Planning Commission Meeting Agenda

ASHLAND PLANNING COMMISSION

REGULAR MEETING AGENDA

Tuesday, April 14, 2026

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.

I. CALL TO ORDER

7:00 p.m., Civic Center Council Chambers, 1175 E. Main Street

II. ANNOUNCEMENTS

1. Staff Announcements
2. Advisory Committee Liaison Reports

III. CONSENT AGENDA

Approval of Minutes

1. March 10, 2026 Regular Meeting Minutes

IV. PUBLIC FORUM

Note: To speak to an agenda item in person you must fill out a speaker request form at the meeting and will then be recognized by the Chair to provide your public testimony. Written testimony can be submitted in advance or in person at the meeting. If you wish to discuss an agenda item electronically, please contact PC-public-testimony@ashland.or.us by 10:00 a.m. on April 14, 2026 to register to participate via Zoom. If you are interested in watching the meeting via Zoom, please utilize the following link: https://zoom.us/j/97005889071

V. UNFINISHED BUSINESS

Approval of Findings for PA-T2-2026-00066, Kestrel Park Area 7

VI. DISCUSSION ITEMS

Discussion of Legislative Updates in Response to State Requirements

VII. OPEN DISCUSSION

VIII. ADJOURNMENT

Next Meeting Date: April 28, 2026

If you need special assistance to participate in this meeting, please contact Derek Severson at planning@ashlandoregon.gov or 541.488.5305 (TTY phone number 1.800.735.2900). Notification at least three business days before the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting in compliance with the Americans with Disabilities Act.

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.

March 10, 2026
REGULAR MEETING
***DRAFT* Minutes**

I. CALL TO ORDER:

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

Commissioners Present:	**Staff Present:**
Lisa Verner	Brandon Goldman, Community Development Director
Jay Lininger	Derek Severson, Planning Supervisor
Susan MacCracken Jain	Nick Schubert, Associate Planner
Russell Phillips	Michael Sullivan, Executive Assistant
John Maher	
Absent Members:	**Council Liaison:**
Kerry KenCairn	Jeff Dahle (absent)
Eric Herron	

II. ANNOUNCEMENTS

1. Staff Announcements:

Community Development Director Brandon Goldman made the following announcements:

- City Council reviewed the following ordinances for adoption at its March 3rd meeting:
  - Ordinance 3286: Allows removal of hazardous or infested trees as certified by an arborist.
  - Ordinance 3287: Permits privately owned murals to be maintained privately.
  - Ordinance 3288: Prohibits building permits if code violations are present, unless needed to rectify the violation.
- Three ordinances approved at first reading:
  - Updated Chapter 6.5 to clarify marijuana dispensaries include more than just medical.
  - Exemptions for heat pumps and mechanical devices from noise regulations if they meet manufacturer specs.
  - Addressed various compliance issues.

2. Advisory Committee Liaison Reports – None

III. CONSENT AGENDA

Approval of Minutes

1. February 24, 2026 Special Meeting Minutes

Commissioners Maher/ Lininger m/s to approve the consent agenda as presented. Commissioner MacCracken Jain abstained from the vote due to her absence from the February 24th meeting. Voice Vote: Commissioners Maher, Lininger, Phillips, and Verner: AYE. Motion Passed 4-0.

IV. PUBLIC FORUM – None

V. TYPE II PUBLIC HEARING - CONTINUED

PLANNING ACTION: PA-T2-2026-00066
SUBJECT PROPERTY: a portion of Tax lot 8600 of map 39-1E-04-AD
APPLICANT: Rogue Planning & Development Services, LLC
OWNER: CT Properties, LLC
DESCRIPTION: A request for concurrent outline plan and final plan approval for a Performance Standards Option (PSO) Subdivision to divide 'Area 7' into four new lots. The application also includes a request for residential Site Design Review approval, and the removal of a single non-hazard tree. **COMPREHENSIVE PLAN DESIGNATION:** North Mountain Plan; **ZONING:** NM-MF; **MAP:** 39-1E-04-AD; **TAX LOT:** 8600

Planning Supervisor Derek Severson noted that a revised staff report had been submitted with minor, non-substantive changes (see attachment #1).

Ex Parte Contact

Commissioners Maher, Phillips, and Verner disclosed site visits. No ex parte contact was disclosed.

Staff Presentation

Associate Planner Nick Schubert presented the application. The 18,000 square foot area would be divided into four lots to accommodate one duplex and three triplex buildings, providing 11 total dwelling units. The property is zoned North Mountain Multifamily (NM-MF) and regulated by the North Mountain Neighborhood Plan (see attachment #2).

Mr. Schubert explained that as the final component of Kestrel Park subdivision which began in 2018, the development must comply with Performance Standards Option requirements for subdivisions of three or more lots in the North Mountain area. Civil improvements including sidewalks, curbs, gutters, park roads with street trees, and the alley are being installed around Area 7.

The application included a request to remove a multi-stem cherry tree located within a proposed building envelope. Staff initially questioned whether this was a regulated tree based on its shrub-like form, but the Tree Management Advisory Committee unanimously recommended approval since the tree is located within the building envelope.

Staff recommended approval of the application with the eight conditions suggested by staff.

Questions of Staff

Commissioner Lininger asked about solar access standards and the "mill pond standard" referenced as a functional equivalent. Mr. Goldman explained this functional equivalent has been used in previous North Mountain developments including early phases of Kestrel and the Overlook subdivision, addressing situations where steep slopes and grading make standard solar access calculations impractical. The standard allows shadows up to 5 feet in height on northerly buildings.

Commissioner MacCracken Jain asked about parking availability, noting one space per unit was provided. Mr. Goldman confirmed that parking bays are being created as part of new street installations.

Applicant Presentation

Amy Gunter from Rogue Planning and Development Services, accompanied by Kyle Taylor from Taylor Elements and CT Properties, presented the proposal. Ms. Gunter explained this area was previously pulled from a larger subdivision application to address design concerns and neighbor feedback. The development proposal features two lots accessed from Patton Lane with primary orientation toward the street, and two lots accessed from a public alley. Buildings are designed with daylight basements to work with the steep terrain, as the hard rock subsurface prevented cutting buildings further into the hillside (see attachment #3).

Mr. Taylor provided context on why Area 7 was originally pulled from the application, citing both topographical challenges and neighbor concerns. The redesign addressed these issues by separating buildings to allow view corridors, widening the alley to 20+ feet, and providing adequate backup space for vehicles.

Public Comments

Rich Kinsinger/Mr. Kinsinger expressed satisfaction that their concerns about alley width and traffic access had been addressed by the applicant through the design changes.

Jeff Thompson/Mr. Thompson requested that the proposed alley not be named “Mariposa Court” to avoid confusion with the existing Mariposa Street.

Chair Verner closed the Public Hearing and Public Record at 7:44 pm.

Deliberations and Decision

The Commissioners generally praised the applicant for listening to community concerns and returning with an improved design.

Regarding the alley naming concern, staff confirmed that addressing is handled by the City through the development process, and the existing condition requiring approved addressing would cover this issue.

Commissioners Maher/MacCracken Jain m/s to approve the application as presented with the conditions recommended by staff. Roll Call Vote: Commissioners Maher, MacCracken Jain, Lininger, Phillips, and Verner: AYE. Motion passed 5-0.

VI. OPEN DISCUSSION

The Commission discussed the Transportation System Plan (TSP) revision, particularly regarding evacuation routes as wildfire season approaches. Mr. Goldman explained that the plan is funded by ODOT but the contract has not yet been executed, causing delays. The TSP effort is expected to take 1-2 years once initiated. Mr. Goldman agreed to provide an update on the contract status after speaking with Public Works Director Scott Fleury.

The Commission agreed to cancel the March 24, 2026 meeting.

VII. ADJOURNMENT

Meeting adjourned at 7:54 p.m.

Submitted by,
Michael Sullivan, Executive Assistant

ATTENTION

For attachments to March 10, 2026 Meeting Minutes, please use the link below:

https://ashlandor.portal.civicclerk.com/event/1171/files/agenda/2158

UNFINISHED BUSINESS

Approval of Findings for PA-T2-2026-00066, Kestrel Park Area 7

THE CITY OF ASHLAND

BEFORE THE PLANNING COMMISSION

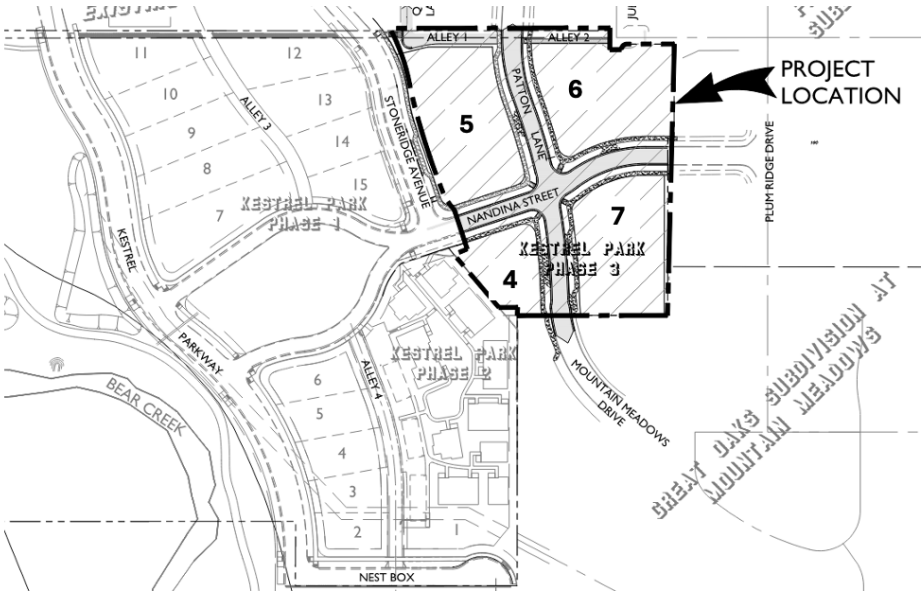
APRIL 14, 2026

IN THE MATTER OF PLANNING ACTION #PA-T2-2026-00066, A REQUEST FOR CONCURRENT OUTLINE AND FINAL PLAN APPROVAL FOR A FOUR-LOT PERFORMANCE STANDARDS OPTION (PSO) SUBDIVISION AND A REQUEST FOR RESIDENTIAL SITE DESIGN REVIEW APPROVAL TO CONSTRUCT THREE TRIPLEX BUILDINGS. THE FOURTH BUILDING, A DUPLEX, IS NOT SUBJECT TO SITE DESIGN REVIEW. THE APPLICATION ALSO INCLUDES A REQUEST TO REMOVE A SINGLE NON-HAZARD TREE.	)	**FINDINGS, CONCLUSIONS, AND ORDERS.**
OWNER: CT PROPERTIES LLC **APPLICANT:** ROGUE PLANNING & DEVELOPMENT SERVICES LLC	)	

RECITALS:

1) The subject property is a portion of Tax Lot #8600 of Assessor's Map 39-1E-04-AD. It does not presently have a street address. The property is part of Lot #31 of Kestrel Park Phase II and was reserved for this final phase of the Kestrel Park subdivision.

