



Planning Commission Meeting Agenda

ASHLAND PLANNING COMMISSION

SPECIAL MEETING AGENDA

Tuesday, October 22, 2024

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 presentations
2. Advisory Committee Liaison Reports

III. CONSENT AGENDA

1. Approval of Minutes
 - a. October 8, 2024 Regular Meeting

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 October 22, 2024 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/99791130008>

V. UNFINISHED BUSINESS

- A. Approval of Findings for PA-T2-2024-00050, 113 Pine Street

VI. OTHER BUSINESS

- A. Climate Friendly Area Adoption - Public Engagement Summary & Next Steps

VII. OPEN DISCUSSION

VIII. ADJOURNMENT

Next Meeting Date: November 7, 2024 Annual Retreat
November 12, 2024 Regular Meeting

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please email planning@ashlandoregon.gov. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).





Planning Commission Minutes

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October 8, 2024
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. Councilor Hyatt attended the meeting via Zoom.

Commissioners Present:

Lisa Verner
 Doug Knauer
 Susan MacCracken Jain
 Eric Herron
 Russell Phillips

Staff Present:

Brandon Goldman, Community Development Director
 Aaron Anderson, Senior Planner
 Michael Sullivan, Executive Assistant

Absent Members:

Kerry KenCairn
 Gregory Perkinson

Council Liaison:

Paula Hyatt

II. **ANNOUNCEMENTS**

Community Development Director Brandon Goldman made the following announcements:

- The City will be hosting an Open House on October 9, 2024 regarding the 2200 Ashland Street Masterplan. It will be held from 5:30–7:30 p.m. at the Rogue Valley Unitarian Universalist Fellowship Church at 87 Fourth Street.
- At the Commission's October 22, 2024 Study Session 3J Consultants will offer a presentation on their progress regarding Climate Friendly Areas (CFAs), which included a code audit.
- The Commission will have its annual retreat on November 7, 2024 from 12:00–4:00 p.m. They will visit manufactured homes parks, as well as other sites around the valley. The City has rented a van for this purpose.

III. **CONSENT AGENDA**

1. **Approval of Minutes**

- August 13, 2024 Regular Meeting
- August 27, 2024 Study Session
- September 10, 2024 Regular Meeting

Commissioners Knauer/Herron m/s to approve the consent agenda as presented. Voice Vote: All





Planning Commission Minutes

AYES. Motion passed 5-0.

IV. PUBLIC FORUM – None

V. UNFINISHED BUSINESS

A. Approval of Findings PA-T2-2024-00049, 2308 Ashland Street

Ex Parte Contact

Commissioners Phillips and Herron disclosed site visits. No ex parte contact was disclosed.

Deliberation and Decision

Commissioners Phillips/Herron m/s to approve the Findings as presented. Commissioner MacCracken Jain abstained due to her absence from the September 10, 2024 meeting. Roll Call Vote: All AYES. Motion passed 4-0.

VI. TYPE I PUBLIC HEARING

A. PLANNING ACTION: PA-T1-2024-00245

SUBJECT PROPERTY: 329 Granite Street

OWNER/APPLICANT: Jovick for Clarke

DESCRIPTION: An application for a modification to the previously approved planning action PA-T2-2022-00036. The modification is a request to modify a portion of retaining near the garage into a split wall design. The application also addresses grading and a small third wall at the first turn in the drive. **COMPREHENSIVE PLAN DESIGNATION:** Woodland / LDR; **ZONING:** WR / RR-.5; **MAP:** 39 1E 08 EE; **TAX LOT:** 704

Ex Parte Contact

Commissioners Knauer and Verner disclosed site visits. Commissioner Herron stated that he visited the site with the rest of the Commission during its 2022 annual retreat. No ex parte contact was disclosed.

Staff Presentation

Mr. Goldman provided a brief history on the development of the site, and explained that the current application had been submitted as a Type I planning action, which are typically reviewed at the staff level, but that staff determined that a review by the Commission was warranted due to a number of smaller changes that had been made to the original application since it was approved in March of 2022. He stated that the request is for a minor change to improve maneuverability and safety of the





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driveway without any greater impact on the natural features on the property. He added that the original application requested exceptions to existing standards due to the difficulty in developing the site, and that a potential approval by the Commission of the current application would not necessarily constitute a precedent for future developments.

Senior Planner Aaron Anderson described the difficulty in developing the subject site, pointing to its severely constrained slopes. He provided a brief history of changes to the application that had been approved by staff, which began in August, 2022 with a request to remove three additional trees and culminating with the current proposal (see attachment #1). He displayed several aerial photos and plans of the site and described how the proposal would effectively combine two retaining walls, creating additional turnaround space at the top of the driveway near the dwelling. He noted that the gradient between the driveway and the house would be unchanged from the original application.

Questions of Staff

Commissioner Phillips asked if combining the retaining walls would require them to be reengineered. Mr. Anderson responded that they would likely require minor changes and that the applicant had been working with their project engineer to address any necessary changes.

Commissioner Herron asked what the elevation of the two combined retaining walls would be, to which Mr. Anderson responded that they would come to approximately 11ft.

Commissioner MacCracken Jain noted that drainage considerations had not been addressed in the current proposal. Mr. Anderson responded that all drainage is provided by the engineer and is required for all retaining walls to prevent collapse. Commissioner MacCracken Jain asked if the driveway would accommodate ambulance access, to which Mr. Anderson responded that it would.

Commissioner Phillips asked if a guardrail would be installed at the top of the retaining wall. Mr. Anderson responded that no guard rail was included in the renderings but that the applicant could speak to that.

Applicant Presentation

Chris Hearn represented the applicants as their attorney, reiterating that the proposal is a request was for a minor modification to an approved plan and would not create any visual difference when viewing the property from the surrounding area. He stated that the changes would also create a greater safety consideration, including access to the site in the case of a wildfire.

Questions of the Applicant

Commissioner MacCracken Jain expressed concern that these changes had not been considered before. Mr. Hearn stated that the difficulty in developing the site made these design changes necessary.



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Chair Verner closed the Public Hearing and Public Record at 7:26 p.m.

Deliberation and Decision

Commissioner Knauer pointed to the difficulty in developing the site and stated that the changes made sense to provide greater safety and access.

Commissioner Phillips noted the height of the proposed retaining wall and suggested that a guard rail be installed. Commissioner MacCracken Jain asked if guard rails are required. Mr. Goldman responded that rails are not required by planning code but that the Commission could make the addition of a rail to delineate the edge a condition of approval. Commissioner Herron pointed out that Building code may require the installation of a safety rail.

Commissioner Knauer/MacCracken Jain m/s to approve the application with the added condition that the installation of a rail be investigated, if not already planned, for the protection of residents and automobile drivers by creating a clearly delineated edge. Roll Call Vote: All AYES. Motion passed 5-0.

VII. TYPE II PUBLIC HEARING – CONTINUED

A. **PLANNING ACTION:** PA-T2-2024-00050

SUBJECT PROPERTY: 113 Pine St.

APPLICANT & OWNER: Rogue Development for Charlie Hamilton

DESCRIPTION: A request for concurrent Outline and Final Plan approval of four-lot, Performance Standards Option (PSO) subdivision. The proposal includes three proposed residential lots and a common area lot. The application includes a request for an exception to street standards to not install park row and to retain the existing frontage improvements. The application also includes a request to remove a total of seventeen trees, five of which are 'significant'. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-7.5; **MAP:** 39-1E-08-AD; **TAX LOT:** 2600

Chair Verner stated that this item was continued from the September 10, 2024 Planning Commission meeting, where the Public Hearing was closed and the Public Record was left open to allow time for parties of record to provide additional evidence and public comments.

Ex Parte Contact

No ex parte contact was disclosed. Commissioner Phillips was absent from the September 10, 2024 meeting but reviewed the recording and minutes prior to tonight's meeting in order to participate in the proceedings.





Planning Commission Minutes

Staff Presentation

Mr. Anderson recounted how the record was left open until September 17, 2024 to allow parties of record to submit additional comments or evidence into the record, after which the applicant had until September 24, 2024 for rebuttal and until October 1, 2024 to submit any final arguments (see attachment #2). Mr. Anderson noted that staff received a public comment from "Farmer James," though he is not believed to be a party of record. His comments were included in the packet as due diligence and the Commission can determine if they should be included in the record.

Mr. Anderson stated that staff had revised conditions of approval #2 and #4 for the Commission's consideration:

- Condition #2: That the building envelope on lot three be modified to protect the Critical Root Zone of Trees #2386 (15" Walnut) and #2361 (16" Oak) and that the revised plan be submitted prior to any site work.
- Condition #4: That any excavation within the critical root zones (CRZ) of trees #2339 #2421, #2439 and #2443, be supervised by the project arborist. Should impacted trees tree die within a two years following excavation activities, as a direct result of such disturbance, that the trees will be removed and replaced at the applicants cost in coordination with the affected property owner.

Mr. Anderson stated that staff added the following potential conditions of approval to the staff report for the Commission's consideration following the September 10th meeting:

- 5) That the screening for the flag drive, as required by AMC 18.5.3.060.N, shall be provided or maintained along the northern and southern property lines of the parent parcel to screen the drive from adjacent properties, but driveway screening within the subdivision is not required.
- 6) That a seven-foot-wide strip of right-of-way along Pine Street shall be dedicated, as shown on the preliminary subdivision plat, to incorporate the existing sidewalk within the public street right-of-way.
- 7) That the fire truck turnaround located at the southern property line terminus of the driveway in Lot 2 shall be limited in length to the minimum necessary to accommodate a fire truck turnaround or staging area, as required by Ashland Fire and Rescue.
- 8) That if the decision of the Planning Commission is to remove the open space lot from the subdivision that the following three conditions of approval be added:
 - a. That the Common Open Space lot shall be eliminated, and the designated area shall be incorporated into Lots 2 and 3. A conservation and reciprocal access



Planning Commission Minutes

easement shall be established and shown on the Final Survey, covering the proposed open space area and all lands with slopes exceeding 35%. This easement shall restrict development in the designated area and be maintained in perpetuity for conservation purposes

b. That a private maintenance agreement be created to ensure continued maintenance of the private drive, all storm drain infrastructure, and conservation area in equal parts

c. That each of the lots be limited to a Maximum Permitted Floor Area (MPFA) as proposed by the applicant with the open space lot as follows:

- i. Lot 1: $9291 \times 0.75 \times 0.38 = 2,648$ square feet.
- ii. Lot 2: $10705 \times 0.68 \times 0.38 = 2,766$ square feet.
- iii. Lot 3: $10,587 \times 0.65 \times 0.38 = 2,735$ square feet.

Questions of Staff

Commissioner Knauer asked if the area of the property that is considered unbuildable space was included when calculating lot coverage. Mr. Anderson responded that the Maximum Permitted Floor Area (MPFA) is used for residential use as measured from the exterior surface of each floor of the building. Mr. Goldman added that MPFA only applies within the City's historic districts to ensure that new developments are commensurate with existing dwellings.

Commissioner MacCracken Jain asked if the revised conditions of approval addressed Peter Nystrom's concerns regarding a tree on his property, which is adjacent to the subject lot. Mr. Anderson responded that it was included, but noted that this concern was raised by Anne Schreiber on behalf of Mr. Nystrom as he was not a party of record.

Deliberation and Decision

Chair Verner proposed the following changes to staff's conditions of approval:

- 4) That any excavation within the critical root zones (CRZ) of trees #2339 #2421, #2439 and #2443, be supervised by the project arborist. Should **any of these** impacted **trees** ~~tree~~ die within two years following excavation activities, as a direct result of such disturbance, ~~that~~ the trees will be removed and replaced at the applicants cost in coordination with the affected property owner.
- 7) That the fire truck turnaround located at the southern property line terminus of the driveway in Lot 2 shall be **shortened and** limited in length to the minimum necessary to accommodate a fire truck turnaround or staging area, as required by Ashland Fire and Rescue.
- 8) ~~The if the decision of the Planning Commission is to remove the open space lot from the~~





Planning Commission Minutes

~~subdivision that the following three conditions of approval be added:~~

That the Common Open Space lot shall be eliminated, and the designated area shall be incorporated into Lots 2 and 3. A conservation and reciprocal access easement shall be established and shown on the Final Survey, covering the proposed open space area and all lands with slopes exceeding 35%. This easement shall restrict development in the designated area and be maintained in perpetuity for conservation purposes.

- 9) That a private maintenance agreement **between the three lots** be created to ensure continued maintenance of the private drive, all storm drain infrastructure, and conservation area in equal parts.
- 10) That each of the lots be limited to a Maximum Permitted Floor Area (MPFA) ~~as proposed by the applicant with the open space lot~~ follows:
 - i. Lot 1: $9291 \times 0.75 \times 0.38 = 2,648$ square feet.
 - ii. Lot 2: $10705 \times 0.68 \times 0.38 = 2,766$ square feet.
 - iii. Lot 3: $10,587 \times 0.65 \times 0.38 = 2,735$ square feet.

Regarding condition #4, Commissioner MacCracken Jain asked if the code specifies how any damaged trees would be replaced with. Mr. Goldman responded that applicant would have to replace any trees damaged by the development, but would need to do so in coordination with the neighbor whose tree was damaged. So the neighbor could choose to not have the tree replaced. If they did want any trees replaced they would contact the City's Planning Department to invoke the condition. Commissioner MacCracken Jain asked if there is a size requirement for the replacement tree. Mr. Goldman responded that the standards call for a 2inch caliper tree at breast height to be planted as mitigation when a tree is removed.

Commissioner Herron pointed out that two public comments received from property owners adjacent to the subject property emphasized the need to retain the subject property as open wildlife space, while their properties had 6ft high fences that kept wildlife out. He mentioned that denying this project would prohibit more people from experiencing the area's natural amenities, which a resident stated was one of the benefits of the neighborhood. He pointed out that the Council and Commission have encouraged greater density in the City, which this project would provide.

Commissioner Knauer requested clarification on the applicant's request for an exception to sidewalk standards. Mr. Anderson responded that the exception would allow for the continuous curbline to not be disturbed and allow the existing sidewalk to be retained and dedicating it as public right-of-way (ROW). Commissioner Knauer suggested that a condition be included requiring that an existing, protruding rosemary bush be removed for a safe and walkable sidewalk. Chair Verner suggested that the dedication of a 7ft-wide strip of ROW along Pine Street be included in Condition #6, and a new condition be added requiring the sidewalk to be maintained as safe and freely walkable.



Planning Commission Minutes

Commissioners MacCracken Jain/Herron m/s to approve the application with the revised conditions presented by staff with the amendments suggested by Chair Verner, including the changes to Condition #6 and the added condition of maintaining the sidewalk in a safe and walkable state. Roll Call Vote: All AYES. Motion passed 5-0.

V. OPEN DISCUSSION

Chair Verner reminded the Commission that its annual retreat will take place on November 7, 2024, and will begin at the Phoodery in Phoenix before moving on to site visits. The Commission agreed to utilize a van for the afternoon.

Commissioner MacCracken Jain commented that the reference to the occupations of the owners of 329 Granite Street during the applicant's presentation was spurious or irrelevant to the discussion. There was general agreement from the rest of the Commission.

Commissioner Herron suggested that the Commission discuss the allowances and criteria for the general public to request the record be left open. Mr. Goldman pointed out that state law requires the City to leave the record open if requested by a party of record, and is typically done by closing the Public Hearing but leaving the Public Record open for seven days for additional comments to be submitted. Commissioner Phillips asked if meetings could be continued to the Commission's Study Sessions instead of the next Regular Meeting for the sake of expediency. Mr. Goldman responded that this could be done.

Regarding the public comment received from "Farmer James," Commissioner MacCracken Jain asked if those submitting public comments are prohibited from anonymity. Mr. Goldman responded that anyone submitting a public comment is required to provide their name. The Commission agreed that hi public comment should be dismissed as irrelevant.

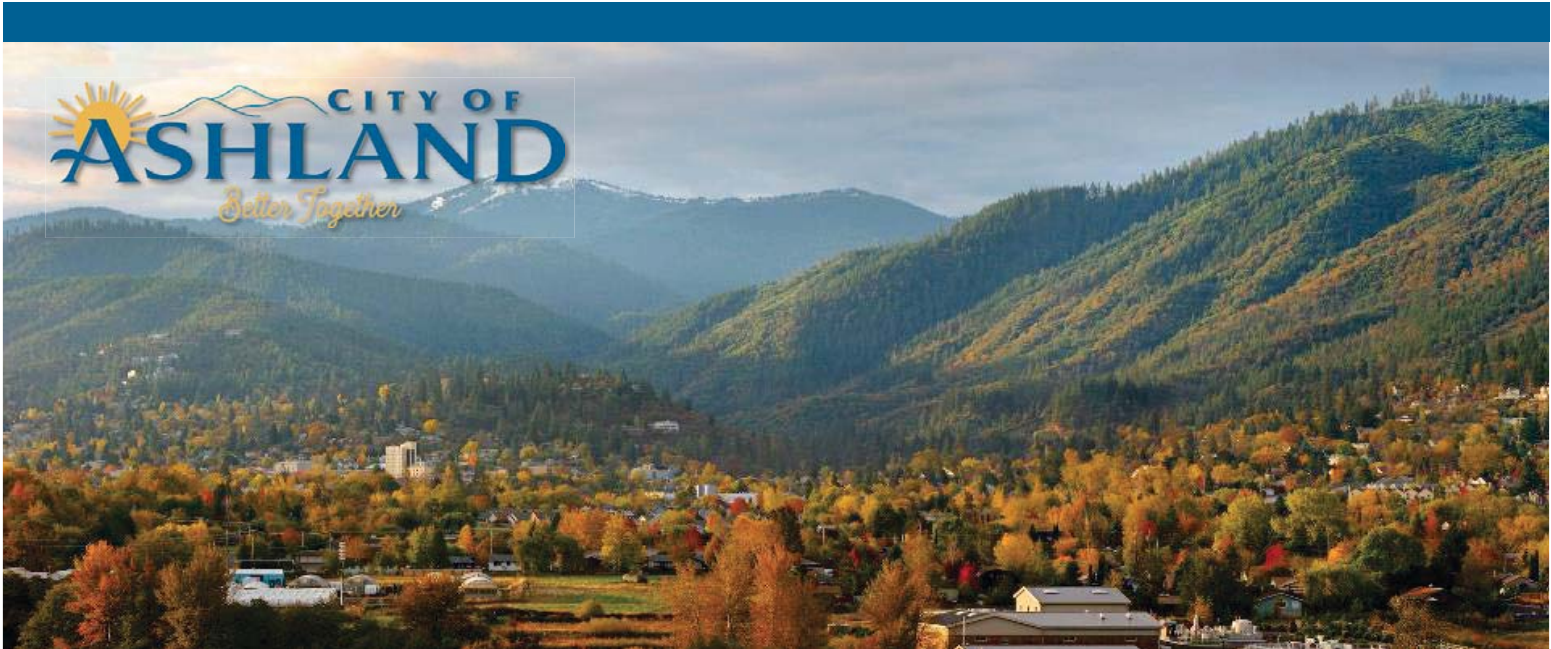
The Commission discussed bringing findings for 113 Pine Street to the October 22, 2024 Commission Study Session in the form of a Special Meeting. Mr. Goldman remarked that this could be possible and that he would discuss it with the Planning Manager.

ADJOURNMENT

Meeting adjourned at 8:06 p.m.

*Submitted by,
Michael Sullivan, Executive Assistant*





329 Granite Street

PLANNING
COMMISSION
OCT 10, 2024

Introduction - 329 Granite St.

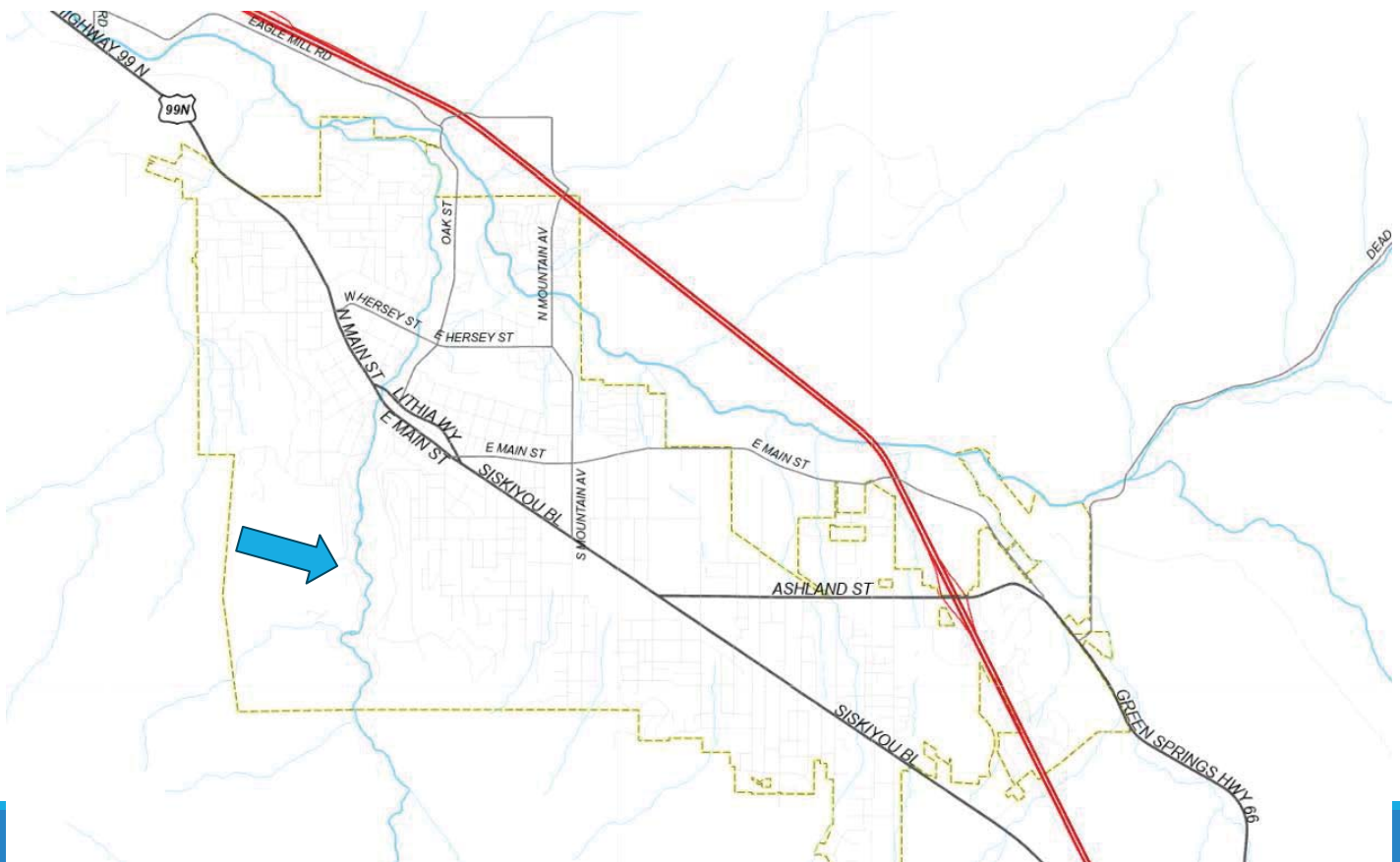
This is a proposed modification to a previously approved plan.

Several modifications have been administratively reviewed and approved since that time. Due to that reason the Staff Advisor has chosen to bring this type 1 minor modification before the Planning Commission for its review due to the cumulative nature of the previous modifications.

2022 Approval - 329 Granite St.

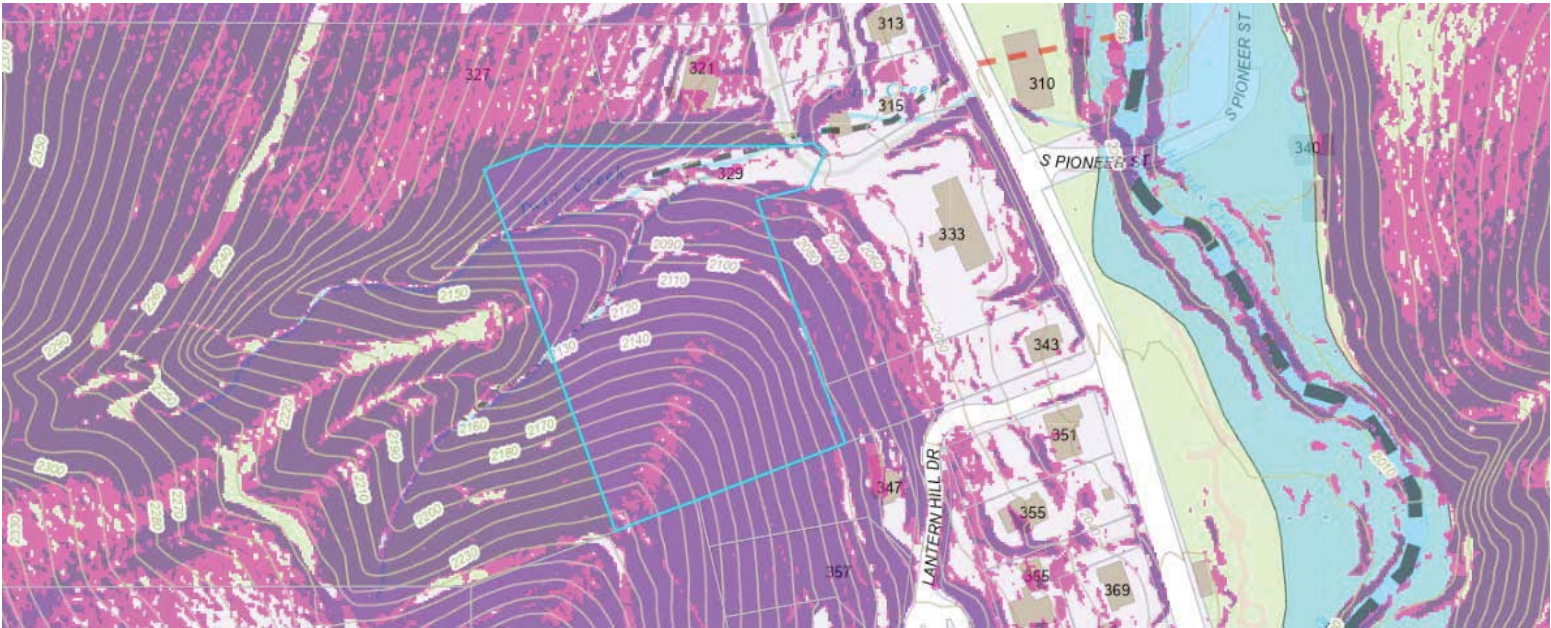
PA-T2-2022-00036

- A Physical and Environmental constraints review (P&E) was approved which included several requested exceptions, a limited activity and uses permit in the Water Resource Protection Zone (WRPZ), a variance to both maximum allowed lot coverage and maximum grade of a driveway, and tree removal permits.





Zoning and vicinity map



P&E Map
10-foot contours



- ☐ PA-T1-2021-00150 – May-Jun 2021 (determined to be incomplete for failure to address exceptions and variances - withdrawn)
- ☐ PA-T1-2021-00159 – July-Dec 2021 (interpretation on maximum allowed driveway Grade)
- ☐ PA-T2-2022-00036 – Jan-Mar 2022 [Approval of “a Physical and Environmental constraints review (P&E) which includes several requested exceptions, a limited activity and uses permit in the Water Resource Protection Zone (WRPZ), a variance to both maximum allowed lot coverage and maximum grade of a driveway, and tree removal permits”]



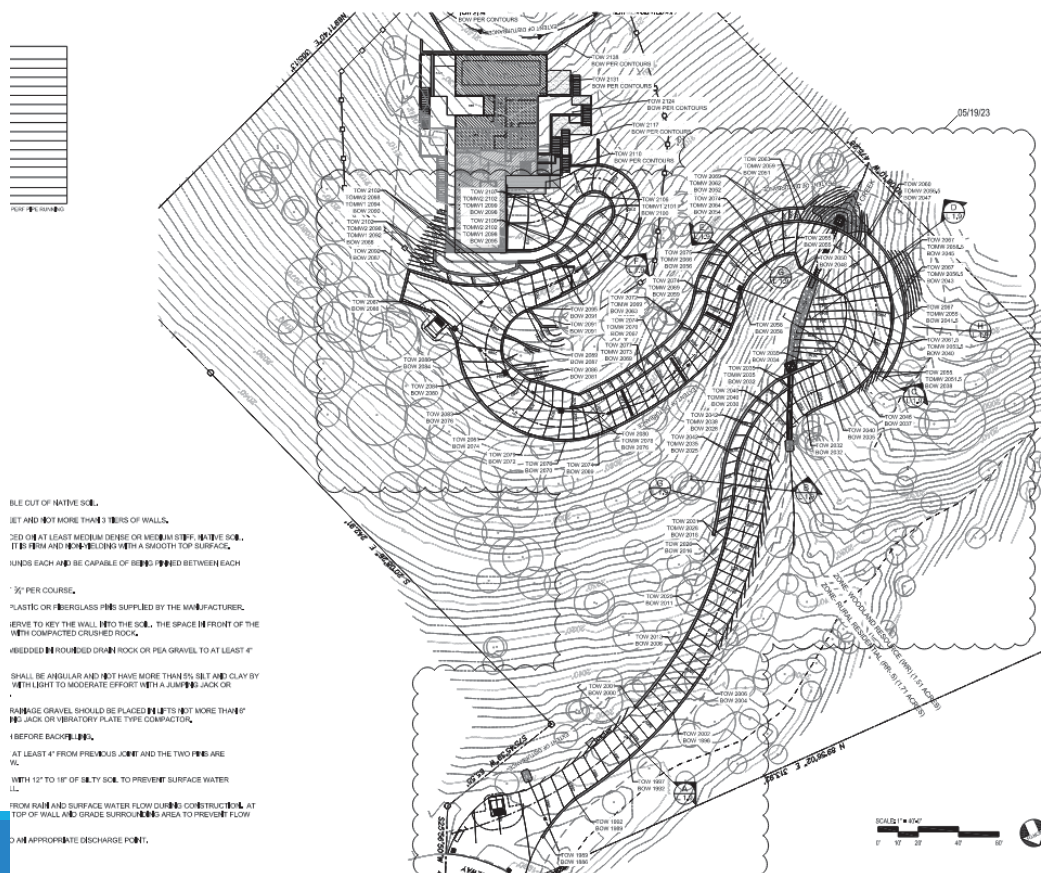
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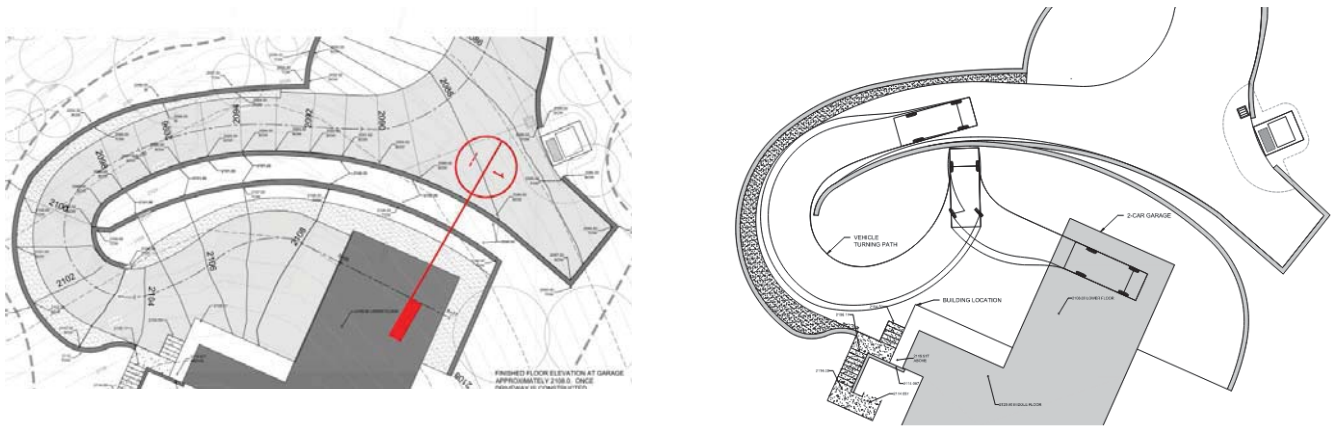
Previous Modifications

- ❑ PA-A-2022-00217 – Aug 2022 (additional tree removal)
- ❑ PA-T1-2023-00209 - May-July 2023 [1) to remove two additional trees due to the location of an electrical transformer 2) Modify two portions of retaining walls from three-tier to two-tier, and 3) to modify the WRPZ mitigation plantings with more appropriate plantings based on advice from a restoration expert.]
- ❑ PA-T1-2023-00215 – Sept-Oct 2023 [1) in two locations change the retaining walls from three tier to two tier, which also adjusts the height of these walls; 2) slight adjustment to the alignment of retaining walls and driveway; 3) removal of five additional trees; and 4) Increase the length of culvert through the driveway area.]
- ❑ BD-R-2023-01010 was issued on December 21, 2023
- ❑ PA-T1-2024-00231 – Mar-Aug 2024 [to change the retaining walls immediately adjacent to the garage to enable better vehicle maneuvering - *withdrawn*]





Present Request



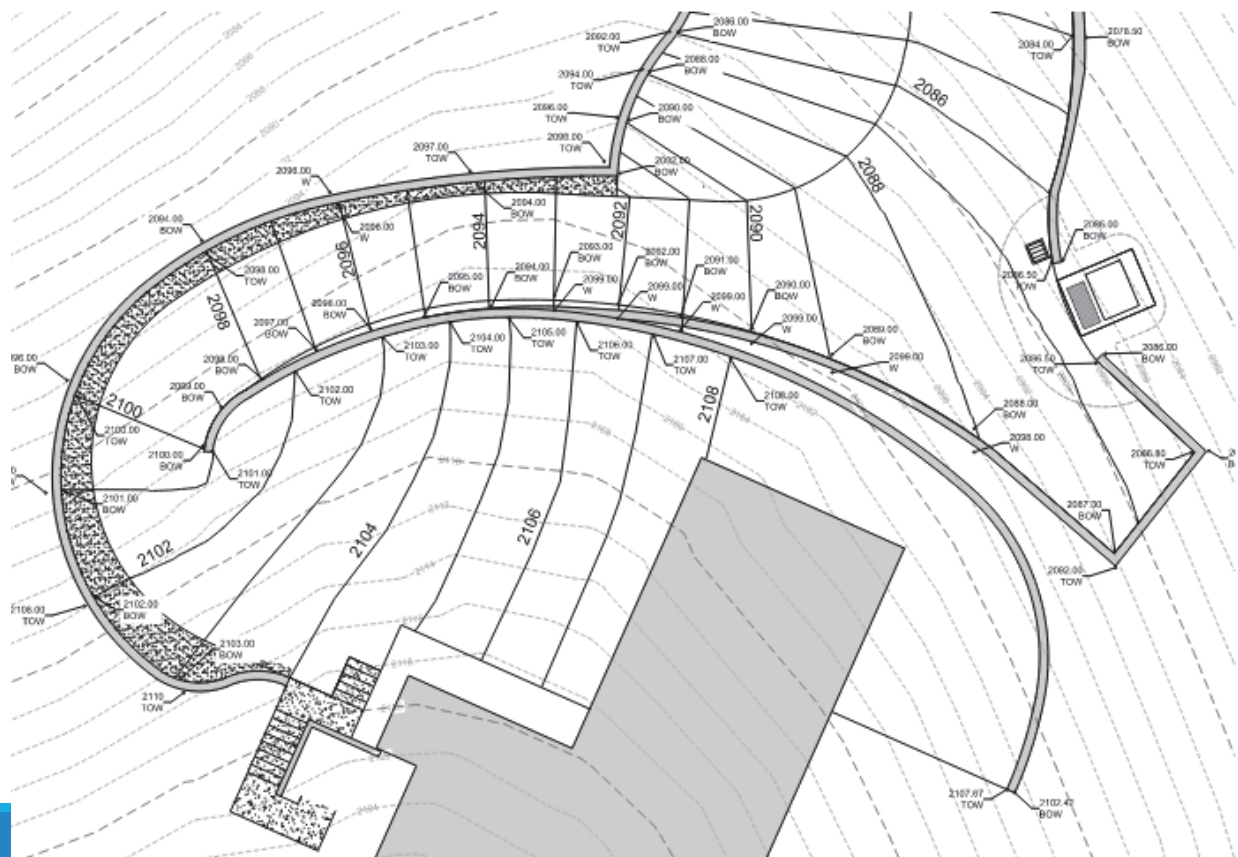
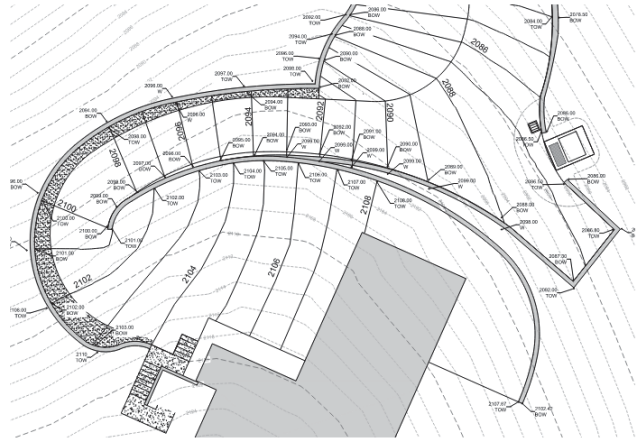


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Present Request



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Approval Criteria

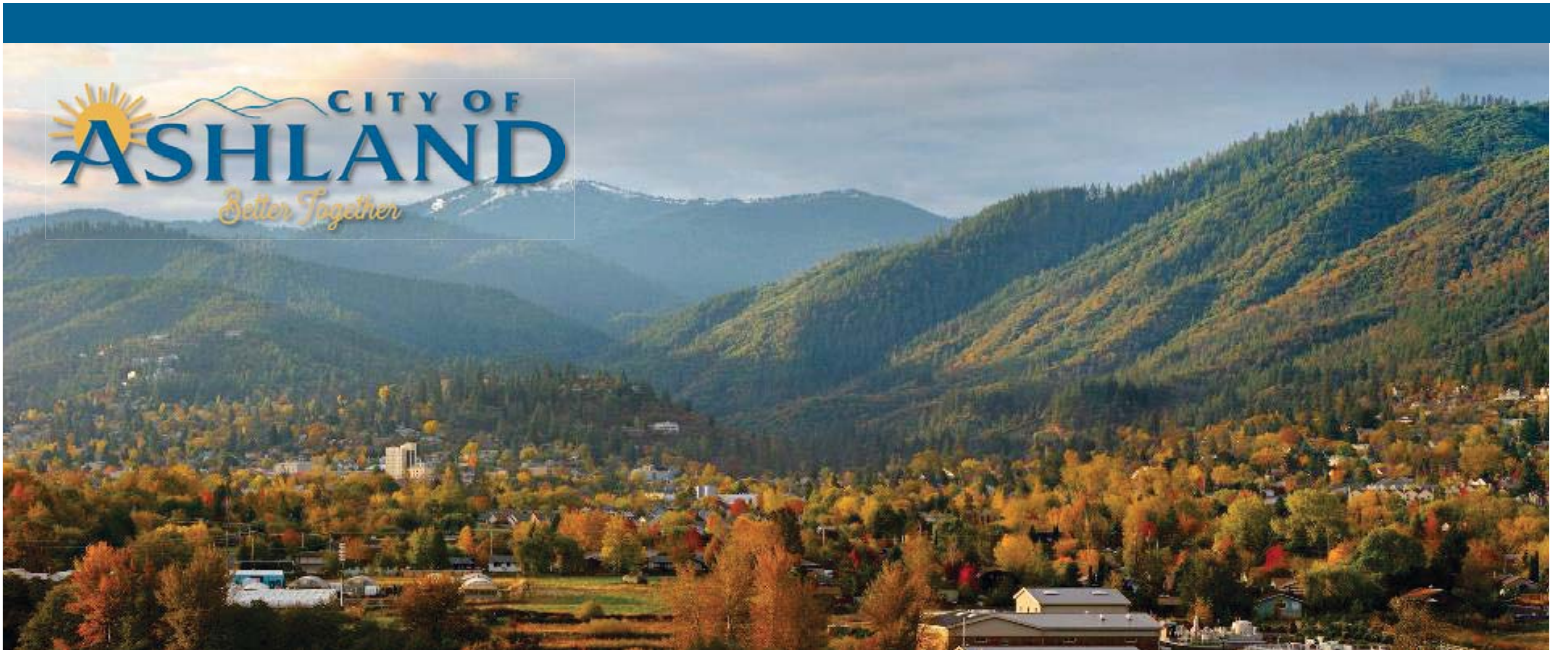
22

Minor Modification

C. Minor Modification Approval Criteria. A Minor Modification shall be approved only upon the approval authority finding that all of the following criteria are met.

- 1. Minor Modification applications are subject to the same approval criteria used for the initial project approval, except that the scope of review is limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc. Notice shall be provided in accordance with chapter [18.5.1](#).
- 2. A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be deemed a Major Modification and/or may be subject to other ordinance requirements.
- 3. The approval authority shall approve, deny, or approve with conditions the application, based on written findings; except that conditions of approval do not apply, and findings are not required, where the original approval was approved through a Ministerial review.

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113 Pine Street

PLANNING
COMMISSION

OCT 8, 2024

Introduction - 113 Pine St.

A request for concurrent Outline and Final Plan approval for a four-lot Performance Standards Option (PSO) subdivision. The proposed subdivision includes three residential lots and one open space lot for the property located at 113 Pine Street.

A hearing was held on September 10th and the record was requested to remain open.

3

ORS 197.797.6.a-e

Requests to Continue or Leave The Record Open

Pursuant to ORS 197.797.6.a-e

Preferred Approach

Close the public hearing, but leave the record open until:

Tues. 9/17, 4:30 pm

*New Evidence/Argument
From Parties*

Tues. 9/24, 4:30 pm

*Rebuttal of
New Evidence/Argument
From Parties*

Tues. 10/1, 4:30 pm

*Final Legal Arguments
(No New Evidence)
from Applicant*

Tues. 10/8 7:00 pm

*PC Deliberations at
Next Regular Meeting*

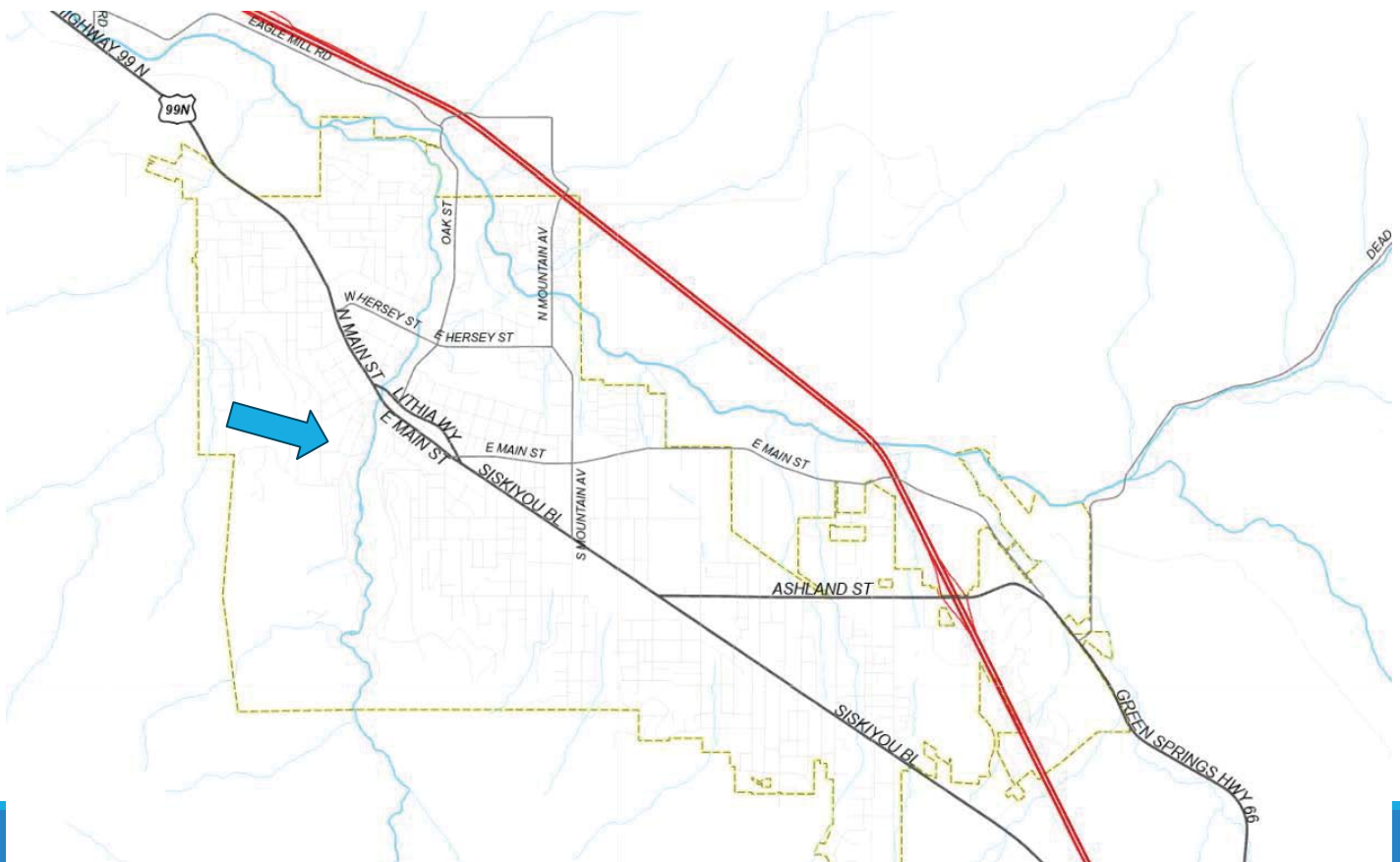


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Additional materials

During the period of 9/10 – 9/17 the four items were received and are in this meeting packet. The City received comments from the following individuals.

