



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

November 16, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Ashland Plan Amendment
DLCD File Number 005-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: November 27, 2007

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Brandon Goldman, City of Ashland

<paa>

FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DATE STAMP

DEPT OF

NOV 08 2007

LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **City of Ashland**

Local file number: **2006-01889**

Date of Adoption: **10/3/2007**

Date Mailed: **11/6/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 8/18/2006

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Allows for the conversion of existing multi-family rental units into for-purchase housing when the existing structure meets the general regulations of the zoning district as a permitted use. When a structure(s) does not meet the general regulations options for conversion and establishing affordability requirements when applicants request relief from non-conformities were added.

Does the Adoption differ from proposal? Yes, Please explain below:

Definition that established the proposed ordinance applies to conversions of apartments that were built prior to this ordinance was added

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

- 45-days prior to first evidentiary hearing? Yes No
- If no, do the statewide planning goals apply? Yes No

(005-01) NDA

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None

Local Contact: **Brandon Goldman**

Phone: (541) 552-2076 Extension: 0

Address: **20 E. Main Street**

Fax Number: **541-552-2050**

City: **Ashland**

Zip:

E-mail Address: **goldmanb@ashland.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 2942

**AN ORDINANCE AMENDING THE ASHLAND MUNICIPAL CODE, LAND USE
ORDINANCE, REGARDING CONVERSION OF EXISTING RENTALS INTO
FOR-PURCHASE HOUSING IN MULTI-FAMILY ZONING DISTRICTS.**

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

SECTION 1. Section 18.24.020. of the Ashland Municipal Code is amended to add the following new paragraph 18.24.020. K, as follows:

K. Conversion of existing multi-family rental units, into for-purchase housing when authorized in accordance with Chapter 18.24.040 (L).

SECTION 2. Section 18.24.030.J. of the Ashland Municipal Code is amended to read as follows:

~~J. Condominium conversion of existing rental units subject to a Type-I procedure and demonstration that at least 25% of the residential units are affordable for moderate income persons in accord with the standards established by resolution of the Ashland City Council through procedures contained in said resolution. Current residents of rental units proposed for conversion to condominiums shall have first right of refusal to purchase the unit.~~

SECTION 3. Section 18.24.040. of the Ashland Municipal Code is amended to add the following new paragraph 18.24.040. L, as follows:

L. Conversion of existing multi-family dwelling rental units into for-purchase housing including the demolition of existing multi-family dwelling rental units, is subject to the following:

- 1) Existing multi-family rental unit structures may be allowed to convert all or a portion of the structure as set forth in Table 1 provided that the existing structure meets the following general regulations of the zoning district: permitted density, yard requirements, maximum height, maximum lot coverage, outdoor recreation space, maximum permitted floor area, waste enclosures, parking and bike storage.**

Table 1

Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Section 18.24.040.L.5.B)	Market rate rentals	Affordable Rentals(per Section 18.24.040.L.5 .A)
2-4	100%	0%	0	0%
5-12	75%	0%	25%	0%
13-24	50%	0%	50%	0%
25-48	25%	0%	75%	0%
49+	0	0%	100%	0%

- 2) Existing multi-family rental unit structures may be allowed to convert all or a portion of the structure as set forth in Table 2 and the standards below when the existing structure does not meet any one or more of the following general regulations of the zoning district: permitted density, yard requirements, maximum height, maximum lot coverage, outdoor recreation space, and maximum permitted floor area.**
- a. Conversion of an existing multi-family structures to for-purchase housing shall comply with the following general regulations and the site design and use standards of the zoning district: number of bike and automobile parking spaces, trash and recycling enclosures.**
 - b. Conversion of existing multi-family structures to for-purchase housing shall demonstrate that there are adequate public facilities and public services available to serve the development, including but not limited to water, sewer, electric, fire protection, and storm drainage.**
 - c. Conversion of existing multi-family structures to for-purchase housing shall improve the street frontage to meet adopted Ashland Site Design and Use Standards and Street Design Standards, including landscaping, sidewalks and street trees.**

Table 2

Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Section 18.24.040.L.5.B)	Market rate rentals	Affordable Rentals(per Section 18.24.040.L.5.A)
2-4	75%	25%	0	0%
5-12	56.25%	0%	25%	18.75%
13-24	37.50%	0%	50%	12.50%
25-48	18.75%	0%	75%	6.25%
48+	0.00%	0%	100%	0.00%

- 3) **As an incentive to provide affordable rental housing units above minimum requirements in projects of five or more units, an applicant shall be granted an equal percentage of for-market ownership units per Table 3.**

