

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
REGULAR MEETING
March 10, 2020
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. February 11, 2020 Regular Meeting
 - 2. February 25, 2020 Study Session

- V. **PUBLIC FORUM**

- VI. **UNFINISHED BUSINESS**
 - A. **Approval of Findings for PA-T2-2020-00016, Kestrel Area 3.**

- VII. **DISCUSSION ITEMS**
 - A. **Affordable Housing Standards and Annexation criteria.**

- VIII. **ADJOURNMENT**



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
REGULAR MEETING
MINUTES - *Draft*
February 11, 2020

I. CALL TO ORDER:

Chair Roger Pearce called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Troy Brown, Jr.
Michael Dawkins
Alan Harper
Haywood Norton
Roger Pearce

Staff Present:

Bill Molnar, Community Development Director
Maria Harris, Planning Manager
Derek Severson, Senior Planner
Dana Smith, Executive Assistant

Absent Members:

Lynn Thompson

Council Liaison:

Stefani Seffinger, absent

II. ANNOUNCEMENTS

Community Development Director Bill Molnar announced that Kerry KenCairn was the new Planning commissioner. Staff was looking at scheduling a site visit to the new cottage housing development at 476 North Laurel Street in place of the March study session. The annexation proposal for 1511 Hwy 99 was delayed until possibly April.

III. AD-HOC COMMITTEE UPDATES

IV. CONSENT AGENDA

A. Approval of Minutes

1. January 14, 2020 Regular Meeting

Commissioner Brown/Dawkins m/s to approve the minutes of January 14, 2020. Voice Vote: all AYES. Motion passed.

V. PUBLIC FORUM

Huelz Gutcheon/Ashland/Spoke on electric vehicles and the counting carbons requirements in the CEAP.

VI. UNFINISHED BUSINESS

A. Approval of Findings for PA-APPEAL-2019-00010, 145 North Main Street.

The Commission declared no ex parte contact regarding the matter.

Commissioner Dawkins/Brown m/s to approve the Findings for PA-APPEAL-2019-00010, 145 North Main Street. Voice Vote: all AYES. Motion passed.

B. Approval of Findings for PA-T2-2019-00012, 945 Tolman Creek Road.

The Commission declared no ex parte contact regarding the matter.

Commissioner Brown/Norton m/s to approve the Findings for PA-T2-2019-00012, 945 Tolman Creek Road. Voice Vote: all AYES. Motion passed.

VII. TYPE II PUBLIC HEARINGS

A. PLANNING ACTION: PA-T2-2020-00016

SUBJECT PROPERTY: Kestrel Area 3

OWNER/APPLICANT: KDA Homes, LLC

DESCRIPTION: A request for Outline Plan subdivision approval and Site Design Review approval for the Kestrel Park Cottages, a 16-lot/15-unit subdivision of Area 3, one of the areas reserved for future development in the recently approved Kestrel Park Subdivision. COMPREHENSIVE PLAN DESIGNATION/ZONING: North Mountain Single Family (NM-R-1.7.5) and North Mountain Multi-Family (NM-MF); ZONING: NM-R-1-7.5; and NM-MF; ASSESSOR'S MAP & TAX LOTS: 39 1E 04AC 900, 39 1E 04AD 8600, and 39 1E 04DB 2000.

Chair Pearce read the rules of the Public Hearing.

Ex Parte Contact

Commissioner Harper, Brown and Pearce declared no ex parte contact and no site visit. Commissioner Norton and Dawkins had no ex parte contact and one site visit.

Staff Report

Senior Planner Derek Severson provided a presentation (see attached) on the Kestrel Park Cottages proposal for Area 3:

- Project Description
- Aerial Photo of proposed area
- Subdivision Area 3 Phase II Plan
- Photos of the area
- Vicinity Map and Cottage Layout
- Density
- Solar Access Performance Standard
- Open Space Treatment (18.4.2.030.H)
- Traffic
- Parking, Access & Circulation (AMC 18.4.3)
- Shared Electric Vehicle Parking
- Parking Demand Analysis (AMC 18.4.3.030.A.3)

Staff supported the application with conditions recommended in packet.

Questions of Staff

Commissioner Dawkins asked about the recommendation for open space. Mr. Severson explained staff was looking at a condition where the applicant showed 3,882 square feet (sq. ft.) surfaced with materials suitable for human use. It would be a revised plan at the final plan review.

Chair Pearce thought the cottage housing and on-street parking credits in the report were confusing. They did not apply to the application. He suggested removing the language from the Findings.

Applicant's Presentation

Mark Knox/KDA Homes LLC/Explained the electric car would be a Nissan LEAF. He agreed there was confusion regarding the terminology using cottage housing. He addressed the density transfer. There were four lots in the multi-family section. They were not looking at high end density. Areas 4, 5 and 6 were only big enough for two units due to the slope. It meant they had to spread seven units in the other blocks. They put the density in the flat piece of land in Area 3 where it would meet the overall density lacking in the other areas.

He disagreed with the landscaping conditions. They wanted a grass area surrounded by flowers and shrubs. He thought that flowers and plants were suitable for human use. They would enlarge the area if needed.

Questions of the Applicant

Mr. Knox clarified they were not asking for an exception to the open space.

Commissioner Brown noted (j) on page 17 of the draft Findings defined what staff had recommended as landscape materials suitable for recreational use.

Public Testimony

Richard Kinsinger/Ashland/Expressed concern regarding traffic flow on Plum Ridge Drive if that was the only exit out of the development. Plum Ridge Drive was narrow with parking on both sides.

Richard Bee/Ashland/Agreed with Mr. Kinsinger. He was concerned the lowest density was at the bottom of the hill and the highest density was at the top. The street plan was not complete so it appeared they would add houses that lacked access.

Carol Bee/Ashland/Was concerned how the added density would impact evacuation routes during a major emergency event.

Rebuttal by Applicant

Mr. Knox explained it would take years to complete the full development. He doubted there would be a significant increase in trip generation on any of the streets. Kestrel Parkway would be open so traffic could go up Fair Oaks Avenue and Nevada Street. Stoneridge would also be built allowing ingress and egress. Over time the roads would be developed and connect to upper Nandina Street that connected to Plum Ridge Drive. It would also connect to Patton Lane.

For emergency evacuation, the bridge crossing at Nevada Street was still in the Transportation System Plan (TSP). City Council had pulled budget money away from the project but it was still in the TSP.

Mr. Knox was willing to stay after the meeting and talk with the neighbors or they could call him.

Chair Pearce closed the record and the hearing.

Deliberations & Decision

Chair Pearce explained the area was part of the North Mountain Master Plan approved by the City. That included the streets. The Transportation Commission could eliminate parking on one side if needed.

Commissioner Brown noted page 16 of the draft Findings, (d)(ii) spoke to providing one to three areas with a bench, tree or educational display. He suggested requiring three instead of having a range.

The Commission discussed the requirement for open and recreational space.

Commissioner Norton clarified the proposal was not cottage housing and thought any reference to cottage housing should be removed. The master plan did not include cottage housing for that area. The proposal should be based on the approved zoning. If the applicant needed a change to the parking, they could ask for an exception.

Chair Pearce agreed the references to cottages was confusing. In terms of the parking, density transfers were allowed. The applicant did a parking management strategy to reduce parking spaces from 26 to 24.

Mr. Severson clarified although cottage housing was not a permitted use in the zone, it could have a similar set up. In the R-1.75 zone, the density could be doubled by making smaller units. For this project, there was already density in the multifamily portion at 12 units per acre. Cottage housing was referenced in the presentation but the findings and staff report were written for multifamily development.

The Commission discussed suitable surface for recreational use.

Commissioner Brown/Harper m/s to approve PA-T2-2020-00016 with modifications to Section 3. Decision (7)(d)(ii) changing it to three areas instead of one to three and leaving item (7)(j) in the same section as is by staff. Roll Call Vote: Commissioner Pearce, Harper, Norton, Brown, and Dawkins, YES. Motion passed.

VIII. LEGISLATIVE PUBLIC HEARINGS

A. PLANNING ACTION: PA-L-2019-00007

SUBJECT PROPERTY: Ashland Downtown Design Standards Overlay and C-1-D Zone

OWNER/APPLICANT: City of Ashland

DESCRIPTION: A request for Planning Commission review and recommendation relating to an ordinance amending the site design and use standards for large scale projects to address plaza space requirements within the C-1-D zone and Downtown Design Standards overlay.

COMPREHENSIVE PLAN DESIGNATION: Downtown, Commercial; **ZONING:** C-1 and C-1-D, Downtown Design Standards Overlay.

Chair Pearce explained this was a legislative public hearing that would result in a recommendation to the City Council.

Staff Report

Community Development Director Bill Molnar explained the standards would remove the plaza space requirement for development in the downtown area greater than 10,000 square feet (sq. ft.). He described the legislative history.

Senior Planner Brandon Golden provided a presentation on Plaza Space Standards (see attached):

- Legislative History
- Plaza Space Standards
- Detail Site Review Overlay
- Downton Applicability
- Discussion Items
- Existing Plaza Space Standards
- Proposed Amendment within the C-1-D
- Public Open Space & the downtown central Plaza
- Downtown Design Standards & Regulations
- Historic Commission Recommendation
- Timelines for Public Hearings (2020)
- Historic Commission Recommendation

Questions of Staff

Commissioner Dawkins, Chair Pearce and Mr. Goldman discussed a potential conflict in the code regarding width and plaza space.

Commissioner Brown asked if the other areas with a similar type of development problem would be addressed in the near future. Mr. Molnar thought it would happen later.

Public Testimony

Phil Thompson/Ashland/Thought the changes should include all properties in the C-1 zone instead of just the C-1-D. He spoke to inadequate parking at the Grizzly Peak Shopping Center and other areas. He was concerned with the speed limit by the shopping center and wanted the speed reduced from 35 mph to 25 mph.

Jim Falkenstein/Ashland/Was in an HOA and explained their CC&Rs were really in place for non-reasonable people. He spoke to unintended regulations. He thought the plaza amendments should have language that would mitigate a non-reasonable person from building something “maniacal.”

Chair Pearce closed the public hearing.

Deliberations & Decision

Chair Pearce liked the findings and suggested it emphasize the change was consistent with the downtown design standards and the historic development downtown.

Commissioner Dawkins/Harper m/s to recommend that the City Council approve the proposed amendments to Chapter 18.4.2 of the Ashland Land Use Ordinance. This motion is based on findings and conclusions in the staff report, and findings in support of the application made during deliberations on this matter. Roll Call Vote: Commissioner Norton, Dawkins, Brown, Pearce and Harper, YES. Motion passed.

Commissioner Brown explained the Commission had participated in two prior meetings regarding the topic. What Mr. Goldman presented at this meeting were the changes and modifications that had resulted from those meetings.

IX. ADJOURNMENT

Meeting adjourned 8:37 p.m.

*Submitted by,
Dana Smith, Executive Assistant*

Kestrel Park Cottages

Kestrel Park Subdivision, Area 3

Planning Commission Hearing

February 11, 2020



Kestrel Park Cottages

Kestrel Park Subdivision, Area 3

Outline Plan subdivision approval and **Site Design Review** approval for the Kestrel Park Cottages, a 16-lot, 15-unit subdivision of Area 3, one of the areas that was reserved for future development in the recently approved Kestrel Park Subdivision.

Kestrel Park Cottages

Kestrel Park Subdivision, Area 3

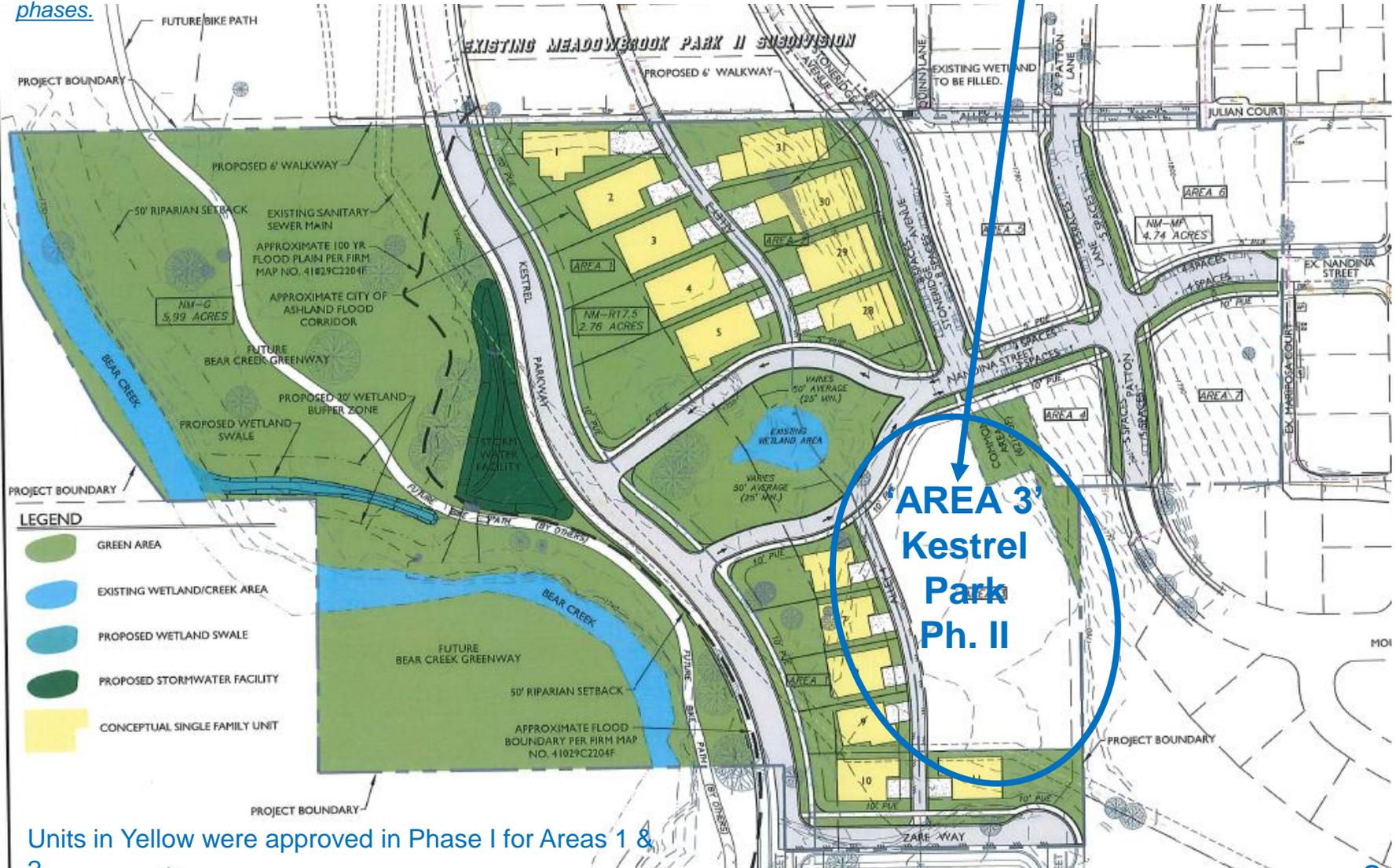


1 inch = 139 feet
0 45 90 180 270 360
Feet

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.

Kestrel Park Subdivision

The Kestrel Park Subdivision was approved as PA-T1-2019-00075 in 2019. This approval included the general subdivision layout, street system, utility infrastructure, parkland dedication and a first phase of development which included single family homes in Areas 1 & 2. Streets and utility infrastructure approved with the larger subdivision are being installed now. The current application proposes to develop Area 3 (circled in blue below) with 15 two-bedroom cottages. Any development of Areas 4, 5, 6 or 7 would be reviewed separately with later phases.



Units in Yellow were approved in Phase I for Areas 1 & 2.



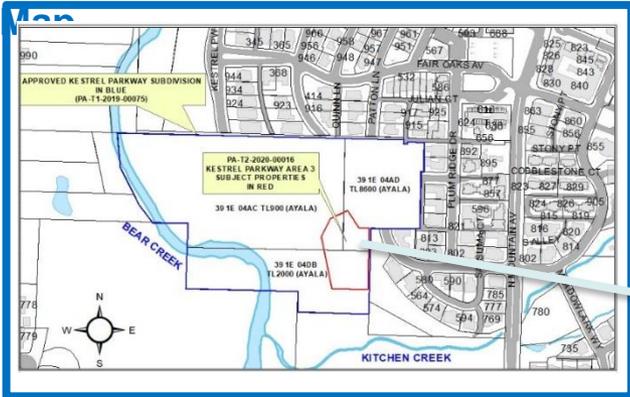




Kestrel Park Cottages ('Area 3' of the Kestrel Park Subdivision)

Nandina Street at Kestrel Park

Vicinity



Type 'A' 2BR/2BA, 837 s.f.



Type B - 2BR/2BA, 880 s.f.

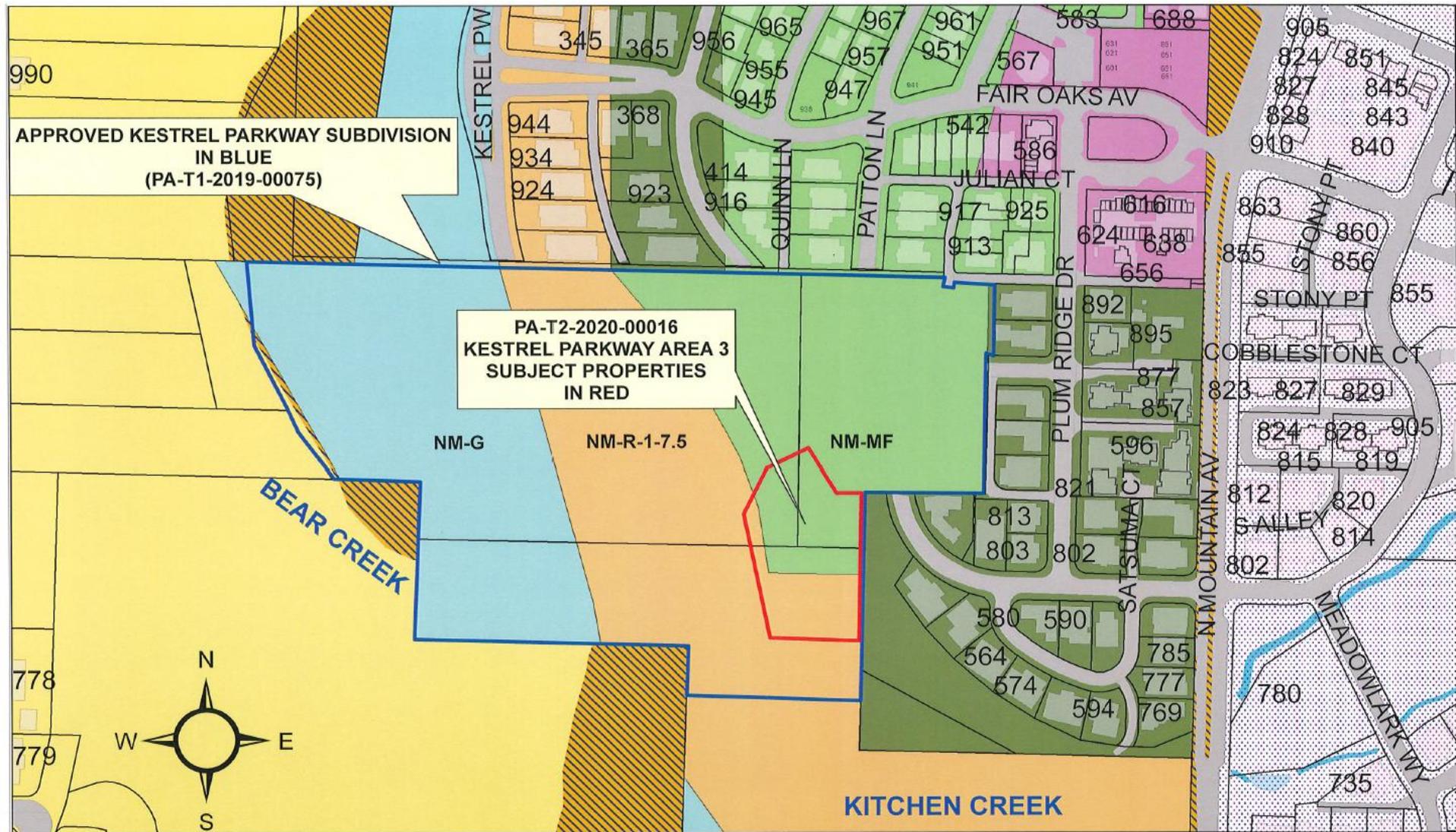


Type 'C' 2BR/2BA + Office, 1,123 s.f.



Kestrel Park Cottages

Density



Kestrel Park Cottages

Density

In staff's assessment, this doesn't pose a concern; **AMC 18.3.5.040.G** provides that, "*Density transfer within a project from one zone to another may be approved if it can be shown that the proposed density transfer furthers the design and access concepts advocated by the neighborhood plan, and provides for a variety of residential unit sizes, types, and architectural styles.*"

Here the Kestrel Park Subdivision sought to break the larger development into smaller areas to address the variety of site constraints including riparian corridor, floodplain, wetlands, steep slopes and trees as they relate to the neighborhood plan's zoning and street system. The general layout approved with the subdivision and clarified here is a direct response to the design and access concepts of the neighborhood plan, and seeks to provide a mix of unit types, sizes and styles and achieve the required minimum density for the Kestrel Park Subdivision as a whole in light of site constraints and the character of the now existing, established neighborhood.

Kestrel Park Cottages

Density

The “**Density & Open Space**” table on page 3 carried over from the Subdivision approval illustrates how the overall density of the parent subdivision was considered to meet the minimum density requirements of the NMNP.

In staff’s opinion, the Commission can reasonably conclude that the application is consistent with the applicable density standards for the subdivision as a whole. A condition has been recommended below to make clear that the future development of Areas #4-7 is not being considered or approved, that their development will require applicable subdivision and site review approvals, and that those applications will need to demonstrate consistency with the minimum density standards of the NMNP for the subdivision as a whole as illustrated in the “Density & Open Space” table.



Kestrel Park Cottages

Density

SUBDIVISION DATA: As approved with the Kestrel Park Subdivision – PA-2018-00005:

Density & Open Space

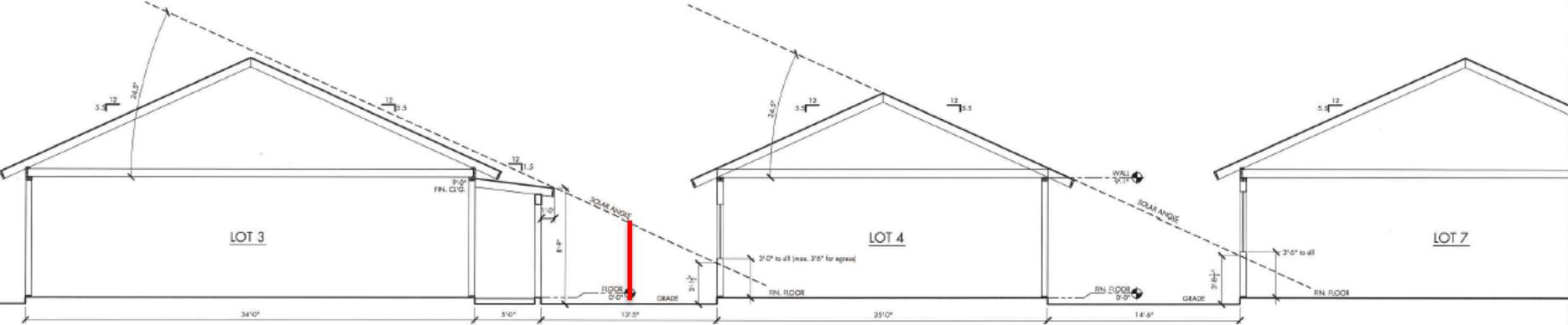
NM Zone	NM-G	NM-R-1-7.5	NM-MF
Acres	5.99 ac	2.76 ac	4.74 ac
Dwelling Units Per Acre	-	3.6	12
75% to 110% Base Density Requirement	-	7.42 – 11.02	42.66 – 68.25* 62.57
Approved Density ((Phase I – Areas 1 & 2))	-	11	4
<i>Proposed Density ((Phase I – Area 3))</i>	-	-	15
Proposed Density ((Phase II – Areas 4 - 7))	-	-	23.66 – 48.25* 43.57

* Final density and open spaces within NM-MF areas are to be determined at the time of each remainder Area's Site Review Permit, but as noted, the minimum density combined would be 23.66 (24) dwelling units.