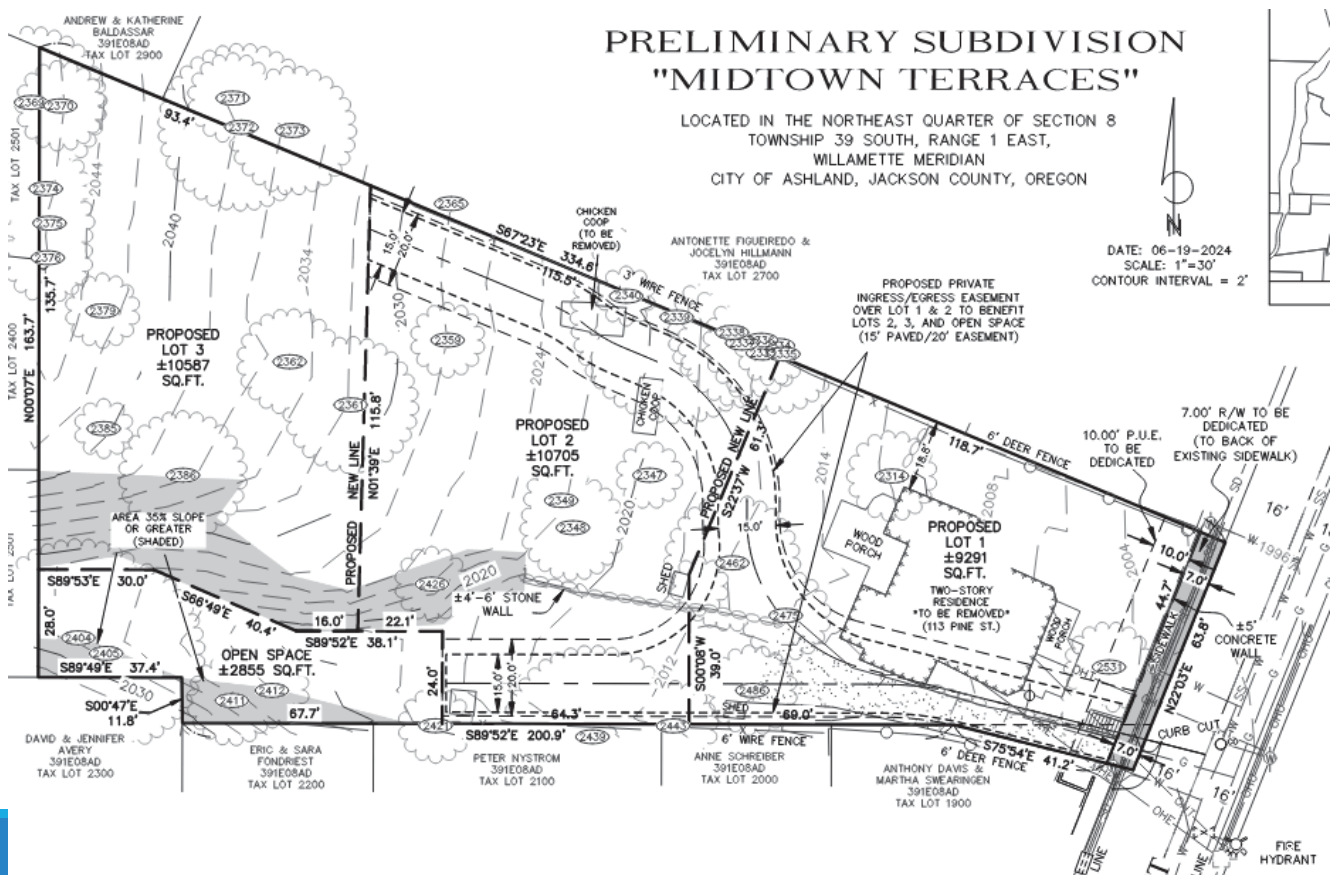
During the only materials received was the applicants final argument and rebuttal.

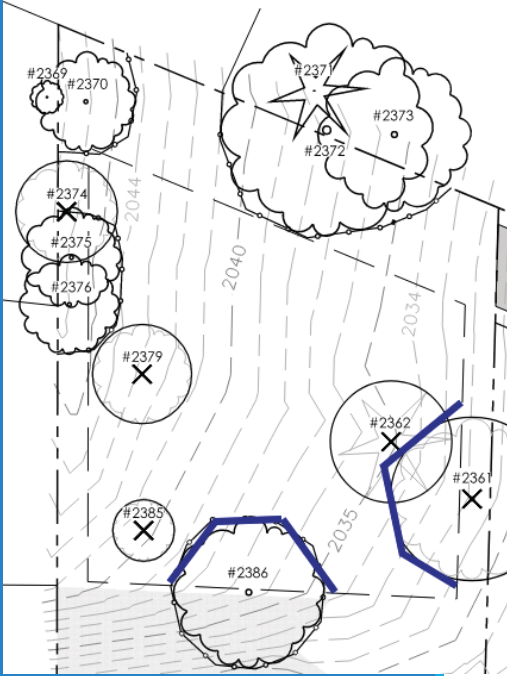


113 Pine St.



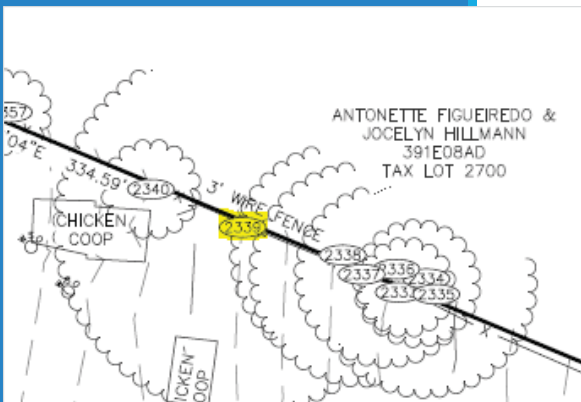
Zoning and vicinity map





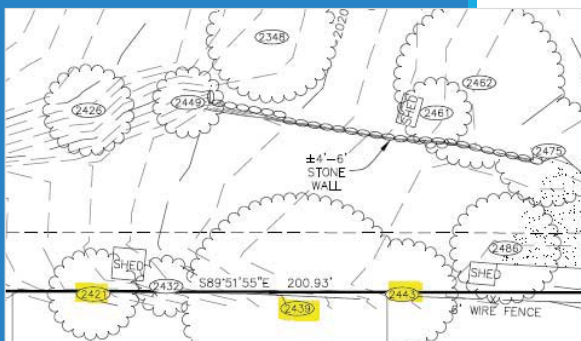
Revised Condition of Approvals – Condition #2

“That the building envelope on lot three be modified to protect the Critical Root Zone of Trees #2386 (15” Walnut) and #2361 (16” Oak) and that the revised plan be submitted prior to any site work.”

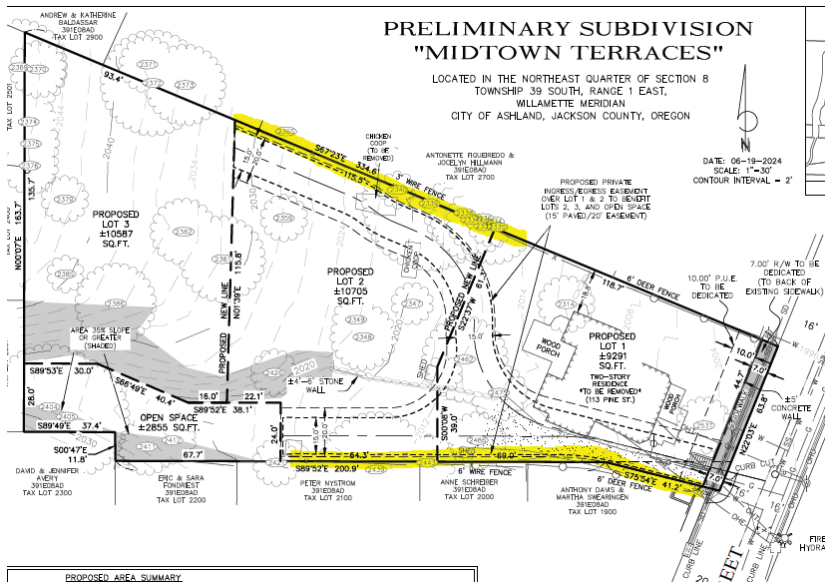


Revised Condition of Approvals – Condition #4

That any excavation within the critical root zones (CRZ) of trees #2339 #2421, #2439 and #2443, be supervised by the project arborist. Should impacted trees tree die within a two years following excavation activities, as a direct result of such disturbance, that the trees will be removed and replaced at the applicants cost in coordination with the affected property owner”



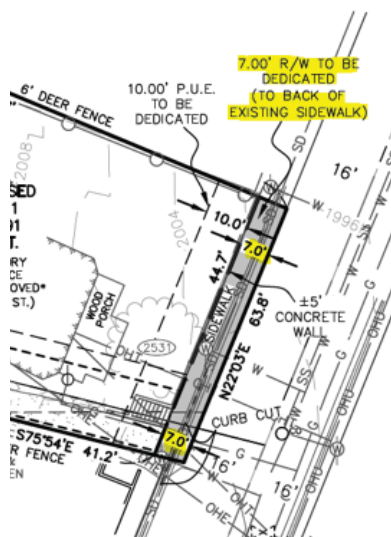
Potential additional conditions for Planning Commission consideration



“That the screening for the flag drive, as required by AMC 18.5.3.060.N, shall be provided or maintained along the northern and southern property lines of the parent parcel to screen the drive from adjacent properties, but driveway screening within the subdivision is not required.”

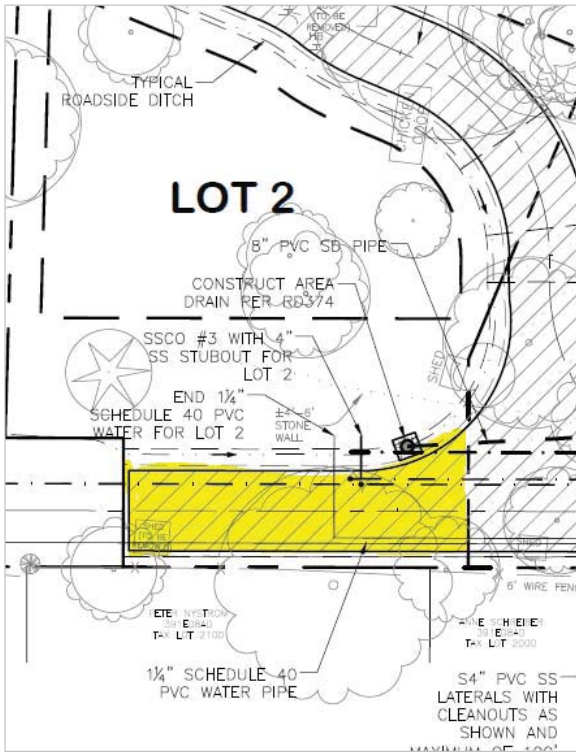
13

Potential additional conditions for Planning Commission consideration



“That a seven-foot-wide strip of right-of-way along Pine Street shall be dedicated, as shown on the preliminary subdivision plat, to incorporate the existing sidewalk within the public street right-of-way.”

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Potential additional conditions for Planning Commission consideration

“That the fire truck turnaround located at the southern property line terminus of the driveway in Lot 2 shall be limited in length to the minimum necessary to accommodate a fire truck turnaround or staging area, as required by Ashland Fire and Rescue.

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Potential conditions from Planning Commission

- 8) That if the decision of the Planning Commission is to remove the open space lot from the subdivision that the following three conditions of approval be added”
 - a. That the Common Open Space lot shall be eliminated, and the designated area shall be incorporated into Lots 2 and 3. A conservation and reciprocal access easement shall be established and shown on the Final Survey, covering the proposed open space area and all lands with slopes exceeding 35%. This easement shall restrict development in the designated area and be maintained in perpetuity for conservation purposes
 - b. That a private maintenance agreement be created to ensure continued maintenance of the private drive, all storm drain infrastructure, and conservation area in equal parts
 - c. That each of the lots be limited to a Maximum Permitted Floor Area (MPFA) as proposed by the applicant with the open space lot as follows:
 - i. Lot 1: $9291 \times 0.75 \times 0.38 = 2,648$ square feet.
 - ii. Lot 2: $10705 \times 0.68 \times 0.38 = 2,766$ square feet.
 - iii. Lot 3: $10,587 \times 0.65 \times 0.38 = 2,735$ square feet.

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Questions?

UNFINISHED BUSINESS

**Approval of Findings for
PA-T2-2024-00050, 113 Pine Street**

THE CITY OF ASHLAND
BEFORE THE PLANNING COMMISSION

OCTOBER 22, 2024

IN THE MATTER OF PLANNING ACTION #PA-T2-2024-00050 A	)	
REQUEST FOR OUTLINE PLAN AND FINAL PLAN APPROVAL FOR A	)	
FOUR LOT, THREE RESIDENTIAL UNIT PERFORMANCE STANDARD	)	
OPTION (PSO) SUBDIVISION FOR THE PROPERTY AT 113 PINE	)	
STREET. INCLUDED IN THE APPLICATION IS A REQUEST FOR AN	)	FINDINGS,
EXCEPTION TO STREET STANDARDS, AND TREE REMOVAL	)	CONCLUSIONS,
PERMITS	)	AND ORDERS.
	)	
OWNER	)	
APPLICANT:	)	
	)	
	)	

RECITALS:

- 1) The subject property is tax lot #2600 of Assessor’s Map 39-1E-08-AD and is addressed as 113 Pine Street. It was created through a minor land partition in 1978 approved as Planning Action #78-365 and recorded as County Survey #7326.
- 2) The property is 0.78 acres in size and zoned R-1-7.5, Single Family Residential. The minimum lot size in the R-1-7.5 zone is 7,500 square feet. Based on the size of the property (33,976 square feet) it could hypothetically subdivide into four lots of the minimum size for the zone if not but for other dimensional standards set out at Ashland Municipal Code (AMC) 18.2.5.030 which provides the ‘Unified Standards for Residential Zones.’
- 3) The property is irregularly shaped and has 63 feet of frontage on the uphill side of Pine Street (minimum lot width for the zone is 65-feet). The property is 335 feet in depth and is sloped at approximately 15%. There is a steep gully along the south of the property with slopes exceeding 35%.
- 4) The width of Pine Street Right-of-Way (ROW) is 32-feet wide as shown on the 1892 Official Map of Ashland. The existing sidewalk is on the subject property rather than in the ROW. The application includes seven feet of ROW dedication to the back of the existing sidewalk.
- 5) The property is located within the Skidmore Academy Historic District and is occupied by the ‘E.E. Philips House’ built in 1903. While the building is classified as “Historic Contributing” it is in poor condition, is not habitable, and is to be removed. The building was declared as ‘dangerous’ by the Building Official, and a demolition permit has already been approved.
- 6) Oregon's ‘needed housing’ statutes were first enacted in 1981 and are codified at Oregon Revised Statutes (ORS) 197.295 to 197.314. One of the precedent setting cases litigating these statutes was *Rogue Valley Association of Realtors v. City of Ashland* (1998).

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- 7) All housing in Oregon is considered “needed housing,”* and all needed housing is required to have a pathway that provides both an approval process and approval criteria that are “clear and objective.”†
- 8) The Ashland Municipal Code (AMC) Chapter 18 is the City’s Land Use Ordinance (LUO). Chapter 18.5.3 provides for regulations for land divisions which are “clear and objective.”
- 9) As allowed by ORS 197.307(6) the Ashland Land Use Ordinance also provides for an alternative process that includes discretionary (i.e., subjective and/or value laden) approval criteria and do not meet the “clear and objective” requirement. These are provided in Chapter 18.3.9 which is titled ‘Performance Standards Option and PSO Overlay.’
 - a. The applicant requested to use the Performance Standards Option and provided application materials that assert that the proposed subdivision meets the standard at AMC 18.3.9.030.D2 which is discussed below.
- 10) The purpose of the PSO chapter is set out at AMC 18.3.9.010 and states that “*The purpose of this chapter is to allow an option for more flexible design than is permissible under the conventional zoning codes. The design should stress energy efficiency, architectural creativity, and innovation; use the natural features of the landscape to their greatest advantage; provide a quality of life equal to or greater than that provided in developments built under the standard zoning codes; be aesthetically pleasing; provide for more efficient land use; and reduce the impact of development on the natural environment and neighborhood.*”
- 11) The subject property is not located within the PSO overlay; however, the code allows for the use of the PSO standards outside of the overlay in certain circumstances‡. In this case the application relies on the standard at AMC 18.3.9.030.D.2 which provides: “*That development under this chapter is necessary to protect the environment and the neighborhood from*

* In 2017 the Oregon Legislature amended ORS 197.307(4) with SB 1051. The prior version of the statute required clear and objective standards for development applications involving residential development for “needed housing” on “buildable lands.” SB 1051 removed those terms from the statute, which had the effect of requiring clear and objective standards for any residential development on any property. See also: *Warren v. Washington. County*, - Or LUBA -, - (2018) *aff’d*; 296 Or App 595,439 P.3d 581 (2019) *aff’d*. where both LUBA, and on judicial review, the Court of Appeals affirmed that with SB 1051 the clear and objective requirement applies to all housing and the “buildable land” requirement no longer applies.

† The central provision of the needed housing statutes is the “clear and objective” requirement set out at ORS 197.307(4). The statute requires that local government must adopt and apply clear and objective standards, conditions, and procedures regulating the development of housing, including needed housing. The Land Use Board of Appeals (LUBA) has held that needed housing “is not to be subjected to standards, conditions or procedures that involve subjective, value-laden analyses that are designed to balance or mitigate impacts of the development on (1) the property to be developed or (2) the adjoining properties or community.” *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139 (1998), *aff’d*, 158 Or App 1, 970 P2d 685, *rev den*, 328 Or 594 (1999).

‡ The other three options to use the PSO standards outside of the overlay zone are: 1) *The parcel is larger than two acres and is greater than 200 feet in average width.* 3) *The property is zoned R-2, R-3, or CM.* 4) *The property is developed as a cottage housing development ...*

degradation which would occur from development to the maximum density allowed under subdivision standards, or would be equal in its aesthetic and environmental impact.”

- 12) The request is for concurrent Outline and Final Plan approval for a four-lot PSO subdivision, including three residential lots and one common space lot.
 - a. The application also includes a request for an exception to street standards to not install standard improvements due to the extant sidewalk and curb as well as the narrow non-standard ROW width.
 - b. The application also includes a request to remove three significant non-hazard trees.
- 13) The applicant’s proposal is detailed in plans which are on file at the Department of Community Development and by their reference are incorporated herein as if set out in full.
- 14) The criteria of approval for Outline Plan are described in **AMC 18.3.9.040.A.3** as follows:
 - A. the development meets all applicable ordinance requirements of the city.
 - B. adequate key city facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a city facility to operate beyond capacity.
 - C. the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the common open space, common areas, and unbuildable areas.
 - D. the development of the land will not prevent adjacent land from being developed for the uses shown in the comprehensive plan.
 - E. there are adequate provisions for the maintenance of common open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.
 - F. the proposed density meets the base and bonus density standards established under this chapter.
 - G. the development complies with the street standards.
 - H. the proposed development meets the common open space standards established under section 18.4.4.070. Common open space requirements may be satisfied by public open space in accordance with section 18.4.4.070 if approved by the city of Ashland.
- 15) The criteria for approval for Final Plan are described in **AMC 18.3.9.040.B.5** as follows:
 - a. The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.
 - b. The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this ordinance.
 - c. The common open spaces vary no more than ten percent of that provided on the outline plan.
 - d. The building size does not exceed the building size shown on the outline plan by more than ten percent.

- e. The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.
- f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.
- g. The development complies with the street standards.
- h. Nothing in this section shall limit reduction in the number of dwelling units or increased open space; provided, that if this is done for one phase, the number of dwelling units shall not be transferred to another phase, nor the common open space reduced below that permitted in the outline plan.

16) The criteria of approval for an Exception to Street Standards are described in **AMC 18.4.6.020.B** as follows

B. Exceptions and Variances. Requests to depart from the requirements of this chapter are subject to chapter [18.5.5](#), Variances, except that deviations from section [18.4.6.040](#), Street Design Standards, are subject to subsection [B.1](#), Exception to the Street Design Standards, below.

1. Exception to the Street Design Standards. The approval authority may approve exceptions to the street design standards in section [18.4.6.040](#) if the circumstances in either subsection [B.1.a](#) or [b](#), below, are found to exist.

a. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site; and the exception is the minimum necessary to alleviate the difficulty; and the exception is consistent with the purpose, intent, and background of the street design standards in subsection [18.4.6.040.A](#); and the exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable:

- i. For transit facilities and related improvements, access, wait time, and ride experience.
- ii. For bicycle facilities, feeling of safety, quality of experience (i.e., comfort level of bicycling along the roadway), and frequency of conflicts with vehicle cross traffic.
- iii. For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safely and efficiently cross roadway; or

b. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purposes, intent, and background of the street design standards in subsection [18.4.6.040.A](#).

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

2. Tree That is Not a Hazard. A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

a. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part [18.4](#) and Physical and Environmental Constraints in part 18.3.10.

- b. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.
- c. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.
- d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.
- e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section [18.5.7.050](#). Such mitigation requirements shall be a condition of approval of the permit.

- 18) The Planning Commission, following proper public notice, held a public hearing on September 10, 2024. Testimony was received, and exhibits were presented.
- 19) Prior to the close of the public hearing there was a request to leave the record open. ORS 197.799(6)(a) provides that “Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application.” The Planning Commission is required to grant such requests by either continuing the public hearing or leaving the record open.
- 20) The Planning Commission left the record open for seven days until 9/17/24. During that time four public comments were submitted to the record. These were received from the following individuals:
- “Farmer James” of Family Tied Farms
 - Anne Schriber
 - Julia Vinciguerra
 - Lawrence VanEgdom

The Planning Commission determined that the submittal from Family Tied Farms was not a party to the record and that that submittal will not be included in the record.

- 21) Prior to the close of business on 9/24/24 only the applicant responded with rebuttal materials. Because no materials or evidence was received, other than the rebuttal from the applicant, the record was then closed.
- 22) The Planning Commission reconvened October 8, 2024, where they deliberated and approved the application subject to conditions of approval.

Now, therefore, the Planning Commission of the City of Ashland finds, concludes, and recommends as follows:

SECTION 1. EXHIBITS

For the purposes of reference to these Findings, the attached index of exhibits, data, and testimony will be used.

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

Hearing Minutes, Notices, and Miscellaneous Exhibits lettered with an "M"

SECTION 2. CONCLUSORY FINDINGS OF FACT

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

2.2 The Planning Commission finds that it has received all information necessary to render a decision based on the application itself, the September 10th Staff Report, the applicant's testimony, the exhibits received, and public testimony received both written and at the public hearing, and those items received following the close of the public hearing by parties of record while the record was left open through September 24.

2.2.1 The Planning Commission notes that the application was deemed complete and that the notice for the public hearing was both posted at the frontage of the subject property and mailed to all property owners within 200-feet of the subject property on, August 20, 2024 (21 days prior to the September 10th Meeting).

2.3 The Planning Commission notes that the applicant chose to use the Performance Standard Option (PSO) even though the property is outside of the PSO Overlay. The Planning Commission further notes that AMC 18.5.3 provides for Subdivision regulations that are both clear and objective. The Planning Commission finds that because the applicant chose a discretionary pathway the application is not subject to clear and objective standards as it relates to the 'needed housing' statutes.

2.3.1 The Planning Commission notes that the property is not located in the PSO overlay but that the code allows for it in certain circumstances. The Planning Commission notes that application relies on the standard at AMC 18.3.9.030.D.2 which provides: *"That development under this chapter is necessary to protect the environment and the neighborhood from degradation which would occur from development to the maximum density allowed under subdivision standards, or would be equal in its aesthetic and environmental impact."*

2.3.2 The Planning Commission notes that the subject property was subdivided in 1978 into its present configuration with a narrow frontage but large area. The Planning Commission notes that

the subject property is 0.78 acres and is zoned R-1-7.5, this provides for a base density of 4.52[§]. The Planning Commission notes that a four-lot subdivision would require the dedication of a public street^{**} and would also need to meet dimensional standards of lot size, minimum lot-width, minimum and maximum lot depth, and width to depth ratio, or seek a variance to those standards as needed. The Planning Commission notes that the present proposal is for three lots served by a private drive. The Planning Commission notes that it is not necessary to consider an alternative subdivision design, but rather to consider the impact of what is being proposed, a 3-lot PSO subdivision, compared to “*development to the maximum density allowed*”^{††}, which would be a 4-lot subdivision under the standard zoning code. The Planning Commission finds that the impact to the neighborhood from the development of a short cul-de-sac built to public street standards (47’ wide) would have a greater impact on the neighborhood and streetscape than the proposed private drive (15’ paved width inside 20’ easement). The Planning Commission additionally finds that it is axiomatic that three residential lots will have a lesser traffic impact than four would.

2.3.3 The Planning Commission concludes that based on the difference between the development of a street as opposed to the private drive, and the number of homes (three versus four) that the proposed subdivision will be a lesser impact on the neighborhood and the environment than would occur from “*development to the maximum density allowed.*” The Planning Commission finds that the standard at AMC 18.3.9.030.D.2 has been met and concludes that the use of the Performance Standards Option (PSO) outside of the PSO overlay is appropriate as the development proposed functions to protect the environment through the conservation easement and provides for a residential development in scale with the neighborhood.

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

2.4.1 The first approval criterion for Outline Plan approval is that: “*The development meets all applicable ordinance requirements of the City.*” The Planning Commission notes that this is an all-encompassing criterion and that it has considered which City Ordinances are applicable. The Planning Commission notes that for the purposes of resolving this criterion we rely on the entirety of the record including the applicant’s submittal, the Staff Report dated September 10th, and the Staff Report Addendum dated October 8th. The Planning Commission notes that with the findings that are set out below, the approval of the exception to street standards discussed below, and the adopted conditions of approval that the proposal will meet all applicable ordinance requirements, and finds that this criterion of approval is satisfied.

2.4.2 The second approval criterion for Outline Plan approval is that, “*Adequate key City facilities*

§ When subdividing land under AMC 18.5.3 Max Density is calculated by lot area divided by minimum lot size for the zone: $33,886 / 7,500 = 4.52$.

** See: AMC 18.4.6.040.C.1, Dedicated Public Streets Required.

†† The Planning Commission notes that based on the size of the property it would be eligible for a nine-unit cottage housing development [AMC 18.2.3.090 allows for one cottage dwelling unit per 3,750 square feet of lot area in the R-1-7.5 zone]. The Planning Commission notes that nine dwellings, even of a small size, would have significantly more impact in terms of traffic than three homes.

can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.” The Planning Commission notes that there is a six-inch concrete sewer main, a four-inch water main, as well as natural gas and electricity are all available in the Pine Street ROW. The Planning Commission notes that the application materials assert that adequate key City facilities can be provided to serve the development based on consultations with representatives of the various City departments (i.e. water, sewer, streets and electric), and that the three new housing units will not cause a City facility to operate beyond capacity. The Planning Commission notes that the Staff Report stated that “Public works has confirmed that there are no concerns regarding the capacity of any of these services for the three newly created lots.” The Planning Commission finds that with the forgoing that this criterion of approval is satisfied.

2.4.3 The third criterion for approval of an Outline Plan is that, *“The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.”* The Planning Commission notes that the proposal includes a small open space area containing the gully area. The Planning Commission opined during the hearing process that open space owned in common requires an HOA which can be a burden. The Planning Commission notes that Staff brought back an amended condition of approval which the Planning Commission chose to adopt, which instead of having an open space lot required the dedication of a conservation easement which incorporated the proposed open space and slopes in excess of 35% in the vicinity. The Planning Commission finds that with the condition of approval that the natural features and steep slopes are properly protected, and that this approval criterion has been met.

2.4.4 The fourth criterion for approval of an Outline Plan is that, *“The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.”* The Planning Commission notes that the subject property is surrounded by small parcels that are all developed with single family homes. There are three adjacent properties that are more than twice the minimum lot size for the zone, however due to topography, the location of existing development and dimensional standards they are not able to further subdivide. The Planning Commission finds that the proposed subdivision will not prevent the adjacent lands from being developed as envisioned in the Comprehensive Plan and finds that this criterion of approval is satisfied.

2.4.5 The fifth approval criterion is that, *“There are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.”* As mentioned above the Planning Commission opined during the hearing process that open space owned in common requires an HOA which can be a burden. The Planning Commission notes that Staff brought back an amended condition of approval which the Planning Commission chose to adopt. These are conditions of approval #8-10 which are set out below. These conditions of approval require that the open space lot be removed and in its place a conservation easement will be created. In addition, it also requires a maintenance agreement and that the lots be limited to the MPFA as proposed. With the inclusion of these conditions of approval, the Planning Commission finds that there are adequate provisions for the maintenance of the open space and common areas and

finds that this criterion of approval is satisfied.

2.4.6 The sixth criterion is that, *“The proposed density meets the base and bonus density standards established under this chapter.”* The Planning Commission notes that the property is 0.78 acres, and that the PSO standards allows for 3.6 du/acre in the R-1-7.5 zone. The Planning Commission notes that this calculates to a base density of 2.8. The Planning Commission notes that the application includes the use of the ‘conservation housing bonus’ which provides a density bonus of 15% when constructed to Earth Advantage standards. The Planning Commission notes that the 15% bonus increases the allowed density from 2.8 to 3.22. The Planning Commission finds that the proposed density is allowed based on the size of the property and the use of the Earth Advantage bonus and finds that this criterion of approval is satisfied.

2.4.7 The seventh Outline Plan approval criterion is that, *“The development complies with the Street Standards.”* As mentioned above the application also includes an exception to the Street Standards. Therefore, this approval criterion can only be satisfied if the exception to the street standards is granted. The Exception to Street Standards requires that there is a ‘demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site,’ and that the exception ‘is the minimum necessary to alleviate the difficulty.’ The Planning Commission notes that the 1892 official city map shows that Pine Street ROW was dedicated to 32’ wide (16’/side), and that there is existing and continuous curb line along the entire street with a paved width of nearly the entire ROW. This curb-to-curb pavement width exceeds city standards for a neighborhood street significantly and any attempt to meet city standards would require relocated the curb. The Planning Commission notes that the existing sidewalk sits on the subject property and seven feet of additional dedication is proposed to the rear of the sidewalk. Current street standards require 47’ as a minimum ROW width for a neighborhood street (23.5’/side of) with 22’ of pavement curb-to-curb and includes park row and sidewalk. The Planning Commission finds that based on the existing conditions including the concrete retaining wall, and the narrower than typical ROW, and wider than typical pavement are a unique challenge to the site, and that a strict application of the street standards would require reducing the paved width and relocation of the curb line which simply would not make sense. The Planning Commission finds that there is both demonstrable difficulty in meeting the street standards based on extant conditions and also finds that the exception is the minimum necessary. The Planning Commission notes that during deliberations it was noted that there is a large bush blocking a clear path along the sidewalk and that the motion to approve the application also included a condition of approval requiring it removal. The Planning Commission notes that once it is removed the existing sidewalk provides for pedestrian access along the project frontage. The Planning Commission finds that with the approval of the exception to the street standards, and with the conditions of approval below, that this criterion of approval is satisfied.

2.4.8 The final approval criterion is that, *“The proposed development meets the common open space standards established under section 18.4.4.070. Common open space requirements may be satisfied by public open space in accordance with section 18.4.4.070 if approved by the City of Ashland.”* The Performance Standards Option Chapter requires that at least five percent of the total lot area be provided in common open space for developments with a base density of ten units or greater. The Planning Commission notes that the present application, with the consolidation of the proposed open space into lots 2&3, that the proposed subdivision only has three lots. The Planning Commission notes that because the subdivision only has three lots common open space is not required and finds

that this approval criterion is satisfied.

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

2.5 The Planning Commission finds that the approval criteria for Final Plan are intended to insure substantial conformance between Outline Plan approval and Final Plan approval when the two are requested as separate procedural steps. The Planning Commission finds that where the two are allowed to be filed concurrently, as is the case here, there is no procedural separation between the two and the concurrent Final Plan proposal is identical to the Outline Plan in terms of number of dwelling units, yard depths, distances between buildings, common open spaces, building sizes, building elevations and exterior materials, standards resulting in density bonuses, and street standards. The Planning Commission concludes that the final plan approval criteria are met.

2.6 The Planning Commission notes that the application includes a request to remove a number of trees. The Planning Commission notes that only “significant”^{‡‡} tree on the property are subject to regulation. The Planning Commission notes that the application includes a request remove three significant trees that are either in direct conflict with the proposed private drive or building envelopes, and that the tree inventory indicates that each of the three significant trees proposed for removal are either in poor health or in decline.

The Planning Commission notes that the application includes tree protection plan and a tree inventory for all trees greater than six inches DBH. Each tree has a circle that relates to the trees critical root zone (CRZ)^{§§} and designate the location for protection fencing. The Planning Commission notes that the tree protection plan will be required to be in place prior to any site work. Additionally, the Planning Commission also adopted conditions of approval #2 and #4, specifically:

- 2- That the building envelope on lot three be modified to protect the Critical Root Zone of Trees #2386 (15” Walnut) and #2361 (16” Oak) and that the revised plan be submitted prior to any site work.”
- 4- That any excavation within the critical root zones (CRZ) of trees #2339 #2421, #2439 and #2443, be supervised by the project arborist. Should any of these impacted trees die within two years following excavation activities, as a direct result of such disturbance, the trees will be removed and replaced at the applicants cost in coordination with the affected property owner.

The approval criteria for “Tree that is not a hazard” first require that “*The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards.*” The Planning Commission notes that the comprehensive plan and Land Use Ordinance encourages urban development as proposed. The Planning

^{‡‡} Significant Tree - A conifer tree having a trunk 18 caliper inches or larger in diameter at breast height (DBH), or a deciduous tree having a trunk 12 caliper inches in DBH.

^{§§} According to the International Society of Arboriculture (ISA), a tree's critical root zone (CRZ) is a circle around the base of the tree that's one foot in radius for every inch of the tree's diameter at 4.5 feet above the ground.

Commission acknowledges that in fill development will require the removal of trees to allow building envelopes. The Planning Commission notes that the three significant trees are either in the proposed drive area or building envelopes. The Planning Commission notes that the surrounding properties are densely treed and find that the proposed removal will not have negative impact on soil, nor have significant negative impact on surrounding properties in terms of canopy or species diversity. The Planning Commission notes that the proposed landscape plan includes required mitigation plantings. The Planning Commission conclude that the approval criteria for the removal of three significant trees that are not a hazard have been met.

2.7 The Planning Commission notes that following proper public notice, a public hearing was held on September 10, 2024 where testimony was received, and exhibits were presented. The Planning Commission notes that prior to the close of the public hearing there was a request to leave the record open. As is required by law the Planning Commission left the record open for a period of seven days. While that seven day period satisfies the statutory requirements, as has been the practice in the past, it was announced that the following seven day period any rebuttal materials to those items submitted during the first week. Finally, the third week period was reserved for only the applicant to submit final materials rebutting anything turned in during the second week.

2.7.1 During the first week period four public comments were received. The following week, the record was open for any party to submit new evidence in response to the materials submitted during the first week. During the first week written testimony received from the following individuals:

- “Farmer James” of Family Tied Farms
- Anne Schriber
- Julia Vinciguerra
- Lawrence VanEgdom

The comment from Mr. VanEgdom included a short video which was posted at the project website: <https://www.ashlandoregon.gov/1037/113-Pine-PA-T2-2024-00050>. The Planning Commission determined that the submittal from Family Tied Farms was not a party to the record and that that submittal will not be included into the record. On 9/24/24 the applicant provided rebuttal material

2.8 The Planning Commission reconvened at their next regular meeting on October 8, 2024. The Planning Commission deliberated, and a motion was made approving the Outline and Final Plan as well as the exception to street standards and the removal requests for three significant trees. The application was approved subject to the conditions of approval in the Staff Report addendum which were slightly amended. The amendments were read into the record and are set out below.

2.9 The Planning Commission notes that the record includes the applicant’s submittal, the Staff Report dated September 10th, and the Staff Report Addendum dated October 8th, as well as the written testimony received through September 24th, but expressly excluding the testimony received from Family Tied Farms as The Planning Commission determined that they were not a party of record and as such ineligible to submit materials during this period. Each of these by their reference are incorporated herein as if set out in full.

2.9.1 The Planning Commission finds that there is substantial evidence in the record to make findings that each of the criteria of **approval** for Outline and Final Plan as well as the exception to the street standards and removal of three significant trees have been met.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearings on this matter, the Planning Commission concludes that the request for a 4-lot, 3-residential unit Performance Standards subdivision Outline and Final Plan, including an exception to street standards and tree removal is supported by evidence contained within the whole record and is **approved** including the conditions of approval below.

The conditions of approval are below:

- 1- That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein.
- 2- That the building envelope on lot three be modified to protect the Critical Root Zone of Trees #2386 (15" Walnut) and #2361 (16" Oak) and that the revised plan be submitted prior to any site work."
- 3- That a revised utility plan be submitted for review showing all proposed utilities to follow the private drive rather than extend into the gully area and that the revised plan be submitted prior to any site work.
- 4- That any excavation within the critical root zones (CRZ) of trees #2339 #2421, #2439 and #2443, be supervised by the project arborist. Should any of these impacted trees die within two years following excavation activities, as a direct result of such disturbance, the trees will be removed and replaced at the applicants cost in coordination with the affected property owner.
- 5- That the screening for the flag drive, as required by AMC 18.5.3.060.N, shall be provided or maintained along the northern and southern property lines of the parent parcel to screen the drive from adjacent properties, but driveway screening within the subdivision is not required.
- 6- That a seven-foot-wide strip of right-of-way along Pine Street shall be dedicated, as shown on the preliminary subdivision plat, to incorporate the existing sidewalk within the public street right-of-way."
- 7- That the fire truck turnaround located at the southern property line terminus of the driveway in Lot 2 shall be shortened and limited in length to the minimum necessary to accommodate a fire truck turnaround or staging area, as required by Ashland Fire and Rescue.
- 8- That the Common Open Space lot shall be eliminated, and the designated area shall be incorporated into Lots 2 and 3. A conservation and reciprocal access easement shall be established and shown on the Final Survey, covering the proposed open space area and all lands with slopes exceeding 35%. This easement shall restrict development in the designated area and be maintained in perpetuity for conservation purposes.

- 9- That a private maintenance agreement between the three lots be created to ensure continued maintenance of the private drive, all storm drain infrastructure, and conservation area in equal parts.
- 10- That each of the lots be limited to a Maximum Permitted Floor Area (MPFA) as follows:
 - a. Lot 1: $9291 \times 0.75 \times 0.38 = 2,648$ square feet.
 - b. Lot 2: $10705 \times 0.68 \times 0.38 = 2,766$ square feet.
 - c. Lot 3: $10,587 \times 0.65 \times 0.38 = 2,735$ square feet.
- 11- That the rosemary bush which is blocking the sidewalk be removed and that the sidewalk be maintained in a safe walkable condition.
- 12- That permits shall be obtained from the Ashland Public Works Department prior to any additional work in the public right of way.
- 13- That a final Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.A.2 of the Ashland Land Use Ordinance shall be provided prior to bringing combustible materials onto the property, and any new landscaping proposed shall comply with these standards and shall not include plants listed on the Prohibited Flammable Plant List per Resolution 2018-028.
- 14- That a final survey plat shall be submitted within 12 months of Final Plan approval and approved by the City of Ashland within 18 months of this approval. Prior to submittal of the final subdivision survey plat for signature:
 - a. All easements including but not limited to public and private utilities, drainage, irrigation, mutual access, conservation area easements, and fire apparatus access shall be indicated on the final subdivision plat submittal for review by the Planning, Engineering, Building and Fire Departments.
 - b. Subdivision infrastructure improvements including but not limited to utilities, driveways, streets, and conservation area easements, shall be completed according to approved plans, inspected, and approved.
 - c. Electric services shall be installed underground to serve all lots, inspected, and approved. The final electric service plan shall be reviewed and approved by the Ashland Electric, Building, Planning and Engineering Divisions prior to installation.
 - d. That the sanitary sewer laterals and water services including connection with meters at the street shall be installed to serve all lots within the applicable phase, inspected and approved.
- 15- That the building permit submittals shall include the following:
 - a. Identification of all easements, including but not limited to any public and private utility easements, mutual access easements, conservation area easements, and fire apparatus access easements.
 - b. That all residential units approved for development shall meet the minimum requirements for certification as an Earth Advantage home, as approved by the Ashland Conservation Division under the City's Earth Advantage program as adopted by Resolution 2006-06. (required for the density bonus of the subdivision.)

- c. Solar setback calculations demonstrating that all units comply with Solar Setback Standard A in the formula $[(\text{Height} - 6) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$ and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade.
- d. Final lot coverage calculations demonstrating how lot coverage is to comply with the applicable coverage allowances of the R-1-7.5 zoning district. Lot coverage includes all building footprints, driveways, parking areas and other circulation areas, and any other areas other than natural landscaping.
- e. That storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system through the curb or gutter at a public street, a public storm pipe, an approved public drainage way, or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals.

Planning Commission Approval

Date

OTHER BUSINESS

Climate Friendly Areas Adoption - Public Engagement Summary & Next Steps

Memo

DATE: October 22, 2024
TO: Planning Commissioners
FROM: Derek Severson, *Planning Manager*
RE: Climate Friendly Area Adoption
Public Engagement Summary & Next Steps

Background

The state's Climate Friendly & Equitable Communities (CFEC) rulemaking requires cities to select and rezone Climate Friendly Areas (CFAs) capable of accommodating 30 percent of future population in pedestrian friendly, mixed-use areas as a key strategy for reducing greenhouse gas emissions statewide. Cities are required to formally designate CFAs as a "post acknowledgement plan amendment" and adopt updated maps and zoning ordinances. Ashland's deadline for the completion of the CFA adoption has been extended to June 30, 2025.

Tonight's study session serves both to update Planning Commissioners on the public engagement process that has been underway for the past six weeks and to seek some guidance from Commissioners as staff and the consultant team begin codework to move the project forward.

Public Engagement Summary

Public meetings to date discussing the current Climate Friendly Area project have included:

- **2024-0904** **Historic Preservation Advisory Committee (HPAC)**
HPAC was supportive of the purpose and intent of the Climate Friendly & Equitable Communities (CFEC) rules and specifically with the Climate Friendly Areas (CFAs) project and believed that the three potential CFAs at the Railroad Property, the Transit Triangle and the former Croman Mill site all seemed to make sense in the big picture for Ashland.

