURVEYED BY:
POLARIS LAND SURVEYING LLC
 P.O. BOX 459
 ASHLAND, OREGON 97520
 (541) 482-5009

DATE: APRIL 4, 2017
 PROJECT NO. 1084-16

Assessor's Map No. 39 1E 09 BD, Tax Lot 15200 & Assessor's Map No. 39 1E 09 BC, Tax Lot 8000

POLARIS LAND SURVEYING

Memo

CITY OF
ASHLAND

Date: April 26, 2018
From: Scott A. Fleury-Deputy Public Works Director
To: Planning Commission
RE: Right of Way Vacation- of an un-opened portion of Terrace St.

BACKGROUND:

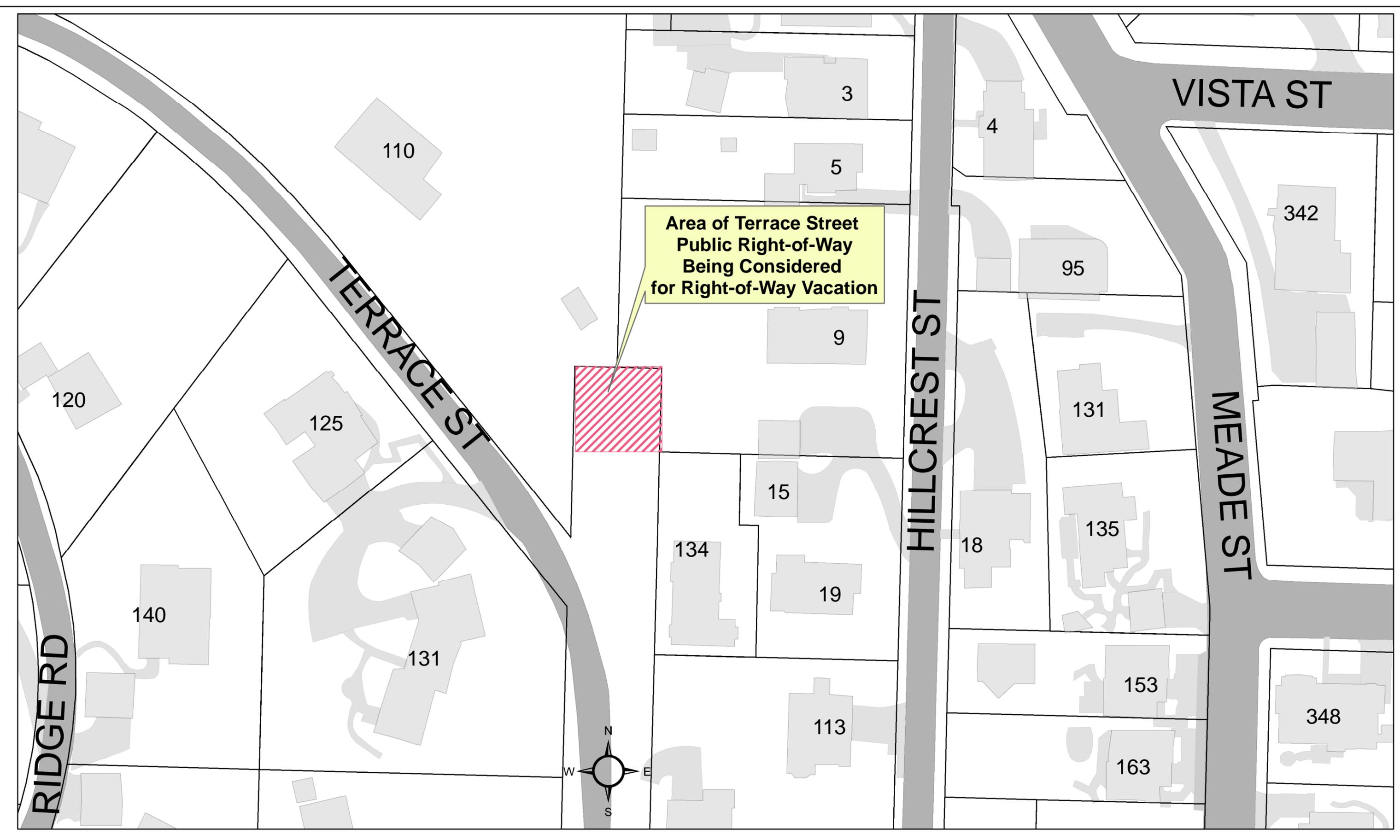
The City of Ashland was approached by the property owner at 9 Hillcrest St. about vacating a portion of the un-opened right of way adjacent to the property within the Terrace St. right of way. Staff informed the property owner of requirements for vacating city right of way which includes the appropriate petition and subsequent public hearings at the Planning Commission and City Council.

The property owner has obtained the necessary petition signatures and paid the appropriate fee to move the right of way vacation request forward to the Planning Commission and then on discussion and potential approval at a Council Business meeting.

Public Works/Engineering performed an initial assessment to determine if a right of way vacation would be in the public interest. The current dedicated but non-opened right of way currently provides driveway access to 9 Hillcrest St. and 110 Terrace St. Staff has verified there are no public utilities within the right of way area request for vacation. There are no current or long term plans for Public Works with respect to this right of way for either utilities or any transportation related connection. A previous Council action vacated a northerly portion of the adjacent right of way limiting the potential for any future roadway plans.