Kestrel Park Cottages

Solar Access Performance Standard 18.4.8.040.B

The applicant proposes to address solar access with a performance standard approach to define an allowed shadow height to protect the applicable solar access standard. For a typical lot with a standard six-foot side yard setbacks, a building complying with Solar Access Standard A would be allowed to shade approximately four feet up the wall of a building at six feet from the property line. Performance Standards Subdivisions allows flexibility with regard to setbacks, and the applicant proposes to preserve solar access comparable to ‘Standard A’ by allowing the shadow cast by a southern unit to extend no more than four feet above the finished floor of the adjacent building to the north, regardless of the property line location relative to the buildings. This means that the lowest windows would not be shaded and therefore living space within the house would retain the benefits intended by the solar access standards.



① NORTH-SOUTH SITE SECTION (typical solar access setbacks)
SCALE: 1/8"=1'-0"



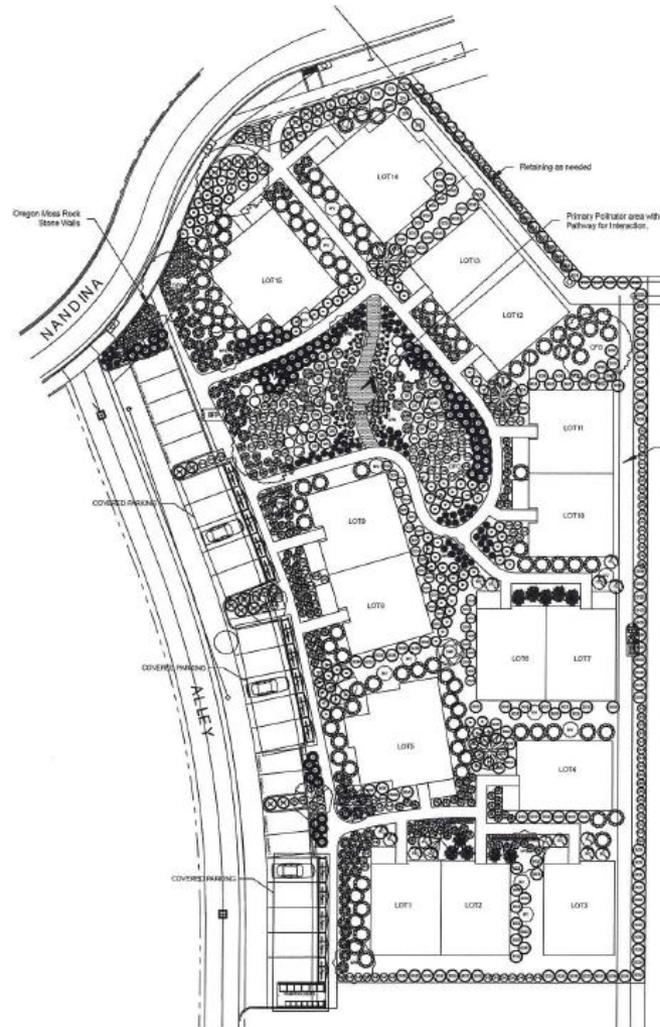
Kestrel Park Cottages

Open Space Treatment (18.4.2.030.H)

The application indicates that 9 percent of the site is to be provided in common recreation space and that an additional 1.7 percent of the site will be private recreation space.

The landscape plan however illustrates much of the central common open space being treated in shrubs and clumping grasses where the standard is explicit that, *“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.”*

Staff have recommended a condition requiring a final landscape plan be provided detailing at least 8 percent of the site, or 3,882 square feet, in this central common open space be landscaped for recreational use.



Kestrel Park Cottages

Open Space Treatment (18.4.2.030.H)

CITY OF
ASHLAND



Ross Chapin Architects

Kestrel Park Cottages

Traffic

The original Kestrel Park Subdivision application included a traffic analysis report from a traffic engineer who considered the full build-out of all subdivision phases and concluded that the project's trip generation would not exceed the 50 peak hour trips that trigger a full traffic impact analysis. Trip generation numbers were noted as very low and not expected to have a negative effect on any intersections, however as the calculated peak hour trips were at 49 trips, only one below the threshold level, the engineer studied the intersection of North Mountain Avenue and Hersey Street and concluded that the intersection operates at a Level of Service (LOS) B both before and after project traffic is added to the intersection. LOS B is within acceptable standards under the city's Transportation System Plan, and the traffic analysis concluded that no mitigation was necessary.

Kestrel Park Cottages

Parking, Access & Circulation (AMC 18.4.3)

Standard parking ratios for Multi-Family Residential development in **AMC 18.4.3.040** require 1.75 parking spaces per two-bedroom unit, and would require 26.25 parking spaces for the 15 two-bedroom units proposed here [$15 \times 1.75 = 26.25$]. While there are six on-street parking spaces along the Nandina Street frontage, single-family dwellings are not eligible to use the Parking Management Strategies allowed in **AMC 18.4.3.060**. Each unit here is an SFR on its own lot, so no on-street parking credits are available.

The applicant proposes to provide 24 off-street parking spaces, with all accessed via the alley. One of the 24 spaces is for an electric vehicle to be owned in common and shared by residents. 15 spaces – *one for each unit* – would be covered with carports that include bicycle parking and storage.

The parking ratios applicable to Cottage Housing would require 1.5 spaces for each unit between 800 square feet and 1,000 square feet, and 2.0 spaces for each unit over 1,000 square feet. If considered under the parking ratios for Cottage Housing, the three 1,123 square foot cottages and 12 cottages of 837-880 square feet would require 24 parking spaces [$(3 \times 2) + (12 \times 1.5) = 24.0$]. While the current proposal takes the form of a cottage court and follows many of the underlying principles of the Cottage Housing Development regulations in **AMC 18.2.3.090**, the property is largely within the NM-MF zone and is not considered under the Cottage Housing Development regulations.

To address the parking requirements, the applicant proposes that parking be considered under the allowance for a parking demand analysis in **AMC 18.4.3.030.A.3** rather than the standard parking ratios.

Kestrel Park Cottages Shared Electric Vehicle Parking

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Kestrel Park Cottages

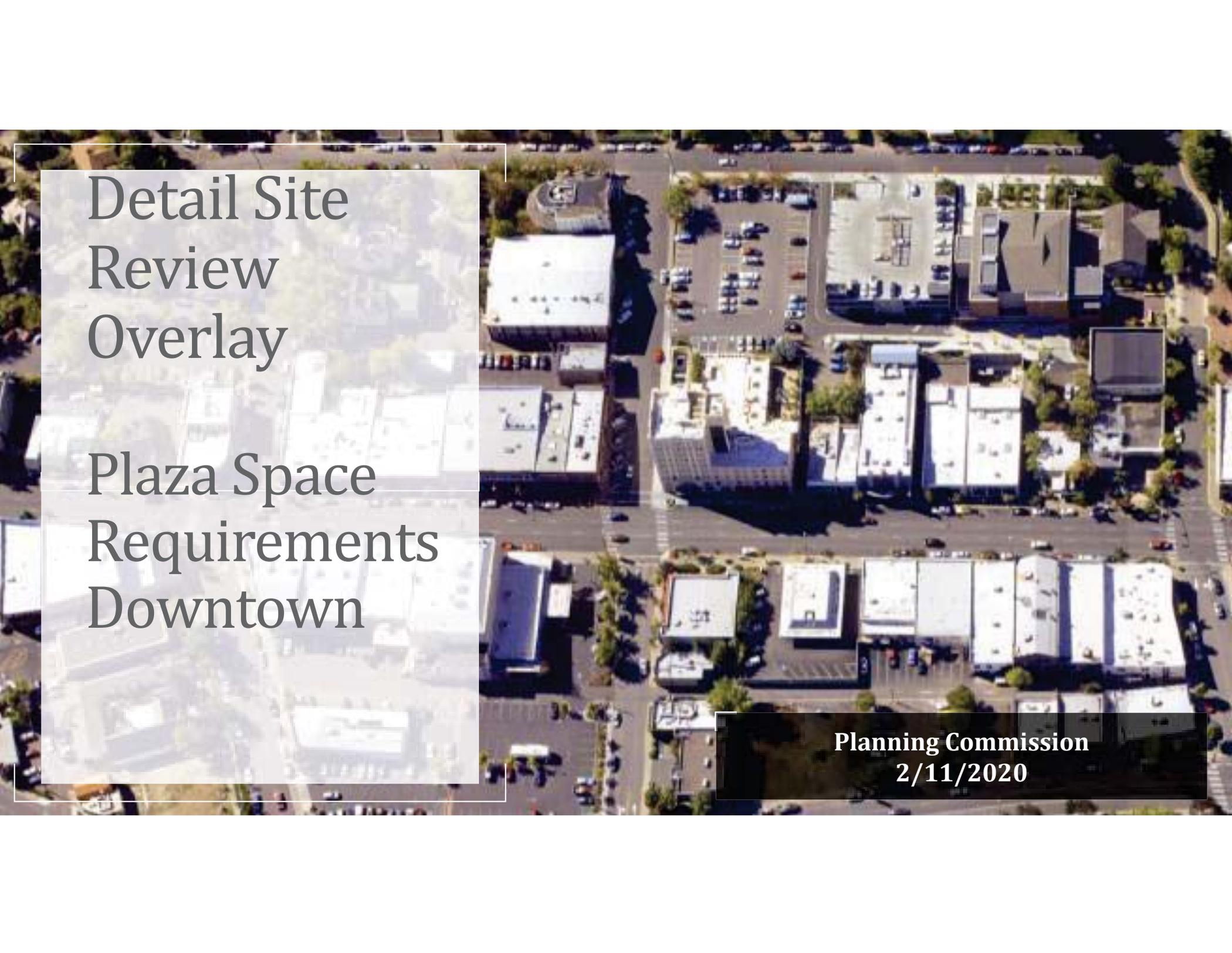
Parking Demand Analysis (AMC 18.4.3.030.A.3)

- The ITE Parking Manual identifies similar residential developments as “Land Use Group 230” with a peak parking demand of 1.46 spaces per dwelling unit which would equate to 21.9 parking spaces [$15 \times 1.46 = 21.9$].
- The City’s own Cottage Housing regulations would allow a similar Cottage Housing development with **24** parking spaces.
- While no on-street parking credits can be counted*, six on-street parking spaces will be available along the property frontage, as well as numerous others within 200 feet, to provide additional parking for residents & visitors. The applicant emphasizes that on-street parking has an extremely low utilization in the vicinity. (**If all of the proposed units were on a single lot, three of the six on-street parking spaces would satisfy the remaining parking demand.*)
- The shared electric vehicle is to encourage owners not to feel the need for a second vehicle and to rely on the shared EV for short local trips. The applicant indicates that studies suggest that car share opportunities can reduce the need for second cars within a development by as much as 43 percent, while the reduction from the standard ratios sought here is 8.57 percent [$2.25/26.25 = 0.085714286$].
- Newly emerging ride-share technologies such as ZipCar, Uber and Lyft are likely to further reduce the reliance on individual vehicles.

The applicant concludes that the average parking demand for the 15 units proposed is likely less than required by standard parking ratios and that with 24 off-street spaces plus another six on-street spaces available on Nandina, the parking demand is adequately addressed.



Given that the 24 proposed spaces are consistent with both the ITE land use group 230 (*residential condominiums and townhouses*) and with the Cottage Housing parking requirements in Ashland's own codes, that on-street parking is available along the Nandina Street frontage to provide for additional resident and visitor parking, and that a shared electric vehicle is to be provided to reduce the need for residents to have more than one car, the Planning Commission could reasonably find that the parking demand analysis prepared by a professional planner satisfactorily addresses the off-street parking requirements for the proposal.

An aerial photograph of a city block. The image shows several multi-story buildings with flat roofs, some with parking lots in front of them. The streets are paved and have some trees and landscaping. The overall scene is a typical urban environment.

Detail Site Review Overlay

Plaza Space Requirements Downtown

Planning Commission
2/11/2020

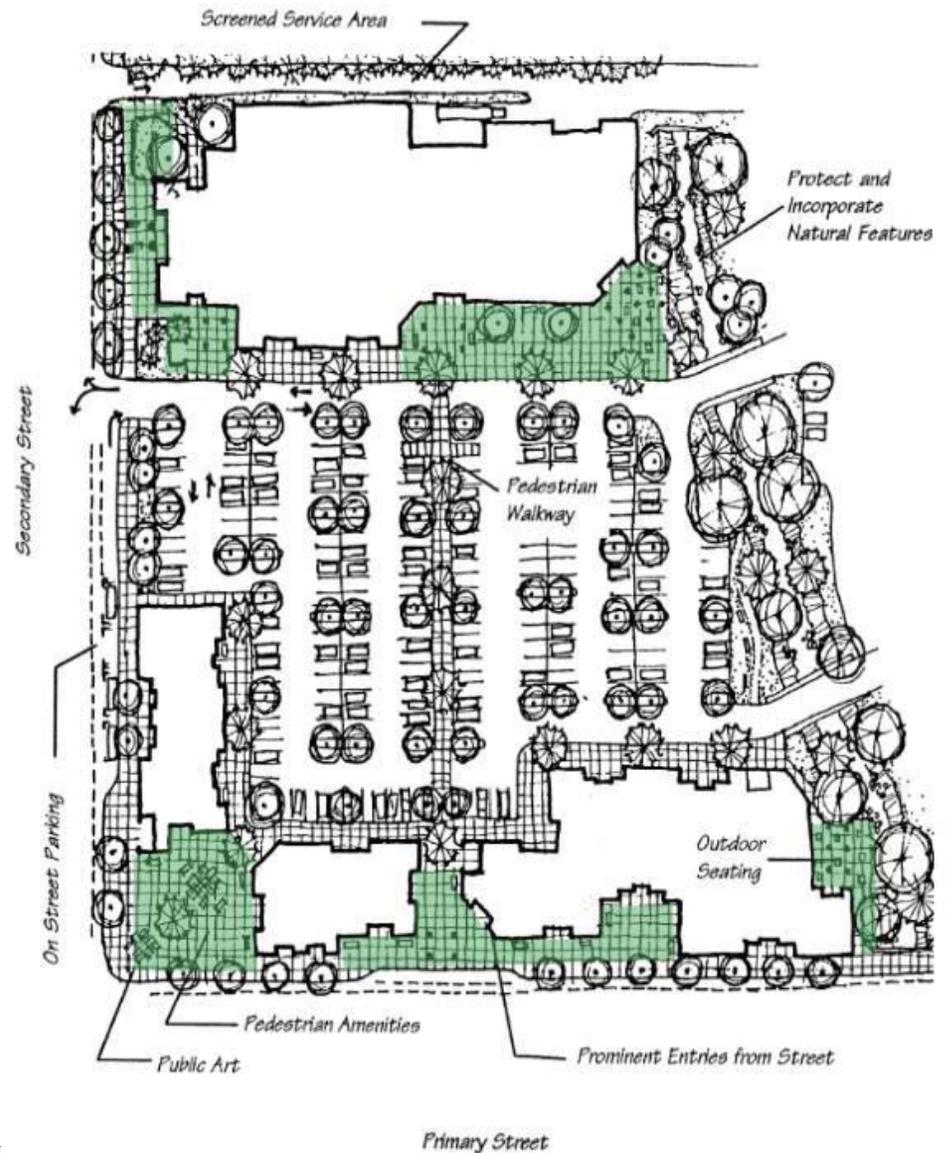


Plaza Space Standards - Legislative History

- Late 80's – “Big Box” Retail Stores
- Tolman Creek Shopping Center
- Commercial Development Standards Committee (CDSC)
 - Case Study – Tolman Creek Shopping Center
 - Challenge - Preserving “Small Town Character”
- Revised Site Design & Use Standards – 1992
- Notable Changes
 - “Modal Equity”

Plaza Space Standards

- Applies to Large Scale Buildings (10,000sq.ft. or larger)
- Requires 10% of the buildings gross floor area (up to 3 stories) to be plaza space.
- Requires specific design elements.
- Applies in the Detail Site Review overlay



Detail Site Review Overlay Applicability (maps located in ALUO 18.4.2)

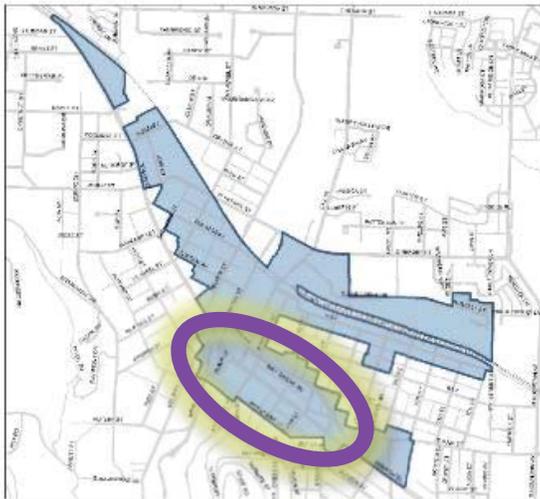


Figure 18.4.2.040.C.3

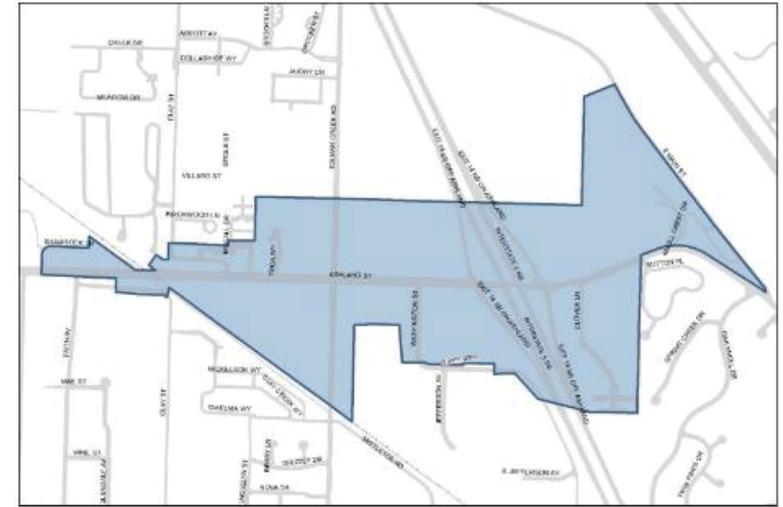


Figure 18.4.2.040.C.4

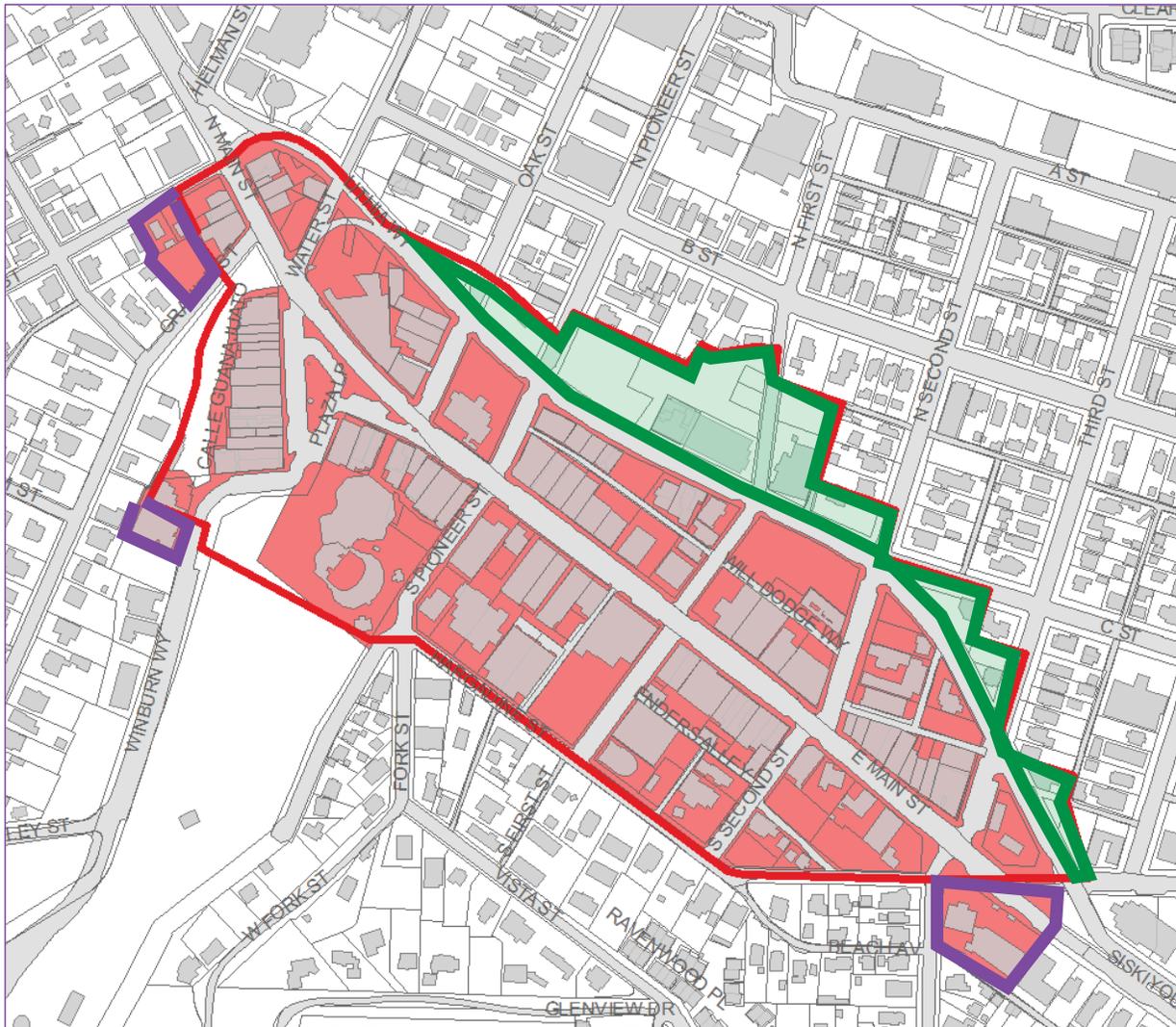


- North Main, Historic District and Oak Street
- Siskiyou Boulevard, Ashland Street and Walker Avenue
- Ashland Street and Tolman Creek Road
- Crowson Road



Downtown Applicability

Downtown Design
Standards Boundary
& C-1-D zone



Discussion Items



Public – Private Use

Private Outdoor Space for Cafes, sitting, landscaping, public art



Ground Floor Area

Ground floor area reduced to accommodate plaza spaces



Multi Story Development

Increasing plaza space requirement due to additional stories (10% of 1st, 2nd, and 3rd stories)