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While they felt that new development in the Downtown would likely to be limited to a few vacant lots and parking lots, the new CFA requirements would nonetheless pose concerns for HPAC if they in any way supplanted existing Historic District and Downtown Design Standards which have been crafted over the years in cooperation between the City and the State Historic Preservation Office (SHPO) to minimize the impacts of new development on the National Register-listed Downtown Historic District.

HPAC members generally seemed willing to support the new CFA requirements in terms of heights and densities for the vacant lots within the downtown but noted that they would have concerns if the new requirements increased pressures to re-develop existing historic resources downtown.

HPAC members also expressed concerns that, if the goal of the CFEC rules is to provide housing within CFAs, allowances for short-term rentals in the form of Travelers Accommodations or Hotel/Motel uses should be restricted or townhomes and apartment buildings developed as single-use residential would quickly convert to short-term rentals and the intended climate-friendly benefits of the district designation to house people nearer to where they work and play would be lost.

HPAC ultimately voted to support the designation of the Downtown as a *secondary* Climate Friendly Area provided that such a designation would not result in the alteration of existing approval criteria or design standards.

- **2024-0912**

Climate and Environment Policy Advisory Committee (CEPAC)

Staff and the consultant team explained that the CFEC rules for CFAs are generally consistent with the city's Climate Energy Action Plan's (CEAP's) goals and strategies for 'Urban Form, Land Use &

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Transportation (ULT)'. Due to a very full agenda, there was limited opportunity for questions or comments from CEPAC members.

- **2024-0917**

Public Open House

The project's public Open House had 25-30 attendees over 2½ hours and included a presentation by the project consultants from 3J Consulting, LLC; JET Planning; and EConorthwest discussing the process and potential CFAs followed by a question-and-answer session. An on-line survey was created in conjunction with the Open House to solicit comments on potential CFAs; preliminary results of that survey are attached here. The survey will remain open until the November 4th Council study session.

At the Open House, there were questions as to whether the designation of the former Croman Mill site as a CFA would be detrimental to downtown businesses; whether affordable housing could be made a requirement of development in the CFAs; and whether taller buildings on the Railroad Property would adversely impact the solar installations already in place on businesses immediately to the north.

- **2024-0919**

Transportation Advisory Committee (TAC)

The TAC discussion noted that while there would be a multi-modal gaps analysis and highway impacts study completed in conjunction with the CFA designation(s), the coming Transportation System Plan (TSP) process to begin in mid-2025 would include much more detailed analyses of transportation needs to serve the CFAs. There was also discussion of concerns over the increased number of units anticipated in the CFAs and how this might affect evacuation efforts in the event of a wildfire, with staff noting that the Request for Proposals (RFP) for the upcoming TSP process had been tailored to specifically seek a consultant with experience in addressing emergency evacuation planning.

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- **2024-0926**

Housing and Human Services Advisory Committee (HHSAC)

Key questions from HHSAC focused on the trickle-down approach of providing paper capacity in anticipation of developers building more needed housing, and whether this would actually result in any housing that was available and affordable to local people who need it, and an emphasis on the need to create more deed-restricted affordable housing. There were specific concerns expressed with regard to the added heights in the Railroad CFA affecting views in the historic Railroad District, but also recognition that a Railroad CFA to some degree countered perceptions of some that objectionable development is often forced upon the southside of town.

- **2024-1003**

Social Equity and Racial Justice Advisory Committee (SERJAC)

Key questions from SERJAC had to do with whether the Climate Friendly & Equitable Communities (CFEC) rules included sufficient anti-displacement considerations to address concerns with gentrification, particularly with regard to the manufactured home parks in and around the potential Transit Triangle CFA (i.e. Wingspread and The Upper Pines). Staff noted that the anti-displacement strategies prescribed by the state had already been considered and incorporated in the Housing Production Strategy and would be revisited with CFA designation. Staff further explained that a Manufactured Home Park Zoning Ordinance is in process in specifically seeking to provide zoning protections for the existing manufactured home parks.

Code Audit

A preliminary code audit of the potential Climate Friendly Areas (CFAs) prepared by Elizabeth Decker of JET Planning has been provided as an attachment.

Market Analysis

A summary of the market analysis prepared by ECONorthwest has been provided here as an attachment.

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Survey Results

Preliminary survey results have been provided here as an attachment. The survey will remain open at <http://www.ashlandoregon.gov/climatefriendly> through the October 22nd Planning Commission and November 4th City Council study sessions.

Next Steps/Discussion Items

Following the Planning Commission's Study Session tonight, the City Council will also conduct a study session on November 4th. In considering potential discussion items for tonight and next steps, staff and the consultant team have the following recommendations for Planning Commission consideration:

- CFA regulations should be adopted as a CFA Overlay which could be applied across existing zoning districts and other design overlays, rather than creating a new zoning district specific to CFAs from the ground up.
- The Planning Commission and Council should consider an option to allow additional height (i.e. five stories or more) for projects which provide deed-restricted affordable housing.
- The existing Transit Triangle (TT) Overlay ceases to be relevant with the creation of a CFA overlay, and the TT Overlay should be eliminated entirely.
- The Railroad Property & the commercial portions of the Transit Triangle should be adopted as Climate Friendly Areas.
 - o The Downtown is already largely developed in keeping with the CFA vision, and staff do not believe that designation as a CFA provides any real benefit while raising questions about potential adverse impacts to the National Register-listed historic district's character.
 - o Townmakers LLC continues to move forward with a master plan vision for the 65-acre former Croman Mill site. Given that a formal application has not yet been reviewed, it is difficult to move forward with two parallel re-zonings of the same property at once and staff believe that it would be more prudent to delay CFA designation. Townmakers could propose designating the property as a CFA as part of their application once they have reviewed the specifics of a new CFA Overlay, or the city could opt to apply the new CFA Overlay at a later date once the Townmakers' masterplan has been carefully considered.

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Staff and the consultant team look forward to tonight's discussion; based on the input tonight the project team will prepare draft ordinances for review by Commission and Council, along with state-required supporting elements included final capacity calculations for the selected CFAs, walkable design standards code revisions, highway impact studies, multi-modal gaps analyses and written findings addressing all elements of the adoption package.

REFERENCES & ATTACHMENTS

- Attachment #1:** DLCD Overview of Climate Friendly Areas
- Attachment #2:** Final CFA Study prepared with RVCOG
- Attachment #3:** CFA area maps
- Attachment #4:** Survey Results
- Attachment #5:** Code Audit Memo from JET Planning
- Attachment #6:** Market Analysis from EConorthwest

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Designation of Climate-Friendly Areas

What's a climate-friendly area and who's required to designate them?

A climate-friendly area (CFA) is a neighborhood where people can meet most of their daily needs without being forced to drive. They are urban mixed-use areas that contain, or are planned to contain, a mixture of housing, jobs, businesses, and services. These areas are served, or planned for service, by high quality pedestrian, bicycle, and transit infrastructure to provide frequent and convenient connections to key destinations within the city and region. In most cases, climate-friendly areas will provide additional



opportunities for housing and employment locations in addition to currently zoned residential and employment areas.

Certain cities in Oregon's seven largest metropolitan areas outside of the Portland metropolitan area (Albany, Bend, Corvallis, Eugene-Springfield, Grants Pass, Medford-Ashland-Central Point, and Salem-Keizer) are required to adopt zoning to enable this type of development. Cities within the Portland metropolitan area will continue to implement similar and previously-adopted programs.

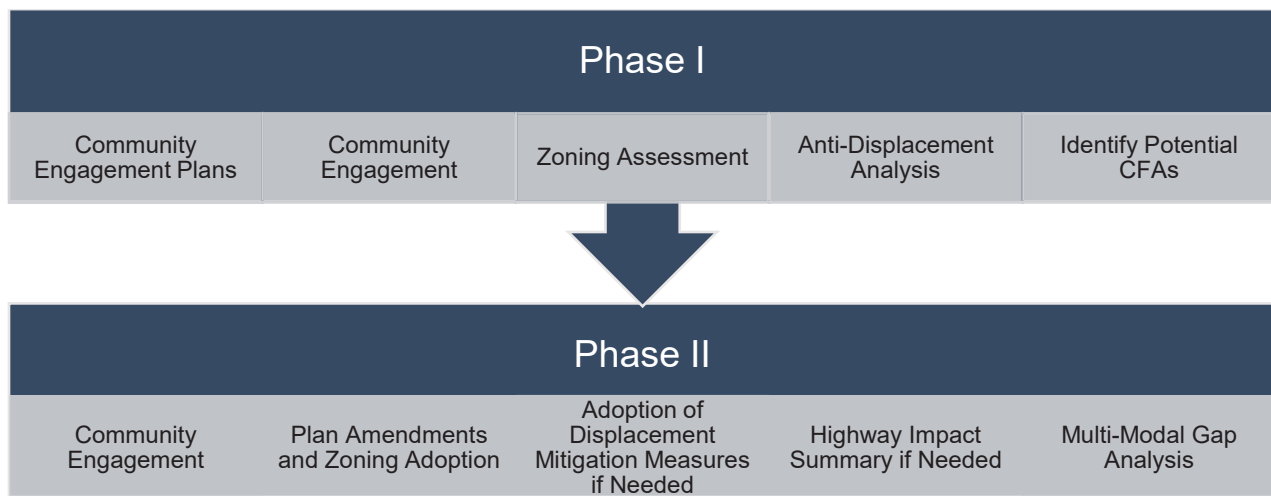
What's the purpose of the community engagement plans required for the designation of climate-friendly areas?

- To gather community input on CFA studies and zoning, with an emphasis on reaching out to underserved populations in order to identify and prioritize equitable outcomes.
- To meet state and local public participation and equitable engagement requirements.
- To help cities evaluate the potential for displacement of underserved populations prior to the designation and zoning of climate-friendly areas. Then, to help cities identify mitigation policies concurrent with or prior to zoning climate-friendly areas, when necessary to avoid displacement.

What is the process for designating climate-friendly areas?

The designation process for climate-friendly areas is divided into two phases:

1. **Phase 1, CFA studies** will identify potential CFAs and evaluate development standards that may be applied within them. The studies must be prepared and submitted for review and comment no later than December 31, 2023. The CFA study is not a land use decision.
2. **Phase 2, CFA locations and development standards** must be adopted. This phase begins with a decision of which of the studied areas will be climate-friendly areas. Cities are not limited to considering only the potential CFAs identified in the study phase. Then cities will likely need to amend zoning in these areas to comply with applicable standards ("likely" because some cities may currently have development standards that comply with CFA requirements). Additionally, cities must adopt a climate-friendly element to their comprehensive plans. The second phase must be completed by December 31, 2024, unless a time-extension request is approved.



For Phase 1 – completion of the CFA study – cities will:

1. Develop a community engagement plan to be integrated throughout both phases.
2. Identify potential CFAs based on **locational criteria**. This will involve:
 - a) Evaluate downtown areas, planned or existing urban centers, neighborhood centers, transit corridors, and similar areas;
 - b) Identify significant **infrastructure bottlenecks** that would impact the ability to realize more intense development;
 - c) Determine if high-quality transit, bicycle, and pedestrian services are present, or may be provided;
 - d) Look for significant **natural hazards** (floodplain, slopes, etc.) that could prevent more intense development; and
 - e) Determine if potential CFAs would meet the minimum size requirements.
3. Evaluate existing development standards and the level of change needed.
4. Evaluate whether **displacement of underserved populations** would be likely to result from designation of each CFA and identify mitigation measures that could prevent displacement. (“Displacement” occurs when current residents are priced out of their current homes, often through redevelopment and higher housing costs.)
5. **Submit the study** containing the information identified above, by December 31, 2023.

Other Considerations for Phase 1:

- Cities with a population **between 5,000 to 10,000** only need to designate one climate-friendly area that is at least 25 acres.
- Cities with a population **above 10,000** must designate climate-friendly areas sufficient in size to accommodate at least 30% of identified current and future housing needs.
- The **size of CFAs** for cities over 10,000 are based upon zoned residential building capacity.
- Cities may designate **one or many CFAs**. Cities over 10,000 need to demonstrate that the CFA or CFAs cumulatively provide sufficient zoned residential building capacity to accommodate at least 30% of the current and projected future housing needs.
- Studies are submitted to the Oregon Department of Land Conservation and Development (DLCD) for review and feedback on the study.
- CFA studies will be available for **public review and comment** concurrent with the DLCD’s review (within 90 days of report submittal).
- The **studies are not land use decisions** and may not be appealed.

CFA studies will provide information regarding each of the CFA candidate areas to inform the community's decision-making process to determine which CFAs should be designated (see Table 2 below for an example of what that might look like).

For Phase 2 – CFA zoning and comprehensive plan amendments – cities will:

1. **Review and select** CFAs, based on CFA study information, and guidance from the community.
2. Perform **multi-modal gap analysis** on transit, bicycle, and pedestrian services and infrastructure.
3. Complete a **highway impact summary**, if applicable.
4. Determine **development standards** for each CFA.
5. Adopt **displacement mitigation** policies if need.
6. Prepare development codes and a **climate-friendly element** to the comprehensive plan for consideration and adoption through public hearings.
7. Conduct public hearings and **adopt CFA zoning** and comprehensive plan amendments.

Other Considerations for Phase 2:

- Each city will use its own local process to decide which areas will be CFAs. The typical process or processes will require changes to zoning maps, development code requirements, and comprehensive plans.
- Cities of 25,000 or more may designate some CFAs with less intensive development standards, if they wish to.
- CFA zoning includes:
 - A variety of **outright-permitted** residential, commercial, service, and employment uses.
 - May include abutting high-intensity residential or employment areas.
 - Prioritization for locating **public-serving facilities** and the location of parks, plazas, and open space areas. Where feasible, street trees and other landscaping should be provided in CFAs.
 - Block length standards that facilitate **pedestrian connectivity**.
 - Development limitations are based on **allowed building height** and other site development requirements rather than residential density limits.
 - Reduced **parking requirements**.
- Community engagement will center consideration of **equitable outcomes** for underserved populations.
- A **highway impacts summary** may need to determine potential traffic generation from CFAs
- CFAs need to be designated prior to updating a Transportation System Plan

Resources

Kevin Young, Senior Urban Planner, DLCD – the language of these rules, deadlines, etc.
kevin.young@dlcd.oregon.gov (503) 602-0238.

Disclaimer

This document is an overview of the new administrative rules that apply to climate-friendly area designation. The rules are contained in the Oregon Administrative Rules in OAR 660-012-0310 through 660-012-0325, as well as OAR 660-012-0012(4)(c) and (5)(b) and (c) (deadlines), and OAR 660-008-0010 and 660-008-0050 (housing rule components). Nothing in this document should be construed as Oregon Administrative Rules. A current copy of the adopted Oregon Administrative Rules should be acquired from the [Oregon Secretary of State](https://www.oregon.gov/DES/SecretaryofState/Pages/default.aspx) and used to fulfill planning requirements.

Table 1: Two Options for Land Use Requirements in Climate Friendly Areas

		Option 1 Prescriptive Standards		Option 2 Outcome-Oriented Standards
Cities and Urbanized County Areas (by population)	Sizing of CFA Areas	Minimum Residential Density Requirement	Maximum Building Height No Less Than	Target Development Levels
5,001 – 9,999	At least 25 acres	15 dwelling units/net acre	50 feet	20 homes and jobs/net acre
10,000 – 24,999	At least 30% of total housing need	15 dwelling units/net acre	50 feet	20 homes and jobs/net acre
25,000 – 49,999	At least 30% of total housing need	20 dwelling units/net acre	60 feet ⁴	30 homes and jobs/net acre
50,000 – 99,999	At least 30% of total housing need	25 dwelling units/net acre	85 feet ⁴	40 homes and jobs/net acre
100,000 +	At least 30% of total housing need	30 dwelling units/net acre	85 feet ⁴	50 homes and jobs/net acre

Table 2: Example of How a City Might Summarize Findings by Study Area for CFA Studies

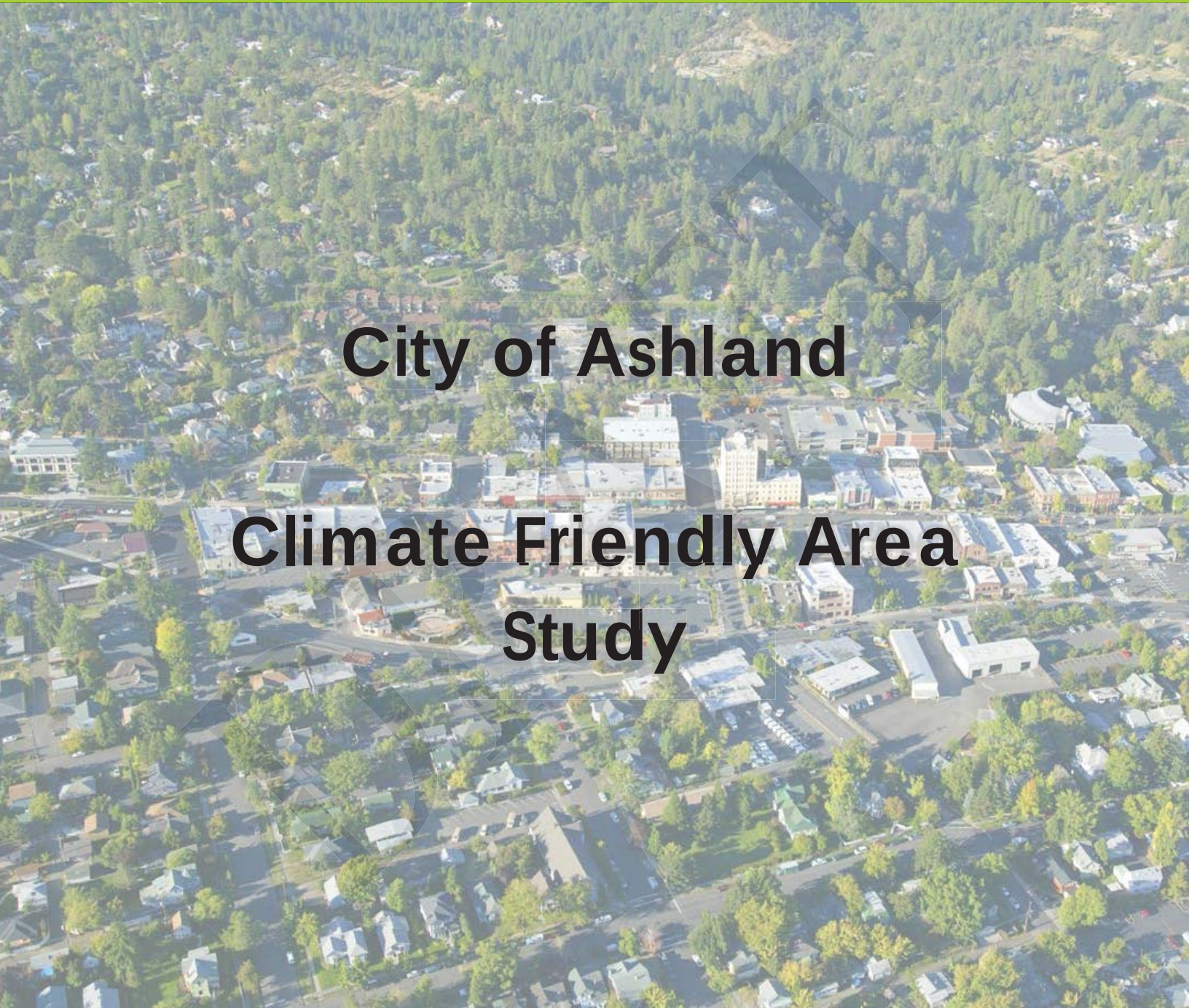
Considerations Regarding CFA Candidate Area 1 – Downtown Planwell	
Would CFA designation be consistent with prior or current planning efforts for this area?	
Yes, the older portion contains a good mix of employment and residential uses, with an abundance of on-street parking, and few parking lots. With downtown transit center, connectivity to the hospital and other major employers is excellent.	
Area (at least 25 acres required if primary CFA)	
78 acres	
Meets minimum 750 foot width with or without abutting parks, high density residential or employment uses/zoning	
Yes, the downtown meets this standard with or without abutting riverfront and other parkland.	
Are there abutting high intensity residential or employment uses that could be included as part of the CFA?	
Abutting historic garden apartment residential neighborhood to the south has an average residential density of 27 dwelling units/acre. The area is approximately 20 acres in size.	
Are parks, plazas, or open space areas located within or near the CFA area? Does the Parks Master Plan identify the need for parks or open space areas within or near the CFA?	
- The riverfront park extends for roughly one mile along the river frontage through downtown. The park contains plazas, a water feature, play structures, a connected bike path, and lawn areas for public recreation and enjoyment. - On the opposite side of the downtown, central park provides approximately four acres of shaded lawns, play areas, and other public amenities.	
Are public-serving government facilities located within the CFA? Are there plans to locate such facilities in the CFA in the future?	
Yes, city hall and the county courthouse are both located within this CFA, along with some additional government facilities.	
Current status and feasibility of needed upgrades to pedestrian, bicycle, and transit facilities and services?	
- No bike lanes on highway through downtown, but existing bike lanes on parallel collector streets and sharrows on low speed downtown streets. Also bike path along river provides good access. - Adequate sidewalks throughout downtown. On-street parking along many streets buffers pedestrians on sidewalk. - Transit center is located in this area and within walking distance of the entire downtown. Connected to all priority transit corridors.	
Presence of identified hazard area, and degree to which hazard development requirements could restrict CFA zoning?	
Portion of downtown is located within 100-year floodplain. Development code allows development if base floor elevation is one foot above base flood elevation. Could remove this area from CFA and meet area and dimensional standards.	
If contiguous, but outside city limits and within UGB, can the area comply with OAR 660-012-0310(e)(A) – (E)?	
N/A – area is within city limits	
Preliminary infrastructure evaluation – Any water, sewer, or stormwater impediments to CFA-level of development that would be challenging to address beyond the scope of capital improvement plans or improvements required with development?	

Trunk sewer line to southeast portion of downtown would need to be upsized to accommodate primary CFA development. Project is identified in Sewer Master Plan, tentatively scheduled for improvement in Fiscal Year 27-28.	
Is there the potential for the displacement of members of underserved groups that could result from CFA designation?	
Yes, the northwest portion of downtown contains a greater than average proportion of low-income residents.	
If yes to prior question, what are some potential mitigation strategies to avoid displacement that would be feasible for Planwell to implement?	
"Housing Planwell CDC" is planning a subsidized affordable housing development in the northwest area, with funding from OHCS and local construction excise tax revenues. - The city's housing division administers a naturally occurring affordable housing (NOAH) no-interest revolving loan fund that could be used to support the preservation of existing NOAH housing in the CFA.	
Are the current land use requirements in this study area close to the land use requirements necessary to comply with OAR 660-012-0320 (either primary or secondary)?	
Considering as primary CFA - Building height allowances would need to be raised 20 feet, addition of minimum residential density requirements, and changes to on-site parking requirements.	
What is the preliminary estimate of the number of residential dwelling units that could be accommodated in this area?	
If primary CFA standard were adopted (per OAR 660-012-0320(8)(a), (b), or (c); or (9)(a),(b), or (c))	If secondary CFA standards were adopted for one of the lesser standards (optional)
Roughly 4,760 dwelling units (buildings to 85 feet)	Roughly 3,430 dwelling units (buildings to 50 feet)



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City of Ashland

Climate Friendly Area Study

*Produced by the Rogue Valley Council of
Governments, in collaboration with the City
of Ashland and 3J Consulting*

2023



Climate Friendly Area Project Staff

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Disclaimer:

The following study analyzes CFA candidates within the City of Ashland and explores paths forward and potential scenarios should the city designate a Climate Friendly Area. By no means does this study alter the current zoning, land uses, or other development regulations governed by the City of Ashland.



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Chapter 1: Climate Friendly Area Regulations and Methodology Background

Introduction

Rogue Valley Council of Governments, in collaboration with the City of Ashland and the project consultant, 3J Consultant, is conducting a study of potential Climate Friendly Areas (CFA) in accordance with the Climate Friendly and Equitable Communities (CFEC) rulemaking (OAR 660-012-0310). The State rules were initiated by the Land Conservation and Development Commission (LCDC) in response to Governor Brown's Executive Order 20-04 directing state agencies to take urgent action to meet Oregon's climate pollution reduction targets. The rules encourage climate-friendly development by facilitating areas where residents, workers, and visitors can meet most of their daily needs without having to drive. A CFA aims to contain a variety of housing, jobs, businesses, and services. A CFA also supports alternative modes of transit by being in close proximity to high-quality pedestrian, bicycle, and transportation infrastructure.

Phase 1 of this project is the CFA study which identifies candidate CFAs and analyzes what zones are most aligned to the CFEC rules, and what adjustments to them would be required.

Phase 2 will encompass the actual designation of the Climate Friendly Areas under consideration, and the adoption of maps and ordinances necessary to implement the CFEC initiative. Cities may use CFA areas from the study or any other qualifying area.

Climate Friendly and Equitable Communities Rulemaking

The Climate-Friendly and Equitable Communities rulemaking is part of Oregon's longstanding effort to reduce pollution from the transportation system, especially greenhouse gases that are causing a change in climate and associated weather-related disruptions, including drought, wildfires, and warming temperatures with greater variation overall.

The rules encourage climate-friendly development in Climate-Friendly Areas (CFAs). Other provisions of the rulemaking call for new buildings to support the growing electric vehicle transformation, reduce or eliminate one-size-fits-all parking mandates, and increase local planning requirements to address critical gaps in our walking, biking, and transit networks. The rules ask communities to identify transportation projects needed to meet our climate goals.



Climate Friendly Areas Overview

A CFA is an area where residents, workers, and visitors can meet most of their daily needs without having to drive. They are urban mixed-use areas that contain, or are planned to contain, a greater mix and supply of housing, jobs, businesses, and services. These areas are served, or planned to be served, by high quality pedestrian, bicycle, and transit infrastructure to provide frequent, comfortable, and convenient connections to key destinations within the city and region. CFAs typically do not require large parking lots and are provided with abundant tree canopy.

A key component of Oregon's plan to meet our climate pollution reduction and equity goals is facilitating development of urban areas in which residents are less dependent on the single occupant vehicle. Before the automobile became common in American life, cities grew more efficiently, with a variety of uses in city centers and other areas that allowed for working, living, and shopping within a walkable or transit accessible area. Over the last 100 years, the automobile and planning practices have served to separate activities, creating greater inequities within cities and widespread dependence upon climate-polluting vehicles to meet daily needs. CFAs will help to reverse these negative trends, with some actions taking place in the short term, and others that will occur with development and redevelopment over time.

The rules require cities (and some urbanized county areas) with a population over 5,000, and that are located within Oregon's seven metropolitan areas outside of the Portland metropolitan area, to adopt regulations allowing walkable mixed-use development in defined areas within their urban growth boundaries. Associated requirements will ensure high quality pedestrian, bicycle, and transit infrastructure is available within these areas to provide convenient transportation options, and cities and counties will prioritize them for location of government offices and parks, open space, and similar amenities.

Implementation Timeline

The rules provide a two-phased process for local governments to first study potential CFAs, and then, in a second phase, to adopt development standards for the area, or areas, that are most promising.

Key CFA Study Dates:

- June 30, 2023 – CFA Study Funding Expires
- December 31, 2023 – CFA Studies Due
- December 31, 2024 – Adopt CFA land use standards and any map changes*

** Local governments may request an alternative date for the adoption of land use standards, as provided in OAR 660-012-0012(4)(c).*



Goals

The purpose of this study is to identify candidate CFA areas that meet the size and locational criteria required by OAR 660-012-0310(1). Relevant zoning codes will be reviewed, and suggestions will be made regarding any changes that are necessary to bring zoning codes into compliance with CFEC rules. It is the intention of the project management team that the candidate CFA selection prioritize community context reflecting the most feasible zoning code changes, little to no infrastructure investment, and alignment with citizen interests. The City of Ashland may move forward with the identified CFA area(s) into Phase 2, or they can use what they learned from the study to choose a new area or areas for adoption.

Methodology

The methodology was developed by the Department of Land Conservation and Development (DLCD) and was adapted to perform this CFA study. The Climate-Friendly Areas Methodology Guide goes over the steps to perform the CFA study. The study goes through each of the eight steps highlighted in the methodology guide, including locating and sizing CFA areas, evaluating existing code, identifying zoning changes, calculating CFA Capacity and equity analysis. While the technical analysis team was responsible for overseeing the steps reliant on GIS or analysis of the land use code, Step 1: Public Engagement Plan, was drafted and prepared by 3J Consulting.



The diagram above shows a workflow for conducting a CFA study. This is not the only order in which the Steps can be performed, but it is a recommended sequence for the purpose of clarity and efficiency.

To understand the context of the steps listed above, a summary of the rules, a CFA's purpose, and what requirements should exist or be adopted in CFA areas is necessary. According to DLCD, "a CFA is an area where residents, workers, and visitors can meet most of their daily needs without having to drive. They are urban mixed-use areas that contain, or are planned to contain, a greater mix and supply of housing, jobs, businesses, and services."

The following is a summary of the steps, rules, and regulations on the specifications of siting a CFA. The CFA designation process first requires a study of potential candidate areas, ultimately ending in an area(s) being designated as the City's Climate Friendly Area. This process, slated to conclude by December 2023, is known as phase 1. Phase 2: Adoption requires that cities implement the necessary changes to the land use code to make the zones within the proposed CFA compliant with state regulations, as provided in OAR 660-012-0310 through -0320.



Community Engagement Plan

This step is planned, drafted, and prepared by 3J Consulting, in coordination with city staff and the technical analysis team. While the Community Engagement deliverables are distinctly separate from the technical CFA Study, this study does take into account the community feedback from public meetings throughout the study phases.

Local governments must develop a community engagement plan for the designation of CFAs that includes a process to study potential CFA areas and to later adopt associated amendments to the comprehensive plan and zoning code following the provisions of OAR 660-012-0120 through -0130:

- Engagement and decision-making must be consistent with statewide planning goals and local plans
- Cities and counties must center the voices of underserved populations in all processes at all levels of decision-making, consider the effect on underserved populations, work to reduce historic and current inequities, and engage in additional outreach activities with underserved populations
- Cities and counties must identify federally recognized sovereign tribes whose ancestral lands include the planning area and engage with affected tribes

The community engagement plan must be consistent with the requirements for engagement-focused equity analysis in OAR 660-012-0135(3). Equity analysis is required for a variety of transportation planning actions under Division 12, including study and designation of CFAs. The purpose of an equity analysis is to identify potentially inequitable consequences or burdens of proposed projects and policies on impacted communities in order to improve outcomes for underserved populations.

The equity analysis must include robust public engagement, including a good-faith effort to:

- Engage with members of underserved populations to develop key outcomes, including reporting back information learned from the analysis and unresolved issues
- Gather qualitative and quantitative information from the community—including lived experience—on potential benefits and burdens on underserved populations
- Recognize where and how intersectional discrimination compounds disadvantages
- Analyze proposed changes for impacts on and alignment with desired key community outcomes and performance measures under OAR 660-012-0905
- Adopt strategies to create greater equity and minimize negative consequences
- Report back and share the information learned from the analysis and unresolved issues with people engaged



Locate and Size Candidate CFAs

Every potential CFA must follow the Climate Friendly and Equitable Communities (CFEC) rulemaking (OAR 660-012-0310) requirements in order to be properly located and sized. The rules regarding location for potential CFAs are universal for all cities.

The CFEC rules of OAR 660-012-0310 that must be followed in the CFA location process are:

- CFA locations must be able to support development consistent with the land use requirements of OAR 660-012-0320.
- CFAs must be located in existing or planned urban centers (including downtowns, neighborhood centers, transit-served corridors, or similar districts).
- CFAs must be served by (or planned to be served by) high quality pedestrian, bicycle, and transit services.
- CFAs may not be located in areas where development is prohibited.
- CFAs may be located outside city limits but within a UGB following OAR 660-012-0310 (e).
- CFAs must have a minimum width of 750 feet, including internal rights of way that may be unzoned.

While the allowed land uses and denser environment will largely influence the choice of a CFA, development feasibility is another important criterion to consider. The area chosen to be CFA should not have infrastructure problems or limitations that could prevent the development of Climate Friendly Areas. The infrastructure capacity of a candidate CFA will be discussed with city staff to determine if it is a sufficient choice or to move forward with another candidate area.

City population is the primary determinant regarding CFA size requirements. There are two categories for sizing a CFA: cities over 5,000 and cities over 10,000 in population. Ashland's population falls under the second option for cities with populations greater than 10,000. Cities with a population greater than 10,000 must designate a minimum of one CFA that accommodates 30% of their current and projected housing, the overall area being at least 25 acres in size. In addition, all CFAs must have a minimum width of 750 feet.



In discussing CFA requirements with city staff, the technical analysis team opted to utilize the prescriptive standards as written by DLCDC. The following table 1 shows the prescriptive standards requirements that must be incorporated in the development code, in accordance with the City's population.

Table 1. Prescriptive Standards

Population	Minimum Residential Density	Max Building Height
5,001-24,999	15 dwelling units/net acre	No less than 50 ft
25,000-49,999	20 dwelling units/net acre	No less than 60 ft
50,000 or more	25 dwelling units/net acre	No less than 85 ft

Because the city of Ashland falls within the 5,001 – 24,999 category, phase 2 will require adoption of rules for a minimum residential density of 15 dwelling units/net acre and a maximum building height of no less than 50 ft in height.



Evaluate Existing Code

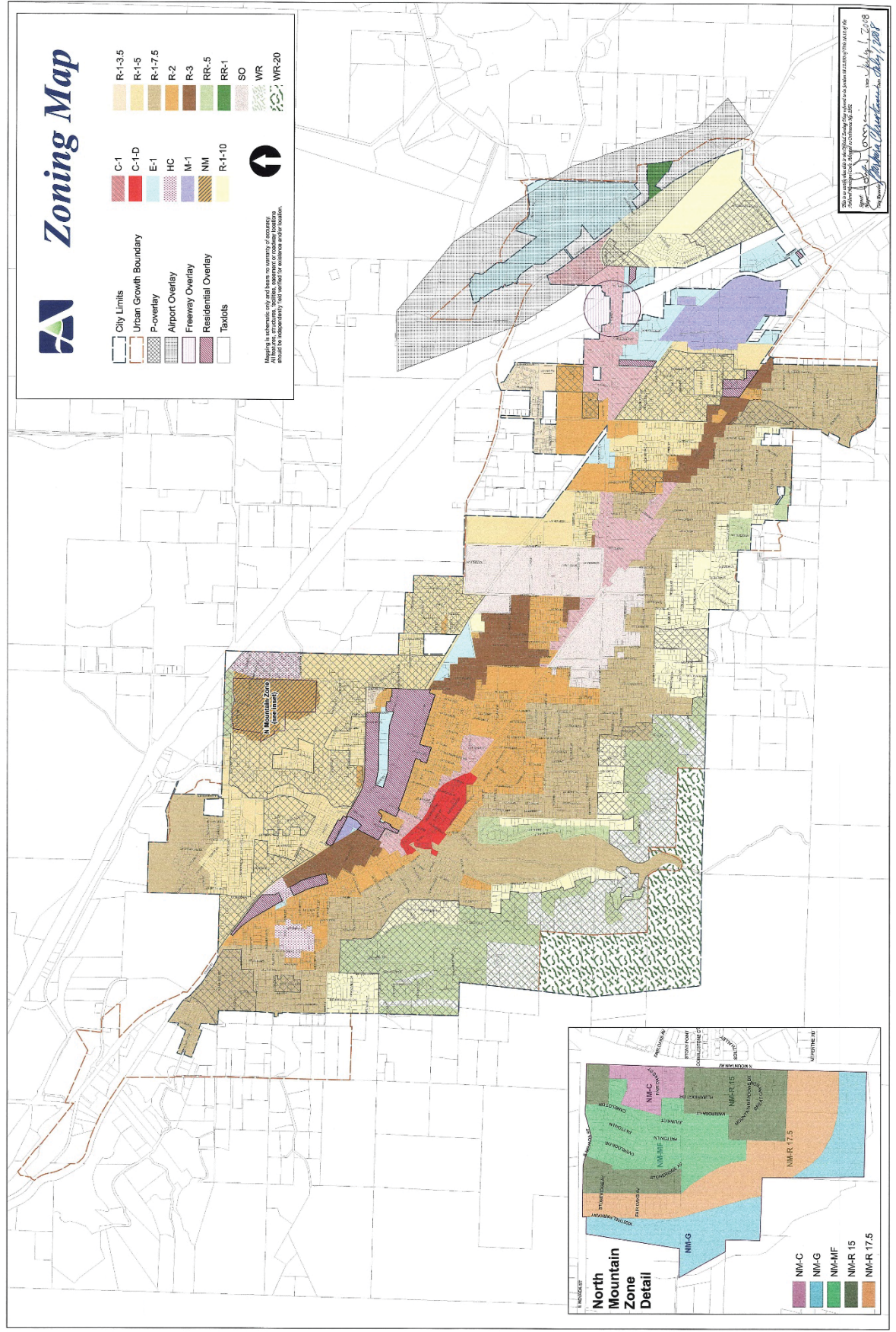
The land use requirements established in OAR 660-012-0320, as shown below, are pivotal in determining how much a base zone already aligns with CFA requirements.

Land Use Requirement for CFAs:

- Development regulations for a CFA shall allow single-use and mixed-use development within individual buildings or on development sites, including the following ***outright permitted uses***:
 - Multifamily Residential
 - Attached Single-Family Residential
 - Other Building Types that comply with minimum density requirements
 - Office-type uses
 - Non-auto dependent retail, services, and other commercial uses
 - Child Care, schools, and other public uses
- Maximum density limitations must be prohibited
- Maximum block length standards must apply depending on acreage of site
- Local governments shall establish maximum block length standards as follows:
 - Development sites < 5.5 acres: maximum block length = 500 feet or less
 - Development sites > 5.5 acres: maximum block length = 350 feet or less
- Local governments shall prioritize locating government facilities that provide direct service to the public within climate-friendly areas and shall prioritize locating parks, open space, plazas, and similar public amenities in or near climate-friendly areas that do not contain sufficient parks, open space, plazas, or similar public amenities.
- Streetscape requirements in CFAs shall include street trees and other landscaping, where feasible.
- Local governments shall adopt policies and regulations in CFAs that implement the following:
 - Transportation review process in OAR 660-012-0325
 - Land use requirements in OAR 660-012-0330
 - Parking requirements in OAR 660-012-0435
 - Bicycle parking requirements in OAR 660-012-0630
- Local governments may choose to **either** adopt density minimums and height maximums (Option A – Prescriptive Standards) **or** adopt alternative development regulations to meet performance standards (Option B – Outcome-Oriented Standards)

The following map 1 is the city's zoning map, and helps convey where zones are located throughout the city of Ashland.

Map 1. City of Ashland Zoning Map





Identify Zoning Changes

Zoning in CFAs may need to change if the existing zoning does not meet the land use requirements in OAR 660-012-0320. During phase 1 of the study, cities do not need to adopt the land use requirements, but evaluation of necessary land use reforms may influence a base zone's viability of being a potential CFA candidate. Essentially, an existing zone that meets a large proportion of the CFA criteria will likely feature the characteristics that define climate friendly areas, while zones that require intense reform may not incentivize development due to lack of compatible land uses or alternative transit infrastructure.

During the adoption phase, slated to occur in 2024, local governments will have to make and adopt all necessary zoning changes and will need to provide DLCDD with documentation that all adopted and applicable land use requirements for CFAs are consistent with OAR 660-012-0320.

Calculate CFA Capacity

The proposed CFA(s) must meet the residential housing capacity threshold expressed in OAR 660-012-0315(1). The target threshold to meet is at least 30% of current and projected housing needs citywide. The total number of units necessary to meet all current and projected housing needs is derived from the most recent adopted and acknowledged housing capacity analysis (HCA; also known as a housing needs analysis or HNA) as follows:

$$\begin{aligned} &\textbf{\textit{Total number of units needed citywide}} \\ &= \\ &\quad \textbf{\textit{current number of existing units}} \\ &+ \\ &\quad \textbf{\textit{projected number of units to meet future needs}} \end{aligned}$$

After calculating the Total Units Needed, the technical analysis team proceeded to calculate the potential housing unit capacity of the proposed CFA site. The following page goes over the equation that will be used to calculate the Housing Unit Capacity.



Calculate Housing Unit Capacity

The following method was adapted from DLCD's Climate-Friendly Areas methodology guide. The calculation follows the prescriptive path requirements as described in the methodology guide. Total Housing Unit Capacity in the CFA is estimated using the following variables:

1. The Net Developable Area in sq. ft. (a)
2. The maximum number of building floors (f)
3. The assumed percentage of residential use (r)
4. The average size of a housing unit in sq. ft. (s)

Using these, the housing unit capacity (U) in any part of a CFA can be given by a simple formula:

$$\text{Housing Unit Capacity (U)} = \frac{(\text{Net Developable Area} * \text{Maximum floors} * \text{Resident use percentage})}{\text{Average Housing Unit}}$$

Note: In the above formula, the results are rounded up to the nearest integer.

The values to use for Assumed Percentage of Residential Use (r) and Average Size of a Housing Unit (s) are given in the rules. Net Developable Area and Maximum Building Floor factors in the above calculation require some additional sub-calculations. Each uniquely zoned area of the CFA will have its own calculations of these factors and the above housing unit formula. Then they are summed for the CFA to give the total Housing Unit Capacity.



Equity Analysis

Local governments must determine if rezoning the potential CFA would be likely to displace residents who are members of state and federal protected classes and identify actions to mitigate or avoid potential displacement.

The CFA Study must include plans for achieving fair and equitable housing outcomes within CFAs following the provisions in OAR 660-008-0050(4)(a)-(f). CFA studies must include a description of how cities will address each of the following factors:

- Location of Housing: How the city is striving to meet statewide greenhouse gas emission reduction goals by creating compact, mixed-use neighborhoods available to members of state and federal protected classes.
- Fair Housing: How the city is affirmatively furthering fair housing for all state and federal protected classes.
- Housing Choice: How the city is facilitating access to housing choice for communities of color, low-income communities, people with disabilities, and other state and federal protected classes.
- Housing Options for residents Experiencing Homelessness: How the city is advocating for and enabling the provision of housing options for residents experiencing homelessness and how the city is partnering with other organizations to promote services that are needed to create permanent supportive housing and other housing options for residents experiencing homelessness.
- Affordable Homeownership and affordable Rental Housing: How the city is supporting and creating opportunities to encourage the production of affordable rental housing and the opportunity for wealth creation via homeownership, primarily for state and federal protected classes that have been disproportionately impacted by past housing policies.
- Gentrification, Displacement, AND Housing Stability: How the city is increasing housing stability for residents and mitigating the impacts of gentrification, as well as the economic and physical displacement of existing residents resulting from investment or redevelopment.

Please note, the equity analysis was performed with the guidance of DLCD's [Anti-Displacement and Gentrification Toolkit](#). The Toolkit provides an in-depth resource for local government to address racial and ethnic equity in housing production, including a list of strategies to mitigate the impacts of gentrification and displacement. The toolkit helps and guides local governments to establishing a framework for creating housing production strategies with a particular focus on the unintended consequences of those strategies.



Chapter 2: Candidate Climate Friendly Area Analysis

This section reviews the analysis components that were performed to derive the results of the study. The technical analysis team began with initial candidate location suggestions from City Staff, then calculated the housing capacity of the proposed CFAs boundary, and readjusting the CFAs size as needed to accommodate the housing unit capacity.

The zoning analysis focuses on the land use requirements in OAR 660-012-0320 and compares them with the city codes to find suitable zones that are fully or partially compliant with the CFA land use requirements. The zoning analysis informs the team of the land use compatibility of the proposed CFAs. Zoning analysis and identifying zoning changes go hand-in-hand. If existing development standards do not meet CFA requirements, then identify the necessary changes to the specific zones and how to bring them into compliance with the land use requirements or OAR 660-012-0320.

The GIS analysis helps determine the status of transportation infrastructure that is within or around the proposed CFA and whether the proposed area satisfies the transportation connectivity aspect of the regulations. A CFA site must be served by, or planned to be served by, high quality pedestrian, bicycle, and transit services according to OAR 660-012-0310.

Capacity analysis determines whether the potential CFA, or a combination of CFAs, can accommodate 30% of citywide current and projected housing need. If identified CFA candidate area(s) are not sufficient to accommodate at least 30% of housing need, resizing the proposed CFA area or identifying additional candidate CFA areas must be performed.

