



Planning Commission Meeting Agenda

ASHLAND PLANNING COMMISSION

REGULAR MEETING AGENDA

Tuesday, August 11, 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. July 14, 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 August 11, 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/97730215434>

V. LEGISLATIVE PUBLIC HEARINGS

1. PLANNING ACTION: PA-L-2026-00020

APPLICANT: City of Ashland

ORDINANCE REFERENCES: AMC 18.5.3.060: Additional Preliminary Flag Lot Partition Plat Criteria

REQUEST: The proposal before the Planning Commission is a draft ordinance amending AMC 18.5.3.060 to establish a variance process for flag drive and driveway grades serving legal lots of record created before the City adopted its Hillside Development Standards in 1997, and a request to forward a recommendation to the City Council. The amendment was originally included in the Senate Bill 974 implementation package (draft Ordinance No. 3307) and has been separated into a standalone ordinance, draft Ordinance No. 3309, so that it can be considered on its own merits.

2. PLANNING ACTION: PA-L-2026-00019

APPLICANT: City of Ashland

ORDINANCE REFERENCES:

AMC 18.2.2.030: Uses Allowed by Zone

AMC 18.2.5.090: Standards for Single-Family Dwellings and Duplexes

AMC 18.2.5.100: Single Room Occupancy (SRO)

AMC 18.3.4.040: Normal Neighborhood District

Uses Allowed by Zone

AMC 18.3.5.050: North Mountain Neighborhood

Uses Allowed by Zone

AMC 18.3.5.100: Site Development and Design Standards (North Mountain Neighborhood)





Planning Commission Meeting Agenda

AMC 18.3.9.040: Review Procedures and Criteria
(Performance Standards Option)

AMC 18.5.1.010: Summary of Approvals by Type of Review
Procedure

AMC 18.5.5.030: Review Procedure (Variances)

AMC 18.6.1.030: Definitions

REQUEST: The proposal before the Planning Commission includes draft ordinance amendments to the Ashland Land Use Ordinance to implement Senate Bill 974 (2025) and a request to forward a recommendation to the City Council. The draft ordinance amends AMC 18.2.5.090, AMC 18.3.5.100, AMC 18.3.9.040, Table 18.5.1.010, AMC 18.5.5.030, and AMC 18.6.1.030. Code changes to comply with SB 974 are required to be in effect by July 1, 2026. Additional amendments implementing House Bill 2138 (2025) requirements with regard to Single Room Occupancies (SROs) are proposed for AMC 18.2.2.030, 18.2.5.100, 18.3.4.040, 18.3.5.050 and 18.6.1.030.D. These SRO requirements must be implemented by January 1, 2027; additional code changes with regard to other sections of HB 2138 will be brought forward as a separate package following further state rulemaking. Additional amendments implementing House Bill 4037 (2026) are proposed for AMC 18.5.1.050 to establish a uniform review procedure for applications for housing subject only to clear and objective standards, consistent with amendments to ORS 197A.400 operative July 1, 2026. SB 974, HB 2138, and HB 4037 together revise the state framework for the review of residential development applications.

VI. OPEN DISCUSSION

VII. ADJOURNMENT

Next meeting Date: August 25, 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.

July 14, 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:

Lisa Verner
 Jay Lininger
 Susan MacCracken Jain
 Russell Phillips
 John Maher
 Kerry KenCairn

Staff Present:

Brandon Goldman, Community Development Director
 Scott Fleury, Public Works Director
 Derek Severson, Planning Supervisor
 Michael Sullivan, Executive Assistant

Absent Members:

Eric Herron

Council Liaison:

Jeff Dahle

II. ANNOUNCEMENTS

1. Staff Announcements

Community Development Director Brandon Goldman made the following announcements:

- The Manufactured Home Park Zone ordinances passed the first reading and are set for final adoption by City Council on July 21st. A modified ordinance for Manufactured Home Park Tenant Protections will also have its first reading By the Council on July 21st.
- The City's long-range strategic plan is nearing completion and will go to Council for adoption later in the summer.
- The August 11th regular meeting will include two ordinances:
 - Implementation of Senate Bill 974
 - Addressing flag drive variances for grades over 18%.
- The Community Center will hold a ribbon-cutting and opening on Wednesday, July 22nd, from 3:30 to 5:00 p.m.
- The Commission's July 28th Study Session was cancelled.

2. Advisory Committee Liaison Reports – None





Planning Commission Minutes

III. CONSENT AGENDA

Approval of Minutes

1. June 9, 2026 Regular Meeting

Commissioners KenCairn/Lininger m/s to approve the consent agenda as presented. Voice Vote: Commissioners KenCairn, Maher, Lininger, Phillips, MacCracken Jain, and Verner: AYE. Motion Passed 6-0.

IV. PUBLIC FORUM – None

V. DISCUSSION ITEMS

1. Transportation System Plan & Public Engagement Plan Update

Mr. Goldman provided an overview of the Transportation System Plan (TSP) update, with Public Works Director Scott Fleury providing additional information via Zoom. The TSP is a state-required, long-term plan for all transportation modes, last updated in 2013. The current update seeks alignment with new state rules, including climate initiatives. Funded by the Oregon Department of Transportation, Alta Planning and Design leads the project, with Fehr & Peers handling traffic analysis and emergency evacuation. Starting on June 29th, the project spans two years, with public engagement in fall 2026 and a draft planned for mid-to-late 2027. The Commission will serve in dual roles: overseeing public engagement and conducting public hearings on the TSP, forwarding recommendations to the Council. Topics discussed included integrating parking management into the TSP and coordination with existing advisory committees rather than forming a new committee. There are two additional focuses: wildfire evacuation analysis and enhanced trail network connections.

2. Planning Commission ORS Research and Legal Resources

Senior Planner Aaron Anderson outlined legal research resources for Commissioners and the use of external information, especially in quasi-judicial contexts. He noted that while law research is fine for Commissioners to engage in, introducing outside evidence in such proceedings can lead to remand. General knowledge of existing conditions is acceptable; however, independent site investigations or receiving testimony outside public hearings are not. The presentation covered various online resources, including the Oregon Legislative Assembly website, relevant ORS chapters (notably ORS 197), Oregon Administrative Rules (OAR 660 and 661), and the LUBA website's headnotes and opinions. The U.S. Supreme Court's archive for cases like Nollan and Dolan was also highlighted (see attachment #1).





Planning Commission Minutes

VI. OPEN DISCUSSION

1. Planning Commission Annual Retreat Initial Discussion

The Commission discussed potential agenda topics, with interest expressed in incorporating Transportation System Plan-related discussion, particularly as the project will be further along by fall. The Commission generally favored a fall date, consistent with last year's October retreat. Staff will coordinate availability and bring forward a confirmed date at a later meeting.

VII. ADJOURNMENT

Meeting adjourned at 7:53 p.m.

*Submitted by,
Michael Sullivan, Executive Assistant*



Legal Research

PLANNING
COMMISSION

JUL 14, 2026

Individual Legal Research

Oregon law generally discourages decision-makers from gathering their own facts outside the hearing record.

However, researching the law itself is usually appropriate.

3

Key Distinction

Quasi Judicial Application – Decision makers need to be careful to not introduce extra evidence information via their own research

Policy Implementation / Legislative actions – research of the law is acceptable.

4

Examples

IMPROPER

- Commissioner visits the property alone and observes facts not introduced into evidence.
- Commissioners research traffic counts, wetlands, neighborhood impacts, property history, etc., then relies on that information.
- Commissioners obtain information from neighbors outside the hearing.

USUALLY ACCEPTABLE

- General knowledge possessed by a local official.
- Familiarity with community conditions.
- Information already contained in the record.

5

Oregon Law

Pending Legislation https://www.oregonlegislature.gov/bills_laws

ORS (Oregon Revised Statutes) Relevant Land Use Chapters

- [ORS chapter 92](#) Subdivisions and Partitions
- [ORS chapter 195](#) Local Government Planning Coordination
- [ORS chapter 197](#) Comprehensive Land Use Planning
- [ORS chapter 227](#) City Planning and Zoning

OAR (Oregon Administrative Rules)

- <https://secure.sos.state.or.us/oard/>
- [OAR chapter 661](#) Land Use Board of Appeals
- OAR chapter 660 LCDC and implementation of all statewide planning goals.

6

The Land Use Board of Appeals (LUBA)

<https://www.oregon.gov/luba/Pages/default.aspx>

Headnotes

- Headnotes are brief, categorized summaries of the legal points established in decisions made by LUBA. They are organized by subject matter to serve as a research aid. They summarize the board's conclusions on specific legal doctrines.

Final Opinions

- the decision being reviewed is affirmed, reversed, remanded, transferred, invalidated, or whether the appeal is dismissed.
- **New – monthly case summaries**

Published Orders

- When LUBA feels a procedural order is sufficiently unique or instructive to merit public dissemination they publish them.

Supreme Court (SCOTUS)

<https://www.supremecourt.gov/>

<https://www.oyez.org/>

- <https://www.oyez.org/cases/1986/86-133>
- <https://www.oyez.org/cases/1993/93-518>



Questions?

LEGISLATIVE PUBLIC HEARING

**PA-L-2026-00020,
Draft Ordinance amending AMC
18.5.3.060 to establish a variance process
for flag drive and driveway grades**

ASHLAND PLANNING DIVISION

STAFF REPORT

August 11, 2026

PLANNING ACTION: PA-L-2026-00020

APPLICANT: City of Ashland

ORDINANCE REFERENCES: AMC 18.5.3.060: Additional Preliminary Flag Lot Partition Plat Criteria

REQUEST: The proposal before the Planning Commission is a draft ordinance amending AMC 18.5.3.060 to establish a variance process for flag drive and driveway grades serving legal lots of record created before the City adopted its Hillside Development Standards in 1997, and a request to forward a recommendation to the City Council. The amendment was originally included in the Senate Bill 974 implementation package (draft Ordinance No. 3307) and has been separated into a standalone ordinance, draft Ordinance No. 3309, so that it can be considered on its own merits.

