



# Planning Commission Minutes

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

**February 24, 2026**

**SPECIAL MEETING**

**DRAFT Minutes**

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

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

### **Commissioners Present:**

Lisa Verner  
Eric Herron  
Kerry KenCairn  
Russell Phillips  
John Maher  
Jay Lininger

### **Staff Present:**

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

### **Absent Members:**

Susan MacCracken Jain

### **Council Liaison:**

Jeff Dahle

## **II. ANNOUNCEMENTS**

- 1. Staff Announcements** – None
- 2. Advisory Committee Liaison Reports** – None

## **III. CONSENT AGENDA**

### **Approval of Minutes**

- February 10, 2026 Regular Meeting Minutes

**Commissioners Maher/Lininger m/s to approve the consent agenda as presented. Commissioner KenCairn abstained from voting due to her absence from the February 10<sup>th</sup> meeting. Voice Vote: All AYES. Motion Passed 5-0.**

## **IV. PUBLIC FORUM – None**



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## IV. **UNFINISHED BUSINESS**

Approval for Findings for PA-T2-2025-00065, 431 North Main Street

Chair Verner noted that staff had sent out revised findings for approval (see attachment #1).

### **Ex Parte Contact**

No ex parte contact was disclosed.

### **Decision**

**Commissioners Phillips/Herron m/s to approve the findings as presented and amended by staff. Commissioner KenCairn abstained from voting due to her absence from the February 10<sup>th</sup> meeting. Roll Call Vote: Commissioners Phillips, Maher, Herron, Lininger, Verner: AYE. Motion passed 5-0.**

## V. **DISCUSSION ITEMS**

Oregon Legislative Updates Discussion

Community Development Director Brandon Goldman briefly outlined recent state legislation, specifically Senate Bill 974 and House Bill 2138, and the impacts these bills would have on Ashland Land Use (see attachment #2). Mr. Goldman detailed how Senate Bill 974 changes how certain residential application and engineering plans are reviewed, requiring administrative decisions first, with hearings before the Planning Commission only in the event of an appeal. House Bill 2138 expands and clarifies middle housing, land divisions, and single-room occupancy housing, with several future code compliance deadlines.

Planning Supervisor Derek Severson detailed the Oregon Housing Needs Analysis (OHNA) as a statewide methodology for estimating regional housing needs, establishing local housing production targets, and how these targets will impact future housing development in the City (see attachment #3).

The Commission discussed how Senate Bill 974 and House Bill 2138 will impact land use, as well as City staff and the Commission's role in project review. Mr. Goldman stated that staff will bring specific code amendments to the Commission for public hearings in the near future.

## VI. **OTHER BUSINESS**

**Election of Planning Commission Officers**

**Commissioners KenCairn/Lininger m/s to maintain Commissioner Verner as Chair and Commissioner KenCairn as Vice-Chair.**





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**Discussion:** Commissioner Maher stated his intention of nominating Commissioner Phillips as Vice-Chair.

**Commissioner KenCairn withdrew her motion.**

**Commissioners Maher/Herron m/s to maintain Commissioner Verner as Chair and to nominate Commissioner Phillips as Vice-Chair. Voice Vote: Commissioners Maher, Phillips, Herron, KenCairn, Lininger, and Verner: AYE. Motion passed 6-0.**

**VII. OPEN DISCUSSION** – None

**VIII. ADJOURNMENT**

*Meeting adjourned at 7:56 p.m.*

*Submitted by,  
Michael Sullivan, Executive Assistant*

THE CITY OF ASHLAND

BEFORE THE PLANNING COMMISSION

February 24, 2026

IN THE MATTER OF PLANNING ACTION #PA-T2-2025-00065 A )
REQUEST FOR CONCURRENT OUTLINE AND FINAL PLAN )
APPROVAL FOR A PERFORMANCE STANDARDS OPTION (PSO) )
SUBDIVISION. THE PARENT PARCEL AT 431 NORTH MAIN STREET IS )
PROPOSED TO BE SUBDIVIDED INTO FOUR NEW LOTS. THE )
EXISTING STRUCTURE IS PROPOSED FOR DEMOLITION. THE )
APPLICATION ALSO INCLUDES REQUESTS FOR A CONDITIONAL )
USE PERMIT TO EXCEED THE MAXIMUM PERMITTED FLOOR AREA )
(MPFA) IN A HISTORIC DISTRICT FOR EACH PROPOSED LOT; A )
REQUEST FOR A TREE REMOVAL PERMIT TO REMOVE A )
SIGNIFICANT TREE (33-INCH DIAMETER AILANTHUS ALTISSIMA); )
AND A REQUEST FOR AN EXCEPTION TO THE STREET DESIGN )
STANDARDS TO NOT INSTALL STANDARD STREET IMPROVEMENTS )
DUE TO SITE CONSTRAINTS AND EXISTING SIDEWALKS ALREADY )
IN PLACE. )

FINDINGS,
CONCLUSIONS,
AND ORDERS.

OWNER: ROGUE HOLDINGS )
APPLICANT: ROGUE PLANNING & DEVELOPMENT )

RECITALS:

- 1) The subject property is Tax Lot #7300 of Assessor’s Map 39 1E 05DA, addressed as 431 North Main Street. The property is 0.35 acres in area and is zoned R-2, a Low-Density Multi-Family Residential zoning. Tax Lot #7300 was created in the 1800’s in its current size and rectangular shape with approximately 67 feet of frontage on North Main Street and 215.57 feet of frontage on Nursery Street. The property is located within the Skidmore Academy Historic District, and the existing eight-unit house, the “James-Dodson House”, constructed in the late 1800’s or early 1900’s, is considered a “Historic/Contributing” resource within the historic district survey document.
2) The applicant is requesting concurrent Outline and Final Plan approvals for a four lot Performance Standards Option (PSO) subdivision. The existing structure on the property, the “James-Dodson House” is proposed to be demolished to enable the proposed redevelopment. The application also includes requests for: a Conditional Use Permit to exceed the Maximum Permitted Floor Area (MPFA) in a Historic District for each of the four proposed lots; a request for a Tree Removal Permit to remove a significant tree, a 33-inch diameter at breast height Tree of Heaven (Ailanthus altissima); and a request for an Exception to the Street Design Standards to not install standard street frontage

improvements due to site constraints and the presence of existing sidewalks. The proposal is outlined in plans on file at the Department of Community Development which by this reference are incorporated here as if set out in full.

- 3) The criteria for approval of Outline Plan 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 common open space, common areas, and unbuildable areas.*
  - d. *The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.*
  - e. *There are adequate provisions for the maintenance of common open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.*
  - f. *The proposed density meets the base and bonus density standards established under this chapter.*
  - g. *The development complies with the street standards.*
  - h. *The proposed development meets the common open space standards established under section 18.4.4.070. Common open space requirements may be satisfied by public open space in accordance with section 18.4.4.070 if approved by the City of Ashland.*
- 4) The criteria for approval of Final Plan are described in **AMC 18.3.9.040.B.5** as follows:
  - a. *The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.*
  - b. *The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this ordinance.*
  - c. *The common open spaces vary no more than ten percent of that provided on the outline plan.*

- d. *The building size does not exceed the building size shown on the outline plan by more than ten percent.*
  - e. *The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.*
  - f. *That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.*
  - g. *The development complies with the street standards.*
  - h. *Nothing in this section shall limit reduction in the number of dwelling units or increased open space; provided, that if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the common open space reduced below that permitted in the outline plan.*
- 5) The criteria for approval of a Conditional Use Permit are described in **AMC 18.5.4.050.A** as follows:
- 1. *That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.*
  - 2. *That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.*
  - 3. *That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.*
    - a. *Similarity in scale, bulk, and coverage.*
    - b. *Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*
    - c. *Architectural compatibility with the impact area.*
    - d. *Air quality, including the generation of dust, odors, or other environmental pollutants.*
    - e. *Generation of noise, light, and glare.*
    - f. *The development of adjacent properties as envisioned in the Comprehensive Plan.*
    - g. *Other factors found to be relevant by the approval authority for review of the proposed use.*

4. *A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.*
  5. *For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.*
    - c. ***R-2 and R-3.*** *Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
- 6) The criteria of approval for the approval of a Tree Removal Permit are described in **AMC 18.5.7.040.B.** as follows:
1. *Hazard Tree. A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
    - a. *The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part [18.6](#).*
    - b. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section [18.5.7.050](#). Such mitigation requirements shall be a condition of approval of the permit.*
  2. *Tree That is Not a Hazard. A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
    - a. *The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.3.10.*
    - b. *Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.*
    - c. *Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.*
    - d. *Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping*

- designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.*
- e. *The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*
- 7) The criteria for approval of an Exception to the Street Design Standards are described in **AMC 18.4.6.020.B.1** as follows:
- a. *There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site; and the exception is the minimum necessary to alleviate the difficulty; and the exception is consistent with the purpose, intent, and background of the street design standards in subsection 18.4.6.040.A; and the exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable:*
- i. *For transit facilities and related improvements, access, wait time, and ride experience.*
- ii. *For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.*
- iii. *For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safely and efficiently cross roadway; or*
- b. *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 purposes, intent, and background of the street design standards in subsection 18.4.6.040.A. (Ord. 3204 § 2, amended, 12/21/2021)*
- 8) The Planning Commission, following proper public notice, held a public hearing on January 13, 2026 at which time testimony was received and exhibits were presented. The public hearing was continued to a time and date certain (7:00 p.m. on Tuesday, February 10, 2026) to enable the Historic Preservation Advisory Committee to review and provide comment with regard to revised application materials which were submitted on January 12, 2026.
- 9) The Planning Commission reconvened the public hearing at 7:00 p.m. on Tuesday, February 10, 2026 at which time additional testimony was received and additional evidence was presented. Subsequent to the closing of the hearing, the Planning Commission approved the requests for Outline and Final Plan approval, a Tree Removal Permit, an Exception to the Street Design Standards, and Conditional Use Permits to exceed the Maximum Permitted Floor Area (MPFA) in the Historic District for the proposed Lots 1-3 subject to conditions of approval. The Planning Commission denied the applicant's request for a Conditional Use Permit to exceed the Maximum Permitted Floor Area (MPFA) in the Historic District for the proposed Lot 4 without prejudice.

Now, therefore, the Planning Commission of the City of Ashland finds, concludes, and **orders** 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, and Miscellaneous Exhibits lettered with an "M"

## **SECTION 2. CONCLUSORY FINDINGS OF FACT**

2.1 The Planning Commission notes that chapter 18 of the Ashland Municipal Code (AMC) is the City's Land Use Ordinance (LUO). The LUO regulates the development pattern envisioned by the Comprehensive Plan and encourages efficient use of land resources among other goals. The Planning Commission notes that when considering the decision to approve or deny an application the Planning Commission considers the application materials against the relevant approval criteria in the LUO.

2.1.2 The Planning Commission finds that it has received all information necessary to render a decision based on the application itself, the January 13, 2026 Staff Report and February 10, 2026 supplementary memo, the recommendations of the Historic Preservation Advisory Committee, the applicant's testimony, the exhibits received, and public testimony received both written and at the public hearing.

2.2 The Planning Commission notes that the application that the notice for the public hearing was both posted at the frontage of the subject property and mailed to all property owners within 200 feet of the subject property on December 23, 2025 (*21 days prior to the January 13, 2026 hearing*).

2.3 The Planning Commission finds that the proposal for Outline Plan of a Performance Standard Option (PSO) subdivision meets all applicable criteria for described in AMC 18.3.9.040.A.3 and detailed below.

2.3.1 The first approval criterion for Outline Plan approval is that "*The development meets all applicable ordinance requirements of the City.*" The Planning Commission notes that this is an all-encompassing criterion and that it has considered which City Ordinances are applicable. The Planning Commission notes that for the purposes of resolving this criterion we rely on the entirety of the record including the applicant's submittal, and the Staff Report dated January 13<sup>th</sup>. The Planning Commission notes that with the findings that are set out below, the approval of the Exception to Street Standards discussed below, and the adopted

conditions of approval that the proposal will meet all applicable ordinance requirements and finds that this criterion of approval is satisfied.

2.3.2 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 notes that the subject property fronts on North Main and Nursery Streets, which contain all city utilities including water, sewer, storm drainage and electricity. The Public Works/Engineering Division has reviewed the proposal and has identified no concerns regarding the capacity of any of these key city facilities for the four proposed lots. Both fronting streets are fully paved and have curbs, gutters and curb-tight sidewalks along the property’s frontages. The Planning Commission finds that the Utility Plan provided shows electric, sewer, storm drainage and water being installed to serve each of the proposed lots. The Planning Commission concludes that based on the foregoing, this criterion of approval is satisfied.

2.3.3 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 Planning Commission notes that the application includes a tree inventory of all trees greater than six-inches in diameter at breast height (DBH); each tree on the inventory includes a circle depicting the tree’s arborist-identified critical root zone (CRZ) which equates to one-foot in radius for every inch of the tree's diameter at 54-inches above the ground. The plan shows one significant tree (*i.e. conifers having a trunk 18 caliper inches or larger in DBH, or deciduous trees having a trunk 12 caliper inches in DBH*) and one dead tree, both of which are proposed for removal in conjunction with redevelopment of the property. The significant tree proposed for removal is a Tree of Heaven, which is often considered to be invasive, located just outside of the building envelopes of the proposed residences along Nursery Street. Due to its size, the upper canopy and lateral branches extend directly into and over the buildable area, which the applicant suggests “*restricts feasible siting of dwellings.*” The Planning Commission notes that the application includes a report from certified arborist Kyle Bartell of Rogue Valley Tree indicating that there is major inclusion in the tree’s main trunk and signs of severe rot and irreversible internal decay which make the tree a potential hazard. The arborist further expresses concern over utility lines in the upper canopy, and rates the tree as an extreme risk of failure in the provided ISA Basic Tree Risk Assessment form. The arborist recommends removal and replacement, and staff and the Tree Management Advisory Committee expressed support for the arborist’s findings. Based on the arborist’s report, the Planning Commission finds that removal of this tree is merited. The Planning Commission concludes that there are no other natural features to address on the subject property, and that this approval criteria is satisfied.

2.3.4 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.*” The Planning Commission notes that the surrounding property is fully

developed, and that there is no adjacent vacant land. The Planning Commission finds when the adjacent development is considered that the proposed subdivision will not prevent the adjacent lands from being developed as envisioned in the Comprehensive Plan and finds that this criterion of approval is satisfied.

2.3.5 The fifth criterion for approval of an Outline Plan is that 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 notes that the application is not proposing common open space or common areas, and finds that common open space is only a requirement when the base density for a PSO subdivision is ten units or more, which exceeds the density in this application. On that basis, the Planning Commission concludes that this criterion does not apply to the current application.

2.3.6 The sixth criterion for approval of an Outline Plan is that is that *“The proposed density meets the base and bonus density standards established under this chapter.”* The Planning Commission notes that the property is 0.35 acres, and that the base density for the R-2 zoning districts allows 13.5 dwelling units (du)/acre which calculates to a base density of **4.725 dwelling units** [13.5 du/acre x 0.35 acres = 4.725 du]. The proposal includes four dwelling units, which is within the allowed base density. There is no minimum density requirement because the property is within a historic district. The applicant does not propose to utilize any density bonuses. The Planning Commission finds that proposed density of four total residential lots is within the allowed base density of the property and concludes that this criterion is satisfied.

2.3.7 The seventh Outline Plan approval criterion is that *“The development complies with the Street Standards.”* The Planning Commission notes the street standards require a 47-foot right-of-way (ROW) width for Nursery Street, a residential neighborhood street, with a **22-foot** curb-to-curb paved width plus park row planting strips, irrigated street trees and sidewalks. Street standards require standards require a 73-99 foot right-of-way (ROW) width for North Main Street, a boulevard or arterial and state highway, with a 46-foot curb-to-curb paved width plus park row planting strips, irrigated street trees and sidewalks. Both of the property’s street frontages are fully paved and have curb-tight sidewalks in place. The applicant requests an Exception to the Street Design Standards to retain the existing curb-tight sidewalk in its current location, rather than reconstructing the frontage to add required park row planting strips with street trees and has proposed to dedicate an easement to accommodate the required improvements in the event the city ultimately undertakes a project to fully improve these corridors. In considering the request, the Planning Commission notes that the presence of existing frontage improvement, including a streetlight and recent engineered crosswalk improvements by the Oregon Department of Transportation (ODOT) would complicate frontage improvements. The Planning Commission concludes that with approval of the requested Exception to the Street Design Standards discussed further below in 2.8 and the conditions attached, this criterion is satisfied.

2.3.8 The final criterion for approval of an Outline Plan is that is that *“The proposed development meets the common open space standards established under section 18.4.4.070.*

*Common open space requirements may be satisfied by public open space in accordance with section 18.4.4.070 if approved by the City of Ashland.*” The Planning Commission notes that the Performance Standards Option Chapter (AMC 18.3.9) requires that at least eight percent of the total lot area be provided in common open space for developments with a base density of ten units or greater. The Planning Commission finds that in this instance, no open space dedication is required for a subdivision of less than ten lots and concludes that this criterion is not applicable to the current application.