Equity analysis must determine if rezoning the potential CFA would be likely to displace residents who are members of state and federal protected classes and identify actions to mitigate or avoid potential displacement. Chapter 2 of this study includes plans for achieving fair and equitable housing outcomes within CFAs following the provisions in OAR 660-008-0050.

Overall, the analysis steps are intertwined with each other. Locating a CFA candidate, calculating Housing Needs, Zoning analysis, GIS analysis, Capacity analysis are the steps to designate the appropriate CFA area within the city.

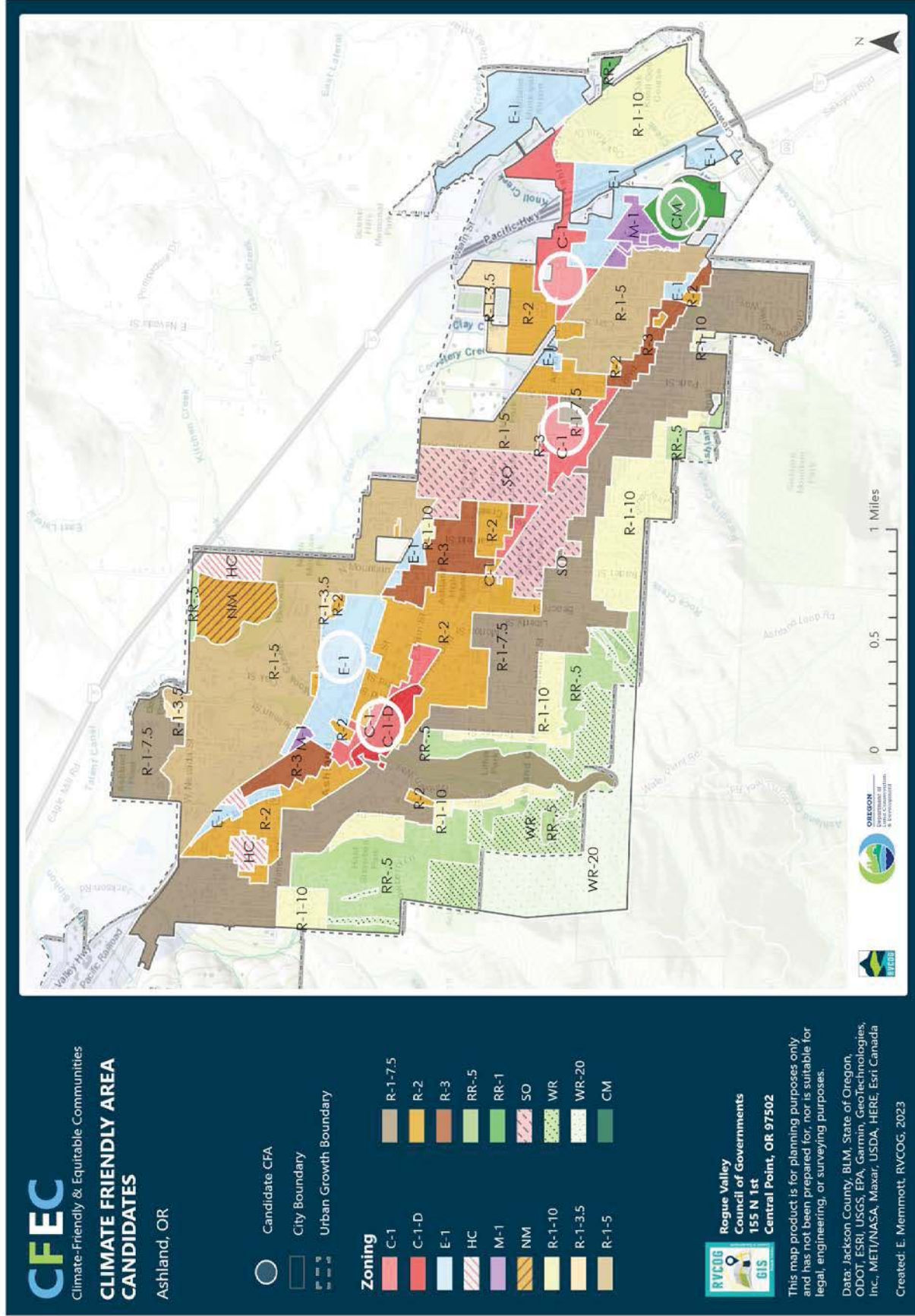


Locate and Size Candidate CFAs

City Guidance

City staff have highlighted several priority CFA candidates, shown in Map 2 below. Staff selected these areas not only for their designated zoning's alignment to the CFA requirements, but also factored in development potential. The Croman Mill and Railroad Property sites are largely undeveloped and present strong cases for rapid CFA-related changes. The Transit Triangle is one of the priority CFA options within the city and has the potential to be improved through redevelopment and development of vacant properties. The prior approval of the Transit Triangle code amendments are largely compatible with CFA, as such this transit served area has considerable redevelopment potential supporting the CFA goals. Conversely, the Downtown area is largely built out, is a National Register Historic District, indicating barriers to potential redevelopment. However, the current built environment is similar to what is expected of CFAs and the C1-D (downtown Commercial) zone could be adapted to comply with CFA guidelines with little trouble and may serve as useful tracts for CFA expansion in the future.

Map 2. CFA Candidates





Calculate Housing Units Needed

As outlined in the methodology guide, the proposed CFA(s) must meet the residential housing capacity threshold expressed in OAR 660-012-0315(1). The threshold to meet is that the cumulative capacity of the CFA(s) is at least 30% of current and projected housing needs citywide. And this is derived by the following formula:

$$\begin{aligned} &\textbf{\textit{Total number of units needed citywide}} \\ &= \\ &\textbf{\textit{current number of existing units}} \\ &+ \\ &\textbf{\textit{projected number of units to meet future needs}} \end{aligned}$$

The most recent Housing Capacity Analysis for the City of Ashland was published in May of 2021 and projects housing needs and trends out to 2041. This analysis estimates there are currently 10,705 dwellings in the city, with a projected need of 858 units more by 2041.

$$\textbf{\textit{10,705 + 858 = 11,563 projected housing units needed by 2041}}$$

Based on these estimates, the city of Ashland will need to locate and size CFA(s) that encapsulate 30% of 11,563 dwellings, or **3,469** units.



Zoning Analysis

Zoning Code Review

Existing zoning codes were compared to the CFA requirements to identify those zones that are most closely aligned with CFEC rules. Shown in Table 2 below, zones were scored for each criterion with 2 points for full compliance, 1 point for conditional or mixed compliance. Zones also earned 1 additional point for having 40-foot building height maximums, while zones that have 35-foot maximums earned no additional points. Green cells are those in compliance. Yellow cells are those that have partial or conditional compliance or are closer to the 50-foot building height maximum, and overall are closer to compliance than other options.

Any zone can be adjusted to be made CFEC-compliant, so CFAs are possible anywhere in the city, but those zones that would take more legislative changes and create more dramatic changes to the built environment relative to what is currently in the area are not prioritized.

The Croman Mill site was master planned in 2008 and this document includes several subzones that are analyzed in Table 3. Much of the area is currently planned for non-residential uses, but City staff have informed the RVCOG team that the property owner is presently working with a developer, TownMakers LLC, to re-envision the area and propose major plan amendments which would newly incorporate residential development throughout the area. While each subzone was scored individually, for the purpose of analyzing prospective zoning changes the entire site has been attributed the attributes and scores of the Mixed-Use subzone.

The Transit Triangle Overlay was also analyzed for its impact on relevant base zones and their CFA suitability.

Overall, the scoring matrix indicates the suitability of the zones regarding the land use requirements. However, the scores are only the first step of the analysis and the results they produce are only one factor among several that the study analyzes. Therefore, a high scoring zone alone does not determine a CFA candidate area. The location of the zones and surrounding transportation infrastructure must be factored in the 2nd step of the study.



Table 2. Zoning Code Analysis

Y - Yes, Permitted Outright C - Conditional M - Mixed N - Not Permitted N/A - Not Applicable	Scoring Matrix Y = 2 C/M = 1 N = 0 40 ft = 1 35 ft = 0	Residential						Commercial			Industrial
		Single Family	Suburban	Low Density MF	High Density MF	Rural	Woodland	Commercial	Downtown	Employment	
Single Use		R-1	R-1-3.5	R-2	R-3	RR	WR	C-1	C-1-D	E-1	M-1
Mixed Use		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Multi-Family		N	N	N	N	N	N	Y	Y	Y	N
Single -Family Attached		N	Y	Y	Y	N	N	C	C	C	N
Office		C	C	C	C	C	C	C	C	C	N
Non-Auto Retail/Services/Commercial		N	N	C	C	N	N	Y	Y	Y	Y
Childcare		N	N	C	N	N	N	Y	Y	C	C
Schools		C	C	C	C	C	C	Y	Y	Y	Y
Other Public Uses		C	C	C	C	C	C	N	N	N	N
Government Facilities		N	N	N	N	N	N	M	M	Y	Y
Parks, Open Space, and Other Similar		C	C	N	N	C	C	Y	Y	Y	Y
Maximum Block Length		Y	Y	Y	Y	Y	Y	N	N	N	N
Density Minimum (15 Dwelling Units/Acre)		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Density Maximums Prohibited		N	N	N	N	N	N	N	N	N	N
Maximum Building Height (>= 50ft)		N	N	N	C	N	N	C	C	C	N
Maximum Building Height		35	35	35	35	35	35	40	40	40	40
Score		10	12	13	15	10	10	20	20	19	14



Table 3. Croman Mill Zoning Analysis

Y - Yes, Permitted Outright C - Conditional M - Mixed N - Not Permitted N/A - Not Applicable	Scoring Matrix Y = 2 C/M = 1 N = 0 40 ft = 1 35 ft = 0	Neighborhood Center	Mixed Use	Office/ Employment	Compatible Industrial	Open Space
		NC	MU	OE	CI	OS
Single Use		Y	Y	N	N	N
Mixed Use		Y	Y	N	N	N
Multi-Family		Y	Y	N	N	N
Single -Family Attached		Y	Y	N	N	N
Office		N	Y	Y	Y	N
Non-Auto Retail/Services/Commercial		Y	M	M	M	N
Childcare		Y	Y	Y	Y	N
Schools		C	C	C	C	N
Other Public Uses		Y	Y	Y	Y	Y
Government Facilities		Y	C	C	C	Y
Parks, Open Space, and Other Similar		N	N	N	N	Y
Maximum Block Length		Y	Y	Y	Y	Y
Density Minimum (15 Dwelling Units/Acre)		N	N	N	N	N
Density Maximums Prohibited		N	N	N	N	N
Maximum Building Height (>= 50ft)		Y	Y	Y	Y	N
Maximum Building Height		50	50	75	75	N/A
Score		21	21	13	13	8

Observations:

- Single- and mixed -uses are permitted outright in all zones, but single use multi-family residential is only available in higher density residential zones
- Government facilities, parks, open space, plazas, and similar public amenities vary throughout, but are generally more available in the Commercial zones
- Maximum block length applies to all zones except C-1 and C-1-D
- Most zones permit a portion of the required outright permitted uses (multifamily and single family attached residential, office uses, non-auto dependent retail/services/commercial, childcare, schools, and other public uses), but no zones permit all of them outright
- The more greens and yellows, the more CFA-ready a zone is with less modification.
- The Croman Mill District has the most qualifications for a CFA

Identify Zoning Changes

Zones were evaluated in more depth to determine the specific changes that are needed to bring them into compliance with CFEC rules. The purpose of the initial zoning code evaluation was to identify those zones that are the most CFA-ready, as a way to ensure that CFA-related changes occur where they will fit well within the existing built environment and simplify the City's process of updating zoning codes.



CFA Compatible Zones

Croman Mill (CM)	
Single Use	Y
Mixed Use	Y
Multi-Family	Y
Single -Family Attached	Y
Office	Y
Non-Auto Retail/Services/Commercial	M
Childcare	Y
Schools	C
Other Public Uses	Y
Government Facilities	C
Parks, Open Space, and Other Similar	N
Maximum Block Length	Y
Density Minimum (15 Dwelling Units/Acre)	N
Density Maximums Prohibited	N
Maximum Building Height (≥ 50 ft)	Y
Maximum Building Height	50
Score	21

Croman Mill District

The CM District Mixed Use Zone (CM-MU) is close to CFA-compliance. It permits outright all residential uses and already meets the building height maximum requirement.

To be in line with CFA rules, the CM-MU zone would need to be expanded to the entire site and must permit outright non-auto retail/service/commercial, schools, and civic uses. Parks and open space must be allowed, density minimums of 15 du/acre or more enforced, and density maximums prohibited.

Residential – High Density

Residential - High Density (R-3)	
Single Use	Y
Mixed Use	Y
Multi-Family	Y
Single -Family Attached	C
Office	C
Non-Auto Retail/Services/Commercial	N
Childcare	C
Schools	M
Other Public Uses	N
Government Facilities	N
Parks, Open Space, and Other Similar	Y
Maximum Block Length	Y
Density Minimum (15 Dwelling Units/Acre)	M
Density Maximums Prohibited	N
Maximum Building Height (≥ 50 ft)	C
Maximum Building Height	35
Score	16

The R-3 zone meets many of the CFA land use requirements, except for the 50 ft building height maximum and a portion of the permitted uses. To meet the CFEC requirements, the City of Ashland would have to adjust the currently permitted outright building height maximum from 35 ft (40 ft conditional) to 50 ft and change single-family attached, office uses, childcare, schools, and other public uses from conditional to permitted outright uses. An increase of residential density from 13.5 dwellings per acre would need to be changed to a minimum density of 15 du/acre with no maximum residential density. Non-auto dependent retail/services/commercial and civic uses must be permitted, and density maximums must be prohibited.

Commercial Downtown – Central Business District

Commercial - Central Business District (C-1-D)	
Single Use	Y
Mixed Use	Y
Multi-Family	C
Single -Family Attached	C
Office	C
Non-Auto Retail/Services/Commercial	Y
Childcare	Y
Schools	N
Other Public Uses	M
Government Facilities	Y
Parks, Open Space, and Other Similar	N
Maximum Block Length	N
Density Minimum (15 Dwelling Units/Acre)	N
Density Maximums Prohibited	N
Maximum Building Height (>= 50ft)	C
Maximum Building Height	40
Score	15

The Downtown Commercial District is Ashland's Central Business District (CBD), and is the city's nexus for employment, services, and transportation. It is more suitable as a CFA than most other zones because it already has conditional building height maximums of 55 ft and permits mixed uses, government facilities, parks, open space, and other similar public amenities outright. The residential density is currently 60 dwellings per acre, yet there are no minimum density requirements. To meet the full CFA requirements in this area, Ashland would need to mandate a minimum density of at least 15 dwelling units/acre, remove the density maximum, and permit outright building heights of 50 feet or more.

Commercial - Employment

Commercial - Employment (E-1)	
Single Use	Y
Mixed Use	Y
Multi-Family	C
Single -Family Attached	C
Office	C
Non-Auto Retail/Services/Commercial	C
Childcare	Y
Schools	M
Other Public Uses	Y
Government Facilities	Y
Parks, Open Space, and Other Similar	N
Maximum Block Length	Y
Density Minimum (15 Dwelling Units/Acre)	N
Density Maximums Prohibited	N
Maximum Building Height (>= 50ft)	C
Maximum Building Height	40
Score	18

The E-1 zone allows for a significant cross section of CFA requirements, but there are several uses like multi-family and single-family attached residential, and schools that would need to be permitted outright to qualify as a CFA. Within a designated CFA, parks and open space also need to be allowed, residential density minimums established, and density maximums prohibited. Like other Ashland zones, building height maximums would also need to be raised from a 40' height to 50'. E-1 zoned properties are also included within the Transit Triangle Overlay, which is discussed later in the document.



Other Residential Zones (R-1, R-1-3.5, R-2, RR, WR)

The lower-density residential zones share a lot in common with each other. They allow single- and mixed-uses and parks. They all partially or conditionally allow single-family attached, childcare, and schools. All except for R-2 do not currently allow office or non-auto retail/service/commercial uses. With the exception of R-2, these lower-density residential zones do not have density minimums except when brought into the City through annexation or as a zone change. The R-2 zone requires a minimum density of 80% the base density. These residential zones have maximum building heights of 35 ft.

Despite their low scores in our analysis, like all zones, these can be made compliant with CFEC rules with certain changes. All office, non-auto retail/service/commercial, childcare, schools, and civic uses would need to be permitted outright making these areas similar to Ashland's commercial zones. To be designated as qualified CFAs density minimums of 15 dwelling units per acres would need to be established and enforced density maximums must be prohibited and building height maximums would have to be raised to a minimum of 50 ft.

Other Commercial and Industrial Zones (C-1, M-1)

C-1 and M-1 zones both score very well in our analysis, but there are other factors that have left them as lower priorities. C-1 scored essentially the same as C-1-D and it would need the same changes to become CFA-ready. The C-1-D receives preference because it encompasses the part of the city with the highest density of jobs and built housing potential, but the adjacent C-1 areas would make good candidates to expand the CFA geographically if needed. C-1 also features prominently in the Transit Triangle Overlay, which is discussed in the next section.

The M-1 zone scored fairly well in our analysis, but it is not prioritized because industrial uses are not as easily relocated as other uses and the goal of the CFA project is to avoid creating undue burdens on the local economy. Additionally, industrial uses do not coexist with residential uses the same way that commercial uses do. That being said, if a portion of the M-1 zone is required to form the ideal CFA form, non-auto retail/services/commercial and schools will need to be permitted outright. Multi-family and single-family attached residential must be permitted along with parks and open space. Density minimums of 15 dwelling units or more must be created and building height maximums need to be raised to 50 ft. Density maximums would have to be prohibited, as well.



Y - Yes, Permitted Outright C - Conditional M - Mixed N - Not Permitted N/A - Not Applicable	Scoring Matrix Y = 2 C/M = 1 N = 0 40 ft = 1 35 ft = 0	Transit Triangle			
		Base Zones			
		Commercial	Employment	Low Density Residential	High Density Residential
		C-1	E-1	R-2	R-3
Single Use		Y	Y	Y	Y
Mixed Use		Y	Y	Y	Y
Multi-Family		M	M	M	M
Single -Family Attached		C	C	C	C
Office		C	C	Y	Y
Non-Auto Retail/Services/Commercial		Y	C	C	N
Childcare		Y	Y	C	C
Schools		N	M	M	M
Other Public Uses		M	Y	N	N
Government Facilities		Y	Y	N	N
Parks, Open Space, and Other Similar		N	Y	Y	Y
Maximum Block Length		N	N	Y	Y
Density Minimum (15 Dwelling Units/Acre)		Y	Y	N	Y
Density Maximums Prohibited		N	N	N	N
Maximum Building Height (>= 50ft)		Y	Y	N	N
Maximum Building Height		50	50	40	40
Score		18	21	15	16

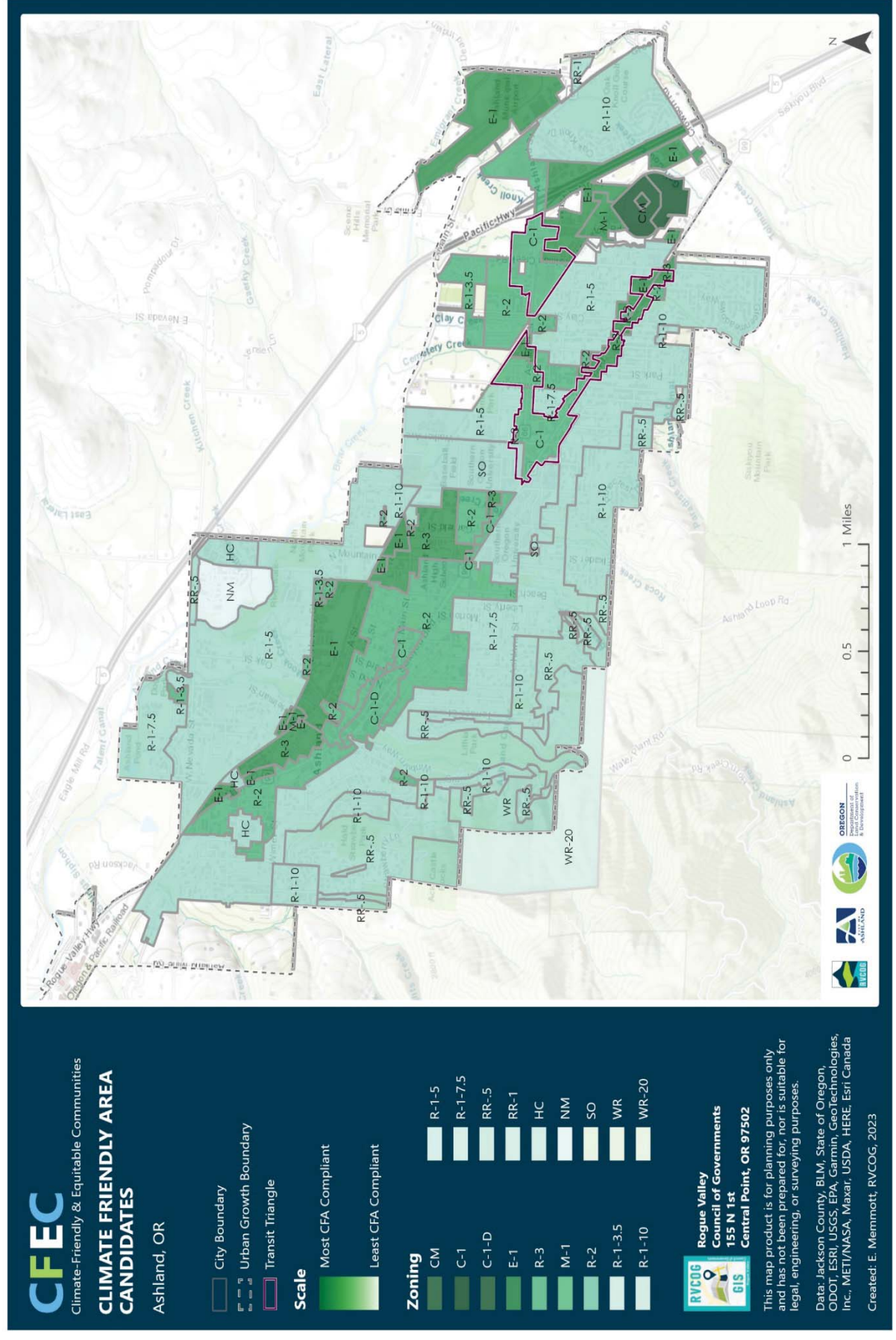
Transit Triangle Overlay

Table 4. Transit Triangle Zoning Analysis

The Transit Triangle Overlay (TTO) is intended to diversify the mix of housing and business types along major transit routes. Table 4 above shows that the overlay enhances the C-1 and E-1 zones within the TTO and significantly improves their scores in our analysis. However, for the TTO, multi-family residential uses are permitted only for rental and not for purchase. The main improvements to the C-1 and E-1 zones are the increased building height maximums, density minimums, and parks/open space. Within the TTO, the C-1 and E-1 zones have excellent scores and are some of the best candidate areas for CFA locations.

Map 3 on page 29 showcases the zones illustrates which best fit the CFA requirements. No zones are currently in compliance with CFEC rules, but Tables 2 and 3 show that the Croman Mill, Residential – High Density (RHD), and Commercial – Central Business District (CBD) zones stand out as being the closest. Small changes to permitted uses and the building height maximum would bring most into compliance.

Map 3. Zoning Analysis





CFA Capacity Calculation

Candidate CFA locations have been identified and prioritized, and this step evaluates each area's housing capacity. If the proposed CFA's boundaries do not encompass 30% or more of current and future dwellings, there will be a need for boundaries to be adjusted or the creation one or more additional CFAs. Additional CFA candidates that have been identified will be considered first for CFA expansion if need be and the evaluation process will begin at Step 2 for these sites.

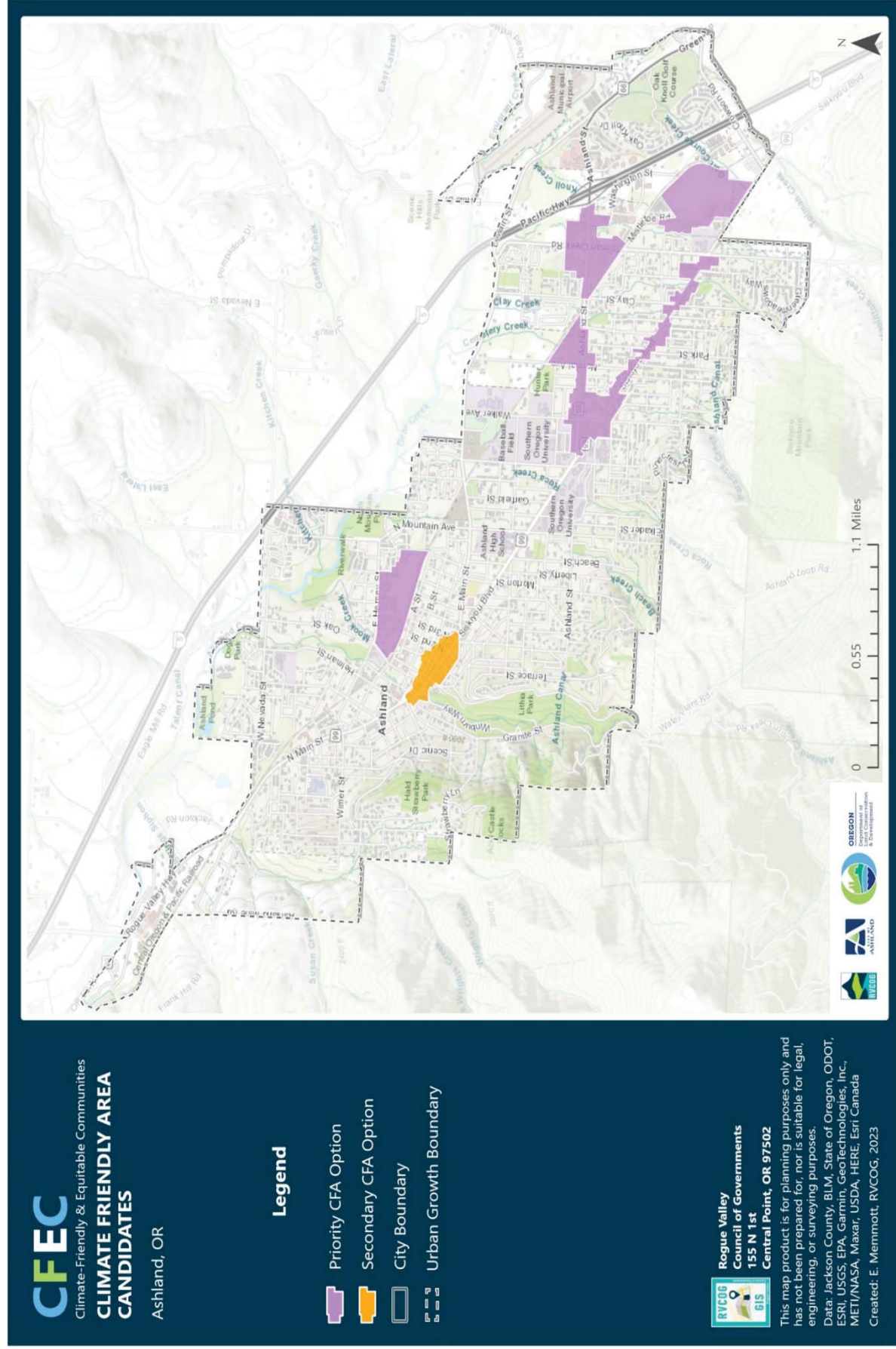
City Guidance

City staff have highlighted several priority CFA candidates, shown in Map 4 below. Staff selected these areas not only for their designated zoning's alignment to the CFA requirements, but also factored in development potential as an additional factor. The Croman Mill and Railroad Property sites are largely undeveloped and present strong cases for rapid CFA-related changes. The Transit Triangle is one of the priority CFA options within the city and do have the potential to be improved within the existing uses and make it more compatible as CFA requirement and it could look like a secondary downtown. Conversely, the Downtown area is largely built out, indicating a barrier to potential redevelopment. However, the current built environment is similar to what is expected of CFAs and could be adapted to CFA guidelines with little trouble and may serve as useful tracts for CFA expansion in the future.

City staff have highlighted several priority CFA candidates, shown in Map 4 below. Staff's selections were made based not only on how well the designated zoning aligns with CFA requirements but also considering the potential for development. Among these areas, the Croman Mill and Railroad Property sites stand out due to their underdeveloped nature, making them suitable for rapid CFA-related changes. Another noteworthy candidate area is the Transit Triangle Overlay, which holds a prime position among the CFA options within the city. There is potential to enhance this area while maintaining its existing uses, thereby making it more compatible with CFA requirements.

In contrast, the historic Downtown area is already extensively developed, posing a challenge for potential redevelopment. Despite this, its current built environment closely resembles what is envisioned for CFAs. With some adjustments, it could be brought in line with CFA guidelines without significant difficulty. As such, it could serve as a valuable location for potential CFA expansion in the future.

Map 4. Priority CFA Candidates



Croman Mill

The Croman Mill site is approximately 92 Acres in the southeastern corner of the city (Image 1). It is served by Siskiyou Blvd. at the south end and Mistletoe Rd. in the north. A master plan for the site was adopted in 2008, but development has yet to occur (Image 2). The plan calls for office and industrial uses for most of the site. Also, there is residential center and mixed-use zones allowed within the Croman Mill site.

The Croman Mill site is viewed as an excellent CFA location due to its redevelopment potential, large size, and proximity to quality transit service and bicycle and pedestrian infrastructure.

Railroad Property

The Railroad Property site is 57 Acres in the center of the city, just a few blocks north of downtown (Image 3). The site rests between the rail line and E Hersey St. The northern half of the site is developed with commercial, and employment uses, but the majority of the southern portion of the site is undeveloped.

The 2001 master plan for the site shows a pedestrian-focused mixed-use area intermingled with civic uses adjacent to the existing northern commercial area enhanced with new local streets connecting to E Hersey St (Image 4).

Image 1 - Croman Mill



Image 2 - Croman Mill Planned Zones

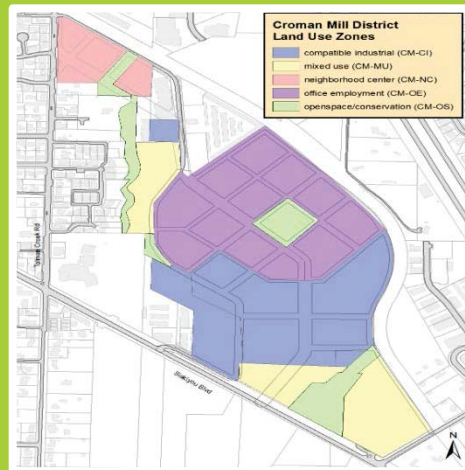
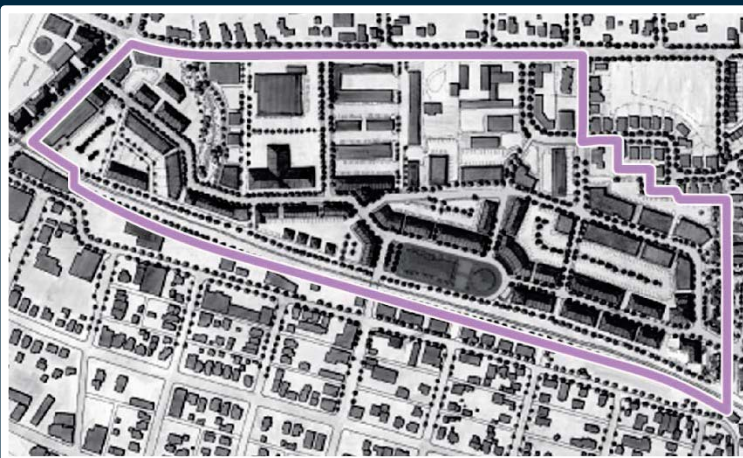


Image 3 - Railroad Property



Image 4 - Railroad Property Master Plan



Transit Triangle Overlay

The Transit Triangle is intended to facilitate a mix of housing types and businesses along major transit corridors on Siskiyou Blvd., Ashland St., and Tolman Creek Rd. The goal is to create an environment that is friendly to walking, biking, and using transit. The Transit Triangle, as written, is close to meeting CFA requirements and as a result it is considered one of the priority CFA options the city can consider. The Transit Triangle has an area of 167 acres and that area could theoretically have a considerable additional housing capacity.

Downtown

The downtown area closely resembles the vision of what a CFA can look like when it has reached maturity and there would be few adjustments needed to make it CFA-compliant. However, it is almost completely built out and there have been very few new construction projects in the area over the last 20 years.

However, the community has expressed interest in implementing CFA strategies significantly beyond what is minimally required, and the downtown area stands out as an obvious place to include in any expansion efforts.

Image 5 – Transit Triangle



Image 6 – Downtown





Calculate Housing Unit Capacity

This method was adapted from the DLCD Climate-Friendly Areas Methods Guide. The calculation follows the prescriptive path described in the methods guide. Total Housing Unit Capacity in CFA is estimated using the following variables:

- The Net Developable Area in sq. ft. (a)
- The maximum number of building floors (f)
- The assumed percentage of residential use (r)
- The average size of a housing unit in sq. ft. (s)

Using these, the housing unit capacity (U) in any part of a CFA can be given by a simple formula:

$$\text{Housing Unit Capacity (U)} = \frac{(\text{Net Developable Area} * \text{Maximum floors} * \text{Resident use percentage})}{\text{Average Housing Unit}}$$

Note: In the above formula, the results are rounded to the nearest integer.

Net Developable Area and Maximum Building Floor factors in the above calculation requires some additional sub-calculations. The values to use for Assumed Percentage of Residential Use (r) and Average Size of a Housing Unit (s) are given in the rules.

Each uniquely zoned area of the CFA will have its own calculations of these factors and the above housing unit formula. Then they are summed for the CFA area to give the total Housing Unit Capacity.



Evaluation

Assumptions

Both the Croman Mill District and Railroad Property sites have significant development opportunities, and while they are master planned, specific lots have not been identified. Additionally, while ongoing master planning efforts are underway (Croman Mill District revisions), there are several changes being worked on at the moment that could significantly affect the layout of these sites, the details of which will not be available for some time. Therefore, it is prudent to use city standards to determine gross and net block areas. The Right-of-Way (ROW) set aside is 20%, as that is the DLCD standard. We use the street network plans when available to measure out the undevelopable area and subtract it from the overall area. The same standards will be applied for the Transit Triangle area to calculate the housing capacity of the site.

These calculations are based on the block level and do not count for interior lot setbacks. All sites are within 0.5 miles of a frequent transit corridor according to OAR 660-012-0440, and parking minimums cannot be mandated within this area. Values shown below may differ slightly from actual values due to rounding.

Note that 30% of projected needed housing for the city is **3,469**.

<i>Equations</i>			
Gross Block Area	=	Block Length x Block width	
Net Block Area	=	Gross Block Area – deductibles (ex. Alleys)	
Net Developable Area	=	Net Site Area – (Green space, ROW, Streets, etc.)	
Building Floors	=	(Building Height Max -10) / 10	
Housing Units	=	Net Site Area x Percent Residential Use x Floors / Avg. Housing Unit Size	
Units per Acre	=	Housing Units / Net Area	

<i>City Standards</i>			
Block Length			400 ft
Block Perimeter			1,600 ft
Gross Block Area	400 ft x 400 ft =	3.67 Acres:	160,000 sq. ft
Right-of-Way Set-Aside	(DLCD rule of thumb)		20%

<i>DLCD CFA Standards</i>	
Percent Residential Use	30%
Average Housing Unit Size	900 ft



Calculations

<i>Croman Mill</i>		
Site Area		92.69 Acres
Green Space		10.1 Acres
Street Network	<i>Approximately</i>	20 Acres
Net Developable Area	65 Acres:	2,821,010 sq. ft
Housing Units Capacity		5,142
Percentage from Needed Housing	<i>(Housing Unit Capacity/Needed Housing).</i>	148%
Units Per Acre		79

Croman Mil District Results

5,142 units is more than the Needed Housing Units the city will need to meet the CFA requirement of 30% of projected needed housing units, which is **3,469**. The Croman Mill site has the potential to host 28% more than the required 30% of projected needed housing units. Please note that this calculation accounts for the individual Housing Unit capacity of all the different planned land use zones, mainly because different zones allow for different building heights, within the Croman Mill site .

The cumulative housing unit capacity across the site results in a total of 5,142 dwellings. Despite this capacity based on maximum building size, minimum unit size, and maximum lot coverage, City Staff anticipates that the more realistic development scenario would be closer to the minimum residential density of 15 dwellings per acre, rather than the maximum calculated feasibility of up to 80 units per acre. Thus, utilizing 15 units per acre across the 65 net developable acres of the Croman Mill District would lead to a more limited capacity of 975 dwellings. In assessing the designated CFA sites, City Staff would aim to ensure that the 3,469 dwelling units required within CFAs are achievable at the minimum residential density required, rather than the maximum density achievable.



<i>Transit Triangle Overlay</i>		
Site Area		162.89 Acres
Green Space	<i>Approximately</i>	7.51 Acres
R.O.W	<i>(DLCD Standard)</i>	20 %
Net Developable Area	148 Acres	6,447,752 sq. ft
Housing Units Capacity		7,524
Percentage from Needed Housing	<i>(Housing Unit Capacity/Needed Housing).</i>	217 %
Units Per Acre		52

Transit Triangle Overlay Results

The Transit Triangle overlay is capable of hosting around 7,524 units within it if developed in its entirety at the maximum allowable residential density afforded within a CFA. This site alone can meet and exceed the Projected Needed Housing for the city. Please note that this calculation accounts for the individual Housing Unit capacity of all the different planned land use zones, mainly because different zones allow for different building heights, within the Transit Triangle Overlay and

The sum of all the housing unit capacity for the site gives us 7,524 units based on maximum development capacity. However, the Southern Oregon University zone (SO) portion within the Transit Triangle Overlay is not accounted for in the calculations of the housing unit capacity. That zone is being governed by the Southern Oregon University Masterplan. To avoid further complicating overlapping zones and overlays, the SO zone is excluded from the CFA. City Staff have further determined a revised residential density for the Transit Triangle Area, exclusive of the SO zone, based on the scenario where the area is developed at the CFA minimum residential density of 15 dwelling units per acre. This calculation results in an estimated total of 2,220 dwelling units.



<i>Railroad Property</i>			
Site Area			57.27 Acres
Green Space	<i>Approximately</i>		6.41 Acres
Street Network	<i>Approximately</i>		12.52 Acres
Net Developable Area	38.34 Acres		1,670,090 sq. ft
Housing Units Capacity			2,226
Percentage from Needed Housing	<i>(Housing Unit Capacity/Needed Housing).</i>		64%
Units Per Acre			58

Railroad Property Results

The calculated **2,226** housing units of the Railroad Property are not independently enough to meet the CFA requirement of 30% projected needed housing units. The site is short of 1,243 units from being compliance with the CFA requirements were it the sole CFA within the city. Therefore, an expansion of some kind must be considered.

One option for the city is to contemplate were the railroad site to be the primary CFA would be enlarging the boundaries of the Railroad site to encompass the developed residential and commercial regions nearby, which could bridge the existing gap were this site to be the exclusive CFA within Ashland. CFAs. Alternatively, the city has the option to label the Railroad site as a secondary CFA site, with the primary CFA sites being the Croman Mill District and/or Transit Triangle Overlay area. Collectively, these sites would fulfill the CFA requirement to accommodate 30% of Ashland's housing needs.



Conclusion

The Croman Mill and Transit Triangle sites both can provide ample room for CFA development to fulfill the requirement of the CFEC rules for 30% of projected needed housing units. The specific boundaries that have been analyzed could change in a variety of minor ways without bringing the unit count below the necessary threshold.

The Railroad property falls short in covering 30% of the Projected Needed Housing for the city. In any case, resizing the boundary could help increase the housing capacity of the site and bring it closer to compliance with the 30% requirement of the CFEC, or best-case scenario it will bring the railroad property to a full compliance with the 30% requirement of the CFEC.

The downtown area has been included in this discussion because it remains relevant to the CFA transformation and may end up included in a broad CFA overlay that encompasses the major employment, commercial, and higher-density residential areas of the city, even if it is not needed to meet the housing requirement.

Overall, the city of Ashland does have a few options when designating a CFA site. The site will need to be fully compliant with the CFEC land use regulations, and most of the sites do not need major updates to bring them up to compliance with the CFEC regulations. Both Transit Triangle and Croman Mill sites are compatible with the 30% projected needed housing in the city. However, the railroad property does not have the capacity to host the full 30% of the projected needed housing, but it could act as a secondary CFA and as a safety buffer for the projected housing units for the primary CFA(s). City Staff highlights that if the potential CFA candidate areas, namely the Croman Mill District, the Transit Triangle Overlay area, and the Railroad site, are individually developed to meet the minimum density requirement set for designated CFAs (which is 15 units per acre), their combined residential development capacity even at this minimum would successfully meet the CFA mandate of accommodating a minimum of 30% of Ashland's housing demands.



Chapter 3: Anti-Displacement Mitigation Strategies

CFA Redevelopment Outcomes

Due to the nature of the regulations, an area designated as a climate friendly area gains the capability to be redeveloped for a wide variety of uses and dense housing types. While these factors intend to promote nodes not reliant on personal automobile use, they also have the capability of creating modernized, attractive, and competitively priced developments which can subsequently displace protected classes. This trend, known as gentrification, can become a component of a climate friendly areas if cities do not carefully analyze a CFA's location and consider proper phase 2 protections to ensure the developments remains accessible to all populations.

Anti-Displacement Map Analysis

Recognizing this potential threat, DLCD has prepared an anti-displacement guide. This guide classifies areas by neighborhood type which are characterized by their income profile, vulnerable classes, amount of precarious housing, housing market activity, and overall neighborhood demographic change. Each area is identified through the DLCD anti-displacement map, which can be found here: [Anti-Displacement Map](#)

Each neighborhood type is categorized as one of the following:

Affordable and Vulnerable

The tract is identified as a low-income tract, which indicates a neighborhood has lower median household income and whose residents are predominantly low-income compared to the city average. The neighborhood also includes precariously housed populations with vulnerability to gentrification and displacement. However, housing market in the neighborhood is still stable with no substantial activities yet. At this stage, the demographic change is not under consideration.

Early Gentrification

This type of neighborhood represents the early phase in the gentrification. The neighborhood is categorized as a low-income tract having vulnerable people and precarious housing. The tract has a hot housing market, yet no considerable changes are found in demographics related to gentrification.

Active Gentrification

These neighborhoods are identified as low-income tracts with a high share of vulnerable people and precarious housing. The tracts are experiencing substantial changes in housing price or having relatively high housing costs found in their housing markets. They exhibit gentrification-related demographic change. The latter three neighborhoods on the table are designated as high-income tracts. They have hot housing market as they have higher rent and home value with higher appreciation rates than the city average. They also do not have precarious housing anymore. However, Late Gentrification type still has vulnerable people with experiences in gentrification related demographic changes.



Late Gentrification

This type of neighborhood does not have predominantly low-income households, but still have vulnerable population to gentrification. Their housing market exhibits high housing prices with high appreciations as they have relatively low share of precarious housing. The neighborhood has experienced significant changes in demographics related to gentrification.

Becoming Exclusive

The neighborhoods are categorized as high-income tracts. Their population is no longer vulnerable to gentrification. Precarious housing is not found in the neighborhoods. However, the neighborhoods are still experiencing demographic change related to gentrification with hot housing market activities.

Advanced Exclusive

The neighborhoods are identified as high-income tracts. They have no vulnerable populations and no precarious housing. Their housing market has higher home value and rent compared to the city average, while their appreciation is relatively slower than the city average. No considerable demographic change is found in the neighborhoods.

