

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please fill out a Speaker Request Form and place it in the Speaker Request Box by staff. 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  
STUDY SESSION  
August 27, 2019  
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street
  
- II. **ANNOUNCEMENTS**
  
- III. **PUBLIC FORUM**
  
- IV. **DISCUSSION ITEMS**
  - A. **Plaza and Public Space Standards**
  - B. **Draft Amendments to Open Space Standards**
  
- V. **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).

# Memo

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DATE: August 27, 2019

TO: Ashland Planning Commission

FROM: Maria Harris, Planning Manager

RE: Draft ordinance amendments to open space standards

## **Summary**

The Planning Commission is being asked to provide feedback to staff on the attached draft ordinance amendments to the open space standards.

## **Background**

The Planning Commission discussed amendments to the open space standards at the January 22, 2019 and March 26, 2019 meeting.

The Commission reviewed draft amendments at the March 26 meeting. There were a variety of items discussed at the meeting including the term open space, requirements for upper-floor level balconies, impacts on steeper slopes on usable areas, improving the definition of major recreation facility and addressing the written comments submitted on the March 26 meeting.

## **Draft Ordinance Amendments**

Staff revised the previous draft amendments in an effort to address the Planning Commission's feedback and the written comments received at the March 26 meeting. The key changes since the March 26 meeting include the following.

- Open Space Standards for Multifamily and Attached Single-family Housing 18.4.2.030.H
  - A requirement that a minimum of 50 percent of the required open space is provided as a common area for developments of 10 or more units. This can be reduced if the site is within a quarter mile of a public park.
  - Addition of standards for common open space including minimum dimensions, locational requirements and slopes.
  - Addition of private open space standards for decks, patios, porches, yards and similar areas. Standards added for ground-floor dwelling units and upper-floor dwelling units.
- Open Space Standards for Performance Standards Options (PSO) Developments
  - Addition of dimensional standards for common open space except for pedestrian paths and natural feature areas.
- Definitions
  - Definition of common area revised.
  - Major recreational facilities definition added.
  - Definitions for common and private open space added.
  - Definition of yard revised.



The attached document includes what staff believes are the key issues and changes discussed thus far by the Planning Commission. If the Planning Commission believes the draft ordinance amendments are moving in the right direction, staff will perform and provide a comprehensive update to the land use ordinance including subsection 18.25.080.F Residential Density bonus, cross references and terminology consistency throughout the land use ordinance.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTERS 18.3.9, 18.4.2 AND 18.6 OF  
THE ASHLAND LAND USE ORDINANCE TO AMEND THE OPEN  
SPACE STANDARDS

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are **bold lined through** and additions are **bold underlined**. Unchanged text is grey.

SECTION 1. Section 18.4.2.030.H [Residential Development – Open Space] of the Ashland Land Use Ordinance is hereby amended as follows:

**18.4.2.030 Residential Development**

H. **Open Space.** Residential developments that are subject to the provisions of this chapter shall conform to all of the following standards.

1. ~~Recreation Area~~ **Open Space. An area equal to at least eight percent of the lot area shall be dedicated to open space for recreational use by the tenants of the development.**
  - a. **Required Area.** An area equal to at least eight percent of the total lot area shall be dedicated as open space. The required open space area may be met by **combining common and private open spaces meeting the requirements of this section.**
  - b. **All areas set aside for common open space shall be counted for base density. The required open space is not subject to bonus point calculations.**
  - c. **Ownership and Maintenance.** The open space shall be designated as common area on the application submittals and permanently set aside for the use of **residents of the development. Maintenance of open space shall be responsibility of the lot owner(s).**
  - d. **Timing.** Open space shall be constructed and landscaped, or secured with a **financial instrument, prior to final occupancy of the first dwelling unit.**
  - e. **Performance Standards Option (PSO) Overlay.** Open space dedicated to meet the requirements of this section shall also satisfy the open space requirement of subsection 18.3.9.050.A.3 for developments exercising the **Performance Standards option in Chapter 18.3.9.**
2. ~~Surfacing. Areas covered by shrubs, bark mulch, and other ground covers that do not provide suitable surface for human use may not be counted towards this requirement.~~
3. ~~Decks and Patios. Decks, patios, and similar areas are eligible for open space.~~
4. ~~Play Areas. Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for open space.~~

**Commented [MH1]:** This section applies to development with two or more multi-family dwelling units per lot (ARUs are exempted) and attached common wall single-family dwellings (e.g. townhomes, condominiums, rowhouses). See Site Design Review applicability in 18.5.2.020.B.