   The previously approved Phase III of the subdivision, which is presently under construction, connects both Nandina Street and Patton Lane/Mountain Meadows Drive to create four blocks that have been identified previously as Areas 4, 5, 6 and 7 as illustrated below:



The residential development for Areas 4, 5 and 6 as well as the related public improvements have all been approved, however the plat has not been recorded yet as the construction of those improvements is ongoing.

During the original Outline Plan approval hearing for Phase 3, Area 7 was removed from consideration. The site design for Area 7 has been modified, and the current application proposes to subdivide Area 7 into four new lots, with one lot proposed to be developed with a duplex and the remaining three lots proposed to be developed with triplexes. The subject property is referred to as Area 7 of Phase 3 because while it is being subdivided separately here, the applicant's intent is to file a single final plat for all areas of Phase 3.

2) The subject property is zoned "North Mountain-Multi Family" (NM-MF) and is regulated by the North Mountain Neighborhood Plan (NMNP) which is codified at Ashland Municipal Code (AMC) 18.3.5. This chapter applies to properties within the North Mountain Neighborhood Plan area adopted by Ordinance 2800 in April 1997. The North Mountain Neighborhood District regulations (AMC 18.3.5.040.K) require that all applications involving the creation of three or more lots shall be processed under AMC Chapter 18.3.9 Performance Standards Option (PSO) Overlay. The proposed PSO subdivision here includes a total of four-lots for residential development. The application also includes a request for Site Design Review approval to construct three triplexes, with the fourth lot proposed as a duplex (which does not require Site Design Review approval). The application proposes a total of 11 dwelling units for all of Area 7.

3) The applicant's proposal is detailed in plans which are on file at the Department of Community Development and by this reference these plans are incorporated herein as if set out in full.

4) The criteria of approval for 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.

5) The criteria for approval for 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.

6) The supplemental approval criteria of the NMNP are described in **AMC 18.3.5.030.C** 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.

7) The criteria for approval for Site Design Review are described in **AMC 18.5.2.050** as follows:

An application for Site Design Review shall be approved if the proposal meets the criteria in subsections A, B, C, and D below. The approval authority may, in approving the application, impose conditions of approval, consistent with the applicable criteria.

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, 2, or 3, 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;

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; or

3. There is no demonstrable difficulty in meeting the specific requirements for a cottage housing development, but granting the exception will result in a design that equally or better achieves the stated purpose of section 18.2.3.090.

8) The criteria of approval for removal of a Tree that is Not a Hazard are described in **AMC 18.5.7.040.B.2** as follows

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.

9) The Planning Commission, following proper public notice, held a public hearing on March 10, 2026, at which time testimony was received and exhibits were presented. Following the closing of the public hearing, the Planning Commission deliberated and approved the application subject to conditions of approval.

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, 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 March 10, 2026 staff report, the applicant's testimony, the exhibits received, and public testimony received during the public hearing.

2.2 The Planning Commission notes that the application was deemed complete and that the notice for the public hearing was both posted at the frontage of the subject property and mailed to all property owners of record within 200 feet of the subject property on February 16, 2026, which was 22 days prior to the March 10, 2026 hearing.

2.3 The Planning Commission notes that the property is in the NMNP and as provided at AMC 18.3.5.040.K, "*All applications involving the creation of three or more lots shall be processed under chapter 18.3.9 Performance Standards Option Overlay*."

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

2.4.1 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 March 10, 2026. The Planning Commission notes that with the findings that are set out 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.

2.4.2 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 this is the third phase of the Kestrel Park subdivision and that all city facilities were sized with the capacity for this phase in mind. The Planning Commission further notes that all relevant public improvements were approved with the original Phase III Outline Plan, and that they are currently under construction. Planning staff have consulted with the Engineering Department in Public Works regarding the civil plans and have confirmed that the proposed infrastructure will meet all city standards, and that there is sufficient capacity for the proposed development. The Planning Commission finds that with the foregoing that this criterion of approval is satisfied.

2.4.3 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 previous phases of the subdivision have addressed floodplain corridor and wetland areas. For this phase the subject property has no identified natural features or wetlands to consider with the exception of a cherry tree that is requested to be removed and is addressed further below. The Planning Commission finds that there are no other natural features to address and that this approval criterion is satisfied.

2.4.4 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 subject property is surrounded by land that has already been fully developed, and there is no adjacent vacant land. The Planning Commission finds 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.

2.4.5 The fifth criterion for approval of an Outline Plan 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 existing homeowners' association (HOA) was formed with the earlier phases of the Kestrel Park subdivision. The three phases of the subdivision are tied together through monetary commitments in the form of HOA dues for the maintenance of common areas and improvements such as the site's wetlands, common spaces, park benches, park row vegetation and irrigation and street trees. The Planning Commission finds that the existence of the HOA provides sufficient evidence of the provisions for the ongoing maintenance for the common open space and that there are adequate provisions for the maintenance of the open space and common areas and concludes that this approval criterion is satisfied.

2.4.6 The sixth criterion for approval of an Outline Plan is that "*The proposed density meets the base and bonus density standards established under this chapter.*" The Planning Commission notes that the ultimate density of the Kestrel Park subdivision has been carefully considered through the previous phases because the subdivision spans multiple zones with different base densities, and in addition to maximum density the NMNP also has a requirement that development achieve a minimum density of between 75 percent and 110 percent of each zone's base density. The Planning Commission further notes that the remaining number of units required for Area 7 was summarized in the Planning Commission's Outline Plan findings for Phase III (PA-T2-2024-00054) as follows: "*The Planning Commission concludes that Area 7 will need to develop with at least two but not more than eighteen units, and a condition of approval to that effect has been included below.*" (Section 2.4.6 at page 7). The Planning Commission concludes that the 11 proposed dwelling units here are greater than two, and less than 18, and as such this criterion is satisfied.

2.4.7 The seventh Outline Plan approval criterion is that "*The development complies with the Street Standards.*" The Planning Commission notes that, as mentioned previously, all of the associated civil improvements have been previously approved during the original Phase III Outline and Final Plan approval. Additionally, as was stated in the previous land use approval, 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. As such, 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 which has been included below. The Planning Commission concludes that the street standards are met and finds that this criterion of approval is satisfied.

2.4.8 The final criterion for approval of an Outline Plan 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 Performance Standards Option Chapter 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 notes that the first two phases of the Kestrel Park subdivision dedicated nearly 50 percent of the total project land area to dedicated open space including the floodplain and wetland areas as well as additional open space provided in Phase II. The Planning Commission conclude that with the previous phases of the subdivision considered and the ample amount of land dedicated, this criterion of approval has been satisfied.

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

2.5 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.

2.6 The Planning Commission finds that the proposal for development in the NMNP meets all of the applicable supplemental approval criteria described in AMC 18.3.5.030.C. The NMNP includes detailed Design standards for both roads and architectural design. The application states that the NMNP design standards are fully met and includes detailed dimensions on the site plan showing that porches meet the correct sizes. Additionally, while there are standards for garage setbacks, there are no proposed garages as all parking is off the proposed alley. Architectural standards are discussed below under the Site Design Review approval criteria. The Planning Commission concludes that the Supplemental Approval Criteria are satisfied.

2.7 The Planning Commission finds that the proposal for Site Design Review approval meets all applicable criteria for described in AMC 18.5.2.050 as detailed below:

2.7.1 The Planning Commission notes that the first criterion of approval for Site Design Review is that "*The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.*" The Planning Commission notes that the property is located within the NMNP and is required to be processed in accordance with the Performance standards of AMC 18.3.9. The Planning Commission further notes that the PSO applicability provides "*that developments subject to [the PSO] chapter are not required to meet the minimum lot size, lot width, lot depth, and setback standards of part 18.2.*" With regard to density, the Planning Commission notes that the ultimate density of the Kestrel Park subdivision has been carefully considered through the previous phases because the subdivision spans multiple zones with different base densities, and in addition to maximum density the NMNP also has a requirement that development achieve a minimum density of between 75 percent and 110 percent of each zone's base density. The Planning Commission further notes that the remaining number of units required for Area 7 was summarized in the Planning Commission's Outline Plan findings for Phase III (PA-T2-2024-00054) as follows: "*The Planning Commission concludes that Area 7 will need to develop with at least two but not more than eighteen units, and a condition of approval to that effect has been included below.*" (Section 2.4.6 at page 7). The Planning Commission concludes that the 11 proposed dwelling units here are greater than two, and less than 18, and as such the proposal complies with the density provisions of part 18.2 and of the NMNP.

The Planning Commission concludes that based on the PSO standards this approval criteria is met.

2.7.2 The Planning Commission notes that the second criterion of approval for Site Design Review is that "*The proposal complies with applicable overlay zone requirements (part 18.3).*" The Planning Commission notes that the applicable overlay zones here include the

North Mountain Neighborhood District (AMC 18.3.5) which governs all development in the NMNP area. Included in the NMNP standards are district-specific Site Development and Design Standards found in AMC 18.3.5.100 which are discussed above in section 2.6. The Planning Commission finds that the building elevations and renderings provided demonstrate that the architectural design requirements are satisfied as each of the proposed buildings includes covered porches, eaves, and building offsets, and address required setbacks. In addition, the Planning Commission notes that the subject property is within the city-wide wildfire overlay; the Commission finds that as conditioned below, the proposed construction will meet the adopted wildfire standards. The Planning Commission concludes that this approval criterion is met.

