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PART 18.1 - Introduction and General Provisions

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18.1.1 Introduction
18.1.2 Title, Purpose, and General Administration
18.1.3 Lot of Record and Legal Lot Determination
18.1.4 Nonconforming Situations
18.1.5 Ordinance Interpretations
18.1.6 Zoning Permit Expiration, Extension, and Enforcement

Chapter 18.1.1 - Introduction

The Staff Advisor administers the City's Land Use Ordinance ("this ordinance"). This ordinance regulates land use and development within the city and is organized as follows:

Part 18.1. Part 18.1 describes the title, purpose, authority, organization and general administration of this ordinance. Part 18.1 also explains how City officials interpret and enforce code requirements.

Part 18.2. Part 18.2 contains Ashland's zoning regulations. The Zoning Map, consistent with the Comprehensive Plan, designates zoning districts, or zones. The zoning regulations specify allowed land uses, and lot and development standards that are specific to particular land uses or zones. Before commencing a new use or development, changing an existing use or development, or applying for a building permit, the property owner should verify the City's zoning requirements.

Part 18.3. Part 18.3 contains Ashland's special zoning districts and overlay zones. The Zoning Map designates special districts for distinct geographic areas based on a special area plan such as the North Mountain Neighborhood (NM) and Croman Mill (CM) districts. The zoning regulations for the special districts specify allowed land uses, and lot and development standards that are specific to particular land uses or zones. The overlay zones include special regulations and standards that supplement the base zoning district and zoning regulations.

Part 18.4. Part 18.4 contains the City's development design standards, formerly referred to as the Site Design and Use Standards and Street Design Standards. It includes requirements for building design; street access; pedestrian and vehicle circulation; bicycle and automobile parking; landscaping, screening, fences and walls; outdoor lighting; adequate transportation, water, sanitary sewer, and storm drainage facilities; and utility requirements. Part 18.4 applies to all development, including land divisions and projects for which no land use application or review is required.

Part 18.5. Part 18.5 contains the City's application requirements and review procedures for land use and development decisions, including but not limited to procedures for land divisions, property line adjustments, conditional use permits, site review, master planned developments, and variances.

Part 18.6. Part 18.6 contains definitions and other exhibits that the City uses in interpreting and administering this ordinance. For example, where part 18.2 contains a general list of land uses allowed in each zone, part 18.6 provides examples of uses that are consistent with each general category.

Chapter 18.1.2 - Title, Purpose, and General Administration

Sections:

18.1.2.010 Title
18.1.2.020 Purpose
18.1.2.030 Enactment and Effect
18.1.2.040 Compliance Required
18.1.2.050 Rules of Ordinance Construction
18.1.2.060 Land Use Ordinance Consistency with Comprehensive Plan and Laws
18.1.2.070 Land Use Ordinance and Zoning Map Implementation
18.1.2.080 Building Permits
18.1.2.090 Official Action

18.1.2.010 Title

AMC Title 18 Land Use shall be known as the “Land Use Ordinance” of the City (“this ordinance”).

18.1.2.020 Purpose

The purpose of the Land Use Ordinance is to encourage the most appropriate and efficient use of land; to accommodate orderly growth; to provide adequate open space for light and air; to conserve and stabilize the value of property; to protect and improve the aesthetic and visual qualities of the living environment; to aid in securing safety from fire and other dangers; to facilitate adequate provisions for maintaining sanitary conditions; to provide for adequate access to and through property; and in general to promote the public health, safety, and the general welfare, all of which is in accordance with and in implementation of the Comprehensive Plan. Race, color, religion, sexual orientation, gender identity, national origin, or disability shall not be an adverse consideration in making any decision under this ordinance.

18.1.2.030 Enactment and Effect

The Land Use Ordinance applies to all land uses and development in the City.

18.1.2.040 Compliance Required

A. Compliance with Land Use Ordinance. No structure or lot shall hereinafter be used, developed, or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or otherwise altered except as permitted by this ordinance. A lawful use of land (“use”) is one that is permitted in accordance with this ordinance or is allowed as a legal nonconforming use, pursuant with chapter 18.1.4, provided State or Federal law does not prohibit the use. Amendments to the Zoning Map, Comprehensive Plan Map, and other official maps, amendments to the Land Use Ordinance, and annexations shall conform to applicable provisions of this ordinance.

B. Obligation by Successor. The requirements of this ordinance apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest.

18.1.2.050 Rules of Ordinance Construction

A. Provisions of Land Use Ordinance Declared to be Minimum Requirements. The provisions of this ordinance, in their interpretation and application, are minimum requirements, adopted for the protection of the public health, safety, and general welfare.

B. Highest Standard or Requirement Applies. Where a requirement of this ordinance varies from another provision of this ordinance or with other applicable regulations, the highest standard or regulation shall govern.

C. Tenses. Words used in the present tense include the future; the singular form includes the plural; and the plural includes the singular.

D. Requirements versus Guidelines. Use of the word "shall," "must," "required," "prohibited" or similar directive term means the ordinance provision is a requirement. Use of the word "should," "encouraged," "recommended," "may," or similar term, means the provision is a guideline. Guidelines are intended to assist City decision-making bodies where certain land use actions require the exercise of discretion.

E. Interpreting Illustrations. This ordinance contains illustrations, photographs, and ordinance "graphics," which are intended to serve as examples of development design that either meet or do not meet particular ordinance standards. Except where a graphic contains a specific numerical standard or uses the word "shall," "must," "required," or "prohibited," strict adherence to the graphic is not required.

F. Severability. The provisions of this ordinance are severable; where any section, sentence, clause, or phrase is judged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the ordinance.

18.1.2.060 Land Use Ordinance Consistency with Comprehensive Plan and Laws

A. Comprehensive Plan. This ordinance implements the Comprehensive Plan. Provisions of this ordinance shall be interpreted consistent with the Comprehensive Plan.

B. Compliance with Other Laws Required. In addition to the requirements of this ordinance, all uses and development must comply with all other applicable City, State of Oregon, and Federal rules and regulations.

C. References to Other Regulations. All references to other City, State, and Federal rules and regulations are for informational purposes only and do not constitute a complete list of such requirements. The references do not imply any responsibility by the City for enforcement of State or Federal regulations. Where a proposal, permit, or approval is subject to both City requirements and State or Federal requirements, the property owner is responsible for contacting the applicable agencies and complying with their rules and regulations.

18.1.2.070 Land Use Ordinance and Zoning Map Implementation

A. Zoning of Areas to be Annexed. Concurrent with annexation of land, the City Council, upon considering the recommendation of the Planning Commission, shall enact an ordinance applying applicable zoning designation(s) to the subject land, pursuant with chapter 18.5.8. The Comprehensive Plan shall guide the designation of zoning for annexed areas.

B. Land Use Ordinance and Zoning Map. The City's official Zoning Map ("Zoning Map"), which may

be published, amended, and filed separately from this ordinance, is part of this ordinance. The zoning districts depicted on the Zoning Map correspond to the zoning districts in this ordinance. In addition, this ordinance may contain zoning regulations for special areas, (i.e., overlay zones), and for certain uses or structures that do not appear on the Zoning Map.

C. **Interpreting the Zoning Map.** Except as otherwise specified by this ordinance, the City's zoning boundaries are as designated on the Zoning Map, which is kept on file at City Hall. The City may adopt and publish supplemental zoning and land use control maps where it is impractical to illustrate all regulated features on one map; examples of regulated features include but are not limited to historical landmarks, floodplain corridor boundaries, local wetland inventories, and specific area plans. In addition, the City may require field verification and mapping (e.g., survey) of a regulated feature as part of a development application, where the feature is thought to exist on or adjacent to the subject property but its exact location is unknown.

D. **Boundary Lines.** Zoning district boundaries are determined pursuant to section 18.2.1.030.

E. **Changes to Official Zoning Map.** Proposed changes to the Zoning Map are subject to review and approval under chapter 18.5.9

18.1.2.080 Building Permits

A. **Land Use Approvals and Building Permits**. The Building Official, pursuant with AMC title 15, administers the City's building codes and issues building permits. The Staff Advisor administers the Land Use Ordinance, processes land use approvals, and coordinates with the Building Official on development and building projects to ensure compliance with the Land Use Ordinance.

B. **Zoning Compliance Required for Building Permits.** A building permit shall not be issued until the Staff Advisor has confirmed that all applicable Land Use Ordinance requirements are met, or appropriate conditions of approval are in place to ensure compliance.

18.1.2.090 Official Action

A. **Official Action.** The Staff Advisor, Planning Commission, and City Council are "City officials" vested with authority to issue permits and grant approvals in conformance with this ordinance, pursuant to part 18.5 Application Review Procedures and Approval Criteria. City officials shall not issue or grant a permit or approval for any development or use that violates or fails to comply with conditions or standards imposed to carry out this ordinance.

B. **Void Future Actions.** Any permit or approval issued or granted in conflict with the provisions of this ordinance shall be void, unless the City modifies it in conformance with this ordinance. The Staff Advisor shall determine when an approval is void and, as applicable, he or she shall refer it back to the decision body for modification to ensure compliance.

C. **Referral to Planning Commission.** In addition to those actions that require Planning Commission approval, the Staff Advisor may refer any question or permit request to the Commission, who then shall take action on the request pursuant to the applicable provisions of this ordinance. See also, chapter 18.1.5 Ordinance Interpretations and part 18.5 Application Review Procedures and Approval Criteria.

D. **Notices, Filing, and Validity of Actions.** The failure of any person to receive mailed notice or failure to post or file a notice, staff report, or form shall not invalidate any actions pursuant to this ordinance, provided a good faith effort was made to notify all parties entitled to such notice report or

form. See chapter 18.5.1 General Review Procedures.

Chapter 18.1.3 - Lot of Record and Legal Lot Determination

Sections:

18.1.3.010 Purpose and Intent
18.1.3.020 Criteria
18.1.3.030 Legal Lot Determination Procedure

18.1.3.010 Purpose and Intent

The purpose of chapter 18.1.3 is to establish criteria and a process for determining when a lot of record exists for the purpose of allowing a use or development on a nonconforming lot (e.g., substandard lot that does not meet lot area, setback, or coverage regulations). The owner of lot of record shall not be denied reasonable development on a lot of record; where the underlying zone allows residential use, one single-family dwelling per lot of record is deemed reasonable use, provided applicable building codes are met. The City may also accept a legal lot determination as sufficient evidence of a hardship for in approving a variance under chapter 18.5.5.

18.1.3.020 Criteria

A lot of record is a plot of land that meets one or more of the following criteria, pursuant to ORS 92.010 to 92.190:

A. The plot of land was lawfully created through a subdivision or partition plat in Jackson County prior to annexation to the City.

B. The plot of land was created through a deed or land sales contract recorded with Jackson County prior to August 18, 1964 before the City adopted planning, zoning, subdivision or partition regulations (Ordinance 1361).

C. The plot of land was created through a deed or land sales contract recorded with Jackson County prior to January 1, 2007 and the subject plot of land would have complied with the applicable planning, zoning, subdivision, or partition regulations in effect at the time it was created.

18.1.3.030 Legal Lot Determination Procedure

The Staff Advisor through a Ministerial procedure, shall process requests to validate a lot of record. It shall be the property owner's responsibility to demonstrate that his or her plot of land meets the lot of record criteria in section 18.1.3.020.

Chapter 18.1.4 - Nonconforming Situations

Sections:

18.1.4.010 Purpose and Applicability
18.1.4.020 Nonconforming Uses
18.1.4.030 Nonconforming Structures
18.1.4.040 Nonconforming Developments
18.1.4.050 Nonconforming Lots

18.1.4.010 Purpose and Applicability

Chapter 18.1.4 contains standards and procedures for the continuation of uses, structures, developments and lots that are lawfully established but do not comply with current ordinance standards ("nonconforming situations"). The chapter is intended to protect public health, safety, and general welfare, while allowing reasonable use of private property. Nonconforming situations are not necessarily considered a negative influence on a neighborhood; rather the benefits of continuing a nonconformity should be weighed against impacts to the neighborhood. The chapter contains four sections as follows:

A. Nonconforming uses (e.g., commercial use in a residential zone) are subject to section 18.1.4.020;

B. Nonconforming structures (e.g., structure does not meet setback standards) are subject to section 18.1.4.030;

C. Nonconforming developments (e.g., site does not meet landscaping standards) are subject to section 18.1.4.040;

D. Nonconforming lots (e.g., lot smaller than minimum area standard) are subject to section 18.1.4.050.

18.1.4.020 Nonconforming Uses

Where a use of land exists that would not be permitted under the current ordinance, but was lawful at the time it was established, the use may continue, provided it conforms to the following requirements:

A. Change in Nonconforming Use. A nonconforming use may be changed to another nonconforming use of the same or a more restricted nature. A change in a nonconforming use requires approval of a Conditional Use Permit under chapter 18.5.4.

B. Expansion of Nonconforming Use. Expansion of a nonconforming use shall not exceed 50 percent of the building square footage. Expansion of a nonconforming use requires approval of a Conditional Use Permit under chapter 18.5.4.

C. Discontinuation or Abandonment of Nonconforming Use. Except as provided by subsection 18.1.4.020.D, a nonconforming use that is discontinued for any reason other than fire or catastrophe beyond the owner's control for a period of more than 12 months shall be deemed abandoned and shall no longer be an allowed use pursuant to all of the following requirements:

1. After the City has deemed a nonconforming use abandoned, the use shall not be allowed to resume, in whole or in part, under the same or different ownership/management; any such

activity is a violation of this ordinance.

2. For purposes of calculating the 12 month period, discontinuance does not include a period of active reconstruction following a fire or other catastrophe beyond the owner's control, and the Planning Commission through a Type II procedure in section 18.5.1.060 may extend the discontinuance period in the event of special unforeseen circumstances. A use is discontinued upon the first occurrence of any one of the following:

   a. The date when the use of land is physically vacated.

   b. The date the use ceases to be actively involved in the sale of merchandise or the provision of services; for example, as evidenced by the removal of signs, goods/stock, or office equipment, or the disconnection of telephone or utility service.

   c. The date of termination of any lease or contract under which the nonconforming use has occupied the land.

   d. The date a request for final reading of water and power meters is made to the applicable utility districts.

   e. The date of an event similar to those listed in subsections a-d, above, as determined by the Staff Advisor.

D. Reestablishment of Nonconforming Status for Discontinued Use. Notwithstanding the provisions of subsection 18.1.4.020.C, a nonconforming use that is discontinued shall not be considered abandoned where the approval authority approves a Conditional Use Permit pursuant to chapter 18.5.4. The applicant shall demonstrate the reestablished use is equivalent to or more restricted than the abandoned use. In evaluating whether or not to permit the reestablishment of a nonconforming use, the approval authority, in addition to applying the criteria required for Conditional Use Permit, shall apply the following criteria.

1. Any improvements for the reestablishment of a nonconforming use on the site are limited to 50 percent of the value of the structure, except where such improvements bring the subject site, development or use into closer conformity with this ordinance. Valuation shall be determined as follows:

   a. An independent real estate appraiser licensed in the State of Oregon shall determine the value of the structure.

   b. The value of the improvement shall be determined based upon copies of the contractor's bid for said improvements, which shall be required with the Conditional Use Permit application.

   c. Personal property necessary for the operation of the business or site improvements not included in the structure shall not be counted as improvements under this criterion.

2. The traffic generated by the proposed use is not greater than the greatest traffic that would be generated by a permitted use. In assessing the traffic generated by the proposed use, the approval authority shall consider the average peak-hour number of vehicle trips per day, the hours of operation, and the types of traffic generated; i.e., truck or passenger vehicle. The approval authority may condition approval of the Conditional Use Permit limiting the land use so that traffic impacts are not greater than for uses permitted in the same zone.

3. The noise generated by the proposed use will comply with the AMC 9.08.170, and will not exceed the average ambient noise level already existing in the area, as measured pursuant to this section.

4. There shall be no lighting of the property that would have direct illumination on adjacent uses.

5. In a residential zone, the reestablishment will further implement Goal VI, Policy 2, Housing Chapter of the Comprehensive Plan.
6. Nothing herein shall apply to nonconforming signs, which are governed by the provisions of chapter 18.4.7 of this ordinance.

18.1.4.030 Nonconforming Structures

Section 18.1.4.030 regulates nonconforming structures, except for nonconforming structures in Water Resource Protection zones subject to subsection 18.3.11.050.A.3. Nonconforming structures exist on the effective date of adoption or amendment of this ordinance, but could not be built under the terms of the ordinance today; for example, the structure(s) does not comply with current requirements for height and setbacks. If the structure or development was lawful when constructed, it may remain on site so long as it remains otherwise lawful and complies with the following regulations**.**

A. Exempt Alterations. A nonconforming structure may be altered as follows, subject to approval of required building permits.

1. Additions and alterations are permitted if the improvement, evaluated separately from the existing structure, conforms to this ordinance.
2. Restoration, rehabilitation, repair, and maintenance of a nonconforming structure (e.g., roof repair, upgrading electrical systems, and similar work) are permitted where all of the following standards are met:
    a. The structure is not changed in size or shape (i.e., three-dimensional building envelope must not change including but not limited to building footprint, mass, volume, roof shape, and height).
    b. Not more than 40 percent of any exterior building wall and not more than 50 percent of the building floor area is permanently removed; where a larger alteration is proposed, approval of a Conditional Use Permit is required.
    c. Where temporary or permanent removal of a building wall or floor area is proposed, the owner shall submit with a building permit application a construction management plan that documents existing building conditions, proposed methods of construction, and proposed building plans.
3. Reconstruction of garages and sheds if the use is not changed and the structure is not changed in size or shape (i.e., three-dimensional building envelope does not change including but not limited to building footprint, mass, volume, roof shape, and height).
4. Destruction. A legal nonconforming structure that is damaged by means beyond the owner's control, such as fire, flood, earthquake, or similar catastrophe, to an extent of 50 percent or more of its replacement cost, may be restored or reconstructed within the original three-dimensional building envelope (i.e., relative to coverage, height, setbacks, and other dimensions of the developed area) provided the nonconformity shall not increase. Any residential structure in a zone where residential uses are allowed that is damaged beyond 50 percent of its replacement cost by such catastrophe may be reconstructed at the original density, provided a building permit application for the reconstruction is submitted within two years of the catastrophe.

B. Planning Approval Required. A nonconforming structure may be altered (i.e., reconstructed, enlarged, or modified) subject to approval of a Conditional Use Permit under chapter 18.5.4 and

approval of required building permits, except that a planning action is not required for exempt alterations described in subsection 18.1.4.030.A, above. A nonconforming structure may be rebuilt pursuant to this subsection, provided in a historic district the applicant must demonstrate that restoration is not practicable.

18.1.4.040 Nonconforming Developments

A. **Exempt Alterations.** Repair and maintenance of a nonconforming development (e.g., paved area, parking area, landscaping) are allowed subject to approval of required building permits if the development is not enlarged or altered in a way that brings the nonconforming site less in conformity with this ordinance. See also, section 18.3.11.050 related to nonconforming uses in Water Resource Protection zones.

B. Planning Approval Required. A nonconforming development may be enlarged or altered subject to approval of a Conditional Use Permit under chapter 18.5.4 and approval of required building permits, except that a planning action is not required for exempt alterations described in subsection 18.1.4.040.A, above, and for non-residential development subject to subsection 18.4.2.040.B.6.

C. Roadway Access. The owner of a nonconforming driveway approach or access to a public street or highway, upon receiving land use or development approval, may be required as a condition of approval to bring the nonconforming access into conformance with the standards of the approval authority.

D. Destruction. A legal nonconforming development that is damaged by means beyond the owner's control, such as fire, flood, earthquake, or similar catastrophe, to an extent of 50 percent or more of its replacement cost, may be restored or reconstructed within the original three-dimensional building envelope (i.e., relative to coverage, height, setbacks, and other dimensions of the developed area) provided the nonconformity shall not increase.

18.1.4.050 Nonconforming Lots

If a lot or the aggregate of contiguous lots or land parcels held in single ownership, and recorded in the office of the County Clerk at the time of passage of the ordinance codified herein, a legal lot or lot of record, as provided by chapter 18.1.3, with an area or dimensions that do not meet the standards of the zoning district in which the property is located, may be occupied by a use permitted in the zone subject to other requirements of the ordinance. Lot line adjustments to nonconforming lots are allowed if the lot line adjustment brings the nonconforming lot closer in conformity with this ordinance. See also, chapter 18.1.3 Legal Lot Determination and subsection 18.4.6.050.C Nonconformities Created by Street Dedication.

Chapter 18.1.5 - Ordinance Interpretations

Sections:

18.1.5.010 Purpose
18.1.5.020 Interpretations Authorized
18.1.5.030 Interpretation Criteria
18.1.5.040 Similar Uses
18.1.5.050 Ordinance Interpretation Procedure
18.1.5.060 Referral to Planning Commission and City Council

18.1.5.010 Purpose

Some terms or phrases within this ordinance may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the ordinance text.

18.1.5.020 Interpretations Authorized

Where the intent of this ordinance, the status of a use, or the meaning of a word or phrase is unclear, the Staff Advisor may interpret the ordinance in writing through a Ministerial or Type I procedure, as applicable, pursuant to section 18.5.1.040 or 18.5.1.050. Alternatively, the Staff Advisor may refer the question to the Planning Commission for its written interpretation through a Type II procedure, pursuant to section 18.5.1.060. Neither the Staff Advisor's interpretation nor the Commission's interpretation shall have the effect of amending this ordinance.

18.1.5.030 Interpretation Criteria

Any interpretation made through the foregoing procedures shall be based on the following criteria:

A. The interpretation is consistent with applicability policies of the Comprehensive Plan.

B. The interpretation is consistent with the purpose and intent of the ordinance provision that applies to the particular ordinance section, or sections, in question.

C. The interpretation is consistent with the opinion of the City Attorney.

18.1.5.040 Similar Uses

Where a proposed use is not specifically identified by this ordinance or the ordinance is unclear as to whether the use is allowed in a particular zone, the Staff Advisor may find the use is similar to another use that is permitted, allowed conditionally, or prohibited in the subject zone and apply the ordinance accordingly. However, uses and activities that this ordinance specifically prohibits in the subject zone, and uses and activities that the Staff Advisor finds are similar to those that are prohibited, are not allowed. Similar use rulings that require discretion on the part of City officials shall be processed following the Type I procedure, pursuant to section 18.5.1.050, except where the Staff Advisor refers a request for a similar use determination to the Planning Commission for its review and decision through a Type II procedure, pursuant to section 18.5.1.060.

18.1.5.050 Ordinance Interpretation Procedure

Requests for a code interpretation, including but not limited to similar use determinations, shall be made in writing to the Staff Advisor and shall be processed as follows:

A. The Staff Advisor within 30 days of the inquiry shall respond in writing to person making the inquiry indicating whether additional information or a formal application is required.

B. Where an application for a formal interpretation is required, the Staff Advisor shall determine whether the request will be processed through a Ministerial or Type I review process. Where the interpretation does not involve the exercise of discretion, the application shall be processed using the Ministerial procedure in section 18.5.1.040; and where an interpretation requires discretion, the application shall be processed using the Type I procedure in section 18.5.1.050. When a code interpretation using the Type I procedure is called up for review, the Planning Commission, following the Type II procedure in section 18.5.1.060, shall have the authority to modify the interpretation based on the criteria in section 18.1.5.030.

C. At a minimum, an application for code interpretation shall include a letter citing the nature and reasons for the request, and, as required, a City fee. The Staff Advisor then shall review relevant background information, including but not limited to other relevant ordinance sections and previous City land use decisions.

18.1.5.060 Referral to Planning Commission and City Council

Where a code interpretation may have significant citywide policy implications, the Staff Advisor may bypass the procedure in section 18.1.5.050 and refer the request directly to the Planning Commission and City Council for its legislative review in a public hearing following the Legislative procedure in section 18.5.1.070.

Chapter 18.1.6 - Zoning Permit Expiration, Extension, and Enforcement

Sections:

18.1.6.010 Zoning Permits
18.1.6.020 Duties of Officer
18.1.6.030 Permit Expiration
18.1.6.040 Permit Extension
18.1.6.050 Conditions of Approval
18.1.6.060 Revocation – Conditions Violated
18.1.6.070 Revocation – Public Hearing
18.1.6.080 Violations
18.1.6.090 Complaints
18.1.6.100 Penalties

18.1.6.010 Zoning Permits

Zoning permits or approval shall be required for all buildings and structures, hereinafter erected, constructed, altered, repaired, or moved within or into any district established by this ordinance, and for the use of vacant land or for a change in the character of the use of land or buildings, within any district established by this ordinance. Such permit may be a part of the building permit.

18.1.6.020 Duties of Officer

All departments, officials, and employees of the City vested with the duty or authority to issue permits shall issue no permit, certificate, or license for uses, buildings or purpose in conflict with the provisions of this ordinance; the Staff Advisor in consultation with the Building Official and City Engineer is responsible for enforcing the provisions of this ordinance.

18.1.6.030 Permit Expiration

A. Time Period. Any zoning permit or planning action granted in accordance with the terms of this ordinance shall be deemed revoked if not used within 18 months from date of approval, unless another time period is specified in another section of this ordinance.

B. Permit Activation. Said permit shall not be deemed used until the permittee has obtained a building permit and commenced construction in compliance with permits and approvals for the project or has commenced the permitted use of the premises in compliance with this ordinance.

C. Extension Application. If an application for extension pursuant to section 18.1.6.040, below, is deemed complete for processing prior to the timetable expiration date, the permit or action shall not expire by operation of this section unless the application is abandoned or not approved or denied within 90 days.

D. Appeal or Court Proceeding. Notwithstanding any other provision of this chapter, in the event a LUBA appeal or a Circuit Court proceeding is filed concerning a final land use decision of the City, the timetable of development is deemed tolled or suspended from the date of the final decision of the City until final resolution of all appeals or final action on remand, whichever is later, not to exceed 24 months. After resolution of all such appeals or remands, timetables shall be adjusted in writing by the Staff Advisor to reflect this automatic tolling, regardless of the approval authority.