2.3.9 The Planning Commission concludes based on the above and finds that all applicable approval criteria for Outline Plan subdivision approval have been satisfied.

2.4 The Planning Commission finds that the approval criteria for Final Plan are intended to ensure substantial conformance between Outline plan approval and Final Plan approval when the two are requested as separate procedural steps. Where the two are allowed to be filed concurrently, as is the case here, there is no procedural separation between the two and the concurrent Final Plan proposal is identical to the Outline Plan in terms of number of dwelling units, yard depths, common open spaces, standards resulting in density bonuses, and street standards. Based on the concurrent request for Outline and Final Plan approval, the Planning Commission concludes that all Final Plan approval criteria are satisfied.

2.5 The Planning Commission notes that the existing structure on the property, the “James-Dodson House” is a Historic/Contributing resource within the Skidmore Academy Historic District and is proposed for demolition to enable the proposed redevelopment of the site. The Planning Commission finds that the demolition and relocation of structures is regulated through AMC 15.04.210-.216 as part of the Buildings & Construction Ordinance which falls entirely outside the Planning Commission’s purview. The applicant will be required to obtain any necessary Demolition/Relocations Review Permit approvals through the Building Division prior to demolishing the structure.

2.6 The Planning Commission notes that the application includes requests for four Conditional Use Permits to exceed the Maximum Permitted Floor Area (MPFA) within a Historic District. The Planning Commission further notes that AMC 18.2.5.070.C provides for increases in the allowable MPFA in a historic district noting that, *“A conditional use permit under chapter 18.5.4 is required to exceed the MPFA standards of subsections 18.2.5.070.F and 18.2.5.070.G below. In addition to the approval criteria for a conditional use permit, the criteria for Historic District Design Standards approval must be met. In no case shall the permitted floor area exceed 25 percent of the MPFA.”*

The application requests Conditional Use Permits (CUPs) for each lot to exceed their allowed Maximum Permitted Floor Area (MPFA) based on lot size. Calculations for each lot have been provided. The applicant is requesting a Conditional Use Permit to allow the full 25 percent increase in Maximum Permitted Floor Area for each of the four lots, which, if approved by the Planning Commission would allow building sizes as follows:

- Lot 1 up to 1,851.93 square feet
- Lot 2 up to 1,687.5 square feet

- Lot 3 up to 1,687.5 square feet
- Lot 4 up to 2,401.89 square feet

The proposal is for Lots 1-3 to have residences approximately 1,683 square feet in area. The applicant describes the development on Lot 4 as a 2,352 square foot single-family residence built as a six-bedroom single-room occupancy (SRO) unit, which is treated as one dwelling unit for density purposes under State House Bill 2138 and under the Ashland Land Use Ordinance because it has only one set of kitchen cooking facilities.

The first approval criterion for a Conditional Use Permit is, *“That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.”* The Planning Commission finds that the residential uses proposed are in conformance with the standards of the R-2 zoning district with the exception of the proposed increases in Maximum Permitted Floor Area (MPFA) in a historic district.

The second approval criterion for a Conditional Use Permit is, *“That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.”* As discussed in further detail in section 2.3.2 above, the Planning Commission finds that there is adequate capacity of city facilities to serve the proposed development.

The third criterion for Conditional Use Permit approval is, *“That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone: a. Similarity in scale, bulk, and coverage; b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities; c. Architectural compatibility with the impact area; d. Air quality, including the generation of dust, odors, or other environmental pollutants; e. Generation of noise, light, and glare; f. The development of adjacent properties as envisioned in the Comprehensive Plan; and g. Other factors found to be relevant by the approval authority for review of the proposed use.”* The Planning Commission notes that the primary issues of concern in requests to exceed the Maximum Permitted Floor Area (MPFA) include similarity in scale, bulk and coverage; architectural compatibility with the impact area; and compliance with the Historic District Development Standards as called for in AMC 18.2.5.070.C. The Planning Commission further notes that, as provided in AMC 18.4.2.050.A.2.b, *“If a development requires a... Conditional Use Permit... and involves new construction, or restoration and rehabilitation, or any use greater than a single-family use, the authority exists in the law for the Staff Advisor and the Planning Commission to require modifications in the design to match these standards. In this case the Historic Commission [Historic Preservation Advisory Committee] advises both the applicant and the Staff Advisor or other City decision maker.”*

The Planning Commission notes that in considering the proposed single family residences on Lots 1, 2 and 3 at its January meeting, the Historic Preservation Advisory Committee (HPAC) initially

recommended that the design of one of the three residences should be flipped so that it was a mirror image of the others (i.e. the garage and driveway should be in opposite relation to the rest of the house) rather than having all three homes being nearly identically configured to avoid a “cookie cutter” appearance. HPAC further recommended that this could be done most readily to Lot 3, adjacent to the proposed single room occupancy (SRO) building, in order to satisfy driveway separation requirements and provide a massing that stepped from the single-story SRO building to a single-story garage element to the two-story mass of the remainder of the SFR. This recommendation was fully incorporated into revised designs reviewed by HPAC at its February meet, and HPAC had no further recommendations with regard to the SFR designs. The Planning Commission concurs with the HPAC recommendations and finds that as revised in the applicant’s January 12<sup>th</sup> submittal, the homes proposed for Lots 1, 2 and 3 are generally in keeping with the bulk, scale and coverage of the impact area; are architecturally compatible; and, while designed of their own time, are generally in keeping with the Historic District Development Standards and merit approval of a Conditional Use Permit to increase the allowable MPFA as requested.

The Planning Commission further notes that HPAC’s original January recommendations with regard to the proposed SRO building on Lot 4 responded to concerns that the applicant’s original designs were not in keeping with the Historic District Development Standards in terms of [scale](#), [massing](#), [roof](#), [form](#) and [entrances](#). HPAC recommended segmenting the building’s design to bring a central element forward to provide articulation in the street-facing façade(s) along with adding a corresponding secondary gable element, with a more substantial pitch, to the roof and potentially hipping the roof to provide greater articulation to the roof form and better fit with the surrounding historic neighborhood; adjusting the exterior treatment in terms of the porch and railings, doors, access points and coverings. HPAC generally indicated that the original design needed more work to break the mass into separate forms with greater articulation in the roof and street-facing façades rather than presenting a monotonous, box-like form particular on this prominent corner at the gateway to the historic district. In considering the applicant’s January 12<sup>th</sup> and January 28<sup>th</sup> revisions, HPAC expressed disappointment that the revised designs failed to segment the building to bring forward a central element to provide some better articulation in the street-facing facades as had been previously recommended. HPAC expressed appreciation for the applicants’ efforts in making other revisions in response to the earlier recommendations, however HPAC ultimately indicated that even with the revisions there were still concerns with how the large gable facing Nursery Street presented to those approaching from the north via North Main Street. HPAC provided additional design recommendations largely focused, in terms of the Historic District Development Standards, on how to mitigate the impact of the large gable with regard to scale, massing, roof, and form through design modifications and to better address the stair entrances. The applicant provided additional revised drawings during the Planning Commission hearing on February 10<sup>th</sup> which in the Planning Commission’s assessment failed to fully incorporate the February recommendations of HPAC, particular with regard to the treatment of the dormers to minimize the impact of the large gable. In considering the proposal in its final form in light of the Historic Preservation Advisory Committee’s recommendations, the Historic District Development Standards, and architectural compatibility with the impact area, the Planning Commission finds that the design is inconsistent with the bulk, scale, massing, roof, and form Historic District Development standards and failed to adequately articulate the street facing facades to break up the massing of the building and to sufficiently mitigate the roof gable. On that basis, the Planning Commission concludes that the request for a Conditional Use Permit to exceed

the Maximum Permitted Floor Area in a historic district for the SRO building on Lot 4 is not merited.

The Planning Commission further notes that with regard to concerns raised over potential parking impacts associated with the proposal, the City of Ashland has eliminated off street parking requirements citywide to address requirements of the state's Climate Friendly and Equitable Communities rulemaking. The adequacy of parking provided may no longer be considered in land use decisions.

In terms of other factors found to be relevant by the approval authority, the Planning Commission finds that the materials provided fail to adequately detail the placement of bicycle parking, trash and recycling facilities and any associated screening, and illustrate the placement of mechanical equipment between the main building and fronting streets which violates AMC 18.2.4.020.B.