Unassigned

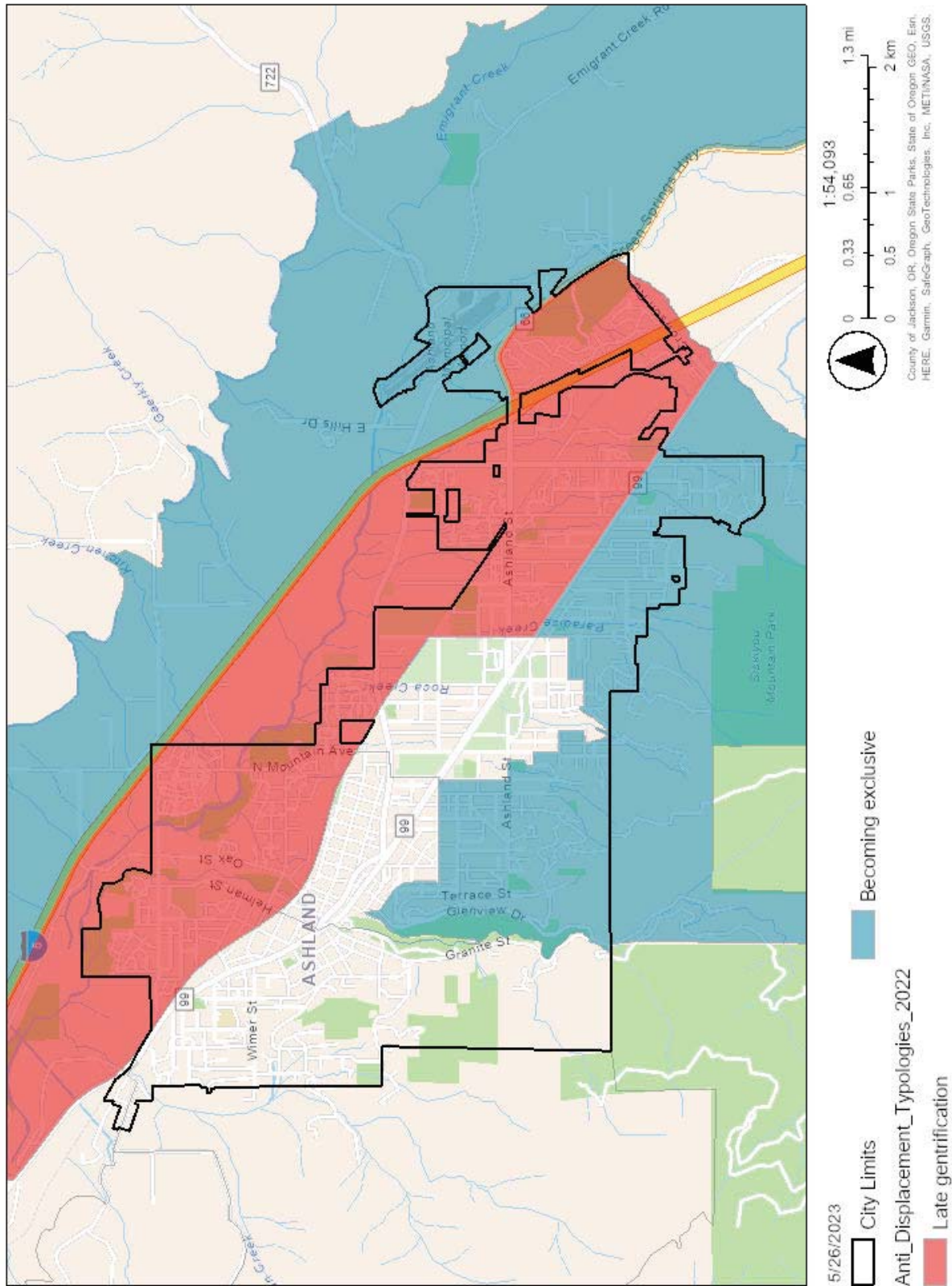
The unassigned tracts have not experienced any remarkable changes in demographics or housing markets. The neighborhood has been stable with unnoticeable change, yet this does not necessarily mean that there is no need for extra care compared to other neighborhoods with assigned types. Planners need to engage with the communities to make sure the neighborhood is stable while aligning with community needs and desires.

Neighborhood Types Present Within the Proposed CFA

As proposed, the candidate CFA for Ashland currently lies within a census tract 18 of Jackson County, which is identified by the neighborhood type: **Late Gentrification**, see the following map.

Map 5. DLCD Anti-Displacement Map

Ashland Anti-Displacement Map





Suggested Strategies

It is important to note that while the project's scope of work directly referenced DLCD's housing production strategies (HPS) as a component of the anti-displacement analysis, the City of Ashland has an approved Housing Production Strategy report which satisfies DLCD's requirements and aims to ensure sustainable and equitable residential development within the city. Because the housing production study was put out for public comment on May 23rd, 2023, the technical analysis in this report utilized DLCD's HPS for the purposes of the Climate Friendly Area analysis. Nonetheless, the technical analysis team recommends use of the in-depth HPS report produced by the City of Ashland for phase 2 of the CFA study.

Referring to DLCD's housing production strategies, which can be found [here](#), RVCOG has identified the following strategies to ensure that a climate friendly area acts as an equitable community. In selecting strategies RVCOG prioritized strategies color coded as green for the **Late Gentrification** neighborhood type for their likeliness to generate little to no adverse impact, factoring in local context and feasibility as well.

Category A: Zoning and Code Changes

A03: Density or height bonuses for affordable housing.

Cities could consider introducing a height and density bonus for developments which introduce units between 30% - 120% of the average median income (AMI). RVCOG suggests using the CFA thresholds as a potential model for such bonuses, in the case of Ashland potentially allowing an increased 10 feet of maximum height and additional 5 dwellings per acre. City Staff notes that Ashland presently allows an affordable housing density bonus of up to two market rate units for every qualifying affordable housing unit provided, accommodating up to a 35% increase in residential density.

A07: Single Room Occupancy

Single room units, such as junior accessory dwelling units, present a new housing typology not commonly considered among residential zones. Enabling this use as a permitted accessory component of a multi-unit development could provide developers with the opportunity to provide unique housing arrangements and a variety of units at different price points. (New State Law)

A14: Re-examine Mandated Ground Floor Use

The City of Bend has determined that while lively streetscape in a dense environment is a worthy goal, mandating that ground floors be occupied by commercial uses when the surrounding market forces can't support such a use can contribute to decreased development or loss of area for dwellings. City Staff notes that HB 2984, passed in the 2023 State Legislative Session, allows the conversion of buildings from commercial use to housing without a zone change or conditional-use permit. It prohibits local governments from requiring more parking and limits collection of system development charges. This statewide legislation effectively allows residential ground floor use within commercial buildings.



Category B: Reduce regulatory Impediments

B10: Public Facility Planning

Factoring that some of the proposed CFA sites are largely vacant, assisting in providing public facilities could make these sites more attractive for development. Furthermore, assisting in providing public facilities may enable the city to prioritize key connections or better plan for expansion in the future.

B07: Flexible Regulatory Concessions for Affordable Housing

Considering that cities within the 10,000-24,999 population range are in one of the lower ranges for prescriptive CFA standards, enabling affordable housing to move into some of the upper thresholds could present a unique advantage further attract affordable housing. Furthermore, this strategy enables a CFA to evolve directly in response to its City's population growth, possibly resulting in a CFA pre-emptively meeting the next threshold's requirements.

B19: Survey Applicant on Development Program Decision-Making

User feedback can help illustrate frustrations or pitfalls in the planning process not seen by staff. Utilizing a survey as litmus test for ease of development within a CFA can serve as an asset not only to the CFA, but the City's Planning department as a whole. City Staff notes that in February 2023 the City Community Development Department surveyed all individuals that obtained a Planning Permit, or Building Permit, from 2018-2022. The City is in the process of establishing a Development Process Management Advisory Committee made up developers, builders, architects, and private planners, to assist in reviewing the survey and to recommend areas to improve the permitting process and reduce barriers to the development of needed housing.

Category C: Financial Incentives

C01: Reduce or exempt System Development Charges (SDCs) for needed housing.

SDC's are often seen as necessary yet prohibitive cost associated with new development. Granting exemptions for needed dense and affordable housing helps clear the way for development, while commercial developers seeking to capitalize on attractive areas by constructing recreational or tourism oriented, or general luxury developments can bear a larger part of the burden when it comes to needed infrastructural growth. City Staff notes that Ashland presently waives all SDCs for qualified affordable housing.

C04: Incentivize Manufactured and Modular Housing.

Manufactured and modular housing could be a popular option in vacant CFA areas as it can be constructed for less cost and added on to as a larger population occupies the CFA. Modular housing also supports homeownership rather rented housing, a notion that could ensure a CFA acts as equitable community for permanent residents and doesn't become an area merely for vacation rentals. City Staff notes the City's adopted Housing Production Strategy includes a strategic action to create a Manufactured Park Zone to preserve existing parks and potentially identify opportunities for additional manufactured home parks. Manufactured and Modular housing are presently permitted outright on



individual residentially zoned lots within the City with the exception of designated National Register Historic Districts.

Category D: Financial Resources

D02: Low Income Housing Tax Credit (LIHTC).

Federal tax credits represent an external opportunity for an affordable housing development to feasibly occur within a city. Disclaiming these opportunities to developers comes at little cost to the city, and can facilitate mixed income housing that contributes to a more diverse set of demographics within a CFA.

D09: Demolition Taxes

A demolition tax can ensure that new development within a CFA introduces a greater density than the existing structure or be forced to be pay a tax to fund a housing trust fund. Demolition taxes help mitigate the effects of higher density, aging housing being replaced by lower density, newer, market-rate homes, which could occur if the CFA is sited in a more historic area of a community, or the introduction of the CFA regulation induces more affluent populations seeking proximity to mixed uses.

D09: Construction Excise Tax

Seeing as the CFA's are located on vacant land, a construction excise tax (CET) seems to be an apt solution to ensure development of a CFA accrues funds for affordable housing projects both within the CFA and elsewhere. City Staff notes the City's adopted Housing Production Strategy includes a strategic action to evaluate establishing a CET to support affordable housing development within the community.

Category E: Tax Exemption and Abatement

E03: Vertical Housing Development Zone Tax Abatement

This housing production strategy authorized ORS 307.841 directly aligns with the live work environment that's meant to appear within CFA's and is natural candidate to assist in mixed use development. The effectiveness of this strategy could be somewhat bound by a CFA's respective height limits but coupled with affordable housing density bonuses could be quite effective. City Staff notes that Ashland presently established a Vertical Housing Development Zone to correspond with the Transit Triangle Overlay area. As this Transit Triangle area is a candidate for a CFA, this strategy is in already place within one of the potential CFA areas under consideration.

E04 & E05: Multiple Unit Tax Exemptions (Property and Limited taxes)

Similar to the Vertical Housing Tax Abatement, the multiple unit tax exemptions could serve as a symbiotic strategy to the type of development intended to occur within a CFA. Whether this strategy seeks to aid in overall feasibility by being a long-term exemption or aid in the initial

E10: Delayed tax Exemptions

Delayed tax exemptions can be seen as a viable strategy to allow new development recoup construction costs and establish a profitable base before falling below 80% AMI. This strategy could benefit initial



developments in CFA's, and later assist them in serving a new economic bracket when the area becomes more developed.

Category F: Land, Acquisition, Lease, and Partnerships

F17: Designated Affordable Housing Sites

Designating CFA's partly or entirely as affordable housing sites can ensure the best use of the land in the future. While price control measures may ward off developers initially, highlighting tax exemptions and streamlined planning process coupled with the relative newness of the CFA regulations may highlight these areas as feasible location for affordable housing.

F19: Affordable Housing Preservation Inventory

Identifying and inventorying areas currently hosting affordable housing enables staff to examine what contextual factors have led them to appear in their community, and informs areas to proceed with caution when expanding the CFA.

City staff are encouraged to review and evaluate the list of strategies when it comes time for phase 2 zoning reform.

City Staff emphasizes that the strategic actions outlined in the approved Ashland Housing Production Strategies will be evaluated in the context of identifying and implementing Climate Friendly Areas (CFAs). A new CFA land use designation would be crafted with the primary goal of encouraging the development of transit supported mixed-use, higher-density environments that actively diminish the dependence on fossil fuels. The evaluation process will pay particular attention to addressing the potential displacement of existing affordable housing within any designated CFA area while simultaneously seizing the opportunities to foster necessary housing options within the designated areas. This comprehensive approach underscores the city's commitment to both sustainable urban development and the preservation of affordable housing for its residents.



Appendix A: Acronyms

Regulatory:

- LCDC = Land Conservation & Development Commission
- DLCD = Department of Land Conservation & Development
- OAR = Oregon Administrative Rules
- CFA = Climate Friendly Area
- CFEC = Climate Friendly & Equitable Community

Technical:

- HNA = Housing Needs Assessment
- HCA = Housing Capacity Analysis
- HPS = Housing Production Strategy
- NDA = Net Developable Area
- HUC = Housing Units Captured
- MF = Multifamily Housing
- SF = Single Family Housing



Appendix B: References

- [Climate-Friendly Areas Methods Guide](#) by DLCD.
- [CFA Anti-Displacement Analysis](#) by DLCD.
- [Housing Production Strategy](#) by DLCD.
- The cover picture used in the study document is by Fred Stockwell



Climate Friendly Areas Study

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Climate-Friendly & Equitable Communities

CLIMATE FRIENDLY AREA CANDIDATES

Ashland, OR

Legend

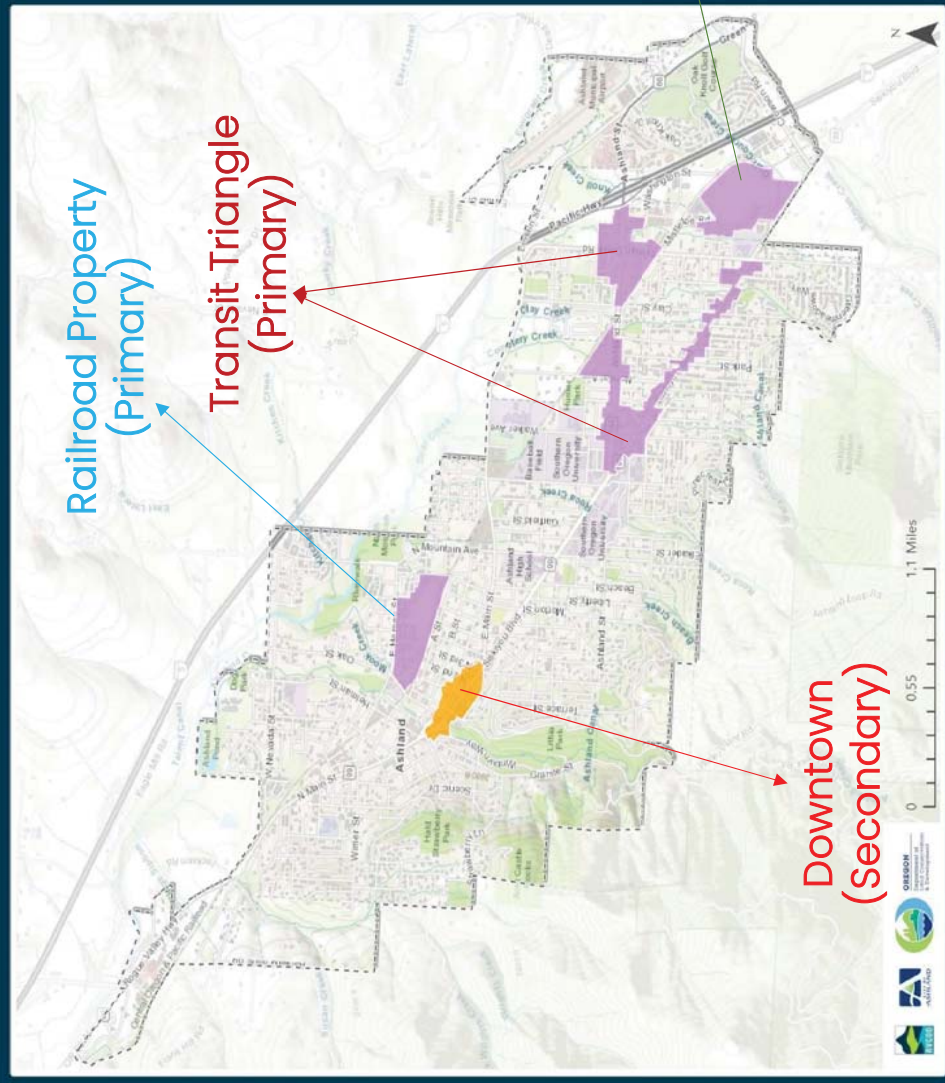
-  Priority CFA Option
-  Secondary CFA Option
-  City Boundary
-  Urban Growth Boundary



Rogue Valley
Council of Governments
155 N 1st
Central Point, OR 97502

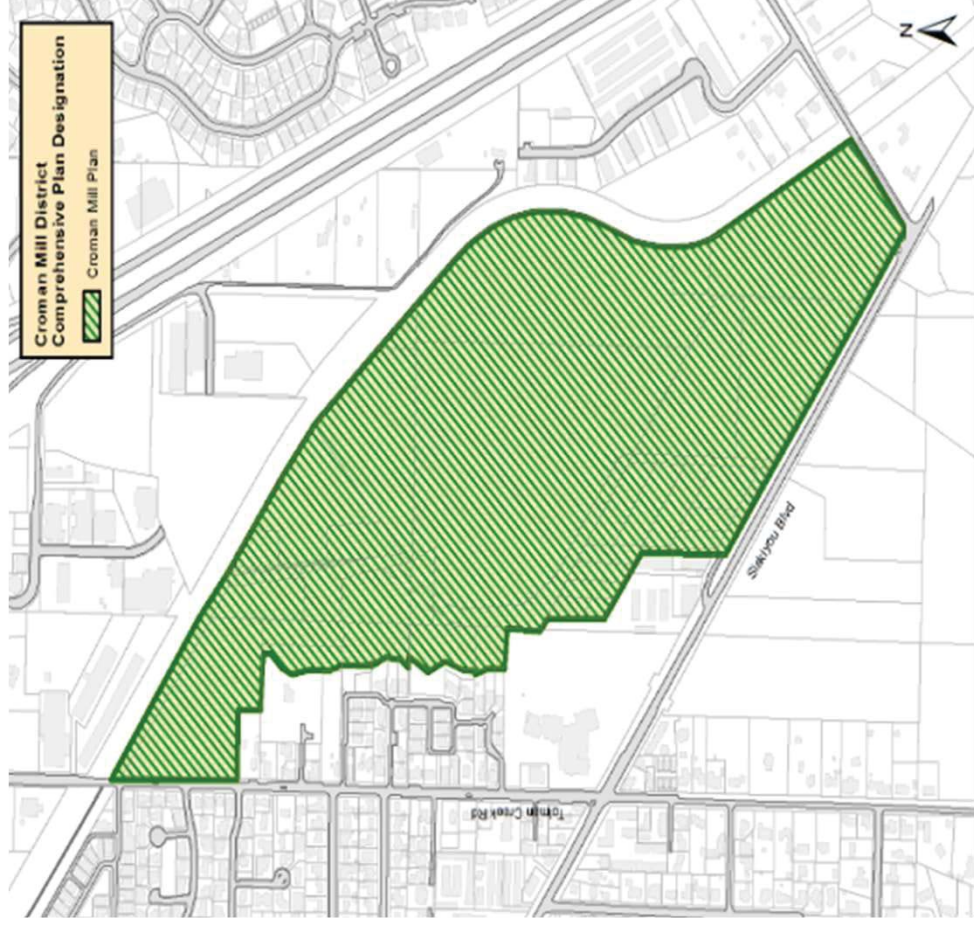
This map product is for planning purposes only and has not been prepared for, nor is suitable for legal, engineering, or surveying purposes.

Data: Jackson County, BLM, State of Oregon, ODOT, ESRI, USGS, EPA, Garmin, GeoTechniques, Inc., MET/NASA, Masar, USDA, HERE, Esri Canada
Created: E. Memmott, RVCOG, 2023



Candidate CFAs





- **Approx. 92 acres total**
- Masterplan Adopted 2008
- Remains Largely Undeveloped
- *Clean-Up Plan in process*
- Townmakers, LLC currently looking at code changes to develop approx. 65 acres.

By prescriptive methodology:

- **5,142 new dwelling units**
- 79 dwelling units per acre
- 148 percent of needed housing



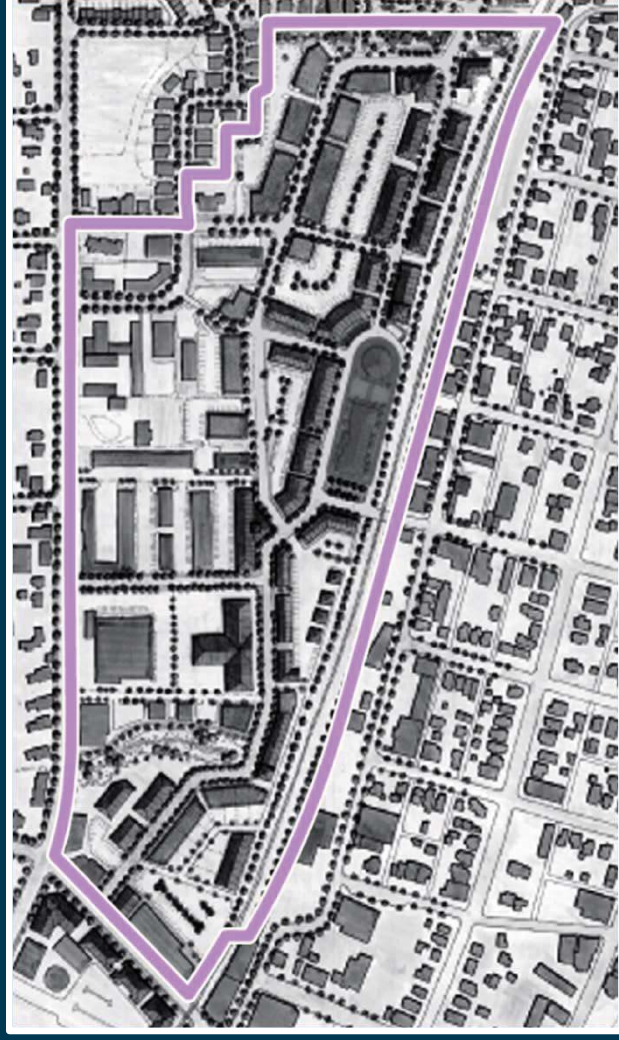
Croman Mill District

Image 3 - Railroad Property



Image 4 - Railroad Property Master Plan

DRAFT

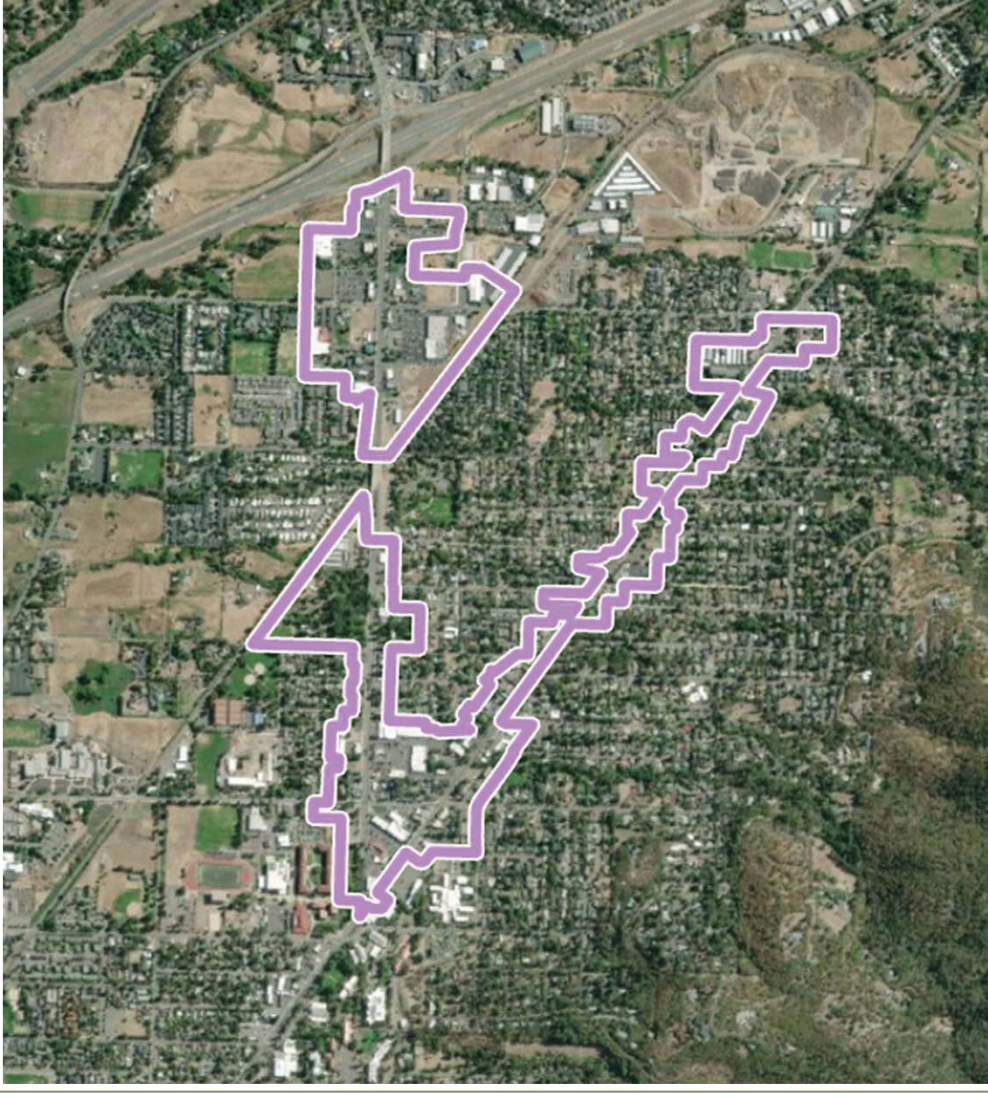


- **Approx. 57 acres.**
- Southern portion largely undeveloped.
- Clean-up Plan under development.
- 2001 Masterplan not adopted, Street plan adopted.

By the prescriptive methodology:

- **2,226 new dwelling units**
- 58 dwelling units per acre
- 64 percent of needed housing.

Railroad Property



Transit Triangle

- Approximately 167 acres
- Undeveloped or underdeveloped
- Largely auto-dependent uses in “strip development” pattern
- Likely a center of future growth

By the prescriptive methodology:

- 7,524 new dwelling units
- 52 dwelling units per acre
- 207 percent of needed housing.

Downtown

- Largely Developed without off-street parking requirements
- National Register-Listed Historic District



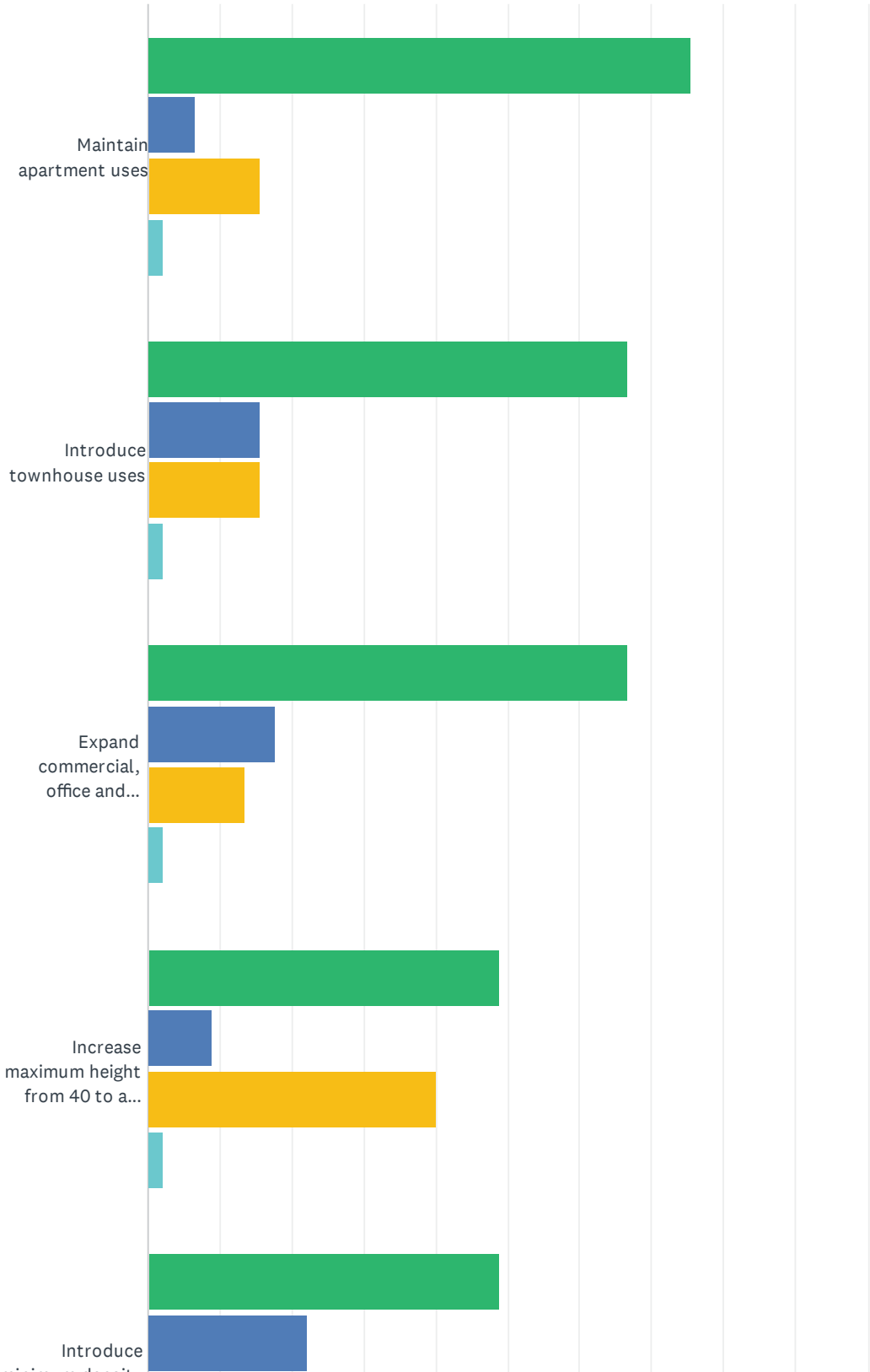
Given the level of development and the historic status, the Downtown is being looked at as a CFA, but was not analyzed under the lens of the prescriptive CFA methodology given it is nearly built out.



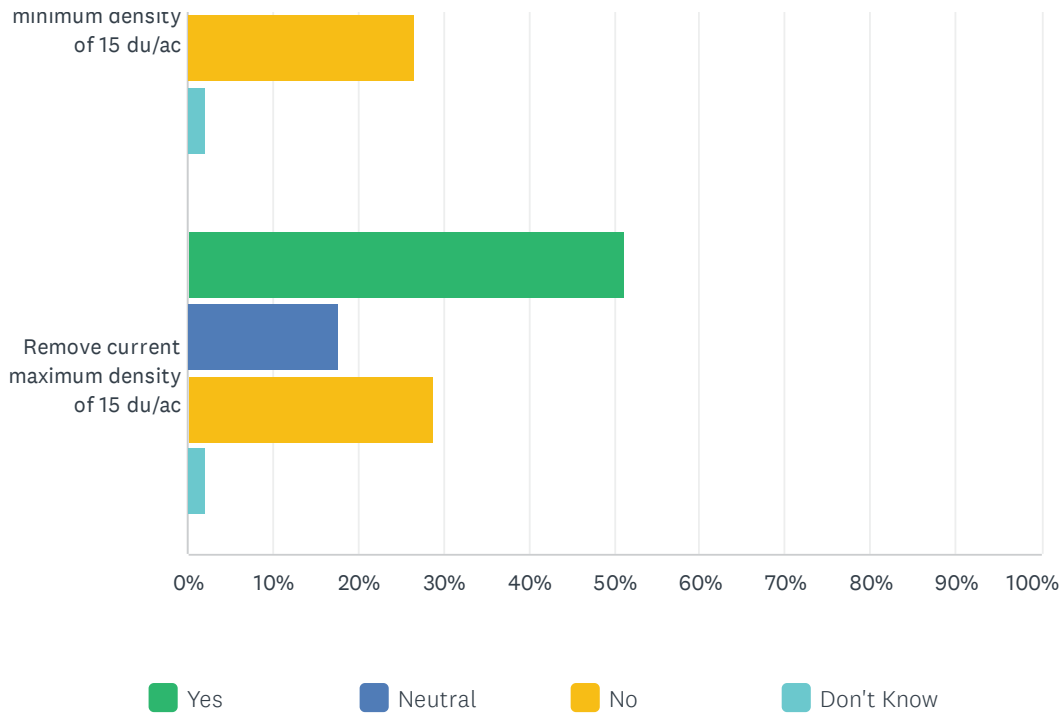
Downtown

Q1 Do you support the following changes needed to implement the CFA zoning in this area?

Answered: 45 Skipped: 0



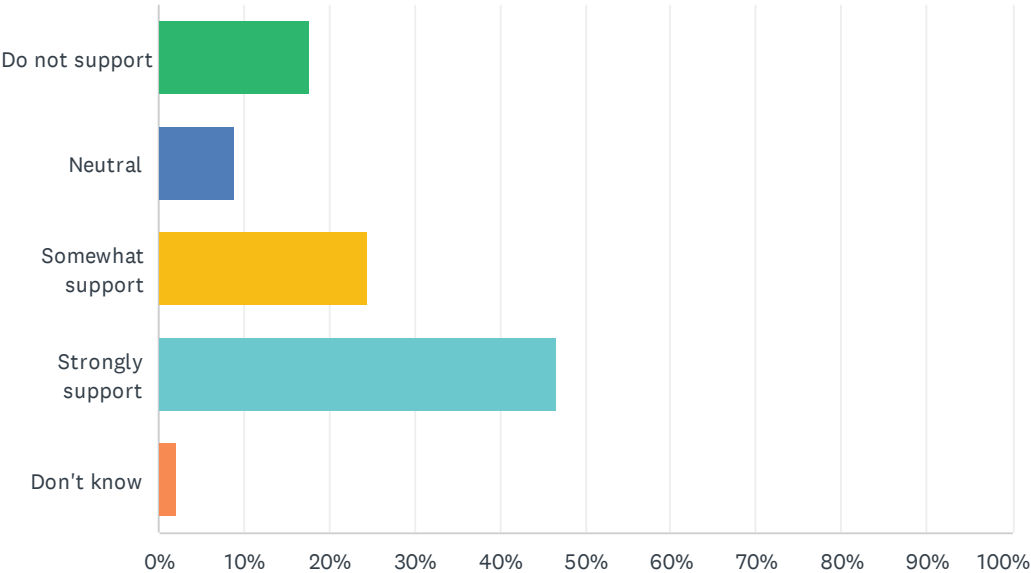
Ashland Climate-Friendly Areas



	YES	NEUTRAL	NO	DON'T KNOW	TOTAL
Maintain apartment uses	75.56% 34	6.67% 3	15.56% 7	2.22% 1	45
Introduce townhouse uses	66.67% 30	15.56% 7	15.56% 7	2.22% 1	45
Expand commercial, office and civic uses	66.67% 30	17.78% 8	13.33% 6	2.22% 1	45
Increase maximum height from 40 to at least 50 feet	48.89% 22	8.89% 4	40.00% 18	2.22% 1	45
Introduce minimum density of 15 du/ac	48.89% 22	22.22% 10	26.67% 12	2.22% 1	45
Remove current maximum density of 15 du/ac	51.11% 23	17.78% 8	28.89% 13	2.22% 1	45

Q2 Overall, do you support making the code changes and designating the Railroad Property as a CFA?

Answered: 45 Skipped: 0



ANSWER CHOICES	RESPONSES	
Do not support	17.78%	8
Neutral	8.89%	4
Somewhat support	24.44%	11
Strongly support	46.67%	21
Don't know	2.22%	1
TOTAL		45

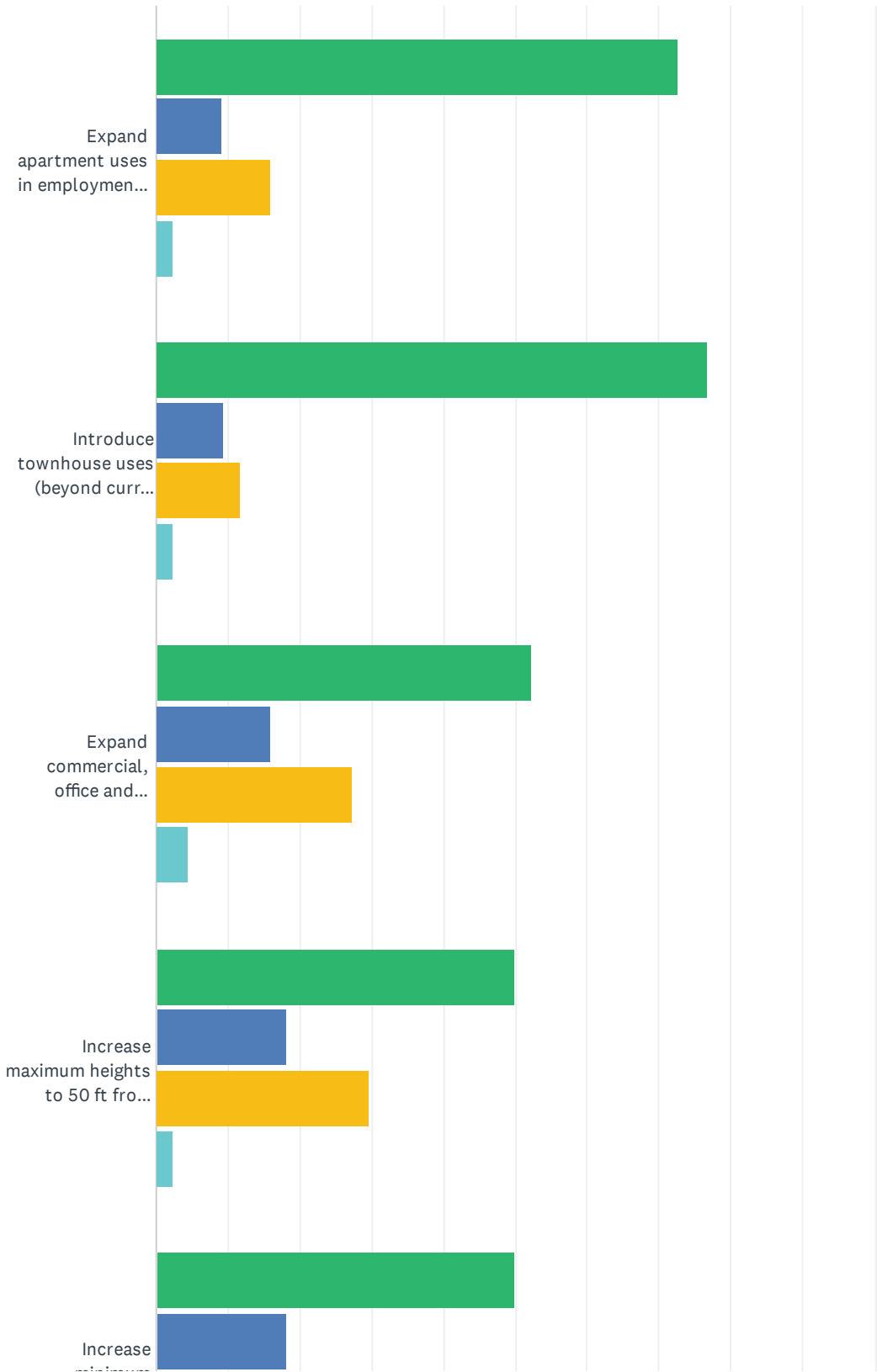
Q3 Any questions or comments about these changes?

Answered: 13 Skipped: 32

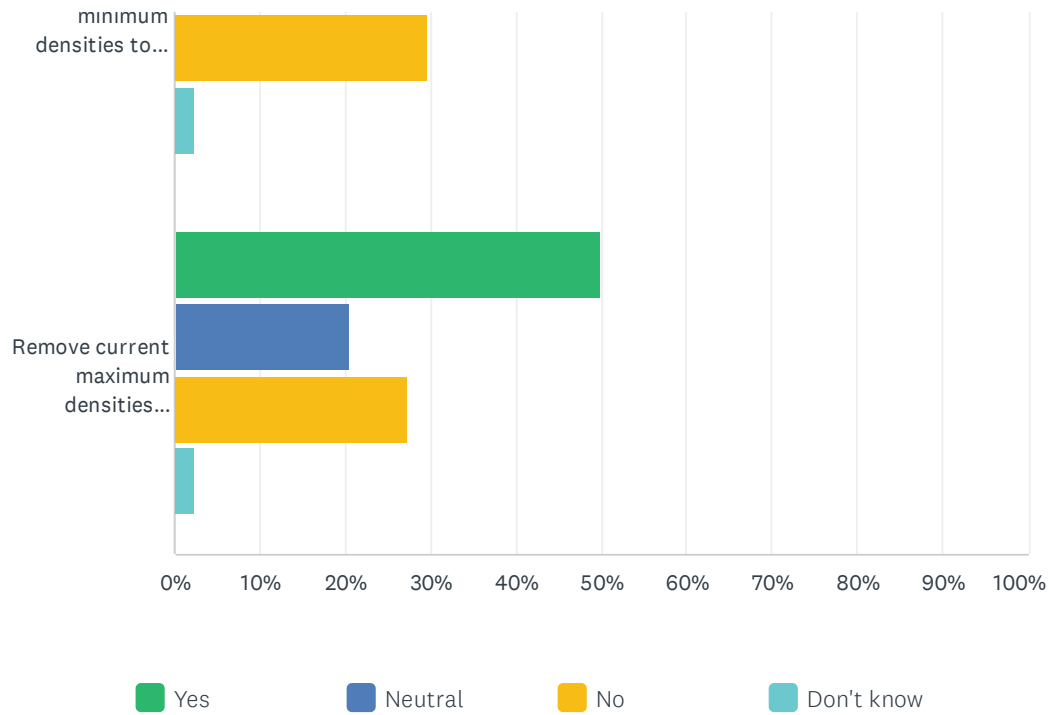
#	RESPONSES	DATE
1	Concerned about impact on current businesses and residents in the general area.	10/9/2024 12:04 PM
2	If townhouse is the main goal, is there a plan to include accessible units? These proposed changes would allow me to use my electric wheelchair to easily access my housing and community amenities. Would the area all have sidewalks?	10/5/2024 8:54 AM
3	I support all but the height changes in the RR property. There are gorgeous views there.	10/2/2024 11:32 AM
4	Ok for this area.	10/2/2024 11:23 AM
5	I think if the City really wants something to happen in this CFA, it's going to need to evaluate the desirability of its minimum first floor commercial standard for mixed use buildings. As someone who represents a property owner in this area, I can say with confidence that this requirement complicates development and reduces the amount of housing that could be developed. The 65% standard is a blunt instrument that may be easy to apply, but it's too crude to achieve what I assume the City's goal to be: to provide adequate neighborhood-serving goods and services and employment opportunities to the residents. Great (old) mixed use neighborhoods didn't become great mixed use neighborhoods because of regulations. The current density maximum absolutely must go as well, especially if there will continue to be a minimum first floor commercial requirement for mixed use buildings (which at present is the only way to do any residential).	9/30/2024 2:01 PM
6	The RR property is by far the most ideal location for a CFA. It's central location and close proximity to infrastructure, public and private services and "flat" topography makes it the most important CFA area to consider.	9/29/2024 10:09 AM
7	Ensure any plans for increased density of housing includes planning for wildfire evacuation. I support flexibility on minimum/maximum density requirements and am opposed to increasing maximum height limits to 50 plus feet. Too many tall buildings would make Ashland feel more like a city rather than a small town.	9/29/2024 1:08 AM
8	Cost of hazard cleanup? Is necessary.	9/28/2024 8:48 PM
9	When you raise buildings to 3+ stories, you inhibit solar capacity on those of us who live in 1-2 story homes.	9/28/2024 5:36 PM
10	It is myopic and insane to increase any development in a town with so few main arterial streets. Who will be able to evacuate in any disaster? The elderly, mothers with small children can't bike or walk to the grocery store. Sometimes good ideas on paper, even if they come from the state, are not applicable to certain towns. You should also revisit the road diet and the planting of way too many trees as you consider catastrophic wildfire. You should stand up to the state and say No!	9/28/2024 8:51 AM
11	The railroad property is a fantastic location for CFA	9/27/2024 6:48 PM
12	The city should consider revising solar setback and building step back standards to allow for the CFA to meet its full potential.	9/27/2024 4:06 PM
13	While there are challenges with this neighborhood (RR, access, etc.) the proximity to downtown is a positive and the development of this underused / industrial feel would be welcomed	9/27/2024 4:03 PM

Q4 Do you support the following changes needed to implement the CFA zoning in this area?