BACKGROUND

Ashland adopted its Hillside Development Standards in 1997 through Ordinance No. 2808. Those standards, now part of the Physical and Environmental Constraints provisions of the Land Use Ordinance, are designed to limit grading, erosion, and wildfire risk on steep terrain. As part of that framework, AMC 18.5.3.060.F limits new flag drive grades to a maximum of 15 percent and allows a Variance up to 18 percent, provided the cumulative length of the steeper sections does not exceed 200 feet.

The grade standards have historically been applied when new lots are created, since conforming access must be demonstrated before a final plat is signed. Many hillside lots, however, were legally created before 1997, when no maximum driveway grade applied. On some of these lots the terrain is steep enough that no driveway alignment meeting the current grade standards can reach a buildable part of the property. In past cases the City granted Variances allowing grades steeper than 18 percent for lots in this situation, reasoning that a lawfully created lot should not be left without any means of access.

In April 2026 the Land Use Board of Appeals remanded a City decision that had approved a driveway grade Variance for a hillside lot created in 1995. The Board concluded that the current wording of AMC 18.5.3.060.F does not allow a Variance for a grade above 18 percent under any circumstance. The decision turned on the wording of the code rather than the merits of the practice, and it brought to light a limitation that affects pre-1997 hillside lots throughout the city rather than any single property. As the code now stands, any lot of record whose topography cannot accommodate an 18 percent driveway has no path to relief and is potentially undevelopable.

The proposed amendment responds to that gap. It is not mandated by state law, but it advances the same goal as the SB 974 package of removing regulatory barriers to needed housing, and it codifies the City's established practice in clear terms.

I. Ordinance Amendment

A. Summary of the Proposed Amendment

The amendment to AMC 18.5.3.060.F distinguishes two situations that the current code blends together.

For new flag drives serving newly created lots, the existing rule is unchanged: the maximum grade is 15 percent, and a Variance may allow up to 18 percent but no steeper, with the cumulative length of the steeper sections limited to 200 feet. Conforming access continues to be demonstrated at the time lots are created.

For legal lots of record created before the effective date of the Hillside Development Standards, a Variance may allow a grade steeper than 18 percent, but only where the applicant demonstrates that, due to topographic constraints, no driveway alignment meeting the standard grades can provide vehicular access to a buildable area of the lot. The relief is limited to the minimum deviation necessary to make access possible, and every such Variance remains subject to the full approval criteria of chapter 18.5.5, Variances, and to engineering review.

B. Relationship to the Oregon Fire Code

The amendment operates only within the land use code. It does not amend, modify, or waive any requirement of the Oregon Fire Code, and the two regulatory systems continue to function independently.

1. Under AMC 18.5.3.060.I, flag drives are deemed Fire Apparatus Access Roads and are subject to all requirements of the Oregon Fire Code. The amendment does not change this provision.
2. The proposed language includes an express statement that no variance granted under the subsection modifies or waives fire apparatus access requirements, including any approval required by the Fire Code Official.
3. The Fire Code contains its own grade standards and its own approval process, administered by the Fire Code Official independently of the Planning Commission or Staff Advisor. That framework gives the Fire Code Official discretion to approve steeper grades where conditions warrant and to require alternative protection measures, such as automatic sprinkler systems, where access is constrained by topography.
4. A land use variance under this provision establishes only that the driveway grade standard of the land use ordinance may be exceeded. It does not authorize construction. Any driveway approved under such a variance must still obtain independent approval under the Oregon Fire Code before development can proceed.

Staff received a memorandum dated July 20, 2026 from Ashland Fire & Rescue Deputy Chief Mark Shay, Fire Code Official, confirming support for the proposed variance language. The memorandum notes that any variance granted under the amendment remains subject to the fire apparatus access requirements of the Oregon Fire Code, and that grade is only one of several factors, including length, width, vertical clearance, and surface composition, evaluated in that review. The memorandum further notes that where fire apparatus access issues cannot otherwise

be resolved, the Uniform Alternate Construction Standard under Section D108.1 of the 2025 Oregon Fire Code allows the Fire Code Official to work with the Building Official to establish alternative construction standards. The Fire Code Official's memorandum is attached to this staff report.

C. Citywide Applicability

Using the 2023 Buildable Lands Inventory and slope data, staff identified 74 vacant properties within Hillside Development Lands located on slopes in excess of 25 percent. Most of these lots can be developed without any need for the proposed variance, either because the driveway is 50 feet or less in length and does not trigger the flag drive standards, or because the driveway can be designed to meet the 18 percent limit through site specific solutions such as cutting a short driveway into the slope or building a street level garage on an elevated foundation.

Within that larger group, staff's topographic analysis and review of the Buildable Lands Inventory identified 14 legal lots of record created before the Hillside Development Standards were adopted that may be unable to achieve conforming driveway access due to topographic constraints. These 14 lots share the same regulatory circumstance, which is why staff recommends a legislative amendment of general applicability rather than case by case interpretation.

The ordinance itself grants no development approval. Whether any individual property qualifies for a variance will be determined through a future quasi-judicial variance proceeding, with public notice to surrounding property owners, an opportunity to be heard, applicable appeal rights, and review against the approval criteria of chapter 18.5.5, in addition to independent Fire Code review and a Physical and Environmental Constraints Review Permit where required.

D. Discussion

The Planning Commission and City Council reviewed the flag drive grade concept as part of the SB 974 implementation package at Planning Commission study sessions on April 14, 2026 and May 26, 2026, and at the City Council study session on June 1, 2026. Draft Ordinance No. 3309 incorporates the direction provided at those sessions, including the limitation of relief to legal lots of record created before the 1997 adoption of the Hillside Development Standards.

Separating the amendment into its own ordinance keeps the state mandated SB 974 package on its compliance timeline while allowing this local policy choice to be discussed, and if necessary modified, without affecting that package. The Hillside Lands standards addressing slope stability, erosion, wildfire safety, and emergency access remain fully intact.

II. Procedural

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

- B. Type III. It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City

Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.

1. Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.
2. Comprehensive Plan changes, including text and map changes or changes to other official maps.
3. Land Use Ordinance amendments.
4. Urban Growth Boundary amendments.

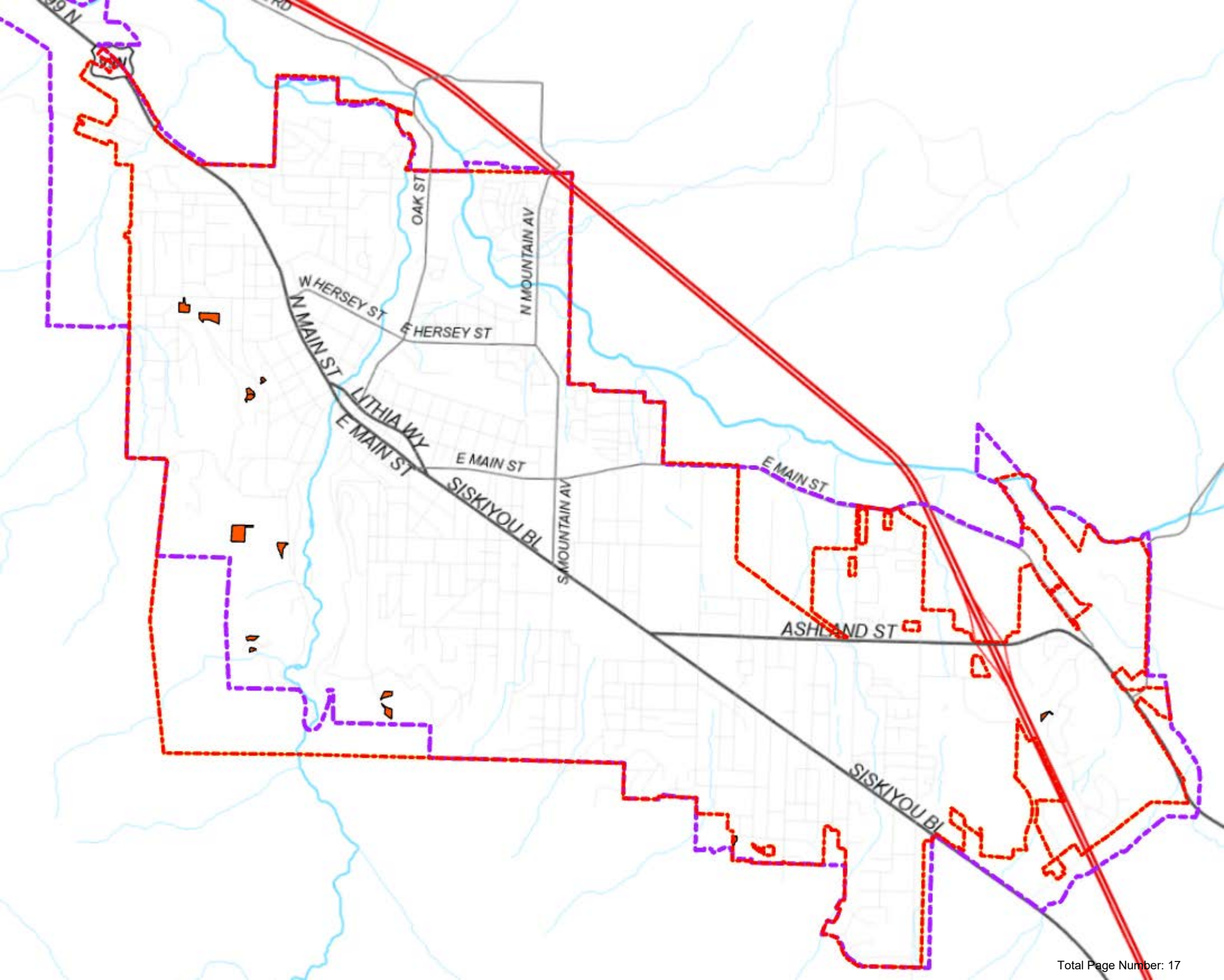
III. Conclusions and Recommendations

The amendment provides a uniform, criteria based relief mechanism for a defined set of lawfully created lots while preserving the protective purpose of the Hillside Development Standards and the independence of Fire Code review.