Table 3:

Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Section 18.24.040.L.5.B)	Market rate rentals	Affordable Rentals(per Section 18.24.040.L.5.A)
2-4	na	na	na	na
5-12	68.75%	na	0%	31.25%
13-24	62.50%	na	0%	37.50%
25-48	56.25%	na	0%	43.75%
48+	50.00%	na	0%	50.00%

- 4) **Units designated as market rate or affordable rental units shall be retained as one condominium tract under one ownership. This remaining rental tract shall be restricted from further consideration of conversion to for-purchase housing.**
- 5) **Affordable Housing Units provided under 18.24.040 L(2) and 18.24.040 L(3) shall meet the following affordability standards:**
- a. **Affordable Rental Units shall be affordable for rent by households earning at or below 60% of the area median income in accordance with the standards established by Resolution 2006-13.**
 - b. **Affordable Ownership Units shall be affordable for purchase by households earning at or below 80% of the area median income in accordance with the standards established by Resolution 2006-13. Resolution 2006-13 is specifically incorporated herein by this reference and attached hereto as Appendix A.**

- 6) **Prior to offering any units for sale the developer must comply with section 15.104 of the Ashland Municipal Code**
- 7) **Conversion of existing rental units into for-purchase housing shall comply with the tenant rights provisions under Chapter 10.115 of the Ashland Municipal Code.**
- 8) **For the purposes of sections 18.24.020 and 18.24.040 existing multi-family rental units are defined as dwelling units designed to house multiple households within one or more structures on a single property that were constructed and occupied prior to the effective date of this ordinance. Multi-family rental units constructed after the effective date of this ordinance are not subject to the provisions of Chapter 18.24.040 (L).**

SECTION 4. Section 18.28.020. of the Ashland Municipal Code is amended to add the following new paragraph 18.28.020. K, as follows:

- K. Conversion of existing rental units into for-purchase housing when authorized in accordance with Chapter 18.28.040 (L)**

SECTION 5. Section 18.28.030.J. of the Ashland Municipal Code is amended to read as follows:

~~J. Condominium conversion of existing rental units subject to a Type I procedure and demonstration that at least 25% of the residential units are affordable for moderate income persons in accord with the standards established by resolution of the Ashland City Council through procedures contained in said resolution. Current residents of rental units proposed for conversion to condominiums shall have first right of refusal to purchase the unit.~~

SECTION 6. Section 18.28.040. of the Ashland Municipal Code is amended to add the following new paragraph 18.28.040. L, as follows:

L. Conversion of existing multi-family dwelling rental units into for-purchase housing including the demolition of existing multi-family dwelling rental units, is subject to the following:

- 1) **Existing multi-family rental unit structures may be allowed to convert all or a portion of the structure as set forth in Table 1 provided that the existing structure meets the following**

general regulations of the zoning district: permitted density, yard requirements, maximum height, maximum lot coverage, outdoor recreation space, maximum permitted floor area, waste enclosures, parking and bike storage.

Table 1

Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Section 18.28.040.L.5.B)	Market rate rentals	Affordable Rentals(per Section 18.28.040.L.5.A)
2-4	100%	0%	0	0%
5-12	75%	0%	25%	0%
13-24	50%	0%	50%	0%
25-48	25%	0%	75%	0%
49+	0	0%	100%	0%

- 2) Existing multi-family rental unit structures may be allowed to convert all or a portion of the structure as set forth in Table 2 and the standards below when the existing structure does not meet any one or more of the following general regulations of the zoning district: permitted density, yard requirements, maximum height, maximum lot coverage, outdoor recreation space, and maximum permitted floor area.**
- a. Conversion of an existing multi-family structures to for-purchase housing shall comply with the following general regulations and the site design and use standards of the zoning district: number of bike and automobile parking spaces, trash and recycling enclosures.**
 - b. Conversion of existing multi-family structures to for-purchase housing shall demonstrate that there are adequate public facilities and public services available to serve the development, including but not limited to water, sewer, electric, fire protection, and storm drainage.**
 - c. Conversion of existing multi-family structures to for-purchase housing shall improve the street frontage to meet adopted Ashland Site Design and Use Standards and Street Design Standards, including landscaping, sidewalks and street trees.**

Table 2

Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Section 18.28.040.L.5.B)	Market rate rentals	Affordable Rentals(per Section 18.28.040.L.5.A)
2-4	75%	25%	0	0%
5-12	56.25%	0%	25%	18.75%
13-24	37.50%	0%	50%	12.50%
25-48	18.75%	0%	75%	6.25%
48+	0.00%	0%	100%	0.00%