**Commented [MH2]:** Multifamily and attached single-family developments that are subject to Site Design Review and are creating a subdivision (Performance Standards Option) can also count the 8% open space required under Site Design Review as the required 5% of common open space required for a PSO subdivision for 10 or more units. In other words, the percentages required overlap and are not added to require 13%.

**2. Common Open Space. Common open space shall meet the following standards.**

**a. Required Area. A minimum of fifty percent of the required open space shall be designated and permanently set aside as common open space in all developments of ten or more dwelling units that are over 500 square feet of gross habitable floor area. The common open space requirement may be reduced through the application of a credit in section 18.4.2.030.H.2.h, below.**

**Commented [MH3]:** This is a new approach to require 1/2 of open space in common area. This is reduced to 1/4 in common area if within 1/4 mile walk of a park. This suggestion was discussed by the Planning Commission at the March 26 study session.

**b. Dimensional Standards. Common open space dimensions shall be a minimum of 20 feet and a minimum area of 400 square feet.**

**Commented [MH4]:** This is a new requirement intended to provide a functional common open spaces.

**i. Pedestrian Connections. Pedestrian and multi-use paths shall contribute toward meeting the required common open space area after the minimum area required in subsection 18.4.2.030.H.2.a, above, is met.**

**c. Location.**

**i. Common open space shall not be located within a required buffer or perimeter yard setback area.**

**ii. Common open space shall not abut a street that is classified as a collector or higher order street.**

**Commented [MH5]:** These are new requirements intended to provide functional common open spaces.

**d. Slope. Common open space designed for active human use such as lawn and picnic areas shall be located on slopes less than five percent, except for areas regulated by the Building Code (e.g., walkways) and natural areas.**

**Commented [MH6]:** These are new requirements intended to provide functional common open spaces. Slope was raised at the previous March 26 review by the Planning Commission.

**e. Surfacing. Areas covered by shrubs, bark mulch, and other ground covers that do not provide suitable surface for human use may not be counted towards this requirement.**

**Commented [MH7]:** Moved from 2 above.

**f. Fences and Walls. Fences, walls, hedges and screen planting that are located on the perimeter of common open space shall not exceed four feet in height and shall be located and constructed in accordance with section 18.4.4.060.**

**Commented [MH8]:** In the past, required as a condition on developments/subdivisions.

**g. Play Areas. Play areas for children are required for projects including 20 or more units that are designed to include families. Play areas are eligible for common open space.**

**Commented [MH9]:** Moved from 4 above.

**h. Credit for Proximity to a Park. A credit of up to 50 percent for common open space may be granted when the development is located within one-quarter mile walking distance of a public park.**

**Commented [MH10]:** The issue of whether common open space is necessary if public parks are available was discussed by the Planning Commission at the March 26 study session.

**3. Private Open Space. Open space provided for private use of individual dwelling units shall conform to the following standards.**

**a. Decks, patios, porches, yards and similar areas are eligible for private open space.**

**i. Private outdoor space shall be directly accessible by a door from the interior of the individual dwelling unit served by the space.**

**ii. The minimum area required for private open space shall not include area for ingress and egress to a ground-floor dwelling unit (e.g., walkway to dwelling unit door) or storage space (storage or bicycle rack).**

**b. Ground-Floor Dwelling Units. Ground-floor dwelling units shall have decks, patios, porches or yards at least six feet deep and measuring at least 48 square feet. Ground-floor dwelling unit means the unit entrance (front or rear) is within five feet of the finished grade. Ground-floor private open space shall not be located within 12 feet of recycling and refuse disposal areas.**

**c. Upper-Floor Dwelling Units. Include balconies at least four feet deep and measuring at least 48 square feet. Upper-floor dwelling unit means the unit entrance (front or rear) is more than five feet above the finished grade.**

**Commented [MH11]:** These are new requirements. This suggestion to include sizes for private open spaces was discussed by the Planning Commission at the March 26 study session.