18.1.6 – Zoning Permit Expiration, Extension, and Enforcement

18.1.6.040 Permit Extension

The Staff Advisor shall grant a timetable extension of any zoning permit or planning action approval under demonstrated compliance with all of the following conditions:

A. One time extension no longer than 24 months is allowed.

B. The Staff Advisor shall find that a change of conditions for which the applicant was not responsible prevented the applicant from completing the development within the original time limitation.

C. Land Use Ordinance requirements applicable to the development have not changed since the original approval. An extension may be granted, however, if requirements have changed and there is no material effect upon the original approval, and the applicant agrees to comply with any new requirements, as a condition of the extension.

18.1.6.050 Conditions of Approval

The Staff Advisor, the Planning Commission, the Hearings Board, or the City Council, when acting as the hearing authority, may impose conditions of approval on any planning action to modify that planning action to comply with the criteria of approval or to comply with other applicable City ordinances. Such conditions shall be binding on the approved planning action, and a violation of a condition imposed by the hearing authority shall be a violation of this ordinance, and subject to all the penalties thereof.

18.1.6.060 Revocation – Conditions Violated

Any zoning permit or planning action granted in accordance with the terms of this ordinance may be revoked if any of the conditions or terms of such permit or variance are violated or if any law or ordinance is violated in connection therewith.

18.1.6.070 Revocation – Public Hearing

A. The Planning Commission shall hold a hearing on any proposed revocation after giving written notice to the permittee and owners within 200 feet of subject property as provided in section 18.5.1.060.

B. The Commission shall render its decision within 30 days after the conclusion of the hearing.

C. In case the permittee is not satisfied with the decision, he/she may within 15 days appeal in writing to the City Council.

D. The Council shall set a date for public hearing and shall give notice thereof in the manner provided in section 18.5.1.060. A report shall be submitted to the Council setting forth the reasons for the action taken by the Commission. Notice of the appeal to Council shall also be given to the Commission.

E. The Council shall render its decision within 60 days after the filing of such appeal.

18.1.6.080 Violations

A. The following shall be and are hereby declared to be unlawful and a public nuisance:

1. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title.

2. Any use of land, building, or premise established, conducted, operated, or maintained contrary to the provisions of this title.
3. Offering by means of newspaper, radio, television, or internet advertising or by means of other displays for public view any use of land, building, or premise established, conducted, operated without a valid land use approval or otherwise maintained contrary to the provisions of this title.

B. The Staff Advisor or City Attorney may, or upon order of the City Council shall, immediately commence action or proceedings for the abatement and removal and enjoinment of any public nuisance as defined in subsection 18.1.6.080.A, above, in the manner provided by law, and may take such other steps and applied to such courts as may have jurisdiction to grant such relief as will abate and remove such buildings, condition, or conduct.

C. The remedies provided for herein shall be cumulative and not exclusive.

18.1.6.090 Complaints

Complaints concerning violations to this ordinance can be initiated only as provided in AMC 1.08.

18.1.6.100 Penalties

A. Any person, firm, or corporation, whether as principal, agent employee, or otherwise, violating or causing the violation of any of the provisions of this ordinance has committed a Class A violation offense, and upon conviction thereof is punishable as prescribed in AMC 1.08.020, subject to the limitations of the Ashland City Charter. Such person, firm, or corporation is guilty of a separate violation for each and every day during any portion of which any violation of this ordinance is committed or continued by such person, firm or corporation.

B. **Fine.** A violation of any provision of this chapter, a permit issued under this chapter, or any condition of a permit issued under this chapter shall be a violation as defined by AMC 1.08 and punishable by a fine as set forth in that section. Failure to comply with the provisions of this chapter or a permit or any condition of a permit issued under this chapter shall be a separate offense each day the failure to comply continues.

C. **Enforcement Fee.** In addition to a fine, the court may impose an enforcement fee as restitution for the enforcement costs incurred by the City. This fee may be imposed upon any person who violates any provision of this chapter or who violates any permit or condition of any issued permit under this chapter. The fee shall be in an amount established by resolution of the City Council.

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Chapter 18.2.1 – Zoning Regulations and General Provisions

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18.2.1.010 Purpose
18.2.1.020 Zoning Map and Classification of Zones
18.2.1.030 Determination of Zoning District Boundaries
18.2.1.040 Applicability of Zoning Regulations

18.2.1.010 Purpose

Chapter 18.2.1 establishes zoning districts pursuant to the Comprehensive Plan. Every parcel, lot, and tract of land within the City is designated with a zoning district, or zone. The use of land is limited to the uses allowed by the applicable zone.

18.2.1.020 Zoning Map and Classification of Zones

For the purpose of this ordinance, the City is divided into zones designated and depicted on the Zoning Map, pursuant to the Comprehensive Plan Map, and summarized in Table 18.2.1.020.

Table 18.2.1.020

Base Zones	***Overlay Zones***
Residential - Woodland (WR)	Airport Overlay
	Detail Site Review Overlay
Residential - Rural (RR)	Downtown Design Standards Overlay
Residential - Single-Family (R-1-10, R-1-7.5, and R-1-5)	Freeway Sign Overlay
Residential - Suburban (R-1-3.5)	Historic District Overlay
Residential - Low Density Multiple Family (R-2)	Pedestrian Place Overlay
Residential - High Density Multiple Family (R-3)	Performance Standards Options Overlay
Commercial (C-1)	Physical and Environmental Constraints Overlay
Commercial – Downtown (C-1-D)	-Hillside Lands
Employment (E-1)	-Floodplain Corridor Lands
	-Severe Constraints Lands
Industrial (M-1)	-Water Resources
	-Wildfire Lands
Special Districts	
Croman Mill District (CM)	Residential Overlay
Health Care Services District (HC)	
Normal Neighborhood District (NN)	
North Mountain Neighborhood District (NM)	
Southern Oregon University District (SOU)	

18.2.1.030 Determination of Zoning Boundaries

Unless otherwise specified, zoning boundaries are lot lines, the centerlines of streets, and railroad right-of-way, or such lines extended. Where due to the scale, lack of scale, lack of detail or illegibility of the Zoning Map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of a zoning boundary, the Staff Advisor or, upon referral, the Planning Commission or City Council, shall determine the boundary as follows:

A. Rights-of-way. Boundaries that approximately follow the centerlines of a street, highway, alley, bridge, railroad, or other right-of-way shall be construed to follow such centerlines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a zoning boundary, the vacated lands within the former right-of-way shall be allocated proportionately to the abutting zones.

B. Parcel, lot, tract. Where a zoning boundary splits a lot into two zones and the minimum width or depth of a divided area is 20 feet or less, the entire lot shall be placed in the zone that accounts for the greater area of the lot by the adjustment of the zoning boundary. Where a zoning boundary splits a lot into two zones and the minimum width and depth of both divided areas is greater than 20 feet, the lot shall have split zoning with lot area designated proportionately to each zone.

C. Jurisdiction boundary. Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary.

D. Natural features. Boundaries indicated as approximately following the centerlines of a river or stream, a topographic contour, or similar feature not corresponding to any feature listed in section 18.2.1.030, above, shall be construed as following such feature.

18.2.1.040 Applicability of Zoning Regulations

Part 18.2 applies to properties with base zone, special district, and overlay zone designations, as follows:

Table 18.2.1.040: Applicability of Standards to Zones, Plan Districts and Overlays

Designation	***Applicability***
Base Zones	
Residential - Woodland (WR)	Chapter 18.2 Applies Directly
Residential - Rural (RR)	Chapter 18.2 Applies Directly
Residential - Single-family (R-1-10, R-1-7.5, R-1-5)	Chapter 18.2 Applies Directly
Residential - Suburban (R-1-3.5)	Chapter 18.2 Applies Directly
Residential - Low Density Multiple Family (R-2)	Chapter 18.2 Applies Directly
Residential - High Density Multiple Family (R-3)	Chapter 18.2 Applies Directly
Commercial (C-1)	Chapter 18.2 Applies Directly
Commercial - Downtown (C-1-D)	Chapter 18.2 Applies Directly
Employment (E-1)	Chapter 18.2 Applies Directly
Industrial (M-1)	
Special Districts	
Croman Mill District Zone (CM)	CM District Replaces chapter 18.2
Health Care Services Zone (HC)	
Normal Neighborhood D8istrict (NN)	NN District Replaces chapter 18.2
North Mountain Neighborhood (NM)	NM District Replaces chapter 18.2
Southern Oregon University (SOU)	

Table 18.2.1.040: Applicability of Standards to Zones, Plan Districts and Overlays

Designation	***Applicability***
Overlay Zones	
Airport	Overlay Modifies chapter 18.2
Detail Site Review	Overlay Modifies chapter 18.2
Downtown Design Standards	Overlay Modifies chapter 18.2
Freeway Sign	Overlay Modifies chapter 18.2
Historic	Overlay Modifies chapter 18.2
Pedestrian Place	Overlay Modifies chapter 18.2
Performance Standards Options	Overlay Modifies chapter 18.2
Physical and Environmental Constraints	Overlay Modifies chapter 18.2
Residential	Overlay Modifies chapter 18.2

Chapter 18.2.2 – Base Zones and Allowed Uses

Sections:

18.2.2.010 Purpose
18.2.2.020 Applicability
18.2.2.030 Allowed Uses

18.2.2.010 Purpose

Chapter 18.2.2 regulates allowed land uses pursuant to the Comprehensive Plan and the purposes of this ordinance, per chapter 18.1.2.

18.2.2.020 Applicability

All uses of land in the City are subject to the regulations of chapter 18.2.2. Certain types of land uses are also subject to the Special Use regulations in chapter 18.2.3, and some properties are subject to the overlay zone regulations contained in part 18.3, as applicable.

18.2.2.030 Allowed Uses

A. Uses Allowed in Base Zones. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to approval of a conditional use permit. Where Table 18.2.2.030 does not list a specific use and chapter 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040. Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited. For uses allowed in special districts CM, HC, NM, and SOU, and for regulations applying to the City's overlays zones, refer to part 18.3.

B. Permitted Uses and Uses Permitted Subject to Special Use Standards. Uses listed as "Permitted (P)" are allowed. Uses listed as "Permitted Subject to Special Use Standards (S)" are allowed, provided they conform to chapter 18.2.3 Special Use Standards. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020.

C. Conditional Uses. Uses listed as "Conditional Use Permit Required (CU)" are allowed subject to the requirements of chapter 18.5.4.

D. Prohibited Uses. Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use following the procedures of section 18.1.5.040 are prohibited. Prohibited uses are subject to the violations, complaints, and penalties sections in 18-1.6.080, 18-1.6.090, and 18-1.6.100.

E. Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. For regulations applying to the City's overlays zones, please refer to part 18.3.

F. Accessory Uses. Uses identified as “Permitted (P)” are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the land use categories in part 18.6 Definitions.

G. Mixed-Use. Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

H. Temporary Uses. Temporary uses require a Conditional Use Permit under chapter 18.5.4; except as follows:

1. Short-Term Events. The Staff Advisor may approve through Ministerial review short-term temporary uses occurring once in a calendar year and lasting not more than 72 hours including set up and take down. Activities such as races, parades, and festivals that occur on public property (e.g., street right-of-way, parks, sidewalks, or other public grounds) require a Special Event Permit pursuant to AMC 13.03.
2. Garage Sales. Garage sales shall have a duration of not more than two days and shall not occur more than twice within any 365-day period. Such activity shall not be accompanied by any off-premises advertisement. For the purpose of this ordinance, garage sales meeting the requirements of this subsection shall not be considered a commercial activity.
3. Temporary Buildings. Temporary occupancy of a manufactured housing unit or similar structure may be permitted for a period not to exceed 90 calendar days upon the granting of a permit by the Building Official. Such occupancy may only be allowed in conjunction with construction on the site. Said permit shall not be renewable within a six-month period beginning at the first date of issuance, except with approval of the Staff Advisor.

I. Disclaimer. Property owners are responsible for verifying whether a proposed use or development meets the applicable standards of this ordinance.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
A. Agricultural Uses[1]										
Agriculture, except Keeping of Bees, Livestock and Micro-Livestock, Homegrown Marijuana Cultivation, and Marijuana Production	P	P	P	P	P	P	N	N	N	Animal sales, feed yards, keeping of swine, commercial compost, or similar uses not allowed
Keeping of Bees	S	S	S	S	S	S	N	N	N	Sec. 18.2.3.160
Keeping of Livestock	S	N	N	N	S	S	N	N	N	
Keeping of Micro-Livestock	S	S	S	S	S	S	N	N	N	
Marijuana Cultivation, Homegrown	S	S	S	S	S	S	S	S	S	Sec. 18.2.3.190 See General Industrial, Marijuana Production
B. Residential Uses										
Single-Family Dwelling	P	P	P	P	P	P	S	S	N	See Single-Family standards in Sec. 18.2.5.090 Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Accessory Residential Unit	S	S	S	S	S	N	N	N	N	Sec. 18.2.3.040
Duplex Dwelling	S	P	P	P	N	N	S	S	N	Sec. 18.2.3.110 Duplex Dwelling
Manufactured Home on Individual Lot	S	S	S	S	N	N	N	N	N	Sec. 18.2.3.170 and not allowed in Historic District Overlay
Manufactured Housing Development	N	S	CU+S	N	N	N	N	N	N	Sec. 18.2.3.180

[1] **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	**R-1-3.5**	**R-2**	**R-3**	**RR**	**WR**	**C-1 & C-1-D**	**E-1**	**M-1**	**Special Use Standards**
B. Residential Uses[2] *(continued)*										
Multifamily Dwelling	N	P	P	P	N	N	S	S	N	Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Rental Dwelling Unit Conversion to For-Purchase Housing	N	N	S	S	N	N	N	N	N	Sec. 18.2.3.200
Home Occupation	S	S	S	S	S	S	S	S	N	Sec. 18.2.3.150
C. Group Living										
Nursing Homes, Convalescent Homes	CU	CU	CU	CU	CU	CU	N	N	N	See chapter 18.3.3 Health Care Services
Residential Care Home	P	P	P	P	P	P	N	N	N	Subject to State licensing requirements
Residential Care Facility	CU	P	P	P	CU	CU	N	N	N	Subject to State licensing requirements
Room and Boarding Facility	N	P	P	P	N	N	N	N	N	
D. Public and Institutional Uses										
Airport										See chapter 18.3.7 Airport Overlay
Cemetery, Mausoleum, Columbarium	N	N	N	N	CU	N	N	N	N	
Child Care Facility	CU	CU	CU	CU	CU	CU	P	P	P	Family Child Care Home exempt from planning application procedure pursuant to ORS 329A.440, see part 18.6 for definition Subject to State licensing requirements
Club Lodge, Fraternal Organization	CU	CU	CU	CU	CU	CU	P	CU	CU	

[2] **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	**R-1-3.5**	**R-2**	**R-3**	**RR**	**WR**	**C-1 & C-1-D**	**E-1**	**M-1**	**Special Use Standards**
D. Public and Institutional Uses *(continued)*[3]										
Community Service, includes Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Electrical Substation	N	N	N	N	N	N	CU	CU	P	
Hospitals	CU	CU	CU	CU	CU	N	N	N	N	See chapter 18.3.3 Health Care Services
Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Mortuary, Crematorium	N	N	N	N	CU	N	P	P	P	
Public Park, Open Space, and Recreational Facility, including playgrounds, trails, nature preserves, athletic fields, courts, swim pools, similar uses	P	P	P	P	P	P	N	N	N	
Public Parking Facility	N	N	N	N	N	N	P	N	N	
Public Works/Utilities Storage Yard; includes vehicle and equipment, maintenance, repair	N	N	N	N	N	N	N	P	P	
Recycling Depot	N	N	N	N	N	N	N	P	P	Not allowed within 200 ft of a residential zone
Religious Institution, Houses of Worship	CU	CU	CU	CU	CU	CU	CU	CU	CU	
School, Private (Kindergarten and up)	CU	CU	CU	CU	CU	CU	N	N	N	
School, Public (Kindergarten and up)	P	P	P	P	P	CU	N	N	N	
School, Private College/Trade/Technical School	N	N	N	N	N	N	N	CU	P	
Utility and Service Building, Yard and Structure, Public and Quasi-Public, excluding underground utilities and electrical substations	CU	CU	N	N	CU	CU	P	P	P	Yards not allowed in the C-1 zone
Wireless Communication Facility	CU	CU	CU	CU	CU	CU	P or CU	P or CU	P or CU	Sec.18.4.10

[3] KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	**R-1-3.5**	**R-2**	**R-3**	**RR**	**WR**	**C-1 & C-1-D**	**E-1**	**M-1**	**Special Use Standards**
E. Commercial Uses										
Amusement/Entertainment, includes theater, concert hall, bowling alley, miniature golf, arcade; excluding drive-up uses	N	N	N	N	N	N	P	CU	P	
Automotive and Truck Repair, or Service; includes fueling station, car wash, tire sales and repair/replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	N	N	N	N	N	N	S or CU	S or CU	P	Sec. 18.2.3.050 In C-1 zone, fuel sales and service limited to Freeway Overlay, see chapter 18.3.8 In E-1 zone, fuel sales requires CU permit
Automotive Sales and Rental, except within the Historic Interest Area; includes motorcycles, boats, RVs, and trucks	N	N	N	N	N	N	CU	CU	P	Except not allowed within Historic District Overlay
Accessory Travelers' Accommodation (See also Travelers' Accommodation)	N	N	CU+ S	CU+ S	N	N	N	N	N	Sec. 18.2.3.220
Bakery, except as classified as Food Processing	N	N	N	N	N	N	P	P	P	
Commercial Laundry, Cleaning, and Dyeing Establishment	N	N	N	N	N	N	S	S	P	Sec. 18.2.3.080
Commercial Recreation, includes country club, golf course, swimming club, and tennis club; excluding intensive uses such as driving range, race track, or amusement park	CU	CU	N	N	CU	CU	N	N	N	
Commercial Retail Sales and Services, except Outdoor Sales and Services	N	N	CU+ S	N	N	N	P	S	S	In R-2 zone, uses limited to personal and professional services, except see Sec. 18.2.3.210 for retail uses allowed in Railroad Historic District In E-1 zone, Retail limited to 20,000 sq ft of gross leasable floor space per lot. In M-1 zone, uses limited to serving persons working in zone See Marijuana Retail Sales

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	**R-1-3.5**	**R-2**	**R-3**	**RR**	**WR**	**C-1 & C-1-D**	**E-1**	**M-1**	**Special Use Standards**
E. Commercial Uses *(continued)*[4]										
Drive-Up Use	N	N	N	N	N	N	S	N		Per Sec. 18.2.3.100, Drive-Up uses are limited to area east of Ashland St at intersection of Ashland St/Siskiyou Blvd
Hostel	N	N	CU	CU	N	N	CU*	N	N	*In C-1 zone, requires annual Type I review for at least the first three years, after which time the Planning Commission may approve a permanent facility through the Type II procedure
Hotel/Motel	N	N	N	N	N	N	CU	CU	P	
Kennel (See also Veterinary Clinic)	N	N	N	N	N	N	S	S	CU	No animals kept outside within 200 feet of a residential zone
Limited Retail Uses in Railroad Historic District	N	CU	CU	CU	N	N	N	N	N	Sec. 18.2.2.210 for Retail Uses Allowed in Railroad Historic District
Lumber Yard and Similar Sales of Building or Contracting Supplies, or Heavy Equipment	N	N	N	N	N	N	N	CU	P	
Marijuana Retail Sales, includes sale of medical and recreational marijuana	N	N	N	N	N	N	S or CU	S or CU	N	Per Sec. 18.2.3.190, marijuana retail sales are limited to the C-1 and E-1 zones and located on a boulevard or 200 feet or more from any residential zone, see Sec 18.2.3.190.
Nightclub, Bar	N	N	N	N	N	N	S	CU	P	Not allowed within the Historic District Overlay unless located in C-1-D
Office (See also Commercial Services)	N	N	CU	CU	N	N	P	P	P	
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Plant Nursery, Wholesale, except Marijuana Production	N	N	CU	CU	N	N	N	N	N	

[4] KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	**R-1-3.5**	**R-2**	**R-3**	**RR**	**WR**	**C-1 & C-1-D**	**E-1**	**M-1**	**Special Use Standards**
E. Commercial Uses *(continued)*[5]										
Self-Service Storage, Commercial (Mini-Warehouse)	N	N	N	N	N	N	N	CU	P	
Traveler's Accommodation (See also Accessory Travelers' Accommodation)	N	N	CU+ S	CU+ S	N	N	N	N	N	Sec. 18.2.3.220
Veterinary Clinic	N	N	N	N	N	N	P	P	P	
F. Industrial and Employment Uses										
Cabinet, Carpentry, and Machine Shop, and related Sales, Services, and Repairs	N	N	N	N	N	N	N	S or CU	P	In the E-1 zone, uses within 200 feet of a residential zone require CU permit
Commercial Excavation and Removal of Sand, Gravel, Stone, Loam, Dirty or Other Earth Products	N	N	N	N	CU+ S	N	N	N	N	Sec. 18.2.3.070
Concrete or Asphalt Batch Plant	N	N	N	N	N	N	N	N	CU	
Dwelling for a caretaker or watchman	N	N	N	N	N	N	N	CU	CU	
Food Products Manufacture/Processing/Preserving, including canning, bottling, freezing, drying, and similar processing and preserving.	N	N	N	N	N	N	S	S	P	In the C-1 zone, manufacture or assembly of items sold is a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet In the E-1 zone, See Sec. 18.2.3.140
Manufacture, General, includes Marijuana Laboratory, Processing, and Production	N	N	N	N	N	N	N	P or S	P or S	In E-1 and M-1 zones, marijuana laboratory, processing, and production are subject to the special use standards in Sec. 18.2.3.190 See Marijuana Cultivation, Homegrown

[5] KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	**R-1-3.5**	**R-2**	**R-3**	**RR**	**WR**	**C-1 & C-1-D**	**E-1**	**M-1**	**Special Use Standards**
F. Industrial and Employment Uses *(continued)* [6]										
Manufacture, Light; excluding saw, planning or lumber mills, or molding plants.	N	N	N	N	N	N	S	P	P	Requires assembly, fabricating, or packaging of products from previously prepared materials such as cloth, plastic, paper, cotton, or wood In the C-1 zone, manufacture or assembly of items sold in a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Television and Radio Broadcasting Studio	N	N	N	N	N	N	N	P	P	
Wholesale Storage and Distribution, includes Marijuana Wholesale	N	N	N	N	N	N	N	S	S	Deliveries and shipments limited to 7AM-9PM within 200 feet of a residential zone In E-1 and M-1 zones, marijuana wholesale is subject to the special use standards in Sec. 18.2.3.190
Wrecking, Demolition, and Junk Yards	N	N	N	N	N	N	N	N	CU	
G. Other Uses										
Temporary Tree Sales	N	N	N	N	N	N	P	N	N	Allowed from November 1 to January 1
Temporary Use	CU, except uses lasting less than 72 hours are subject to Ministerial review, per Sec. 18.2.2.030.H									

[6] **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

Chapter 18.2.3 – Special Use Standards

Sections:

18.2.3.010 Purpose
18.2.3.020 Applicability
18.2.3.030 Review Process
18.2.3.040 Accessory Residential Unit
18.2.3.050 Automobile and Truck Repair Facility
18.2.3.060 Bottling Plants, Cold Storage, and Creamery
18.2.3.070 Commercial Excavation and Removal of Earth Products
18.2.3.080 Commercial Laundry, Dry-cleaning, and Dyeing
18.2.3.090 [Reserved]
18.2.3.100 Drive-Up Use
18.2.3.110 Duplex Dwelling
18.2.3.120 Dwelling in Historic District Overlay
18.2.3.130 Dwelling in Non-Residential Zones
18.2.3.140 Food Products Manufacture
18.2.3.150 Home Occupation
18.2.3.160 Keeping of Livestock and Bees
18.2.3.170 Manufactured Home on Individual Lot
18.2.3.180 Manufactured Housing Development
18.2.3.190 Marijuana-Related Uses
18.2.3.200 Multiple-Family Rental Dwelling Unit Conversion to For-Purchase Housing
18.2.3.210 Retail Uses in Railroad Historic District
18.2.3.220 Traveler's Accommodation in R-2 and R-3 Zones

18.2.3.010 Purpose

Special uses included in chapter 18.2.3 are uses, which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same zone.

18.2.3.020 Applicability

Chapter 18.2.3 supplements the other requirements of this ordinance. Uses designated as special uses ("S") in Table 18.2.2.030, and uses the City determines to be similar to such uses, are subject to chapter 18.2.3. Some special use standards are contained in Table 18.2.2.030, and others have a corresponding section in this chapter. Where standards differ between chapters 18.2.2 and 18.2.3, chapter 18.2.3 applies.

18.2.3.030 Review Process

The Staff Advisor or Planning Commission applies the standards of chapter 18.2.3 through the applicable review process (i.e., Ministerial Review, Type I review, or Type II review). Site Design

Review pursuant to chapter 18.5.2, or a Conditional Use Permit pursuant to chapter 18.5.4 may be required for some uses.

18.2.3.040 Accessory Residential Unit

Where accessory residential units are allowed, they are subject to Site Design Review under chapter 18.5.2, and shall meet all of the following requirements.

A. R-1 Zone. Accessory residential units in the R-1 zone shall meet the following requirements.

1. One accessory residential unit is allowed per lot, and the maximum number of dwelling units shall not exceed two per lot.
2. Accessory residential units are not subject to the density or minimum lot area requirements of the zone, except that accessory residential units shall be counted in the density of developments created under the Performance Standards Option in chapter 18.3.9.
3. The maximum gross habitable floor area (GHFA) of the accessory residential unit shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 1,000 square feet GHFA.
4. The proposal shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.
5. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.040, except that parking spaces, turn-arounds, and driveways are exempt from the paving requirements in subsection 18.4.3.080.E.1.

B. RR Zone. In addition to the standards in subsection 18.2.3.040.A, accessory residential units in the RR zone shall meet the following requirements.

1. If the accessory residential unit is not part of the primary dwelling, all construction and land disturbance associated with the accessory residential unit shall occur on lands with less than 25 percent slope.
2. The lot on which the accessory residential unit is located shall have access to an improved city street, paved to a minimum of 20 feet in width, with curbs, gutters, and sidewalks.
3. No on-street parking credits shall be allowed for accessory residential units.
4. If located in the Wildfire zone, the accessory residential unit shall have a residential sprinkler system installed.