Public Works recommends the Planning Commission provide a motion to the City Council that they approve vacating the public right of way as proposed on the map of survey provided. In order to be consistent with the previous vacation Public Works is requesting placement of a ten (10') foot wide public utility easement on the final recorded map of survey.

If the right of way vacation ordinance is approved by the City Council a final map of survey will be developed along with new property deeds and these new documents will be recorded by the petitioner.



1:600
1 inch = 50 feet

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



**Terrace St
Right-of-Way Vacation**

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should be independently field verified for existence and/or location.



Memo

DATE: May 8, 2018

TO: Ashland Planning Commission

FROM: Maria Harris, Planning Manager

RE: Ordinance Amendments for Accessory Residential Unit

The Planning Commission unanimously recommended approval of the ordinance amendments for Accessory Residential Units with changes to the draft for clarity and for additions involving exterior changes in the Historic District at the April 24, 2018 meeting.

The Planning Commission makes a recommendation to the City Council on legislative amendments to Title 18 Land Use (AMC 18.5.1.070). The City Council also holds a public hearing on any legislative amendment and then makes the final decision.

Attached are two documents – the Planning Commission Report and the draft ordinance amendments for Accessory Residential Units (ARUs). The purpose of the agenda item is for the Planning Commission to review the report and draft ordinance amendments before the materials are forwarded to the City Council. Since the Planning Commission is a recommending body and doesn't make the final decision, the Planning Commission Report is intended to be a summary of the basis of the Commission's recommendation for the City Council.

All changes that were made since the April 24, 2018 meeting are noted with a comment box on the side. The attached draft incorporates revisions that were discussed at the April 24, 2018 study session. Staff also corrected cross references and several inconsistencies in the draft code language. An explanation is included below.

The revisions in this draft include the following items.

- **Pages 12-13 and page 20** – The edits to AMC 18.2.3.040 and 18.4.2.030.B were suggested by the Commission at the April 24 meeting.
- **Page 20** AMC 18.4.3.040 – The table for parking requirements currently includes the requirements for ARUs with those for single-family dwellings. As a result, “the primary dwelling” was used to distinguish between the main home and the ARU. In this draft, ARUs have been separated out in the table and are no longer combined with the single-family dwelling category. Primary dwelling has been changed to detached dwelling units.



- **Page 25** – AMC 18.4.30.80.E.7 and 18.4.4.030.F.2 have been edited to exclude single-family zones and therefore ARUs from the parking lot landscape requirements. In the previous draft, a definition of parking area was added which excluded parking spaces in single-family zones from being considered a “parking area.” However, staff reviewed Title 18 after the April 24 meeting and found that the term “parking area” is used throughout the code to refer to single-family zone requirements (e.g., lot coverage, porous pavement allowances, parking space dimensional requirements, floodplain and hillside development standards, subdivision requirements) as well as parking lots for multifamily and commercial developments. As a result, the change is instead made to the parking lot landscaping requirements.
- **Page 26-27** AMC 18.4.3.030.G and 18.4.9.040.C – The numerical references to the newly renumbered 18.5.2.020.C are corrected.
- **Page 29** AMC 18.6.1.030 – The new definition of parking area was edited – see explanation above for Page 25.



City of Ashland

Accessory Residential Unit Revisions

Draft Ordinance Amendments – Planning Commission Recommendation

Section 18.2.2.030 is amended to read as follows:

18.2.2.030 Allowed Uses

- A. **Uses Allowed in Base Zones.** Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to approval of a conditional use permit. Where Table 18.2.2.030 does not list a specific use and chapter 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040. **Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited. For uses allowed in special districts CM, HC, NM, and SOU, and for regulations applying to the City's overlays zones, refer to part 18.3.**
- B. **Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as "Permitted (P)" are allowed. Uses listed as "Permitted Subject to Special Use Standards (S)" are allowed, provided they conform to chapter 18.2.3 Special Use Standards. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020.
- C. **Conditional Uses.** Uses listed as "Conditional Use Permit Required (CU)" are allowed subject to the requirements of chapter 18.5.4.
- D. **Prohibited Uses.** Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use following the procedures of section 18.1.5.040 are prohibited. Prohibited uses are subject to the violations, complaints, and penalties sections in 18-1.6.080, 18-1.6.090, and 18-1.6.100.
- E. **Uses Regulated by Overlay Zones.** Notwithstanding the provisions of chapter 18.2.2, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. **For uses allowed in special districts CM, HC, NM, NN and SOU, and for regulations applying to the City's overlays zones, refer to part 18.3. For regulations applying to the City's overlays zones, please refer to part 18.3.**
- F. **Accessory Uses.** Uses identified as "Permitted (P)" are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the land use categories in part 18.6 Definitions.
- G. **Mixed-Use.** Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.
- H. **Temporary Uses.** Temporary uses require a Conditional Use Permit under chapter 18.5.4; except as follows:

1. Short-Term Events. The Staff Advisor may approve through Ministerial review short-term temporary uses occurring once in a calendar year and lasting not more than 72 hours including set up and take down. Activities such as races, parades, and festivals that occur on public property (e.g., street right-of-way, parks, sidewalks, or other public grounds) require a Special Event Permit pursuant to AMC 13.03.
 2. Garage Sales. Garage sales shall have a duration of not more than two days and shall not occur more than twice within any 365-day period. Such activity shall not be accompanied by any off-premises advertisement. For the purpose of this ordinance, garage sales meeting the requirements of this subsection shall not be considered a commercial activity.
 3. Temporary Buildings. Temporary occupancy of a manufactured housing unit or similar structure may be permitted for a period not to exceed 90 calendar days upon the granting of a permit by the Building Official. Such occupancy may only be allowed in conjunction with construction on the site. Said permit shall not be renewable within a six-month period beginning at the first date of issuance, except with approval of the Staff Advisor.
- I. Disclaimer. Property owners are responsible for verifying whether a proposed use or development meets the applicable standards of this ordinance.
-