Staff recommends the Planning Commission recommend approval of the proposed amendment to the City Council. The proposed ordinance is scheduled for a public hearing and first reading at the City Council on September 15, 2026.

IV. Suggested Motion

“I move that the Planning Commission recommend that the City Council approve first reading of Ordinance No. 3309, titled AN ORDINANCE RELATING TO VARIANCES FOR FLAG DRIVE AND DRIVEWAY GRADES SERVING LEGAL LOTS OF RECORD CREATED PRIOR TO THE ADOPTION OF THE HILLSIDE DEVELOPMENT STANDARDS; AMENDING AMC 18.5.3.060, as presented in the staff report and attachments.”



MAPLOT	SITEADD
391E05DC2300	WIMER ST
391E08AA6910	209 LOGAN DR
391E08DA1902	251 GRANITE ST
391E14AD4400	OAK KNOLL DR
391E15D1416	CRESTVIEW DR
391E05DC2501	GRANDVIEW DR
391E08AA6801	178 SCENIC DR
391E08AA6909	199 LOGAN DR
391E08DA1800	GRANITE ST
391E16BD205	720 TERRACE ST
391E16BD208	744 TERRACE ST
391E17AA1115	603 ASHLAND CREEK DR
391E17AA1121	692 ASHLAND CREEK DR

Draft Ordinance

ORDINANCE NO. 3309

AN ORDINANCE AMENDING AMC 18.5.3.060 RELATING TO VARIANCES FOR FLAG DRIVE AND DRIVEWAY GRADES SERVING LEGAL LOTS OF RECORD CREATED PRIOR TO THE ADOPTION OF THE HILLSIDE DEVELOPMENT STANDARDS

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold lined through~~, and additions are **bold underlined**, and unchanged text that is omitted for brevity is indicated by “. . .”

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City of Ashland adopted the Hillside Development Standards through Ordinance No. 2808 on December 3, 1997, establishing development standards for hillside lands, including maximum grade standards for flag drives and driveways; and

WHEREAS, subsection 18.5.3.060.F of the Ashland Municipal Code limits flag drive grades to a maximum of 15 percent and allows variances up to 18 percent for a limited cumulative length, but does not provide a variance pathway for legal lots of record created before the effective date of the Hillside Development Standards where topographic constraints prevent any driveway alignment from meeting the maximum grade standards; and

WHEREAS, a review of the City’s buildable lands inventory and Geographic Information System data identified 74 legal lots of record within the City of Ashland that were created before the effective date of the Hillside Development Standard, of which 14 lots are potentially subject to the Flag Drive standards to obtain compliant driveway access due to topographic constraints, demonstrating that the amendment addresses a circumstance of citywide applicability rather than an individual property; and

WHEREAS, land use decisions of the City, including decisions on variance applications, are subject to review by the Oregon Land Use Board of Appeals (LUBA), and establishing clear and objective approval criteria for driveway grade variances serving legal lots of record created before the Hillside Development Standards provides an adequate factual base and reviewable standards for such decisions; and

WHEREAS, in April 2026 the Land Use Board of Appeals remanded a City decision approving a driveway grade variance, concluding that subsection 18.5.3.060.F as currently written does not authorize a variance for a grade in excess of 18 percent under any circumstance; and

WHEREAS, a variance process for flag drive grades serving legal lots of record created before the effective date of the Hillside Development Standards, Ordinance No. 2808 (adopted December 3, 1997), where topographic constraints prevent compliance with maximum grade standards, allows development of existing lots while preserving fire apparatus access requirements under the Oregon Fire Code; and

WHEREAS, the Planning Commission of the City of Ashland considered the proposed amendments at a duly advertised public hearing on **August 11, 2026**, and, following deliberations, recommended approval of the amendments; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the proposed amendments on **September 15, 2026**; and

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, in order to protect and benefit the health, safety, and welfare of existing and future residents of the City, it is necessary to amend the Ashland Municipal Code and Land Use Ordinance in the manner proposed, an adequate factual base exists for the amendment, the amendment is consistent with the Comprehensive Plan, and the amendment is fully supported by the record of this proceeding.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Subsection 18.5.3.060.F [Additional Preliminary Flag Lot Partition Plat Criteria] of the Ashland Municipal Code is hereby amended to read as follows, and the remainder of section 18.5.3.060 remains unchanged:

18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria

...

F. **New** ~~F~~flag drive grades shall not exceed a maximum grade of 15 percent. Variances may be granted for **new** flag drives for grades in excess of 15 percent but no greater than 18 percent; provided, that the **cumulative** length of such variances **across multiple sections of the flag drive** does not exceed 200 feet. **Variances may be granted for grades in excess of 18 percent for driveways serving legal lots of record that were created before the effective date of the Hillside Development Standards, Ordinance No. 2808 (adopted December 3, 1997), where the applicant demonstrates that, due to topographic constraints, no driveway alignment meeting the maximum grade standards of this subsection can provide vehicular access to a buildable area of the lot. Driveways approved under such a variance remain subject to the fire apparatus access requirements of the Oregon Fire Code, including any approval required by the Fire Code Official.** Such variances shall be required to meet all of the criteria for approval in chapter 18.5.5, Variances.

...

SECTION 2. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2 and 3) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2026, and duly PASSED and ADOPTED this _____ day of _____, 2026.

SIGNED and APPROVED this _____ day of _____, 2026.

ATTEST:

Alissa Kolodzinski, City Recorder

Tonya Graham, Mayor

Reviewed as to form:

Johan Pietila, City Attorney



ASHLAND FIRE & RESCUE

DATE: July 20, 2026
TO: Brandon Goldman, Community Development Director
FROM: Mark Shay, Deputy Chief – Fire & Life Safety
RE: Ordinance 3309

I have reviewed Ordinance 3309, specifically the proposed language in Section 5 which relates to “Additional Preliminary Flag Lot Partition Plat Criteria”. I’m in support of the draft language outlining variances for grades in excess of 18 percent for driveways serving legal lots of record, that were created before the effective date of the Hillside Development Ordinance No. 2808.

The proposed language in Ordinance 3309 outlines that the variance will remain subject to the fire apparatus access requirements of the Oregon Fire Code, including any approval required by the fire code official. As you’re aware, grade is just one of the factors evaluated when assessing proposed access roads and driveways for emergency service access. In addition to assessing the grade of proposed fire apparatus access, overall length, width, vertical clearance and road surface composition are evaluated. In some instances, where fire apparatus access issues cannot be resolved, the Uniform Alternate Construction Standard (UACS) as outlined in Section D108.1 of the 2025 Oregon Fire Code can be utilized. The UACS standard allows the fire code official to collaborate with the building code official to implement construction standards as outlined in OAR 918-480-0125.

The 2025 Oregon Fire Code limits fire apparatus access grade to 10%, with the exception of any steeper grade which may receive approval from the fire code official. The language in Ordinance 3309 outlines that any proposed variance remains subject to the Oregon Fire Code and fire code official’s requirements. With the ability to evaluate each proposed development on a case-by-case basis, as the fire code official, I am support the revisions as outlined in Ordinance 3309.

ASHLAND FIRE & RESCUE

455 Siskiyou Blvd
Ashland, Oregon 97520
ashland.or.us

Tel: 541.482.2770
Fax: 541.488.5318
TTY: 800.735.2900

marshall.rasor@ashland.or.us



Public Comments

SB 974 CHANGES

From Jane Andrianova <spiritualdances@gmail.com>

Date Thu 7/9/2026 10:23 PM

To Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>; Derek Severson <derek.severson@ashland.or.us>

[EXTERNAL SENDER]

Dear Planning Commission Members,

I am writing to oppose the proposed amendments to the flag drive standards in the Ashland Municipal Code ALUO 18.5.3.060.F. (SB 974 Changes, City File No. PA-L-2026-00019).

The proposed amendments to ALUO 18.5.3.060.F are not required by SB 974 (2025).

The proposed changes are inconsistent with state law.

The proposed changes are inconsistent with the City of Ashland's Comprehensive Plan.

The proposed changes are inconsistent with the City of Ashland's 2025 Community Wildfire Protection Plan.

The proposed changes would allow flag driveway grades far steeper than any other jurisdiction in Oregon. This will endanger Ashland citizens, first responders, and the environment.

The proposed changes are internally inconsistent, both prohibiting and allowing flag lot driveways steeper than 18%.

In the interest of the health and safety of our neighbors, our first responders, our community, and our environment, I respectfully request that the Planning Commission recommends that these amendments be rejected.

Sincerely,

Evguenia Andrianova
284 W Hersey Street, Unit 5
Ashland, OR

Re: SB 974 Changes

From Michael Sullivan <michael.sullivan@ashland.or.us>

Date Fri 7/10/2026 8:45 AM

To Leonard Eisenberg <evogeneao@gmail.com>; Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>

Good morning Len and Karen,

Your public comment has been received and will be included in the public record and forwarded to the Planning Commission.