- 3) As an incentive to provide affordable rental housing units above minimum requirements in projects of five or more units, an applicant shall be granted an equal percentage of for-market ownership units per Table 3.**

Table 3:

Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Section 18.24.080.L.5.B)	Market rate rentals	Affordable Rentals(per Section 18.28.040.L.5.A)
2-4	na	na	na	na
5-12	68.75%	na	0%	31.25%
13-24	62.50%	na	0%	37.50%
25-48	56.25%	na	0%	43.75%
48+	50.00%	na	0%	50.00%

- 4) Units designated as market rate or affordable rental units shall be retained as one condominium tract under one ownership. This remaining rental tract shall be restricted from further consideration of conversion to for-purchase housing.**
- 5) Affordable Housing Units provided under 18.28.040 L(2) and 18.28.040 L(3) shall meet the following affordability standards:**
- a. Affordable Rental Units shall be affordable for rent by households earning at or below 60% of the area median income in accordance with the standards established by Resolution 2006-13.**

b. **Affordable Ownership Units shall be affordable for purchase by households earning at or below 80% of the area median income in accordance with the standards established by Resolution 2006-13. Resolution 2006-13 is specifically incorporated herein by this reference and attached hereto as Appendix A.**

6) **Prior to offering any units for sale the developer must comply with section 15.104 of the Ashland Municipal Code**

7) **Conversion of existing rental units into for-purchase housing shall comply with the tenant rights provisions under Chapter 10.115 of the Ashland Municipal Code.**

8) **For the purposes of sections 18.28.020 and 18.28.040, existing multi-family rental units are defined as dwelling units designed to house multiple households within one or more structures on a single property that were constructed and occupied prior to the effective date of this ordinance. Multi-family rental units constructed after the effective date of this ordinance are not subject to the provisions of Chapter 18.28.040 (L).**

SECTION 7. Section 18.108.030 A., of the Ashland Municipal Code, paragraph 8 is hereby amended and a new paragraph 9 is added to reflect a new Staff decision:

8. **Conversion of existing rental units into for-purchase housing (18.24.020, 18.28.020) ~~Other planning actions not otherwise listed or designated as a Type I, II or III procedure.~~**

9. **Other planning actions not otherwise listed or designated as a Type I, II or III procedure.**

SECTION 8 Severability. If any section, provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other sections, provisions, clauses, or paragraphs of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

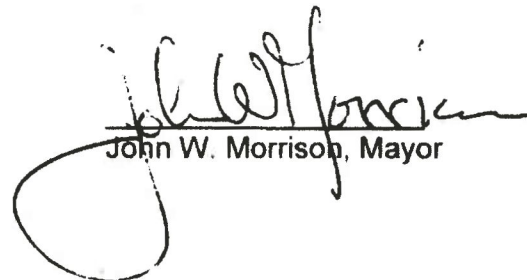
SECTION 9. Savings Clause. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement or other actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or actions commenced during the times said ordinance(s) or portions thereof were operative.

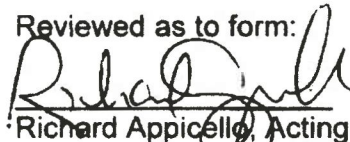
SECTION 10. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 5-7) need not be codified.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 21 day of August, 2007, and duly PASSED and ADOPTED this 2 day of October, 2007.


Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 3 day of October, 2007.


John W. Morrison, Mayor

Reviewed as to form:

Richard Appicello, Acting City Attorney

Conceptual Conversion alternatives

	Number of Units	Option 1		Option 2			Option 3		
		ownership	market rentals	ownership	affordable ownership	market rentals	affd rentals (round up)	ownership	affd rentals (round up)
Apartment complexes of 49 units or more	78	0	78	0	NA	78	0	39	39
	62	0	62	0	NA	62	0	31	31
	51	0	51	0	NA	51	0	25	26
	50	0	50	0	NA	50	0	25	25
	49	0	49	0	NA	49	0	24	25
Total units	290	0	290	0	NA	290	0	144	146
	avg %	0%	100%	0%	NA	100%	0%	50%	50%
Apartment complexes between 25 and 48 units	46	11	35	8	NA	35	3	25	21
	44	11	33	8	NA	33	3	24	20
	40	10	30	7	NA	30	3	22	18
	35	8	27	6	NA	26	3	19	16
	32	8	24	6	NA	24	2	18	14
	30	7	23	5	NA	23	2	16	14
	28	7	21	5	NA	21	2	15	13
Total units	255	62	193	45	NA	192	18	139	116
	avg %	24%	76%	18%	NA	75%	7%	55%	45%
Apartment complexes between 13 and 24 units	24	12	12	9	NA	12	3	15	9
	22	11	11	8	NA	11	3	13	9
	21	10	11	7	NA	11	3	13	8
	19	9	10	7	NA	9	3	11	8
	18	9	9	6	NA	9	3	11	7
	17	8	9	6	NA	8	3	10	7
	16	8	8	6	NA	8	2	10	6
	15	7	8	5	NA	8	2	9	6
	14	7	7	5	NA	7	2	8	6
	13	6	7	4	NA	7	2	8	5
Total units	290	141	149	101	NA	147	42	175	115
	avg %	49%	51%	35%	NA	51%	14%	60%	40%
Apartment complexes between 5 and 12 units	12	9	3	6	NA	3	3	8	4
	11	8	3	6	NA	2	3	7	4
	10	7	3	5	NA	3	2	6	4
	9	6	3	5	NA	2	2	6	3
	8	6	2	4	NA	2	2	5	3
	7	5	2	3	NA	2	2	4	3
	6	4	2	3	NA	1	2	4	2
	5	3	2	2	NA	2	1	3	2
Total units	352	226	126	172	NA	91	89	223	129
	avg %	64%	36%	49%	NA	26%	25%	63%	37%
duplex triplex fourplex	4	4	0	3	1	0	0	3	1
	3	3	0	2	1	0	0	2	1
	2	2	0	1	1	0	0	1	1
Total units	677	677	0	400	277	0	0	400	277
	avg %	100%	0%	59%	41%	0%	0%	59%	41%
Grand Totals	1864	1106	758	718	277	720	149	1081	783
	100.0%	59.3%	40.7%	38.5%	14.9%	38.6%	8.0%	58.0%	42.0%

Council Communication

AN ORDINANCE AMENDING THE ASHLAND MUNICIPAL CODE, LAND USE ORDINANCE, CONCERNING CONVERSION OF EXISTING RENTALS INTO FOR-PURCHASE HOUSING IN MULTI-FAMILY ZONING DISTRICTS TO PROVIDE ADDITIONAL INCENTIVES, CONTRACTUAL COMMITMENT, DENSITY BONUS AND OTHER VOLUNTARY MECHANISMS TO INCREASE AFFORDABLE FOR-PURCHASE HOUSING STOCKS AND AFFORDABLE RENTAL UNITS IN MULTI-FAMILY ZONING DISTRICTS

Meeting Date: September 4, 2007
Department: Community Development
Contributing Departments: Legal
Approval: Martha Bennett

Primary Staff Contact: Brandon Goldman 552-2076
E-mail: goldmanb@ashland.or.us
Secondary Staff Contact: David Stalheim 552-2043
E-mail: stalheid@ashland.or.us
Estimated time (30 min)

Request:

Second Reading of an ordinance amending provisions within the R-2 and R-3 multifamily zones (Chapters 18.24.020, 18.24.030, 18.24.040, 18.28.020, 18.28.030, 18.28.040), and procedures section (18.108.030) of the Ashland Land Use Ordinance relating to the conversion of existing multi-family rental units into for-purchase housing.

Background

The City Council held a hearing on the proposed ordinance on June 19th, 2007 and continued the First Reading of the ordinance to the August 21st regular meeting. At this meeting the City Council approved the first reading of the ordinance and directed staff to modify the language in sections 18.24.040L and 18.28.040L to remove the qualifier "as now or hereafter amended by the Ashland City Council." In reference to Resolution 2006-13. This term has been removed from the ordinance as currently presented.

Upon further review of the ordinance the Legal Department has determined that the term "*existing multi-family rental units*" should be further clarified in the ordinance. As this term could be interpreted to mean either:

- units that were in existence on the date the ordinance goes into effect, or
- units that are in existence at the time an application for conversion to for-purchase housing is filed.

Staff has provided two options for consideration below which would distinguish between these two distinct interpretations.

Options

Option A

The following definition would establish that the proposed ordinance would only apply to conversions of apartments that were built prior to this ordinance:



For the purposes of sections 18.24.020 and 18.24.040 existing multi-family rental units are defined as dwelling units designed to house multiple households within one or more structures on a single property that were constructed and occupied prior to the effective date of this ordinance. Multi-family rental units constructed after the effective date of this ordinance are not subject to the provisions of Chapter 18.24.040 (L).