2.7.3 The Planning Commission notes that the third criterion of approval for Site Design Review is that "*The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided below.*" The Planning Commission notes that because the development is regulated by the NMNP, a number of the general standards in part 18.4 are not applicable. AMC 18.3.5.020 provides in part that "*where the provisions of this chapter conflict with comparable standards described in any other ordinance, resolution or regulation, the provisions of the North Mountain Neighborhood district shall govern*." The Commission however finds that the site plan clearly demonstrates that the driveway spacing meets or exceeds the 24-foot separation requirement and includes details on the recycling and refuse area. The application materials also include a detailed landscaping plan showing that all portions of a lot not otherwise developed are to be landscaped.

The Planning Commission finds that the buildings proposed are to be separated to respond to the character of the neighborhood, rather than developed as a single apartment building on one tax lot. The application proposes to comply with building separation requirements of the Performance Standards Options chapter, and to apply a "Mill Pond" standard for solar access to allow shading five-feet up the wall of the first story's living space. The Commission here recognizes that the lower level is considered a basement here, not a story.

The Planning Commission further notes that while the "Mill Pond" solar access standard is not codified, it was first allowed with the Mill Pond subdivision, a Performance Standards Options subdivision in the 1980's, where the flexibility of the Performance Standards meant that there were not always standard setbacks between buildings. The "Mill Pond" standard allowed a shadow to be cast to the bottom windowsill of the first story living space on the property to the north as functionally equivalent to "Standard A" Solar Access. This standard has been allowed for a number of subdivisions over the last 40 years including within the North Mountain Neighborhood Plan area, and the Planning Commission finds that the shading proposed is functionally equivalent to Standard A. A condition has been included below to require that the final building permit submittals demonstrate compliance with the "Mill Pond" shading described in the application. The Planning Commission finds that based on the foregoing, this criterion of approval is met.

2.7.4 The Planning Commission notes that the fourth criterion of approval for Site Design Review 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 Planning Commission reiterates that the proposed street network and civil infrastructure for the previously approved Phase III of the subdivision are being installed now and were sized and designed specifically for the proposed density. The Commission notes that the application materials includes detailed civil plans, and finds that this approval criterion has been met.

2.7.5 The Planning Commission notes that the last criterion of approval for Site Design Review is that "*The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsections below, are found to exist…*" The Planning Commission notes that there are no requested exceptions to the above standards and finds that this criterion of approval has been met.

2.7.6 The Planning Commission concludes based on the above and finds that all applicable approval criteria for Site Design Review approval have been satisfied.

2.8 The approval criteria for the removal of a "Tree that is not a hazard" require that "*The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards.*" The Planning Commission notes that the only tree proposed for removal here, a multi-stemmed cherry tree, is within the building envelope of a proposed building in Area 7 located to be consistent with the applicable ordinance requirements and standards. The Tree Management Advisory Committee (MAC) reviewed the application with staff and unanimously recommended approval of the tree removal permit. Based on the location of the tree within a proposed building envelope, and with a supporting recommendation by the Tree MAC, the Planning Commission finds that the proposed removal meets the criteria of approval for removal.

2.9 The Planning Commission notes that following proper public notice, a public hearing was held on March 10, 2026 at which time testimony was received, and exhibits were presented.

2.9.1 Following the closing of the public hearing, the Planning Commission deliberated, and a motion was made approving the Outline Plan and Final Plan, Residential Site Design Review and Tree Removal Permit. The application was approved subject to the eight conditions of approval recommended by staff.

2.10 The Planning Commission notes that the record includes the applicant's submittal, the staff report dated March 10, 2026 as well as the testimony received at the public hearing, and each of these is by this reference incorporated herein as if set out in full.

2.10.1 The Planning Commission finds that there is substantial evidence in the record to make findings that each of the criteria of **approval** for Outline Plan, Final Plan, Residential Site Design Review and Tree Removal have been met.

SECTION 3. DECISION

3.1 Based on the record of the public hearing on this matter, the Planning Commission concludes that the request for Outline and Final Plan approval for four-lot unit Performance Standards Option (PSO) subdivision, residential Site Design Review approval for three triplex building on Area 7, and a Tree Removal Permit to remove a single multi-stemmed cherry tree is supported by evidence contained within the whole record and is **approved** including the conditions of approval below.

The conditions of approval are below:

1) All proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein.
2) All new addresses shall be assigned by the City of Ashland Planning Department.
3) 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 driveway approaches, street improvements, utilities or any necessary encroachments.
4) The properties within the project shall 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.
5) 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 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.
6) The building permit submittals shall demonstrate compliance with the 'Mill Pond Standard' for solar access described in the application materials, with shading not to extend above the lowest windowsill (i.e. not more than five feet) of the first story living space.
7) A final survey plat shall be submitted within 18 months of Final Plan approval. Prior to submittal of the final subdivision survey plat for signature:
    a. Final electric service, utility and civil plans including but not limited to the water, sewer, storm drainage, electric, street and driveway improvements shall be submitted for the review and approval of the Planning, Building, Electric, and Public Works/Engineering Departments with the Final Plan submittal. The street system plan shall include full street designs with cross-sections consistent with the City's Street Design Standards for the proposed residential neighborhood streets and alleys, as approved. Street lights shall be included in keeping with city street light standards. The utility plan shall include the location of connections to all

public facilities including the locations of water lines and meter sizes; fire hydrant; sanitary sewer lines, manholes and clean-out's; storm drain lines 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 utility departments. Any required private or public utility easements shall be delineated on the civil plans. All civil infrastructure shall be installed by the applicants, inspected and approved prior to the signature of the final survey plat.

b. The applicant shall submit a final electric design and distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets, street lights and all other necessary equipment. This plan must be reviewed and approved by the Electric Department prior to the signature of the final survey plat. Transformers and cabinets shall be located in areas least visible from streets and outside of the sidewalk corridor and vision clearance areas, while considering the access needs of the Electric Department. Electric services shall be installed underground to serve all lots within the applicable phase prior to signature of the final survey plat. 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 Electric, Engineering, Building and Planning Departments prior to installation of facilities.

c. A final 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. A final grading and erosion control plan shall be submitted for the review and approval of the Building, Planning and Engineering divisions.

e. A parking lot tree canopy plan shall be prepared by a licensed landscape architect or International Society of Arboriculture (ISA) certified arborist and provided for review. This plan shall include written certification from the landscape architect/arborist that the final plan as prepared is consistent with ANSI A300 standards.

f. The requirements of the Ashland Fire Department relating to approved addressing; fire apparatus access, fire apparatus access approach, aerial ladder access, firefighter access pathways, and fire apparatus turn-around; fire hydrant distance, spacing and clearance; fire department work area; fire sprinklers; limitations on gates, fences or other access obstructions; and addressing standards for wildfire hazard areas including vegetation standards and limits on work during fire season shall be satisfactorily addressed in the final submittals. Fire Department requirements shall be included in the civil drawings.

g. Draft contracts, covenants & restrictions (CC&Rs) for the Homeowner's Association (HOA) shall be provided for review and approval of the Staff Advisor with the final plat submittal. The CC&Rs shall describe responsibility for the maintenance of all common use-improvements including driveway; open space; landscaping including trees and street trees; utilities; and stormwater detention and drainage system, and shall include an operations and maintenance (O&M) plan for the stormwater detention and drainage system.

h. A fencing plan shall be provided 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 fencing around common open space, except for deer fencing, shall not exceed four feet in height. 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.

8. Prior to the signature of the final plat:

   a. All easements including but not limited to public and private utilities, public pedestrian and public bicycle access, drainage, irrigation and fire apparatus access shall be indicated on the final subdivision plat submittal for review by the Planning, Engineering, Building and Fire Departments.

   b. The final survey plat shall include the dedication of any right-of-way necessary to accommodate the proposed street system.

   c. Subdivision infrastructure improvements, including but not limited to utilities, driveways, streets and common area improvements shall be completed according to approved plans, inspected and approved.

   d. Irrigated street trees selected from the Recommended Street Tree Guide and planted according to city planting and spacing standards shall be planted along all street frontages pursuant to the proposed landscape plan, inspected and approved by the Staff Advisor.

   e. 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.

   f. 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.

	April 14, 2026
Planning Commission Approval	Date

DISCUSSION ITEMS

Discussion of Legislative Updates in Response to State Requirements

Memo

DATE: April 14, 2026
TO: Planning Commission
FROM: Derek Severson, Planning Supervisor
RE: Legislative Updates in Response to State Requirements

As discussed with the Planning Commission and Council in February, there were several items adopted by the Oregon State Legislature in 2025 with regard to land use and housing where the City is required to implement corresponding changes in our local codes this year. This memorandum is intended to initiate those code amendment processes for Senate Bill 974. As further detailed below, staff are bringing forward items that require code changes by July 1, 2026, for initial review by the Planning Commission now, and are also looking to make the Commission aware of a second round of code changes that will follow closely for adoption by January 1, 2027.

Overview of the 2025 Legislative Session

The 2025 regular legislative session was unusually active in the land use and housing arena and resulted in several significant bills becoming law. Many of these measures continue the Legislature's multi-year effort to increase housing production, reduce procedural barriers, and standardize local development review practices, particularly for residential development inside urban growth boundaries. Several of the enacted bills directly affect local planning and development codes, while others influence housing production more indirectly through funding programs or changes to statewide planning expectations. Together, they reflect a statewide shift toward more predictable and efficient review of housing projects and expanded housing opportunities across a wider range of housing types and income levels.

In particular, recent legislation, most notably Senate Bill 974, directs local governments to process certain housing applications administratively and within defined timelines, with hearings occurring only on appeal where allowed. This is a significant shift in the land use process impacting Ashland's Type I, Type II, and Type II application noticing and processing. The goal is to reduce delay and limit discretionary review while still requiring cities to update local codes to align procedures, notice, and appeal processes with state law.

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Staff are bringing forth the following code amendment projects to align with new legislation including:

Grant-Funded Rogue Valley Council of Governments (RVCOG)
Housing Assistance Amendments (through July of 2027)

The Rogue Valley Council of Governments (RVCOG) has received a grant to audit land use codes for compliance with state requirements to provide a clear and objective path for the review of residential development proposals and to avoid procedural barriers to developing housing. Staff are working with the RVCOG team to support their audit efforts, and RVCOG will develop adoption-ready code and comprehensive plan amendments correcting any deficiencies identified through the audit. RVCOG work on this project is scheduled to continue through April of 2027, with city adoption of the resulting amendments by July of 2027.