Thank you,

Michael Sullivan
Executive Assistant

Pronouns he, him



Better Together

City of Ashland
Community Development Department
51 Winburn Way, Ashland, Oregon 97520
541.552.2072 | TTY 800.735.2900
Michael.sullivan@ashlandoregon.gov

This email transmission is official business of the City of Ashland and it is subject to Oregon Public Records Law for disclosure and retention. If you have received this message in error, please contact me at (541) 552-2072. Thank you.

From: Leonard Eisenberg <evogeneao@gmail.com>
Sent: Friday, July 10, 2026 8:43 AM
To: Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>
Subject: SB 974 Changes

[EXTERNAL SENDER]

Greetings Planning Commissioners,

We oppose the proposed amendments to the flag drive standards in the Ashland Municipal Code ALUO 18.5.3.060.F. (SB 974 Changes, City File No. PA-L-2026-00019). We respectfully request you do not agree to

these changes for the following reasons:

The proposed changes would allow flag driveway grades far steeper than any other jurisdiction in Oregon. This will unnecessarily endanger Ashland citizens, their property and first responders.

The proposed changes are internally inconsistent, both prohibiting and allowing flag lot driveways steeper than 18%.

The proposed amendments to ALUO 18.5.3.060.F are not required by SB 974 (2025).

The proposed changes are inconsistent with state law.

The proposed changes are inconsistent with the City of Ashland's Comprehensive Plan.

The proposed changes are inconsistent with the City of Ashland's 2025 Community Wildfire Protection Plan.

We respectfully request that the Planning Commission recommend that these amendments be rejected.

Sincerely,

Len and Karen Eisenberg
223 Granite St.
Ashland, Oregon 97520

SB 974 CHANGES

From Catherine Ellison <cmellison@comcast.net>

Date Fri 7/10/2026 1:00 PM

To Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>; Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>

Cc defek.severson@ashlandoregon.gov <defek.severson@ashlandoregon.gov>

[EXTERNAL SENDER]

Dear Planning Commission Members:

I am sending you a note about my opposition to the proposed amendments to the flag drive standards in the Ashland Municipal Code ALUO 18.5.3.060.F (SB 974 Changes, City File No. PA-L-2026-00019). The proposed amendments to ALUO 12.5.3.060.F are not required by SB 974 (2025). And the proposed changes are not consistent with state law. Plus the proposed changes are inconsistent with the City Of Ashland's Comprehensive Plan, and Wildfire Protection Plan. And in my humble opinion they set a dangerous precedent.....

These proposed changes would allow flag driveway grades far steeper than any other jurisdiction in Oregon..... this will endanger Ashland citizens, first responders, and the environment.

As a homeowner who resides on Iowa Street near Terrace Street (a 24% grade) in the City of Ashland, I have had the opportunity to experience the disasters which happen on such a steep grade.... I don't think it matters whether the street or driveway it is a public street or a private one....visitors and first responders to a private property fed by a driveway which exceeds the legal grade are put at great risk.

On a more personal note, for the past 2 winters when we have had snowfall, citizens of our town try to drive up the Iowa Street 24% grade with serious consequences. Winter of 2025 a nice BMW SUV slid backwards from the top of Iowa near Terrace St., completely out of control, and crashed into my own car parked in my private driveway.... Luckily no one was hurt. It took a month and many thousands of dollars to repair everything. As well, because of no traction, people have parked their cars in my driveway, or blocking my driveway when they are unable to get up the hill, and have left them there because of the snow and no traction..... Another incident involved a local attorney who couldn't ascend the steep hill due to poor tires, etc thus he parked near my driveway. A later driver without traction drove to the top of the hill and slid backwards crashing into his car, and again blocking my driveway overnight (if I'd had a medical emergency, I could NOT have gotten out.....). My neighbors one house down the hill have had their brick wall knocked out every couple of years because of people misjudging Iowa street and sliding into the landscape..... My boxwood hedge has been destroyed in the past also.... I envision a steep one lane private driveway with 24% grade (or really anything steeper than the legal limit) and snowy conditions especially could block emergency access.

So I would like to say that you are inviting MORE problems by allowing changes in the law, especially for city employees in winter, and even for the local hospitals..... The proposed changes are internally

inconsistent, both prohibiting and allowing flag lot driveways steeper than 18%.

In the interest of the health and safety of our neighbors, our first responders, our community, and our environment, I respectfully request that the Planning Commission recommend that these amendments be rejected.

Sincerely,

Catherine M. Ellison MD
295 Iowa Street
Ashland Oregon 97520

Online Form Submittal: Contact Planning Commission

From noreply@civicplus.com <noreply@civicplus.com>

Date Mon 7/13/2026 12:57 PM

To planning <planning@ashland.or.us>

[EXTERNAL SENDER]

Contact Planning Commission

Full Name	Douglas Smith
Phone	541-941-2874
Email Address	dougzmail7@gmail.com
Subject	SB 974 Changes
Type of Testimony	Written
Message	Ashland City Planning Commission: "SB 974 Changes" July 10, 2026 Hello Planning Commission Members, My name is Doug Smith, and I am an Ashland citizen concerned about the well-being and future of Ashland. I wrote this letter just before going in for an operation at OHSU and have returned home to finalize it. Please accept it into the record. I am writing because an unbelievable proposal - SB 974 Changes - is going before the Planning Commission next Tuesday, July 14. After LUBA has turned down the Council approval of the DeBoer hillside 231 Granite Street lot, the Planning Commission will consider changing the Ashland flag lot drive standards from giving variances up to 18% slope on a 200-foot driveway to allowing no limits to variances. This would allow the proposed 24% slope currently slated for the DeBoer property at 231 Granite St. As you probably know, this would be far above any slope allowance in the entire state of Oregon and if approved, Ashland's ordinances would be more lenient than any place in our state. This is NOT what the citizens of Ashland want! Some of us who know what's going on wonder why the Planning staff and this applicant seem

to be doing this together; that in itself should be investigated. However, letting that go, and realizing that all - hundreds! - of the hillside lots regulated by the proposed ordinance could be developed with dangerous, environmental and safety consequences, this proposal needs to be more publicly considered - not just in a routine planning "unadvertised" meeting. Can you tell me how each of you feel about this issue and please express what you can do to allow more transparency and good judgement on this matter for the good of our city?

Personally, I have been compromised by a medical operation in Portland at OHSU, but I hope to be able to attend the Planning meeting. If not, please accept this as my testimony. I, and others more directly affected by this proposal, are very concerned about what this means for our town. If we uphold the present regulations now, that will give the message to developers that this kind of unhealthy, unsafe, un-Ashland-ish proposal will not be allowed in our city. If Ashland's future depends on billionaires getting their way and using our town and its immense historical and social resources for their own aggrandizement, then it will be on the people of the 2020's that allowed it to happen.

There are people I could refer you to who know more about this than I do. I don't want to waste your time, but please act on this and do not allow this proposal, "SB 974 Changes" to pass.

Thank you for your work,
Doug and Linda Smith
Ashland, OR

Attachment 1	<u>AshlandPlanning_SB974_Changes.pdf</u>
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Attachment 2	<i>Field not completed.</i>
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Attachment 3	<i>Field not completed.</i>
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Email not displaying correctly? [View it in your browser.](#)

SB 974 Changes

From Carey Mastain <carey.mastain@gmail.com>

Date Thu 7/16/2026 9:38 AM

To Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>

[EXTERNAL SENDER]

Thursday, July 16, 2026

Dear Planning Commission Members,

Rules, laws, and regulations are **NOT** made to be broken, contrary to current federal disregard for the rule of law. Be strong. Please resist the temptation to bend (and ignore) the rules.

I am shocked that you are even considering changing the flag drive standards that are so clearly defined in the Ashland Municipal Code ALUO 18.5.3.060.F. (SB 974 Changes, City File No. PA-L-2026-00019).

Oregon State Law and Ashland's Comprehensive Plan don't support this proposal, so I don't understand why you are even considering it.

I respectfully request that the Planning Commission reject these amendments.

Sincerely,

Carey Mastain
227 Granite Street
Ashland, OR 97520

Senate Bill 974 & Flag Drive Grade Standards - Planning Commission Meeting Schedule

From Michael Sullivan <michael.sullivan@ashland.or.us>

Date Tue 7/14/2026 1:53 PM

To Michael Sullivan <michael.sullivan@ashland.or.us>

Good afternoon,

I'm reaching out to let you know that on **August 11, 2026**, the Planning Commission will hold the public hearing to consider legislation updating the City's land use regulations to comply with Senate Bill 974. Additionally, the Planning Commission will consider amendments to Flag Drive Grade Standards as a separate ordinance that same evening.

These items are not on the July 14th Planning Commission meeting agenda, and staff wanted to ensure you had the correct meeting date based on the public comment you submitted regarding the above ordinances.

For legislative updates that Oregon municipalities undertake, a notice of intent must be sent to the Oregon Department of Land Conservation and Development (DLCD) before beginning the process. This notice includes tentative meeting dates, which can change as scheduling needs evolve. The City shared with DLCD that a meeting could occur as early as July 14, but due to existing agenda commitments, review of Senate Bill 974 is scheduled for the August 11th meeting.

Both ordinances are scheduled for a First Reading before the City Council on **September 15th**.

Please feel free to share this information with anyone you feel would appreciate it.

If you have any questions, please feel free to contact the Planning Department at **541-488-5305** or **planning@ashland.or.us**.

Thank you,

Michael Sullivan
Executive Assistant
Pronouns he, him



Better Together

City of Ashland

Community Development Department

51 Winburn Way, Ashland, Oregon 97520

541.552.2072 | TTY 800.735.2900

Michael.sullivan@ashlandoregon.gov

This email transmission is official business of the City of Ashland and it is subject to Oregon Public Records Law for disclosure and retention. If you have received this message in error, please contact me at (541) 552-2072. Thank you.