Answered: 44 Skipped: 1



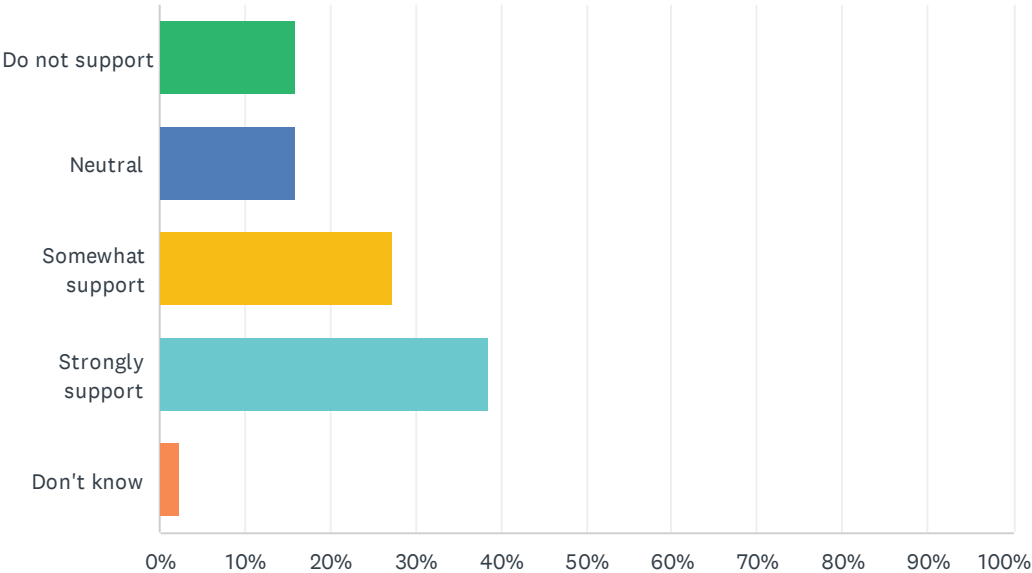
Ashland Climate-Friendly Areas



	YES	NEUTRAL	NO	DON'T KNOW	TOTAL
Expand apartment uses in employment areas	72.73% 32	9.09% 4	15.91% 7	2.27% 1	44
Introduce townhouse uses (beyond current residential areas)	76.74% 33	9.30% 4	11.63% 5	2.33% 1	43
Expand commercial, office and civic uses, especially in residential areas	52.27% 23	15.91% 7	27.27% 12	4.55% 2	44
Increase maximum heights to 50 ft from 35-50 ft currently	50.00% 22	18.18% 8	29.55% 13	2.27% 1	44
Increase minimum densities to at least 15 du/ac	50.00% 22	18.18% 8	29.55% 13	2.27% 1	44
Remove current maximum densities (15-30+ du/ac)	50.00% 22	20.45% 9	27.27% 12	2.27% 1	44

Q5 Overall, do you support making the code changes and designating the Transit Triangle as a CFA?

Answered: 44 Skipped: 1



ANSWER CHOICES	RESPONSES	
Do not support	15.91%	7
Neutral	15.91%	7
Somewhat support	27.27%	12
Strongly support	38.64%	17
Don't know	2.27%	1
TOTAL		44

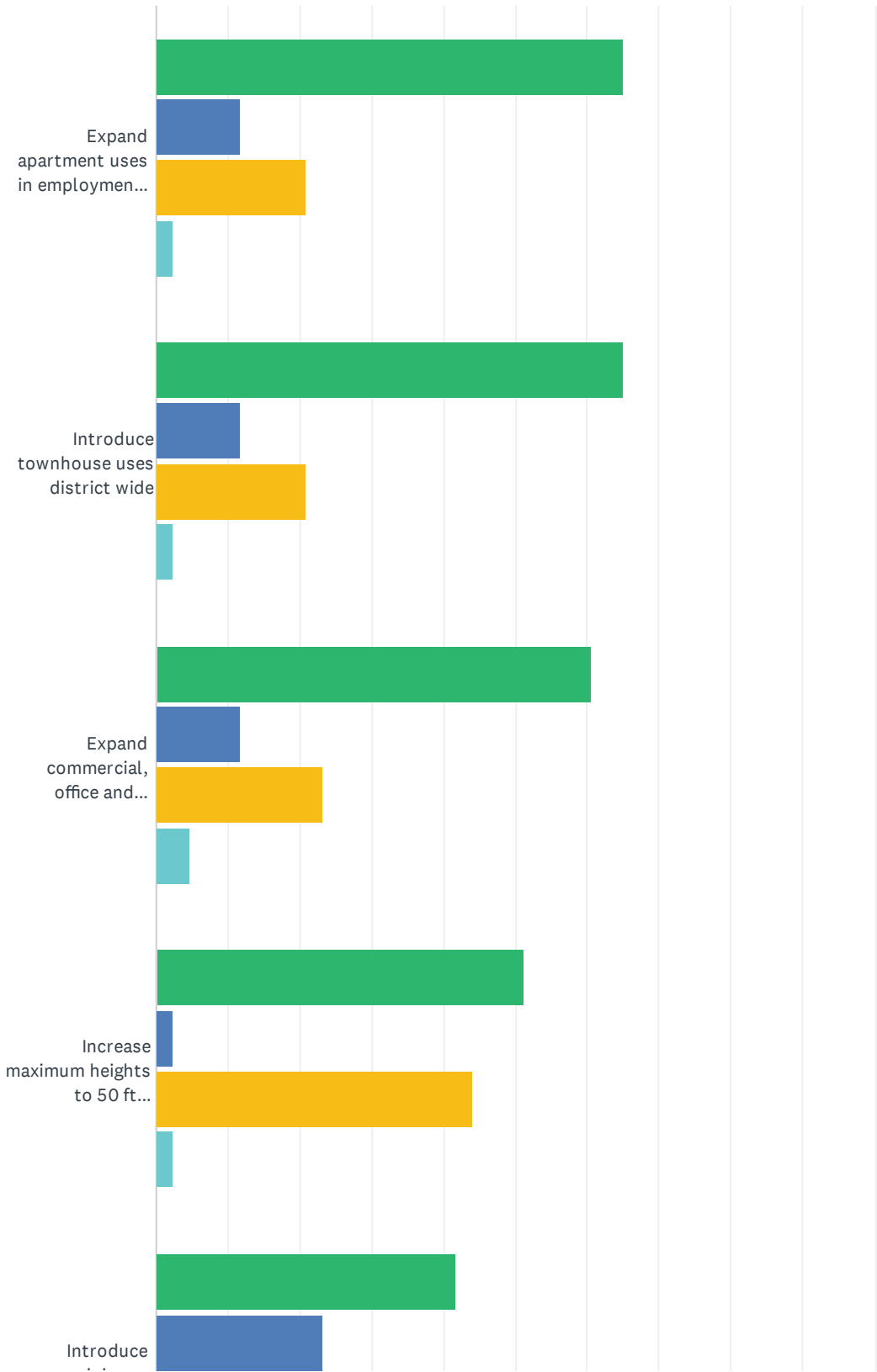
Q6 Any questions or comments about these changes?

Answered: 8 Skipped: 37

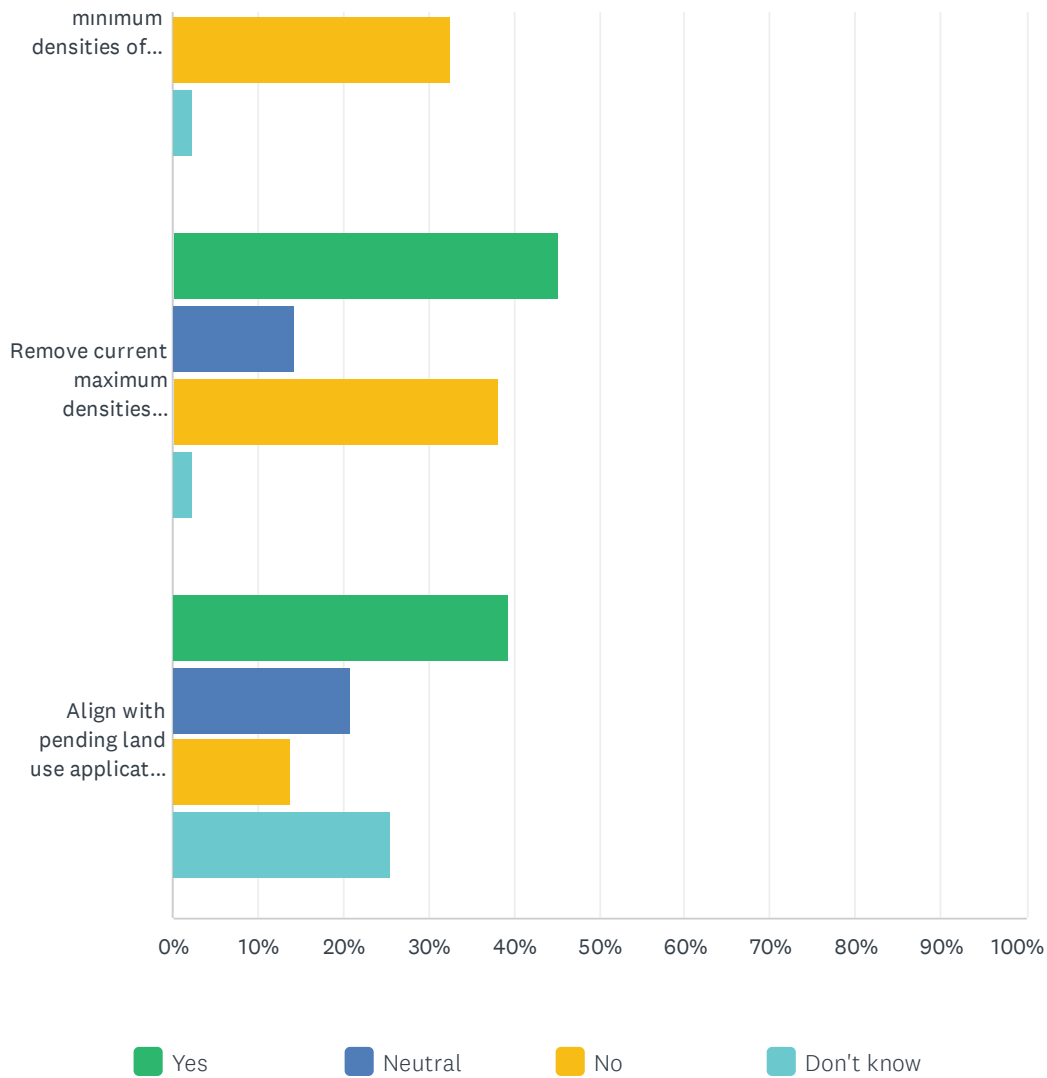
#	RESPONSES	DATE
1	Concerned about impact on current businesses and residents	10/9/2024 12:07 PM
2	Again, will there be accessible units and sidewalks?	10/5/2024 8:57 AM
3	I want to be careful not to increase gentrification in this area. I want to be sure not to eliminate mobile home parks for example	10/4/2024 6:44 PM
4	So much of the southern end of the Siskiyou Boulevard is built out, that I don't think there's much potential to accommodate future population growth. If the City wants this to be a meaningful CFA, it's going to have to get serious about supporting infill housing development; \$100K/year in the housing trust fund is not going to cut it, and CDBG can only be used for regulated affordable housing. Also, I'm skeptical the "corridor" portion of this CFA would meet the 750' minimum "width". On the other hand, the stretch of 66 from the railroad overcrossing to I-5 is interesting. If the City did some area planning, maybe established an Urban Renewal district to provide some economic resources for infill development and redevelopment, that might actually go somewhere. Auto-oriented land uses would be a little bit of challenge, but there are some real opportunities there.	9/30/2024 2:11 PM
5	See previous comments. For this area in particular, there is a significant population of homeless individuals and a general decline of businesses which needs to be addressed in any future planning. How would future plans include increased resources and supports to meet the mental health needs of the homeless population as well as insure the safety and success of new and existing businesses and residential areas? The goal being a healthy and vibrant community for everyone.	9/29/2024 1:21 AM
6	The elongated walking area, is unfriendly to pedestrian focused goal	9/28/2024 8:52 PM
7	Has no one learned any lessons from over development ruining town after beautiful town? Can't even one jewel, like Ashland be saved? Can't our possible water shortage even be considered? Can't our probable fire disaster be put at the top of priorities? The fact that most of Ashland is built on hills doesn't bother you? All this biking and walking?	9/28/2024 8:58 AM
8	The city should consider revising solar setback and building step back standards to allow for the CFA to meet its full potential.	9/27/2024 4:07 PM

Q7 Do you support the following changes needed to implement the CFA zoning in this area?

Answered: 43 Skipped: 2



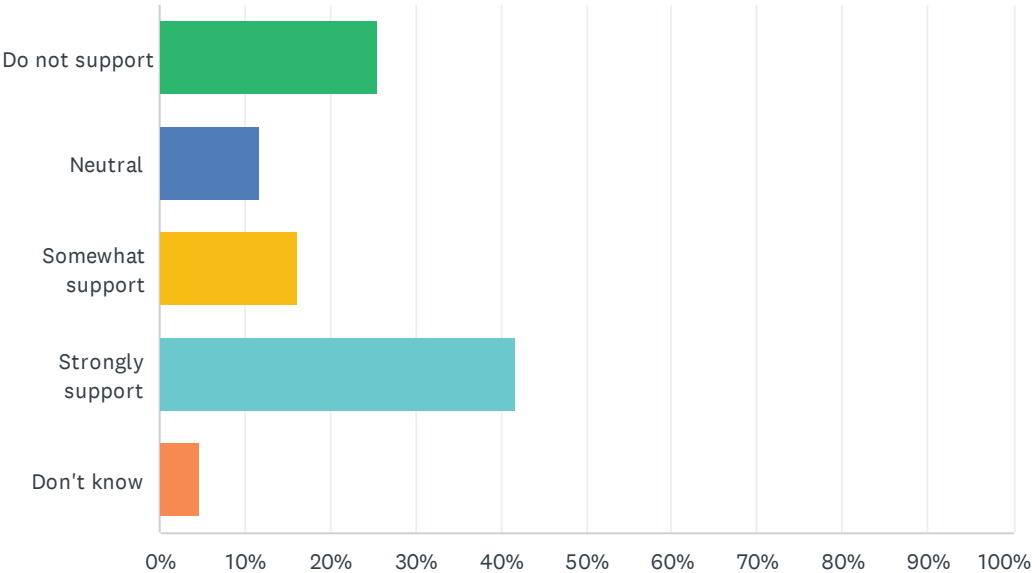
Ashland Climate-Friendly Areas



	YES	NEUTRAL	NO	DON'T KNOW	TOTAL
Expand apartment uses in employment areas	65.12% 28	11.63% 5	20.93% 9	2.33% 1	43
Introduce townhouse uses district wide	65.12% 28	11.63% 5	20.93% 9	2.33% 1	43
Expand commercial, office and civic uses	60.47% 26	11.63% 5	23.26% 10	4.65% 2	43
Increase maximum heights to 50 ft (currently 35-40, remove bonus height structure)	51.16% 22	2.33% 1	44.19% 19	2.33% 1	43
Introduce minimum densities of at least 15 du/ac	41.86% 18	23.26% 10	32.56% 14	2.33% 1	43
Remove current maximum densities (15-60 du/ac)	45.24% 19	14.29% 6	38.10% 16	2.38% 1	42
Align with pending land use application for district	39.53% 17	20.93% 9	13.95% 6	25.58% 11	43

Q8 Overall, do you support making the code changes and designating Croman Mill as a CFA?

Answered: 43 Skipped: 2



ANSWER CHOICES	RESPONSES	
Do not support	25.58%	11
Neutral	11.63%	5
Somewhat support	16.28%	7
Strongly support	41.86%	18
Don't know	4.65%	2
TOTAL		43

Q9 Any questions or comments about these changes?

Answered: 10 Skipped: 35

#	RESPONSES	DATE
1	Insufficient information regarding impacts of changes.	10/9/2024 12:08 PM
2	Will there be accessible units and sidewalks?	10/5/2024 8:59 AM
3	I do not support expanding thr UGB.Z	10/2/2024 11:34 AM
4	This is kind of a blank slate, kind of, and it could really be a good thing for Ashland, overall. I'm interested to know about the "majority property owner's plans."	9/30/2024 2:14 PM
5	The Croman Mill area has multiple challenges which make it the least acceptable CFA for consideration. This area is has limited circulation now and little improved circulation opportunities and would be a hazardous trap during any catastrophe. This area has extremely limited infrastructure and would put a burden on the undersized infrastructure that exists on the southern side of Ashland (sewer, transportation, specifically). A TIA is necessary before any further consideration, but its results will likely illustrate multiple intersection failures and conflicts (Mistletoe Road and Tolman Creek Road, Tolman Creek Road turning movements near Ashland Street - Bi-Mart, Shop n Kart). The inclusion of the Croman area as a CFA will lessen the demand of growth in the other, most logical, identified CFA areas and should not be considered at this time.	9/29/2024 10:25 AM
6	See previous comments for transit area	9/29/2024 1:23 AM
7	Making a 2nd node o Of centralizes density 3 miles from down town is risky because the development will make 2nd down town. But is flat and walkable.	9/28/2024 8:57 PM
8	Too far from downtown	9/28/2024 9:24 AM
9	Who among you would want to live next to industrial uses? Who among you want every building blocking your view? The people in your residential areas will have to go to work somewhere, most likely in Medford. You can't keep them all day in their little residential areas.	9/28/2024 9:03 AM
10	The city should consider revising solar setback and building step back standards to allow for the CFA to meet its full potential.	9/27/2024 4:07 PM

MEMO

DATE: October 10, 2024
TO: Brandon Goldman and Derek Severson, City of Ashland
FROM: Elizabeth Decker, JET Planning
SUBJECT: Climate-Friendly Area Code Analysis
ATTACHED: Comparative Review of State Rules and City Development Code

SUMMARY

This analysis is developed to inform the City of Ashland's actions to implement new planning rules for Climate-Friendly Areas (CFAs) that are part of the state's Climate Friendly and Equitable Communities (CFEC) program that aims to reduce climate pollution, provide more transportation and housing choices, and promote more equitable land use planning outcomes. The City must take action to amend the development code, zoning maps and Comprehensive Plan to adopt one or more CFAs that meet applicable rules.

This code audit is the first step to identify needed code, map and plan updates and policy options for City to consider how best to meet the state regulations within the preliminarily identified Climate Friendly Areas (CFA) for the Croman Mill District, the Railroad Property, and the Transit Triangle Overlay, building upon the *CFA Study* completed in 2023. The code audit incorporates input from a public open house and online survey, City advisory committees, City staff input, and stakeholder interviews with local developers. A concurrently developed market study on the existing market conditions and potential effects of code changes also informed the recommendations in this report. Input from Planning Commission and City Council on preferred policy direction will inform the draft code updates to be developed for adoption and compliance with state CFA requirements by June 2025.

This project is partially funded by a grant from the Department of Land Conservation and Development (DLCD) financed in part by State of Oregon funds. The contents of this document do not necessarily reflect views or policies of the State of Oregon.

I. CFA BACKGROUND

Climate-friendly areas (CFAs) are a key feature of the new Climate-Friendly and Equitable Communities (CFEC) rules that are planned urban mixed-use areas with a mixture of higher-density housing, jobs, businesses, civic institutions, and services, served by robust multimodal transportation options that reduce dependence on auto travel. The City completed a *CFA Study* in 2023 identifying potential climate-friendly areas, initial consideration of required land use rules within the CFAs, and the residential capacity of the CFAs, to help inform selection of one or more CFAs.

The final CFA(s) must meet the CFA housing capacity requirements to allow zoned capacity for 30% of the City's current and projected housing needs which is a minimum of 3,469 housing units.¹ Together the three potential CFAs have a capacity of 14,892 units based on preliminary calculations using the CFA methodology, however, the City has noted that development at the minimum allowed densities—rather than the maximums assumed—would result in a lower total capacity nearer to 3,469 units. Some of the policy choices to address CFA rules such as lower height limits may have different implications for housing capacity, and would need to be reviewed further before fully implementing.

The three identified CFAs are planned for a mix of uses with enhanced transportation options, which broadly overlaps with the CFA intent, as follows:

- **Croman Mill** is an approximately 92-acre master-planned site in the southeastern corner of the City; the former sawmill site is undergoing a DEQ-led environmental cleanup for development. The District is intended to host a mix of employment, recreation and residential opportunities supported by transportation options and open spaces.²
- **Railroad Property** is 57 acres in the center of the city, just north of downtown and the historic Railroad District on the south side of the tracks. The current zoning permits

¹ CFA(s) must have zoned capacity for 30% of the City's total housing needs as projected in the latest Housing Needs Analysis (HNA). (OAR 660-012-0315(1)) Both existing and future development within CFA(s) is intended to contribute towards the housing supply, such that an entirely developed area like downtown or an undeveloped area like Croman Mill with future development potential can fulfill the CFA intent. However, only the zoned capacity rather than the actual development present is calculated for purposes of compliance with CFA rules. There has been some criticism of this methodological approach for overestimating likely density of both existing and future development, but it was intended to be more feasible for cities to calculate and implement.

² There are concurrent efforts by a developer representing the District, Townmakers LLC, to submit a refined master plan and implementing zoning code amendments that would introduce two new zones and significantly more residential uses to the area. Those amendments are not yet available for review and may not be submitted in time to align with this project's efforts.

limited commercial and residential mixed-use development in addition to employment uses. DEQ and the Railroad have approved plans to remediate the former brownfield prior to redevelopment.

- **Transit Triangle** is a large, 167-acre area east of downtown along major transit corridors on Siskiyou Boulevard, Ashland Street and Tolman Creek Road. There are broad opportunities for a mix of housing and commercial development.

The zoning standards for the zoning districts and overlays within the three potential CFAs, as summarized in Table 1 below, were reviewed in detail for this code analysis, along with relevant Comprehensive Plan policies and zoning maps.

Table 1: Zoning Districts and Overlays Applicable to CFAs

Croman Mill	Railroad Property	Transit Triangle Overlay
• Croman Mill District zones: Neighborhood Center (MC), Mixed Use (MU), Office/Employment (OE), Compatible Industrial (CI), Open Space (OS) • Two additional zones to be proposed by District property owner: Compatible Industrial and Commercial—Mixed Use, Residential—Mixed Use (<i>not yet available for review</i>)	• Employment (E-1) base zone • Residential (R) Overlay applies to a large portion of the site • Detail Site Review Overlay also applies to a large portion of the site	• Base zones: Employment (E-1), Commercial (C-1), Residential Low Density Multiple Family (R-2), Residential High Density Multiple Family (R-3) • Optional Transit Triangle (TT) Overlay with standards specific to each base zone • Detail Site Review Overlay applies to a large portion of the overlay • If not developing under the TT provisions, Pedestrian Place Overlay and Residential Overlay apply to portions of the overlay

Outside of this specific CFA work, additional aspects of the CFEC rules apply to both the CFA and across the city relating to parking (OAR 660-012-0400), bicycle parking (OAR 660-012-0630), and pedestrian-friendly and connected neighborhoods (OAR 660-012-0330), as well as new rules for future Transportation System Plans (TSPs). Ashland already adopted code amendments eliminating off-street parking requirements and establishing design standards for parking lots by the June 30, 2023 deadline to satisfy the requirements of OAR 660-012-0400, as well as updated bicycle parking standards.

II. KEY AUDIT FINDINGS

The key findings from the detailed CFA code analysis provided in Attachment A include:

A. Zoning Districts Uses, Density and Height

The core CFA rules for zoning districts generally require:

- **Use standards** that permit multi-family housing (5+ units), attached townhomes, office uses, non-auto dependent commercial uses, child care, schools and other public/civic uses, either as single-use or mixed-use development.
- **Density standards** that require a minimum density of at least 15 units per net acre (du/ac) with no maximum density, maximum FAR or minimum lot sizes that would function as a maximum density.
- **Height standards** that allow a maximum height of at least 50 feet.

As summarized in Table 2 below and detailed in Attachment A, none of the three preliminary CFAs currently align with all of the CFA zoning requirements. The intent of the Croman Mill District, the Residential Overlay for the Railroad Property, and the Transit Triangle Overlay generally aligns with the mixed-use character for CFAs but the specific mix of uses and the scale of development are generally more restricted.

Table 2: Summary of Core CFA Requirements by Area

CFA Standard	Croman Mill	Railroad Property	Transit Triangle Overlay
Permit multifamily dwellings, with or without ground-floor nonresidential	Yes in NC, MU No in CI, OE	Yes	Yes in R-2, R-3, C-1 and TT overlay No in E-1
Permit townhomes	No	No	Yes in R-2, R-3 No in E-1, C-1 and TT overlay
Permit office, commercial and civic uses	Partially	Partially	Partially: most permitted in C-1, some in E-1 and TT overlay, and fewest in R-2, R-3
Allow at least 50-foot building height	Partially, maximums 35-40 feet with bonus heights up to 50-75 feet	No, maximum height of 40 feet	Yes in TT overlay for C-1, E-1, maximum height of 50 feet No in TT overlay for R-2, R-3 and all base zones, maximum heights of 35-42 feet

CFA Standard	Croman Mill	Railroad Property	Transit Triangle Overlay
Require at least 15 du/ac minimum density and no maximum density	No, no minimum density and maximums of 15-60 du/ac	No, no minimum and maximum of 15 du/ac	No, no minimums for C-1, E-1 with 15-30 du/ac maximums No, minimums 10.8-16 for R-2, R-3 with maximums of 13.5-30 du/ac Nearly in TT overlay: no maximums and minimums 13.5-30 du/ac
Other considerations	District generally appears consistent with CFA intent Representatives for large portion of the district are proposing two new zones for a significant portion of the district later this year, further review and coordination required	Standards noted above for R overlay apply to majority but not entirety of proposed CFA; boundaries would need to be adjusted	TT overlay intent generally aligns with CFA intent, but specifics of TT overlay may not currently be an incentive relative to base zones Multiple overlays present within district, creating overlapping and distinct standards, which would need to be resolved to uniformly implement CFA standards

B. Additional Code Standards

Other aspects of code identified in the analysis that relate to CFA standards and/or additional state requirements for local land use include:

- Walkable design standards.** Another key aspect of the CFEC rules are standards for walkable urban design, including bike, pedestrian and transit access to and within sites and neighborhood block layouts; these standards apply citywide including within CFAs. (OAR 660-012-0330) The City has both area-specific design standards (such as for Croman Mill District) that address many of these issues, and citywide design standards, that apply to all new development except single-family homes and duplexes; it is difficult to compare these standards to some of the more general language in these CFEC rules. DLCD has developed a Walkability Model Code to help cities and counties implement these rules and the City will be working with a separate consultant to review

and implement aspects of Model Code as needed to refine the City's existing design standards.

- **Site Design Review requirements.** Nearly all new development requires a Type I or Type II (quasi-judicial) Site Design Review; this project could look for opportunities to expand Type I reviews for CFA development especially residential projects. The site design standards applied through SDR, including the additional standards applied within the Detail Site Review Overlay, should also be reviewed to ensure they apply only “clear and objective” standards and review procedures for residential and mixed-use development, consistent with ORS 197A.400(1).
- **Tenancy restrictions.** The TT overlay and CM District include residential standards that differentiate between rental or ownership multifamily units. The CFA rules require both types of multifamily uses to be permitted outright.
- **Scale of uses.** Many of the existing mixed-use provisions in the overlay and base zones include limitations on the scale of a different uses, as a maximum square footage or percentage of the building area. Permitting uses outright as either single-use or mixed-use developments could increase flexibility to better implement the intent of CFAs.
- **Bonus height and density.** The TT overlay and CM District offer bonus height and density for some projects that include affordable housing and/or meet other local priorities; those bonuses would be significantly less effective relative to the base CFA allowances for height (at least 50 feet) and density (no maximum). Bonus height beyond 50 feet could be explored, but may not be an effective incentive given that few recent developments in Ashland have exceeded three stories.
- **Building scale standards.** Several of the base zones and overlays employ step backs for upper stories and/or setbacks scaled to building height to modulate the effects of height, which may limit ability to achieve building heights of at least 50 feet as required by CFA rules. There is an option within the CFA rules to modulate height from the prescribed 50-foot standard with additional analysis of resulting residential capacity, if there is interest to retain some or all of these standards.
- **Solar setbacks.** The required setbacks along northern property lines to guarantee solar access could exceed 50 feet—or even 100 feet—for structures utilizing the 50-foot height allowance within the CFAs, which may limit feasibility of taller buildings contrary to the intent of the CFA rules.

III. POLICY & IMPLEMENTATION OPTIONS

There are several aspects of CFA implementation that call for City input on a range of policy options, and direction from City decision makers will be important to identify the preferred policy direction to be implemented through the code updates.

A. Scope of Code Changes Needed

Significant changes would be needed for the zoning in all three areas to address issues summarized in Table 2 above, specifically:

- Permitting **townhomes** outright. Townhomes are currently limited to only the R-2 and R-3 base zones that are one option with the Transit Triangle, but would otherwise be a new use in all of the CFAs. The residential character and scale of townhomes may or may not be compatible with the intent for these three areas, though applying minimum densities of 15 du/ac or higher could result in more urban forms or make other development types more competitive.
- Requiring **minimum densities of at least 15 du/ac** with **no maximum densities**. Simplifying density standards may or may not result in projects at densities higher than currently permitted maximums, depending on market demand and construction costs, but it would require retiring or recalibrating bonuses for smaller units, affordable housing, open space and/or green building.
- Permitting a **full mix of residential, commercial, office and civic uses**. There is some flexibility within the rules to designate some portions of the CFA(s) for primarily residential use as an alternative. Each of these areas has various provisions for mixed use, most of which establish desired ratios and/or selective uses; the City may wish to retain this fine-grained approach or could adopt the more open CFA approach that could remove barriers to development feasibility. There appear to be limited areas where the alternative provision for primarily residential uses would be a good fit, potentially including the R-2 and R-3 zoned portions of the Transit Triangle.
- Establishing a **minimum allowed height of 50 feet**, increasing from the current 35-42-foot standards in some areas. There is some flexibility in the CFA rules to vary this if the City can demonstrate that it would still retain sufficient building capacity at lower heights.

All three areas are intended to support mixed-use development in line with the CFA intent, but the City should consider whether to pursue full CFA compliance in all three areas or to pick one or two areas to fully meet the CFA rules while being more selective with code changes in

the remaining areas to better support climate-friendly development with more Ashland characteristics.

B. Consideration of Candidate CFAs

The most significant choice for the City is which of the preliminary CFAs to move forward with, after considering the scope of code changes identified in this audit that would be required to comply with the CFA rules. The City has considerable flexibility to amend the boundaries and/or prioritize one or more CFAs because the three preliminary CFAs together greatly exceed the required housing capacity; under the CFA methodology, Croman Mill or the Transit Triangle alone could meet the City's CFA requirements. The City had indicated preliminary interest to move forward with all three areas because the combined development capacity at *minimum densities* would meet the housing capacity target, rather than relying on the *much higher capacity calculations* under the CFA rules. Additional considerations specific to each of the candidate areas include:

- **Croman Mill:** CFA code changes would introduce significantly more residential options to Croman, similar to aspects of a separate, anticipated Master Plan amendment request for the site. However, the CFA approach would generally permit a mix of all uses across the site, rather than a fine-grained site planning approach. The City may wish to spend more time reviewing the applicant's Master Plan amendments through a legislative process rather than implementing CFA requirements directly, with potential for confusion trying to align the two processes. Croman is also the farthest site from downtown, which could draw attention away from the center of town.
- **Railroad Property:** The Railroad Property is the closest area to downtown, and is surrounded by established development. The site itself includes a mix of existing employment and mixed-use development as well as significant undeveloped land with development capacity following planned environmental remediation. The existing zoning has been unchanged since 2000, and the relatively low densities permitted there could be limiting development opportunities. CFA zoning could unlock further development potential, particularly once the environmental remediation is completed. We heard some concerns about the possible impacts of higher building heights in this area on viewsheds to the north, which could be addressed through modeling and height refinements if warranted. The residential capacity here is less than the full requirement, so the Railroad Property on its own would not fully meet the CFA target.
- **Transit Triangle Overlay:** The Transit Triangle compromises both commercial/employment areas as well as primarily residential areas, and the CFA requirements would generally allow a blurring between the two, at least in terms of zoning regulations if not future development patterns. The CFA standards are generally

consistent with the intent of the Transit Triangle overlay, and would function as a timely refresh to those standards which have become less effective in their current format following repeal of parking minimums citywide. Because the area contains more than twice the needed CFA housing capacity, there is significant flexibility to draw a tighter CFA boundary focusing on the commercial/employment area and excluding the primarily residential stretch along Siskiyou Boulevard that is already largely committed to residential development patterns.

Our initial recommendation is to move forward with the Railroad Property as a CFA because of its proximity to downtown and development potential, as well as with the commercial/employment core area of the Transit Triangle to update the zoning for the area without significantly impacting existing residential areas. Croman Mill has significant potential to be developed with climate-friendly development patterns, but may not benefit from CFA-specific zoning at this point in time given the simultaneous efforts to amend the site's Master Plan that warrant separate review and refinement.

C. Implementation Structure

The recommended implementation approach, for whichever areas are selected, is to develop a **CFA overlay zone rather than changing bases zones**. The CFA overlay will replace some of the existing overlays, such as the Transit Triangle overlay and the Residential overlay in the Railroad Property, for an opportunity to reduce or at least not increase the number of overlays applying to the selected properties. An overlay would be more targeted and provides an additional tool that the City could expand in the future, as needed or desired.

There could also be an option to make limited changes to base zones, such as increasing height to 50 feet, with no maximum density and a minimum density of 15 du/ac, across the C-1 and E-1 zones citywide. However, this project does not include analysis of the full extent of those changes nor are they required for CFA compliance.

IV. FUTURE DIRECTION

Planning Commission and City Council will review these initial CFA code audit and market feasibility findings in study sessions this fall and provide direction on the preferred CFA implementation approach. City direction will inform the approach to the code updates, which will be drafted for Planning Commission and City Council review in early 2025 prior to refinements during the adoption phase by June 2025. We look forward to developing code updates that implement climate-supportive development in each area consistent with the City's overall planning and community priorities.

Attachment A: Comparative Review of State Rules and City Development Code Standards for Climate-Friendly Areas

The following tables detail how the state rules for land use requirements in Climate Friendly Areas (OAR 660-012-0320) intersect with the City of Ashland's existing zoning code standards in the Ashland Land Use Ordinance (ALUO), Title 18 of the Ashland Municipal Code (AMC) for the zoning districts within the three candidate CFAs and any applicable Comprehensive Plan policies. The tables also includes analysis of whether changes to the code or policies are needed to implement the state rules, including alternatives for how to meet applicable rules for the City's consideration. Tables A1 to A3 are specific to each of the CFAs, and Table A4 analyzes CFA rules that apply citywide to each of the CFAs.

The code audit findings are color-coded as follows:

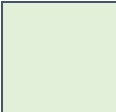
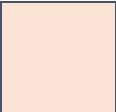
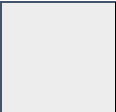
	Meets rule		Partially meets rule; additional factors for consideration		Does not meet rule		Policy direction needed to consider alternatives		Further analysis needed
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Table A1: Land Use Requirements in Climate-Friendly Areas (OAR 660-012-0320) for Croman Mill Area

Rule	City Code & Policies	Analysis
Public parks and open space areas exempt from compliance with the land use requirements in OAR 660-012-0320 if the existing zoning standards do not allow residential, commercial, or office uses. <i>OAR 660-012-0315(2)(d)</i>	Areas zoned for Open Space/Conservation (CM-OS) are to be dedicated as park or common open space. <i>ALUO 18.3.2.070</i> No residential, commercial or office uses are permitted in the CM-OS zone; only public service, community and public utility facilities are permitted. <i>ALUO Table 18.3.2.040</i>	Meets rule; CM-OS zone is exempt and can be excluded from further CFA analysis.
Permit single-use and mixed-use development within individual buildings and development sites.	Allowed uses are permitted individually or in combination with one another in the same structure or same site. <i>ALUO 18.3.2.040(C)</i>	Meets rule. While uses are permitted, the Type II review requirement (quasi-judicial, with public hearing) for uses over 15,000 SF may create barriers for all

Rule	City Code & Policies	Analysis
OAR 660-012-0320(2)	Development requires Site Design Review (Type I or II review, single-family detached and duplex exempt). All developments over 15,000 SF gross floor area in C-1, E-1 zones and Croman Mill districts, as well as residential developments over 10,000 SF, subject to Type II review. <i>ALUO 18.5.2.020, 18.5.2.030</i>	uses and review requirement for residential uses over 10,000 SF does not offer a clear and objective review procedure, as required by ORS 197A.400(1).
Permit multi-unit housing* outright. Ground-floor commercial and office uses may be required, unless the building includes income-restricted affordable units. OAR 660-012-0320(2)(a)	CM-NC: Permitted with requirement for ground-floor non-residential use. <i>ALUO Table 3.2.040, 18.3.2.040(D)(1)</i> Developments of 4 or more units must designate at least 25% of units as rentals. <i>ALUO 18.3.2.060(C)(2)(b)</i>	Partially meets rule, need to add exception to ground-floor requirement for income-restricted affordable units. Remove rental unit requirement to allow tenancy-neutral approach for multifamily.
	CM-MU: Same as above.	
	CM-OE: Not permitted. <i>ALUO Table 18.3.2.040</i>	Does not meet, use must be permitted with or without ground-floor non-residential requirement.
	CM-CI: Not permitted. <i>ALUO Table 18.3.2.040</i>	
*'Multi-unit housing' defined as 5 or more units on a single site attached horizontally or vertically, excluding middle housing. OAR 660-12-0005(27)	'Multifamily dwelling' defined as three or more units on a lot or parcel. Triplexes and quadplexes not defined separately. <i>ALUO 18.6.1.030</i>	Meets rule. As a 'medium city' under middle housing rules (OAR 660-046), City is not required to define and permit triplex and quadplex middle housing types separately.
Permit attached single-unit housing (townhomes) outright. OAR 660-012-0320(2)(a)	CM-NC: Not permitted. <i>ALUO Table 18.3.2.040</i> Townhomes are included in the definition of 'single-family dwelling,' which includes attached and detached units.	Does not meet, use must be permitted in all zones. Consider whether to introduce new 'townhome' category or to permit as a subset of existing 'single-family dwelling' category.
	CM-MU: Not permitted. <i>ALUO Table 18.3.2.040</i>	
	CM-OE: Not permitted. <i>ALUO Table 18.3.2.040</i>	
	CM-CI: Not permitted. <i>ALUO Table 18.3.2.040</i>	

Rule	City Code & Policies	Analysis
Other housing types may be allowed. OAR 660-012-0320(2)(a)	CM-NC: Only 'Residential uses' with ground-floor non-residential use are permitted. <i>ALUO Table 18.3.2.040</i>	Meets rule. 'Residential uses' primarily includes multifamily, though could be also include a single upper-story unit such as a live/work unit.
	CM-MU: Same as above	
	CM-OE: 'Temporary employee housing' permitted, with density and occupancy restrictions. <i>ALUO Table 18.3.2.040</i>	Does not conflict with rule, but employee housing subtype could likely be removed with introduction of multifamily and townhomes permitted outright.
	CM-CI: Same as above.	
Permit office-type uses outright. OAR 660-012-0320(2)(b)	CM-NC: Not permitted. <i>ALUO Table 18.3.2.040</i>	Does not meet, use must be permitted.
	CM-MU: Permitted as 'professional, financial, business and medical offices.' <i>ALUO Table 18.3.2.040</i>	Meets rule.
	CM-OE: Same as above.	
	CM-CI: Permitted ancillary to a permitted use, up to 50% of gross floor area. <i>ALUO Table 18.3.2.040, 18.3.2.040(D)(5)</i>	Does not meet, use must be permitted outright without size limitations.
Permit non-auto-dependent retail, services, and other commercial uses. OAR 660-012-0320(2)(c)	CM-NC: Stores, restaurants, and shops less than 3,000 SF permitted, excluding fuel sales, automobile sales and repair. <i>ALUO Table 18.3.2.040</i>	Substantially meets; could explore refining size limits if needed to support intended uses.
	CM-MU: Stores, restaurants, and shops up to 15% of gross floor area permitted in conjunction with a permitted use; excludes fuel sales, automobile sales and repair. <i>ALUO Table 18.3.2.040, 18.3.2.040(D)(4)</i>	Substantially meets; could explore refining size limits if needed to support intended uses. Note: Opportunity to use the same use categories here as in the base zones for consistency and clarity across the code, replacing 'Shops, restaurants, and sales' category with 'Retail Sales and Services' and 'Restaurants' as used in ALUO Table 18.2.2.030.
	CM-OE: Stores, restaurants, and shops up to 15% of gross floor area permitted; excludes fuel sales, automobile sales and repair. <i>ALUO Table 18.3.2.040, 18.3.2.040(D)(4)</i>	
	CM-CI: Same as above.	
Permit child care uses. OAR 660-012-0320(2)(d)	CM-NC: 'Child or daycare centers' permitted. <i>ALUO 18.3.2.040</i>	Meets rule.