Historic Development Pattern

Traditional rhythmic spacing of historic buildings



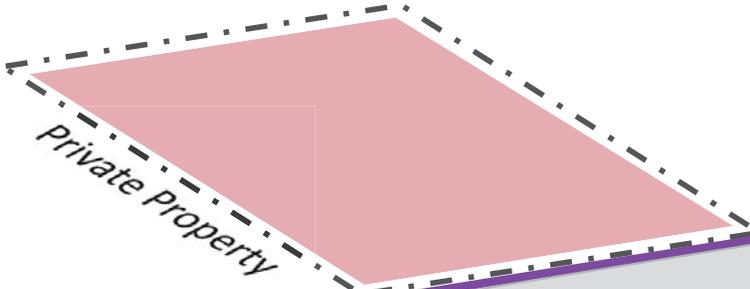
Design Implications

Functional spaces, construction costs, design constraints

Existing Plaza Space Standards

Undeveloped lot

7,000 sq.ft.
Sample Lot

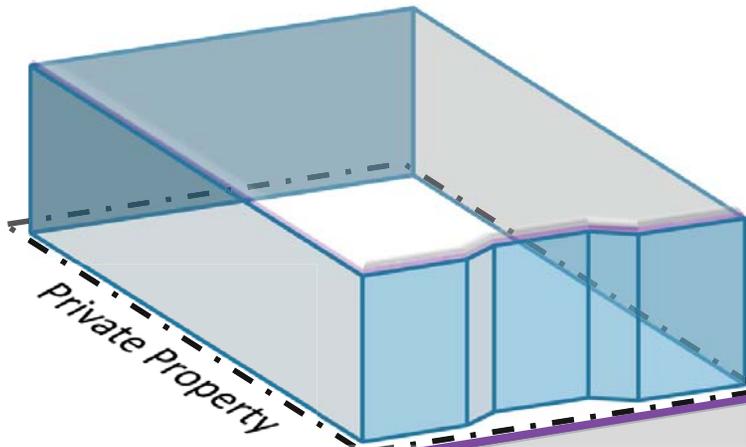


Existing Plaza Space Standards

One-Story Building example

7,000 sq.ft.
building

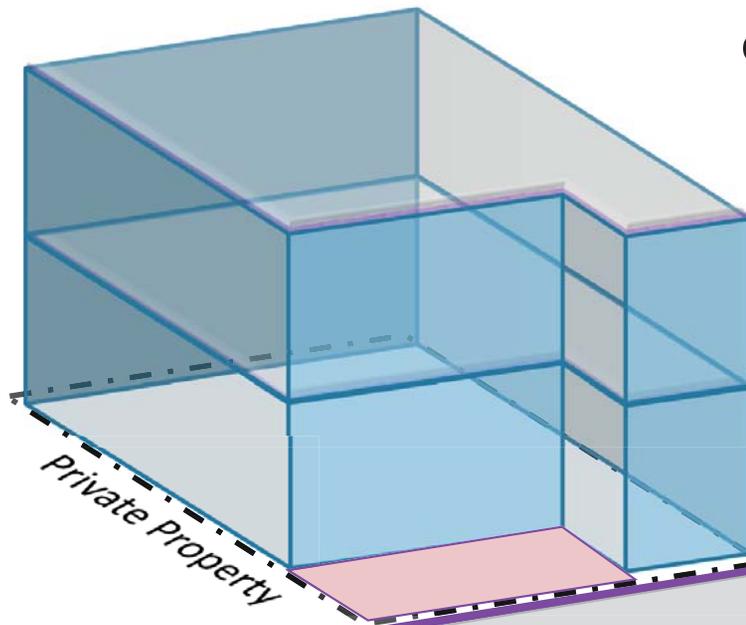
No
Plaza Space
Required



Existing Plaza Space Standards

Two-Story Building example

11,500 sq.ft.
Two-Story
Building



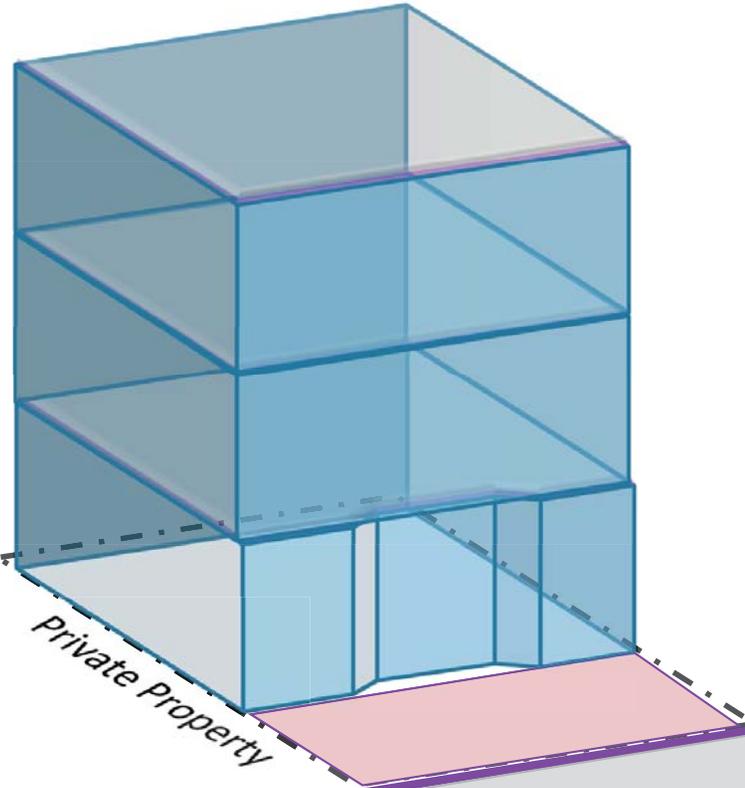
Plaza Space required (building >10,000sq.ft.)
The plaza space is on private property and contains selected design elements such as seating, public art, trees, shade, wind protection, etc.

1,150 sq.ft.
Plaza Space
(minimum)

Existing Plaza Space Standards

Three-Story Building example

16,000 sq.ft.
Building

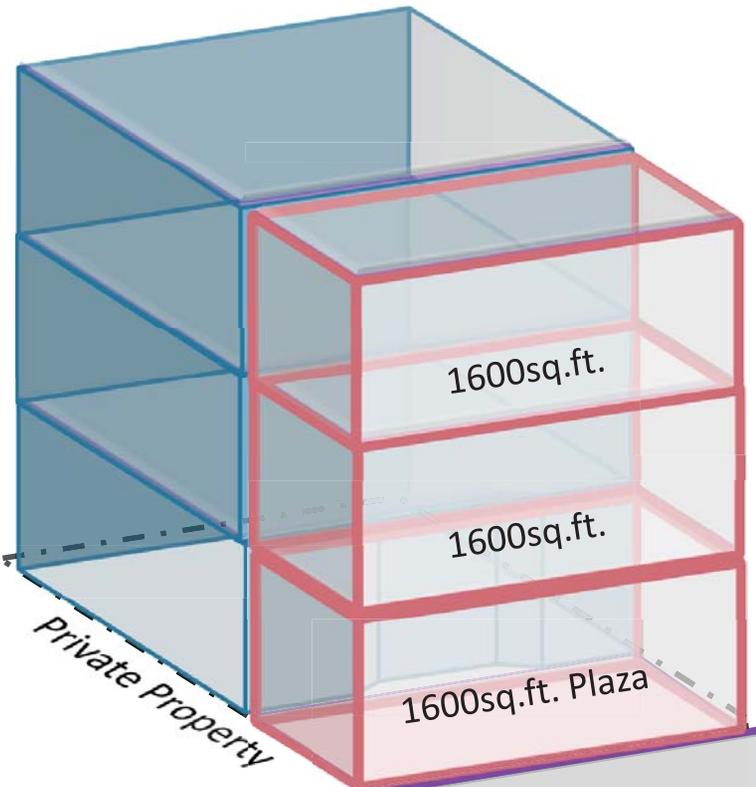


1,600 sq.ft.
Plaza Space
(minimum)

Existing Plaza Space Standards

Three-Story Building example

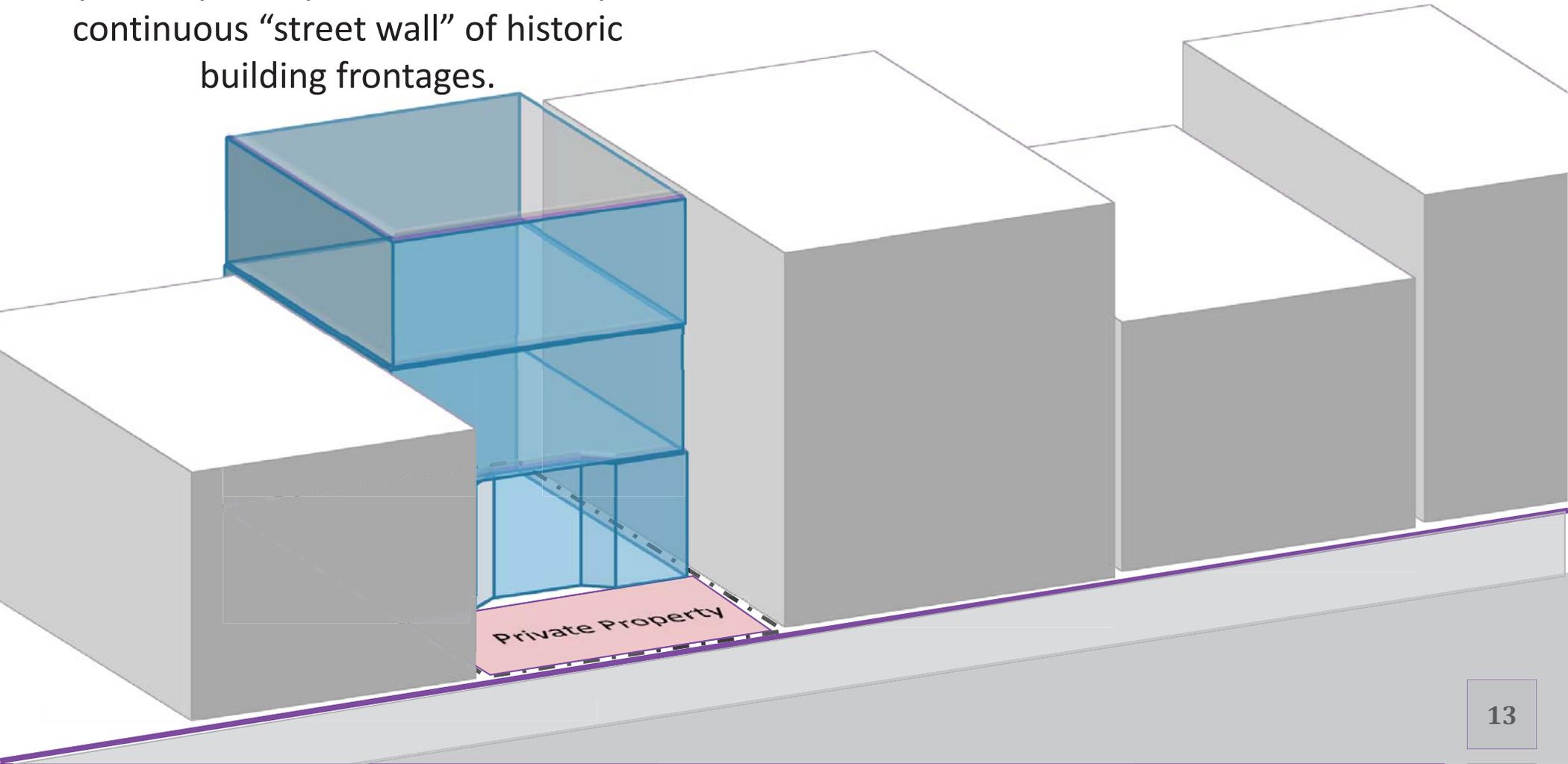
16,000 sq.ft.
Building



Dedication of private outdoor plaza space at the ground level removes commercial floor area, and potentially reduces residential dwelling unit opportunities on upper stories

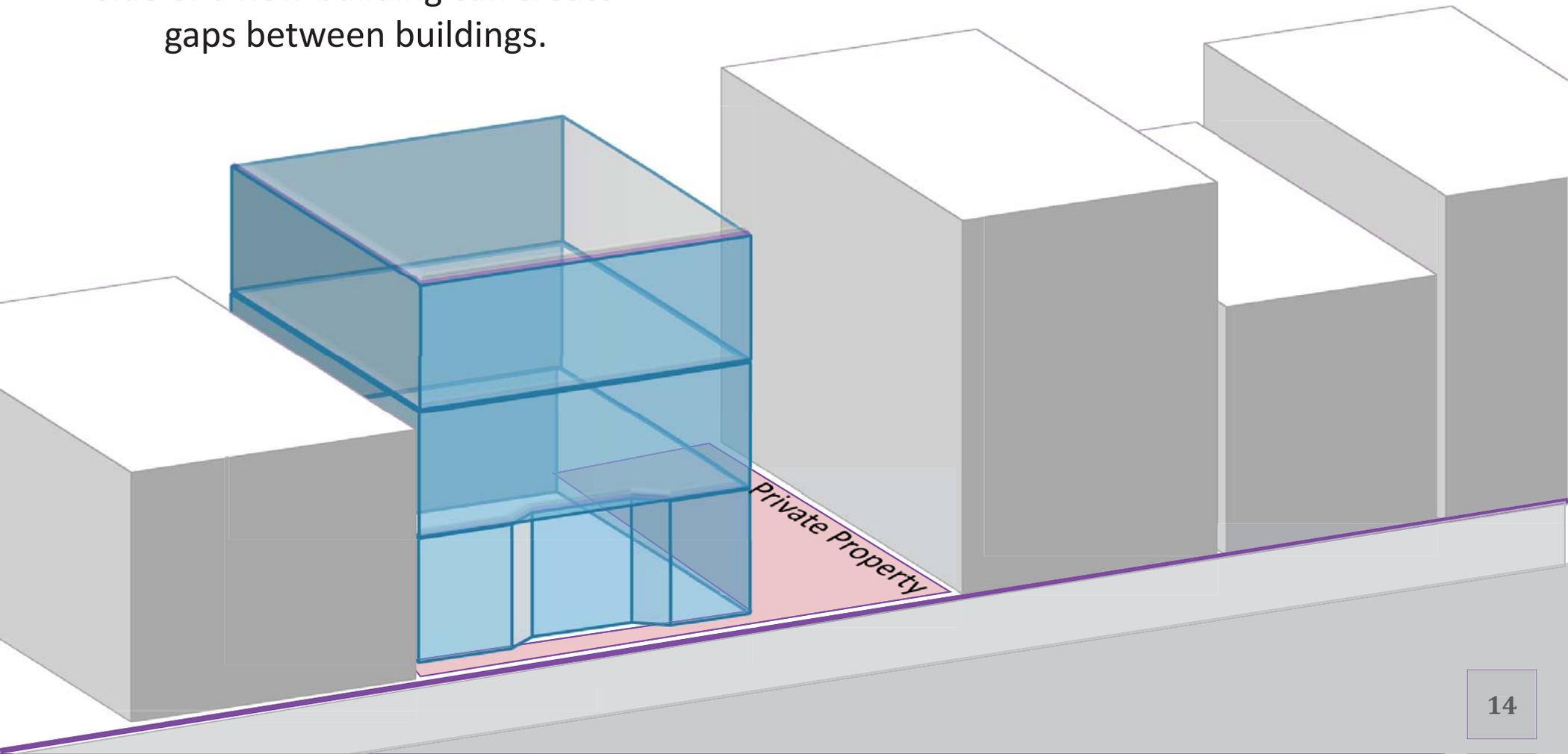
Increased setbacks, to accommodate private plaza spaces, can break up continuous “street wall” of historic building frontages.

Existing Plaza Space Standards



Existing Plaza Space Standards

Private plaza spaces located to the side of a new building can create gaps between buildings.



Proposed Amendment

18.4.2.040.D.b

Within the, C-1-D zone or Downtown Design Standards Overlay, no plaza space shall be required.

Amends the plaza space standards to no longer apply in the downtown area for new or redeveloped large scale buildings over 10,000sq.ft.

- Plaza space no longer required thus private open-spaces will only be provided voluntarily.
- Maintains the character and historic pattern of development along N. Main Street where buildings are built to the sidewalk and to the lot lines on either side.
- Floor area reductions attributable to required plaza space for multi-story developments are eliminated, thus increases potential gross floor area on new or redeveloped buildings.
- Reduces potential constraints to redevelopment and multi-story development.
- Potential increase in the visual mass of buildings as a result of the elimination of ground level offsets in the building façade formerly designed and intended to accommodate plaza spaces.

Public open space and the downtown central Plaza

Public Plaza

- The proposed plaza space amendment does not remove public open space or the downtown central Plaza.
- The proposed code amendment relates to private outdoor space on individual properties.



Downtown Design Standards and Regulations

Building Height



- The proposed plaza space amendment does not change the maximum building height within the downtown area.
- Buildings in the downtown (C-1-D zone) are permitted to be 40 feet in height, or up to 55 feet with approval of a Conditional Use Permit. (18.2.6.030)

Downtown Design Standards and Regulations

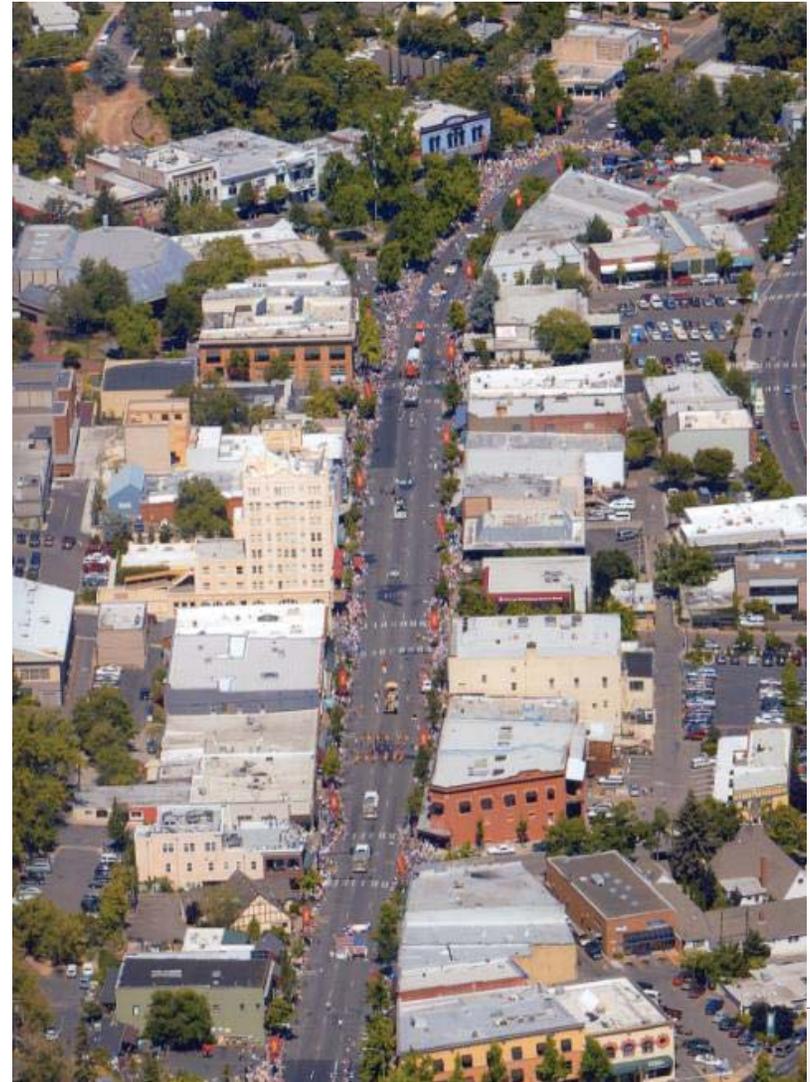
Building Size

- The proposed plaza space amendment does not change existing maximum building size allowed.
- “Inside the Downtown Design Standards overlay, new buildings or expansions of existing buildings shall not exceed a building footprint area of 45,000 square feet or a gross floor area of 45,000 square feet” (18.4.2.040.D.1.c)

Downtown Design Standards and Regulations

Setbacks

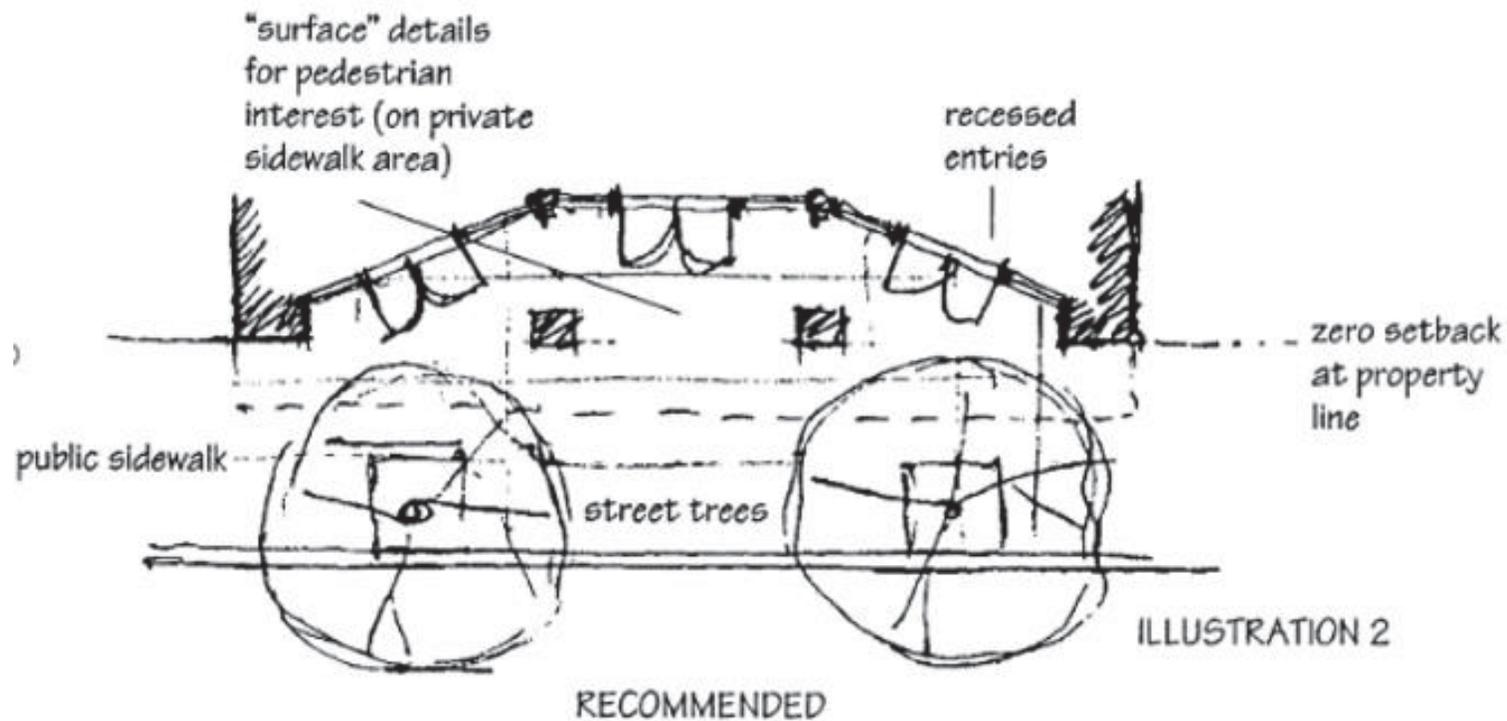
- The proposed plaza space amendment does not change existing setback requirements within the downtown area. (18.2.6.030)
- Buildings in commercial zones (including the downtown) currently have no minimum setbacks or yard requirements.