LEGISLATIVE PUBLIC HEARING

PA-L-2026-00019

**Draft ordinance amendments
to the Ashland Land Use Ordinance to
implement Senate Bill 974**

ASHLAND PLANNING DIVISION
STAFF REPORT
August 11, 2026

PLANNING ACTION: PA-L-2026-00019

APPLICANT: City of Ashland

ORDINANCE	AMC 18.2.2.030:	Uses Allowed by Zone
REFERENCES:	AMC 18.2.5.090:	Standards for Single-Family Dwellings and Duplexes
	AMC 18.2.5.100:	Single Room Occupancy (SRO)
	AMC 18.3.4.040:	Normal Neighborhood District Uses Allowed by Zone
	AMC 18.3.5.050:	North Mountain Neighborhood Uses Allowed by Zone
	AMC 18.3.5.100:	Site Development and Design Standards (North Mountain Neighborhood)
	AMC 18.3.9.040:	Review Procedures and Criteria (Performance Standards Option)
	AMC 18.5.1.010:	Summary of Approvals by Type of Review Procedure
	AMC 18.5.5.030:	Review Procedure (Variances)
	AMC 18.6.1.030:	Definitions

REQUEST: The proposal before the Planning Commission includes draft ordinance amendments to the Ashland Land Use Ordinance to implement Senate Bill 974 (2025) and a request to forward a recommendation to the City Council. The draft ordinance amends AMC 18.2.5.090, AMC 18.3.5.100, AMC 18.3.9.040, Table 18.5.1.010, AMC 18.5.5.030, and AMC 18.6.1.030. Code changes to comply with SB 974 are required to be in effect by July 1, 2026. Additional amendments implementing House Bill 2138 (2025) requirements with regard to Single Room Occupancies (SROs) are proposed for AMC 18.2.2.030, 18.2.5.100, 18.3.4.040, 18.3.5.050 and 18.6.1.030.D. These SRO requirements must be implemented by January 1, 2027; additional code changes with regard to other sections of HB 2138 will be brought forward as a separate package following further state rulemaking. Additional amendments implementing House Bill 4037 (2026) are proposed for AMC 18.5.1.050 to establish a uniform review procedure for applications for housing subject only to clear and objective standards, consistent with amendments to ORS 197A.400 operative July 1, 2026. SB 974, HB 2138, and HB 4037 together revise the state framework for the review of residential development applications.

STATE LEGISLATION REQUIREMENTS

Senate Bill 974 (2025).

SB 974 requires that the initial decision on certain residential land use applications be made administratively, without a quasi-judicial public hearing. The bill applies to applications for a zone change to allow a denser residential use designation, a planned unit development, or a variance from a residential approval standard, where the property is, at the time of application, inside the urban growth boundary and zoned primarily for residential use or mixed residential use or planned for residential use. The bill does not apply to applications that would reduce minimum residential density, final subdivision or partition plats, residential construction permits under the building code, final engineering plans, or applications subject to ministerial or other expedited approval procedures.

For qualifying applications, the bill requires mailed notice to owners of property within 100 feet of the site, a 14 day written comment period before the decision, prescribed notice content including the applicable criteria and appeal rights, and an affidavit or certification of the notice given. The decision must be accompanied by a brief statement explaining the criteria, the facts relied upon, and the justification for the decision. The initial decision must be made without a hearing; a local government may provide a hearing on appeal, which may be limited to the record or may allow new testimony, in which case the hearing must comply with ORS 197.797. SB 974 also amends ORS 197.830 and ORS 197.835 to establish the pathways for appeal of these decisions to the Land Use Board of Appeals.

Separately, SB 974 establishes a review timeline for final engineering plans for residential development inside the UGB: a 30 day completeness check and a 120 day period to complete final review and approve or deny site development permits, enforceable by writ of mandamus. Because final engineering review occurs after land use approval and is administered by the Engineering Division, no Land Use Ordinance amendment is required; the Engineering Division is aware of the new timelines.

Finally, SB 974 prohibits applying residential design standards to housing development inside the UGB unless the application is for a multifamily structure as defined in ORS 197A.465 or for fewer than 20 residential units. Standards regulating aesthetics such as facade materials, roof decoration, window trim, porches, and yard landscaping cannot be applied to qualifying one and two family developments of 20 or more units. The prohibition does not extend to setbacks, building height, accessibility, fire ingress or egress, public health or safety, water quality, hazard, or natural resource regulations, and it sunsets January 2, 2033. The operative date for these provisions is July 1, 2026.

House Bill 2138 (2025).

HB 2138 makes broad changes to Oregon housing law. Among other provisions, it expands the middle housing types that cities must allow, revises the definitions of cottage cluster, duplex, triplex, and quadplex, allows bonus units where middle housing includes accessible or affordable units, requires cities to allow single room occupancy developments of up to six units on lots zoned for a detached single unit dwelling and up to three times maximum density on multiunit zoned lots, restructures expedited land divisions with a 63 day decision timeline and applicant

only appeal, integrates middle housing land divisions into local review, revises the review timelines in ORS 227.178, and voids certain private covenants that restrict middle housing. Local implementation is required no later than January 1, 2027, with state rulemaking to be complete by January 1, 2028.

HB 2138 includes a requirement that cities allow Single Room Occupancy (SRO) as a housing type. SROs are not currently addressed in the Land Use Ordinance, however they are now addressed in building codes and there has already been one application for an SRO (431 North Main Street) and other cities in the region are beginning to see SRO applications as well. On that basis, staff are proposing new SRO regulations to address these requirements now.

Staff will return to the Commission with additional HB 2138 implementation amendments as a separate legislative package.

House Bill 4037 (2026).

HB 4037 amends ORS 197A.400 to establish uniform procedures for local government review of applications for the development of housing subject only to clear and objective standards, conditions, and procedures. For qualifying applications, ORS 197A.400(5) sets a ceiling on mailed notice, limiting recipients to owners of record within 100 feet of the subject property and not permitting notice to any other party, such as a neighborhood or community organization; the bill also provides that a local government may not require a public hearing prior to a decision, and may limit any local appeal opportunity to the applicant only.

The most consequential change HB 4037 makes to local practice is a state mandated limit on who may appeal a decision on a qualifying housing application. For an application for the development of housing subject only to clear and objective standards, conditions, and procedures under ORS 197A.400(1), the following are set by state law and are not local policy choices:

1. **No public hearing before the initial decision.** The State mandates an administrative decision. The Staff Advisor issues the decision based on the applicable clear and objective standards, and the application is not referred to the Planning Commission for the initial decision.
2. **A local appeal to the Planning Commission is available only to the applicant.** Under ORS 197A.400(5)(c), the opportunity for a local appeal is limited to the applicant. Neighboring property owners and other members of the public who receive notice and submit written comments may participate in the initial decision, but they may not appeal that decision to the Planning Commission.
3. **An appeal to the Land Use Board of Appeals is available only to the applicant.** Under ORS 197A.400(6), and notwithstanding the general standing provisions of ORS 197.825, only the applicant may appeal the City's decision on a qualifying application to LUBA.

This is a departure from Ashland's standard Type I procedure. Under the general Type I appeal provisions in AMC 18.5.1.050.G, the applicant, the owner of the subject property, any person

entitled to notice, and any person who submitted written comments may appeal a decision to the Planning Commission. HB 4037 removes that broader appeal right for this narrow category of housing applications and reserves the appeal, both locally and at LUBA, to the applicant alone.

The practical effect is to close the local appeal path that neighboring residents would otherwise use to challenge these housing decisions before the Planning Commission. That result is the stated purpose of the legislation. The Legislature intended to reduce the delay and uncertainty caused by third party objections and appeals for housing that already meets clear and objective standards, and to give applicants a more predictable and timely path to a final decision.

The draft ordinance implements these state mandated limits through the amendments to AMC 18.5.1.050, which route qualifying applications to Type I review, limit notice to nearby owners of record, provide that these applications are not referred to the Planning Commission, and restrict both the local appeal and the appeal to LUBA to the applicant consistent with ORS 197A.400(6).

The state law exemptions continue to apply. Applications for residential development within a designated Historic District, and applications for which the applicant elects discretionary review under ORS 197A.400(3), are not subject to these appeal limits and retain the review and appeal procedures otherwise assigned by the code.

These amendments became operative July 1, 2026. Because HB 4037 is already in effect, its requirements govern qualifying housing applications submitted on or after that date, whether or not the local code has yet been amended. Consistent with ORS 197.646, where a local government has not updated its land use regulations to reflect a newly operative state statute, the statute applies directly to land use decisions. Adopting these amendments therefore does not establish new local policy. It conforms the Ashland Land Use Ordinance to state law already in effect, so that applicants, staff, and the public work from a single, consistent set of local procedures rather than applying the statute directly alongside code language that does not yet reflect it.

I. Ordinance Amendments

A. Summary of Proposed Code Amendments for SB974

The draft ordinance makes the following amendments to bring the Land Use Ordinance into compliance with SB 974. Ashland's existing Type I procedure in AMC 18.5.1.050 already aligns closely with the SB 974 model: it provides an administrative decision by the Staff Advisor, mailed notice of application to surrounding owners, a 14 day written comment period, a written decision supported by findings, and an appeal to the Planning Commission. For applications subject only to clear and objective standards, HB 4037 limits that appeal to the applicant. The amendments also reduce the Type I mailed notice radius from 200 feet to 100 feet, for both the notice of application and the notice of decision. HB 4037 sets 100 feet as the maximum notice radius for these applications, and the City applies that radius to all Type I applications to avoid a disparate notice standard within the same procedure. The amendments therefore work primarily

by moving qualifying applications into the Type I procedure and defining which applications qualify.