The fourth criterion for approval of a Conditional Use Permit is that, *"A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance."* The Planning Commission here finds that the single family residential uses proposed are outright permitted uses in the R-2 zoning district.

The final approval criterion notes that *"For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows: c. **R-2 and R-3.** Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones."* The Planning Commission finds that for the purposes of this review, the subject property here is 0.35 acres in area, and at the 13.5 dwelling units (du)/acre base density of the R-2 zone, the property has a base density of 4.725 dwelling units which is the target use.

As detailed further above, the Planning Commission finds that as revised in the applicant's January 12<sup>th</sup> submittal, the homes proposed for Lots 1, 2 and 3 are generally in keeping with the bulk, scale and coverage of the impact area; are architecturally compatible; and, while designed of their own time, are generally in keeping with the Historic District Development Standards and therefore merit approval of a Conditional Use Permit to increase the allowable MPFA as requested. With regard to the proposed SRO building on Lot 4, the Planning Commission finds that the design is inconsistent with the Historic District Development standards in terms of bulk, scale, massing, roof and form, and fails to adequately articulate the street facing facades to break up the massing of the building and to sufficiently mitigate visual impact of the large roof gable on this prominent corner. The Commission concludes that the request for a Conditional Use Permit to exceed the Maximum Permitted Floor Area in a historic district for the SRO building on Lot 4 is not merited.

2.7 The Planning Commission notes that the application includes a tree inventory of all trees greater than six-inches in diameter at breast height (DBH); each tree on the inventory includes a circle depicting the tree's arborist-identified critical root zone (CRZ) which equates to one-foot in radius for every inch of the tree's diameter at 54-inches above the ground. The plan shows one significant tree (*i.e. conifers having a trunk 18 caliper inches or larger in DBH, or deciduous trees having a trunk 12 caliper inches in DBH*) and one dead tree, both of which are proposed for removal in conjunction with redevelopment of the property. The significant tree proposed for

removal is a 33-inch diameter at breast height Tree of Heaven (*Ailanthus altissima*), which is often considered to be invasive, located just outside of the building envelope of the proposed residence on Lot #3 along Nursery Street. Due to its size, the upper canopy and lateral branches extend directly into and over the buildable area, which the applicant suggests “*restricts feasible siting of dwellings.*” The Planning Commission notes that while the application initially requested the tree removal as a non-hazard tree, the applicant subsequently provides a report from certified arborist Kyle Bartell of Rogue Valley Tree indicating that there is major inclusion in the tree’s main trunk and signs of severe rot and irreversible internal decay which make the tree a potential hazard. The arborist’s report further expresses concern over utility lines in the upper canopy, and rates the tree as an extreme risk of failure in the provided ISA Basic Tree Risk Assessment form. The arborist recommends removal and replacement, and staff and the Tree Management Advisory Committee have both expressed support for the arborist’s findings. Based on the arborist’s report, the Planning Commission finds that removal of this tree is merited.

2.8 The Planning Commission notes the street standards require a 47-foot right-of-way (ROW) width for Nursery Street, a residential neighborhood street, with a 22-foot curb-to-curb paved width plus park row planting strips, irrigated street trees and six-foot sidewalks. Street standards require standards require a 73-99 foot right-of-way (ROW) width for North Main Street, a boulevard or arterial and state highway, with a 46-foot curb-to-curb paved width plus park row planting strips, irrigated street trees and six-foot sidewalks. Both of the property’s street frontages are fully paved and have five- to five-and-a-half-foot curb-tight sidewalks in place. The application here includes a request for an Exception to the Street Design Standards to retain the existing curb-tight sidewalk in its current location, rather than reconstructing the frontage to minimally widen the sidewalk and add required park row planting strips with street trees, and has proposed to dedicate a future easement to accommodate the required improvements in the event the city ultimately undertakes a project to fully improve these corridors.

The applicable criterion for an Exception is that “*There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site; and the exception is the minimum necessary to alleviate the difficulty; and the exception is consistent with the purpose, intent, and background of the street design standards in subsection 18.4.6.040.A; and the exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable: i. For transit facilities and related improvements, access, wait time, and ride experience; ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic; and iii. For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safely and efficiently cross roadway*”.

The Planning Commission finds that the presence of a streetlight and of engineered crosswalk improvements recently completed by the Oregon Department of Transportation (ODOT) in the interest of accessibility present a demonstrable difficulty in meeting the standard. The Public Works/Engineering Division has indicated that even minor widening of the sidewalk would trigger a complete re-engineering of the recently completed crosswalk improvements. The Planning Commission finds that with the planting of city-standard street trees behind the existing sidewalks and providing an Irrevocable Consent to Dedicate a Public Pedestrian Access Easement necessary

to accommodate the standard frontage improvements, an Exception is merited and the applicable criterion satisfied.

### SECTION 3. DECISION

3.1 Based on the record of the public hearing on this matter, the Planning Commission concludes that the request for concurrent Outline and Final Plan approval for a four-lot Performance Standards Option (PSO) subdivision, Conditional Use Permits to exceed the Maximum Permitted Floor Area (MPFA) in a Historic District for the proposed Lots 1-3, Tree Removal Permit to remove one significant tree, and an Exception to the Street Design Standards to not install city standard street frontage improvements is supported by evidence contained within the whole record and is **approved** including the conditions of approval below. The request for a Conditional Use Permit to exceed the Maximum Permitted Floor Area (MPFA) in a Historic District for the proposed Lot 4 is denied without prejudice.

The conditions of approval are below:

- 1) All proposals of the applicant shall be conditions of approval, including but not limited to the design revisions for the single-family residences on Lots 1, 2 and 3 received January 12, 2026, **except where modified by these findings/conditions, including the denial of the Maximum Permitted Floor Area Conditional Use Permit for Lot 4 and the floor area limits detailed in Condition #9)f.**
- 2) That the recommendations of the Ashland Historic Preservation Advisory Committee with regard to the single family residences proposed for Lots 1, 2 and 3 shall be conditions of approval, where consistent with the applicable ordinances and standards and with final approval of the Staff Advisor, unless otherwise modified herein.
- 3) Any excavation within the critical root zone of protected trees shall be supervised by the project arborist. No construction shall occur within the tree protection zone including dumping or storage of materials such as building supplies, soil, waste, equipment, or parked vehicles. Replacement trees to mitigate the trees removed shall be planted and irrigated according to the approved plan.
- 4) Permits shall be obtained from the Ashland Public Works Department prior to any additional work in the public right of way or any modification or creation of curb cuts.
- 5) Requirements of the Ashland Fire Department shall be met, including that all addressing shall be approved prior to being installed, that fire apparatus access be provided, and that a fuel break is required.
- 6) Prior to any site work, tree removal, building demolition, bringing combustible materials onto the property, and/or storage of materials:
  - a. A Verification Permit shall be applied for and approved by the Ashland Planning Division. The Verification Permit is to inspect the identification of the tree(s) to be removed and the installation of tree protection fencing for the trees to be retained on and adjacent to the site. The tree protection shall be chain link fencing six feet tall and installed in accordance with 18.4.5.030. The tree protection fencing and

any temporary erosion control measures (i.e. silt fence and straw bale barriers) shall be installed according to the approved plan and be inspected and approved by the Ashland Planning Department.

- b. A final 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, 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.
- 7) A final survey plat shall be submitted for the review and approval of the City of Ashland within 18 months of this Final Plan approval. Prior to submittal of the final subdivision survey plat for signature:
- a. All easements including but not limited to public and private utilities, public pedestrian and public bicycle access, drainage, irrigation, and fire apparatus access, and any future right-of-way improvement easements (*or an irrevocable consent to dedicate such easements*) shall be indicated on the final subdivision plat submittal for review by the Planning, Engineering, Building and Fire Departments.
  - b. Subdivision infrastructure improvements including but not limited to utilities and driveways shall be completed according to approved plans, inspected and approved.
  - c. Electric services shall be installed underground to serve all lots, inspected and approved. The final electric service plan shall be reviewed and approved by the Ashland Electric, Building, Planning and Engineering Divisions prior to installation.
  - d. The sanitary sewer laterals and water services including connection with meters at the street shall be installed to serve all lots within the applicable phase, inspected and approved.
- 8) Prior to building permit submittal:
- a. The storm drainage plan shall be submitted for review and approval to the Ashland Engineering, Building and Planning Divisions prior to application for a building permit. Once approved, the storm drainage plan shall be constructed and maintained in a manner that will avoid erosion on-site and to adjacent and downstream properties in accordance with 18.3.10.090.C.1.f. If an alternate storm water system such as a dry well system, detention pond and leach field is used, the alternate system shall be designed by a registered engineer or geotechnical expert.”
  - b. The new driveway approaches shall be permitted through the Engineering Division and are required to be separated from existing driveways and each other by a minimum of 24-feet per City Street Standards. The driveway curb cuts shall be inspected and approved by the Engineering Division prior to signature of the final plat.
  - c. The requirements of the Ashland Fire Department, including the installation of **any required fire hydrants and fire apparatus access** shall be complied with prior to issuance of the building permit or the use of combustible materials, whichever is applicable. Fire Department requirements shall be included on the engineered

construction documents for public facilities. If a fire protection vault is required, the vault shall not be located in the sidewalk.