Downtown Design Standards and Regulations

Setbacks

- Buildings in the downtown overlay are to be built up to the front and side property lines reflective of the historic pattern of development.



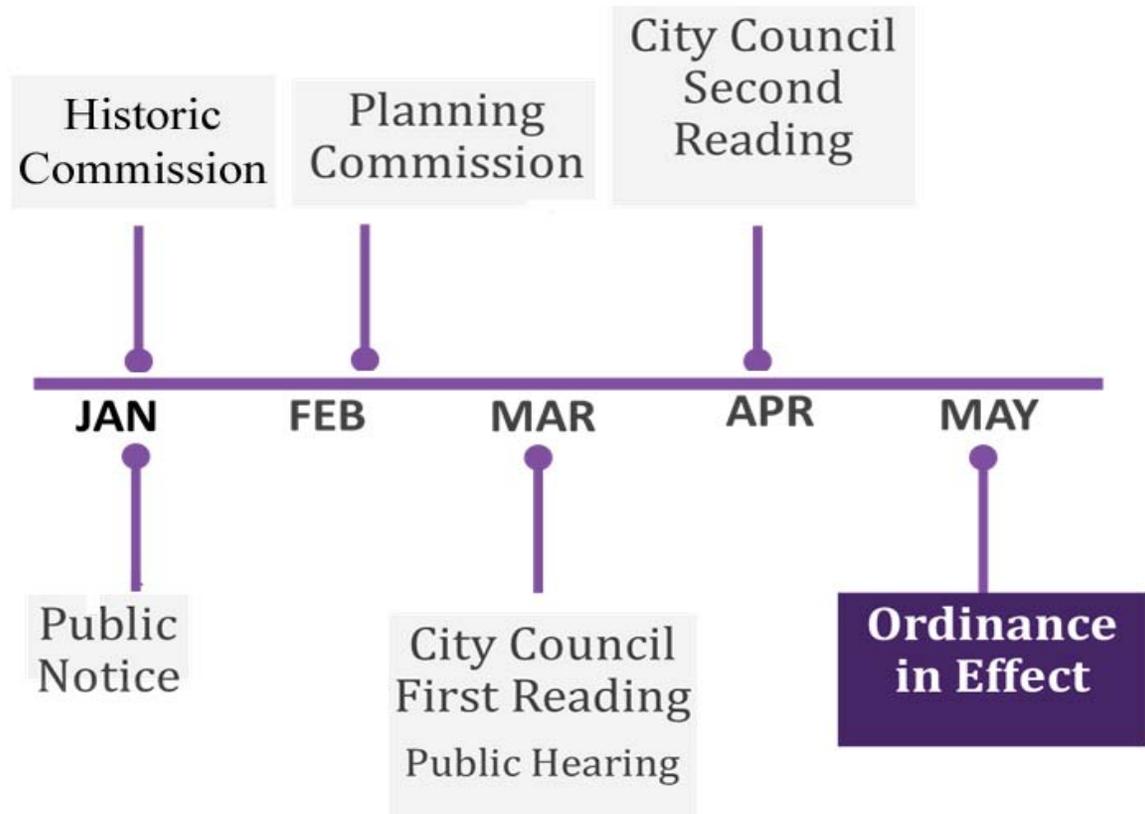
Historic Commission Recommendation

- January 8th 2020 Regular Meeting
- Recommendation to approve the proposed ordinance amendment to remove the plaza space requirement from the Downtown Design Standards Overlay and C-1-D zone.





Timeline for Public Hearings (2020)



**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
STUDY SESSION
MINUTES
February 25, 2020

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
Kerry KenCairn
Haywood Norton
Roger Pearce
Lynn Thompson

Staff Present:

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

Absent Members:

Alan Harper

Council Liaison:

Stefani Seffinger, absent

ANNOUNCEMENTS

Community Development Director Bill Molnar announced there would be site visit to the 476 North Laurel Street cottage housing development in lieu of a Study Session March 24, 2020. Ashland was recognized by the National Association of Home Builders for best practices regarding the cottage housing ordinance.

PUBLIC FORUM

DISCUSSION ITEMS

A. Draft Amendments to Open Space Standards

Community Development Director Bill provided history on the process. This was an opportunity for the following:

- To make the code clearer and more consistent.
- Ensure the standard allowed flexibility in having common open space and private open space.
- Clarify what could be included and what should not be included in the common areas.
- Clear up general standards.

Planning Manager Maria Harris provided a presentation (see attached):

- | | |
|--|--|
| • When is Open Space Required? | • What Stays the Same? |
| • Multifamily Development: 231-235 Hersey | • Proposed Amendments for Definitions |
| • Attached Single-Family Development: 429 Scenic | • Proposed Amendments for Common Open Space |
| • Attached Single-Family Development: 1068 East Main | • Proposed Amendments for Private Open Space |
| • Single-Family Detached Development: Helman Springs Subdivision | • Open Space Terminology |
| | • Next Steps |

Ms. Harris clarified a parameter setback could not be used for common space but could for private yard area. It did not apply to the front yard. The language needed to be cleaned up. She confirmed the minimum dimensions for common open space was 20 feet.

Commissioner KenCairn suggested changing the private yard requirement from six-foot depth to an eight-foot depth.

The Commission agreed with staff's recommendation to delete "**Common open space may include areas that provide for the preservation or enhancement of natural features such as wetlands, floodplain corridors, ponds, larger trees, and rock outcroppings,**" from the following sections:

- **Section 1. 18.4.2.030 Residential Development, (H) Open Space, (h) Natural Areas.**
- **Section 3. 18.3.9.050 Performance Standards for Residential Developments, (3) Common Open Space Required (a)(iii).**
- **Section 4. 18.6.1.030 Definitions, Common Open Space.**

The Commission reviewed each section and made changes to the following:

Section 1. 18.4.2.030 Residential Development

- Rewrite **H. Open Space Section 2 (b) Dimensional Standards.**
- **H. Open Space (1)(g) Credit for Proximity to a Park.** Change the walking distance from one-quarter mile to one-eighth of a mile.

Section 2. 18.2.5.080 Residential Density Calculation in R-2 and R-3 Zones, (F) 3. Density Bonus Point Criteria (b) Common Open Space.

- Remove the purpose statements.
- Add a reference to **Section 1 (H)(2) in (F)(3)(b) Common Open Space**, sentence "**A one percent sentence bonus shall be awarded for each one percent of the total project area in common open space in excess of the base requirement.**"

Section 3. 18.3.9.050 Performance Standards for Residential Developments.

- In **(A)(3) Common Open Space Required (a) Required Area (iii) Natural Areas** include the ability to provide unenclosed structures.

Section 4. 18.6.1.030 Definitions

- First sentence in **Open Space**, add "**Unless otherwise specified in this land use code,**" at the beginning and revise "**...or structuring urban development and form (or creating a pattern of development).**"
- Under **Open Space**, revise the language in **Private Open Space** to exclude the indication that front yards could be used.

ADJOURNMENT

Meeting adjourned at 8:51 p.m.

*Submitted by,
Dana Smith, Executive Assistant*

Open Space Amendments



1. Recap
2. Summary of Amendments
3. Open Space Terminology
4. Next Steps

When is Open Space Required?



Four Types of Residential Development

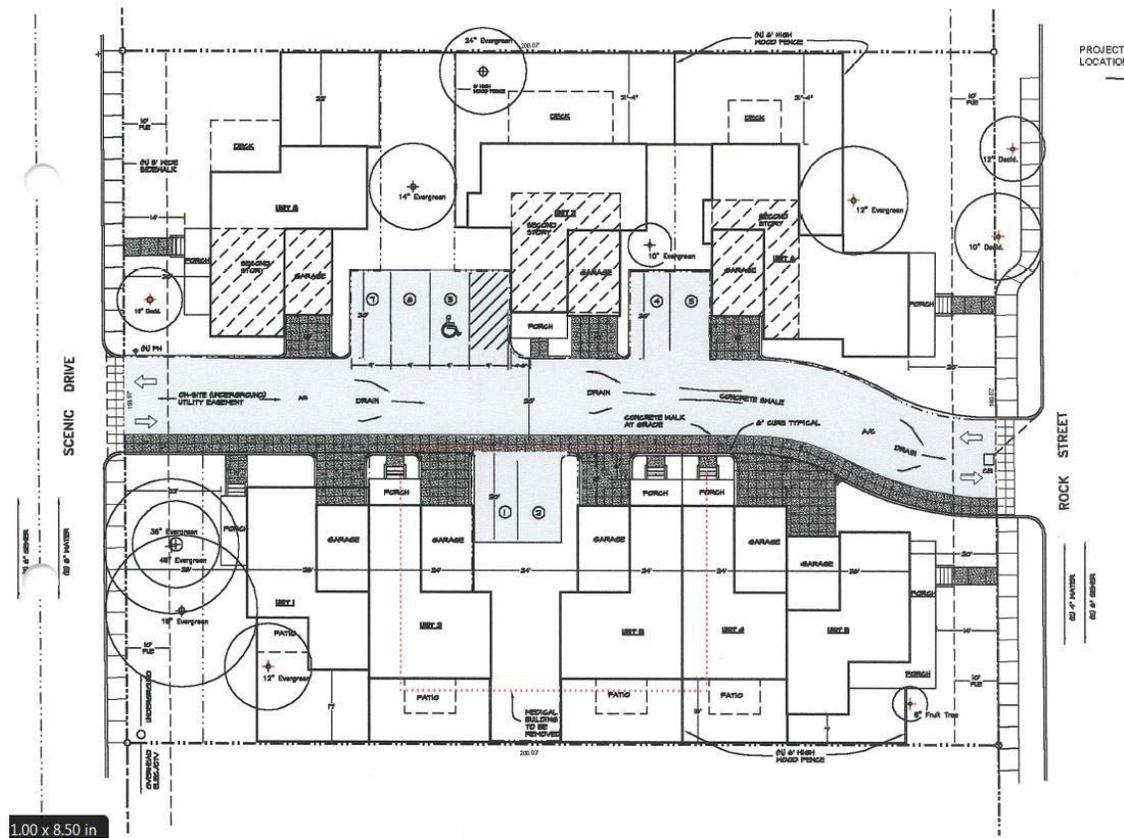
- Multifamily Development
- Attached Single-Family Development/Subdivision
- Subdivisions in Single-Family Zones
- Cottage Housing Developments

Multifamily Development 231-235 Hersey





Attached Single-Family Development 429 Scenic



Attached Single-Family Development 1068 East Main

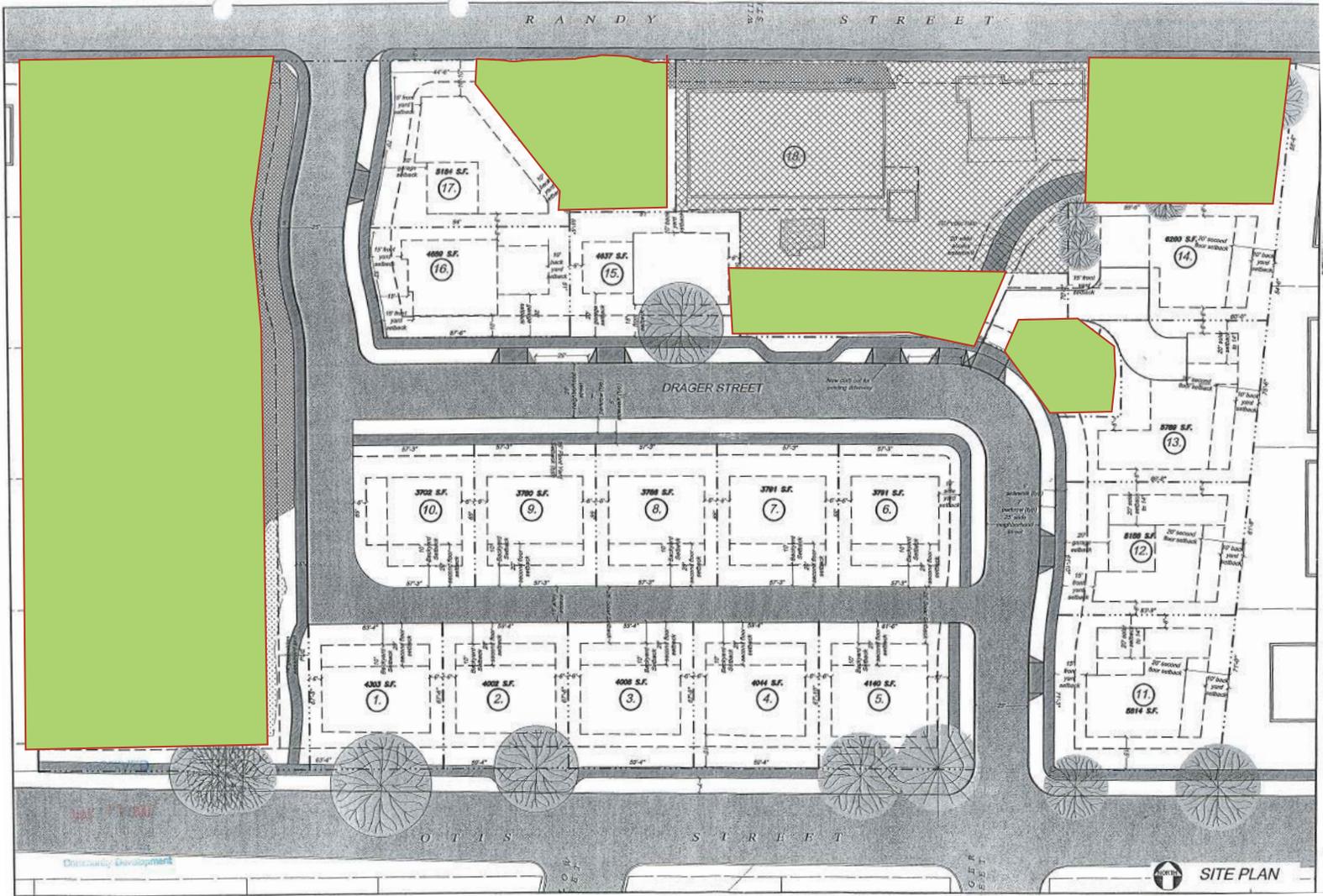


2/25/2020 Planning Commission Study Session



Single-Family Subdivision Helman Springs Subdivision





What Stays the Same?



Open Space Area Required

- 8% of total lot area for developments that require Site Design Review (multifamily residential and attached single-family residential)
- 5% of total lot area for developments of 10 units or more that require only Performance Standards Options (PSO) Subdivisions (detached single-family residential)

Not Additive

- *Developments requiring Site Design Review and PSO subdivision are required to provide a maximum of 8% of total lot area in open space*

What Stays the Same?



Type of Open Space

- *Site Design Review requirement can be satisfied by a combination of common and private open space*
- PSO Subdivisions of 10 units or more are required to provide common open space

Design Standards

- Common open space may include areas that preserve natural features
- Common open space must provide suitable surface for human use
- Open space can include decks, patios, porches, yards and similar areas

What Stays the Same?



Mechanics

- Base density calculation based on total lot area, including areas designated for open space
- *Developments requiring Site Design Review are eligible for density bonus after required 8% of open space is provided*
- Maintenance of open space by property owner or association of owners
- *Common open space improved prior to final plat or issuance of building permit, or applicant provides financial security to defer improvements*

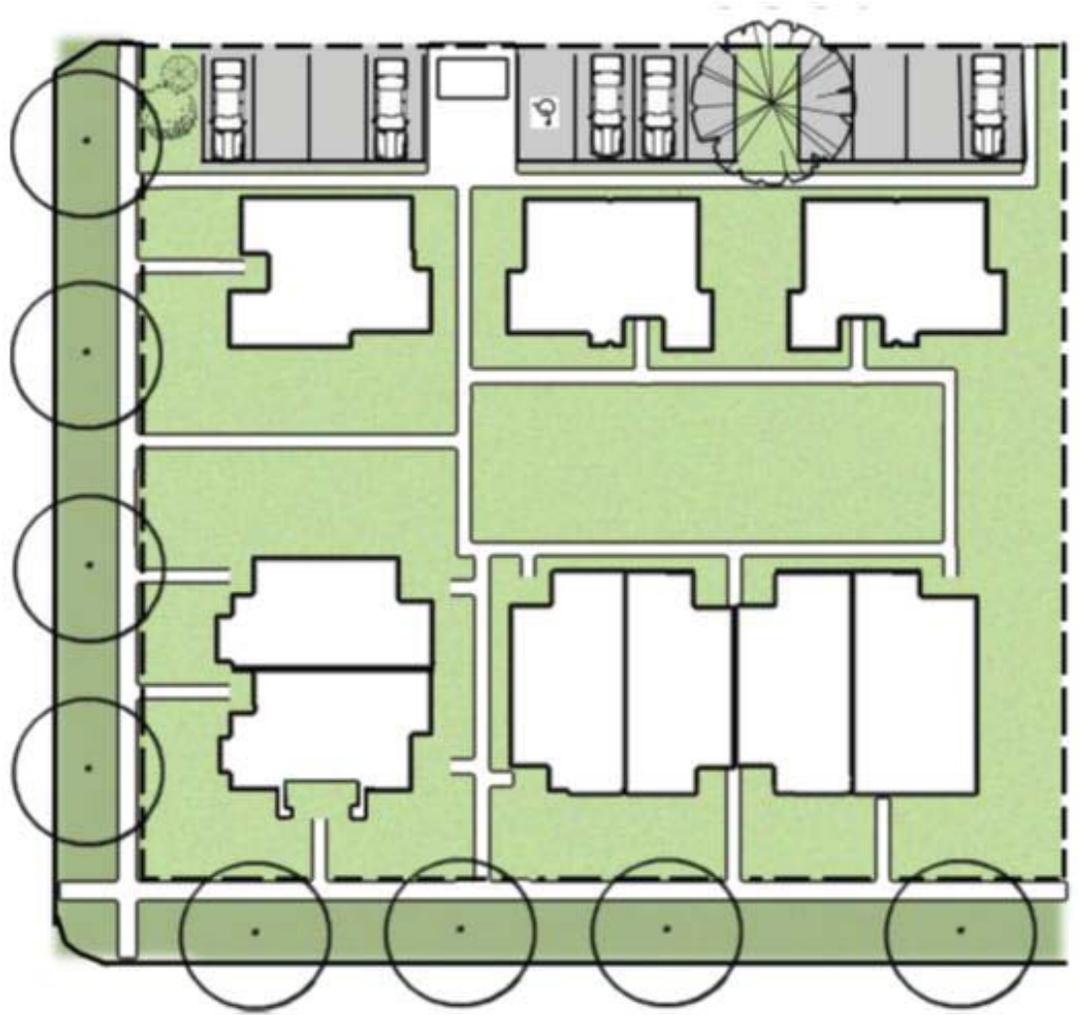
Proposed Amendments



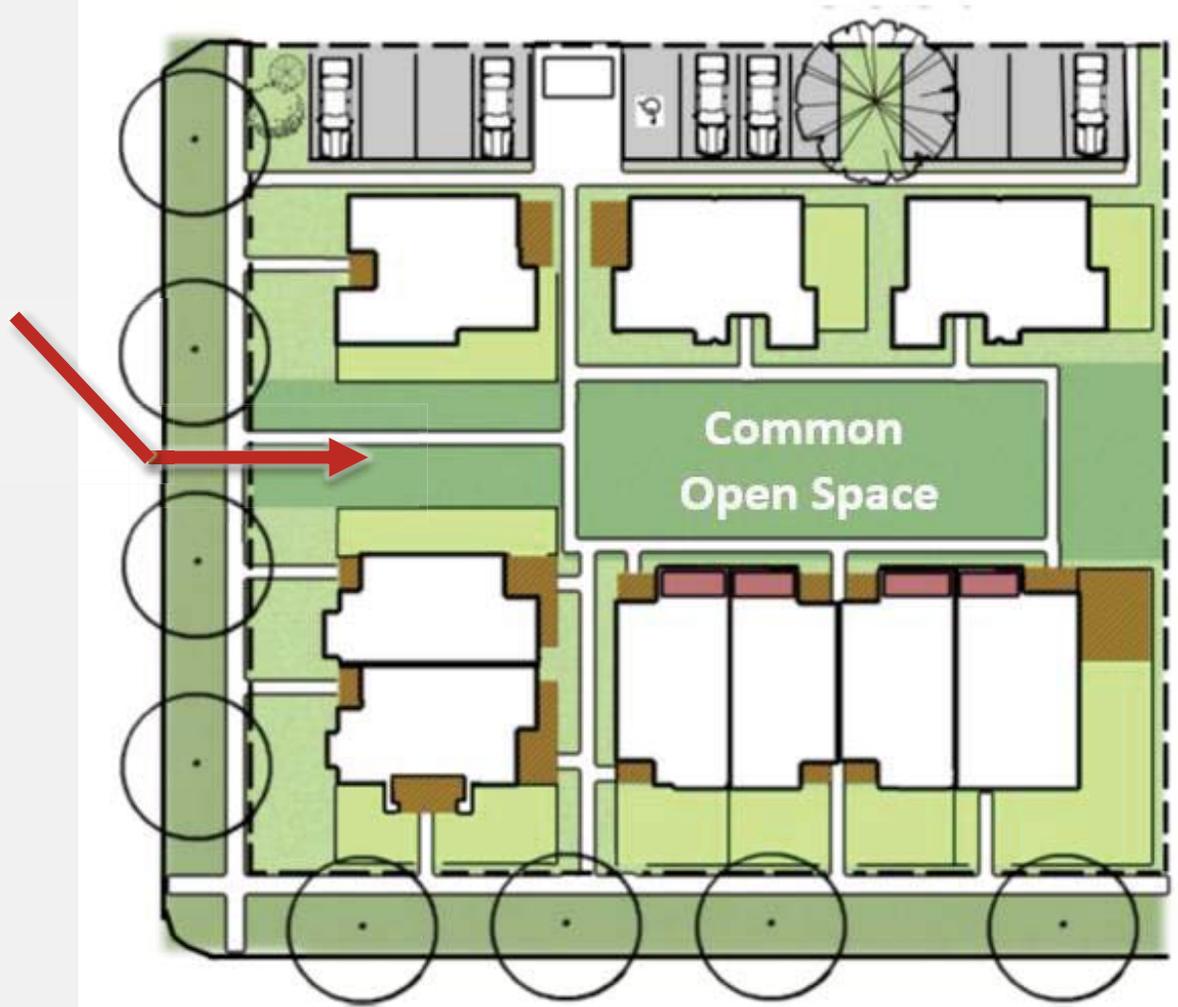
Definitions

- Open space definition revised
- Definitions of common, private and public open space added
- Added definitions of ground-floor and upper-floor dwelling unit
- Revised definition of yard
- Revised definition of unbuildable area and added definition of buildable area