C. R-2 and R-3 Zones. Accessory residential units in the R-2 and R-3 zones shall meet the standards in subsection 18.2.3.040.A, except that the maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 500 square feet GHFA.

18.2.3.050 Automobile and Truck Repair Facility

Where automobile and truck repair facilities are allowed, they are subject to all of the following requirements.

A. All cars and trucks associated with an automobile or truck repair facility shall be screened from view from the public right-of-way by a total sight-obscuring fence.

B. Automobile or truck repair facilities of three service bays or larger shall not be located within 200 feet of a residential zone.

C. Auto body repair and/or painting shall not be located within 200 feet of a residential zone.

D. Where a use includes auto body repair and/or painting, all objectionable odors associated with the use shall be confined to the lot, to the greatest extent feasible. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.

E. The use shall comply with all requirements of the Oregon Department of Environmental Quality.

18.2.3.060 Bottling Plant, Cold Storage Facility, Creamery

Where bottling plants, cold storage facilities, creameries, and similar uses are allowed, they are subject to all of the following requirements.

A. All objectionable odors associated with the use shall be confined to the lot upon which the use is located to the greatest extend feasible. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.

B. The use shall comply with all requirements of the Oregon Department of Environmental Quality.

18.2.3.070 Commercial Excavation and Removal of Earth Products

Commercial excavation and removal of earth products are subject to all of the following requirements.

A. Before a Conditional Use Permit for the commercial excavation and removal of earth products can be granted, plans and specifications showing the location of premises, grading plan, existing and proposed drainage, proposed truck access, and details of re-grading and re-vegetation of the site shall be submitted to and approved by, the Planning Commission.

B. Any deviation from plans approved by the Commission serves as grounds to revoke the Conditional Use Permit.

C. In reviewing the application, the Commission may consider the most appropriate use of the land, distances from property lines, the protection of pedestrians and vehicles, the prevention of the collection and stagnation of water at all stages of the operation, and the rehabilitation of the land upon termination of operation.

D. The City may require a bond to ensure performance.

E. Any expansion of a nonconforming commercial excavation shall require a Conditional Use Permit. An expansion is defined as removal of additional undisturbed topsoil or vegetation or otherwise enlarging the area that had been mined, commonly referred to as the quarry face or active quarry

area.

18.2.3.080 Commercial Laundry, Dry-cleaning, Dyeing, and Similar Uses

Where commercial laundries, dry-cleaning, dyeing establishments, and similar uses are allowed, they are subject to the all of the following requirements.

A. All objectionable odors associated with the use shall be confined to the lot upon which the use is located to the greatest extend feasible. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.

B. The use shall comply with all requirements of the Oregon Department of Environmental Quality.

18.2.3.090 [Reserved]

18.2.3.100 Drive-Up Use

Where drive-up uses are allowed they are subject to all of the following criteria.

A. Drive-up uses are allowed only in the C-1 zone, and they are limited to the area east of a line drawn perpendicular to Ashland Street at the intersection of Ashland Street and Siskiyou Boulevard. The number of drive-up uses shall not exceed the 12 in existence on July 1, 1984.

B. Drive-up uses are subject to the following standards:

1. The average waiting time in line for each vehicle shall not exceed five minutes. Failure to maintain this average waiting time may be grounds for revocation of the approval.
2. All facilities providing drive-up service shall provide at least two designated parking spaces immediately beyond the service window or provide other satisfactory methods to allow customers requiring excessive waiting time to receive service while parked.
3. A means of egress for vehicular customers who wish to leave the waiting line shall be provided.
4. The grade of the stacking area to the drive-up shall either be flat or downhill to eliminate excessive fuel consumption and exhaust during the wait in line.
5. The drive-up shall be designed to provide as much natural ventilation as possible to eliminate the buildup of exhaust gases.
6. Sufficient stacking area shall be provided to ensure that public rights-of-way are not obstructed.
7. The sound level of communications systems shall not exceed 55 decibels at the property line and shall otherwise comply with the Ashland Municipal Code regarding sound levels.
8. Drive-up uses may be transferred to another location in accord with all requirements of this section. The number of drive-up window stalls shall not exceed one per location, even if the transferred use had greater than one stall.
9. A ministerial Drive-Up Transfer permit shall be obtained for the transfer of any drive-up uses

when such transfer is not associated with a Site Design Review or Conditional Use Permit application in order to document transfer of the use.

10. Drive-up uses discontinued without a Drive-Up Transfer permit shall be deemed to have expired after being unused for six months. Discontinuation of a drive-up use is considered to have occurred when the Staff Advisor documents the drive-up use as having ceased on site through a planning application review, or upon on-site verification.
11. All components of a drive-up use shall be removed within 60 days of discontinuation of the use through abandonment, transfer, relocation, or redevelopment.

C. Drive-up uses are prohibited in the Historic District Overlay except that the four existing nonconforming financial institution drive-up uses in operation in the Historic District Overlay as of August 7, 2012 may redevelop or relocate within the C-1 and C-1-D zones in the Historic District Overlay subject to the following additional requirements:

1. Relocation or redevelopment of a drive-up use within the C-1 or C-1-D zones in the Historic District Overlay shall be subject to Site Design Review in chapter 18.5.2 through a Type II procedure in section 18.5.1.060.
2. Relocated or redeveloped drive-up uses shall be placed on a secondary building elevation, and accessed for an alley or driveway.
3. Driveways serving relocated or redeveloped drive-up uses shall not enter from or exit to a higher order street frontage or through a primary building elevation. Driveways or queuing lanes shall not be placed between a building and the right-of-way other than an alley.
4. No demolition of or exterior change to a building considered to be a historic resource shall be permitted to accommodate the relocation or redevelopment of a drive-up use.
5. Regardless of the number of drive-up windows/lanes in use in the current location, with a relocation or remodel the number of windows/lanes shall be reduced to one.

18.2.3.110 Duplex Dwelling Standards

Duplex dwellings are allowed on corner lots within the R-1 zones in developments using the Performance Standards Option under chapter 18.3.9.

18.2.3.120 Dwelling in Historic District Overlay

Dwellings in the Historic District Overlay subject to all of the following requirements.

A. Manufactured homes are prohibited.

B. Dwellings shall conform to the maximum permitted floor area standards of section 18.2.5.070, except that dwellings exceeding the maximum permitted floor area are allowed subject to approval of a Conditional Use Permit under chapter 18.5.4.

C. Notwithstanding the height standards of the R-1 zone, structures within the Historic Overlay shall not exceed a height of 30 feet.

D. Retail commercial uses in a dwelling unit within the Railroad Historic Overlay are subject to approval of a Conditional Use Permit under chapter 18.5.4 and shall conform to the standards of section 18.2.3.210.

18.2.3.130 Dwelling in Non-Residential Zone

Where dwellings are allowed in non-residential zones, they are subject to all of the following requirements.

A. Dwellings in the E-1 zone are limited to the R-overlay zone. See chapter 18.3.13 Residential Overlay.

B. Dwellings in the E-1 and C-1 zones shall meet all of the following standards:

1. If there is one building on a site, ground floor residential uses shall occupy not more than 35 percent of the gross floor area of the ground floor. Where more than one building is located on a site, not more than 50 percent of the total lot area shall be designated for residential uses.
2. Residential densities shall not exceed 15 dwelling units per acre in the E-1 zone, 30 dwelling units per acre in the C-1 zone, and 60 dwelling units per acre in the C-1-D zone. For the purpose of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.
3. Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the underlying zone.
4. Off-street parking is not required for residential uses in the C-1-D zone.
5. Where the number of residential units exceeds ten, at least ten percent of the residential units shall be affordable for moderate-income persons in accord with the standards of section 18.2.5.050. The number of units required to be affordable shall be rounded down to the nearest whole unit.

18.2.3.140 Food Products Manufacture

In the E-1 zone, the manufacture of food products is subject to all of the following requirements.

A. The use shall not include the rendering of fats or oils.

B. Where the use is located within 200 feet of a residential zone, it shall meet all of the following requirements.

1. All objectionable odors associated with the use shall be confined to the lot upon which the use is located, to the greatest extent feasible. For the purposes of this provision, the standard for judging “objectionable odors” shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected. Odors that are in violation of this section include but are not limited to the following.
    a. Odors from solvents, chemicals, or toxic substances.
    b. Odors from fermenting food products.

c. Odors from decaying organic substances or human or animal waste.

2. Mechanical equipment shall be located on the roof or the side of a building with the least exposure to residential zones. Provided, however, that it may be located at any other location on or within the structure or lot where the noise emanating from the equipment is no louder, as measured from the nearest residential zone, than if located on the side of the building with least exposure to residential zones. Mechanical equipment shall be fully screened and buffered.

18.2.3.150 Home Occupation

A. Purpose and Intent. The purpose of this section is to encourage those who are engaged in small commercial ventures which could not necessarily be sustained if it were necessary to lease commercial quarters or which, by the nature of the venture are appropriate in scale and impact to be operated within a residence. Home occupations are recognized for their contribution in reducing the number of vehicle trips often generated by conventional businesses. It is the intent of this chapter that home occupations not infringe upon the right of neighboring residents to enjoy the peaceful and safe occupancy of their homes.

B. Conduct of Home Occupation – Standards. Home occupations are permitted pursuant to the following standards. Where a home occupation use does not comply with one or more of the following requirements, the Staff Advisor may find the subject use is no longer permitted.

1. Appearance of Residence.

   a. The home occupation shall be restricted to the dwelling unit, accessory structure, or yard area not visible from the public right-of-way and be conducted in such a manner as not to give an outward appearance of a business.

   b. The home occupation shall not result in any structural alterations or additions to the dwelling or accessory structure that will change its primary use.

   c. No display of products and or equipment produced or used by the home occupation may be displayed so as to be visible from outside the dwelling or accessory structure.

2. Storage.

   a. Outside storage, visible from the public right-of-way, or adjacent properties, is prohibited.

   b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond that normally incidental to residential use is prohibited.

   c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in the dwelling or accessory structure.

3. Employees.

   a. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one full time equivalent employee, and no more than one employee at any given time. As used in this chapter, the term "home occupation site" means the lot on which the home occupation is conducted.

   b. Additional individuals may be employed by or associated with the home occupation, so long

as they do not report to work at the home.

c. The home occupation site shall not be routinely used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

4. Advertising and Signage. No signs shall be permitted on a home occupation site.

5. Automobiles, Parking, and Traffic.

a. One commercial automobile associated with the home occupation is allowed at the home occupation site. Such automobile shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.

b. There shall be no excessive commercial vehicle deliveries from or to the home occupation site. Excessive deliveries are defined as more than three per day, during the hours of 7 a.m. to 7 p.m. There shall be no commercial vehicle deliveries during the hours of 7 p.m. to 7 a.m.

c. There shall be no more than one client or customer's automobile at any one time and no more than eight per day at the home occupation site.

6. Clients or customers are permitted at the home occupation from 7 a.m. to 7 p.m. only.

C. Prohibited Uses. The following uses are prohibited as home occupations.

1. Any activity that produces radio or television interference, noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state, or federal standards.

2. Any activity involving on-site retail sales, except as allowed in the Historic District Overlay or items that are incidental to the occupational use, such as the sale of beauty products from salons, lesson books or sheet music for music teachers, or computer software for computer consultants.

3. Any of the following uses, and uses with similar objectionable impacts because of automobile traffic, noise, glare, odor, dust, smoke, or vibration.

a. Ambulance service.

b. Ammunition or firearm sales.

c. Ammunition reloading business.

d. Animal hospital, veterinary services, kennels, or animal boarding.

e. Auto and other vehicle repair, including auto painting.

f. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, or large equipment on-site.

g. Marijuana-related business.

D. Permit Required – Application

1. No person shall conduct a home occupation without first obtaining a home occupation permit from the Planning Department and a valid business license as required under AMC title 6.

2. The home occupation permit shall include such information as is necessary to determine the

location and type of business, and the manner in which it will be conducted. If the Staff Advisor finds that the proposed home occupation complies with the requirements of this chapter, the Staff Advisor shall issue a permit.

3. The home occupation permit is valid only to the person named on the permit and for the business to be conducted at the location stated on the permit. The permit is not transferable to another location or to another applicant.
4. Issuance of a home occupation permit under this chapter shall not relieve the applicant from the duty and responsibility to comply with all other rules, regulations, ordinances, or other laws governing the use of the premises and structures thereon, including, but not limited to, the specialty codes defined in AMC 15.04, the fire code standards defined in AMC 15.28, or any private restrictions relative to the property.
5. The Staff Advisor may visit and inspect the site of a home occupation permitted in this chapter periodically to insure compliance with all regulations and conditions to which the permit is subject, during normal business hours, and with reasonable notice.

18.2.3.160 Keeping of Livestock and Bees

Where the keeping of livestock is allowed, it shall meet all of the following requirements.

A. Lot Size. No livestock shall be kept on any lot less than one acre in area, except as provided for micro-livestock by subsection 18.2.3.160.E, below.

B. Structures. Livestock enclosures and structures, including barns, stables, chicken coops and runs, rabbit hutches, goat barns, and other structures, shall be in compliance with 18.2.4.020, this ordinance and with all applicable building codes.

C. Number of Livestock. Not more than two head of livestock over the age of six months may be maintained per acre, except as provided for micro-livestock by subsection 18.2.3.160.E, below.

D. Swine. The keeping of swine is prohibited, except as provided for in AMC 9.08.040.

E Micro-livestock. Micro-livestock, including chickens, domestic fowl, turkeys, rabbits, and miniature goats may be kept or maintained provided each of the following requirements is continuously met.

1. Total Number. The total number of all micro-livestock, including both adult and juvenile animals, that may be kept or maintained on any single property shall be limited to no more than ten animals on properties of 5,000 square feet or less, and no more than two additional animals for each 1,000 square feet of lot area in excess of 5,000 square feet, up to a maximum of 20 animals.
2. Age of livestock. For the purposes of this section, “adult” means over six months of age, and “juvenile” means six months of age and under.
3. Chickens and Domestic Fowl. For purposes of this section, “domestic fowl” means quails, pheasants, pigeons, doves, and Muscovy ducks (Cairina moschata).
    a. No more than five adult chickens or domestic fowl and five juvenile chickens or domestic fowl shall be kept or maintained on properties of 5,000 square feet or less.

b. No more than one adult chicken or domestic fowl and one juvenile chicken or domestic fowl for each 1,000 square feet of lot area shall be kept or maintained on properties greater than 5,000 square feet.

c. No more than two adult turkeys and two juvenile turkeys shall be kept or maintained on properties less than one acre.

d. Rooster, geese, and peacocks are prohibited.

3. Rabbits. No more than six adult rabbits shall be kept or maintained on properties of less than one acre.

   a. Nursing offspring born to permitted adult rabbits may be kept until such animals are weaned.

   b. Rabbits shall be kept in a hutch or fenced enclosure.

4. Miniature Goats. For purposes of this chapter “miniature goats” are those goats commonly known as pygmy, dwarf, and miniature goats weighing less than 95 pounds at full size, and shall be limited as follows.

   a. No more than two adult miniature goats shall be kept or maintained on properties of less than one acre.

   b. Nursing offspring born to permitted adult miniature goats may be kept until such animals are weaned.

   c. Solitary miniature goats are prohibited.

   d. Male miniature goats shall be neutered.

5. Secure Enclosure. Micro-livestock must be secured at all times. A secure enclosure shall be provided to protect micro-livestock from predators and to provide shelter from the weather.

6. Maintenance. The areas in which micro-livestock are kept must be maintained to protect public health in compliance with AMC 9.08.060 and the following requirements.

   a. Animal feed must be kept in rodent and raccoon-proof containers.

   b. Animal manure must be collected, stored, and removed from the property on a regular basis in accordance with all of the following requirements.

      i. All stored manure shall be within a non-combustible, air-tight container, and located in accordance with the Oregon Fire Code relating to the outdoor storage of combustibles.

      ii. No more than one 20-gallon container of manure shall be stored on any one property housing micro-livestock.

      iii. All manure not used for composting or fertilizing shall be removed.

7. Noise. Noise resulting from the keeping or maintaining of micro-livestock must not exceed the limits set forth in AMC 9.08.170.

8. Multi-family Development. Micro-livestock are allowed on properties containing multi-family complexes, including duplexes provided all of the following are continuously met.

   a. The property owner or designated property manager has provided written notification to all

residents of the multi-family complex and to the City, verifying the keeping of animals on the property will comply with the requirements of this chapter. Written notification shall include the following:

i. Property owner, property manager or home owner association representative contact information including the name, address, and phone number(s).

ii. Twenty-four-hour emergency contact information for an onsite resident designated as the primary responsible party for the animal area and maintenance. Contact information shall include the name, address, and phone number of the responsible party.

iii. The City requirements of the keeping of micro-livestock including the maximum number and type of animals permitted on the subject property and maintenance requirements per this chapter.

b. The area in which micro-livestock are kept shall be continuously maintained regardless of any change of building tenancy or property ownership.

9. Sale of Goods. In residential zones, micro-livestock shall be kept primarily for personal use. Sale of surplus eggs, honey, or similar animal products produced by on-premises micro-livestock is permitted in compliance with applicable licensing and inspection requirements of the Oregon Department of Agriculture.

F. Bees. The keeping or maintaining of bees, bee colonies, bee hives, combs or containers of any kind or character wherein bees are hived is subject to all of the following requirements.

1. Registration with the city is required to keep beehives within the city limits and the Community Development Director shall provide a beekeeping registration process.
2. No more than three bee colonies shall be kept or maintained on properties of less than one acre.
3. No more than five bee colonies shall be kept or maintained on properties of one acre or greater.
4. Bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
5. Fore each colony permitted to be maintained under this ordinance, there may also be maintained upon the same property, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth ten-frame hive body.
6. In each instance where a colony is kept less than 25 feet from a property line, a flyway barrier at least six feet in height shall be maintained parallel to the property line for a minimum of ten feet in either direction of the hive. The flyway barrier may consist of a wall, fence, dense vegetation, or a combination thereof, such that bees will fly over rather than through the material to reach the colony.
7. A constant supply of fresh water shall be provided for the colonies on site within 15 feet of each hive.
8. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the property. Such materials once removed from the site shall be handled and stored in sealed containers or placed within a building or other insect

proof container.

9. If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall be permitted to temporarily house the swarm on the property for no more than 30 days from the date acquired.
10. The sale of surplus honey or bee's wax produced on site shall be permitted on the property where the keeping of bees is permitted.
11. Africanized bees are prohibited.

G. Minimum Care Requirements. The applicable minimum care requirements of ORS 167.310 shall apply to all animals identified in this section.

H. Violations. Keeping of animals is a Class III violation.

18.2.3.170 Manufactured Home on Individual Lot

Manufactured dwellings relocated into the City shall conform to City standards. Manufactured homes are permitted on individual lots, subject to all of the following design standards.

A. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet.

B. Roof. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees).

C. Residential Building Materials. The manufactured home shall have exterior siding and roofing which in color, material, and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing).

D. Garages and Carports. If the manufactured home has a garage or carport, the garage or carport shall be constructed of materials like those used on the house.

E. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the building code. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards, or equivalent standard, is deemed to satisfy the exterior thermal envelope certification requirement.

F. Placement. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that it complies with the applicable building code requirements, including the height above grade, and the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, OAR 918.

G. Floodplain. Manufactured homes shall comply with chapter 18.3.10 Physical and Environmental Constraints.

H. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted with concrete, horizontal wood, or vinyl siding, or other materials, pursuant to applicable building codes.

I. Design Features. The manufactured home shall incorporate at least two of the single-family design

features in section 18.2.5.090.

J. Prohibited. The manufactured home shall not be located in a designated historic district.

18.2.3.180 Manufactured Housing Developments

A. Purpose. The purpose of this section is to encourage the most appropriate use of land for manufacturing housing development purposes, to encourage design standards which will create pleasing appearances, to provide sufficient open space for light, air, and recreation, to provide adequate access to and parking for manufactured housing sites, and to refer minimum utility service facilities to appropriate City codes.

B. General Provisions.

1. Manufactured housing development may be located or relocated only in R-1-3.5 and R-2 zones.
2. No manufactured housing developments may be located, relocated, or increased in size or number of units within any other zone.
3. No manufactured housing developments may be located within the Historic District Overlay.
4. Manufactured housing developments shall be subject to regulations of this chapter and shall be located only on sites approved for use under the provisions of such chapter. No person shall establish, operate, manage, maintain, alter, or enlarge any manufactured housing development contrary to the provisions of this ordinance.
5. In addition to the requirements of this chapter, all manufactured housing developments shall conform to the regulations of ORS 446, together with such administrative rules as may be adopted from time to time, except where such regulations are exceeded by the requirements of this chapter, in which case the more stringent requirements shall apply.

C. Procedure for Approval. The procedure for approving a manufactured home development is the same as for the Performance Standards Option (Outline Plan and Final Plan), pursuant to chapter 18.3.9.

D. Manufactured Housing Development Design Standards.

1. Minimum Court Size. A manufactured housing development shall occupy a site of not less than one acre in size.
2. Density. The maximum density permitted shall be eight manufactured housing units per acre of developed court area. Manufactured housing which is 14 feet wide or less, or which is less than 800 square feet in size will count as 0.75 units for this calculation.
3. Manufactured Housing Sites or Lots. All manufactured housing sites or lots must be at least 2,000 square feet in size, at least 35 feet wide, and at least 40 feet deep.
4. Lot Coverage. Maximum lot coverage of any individual manufactured housing lot or site shall be 65 percent in the R-2 zone and 55 percent in the R-1-3.5 zone. In addition, the general lot coverage requirements of the parent zone shall also be complied with for the entire project site.
5. Setbacks.

a. *Exterior Setbacks*. Manufactured housing sites along the exterior boundary of the court shall have the same setbacks as required in the parent zone, and no less than a minimum of five feet from a property boundary line.

b. *Interior Front Yard Setbacks*. There shall be a front yard on each manufactured home lot or space of at least ten feet.

c *Interior Side and Rear Yard Setbacks*. There shall be side or rear yards of at least five feet. There shall be a minimum separation of ten feet between manufactured housing units.

6. Street Standards. Public streets shall comply with the design standards contained in chapter 18.4.6. Private streets shall be a minimum of 20 feet in width, and constructed to the same standards as specified for an alley. A private street may be a dead-end street no more than 300 feet in depth from a higher order road. Adequate turn-around shall be provided according to standards established by the Planning Commission.

7. Sidewalk Standards. Every manufactured housing development shall have a permanent pedestrian walkway at least 48 inches wide connecting all manufactured housing units to public or private streets, common open spaces, recreational areas, and commonly-owned buildings and facilities.

8. Off-Street Parking Standards. Each manufactured housing unit shall be provided with one off-street parking space on each manufactured housing site, setback 20 feet from the street. In addition, guest parking facilities of one parking space for each manufactured housing site shall also be provided on the project site, within 200 feet of the units they are intended to serve, either adjacent to the road or in a off street parking lot. Parking space construction, size, landscaping, and design requirements shall be according to chapters 18.4.3 and 18.4.4.

9. Utilities. Provisions for electric, water, and sanitary service shall be made in accordance with established City procedures and law, including number, size, quality, and location of fixtures, connections, and facilities. Telephone and electric lines shall be placed underground.

10. Landscaping.

    a. All areas of the development not occupied by paved roadways, pathways, parking areas, or not occupied by other facilities shall be landscaped. Areas that contain significant natural vegetation may be left in a natural state, if approved on the final landscaping plans.

    b. Manufactured housing developments located in an R-1-3.5 zone shall have 45 percent of the entire site landscaped. Developments located in the R-2 zone shall have 35 percent of the entire site landscaped.

11. Fencing. Fencing shall comply with all fencing requirements as per section 18.4.4.060.

12. Open Space. All developments are required to provide a minimum of five percent of the total lot area in Open Space.

13. Play Area. If the manufactured housing development accommodates children less than 14 years of age, a separate general play area a minimum of 2,500 square feet in size, or 100 square feet of play area per unit, whichever is greater, shall be provided.

E. Manufactured Housing Unit Standards. All manufactured housing units located in approved

manufactured housing developments shall comply with all of the following requirements.

1. Manufactured housing units shall be a minimum of 650 square feet in size.
2. Manufactured housing units shall be at least 12 feet wide.
3. Manufactured housing units shall have the Oregon Department of Commerce "insignia of Compliance." The Building Official shall inspect the manufactured housing unit and occupancy shall be approved only if the Building Official has determined that the manufactured housing unit has a valid insignia of compliance and has not deteriorated beyond an acceptable level of compliance.
4. Manufactured housing units shall be placed on permanent foundations, with wheels and hitches removed, be fully skirted or bermed, and shall have no uncovered open spaces except for vents of sufficient strength to support the loads imposed by the manufactured housing unit, based on accepted engineering design standards, as approved by the Building Official.
5. Manufactured housing units shall be provided with City water, sewer, electricity, telephone, and storm drainage, with easements dedicated where necessary.
6 Manufactured housing units shall comply with the thermal envelope requirements for heat loss required by the building code for single-family detached homes.
7. Manufactured housing units shall have a deck or patio area adjacent to the home. The deck or patio shall be constructed of a permanent material and shall be at least 80 square feet in size, with a minimum width of eight feet in its least dimension.
8. Each manufactured housing unit shall have a one parking space located on or adjacent to the unit space. The parking space shall be setback at least 20 feet from the street.
9. Not withstanding the above, any manufactured home legally located within the Ashland Urban Growth Boundary prior to July 1, 1990 may be relocated to an approved manufactured home development, subject to a fire and life safety inspection by the Building Official.

F. Storage and Temporary Occupancy of Manufactured Homes.

1. A no-charge permit from the Staff Advisor is required for the storage of any manufactured housing unit on the home premises of the owner for any length of time when not used for living purposes; provided, however, that all units so stored shall abide by the yard requirements for accessory buildings in this chapter.
2. No manufactured housing unit shall be stored on a public street except for temporary maneuvering purposes.
3. For temporary occupancy of a manufactured housing unit, see subsection 18.2.2.030.H.3.