- d. The applicant shall record an Irrevocable Consent to Dedicate agreement to facilitate dedication of the remaining required right-of-way or public pedestrian access easements along Nursery and North Main Streets at such time as that additional right of way becomes necessary for the completion of street improvements.
- 9) The building permit submittals shall include the following:
- a. Application for addresses for each new residential unit in the subdivision.
  - b. Identification of all easements, including but not limited to any public and private utility easements, mutual access easements, and fire apparatus access easements.
  - c. Solar setback calculations demonstrating that all units comply with Solar Setback Standard A in the formula  $[(\text{Height} - 6) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$  and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade.
  - d. Final lot coverage calculations demonstrating how lot coverage is to comply with the 65 percent maximum coverage allowance of the R-2 zoning district. Lot coverage includes all building footprints, driveways, parking areas and other circulation areas, and any other areas other than natural landscaping.
  - e. Storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system through the curb or gutter at a public street, a public storm pipe, an approved public drainage way, or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals.
  - f. Verification that each new home in the subdivision complies with the Maximum Permitted Floor Area requirements as follows:
    - i. Lot 1 up to 1,851.93 square feet (with approved CUP)
    - ii. Lot 2 up to 1,687.5 square feet (with approved CUP)
    - iii. Lot 3 up to 1,687.5 square feet (with approved CUP)
    - iv. Lot 4 up to 1,921.52 square feet (CUP to exceed not approved)
  - g. All fencing shall be consistent with the provisions of the “Fences and Walls” requirements in AMC 18.4.4.060. 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.
- 10) Prior to the issuance of a Certificate of Occupancy:
- a. Street trees, one per 30 feet of street frontage, shall be installed on the Nursery Street and North Main Street frontages. All street trees shall be chosen from the Recommended Street Tree Guide and shall be installed in accordance with the specifications noted in AMC 18.4.4.030.E. The street trees shall be irrigated.

- b. In conjunction with the tree removal, appropriate mitigation measures shall be implemented to prevent the spread of the Tree of Heaven.

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Planning Commission Approval

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February 24, 2026  
Date

## Planning Commission 0224/2026

### Summary

Tonight's item is a study session update to orient the Commission to recent state land use and housing legislation. No action is requested.

The 2025 legislative session continued a clear statewide shift toward administrative, predictable, and time-certain review of housing, particularly inside urban growth boundaries. The focus is less on whether housing is allowed and more on how it is processed, how long it takes, and how much discretion exists in the initial review.

Two bills are most relevant for Ashland. **Senate Bill 974** changes how certain residential applications and engineering plans are reviewed, requiring administrative decisions first, with hearings only on appeal. **House Bill 2138** expands and clarifies middle housing, land divisions, and single room occupancy housing, with several future code compliance deadlines.

### Key Legislative Themes

- Shift from hearing-based to administrative review
- Defined timelines and completeness requirements
- Reduced discretionary and aesthetic review for housing
- Stronger link between planning, production, and outcomes

Before getting into local code implications, it is helpful to step back and look at the broader statewide framework driving these changes. With that, I will ask Derek to briefly walk through the Oregon Housing Needs Analysis presentation that was shared earlier this month with Southern Oregon planners.

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### Senate Bill 974. High-Level Takeaways

- Certain residential applications inside the UGB must be decided administratively
- Hearings occur only on appeal, not as the initial step
- New timelines for final engineering plan review
- Limits on applying residential design standards

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### House Bill 2138. High-Level Takeaways

- Expanded middle housing types and configurations
- Bonus units for affordable and accessible housing

- Streamlined middle housing land divisions
  - Requirement to allow single room occupancy housing
- 

### **Why OHNA Matters Here**

- Establishes housing production targets, not just capacity
  - Ties local actions to measurable housing outcomes
  - Drives ongoing legislative and rulemaking changes
  - Shapes future Housing Production Strategy expectations
- 

Ashland’s OHNA 2026 target is just over 3,500 housing units over 20 years, or roughly 180 units per year. Under the OHNA methodology, a substantial share of that need—on the order of about half—is for households earning at or below 80% of area median income. Those units are generally the most difficult to produce without subsidy and are the focus of many state housing programs and local Housing Production Strategy actions.

### **Published OHNA 2026 Targets for the City of Ashland**

#### **Total Housing Need and Production Target**

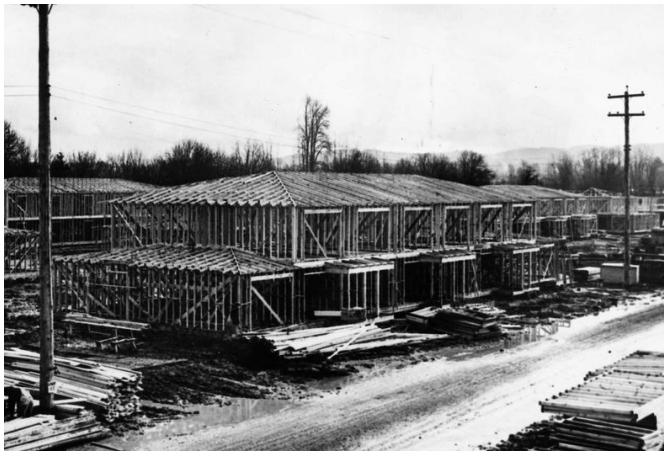
- 20-year total housing need (Ashland UGB):  
Just over 3,500 housing units
- Implied annual production target:  
Approximately 175–185 units per year

These figures are derived from the local allocation results in Appendix A of the *Oregon Housing Needs Analysis 2026 Production Targets and Adopted Methodology*, which provides city-level production targets averaged across the 2023–2025 OHNA runs

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### **What Comes Next**

- No action requested tonight
- Derek provides OHNA context
- Staff returns later with specific code amendments
- Public hearings occur as required by law



## OREGON

Department of  
Land Conservation  
& Development



## Oregon Housing Needs Analysis (OHNA) Overview

Southern Oregon Regional Planners Meeting

Mari Valencia Aguilar, Senior Housing Planner

February 5, 2026

# Overview

- Oregon Housing Needs Analysis (OHNA) Policy & Direction
- OHNA Purpose and Outcomes
- OHNA Process
- Resources
- Questions / Answers



# What is the Oregon Housing Needs Analysis (OHNA) Policy?

A statewide methodology for estimating regional housing needs and establishing local housing production targets

An obligation for governments to take actions that Affirmatively Further Fair Housing

Adoption of Housing Production Strategies and Housing Capacity Analyses

The shared responsibility of state and local governments to take urgent and bold actions to meet community housing needs

A system of tracking housing production and equitable housing outcomes in local governments, over time

A partnership between state and local governments to remove barriers to housing production, affordability, and choice

# What is OHNA?

***A suite of programs and policies***

***directing implementation of***

***statewide planning goals***

***10 – Housing and 14 – Urbanization***

Adoption of Housing Production Strategies and Housing Capacity Analyses

The shared responsibility of state and local governments to take urgent and bold actions to meet community housing needs

A system of tracking housing production and equitable housing outcomes in local governments, over time

A partnership between state and local governments to remove barriers to housing production, affordability, and choice

A statewide methodology for estimating regional housing needs and establishing local housing production targets

An obligation for governments to take actions that will further Fair Housing

# OHNA: Tri-Agency Initiative



- Run Oregon Housing Needs Analysis Methodology
- Housing Production Targets
- Needed Housing Allocations