Open Space



Common Open Space

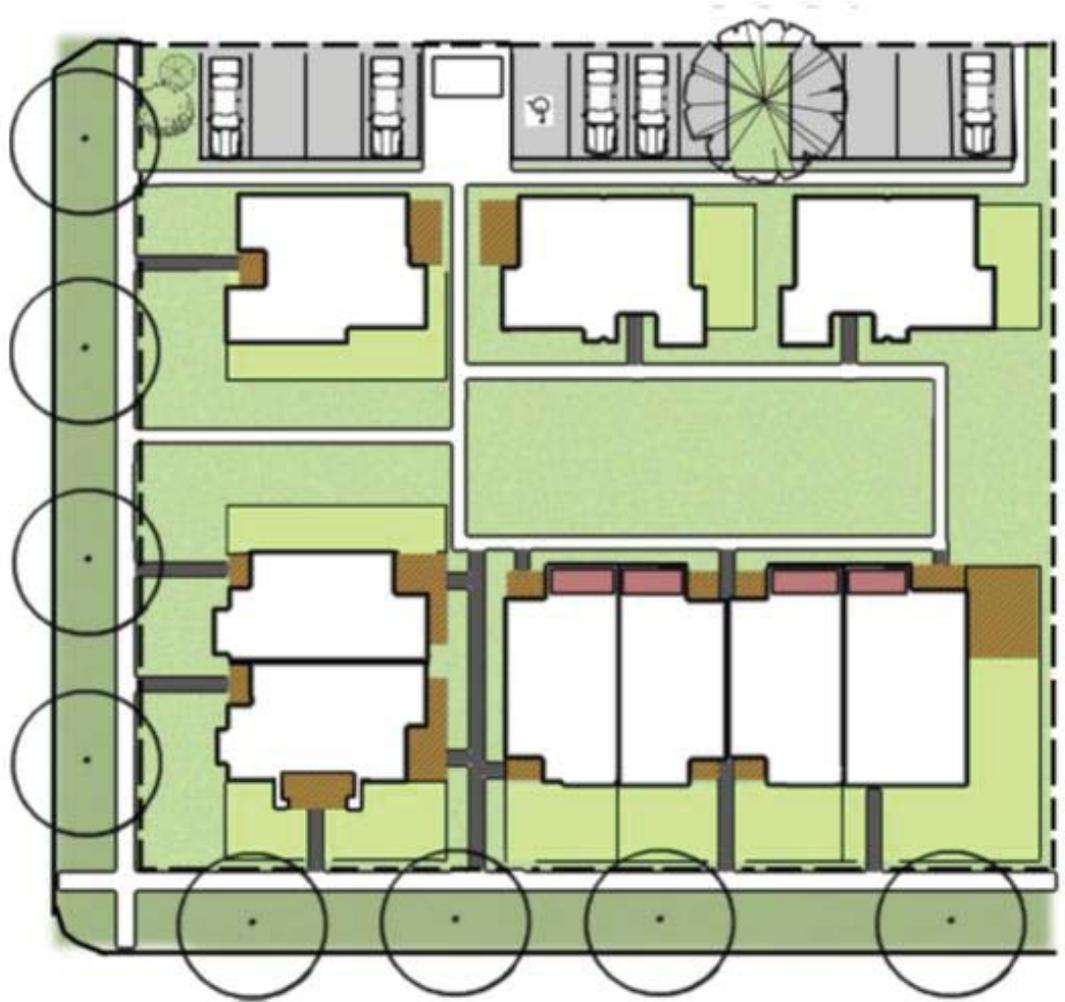


Private Open Space

Decks, Patios & Porches

Private Yards

Second Story Balconies



Proposed Amendments for Common Open Space

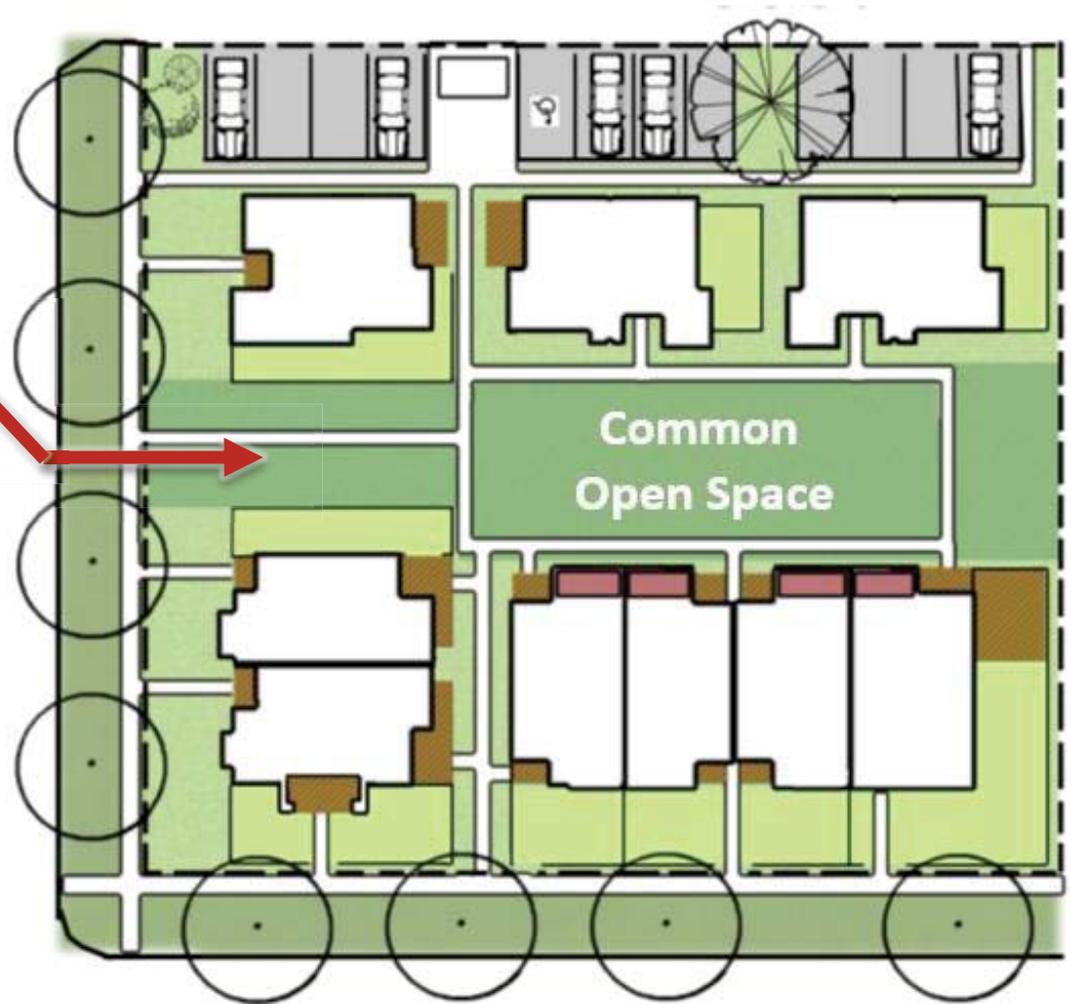


- Developments of 10 or more units that require Site Design Review require 50% of open space area in common open space
- Dimensions minimum of 20' and minimum area of 400 square feet
- Locate common open space outside of buffer or perimeter yard areas
- Locate areas designed for active use on slopes less than 5%
- Fences and walls around common open space up to 4 feet in height

Common Open Space

Eligible Areas

- 50% of the required open space
- 20' Minimum Dimension
- 400 sq. ft. Minimum Area
- Slope less than 5%
- Fence height up to 4 feet



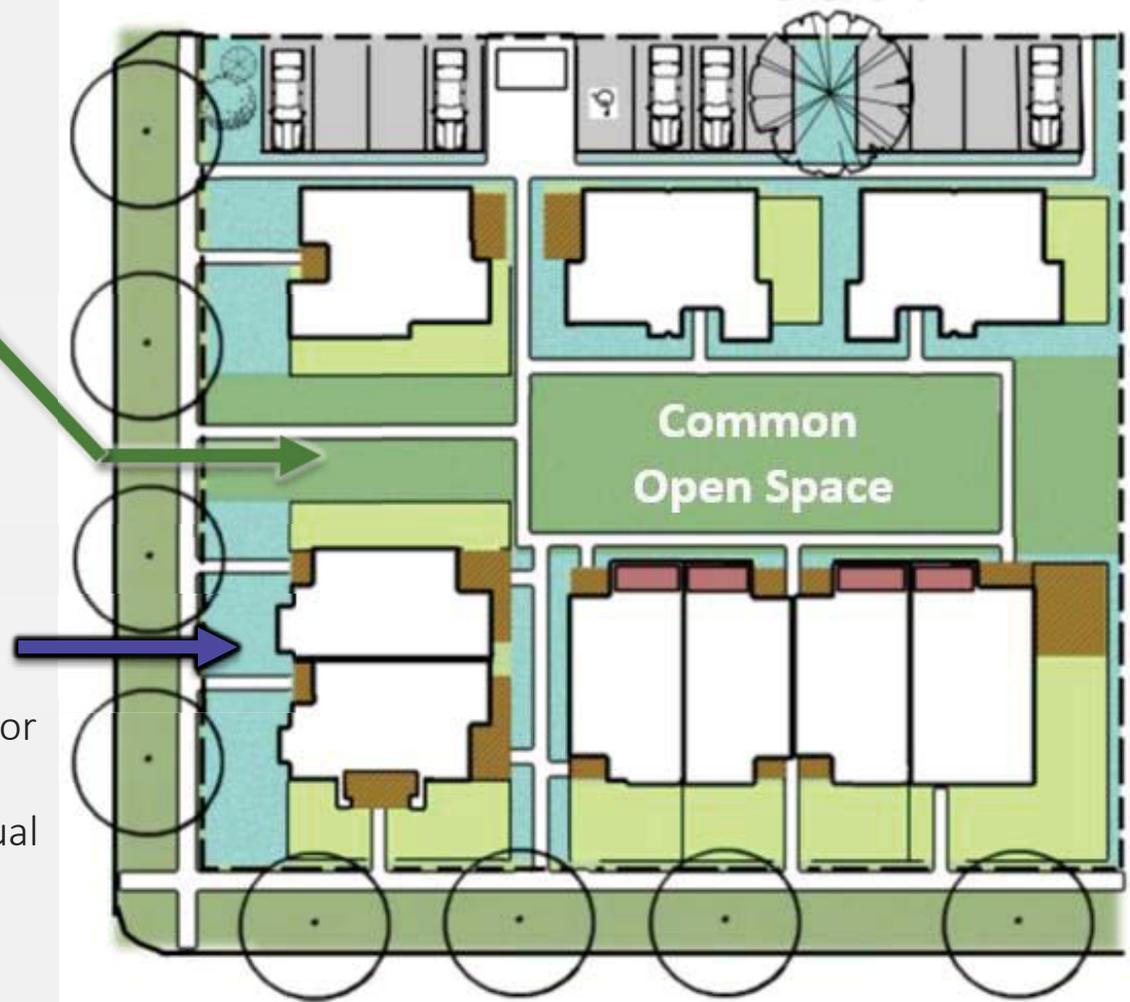
Common Open Space

Eligible Areas

- 50% of the Required open space
- 20' Minimum Dimension
- 400 sq. ft. Minimum Area
- Slope less than 5%
- Fence height up to 4 feet

Ineligible Areas

- Areas not meeting dimensional requirements
- Areas located in a required buffer or perimeter yard area.
- Pedestrian connections to individual units



Proposed Amendments for Common Open Space



- Surfacing or improvements option
- Credit for proximity to a public park
- Utility vaults and pedestals



2/25/2020 Planning Commission Study Session

Proposed Amendments for Private Open Space



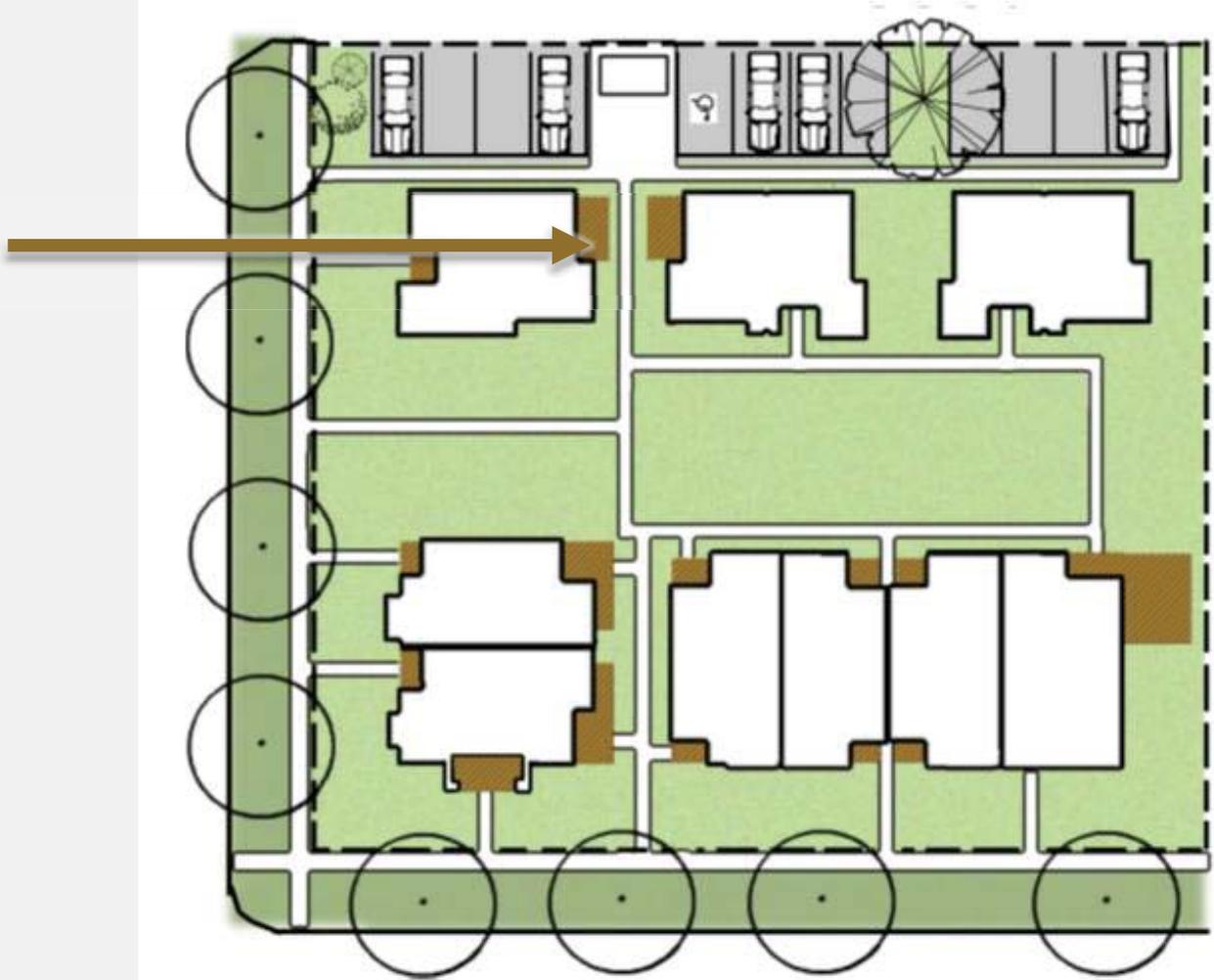
Private Open Space Standards for Site Design Review Developments

- Private open space shall be at least 6 feet deep and 48 square feet in size
- Ground-floor private open space shall not be located with 12 feet of refuse and recycling areas
- Private open space area does not include walkways to private units, storage or bicycle rack

Private Open Space

Decks, Patios & Porches

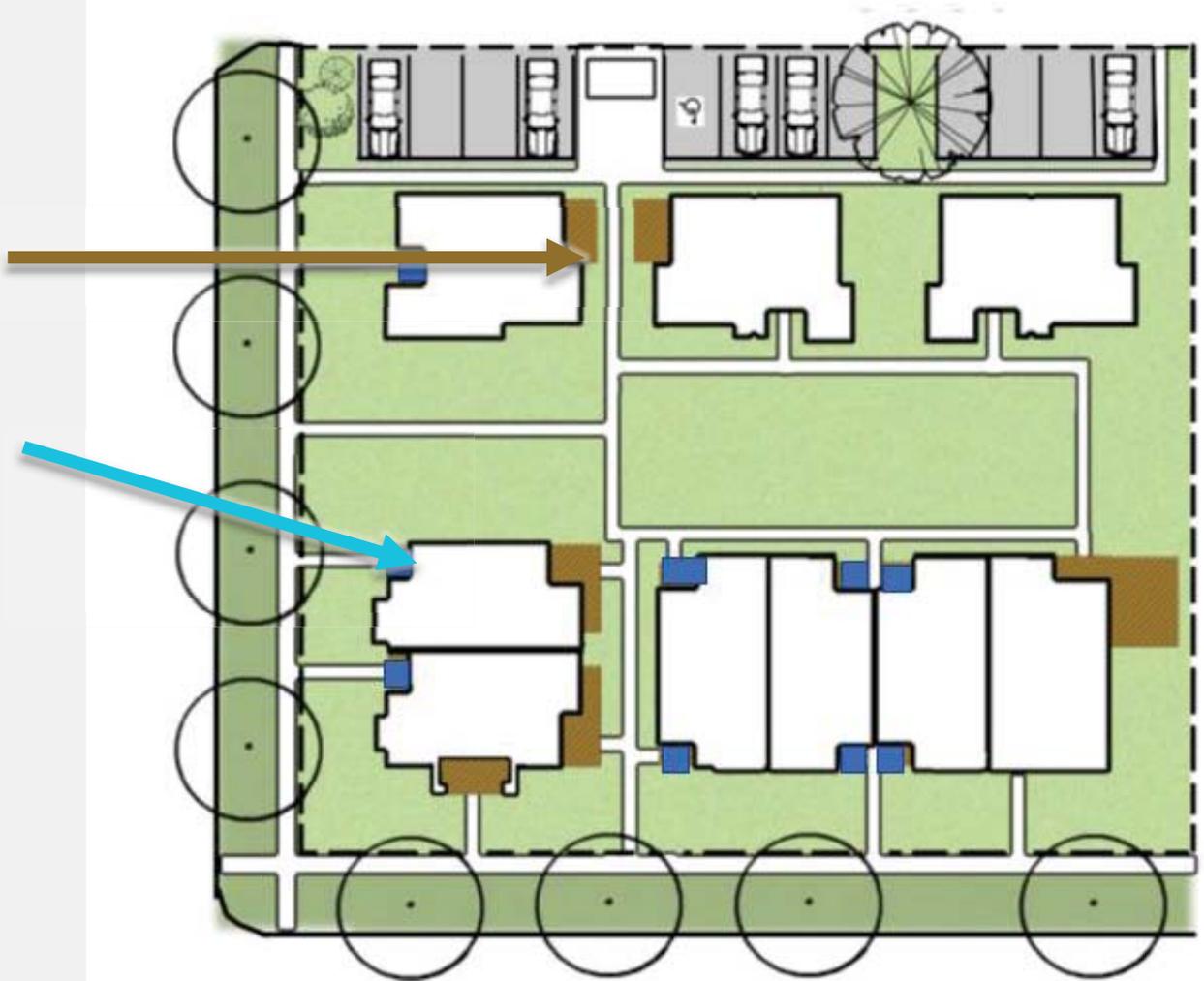
- 6' Minimum Depth
- 48sq.ft. Minimum Area



Private Open Space

Decks, Patios & Porches

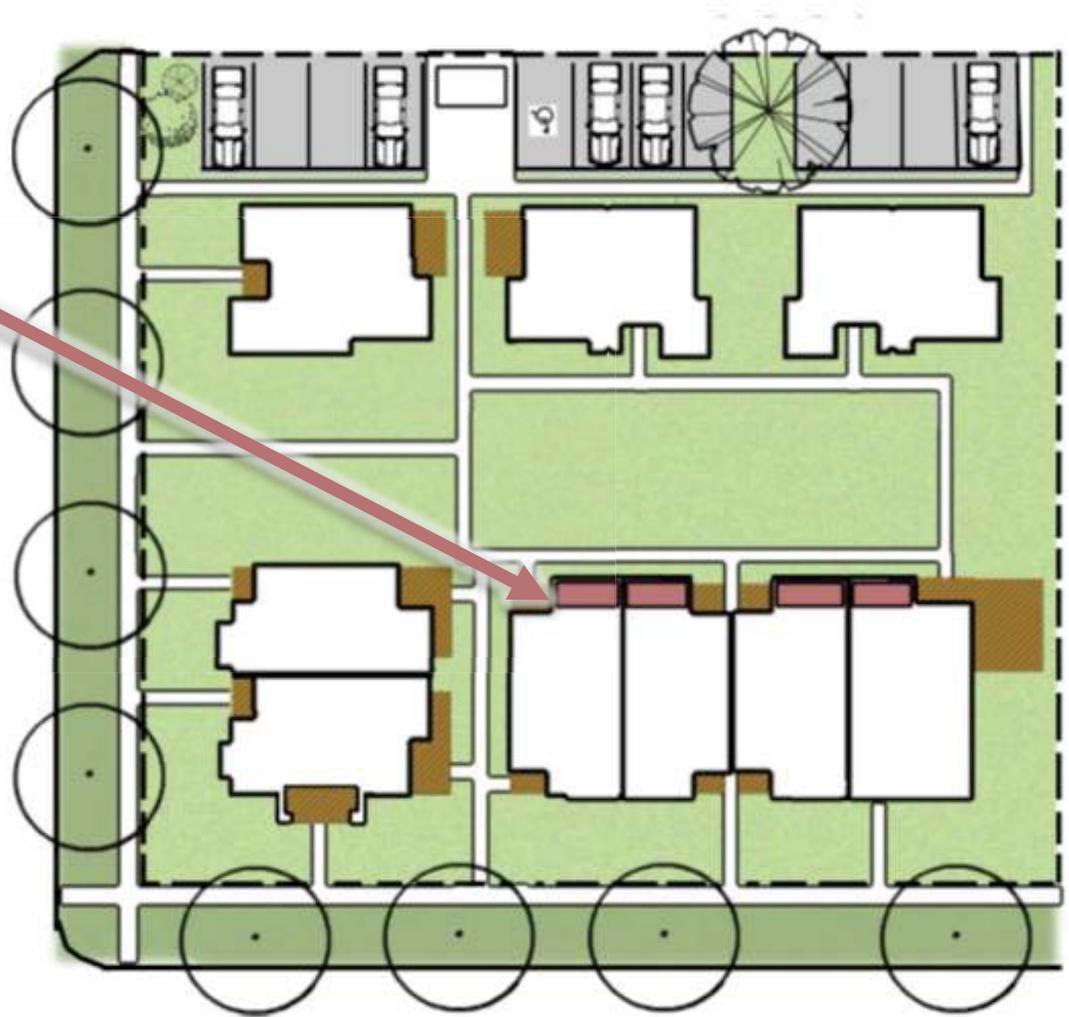
- 6' Minimum Depth
- 48sq.ft. Minimum Area
- Small Porches and landings do not count as private open space