1. Urban Housing Application definition (AMC 18.6.1.030).

A new definition of Urban Housing Application (UHA) is added, tracking the applicability and exclusion language of SB 974 for the application types the city is implementing administratively. The definition covers applications for a Performance Standards Options subdivision or a variance from a residential approval standard, on property that is, at the time of application, within the UGB and zoned primarily for residential use or mixed residential use or planned for residential use. Zone changes to allow a denser residential use designation are addressed separately in Section B below, and are not included in the local UHA definition due to a conflict with ORS 227.186. The definition excludes applications that would reduce minimum residential density and applications subject to ministerial or other expedited approval procedures, and states that the initial decision on a UHA is an administrative Type I action not subject to quasi-judicial review unless appealed. The Performance Standards Options chapter is Ashland's planned unit development equivalent, and the findings for the ordinance will make that equivalence explicit.

2. Performance Standards Options subdivisions (AMC 18.3.9.040 and Table 18.5.1.010).

Outline Plan approval is changed from the Type II procedure to the Type I procedure, with the corresponding reference change from section 18.5.1.060 to section 18.5.1.050, and Table 18.5.1.010 is amended to match. The two-tiered Outline and Final Plan structure is retained. The threshold above which prior Outline Plan approval is mandatory is raised from ten lots to 20 or more lots, expanding the ability to file Outline and Final Plans concurrently. Final Plan review remains Type I, with a housekeeping deletion of the concurrent review reference to the Type II procedure. Under this structure all PSO subdivisions receive an administrative initial decision with notice and comment, and a hearing occurs only on appeal to the Planning Commission, consistent with SB 974.

3. Variances (AMC 18.5.5.030).

A new item 9 is added to the list of Type I Variances: Variances involving Urban Housing Applications (UHAs). Variances from residential approval standards that meet the UHA criteria will receive an administrative initial decision with the possibility of appeal to the Planning Commission. All other Variances retain their existing Type I or Type II classification.

4. Residential design standards (AMC 18.2.5.090 and AMC 18.3.5.100).

AMC 18.2.5.090 is amended so the general design standards for single family dwellings and duplexes do not apply to new one and two family developments of 20 or more residential units in any zone. AMC 18.3.5.100 in the North Mountain Neighborhood Plan district is amended so that the specific residential design standards in subsections A.1 through A.3, A.6, and B.1 through B.2 are not applied to one and two family developments of 20 or more

residential units. Generally, Ashland's site development and design standards do not otherwise apply to one and two family development, so these two targeted exemptions bring the code into compliance with the SB 974 design standard prohibition.

B. Annexation and Zone Change criteria are not proposed for amendment

SB 974 includes zone changes to allow denser residential use designations among the applications to be decided administratively without an initial hearing. Staff are not proposing amendments to the city's Zone Change procedures or criteria in chapter 18.5.9, or to the Annexation procedures and criteria in chapter 18.5.8, to implement this element of the bill.

The reason is a direct conflict with other state law. ORS 227.186(2) provides that all legislative acts relating to comprehensive plans, land use planning, or zoning adopted by a city shall be by ordinance, and ORS 227.186(5) requires prescriptive mailed notice to affected property owners that states the date of a public hearing on the proposed change. Zoning map amendments in Ashland are adopted by ordinance of the City Council following a noticed public hearing, consistent with these statutes and with Article X of the City Charter.

Annexations likewise are legislative decisions of the Council processed under ORS chapter 222 and AMC 18.5.8, and are accompanied by ordinances establishing the zoning and comprehensive plan designations of the annexed territory. Processing these legislative actions administratively, without a hearing and without Council adoption by ordinance, would comply with SB 974 while violating ORS 227.186.

The state has not yet provided rulemaking or guidance reconciling these statutes. In staff's assessment, retaining the existing zone change and annexation procedures, which comply with ORS 227.186, until the conflict is resolved through rulemaking or legislation avoids the potential for drawn out procedural appeals that could adversely affect both applicants and the city. Staff will monitor Department of Land Conservation and Development rulemaking and return with amendments if the conflict is resolved in a manner that requires local implementation.

C. Applications submitted on or after July 1, 2026

The urban housing application provisions of SB 974 become operative on July 1, 2026. Under ORS 197.646, when a new state land use statute becomes applicable and a local government has not yet amended its comprehensive plan or land use regulations to implement it, the statute applies directly to land use decisions. This means qualifying urban housing applications submitted on or after July 1, 2026 may be processed under the requirements of SB 974, including administrative review without an initial hearing, regardless of whether the local code amendments are yet in effect.

The proposed ordinance incorporates these allowances for urban housing development into the Ashland Land Use Ordinance so that applicants, staff, and the public work from a single, consistent set of local procedures rather than applying the statute directly alongside conflicting local code language. Adopting the amendments reduces uncertainty about which procedure governs a given application, ensures local notice, comment, findings, and appeal provisions

match state law, and preserves the local appeal to the Planning Commission that SB 974 permits, except for applications subject only to clear and objective standards, for which HB 4037 limits the appeal to the applicant.

D. House Bill 2138 (HB 2138)

With the passage of HB 2138, cities are required to allow up to six SRO units on each lot or parcel zoned to allow for the development of a detached single-family dwelling. In addition, for lots or parcels zoned to allow multi-unit housing and having a base density of five or more dwelling units, cities must allow up to three times the number of units allowed by the maximum density standards (i.e. each SRO unit counts as one-third of a unit of density). There are also limits on how much parking can be required, but as Ashland no longer has off-street parking requirements these limits do not apply.

The draft ordinance makes the following amendments implementing House Bill 2138 (2025) with regard to Single Room Occupancies (SROs): the ‘Allowed Uses by Zone’ Table in AMC 18.2.2.030 is updated to include SROs; a new section AMC 18.2.5.100 addressing SROs is added; the allowed uses tables for the Normal Avenue Neighborhood (AMC 18.3.4.040) and the North Mountain Neighborhood (AMC 18.3.5.050) are updated; and a new definition of Single Room Occupancy (SRO) is included as a dwelling type in AMC 18.6.1.030.D.

The SRO requirements must be implemented by January 1, 2027; additional code changes with regard to other sections of HB 2138 will be brought forward as a separate package following further state rulemaking.

E. House Bill 4037 (HB 4037)

The draft ordinance amends AMC 18.5.1.050 to provide that an application for the development of housing subject only to clear and objective standards, conditions, and procedures under ORS 197A.400(1) is reviewed under the Type I procedure, notwithstanding any other review procedure otherwise assigned by this code, except an application for residential development within a designated Historic District under ORS 197A.400(2), or an application reviewed under discretionary approval criteria at the election of the applicant under ORS 197A.400(3).

Consistent with ORS 197A.400(5) and (6), notice of such an application is limited to owners of record within the applicable notice radius, no public hearing is held prior to the initial decision, and appeal of the decision, both to the Planning Commission and to the Land Use Board of Appeals, is limited to the applicant.

The current working draft of AMC 18.5.1.050 removes the existing requirement to mail notice to a recognized neighborhood or community organization (current subsection 18.5.1.050.B.1.d). For applications reviewed under ORS 197A.400, ORS 197A.400(5), as amended by HB 4037, sets a ceiling on mailed notice, limiting recipients to owners of record within 100 feet of the subject property and not permitting notice to be extended to neighborhood or community organizations for those applications. Because this notice item is being eliminated for applications governed by HB 4037, staff recommends removing it from AMC 18.5.1.050.B.1 for all Type I applications for consistency. The City does not presently maintain a database of recognized neighborhood or community organizations and has not historically provided this notice in practice.

F. Discussion

The proposed amendments are the product of an iterative review process before both the Planning Commission and the City Council. The Planning Commission reviewed the requirements of Senate Bill 974 and House Bill 2138 and staff's preliminary code concepts at study sessions on April 14, 2026 and May 26, 2026, and the City Council was briefed on the legislation and the proposed local approach at its study session on June 1, 2026.

Draft Ordinance No. 3307 incorporates the recommendations and direction provided to staff at those sessions, including retention of the two tiered Outline and Final Plan review process with the concurrent review threshold raised to 20 or more lots, classification of qualifying Variances as Type I actions subject to appeal to the Planning Commission, and retention of the existing Zone Change and Annexation procedures pending resolution of the conflict with ORS 227.186. For clarity, a flag drive grade clarification for pre-existing legal lots of record including an effective date for preexisting lots has been shifted to a separate ordinance.

As noted at those study sessions, state guidance on implementation of SB 974 and HB 2138 remains limited. The statute establishes the overall procedural requirements but provides little direction on how local governments should restructure existing review classifications such as the Type I and Type II procedures, leaving jurisdictions to align their codes in a manner that meets the intent of the legislation while maintaining internal consistency. Staff believe the draft ordinance accomplishes this as it satisfies the state mandates for administrative review, notice, comment, findings, appeal of urban housing applications and single room occupancies while preserving Ashland's established public notice practices and the local appeal to the Planning Commission that state law permits for urban housing applications, subject to the HB 4037 limitation that restricts the appeal to the applicant for applications reviewed under clear and objective standards. Staff will continue to monitor Department of Land Conservation and Development rulemaking under both bills and will return to the Commission with any needed refinements.

II. Procedural

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

B. Type III. It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.

1. Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.
2. Comprehensive Plan changes, including text and map changes or changes to other official maps.
3. Land Use Ordinance amendments.
4. Urban Growth Boundary amendments.

III. Conclusions and Recommendations

Staff recommends the Planning Commission recommend approval of the proposed amendments to the City Council. The proposed amendments are scheduled for a public hearing and first reading at the City Council on August 18, 2026.