Senate Bill (SB) 974 Amendments

SB 974 introduces the concept of an urban housing application and, for certain types of residential approvals, requires that the initial decision be made administratively without a hearing. SB 974 includes three primary areas of focus:

- SB 974 creates a "120-day shot-clock" for Engineering review of residential development applications, similar to the shot-clock for land use applications.
    - Since this relates to the Engineering Division's review of civil drawings following land use approval, it is not governed by the Ashland Land Use Ordinance, and no land use ordinance changes are necessary.

- SB 974 requires certain residential development applications to be processed administratively without an initial quasi-judicial hearing. For zone changes to allow denser residential uses, Performance Standards Options subdivisions, and Variances related to urban housing applications on land inside the UGB and zoned for residential and mixed uses, SB974 calls for an initial decision to be made administratively, without a public hearing unless an appeal is requested. This will entail a number of changes primarily to AMC Chapter 18.5 with regard to application review procedures.
    - With regard to zone changes to increase residential density, staff have some concern that the requirements of SB 974 to administratively approve up-zoning requests directly conflict with the Oregon Revised Statutes (ORS) 227.186(2) and (5) which require zone changes be made by ordinance with proper public notice through a public hearing. In staff's assessment, the options here are to

either codify SB 974 requirements while aware of the conflict or to retain existing codes which comply with the ORS until the conflict is resolved or at least addressed through rulemaking.

- With regard to Performance Standards Options subdivisions, the options would be to either provide separate paths for residential and non-residential applications or to simply make all subdivisions subject to administrative review and approval with the possibility to appeal to the Planning Commission. Procedurally, this also raises questions in terms of whether to retain a two-tiered subdivision process, and if so whether the threshold to allow concurrent Outline and Final Plan reviews should be increased from ten lots to 12 or more. This is also a time to look at the criteria for PSO approval to ensure that standards for residential development are clear and objective.
- For Variances, those involving urban housing applications could be made Type I procedures subject to administrative approval with the possibility for an appeal to the Planning Commission, or we could look more closely at the distinctions between Type I and Type II Variances to see if additional changes are desired. One approach would be to classify any variance associated with an urban housing application, as defined under Senate Bill 974, as a Type I action subject to administrative review, with the opportunity for appeal to the Planning Commission. This would align local procedures with the State's direction to avoid an initial hearing for qualifying housing applications, regardless of whether the variance relates to setbacks, height, or other applicable standards. Variances not associated with an urban housing application would remain subject to a Type II process with a public hearing, such as those tied to non-housing development, standalone commercial or industrial projects, or other land use actions outside the scope of SB 974.

- SB 974 also prohibits certain design standards for one- and two-family residential developments of 20 or more lots. Standards regulating aesthetics, landscaping, building orientation, parking or building design cannot be applied. This prohibition does not apply to setbacks, accessibility, size limitations or any review under applicable building or fire codes, or public health or safety regulations.
  - Generally, site development and design standards are not applicable to one- and two-family residential development proposals. Moving forward in preparing amendments, staff will look closely to identify necessary

modifications applicable to one- and two-family residential proposals, including to the specific design standards in AMC 18.2.5.090 and AMC 18.3.5.100.

Code changes to comply with SB 974 are intended to be implemented by cities by July 1, 2026. As staff begin crafting code language to move these amendments forward, we're looking tonight for some guidance from the Commission on the options discussed above. A road map charting the existing procedural handling and options for addressing SB 974 requirements is attached, with thanks to City of Medford Planning staff for graciously providing their road map template as a starting point.

State guidance on implementation of Senate Bill 974 remains limited at this time, with the statute establishing overall procedural requirements but providing little direction on how local governments should restructure existing review classifications such as Type I and Type II processes. In particular, the law clearly requires that qualifying urban housing applications be processed without an initial hearing, but does not provide detailed direction on how to treat specific permit types, including variances, within existing local frameworks. As a result, jurisdictions are left to interpret and align their procedures in a manner that meets the intent of the legislation while maintaining internal consistency within their land use codes.

Next Steps

At this time, staff are looking for direction from the Planning Commission with regard to the specific approach for implementing requirements for Senate Bill 974. Attachment 1 provides a roadmap for discussion at the meeting, detailing existing procedures along with code amendment options and some specific considerations. Amendments will come back to the Commission for review in short order.

Legislative amendments to address House Bill 2138 (Middle Housing) and House Bill 3560 (Child Care Centers) will be discussed at an upcoming study session. Changes implementing the requirements for these bills are to be adopted by January 1, 2027.

Attachments:

1. Senate Bill 974 Code Changes Roadmap
2. Staff Communication with the Housing Accountability & Production Office about conflict between SB974 and ORS 227.186.
3. Senate Bill 974 Enrolled
4. Legislative Staff Summary of SB 974

SB 974 – URBAN HOUSING APPLICATIONS (UHA)

Prohibits certain zone changes (upzones), planned unit developments, and variances from being subject to quasi-judicial review. Creates appeal pathway for these decisions.

WHAT APPLIES

Only applies to land that is:

- Inside the urban growth boundary (UGB), and
- "Zoned primarily for residential use or mixed residential use or planned for residential use"

WHAT DOESN'T APPLY

Does not apply to applications:

- That reduce minimum residential density of land
- For final subdivision or partition plat
- For a residential construction permit under the building code
- For final engineering review
- Subject to ministerial or other expedited approval procedure, including outright permitted uses

Define UHAs

- Create definition of Urban Housing Application (UHA), which would include certain zone changes*, PSO Subdivisions, Variances and Exceptions
- Amend procedures for UHAs involving zone changes, PSO subdivisions and variances - make **Type I** Procedure

ZONE CHANGES

CURRENT CODE →

- Minor Zone Change - **Type II**
  - PC is Approving Authority
  - Appeal is made to City Council
- Major Zone Change - **Type III**
  - PC makes a recommendation to Council
  - City Council is Approving Authority
  - Appeal is made to LUBA

Amendment Option 1

- Zone changes (upzones) that qualify as a UHA would be processed as Type I.
- All other Zone Changes would follow existing procedure (**Type III**)

Amendment Option 2

Retain Zone Changes codes as is until conflicts with ORS 227.186 are resolved or at least addressed through *rulemaking*.

Considerations

- SB 974 as written conflicts with ORS 227.186(2) & (5) which requires notice, a hearing and adoption by ordinance.
- Non-UHA Zone Changes, including residential downzones would follow existing procedure (**Type III**).

PSO Subdivisons

- Outline Plan Subdivisions under the Performance Standards - **Type II**
  - PC is Approving Authority
  - Appeal is made to City Council
- Final Plan Subdivision - **Type I**
  - Staff Advisor is Approving Authority
  - Appeal is made to PC

Amendment Option 1

- Separate PSO Subdivisions into Non-residential (**Type II**) and Residential (**Type I**)
- Residential would fall under definition of UHA

Amendment Option 2

- Make all subdivisions (standard and PSO) a **Type I** procedure subject to appeal to the Planning Commission.

Considerations

- Do we retain the two-tiered Outline/Final PSO process?
- Should number of lots for concurrent review increase? Currently 10, should be at least 12.
- With amendments, we need to look at more *clear & objective* standards.

VARIANCES

CURRENT CODE →

- Variances - **Type I or II**
  - Dependent on details of request
- All Exceptions (SDUS, Street Standards, Hillside Development Standards) - **Type I**
  - Staff Advisor is Approving Authority
  - Appeal is made to PC

Amendment Option 1

- Variances that meet UHA criteria would be a **Type I** procedure
- Retain **Type II** procedure for other Variances

Amendment Option 2

- Make all Variances a **Type I** procedure subject to appeal to the Planning Commission

Considerations

- How do we apply more *clear & objective* standards for Variances.

Other Items

- SB 974 also requires some design standard flexibility for development of 20 or more lots.
- In all amendments, need to consider clear & objective standards for residential projects.
- Do we want to look at other areas of procedural distinction between Type I & Type II?

(submitted through the Inquiry and Complaint Portal on September 12, 2025 - https://www.oregon.gov/lcd/HAPO/Pages/Inquiries-and-Complaints.aspx)

Housing Accountability and Production Office,

Section 3 of **SB 974 (2025 Regular Session)** establishes new procedures for certain residential land use applications, including *"a zone change to allow for a denser residential use designation"* on land inside an urban growth boundary zoned or planned for residential or mixed residential use Specifically, **Section 3(7)** provides that:
"The initial decision on the application must be made without a hearing. A local government may provide for a hearing on appeal of the initial decision."

The City of Ashland is in the initial stages of preparing to draft local code amendments to implement SB 974 by the July 1, 2026 deadline. In doing so, we seek clarification on how this new statutory directive, requiring administrative approval without an initial hearing, can be reconciled with existing statutory requirements under Oregon law for zone changes which are a legislative act, specifically:

> ***ORS 227.186(2):*** *"All legislative acts relating to comprehensive plans, land use planning or zoning adopted by a city shall be by ordinance."*
> ***ORS 227.186(5):*** Requires mailed notice to affected property owners, including the date of a required public hearing.

As written, SB 974 appears to require Ashland to process qualifying zone change applications administratively without an initial hearing, while ORS 227.186 requires that any such zone change be adopted by ordinance with a public hearing before the City Council.

Question: How should Ashland structure its local approval process for zone changes that increase residential density to comply with SB 974's administrative approval directive while also meeting ORS 227.186's mandates for ordinance adoption and public hearing notice and review before the City Council?

I trust other communities are likewise seeking clarity on how these apparently disparate requirements can be reconciled. We would greatly appreciate guidance to ensure Ashland's implementation process is both compliant and efficient.
Thank you, Brandon

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From: MARQUARDT Ryan * DLCD <Ryan.MARQUARDT@dlcd.oregon.gov>
Sent: Wednesday, September 24, 2025 4:49 PM
To: Brandon Goldman <brandon.goldman@ashland.or.us>
Subject: HAPO Inquiry: City of Ashland, SB 974

Hello Brandon,

I'm responding to an inquiry you submitted to HAPO on 09/12/25. The crux of the question is about amendments in SB 974 requiring a land use decision without a hearing for zone changes that allow for denser residential development and how that operates with ORS 227.186 that requires a hearing for zone changes.