**SECTION 2.** Section 18.3.9.050 [Performance Standards Option and PSO Overlay – Performance Standards for Residential Developments] of the Ashland Land Use Ordinance is hereby amended as follows:

**18.3.9.050 Performance Standards for Residential Developments**

**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.

1. The base density, for purposes of determining density bonuses allowed under this section, for developments other than cottage housing, is as provided in Table 18.3.9.050.

Table 18.3.9.050.A.1 Base Densities for Determining Allowable Density Bonus with Performance Standards Option	
Zone	Allowable Density (dwelling units per acre)
WR-2	0.30 du/acre
WR-2.5	0.24 du/acre
WR-5	0.12 du/acre
WR-10	0.06 du/acre
WR-20	0.03 du/acre
RR-1	0.60 du/acre
RR-.5	1.2 du/acre
R-1-10	2.40 du/acre
R-1-7.5	3.60 du/acre
R-1-5	4.50 du/acre
R-1-3.5	7.2 du/acre
R-2	13.5 du/acre
R-3	20 du/acre

2. **Cottage Housing.** The base density for cottage housing developments, for purposes of determining density bonuses, allowed under this section is as provided in Table 18.3.9.050.A.2.

Table 18.3.9.050.A.2 Base Densities for Determining Allowable Density Bonus with Performance Standards Option

Zones	Maximum Cottage Density	Minimum number of cottages per cottage housing development	Maximum number of cottages per cottage housing development	Minimum lot size (accommodates minimum number of cottages)	Maximum Floor Area Ratio (FAR)
R-1-5, NN-1-5, NM-R-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7,500 sq.ft.	0.35
R-1-7.5, NM-R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11,250 sq.ft.	0.35

3. **Common Open Space Required.** All developments with a base density of ten units or greater shall be required to provide a minimum of five percent of the total lot area in Open Space; that area is not subject to bonus point calculations, however, density bonuses shall be awarded to open space in excess of the five percent required by this subsection.

Commented [MH12]: Moved to bonus point section below.

a. **Required Area.** All developments with a base density of ten units or greater shall be required to provide a minimum of five percent of the total lot area in common open space, except as required in 18.3.9.A.3.a.i, below.

i. **Multifamily and Attached Single-Family Housing.** Housing developments subject to Site Design Review in accordance with subsection 18.5.2.020.B and exercising the Performance Standards Option under this chapter shall provide a minimum of eight percent of total lot area in open space in accordance with and meeting the standards in subsection 18.4.2.030.H Open Space.

Commented [MH13]: This requires housing developments subject to Site Design Review and including 10 or more units to provide 8% open space rather than 5%. The open space is then required to meet the open space standards in 18.4.2.030.H above.

ii. All areas set aside for common open space shall be counted for base density. The required open space is not subject to bonus point calculations.

Commented [MH14]: Moved up from 2.b.a below.

ii. **Natural Areas.** Common open space may include areas that provide for the preservation or enhancement of natural features such as wetlands, floodplain corridors, ponds, large trees and rock outcroppings.

Commented [MH15]: Natural areas are required by the Outline Plan approval criteria in 18.3.9.040.A.3.c to be preserved in open space, common or unbuildable area.

iii. **Ownership.** The common open space shall be designated on the Outline and Final Plan submittals and permanently set aside as common area for the use of residents of the development.

Commented [MH16]: Moved up from the definition of open space.

iv. **Timing and Phasing.** Common open space shall be constructed and landscaped, or secured with a financial instrument, prior to occupancy of the first dwelling unit. Phased developments shall meet the requirements of subsection 18.3.9.040.A.4.

b. **Dimensional Standards.** Common open space shall have no dimension that is less than 20 feet and a minimum area of 400 square feet, except as outlined below.