Private Open Space

Second Story Balconies

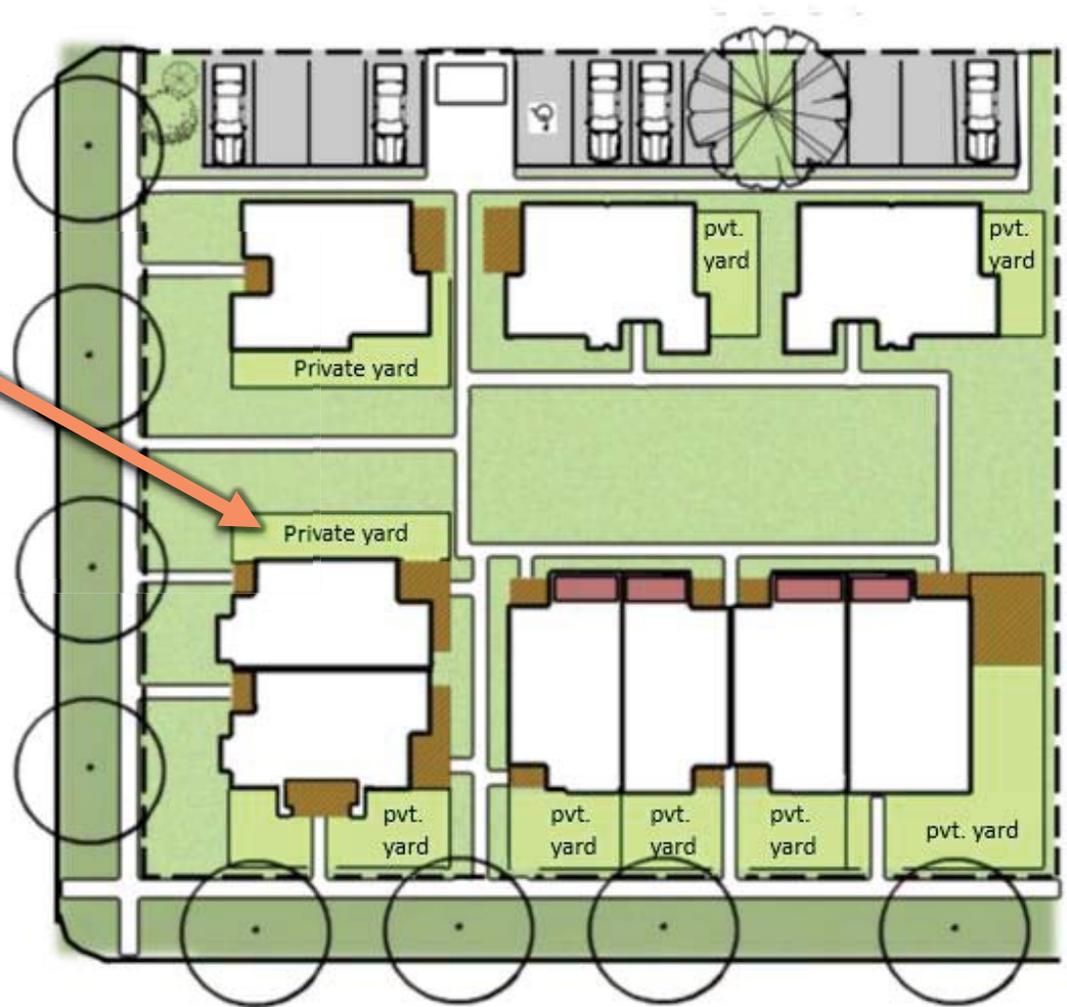
- 6' Minimum Depth
- 48sq.ft. Minimum Area



Private Open Space

Private Yards

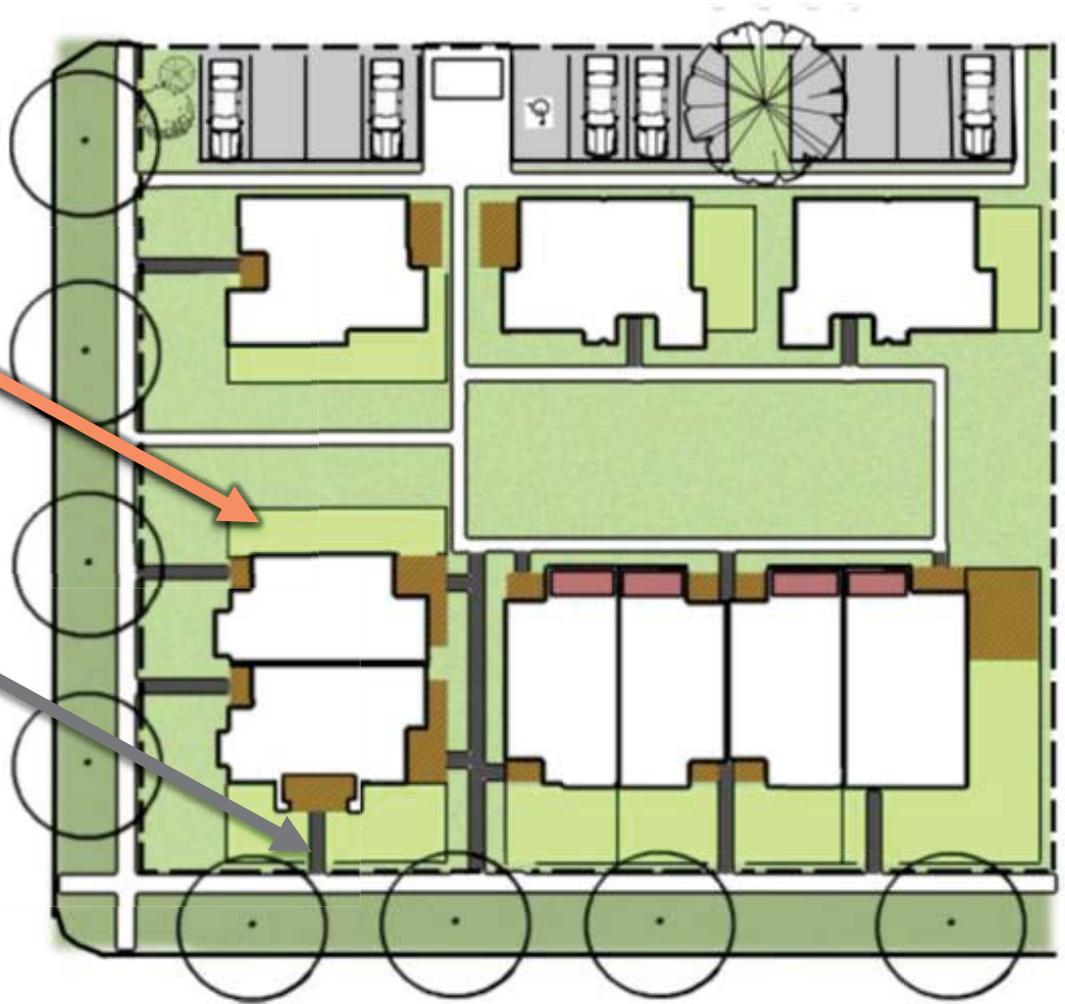
- 6' Minimum Depth
- 48sq.ft. Minimum Area



Private Open Space

Private Yards

- 6' Minimum Depth
- 48sq.ft. Minimum Area
- Ingress/Egress walkways to individual units are not counted as Private or Common Open Space



Private Open Space

Decks, Patios & Porches

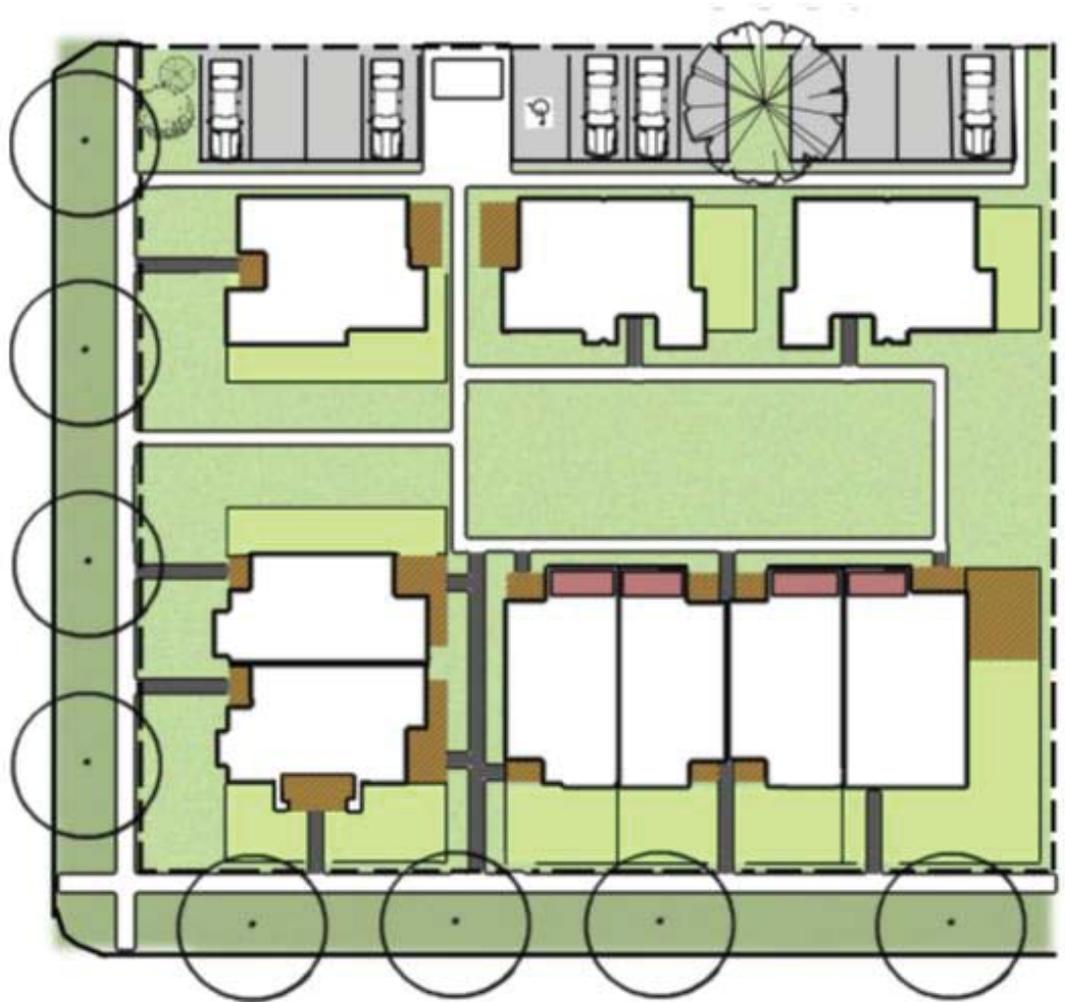
- 6' Minimum Depth
- 48sq.ft. Minimum Area

Second Story Balconies

- 6' Minimum Depth
- 48sq.ft. Minimum Area

Private Yards

- 6' Minimum Depth
- 48sq.ft. Minimum Area
- Ingress/Egress walkways to individual units are not counted as Private Open Space



Open Space Terminology



- Review of code and first draft of terminology correction completed
- Meet and review with subcommittee
- Revise for public hearing

Next Steps



- Review terminology package with subcommittee
- Revise draft for public hearing
- Public Hearing at Planning Commission in April

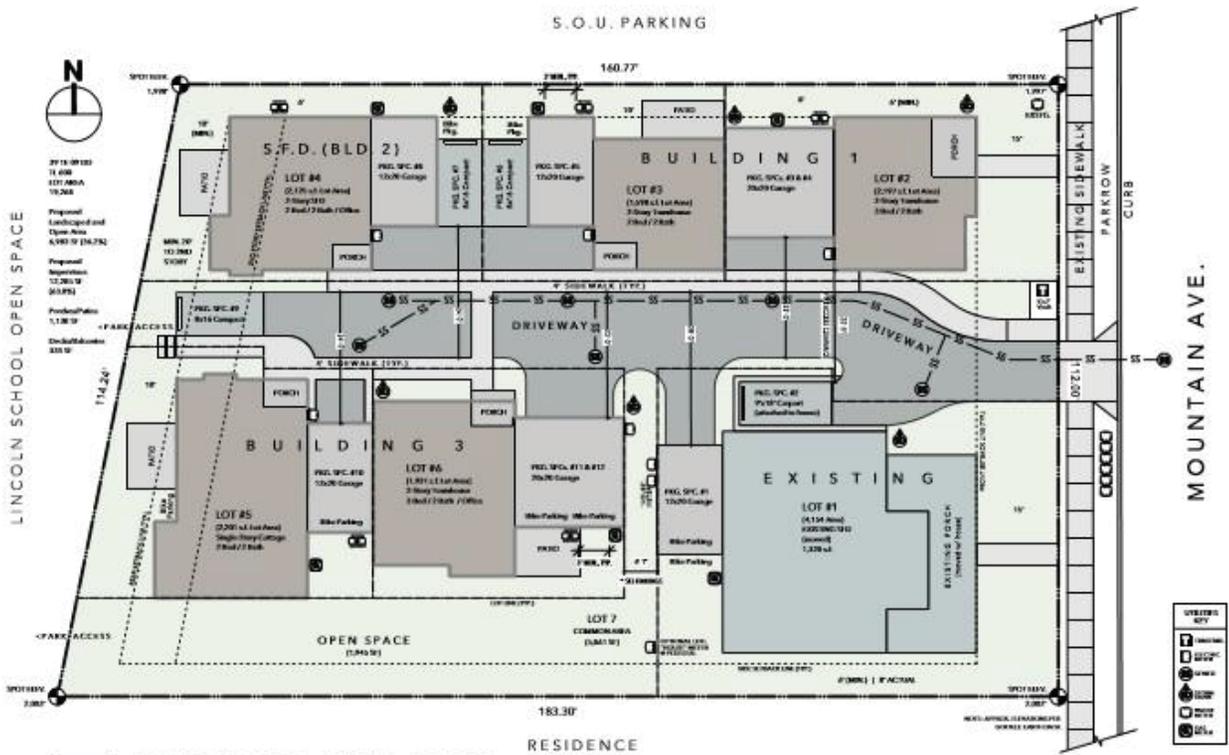
Commission Feedback



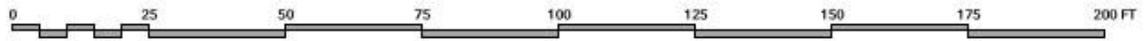
- Surfacing/usable area in common open space
- Allow outdoor coverings/structures
- Address utility vault/pedestal areas
- Use common open space design standards for single-family subdivisions
- Revise common open space definition



- PROPOSED HABITABLE FOOTPRINT (Conditioned)
 - PROPOSED ENCLOSED PARKING (Garages)
 - PROPOSED SURFACE PARKING
 - PROPOSED PERVIOUS AREA
 - PROPOSED ASPHALT (Driveway)



A PROPOSED SITE PLAN
Scale: 1" = 20 ft



SOMERSET LANE COTTAGES SUBDIVISION

PROJECT LOCATED AT
361 S. Mountain Ave.
Ashland, Oregon

APPLICANT: MARTIN & TRINA SMITH
OUTLINE & FINAL PLAN APPLICATION
VERSION 1.1, MODIFIED 5-14-2017
SHEET SIZE: 11X17 | SCALE: AS NOTED

PROPOSED SITE PLAN

SHEET
1



BEFORE THE PLANNING COMMISSION
March 10, 2020

IN THE MATTER OF PLANNING ACTION #PA-T2-2020-00016, A REQUEST FOR)
OUTLINE PLAN APPROVAL UNDER THE PERFORMANCE STANDARDS)
OPTIONS CHAPTER (AMC 18.3.9) AND SITE DESIGN REVIEW APPROVAL FOR)
THE KESTREL PARK COTTAGES, A 16-LOT/15-UNIT SUBDIVISION OF AREA 3,) **FINDINGS,**
ONE OF THE AREAS RESERVED FOR FUTURE DEVELOPMENT IN THE RECENT-) **CONCLUSIONS &**
LY APPROVED KESTREL PARK SUBDIVISION.) **ORDERS**

OWNER/APPLICANT: Jacob Robert Ayala/KDA Homes, LLC)
)
)

RECITALS:

- 1) Tax lot #900 of Map 39 1E 04AC is a vacant parcel located south of the terminus of Kestrel Parkway and is split-zoned between the Greenway (NM-G), Neighborhood Edge (NM-R-1-7.5) and Neighborhood Core (NM-MF) zones; Tax lot #8600 of Map 39 1E 04AD is a vacant parcel located south of the terminus of Patton Lane and is zoned Neighborhood Core (NM-MF); and Tax lot #2000 of Map 39 1E 04DB is a vacant parcel located west of North Mountain Avenue and east of Bear Creek and is split-zoned between the Greenway (NM-G), Neighborhood Edge (NM-R-1-7.5) and Neighborhood Core (NM-MF) zones. “Area 3” was one of five areas that were reserved for future development in the recently approved Kestrel Park Subdivision, and includes portions of all three of the subdivision’s parent tax lots.
- 2) The applicants are requesting Outline Plan subdivision approval and Site Design Review approval for the Kestrel Park Cottages, a 16-lot/15-unit subdivision of Area 3, one of the areas reserved for future development in the recently approved Kestrel Park Subdivision. The proposal is outlined in plans on file at the Department of Community Development.
- 3) The criteria for Outline Plan approval are described in **AMC 18.3.9.040.A.3** as follows:
 - a. *The development meets all applicable ordinance requirements of the City.*
 - b. *Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.*
 - c. *The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.*
 - d. *The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.*

- e. *There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.*
 - f. *The proposed density meets the base and bonus density standards established under this chapter.*
 - g. *The development complies with the Street Standards.*
- 4) The approval criteria for Site Design Review 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.*
- 5) The supplemental approval criteria for applications within the NM district are described in **AMC 18.3.5.030** as follows:
- C. ***Supplemental Approval Criteria.*** *In addition to the criteria for approval required by other sections of this ordinance, applications within the NM district shall also meet all of the following criteria.*

1. *The application demonstrates conformity to the general design requirements of the North Mountain Neighborhood Plan, including density, transportation, building design, and building orientation.*
2. *The application complies with the specific design requirements as provided in the North Mountain Neighborhood Design Standards.*

6) The Planning Commission, following proper public notice, held a public hearing on February 11, 2020 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. FINDINGS & CONCLUSIONS

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 Outline Plan and Site Design Review approvals meets all applicable criteria for Outline Plan approval described in AMC 18.3.9.040.A.3; for Site Design Review approval described in AMC 18.5.2.050; and the supplemental approval criteria for applications within the NM district as described in AMC 18.3.5.030.

2.3 The Planning Commission concludes that the proposal satisfies all applicable criteria for Outline Plan approval.

The first approval criterion for Outline Plan approval is that, *“The development meets all applicable ordinance requirements of the City.”* The Commission finds that the proposal meets all applicable ordinance requirements, is requesting no Variances or Exceptions, and that this criterion has been satisfied.

The second approval criterion for Outline Plan approval is that, “*Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.*”

The Planning Commission finds that the adequacy of city facilities was considered for the Kestrel Park Subdivision as a whole, of which the current site is a part, and it was determined that facilities were available and could be extended to serve the development. At that time, the following were noted:

- **Water:** The parent properties are served by eight-inch water mains that will be able to connect into the proposed layout of Kestrel Parkway, Stoneridge Avenue, Nandina Street, and Patton Lane.
- **Sewer:** The parent properties are served by an eight-inch sanitary sewer main running near the extension of Kestrel Parkway.
- **Electricity:** The applicants have met with the Electric Department and discussed the backbone installation of a three-phase system to serve the parent subdivision. The Electric Department has suggested that the applicant carefully consider the needs for each of the later phases of the development up front, including such details as whether fast-chargers for electric vehicles will be provided, as addressing these in the initial infrastructure design will be more efficient and less costly than adding them after the fact. The applicants have indicated that a final electrical distribution will be provided for review with the Final Plan submittal.
- **Urban storm drainage:** The parent properties are served by a 12-inch storm sewer main in the alley east of Kestrel Parkway, and the subdivision infrastructure includes the creation of a stormwater detention facility on the west side of Kestrel Parkway, with a mitigation wetland swale serving as a pond outlet/outfall to Bear Creek.
- **Paved Access & Adequate Transportation:** The original Kestrel Park Subdivision application included a traffic analysis report from a traffic engineer who considered the full build-out of all subdivision phases and concluded that the project’s trip generation would not exceed the 50 peak hour trips that trigger a full traffic impact analysis (TIA). Trip generation numbers were noted as very low and not expected to have a negative effect on any intersections, however as the calculated peak hour trips were at 49 - *only one below the threshold level to trigger a full TIA* - the engineer studied the intersection of North Mountain Avenue and Hersey Street and concluded that the intersection operates at a Level of Service (LOS) B both before and after project traffic is added to the intersection. LOS B is within acceptable standards under the city’s Transportation System Plan, and the traffic analysis concluded that no mitigation was necessary. (Paved access and the street system installation are discussed under the Street Standards criterion below.)

The Planning Commission finds that the installation of utility infrastructure and the street system for the parent subdivision is now underway. The application explains that all of the site’s utilities will be extended to the subject property from the various rights-of-way and easements adjacent to the property and through the property to the south end to where it abuts Tax Lot #2800 where infrastructure, utilities and roads are

expected to continue out to North Mountain Avenue as envisioned in the North Mountain Neighborhood Plan. The application materials include a Conceptual Drainage and Utility Plan” prepared by Construction Engineering Consultants, Inc., and the applicant notes that with the applicant’s Final Plan submittal, civil engineered drawings will be submitted identifying the final utility details. The applicant concludes that based on discussions with the various utility providers, there is adequate capacity to serve the proposed development. The Planning Commission concludes that key city facilities can and will be provided to serve the proposal.

The Planning Commission finds that adequate key city facilities are available within the adjacent rights-of-way or will be in place with completion of the subdivision infrastructure now underway, and will be extended by the applicant to serve the proposed development of Area 3. Conditions have been included below to require that final electric service, utility and civil plans be provided for the review and approval of the Staff Advisor and city departments in conjunction with the Final Plan submittal, and that civil infrastructure be installed by the applicants, inspected and approved prior to the signature of the final survey plat.

The third criterion for approval of an Outline Plan is that, *“The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.”* The application asserts that the existing natural features of the land including wetlands, floodplain corridors, ponds, large trees, and rock outcroppings have been identified and significant features have been included in open space, common area and unbuildable areas. With the recently approved Kestrel Park Subdivision of the parent parcels, nearly six acres of floodplain corridor lands are to be dedicated to the city for parks purposes as required in the NMNP, a large wetland is being preserved and incorporated into the development, wetland mitigation swales are being created adjacent to Bear Creek to mitigate the project’s wetland impacts, and 12 of the site’s 43 identified trees are to be preserved and protected. “Area 3” itself is generally lacking in natural features. The property is generally flat except for a steeply sloped area in the northeast corner, and no trees were present before the subdivision infrastructure installation began. The Planning Commission concludes that the significant natural features of the involved parcels were identified and incorporated into unbuildable areas of the development at the larger subdivision level to satisfy this criterion.

The fourth criterion for approval of an Outline Plan is that, *“The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.”* In considering the broader Kestrel Park subdivision proposal for the parent parcels, the Planning Commission found that the areas on two sides of the subject property were fully developed, and that the Bear Creek corridor ran along the third. The only remaining vacant land abutting the property is to the south on Tax Lot #2800 owned by Spartan Ashland Stella Real Estate, LLC. The Commission recognized that the applicant had been in communication with that property’s owners and their agents, but had been unable to clearly ascertain Spartan’s plans with regard to if or when this property would develop. At that time, the applicant noted that they had reviewed a rough conceptual plan from the Spartan team and believed that the proposed street system in the broader subdivision application was located to coordinate with the likely future development of the Spartan site, the North Mountain Neighborhood Plan (NMNP) and the city’s Transportation System Plan (TSP). Planning staff also noted seeing a few iterations of development plans

for the property to the south through the pre-application process, and staff's position was that development of the Spartan property would need to occur in a manner generally consistent with the NMNP street system plan, and that the Kestrel Park Subdivision's street plan would support the likely development scenarios consistent with the NMNP for the property to the south. Here, the Planning Commission finds that the current application, as a second phase of the broader Kestrel Parkway subdivision, is consistent with the NMNP in terms of parks dedication, provision of infrastructure and street system and will not prevent adjacent properties from being developed in a manner consistent with the Comprehensive Plan.