Table 18.2.2.030 – Uses Allowed by Zone

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

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

Table 18.2.2.030 – Uses Allowed by Zone

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

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

Table 18.2.2.030 – Uses Allowed by Zone

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

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

Table 18.2.2.030 – Uses Allowed by Zone

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

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

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
and repair/replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.										In C-1 zone, fuel sales and service limited to is a permitted use provided within the Freeway Overlay , see chapter 18.3.8; conditional use in locations outside of Freeway Overlay In E-1 zone, auto and truck repair is a permitted use if 200 feet or more from residential zones ; fuel sales and service requires CU permit
E. Commercial Uses (continued) ⁵										
Automotive Sales and Rental, except within the Historic Interest Area ; includes motorcycles, boats, RVs, and trucks	N	N	N	N	N	N	CU	CU	P	Except a Not allowed within Historic District Overlay
Accessory Travelers' Accommodation (See also Travelers' Accommodation)	N	N	CU+S	CU+S	N	N	N	N	N	Sec. 18.2.3.220
Bakery, except as classified as Food Processing	N	N	N	N	N	N	P	P	P	
Commercial Laundry, Cleaning, and Dyeing Establishment	N	N	N	N	N	N	S	S	P	Sec. 18.2.3.080
Commercial Recreation, includes country club, golf course, swimming club, and tennis club; excluding intensive uses such as driving range, race track, or amusement park	CU	CU	N	N	CU	CU	N	N	N	
Drive-Up Use	N	N	N	N	N	N	S	N		Per Sec. 18.2.3.100, Drive-Up uses are limited to area east of Ashland St at intersection of Ashland St/Siskiyou Blvd
Hostel	N	N	CU	CU	N	N	CU*	N	N	*In C-1 zone, requires annual Type I review for at least the first three years, after which time the Planning

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

Table 18.2.2.030 – Uses Allowed by Zone

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

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

Table 18.2.2.030 – Uses Allowed by Zone

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

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

Table 18.2.2.030 – Uses Allowed by Zone

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

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

Table 18.2.2.030 – Uses Allowed by Zone

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

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

Section 18.2.3.040 is amended to read as follows:

18.2.3.040 Accessory Residential Unit

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

A. Exemptions. Accessory residential units are permitted outright with an approved building permit, and are allowed without a Site Design Review under chapter 18.5.2 provided that the accessory residential unit meets all of the following requirements.

1. The accessory residential unit is located in the R-1, R-1-3.5, RR, NN and NM zones. Accessory residential units in the R-2 and R-3 zones require Site Design Review under chapter 18.5.2 and are not permitted outright under this subsection.
2. The accessory residential unit meets all of the requirements of the applicable zone in subsections 18.2.3.040.B, C, E and F, below, except as otherwise exempted in subsection 18.2.3.040.A.
3. The size of the accessory residential unit is less than 500 square feet of gross habitable floor area (GHFA).
4. The accessory residential unit is attached to the primary residence or within an existing primary residence. Accessory residential units located in the Historic District overlay and including exterior building changes and accessory residential units located in detached structures (i.e., not attached to the primary residence) require Site Design Review under chapter 18.5.2 and are not permitted outright under this subsection.
5. The property must have two off-street parking spaces, except that parking spaces, turn-arounds, and driveways are exempt from the requirements in subsections 1 and 2 of 18.4.3.080.D and paving requirements in subsection 18.4.3.080.E.1.
6. Additional off-street parking is not required for the accessory residential unit if on-street parking is permitted within 200 feet of the property. Alternatively, one off-street parking space may be provided on the property in conformance with the off-street parking provisions for accessory residential units in section 18.4.3.080.

Commented [MH1]: Replaced "except for the off-street parking requirements."

Commented [MH2]: Requires ARUs in the Historic District that involve exterior changes to obtain Site Design Review, therefore they are not exempted by this section.

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

1. One accessory residential unit is allowed per lot, and the maximum number of dwelling units shall not exceed two per lot.
2. Accessory residential units are not subject to the density or minimum lot area requirements of the zone, ~~except that accessory residential units shall be counted in the density of developments created under the Performance Standards Option in chapter 18.3.9.~~
3. The maximum gross habitable floor area (GHFA) of the accessory residential unit shall not exceed 50 percent of the GHFA of the primary residence on the lot and shall not exceed 1,000

Commented [MH3]: Deleted "unless exempted in subsection 18.2.3.040.A, above."

square feet GHFA.

4. The proposal shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.
5. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.080, except that parking spaces, turn-arounds, and driveways are exempt from the **requirements in subsections 1 and 2 of 18.4.3.080.D and** paving requirements in subsection 18.4.3.080.E.1.

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

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

Commented [MH4]: Deleted "unless exempted ins subsection 18.2.3.040.A, above."

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

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

Commented [MH5]: Deleted "unless exempted ins subsection 18.2.3.040.A, above."

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

Commented [MH6]: Deleted "unless exempted ins subsection 18.2.3.040.A, above."