The short answer is that we don't have guidance to offer yet on this question. HAPO staff also identified this as a potential conflict while writing guidance on housing laws from the 2025 legislative session. The guidance document is being review internally and we expect it to be available in early October. (notice will be done via GovDelivery; subscription info at https://www.oregon.gov/lcd/About/Pages/Subscriptions.aspx if you're not already signed up)

SB 974 appeared late in the session and DLCD had limited involvement with its legislative process. We don't have insight about the legislative intent or the envisioned implementation details beyond what's available on OLIS (https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/SB974).

The guidance that we will have on SB 974 will have the caveat that it is not legal advice, and local governments are advised to consult their legal counsel about these questions. I can't make any guarantee about how specific our guidance will be regarding SB 974 and the M56 requirements. We'll be available for follow-up questions and clarifications once the guidance is published.

Thanks,

Ryan

DLCD HAPO **Ryan Marquardt, AICP**
Housing Planner | Housing Accountability and Production Office
Pronouns: he/him
Oregon Department of Land Conservation and Development
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Enrolled
Senate Bill 974

Sponsored by Senators ANDERSON, JAMA, BROADMAN, MEEK; Senators PATTERSON, PHAM K, SMITH DB, Representatives ANDERSEN, CHOTZEN, FAHEY, JAVADI, MARSH, TRAN

CHAPTER .....

AN ACT

Relating to the timeline for reviewing land use applications for housing; creating new provisions; amending ORS 197.830 and 197.835; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section, "final engineering plans" means the detailed engineering plans and reports for the design or construction of public and private infrastructure improvements that require review and approval following tentative plat approval by a local government before issuing site development permits, including plans and reports for the construction of public and private infrastructure improvements such as grading, water, sewer, stormwater, transportation systems and utilities.

(2) After receiving an application for final engineering plans for residential development within an urban growth boundary, a local government shall:

(a) Within 30 days, confirm that the application was complete when submitted or specify all additional materials that must be included for the application to be considered complete.

(b) Complete the final review of the final engineering plans and, following the receipt of applicable fees, forms and bonds, approve or deny site development permits for construction of all public and private infrastructure improvements, within 120 days after the date on which:

(A) The application is deemed complete under paragraph (a) of this subsection;

(B) The applicant has provided all materials specified under paragraph (a) of this subsection; or

(C) The applicant states that no additional materials are forthcoming.

(3) The review period for a local government to complete its review under subsection (2)(b) of this section:

(a) Is tolled during the time period beginning on the date on which a local government sends a direction to the applicant to correct or supplement the application and ending on the date on which the amended application is received by the local government.

(b) May be extended one or more times for a specified period at the written request of the applicant, provided that the total of all extensions does not exceed 245 days.

(4)(a) If the local government does not take final action on the application within the deadline provided under subsection (2)(b) of this section, including any extension under this section, the applicant may file a petition for a writ of mandamus under ORS 34.130 in the circuit court of the county where the application was submitted.

(b) The local government shall retain jurisdiction to make a decision until a petition for a writ of mandamus is filed.

(c) Upon receiving a petition filed under ORS 34.130, the circuit court has jurisdiction for all decisions regarding the application, including settlement.

(d) The court shall issue a peremptory writ unless the local government or any intervenor shows that the approval of final engineering plans would violate a substantive provision of the local government's regulations.

SECTION 2. Section 3 of this 2025 Act is added to and made a part of ORS chapter 197A.

SECTION 3. (1) This section applies only to a land use decision for residential development based on an application for:

(a) A zone change to allow for a denser residential use designation;

(b) A planned unit development; or

(c) A variance from a residential approval standard.

(2) This section applies only to an application for land that is, at the time of the application:

(a) Inside the urban growth boundary; and

(b) Zoned primarily for residential use or mixed residential use or planned for residential use.

(3) This section does not apply to an application:

(a) That would reduce the minimum residential density of land.

(b) For a final subdivision or partition plat.

(c) For a residential construction permit under the state building code.

(d) For final engineering plans under section 1 of this 2025 Act.

(e) Subject to a ministerial or other expedited approval procedure, including a residential use allowed outright.

(4) An application under this section:

(a) Is not subject to the requirements of ORS 197.797.

(b) Must be reviewed under the procedures described in a local government's land use regulations, except as provided in this section.

(5)(a) The local government shall provide written notice of an application under this section to owners of property within 100 feet of the site for which the application is made and to any neighborhood or community organization recognized by the governing body and whose boundaries include the site. The list of owners must be compiled from the most recent property tax assessment roll.

(b) A local government is not required to provide a hearing, as described in ORS 197.610 to 197.625, on an application made under this section if the local government provides a copy of the notice required under this subsection to the Department of Land Conservation and Development in the manner provided by ORS 197.610 and 197.615.

(c) The notice must:

(A) Provide a 14-day period for submission of written comments prior to the decision;

(B) State that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;

(C) List, by commonly used citation, the applicable criteria for the decision;

(D) Set forth the street address or other easily understood geographical reference to the subject property;

(E) State the place, date and time that comments are due;

(F) State that copies of all evidence relied upon by the applicant are available for review and that copies can be obtained at cost;

(G) Include the name and phone number of a local government contact person;

(H) Provide notice of the decision to the applicant and any person who submits comments under subparagraph (A) of this paragraph. The notice of decision must include an explanation of appeal rights; and

(I) Briefly summarize the local process for reaching a final decision on the application.

(d) The local government shall provide an affidavit or other certification describing the notice given under this subsection.

(6) Approval or denial of the application must be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

(7) The initial decision on the application must be made without a hearing. A local government may provide for a hearing on appeal of the initial decision. The hearing may be limited to the record developed for the initial decision under subsection (5) of this section or may allow for the introduction of additional testimony or evidence. A hearing on appeal that allows the introduction of additional testimony or evidence must comply with the requirements of ORS 197.797. Written notice of the local government's final decision must be given to all parties who participated in the decision and must include an explanation of a party's right to appeal the decision.

SECTION 4. ORS 197.830 is amended to read:

197.830. (1) Review of land use decisions or limited land use decisions under ORS 197.830 to 197.845 shall be commenced by filing a notice of intent to appeal with the Land Use Board of Appeals.

(2) Except as provided in ORS 197.620, a person may petition the board for review of a land use decision or limited land use decision if the person:

(a) Filed a notice of intent to appeal the decision as provided in subsection (1) of this section; and

(b) Appeared before the local government, special district or state agency orally or in writing.

(3) If a local government makes a land use decision without providing a hearing, except as provided under ORS 215.416 (11) or 227.175 (10), or the local government makes a land use decision that is different from the proposal described in the notice of hearing to such a degree that the notice of the proposed action did not reasonably describe the local government's final actions, a person adversely affected by the decision may appeal the decision to the board under this section:

(a) Within 21 days of actual notice where notice is required; or

(b) Within 21 days of the date a person knew or should have known of the decision where no notice is required.

(4) If a local government makes a land use decision without a hearing pursuant to ORS 215.416 (11) or 227.175 (10):

(a) A person who was not provided notice of the decision as required under ORS 215.416 (11)(c) or 227.175 (10)(c) may appeal the decision to the board under this section within 21 days of receiving actual notice of the decision.

(b) A person who is not entitled to notice under ORS 215.416 (11)(c) or 227.175 (10)(c) but who is adversely affected or aggrieved by the decision may appeal the decision to the board under this section within 21 days after the expiration of the period for filing a local appeal of the decision established by the local government under ORS 215.416 (11)(a) or 227.175 (10)(a).

(c) A person who receives notice of a decision made without a hearing under ORS 215.416 (11) or 227.175 (10) may appeal the decision to the board under this section within 21 days of receiving actual notice of the nature of the decision, if the notice of the decision did not reasonably describe the nature of the decision.

(d) Except as provided in paragraph (c) of this subsection, a person who receives notice of a decision made without a hearing under ORS 215.416 (11) or 227.175 (10) may not appeal the decision to the board under this section.

(5) If a local government makes a limited land use decision which is different from the proposal described in the notice to such a degree that the notice of the proposed action did not reasonably describe the local government's final actions, a person adversely affected by the decision may appeal the decision to the board under this section:

(a) Within 21 days of actual notice where notice is required; or

(b) Within 21 days of the date a person knew or should have known of the decision where no notice is required.

(6) The appeal periods described in subsections (3), (4) and (5) of this section:

(a) May not exceed three years after the date of the decision, except as provided in paragraph (b) of this subsection.

(b) May not exceed 10 years after the date of the decision if notice of a hearing or an administrative decision made pursuant to ORS 197.195 or 197.797 **or section 3 of this 2025 Act** is required but has not been provided.

(7)(a) Within 21 days after a notice of intent to appeal has been filed with the board under subsection (1) of this section, any person described in paragraph (b) of this subsection may intervene in and be made a party to the review proceeding by filing a motion to intervene and by paying a filing fee of $100.

(b) Persons who may intervene in and be made a party to the review proceedings, as set forth in subsection (1) of this section, are:

(A) The applicant who initiated the action before the local government, special district or state agency; or

(B) Persons who appeared before the local government, special district or state agency, orally or in writing.

(c) Failure to comply with the deadline or to pay the filing fee set forth in paragraph (a) of this subsection shall result in denial of a motion to intervene.

(8) If a state agency whose order, rule, ruling, policy or other action is at issue is not a party to the proceeding, it may file a brief with the board as if it were a party. The brief shall be due on the same date the respondent's brief is due and shall be accompanied by a filing fee of $100.

(9) A notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final. A notice of intent to appeal plan and land use regulation amendments processed pursuant to ORS 197.610 to 197.625 shall be filed not later than 21 days after notice of the decision sought to be reviewed is mailed or otherwise submitted to parties entitled to notice under ORS 197.615. Failure to include a statement identifying when, how and to whom notice was provided under ORS 197.615 does not render the notice defective. Copies of the notice of intent to appeal shall be served upon the local government, special district or state agency and the applicant of record, if any, in the local government, special district or state agency proceeding. The notice shall be served and filed in the form and manner prescribed by rule of the board and shall be accompanied by a filing fee of $300. If a petition for review is not filed with the board as required in subsections (10) and (11) of this section, the board shall award the filing fee to the local government, special district or state agency.

(10)(a) Within 21 days after service of the notice of intent to appeal, the local government, special district or state agency shall transmit to the board the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceeding the record may be shortened. The board may require or permit subsequent corrections to the record; however, the board shall issue an order on a motion objecting to the record within 60 days of receiving the motion. If the board denies a petitioner's objection to the record, the board may establish a new deadline for the petition for review to be filed that may not be less than 14 days from the later of the original deadline for the brief or the date of denial of the petitioner's record objection.