G. Nonconforming Manufactured Housing Developments. Notwithstanding the provisions of chapter 18.1.4 Nonconforming Situations, manufactured housing development and an individual manufactured housing unit utilized for living purposes on the effective date of this ordinance or of amendments thereto, which do not conform to the regulations of this chapter, shall be deemed to be nonconforming and may be continued, subject to the following regulations.

1. Routine maintenance and repairs may be performed within the manufactured housing

development or upon individual manufactured housing units.

2. No nonconforming manufactured housing development shall be enlarged, remodeled, or modernized except in conformance with all requirements of this chapter, except that an area of less than two acres for a development to be enlarged, remodeled, or modernized may be approved through the conditional use permit procedure contained in this ordinance.

3. No manufactured housing unit shall be located on the site of, or substituted for, a nonconforming manufactured housing unit, the use of which has been discontinued, except within a manufactured housing development holding a certificate of sanitation issued by the Board of Health, State of Oregon, issued prior to the effective date of this chapter. Relocation of existing units within the Ashland Urban Growth Boundary is exempted as provided in subsection 18.2.3.180.E.9.

4. If a nonconforming manufactured housing development holding a certificate of sanitation issued by the Board of Health, State of Oregon, ceases operation for a period of six months or more, said development shall be considered abandoned and shall be reinstituted only in conformance with the requirements of this chapter.

H. Special Conditions. For the mitigation of adverse impacts, the City may impose conditions, including, but not limited to, requiring view-obscuring shrubbery, walls, or fences, and requiring retention of specified trees, rocks, water ponds or courses, or other natural features.

18.2.3.190 Marijuana-Related Uses

A. Homegrown Marijuana Cultivation. Where homegrown marijuana cultivation is allowed, it shall meet all of the following requirements. See definition of homegrown marijuana cultivation in part 18-6.

1. Primary Residence. The resident grower must live on the property where the cultivation of homegrown marijuana is located and that same property must be the primary residence of the resident grower.

2. Related Activities. Any drying, keeping, storage, or processing of homegrown marijuana shall be located inside the dwelling unit or an accessory structure and shall not be located outdoors.

3. Homegrown marijuana cultivation and any related activities must meet all applicable Oregon Revised Statutes and Oregon Administrative Rules.

4. Outdoor Cultivation. Up to four marijuana plants per lot for recreational marijuana or up to six marijuana plants per lot for medical marijuana are allowed to be grown outdoors in accordance with applicable Oregon Revised Statutes and Oregon Administrative Rules including the requirement to obtain and display a medical marijuana grow site registration card in ORS 475.320(2)(B)(d). Outdoor homegrown marijuana cultivation shall meet all of the following requirements.

   a. Locate marijuana plants so the plants are not visible from a public place, public street or any area that the general public has access (e.g., schools, playgrounds, parks, commonly-owned open space, pedestrian and bicycle paths and trails). Marijuana plants shall not be located in a front yard.

b. Screen marijuana plants to limit view and access from adjacent residential properties with a solid wood fence or masonry wall. Any access points to the cultivation area must be secured at all times to prevent unauthorized access. For fence and wall design requirements, see section 18.4.4.060.

c. *Dimensional Standards.* Marijuana plants grown in outdoor cultivation areas shall meet all of the following dimensional standards including Table 18.2.3.190.4.c.

i. Locate cultivation area closer to the primary residence of the resident grower than to dwellings on adjoining properties or to dwellings in the same multifamily development.

ii. Marijuana plants may be located in one cultivation area or in separate cultivation areas throughout a yard.

Table 18.2.3.190.4.c Outdoor Cultivation Dimensional Standards for Homegrown Marijuana[1]

Number of Marijuana Plants per Lot[2]	Maximum Cultivation Area Allowed per Lot[3]	Maximum Marijuana Plant Height[4]	Minimum Setback from Any Property Line	Minimum Setback from Dwellings on Adjoining Properties[5]
6 or fewer plants	50 square feet	10 Feet	10 feet	20 feet

[1]Contiguous lots under single ownership shall be considered one lot for the purpose of calculating the dimensional standards for homegrown marijuana.
[2]Up to four plants for recreational marijuana or six plants for medical marijuana may be grown outdoors.
[3] All parts of a marijuana plants that are visible above the ground level shall be contained with the perimeter of the cultivation area. Where plants are located separately, the combined total of the individual cultivation areas shall not exceed the maximum cultivation area.
[4]Marijuana plants shall not exceed ten feet in height from the top of the average surrounding grade.
[5]Marijuana plants must also be located the setback distance from any multifamily dwelling unit within a multifamily development.

d. *Multi-Family Development*. Homegrown marijuana may be cultivated outdoors on a lot containing multi-family dwellings in conformance with the requirements of subsection 18.2.3.190.A and provided all of the following requirements are met.

i. The property owner provides written notification to all residents of the development and to the City that verifies the cultivation of marijuana plants will comply with the requirements of subsection 18.2.3.190.A. The written notification shall include the following information.

1. Property owner, property manager, or home owner association representative contact information including the name, address, and phone number(s).

2. Contact information for an onsite resident designated as the primary responsible party for the marijuana plants and maintenance. Contact information shall include the name, address, and phone number of the responsible party.

3. The City requirements for the outdoor cultivation of marijuana including the maximum number of plants per lot and the requirements of subsection 18.2.3.190.A.

5. Indoor Cultivation.

a. *Building Code*. Any structure, accessory structure, electrical service, plumbing, or mechanical equipment (e.g., lighting, fans, heating and cooling systems) associated with marijuana cultivation shall satisfy the Building Code requirements and obtain all required building permits prior to installation. See section 18.2.5.040 Accessory Buildings and Structures.

b. *Light and Glare*. Shield lighting systems and use window coverings to confine light and glare from light systems associated with indoor cultivation to the interior of the structure.

c. No dwelling unit shall be used primarily as a place to cultivate marijuana. Vacant or uninhabited dwelling units shall not be used for marijuana cultivation.

B. Marijuana-Related Businesses.

1. Marijuana-related businesses may require Site Design Review under chapter 18.5.2 or a Conditional Use Permit under chapter 18.5.4. See Table 18.2.2.030 – Uses Allowed by Zone for zones where marijuana-related businesses are allowed. See definition of marijuana-related businesses in part 18.6. Marijuana-related businesses shall meet all of the following requirements.
   a. The business must be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle. Outdoor marijuana production, cultivation, and storage of merchandise, raw materials, or other material associated with the business are prohibited.

   b. Any modifications to the subject site or exterior of a building housing the business must be consistent with the Site Design Use Standards, and obtain Site Design Review approval if required by section 18.5.2.020. Security bars or grates on windows and doors are prohibited.

   c. The business must provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the business' exterior refuse containers.

   d. *Light and Glare*. Shield lighting systems and use window coverings to confine light and glare from light systems associated with indoor cultivation so as to confine light and glare to the interior of the structure. Grow light systems within a greenhouse are prohibited.

   e. *Building Code*. Any structure, accessory structure, electrical service, plumbing, or mechanical equipment (e.g., lighting, fans, heating and cooling systems) associated with a business shall satisfy the Building Code requirements and obtain all required building permits prior to installation.

   f. *Methodology for Measuring Separation Requirements*. The following methodology shall be used for marijuana related- businesses that are required to be separated by a specific distance (i.e., marijuana production facility, marijuana wholesale facility, marijuana retail outlet). For the purposes of determining the distance between a marijuana related-business and another marijuana-related business, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of an approved marijuana related- business to the closest point anywhere on the premises of a proposed marijuana-related business of the same type. If any portion of the premises of a proposed marijuana related-business is within 1,000 feet of an approved marijuana related business of the same type, it may not be approved. For

the purpose of this section, premises is all public and private enclosed areas within a building at the location that are used in the business operation, including offices, kitchens, rest rooms, and storerooms.

g. The property owner shall record a declaration which waives any claim or right to hold the City liable for damages they or a tenant may suffer from state or federal enforcement actions for activities the City permits as a result of its approval of the proposed use or development once such approval is granted. Furthermore, the owner and tenant agrees not to unreasonably disobey the City's order to halt or suspend business if state or federal authorities order or otherwise subject the City to enforcement to comply with laws in contradiction to the continued operations of the business as permitted under section 18.2.3.190.

h. A marijuana-related business must obtain an approved license or registration from the State of Oregon and meet all applicable Oregon Revised Statutes and Oregon Administrative Rules.

2. Marijuana Laboratories, Processing, Production, and Wholesale. In addition to the standards described in subsection 18.2.3.190.B.1, above, marijuana laboratories, processing, production, and wholesale shall meet the following requirements as applicable. See definition of marijuana processing and production in part 18.6.
   a. Marijuana laboratories, processing, production, and wholesale shall be located 200 feet or more from residential zones.
   b. *Marijuana Production*.
      i. Marijuana production shall be limited to 5,000 square feet of gross leasable floor area per lot.
      ii. A marijuana production facility shall be located more than 1,000 feet from another marijuana production facility. See subsection 18.2.3.190.B.1.f for methodology for measuring the required distance between marijuana related-businesses.
   c. *Marijuana Wholesale*. A marijuana wholesale facility shall be located more than 1,000 feet from another marijuana wholesale facility. See subsection 18.2.3.190.B.1.f for methodology for measuring the required distance between marijuana related-businesses.
3. Marijuana Retail Sales. In addition to the standards described above in subsection 18.2.3.190.B.1, marijuana retail sales shall meet the following requirements. See definition of marijuana retail sales in part 18.6.
   a. *Location*.
      i. Marijuana retail sales are allowed if located on a property with a boundary line adjacent to a boulevard.
      ii. Marijuana retail sales, except as allowed above in subsection 18.2.3.190.B.3.a.i, must be located 200 feet or more from a residential zone and are subject to a Conditional Use Permit under chapter 18.5.4.
      iii. Marijuana retail sales are not permitted in the Downtown Design Standards Zones.

iv. A marijuana retail sales outlet shall be located more than 1,000 feet from another marijuana retail sales outlet. Medical and recreational marijuana retail sales do not need to be separated by 1,000 feet if located together in one building if the configuration meets all applicable Oregon Revised Statutes and Oregon Administrative Rules. No more than two registrations or licenses issued by the State of Oregon (e.g., a medical dispensary registration and a recreational sales license) may be located in one building. See subsection 18.2.3.190.B.1.f for methodology for measuring the required distance between marijuana related-businesses.

b. *Drive-up Use*. The marijuana retail sales outlet must not include a drive-up use.

18.2.3.200 Multiple-Family Rental Unit Conversion to For-Purchase Units

A. Section 18.2.3.200 applies to existing multiple-family rental units, which for the purpose of this section, 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 November 3, 2007 (Ord. 2942).

B. Multi-family rental units constructed after November 3, 2007 are not subject to the provisions of this section.

C. Conversion of existing multiple-family dwelling rental units into for-purchase units, including the demolition of existing multiple-family dwelling rental units, is subject to the following.

1. Existing multiple-family dwelling structures may be converted from rental units to for-purchase housing, where all or only a portion of the structure is converted, as set forth in Table 18.2.3.200.C.1, provided the existing structure meets the following regulations of the applicable zone: permitted density, yard requirements, maximum height, maximum lot coverage, outdoor recreation space, maximum permitted floor area, waste enclosures, parking, and bike storage.

Table 18.2.3.200.C.1: Conversion of Multiple-Family Rental Units to For-Purchase Units

Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Sec. 18.2.5.050)	Market Rate Rentals	Affordable Rentals (per Sec. 18.2.5.050)
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. Where an existing multiple-family dwelling structure does not meet the regulations of the applicable zone, as listed in subsection 18.2.3.200.C.1, rental units may be converted to for-purchase units, as set forth in Table 18.2.3.200.C.2 and the standards below:

a. Conversion of existing multiple-family structures to for-purchase housing shall comply with the following general regulations and the site development and design standards in part

18.4: number of bike and automobile parking spaces, trash, and recycling enclosures.

b. Conversion of existing multiple-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 multiple-family structures to for-purchase housing shall improve the street frontage to meet adopted the applicable design standards of this ordinance, including landscaping, sidewalks and street trees, pursuant to part 18.4.

Table 18.2.3.200.C.2: Conversion of Nonconforming Multifamily Dwelling Rental Units to For-Purchase Units

Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Sec. 18.2.5.050)	Market Rate Rentals	Affordable Rentals (per Sec. 18.2.5.050)
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%

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-purchase ownership units per Table 18.2.3.200.C.3.

Table 18.2.3.200.C.3: For-Purchase Unit Bonus Where Affordable Units Exceed Minimum

Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Sec. 18.2.5.050)	Market Rate Rentals	Affordable Rentals (per Sec. 18.2.5.050)
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 18.2.3.200.C.2 and 18.2.3.200.C.3 shall meet the following affordability standards:

   a. Affordable Rental Units shall be affordable for rent by households earning at or below 60 percent of the AMI in accordance with the standards established by section 18.2.5.050

(Resolution 2006-13).

b. Affordable Ownership Units shall be affordable for purchase by households earning at or below 80 percent of the AMI in accordance with the standards established by section 18.2.5.050 (Resolution 2006-13).

6. Prior to offering any units for sale the developer must comply with AMC 15.04.

7. Conversion of existing rental units into for-purchase housing shall comply with AMC 10.115.

18.2.3.210 Retail Uses Allowed in Railroad Historic District

Home-oriented commercial uses located in a dwelling unit within the Railroad Historic District are subject to all of the following requirements.

A. The business shall be no greater than 600 square feet in total area, including all storage and accessory uses.

B. The business shall be operated only by the occupant of the dwelling unit and not more than one half full-time equivalent employee (up to 25 hours per week).

C. Uses are limited to those designed to serve primarily pedestrian traffic. No additional off-street parking is required, except for accessible parking as required by the building code.

D. The use shall be located only a street having fully improved sidewalk on at least the side occupied by the business. The abutting street must be fully improved pursuant to residential City standards or greater.

E. The residential character of the property shall be maintained.

18.2.3.220 Travelers' Accommodations

Where travelers' accommodations and accessory travelers' accommodations are allowed, they require a Conditional Permit under chapter 18.5.4, are subject to Site Design Review under chapter 18.5.2, and shall meet the following requirements. See definitions of travelers' accommodation and accessory travelers' accommodation in part 18-6.

A. Travelers' Accommodations and Accessory Travelers' Accommodations. Travelers' accommodations and accessory travelers' accommodations shall meet all of the following requirements.

1. An accommodation must meet all applicable building, fire, and related safety codes at all times and must be inspected by the Fire Department before occupancy following approval of a Conditional Use Permit and periodically thereafter pursuant to AMC 15.28.

2. The business-owner of a travelers' accommodation or the property owner of an accessory travelers' accommodation must maintain a City business license and pay all transient occupancy tax in accordance with AMC 4.24 and AMC 6.04 as required.

3. Advertising for an accommodation must include the City planning action number assigned to the land use approval.

4. Offering the availability of residential property for use as an accommodation without a valid Conditional Use Permit approval, current business license and transient occupancy tax registration is prohibited and shall be subject to enforcement procedures.

B. Travelers' Accommodations. In addition to the standards described above in section 18.23.220.A, travelers' accommodations shall meet all of the following requirements.

1. The property is located within 200 feet of a boulevard, avenue, or neighborhood collector as identified on the Street Dedication Map in the Comprehensive Plan. Distances to the property from a boulevard, avenue, or neighborhood collector shall be measured via a public street or public alley to a lot line.
2. During operation of a travelers' accommodation, the property on which the travelers' accommodation is sited must be the primary residence of the business-owner. "Business-owner" shall be defined as a person or persons who own the property and accommodation outright; or who have entered into a lease agreement with the property owner(s) allowing for the operation of the accommodation. Such lease agreement must specifically state that the property owner is not involved in the day-to-day operation or financial management of the accommodation and that the business-owner has actual ownership of the business and is wholly responsible for all operations associated with the accommodation, and has actual ownership of the business.
3. The primary residence on the site must be at least 20 years old. The primary residence may be altered and adapted for travelers' accommodation use, including expansion of floor area. Additional structures may be allowed to accommodate additional units, but must be in conformance with all setback and lot coverage standards of the underlying zone.
4. The number of travelers' accommodation units allowed shall be determined by the following criteria.
    a. The total number of units, including the business-owner's unit, shall be determined by dividing the total square footage of the lot by 1,800 square feet. Contiguous lots under the same ownership may be combined to increase lot area and the number of units, but not in excess of the maximum established by this ordinance. The maximum number of accommodation units shall not exceed nine per approved traveler**'**s accommodation with primary lot frontage on boulevard streets. For travelers' accommodation without primary lot frontage on a designated boulevard, but within 200 feet of a boulevard, avenue, or neighborhood collector street, the maximum number of units shall be seven. Street designations shall be as determined by the Street Dedication Map in the Comprehensive Plan. Distances to the property from a boulevard, avenue, or neighborhood collector shall be measured via a public street or public alley to a lot line.
    b. Excluding the business-owner's unit and the area of the structure it will occupy, there must be at least 400 square feet of gross interior floor space remaining per unit.
5. Each accommodation must have one off-street parking space and the business-owner's unit must have two parking spaces. All parking spaces shall be in conformance with chapter 18.4.3.
6. Only one ground or wall sign, constructed of a non-plastic material, non-interior illuminated, and a maximum of six square feet total surface area is allowed. Any exterior illumination of signage

shall be installed such that it does not directly illuminate any residential structures adjacent or nearby the travelers' accommodation in accordance with subsection 18.4.4.050.C.1.

7. An annual inspection by the Jackson County Health Department shall be conducted as required by the laws of Jackson County or the State of Oregon.
8. Transfer of business-ownership of a travelers' accommodation shall be subject to all requirements of this section and conform with the criteria of this section. Any further modifications beyond the existing approval shall be in conformance with all requirements of this section.

C. Accessory Travelers' Accommodations. In addition to the standards in section 18.2.3.220.A, accessory travelers' accommodations shall meet all of the following requirements.

1. The operator of the accessory travelers' accommodation must be the property owner and the property must be the operator's primary residence. The operator must be present during operation of the accessory travelers' accommodation.
2. The property is limited to having one accessory travelers' accommodation unit, covered under a single reservation and consisting of two or fewer bedrooms. Meals are not provided and kitchen cooking facilities are not permitted with an accessory travelers' accommodation, with the exception of kitchen cooking facilities for the primary residence.
3. The total number of guests occupying an accessory travelers' accommodation must not exceed two people per bedroom.
4. The property must have two off-street parking spaces. The total number of guest vehicles associated with the accessory travelers' accommodation must not exceed one.
5. Signs are not permitted in conjunction with the operation of an accessory travelers' accommodation.

Chapter 18.2.4 – General Regulations for Base Zones

Sections:

18.2.4.010 Access and Minimum Street Frontage
18.2.4.020 Accessory Structures and Mechanical Equipment
18.2.4.030 Arterial Street Setback
18.2.4.040 Vision Clearance Area
18.2.4.050 Yard Exceptions and Requirements

18.2.4.010 Access and Minimum Street Frontage

Each lot shall abut a public street other than an alley for a width of not less than 40 feet; except, where a lot is part of an approved flag partition or abuts a cul-de-sac vehicle turn-around area, the minimum width is 25 feet.

18.2.4.020 Accessory Structures and Mechanical Equipment

A. Accessory Structures. Accessory buildings and structures shall comply with all requirements for the principal use, except where specifically modified by this ordinance.

B. Mechanical Equipment. Mechanical equipment shall not be located between the main structure on the site and any street adjacent to a front or side yard, and every attempt shall be made to place such equipment so that it is not visible from adjacent public streets. Mechanical equipment and associated enclosures, not taller than allowed fence heights, may be located within required interior side or rear yards, provided such installation and operation is consistent with other provisions of this ordinance or the Ashland Municipal Code, including but not limited to noise attenuation. Any installation of mechanical equipment shall require a building permit.

18.2.4.030 Arterial Street Setback

The setback from an arterial street shall be not less than 20 feet, or the width required to install sidewalk and park row improvements, consistent with the street standards in chapter 18.4.6, whichever is less.

18.2.4.040 Vision Clearance Area

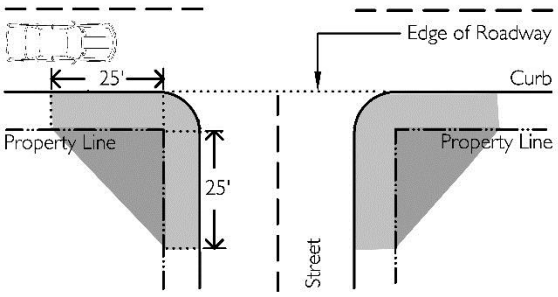
No visual obstruction (e.g., planting, fence, wall, sign, structure, fence, or temporary or permanent obstructions) exceeding 2 ½ in height shall be placed in “vision clearance areas” at street intersections as illustrated in Figure 18.2.4.040.A and Figure 18.2.4.040.B. Street lights, post or poles supporting street signs, street lights, traffic control signs or devices, utility poles, on-street parking, and street trees exceeding this height may be located in vision clearance areas, unless the cumulative impact of the placement results in an obstruction to vision. Street trees shall be trimmed so that branches and foliage are eight feet above grade. Height in the vision clearance area shall be measured from the top of the curb.

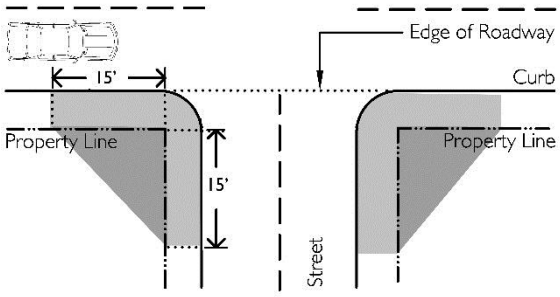
The following distances shall be used in establishing the size of the vision clearance area.

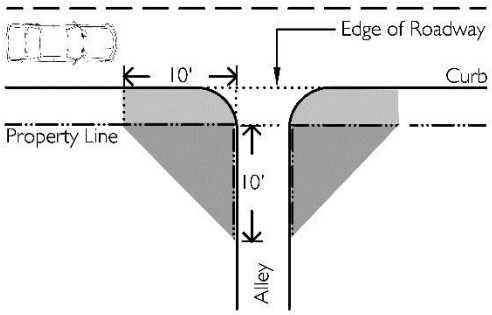
A. In any residential zone, the minimum distance shall be 25 feet or, at intersections including an alley, ten feet.

B. In all other zones, the minimum distance shall be 15 feet or, at intersections, including an alley, ten feet, except that the C-1, E-1, and CM zones are exempt from these requirements. When the angle of intersection between streets, other than an alley, is less than 30 degrees, the distance shall be 25 feet.

C. The vision clearance standards established by this section are not subject to a Variance pursuant to chapter 18.5.5 Variances.







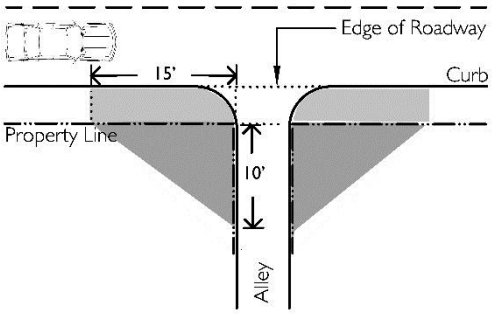


Figure 18.24.040.A
Vision Clearance Area in Residential Zones

Figure 18.24.040.B
Vision Clearance Area in Non-Residential Zones

18.2.4.050 Yard Requirements and General Exceptions

A. In addition to the requirements of chapters 18.2.5 and 18.2.6, yard requirements shall conform to the Solar Access standards of chapter 18.4.8.

B. Eaves and awnings may encroach three feet into required yards; all other architectural projections may encroach 18 inches into required yards.

C. The following general exceptions are allowed for structures that are 30 inches in height or less, including entry stairs, uncovered porches, patios, and similar structures:

1. The structures are exempt from the side and rear yard setback requirements.
2. The front and side yards abutting a public street may be reduced by half.

Chapter 18.2.5 – Standards for Residential Zones

Sections:

18.2.5.010 Purpose
18.2.5.020 Applicability
18.2.5.030 Unified Standards for Residential Zones
18.2.5.040 Accessory Buildings and Structures
18.2.5.050 Affordable Housing Standards
18.2.5.060 Yard Exceptions
18.2.5.070 Maximum Permitted Residential Floor Area in Historic District
18.2.5.080 Residential Density Calculation in R-2 and R-3 Zones
18.2.5.090 Standards for Single-Family Dwellings

18.2.5.010 Purpose

Chapter 18.2.5 sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development, for Ashland's base residential zones, pursuant to the Comprehensive Plan and the purposes of this ordinance.

18.2.5.020 Applicability

The standards contained in this chapter apply to all uses and development in the City's residential zones. Property owners are responsible for verifying whether a proposed use or development meets the applicable standards of this ordinance, and for obtaining zoning permits.

18.2.5.030 Unified Standards for Residential Zones

A. Standards for Urban Residential Zones. Table 18.2.5.030.A contains standards for the R-1, R-1-3.5, R-2, and R-3 zones. Standards for the RR and WR zones are contained in subsections 18.2.5.030.B and 18.2.5.030.C.