Section 18.2.3.160(B) is amended to read as follows:

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

Section 18.3.4.040(C) is amended to read as follows:

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

1. **Uses Allowed in Normal Neighborhood District.** Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.4.040 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.

a. **Permitted Uses.** Uses listed as "Permitted (P)" are allowed.

b. **Permitted Subject to Special Use Standards.** Uses listed as "Permitted Subject to Special Use Standards (S)" are allowed, provided they conform to chapter 18.2.3 Special Use Standards.

c. **Conditional Uses.** Uses listed as "Conditional Use Permit Required (C)" are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.

d. **Prohibited Uses.** Uses not listed in Table 18.3.4.040, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.

2. **Uses Regulated by Overlay Zones.** Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone.

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

Table 18.3.4.040 Land Use Descriptions	NN-1-5 Single-Family Residential	NN-1-3.5 Suburban Residential	NN-1-3.5-C Suburban Residential with Commercial	NN-2 Multi-Family Low-Density Residential
Table 18.3.4.040 Normal Neighborhood District Uses Allowed by Zone ¹⁰				

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

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

4. Permitted Uses. Uses listed as “Permitted (P)” are allowed. All uses are subject to the

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

development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of Part 18.5. See section 18.5.1.020 Determination of Review Procedure.

- ~~2. Conditional Uses. Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.~~
- ~~3. Prohibited Uses. Uses not listed in the Land Use Table, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.~~

Section 18.3.4.060(B)(2) is amended to read as follows:

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

Section 18.3.5.050 is amended to read as follows:

18.3.5.050 Allowed Uses

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

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

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

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

building code requirements are met.

Table 18.3.5.050 – North Mountain Neighborhood Uses Allowed by Zone ¹²					
	North Mountain Neighborhood Zones ¹³				
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C	NM-Civic
A. Residential					
Residential Uses, subject to density requirements in Table 18.3.5.050	P	P	P	P	N
Accessory Residential Units, see Sec. 18.2.3.040	P or S	P or S	N	P	N
Cottage Housing	S	S	N	N	N
Home Occupations	P	P	P	P	N
Agricultural Uses, except Keeping of Livestock	P	P	P	P	S
Keeping of Micro-Livestock and Bees	S	S	S	N	S
Keeping of Livestock	N	N	N	N	N
Marijuana Cultivation, Homegrown	S	S	S	S	N
B. Public and Institutional Uses					
Community Services	N	S	N	S	P
Parks and Open Spaces	P	P	P	P	P
Public Parking Lots	N	N	N	CU	N
Religious Institution, Houses of Worship	N	N	N	S	N
Utility and Service Building, Public and Quasi-Public, excluding outdoor storage and electrical substations	N	N	N	S	N
B. Commercial					
Neighborhood Clinics	N	N	N	S	N
Neighborhood Oriented Retail Sales, Services, and Restaurants	N	N	N	S	N
Offices, Professional	N	N	N	S	N
Temporary uses	N	N	N	CU	N
C. Industrial					
Manufacturing, Light	N	N	N	S	N

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

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

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

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

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

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

Section 18.3.9.050(A) is amended to read as follows:

A. Base Densities. The density of the development shall not exceed the density established by this section. The density shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. Fractional portions of the final answer, after bonus point calculations, shall not apply towards the total density.

Accessory residential units are not required to meet the density requirements of this chapter in accordance with section 18.2.3.040.

Section 18.4.2.030(B) is amended to read as follows:

B. Applicability. Except as otherwise required by an overlay zone or plan district, the following standards apply to residential development pursuant to section 18.5.2.020. See conceptual site plan of multi-family development in Figure 18.4.2.030.

1. Accessory Residential Units. Unless exempted from Site Design Review in 18.2.3.040.A, only the following standards in Chapter 18.4.2 apply to accessory residential units: building orientation requirements in 18.4.2.030.C, garage requirements in 18.4.2.030.D, and building materials in 18.4.2.030.E. If an accessory residential unit is located in the Historic District overlay, the standards in 18.4.2.050 also apply. See the Special Use Standards for accessory residential units in section 18.2.3.040.

Commented [MH7]: Added reference to ARU special use standards.

Section 18.4.3.040 is amended to read as follows:

18.4.3.040 Parking Ratios

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

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

Commented [MH8]: Primary dwelling unit language was hold over from when parking requirements for ARUs w included with single-family dwellings.

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
	for accessory residential units attached dwelling units a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units -- 1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit.
Accessory Residential Units	a. Units less than 800 sq. ft. -- 1 space/unit, except as exempted in subsection 18.2.3.040.A. b. Units greater than 800 sq. ft. and up to 1,000 sq. ft. -- 2.00 spaces/unit.
Multi-family Dwellings	a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units -- 1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit. e. Retirement complexes for seniors 55-years or greater -- One space per unit.
Cottage Housing	a. Units less than 800 sq. ft. -- 1 space/unit. b. Units greater than 800 square-feet sq. ft. and less than 1000 square-feet sq. ft. -- 1.5 spaces/unit. c. Units greater than 1000 square-feet sq. ft. -- 2.00 spaces/unit. d. Retirement complexes for seniors 55-years or greater -- One space per unit.
Manufactured Housing	Parking for Manufactured Home on Single-Family Lot is same as Single Family Dwelling; for Manufactured Housing Developments, see sections 18.2.3.170 and 18.2.3.180.
Performance Standards Developments	See chapter 18.3.9.
Commercial Categories	
Auto, boat or trailer sales, retail nurseries and other open-space uses	1 space per 1,000 square-feet sq. ft. of the first 10,000 square feet sq. ft. of gross land area; plus 1 space per 5,000 square-feet sq. ft. for the excess over 10,000 square-feet sq. ft. of gross land area; and 1 space per 2 employees.
Bowling Alleys	3 spaces per alley, plus 1 space for auxiliary activities set forth in this section.
Chapels and Mortuaries	1 space per 4 fixed seats in the main chapel.
Hotels	1 space per guest room, plus 1 space for the owner or manager; see also, requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities.