(b) Within 10 days after service of a notice of intent to appeal, the board shall provide notice to the petitioner and the respondent of their option to enter into mediation pursuant to ORS 197.860. Any person moving to intervene shall be provided such notice within seven days after a motion to

intervene is filed. The notice required by this paragraph shall be accompanied by a statement that mediation information or assistance may be obtained from the Department of Land Conservation and Development.

(11) A petition for review of the land use decision or limited land use decision and supporting brief shall be filed with the board as required by the board under subsection (13) of this section.

(12) The petition shall include a copy of the decision sought to be reviewed and shall state:

(a) The facts that establish that the petitioner has standing.

(b) The date of the decision.

(c) The issues the petitioner seeks to have reviewed.

(13)(a) The board shall adopt rules establishing deadlines for filing petitions and briefs and for oral argument.

(b) The local government or state agency may withdraw its decision for purposes of reconsideration at any time:

(A) Subsequent to the filing of a notice of intent; and

(B) Prior to:

(i) The date set for filing the record; or

(ii) On appeal of a decision under ORS 197.610 to 197.625 or relating to the development of a residential structure, the filing of the respondent's brief.

(c) If a local government or state agency withdraws an order for purposes of reconsideration, it shall, within such time as the board may allow, affirm, modify or reverse its decision. If the petitioner is dissatisfied with the local government or agency action after withdrawal for purposes of reconsideration, the petitioner may refile the notice of intent and the review shall proceed upon the revised order. An amended notice of intent is not required if the local government or state agency, on reconsideration, affirms the order or modifies the order with only minor changes.

(14) The board shall issue a final order within 77 days after the date of transmittal of the record. If the order is not issued within 77 days the applicant may apply in Marion County or the circuit court of the county where the application was filed for a writ of mandamus to compel the board to issue a final order.

(15) Upon entry of its final order, the board:

(a) May, in its discretion, award costs to the prevailing party including the cost of preparation of the record if the prevailing party is the local government, special district or state agency whose decision is under review.

(b) Shall award reasonable attorney fees and expenses to the prevailing party against any other party who the board finds presented a position or filed any motion without probable cause to believe the position or motion was well-founded in law or on factually supported information.

(c) Shall award costs and attorney fees to a party as provided in ORS 197.843.

(16) Orders issued under this section may be enforced in appropriate judicial proceedings.

(17)(a) The board shall provide for the publication of its orders that are of general public interest in the form it deems best adapted for public convenience. The publications shall constitute the official reports of the board.

(b) Any moneys collected or received from sales by the board shall be paid into the Board Publications Account established by ORS 197.832.

(18) Except for any sums collected for publication of board opinions, all fees collected by the board under this section that are not awarded as costs shall be paid over to the State Treasurer to be credited to the General Fund.

(19) The board shall track and report on its website:

(a) The number of reviews commenced, as described in subsection (1) of this section, the number of reviews commenced for which a petition is filed under subsection (2) of this section and, in relation to each of those numbers, the rate at which the reviews result in a decision of the board to uphold, reverse or remand the land use decision or limited land use decision. The board shall track and report reviews under this paragraph in categories established by the board.

(b) A list of petitioners, the number of reviews commenced and the rate at which the petitioner's reviews have resulted in decisions of the board to uphold, reverse or remand the land use decision or limited land use decision.

(c) A list of respondents, the number of reviews involving each respondent and the rate at which reviews involving the respondent have resulted in decisions of the board to uphold, reverse or remand the land use decision or limited land use decision. Additionally, when a respondent is the local government that made the land use decision or limited land use decision, the board shall track whether the local government appears before the board.

(d) A list of reviews, and a brief summary of the circumstances in each review, under which the board exercises its discretion to require a losing party to pay the attorney fees of the prevailing party.

SECTION 5. ORS 197.835 is amended to read:

197.835. (1)(a) The Land Use Board of Appeals shall review the land use decision or limited land use decision and prepare a final order affirming, reversing or remanding the land use decision or limited land use decision.

(b) If a local government demonstrates that a land use decision adopting a change to an acknowledged comprehensive plan or land use regulation contains a severability clause and specifically challenged portions of the changes may be reasonably severable from the remainder of the changes, the board may affirm in part. Reasonably severable means the remaining parts, standing alone, are complete and capable of being executed with the legislative intent. The affirmed parts are not affected by the reversal or remand, continue in effect and are considered acknowledged as described in ORS 197.625.

(c) The board shall adopt rules defining the circumstances in which it will reverse rather than remand a land use decision or limited land use decision or part of a decision that is not affirmed.

(2)(a) Review of a decision under ORS 197.830 to 197.845 shall be confined to the record.

(b) In the case of disputed allegations of standing, unconstitutionality of the decision, ex parte contacts, actions described in subsection (10)(a)(B) of this section or other procedural irregularities not shown in the record that, if proved, would warrant reversal or remand, the board may take evidence and make findings of fact on those allegations. The board shall be bound by any finding of fact of the local government, special district or state agency for which there is substantial evidence in the whole record.

(3) The board may only review issues raised by any participant before the local hearings body as provided by ORS 197.195, 197.622 or 197.797 **or section 3 of this 2025 Act**, whichever is applicable.

(4) A petitioner may raise new issues to the board regarding a quasi-judicial decision made under ORS 197.195 or 197.797 **or section 3 of this 2025 Act** only if:

(a) The local government failed to list the applicable criteria for a decision under ORS 197.195 (3)(c) or 197.797 (3)(b) **or section 3 (5)(c) of this 2025 Act**, in which case a petitioner may raise new issues based upon applicable criteria that were omitted from the notice. However, the board may refuse to allow new issues to be raised if it finds that the issue could have been raised before the local government; or

(b) The local government made a land use decision or limited land use decision which is different from the proposal described in the notice to such a degree that the notice of the proposed action did not reasonably describe the local government's final action.

(5) The board shall reverse or remand a land use decision not subject to an acknowledged comprehensive plan and land use regulations if the decision does not comply with the goals. The board shall reverse or remand a land use decision or limited land use decision subject to an acknowledged comprehensive plan or land use regulation if the decision does not comply with the goals and the Land Conservation and Development Commission has issued an order under ORS 197.320 or adopted a new or amended goal under ORS 197.245 requiring the local government to apply the goals to the type of decision being challenged.

(6) The board shall reverse or remand an amendment to a comprehensive plan if the amendment is not in compliance with the goals.

(7) The board shall reverse or remand an amendment to a land use regulation or the adoption of a new land use regulation if:

(a) The regulation is not in compliance with the comprehensive plan; or

(b) The comprehensive plan does not contain specific policies or other provisions which provide the basis for the regulation, and the regulation is not in compliance with the statewide planning goals.

(8) The board shall reverse or remand a decision involving the application of a plan or land use regulation provision if the decision is not in compliance with applicable provisions of the comprehensive plan or land use regulations.

(9) In addition to the review under subsections (1) to (8) of this section, the board shall reverse or remand the land use decision under review if the board finds:

(a) The local government or special district:

(A) Exceeded its jurisdiction;

(B) Failed to follow the procedures applicable to the matter before it in a manner that prejudiced the substantial rights of the petitioner;

(C) Made a decision not supported by substantial evidence in the whole record;

(D) Improperly construed the applicable law; or

(E) Made an unconstitutional decision; or

(b) The state agency made a decision that violated the goals.

(10)(a) The board shall reverse a local government decision and order the local government to grant approval of an application for development denied by the local government if the board finds:

(A) Based on the evidence in the record, that the local government decision is outside the range of discretion allowed the local government under its comprehensive plan and implementing ordinances; or

(B) That the local government's action was for the purpose of avoiding the requirements of ORS 215.427 or 227.178.

(b) If the board does reverse the decision and orders the local government to grant approval of the application, the board shall award attorney fees to the applicant and against the local government.

(11)(a) Whenever the findings, order and record are sufficient to allow review, and to the extent possible consistent with the time requirements of ORS 197.830 (14), the board shall decide all issues presented to it when reversing or remanding a land use decision described in subsections (2) to (9) of this section or limited land use decision described in ORS 197.828 and 197.195.

(b) Whenever the findings are defective because of failure to recite adequate facts or legal conclusions or failure to adequately identify the standards or their relation to the facts, but the parties identify relevant evidence in the record which clearly supports the decision or a part of the decision, the board shall affirm the decision or the part of the decision supported by the record and remand the remainder to the local government, with direction indicating appropriate remedial action.

(12) The board may reverse or remand a land use decision under review due to ex parte contacts or bias resulting from ex parte contacts with a member of the decision-making body, only if the member of the decision-making body did not comply with ORS 215.422 (3) or 227.180 (3), whichever is applicable.

(13) Subsection (12) of this section does not apply to reverse or remand of a land use decision due to ex parte contact or bias resulting from ex parte contact with a hearings officer.

(14) The board shall reverse or remand a land use decision or limited land use decision which violates a commission order issued under ORS 197.328.

(15) In cases in which a local government provides a quasi-judicial land use hearing on a limited land use decision, the requirements of subsections (12) and (13) of this section apply.

(16) The board may decide cases before it by means of memorandum decisions and shall prepare full opinions only in such cases as it deems proper.

SECTION 6. Sections 1 and 3 of this 2025 Act and the amendments to ORS 197.830 and 197.835 by sections 4 and 5 of this 2025 Act become operative July 1, 2026.

SECTION 7. Section 8 of this 2025 Act is added to and made a part of ORS chapter 197A.

SECTION 8. (1) A local government may not apply residential design standards to an application for the development of housing within an urban growth boundary unless the application is for the development of a multifamily structure as defined in ORS 197A.465 or fewer than 20 residential units.

(2) This section does not apply to land use regulations or requirements that are related to setbacks, building height, accessibility, fire ingress or egress, public health or safety, state or federal water quality standards, hazardous or contaminated site cleanup or wildlife protection or that implement statewide land use planning goals relating to natural resources, natural hazards, the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes or ocean resources.

(3) As used in this section:

(a) "Residential design standards" means standards intended to preserve the desired character, architectural expression, decoration or aesthetic quality of new homes, including standards regulating:

(A) Facade materials, colors or patterns;

(B) Roof decoration, form or materials;

(C) Accessories, materials or finishes for entry doors or garages;

(D) Window elements such as trim, shutters or grids;

(E) Fence type, design or finishes;

(F) Architectural details, such as ornaments, railings, cornices and columns;

(G) Size and design of porches or balconies;

(H) Variety of design or floorplan; or

(I) Front or back yard area landscaping materials or vegetation.