Table 18.2.5.030.A – Standards for Urban Residential Zones
(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)

Standard	***R-1***				***R-2***	***R-3***
	R-1-10	***R-1-7.5***	***R-1-5***	***R-1-3.5***		
Residential Density (dwelling units/acre) - Minimum - Maximum See also Sec. 18.2.5.080, for R-2 and R-3 zones	NA Per Min. Lot Area	NA Per Min. Lot Area	NA Per Min. Lot Area	NA Per Min. Lot Area	See density standards in Sec. 18.2.5.080	
Lot Area – Minimum (square feet) - Lot	10,000 sf	7,500 sf	5,000 sf, 6,000 sf for corner lots	5,000 sf[1]	See density standards in Sec. 18.2.5.080	
[1]Exception providing for minimum lot area of 3,500 sf in R-1-3.5 zone applies only where the lot contains an existing single-family dwelling that meets setback, density, and lot coverage standards; variances under this section are subject to Type I procedure.						
Lot Width – Minimum (feet)	75 ft[2]	65 ft[2]	50 ft[2]	50 ft[2]	50 ft	50 ft
[2]Width shall not exceed depth						
Lot Depth (feet) - Minimum - Maximum[3] [3]Does not apply to Partitions	80 ft 150 ft	80 ft 150 ft	80 ft 150 ft	80 ft 250% of width	80 ft 250% of width	80 ft 250% of width
Standard Yards – Minimum[4] (feet)						
- Front – Standard, except:	15 ft	15 ft	15 ft	15 ft	15 ft	15 ft
- Front – Unenclosed Porch[5]	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft
- Front – Garage Opening	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft
- Side – Standard	6 ft	6 ft	6 ft	6 ft	6 ft	6 ft
- Side – Corner Lot Adjacent to Street	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
- Rear – Single-Story Building	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
- Rear – Multi-Story Building	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 feet per Half Story	10 ft per Bldg Story, 5 feet per Half Story	10 ft per Bldg Story, 5 feet per Half Story

Table 18.2.5.030.A – Standards for Urban Residential Zones
(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)

Standard	***R-1***				***R-2***	***R-3***
	R-1-10	***R-1-7.5***	***R-1-5***	***R-1-3.5***		
[4]See sections 18.2.4.050 and 18.2.5.060 for yard exceptions, and 18.2.5.040 for accessory structure setback exceptions; additional setbacks may be required to avoid easement encroachments, and to comply with Solar Access requirements in chapter 18.4.8. [5] For setback, or the width of any existing public utility easement, whichever is greater; an unenclosed porch must be no less than 6 feet in depth and 8 feet in width, see section 18.6.1.030 for definition of porch; in the Historic District Overlay unenclosed porch provisions do not apply, and the minimum front yard is 20 ft. [6]Does not apply to a side yard adjacent to an alley.						
Building Separation, On Same Site – Minimum	NA[7]	NA[7]	NA[7]	NA[7]	½ the height of the tallest building, where building height is measured at the two closest exterior walls; maximum separation required is 12 ft[8] (see Figure 18.3.9.070.B)	
[7]Except as required under chapter 18.3.9 Performance Standards Option. [8]Except as required by building code; accessory structures are exempt from this requirement and subject to applicable building code requirements.						
Building Height – Maximum[9] (feet)	35 ft or 2 ½ stories, whichever is less, except structures within Historic District Overlay shall not exceed 30 ft					35 ft or 2 ½ stories, except up to 50 ft with CU permit approval
[9]See figure in the definition of "height of building" in section 18.6.1.030.						
Lot Coverage – Maximum[10] (% of lot area)	40%	45%	50%	55%	65%	75%
[10]A total area up to 200 sf or 5% of the permitted lot coverage, whichever is less, may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum; the porous solid surface exemption does not apply to driveways and parking areas.						
Landscape Area – Minimum (% of developed lot area)	60%	55%	50%	45%	35%	25%
Outdoor Recreation Space - Minimum (% of site area)[11] [11]See chapter 18.3.9 for additional open space requirements in Performance Standard Options developments.	NA	NA	NA	NA	8%	8%

B. Woodland Residential Zone. Standards for the Woodland Residential (WR) zone follow:

Table 18.2.5.030.B – Standards for Woodland Residential (WR) Zone
(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)

Minimum Lot Area and Maximum Density *Limits on density transfer*. All developments, with the exception of partitioning, must be developed under the Performance Standards Option, chapter 18.3.9. Not more than 25% of the density allowed in a WR zone may be transferred to a higher density zone in a Performance Standard Options development.	**Slope**	**Min. Lot Size**	**DU/Acre**
	Less than 40%	2.0	.5
	40 to 50%	2.5	.4
	50 to 60%	5.0	.2
	Over 60%	10.0	.1
	Outside UGB	20.0	.05
Lot Coverage – Maximum[1] (% of lot area)	7%		
[1]A total area up to 200 sf or 5% of the permitted lot coverage, whichever is less, may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum; the porous solid surface exemption does not apply to driveways and parking areas.			
Lot Width - Minimum (feet)	100 ft		
Lot Depth - Minimum and Maximum (feet)	150 ft		
Standard Yards – Minimum[2] (feet) - Front – Standard - Side – Standard, except: - Side – Corner-Street/Alley Side - Rear – Single-Story Building - Rear – Multi-Story Building	 20 ft 6 ft 10 ft 10 ft 10 ft per Bldg Story		
[2]See sections 18.2.4.050 and 18.2.5.060 for yard exceptions, and 18.2.5.040 for accessory structure setback exceptions; additional setbacks may be required to avoid easement encroachments, and to comply with Solar Access requirements in chapter 18.4.8.			
Maximum Building Height	35 ft or 2 ½ stories, whichever is less.		

C. Rural Residential Zone. Standards for the Rural Residential (RR) zone follow:

Table 18.2.5.030.C – Standards for Rural Residential (RR) Zone (Except as modified under chapter 18.5.5 and Variances or chapter 18.3.9 Performance Standards Option.)		
Minimum Lot Area and Maximum Density[1] See also 18.2.5.080 Residential Density.	**Zone**	**Min. Lot Size***
	RR-.5	0.5 acre
	RR-1	1 acre
	RR-2.5	2.5 acres
[1]The minimum lot size depends on the topographic nature, service availability, surrounding land uses, and other relevant characteristics of the area.		
Lot Coverage – Maximum (% of lot area)[2]	**Lot Type**	**Lot Coverage**
	RR-.5	20%
	RR-1	12%
	RR-2.5	7%
[2]A total area up to 200 sf or 5% of the permitted lot coverage, whichever is less, may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum; the porous solid surface exemption does not apply to driveways and parking areas.		
Lot Width - Minimum (feet)	100 ft	
Lot Depth - Minimum and Maximum (feet)	150 ft and not more than 300% of width	
Standard Yards – Minimum[3] (feet) - Front – Standard - Side – Standard, except: - Side – Corner-Street/Alley Side - Rear – Single-Story Building - Rear – Multi-Story Building	 20 ft 6 ft 10 ft 10 ft 10 ft per Bldg Story	
[3]See sections 18.2.4.050 and 18.2.5.060 for yard exceptions, and 18.2.5.040 for accessory structure setback exceptions; additional setbacks may be required to avoid easement encroachments, and to comply with Solar Access requirements in chapter 18.4.8.		
Maximum Building Height	35 ft or 2 ½ stories, whichever is less; except the height of agricultural structures is not limited, when the structure is placed 50 feet or more from all property lines.	

18.2.5.040 Accessory Buildings and Structures

Accessory buildings and structures shall comply with all requirements for the principal use, except where specifically modified by this ordinance, and shall comply with the following limitations:

A. Setback Yard Exceptions. See subsection 18.2.5.060.B.2.

B. Guesthouse. A guesthouse may be maintained accessory to a single-family dwelling provided there are no kitchen cooking facilities in the guesthouse.

C. Greenhouse or Hothouse. A greenhouse or hothouse may be maintained accessory to a dwelling in a residential zone. See section 18.2.3.190 for homegrown marijuana cultivation and production requirements.

D. Livestock Structures. Except as provided for micro-livestock in subsection 18.2.5.040.E, below, barns, stables, and other structures shall be located a minimum of 50 feet from any property line, and structures housing large livestock shall be more than 100 feet from dwellings on adjoining

properties.

E. Micro-Livestock Enclosure. An enclosure housing micro-livestock may be maintained in a residential district, pursuant to section 18.2.3.160. Enclosures shall be constructed as follows:

1. The structure shall not be located in a required front yard.
2. The structures shall be setback a minimum of ten feet from abutting properties as illustrated in Figure 18.2.5.040.E.2.
3. The structures shall be at least 20 feet from dwellings on adjoining properties. Within a multifamily complex, structures must also be located at least 20 feet from any dwelling within the complex.
4. The structures shall not exceed six feet in height.
5. Chicken coops and rabbit hutches shall not exceed 40 square feet in area, or four square feet per animal, whichever is greater.
6. Chicken and rabbit runs, as enclosed outdoor structures, shall not exceed 100 square feet in area, or ten square feet per animal, whichever is greater.

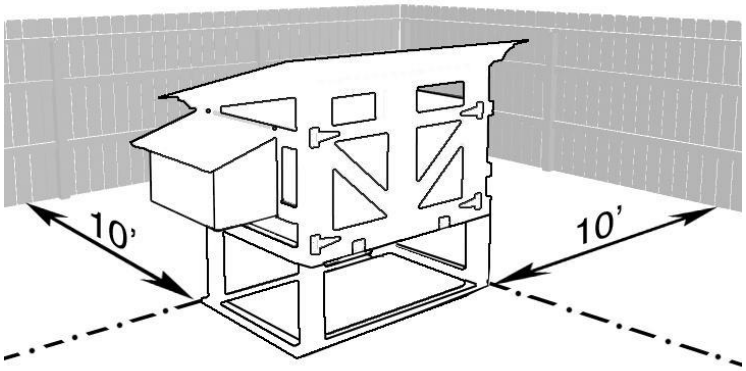


Figure 18.2.5.040.E.2
Micro-Livestock Enclosure/Minimum Setback to Property Line

F. Rain Barrels. Rain barrels may be located within required side or rear yards provided such installation and operation is consistent with other provisions of this ordinance or the Ashland Municipal Code, and meet the all of the following requirements:

1. Rain barrels shall not exceed six feet in height.
2. Rain barrels shall be located so that a minimum clear width of three feet is provided and maintained between the barrel and property line.
3. Rain barrels shall be secured and installed on a sturdy and level foundation, or platform, designed to support the rain barrel's full weight.
4. Every attempt shall be made to place rain barrels so that they are screened from view of adjacent properties and public streets.

18.2.5.050 Affordable Housing Standards

A. General Eligibility – Rental and Purchased Housing.

1. All qualifying ownership or rental units required to be affordable through density bonuses, annexation, zone change, condominium conversion, or other land use approval under this ordinance shall not be eligible to receive a waiver of the Community Development and Engineering Services fees associated with the development of said affordable units unless a waiver is approved by the City Council.

2. All qualifying ownership or rental units required to be affordable through density bonuses, annexation, zone change, condominium conversion, or other land use approval under this ordinance shall be eligible to receive a deferral of the System Development Charges associated with the development of said affordable units.

3. All qualifying ownership or rental units voluntarily provided as affordable to low income households, consistent with subsections 18.2.5.050.A.1 and 18.2.5.050.A.2, above, shall be eligible for a System Development Charge, Engineering Service, and Community Development Fee deferral or waiver without obtaining approval from the Council.

4 Affordable Housing Units covered under this section can only be sold or rented to occupant households from the same income category as the original purchasers or renters for a period of not less than 30 years, or as required through the condition of approval for a unit required to be affordable through a land use approval.

5 System Development Charges, Engineering Services, and Community Development Fees may be deferred or waived when units are sold or rented to low-income persons. For purposes of this subsection, "low-income persons" means:

   a. With regard to rental housing, persons with an income at or below 60 percent of the area median income (AMI) as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development (HUD); and

   b. With regard to home ownership housing and lease to purchase home ownership housing, persons with an income at or below 80 percent of the AMI as determined by the State Housing Council based on information from HUD.

B. Rental Housing. Units designated for affordable rental housing in developments which have qualified for density bonuses, annexation, zone change, condominium conversion, or other land use approval under this ordinance shall be rented to individuals or households whose annual income is consistent with the target income identified in the planning approval. Incomes shall be qualified at the 60 percent or 80 percent median income levels for households in the Medford-Ashland Metropolitan Statistical Area (MSA). This figure shall be known as the "qualifying household income" and shall be determined by the City's Community Development Department in May of each year from the annual family incomes published by HUD for the Medford-Ashland MSA.

1. Area Median Income – 80 percent. The rent charged for such affordable rental housing benefiting households earning 80 percent AMI or greater, including any home-owners association or maintenance fees, shall not exceed 23 percent of the qualifying monthly income (qualifying family income divided by twelve) as provided in the following formulas:

Table 18.2.5.050.B - Rent Charges for Affordable Rental Housing	
Unit Type	***Maximum Rent Charges***
Studio Apartment	23% of the average of 1 & 2 person qualifying monthly incomes
1 Bedroom	23% of the average of 2 & 3 person qualifying monthly incomes
2 Bedroom	23% of the average of 3, 4, & 5 person qualifying monthly incomes
3 Bedroom	23% of the average of 4, 5, 6, & 7 person qualifying monthly incomes
4 Bedroom	23% of the average of 5, 6, 7, & 8 person qualifying monthly incomes

a. The City's Community Development Department shall maintain a table of maximum rent levels permitted pursuant to the formulas of Table 18.2.5.050.B and shall annually update the table in May of each year.

2. Area Median Income – 60 percent or lower. The rent charged for such affordable rental housing benefiting households earning 60 percent AMI or less, including any home-owners association or maintenance fees, shall comply with the maximum rents established by the State of Oregon HOME Program based on the target income qualification as adjusted annually by HUD for the Medford-Ashland MSA. The HOME program indexed allowable rents are adjusted annually by the State of Oregon Housing and Community Services Department (OHCS).

3. Owner' s Obligation. The owner of the affordable rental housing shall sign a 30-year agreement, or longer depending on the period of affordability established through this ordinance, with the City that guarantees these rent levels will not be exceeded and that the owner will rent only to households meeting the income limits. The agreement shall bind subsequent owners who purchase the rental housing during the established period of affordability. The agreement shall also require the owner to allow the unit to be rented to HUD Section 8 qualified applicants and agree to accept rent vouchers for all of the affordable units when applicable. The City shall file the agreement for recordation in the County Clerk deed records, Jackson County, Oregon.

   Certification of qualifying occupants. The owner of record, or the designated agent of the record, owner, shall annually file with the City a signed certificate stating the occupants of the record owner' s rental housing units continue to be qualified households, or are a household that qualified at its initial occupancy, within the meaning of this resolution, and any amendment made to it. The City shall provide the record owner or the record owner' s agent with access to a form to complete and sign to comply with this provision.

C. Purchased Houses – Qualifying. Units designated for affordable housing available for purchase in developments which have qualified for density bonuses annexation, zone change, condominium conversion, or other land use approval under this ordinance must satisfy the criteria in subsections 18.2.5.050.C.1 and 18.2.5.050.C.2, below:

1. They shall only be sold to occupant households whose:

   a. Annual income is consistent with the target income identified in the planning approval for the development. Incomes shall be qualified at the applicable 60 percent, 80 percent, 100 percent, or 120 percent median income levels for households based on number of people per household as adjusted annually by HUD for the Medford-Ashland MSA.

b. The maximum monthly payment for a covered unit shall be established to not exceed the affordability limits, established in the paragraph above, and pursuant to the occupancy number indicated in Table 18.2.5.050.C.

Table 18.2.5.050.C - Occupancy Basis for Affordable Rental Housing		
Unit Type		***Occupancy***
Studio	=	1 person household income for the designated income level
1 Bedroom	=	2 person household income for the designated income level
2 Bedroom	=	4 person household income for the designated income level
3 Bedroom	=	6 person household income for the designated income level
4 Bedroom	=	7 person household income for the designated income level
Households with a greater or lesser number of occupants shall remain eligible for covered units but the sale price shall not be adjusted due to household size above the limits established above.		

c. Net assets, excluding pension plans and IRA's and excluding the down payment and closing costs, do not exceed $20,000 for a household or $130,000 if one household member is 65 years or older.

d. Mortgage payment does not exceed more than 30 percent of the monthly income for the target income level indicated in subsection 18.2.5.050.C.1.a, above on total housing costs which includes principal, interest, taxes, insurance, and any homeowners or regular maintenance fees.

e. The maximum monthly payment for a covered unit shall be calculated by utilizing the interest rate for the Oregon Bond Loan Rate Advantage as updated by the OHCS.

2. They shall remain affordable as follows:

a. The purchasers of the affordable housing units shall agree to the City of Ashland Affordable Housing Resale Restriction Agreement establishing a period of affordability of not less than 30 years. In no event will a purchaser be required to sell the unit subject to the aforementioned Agreement for less than his or her original purchase price, plus any applicable closing costs and realtor fees.

b. For housing financed by Farmer’ s Home Administration (FmHA), the affordability shall be assured by the FmHA’ s recapture provisions FmHA which require sellers to repay FmHA for all the subsidies accrued during the period the sellers resided in the housing unit.

18.2.5.060 Yard Exceptions

A. Front Yard Exceptions.

1. If there are dwellings or accessory buildings on both abutting lots (even if separated by an alley or private way) with front or side yards abutting a public street with less than the required

setback for the district, the front yard for the lot need not exceed the average yard of the abutting structures.

2. If there is a dwelling or accessory building on one abutting lot with a front yard of less than the required depth for the district, the front yard need not exceed the average yard of the depth of the abutting lot and the required front yard depth.

3. The front yard may be reduced to ten feet on hillside lots where the terrain has an average steepness equal to or exceeding a one foot rise or fall in four feet of horizontal distance within the entire required yard; vertical rise or fall is measured from the natural ground level at the property.

B. Side and Rear Yard Exceptions for Accessory Buildings and Accessory Residential Units.

1. Yards Abutting an Alley. For accessory buildings and accessory residential units that are not attached to any other building and not more and 15 feet in height, the side yard abutting an alley may be reduced to three feet and the rear yard abutting an alley may be reduced to four feet. The reduced side or rear yard provision does not apply to the primary structure.

2. Other Side and Rear Yards. For accessory buildings that are not attached to any other building, are not more than 15 feet in height, and are erected more than 50 feet from any street, the side or rear yard may be reduced to three feet, except when said yard is abutting an alley as provided in subsection 18.2.5.060.B.1, above.

18.2.5.070 Maximum Permitted Residential Floor Area in Historic District

A. Purpose. Section 18.2.5.070 regulates floor area of dwellings to promote compatible building volume and scale in the Historic District.

B. Applicability. Within the Historic District Overlay, new structures and additions shall conform to the maximum permitted floor area standards of this section, except as provided by 18.2.5.070.C.

C. Increases in Allowable MPFA. A Conditional Use Permit under chapter 18.5.4 is required to exceed the MPFA standards of subsections 18.2.5.070.F and 18.2.5.070.G, below. In addition to the approval criteria for a Conditional Use Permit, the criteria for Historic District Design Standards approval must be met. In no case shall the permitted floor area exceed 25 percent of the MPFA.

D. Maximum Permitted Floor Area. For purposes of this section, maximum permitted floor area (MPFA) means the gross floor area of the primary dwelling, including but not limited to potential living spaces within the structure with at least seven feet of head room and attached garages, except as provided by subsection 18.2.5.070.E, below.

E. Exceptions. Basements, detached garages, detached accessory structures, and detached accessory residential units are not counted in the gross floor area for the MPFA calculation if separated from the primary dwelling by six feet or more. Similarly, unenclosed breezeways, and similar open structures connecting an exempt detached structure to the primary dwelling are not counted in the MPFA calculation.

F. Calculation and Standards. Except as modified by subsection 18.2.5.070.G for multiple dwellings on a lot and residential subdivisions proposed under the performance standards option, the

following formula shall be used to calculate the MPFA for single family dwellings, provided however, that regardless of lot size, the MPFA shall not exceed 3,249 square feet:

Lot area x Adj. Factor [from Table 18.2.5.070(E)] = Adjusted lot area x 0.38 FAR = MPFA

Table 18.2.5.070.E: Adjustment Factor Table

Lot Area	*Adj. Factor*	*Lot Area*	*Adj. Factor*	*Lot Area*	*Adj. Factor*	*Lot Area*	*Adj. Factor*
0 – 2500	1.20	6501 - 7000	0.88	11001 – 11500	0.66	15501 - 16000	0.55
2501 – 3000	1.16	7001 - 7500	0.85	11501 – 12000	0.64	16001 - 16500	0.54
3001 – 3500	1.12	7501 - 8000	0.82	12001 – 12500	0.62	16501 - 17000	0.53
3501 – 4000	1.08	8001 - 8500	0.79	12501 – 13000	0.61	17001 - 17500	0.52
4001 – 4500	1.04	8501 - 9000	0.77	13001 – 13500	0.60	17501 - 18000	0.51
4501 – 5000	1.00	9001 - 9500	0.75	13501 – 14000	0.59	18001 - 18500	0.50
5001 – 5500	0.97	9501 - 10000	0.73	14001 – 14500	0.58	18501 - 19000	0.49
5501 – 6000	0.94	10001 - 10500	0.71	14501 – 15000	0.57	19001 - 19500	0.48
6001 – 6500	0.91	10501 - 11000	0.68	15001 – 15500	0.56	19500 and greater	0.47

G. Multiple Dwellings and Residential Performance Standards Option. Where multiple dwellings are proposed on a single lot, or where a residential subdivision is proposed under the Performance Standards Option of chapter 18.3.9, the MPFA shall be determined using the following formula:

Lot area x Adj. Factor [from Table 18.2.5.070(E)] = Adjusted lot area x Graduated FAR [from Table 18.2.5.070(F)] = MPFA

Table 18.2.5.070.F: Graduated FAR Table

# units	*FAR*	*# units*	*FAR*	*# units*	*FAR*
1	.38	5	.46	9	.54
2	.40	6	.48	10	.56
3	.42	7	.50	11	.58
4	.44	8	.52	>11	.60

18.2.5.080 Residential Density Calculation in R-2 and R-3 Zones

A. Density Standard. Except density gained through bonus points under section 18.2.5.080 or chapter 18.3.9 Performance Standards Option, development density in the R-2 and R-3 zones shall not exceed the densities established by this section.

B. Density Calculation.

1. Except as specified in the minimum lot area dimensions below, the density in R-2 an R-3 zones shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public, and subject to the exceptions below.

2. Units less than 500 square feet of gross habitable area shall count as 0.75 units for the purposes of density calculations.

3. Accessory residential units are not required to meet the density or minimum lot area

requirements of this section. See section 18.2.3.040 for accessory residential unit standards.

C. Minimum Density.

1. The minimum density shall be 80 percent of the calculated base density.
2. Exceptions to minimum density standards. The following lots are totally or partially exempt from minimum density standards.
   a. Lots less than 10,000 sq. ft. in existence prior to the effective date of this ordinance.
   b. Lots located within any Historic District designated within the Ashland Municipal Code.
   c. Lots with existing or proposed conditional uses may be exempt for that portion of the property that is subject to the conditional use for calculations of the minimum base density standard.
   d. Where a lot is occupied by a single-family residence January 9, 2005 (Ord. 2914), the single-family residence may be enlarged or reconstructed without being subject to the minimum base density standard.
   e. In the event that a fire or natural hazard destroys a single-family residence, such residence may be replaced without being subject to the minimum base density standard.
   f. Where floodplains, streams, land drainages, wetlands, and/or steep slopes exist upon the lot an exception to minimum density requirements may be obtained to better meet the standards of chapter 18.3.10 Physical and Environmental Constraints.
   g. A lot that is nonconforming in minimum density may not move further out of conformance with the minimum density standard. However, units may be added to the lot which bring the lot closer to conformance without coming all the way into conformance provided it is demonstrated that the minimum density will not be precluded.

D. Base Densities and Minimum Lot Dimensions.

1. R-2 Zone. Base density for the R-2 zone shall meet the following standards:
   a. Minimum lot area for one unit shall be 5,000 square feet, except as allowed in section 18.2.3.040 for accessory residential units.
   b. Minimum lot area for two units shall be 7,000 square feet.
   c. Minimum lot area for three units shall be 9,000 square feet, except that the residential density bonus in subsection 18.2.5.080.F, below, may be used to increase density of lots greater than 8,000 square feet up to three units.
   d. For more than three units, the base density shall be 13.5 dwelling units per acre. The permitted base density shall be increased by the percentage gained through the residential density bonus is subsection 18.2.5.080.F.
2. R-3 Zone. Base density for the R-3 zone shall meet the following standards:
   a. Minimum lot area for one unit shall be 5,000 square feet, except as allowed in section 18.2.3.040 for accessory residential units.
   b. Minimum lot area for two units shall be 6,500 square feet.

c. Minimum lot area for three units shall be 8,000 square feet.

d. For more than three units, the base density shall be 20 dwelling units per acre. The permitted base density shall be increased by the percentage gained through the residential density bonus is subsection 18.2.5.080.F, below.

E. Exceptions. An accessory residential unit is not required to meet density or minimum lot area requirements per section 18.2.3.040.

F. Residential Density Bonus.

1. Density Bonus Points Authorized. Except as allowed under chapter 18.3.9 Performance Standards Option, the permitted base density shall be increased only pursuant to this section.

2. Maximum Bonus Points. The total maximum bonus permitted shall be 60 percent.

3. Bonus Point Criteria. The following bonuses shall be awarded:

   a. *Conservation Housing*. The maximum bonus for conservation housing is 15 percent. One hundred percent of the homes or residential units approved for development, after bonus point calculations, shall meet the minimum requirements for certification as an Earth Advantage home, as approved by the Conservation Division under the City' s Earth Advantage program as adopted by resolution 2006-6.

   b. *Outdoor Recreation Space.* The maximum bonus for provision of outdoor recreation space above minimum requirement established by this ordinance is ten percent. The purpose of the density bonus for outdoor recreational space is to permit areas that could otherwise be developed as a recreational amenity. It is not the purpose of this provision to permit density bonuses for incidental open spaces that have no realistic use by project residents on a day-to-day basis. One percent increased density bonus for each percent of the project dedicated to outdoor recreation space beyond the minimum requirement of this ordinance.

   c. *Major Recreational Facilities.* The maximum bonus for provision of major recreational facilities is ten percent. Density bonus points shall be awarded for the provision of major recreational facilities, such as tennis courts, swimming pools, playgrounds, or similar facilities. For each one percent of the total project cost devoted to recreational facilities, a six percent density bonus shall be awarded to a maximum of ten percent. Total project cost shall be defined as the estimated sale price or value of each residential unit times the total number of units in the project. Estimated value shall include the total market value for the structure and land. A qualified architect or engineer using current costs of recreational facilities shall estimate the cost of the recreational facility for City review and approval.

   d. *Affordable Housing*. The maximum bonus for affordable housing is 35 percent. Developments shall receive a density bonus of two units for each affordable housing unit provided. Affordable housing bonus shall be for residential units that are guaranteed affordable in accord with the standards of section 18.2.5.050.