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

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

Section 18.4.3.060 is amended to read as follows:

18.4.3.060 Parking Management Strategies

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

Section 18.4.3.080(D), (E) and (F) are amended to read as follows:

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

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

6. **Vertical Clearances.** Driveways, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13.5 feet for their entire length and width. Parking structures are exempt from this requirement.
 7. **Vision Clearance.** No obstructions may be placed in the vision clearance area except as set forth in section 18.2.4.040.
 8. **Grades for new driveways in all zones shall not exceed 20 percent for any portion of the driveway.** If required by the City, the developer or owner shall provide certification of driveway grade by a licensed land surveyor.
 9. All driveways shall be installed pursuant to City standards prior to issuance of a certificate of occupancy for new construction.
 10. Driveways for lots created or modified through a land division or property line adjustment, including those for flag lots, shall conform to the requirements of chapter 18.5.3 Land Divisions and Property Line Adjustments.
- E. **Parking and Access Construction.** The development and maintenance as provided below, shall apply in all cases, except single-family dwellings **and accessory residential units.**
1. **Paving.** All required parking areas, aisles, turn-arounds, and driveways shall be paved with concrete, asphaltic, porous solid surface, or comparable surfacing, constructed to standards on file in the office of the City Engineer.
 2. **Drainage.** All required parking areas, aisles, and turn-arounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.
 3. **Driveway Approaches.** Approaches shall be paved with concrete surfacing constructed to standards on file in the office of the City Engineer.
 4. **Marking.** Parking lots of more than seven spaces shall have all spaces permanently and clearly marked.
 5. **Wheel stops.** Wheel stops shall be a minimum of four inches in height and width and six feet in length. They shall be firmly attached to the ground and so constructed as to withstand normal wear. Wheel stops shall be provided where appropriate for all spaces abutting property lines, buildings, landscaping, and no vehicle shall overhang a public right-of-way.
6. **Walls and Hedges**
- a. Where a parking facility is adjacent to a street, a decorative masonry wall or evergreen hedge screen between 30 and 42 inches in height and a minimum of 12 inches in width shall be established parallel to and not nearer than two feet from the right-of-way line, pursuant to the following requirements.
 - i. The area between the wall or hedge and street line shall be landscaped.
 - ii. Screen planting shall be of such size and number to provide the required screening within 12 months of installation.
 - iii. All vegetation shall be adequately maintained by a permanent irrigation system, and said wall or hedge shall be maintained in good condition.

- iv. Notwithstanding the above standards, the required wall or screening shall be designed to allow access to the site and sidewalk by pedestrians and shall meet the vision clearance area requirements in section 18.2.4.040.
- b. In all zones, except single-family zones, where a parking facility or driveway is adjacent to a residential or agricultural zone, school yard, or like institution, a sight-obscuring fence, wall, or evergreen hedge shall be provided, pursuant to the following requirements.
 - i. The fence, wall or hedge shall be placed on the property line and shall be between five feet and six feet in height as measured from the high grade side of the property line, except that the height shall be reduced to 30 inches within a required setback area and within ten feet of a street property line.
 - ii. Screen plantings shall be of such size and number to provide the required screening within 12 months of installation.
 - iii. Adequate provisions shall be made to protect walls, fences, or plant materials from being damaged by vehicles using said parking area.
 - iv. Notwithstanding the above standards, the required wall or screening shall be designed to meet the vision clearance area requirements in section 18.2.4.040.
 - v. The fence, wall, or hedge shall be maintained in good condition.
- 7. Landscaping. In all zones, **except single-family 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. 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.

Commented [MH9]: For consistency with next section 18.4.3.080.F

Section 18.4.4.030(F)(2) is amended to read as follows:

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

- 1. Landscaping.
 - a. Parking lot landscaping shall consist of a minimum of seven percent of the total parking area plus a ratio of one tree for each seven parking spaces to create a canopy effect.

Commented [MH10]: Exempts single-family homes and ARUs from parking lot landscaping requirements typically associated with parking areas for larger multi-family developments, commercial and mixed-use buildings (e.g., landscape islands, shade trees, buffers between parking, residences and property lines). This change is suggested to distinguish between a few parking spaces in single-family zones for a home and an ARU and parking areas or lots for multi-family developments, commercial and mixed-use buildings.

- b. The tree species shall be an appropriate large canopied shade tree and shall be selected from the street tree list approved by the Ashland Tree Commission to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians. See the Ashland Recommended Street Tree Guide.
- c. The tree shall be planted in a landscaped area such that the tree bole is at least two feet from any curb or paved area.
- d. The landscaped area shall be distributed throughout the parking area and parking perimeter at the required ratio.
- e. That portion of a required landscaped yard, buffer strip, or screening strip abutting parking stalls may be counted toward required parking lot landscaping but only for those stalls abutting landscaping as long as the tree species, living plant material coverage, and placement distribution criteria are also met. Front or exterior yard landscaping may not be substituted for the interior landscaping required for interior parking stalls.