Commented [MH17]: This is a new requirement intended to provide a functional common open spaces.

**i. Pedestrian Connections. Pedestrian and multi-use paths shall contribute toward meeting the required common open space area after the minimum area required in subsection 18.3.9.050.A.3.b, above, is met.**

**ii. Natural Features. Natural features located in common open space and meeting the Outline Plan approval criteria in 18.3.9.040.3 shall be counted toward meeting common open space requirements.**

**B. Density Bonus Point Calculations.** The permitted base density shall be increased by the percentage gained through bonus points. In no case shall the density exceed that allowed under the Comprehensive Plan. The maximum density bonus permitted shall be 60 percent (base density x 1.6), pursuant to the following criteria.

1. Conservation Housing. A maximum 15 percent bonus is allowed. One-hundred percent of the homes or residential units approved for development, after bonus point calculations, shall meet the minimum requirements for certification as a Earth Advantage home, as approved by the Ashland Conservation Division under the City's Earth Advantage program as adopted by resolution 2006-06.

2. Provision of Common Open Space. A maximum ten percent bonus is allowed, pursuant to the following.

a. *Purpose.* Common open spaces may be provided in the form of natural areas, wetlands, playgrounds, active or passive recreational areas, and similar areas in common ownership. ~~All areas set aside for common open space may be counted for base density, unless otherwise excluded by subsection 18.3.9.050.A.2.~~ However, for the purposes of awarding density bonus points, the Planning Commission shall consider whether or not the common open space is a significant amenity to project residents, and whether project residents will realistically interact with the common open space on a day-to-day basis. The purpose of the density bonus for common open space is to permit areas, which could otherwise be developed, or sold as individual lots, to be retained in their natural state or to be developed as a recreational amenity. It is not the purpose of this provision to permit density bonuses for incidental open spaces that have no realistic use by project residents on a day-to-day basis. ~~Open space provided in cottage housing developments, meeting the standards of section 18.2.3.090 Cottage Housing, is not eligible for density bonus points.~~

Commented [MH18]: Moved up to 3.a.ii.

b. *Standard.* Developments with fewer than ten units that provide more than two percent of the project area for common open space, or for developments of ten units or greater that provide more than five percent common open space, a one percent bonus shall be awarded for each one percent of the total project area in common open space, except as specified below.

Commented [MH19]: Moved below to b.i.

**i. Cottage Housing. Common open space provided in cottage housing developments, meeting the standards of section 18.2.3.090 Cottage Housing, is not eligible for density bonus points.**

**ii. Multifamily and Attached Single-Family Housing. Housing developments subject to Site Design Review in accordance with subsection 18.5.2.020.B and exercising the Performance Standards Development option shall**



**receive density bonus points under this section for common open space area in excess of the required eight percent of total lot area in accordance with the standards in subsection 18.4.2.030.H Open Space.**

3. Provision of Major Recreational Facilities. A maximum ten percent bonus is allowed, pursuant to the following.

a. Purpose. Points may be awarded for the provision of major recreational facilities **such as tennis courts, swimming pools, playgrounds, or similar facilities. See definition of major recreational facilities in part 18.6.**

b. Standard. For each percent of total project cost devoted to recreational facilities, a six percent density bonus may be awarded up to a maximum of ten percent bonus. Total project cost shall be defined as the estimated sale price or value of each residential unit times the total number of units in the project. Estimated value shall include the total market value for the structure and land. A qualified architect or engineer shall prepare the cost of the recreational facility using current costs of recreational facilities.

e.i. Cottage Housing. Major recreational facilities provided in cottage housing developments, meeting the standards of section 18.2.3.090 Cottage Housing, are not eligible for density bonus points.

c. **Major recreational facilities may be located in the minimum area required for common open space in subsection 18.3.9.050.A.3, above.**

4. Affordable Housing. A maximum bonus of 35 percent is allowed. Developments shall receive a density bonus of two units for each affordable housing unit provided. Affordable housing bonus shall be for residential units that are guaranteed affordable in accordance with the standards of section 18.2.5.050 Affordable Housing Standards.