Rule	City Code & Policies	Analysis
Includes both ‘family child care homes’ (care for up to 16 children in a dwelling) and ‘child care centers’ (all other facilities), which must be permitted in residential and commercial areas. <i>ORS 329A.440</i>	‘Child care facility’ term defined elsewhere in code, inclusive of ‘family child care home,’ consistent with ORS 329A.440. <i>ALUO 18.6.1.030</i>	Opportunity in all zones to update term to ‘child care facility’ for greater clarity that both types of facilities required by state law are permitted, and to classify as a Public and Institutional Use rather than Commercial Use.
	CM-MU: Child or daycare facilities up to 15% of gross floor area permitted; primary program activities must be integrated into the interior of the building. <i>ALUO Table 18.3.2.040, 18.3.2.040(D)(4)</i>	Does not meet; use must be permitted outright without size limitations. Requirement for use to be interior to the building should also be reviewed; consider removing.
	CM-OE: Same as above.	
	CM-CI: Same as above.	
Permit schools and other public uses including public-serving government facilities. <i>OAR 660-012-0320(2)(d)</i>	CM-NC: ‘Public service or community buildings used directly by the public’ with office space permitted, and without office space allowed conditionally. <i>ALUO Table 18.3.2.040</i>	Does not meet; uses without office space should also be permitted outright. Note: These and some other uses within the ‘Public and Institutional’ category are repeated twice in the table, and could be cleaned up. Consider using the same use categories as used citywide for greater clarity.
	CM-MU: Public service or community buildings used directly by the public’ with and without office space allowed conditionally. <i>ALUO Table 18.3.2.040</i>	Does not meet; uses should be permitted outright.
	CM-OE: Same as above.	
	CM-CI: Same as above	
As an alternative to permitting full mix of uses required by subsection (2) above, cities may permit the following to be counted as part of the CFA if located	Croman Mill District is largely undeveloped; existing areas do not meet the residential or employment density. None of the existing zones have a primary residential focus that would seem to merit this alternative.	Policy direction needed: The City could permit mixed use as detailed above throughout the entire CFA, or it could selectively consider whether there are planned residential areas within the CFA that may qualify under this alternative. Because the CFA is largely vacant,

Rule	City Code & Policies	Analysis
within a half-mile walking distance of mixed-use areas: • Residential areas that require a minimum density of 15 units per net acre or existing residential development at those densities; and/or • Existing employment uses that provide at least 20 jobs per net acre. OAR 660-012-0320(3)	There do not appear to be any existing employment uses, however, there are employment density goals of 20-60 employees per acre across the district. <i>ALUO Table 18.3.2.060(C)(14)</i>	there are few or no areas with existing employment job density to qualify. <i>Recommendation to permit the full mix of CFA uses within this district, as existing areas do not appear to qualify. This alternative could be considered with any future Master Plan updates if there is interest to create more residential-focused areas.</i>
Do not apply a maximum density standard. OAR 660-012-0320(6)	CM-NC: Maximum density of 30 units/acre or 60 units/acre with bonus for green building, structured parking and/or affordable housing. No minimum lot area applies. <i>ALUO Table 18.3.2.050</i>	Does not meet; maximums should be removed. Density bonuses would no longer offer any incentive without maximum density; remove and consider retaining the height bonuses above a 50-ft maximum height. Absence of minimum lot area standard supports full range of densities with no maximum.
	CM-MU: Maximum density of 15 units/acre or 30 units/acre with bonus. No minimum lot area applies. <i>ALUO Table 18.3.2.050</i>	
	CM-OE: No maximum density; residential uses are not allowed in this zone. <i>ALUO Table 18.3.2.050</i>	Meets standard; ensure that any new standards added along with residential uses do not include maximum density.
	CM-CI: Same as above.	
Require a minimum density of at least 15 units per net acre, except for: OAR 660-012-0320(8), (8)(a)(A)	CM-NC: No minimum density is required. <i>ALUO Table 18.3.2.050</i>	Does not meet; minimum density should be added for all zones.
	CM-MU: Same as above.	
	CM-OE: Same as above.	
	CM-CI: Same as above.	
Exception to minimum density may be permitted for:	There is no minimum density and thus no exceptions to minimum density permitted.	Policy option: The City could add this exemption as a way to encourage mixed-use development

Rule	City Code & Policies	Analysis
Mixed-use buildings if the mixed-use building meets a floor area ratio of 2.0, or	There is a minimum FAR of 0.6 (0.5 for the CM-CI zone) for all developments. <i>ALUO Table 18.3.2.050</i>	that adds some housing but would not add enough units to meet the minimum density. <i>Recommendation to explore adding this option for Ashland.</i>
Redevelopment within existing buildings that adds residential units, but does not add new units outside the existing building. <i>OAR 660-012-0320(8)</i>	There is no minimum density and thus no exceptions to minimum density permitted. <i>ALUO Table 18.3.2.050</i>	Policy option: The City could add this exemption as a way to allow more flexible reuse of existing buildings. However, there are relatively few existing buildings within the District so such provisions may have limited utility. <i>Recommendation to continue exploring the usefulness of this option for Ashland.</i>
Apply a maximum building height no less than 50 feet. <i>OAR 660-012-0320(8)(a)(B)</i>	CM-NC: Maximum height is 2.5 stories/35 feet, or 4 stories/50 feet with bonus for green buildings, structured parking and/or affordable housing. Bonus height limited to 40 feet in Residential Buffer Zone, with step back required for third story. <i>ALUO Table 18.3.2.050, Figure 18.3.2.060.B.7.c, 18.3.2.B.7.b</i> CM-MU: Maximum height is 3 stories/40 feet, or 4 stories/50 feet with bonus, except limited to 40-foot maximum in Residential Buffer Zone. <i>ALUO Table 18.3.2.050</i> CM-OE: Maximum height is 3 stories/40 feet, or 5 stories/75 feet with bonus, except limited to 40-foot maximum in Residential Buffer Zone. Buildings over 50 feet require a step back of 6 ft for fourth story and above. <i>ALUO Table 18.3.2.050</i> CM-CI: Maximum height is 3 stories/40 feet, or 5 stories/75 feet with bonus, except limited to 40-foot maximum in Residential Buffer Zone. <i>ALUO Table 18.3.2.050</i>	Does not meet, maximum should be increased to 4 stories/50 feet outright for all zones. (Note: The City standard aligns with CFA rules establishing that 50 feet allows for four floors. <i>OAR 660-012-0315(2)(b)(C)</i>) Explore whether to retain and recalibrate the height bonus for heights above 50 feet, which could partially replace the density bonus. Explore other ways to achieve transition to Residential Buffer Zone to replace height limitation with step back and/or to pursue alternative height standards within those areas. No changes needed to the step back requirements because they only apply to buildings over 50 feet tall.

Rule	City Code & Policies	Analysis
As an alternative to at least a 50-foot maximum height required by subsection (8) above, development standards including setbacks, heights, open space requirements and parking requirements that cumulatively permit a zoned capacity of at least 60,000 square feet per acre may be applied. OAR 660-012-0320(9)	There are existing setbacks and heights for all CM zones. <i>ALUO Table 18.3.2.050</i> There are no open space standards specific to individual developments, rather, areas within the District have been designated for common open space. <i>ALUO 18.3.2.070</i> No minimum parking requirements apply. <i>ALUO Table 18.4.3.040</i>	Policy direction needed: The City could explore whether existing standards meet the minimum zoned capacity requirements as an alternative to meeting the CFA height standards, particularly in the areas within the CFA with lower height standards (the CM/NC zone and the Residential Buffer Zone). Additional analysis would be needed to determine zoned building capacity under existing or modified dimensional standards. <i>Recommendation to implement the 50-ft height limit across the CFA as a simpler “safe harbor” rather than analyze alternative standards.</i>

Table A2: Land Use Requirements in Climate-Friendly Areas (OAR 660-012-0320) for Base Zones (including Residential Overlay, Pedestrian Place Overlay, Detail Site Review Overlay)

Rule	City Code & Policies	Analysis
Permit single-use and mixed-use development within individual buildings and development sites. OAR 660-012-0320(2)	Allowed uses are permitted individually or in combination with one another in the same structure or same site. <i>ALUO 18.2.2.030(G)</i> Development requires Site Design Review (Type I or II review, single-family detached and duplex exempt). All developments over 15,000 SF gross floor area in C-1, E-1, residential development over 10,000 SF gross floor area, and any development over 10,000 SF gross floor area within the Detail Site Review Overlay are subject to Type II review. <i>ALUO 18.5.2.020, 18.5.2.030, 18.3.12.030</i>	Meets rule. While uses are permitted, the Type II review requirement (quasi-judicial, with public hearing) for uses over 15,000 SF (10,000 SF for the Detail Site Review Overlay) may create barriers for all uses and review requirement for residential uses over 10,000 SF does not offer a clear and objective review procedure, as required by ORS 197A.400(1).

Rule	City Code & Policies	Analysis
Permit multi-unit housing* outright. Ground-floor commercial and office uses may be required, unless the building includes income-restricted affordable units. <i>OAR 660-012-0320(2)(a)</i> *Defined as 5 or more units on a single site attached horizontally or vertically, excluding middle housing. <i>OAR 660-12-0005(27)</i>	C-1: Multi-family dwellings permitted, as part of mixed-use development with at least 65% of ground floor and 50% of total lot area used for nonresidential uses. <i>ALUO Table 18.2.2.030, 18.2.3.130(B)(1)</i>	Substantially meets rule, need to add exception to ground-floor requirement for income-restricted affordable units.
	E-1: Multi-family dwellings only permitted within the Residential Overlay (applies to large part of Railroad CFA), with same mixed-use requirements as C-1. <i>ALUO Table 18.2.2.030, 18.2.3.130(A) and (B)(1)</i>	Does not meet, permit throughout CFA(s) by either expanding R Overlay or allowing in base zone, with exception to ground-floor requirement for affordable units.
	R-2: Multi-family dwellings permitted. <i>ALUO Table 18.2.2.030</i>	Meets rule.
	R-3: Same as above.	
Permit attached single-unit housing (townhomes) outright. <i>OAR 660-012-0320(2)(a)</i>	C-1: Townhomes are permitted as a type of ‘single-family dwelling,’ which includes attached and detached units. <i>ALUO Table 18.2.2.030, 18.6.1.030</i> Only permitted as part of mixed-use site with at least 65% of ground floor and 50% of total lot area used for nonresidential uses. <i>ALUO 18.2.3.130(B)(1)</i>	Does not meet, use must be permitted outright without mixed-use requirements. Consider whether to introduce new ‘townhome’ category or to permit as a subset of existing ‘single-family dwelling’ category.
	E-1: Townhomes only permitted within the Residential Overlay (Railroad CFA), with same mixed-use requirements as C-1. <i>ALUO Table 18.2.2.030, 18.2.3.130(A) and (B)(1)</i>	
	R-2: Townhomes permitted as ‘single-family dwellings.’ <i>ALUO Table 18.2.2.030</i>	Meets rule.
	R-3: Same as above	
Other housing types may be allowed. <i>OAR 660-012-0320(2)(a)</i>	C-1: Single-family detached dwellings and duplexes are also permitted, with mixed-use requirements. <i>ALUO Table 18.2.2.030</i>	Meets rule.
	E-1: Single-family detached dwellings and duplexes permitted only within the	

Rule	City Code & Policies	Analysis
	Residential Overlay, with same mixed-use requirements as C-1. <i>ALUO Table 18.2.2.030, 18.2.3.130(A) and (B)(1)</i>	
	R-2: Single-family detached dwellings, accessory residential units, and duplexes are also permitted. <i>ALUO Table 18.2.2.030</i>	
	R-3: Same as above	
Permit office-type uses outright. <i>OAR 660-012-0320(2)(b)</i>	C-1: Permitted. <i>ALUO Table 18.2.2.030</i>	Meets rule.
	E-1: Permitted. <i>ALUO Table 18.2.2.030</i>	
	R-2: Permitted conditionally in base zone. <i>ALUO Table 18.2.2.030</i> Offices up to 2,500 SF in a mixed-use development with at least 50% residential use permitted in the Pedestrian Place Overlay (overlaps with portion of Transit Triangle Overlay). <i>ALUO 18.3.12.060(E)</i>	Does not meet, use must be permitted outright without size limitations or restrictions to overlay zone.
	R-3: Same as above.	
Permit non-auto-dependent retail, services, and other commercial uses. <i>OAR 660-012-0320(2)(c)</i>	C-1: 'Commercial retail sales and services,' restaurants, and 'retail sales and services' permitted. <i>ALUO Table 18.2.2.030</i>	Meets rule. Consider removing overlapping use categories for both 'commercial retail sales and services' and 'retail sales and services.'
	E-1: 'Commercial retail sales and services' up to 20,000 SF gross leasable floor area per lot and restaurants permitted. <i>ALUO Table 18.2.2.030</i>	Does not meet, use must be permitted outright without size limitations.
	R-2: Personal and professional services conditionally permitted in base zone, all other uses prohibited. <i>ALUO Table 18.2.2.030</i> Retail, service and restaurant uses up to 2,500 SF in a mixed-use development with at least 50% residential use permitted in the Pedestrian Place Overlay (overlaps with	Does not meet, uses must be permitted outright.

Rule	City Code & Policies	Analysis
	portion of Transit Triangle Overlay). <i>ALUO 18.3.12.060(E)</i>	
	R-3: Not permitted in base zone; permitted in Pedestrian Place Overlay as noted above. <i>ALUO 18.2.2.030, 18.3.12.060(E)</i>	Does not meet, uses must be permitted outright.
Permit child care uses . <i>OAR 660-012-0320(2)(d)</i> Includes both ‘family child care homes’ (care for up to 16 children in a dwelling) and ‘child care centers’ (all other facilities), which must be permitted in residential and commercial areas. <i>ORS 329A.440</i>	C-1: Permitted. <i>ALUO Table 18.2.2.030</i> ‘Child Care Facility’ term defined elsewhere in code, inclusive of ‘family child care home,’ consistent with ORS 329A.440. <i>ALUO 18.6.1.030</i>	Meets rule.
	E-1: Permitted. <i>ALUO Table 18.2.2.030</i>	
	R-2: Family child care homes permitted exempt from land use review; child care centers permitted conditionally. <i>ALUO Table 18.2.2.030</i>	Does not meet, both child care centers and family child care homes should be permitted outright.
	R-3: Same as above	
Permit schools and other public uses including public-serving government facilities . <i>OAR 660-012-0320(2)(d)</i>	C-1: ‘Governmental Offices and Emergency Services’ are permitted but ‘Parks, Open Space, and Recreational Facility’ and ‘Schools, Public’ are prohibited. <i>ALUO Table 18.2.2.030</i>	Does not meet; parks and school use categories should also be permitted outright.
	E-1: Same as above	
	R-2: ‘Parks, Open Space, and Recreational Facility’ and ‘Schools, Public’ are permitted but ‘Governmental Offices and Emergency Services’ are prohibited. <i>ALUO Table 18.2.2.030</i>	Does not meet; government offices, or a subset that are ‘public serving,’ should be permitted outright.
	R-3: Same as above	
As an alternative to permitting full mix of uses required by subsection (2) above, cities may permit the following to be counted as	The Residential Overlay that applies to most of the Railroad Property supports mixed use, allowing additional residential beyond the employment uses otherwise permitted in the	Policy direction needed: The City could permit mixed use as detailed above throughout the Railroad and Transit Triangle CFAs, or it could selectively consider whether there are residential or employment areas within the CFA that may

Rule	City Code & Policies	Analysis
part of the CFA if located within a half-mile walking distance of mixed-use areas: • Residential areas that permit multi-unit and single-unit attached housing with a minimum density of 15 units per net acre or existing residential development at those densities; and/or • Existing employment uses that provide at least 20 jobs per net acre. OAR 660-012-0320(3)	E-1 zone, but is not intended for primarily residential use. Areas within the Transit Triangle Overlay zoned R-2 and R-3 could potentially meet the 15 units/acre minimum existing or as required by zoning code. Job densities are not immediately clear for the existing commercial and employment uses.	qualify under this alternative. Given that designating the three preliminary CFAs would create significant housing capacity beyond what is required, it may be more relevant to focus on a more compact geography within those CFAs where there are core areas that the City wishes to designate for the full mix of CFA uses under - 0320(2) rather than utilizing this provision to designate additional residential or employment areas as part of the CFA(s). <i>Recommendation to permit full mix of use for Railroad Property CFA, consistent with existing direction, and to prioritize those portions of the TT overlay where the full mix of uses would be desired and permitted. However, limited utilization of this rule may be useful for existing developments and/or to connect areas within the TT overlay.</i>
Do not apply a maximum density standard. OAR 660-012-0320(6)	C-1: Maximum density of 30 du/ac. <i>ALUO 13.2.3.130(B)(2)</i>	Does not meet; no maximum should be applied.
	E-1: Maximum density of 15 du/ac, where permitted in the Residential Overlay. <i>ALUO 18.2.3.130(B), 18.3.13.010(C)(2)</i>	Does not meet; no maximum should be applied.
	R-2: Maximum base density of 13.5 du/ac for multi-family units, and effectively 8.7 du/ac for townhomes (minimum lot size of 5,000 SF). Up to 60% bonus density can be added for green building, common open space, and/or affordable housing. <i>ALUO 18.2.5.080(D)(1) and (E)</i>	Does not meet; no maximum density or minimum lot sizes should be applied. Density bonus structure would need to be reconsidered, as additional density is no longer an incentive.
	R-3: Maximum base density of 20 du/ac for multi-family units, with up to 60% bonus density, and effectively 8.7 du/ac maximum	Does not meet; no maximum density or minimum lot sizes should be applied. Density bonus structure would need to be reconsidered, as additional density is no longer an incentive.

Rule	City Code & Policies	Analysis
	density for townhomes (minimum lot size of 5,000 SF). <i>ALUO 18.2.5.080(D)(1) and (E)</i>	
Require a minimum density of at least 15 units per net acre , except for: <i>OAR 660-012-0320(8), (8)(a)(A)</i>	C-1: No minimum density applies. <i>ALUO 18.2.3.130</i>	Does not meet, minimum of 15 du/ac should be introduced for the CFA.
	E-1: Same as above	
	R-2: Minimum density of 10.8 du/ac, calculated as 80% of base density. <i>ALUO 18.2.5.080(C)(1)</i>	Does not meet, minimum should be increase to 15 du/ac and written as numerical standard rather than percentage of base density.
	R-3: Minimum density of 16 du/ac, calculated as 80% of base density. <i>ALUO 18.2.5.080(C)(1)</i>	Meets rule. Standard should be rewritten as specific density, rather than tied to percentage of base density since maximum densities would be eliminated for CFAs.
<i>Exception to minimum density</i> may be permitted for: Mixed-use buildings if the mixed-use building meets a floor area ratio of 2.0, or	No relevant standard for the C-1 or E-1 zones, including within the Residential Overlay; none of the zones include FAR standards. <i>ALUO 18.2.3.130, 18.3.13.010</i> No relevant exceptions for the R-2 or R-3 zones, as mixed-use development is not permitted. <i>ALUO 18.2.5.080(C)(2)</i>	Policy option: The City could add this exemption as a way to encourage mixed-use development that adds some housing but would not add enough units to meet the minimum density. None of these zones use FAR standards currently, but FAR is used elsewhere in code. <i>Recommendation to explore the applicability of this option.</i>
Redevelopment within existing buildings that adds residential units, but does not add new units outside the existing building. <i>OAR 660-012-0320(8)</i>	In the R-2 and R-3 zones, exception to allow an existing lot that does not meet the minimum density standard to add units that bring the lot closer to conformance even if the minimum is not fully met. <i>ALUO 18.2.5.080(C)(2)(g)</i> Some other existing developments may fall under the Nonconforming Development standards that allow enlarging or altering an existing development through a Conditional Use Permit review. <i>ALUO 18.1.4.040</i>	Policy option: The City could add/expand this exemption as a way to allow more flexible reuse of existing buildings. <i>Recommendation to continue exploring the usefulness of this option.</i>

Rule	City Code & Policies	Analysis
Apply a maximum building height no less than 50 feet. OAR 660-012-0320(8)(a)(B)	C-1: Maximum height of 40 feet, or up to 55 feet with a conditional use permit if more than 100 feet from a residential zone. Rear setbacks of 10 feet per story required where abutting a residential zone. <i>ALUO Table 18.2.6.030</i>	Does not meet, height limit should be increased to at least 50 feet/4 stories outright. Consider implications of rear setbacks, where a 40-foot rear setback would be required for a 4-story, 50-foot building abutting a residential zone: such large setbacks could limit development feasibility and could trigger revised capacity calculations for the CFA.
	E-1: Maximum height of 40 feet, with same setback requirements from residential zones. <i>ALUO Table 18.2.6.030</i>	Does not meet, height limit should be increased to at least 50 feet/4 stories. Consider feasibility implications of rear setbacks.
	R-2: Maximum height of 35 feet/2.5 stories. <i>ALUO Table 18.2.5.030</i>	Does not meet rule. Allowed height should be increased to 50 feet/4 stories.
	R-3: Maximum height of 35 feet/2.5 stories, except up to 50 feet with conditional use permit. <i>ALUO Table 18.2.5.030</i>	Does not meet rule. Up to 50 feet/4 stories should be permitted outright.
As an alternative to at least a 50-foot maximum height required by subsection (8) above, development standards including setbacks, heights, open space requirements and parking requirements that cumulatively permit a zoned capacity of at least 60,000 square feet per acre may be applied. OAR 660-012-0320(9)	There are existing setbacks, heights and landscaping standards for all zones. <i>ALUO Tables 18.2.5.030 (residential), 18.2.6.030 (nonresidential)</i> No minimum parking requirements apply. <i>ALUO Table 18.4.3.040</i>	Policy direction needed: The City could explore whether existing standards meet the minimum zoned capacity requirements as an alternative to meeting the 50-foot height standards, particularly in the areas within the CFA with lower height standards (the R-2 and R-3 zones). However, similar to discussion above about alternative use standards, it is unclear whether it would be worthwhile to go through the justification of alternative height standards rather than simply excluding areas where lower heights are desired from the Railroad or Transit Triangle CFAs. Additional analysis would be needed to determine zoned building capacity under existing or modified dimensional standards.

Rule	City Code & Policies	Analysis
		<i>Recommendation to implement the 50-ft height limit across all or a core portion of the CFAs as a simpler “safe harbor” rather than analyze alternative standards.</i>

Table A3: Land Use Requirements in Climate-Friendly Areas (OAR 660-012-0320) for Transit Triangle

Rule	City Code & Policies	Analysis
Permit single-use and mixed-use development within individual buildings and development sites. OAR 660-012-0320(2)	Allowed uses are permitted individually or in combination with one another in the same structure or same site. <i>ALUO 18.3.14.040(B)</i> Development requires Site Design Review (Type I or II review, single-family detached and duplex exempt). All developments over 15,000 SF gross floor area in C-1, E-1 and residential development over 10,000 SF gross floor area are subject to Type II review. <i>ALUO 18.5.2.020, 18.5.2.030</i>	Meets rule. While uses are permitted, the Type II review requirement (quasi-judicial, with public hearing) for uses over 15,000 SF may create barriers for all uses and review requirement for residential uses over 10,000 SF does not offer a clear and objective review procedure, as required by ORS 197A.400(1).
Permit multi-unit housing* outright. Ground-floor commercial and office uses may be required, unless the building includes income-restricted affordable units. OAR 660-012-0320(2)(a) *Defined as 5 or more units on a single site attached horizontally or vertically, excluding middle housing. OAR 660-12-0005(27)	C-1: Multi-family dwellings for rent permitted, with partial ground-floor non-residential use requirement. Multi-family dwellings for purchase prohibited. <i>ALUO Table 18.3.14.040, 18.3.14.040(C)(1)</i>	Substantially meets rule, need to add exception to ground-floor requirement for income-restricted affordable units. Permit both multifamily rental and purchase options to ensure tenancy-neutral approach.
	E-1: Same as above.	
	R-2: Multi-family dwellings for rent permitted, while multi-family dwellings for purchase prohibited. <i>ALUO Table 18.3.14.040</i>	Substantially meets rule, with change to permit both multifamily rental and purchase options. Distinction in overlay was based on offering a density bonus for rental units beyond base zone standards, but application of CFA rules would allow higher densities outright and should no longer distinguish between tenancy types.
	R-3: Same as above	

Rule	City Code & Policies	Analysis
Permit attached single-unit housing (townhomes) outright. OAR 660-012-0320(2)(a)	C-1: Not permitted. <i>ALUO Table 18.3.14.040</i>	Does not meet, use must be permitted in all zones. Consider whether to introduce new 'townhome' category or to permit as a subset of existing 'single-family dwelling' category.
	E-1: Not permitted. <i>ALUO Table 18.3.14.040</i>	
	R-2: Not permitted. <i>ALUO Table 18.3.14.040</i>	
	R-3: Not permitted. <i>ALUO Table 18.3.14.040</i>	
Other housing types may be allowed. OAR 660-012-0320(2)(a)	C-1: None permitted. <i>ALUO Table 18.3.14.040</i>	Meets rule, no other housing types need to be permitted. Other residential uses can be developed in the R-2 and R-3 zones as an alternative to the TT overlay; see Table A2.
	E-1: None permitted. <i>ALUO Table 18.3.14.040</i>	
	R-2: None permitted. <i>ALUO Table 18.3.14.040</i>	
	R-3: None permitted. <i>ALUO Table 18.3.14.040</i>	
Permit office-type uses outright. OAR 660-012-0320(2)(b)	C-1: Permitted. <i>ALUO Table 18.3.14.040, referencing Table 18.2.2.030</i>	Meets rule. To simplify, consider permitted outright in these standards rather than cross-referencing base zone use table.
	E-1: Same as above.	Does not meet, use must be permitted outright without size limitations.
	R-2: Permitted, up to a maximum of 60 SF gross floor area per residential unit included in the development. <i>ALUO Table 18.3.14.040</i>	
	R-3: Same as above.	
Permit non-auto-dependent retail, services, and other commercial uses. OAR 660-012-0320(2)(c)	C-1: 'Commercial retail sales and services' and restaurants permitted. <i>ALUO Table 18.3.14.040, referencing Table 18.2.2.030</i>	Meets rule. To simplify, consider permitted outright in these standards rather than cross-referencing base zone use table. Consider removing overlapping use categories in base zone use table for both 'commercial retail sales and services' and 'retail sales and services.'
	E-1: 'Commercial retail sales and services' up to 20,000 SF gross leasable floor area per lot and restaurants permitted. <i>ALUO Table 18.3.14.040, referencing Table 18.2.2.030</i>	Does not meet, use must be permitted outright without size limitations.
	R-2: Permitted, up to a maximum of 60 SF gross floor area per residential unit included in the development. <i>ALUO Table 18.3.14.040</i>	Does not meet, use must be permitted outright without size limitations.
	R-3: Same as above.	

Rule	City Code & Policies	Analysis
Permit child care uses. OAR 660-012-0320(2)(d) Includes both ‘family child care homes’ (care for up to 16 children in a dwelling) and ‘child care centers’ (all other facilities), which must be permitted in residential and commercial areas. ORS 329A.440	C-1: Not permitted. <i>ALUO Table 18.3.14.040</i> ‘Child Care Facility’ term defined elsewhere in code, inclusive of ‘family child care home,’ consistent with ORS 329A.440. <i>ALUO 18.6.1.030</i>	Does not meet; ‘Child Care Facility’ as defined in code must be permitted outright in all zones.
	E-1: Not permitted. <i>ALUO Table 18.3.14.040</i>	
	R-2: Not permitted. <i>ALUO Table 18.3.14.040</i>	
	R-3: Not permitted. <i>ALUO Table 18.3.14.040</i>	
Permit schools and other public uses including public-serving government facilities. OAR 660-012-0320(2)(d)	C-1: Not permitted. <i>ALUO Table 18.3.14.040</i>	Does not meet; ‘Governmental Offices and Emergency Services,’ ‘Parks, Open Space, and Recreational Facility,’ and ‘Schools, Public’ use categories, as categorized in the base zone use table, should be permitted outright.
	E-1: Not permitted. <i>ALUO Table 18.3.14.040</i>	
	R-2: Not permitted. <i>ALUO Table 18.3.14.040</i>	
	R-3: Not permitted. <i>ALUO Table 18.3.14.040</i>	
As an alternative to permitting full mix of uses required by subsection (2) above, cities may permit the following to be counted as part of the CFA if located within a half-mile walking distance of mixed-use areas: • Residential areas that permit multi-unit and single-unit attached housing with a minimum density of 15 units per net acre or existing residential development at those densities; and/or	There is significant development within the TT area, and some portions may meet these requirements. The R-2 and R-3 portions in particular might meet the 15 units/acre minimum existing or as required by zoning code. Job densities are not immediately clear for the existing commercial and employment uses.	Policy direction needed: The City could permit mixed use as detailed above throughout the entire CFA, or it could selectively consider whether there are residential or employment areas within the CFA that may qualify under this alternative. Given that the City would have significant zoned capacity in the three potential CFAs, it is unclear what additional value there would be to designating residential and/or employment areas under this rule to add more capacity to the calculations. It may be more relevant to discuss whether there are core areas of the TT overlay that the City wishes to designate for the full mix of CFA uses under -0320(2) and move forward with a more compact CFA. <i>Recommendation to prioritize those portions of the TT overlay where the full mix of uses would be</i>

Rule	City Code & Policies	Analysis
Existing employment uses that provide at least 20 jobs per net acre. OAR 660-012-0320(3)		<i>desired and permitted. However, limited utilization of this rule may be useful for existing developments and/or to connect areas within the TT overlay.</i>
Do not apply a maximum density standard . OAR 660-012-0320(6)	C-1: No maximum density applies, but a maximum FAR of 1.5 applies. <i>ALUO Table 18.3.14.050</i>	Does not meet; maximum FARs are relatively low and limit development at the intensities intended for CFAs, e.g., 4-story development. Higher FAR or no FAR (relying on height and setbacks instead) should be considered.
	E-1: Same as above.	
	R-2: No maximum density applies, but a maximum FAR of 1.25 applies. <i>ALUO Table 18.3.14.050</i>	
	R-3: Same as above.	
Require a minimum density of at least 15 units per net acre , except for: OAR 660-012-0320(8), (8)(a)(A)	C-1: Minimum density of 30 du/ac. <i>ALUO Table 18.3.14.050</i>	Exceeds rule.
	E-1: Minimum density of 15 du/ac. <i>ALUO Table 18.3.14.050</i>	Meets rule.
	R-2: Minimum density of 13.5 du/ac. <i>ALUO Table 18.3.14.050</i>	Does not meet rule, minimum should be increase to 15 du/ac.
	R-3: Minimum density of 20 du/ac. <i>ALUO Table 18.3.14.050</i>	Exceeds rule.
Exception to minimum density may be permitted for: Mixed-use buildings if the mixed-use building meets a floor area ratio of 2.0, or	There is a minimum FAR of 0.5 for development in all four zones. <i>ALUO Table 18.3.14.050</i>	Policy option: The City could add this exemption as a way to encourage mixed-use development that adds some housing but would not add enough units to meet the minimum density. Note that the minimum FAR of 2.0 in the rule exceeds the current maximum FARs of 1.25-1.5 permitted in these zones. <i>Recommendation to explore adding this option for the TT overlay.</i>
Redevelopment within existing buildings that adds residential units, but does	Redevelopment scenarios are not addressed in TT standards. Some existing developments may fall under the Nonconforming	Policy option: The City could add this exemption as a way to allow more flexible reuse of existing buildings.

Rule	City Code & Policies	Analysis
not add new units outside the existing building. OAR 660-012-0320(8)	Development standards that allow enlarging or altering an existing development through a Conditional Use Permit review. <i>ALUO Table 18.1.4.040</i>	<i>Recommendation to continue exploring the usefulness of this option for the TT overlay.</i>
Apply a maximum building height no less than 50 feet. OAR 660-012-0320(8)(a)(B)	C-1: Maximum height of 50 feet/4 stories. Portions of the building over 25 feet tall near a residential zone or facing a street require a step back of 10 feet or façade offsets. <i>ALUO Table 18.3.14.050</i>	Meets rule. Façade offsets provide alternative to step back for taller buildings. May need to adjust residential capacity calculations for step backs.
	E-1: Same as above.	
	R-2: Maximum height of 42 feet/3 stories. <i>ALUO Table 18.3.14.050</i>	Does not meet rule. Allowed height should be increased to 50 feet/4 stories.
	R-3: Same as above.	
As an alternative to at least a 50-foot maximum height required by subsection (8) above, development standards including setbacks, heights, open space requirements and parking requirements that cumulatively permit a zoned capacity of at least 60,000 square feet per acre may be applied. OAR 660-012-0320(9)	There are existing setbacks, heights and landscaping standards for all zones in the TT overlay. <i>ALUO Table 18.3.14.050</i> No minimum parking requirements apply. <i>ALUO Table 18.4.3.040</i>	Policy direction needed: The City could explore whether existing standards meet the minimum zoned capacity requirements as an alternative to meeting the CFA height standards, particularly in the areas within the CFA with lower height standards (the R-2 and R-3 zones). However, similar to discussion above about alternative use standards, it is unclear whether it would be worthwhile to go through the justification of alternative height standards rather than simply excluding areas where lower heights are desired from the CFA. Identifying core areas of the TT overlay where a 50-ft height limit could be applied may be more feasible, resulting in a more compact CFA. Additional analysis would be needed to determine zoned building capacity under existing or modified dimensional standards.

Rule	City Code & Policies	Analysis
		<i>Recommendation to implement the 50-ft height limit across all or a core portion of the CFA as a simpler “safe harbor” rather than analyze alternative standards.</i>

Table A4: Land Use Requirements in Climate-Friendly Areas (OAR 660-012-0320) Applicable Citywide

Rule	City Code & Policies	Analysis
Prioritize locating public-serving government facilities within CFAs, per Comprehensive Plan policy. OAR 660-012-0320(4)	Croman Mill: There are no school, library, fire or police stations, or civic service facilities currently located within or near the CFA. Railroad: There are no government facilities within or near the CFA. TT: Ashland Fire & Rescue Station No. 2 is located on Ashland St within the CFA. Southern Oregon University and Bellview Elementary are adjacent to the CFA. The City sites fire, police and government services, schools are sited by the Ashland School District and libraries by Jackson County Library Services. The <i>Public Services Element</i> of the Comprehensive Plan includes a primary goal “To provide public utilities, services and facilities in an orderly, efficient and environmentally sensitive way and in sufficient quantity to meet city needs now and in the future.” <i>Goal 9.01.02</i> There is no language specific to prioritize locating facilities within CFAs, seeing that it	Does not meet rule, Plan Element should be amended to identify CFA as priority location for new facilities where it is feasible.

Rule	City Code & Policies	Analysis
	was written well before CFAs were contemplated.	
Prioritize locating parks, open space, plazas and similar public amenities in and near CFAs that do not contain sufficient facilities, per Comprehensive Plan policy. OAR 660-012-0320(4)	R-2 and R-3 developments (base zones within the TT CFA) require a minimum 8% of the site area as open space. <i>ALUO Table 18.2.5.030, 18.4.4.070</i> Development-specific open space not required for Residential Overlay (Railroad CFA), Croman Mill District, or TT overlay. <i>ALUO 18.3.13.010, Table 18.3.2.050, Table 18.3.14.050</i> Within the Detail Site Review Overlay that applies to large portions of the Railroad and TT CFAs, plaza space is required for developments over 10,000 SF at the ratio of one SF of plaza space per 10 SF of gross floor area. <i>ALUO 18.4.2.040(D)(2)</i> Croman Mill: Open space is planned throughout the District, and spaces are required to be dedicated as parks or open space at the time of development. <i>ALUO 18.3.2.070</i> Tolman Creek/Mistletoe Road Area potential neighborhood park site identified for potential acquisition on the western edge of the CFA. <i>2024 Parks Trails and Open Space Map</i> Railroad: There are no existing parks within CFA; Willows are potential trail connection and riparian area identified for potential acquisition on the eastern edge of the CFA. <i>2024 Parks Trails and Open Space Map</i>	Meets rule by providing for parks and open space throughout the CFAs, both with individual developments and as planned or potential acquisitions, supported by Comprehensive Plan policy.

Rule	City Code & Policies	Analysis
	TT: There are several parks adjacent or near the CFA, but not within the CFA: Garden Way Park, Clay Street Park, Sherwood Park, Hunter Park and Mountain View Cemetery. As part of the overall goal to provide “variety, quantity and quality” of parks, the City will develop and accomplish a “parkland acquisition and development plan in accordance with community growth and projected park demand.” <i>Parks, Open Space, and Aesthetics Element, Policy 8.16(1)</i>	
Include street trees and other landscaping, where feasible, in streetscape requirements for CFAs. OAR 660-012-0320(4)	Croman Mill: All street cross sections within the District include allowance for 5-8-foot-wide planting strips on both sides of the street. <i>ALUO 18.3.2.060(A)</i> Citywide: Street trees are required an average of 30 feet apart along all frontages. <i>ALUO 18.4.4.030(E)</i> Street trees shall be required in all new development. <i>Parks, Open Space, and Aesthetics Element, Policy 8.16(13)</i>	Meets rule, with both code standard and Comprehensive Plan policy.
Apply maximum block length standards: For development sites less than 5.5 acres in size, maximum 500-ft block length with requirement for public pedestrian	Croman Mill: District standards include mapped street improvements to create a grid orientation, including several classifications of streets. Accessway classification can be developed as either a multi-use path option or full street option. Dimensions are not indicated but appear to be less than 400 ft. <i>ALUO 18.3.2.060(A)</i>	Further analysis needed to determine whether adopted Croman Mill grid pattern meets minimum spacing. If developed as multi-use path option rather than full street, accessways would not meet the requirement for streets.

Rule	City Code & Policies	Analysis
accessway where block length exceeds 350 feet. - For redevelopment of sites 2 acres or more that do not meet the standard, require public pedestrian accessways through the site spaced no more than 350 feet apart. - For development sites of 5.5 acres or more, maximum 350-ft block length. Exceptions may be permitted per OAR 660-012-0330(2). OAR 660-012-0320(5)	Citywide: Block lengths are subject to a maximum of 300 to 400 feet for public streets within developments and redevelopments of all size. Mid-block multi-use paths are required where block lengths exceed 400 feet. Block spacing may be modified based on site-specific factors. <i>ALUO 18.4.6.040(E)(9)</i>	Citywide standard does not meet the rule. Explore block length standards for either this CFAs specifically or as amendment to citywide rules to apply a consistent 350-foot maximum rather than existing range. Existing site-specific exceptions meet allowed exceptions in rules.
Adopt policies and regulations to implement the transportation review process for amendments to comprehensive plan or land use regulations to adopt a CFA or within an adopted CFA per OAR 660-012-0325. Findings must include a multimodal transportation gap summary and a highway impacts summary if the CFA includes highway facilities. OAR 660-012-0320(7)(a)	There are no provisions for a multimodal transportation gap summary or a highway impacts summary for plan or code amendments within a CFA, or for amendments to the Croman Mill District Plan. <i>ALUO 18.5.9, 18.3.2.030(C)</i>	Does not meet rule, standards should address requirement for multimodal transportation gap summary with any plan or code amendments within a CFA. Such a summary is being prepared by the RVCOG to support the initial adoption of the CFA(s). A highway impacts summary may be required with CFA adoption and subsequent plan or code amendments if final TT and/or Croman Mill CFA boundaries include Highway 99/Siskiyou Boulevard and/or Highway 66/Ashland Street.
Adopt policies and regulations to implement the land use requirements in	Croman Mill: Detailed district design standards address street design and access, site and building design, and green	Additional detailed analysis needed to determine compliance with this rule. DLCD is working to develop a Walkability Model Code that will help

Rule	City Code & Policies	Analysis
OAR 660-012-0330 that support compact, pedestrian-friendly, mixed-use land use development patterns citywide. OAR 660-012-0320(7)(b)	development to provide a district with a mix of jobs, mixed use, and open space with transportation options. <i>ALUO 18.3.2.060</i> Parts of RR, TT: Additional orientation and scale, streetscape, buffering and screening, and materials standards apply, per Detail Site Review Overlay. <i>ALUO 18.4.2.040</i> Citywide: Design standards for residential (excluding single-family and duplexes), nonresidential and mixed-use development address building orientation, building materials, site design, scale, streetscape, and landscaping/open space. <i>ALUO 18.4.2</i>	cities implement these rules that is expected to be ready in Fall 2024. The intent of the various design standards is generally consistent with the direction for the CFEC rules, but analysis relative to the Model Code will help to identify any specific changes needed. There may also be opportunities to consolidate design standards and remove overlap. Design standards should also be further reviewed to determine if there are only clear and objective standards applied to residential development. <i>ORA 197A.400(1)</i>
Adopt policies and regulations to implement the applicable parking requirements in OAR 660-012-0435 that require removing all parking mandates for CFAs or adopting parking management strategies. However, this rule does not apply to cities that have removed parking mandates citywide per OAR 660-012-0420(1). OAR 660-012-0320(7)(c)	No minimum parking requirements apply citywide. <i>ALUO Table 18.4.3.040</i>	Meets rule by removing all parking mandates citywide.
Adopt policies and regulations to implement the applicable bicycle parking	Minimum bicycle parking ratios for multifamily residential (1-2 sheltered spaces per unit, based on size), commercial, office,	Meets rule.

Rule	City Code & Policies	Analysis
requirements in OAR 660-012-0630. OAR 660-012-0320(7)(d) Requirements include: • Minimums for multifamily residential (1 space per two units), commercial, office, institutional and transit station development. OAR 660-012-0630(2) to (3)	institutional and transit stations apply to new development. <i>ALUO Table 18.4.3.040</i>	
• Spaces that allow secure locking without conflicts, in convenient and well-lit locations, and include larger spaces for cargo bikes. OAR 660-012-0630(4)	Design standards allow bike parking outside the main building, inside the building, or at bicycle racks in the ROW; all spaces must be conveniently located to building entrances, visible and well-lit. Spaces must be arranged to allow maneuvering room and to include larger spaces for cargo bikes. Rack standards require secure designs. <i>ALUO 18.4.3.070</i>	Meets rule.
• Cities to provide for public bicycle parking and shared bicycle and scooter parking and related facilities within CFAs and near key destinations. OAR 660-012-0630(5)	There are no provisions for these facilities.	Does not meet rule. Explore standards and/or policies that could meet this rule based on input from DLCD about expectations.

DATE: 10/15/2024
TO: City of Ashland
FROM: ECONorthwest, Becky Hewitt and Mackenzie Visser
SUBJECT: Ashland Climate Friendly Areas Market Analysis

Purpose

The City of Ashland is in the process of selecting its Climate Friendly Areas (CFAs) and adopting land use code changes to meet Climate-Friendly and Equitable Communities (CFEC) rules. The City is considering three CFAs: the Railroad Property, Transit Triangle, and Croman Mill. At a minimum, zoning standards within the CFA must allow a minimum density of at least 15 dwelling units per acre and a maximum height of at least 50 feet. To support this process, the City contracted with 3J Consulting (3J), ECONorthwest (ECO), and JET Planning (JET) to draft new zoning and development standards for its CFA.

JET completed an audit of the City's existing code and identified required changes and flexibility within the rules where the City has options for implementing the new CFA standards. Based on the findings from the code audit, ECO prepared this market assessment to inform the City's policy decisions for selecting and implementing its CFA(s). This analysis provides information on the relative market strength of different types of development, market considerations for the potential CFAs, and possible market implications of upcoming code amendments.

This analysis has two components: assessing the relative market strength of various development types and analyzing market considerations and development potential for each potential CFA.

Market Analysis by Development Type

Informed by the code audit and conversations with City staff, ECO identified various development types that CFA zoning changes could impact. ECO evaluated each of these development types' market strength based on developer interviews, analysis of the City's existing building stock and development trends, regional development patterns, and available market data.

Broader Real Estate Market Trends

Broadly, development feasibility in the region, state, and country has been challenging in recent years. Currently, some development barriers across development types include:

- ◆ **Cost of borrowing:** Higher interest rates have substantially increased developers' borrowing costs, affecting the cost of construction loans and their ability to secure long-term financing that makes projects feasible.
- ◆ **Construction Costs:** Inflation has driven up the cost of construction materials and labor. Supply chain disruptions have further exacerbated these issues, making materials more expensive and delivery timelines less predictable.
- ◆ **Financing challenges for small markets:** Banks are often hesitant to provide financing for certain types of projects perceived as higher risk in a small market, including commercial, mixed-use, and denser development. Interest from investors can also be limited in small markets, which makes it difficult to raise the equity needed to fund larger projects.

Developers working in Ashland and Southern Oregon reported these trends as barriers to development in Ashland. However, some types of development are less impacted and are more feasible overall than others. The following section discusses specific market considerations for different commercial and residential development types. The greater a development type's market strength, the more likely it is to be developed if permitted.

Commercial Development

Market strength: Depends on type and location

Ashland's economy is largely driven by accommodations, food services, retail, and healthcare.¹ Ashland has a strong tourism market, and its amenities attract both residents and visitors, particularly its access to outdoor recreation, a robust wine and food scene, and a small-town feel. In 2022, Ashland's Economic Diversification Strategy identified small businesses as a key asset for Ashland's economy and recommended investing in the downtown area, enhancing recreational options and amenities, and supporting small businesses. Strategic development in the CFAs can align with these strategies by supporting mixed-use, pedestrian-oriented community areas with neighborhood-focused commercial spaces.

The strongest opportunities for standalone commercial exist in areas that already have a strong concentration of activity and visibility. Areas near I-5 offer strong visibility and vehicle access that supports businesses that depend on pass-by customers and those arriving to the area via the highway. Larger national companies can often afford to spend more to be in locations offering the highest levels of access and visibility and tend to outbid smaller businesses for such locations. Areas near the downtown offer a concentration of foot traffic that can support smaller businesses and experiential retail. Stakeholders interviewed for this market analysis shared that rents for the existing commercial inventory are often too high for small businesses, partly because spaces are often larger than necessary. Vacancy rates

¹ QCEW 2019 data, per Ashland's 2022 Economic Diversification Strategy



for commercial (retail and office) space are also low in Ashland, hovering between 1.5% and 2.5% since 2017 (Exhibit 1), limiting opportunities for new businesses to find viable space.² As illustrated in Exhibit 1, commercial rents in Ashland have remained relatively flat in recent years, even with a low vacancy rate. Currently, commercial rents average around \$18 per square foot, though national companies can often afford to pay higher rates.³ Despite the need for smaller, more affordable spaces, developers highlighted the difficulties in developing new commercial properties, which tend to require relatively high rents compared to the surrounding market to provide a return on the cost of new construction.

Exhibit 1: Rent and Vacancy Trends for Commercial Development in Ashland, 2014-2024

Source: CoStar

Although Ashland and Medford have distinct market situations, their markets are interconnected to some extent. Ashland's commercial market is relatively limited, with about 1.4 million square feet available, compared to Medford's 9.6 million square feet.⁴ Developers indicated that the commercial space availability and employment concentrations in Medford and Phoenix offer comparative advantages over Ashland, making additional commercial development in Ashland less desirable.