(b) "Residential units" means any new single-unit dwellings, manufactured dwellings and units of middle housing, as defined in ORS 197A.420.

SECTION 9. Section 8 of this 2025 Act is repealed January 2, 2033.

SECTION 10. This 2025 Act takes effect on the 91st day after the date on which the 2025 regular session of the Eighty-third Legislative Assembly adjourns sine die.

Passed by Senate April 28, 2025

Repassed by Senate June 5, 2025

.....
Obadiah Rutledge, Secretary of Senate

.....
Rob Wagner, President of Senate

Passed by House June 3, 2025

.....
Julie Fahey, Speaker of House

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

.....
Tobias Read, Secretary of State

SB 974 A STAFF MEASURE SUMMARY

Carrier: Sen. Anderson

Senate Committee On Housing and Development

Action Date:	04/07/25
Action:	Do pass with amendments. (Printed A-Eng.)
Vote:	4-0-1-0
Yeas:	4 - Anderson, Broadman, Patterson, Pham
Exc:	1 - Nash
Fiscal:	Fiscal impact issued
Revenue:	No revenue impact
Prepared By:	Kaia Maclaren, LPRO Analyst
Meeting Dates:	3/17, 3/19, 4/7

WHAT THE MEASURE DOES:

The measure establishes timelines for the review and approval process for final engineering plans for residential development within urban growth boundaries. The measure also defines urban housing applications and exempts projects developing 20 or more residential lots from specific aesthetic and design reviews, with optional waivers for smaller projects.

Detailed Summary:

Limited Land Use Decision

- Makes an urban housing application a limited land use decision, meaning a final decision made by a local government pertaining to a site within a UGB.

Urban Housing Application

- Defines 'urban housing application' as an application to a local government for a quasi-judicial decision seeking approval of any aspect of the development of lands zoned, or planned, for residential use or mixed-use within a UGB, including an application to:
  - amend a comprehensive plan or seek variance from a land use regulation;
  - adopt a planned development;
  - tentatively plat, partition, or subdivide the land;
  - approve any preliminary engineering or design plans relating to utilities, road, or other urban services;
  - site a dwelling structure.
- Clarifies that an urban housing application does not include:
  - an application that would have the effect of reducing minimum residential density of land;
  - an application for a residential construction permit;
  - a final decision on whether a subdivision or partition substantially conforms to the tentative subdivision or partition plan;
  - a final review of engineering plans within a UGB; and
  - a decision made by a ministerial or other expedited approval procedure.

Exemption from Certain Design Review Processes

- Requires local governments to waive the design review process or requirements for urban housing applications involving the development of 20 or more residential lots or parcels.
- Specifies that said design review process or requirements relate to aesthetics, landscaping, building orientation, parking, or building design, but not including limitations on size or any review under applicable building codes, fire codes, or public health and safety regulations
- Allows local government to waive the design review process or requirements for projects involving fewer than 20 residential lots or parcels.

Timeline for application review of final engineering plans for residential development

Initial Completeness Check (14 Days)

- Requires that a local government or special district confirm receipt, or specify all additional materials that must be provided to complete an application, of a completed final engineering plan application for a residential development within an urban growth boundary (UGB) within 14 days of submittal.

Final Review (90 Days)

- Requires that a local government or special district return a decision on a complete application—one which includes all applicable fees, forms, and bonds—of final engineering plans for residential development within a UGB, and be ready to issue all necessary permits, including utilities, within 90 days after the date on which:
  - the application is deemed complete;
  - the applicant has supplied all materials necessary to complete an initially incomplete application; or
  - the applicant states that they are not providing additional materials.
- Allows the applicant and the reviewing local government or special district to agree to extend the 90-day deadline by 30-day periods.
- "Tolls" – puts on hold – the defined review period between when the government or special district notifies the applicant that additional materials are required to complete the application, and when the applicant returns those materials.

Recovery of Costs for Missed Deadlines

- Provides that an applicant is entitled to an award, including of the applicant's reasonable engineering costs and attorney fees, if the local government or special district fails to meet the deadline for final action of:
  - a 90-day period for final engineering plan application within a UGB;
  - an urban housing application;
  - a permit, limited land use decision, or zone change application for land within a UGB within 120 days after the application is deemed complete.
- Defines 'attorney fees' as including prelitigation legal expenses, such as the cost of preparing and processing the application and supporting the application in hearings.
- Defines 'engineering costs' as including costs to prepare the preliminary plat, to calculate, draft, and design infrastructure plans, and to submit and process the application and consult with relevant local government officials.

Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Housing Institute Affordability Roadblock Study
- Uses of building design reviews
- Limited land use decisions and quasi-judicial decisions
- Creation of "urban housing application"
- Expediated timeline and possible expenses to cities

EFFECT OF AMENDMENT:

The amendment replaces the measure.

BACKGROUND:

Under Oregon's system of Land Use Planning, the Land Conservation and Development Commission, or LCDC, defines land use goals, and the Department of Land Conservation and Development (DLCD) facilitates and assists local governments in carrying out these goals through their comprehensive plans. Local comprehensive plans address the statewide goals and a variety of local planning priorities. New land-use applications are reviewed and screened for compliance with comprehensive plans. Oregon Law currently mandates that the deciding body on a land use decision return their decision no later than 150 days (if a county) or 120 days (if a city, or for mineral

extraction) after receipt of a complete application. A quasi-judicial decision in the context of land use in Oregon is a decision that applies existing rules and policies to a specific factual situation, such as a development proposal, requiring a hearing and findings of fact and conclusions of law.

INFORMATIONAL ONLY

Public Comment

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shland, Oregon

Cities should keep city halls downtown

As cities grow, city workers are constantly coping with inadequate space for the increased workload. The original City Hall is invariably located downtown, but parking shortages, older facilities, and expensive rents or high purchase costs for additional space tempt city officials to move City Hall to the comparative wide open spaces of fringe areas.

On paper the whole idea always looks good or it wouldn't be seriously considered, and often the plan not only receives serious consideration, but approval as well. This is unfortunate for a number of reasons.

All across America city cores have fallen into a state of neglect as shopping has gone to malls. No offense intended, but the degree of decline can be determined by the number of store fronts on "Main Street" that house churches or other non-profit organizations. If these organizations can afford "Main Street" rents, rents are low, indicating that commerce is indeed dead.

When a city government abandons the city center, it is an indication that government refuses to cope with the problems that any centrally located business has to cope with. After departing, city government officials lose empathy for the problems centrally located businesses face. The lack of empathy eventually hurts these businesses, because ordinances and regulations are proposed that are hostile to the central business community or measures are overlooked that might help the business community.

Of course, businesses can fight proposed ordinances they don't like, and they can propose ordinances they do want, but it is better for business when city government employees work in a similar environment as business owners and employees.

Central businesses have to cope with social problems such as crime and street people, smaller stores, traffic, parking shortages, deteriorating infrastructure, older buildings, parcel fragmentation, and the sometimes poor management or upkeep by adjacent property owners. Matters are simpler for businesses in malls because of the consistent managment in them, and the best way for city decision makers to appreciate this is for city halls to stay where they started, right in the middle of town.

This isn't to say that some city functions such as street repair, street cleaning, or snow removal shouldn't be headquartered on city fringes where there are fewer conflicts for those operations and more space, only that department heads and the main city offices should remain in the town center.

Although it may not be obvious, government is a part of culture. While some people may find meetings boring, many do not, as evidenced by the quantity of people who watch city government on TV, where it is offered. People like to see how decisions are reached, how problems are solved and who it is that makes the decisions. The whole governmental process is a major part of a civilization's culture. To keep the core of a city vital, all types of culture must be encouraged there, not just the arts.

City halls in their central locations can house historical displays that link people to the heritage of the city. They can serve as information centers. People want to be able to wander into their city hall to look around and to ask questions. People don't do that when they have to make a special trip to some non-central location, and that inconvenience can hurt the retention of a community feeling.

Maintaining a city government in the core makes government more accessible to the people. People see city officials around town, which makes them seem more approachable. The probability of chance encounters increases, making casual conversation easier. When government moves from the core area, officials aren't as visible or approachable, and citizens will find it difficult to just drop into City Hall to ask questions or give input into city matters.

Accessibility and familiarity lessen alienation of the people from government, thereby enhancing communication. Communication is important for government to best represent the people, and the most accepted City projects are those where many people have been drawn into the deliberations. Keeping City Hall in an accessible location helps do that.

A centrally located city workforce also will tend to patronize nearby businesses, thus increasing the probability of their success. They are able to get to these businesses without driving, another benefit.

For all these reasons city halls should stay downtown. Additional space can be found when needed. City leaders just have to do the same thing a sucessful centrally located business would have to do: buy or lease space and adapt it to met organizational needs.

Most of all, though what can look like a cost-savings measure can prove to be very expensive if the result of moving City Hall is a major contribution to the demise of a city's central area and the alienation of people by removing government farther away. No municipality should risk that. Certainly not Ashland.

EDITORIALS: Opinions expressed in the above column are those of Publisher Michael O'Brien, Managing Editor Ken O'Toole and contributing editorial writer Brent Thompson.

Keep government in heart & soul of the city

1993

COMMENTARY

BRENT THOMPSON

Visioning documents such as the downtown plan and comprehensive plan should dictate what is in capital budgeting documents, but in the case of the proposed new City Hall, certain elected and appointed city officials are letting budgeting documents dictate the vision.

The problem is that alternatives to moving City Hall from the downtown were never discussed once the downtown plan was written in the late 1980s. Never were the capital budgeting documents brought in line with the vision that emerged from the hearings on the downtown plan.

The downtown plan was formulated with staff and planning commission input and by a great amount of public testimony in meetings held by the planning commission and the citizens planning advisory committee. The emerging drafts contained strong wording as to the desirablity of keeping our City Hall in the downtown.

A problem emerged when the city administrator intervened and seems to have made the planning director, John Fregonese, change wording to reflect components of the Capital Improvement Plan.

That was wrong because the budget should follow the visioning documents. The planning commission in that instance voted 8-1 to reinsert stronger language calling for the retention of a downtown City Hall. But once the downtown plan went to the city council for adoption, that visioning wording was re-altered and somewhat weaker language was included in the final draft.