**Commented [MH20]:** For attached single-family housing projects that require Site Design Review, allows density bonus for open space after required 8% of open space is met, rather than 5%.

**Commented [MH21]:** Created definition of major recreational facilities based on feedback from March 26 Planning Commission meeting.

**Commented [MH22]:** Clarifies that major facilities can be located on the required open space area and don't require additional area beyond the 5 or 8% open space that is required.

**SECTION 3.** Section 18.6.1.030 [Definitions – Definitions] of the Ashland Land Use Ordinance is hereby amended to read as follows:

**Buildable Area. That portion of an existing or proposed lot that can be built upon.**

**Commented [MH23]:** This definition was inadvertently deleted in the 2015 update.

**Common Area.** Land jointly owned **by an association of owners or permanently designated for the use of residents of a multifamily development to that includes shared site facilities and amenities such as open space, landscaping, streets, driveways, parking, loading areas, recreation, recycling and refuse disposal areas, and storage structures (e.g., may be managed by a homeowners' association).**

**Major Recreational Facilities.** Those recreational facilities typically associated with a **developed public park such as community gardens; gathering spaces such as gazebos, picnic and barbecue areas; play structures; and recreational facilities such as sport courts and swimming pools.**

**Commented [MH24]:** Added based on feedback from March 26 Planning Commission meeting.

**Open Space.** ~~A common area designated on the final plans of the development, permanently set aside for the common use of the residents of the development. Open space area is landscaped and/or left with a natural vegetation cover, and does not include thoroughfares, parking areas, or improvements other than recreational facilities. Any property or area of land or water set aside, designated or reserved for public or private use specifically for the purpose of providing places for recreation, conservation or other open spaces uses.~~ Open space does not include thoroughfares, parking areas or improvements other than recreational facilities common areas such as dedicated to streets, driveways, parking, loading areas, recycling and refuse disposal areas, and storage structures.

**Commented [MH25]:** Moved up to standards in 18.3.9.050.A.3.a.ii.

- Open Space, Common. An area for the use or enjoyment of all residents of a development (e.g., multifamily dwelling units) or subdivision. Common open space may include areas that provide for the preservation or enhancement of natural features such as wetlands, floodplain corridors, ponds, large trees and rock outcroppings.
- Open Space, Private. Areas intended for private outdoor use by residents of an individual dwelling units. Private open space includes decks, patios, porches, yards and similar areas.

**Commented [MH26]:** Added to distinguish between two types of open space. Use of recreation area deleted based on feedback from March 26 Planning Commission meeting.

**Unbuildable Area.** ~~All areas outside of building envelopes and within open space. That portion of an existing or proposed lot that building upon is restricted by regulations. Unbuildable area includes but is not limited to required yards, easements, and Flood Plain Corridor and Severe Constraints Lands as classified in section 18.3.10.060.~~

**Commented [MH27]:** This definition was inadvertently deleted in the 2015 update.

**Yard.** ~~An open space on outdoor area of a lot which is unobstructed by a structure, except as allowed in section 18.2.4.050 Yard Requirements and General Exceptions, and~~ measured from a lot line to the nearest point of a building. May also be an area defined by required setbacks (e.g., between a building or structure and nearest property line).

**Commented [MH28]:** Changes to respond to feedback from March 26 Planning Commission meeting.

- **Yard, Front.** A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building.
- **Yard, Side.** ~~An open space~~ yard between the front and rear yards measured horizontally and at right angles from the side lot line to the nearest point of the building.
- **Yard, Rear.** A yard between side lot lines and measured horizontally at right angles to the rear yard line from the rear yard line to the nearest point of the building.

**SECTION 4. Savings.** Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinances(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and

continued under the laws in effect at the time the matters were originally filed.

**SECTION 5. Severability.** The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

**SECTION 6. Codification.** Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 1-14) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the \_\_\_\_ day of \_\_\_\_\_, 2019, and duly PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Melissa Huhtala, City Recorder

SIGNED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
John Stromberg, Mayor

Reviewed as to form:

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David H. Lohman, City Attorney