IV. Suggested Motion

"I move that the Planning Commission recommend that the City Council approve first reading of Ordinance No. 3307, titled an Ordinance relating to supporting housing production through streamlined review of residential development applications; implementing Senate Bill 974, House Bill 2138, and House Bill 4037 ; amending AMC 18.2.2.030, AMC 18.2.5.090, AMC 18.3.4.040, AMC 18.3.5.050, AMC 18.3.5.100, AMC 18.3.9.040, AMC 18.5.1.010, AMC 18.5.1.050, AMC 18.5.5.030, and AMC 18.6.1.030, and adding a new subsection AMC 18.2.5.100 as presented in the staff report and attachments."

Draft Ordinance

ORDINANCE NO. 3307

AN ORDINANCE RELATING TO SUPPORTING HOUSING PRODUCTION THROUGH STREAMLINED REVIEW OF RESIDENTIAL DEVELOPMENT APPLICATIONS IMPLEMENTING SENATE BILL 974 (2025), HOUSE BILL 2138 (2025), AND HOUSE BILL 4037 (2026); AMENDING AMC 18.2.2.030, AMC 18.2.5.090, AMC 18.3.4.040, AMC 18.3.5.050, AMC 18.3.5.100, AMC 18.3.9.040, AMC 18.5.1.010, AMC 18.5.1.050, AMC 18.5.5.030, AND AMC 18.6.1.030; AND ADDING AMC 18.2.5.100

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold-lined through~~, and additions are **bold underlined**, and unchanged text that is omitted for brevity is indicated by “. . .”

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the 2025 Oregon Legislative Assembly enacted Senate Bill 974 (2025), establishing state mandated changes to local land use review procedures for certain residential development applications, referred to in the bill as urban housing applications; and

WHEREAS, Senate Bill 974 (2025) requires that the initial decision on an urban housing application, including certain zone changes to allow denser residential uses, Performance Standards Options subdivisions, and variances involving property within the urban growth boundary that is zoned primarily for residential use or mixed residential use or planned for residential use, be made administratively without an initial quasi-judicial public hearing, subject to mailed notice to owners within 100 feet and recognized neighborhood or community organizations, a 14 day written comment period, and a public hearing only on appeal; and

WHEREAS, ORS 227.186 requires zone changes to be adopted by ordinance after a public hearing, a requirement that conflicts with Senate Bill 974's administrative review process for zone changes, and this ordinance therefore limits the local definition of Urban Housing Application to Performance Standards Options subdivisions and variances, without extending administrative review to zone changes; and

WHEREAS, Senate Bill 974 further prohibits the application of certain residential design standards, including standards regulating aesthetics, landscaping, building orientation, and building design, to one and two family residential developments of 20 or more residential units, with this prohibition scheduled for repeal on January 2, 2033; and

WHEREAS, the 2025 Oregon Legislative Assembly also enacted House Bill 2138 (2025), which among other provisions expands the required allowance of middle housing types, requires cities to allow single room occupancy developments within the urban growth boundary,

establishes expedited land division and middle housing land division procedures, and revises mandatory review timelines for residential development applications; and

WHEREAS, the 2026 Oregon Legislative Assembly enacted House Bill 4037 (2026), which amends ORS 197A.400 to establish uniform procedures for local government review of applications for the development of housing that are subject only to clear and objective standards, conditions, and procedures, with the amendments operative on July 1, 2026; and

WHEREAS, ORS 197A.400(5), as amended by House Bill 4037 (2026), provides that for such applications a local government may provide notice of the application only to owners of record of property located within 100 feet of the subject property, may not require a public hearing prior to making a decision on the application, and may provide an opportunity for a local appeal only to the applicant; and

WHEREAS, ORS 197A.400(6), as amended by House Bill 4037 (2026), provides that notwithstanding ORS 197.825, only the applicant may appeal a decision on such an application to the Land Use Board of Appeals; and

WHEREAS, ORS 197A.400(2) exempts applications for residential development within historic areas designated for protection under a statewide land use planning goal protecting historic areas, and existing review procedures continue to apply within the City's designated Historic Districts; and

WHEREAS, local land use regulations implementing Senate Bill 974 are required to be in effect by July 1, 2026, local land use regulations implementing House Bill 2138 are required to be adopted no later than January 1, 2027, the amendments to ORS 197A.400 made by House Bill 4037 (2026) became operative on July 1, 2026 and apply to qualifying housing applications submitted on or after that date, and amendments to the Ashland Land Use Ordinance are necessary to align the City's application review procedures, notice provisions, and appeal processes with state law; and

WHEREAS, the Planning Commission of the City of Ashland considered the proposed amendments at a duly advertised public hearing on **August 11, 2026**, and, following deliberations, recommended approval of the amendments; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the proposed amendments on **August 18, 2026**; and

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City Council of the City of Ashland has determined that, in order to protect and benefit the health, safety, and welfare of existing and future residents of the City, it is necessary to amend the Ashland Municipal Code and Land Use Ordinance in the manner proposed, that an adequate factual base exists for the amendments, that the amendments are consistent with the Comprehensive Plan, and that such amendments are fully supported by the record of this proceeding.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Table 18.2.2.030 [Uses Allowed by Zone] of the Ashland Municipal Code is hereby amended to address allowing Single Room Occupancy (SRO) uses as follows:

Table 18.2.2.030. Uses Allowed by Zone

B. Residential Uses										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
... <u>Single Room Occupancy (SRO)</u> ...	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>See SRO standards in Sec. 18.2.5.100</u> <u>Sec. 18.2.3.130 for dwellings in C-1 zone and E-1 zone</u> <u>Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070</u>

SECTION 2. Section 18.2.5.090 [Standards for Single-Family Dwellings and Duplexes] of the Ashland Municipal Code is hereby amended to read as follows:

18.2.5.090 Standards for Single-Family Dwellings and Duplexes

A. The following standards apply to new single-family dwellings and duplexes constructed in the R-1, R-1-3.5, R-2, and R-3 zones; the standards do not apply to dwellings in the WR or RR zones. **Notwithstanding the foregoing, residential design standards shall not apply to new one- and two-family developments of twenty (20) or more residential units in any zone as provided in Section 8 of Senate Bill 974 (2025). This temporary exemption shall remain in effect through January 1, 2033, and shall expire on January 2, 2033, consistent with Section 9 of Senate Bill 974 (2025).**

...

SECTION 3. Section 18.2.5.100 [Single Room Occupancy] is hereby added to the Ashland Municipal Code to read as follows:

18.2.5.100 Single Room Occupancy

A. Single Room Occupancy (SRO). Single Room Occupancy (SRO) means a residential development with no fewer than four attached or detached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant but require that the occupant share sanitary *or* food preparation facilities with other units in the occupancy. Units with private sanitary *and* food preparation facilities are not an SRO.

B. Single room occupancies must comply with the following standards in addition to the standards of the applicable zoning district:

1. Single room occupancies are permitted as follows:

- a. Up to six SRO units are permitted on any lot or parcel on which a detached single-unit dwelling is a permitted use, regardless of the base density otherwise applicable to the lot or parcel.**
- b. On any lot or parcel on which multiunit housing with five or more dwelling units is allowed, SRO units are permitted up to three times the number of dwelling units allowed by the maximum density standards applicable to the lot or parcel.**
- c. Where both subsections 1.a and 1.b apply to a lot or parcel, the provision allowing the greater number of SRO units governs.**
- d. In Commercial and Employment zones (C-1, C-1-D and E-1) multi-unit residential development is subject to the requirements of AMC 18.2.3.130.**

2. Review Procedure.

- a. *Six or Fewer Units.* Requires a building permit.**
- b. *More Than Six Units.* Requires Site Design Review. See AMC 18.5.2.**

3. Single room occupancies must include a minimum of four SRO units that are independently rented and lockable.

4. Each unit must provide living and sleeping space for the exclusive use of the occupant.

5. Sanitary and Food Preparation Facilities Conditions.

- a. Every unit must have access to both sanitary facilities and food preparation facilities, which may be provided within the unit or as shared facilities.**

b. An SRO unit may include private sanitary facilities or private food preparation facilities, but not both. At least one of these facility types must be shared among the units in the SRO occupancy.

c. A facility type that is not shared must be provided within each unit for the exclusive use of the occupant.

d. A unit containing both private sanitary facilities and private food preparation facilities is a dwelling unit, not an SRO unit. Such a unit does not count toward the minimum number of SRO units, and is subject to the density and development standards otherwise applicable to dwelling units in the zone.

6. Single room occupancy units may not be used as Traveler's Accommodations.

SECTION 4. Table 18.3.4.040 [Normal Neighborhood District Uses Allowed by Zone] of the Ashland Municipal Code is hereby amended to address include Single Room Occupancy (SRO) uses in Table 18.3.4.040 as follows:

Table 18.3.4.040. Normal Neighborhood District Uses Allowed by Zone¹

	Normal Neighborhood District Zones ²			
	NN-1-5	NN-1-3.5	NN-1-3.5-C	NN-2
A. Residential Uses				
<u>Single Room Occupancy (SRO).</u> <u>section 18.2.5.100</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>

SECTION 5. Table 18.3.5.050 [North Mountain Neighborhood Uses Allowed by Zone] of the Ashland Municipal Code is hereby amended to include Single Room Occupancy (SRO) uses in Table 18.3.5.050 as follows:

Table 18.3.5.050. North Mountain Neighborhood Uses Allowed by Zone¹

	North Mountain Neighborhood Zones ²				
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C	NM-Civic
A. Residential					

	North Mountain Neighborhood Zones ²				
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C	NM-Civic
<u>Single Room Occupancy (SRO), section 18.2.5.100</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>

SECTION 6. Subsection 18.3.5.050 [Allowed Uses] of the Ashland Municipal Code is hereby amended to add Single Room Occupancy as a permitted use with special use standards as follows:

18.3.5.050.D

...