The idea of moving our City Hall was a remnant the 1970s, which planners now recognize (along with the 1960s) as the low point in American city planning. The downtown visioning done in the 1980s reflected the need of cities to focus on downtowns, if their downtowns were ever to comply with this neo-traditional vision.

The alternatives for adding office space and keeping the City Hall downtown are numerous. It is time for them to be discussed, and it is time to dump the concept of removing city functions from the downtown. Failure to do so means we are abandoning the downtown to tourism. It is also time for a police substation to be placed back downtown.

A partial listing of alternatives for expanding city offices in a downtown location follows.

- The city can buy or lease an existing building and renovate it to meet the present and future city office needs.
- The city could build above any one of six city public parking lots. In a small first floor area of 800-1,000 square feet could be a reception area, much needed public bathrooms, a public information area, a stairway, and an elevator. Offices would be on the second and third floors. Any parking allocated for city business during the day could be for public use at night and on weekends.

The following are possibilities for building over four city parking lots. The Water Street parking could accommodate the City Hall above. The offices could have access from the Lithia Way overpass, and they could straddle Water Street. This site offers an opportunity for architectural creativity and pedestrian accessibility.

- The Pioneer Street and Lithia Way parking lot is probably the easiest site to work with because of its size and relative flatness. Constructing a three-story building with a small first floor area would be a relatively easy project.
- The Shakespeare parking lot is a possibility. Because of the slope there are some challenges, but the area is definitely large enough.
- Going back to options with privately owned property, the Mark Antony Hotel could be an alternative for a long term lease because that building needs more extensive use. As one non-daily publication noted, the owner of the Mark Antony offered to permit construction above the parking lot for a City Hall, but our officials indicated no interest.
- The Old Armory is another possibility. Space could be leased there at a reasonable cost.
- But probably the best alternative is to expand the existing City Hall. Where it is currently one story, it could be expanded to three stories and more space could be added by building out over the public stairway and alley towards the Abraham Lincoln statue, It is probably possible to put a third story with dormers into a new roof line over the complete existing structure.

The exterior of our existing City Hall structure has been modified at least twice so the issue here would not be a loss of architectural integrity, but how to add on compatibly.

With any alternatives in the downtown, costs might exceed costs of building by the police station, but staff travel time and transportation costs would be less. Public vehicle trips would be less, and we wouldn't be faced with the cost of increased public alienation by further removing government from residents and business owners.

What is important is that when city officials value tradition, want a viable downtown for residents, and desire good communication with constituents, they don't remove government from the heart and soul of a city.

If it were essential for government to be in the geographical center of jurisdictions, as some suggest, the Feds would have packed up for Nebraska decades ago and Burns would be the capital of Oregon.

If for some reason a new city office building is built out of the downtown, the functions that are moved will be replaced downtown by future city leaders following community vision, not old budgeting documents remaining from the 1970s.

Let's avoid that. Let's choose an alternative in the downtown for City Hall expansion, now.

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Brent Thompson is an Ashland building renovator and a member of the Planning Commission since 1985.

City Hall is moving! — Unless

MONDAY 26 JULY 93

COMMENT

BRENT THOMPSON

With the departure of department heads and staffs from the offices of Planning, Building, Energy Conservation, Water Conservation, Engineering and Public Works to a peripheral location, the downtown City Hall would be functionally gutted.

While there would still ostensibly be a City Hall downtown, any reference to it thereafter would need quotation marks. Further, the proposed building ($675,000 worth) is the first of two phases. The second phase would cost $340,000 and would remove more functions from the downtown. As the first part of a slinky goes, the second follows, so it would be with City Hall.

What would likely remain in the city core would be the "city functions" of public bathrooms for our visitors and a visitors' information or history center.

There would be the mayor's office until it became apparent that all the action is out on East Main. Then our elected Mayor would have to move or be left out. But then elected people only get in the way of "real government" anyway.

The city administrator's office would probably go in the second phase, although a symbolic office might be left downtown.

There might also be a police substation to deal with our increased problems since we would have abandoned the downtown to outsiders.

There would be a utility payment center and maybe a few other symbols of what used to be the nerve center of Ashland. But in reality, government would be gone.

The proposed 10,000 square feet of building space costing $1 million, if it really is needed, should be built or acquired in the core area. This issue is important because the removal of City Hall from the downtown would likely mean the death of intimacy and good communication between city officals and Ashland residents. City officials would become invisible and less approachable, rather than maintaining their current prominence and accessibility. This translates to a future alienation of the people from city government.

City officials would lose their empathy for the problems of downtown businesses once they no longer personally deal with these problems. This translates to a future alienation of downtown business from city government.

If residents and business owners permit the removal of City Hall from the downtown, Ashland would join the ranks of any number of cities that lost their soul, thus retaining only a veneer of what had made them special or great. This would be a tragedy for Ashland. The idea of moving the City Hall is left over from the 1960s and 1970s which planning experts now recognize as the low point of American city design.

A quantifiable argument can be made for the removal of the City Hall out of the downtown or the concept wouldn't have gotten this far. A quantifiable case can also be made for keeping City Hall downtown, particularly when the dual use potential of downtown facilities is considered. As is often the case, the numbers can be manipulated either way rendering cost-benefit arguments worthless.

But what is not so easily manipulated is vision of the people regarding the future of Ashland. That is where the people matter. The Capital Improvements Plan makes reference to goals of improving the working conditions for city workers or of providing for space needs into the 21st century. These goals are important, but they can be achieved downtown. This document leaves out the most important goals of maintaining the accessibility of government by the people and of maintaining traditions that bind our social fabric together.

That is where our Comprehensive and Downtown Plans come in, and any move of City Hall out of the downtown would violate the spirit of these visioning documents.

One problem here is that the city administrator may have bargained away any City Council opposition over the years to the new "government center." That is, unless the public refuses to accept the move.

Unfortunately, we don't get real input from city staff on such proposals. Department heads, even if they might be opposed, would be mute to any move. There is a military type chain of command in city government, and it is not appropriate to undermine the chief administrator's position on any issue. However, former community development director John Fregonese did passionately disagree with city administrator Brian Almquist on this.

What we need now, and I mean right now, is a mass outpouring of sentiment demanding that the City Council direct the city administrator to seek space in the city core where the expansion should occur. The city already owns enough land downtown to get the job done, but the option of purchasing an exisitng building shouldn't be ignored.

Ripping the guts of government out of the downtown is unacceptable. Having generations of city officials hiding behind the Council Chambers on East Main out of touch with the people is equally unacceptable. We don't want to follow the lead of other American cities that have turned their backs on their downtowns, but we are perilously close to doing exactly that.

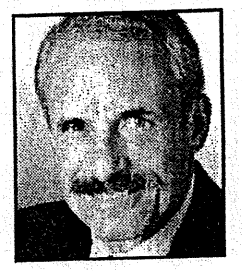
The city administrator is an exceptionally capable person, but he is exceptionally wrong on this one issue. Also, is this where we need to allocate $1 million right now?

Brent Thompson has been a member of the Ashland Planning Commission since 1985.

Daily Tidings 19 January 93

Overcome bad planning, and keep government downtown

Brent Thompson



Twenty years ago, the city council decided more space was needed for vehicle and equipment storage and some other city functions. The council chose to build on a site a mile from the downtown. In addition to moving the "Corporation Yard," as they are called, the plan included the relocation of the police station, the Municipal Court, and the civic meeting hall.

The move of the Corporation Yard was probably not going to create a problem for the future of the city, but the decision to move other functions was.

In fact, this same prior council planned for almost all city functions to eventually be moved from the downtown. This compounded the misfortune of the original decision, because the financial commitment and the controversy created by that bad decision have been difficult to end.

This emphasizes the fact that bad planning, whether it be moving government out of a downtown, encouraging sprawl with premature annexations, or planning only for automobiles, is lamentably difficult to correct.

In other cities where government was moved from the traditional downtown, planners and city administrators learned it was a mistake, because the removal of government resulted in irrevocable harm to that traditional downtown and to the community in general. But this knowledge somehow still fails to affect the decision making of current elected and appointed Ashland city officials.

Rather than acknowledge and correct the bad planning by abandoning plans to move more government from the downtown and move the meeting hall, the computer, specialists, and at least a police substation back downtown, capital budgeting plans in the 1980s included allocations to build a 10,000-square-foot building to house additional functions a mile from downtown.

The application went to the Planning Commission in the fall of 1993, and only a vigorous citizen campaign prevented the construction of the ill-advised 10,000-square-foot building. The council agreed to postpone the project after considerable citizen protest and strong leadership by our mayor against the application. But the council stopped the project — not because they had a clear vision of how to integrate government expansion into the downtown, but because they feared citizen backlash. Still in the minds of most of the council was that it was OK to build something else on East Main for city government.

Thus, the tendency in Ashland has been for both elected and appointed city officials to compound a prior mistake with further studies and plans to move more city functions from downtown to the East Main site.

But now, there is an additional variable that did not affect the decision making in the 1970s, the 1980s, or in 1993. That variable is that the Fire Department now needs more space due to the absorption of the ambulance service. This offers the city an opportunity to combine the fire department and city offices into one structure, resulting in great cost savings from the combined project.

However, first, the latest effort to move more government out of the downtown must be denied or abandoned. The new application is to build a 7,800-square-foot building for Public Works, the fire chief, and computer specialists. A building this size normally would house 29 people, but it is supposedly being built for 10.

But why would any city consider locating the fire chief anywhere but in the fire station?

Although nothing more should be built at the East Main location, these few people do not need 7,800 square feet. This structure is larger than the existing City Hall, and the layout offers the potential for expanding the building. Thus, again, this application appears to be an attempt to move by increments city government from the downtown.

Fortunately, the application is in violation of Ashland's Transportation Plan, its Downtown Plan, its Site Design Guidelines, and its Comprehensive Plan. If that isn't enough, it also conflicts with the vision of the governor's office, Livable Oregon (formerly the Oregon Downtown Association), and 1,000 Friends of Oregon.

The application never should have been submitted, and it will be opposed by citizens who favor saving tax dollars by combining projects and who favor planning that enhances our traditional downtown and a sense of community.

Brent Thompson served on the Ashland Planning Commission for 10 years and the Ashland City Council for two. He is also a former president of the Southern Oregon Land Conservancy and the Jackson County Citizens League.