18.2.5.090 Standards for Single-Family Dwellings

A. The following standards apply to new single-family dwellings constructed in the R-1, R-1-3.5, R-2,

and R-3 zones; the standards do not apply to dwellings in the WR or RR zones.

B. Single-family dwellings subject to this section shall utilize at least two of the following design features to provide visual relief along the front of the residence:

1. Dormers
2. Gables
3. Recessed entries
4. Covered porch entries
5. Cupolas
6. Pillars or posts
7. Bay window (min. 12" projection)
8. Eaves (min. 6" projection)
9. Off-sets in building face or roof (min. 16")

Chapter 18.2.6 – Standards for Non-Residential Zones

Sections:

18.2.6.010 Purpose
18.2.6.020 Applicability
18.2.6.030 Unified Standards for Non-Residential Zones

18.2.6.010 Purpose

Chapter 18.2.6 sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development, for Ashland's base employment zones, pursuant to the Comprehensive Plan and the purposes of this ordinance.

18.2.6.020 Applicability

The standards contained in this chapter apply to all uses and development in the city's employment zones. Property owners are responsible for verifying whether a proposed use or development meets the applicable standards of this ordinance, and for obtaining Zoning Permits.

18.2.6.030 Unified Standards for Non-Residential Zones

Table 18.2.6.030 – Standards for Non-Residential Zones
(Except as modified under chapter 18.5.5 Variances.)

Standard	***C-1***	***C-1-D***	***E-1***	***M-1***
Residential Density[1] (dwelling units/acre)	30 du/ac	60 du/ac	15 du/ac	NA
[1]where allowed per section 18.2.3.130; within E-1 zone, per R-Overlay (see chapter 18.3.13 Residential Overlay).				
Lot Area, Width, Depth Lot Coverage	There is no minimum lot area, width or depth, or maximum lot coverage; or minimum front, side or rear yard, except as required to comply with the special district and overlay zone provisions of part 18.3 or the site development and design standards of part 18.4.			

Table 18.2.6.030 – Standards for Non-Residential Zones
(Except as modified under chapter 18.5.5 Variances.)

Standard	*C-1*	*C-1-D*	*E-1*	*M-1*
Setback Yards (feet)	There is no minimum front, side, or rear yard required, except where buildings on the subject site abut a residential zone, in which case a side of not less than 10 ft and a rear yard of not less than 10 ft per story is required. The solar setback standards of chapter 18.4.8 do not apply to structures in the C-1-D zone. Except for buildings within 100 feet of a residential zone, the solar setback standards of chapter 18.4.8 do not apply to structures in the C-1 zone. See also section18.2.4.030 Arterial Street Setback.			There is no minimum front, side, or rear yard, except 20 ft where adjoining a residential zone.
Building Height[2&3] – Maximum (feet)	40 ft, except: - Buildings greater than 40 ft and less than 55 ft are permitted in C-1-D zone with approval of a Conditional Use Permit. -Where located more than 100 feet from a residential zone, buildings greater than 40 ft and less than 55 ft are permitted in C-1 zone with approval of a Conditional Use Permit.			40 ft
[2]See definition of "height of building" in section 18.6.1.030. [3]Parapets may be erected up to five feet above the maximum building height; see also, 18.4.4.030.G.4 for mechanical equipment screening requirements, and 18.5.2.020 for Site Design Review for mechanical equipment review process.				
Landscape Area – Minimum (% of developed lot area)	15%	None, except parking areas and service stations shall meet the standards of chapters 18.4.3 Parking, Access, and Circulation, and 18.4.4 Landscaping, Lighting, and Screening.	15%	10%

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PART 18.3 – Special Districts and Overlay Zones

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18.3.1 Special District and Overlay Zone Purpose and Administration
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18.3.12 Site Development and Design Overlays (SDD)
18.3.13 Residential Overlay (R)

Chapter 18.3.1 – Special District and Overlay Zone Purpose and Administration

Sections:

18.3.1.010 Purpose
18.3.1.020 Zoning Map and Classification of Special Districts and Overlays
18.3.1.030 Applicability of Special District and Overlay Regulations

18.3.1.010 Purpose

Chapter 18.2.1 Zoning Regulations establishes zones, special districts, and overlays pursuant to the Comprehensive Plan. Every parcel, lot, and tract of land within the City is designated with a zoning district, or zone. The use of land is limited to the uses allowed by the applicable zone. The special districts are based on neighborhood planning processes for specific geographic areas. Overlay zones address special situations or site characteristics that apply across zones and supplement the base zoning regulations.

18.3.1.020 Zoning Map and Classification of Special Districts and Overlays

For the purpose of this ordinance, the City is divided into zones designated and depicted on the Zoning Map, pursuant to the Comprehensive Plan Map, and summarized in Table 18.2.1.020.

18.3.1.030 Applicability of Special District and Overlay Regulations

Part 18.3 applies to properties with base zone, special district, and overlay zone designations summarized in Table 18.2.1.040.

Chapter 18.3.2 – Croman Mill District

Sections:

18.3.2.010 Purpose
18.3.2.020 Applicability
18.3.2.030 General Requirements
18.3.2.040 Use Regulations
18.3.2.050 Dimensional Regulations
18.3.2.060 Site Development and Design Standards
18.3.2.070 Open Space Zone

18.3.2.010 Purpose

The purpose of this section is to implement the Croman Mill Site Redevelopment Plan. The district is designed to provide an environment suitable for employment, recreation, and living. The CM district is a blueprint for promoting family-wage jobs, professional office and manufacturing commerce, neighborhood-oriented businesses, mixed-use projects, and community services in a manner that enhances property values by providing transportation options and preserving significant open spaces while minimizing the impact on natural resources through site and building design. The Croman Mill District Standards were adopted by the City Council on August 17, 2010 (Ordinance No. 3031), and amended on December 16, 2011 (Ordinance No. 3053).

18.3.2.020 Applicability

This chapter applies to properties designated as CM on the Zoning Map, and pursuant to the Croman Mill District Plan maps adopted by Ordinance 3031 (August, 2010). Development located within the Croman Mill (CM) district is required to meet all applicable sections of this ordinance, except as otherwise provided in this chapter; where the provisions of this chapter conflict with comparable standards described in any other ordinance, resolution or regulation, the provisions of the CM district shall govern.

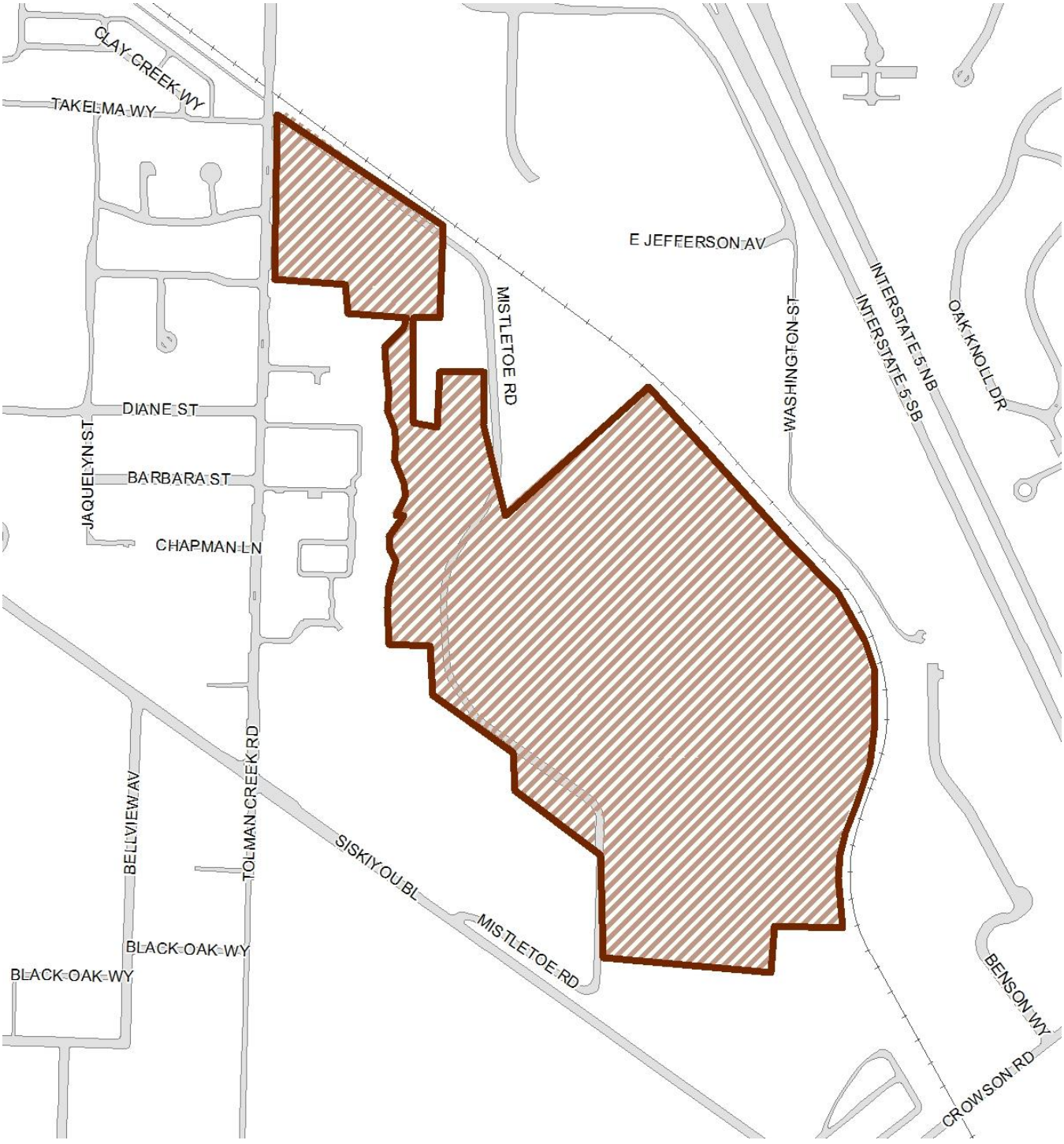


Figure 18.3.2.020
Croman Mill District

18.3.2.030 General Requirements

A. Conformance with the Croman Mill District Plan. Land uses and development, including buildings, parking areas, streets, bicycle and pedestrian access ways, multi-use paths, and open spaces shall be located in accordance with those shown on the Croman Mill District Plan maps adopted by Ordinance 3031.

B. Site Development and Design Standards. New development is subject to Site Design Review under chapter 18.5.2, and must comply with the site development and design standards in section 18.3.2.060.

C. Amendments. Major and minor amendments to the Croman Mill District Plan shall comply with the following procedures.

1. Major and Minor Amendments.

   a. Major amendments are those that result in any of the following.

      i. A change in the zoning.

      ii. A modification to the street layout plan that necessitates a street or other transportation facility to be eliminated.

      iii. A change not specifically listed under the major and minor amendment definitions.

   b. Minor amendments are those that result in any of the following.

      i. A change in the street layout that requires a street, access way, multi-use path or other transportation facility to be shifted more than 25 feet in any direction, as long as the change maintains the connectivity established by the Croman Mill District Plan.

      ii. Changes related to street trees, street furniture, fencing or signage.

      iii. A change in the design of a street in a manner inconsistent with the Croman Mill District Standards.

      iv. A modification of a driveway access location in a manner inconsistent with the Croman Mill District Standards.

      v. A site layout, landscaping or building design which is inconsistent with the Croman Mill District Standards.

      vi. A change to an area allocation for special permitted uses in subsection 18.3.2.040.B.

      vii. A change in a dimensional standard requirement in subsection 18.3.2.050, but not including height and residential density.

2. Major Amendment – Type II Procedure. The approval authority may approve a major amendment to the Croman Mill District Plan through a Type II procedure in section 18.5.1.060 upon finding that the application meets all of the following criteria.

   a. The proposed modification maintains the connectivity established by the district plan, or the proposed modification is necessary to adjust to physical constraints evident on the property, or to protect significant natural features such as trees, rock outcroppings, wetlands, or similar natural features, or to adjust to existing property lines between project boundaries.

b. The proposed modification furthers the design, circulation, and access concepts advocated by the district plan.

c. The proposed modification will not adversely affect the purpose and objectives of the district plan.

3. Minor Amendment – Type I Procedure. A minor amendment to the Croman Mill District Plan is subject to the Type I procedure in section 18.5.1.050. Minor amendments shall not be subject to the Exception to the Site Development and Design Standards in subsection 18.5.2.050.E. A minor amendment may be approved upon finding that granting the approval will result in a development design that equally or better achieves the stated purpose of this chapter, objectives of specific Croman Mill District Standards, and guiding principles of the Croman Mill Site Redevelopment Plan.

18.3.2.040 Allowed Uses

A. Uses Allowed in Croman Mill Zones. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.2.040 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.

B. Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. For regulations applying to the City's overlays zones, please refer to part 18.3.

C. Mixed-Use. Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

Table 18.3.2.040 – Croman Mill District Uses Allowed by Zone[9]

	Croman Mill District Zones[10]				
	NC	**MU**	**OE**	**CI**	**OS**
A. Residential					
Residential Uses	S	S	N	N	N
Agricultural Uses, except Keeping of Livestock	N	N	N	N	N
Keeping of Bees, Micro-Livestock and Livestock	N	N	N	N	N
Marijuana Cultivation, Homegrown	S	S	N	N	N
Temporary Employee Housing	N	N	S	S	N

[9]Key: P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.
[10] Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

Table 18.3.2.040 – Croman Mill District Uses Allowed by Zone[9]					
	Croman Mill District Zones[10]				
	NC	**MU**	**OE**	**CI**	**OS**
B. Commercial					
Stores, restaurants, and shops less than 3,000 sq. ft., excluding fuel sales, automobile sales and repair	P	N	N	N	N
Limited stores, restaurants, and shops, excluding fuel sales, automobile sales, and repair, including marijuana retail sales	N	S	S	S	N
Professional, financial, business, and medical offices	N	P	P	S	N
Administrative or research and development establishments	N	P	P	P	N
Child or day care centers	P	S	S	S	N
Fitness, recreations sports, gym or athletic club	P	N	N	N	N
Ancillary employee services (e.g., cafeteria, fitness area)	N	S	S	S	N
Kennels (indoor) and veterinary clinics	N	N	S	S	N
Motion picture, television or radio broadcasting studios	N	P	P	P	N
Temporary uses	C	C	C	C	C
C. Industrial					
Manufacturing, assembly, fabrication or packaging including manufacturing of food products	N	P	S	P	N
Limited manufacturing affiliated with a retail use	S	N	N	N	N
Marijuana laboratory, processing, and production	N	S	S	S	N
Rail freight loading dock facilities	N	N	N	P	N
Rail or rapid transit passenger facilities	P	P	P	P	N
Warehouse and similar storage facilities, including marijuana wholesale	N	S	S	S	N
Limited outdoor storage	N	S	S	S	N
Wireless communication facilities attached to an existing structure pursuant to Sec. 18.72.180	C	C	P	P	N
Freestanding wireless communication support structures pursuant to Sec. 18.72.180	C	C	C	C	N
D. Public and Institutional					
Public service or community buildings with office or space used directly by the public	P	C	C	C	P
Public service or community buildings without office or space used directly by the public	C	C	C	C	C
Public and quasi public utility facilities enclosed in a building	S	S	S	S	S
Oregon Department of Transportation (ODOT) maintenance facility and yard	S	N	N	N	N

Table 18.3.2.040 – Croman Mill District Uses Allowed by Zone[9]					
	Croman Mill District Zones[10]				
	NC	**MU**	**OE**	**CI**	**OS**
D. Public and Institutional *(cont.)*					
Private school, college, trade school, technical school or similar school	C	C	C	C	N
Electrical substations	N	N	C	C	N
Rail or rapid transit passenger facilities	P	P	P	P	N
Warehouse and similar storage facilities	N	S	S	S	N
Limited outdoor storage	N	S	S	S	N
Wireless communication facilities attached to an existing structure pursuant to 18.72.180	C	C	P	P	N
Freestanding wireless communication support structures pursuant to 18.72.180	C	C	C	C	N
D. Public and Institutional					
Public service or community buildings with office or space used directly by the public	P	C	C	C	P
Public service or community buildings without office or space used directly by the public	C	C	C	C	C
Public and quasi public utility facilities enclosed in a building	S	S	S	S	S
Oregon Department of Transportation (ODOT) maintenance facility and yard	S	N	N	N	N
Private school, college, trade school, technical school or similar school	C	C	C	C	N
Electrical substations	N	N	C	C	N

[1]Key: P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.
[2]Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

D. Special Use Standards. The uses listed as "Permitted with Special Use Standards (S)" in Table 18.3.2.040, above, are allowed provided they conform to the requirements of this section and the requirements of chapter 18.5.2 Site Design Review.

1. Residential Uses. Residential uses provided all of the following standards are met.
   a. The ground floor area shall be designated for permitted or special permitted uses, excluding residential.
   b. Residential densities shall not exceed the densities in section Dimensional Regulations. For the purposes of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.
   c. Residential uses shall execute a hold harmless covenant and agreement stating they shall not protest impacts from commercial and industrial uses within the district.
2. Marijuana Cultivation, Homegrown. Subject to the standards in subsection 18.2.3.190.A.
3. Temporary Employee Housing. Residential units for use by persons employed within the facility and their families when all of the following standards are met.

a. Employee housing densities shall not exceed two units per acre. For the purposes of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.

b. The employee housing shall be in conjunction with a permitted or special permitted use on the property.

c. Units shall be restricted by covenant to be occupied by persons employed by a business operating on the property.

4. Limited Commercial Services and Retail. Stores, restaurants, shops, child/day care facilities, and ancillary employee services, when all of the following standards are met.

a. In the CI, MU, and OE zones, a maximum of 15 percent of the gross floor area in a building may be used for any or a combination of the following special permitted uses when the standards in this section are met: limited stores, restaurants, and shops; child or day care facilities; and ancillary employee services.

b. *Limited Stores, Restaurants and Shops.* In the MU zone, the floor area shall be limited to retail uses in conjunction with a permitted use.

c. *Child or Day Care Facilities.* Primary program activities are integrated into the interior of the building.

d. *Ancillary Employee Services.* Developments may include ancillary employee services such as cafeterias, fitness areas, or other supportive services generally intended to support the needs of employees when the following standards are met.

i. The use is integrated into the interior of the building.

ii. The ancillary employee services shall be in conjunction with a permitted or special permitted use on the property.

e. *Marijuana Retail Sales.* Marijuana retail sales are subject to the standards a-d in subsection 18.3.2.040.D.4, above, and the standards for marijuana-related businesses in subsection 18.2.3.190.B.

5. Professional, Financial, Business and Medical Offices in CI Zone. Developments in the CI zone may include ancillary office uses to support the operations of a permitted use on-site provided the maximum floor area dedicated for office uses shall not exceed 50 percent of the ground floor area.

6. Kennels. Kennels when all of the following standards are met.

a. Kennels shall be located at least 200 feet from the nearest residential dwelling.

b. All animals shall be boarded within a building at all times.

c. No noise or odor shall emanate outside the walls of the building used as a kennel.

d. A disposal management plan shall be provided demonstrating all animal waste will be disposed of in a sanitary manner.

7. Manufacture, Assembly, Fabrication, and Packaging in OE Zone. Developments in the OE zone may include ancillary manufacturing, assembly, fabrication, and packaging uses to support the

operations of a permitted or special permitted use on-site when all of the following standards are met.

a. The maximum floor area dedicated to manufacturing, assembly, fabrication, and packaging shall be 50 percent of the ground floor area.

b. No outside space shall be used for the manufacturing, assembly, fabrication, and packaging processes.

8. Limited Manufacturing Affiliated with a Retail Use. Manufacturing, assembly, fabrication, or packaging contiguous to and associated with a retail space, provided the maximum floor area dedicated to manufacturing occupies 1,000 square feet, or ten percent of ground floor area, whichever is less.

9. Marijuana Laboratory, Processing, and Production.

a. Marijuana laboratory, processing, and production are subject to the standards for marijuana-related businesses in subsection 18.2.3.190.B.

b. In the OE zone, marijuana laboratory, processing, and production are subject to subsection 18.3.2.040.D.7, above.

10. Warehouse and Similar Storage Facilities. Warehouse and similar storage facilities when all of the following standards are met.

a. The maximum floor area dedicated for use as warehouse or similar storage uses in the OE and MU zones shall be 50 percent of the ground floor area.

b. Warehouse and storage facilities shall be provided only in conjunction with, and for the exclusive use by, a permitted or special permitted use on the property.

c. Self-service mini-warehouses are prohibited.

d. No outside space shall be used for storage, unless approved as a limited outdoor storage area.

e. *Marijuana Wholesale*. Marijuana wholesale storage is subject to the standards a-d in subsection 18.3.2.040.D.10, above, and the standards for marijuana-related businesses in subsection 18.2.3.190.B.

11. Limited Outdoor Storage. Limited outdoor storage associated with a permitted or special permitted use when all of the following standards are met.

a. The maximum area dedicated to outdoor storage shall be 1,000 sq. ft. in the OE and MU zone; and 2,500 sq. ft. in the CI zone, or 50 percent of the ground floor area of the building housing the associated permitted or special permitted use, whichever is greater.

b. The outdoor storage shall be located behind or on the side of buildings, and shall be located so the outdoor storage is the least visible from the street that is reasonable given the layout of the site.

c. The outdoor storage shall be screened from view by placement of a solid wood or metal fence, or a masonry wall from five to eight feet in height.

d. The associated permitted use shall obtain a minimum of 50 percent of the employment

density targets for the Croman Mill District.

12. Public and Quasi-Public Utility Service Buildings. Public and quasi-public utility service buildings when all of the following standards are met.
    a. Facilities and structures that are accessory to a public park in the OS zone, including but not limited to maintenance equipment storage, enclosed picnic facilities, and restrooms.
    b. Public and quasi-public utility service building relating to receiving and transmitting antennas and communication towers are subject to the applicable provisions of 18.4.10.
    c. Public and quasi-public utility service building shall demonstrate all of the following.
        i. The need for the facility, present or future; and how the facility fits into the utility's master plan.
        ii. The facility utilizes the minimum area required for the present and anticipated expansion.
        iii. Compatibility of the facility with existing surrounding uses and uses allowed by the plan designation.
13. Oregon Department of Transportation Maintenance Facility and Storage Yard. For the Oregon Department of Transportation Ashland maintenance facility and storage yard located on property within the NC zone, all the following shall apply.
    a. Buildings may be enlarged or replaced subject to Basic Site Review Standards.
    b. Are exempt from the Dimensional Regulations per 18.3.2.050 with the exception of minimum side and rear yard setbacks abutting a residential district and maximum height.
    c. Are exempt from the requirements of part 18.4 Site Development and Design Standards, and the requirements of 18.3.2.060 Croman Mill District Site Development and Design Standards

18.3.2.050 Dimensional Standards

The lot and building dimensions shall conform to the standards in Table 18.3.2.050.

Table 18.3.2.050 Croman Mill District Dimensional Standards

	Croman Mill District Zones[1]				
	NC	**MU**	**OE**	**CI**	**OS**
Residential Density – Maximum (dwelling units/acre)[2]					
Without bonus	30	15	NA	NA	NA
With bonus	60	30	NA	NA	NA
[2]Density of the development may not exceed the density established by this standard. Density must be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. Fractional portions shall not apply toward the total density.					
Lot Area - Minimum (square feet)	NA	NA	20,000	40,000	NA

[1] Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

Table 18.3.2.050 Croman Mill District Dimensional Standards					
	Croman Mill District Zones[1]				
	NC	**MU**	**OE**	**CI**	**OS**
Lot Frontage - Minimum (feet)	50	NA	100	100	NA
Lot Width - Minimum (feet)	50	NA	100	100	NA
Standard Yards (feet)					
Yard Abutting a Street - Minimum[3]	2	2	2	2/10	NA
Yard Abutting a Street - Maximum[4]	10	10	10	10	NA
Side - Minimum abutting a residential zone	10	10	NA	NA	NA
Rear - Minimum per story abutting a residential zone	10	10	NA	NA	NA
[3]In CI zone, minimum yard abutting an Active Edge Street is two feet, and minimum yard not abutting an Active Edge Street is ten feet. [4] Maximum yard requirements do not apply to entry features such as alcoves, and to hardscape areas for pedestrian activities such as plazas or outside eating areas.					
Solar Access:	The solar access setback in chapter 18.4.8 Solar Access does not apply in the Croman Mill District.				
Building Height[5]					
Minimum Number of Stories[6]	2	2	2	2	NA
Maximum Height without Bonus, stories/feet	2.5/35	3/40	3/40	3/40	1/20
Maximum Height with Bonus, stories/feet[7]	4/50	4/50	5/75	5/75	NA
[5]Solar energy systems and parapets may be erected up to five feet above the calculated building height, and no greater than five feet above the height limited in the district. [6]In the CI zone, second story shall be a minimum of 20% of the gross floor area. [7]In the Residential Buffer Zone, the maximum building height with a bonus is 40 feet.					
Frontage Build Out on Active Edge Street					
Minimum, percent	65	65	65	65	NA
Floor Area Ratio (FAR) - Minimum[8]	0.60	0.60	0.60	0.50	NA
[8]Plazas and pedestrian areas shall count as floor area for the purposes of meeting the minimum FAR.					
Landscaping Coverage - Minimum (% of site)	15%	15%	15%	10%	NA

[1] Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

18.3.2.060 Site Development and Design Standards

A. Street Design and Access. The design and construction of streets and public improvements shall be in accordance with section 18.4.6.040 Street Design Standards, except as otherwise required for the following facilities within the Croman Mill District. A change in the design of a street in a manner inconsistent with the Croman Mill District Street Design Standards requires a minor amendment in accordance with subsection 18.3.2.030.B.