Residential Development

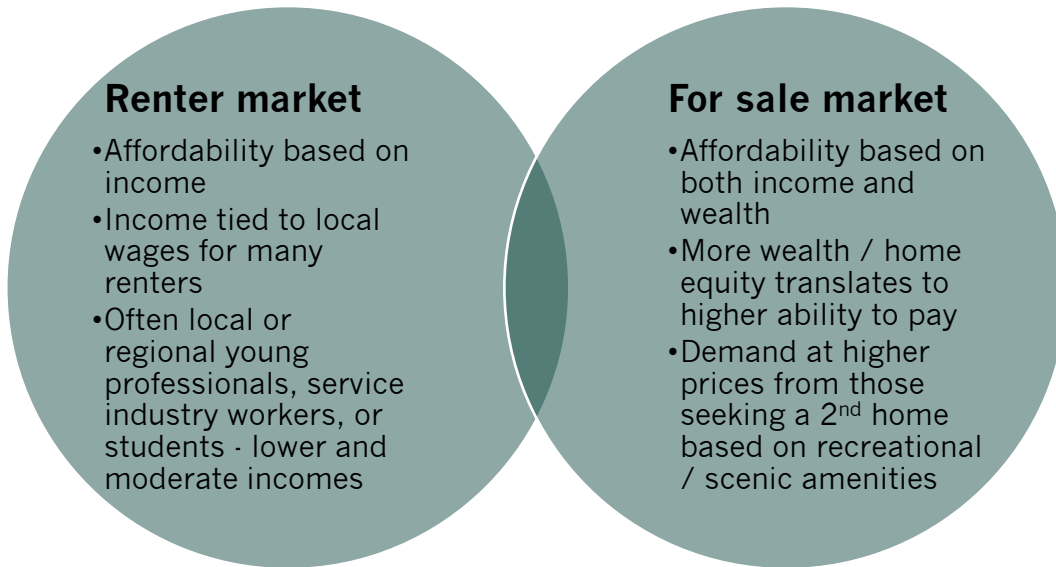
Ashland's housing market is very different for rental housing than for ownership housing, as illustrated below.

² Source: CoStar, Retail and Office Space in Ashland, 2014 to 2024

³ Source: CoStar, Retail and Office Space in Ashland, 2024

⁴ Source: CoStar, Retail and Office Space in Ashland and Medford, 2024





This split in the housing market has implications for housing development and for the type and scale of housing that is most likely to be feasible to build because there are strong associations between housing type/form and tenure (e.g., rental vs. ownership).

- ◆ Single-dwelling detached and middle housing that is attached side-by-side (e.g., rowhouses) or detached (e.g., cottage cluster) are more likely to be built as ownership housing rather than rental housing because the underlying land can be divided and sold with the unit, providing a simpler path to individual ownership.
- ◆ Multiunit housing with vertically stacked units is often more likely to be built as rental housing than as condominiums. Condo construction is inhibited by the risk and costs associated with Construction Defect Liability laws, which allow condominium associations to hold developers liable for issues with the building (e.g., water intrusion) for years after completion, and which have been the source of many lawsuits. Many developers and homebuilders avoid condominium development as a result. However, some developers are more comfortable with condo development than others, and in Ashland's housing market, condo construction is more common than in many other areas due to strong demand for ownership housing.

The relative market strength of various residential development types is discussed below.

SINGLE-FAMILY HOMES

Market strength: Very strong

Local developers stated in interviews that single-detached housing is likely the strongest development type in the area. They felt that homebuyers in Ashland are primarily interested in detached housing with private outdoor space. Over the past decade, the average home sales price increased roughly 67%; in August 2024, the median sale price for detached



homes in Ashland was approximately \$615,000.⁵ Most new homes are larger and more expensive than the average of existing homes. Acknowledging high housing prices, developers suggested there could be a market for smaller single detached homes, which could potentially be built at a density up to 15 or 20 dwelling units per acre if zoning standards allow. These homes would likely be 1,300 to 1,400 square feet at this density, smaller than the current average single-detached unit size of roughly 1,800 square feet. Because of the size difference, these homes could be sold at a lower cost. This unit size and density are also similar to what has been built under middle housing regulations in some larger communities, sometimes referred to as cottage housing.

TOWNHOMES AND MIDDLE HOUSING

Market strength: Strong

Like single-detached housing, local developers noted a market for certain types of middle housing in the area, often sold at a lower price than larger single-detached units. In August of 2024, Ashland townhomes were sold at an average price of \$391,000, compared to \$615,000 for single-family homes. This is partly due to their smaller size: the average townhome sold was approximately 1,400 square feet, roughly 400 square feet smaller than the average single-detached home. In recent years, there has been some townhome and middle housing development in the City, generally on the west side closer to downtown.

MULTIFAMILY

Market strength: Moderate to Weak

Because demand for rental housing is largely linked to local workers and some students, the demand for higher-rent units that can cover the cost of new construction is relatively limited. Student-oriented housing has been most financially viable in recent years, because some students are able to spend more on housing and some developments have designed units that allow renters to pool costs (e.g., units with multiple bedrooms and a shared kitchen), keeping individual costs lower but overall rents higher.

Many areas in Ashland already allow taller, denser developments, but development has been relatively limited. Currently, no market-rate or affordable multifamily buildings exceed three stories; the only taller residential structures built recently are the four-story Southern Oregon University dorms. Certain areas, such as near Southern Oregon University, could potentially support denser multifamily development, but lower-density options are generally more feasible in the City overall due to their lower construction costs.

Three-story walk-up construction is most likely to be cost-effective. Above three stories, building code requirements and the need for elevators increase construction costs. Developers typically cannot charge significantly higher rents for four-story apartments,

⁵ Per Redfin, August 2014 to August 2024.



decreasing overall development feasibility. This was also echoed in interviews with local developers, who emphasized that even if they were interested in building multifamily apartments, they would only build up to three stories.

Financing barriers also typically increase with the scale of development; for example, an apartment building would require a larger total investment than a smaller middle housing type development, even if costs are more efficient on a per-square-foot basis. As noted previously, larger investments are more difficult to finance in a small market. Even if banks or equity investors are willing to lend to or invest in these types of projects, they are more likely to do so at higher interest rates or with higher financial return expectations. Developers, particularly smaller firms, are less likely to be able to raise (and pay back) the capital required to fund larger projects.

MIXED-USE

Market strength: Weak

In many markets, single-use multifamily developments are more feasible than mixed-use multifamily developments because the achievable retail rents are not high enough to offset the added construction costs of incorporating retail into the building. While horizontal mixed-use development can be more financially feasible than vertical (because the uses are not combined in a single building), a horizontal mixed-use project is still more complex than a single-use development. There are a few reasons for this trend:

- ◆ Mixed-use development often involves higher construction costs compared to standalone apartments, both in materials and overall complexity of the process.
- ◆ As discussed above, new commercial space often costs more to build (even on its own) than market retail rents can cover in Ashland. Mixed-use development also works best in areas where there is already a pedestrian-oriented environment that supports walkable ground floor retail space, which are often in areas where land is more expensive (relative to areas that are more vacant or less central).
- ◆ Lenders may see mixed-use developments as riskier investments than standalone residential projects because they involve different types of tenants (commercial and residential) with varying revenue streams.
- ◆ Mixed-use buildings are more complex to manage, as they require different leasing agreements, property management, and maintenance for residential and commercial spaces. The additional operational complexity can be costly and time-consuming, making developers more cautious about pursuing these projects than standalone residential developments.



Other Considerations

FIRE RISK

Developers shared that fire risk is a major deterrent to developing in Ashland. Developers must account for fire-resistant building materials and locations, and fire risk affects where housing can be safely built to allow for evacuation routes and emergency access. Especially for higher-density housing, developers must carefully consider the safety of the tenants and potential evacuation risks. Additionally, developers shared that recent fires have significantly impacted fire insurance availability and costs as premiums rise. In some cases, insurance companies have reduced coverage options or declined to offer policies altogether, making it difficult for homeowners and developers to secure the necessary insurance to proceed.

AFFORDABLE HOUSING BONUSES

Ashland currently offers density bonuses in the Transit Triangle overlay and Croman Mill District in exchange for certain public benefits, including providing affordable units within their development. The elimination of maximum densities removes density bonuses as a potential incentive. Given the height limits needed to comply with CFA rules, height bonuses are also unlikely to be an effective incentive for market-rate development. However, the City could offer additional height for affordable housing as a way to provide further flexibility to affordable housing development. Affordable housing development is financed differently than market-rate construction, and affordable projects may benefit from being able to accommodate more units on site to better qualify for certain funding sources and/or to spread land and other fixed costs across more units. Recent changes to state law may also require the City to provide flexibility on certain key standards—including height—for affordable and/or mixed-income housing.⁶ Any updated bonuses for affordable housing should be designed with those state requirements in mind.

⁶ Fully affordable housing development in areas zoned for residential use must be allowed density and height bonuses: 125% to 200% density increases and 12- to 36-foot height increases depending on the starting density maximum. (ORS 197A.445(9))

In addition, cities must allow adjustments on certain standards for affordable housing, mixed-income housing, and other qualifying housing development. The adjustments can include standards like setbacks, lot dimensions, parking, open space, building height, maximum density, some limitations on ground-floor residential, design standards, and other requirements. There are limitations on the number of adjustments that must be granted and on how much flexibility the adjustment must provide. Affordable and mixed-income housing development and housing developments where the adjustment will enable building more units, lower-priced units, or will make development more feasible are generally eligible for these adjustments. (SB 1537 (2024), Sections 38-41.)



Market Considerations for Potential CFAs

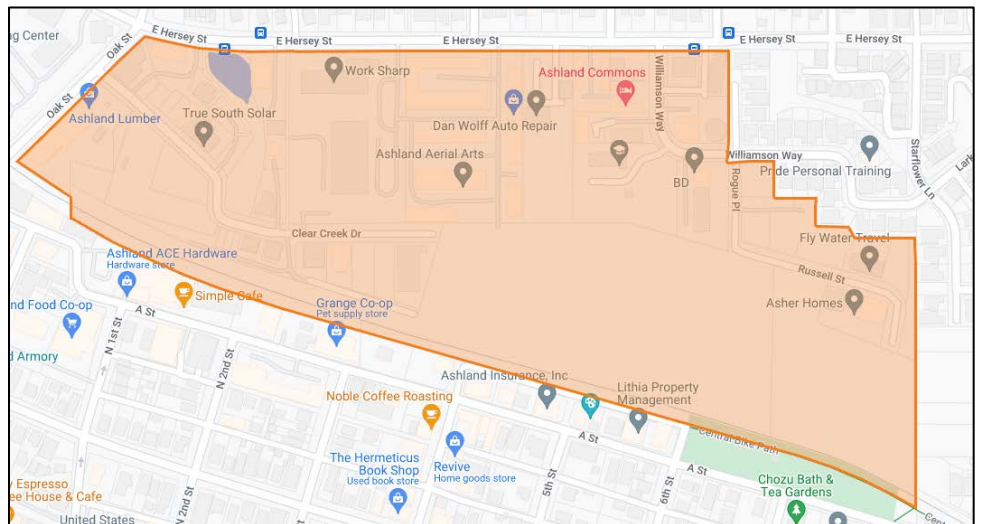
Using the strength of different development types as a basis, ECO analyzed each potential CFA's strengths and limitations and assessed each area's development potential under potential zoning changes. The City is considering three potential CFAs:

- ◆ The **Railroad Property** is near downtown but separated by the railroad tracks.
- ◆ The **Transit Triangle** along Siskiyou Blvd and Ashland Street.
- ◆ The **Croman Mill** area at the southern end of Siskiyou Blvd near I-5.

The potential for (re)development with a mix of uses and a range of densities is summarized below for each area.

Railroad Property

The railroad property is about a fifteen-minute walk north of downtown and is surrounded by lower-density residential neighborhoods and smaller commercial developments. While the southeastern portion of the area is vacant, there is commercial and light industrial development on the northern half. These buildings generally date



back to the 1990s and early 2000s, with minimal recent construction. Existing roads primarily serve these commercial buildings, but additional infrastructure would be necessary to access and serve the vacant area. Proximity to the rail line limits the area's desirability for some uses, and lack of access and visibility to the interior create challenges for development. A portion of the site is subject to on-going environmental remediation, but those efforts are estimated to be complete by early 2025.⁷

MARKET CONSIDERATIONS

In interviews, developers felt the railroad property had the most opportunity for redevelopment as a CFA. The railroad property's strengths include its proximity to downtown, which makes it attractive for development types that benefit from and complement the downtown area, such as multifamily housing and commercial. Because of

⁷ [Ashland Rail Yard Cleanup](#), Oregon Department of Environmental Quality

its location, development in this area could obtain higher rents that could make development viable.

The site's strongest development areas are along the main roads (Hersey and Oak Street), which are more visible and accessible. However, these sites are largely developed. To redevelop one of these properties, a developer would need to acquire the land (which would likely be more expensive than vacant land) and tear down or remodel the existing building, which adds to project costs. The main vacant area on the southwest corner is tucked back along the railroad tracks and is less accessible from main roads, making it less appealing for commercial and residential development.

DEVELOPMENT POTENTIAL

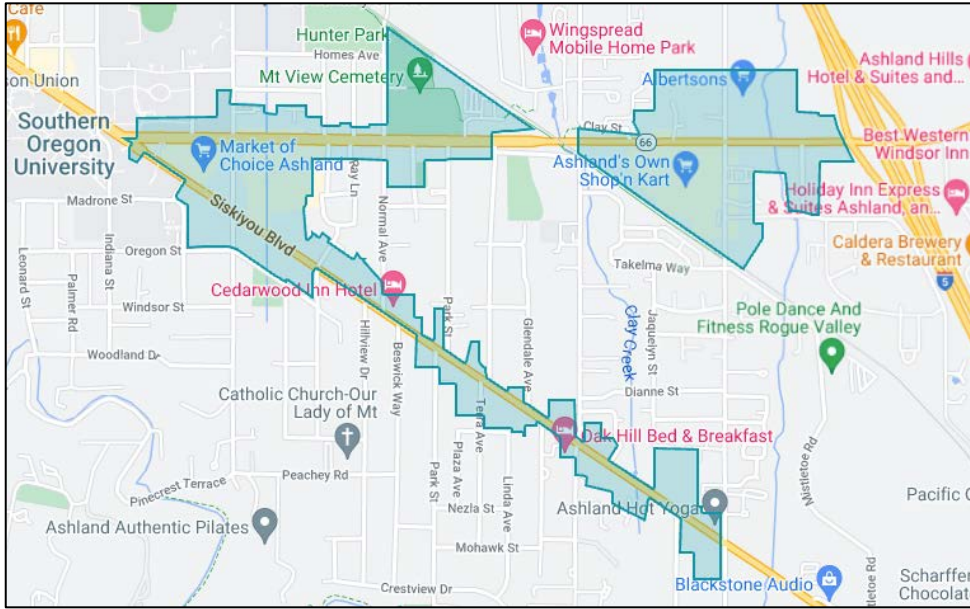
If designated as a CFA, the primary zoning changes that could impact development patterns in the Railroad Property are allowing townhomes and removing the current density maximum of 15 dwelling units per acre. While apartments are currently allowed and the maximum height in the area is 40 feet, it is unlikely that any form of multifamily housing could be efficiently constructed at less than 15 dwelling units per acre, effectively limiting development to single-family housing under the existing regulations.

Without these restrictions, the area could see increased housing development, particularly on the east and west sides of the area closer to downtown. On the west side, particularly along Oak Street, access to downtown and existing commercial development could support smaller multifamily or mixed-use development on lower-value sites. The eastern side of the area has a more residential context, and could be desirable for townhomes, middle housing types, or single detached housing (on small lots to meet minimum density requirements). Proximity to the railroad and limited access make the southeastern corner more complex to develop, but if a development were able to overcome these challenges, the site could potentially accommodate multifamily or denser townhouse development in this area.



Transit Triangle

The Transit Triangle is a mixed-use area located about 1.5 miles from downtown Ashland, with access to public transit along Siskiyou Boulevard and proximity to I-5. It features a combination of denser residential developments, including multifamily housing, alongside smaller commercial businesses, schools, and churches along Siskiyou Boulevard. Recent



industrial developments are situated closer to the highway, with hotels and larger auto-oriented commercial developments located nearby along Ashland Street. Southern Oregon University is to the northwest, near larger commercial development in the northwest corner of the Triangle.

MARKET CONSIDERATIONS

The Transit Triangle's size and variety of market contexts makes it a potential area to support a range of land uses:

- ◆ The **northwestern portion** of the site has the strongest market potential for multifamily and mixed-use development in the Triangle. The area's visibility, proximity to Southern Oregon University (SOU), and upgraded streetscape could support potential for commercial, multifamily, or mixed-use redevelopment on underutilized sites. The existing concentration of commercial space creates an attraction that could be expanded over time with additional commercial space.
- ◆ The **northeastern area closer to I-5** could be appealing for auto-oriented standalone commercial, flex, or multifamily housing catering to commuters. The existing mix of auto-oriented commercial businesses and industrial developments near I-5 could present challenges for creating a more cohesive, pedestrian-friendly environment that supports denser mixed-use development.
- ◆ The less busy **southern stretch of Siskiyou Boulevard** could have potential for multifamily and middle housing infill similar to some of the existing development in the area. Existing parcels are relatively small, which may limit the scale of potential developments. The southern portion of Siskiyou Boulevard is more auto-oriented than other stretches, but also has less activity that would support commercial



development—these factors combine to make mixed-use development challenging on this stretch.

DEVELOPMENT POTENTIAL

If designated as a CFA, the major zoning changes that would impact development patterns in the transit triangle are:

- ◆ Establish a minimum density of 15 dwelling units per acre and remove density any density maximums. In the Transit Triangle, base zone maximum densities range from 13.5 to 30 dwelling units per acre; with the Transit Triangle Overlay, there are no maximum dwelling units per acre, but density is regulated by floor area ratio (FAR), which cannot exceed 1.25 to 1.5. This is a relatively low FAR limit, and eliminating this limitation could allow multifamily in more areas and continue to allow middle housing.
- ◆ Expand commercial allowances in residential areas, especially along Siskiyou Boulevard.

In the **northwest corner**, the main zone in this area (C-1) requires multifamily buildings to have a portion of the ground floor dedicated to nonresidential uses and limits maximum density for multifamily. These restrictions limit potential for multifamily development. While this area is relatively strong for commercial, sites with less-than-ideal access or visibility may be more feasible as stand-alone multifamily than as commercial or mixed use if this option is allowed.

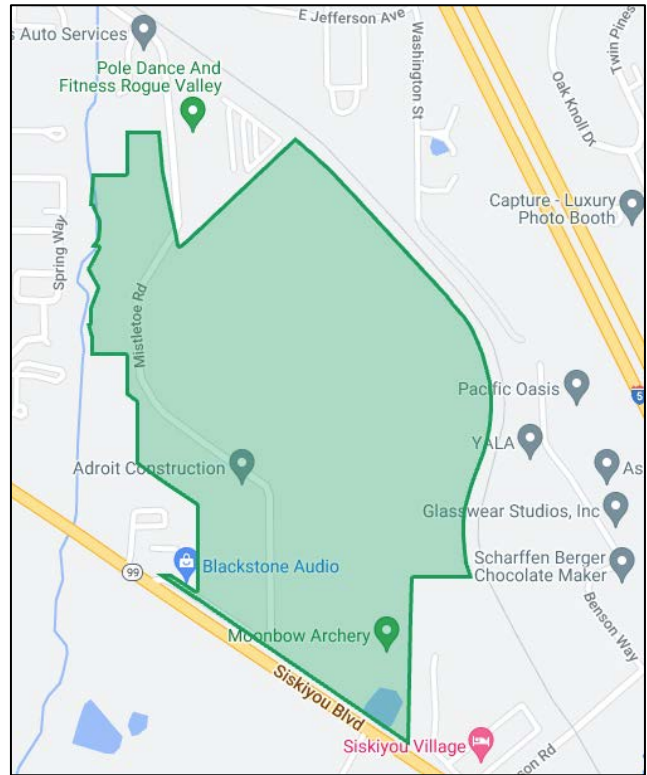
The **northeastern area closer to I-5** would also get the option of stand-alone multifamily developments and increased density allowances. Because mixed-use development works best with pedestrian-oriented ground-floor commercial, even areas with strong market conditions for auto-oriented commercial space may not have the surrounding amenities or customer base to create demand for ground-floor retail space in a mixed-use development. Some stand-alone multifamily may be possible on sites with less access and visibility than the rest of the area if this becomes an option.

On the **southern stretch of Siskiyou Boulevard**, removing density maximums could allow more flexibility for multifamily and middle housing development. While CFA rules would also allow commercial in this area, it is less likely to support substantive commercial development or vertical mixed-use because there is not enough other commercial development to support it. However, some smaller-scale development catering to these neighborhoods may be possible in this stretch over time.



Croman Mill

Croman Mill is approximately three miles from downtown Ashland, near Siskiyou Boulevard and I-5. The site is primarily near industrial and commercial land uses. Although the City implemented zoning for a master plan in 2008, the site has remained largely undeveloped. Environmental remediation on this site is underway. Townmakers LLC has proposed a new master-planned, mixed-use development that includes single and multi-family residences, retail spaces, and light industrial sites, although no formal application has been submitted as of this memo. This plan would require modifications to the approved master plan.



MARKET CONSIDERATIONS

The main limitation of development in Croman Mill is its current lack of infrastructure and the need for site cleanup and preparation, which would require significant investment. Because of the site's large size and master-planning, there are opportunities to incorporate a broader mix of uses than the site's less central location would otherwise support, including multifamily and neighborhood-serving commercial. As discussed below, master planning can increase efficiency and help ensure that the mix of uses supports the larger development. However, developing a large master-planned project is typically much more complicated than smaller or infill development.

MASTER PLANNED COMMUNITIES

Master-planned communities (larger, integrated developments delivered by a master developer) can often more effectively support an integrated mix of uses and housing types than piece-meal development by different parties.

- » Developers may be more willing to integrate parks and walkable, locally serving commercial uses because of the amenity value they create for the surrounding residential development, even if the commercial development is only marginally financially viable.
- » There is an incentive to offer a range of price points and housing options to appeal to a broader range of potential buyers compared to delivering units for a single market segment.
- » Larger development projects may be better able to absorb infrastructure costs and achieve cost efficiencies in development.



DEVELOPMENT POTENTIAL

Due to its size, vacant status, and strategic positioning near major transportation routes like I-5, Croman Mill offers the potential for a large-scale, master-planned development with a mix of uses. With focused infrastructure investments and planning, it could evolve into a walkable, mixed-use neighborhood consistent with the intention of CFAs. Because current rules would require updates to master planning that would go through a discretionary review process and would likely include a development agreement, the City has the opportunity to influence development to make it more consistent with CFA intentions or regulations. However, this discretionary process may also create a barrier to development and make it more difficult for the developer to move forward. CFA-compliant regulations for this area would allow for greater flexibility about where different uses are located and an overall minimum density that would ensure efficient use of residential portions of the site without the need for a discretionary process. This could facilitate development of the site but would reduce the City's influence over the details of the development.



Public Comments

TO: City of Ashland elected and appointed officials
FROM: Gary Shaff
RE: Climate Friendly Areas - designation / zoning
DATE: October 1, 2024

I attended the September 17th community climate friendly areas (CFA) meeting. I voiced, at that time, my concern that the downtown was being placed at an economic disadvantage by not being designated as a CFA while other areas of the city (Railroad Property, Transit Triangle and Croman Mill) are being actively promoted for CFA designation.

The CFA designation offers zoning flexibility - allowing a mix of residential, commercial, service, and community uses to occur on adjacent lots or on the same lot. Basically, a CFA designation is a super zone allowing almost any use, subject to certain minimum standards.

The downtown Ashland is our community's economic engine. As was noted in the city's Climate Friendly Areas Study (as submitted to DLCD on 9/19/23), the downtown's "current built environment is similar to what is expected in CFAs." The same report goes on to say "according to DLCD, a CFA is an area where residents, workers, and visitors can meet most of their daily needs without having to drive. They are urban mixed-use areas that contain, or are planned to contain, a greater mix and supply of housing, jobs, business, and services." The report is correct; Ashland's downtown is almost there, it only lacks a mix and adequate supply of housing.

Without more people living in and around downtown, the downtown can't function as a CFA. And without more people living nearby, the downtown will never have the diversity of jobs, businesses and services that will allow residents, workers and visitors to meet most of their daily needs without driving. Increasing the number of people living within easy walking distance of the downtown will increase customer patronage and ensure that the downtown reaches its potential as a vital, economically diverse business district.

I fear for the economic vitality of the downtown. There are already too many vacant storefronts. The city should, in my opinion, be guiding development there, especially high density residential development.

The recent construction of high-end condominiums on Lithia Way demonstrates that downtown is a viable market for high-density residential construction. Unfortunately, as noted in the meeting, the high-end condos don't do much to meet the city's housing needs. Yet, the building itself, both visually and architecturally, fits within the downtown. The city's site development code provisions worked as they should. The condominiums serve as an excellent example of how residences can be added to the downtown without detracting from its historical character.

Ashland, as I understand, is the only city in the state that did not designate its downtown as a CFA. Ashland is not unique in having a historic downtown. It is my supposition that other cities in the state recognized the absolute necessity of boosting the economic viability of their downtowns and, therefore, designated the area (and surrounding area sufficient to meet the state requirements) as a CFA.

During the September 17th meeting, it was noted by the consultants that the size and shape of the city's CFA's were subject to change and invited the audience to offer their ideas. My idea is to designate the downtown and nearby residential and commercial areas as a CFA. That way, the downtown (and surrounding area) can be competitive with, and offer identical investment opportunities, as other CFA's in Ashland and throughout southern Oregon.

Clearly, the downtown (and surrounding area) offers enormous opportunity for development and redevelopment. There are public and private parking lots, single story buildings lacking any historical significance, structures not being used to their highest and best use, and those reaching the end of their functional life. All of which could be developed or redeveloped. [see <https://www.dirtt.com/insights/why-construction-needs-to-consider-the-end-of-building-life-cycles/> for a discussion of domicology]

It is important to note that the state rules governing CFA's don't require metropolitan cities to demonstrate developability of lands within a CFA, only that cities provide flexibility for development within CFAs. Providing that flexibility in and around the downtown, through designation of a CFA, would simply allow the downtown to realize its development potential. Why put the downtown at an economic disadvantage?

Medford's downtown serves as an example of how public policies can have unintended consequences. Like Ashland, Medford's downtown is historic but it has the distinction of being in decline for at least the past 40 years. Its demise was, I think, brought about by the Medford City Council's approval of zone changes along Highway 62 from industrial to commercial. That decision effectively relocated Medford's commercial center. Now Medford is attempting to leveraging city funds, grants, and private development to construct affordable housing in the downtown - in attempt to revitalize the downtown. That same development strategy needs to happen in Ashland's downtown before it suffers decades of decline.

The Ashland downtown CFA (see attached proposed area) combined with the Transit Triangle will more than meet the required 3,469 housing unit capacity requirement (30% of future population). In fact my rough calculations of their combined capacity, using the minimum density requirement of 15 dwelling units per acre, is in the neighborhood of 4,650 dwellings,

I support the city's designation of the Transit Triangle as a CFA. It has excellent transportation connectivity to the rest of Ashland and has great potential for development and redevelopment.

I don't think the "railroad property," between the railroad tracks and Hersey Street, is a particularly opportune CFA. Most importantly, It is isolated, relatively speaking, from the balance of the city. The railroad tracks serve as a barrier to travel and road connectivity from the "railroad property" to N. Mountain is limited. Securing access across the railroad tracks, even if limited to pedestrian and bicycle travel, will be challenging and securing another vehicle crossing will be almost impossible without closing another vehicle crossing in town.

I also recommend that the city follow the advice of Becky Hewitt (economist from EcoNorthwest and consultant for the CFA study) who, at the September 17th public open house, recommended not designating the Croman Mill site as a CFA. To do so, she suggested, would undermine any leverage

the city might have through the annexation and development review process (or words to that effect). I agree. The Council should simply allow Townmakers LLC to formulate its development proposal, and once an application is submitted, process their application consistent with the city's current code standards. That will help to ensure the commercial development in the area is scaled to the surrounding residential neighborhood and a city approved phasing plan can ensure that the rate of commercial development is linked with that of residential development.

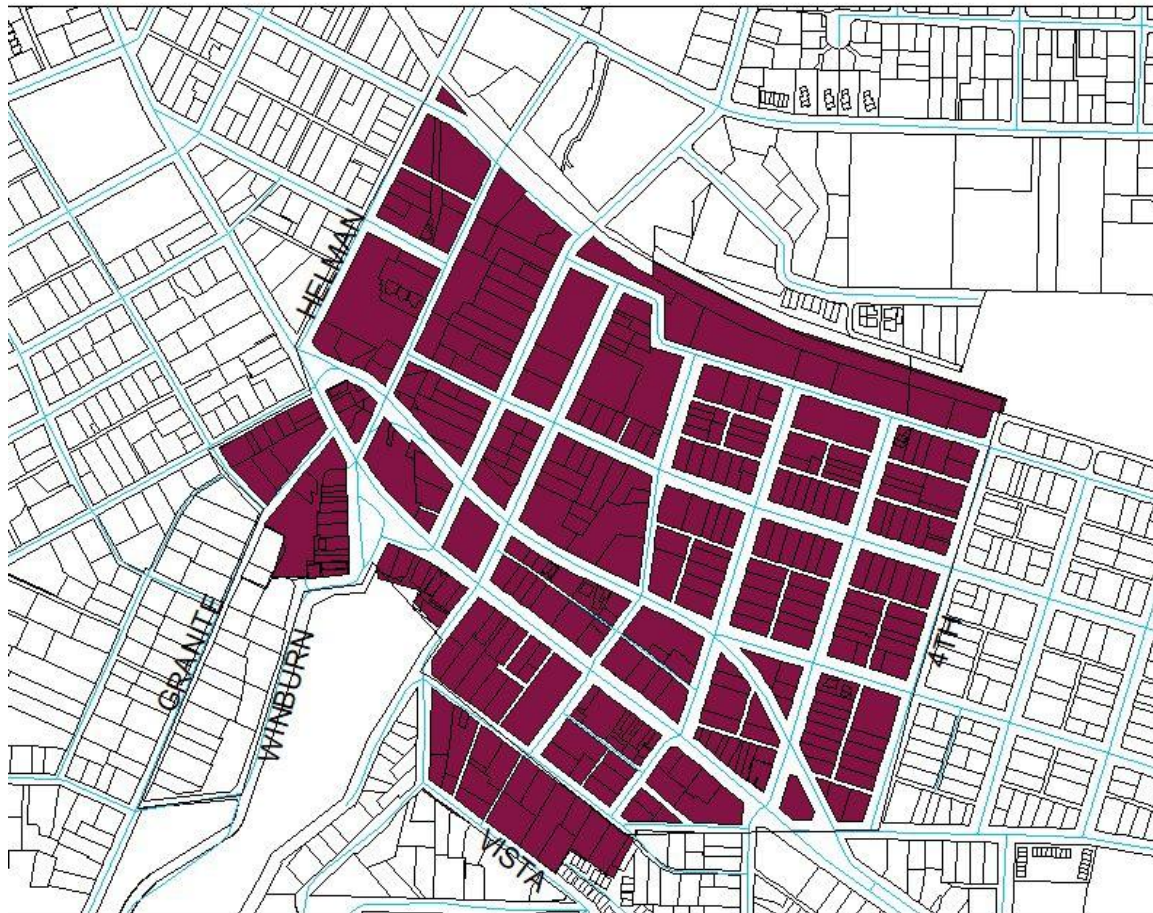
CFA's provide almost infinite zoning flexibility. CFA designation, therefore, should be focused on areas where the city wants to promote development - the Transit Triangle and the Downtown. The other candidates (railroad property and Croman Mill) will take care of themselves without the zoning flexibility provided by a CFA.

It would be a tragedy if our downtown were to miss out.

Gary Shaff
Ashland

Recommended Downtown Climate Friendly Area

162 Acres

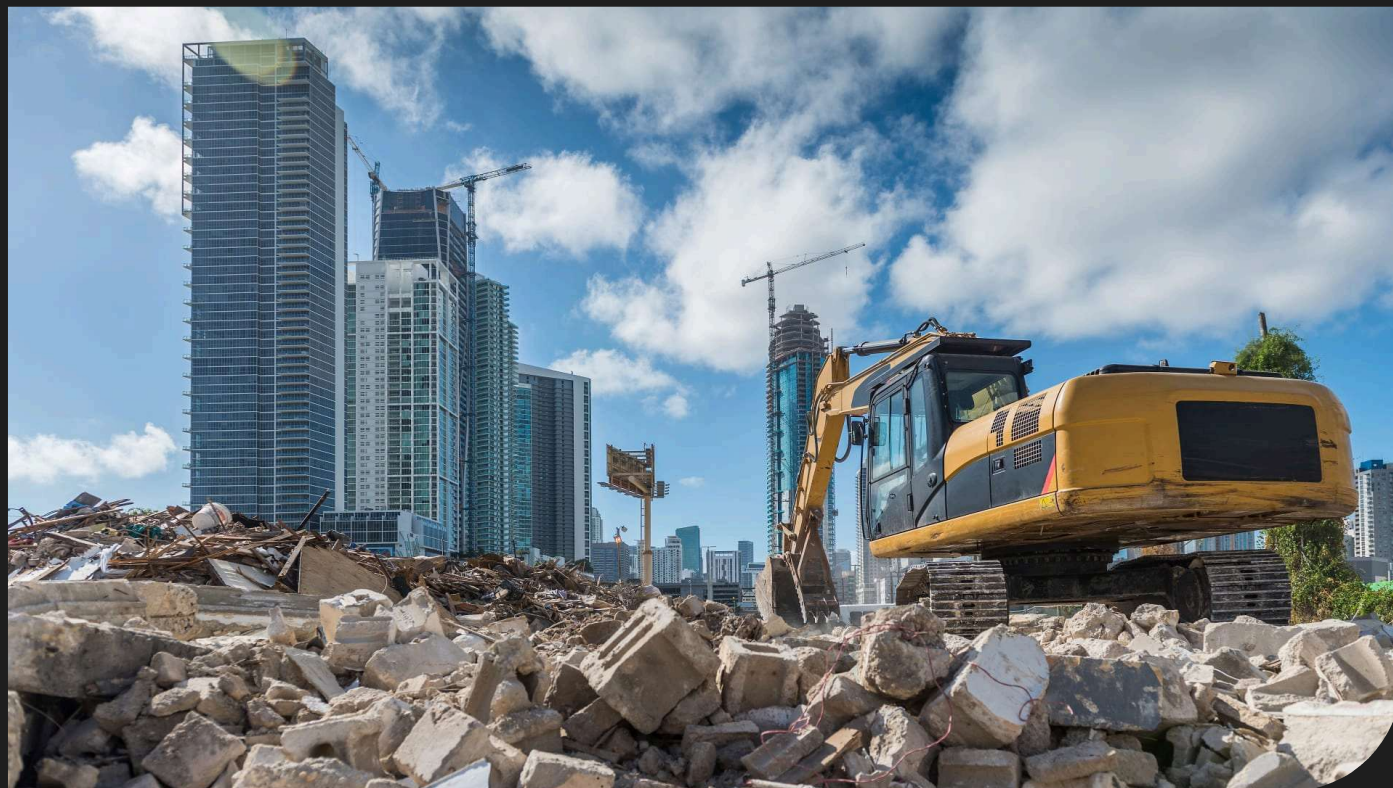


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INSIGHTS /

WHY CONSTRUCTION NEEDS TO CONSIDER THE END OF BUILDING
LIFE CYCLES



ISTOCK / GETTY IMAGES PLUS / CHUYN

APRIL 20, 2023

Why Construction Needs to Consider the End of Building Life Cycles

 Chat

better building means playing the sustainability long game



REX LAMORE, SENIOR SPECIALIST, URBAN + REGIONAL PLANNING PROGRAM AND DIRECTOR OF THE CENTER FOR COMMUNITY AND

is concise.

“Structures have a life cycle,” says LaMore. “They have an end of life - in some cases, a predictable end of life - and we should build with that end of life in mind.”

You’d be forgiven for not being familiar with the term domicology. It’s a relatively new field of study. It was started by LaMore himself at Michigan State University in 2015 where he serves as senior specialist for the Urban + Regional Planning Program and Director of the Center for Community and Economic Development.

“

When we build... we have a responsibility for that structure at its end of useful life, so we don't burden future generations with the cost of removing an unusable structure.

For him it’s about finding ways to keep those buildings from becoming abandoned hulks and being able to reuse and reclaim the building materials when they’re

generates annually, 90% comes from building demolition.
“It's just really trying to help people understand that these things have a life cycle and to build for that.”



MOST COMMERCIAL BUILDINGS HAVE A 30-YEAR LIFE CYCLE
IMAGE CREDIT: BOSLEY CREATIVE/AOI CORPORATION

Why domicology matters

speak. LaMore explains that the bulk of his research has been on the life cycle of residential properties but clarifies the principles of domicology also apply to commercial and industrial spaces. It's important because across the board they just don't build them like they used to.

“There are obviously structures like the Pantheon that have lasted for thousands of years,” says LaMore. “But most of them overwhelmingly don't last that long. Now that doesn't mean we shouldn't build for them to last, but most structures don't have that length of life.”

Looking at residential properties, LaMore says, in general they have about a 90-year life cycle. Nothing like the Pantheon, unfortunately. “Commercial actually comes in around 30,” he says. “We've seen some as little as 15 to 20 years here recently.... That's such a short timeline.”



SPECIALIZED MODULAR CONSTRUCTION USED TO PRESERVE HISTORIC WINDOWS IN AN EXISTING BUILDING

IMAGE CREDIT: HEATHER CONLEY PHOTOGRAPHY

When you look at the time, energy, and raw material put into commercial real estate construction, it's a huge use of resources. Especially considering how short a life these

that for many decades.”

It's not just one thing

As LaMore speaks, he paints a picture of why domicology is more than just an abstract academic concept. It's not simply the raw material use, though that plays a part. And it's not just the staggering amount of construction waste that ends up in landfills, though that is part of it, too. Ultimately, there is a socio-economic aspect that goes hand in hand with sustainability considerations.

When buildings go unused, there's a chance they will become abandoned. Unmaintained buildings become a hazard. They lower neighborhood resale value. And they have the potential to tank the local economy, causing more and more abandoned buildings until communities collapse under the weight of unused real-estate. Combine that with exceptionally short building life cycles, and it's easy to see why this is becoming more and more important.

“In my experience for some folks, it's an aha experience,” he says. “Oh, yeah, right. You're right.”



A FORMER CALL CENTER REPURPOSED AS A BUSINESS HEADQUARTERS

IMAGE CREDIT: SALLY PAINTER

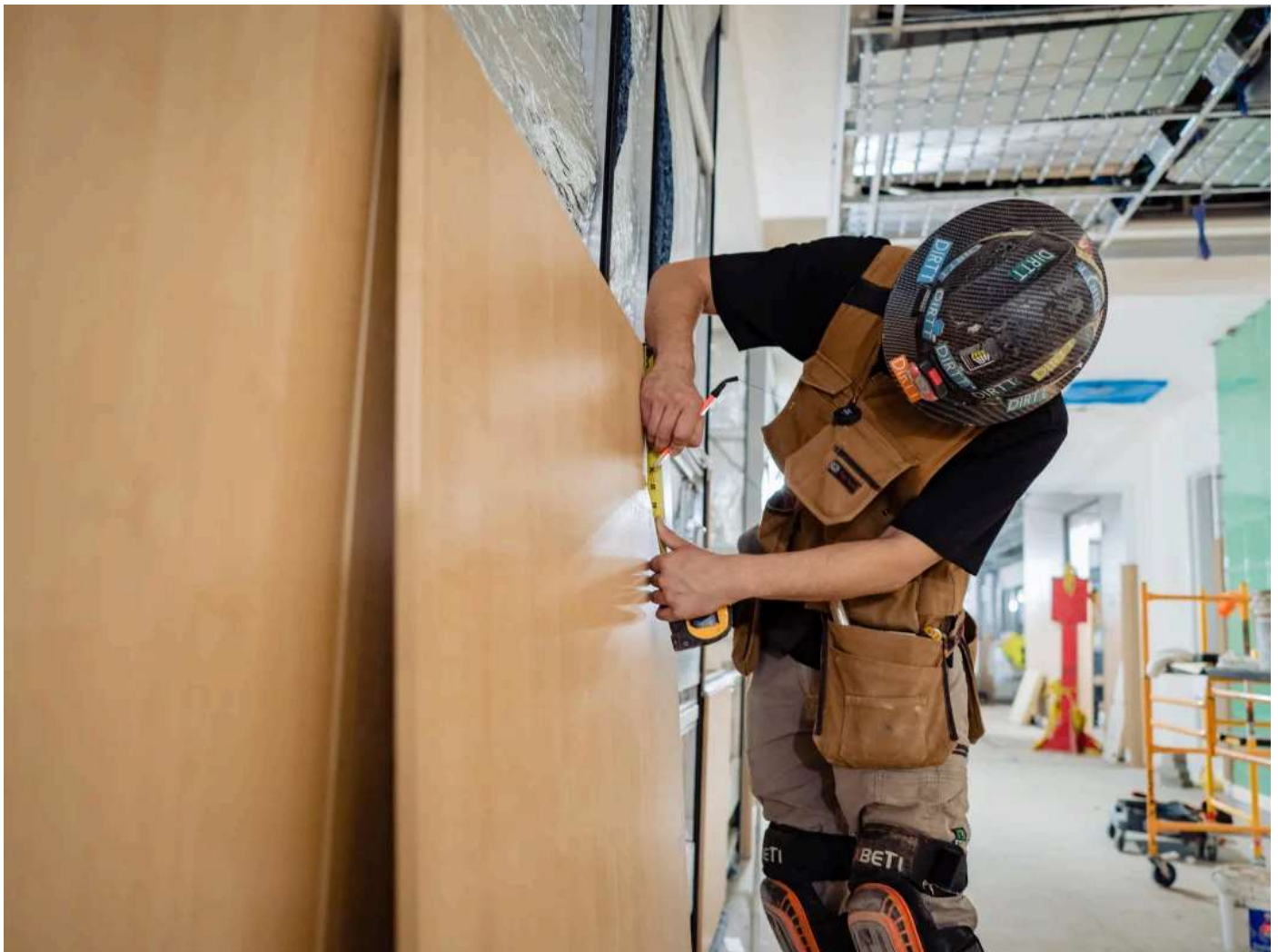
What can be done?

Not surprisingly, it all comes back to the three Rs with LaMore focusing on two of them - reuse, recycle.

“Clearly the best domicological facility is to reuse it,” says LaMore. “Extend the life.”

This could mean taking over an existing building and retrofitting the interior without any impact on the embodied carbon from the structure. Perhaps it’s utilizing

“We've got all that embedded energy. Let's extend the life to the extent feasible,” says LaMore. “Because all that embedded energy and all the structural materials continue to be embedded.”



SPACES DESIGNED FOR DISASSEMBLY COME APART AS EASILY AS THEY COME TOGETHER

IMAGE CREDIT: CORY PARRIS PHOTOGRAPHY, INC.

When the life of a building can't be extended any further, the challenge becomes finding a meaningful way of decommissioning it. In some cases, salvage teams can come into a building and remove high-value metal and cabling. It's not easy work, but the sale price of those reclaimed materials makes it lucrative for salvagers. But what about the rest?

Most buildings aren't made to come apart easily. From poured concrete supports to powerful adhesives, separating usable pieces can be an even greater challenge.

“(The key is) trying to find new ways to help join materials in such a way that you can separate them without damaging the material.”

Designing a space with disassembly in mind offers two-fold benefits. Using a modular construction system allows parts and pieces to be reconfigured without extensive raw material use. And if the building does reach the end of its life cycle, removing those elements that have been designed for disassembly becomes that much easier, reducing labor and increasing the possibility of recycling.



SUSTAINABLE SPACE LEADS TO VIBRANT COMMUNITIES

IMAGE CREDIT: TIMOTHY HURSLEY

Benefitting the community

For LaMore, looking meaningfully at the end of a building's life cycle means taking the start of the process

you do when their time has come? His sentiments echo the United Nations Environment Programme.

“From an economic development perspective, if your community is incentivizing that kind of commercial development... you should definitely think about the end of life. If you're going to put public resources into that development, make sure that part of it is accounted for. Part of that negotiation accounts for that end of life.”

To do that, LaMore recommends community benefit agreements (CBA), which are becoming more common in his home state of Michigan. Known for getting their start in California in the '90s, CBAs offer a way of building that supports those in the area into the future. In most cases, they are used to improve equity and diversity when it comes to job site labor. Lately this has expanded to include sustainability initiatives as local jurisdictions have legislated green building standards.

“We’re seeing more and more local governments embrace it now,” he says. But LaMore says that negotiations between the developer and the community can and should extend to include ongoing site use and potential removal at end of life. Together with extended building

sustainable spaces and maintain vibrant communities.

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