The fifth approval criterion is that, *"There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project."* The Planning Commission finds that after the proposed street system, utility infrastructure, wetlands and stormwater management facilities are complete, the large open space area between Kestrel Parkway and Bear Creek will be dedicated to the Parks and Recreation Department as required in the NMNP. A condition has been included to require that private agreements for maintenance of the wetland mitigation area and stormwater filtration ponds be executed and provided for Staff Advisor and Parks review in conjunction with signature of the final plat. Other common open space areas, including the large wetland and riparian buffer, are to be owned and managed by the subdivision homeowners' association (HOA). Area 3 will have its own HOA regulating on-site management issues, but the owners will also pay a proportional share of their association dues to the broader subdivision HOA for the maintenance and management of the subdivision's common elements including planting strips/street trees and stormwater detention maintenance. A condition has also been included below to require that a draft of the CC&R's will be provided for review and approval with the Final Plan submittal. Based on the foregoing, the Commission concludes that the proposal complies with the fifth approval criterion.

The sixth criterion is that, *"The proposed density meets the base and bonus density standards established under this chapter."* The subject property includes 1.1 acres on three tax lots and another 0.22 acres of right-of-way to be dedicated, and includes two zoning districts: NM-R-1-7.5 and NM-MF. Generally, the NM-R-1-7.5 zoning is a single family residential zoning with a base density of 3.6 dwelling units per acre. NM-MF zoning is a multi-family residential zoning with a base density of 12 units per acre. Under the North Mountain Neighborhood Plan, all zoning districts are subject to a minimum density requirement which requires development at between 75 and 110 percent of each zone's base density. The application includes a "Density & Open Space" table on page 3 which illustrates the range of units necessary to satisfy the minimum density requirements based on the area of the parent parcels in the larger subdivision, in light of their acreage and applicable zoning. This table demonstrates how with the development approved in Areas 1 and 2 with Phase I, proposed in Area 3 here as Phase II, and anticipated in Areas 4-7 in future phases, the minimum density requirement can be satisfied.

The Planning Commission finds that while the application discusses 'Area 3' entirely in terms of NM-MF zoning, the five southernmost units on Tax Lot #2000 actually fall under NM-R-1-7.5 zoning, which has a base density of 3.6 dwelling units per acre rather than the 12 dwelling units per acre of the NM-MF district. The Commission further finds that this does not pose significant concerns to the application, as the North Mountain Neighborhood Plan regulations in AMC 18.3.5.040.G explicitly provide that, *"Density transfer within a project from one zone to another may be approved if it can be shown that the*

proposed density transfer furthers the design and access concepts advocated by the neighborhood plan, and provides for a variety of residential unit sizes, types, and architectural styles.” The Commission finds that in this instance, the Kestrel Park Subdivision has been planned to break the larger development into smaller areas to address a variety of site constraints including riparian corridor, floodplain, wetland, hillside and trees as they relate to the neighborhood plan’s zoning and street system plans, and the layout approved with the subdivision and further developed upon herein is in direct response to the design and access concepts of the neighborhood plan while seeking to provide a mix of unit types, sizes and styles and achieve the required minimum density for the Kestrel Park Subdivision as a whole in light of the physical constraints of the site, and the character of the now existing, established neighborhood.

The Commission finds that the “Density & Open Space” table on page 3 carried over from the Subdivision approval (PA #2018-00005) clearly illustrates how the overall density of the parent subdivision parcels is being considered to meet the minimum density requirements of the NM overlay zone. The Planning Commission concludes that the application is consistent with the applicable density standards for the subdivision as a whole, and a condition has been included to make clear that the future development of Areas #4-7 is not being considered or approved here, that their development will require applicable subdivision and site review approvals, and that those applications will need to demonstrate how they are consistent with the minimum density standards of the district for the subdivision as a whole as illustrated in the “Density & Open Space” table.

The final Outline Plan approval criterion is that, “The development complies with the Street Standards.” The Planning Commission considered the full proposed street system in reviewing the Kestrel Park Subdivision, noting that the NMNP includes its own neighborhood-specific street types and design standards in AMC 18.3.5.100.C. The current proposal, the second phase of the broader subdivision, fronts on the Nandina Street couplet opposite the large wetland on Area 3’s northern boundary, and a public alley extends south from Nandina to Nest Box Way - *previously called Zare Way* - at the southern boundary of the parent subdivision. The following summarizes the subdivision discussion for these two Neighborhood Access Streets and the alley:

- **Nandina Street:** The upper sections of Nandina, from Mariposa to Stoneridge, were illustrated with a 29-foot curb-to-curb width within a 47-foot right-of-way, with on-street parking on both sides. Standard sidewalks and parkrow planting strips were illustrated on the south side, and on-street parking was in bays with curbside sidewalks on the north side. Sidewalks on the south side were illustrated extending one-foot beyond the dedicated right-of-way. The original Kestrel Park subdivision approval included a major modification of the NMNP to install Nandina Street as a one-way couplet around Wetland #2 and Nandina within the couplet was approved with an 18-foot curb-to-curb width with curbs but no sidewalks or parkrow planting strips on the interior (i.e. wetland side) and five-foot width curbside sidewalks on the exterior side adjacent to the surrounding developable lots. The additional area was provided for the wetland buffer in lieu of parkrow planting strips, as this area already contained a number of trees that were to be preserved and further enhanced with new plantings. The Planning Commission found that an

Exception was merited to limit impacts of the development upon the wetland and its protection zone, however the Commission did require that even with an Exception, irrigated larger-stature species street trees should be planted at a standard spacing of one tree per 30 feet within the private yard areas behind the sidewalk to provide canopy and associated streetscape benefits including shade and traffic calming. The current application illustrates two-inch caliper Forest Green Oaks (*Quercus Frainetto 'Schmidt'*) to be planted behind the sidewalk on Nandina Street in front of Lot #15. The sidewalk transitions to a standard parkrow configuration in front of Lot #14.

The Planning Commission found that for Nandina Street where sidewalk improvements were shown outside the right-of-way, public pedestrian access easements needed to be provided or additional right-of-way dedicated to accommodate standard sidewalk widths prior to signature of the final survey plat. This condition has been reiterated below.

- **Nest Box Way (formerly Zare Way):** The original NMNP illustrated a pie-shaped median within this street at the far south of the subdivision, which the applicant proposed to call 'Zare Way' in the original application but has subsequently designated as 'Nest Box Way'. With the amendments approved at the subdivision level, Nest Box Way improvements are to be shared with the adjoining subdivision to the south, when and if it is developed, and it is to be completed here with 'half-street' improvements including standard sidewalks, parkrow planting strip with irrigated street trees on one side, and 22 feet of paving, with the remaining curb-to-curb width and sidewalk and parkrow on the opposite side being completed with the neighboring development. A one-foot reserve strip, also called a "street plug," is to be dedicated to the city on the south side of the Nest Box Way improvements in the final survey plat. Conditions of the original subdivision required that the required improved/paved width and reserve strip be provided.
- **Alleys:** In discussing the parent subdivision, the Planning Commission noted that within the NMNP, alleys are noted as "*one of the most important features making up the neighborhood...* Alleys allow parking to be located at the property's rear and diminish the negative impact of garages proliferating along street frontages, reduce pedestrian and vehicle conflicts at curb-cuts, and reduce impervious hard surface. In addition, homes, instead of garages, fill the street frontages, providing maximum opportunity for social interaction. The alley cross section is a 20-foot wide right-of-way which contains a 12-foot wide improved alley and four-foot planted or graveled strips or shoulders." The Commission found that as illustrated in the original Kestrel Park Subdivision application, the alley cross-sections

proposed had two-foot shoulders where four-foot shoulders were called for in the standard, and required that for consistency with the NMNP alley standard, and given the importance of alleys in the neighborhood street system, the alleys should comply with the width standards. A condition was included to require that the full four-foot shoulders be provided. The plan provided here continues to illustrate the smaller two-foot shoulders, and the original condition has been reiterated below.

The Planning Commission notes that with the original Kestrel Park subdivision approval, which considered the full build-out of all phases of the subdivision, the Planning Commission found that the application included a traffic analysis report from traffic engineer Alex Georgevitch indicating that the subdivision's trip generation would not exceed the 50 peak hour trips that trigger a full Traffic Impact Analysis (TIA). In that report, Georgevitch noted that trip generation numbers were very low and were not expected to have a negative effect on any intersections. However, given that the calculated peak hour trips were at 49 trips - *only one below the 50 trip threshold level to trigger a full TIA* - Georgevitch nonetheless studied the intersection of North Mountain Avenue and Hersey Street and concluded that the intersection would operate at a Level of Service (LOS) B both before and after project traffic was added to the intersection. The Planning Commission accepted this analysis and concluded that LOS B was within the accepted standards of the Transportation System Plan, so no mitigation was required.

In response to concerns raised during public testimony for the original Kestrel Park subdivision that emergency access and evacuation routes were limited to the bridge on Mountain Avenue over Bear Creek or to indirect access via county roads to Oak Street, the Commission found that in response to similar concerns for previous development of the North Mountain Neighborhood, all properties were required to sign in favor of and agree to participate in a Local Improvement District (LID) for the future construction of a bridge across Bear Creek to connect Nevada Street to Oak Street. A condition was included to require that all properties within the Kestrel Park Subdivision sign a similar agreement prior to signature of the final survey plat. The subject properties here are within the subdivision and are subject to that original condition. Commissioners further found that should the Transportation Commission determine that on-street parking in any area were constraining emergency vehicle access that on-street parking allowances could be adjusted as needed.

The Planning Commission concludes that as detailed above and with the conditions discussed, the proposal complies with the street standards.

2.4 The Planning Commission concludes that the proposal satisfies all applicable criteria for Site Design Review approval.

The first Site Design Review criterion 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 Commission finds that all city regulations for the underlying zone are or will be complied with under the proposal, including building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture and other applicable

standards, and no Exceptions or Variances have been requested.

The second approval criterion is that, *“The proposal complies with applicable overlay zone requirements (part 18.3).”* The subject property is located within the North Mountain Neighborhood District overlay zone which is regulated under AMC 18.3.5, and the proposal complies with all applicable overlay zone requirements which include the North Mountain Neighborhood Design Standards from AMC 18.3.5.100, and specifically the general design requirements therein including density, transportation, building design and building orientation.

In addition, the proposal is subject to the Performance Standards Options (PSO) overlay zone regulations found in AMC 18.3.9 as an Outline Plan subdivision approval request. All applications involving the creation of three or more lots within the North Mountain Neighborhood District are required to be processed under the PSO overlay as required in AMC 18.3.5.040.K. Section 2.3 above fully addresses compliance with the requirements for Outline Plan approval under the PSO overlay, and the Commission finds that the proposal complies with all applicable requirements thereof.

The parent parcels for the Kestrel Park Subdivision contain floodplain corridor lands, and their development is subject to the Physical and Environmental Constraints Overlay zone regulations found in AMC 18.3.10. The Planning Commission finds that the broader subdivision approval included a request for a Physical and Environmental Constraints Review Permit for the development of floodplain lands which was approved, and further finds that the current proposal – a phase of the broader subdivision - will be located entirely outside of the floodplain corridor lands and will not require further permitting under AMC 18.3.10.

The parent parcels for the Kestrel Park Subdivision also contain water resource protection zones (WRPZ’s) in the form of both wetlands and riparian corridors and their associated protection zones which are regulated under AMC 18.3.11. Most activities and uses within these WRPZ’s are subject to Limited Activities and Uses permitting. The Planning Commission finds that the broader subdivision approval included requests for Limited Activities and Uses permits for work along the Bear Creek riparian corridor and near the site’s identified wetlands. These permits were reviewed and approved with the subdivision. The Planning Commission further finds that the current proposal will be located entirely outside of the water resource protection zones and will not require further permitting under AMC 18.3.11.

The Planning Commission finds that the proposal complies with the applicable overlay zone requirements in AMC 18.3.

The third criterion for Site Design Review approval is that, *“The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.”*

With regard to the Building Placement, Orientation and Design Standards for Multi-Family Residential Development found in AMC 18.4.2, the Planning Commission finds that the site plan has been arranged to provide street facing facades with front porches and direct sidewalk connections for the two units fronting along Nandina Street. All parking is to be placed off of the alley, and is to be screened with landscaping to mitigate visual impacts. Homes are to be painted in earth tones, and no bright, neon colors

are to be used. Street trees are to be planted along Nandina Street and parking lots trees are to be planted in islands throughout the parking area. Recycling and refuse disposal areas will be provided and will be screened from public view within an enclosure.

Nine percent of the site is to be provided in common recreational space with an additional 1.7 percent in private recreational spaces for each unit, and the applicants have attempted to create a mix of common and private recreational spaces to provide a comfortable urban living environment for tenants. In considering the proposed open space dimensions and treatment in light of the standards in AMC 18.4.2.030.H, the Commission finds that the landscape plan illustrates much of the central common open space being treated in shrubs and clumping grasses where the standard is explicit that, “*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.*” A condition has accordingly been included below to require that a final landscape plan be provided with the Final Plan submittal which details at least eight percent of the site (3,882 square feet) treated in a manner suitable for recreational use as required in the standards.

In considering Parking, Access & Circulation requirements detailed in AMC 18.4.3, the Commission notes that the applicant proposes to provide 24 off-street parking spaces, all of which are to be accessed via the alley. One of the 24 spaces is to be for a shared electric vehicle which would be owned in common and shared by residents. 15 spaces – *one for each unit* – would be covered with carports that include bicycle parking and storage.

The Commission notes that the standard parking ratios for Multi-Family Residential development in AMC 18.4.3.040 require 1.75 parking spaces per two-bedroom unit, and would require 26.25 parking spaces for the 15 two-bedroom units proposed here [$15 \times 1.75 = 26.25$]. The Commission further notes that while there are six on-street parking spaces along the property’s Nandina Street frontage, single-family dwellings are not eligible to use the Parking Management Strategies allowed in AMC 18.4.3.060. Each unit here is a single dwelling unit located on its own lot, and as such on-street parking credits are not available.

The Planning Commission finds that the applicant has proposed that parking be considered under the allowance for a parking demand analysis in AMC 18.4.3.030.A.3 rather than the standard parking ratios. The application notes that the Institute of Traffic Engineers (ITE) Parking Manual (3rd Edition) identifies similar residential developments in “Land Use Group 230” as having a peak parking demand of 1.46 spaces per dwelling unit which would equate to 21.9 parking spaces [$15 \times 1.46 = 21.9$]. The applicant further notes that the range of parking based on the ITE data would require somewhere between 20.7 and 25.2 parking spaces between the 33rd and 85th percentile. The application further explains that the proposed shared electric vehicle is intended to encourage owners not to feel the need for a second vehicle as they will be able to rely on the shared electric vehicle for short local trips. The applicant indicates that studies suggest that car share opportunities can reduce the need for second cars within a development by as much as 43 percent, while the reduction from the standard ratios sought here amounts to only 8.57 percent [$2.25/26.25 = 0.085714286$]. The application materials include links to a number of studies and articles relating to car sharing, new technologies and their implications on parking, and the applicant further suggests that newly emerging ride-share technologies such as ZipCar®, Uber® and Lyft® are likely to further reduce the reliance on individual vehicles.

The applicant further indicates that while on-street parking credits are unavailable for single family developments, if all of the proposed units were on a single lot, three of the six on-street parking spaces would satisfy the remaining parking demand and will in any case these on-street spaces will be available for any overflow parking. The applicant concludes that the average parking demand for the 15 units proposed is less than required with the standard parking ratios and that with 24 off-street spaces and the availability of another six on-street spaces along Nandina, the parking demand is adequately addressed.

The Planning Commission finds that the parking demand analysis prepared by a professional planner satisfactorily addresses the off-street parking requirements for the proposal, and further notes that the 24 parking spaces proposed are consistent with the ITE land use group 230 (“residential condominiums and townhouses”), that there are six on-street parking spaces available along the Nandina Street frontage to provide for additional resident and visitor parking, and that a shared electric vehicle is to be provided to reduce the need for residents to own more than one car.

The Planning Commission finds that no trees were identified within “Area 3” in the original subdivision tree inventory. The Kestrel Park Subdivision included a Tree Preservation and Protection Plan, and Tree Removal Permits to remove 26 of the 43 trees identified in the project tree inventory were approved, including one 18-inch diameter Cottonwood removed as a hazard and the remainder removed due to their locations relative to the planned NMNP street system, utility infrastructure and subsequent development of the property. In addition, the area near the preserved wetland includes a large, dense thicket made up mostly of white willows which are to be thinned to a spacing of one every 15 feet, with the remaining non-native underbrush removed. With the completion of the subdivision infrastructure 64 new trees were proposed to be planted to more than mitigate the original removals.

The Commission notes that the applicant has proposed to address solar access using the Solar Access Performance Standard approach detailed in AMC 18.4.8.040.B to define the height requirements that will protect the applicable solar access standard, as detailed in their “Sheet 6 – Solar Setback Exhibit.” With a typical subdivision lot configuration with standard six-foot side yard setbacks, a building complying with Solar Access Standard A would be allowed to shade approximately four feet up the wall of a building at six feet from the property line. The Performance Standards Options Chapter provides some flexibility with regard to setbacks, and the applicant proposes to provide a solar envelope that would preserve solar access comparable to ‘Standard A’ by allowing the shadow cast by a southern unit to extend no more than four feet above the finished floor of the adjacent building to the north. This would generally mean that the lowest windows, and the living space within, would not be shaded, and that the benefits intended by the solar access standards would be preserved.

The fourth criterion for Site 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 adequacy of public facilities is fully addressed in the Outline Plan discussion under 2.3 above, and the Planning Commission finds that on the basis of that discussion, the proposal complies with all applicable standards in 18.4.6 and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and

through the property and adequate transportation can and will be provided to the subject property by the applicant with the current proposal.

The final approval criterion addresses Exception to the Site Development and Design Standards. This criterion does not apply, as no Exceptions have been requested with the current application.

2.5 The Planning Commission finds that the North Mountain Neighborhood Plan (NMNP) includes supplemental approval criteria detailed in AMC 18.3.5.030.C which apply to all projects within the NM district. These criteria require that, in addition to the criteria for approval required by other sections of this ordinance, applications within the NM district shall demonstrate conformity to the general design requirements of the North Mountain Neighborhood Plan, including density, transportation, building design, and building orientation and shall demonstrate compliance with the specific design requirements as provided in the North Mountain Neighborhood Design Standards.

The Planning Commission finds that the submitted plans demonstrate conformity with the general design requirements of the NMNP including density, transportation, building design and building orientation, and that the proposal conforms to the NMNP, as modified through the development of the neighboring subdivisions, and to the existing neighborhood context.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the proposal for Outline Plan approval of a 16-lot Performance Standards Options subdivision and Site Design Review approval for the proposed 15-unit Kestrel Park Cottages development 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 #PA-T2-2020-00016. Further, if any one or more of the conditions below are found to be invalid, for any reason whatsoever, then Planning Action #PA-T2-2020-00016 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 modified herein.
2. That any new addresses shall be assigned by City of Ashland Engineering Department. Street and subdivision names shall be subject to City of Ashland Engineering Department review for compliance with applicable naming policies.
3. That permits shall be obtained from the Ashland Public Works Department prior to any work in the public right of way, including but not limited to permits for new driveway approaches or any necessary encroachments.
4. That a Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.A.2 of the Ashland Land Use Ordinance shall be provided prior to bringing combustible materials onto the property, and any new landscaping proposed shall comply with these standards and shall not include plants listed on the Prohibited Flammable Plant List per Resolution 2018-028.

5. That the tree protection fencing and other tree preservation measures and silt fencing to protect water resource protection zones shall be maintained according to the approved Kestrel Park Subdivision plans as long as there is work on site in proximity to these protection zones.
6. The conceptual plans for Areas #4-7 are not approved here and have been provided for illustrative purposes only. Development of Areas #4-7 shall require all applicable Outline Plan, Final Plan and Site Design Review approvals. The ultimate development proposals for Areas #4-7 shall demonstrate how they are consistent with the minimum density standards of the district for the subdivision as a whole as illustrated in the “Density & Open Space” table.
7. That the Final Plan submittal shall include:
 - a. Identification of all easements including but not limited public and private utilities, drainage, irrigation, public and private pedestrian access shall be indicated on the Final Plan submittal for review by the Planning, Engineering, Building and Fire Departments.
 - b. Final civil engineering plans including but not limited to the water, sewer, storm drainage, electric and driveway improvements shall be submitted for the review and approval of the Planning, Building, Electric, and Public Works/Engineering Departments. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, fire hydrants, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins, and locations of all primary and secondary electric services including line locations, transformers (to scale), cabinets, meters and all other necessary equipment. Transformers, cabinets and vaults shall be located in areas least visible from streets, while considering the access needs of the Electric Department. Any required private or public utility easements shall be delineated on the civil plans.
 - c. A storm drainage plan detailing the location and final engineering for all storm drainage improvements associated with the project shall be submitted for review and approval by the Departments of Public Works, Planning and Building Divisions. The storm drainage plan shall demonstrate that post-development peak flows are less than or equal to the pre-development peak flow for the site as a whole, and that storm water quality mitigation has been addressed through the final design.
 - d. Final engineered construction drawings for Nandina Street, Nest Box Way and the proposed alley shall be submitted for review and approval of the Ashland Planning and Engineering Divisions with the Final Plan application, prior to work in the street right-of-way or installation of improvements in the pedestrian corridor.
 - i. For all sections of Patton, Nandina and Stoneridge where sidewalk improvements are shown outside the right-of-way, public pedestrian access easements or additional right-of-way be provided to accommodate standard sidewalk widths prior to signature of the final survey plat.
 - ii. That for the one-way couplet of Nandina encircling Wetland #2, large stature, irrigated street trees shall be provided at a standard one-per-30 feet spacing behind the sidewalk at the outside edges of both legs of the couplet. In addition, the revised civil plans shall include three areas provided with a bench, tree and/or educational display or similar to provide opportunities for passive engagement with the wetland

and greenway and/or small areas of pedestrian respite to off-set the previously identified civic space.

- iii. “Half-Street” improvements for Nest Box Way (formerly Zare Way) shall include a minimum 22-foot paved width to accommodate fire apparatus access, and a one-foot reserve strip (i.e. “street plug”) shall be dedicated to the city on the south side of Zare Way improvements on the final survey plat.
- iv. Alley cross-sections shall comply with the adopted NMNP alley standards, and shall include the full four-foot width shoulders required in the standard.

Right-of-way necessary to accommodate city standard street improvements for the proposed street system shall be dedicated to the city on the final survey plat. The alley width shall be adjusted to address the North Mountain Neighborhood Plan’s street standards which call for a 12-foot paved alley surface with four-foot shoulders within a 20-foot right-of-way. All public improvements including but not limited to the paving, curbs, gutters, sidewalk, street trees in irrigated park row planting strips and street lighting shall be installed to City of Ashland standards under permit from the Public Works Department and in accordance with the approved plan prior to signature of the final survey plat.

- e. Final grading and erosion control plans.
- f. CC&Rs for the Homeowner's Association for review and approval of the Staff Advisor. The CC&R’s shall describe responsibility for the maintenance of all common use-improvements including landscaping, storm water facilities and street trees and their planting strips.
- g. A fencing plan which demonstrates that all fencing shall be consistent with the provisions of the “Fences and Walls” requirements in AMC 18.4.4.060 and that no fencing exceeding three feet in height shall be allowed in front yard areas. Fencing limitations shall be noted in the subdivision CC&R’s. The location and height of fencing shall be identified at the time of building permit submittals, and fence permits shall be obtained prior to installation.
- h. Final site lighting details.
- i. Final lot coverage calculations demonstrating how lot coverage is to comply with the applicable coverage allowances of the respective zoning districts. Lot coverage includes all building footprints, driveways, parking areas and other circulation areas, and any other areas other than natural landscaping.
- j. A final size- and species-specific landscape planting which details at least eight percent of the site (3,882 square feet) within the central common open space to be treated with landscape materials suitable for recreational use.
- k. That the requirements of the Ashland Fire Department relating to fire hydrant distance; fire flow; fire apparatus access, approach, turn-around, and work area; firefighter access pathway; approved addressing; and limits on fencing and gates which would impair access shall be satisfactorily addressed in the Final Plan submittals. Fire Department requirements shall be included in the civil drawings.