14. Single Room Occupancy (SRO). Subject to the standards in section 18.2.5.100.

SECTION 7. Subsection 18.3.5.100.A [North Mountain Neighborhood District - Site Development and Design Standards – Housing] of the Ashland Municipal Code is hereby amended to read as follows, and the remainder of section 18.3.5.100 remains unchanged:

18.3.5.100 Site Development and Design Standards

A. Housing. The following design standards apply to residential developments. **AMC 18.3.5.100.A.1-A.3, AMC 18.3.5.100.A.6, and AMC 18.3.5.100.B.1-B.2 shall not be applied to one- and two-family developments of 20 or more residential units prior to January 2, 2033, consistent with the temporary design standard exemption established under Senate Bill 974.** While the standards are specific, the intent is not to limit innovative design, but rather provide a framework for clear direction and minimum standards.

...

SECTION 8. Section 18.3.9.040 [Review Procedures and Criteria] of the Ashland Municipal Code is hereby amended to read as follows:

18.3.9.040 Review Procedures and Criteria

...

A. Outline Plan. A proposed outline plan shall accompany applications for subdivision approval under this chapter. For developments of fewer than ten lots, the outline plan may be filed concurrently with the final plan, as that term is defined in subsection 18.3.9.040.B.4. For developments of ~~ten~~ **twenty (20)** or more lots, prior outline plan approval is mandatory.

1. Review Procedure. The ~~Type II~~ **Type I** procedure in section **18.5.1.050** ~~18.5.1.060~~ shall be used for the approval of the outline plan.

...

B. Final Plan.

1. Review Procedure. The Type I procedure in section 18.5.1.050 shall be used for approval of final plans, unless an outline plan has been filed concurrently, in which case ~~Type II procedure shall be used, and~~ the criteria for approval of an outline plan shall also be applied.

...

SECTION 9. Table 18.5.1.010 [Summary of Approvals by Type of Review Procedure] in section 18.5.1.010 of the Ashland Municipal Code is hereby amended to change the review procedure for Outline Plan approval under the Performance Standards Option from Type II to Type I, as shown below, and the remainder of Table 18.5.1.010 remains unchanged:

Planning Actions	Review Procedures	Applicable Regulations
...		
Performance Standards Option		
Outline Plan	Type II Type I	Chapter 18.3.9
Final Plan	Type I	Chapter 18.3.9
Minor Amendment	Ministerial	Subsection 18.5.3.020.F
...		

SECTION 10. Section 18.5.1.050 [Type I Procedure (Administrative Decision with Notice)] of the Ashland Municipal Code is hereby amended as follows, and the remainder of section 18.5.1.050 remains unchanged:

18.5.1.050 Type I Procedure (Administrative Decision with Notice)

Type I decisions are made by the Staff Advisor, following public notice and a public comment period. Type I decisions provide an opportunity for appeal to the Planning Commission. **An application for the development of housing is subject to a clear and objective standard, applying the standards, conditions, and procedures identified in ORS 197A.400(1). Notwithstanding any other provision of this ordinance assigning a review procedure, an application for residential development within a designated Historic District shall be reviewed under a Type 1 procedure. An application for which the applicant elects review under the discretionary approval of ORS 197A.400(3) shall be reviewed under the review procedure prescribed by this code.**

...

B. Notice of Application.

1. Mailing of Notice of Application. The purpose of the notice of application is to give nearby property owners and other interested people the opportunity to review and submit written comments on the application before the City makes a decision on it. Within ten days of deeming a Type I application complete, the City shall mail a notice of a pending Type I application to the following.

- a. Applicant.
- b. Owners of the subject property.
- c. Owners of record for properties located within ~~200 feet~~ **100 feet** of the perimeter of the subject site.
- ~~d. Neighborhood group or community organization officially recognized by the City that includes the area of the subject property.~~
- e. Where an application subject to Type I review is preceded by a Type II decision, to parties of record from the subject Type II decision.
- f. For applications to amend an approval, to persons who requested notice of the original application that is being amended or modified, except that where the mailing address of a person entitled to notice is not the same as the mailing address of record in the original approval, the City is not required to mail notice.

...

6. Housing Applications Subject to Clear and Objective Standards.
Notwithstanding subsections 18.5.1.050.B.1.c and 18.5.1.050.D.1.c, for an application for the development of housing subject only to clear and objective standards, conditions, and procedures pursuant to ORS 197A.400(1), the notice of application and the notice of decision shall be mailed to owners of record for properties located within 100 feet of the perimeter of the subject site, consistent with the notice limitations of ORS 197A.400(5)(a). This subsection does not apply to an application reviewed under discretionary approval criteria at the election of the applicant pursuant to ORS 197A.400(3).

C. Decision.

1. At the conclusion of the comment period, the Staff Advisor shall review the comments received and prepare a decision approving, approving with conditions, or denying the application based on the applicable ordinance criteria. The Staff Advisor shall prepare a decision within 45 days of the City's determination that an application is complete, unless the applicant agrees to a longer time period. Alternatively, the Staff Advisor may transmit written comments received along with a copy of the application to the Planning Commission for review and decision at its next regularly scheduled meeting. **An application for the development of housing is subject to clear and objective standards, conditions, and procedures pursuant to ORS 197A.400(1) and shall not be referred to the Planning Commission for review and decision under this subsection or subsection 18.5.1.050.C.2.**

...

D. Notice of Decision.

1. Mailing of Notice of Decision. Within five days after the Staff Advisor renders a decision, the City shall mail notice of the decision to the following.

- a. Applicant.
- b. Owners of the subject property.
- c. Owners of record for properties located within ~~200 feet~~ 100 feet of the perimeter of the subject site.

~~d. Neighborhood group or community organization officially recognized by the City that includes the area of the subject property.~~

~~d. e.~~ Parties of record; this includes any group or individual who submitted written comments during the comment period.

~~e. f.~~ Those groups or individuals who requested notice of the decision.

~~f. g.~~ For applications to amend an approval, to persons who requested notice of the original application that is being amended or modified, except that where the mailing address of a person entitled to notice is not the same as the mailing address of record in the original approval, the City is not required to mail notice.

...

G. Appeal of Type I Decision. A Type I decision may be appealed to the Planning Commission, pursuant to the following:

1. Who May Appeal. The following persons have standing to appeal a Type I decision, except as provided in subsection 18.5.1.050.G.1.d.

- a. The applicant or owner of the subject property.
- b. Any person who is entitled to written notice of the Type I decision pursuant to subsection 18.5.1.050.B.
- c. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.

d. Notwithstanding subsections 18.5.1.050.G.1.a through 18.5.1.050.G.1.c, for a decision on an application for the development of housing subject only to clear and objective standards, conditions, and procedures pursuant to ORS 197A.400(1), only the applicant may appeal the decision at the local level, pursuant to ORS 197A.400(5)(c). Pursuant to ORS 197A.400(6), only the applicant may appeal such a decision to the Land Use Board of Appeals.

...

SECTION 11. Section 18.5.5.030 [Review Procedure] of the Ashland Municipal Code is hereby amended to read as follows:

18.5.5.030 Review Procedure

Applications for Variances are reviewed as follows.

A. Type I. The following Variances are subject to the Type I review procedure in section 18.5.1.050.

1. Sign placement, per chapter 18.4.7.
2. Non-conforming signs, when bringing them into conformance as described in chapter 18.4.7.
3. Up to a 50 percent reduction of standard yard requirements.
4. Parking in setback areas.
5. Up to ten percent reduction in the required minimum lot area.
6. Up to ten percent increase in the maximum lot coverage percentage.
7. Up to 20 percent reduction in lot width or lot depth requirements.
8. Up to ten percent variance on height, width, depth, length, or other dimension not otherwise listed in this section.

9. Variances involving Urban Housing Applications (UHAs).

B. Type II. Variances not listed in subsection 18.5.5.030.A, above, are subject to the Type II review procedure in section 18.5.1.060. (Ord. 3229 § 12, amended, 12/19/2023)

SECTION 12. Section 18.6.1.030 [Definitions] of the Ashland Municipal Code is hereby amended to add the following definitions for Single Room Occupancy (SRO) and Urban Housing Application (UHA), to be placed in alphabetical order:

Dwelling. A structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar. For the purposes of this title, the following types of dwelling units are defined as follows:

...

Single Room Occupancy (SRO). Single Room Occupancy (SRO) means a residential development with no fewer than four attached or detached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant but require that the occupant share sanitary or food preparation facilities with other units in the occupancy. A unit with both private sanitary and private food preparation facilities is a dwelling unit, not an SRO unit.

...

Urban Housing Application (UHA) – A land use application for a Performance Standards Options subdivision or a variance from a residential approval standard, involving property that is, at the time of application, within the urban growth boundary (UGB) and zoned primarily for residential use or mixed residential use, or planned for residential use. An urban housing application does not include an application that would reduce the minimum residential density of land, or an application subject to a ministerial or other expedited approval procedure, including a residential use allowed outright. The initial decision of the city on an urban housing application is an administrative (Type I) action and is not subject to quasi-judicial review unless appealed as provided in this ordinance and applicable state law.

SECTION 13. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 14. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 8 and 9) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2026, and duly PASSED and ADOPTED this _____ day of _____, 2026.

SIGNED and APPROVED this _____ day of _____, 2026.

ATTEST:

Alissa Kolodzinski, City Recorder

Tonya Graham, Mayor

Reviewed as to form:

Johan Pietila, City Attorney