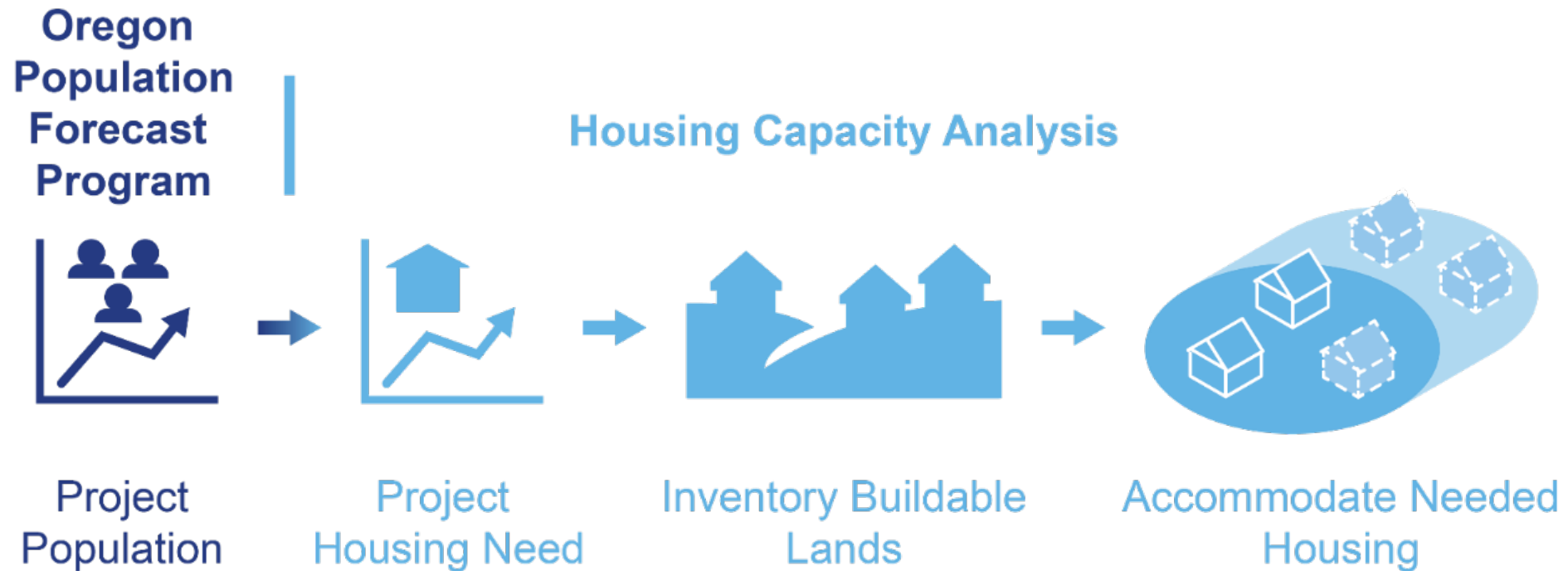
- Track Production Outcomes
- Housing Production Dashboard
- Housing Equity Indicators



- Facilitate Goal 10 and Goal 14 Implementation
- Housing Production Strategies
- Housing Capacity Analyses
- Housing Acceleration Program

# **Oregon Housing Needs Analysis Purpose and Intended Outcomes**

# Pre-OHNA Goal 10 process



# Addresses shortcomings with the previous Goal 10 framework

- **Historic Focus** – Ensure sufficient ‘land capacity’ with minimal focus on production and outcomes.
- Disconnect between local Goal 10 planning and housing production, affordability and choice
- **Outcome** – Decades of under-investment in housing policy, reinforcing rather than affirmatively addressing disparities and patterns of exclusion.





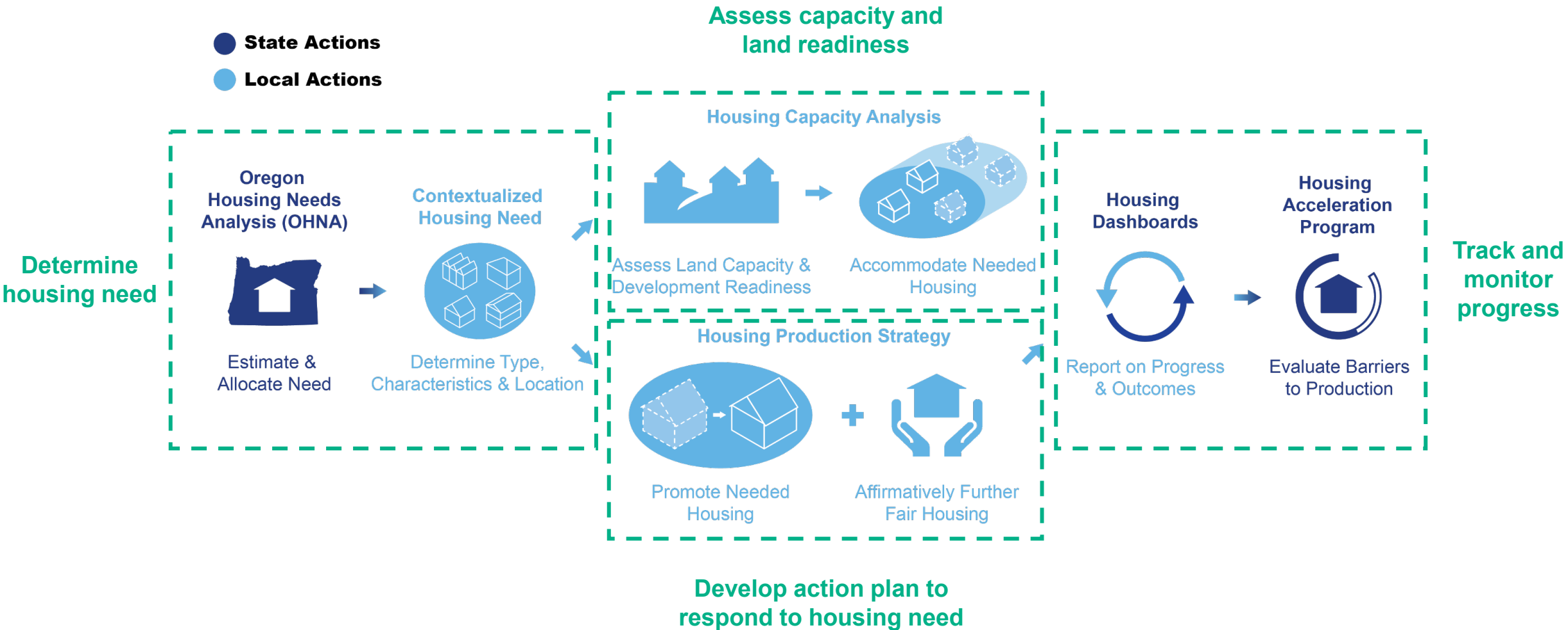
# OHNA Legislative Direction, Generally

ORS 197A.025

- Housing that is **safe, accessible and affordable** in the community of their choice should be available to every Oregonian
- Building enough **equitable housing** must be a top priority and should support **environmental justice, climate resilience, and access to opportunity**
- The **Housing Production Strategy (HPS)** is the focal point to remove local barriers to housing production for the state and local governments to collaborate
- Local governments, to the greatest extent possible, should **take actions within their control** to facilitate meeting housing production targets
- Expertise, technical assistance, model ordinances and other **tools and resources are provided**
- Housing production should not be undermined by **litigation, regulatory uncertainty or repetitive or unnecessary procedures**

# Housing Planning Paradigm Under OHNA

- **State Actions**
- **Local Actions**



# Housing Planning Shaped by OHNA

- A statewide **calculation of housing needs** that accounts for underproduction, homelessness, population growth, and second and vacation homes
- **Timelines** to assess and plan for housing production, affordability, and choice
- Support to **follow-through with actions** to meet housing needs
- A framework to promote **fair housing choice for all**, including historically underserved communities
- Realistic estimate of **long-term and near-term** residential capacity
- Cities amend their Urban Growth Boundaries more smoothly and Urban Reserve **planning sets cities up for the future**



# OHNA Program Resources

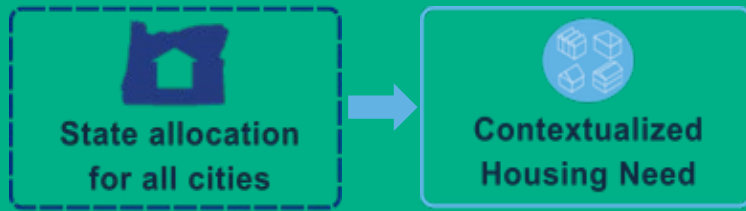
## Currently available:

- [HPS Menu of Actions 2.0](#) (including ['How to Guide'](#))
- [Model Code](#)
- [Equitable Engagement Toolkit + Community Explorer mapping tool](#)
- [Housing Production Dashboard](#)
- [Equity Indicator Dashboard](#)

## Forthcoming

- Community Assets & Harms mapping tool
- Department-hosted data repository
- Goal 10 & 14 guidebooks, including templates
- Adoption Ready Action Sheets
- Webinar trainings
- Handouts

# Goal 10 – Housing



# Determine Housing Need

- What **types** of housing are needed now and in the future?
- What **characteristics** do they have?
- **Where** is housing needed?