8. Prior to submittal of the Area 3/Kestrel Park Cottages final subdivision survey plat for review and signature:
- a. The final survey plat shall be submitted within 12 months and approved by the City of Ashland within 18 months of the Final Plan approval.
 - b. All easements including but not limited to public and private utilities, drainage, irrigation, public and private pedestrian access shall be indicated on the final survey plat as required by the Ashland Engineering Division.
 - c. That the subdivision name and all street names shall be approved by the City of Ashland Engineering Division.
 - d. Subdivision infrastructure improvements including but not limited to utility installations, street and alley installation shall be completed according to approved plans prior to signature of the final survey plat.
 - e. Electric services shall be installed underground to serve all lots within Area 3, inspected and approved. The electric service plan shall be reviewed and approved by the Ashland Electric, Building, Planning and Engineering Divisions prior to installation. At the discretion of the Staff Advisor, a bond may be posted for the full amount of underground service installation (*with necessary permits and connection fees paid*) as an alternative to installation of service prior to signature of the final survey plat. In either case, the electric service plan shall be reviewed and approved by the Ashland Electric Department and Ashland Engineering Division prior to installation.
 - f. That the sanitary sewer laterals and water services including connection with meters at the street shall be installed to serve all lots within Area 3, inspected and approved.
 - g. That the properties within the project sign in favor and agree to participate in a local improvement district (LID) for future construction of the Nevada Street bridge across Bear Creek. The agreement shall be prepared by the City of Ashland and signed by the property owner prior to signature of the final survey plat. Nothing in this condition is intended to prohibit an owner/developer, their successors or assigns from exercising their rights to freedom of speech and expression by orally objecting or participating in the LID hearing or to take advantage of any protection afforded any party by City ordinances and resolutions.

Planning Commission Approval

March 10, 2020
Date

Memo

DATE: 3/10/2020

TO: Ashland Planning Commission

FROM: Brandon Goldman, Senior Planner
Linda Reid, Housing Program Specialist

RE: Affordable Housing Standards Land Use Ordinance Amendments

At a study session held on December 17, 2018, the City Council directed staff to undertake an evaluation of the affordable housing program with a goal of balancing long-term affordability while allowing a reasonable rate of return for homeowners and developers. Staff undertook a review of affordability program best practices and evaluated a range of options. Through that evaluation process staff identified a number of changes being considered for resolution 2006-13. As the Affordable Housing Program resolution references land use code requirements, it will also be necessary to alter/revise some of the land use requirements to keep them consistent with the resolution. Lastly, staff is taking this opportunity to address inconsistencies in the code and to explore additional changes based on feedback from affordable housing and market rate developers regarding barriers to development of affordable housing. To that end Staff is presenting several key items to consider for inclusion in a revision to the affordable housing resolution, resale restriction agreements, and the Land Use Ordinance provisions that stipulate requirements for affordable housing.

Summary of Potential Revisions:

- Change the method by which the maximum sale price is calculated from the formula referenced in Resolution 2006-13 to a fixed rate formula. Staff is suggesting a fixed rate formula calculation for establishing the maximum resale price at a monthly increase of 0.125% calculated for each full month of ownership based on the homeowner's initial purchase price, for an annual appreciation rate of 1.5%. The current variable calculation method which incorporates lending interest rates, taxes, and homeowner association (HOA) dues would still be utilized to calculate the initial sale price when an affordable unit enters the program. Thereafter the 1.5% annual increase in the maximum purchase price would provide for a more predictable resale price for homeowners within the affordable housing program. Further this new method of calculating resale price would ensure homeowners are not faced with a stagnant home value due to increasing HOA dues or increasing interest rates.



In a fixed rate formula, the homeowner's initial affordable price (what they paid to buy their home or the "base price" in the formula language) is increased over time by a fixed annual percentage of either simple or compound interest. While affordable housing programs can choose any interest rate, the most common are between 1% – 2% per year. Currently market rate appreciation in Ashland is 2-3% annually, Staff suggests an interest rate of 1.5% a year, so not the lowest, but not market rate either.

- Amend the provisions of the Ashland Land Use Ordinance relating to the monthly rental amounts used in the affordable housing program (18.2.5.050.B.1). Instead of utilizing the existing table outlining rental charges for affordable rental housing (Table 18.2.5.050.B) staff suggests referencing the maximum rents established by U.S. Department of Housing and Urban Development (HUD) for the HOME program for the corresponding bedroom size. These rents are adjusted annually by HUD based on the median incomes in the Medford-Ashland Metropolitan Service area. Correlating Ashland's maximum rental amounts with the HUD Low-rent and High-rent limits for our area will allow our program to better align with affordable housing providers utilizing state or federal funding for their projects.
- Amend the provisions within the Ashland Land Use Ordinance relating to the base density calculation used for determining the number of required affordable housing (18.5.8.050.G.1). Amending this section would clarify that the base density of the property shall be calculated using the area to be developed, excluding any portions of the property containing undevelopable areas such as wetlands, floodplain corridor lands, slopes greater than 35 percent, or land dedicated as a public park.
- Amend the provisions within the Ashland Land Use Ordinance establishing equivalence values for affordable housing to newly allow rental to households earning 80% AMI to qualify as 1.25 units for the purposes of calculating the affordable housing unit requirement (18.5.8.050.G.1.c). Rental units affordable to households earning 80% AMI or less are not currently being provided by the market at the rates needed, allowing such to qualify as part of an annexation/zone change request could incentivize the creation of more rental units.
- Remove the provisions within the Ashland Land Use Ordinance that allow newly constructed affordable homeownership and rental units to be targeted to households earning 60% AMI (18.5.8.050.G.1.d) for required affordable housing in annexation, zone changes, and condo-conversions.
 - Removing the 60% AMI target for ownership households, and instead focusing on households earning 80% AMI, 100% AMI, or 120% AMI, is necessary in Staff's assessment as there are no longer lending packages for the 60% AMI income bracket and units are therefore difficult to finance at change of ownership. Affordable housing providers (e.g. Habitat for Humanity) have indicated that households earning 60% AMI and below often do not qualify for loans (both subsidized and conventional) and thus such units can be difficult to develop or resale once completed. Raising the qualifying incomes to 80% AMI or below for the lowest income bracket would not preclude a household earning 60% AMI from purchasing a qualified ownership unit, but it would enable households earning up to 80% AMI to qualify.



- Allowing for rental units targeted to households earning 80% AMI will help ensure rentals developed by the private market are financially viable. Due to the existing availability of the 60% AMI rental option, private developers select the 60% rental option simply to provide fewer affordable units, however the difficulty of developing and administering affordable units at this income level is often not fully considered. Non-Profit affordable housing providers (e.g. Housing Authority of Jackson County) will still be able to develop rental units reserved for households earning 60% AMI as such units will still qualify as meeting the “less than the 80%AMI” target.
- Amend the affordable housing household “occupancy basis” as described Table 18.2.5.050.C of the Land Use Ordinance. Potential changes include removing the 4-bedroom /7 person option; revising the 3-bedroom unit occupancy basis from 6 to 5 persons; revising the and 2-bedroom units occupancy basis from 4 pto 2 persons. Households with a greater or lesser number of occupants shall remain eligible for covered units but the sale price shall not be adjusted based on the median incomes of the larger household sizes.

Table 18.2.5.050.C. Occupancy Basis for Affordable Rental Housing

Unit Type		Occupancy
Studio	=	1 person household income for the designated income level
1 Bedroom	=	2 person household income for the designated income level
2 Bedroom	=	4-person <u>3 person</u> household income for the designated income level
3 Bedroom	=	6-person <u>5 person</u> household income for the designated income level
4 Bedroom	=	7-person household income for the designated income level

Given Ashland’s average persons per household number (2.0 pph), the larger household sizes indicated in the table are not typically realized in covered affordable units. As the maximum sale price of a unit is based on household incomes, these large household sizes setting the occupancy basis within the table have the unintended effect of increasing the purchase price beyond the means of the more typical, smaller, household sizes.

- Amend the provisions within the Ashland Land Use Ordinance that establish the timing of the development of affordable units (18.2.5.050.G.4) to clarify that dedication of land through transfer of title to a non-profit affordable housing provider will satisfy these requirements and there would be no further timing obligation for the market rate units. There has been concern raised by private developers that they have no control over the timing of the development of affordable units after the property is transferred to an affordable housing partner.
- Remove the provision within the Ashland Land Use Ordinance that requires affordable units be distributed throughout the project (18.2.5.050.G.5). The City has approved numerous exceptions to this standard in finding that the efficient development of affordable housing often necessitates clustering the units together. Further, given the small scale of developments within Ashland, the concern intended to be addressed by this standard, that affordable units would be segregated and stigmatized within an area, has not been evident in recent developments.



- Amend the provisions of the Ashland Land Use Ordinance relating to the comparable building materials used for required affordable housing units (18.2.5.050.G.6) to newly allow different housing types. By adding allowances for different “housing types”, the provision would be amended to newly permit affordable units which are of a different housing type than the market rate units. For example, in a new subdivision of detached single-family homes, the affordable units could be attached-SFR, cottages, or apartments and still comply with this standard provided they retain a comparable number of bedrooms to the market rate units. Essentially if a proposal included an affordable housing provider or private developer that wanted to provide apartments or cottages, of a compatible bedroom mix, that could be newly allowable.
- Amend the provisions of the Ashland Land Use Ordinance relating to the maximum net assets for households in the affordable housing program (18.2.5.050.C.1.c) to adjust the limits for consumer price index changes since 2005. The current \$20,000 asset limitation, or \$130,000 for retired households purchasing an affordable unit has been unchanged since Resolution 2006-13 was approved. Adjusting these figures to \$25,000 and \$175,000 respectively at this time will update the amounts to the 2020 equivalents. Furthermore, staff would suggest an annual CPI adjustment be included in the final ordinance and resolution language to account for changes over time.
- Amend the provisions of the Ashland Land Use Ordinance requiring a 60-year term of affordability for covered affordable units through annexation or zone changes (18.2.5.050.G.8). Although 60 years of affordability is of benefit to the City in providing affordable housing for longer, there have been concerns raised regarding the maintenance costs of covered rental units at the conclusion of the 30-year period. Essentially affordable rental housing providers have raised the issue that at the 30-year mark refinancing is often necessary to use equity to replace failing building components that have reached their life expectancy (new roof, heating cooling systems, etc.). Additionally, conventional lenders can be reluctant to loan on a property where a deed restriction has a term of affordability that extends beyond the typical 30-year term of a mortgage. For these reasons Staff suggests further evaluating this requirement as part of this update of the affordable housing standards.
- Remove the provision of the Ashland Land Use Ordinance that limit the density bonus allowable for affordable housing provided as part of an annexation to 25% (18.2.5.050.G.8). This limit is less than is otherwise allowable through Performance Standards ordinance provisions which allow for 35% maximum density bonus for affordable housing ([18.3.9.050.B.4](#)) and a cumulative bonus of up to 60%, and as such is inconsistent with other density bonus allowances.
- Amend the provisions of the Ashland Land Use Ordinance that relate to residential annexations requiring there be less than a five-year supply of vacant or redevelopable land in the current City Limits (18.2.5.050.H.1). Removal of this requirement was a recommendation of the Ashland Housing Strategy Implementation Plan:
 - *“Revise the City’s annexation policies to eliminate the requirement to demonstrate less than a five-year supply of land.
Existing policies were intended to help ensure orderly growth; however, this is the role of the City’s Urban Growth Boundary (UGB). Creating obstacles to annexing land within*



the UGB for housing contributes to higher land costs and makes it difficult to find land for larger housing developments.”

Next Steps

Planning and Housing Program Staff will schedule future study sessions to discuss the affordable housing standards noted above as follows:

- Housing and Human Services Commission: April 23,2020
- Planning Commission: April 21, 2020
- City Council: May 18, 2020

At these study sessions appointed and elected officials will discuss the potential changes and both non-profit affordable housing providers and private developers will be invited to provide comments to each governing body for consideration. Staff anticipates the formal legislative process for review and approval of proposed amendments to occur from June through September of this year.

Attachments

Resolution 2006-13

[Council Minutes December 17, 2018](#)



RESOLUTION NO. 2006- 13

A RESOLUTION AMENDING AND RESOLUTION 2005-46

RECITALS:

- A. WHEREAS, in 1993, the City of Ashland passed Resolution no. 1993-39 which established affordable housing income levels and rental and purchased cost levels.
- B. WHEREAS, in 2005, the City of Ashland passed Resolution 2005-46 which required provisions for homeowner and maintenance fees to be included in the affordability calculations for its affordable housing program.
- C. WHEREAS, neither resolution contained provisions establishing rent levels or purchase price levels for households earning 60%, 80% 100% or 120% of the area median income (AMI).
- D. WHEREAS, neither resolution required Principal, Interest, Taxes and Insurance (PITI) to be included in the maximum housing costs of eligible households in the affordability calculations for the purchasing part of its affordable housing program.
- E. WHEREAS both resolutions used “not-to-exceed purchase price” as a qualifying criterion for purchasing housing units, which criterion requires annual revision, and the current resolution seeks to replace the “not-to-exceed purchase price” with a “percent of household income” criterion which does not require annual revision.
- F. WHEREAS, the City considers that a range of qualifying incomes maximizes the potential for success of its affordable housing program.
- G. WHEREAS, the City desires that PITI be included in the affordability calculations for the various income levels of qualified households and that the “percent of household income” criterion be used in place of the “not-to-exceed purchase price” criterion.

NOW THEREFORE, THE CITY OF ASHLAND RESOLVES AS FOLLOWS:

Resolutions 1993-39 and 2005-46 are hereby amended in their entirety as follows:

SECTION 1. GENERAL ELIGIBILITY – RENTAL AND PURCHASED HOUSING

1.1 All qualifying ownership or rental units required to be affordable through density bonuses, annexation, zone change, condominium conversion, or other land use approval under the Ashland Land Use Ordinance (ALUO) shall not be eligible to receive a waiver of the Community Development and Engineering Services fees associated with the development of said affordable units unless a waiver is approved by the Ashland City Council.

1.2 All qualifying ownership or rental units required to be affordable through density bonuses, annexation, zone change, condominium conversion, or other land use approval under the ALUO shall be eligible to receive a deferral of the System Development Charges associated with the development of said affordable units.

1.3 All qualifying ownership or rental units voluntarily provided as affordable to low income households, consistent with section 1.1 and 1.2, above, shall be eligible for a System Development Charge, Engineering Service, and Community Development Fee deferral or waiver without obtaining approval from the Ashland City Council.

1.4 Affordable Housing Units covered under this Resolution can only be sold or rented to occupant households from the same income category as the original purchasers or renters for a period of not less than 30 years, or as required through the condition of approval for a unit required to be affordable through a land use approval.

1.5 System Development Charges, Engineering Services, and Community Development Fees may be deferred or waived when units are sold or rented to low-income persons. For purposes of this subsection, "low-income persons" means:

a. With regard to rental housing, persons with an income at or below 60 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development; and

b. With regard to home ownership housing and lease to purchase home ownership housing, persons with an income at or below 80 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.

2. RENTAL HOUSING -. Units designated for affordable rental housing in developments which have qualified for density bonuses, annexation, zone change, condominium conversion, or other land use approval under the ALUO shall be rented to individuals or households-whose annual income is consistent with the target income identified in the planning approval. Incomes shall be qualified at the 60% or 80% median income levels for households in the Medford-Ashland Metropolitan Statistical Area (MSA). This figure shall be known as the "qualifying household income" and shall be determined by the City's Department of Community Development in May of each year from the annual family incomes published by the U.S. Department of Housing and Urban Development (HUD) for the Medford-Ashland Metropolitan Service Area (MSA).

2.1 Area Median Income – 80%. The rent charged for such affordable rental housing benefiting households earning 80% Area Median Income or greater, including any home-owners association or maintenance fees, shall not exceed 23% of the qualifying monthly income (qualifying family income divided by twelve) as provided in the following formulas:

Studio Apartment	23% of the average of 1 & 2 person qualifying monthly incomes
1 Bedroom	23% of the average of 2 & 3 person qualifying monthly incomes
2 Bedroom	23% of the average of 3, 4, & 5 person qualifying monthly incomes
3 Bedroom	23% of the average of 4, 5, 6, & 7 person qualifying monthly incomes
4 Bedroom	23% of the average of 5, 6, 7, & 8 person qualifying monthly incomes

The City's Department of Community Development shall maintain a table of maximum rent levels permitted under these formulas and shall annually update the table in May of each year.

2.2 Area Median Income – 60% or lower. The rent charged for such affordable rental housing benefiting households earning 60% Area Median Income or less, including any home-owners association or maintenance fees, shall comply with the maximum rents established by the State of Oregon HOME Program based on the target income qualification as adjusted annually by the Department of Housing and Urban Development for the Medford-Ashland Metropolitan Service Area. The HOME program indexed allowable rents are adjusted annually by the State of Oregon Housing and Community Services Department (OHCS).

2.3. Owner's Obligation. The owner of the affordable rental housing shall sign a 30-year agreement, or longer depending on the period of affordability established through the ALUO, with the City of Ashland that guarantees these rent levels will not be exceeded and that the owner will rent only to households meeting the income limits. The agreement shall bind subsequent owners who purchase the rental housing during the established period of affordability. The agreement shall also require the owner to allow the unit to be rented to HUD Section 8 qualified applicants and agree to accept rent vouchers for all of the affordable units when applicable. The City shall file the agreement for recordation in the County Clerk deed records, Jackson County, Oregon.

2.3.1. Certification of qualifying occupants. The owner of record, or the designated agent of the record, owner, shall annually file with the City of Ashland a signed certificate stating the occupants of the record owner's rental housing units continue to be qualified households, or are a household that qualified at its initial occupancy, within the meaning of this Resolution, and any amendment made to it. The City of Ashland shall provide the record owner or the record owner's agent with access to a form to complete and sign to comply with this provision.

3. PURCHASED HOUSES - QUALIFYING. Units designated for affordable housing available for purchase in developments which have qualified for density

bonuses annexation, zone change, condominium conversion , or other land use approval under the ALUO must satisfy two criteria.

1. They shall only be sold to occupant households whose:
 - a. Annual income is consistent with the target income identified in the planning approval for the development. Incomes shall be qualified at the applicable 60%, 80%, 100% or 120% median income levels for households based on number of people per household as adjusted annually by the Department of Housing and Urban Development for the Medford-Ashland Metropolitan Service Area.
 - i. The maximum monthly payment for a covered unit shall be established to not exceed the affordability limits, established above, indicated in following table:

Studio = 1 person household income for the designated income level
1 Bedroom = 2 person household income for the designated income level
2 Bedroom = 4 person household income for the designated income level
3 Bedroom = 6 person household income for the designated income level
4 Bedroom = 7 person household income for the designated income level

Households with a greater or lesser number of occupants shall remain eligible for covered units but the sale price shall not be adjusted due to household size above the limits established above.
 - b. Net assets, excluding pension plans and IRA's and excluding the down payment and closing costs, do not exceed \$20,000 for a household or \$130,000 if one household member is 65 years or older.
 - c. Mortgage payment does not exceed more than 30% of the monthly income for the target income level indicated in 3.1(a)(i) on total housing costs which includes PITI and any homeowners or regular maintenance fees.
 - d. The maximum monthly payment for a covered unit shall be calculated by utilizing the interest rate for the Oregon Bond Loan RateAdvantage as updated by the State of Oregon Housing and Community Services Department.
2. They shall remain affordable as follows:
 - a. The purchasers of the affordable housing units shall agree to the City of Ashland Affordable Housing Resale Restriction Agreement establishing a period of affordability of not less than 30 years. In no event will a purchaser be required to sell the unit subject to the aforementioned

Agreement for less than his or her original purchase price, plus any applicable closing costs and realtor fees.

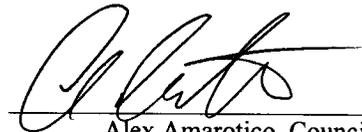
b. For housing financed by Farmer's Home Administration (FmHA), the affordability shall be assured by the FmHA's recapture provisions FmHA which require sellers to repay FmHA for all the subsidies accrued during the period the sellers resided in the housing unit.

SECTION 2. EFFECTIVE DATE. This Resolution takes effect upon signing by the Mayor.

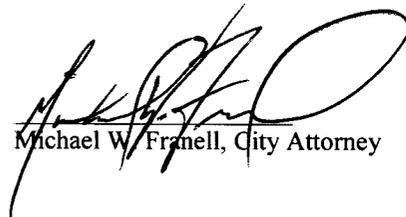
This resolution was read by title only in accordance with Ashland Municipal Code §2.04.090 duly PASSED and ADOPTED this 21 day of June, 2006.


Barbara Christensen, City Recorder

SIGNED and APPROVED this 21 day of June, 2006.


Alex Amarotico, Council Chair

Review as to form:


Michael W. Frannell, City Attorney

CITY COUNCIL STUDY SESSION

MINUTES

Monday, December 17, 2018

Council Chambers, 1175 E. Main Street

Mayor Stromberg called the Joint Study Session to order at 5:30 PM

I. Public Input (15 minutes, maximum)

Melissa Mitchell-Hogue- Ashland – Gave a report on Save our Schools. She thanked Council and Staff regarding negotiations with the School District. She spoke regarding Mountain Bike Association and encouraged Council and Staff to look into joining with them. She spoke to the importance of the Parks.

Huelz Gutcheon – HWY99- Spoke regarding property value. He also spoke regarding solar panels and if they will raise property values.

Rita – Ashland – Spoke regarding the closing of the skate park bathroom due to vandalism. She questioned if it was a permanent situation or will it be fixed. She spoke in support of re-opening the bathroom.

II. Affordable Housing Program: Revise Maximum Resale Price Formula?

Housing Program Specialist Linda Reid and Senior Planner Brandon Goldman gave a brief Staff report. Mr. Goldman asked for direction from Council to look at the Housing Program resale restriction covenants. He spoke that it has been 12 years since the last revision.

Ms. Reid spoke regarding housing costs. She spoke that Staff is looking for direction from Council to work with the City Administrator to draft amendments to the resale restriction convenient on 2 units stated. She spoke that Staff is requesting raising the targeted income limit from 80 percent AMI to 120 percent AMI.

Council discussed:

- Home Owners Association (HOA)
- Formula Calculation
- Affordable Housing Trust Fund

re-evaluation of the Affordable Housing Program formula contained in resolution 2006-13 and come back to Council with options for revision.

III. Joint Study Session with Parks and Recreation: Senior Services Presentation

Saundra Theis Chair of Senior Services Advisory Committee, Anne Bellegia member of Senior Services Advisory Committee and Isleen Glatt Superintendent of the Senior Services presented a PowerPoint (***see attached***).

Items discussed were:

- Senior needs
- Human needs
- General Issues for Aging Adults
- Living longer with chronic disease
- Caregiving challenges
- Social isolation
- Care settings
- Lack of funding for long term care
- Senior poverty
- Ashland specific issues for the aging population
- Ashland age demographics
- Ashland livability
- Ashland housing stock
- Ashland housing strategies
- Ashland residential care
- Ashland transportation
- Ashland senior finances
- Ashland senior health
- Ashland senior connections
- Senior services division goals
- Ashland Senior Center

The Joint Study Session was adjourned at 7:00 PM

Respectfully submitted by:

City Recorder Melissa Huhtala

Attest:

Mayor Stromberg