2. Screening.

- a. *Screening Abutting Property Lines.* A five foot landscaped strip shall screen parking abutting a property line. Where a buffer between zones is required, the screening shall be incorporated into the required buffer strip, and will not be an additional requirement.
- b. *Screening Adjacent to Residential Building.* Where a parking area is adjacent to a residential building it shall be setback at least eight feet from the building, and shall provide a continuous hedge screen.
- c. *Screening at Required Yards.*
 - i. Parking abutting a required landscaped front yard or exterior yard shall incorporate a sight obstructing hedge screen into the required landscaped yard.
 - ii. The screen shall grow to be at least 36 inches higher than the finished grade of the parking area, except within vision clearance areas, section 18.2.4.050.
 - iii. The screen height may be achieved by a combination of earth mounding and plant materials.
 - iv. Elevated parking lots shall screen both the parking and the retaining walls.

Section 18.4.3.030(G) is amended to read as follows:

- 4. Mechanical Equipment. Mechanical equipment shall be screened by placement of features at least equal in height to the equipment to limit view from public rights-of-way, except alleys, and adjacent residentially zoned property. Mechanical equipment meeting

the requirements of this section satisfy the screening requirements in 18.5.2.020.C.34.

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

Commented [MH11]: Corrects numerical reference because of renumbering in subsection 18.5.2.020.C Exempt from Site Review (see below).

Commented [MH12]: Corrects numerical reference because of renumbering in subsection 18.5.2.020.C Exempt from Site Review (see below).

Section 18.4.9.040(C) is amended to read as follows:

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

Commented [MH13]: Corrects numerical reference because of renumbering in subsection 18.5.2.020.C Exempt from Site Review (see below).

Section 18.5.2.020(B) and (C) are amended to read as follows:

- B. Residential Uses. Site Design Review applies to the following types of residential uses and project proposals, pursuant to section 18.5.2.030 Review Procedures.
 1. Two or more dwelling units **on a lot in any zoning district**, including the addition of an accessory residential unit, **on a lot in any zoning district unless exempt from Site Design Review per subsection 18.2.3.040.A.**
 2. Construction of attached (common wall) single-family dwellings (e.g., townhomes, condominiums, rowhouses) in any zoning district.
 3. Any exterior change, including installation of Public Art, to a structure individually listed on the National Register of Historic Places that requires a building permit.
 4. Any change to off-street parking or landscaping in a residential development where such parking or landscaping is provided in common area (e.g., shared parking) and is approved pursuant to chapter 18.3.9 Performance Standards Option.
 5. Any change in use that requires a greater number of parking spaces.
 6. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from Site Design Review per **sub**section 18.5.2.020.C.
 7. Installation of wireless communication facilities (e.g., accessory to a residential use), in accordance with section 18.4.10.
- C. Exempt From Site Design Review. The following types of uses and projects are exempt from Site Design Review, **but are required to comply with the applicable provisions of part 18.4 Site Development and Design Standards.**
 1. Detached single-family dwellings and associated accessory structures and uses, **except that accessory residential units require Site Design Review pursuant to**

section 18.2.3.040.

2. Accessory residential units meeting the requirements of subsection 18.2.3.040.A.

32. Land divisions and property line adjustments, which are subject to review under chapter 18.5.3.

43. The following mechanical equipment.

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

Section 18.6.1.030 is amended to read as follows:

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

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

the primary use, such as an outdoor grill or wet bar. For the purposes of this ordinance, the following types of dwelling units are defined:

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

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

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

Commented [MH14]: Deleted end of new definition, "except that parking spaces serving a single-family home or accessory residential units are not considered a parking area or lot." The language would have conflicted with several places in the existing code that use "parking area" in reference single-family home requirements (i.e., lot coverage requirements, porous pavement allowances, parking space dimensional requirements, floodplain and hillside development standards, subdivision requirements).

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

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

Planning Commission Report

DATE: May 8, 2018
TO: Ashland City Council
FROM: Ashland Planning Commission
RE: Planning Commission Recommendation
Ordinance Amendments for Accessory Residential Units (PA-L-2018-00002)

Summary

The Planning Commission recommends approval of the proposed amendments to the land use ordinance for accessory residential units (PA-L-2018-00002). The amendments provide more flexibility to homeowners that want to include a second small dwelling unit within or attached to a single-family home.

Over the past several years, there has been much discussion in the state, region and city regarding insufficiencies in the housing supply because of rising housing prices combined with less housing being built during the recession. Accessory residential units (ARUs) can be an economical way to add rental units to the housing supply and at the same time, provide a compatible type of development in existing and new single-family neighborhoods. The Commission found the most recent shortage of rental housing is a change in conditions that is the basis for amending the ARU ordinance requirements.

In addition, Oregon Senate Bill 1051 was signed into law by Governor Brown in August 2017 and requires cities with populations greater than 2,500 to allow at least one accessory dwelling unit for each detached single-family dwelling in single-family zones, subject to reasonable local regulations relating to siting and design. The new state law becomes effective on July 1, 2018. The Commission reviewed and considered the document provided by the state concerning implementation of Senate Bill 1051 - [Guidance on Implementing the Accessory Dwelling Units \(ADU\) Requirement under Oregon Senate Bill 1051](#).