## Ground the state allocation of housing need and production targets through the Contextualize Housing Need Analysis (CHN)

### CHN Key Elements (OAR 660-008-0075)

- Affordability Analysis
- Analysis of past discriminatory harms related to land use and housing access
- Analysis of fair housing choice
- Analysis of areas added to the UGB in past HCAs
- Equitable engagement, including tribal consultation and coordination



ORS 197A.335 for Metro cities  
ORS 197A.270 outside Metro

# Assess land capacity

- Is there enough land, zoned to sufficient capacity, to accommodate 20 years of growth?
- Can the housing need be reasonably accommodated within the current boundary?

## Inventory buildable lands available to support housing and estimate capacity of land over the next 20 years

### HCA Key Elements (OAR 660-008-0100)

- “Partially vacant land” is defined
- Safe harbor to help identify and inventory capacity of partially-vacant land
- Land market supply factor option for estimating the residential capacity of partially vacant land
- If land insufficiency, take action to increase capacity for needed housing by:
  - Pursuing Land Use Efficiency Measures,
  - Urban Growth Boundary Amendment, or
  - Both



# Assess land readiness

- How much buildable land is likely to support housing production in the near-term (6 or 8 years)?

**Inventory development ready land, meaning annexed and zoned to allow housing, readily served or identified in a capital improvement plan, and not encumbered or have appropriate entitlements to prepare land for development**

## **DLRI Key Elements (OAR 660-008-0180:0185)**

- Inventory land in acreage and housing unit capacity
- Map locations of development ready land
- If development ready land insufficiency, take actions in a city's Housing Production Strategy



# Action plan to address housing needs

- What actions will a city take to promote housing production, affordability, and choice to meet their near-term needs?

**Develop a 6- or 8-year Housing Production Strategy (HPS) to meet current and future housing needs identified in the CHN, including land or infrastructure needs**

## **HPS Key Elements (OAR 660-008-0200)**

- Analysis of benefits and burdens
- Safe harbors for land use efficiency measures
- Minimum density requirement
- Equitable engagement, including tribal consultation and coordination
- Action implementation steps and timelines



# Track and monitor progress

- If there are barriers to housing production, how can the state and local government work together to overcome them?

**Housing Acceleration (HA) is a state program that offers support to local governments that are falling behind on meeting their housing production targets. The state provides assistance to help overcome challenges.**

## **HA Key Elements (OAR 660-008-0300)**

- Referral
- Audit to identify barriers
- Acceleration Agreement, focusing on actions within a city's control
- Mediation and Enforcement, as needed

# Goal 14 – Urbanization



# Accommodating housing needs beyond the UGB

- How and where can boundaries be amended to accommodate an unmet housing need?

## Inclusion of additional land into a city's Urban Growth Boundary to address land deficit for needed housing

### UGB Key Elements (OAR 660-024-0065:0067)

- **Establish the study area** – start broad then narrow
  - Safe harbor option for “impracticability to serve”
- **Prioritize lands** – urban reserves, exception/non-resource lands, resource lands
- **Analyze four locational factors** - weighing efficiency, infrastructure serviceability, EESE (environmental, energy, economic and social), and compatibility with adjacent uses
- Tribal consultation and Coordination requirement
- Pathways for neighborhood-scale commercial and open space in urbanizable areas and areas added to the UGB for a residential need



# Other Goal 14 tools and resources

- What can help streamline the UGB expansion process?
- How else can a local government bring in land for housing?

## Urban Reserves (660-021)

- Urban Reserves are protected from development patterns that would impede urbanization
  - Designation based on six consideration factors and land prioritization:

## UGB Exchanges (660-024-0070)

- Allows constrained land within the UGB to be swapped for buildable land outside of the UGB
  - Does not require an updated HCA
  - Allows added land to be designated at higher residential densities than the land being removed
  - Land must be “substantially equivalent” (10% margin)

# 2025 Legislative Review

**Senate Bill 974**

Residential Development

**House Bill 2138**

Middle Housing

[https://www.oregon.gov/lcd/Housing/Documents/HAPO\\_2025\\_Session\\_Guidance.pdf](https://www.oregon.gov/lcd/Housing/Documents/HAPO_2025_Session_Guidance.pdf)



# Streamlining Housing Development Applications (SB 974)

## Bill Highlights

- Creates **120-day shot-clock** for **engineering review** of residential development applications
- Creates new **administrative review process** for certain residential development applications
- **Prohibits certain design standards** to 20+ unit developments (excluding “multifamily”)

# Section 1 – Final Engineering Plans

*Effective date: July 1, 2026 | Note: Not a “housing law”*

- Establishes review timelines for “Final Engineering Plans”
  - Defined as plans/reports for the design or construction of public and private infrastructure improvements following a tentative plat approval - e.g. grading, water, sewer, stormwater, transportation systems and utilities
  - 30 days to issue completeness determination (no 180-day overall timeline)
  - 120 days to complete final review
  - Timeline is tolled where local government requires correction/supplemental materials
  - Extension requests allowed - not to exceed 245 days
  - Writ of mandamus for failure to meet timeline (unless final plans violate substantive local regulation)

# Section 3 – Residential Development Applications

*Effective date: July 1, 2026*

- Establishes administrative review process for certain applications
  - For zone changes to allow denser residential uses, planned unit development, or variances from approval standards
  - Only applicable to land inside UGB and zoned/planned primarily for residential or mixed uses.
  - Does not include certain specified applications
  - Process similar to (not the same as) limited land use decision, not subject to quasi-judicial review
  - Initial decision made without hearing, hearing only available on appeal of initial decision

# Section 8 – Residential Design Standards

*Effective date: Sep 26, 2025 | Implementation date: Immediately | Sunset date: Jan 2, 2033*

- Disallows application of “residential design standards” for residential development in a UGB
  - Excludes applications fewer than 20 units and “multifamily structures”
  - Exempts certain land use regulations, such as goal protections, life/safety, etc.
  - “Residential Design Standards” are intended to preserve the desired character, architectural expression, decoration or aesthetic quality of new homes, including:

Facade materials, colors or patterns	Architectural details e.g. ornaments, railings, cornices & columns
Roof decoration, form or materials	Size and design of porches or balconies
Accessories, materials or finishes for entry doors or garages	Variety of design or floorplan
Window elements such as trim, shutters or grids	Front or back yard area landscaping materials or vegetation
Fence type, design or finishes	

# Middle Housing – HB 2138



## Adopted 2025 Session

*Rulemaking is required*

*Rulemaking outcomes are pending*

*In the interim, there will be ambiguity about implementation of new provisions.*

*For more info on rulemaking, please visit:*

<https://www.oregon.gov/lcd/LAR/Pages/Rulemaking.aspx>



# Middle Housing and Infill Development (HB 2138)

## Bill Highlights

- **Middle Housing**
  - Broader allowances, configurations
  - Limits traffic review
  - Unit bonus for affordable, accessible units
- **Middle Housing Land Divisions**
  - Streamlines expedited review process
  - Consolidated MHLD and subdivision/partition review
- **Other Housing Laws**
  - **Single room occupancies** – number allowed; parking mandates
  - **Clear & Objective tree codes**
- **Invalidates existing CC&Rs** that prohibit middle housing or ADU development
- Directs **LCDC rulemaking** on middle housing, manufactured housing, ADUs and SROs

# Section 1 – Middle Housing Allowances

*Effective date: July 17, 2025 | Implementation dates: Jan 1, 2027 and Jan 1, 2028 for cottage clusters*

**Rulemaking required**

- Middle Housing Types
  - Duplexes, Triplexes, Quadplexes allowed “in any configuration”
  - Cottage Clusters: attached or detached in subgroupings of up to 4 units, “small footprint or floor area”, a common courtyard
- Affected Jurisdictions
  - Medium Cities: 2,500 – 25,000
  - Large Cities: 25,000+; all cities in Metro >1,000; Metro counties; Tillamook Co. cities and communities
  - All counties with urban unincorporated land (not just Metro)

# Section 1 – Middle Housing Allowances

*Effective date: July 17, 2025 | Implementation dates: Jan 1, 2027 and Jan 1, 2028 for cottage clusters*

**Rulemaking required**

- Allow middle housing “on each lot or parcel zoned for residential use”
- Limits Traffic Impact Analysis/Exactions for Middle Housing
- Existing residences allowed on Middle Housing site
  - Single detached dwelling; single dwelling + ADU, or duplex
  - Existing development can be put on its own lot via middle housing land division