1. Central Boulevard. The tree-lined boulevards along Siskiyou Boulevard and Ashland Street are an easily identifiable feature of Ashland's boulevard network. Application of this street design to the central boulevard will create a seamless boulevard loop, linking the Croman Mill District with downtown Ashland. The central boulevard also serves as the front door to the Croman Mill

District, creating a positive first impression when entering the district. Options addressing the street configuration and intersection geometry will be evaluated with the final design of the central boulevard. See central boulevard location in Figure 18.3.2.060.A.1.a and street cross section in Figure 18.3.2.060.1.b.

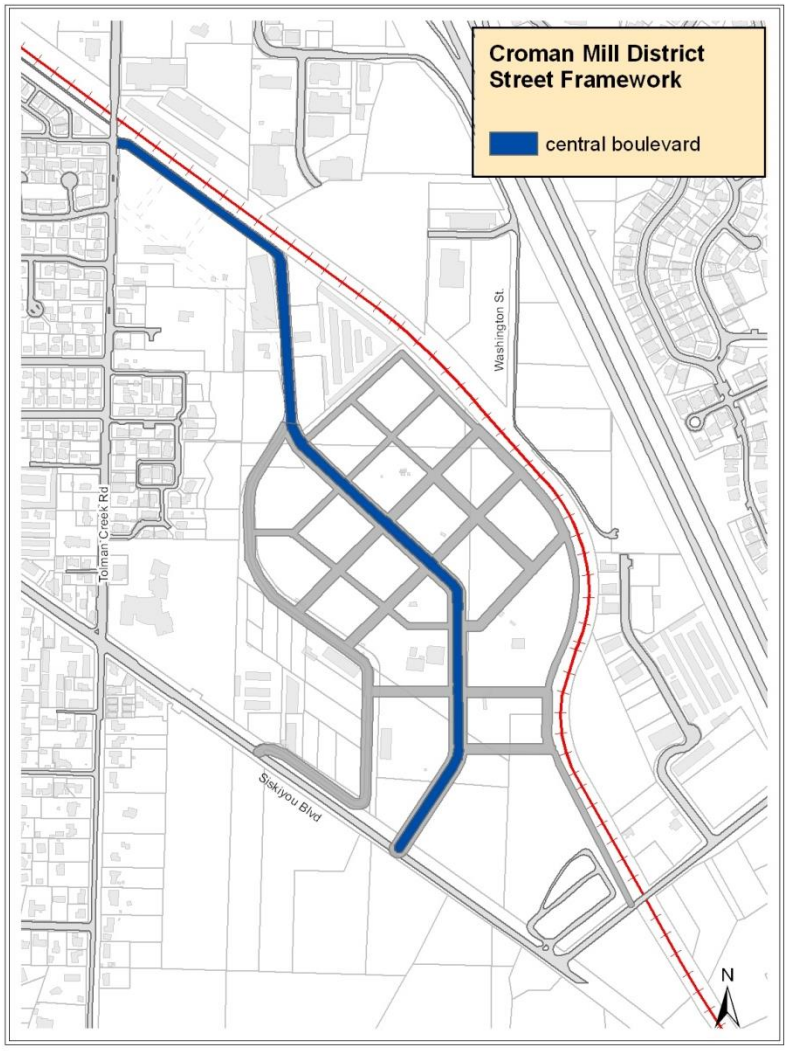


Figure 18.3.2.060.A.1.a
Street Framework

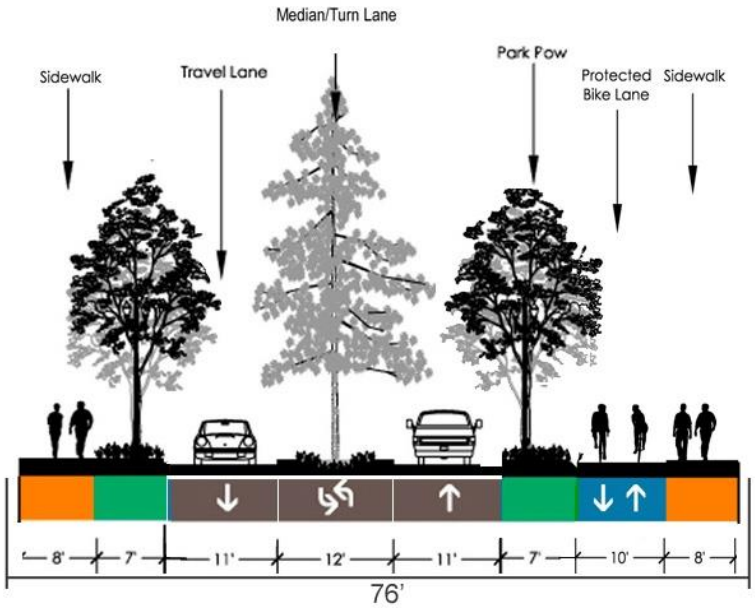


Figure 18.3.2.060.A.1.b
Central Boulevard

2. Phased Street Plan. Build-out of the central boulevard can be accommodated through a phased development plan.

   a. Phase I implementation will require the following.

      i. Maintain the existing Mistletoe Road alignment from Tolman Creek Road to the northwest corner of the Croman Mill site as illustrated in Figure 18.3.2.060.2.a.i.

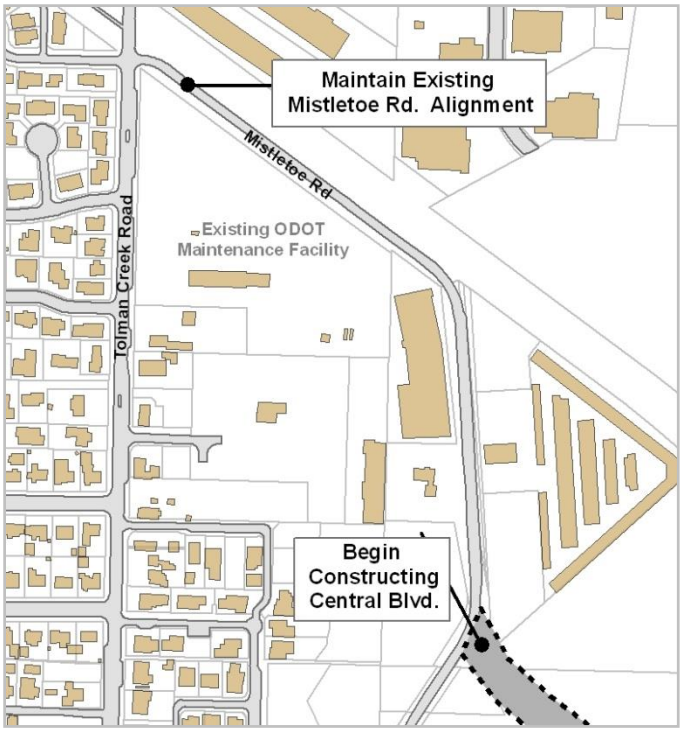


Figure 18.3.2.060.2.a.i
Phase I Central Boulevard

ii. Include developer-constructed minor improvements to the existing portion of Mistletoe Road such as a minimum six-foot wide sidewalk on the north side of the street, two 11-foot travel lanes and the addition of a left-turn pocket at the intersection with Tolman Creek Road.

iii. A developer-constructed three-lane central boulevard from the northwest corner of the district to Siskiyou Boulevard.

b. Phase II implementation will require the following. See Figure 18.3.2.060.2.b.

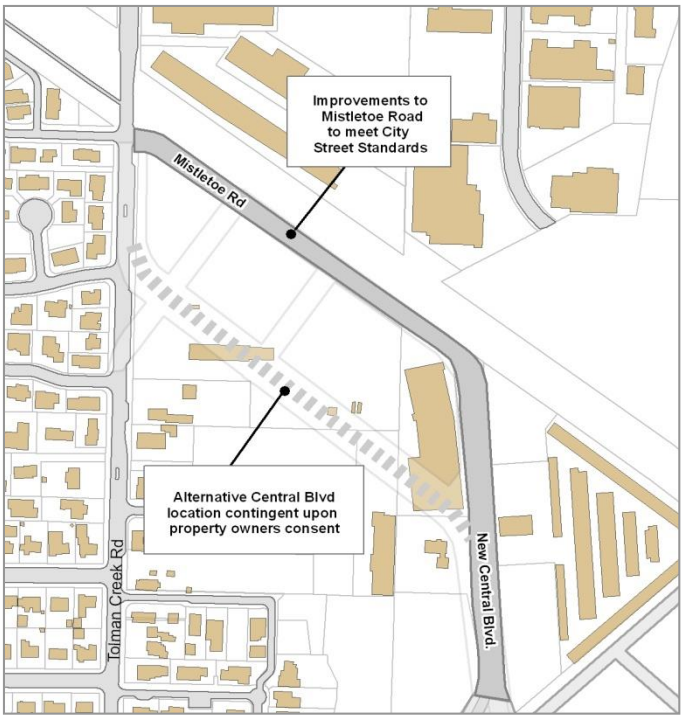


Figure 18.3.2.060.2.b
Phase II Central Boulevard Alternatives

i. Options addressing the street configuration and intersection geometry will be evaluated with the final design of the central boulevard. Final street configuration may involve a modification in the central boulevard cross section (e.g., delete on-street parking lanes) to address limitations to right-of-way width (e.g., existing buildings).

ii. The alternative central boulevard location and realignment of Tolman Creek Road is contingent upon property owner's consent, and future sale and relocation of the existing ODOT maintenance yard.

3. Tolman Creek Road Realignment. Additional traffic will be generated by the redevelopment of the Croman Mill District. The alternative central boulevard location includes the realignment of Tolman Creek Road with the central boulevard to discourage non-local through traffic in the Tolman Creek neighborhood and in the Bellview School area as illustrated in Figure 18.3.2.060.A.3.a and Figure 18.3.2.060.A.3.b. The modifications to the street network will preserve neighborhood character and address impacts to the neighborhood by directing traffic away from the neighborhood and Bellview School, and toward the Croman Mill District while maintaining access to Tolman Creek Road for neighborhood-generated trips as illustrated in Figure 18.3.2.060.A.3.c. Key elements of the realigned Tolman Creek Road include the following.

   a. Two through traffic lanes and a northbound turn lane.

   b. New traffic signal.

   c. Bike lanes.

d. Sidewalks separated from auto traffic by landscaping and canopy trees.

e. Landscaped neighborhood gateway.

f. Evaluation of the intersection alignment of local streets with Tolman Creek Road including Takelma Way, Grizzly Drive and Nova Drive.

Figure 18.3.2.060.A.3.a:
Central Boulevard Alternative

Figure 18.3.2.060.A.3.b
Tolman Creek Road Realignment

Figure 18.3.2.060.A.3.c
Neighborhood Center

4. Local Commercial Streets. Local commercial streets provide district circulation to and from employment uses, the Central Park, and the neighborhood center. See Local Commercial Street locations illustrated in Figure 18.3.2.060.A.4.a and the street cross section in Figure 18.3.2.060.A.4.b.

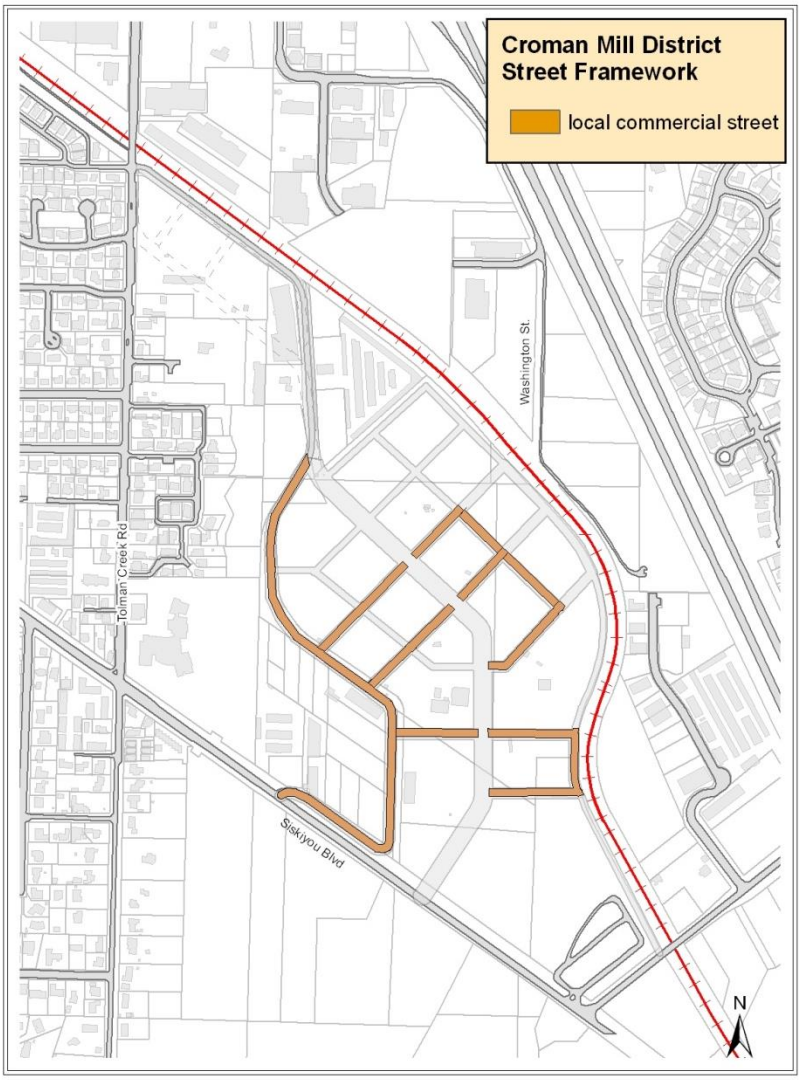


Figure 18.3.2.060.A.4.a
Street Framework

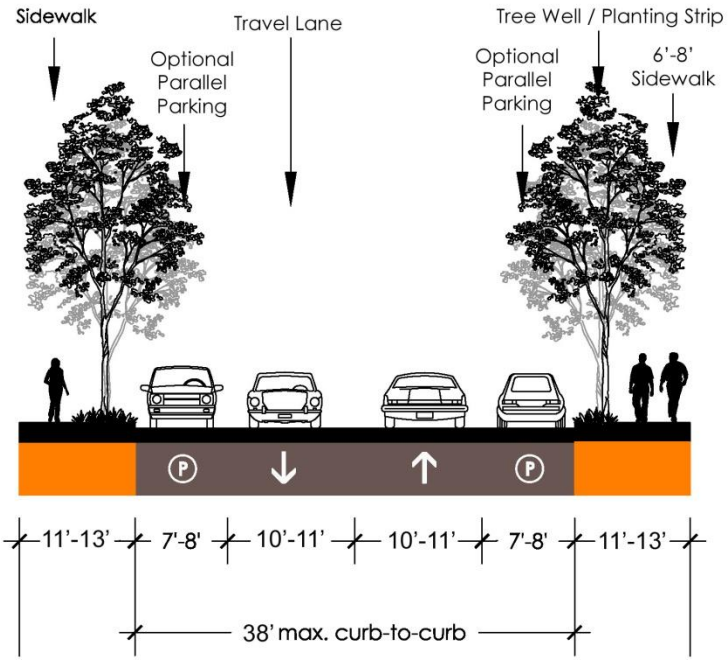


Figure 18.3.2.060.A.4.b
Local Commercial Street

5. Protected Bike Lane. The protected bike lane runs parallel to the central boulevard and connects with the City's existing Central Bike Path in two locations – adjacent to the Central Park and at the neighborhood center as illustrated in Figure 18.3.2.060.A.5.a. The design of the protected bike lane should include the following elements, as illustrated in Figure 18.3.2.060.A.5.b.

   a. A grade-separated two-way colored bicycle lane buffered from on-street parking by landscaping.

   b. A sidewalk separated from the bicycle lane by striping, bollard, grade separation or other treatments.

   c. Tabled intersections.

   d. Elimination of auto right turns on red at intersections.

   e. Incorporate rumble strips along the bike lane at the approaches to all intersections.

   f. Signage, lighting or other treatments to alert drivers, pedestrians, and riders approaching intersections.

   g. Consideration of a bikes-only signal phase at signalized intersections.

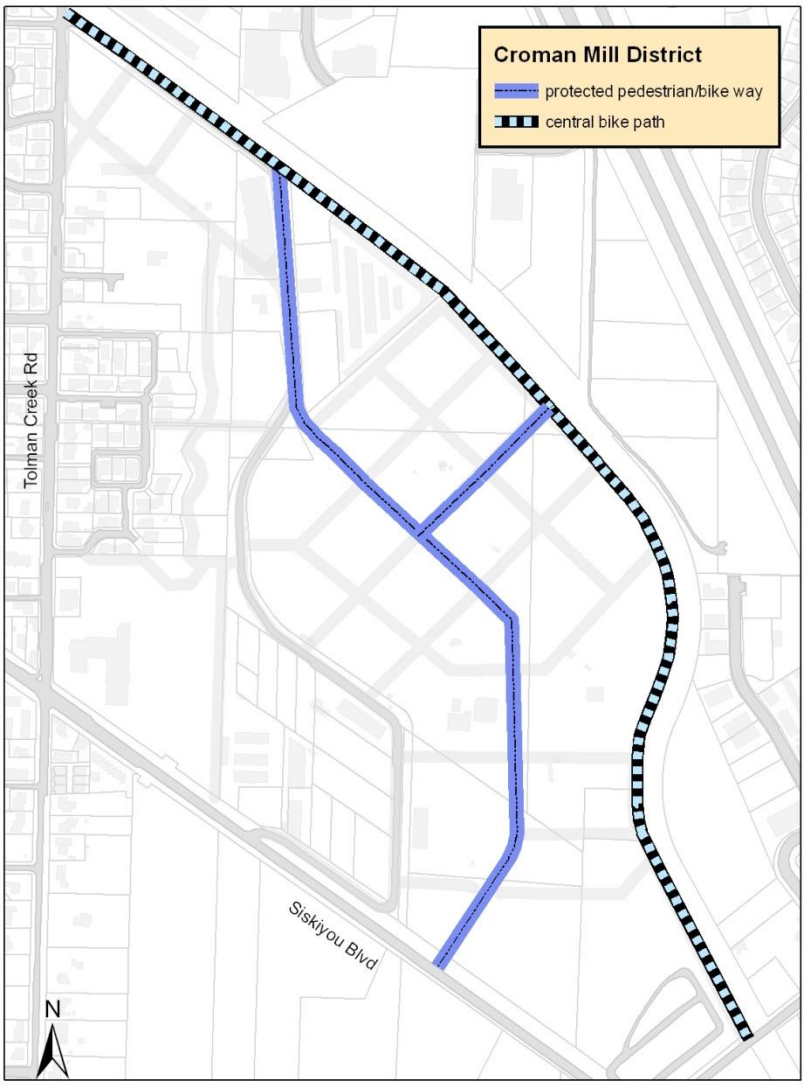


Figure 18.3.2.060.A.5.a
Pedestrian and Bicycle Framework

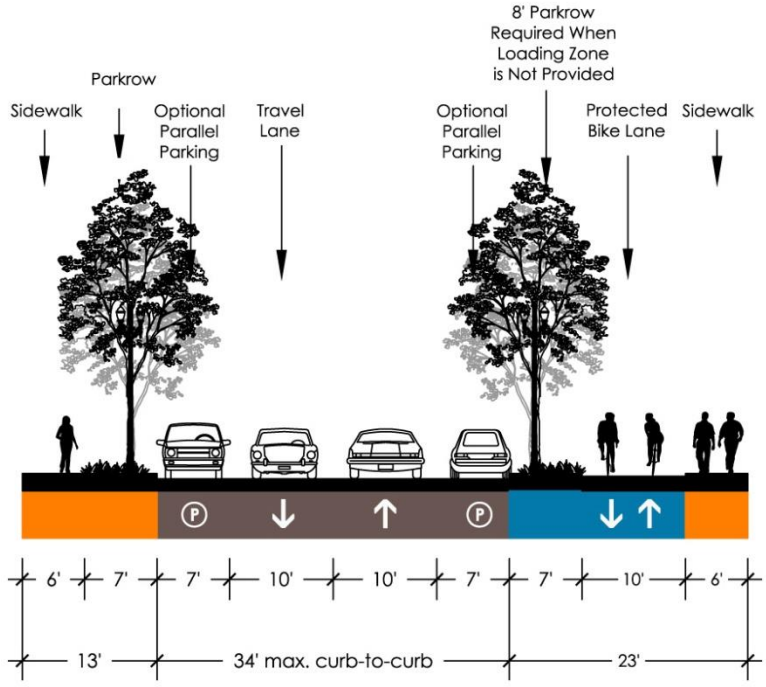


Figure 18.3.2.060.A.5.b
Protected Bike Lane

6. Multi-Use Paths. The multi-use paths provide pedestrian and bicycle connections between the district and adjacent neighborhood, employment, and commercial areas as illustrated in Figure 18.3.2.060.A.6.a. The plan includes extension of the Central Bike Path and establishment of the Hamilton Creek Greenway trail. The Central Bike Path extends the existing multi-use path along the southern edge of the CORP rail line within a 20-foot wide dedicated easement (see Figure 18.3.2.060.A.6.b and serves as a viable commuter route and link to the downtown. The Hamilton Creek Greenway trail provides access to the neighborhood center and an east/west connection across the creek. See the multi-use path and Central Bike Path cross sections in Figure 18.3.2.060.A.6.c, Figure 18.3.2.060.A.6.d, and Figure 18.3.2.060.A.6.e.