This definition addresses a concern raised by members of both the Planning Commission and City Council that the ordinance as proposed could be a disincentive to future multi-family rental development.

It has been standard practice in recent years for new developments on multifamily zoned property to be condominiums or town-homes from inception. It has been argued that this is due in part to the existing condominium conversion ordinance and the added affordability requirements that are triggered upon conversion. Thus this disincentive toward apartment development, as opposed to condominiums, has been in place since the original condominium conversion ordinance was adopted in 1989.

Were future developments of multi-family rental units to be exempted from the conversion provisions as shown in Option A, that would function to allow these developments to be initially be built as apartments, without subsequent provision of affordable housing. This change from Ashland's existing condominium conversion ordinance would provide further incentive to develop multi-family rentals as opposed to condominiums on vacant land when compared to the existing ordinance.

Option B

The following definition would establish that both currently developed apartments as well as those built in the future would be subject to the requirements of the proposed ordinance regulating conversion of existing multi-family units into for purchase housing:

For the purposes of sections 18.24.020 and 18.24.040, existing multi-family rental units are defined as dwelling units designed to house multiple households within one or more structures on a single property that were constructed and occupied prior to application for conversion into for-purchase housing.

As the proposed ordinance would apply to both the R-2 and R-3 zoning districts the selected option would modify the Ashland Land Use Code by adding the definition under both 18.24.040L(8) and 18.28.040L(8).

Related Policies

A complete listing of related policies was included in the Council Communication dated April 17th, 2007 and is included in the public record for this ordinance adoption.

The criteria for a legislative amendment to the land use ordinance are as follows:

18.108.170.A. It may be necessary from time to time to amend the text of the Land Use Ordinance or make other legislative amendments in order to conform with the comprehensive plan or to meet other changes in circumstances and conditions. A legislative amendment is a legislative act solely within the authority of the Council.

CITY OF ASHLAND

The establishment of criteria of approval establishing a requirement to retain rental units, or to provide a percentage as affordable housing, for the conversion of existing apartments into for-purchase housing is supported by both local Council Goals, elements within Ashland's Comprehensive Plan, the Ashland Housing Needs Analysis (2001) and Affordable Housing Action Plan, and the Oregon's Statewide Planning Goals and Guidelines. The specific sections of these documents that identify the public need to preserve multi-family rental housing as a needed housing type within the City of Ashland are provided in the Staff report dated October 10, 2006.

Council Options:

- Approval of Second Reading of the ordinance with amendments by reading in full any new sections (Option A or Option B as selected)
- Deny the ordinance as proposed.

Attachments:

- Amended Ordinance No. _____ incorporating either Option A or Option B as presented in this Council Communication
Amending the Land Use Ordinances Concerning Conversion of existing multi-family rental units into for-purchase (Chapters 18.24.020, 18.24.030, 18.28.020 and 18.28.030) of the Ashland Land Use Ordinance

Provided in the June 19th 2007 Council Packet

- Ordinance No. _____
Amending the Land Use Ordinances Concerning Conversion of existing multi-family rental units into for-purchase (Chapters 18.24.020, 18.24.030, 18.28.020 and 18.28.030) of the Ashland Land Use Ordinance
- Exhibit A: Options for Conversion Matrix
- Exhibit B : Actual Unit Table: Conceptual Conversion Alternatives

Provided in the April 17th 2007 Council Packet

- Applicable Oregon Revised Statutes
- Table showing 2007 Fair Market Rents as defined by HUD
- Table showing 2007 Area Median Income including 60% and 80%AMI
- Resolution 2006-13 (SDC Deferral Program)
- Staff Report dated October 10, 2006
- Planning Commission Study Session July 25, 2006
- 10/24/2006 - Planning Commission Public Hearing minutes
- 10/10/2006 - Planning Commission Public Hearing minutes
- 8/21/2006 - Housing Commission public hearing minutes
- 7/25/2006 - Planning Commission Study Session minutes
- 7/20/2006 - Ad-Hoc Committee meeting - and Planning Commissions minutes
- 6/27/2006 - Joint Housing and Planning Commission Study Session minutes

Letters Attached:

Provided in the June 19th 2007 Council Packet

- Philip Lang Letter dated March 26, 2007
- Melanie Mindlin Letter dated April 11, 2007
- Don Skillman Letter dated July 28, 2006
- Brandon Goldman response to Melanie Mindlin letter (questions) dated June 11 2007.