# Section 3 – Bonus Units

*Effective date: July 17, 2025 | Implementation dates: Jan 1, 2027 and Jan 1, 2028 for cottage clusters*

**Rulemaking required**

- New bonus unit allowance for accessible and affordable units
  - “Accessible unit” – a “Type A” unit
  - “Affordable unit” – Unit with covenant for purchase affordable to 120% AMI
  - Projects that provide one affordable/accessible unit receive:
    - Duplex or Triplex – One bonus unit
    - Quadplex, Townhouses, Cottage Cluster – Two bonus units
    - Commensurate increase to developable area, floor area, height, or density

# Section 6 – Single Room Occupancies

*Effective date: July 17, 2025 | Implementation date: Jan 1, 2027*

**Rulemaking required**

- Allows attached and detached SRO configurations
- Must allow SROs with up to 3x maximum density of multi-unit housing
- Limits allowable off-street parking mandates
  - SROs with 6 or fewer units: same as single-unit dwelling / 3 SRO units
  - SROs with more than 6 units: same as a multi-unit dwelling / 3 SRO units

# Section 13 – Clear and Objective Standards

*Effective date: July 17, 2025 | Implementation date: Immediately*

- Requires clear and objective standards for “tree removal codes related to the development of housing”

# Sections 14 to 21 – Middle Housing Land Division

*Effective date: July 17, 2025 | Implementation date: Immediately*

- May allow additional flexibility for certain MHLD scenarios:
  - Shared water/wastewater
  - Allowance for existing residential development on MHLD site (from Section 1)
- MHLD Application Processing/Timing
  - Expedited Land Division process at applicant's request
  - MHLD application must be allowed before, during, or after MH building permits
  - Local government must offer concurrent review for MHLD and partition/subdivision

# Sections 14 to 21 – Middle Housing Land Division

*Effective date: July 17, 2025 | Implementation date: Immediately*

- Expedited Land Divisions
  - No public notice is required
  - May not hold a hearing or allow any third party to intervene in opposition
  - Applicant is only party required to receive NOD and eligible to appeal
- Application Processing Deadlines (ORS 215.427, ORS 227.178)
  - Consolidates deadlines for land use decisions (120/150 days), decisions on affordable housing (100 days), and expedited land divisions (63 days)
  - Standardizes completeness review; allows expedited land division applicant to waive deadline

# Section 22 - Rulemaking

- Directs LCDC Rulemaking. DLCD Housing Division will lead process. Topics include:
  - Manufactured, prefabricated, site-built middle housing
  - Siting/design of ADUs and SROs
  - Cottage cluster definition & incentivize smaller housing/public benefits
  - Siting/design parameters for middle housing types
  - Permissible discretionary criteria under ORS 197A.400 (3)
  - Optional model SDC schedule for residential development
  - Buildable lands and capacity methods for estimation

# HB 2138 Implementation Dates

HB 2138 signed and effective on July 17, 2025

Topic	HB Section	Implementation Date	Needs Rulemaking?	Rule Adoption no later than
Middle Housing & Middle Housing Unit Bonus (other than cottage clusters)	§ 1, 3	2027, January 1	Yes	2028, January 1
Middle Housing & Middle Housing Unit Bonus (for cottage clusters)	§ 1, 3	2028, January 1	Yes	2028, January 1
Single-room occupancies	§ 6	2027, January 1	Yes	2028, January 1
<b><i>Clear &amp; Objective Tree Codes</i></b>	§ 13	2025, July 17	No	
<b><i>Middle Housing &amp; Expedited Land Divisions</i></b>	§ 14-21	2025, July 17	No	

Development applications are not subject to laws from HB 2138 prior to the implementation date

# 2025 Legislative Review Question and Answer

## **Senate Bill 974**

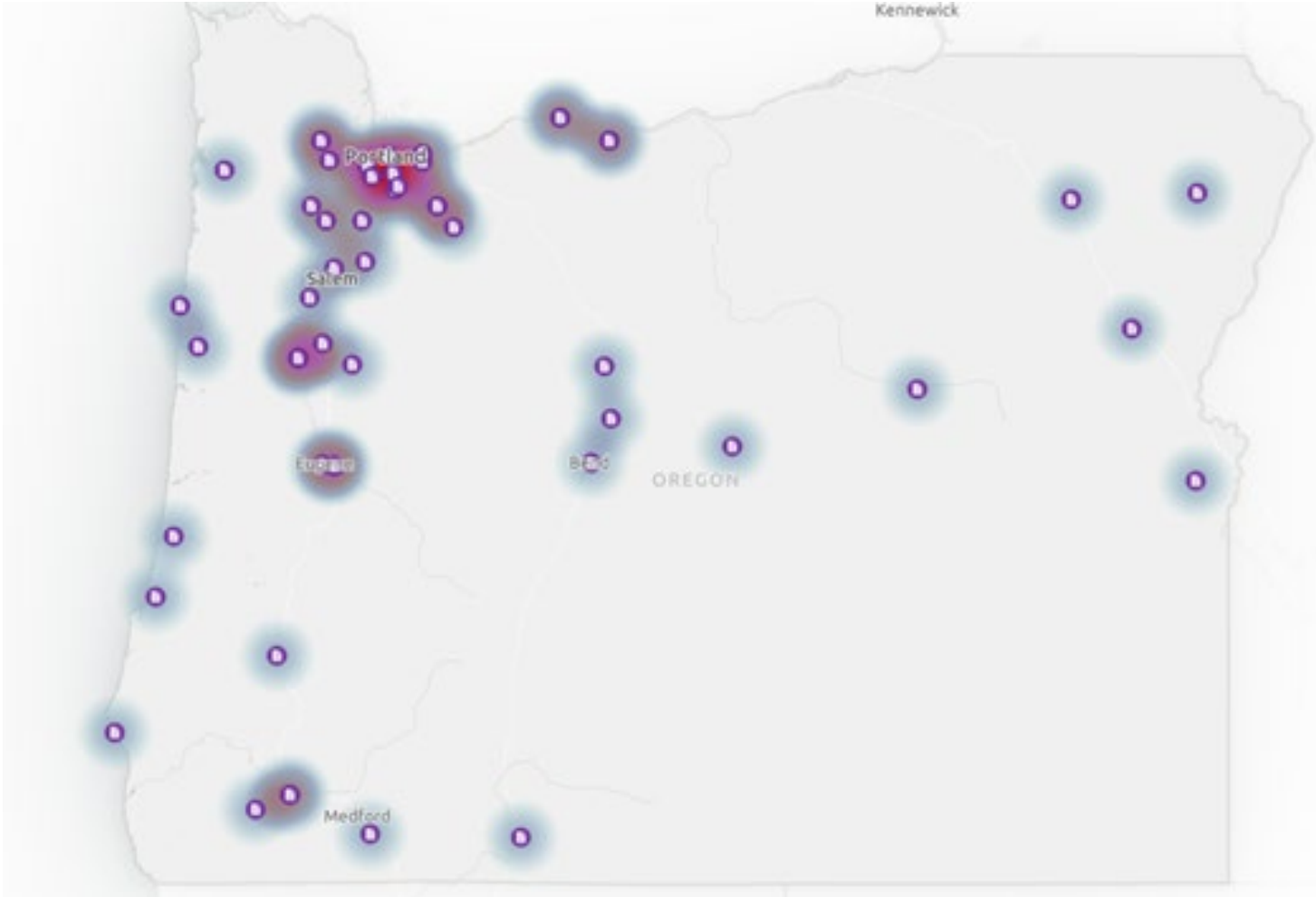
Residential Development

## **House Bill 2138**

Middle Housing

[https://www.oregon.gov/lcd/Housing/Documents/HAPO\\_2025\\_Session\\_Guidance.pdf](https://www.oregon.gov/lcd/Housing/Documents/HAPO_2025_Session_Guidance.pdf)

# Inquiries and Complaints



**As of July 1st, 2025,  
HAPO can receive and  
respond to inquiries,  
requests, and  
complaints through the  
[Inquiry Intake Form](#)**





**DLCD**

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Department of  
Land Conservation  
& Development

February 5, 2026

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# Thank You!

For general questions or comments for  
the Housing Division, submit to:  
[Housing.DLCD@dlcd.oregon.gov](mailto:Housing.DLCD@dlcd.oregon.gov)

For general questions or comments for  
the HAPO, submit to inquiry intake:  
[Inquiry Intake Form](#)