The recommended ordinance amendments provide an option for small ARUs, less than 500 square feet in size, to be created within or attached to a single-family home by obtaining a building permit. These small ARUs are exempt from the planning application review process – currently, all ARUs require approval of a planning application for Site Design Review prior to application for a building permit. The small ARUs would be allowed in the R-1, R-1-3.5, RR, NN and NM zones and could be built as part of new construction or added to a primary residence

at a later date. Additionally, the small ARUs are exempted from the landscaping, open space and parking requirements for multi-family housing. Off-street parking would not be required if on-street parking is available within 200 feet of the property.

An additional change is deleting two requirements for ARUs of any size in the Rural Residential (RR) zone including the prohibition of ARUs on hillside lands (i.e., 25 percent slope and greater) and requiring an improved city street that is at least 20 feet in paved width with curbs, gutters and sidewalks.

Finally, the amendments include a change in the off-street parking requirement for ARUs. The proposal is to require one parking space for ARUs up to 800 square feet in size instead of the current requirement of one space required for ARUs up to 500 square feet in size. This off-street parking requirement is the same as the recently adopted cottage housing off-street parking requirement.

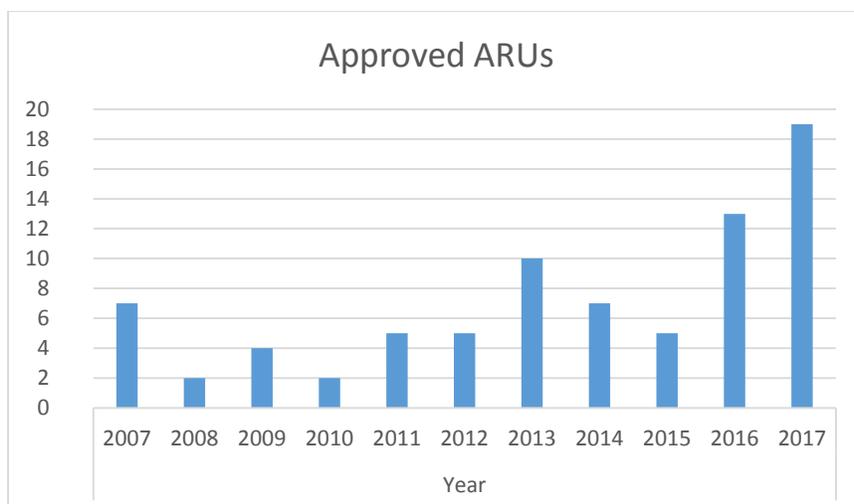
The Commission held a public hearing and deliberations on the proposed amendments on April 24, 2018. Prior to the public hearing, the Commission held study sessions on August 22, 2017, October 24, 2017, November 28, 2017 and February 27, 2018.

Recommendation

AMC 18.5.9.020.B permits legislative amendments to meet changes in circumstances and conditions. As discussed earlier, the Planning Commission finds the proposed amendments to the land use ordinance for accessory residential units are necessary to respond to the statewide issue of insufficient housing supply resulting from rising housing prices and reduced building during the recession. In addition, the City of Ashland is required to comply with Senate Bill 1051 which requires cities with populations greater than 2,500 to allow at least one accessory dwelling unit for each detached single-family dwelling in single-family zones, subject to reasonable local regulations relating to siting and design.

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





The recommended ordinance amendments respond to several city and state goals, policies and strategies. The 2015 City Council Strategic Plan includes a strategy to “Pursue affordable housing opportunities, especially workforce housing. Identify specific incentives for developers to build more affordable housing.” (5.2.a) The Ashland Comprehensive Plan includes a housing goal to “Ensure a variety of dwelling types and provide housing opportunities for the total cross-section of Ashland’s population, consistent with preserving the character and appearance of the city.” (6.10) The 2012 Housing Analysis identified a deficit in rental housing for extremely-low and low-income households and recommended encouraging the development of more studio and one-bedroom rental units.

In addition to Senate Bill 1051, Statewide Planning Goal 10 Housing requires cities to provide for the housing needs of citizens of the state. Buildable lands for residential use are required to be inventoried and plans must encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households. Statewide Planning Goal 10 also requires cities to allow for flexibility of housing location, type and density.

At the local level, demographic data shows that Ashland differs from the state in terms of household size and single-occupant households. The average household size for Oregon was approximately 2.47 people per household in the 2010 Census. In comparison, Ashland had an average household size of 2.03 persons per household in 2010. Portland State University is charged with developing population projections for cities and counties in Oregon and in a recent presentation, noted the average household size for Ashland as 2.00 person per household. In addition, there are a large number of single person households within Ashland – 38 percent according to the 2016 American Community Survey and 18.2 percent of these single occupant households are individuals 65 years and over. In comparison, the 27.8 percent of Oregon’s households are single occupant households and 11.1 percent of single occupant households are individuals 65 years old and over (American Community Survey 2016).



The Commission ultimately decided that the housing supply inadequacies are a pressing issue and the proposed revisions will remove barriers to and thereby provide an incentive for the development of small ARUs. In turn, this will help address the housing supply issues identified in the City's goals and strategies, Statewide Planning Goal 10 Housing and the recent mandate in Senate Bill 1051. The revisions are also intended to address the 2012 housing needs analysis findings and recommendations focused on encouraging studio and one-bedroom rental units. Units less than 500 square feet in size are typically designed as studio or one-bedroom units.

The Commission had lengthy discussions regarding the compatibility of exterior building changes with single-family neighborhoods and the potential impacts of parking for small ARUs. The Commission felt it is important to retain the application of the Historic District Design Standards that are part of the planning application process for properties located in the historic districts. For this reason, ARUs located in the historic districts and involving exterior changes are not included in those ARUs that are exempt from the planning application process.

The Commission discussed a photo survey of on-street parking utilization on streets in subdivisions in the more dense single-family neighborhoods in Ashland, the expense and physical limitations of adding parking, impact on the neighborhood and street environment of requiring additional parking in the front yard, and the State's identification of "requiring off-street parking is one of the biggest barriers to developing ADUs ([Guidance on Implementing the Accessory Dwelling Units \(ADU\) Requirement under Oregon Senate Bill 1051](#)).

The Commission discussed the likelihood that ARUs will continue to develop at a steady but reasonable rate and continue to be dispersed throughout Ashland's single-family zones. The planning application process and associated soft and hard costs are removed for small ARUs with the proposed ordinance amendments. However, property owners considering adding a small ARU would continue to incur the expenses of design, building permits and construction. At an average annual rate of seven ARUs approved a year since 1991, ARUs represent a modest portion of Ashland's housing supply at 1.8 percent of Ashland's housing units. Additionally, ARUs are located on two percent of Ashland's 9,382 lots.

After careful thought and consideration, the Commission voted to recommend allowing small ARUs without requiring additional off-street parking as written in the proposed ordinance. The Commission felt there is available on-street parking in the denser single-family neighborhoods and that some property owners would opt to install additional parking if it is feasible to increase the desirability of the units. The Commission felt that allowing and requiring the majority of the front yard to be used for parking would be incompatible with most single-family neighborhoods and detract from the attractive walking environment that so many of Ashland's streets provide. In addition, the Commission discussed that the installation of an additional parking space can be



a barrier to encouraging ARUs because of physical constraints (e.g., trees, steep slopes, limited yard areas) and expense.

If the amendments are adopted, the Commission suggests that a review is performed of the small ARUs within two years of adoption. This would provide an opportunity to evaluate the number of units installed as well as any issues that may necessitate adjustments to the ordinance requirements. The Commission discussed monitoring the compatibility of building changes and additions with the surrounding neighborhood and any parking impacts. The Commission also discussed using information from the initial period for potentially considering exempting small ARUs located in detached structures in the future.

The Commission believes that the current requirement for a planning application for a Physical Constraints Review Permit for hillside lands (i.e., slopes 25 percent and greater) adequately addresses slope stability and design. Therefore, the Commission recommends eliminating the prohibition of ARUs on hillside lands in the RR zones. The Commission discussed the requirement that ARUs in the RR zone are located on an improved city street developed to a minimum of 20 feet in paved width, with curbs, gutters and sidewalks. There are 350 lots that are zoned RR which represents 3.7 percent of all lots in Ashland. There are 40 streets located in the RR zone. A review of those streets indicates that more than half do not meet the width requirement. The Commission finds that the current ARU requirements in the RR zone may be largely unobtainable and given the small number of lots, recommends deleting the street requirement. Finally, the Commission felt it is reasonable to require ARUs up to 800 square feet one parking spaces for consistency with the cottage housing parking requirement because the type and size of units is very similar.

Staff suggested making housekeeping and minor edit changes to the ordinance for consistency throughout the code, to correct inconsistencies with the previous code, to eliminate confusing or duplicative wording and to address items from Planning Commission public hearings. The Commission reviewed, discussed and supports the edits.



May 8, 2018

Oregon TGM Program
Attn: John McDonald
ODOT Region 3
3500 NW Stewart Parkway
Roseburg, OR 97470-1687

Dear Mr. McDonald,

The Ashland Planning Commission fully supports the City's Transportation Growth Management (TGM) grant application to "***Revitalize Downtown Ashland.***" This will build a plan to develop implementation strategies and priorities to enhance the downtown core, and build upon work previously completed as part of the Downtown Parking Plan and modal improvement analysis. The City's goal to create an affordable, balanced, safe, functional multi-use transportation network, and enhance the streetscape will help to renew a sense of community for downtown.

This TGM Grant will be a much needed kick-start for necessary actions to complete many of the parking study recommendations and take some bold steps to implement new design strategies including lighting, street amenities, and artwork, for a more livable downtown. Building convenient connections for transit and bicyclists, and including wayfinding to support all interrelated transportation modes is a clear objective of this plan. Truck loading/unloading, parking, pedestrian vitality and safer bicycle systems will be another result of this successful partnership between downtown businesses, residential community members and tourists.

Thank you for your approval of the City's "***Revitalize Downtown Ashland***" TGM grant.

Sincerely,

Melanie Mindlin
Planning Commission, Vice Chair



Planning Commission Retreat

Dates

by Dana Smith • 6 days ago • Print

🕒 All times displayed in **America/Los Angeles**

Table Calendar

	Jun 7 THU	Jun 8 FRI	Jun 14 THU	Jun 15 FRI
	11:00 AM 4:00 PM	11:00 AM 4:00 PM	11:00 AM 4:00 PM	11:00 AM 4:00 PM
5 participants	✓3	✓3	✓3	✓4
👤 Dana Smith	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
👤 Lynn	✓			
👤 troy brown tbrownpc@gmail.com	✓	✓	✓	✓
👤 Melanie Mindlin sassetta@mind.net	✓		✓	✓
👤 Haywood Norton fhnorton527@gmail.com		✓	✓	✓
👤 Roger Pearce pearcer22@gmail.com		✓		✓

Send
Cannot attend