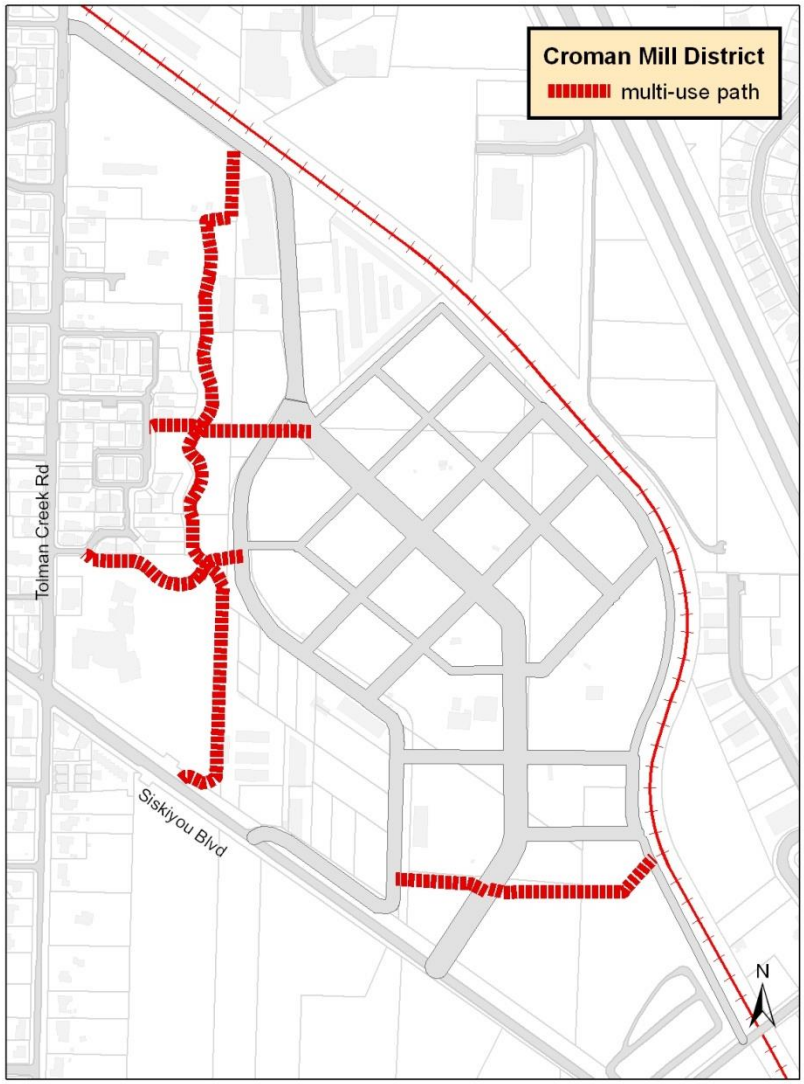


Figure 18.3.2.060.A.6.a
Multi-Use Paths

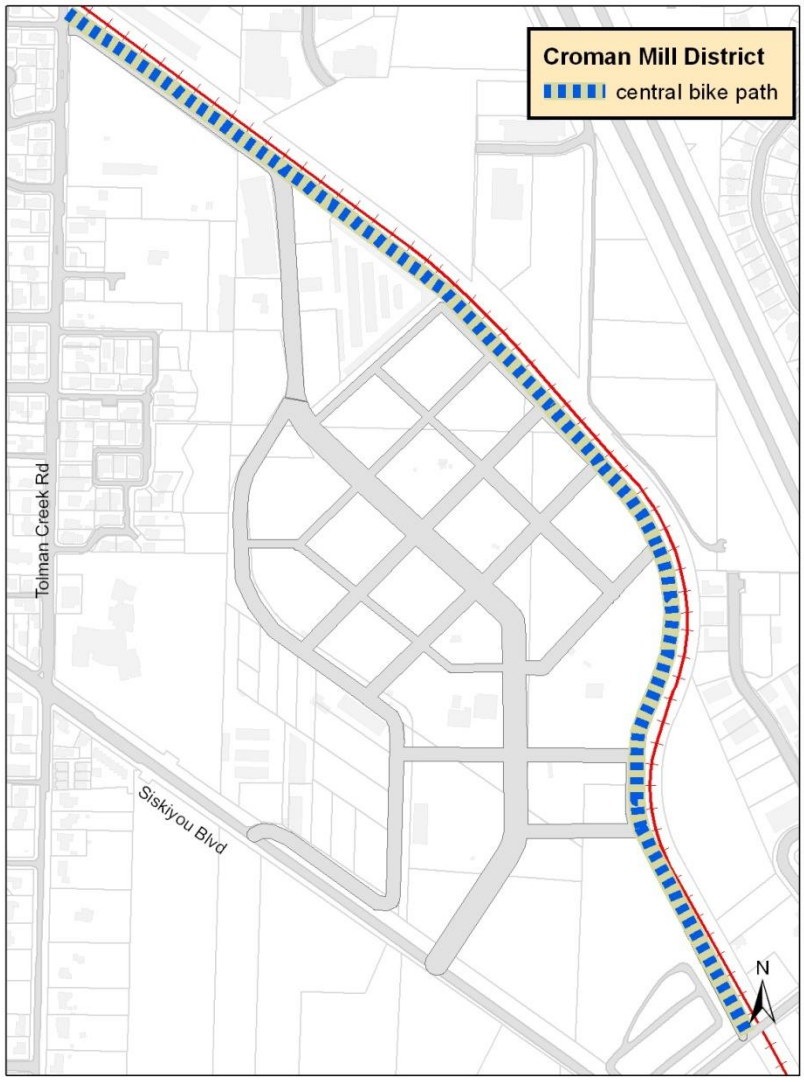


Figure 18.3.2.060.A.6.b
Central Bike Path

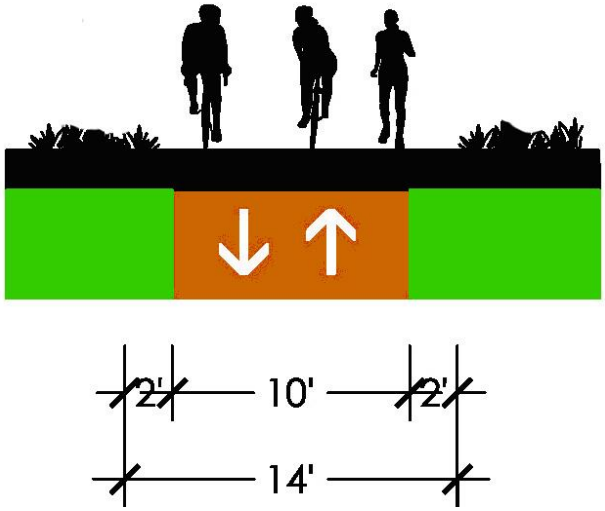


Figure 18.3.2.060.A.6.c
Multi-Use Path

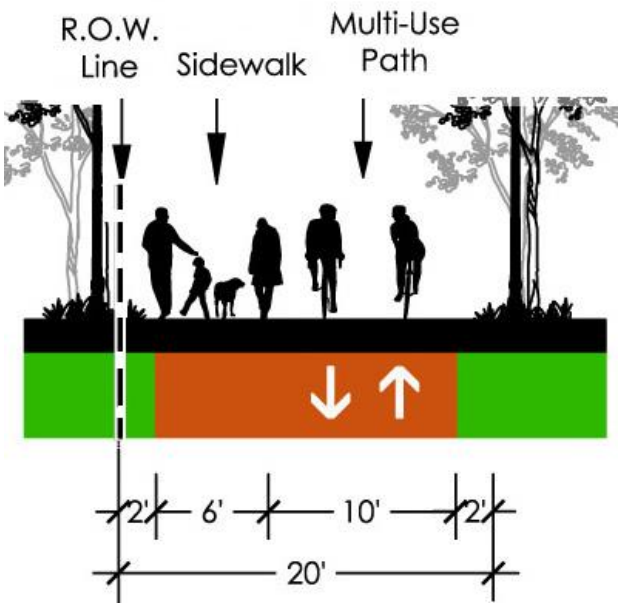


Figure 18.3.2.060.A.6.d
Central Bike Path

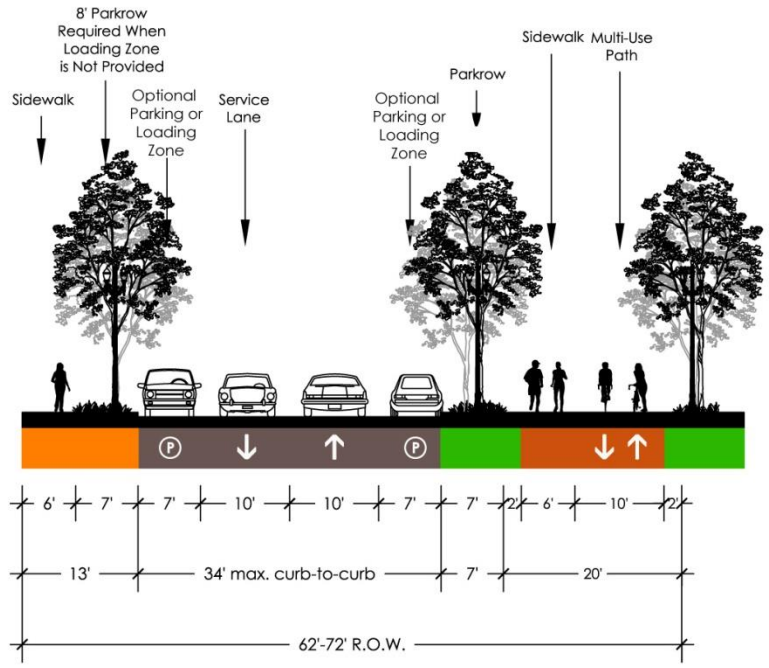


Figure 18.3.2.060.A.6.e
Central Bike Path at Accessway

7. Accessways. Accessways are intended to balance circulation needs of pedestrians, bicycles, and vehicular access, and to preserve the grid that encourages development of a form that is of human scale and proportion. Accessways connect the central boulevard to the Central Bike Path and allow for shared bicycle, travel lanes, optional on-street parking, and temporary loading zones as necessary to serve development sites. See accessway locations in Figure 18.3.2.060.A.7.a and cross sections in Figure 18.3.2.060.A.7.b, and Figure 18.3.2.060.A.7.c.

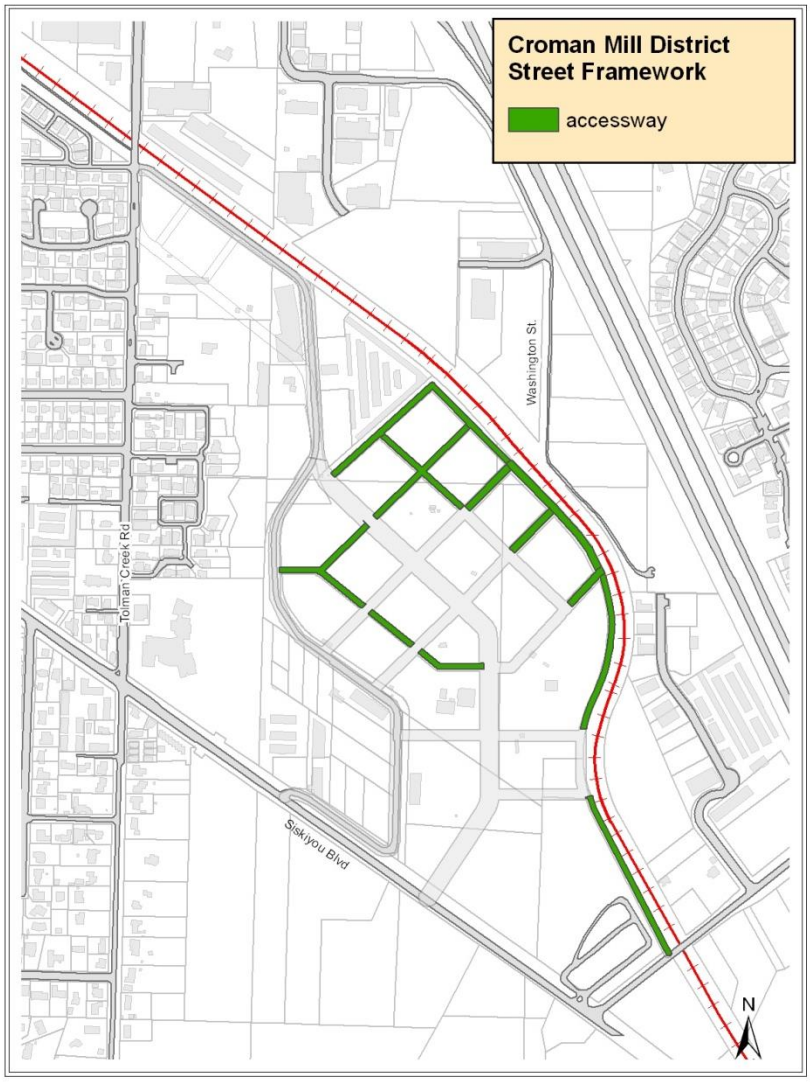


Figure 18.3.2.060.A.7.a
Street Framework

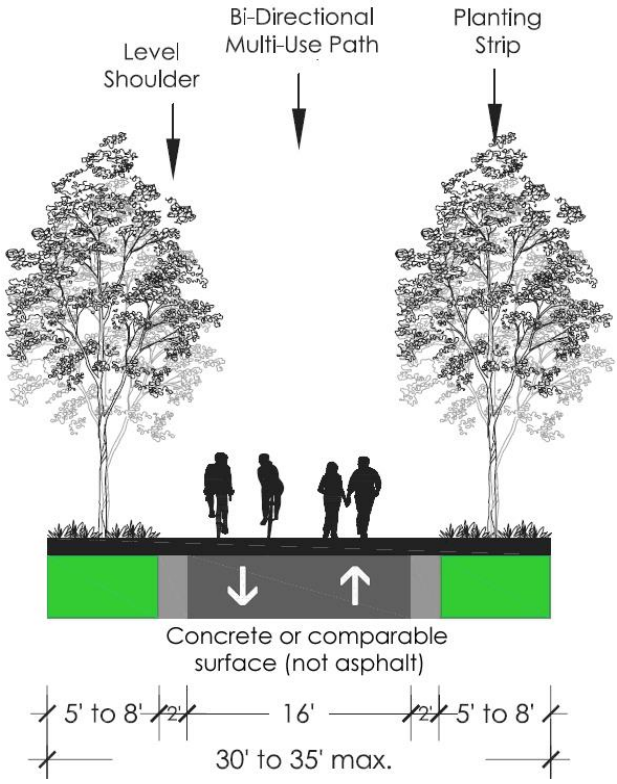


Figure 18.3.2.060.A.7.b
Accessway: Multi-Use Path Option

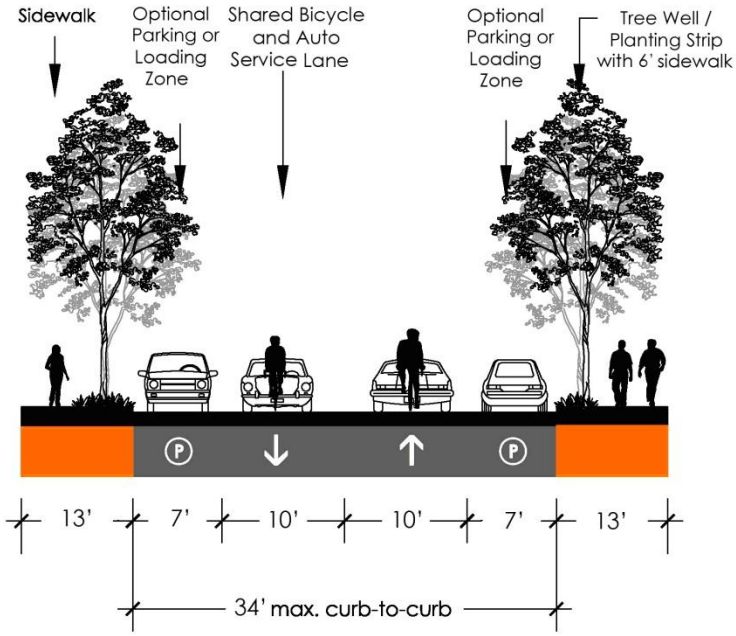


Figure 18.3.2.060.A.7.c
Accessway: Full Street Option

8. Limited Auto Access Streets. Developments abutting the central boulevard and the Central Park shall not have curb cuts through the sidewalk and the protected bike lane on the limited auto access streets. See Figure 18.3.2.060.A.8 for locations of limited auto access streets. A modification of a driveway access location in a manner inconsistent with the Croman Mill District Standards requires a minor amendment in accordance with subsection 18.3.2.030.B.

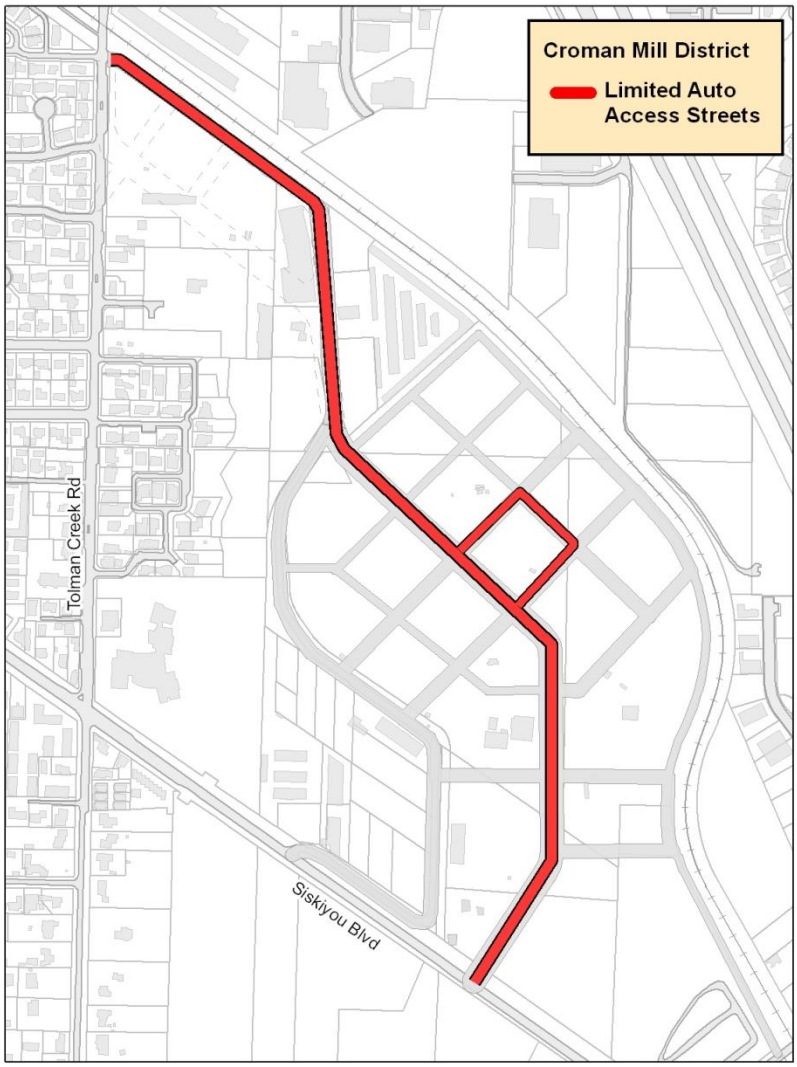


Figure 18.3.2.060.A.8
Limited Auto Access Streets

9. Access – General Standards. Street and driveway access points in the Croman zones shall be limited to the following.
   a. Distance Between Driveways

      On Collector Streets – 75 feet

      On Local Streets and Accessways – 50 feet

   b. Distance from Intersections

On Collector Streets – 50 feet

On Local Streets and Accessways – 35 feet

10. Shared Access. All lots shall provide a shared driveway aisle to abutting parking areas that is at least 20 feet in width. The applicant shall grant a common access easement across the lot. If the site is served by a shared access or alley, access for motor vehicles must be from the shared access or alley and not from the street frontage.

11. On-Street Parking. On-street parallel parking may be required along the central boulevard and local streets as illustrated in Figure 18.3.2.060.A.10. If on-street parking is required on streets identified on the On-Street Parking map, angled parking and loading zones are prohibited on these streets. Options addressing the street configuration will be evaluated with the final design of the streets identified on the On-Street Parking map.

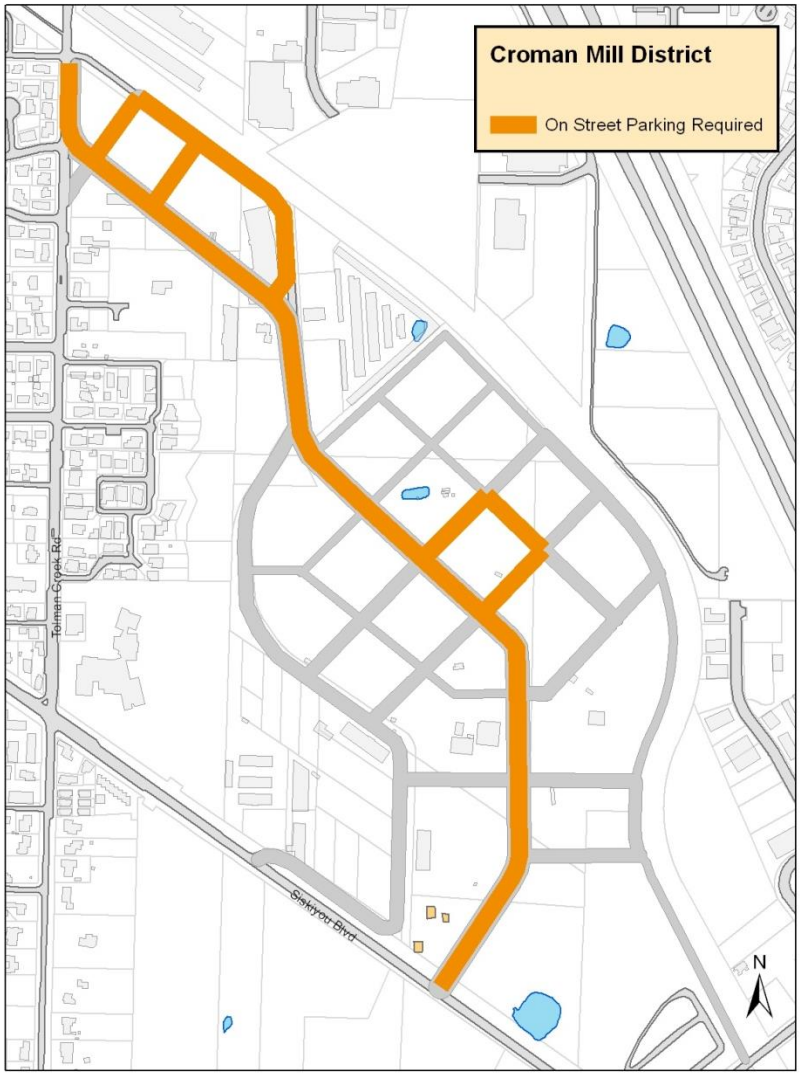


Figure 18.3.2.060.A.10
On-Street Parking

B. Site and Building Design Standards. The Croman Mill District Design Standards provide specific requirements for the physical orientation, uses, and arrangement of buildings; the management of parking; and access to development parcels. Development located in the Croman Mill District shall be designed and constructed consistent with the following design standards. Additional design standards apply and are specified for developments located adjacent to an active edge street, or that are located within the NC, MU, and OE zones. A site layout, landscaping, or building design in a manner inconsistent with the Croman Mill District Design Standards requires a minor amendment in accordance with subsection 18.3.2.030.B.

1. Building Orientation and Scale – General Requirements. The following standards apply to all buildings, except the Staff Advisor may waive one or more of the following where a building is not adjacent to an active edge street and is not accessed by pedestrians, such as warehouses and industrial buildings without attached offices.

    a. Buildings shall have their primary orientation toward the street rather than the parking area. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk.

    b. All front doors must face streets and walkways. Where buildings are located on a corner lot, the entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets.

    d. Buildings on corner lots shall be located as close to the intersection corner as practicable.

    e. Public sidewalks shall be provided adjacent to a public street along the street frontage.

    f. Building entrances shall be located within ten feet of the public right of way to which they are required to be oriented. Exceptions may be granted for topographic constraints, lot configuration, designs where a greater setback results in an improved access or for sites with multiple buildings where this standard is met by other buildings. The entrance shall be designed to be clearly visible, functional, and shall be open to the public during all business hours.

    g. Automobile circulation or parking shall not be allowed between the building and the right-of-way.

    h. Buildings shall incorporate lighting and changes in mass, surface or finish giving emphasis to entrances.

2. Building Orientation and Scale – Additional Requirements Adjacent to Active Edge Street or Within NC, MU or OE Zones. Where development is adjacent to an active edge street as illustrated in Figure 18.3.2.060.B.2 or is within a NC, MU or OE zones, it shall conform to all of the following standards.

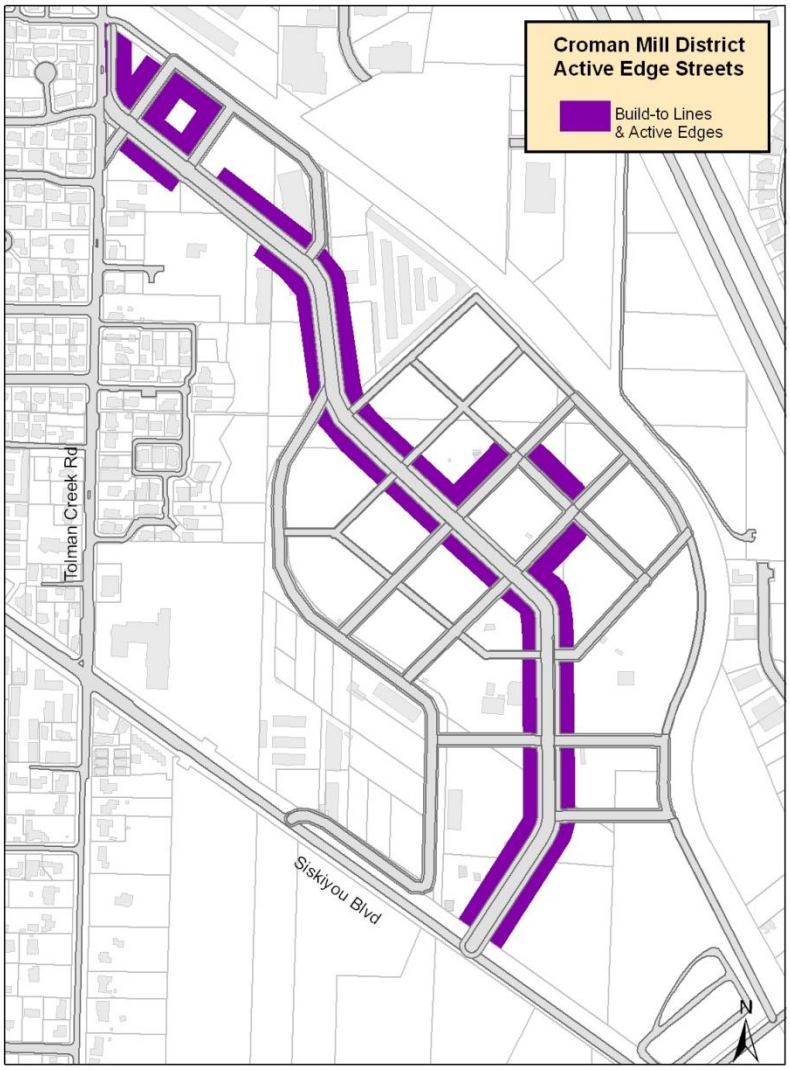


Figure 18.3.2.060.B.2
Active Edge Streets

a. Buildings shall be setback not more than ten feet from a public sidewalk unless addition setback area is used for pedestrian entries, such as alcoves, or for pedestrian activities such as plazas or outside eating areas. This standard shall apply to both street frontages on corner lots. If more than one structure is proposed for a site, at least 65 percent of the aggregate building frontage shall be within ten feet of the sidewalk.
b. Building frontages greater than 100 feet in length shall have offsets, jogs or have other distinctive changes in the building façade.
c. Buildings shall incorporate arcades, roofs, alcoves, porticoes, and awnings that protect pedestrians from the rain and sun.
d. Buildings shall incorporate display areas, windows, and doorways as follows. Windows must allow view into working areas or lobbies, pedestrian entrances, or displays areas. Blank walls within 30 feet of the street are prohibited.

e. At least 50 percent of the first-floor façade is comprised of transparent openings (clear glass) between three and eight feet above grade.

3. Building Orientation for Within the NC, MU, and OE Zones, and Not Adjacent to an Active Edge Street. Any wall that is within 30 feet of the street, plaza or other public open space shall contain at least 20 percent of the wall area facing the street in display areas, windows, or doorways. Up to 40 percent of the length of the building perimeter can be exempted for this standard if oriented toward loading or service areas.

4. Parking Areas and On-Site Circulation. Except as otherwise required by this chapter, automobile parking, loading, and circulation areas shall comply with the requirements of chapter part 18.4 Site Development and Design Standards and the following standards.

   a. Primary parking areas shall be located behind buildings with limited parking on one side of the building, except that parking shall be located behind buildings only where development is adjacent to an active edge street or is within a NC, MU or OE zone.

   b. Parking areas shall be shaded by deciduous trees, buffered from adjacent non-residential uses and screened from non-residential uses.

   c. *Maximum On-Site Surface Parking.* After a parking management strategy for the Croman Mill District is in place, a maximum of 50 percent of the required off-street parking can be constructed as surface parking on any development site. The remaining parking requirement can be met through one or a combination of the credits for automobile parking in chapter 18.4.3 Parking, Access, and Circulation.

5. Streetscapes. One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street. Street trees shall meet the standards of section 18.4.4.030 Landscaping and Screening. Developments adjacent to active edge streets, or within NC, MU, and OE zones shall utilize hardscape (paving material) to designate people areas. Sample materials could be unit masonry, scored and colored concrete, pavers, or combinations of these materials.

6. Building Materials. Buildings may not incorporate glass as a majority of the building skin, and bright or neon paint colors used extensively to attract attention to the building or use are prohibited.

7. Building Height Standards. All buildings shall have a minimum height, as indicated in the Building Height Requirements map and Table 18.3.2.050 Croman Mill Dimensional Standards, and shall not exceed the maximum height standards in that table, except as approved under subsection 18.3.2.060.C.

   a. *Street Wall Height.* Maximum street wall façade height for the Croman Mill District for all structures located outside the Residential Buffer Zone is 50 feet.

   b. *Upperfloor Setback.* Buildings taller than 50 feet must step back upper stories, beginning with the fourth story, by at least six feet measured from the façade of the street wall facing the street, alleyway, public park or open space.

   c. *Residential Buffer Zone*. All buildings in the Croman Mill District within the Residential Buffer Zone (see Figure 18.3.2.060.B.7.c) shall meet the following height standards.

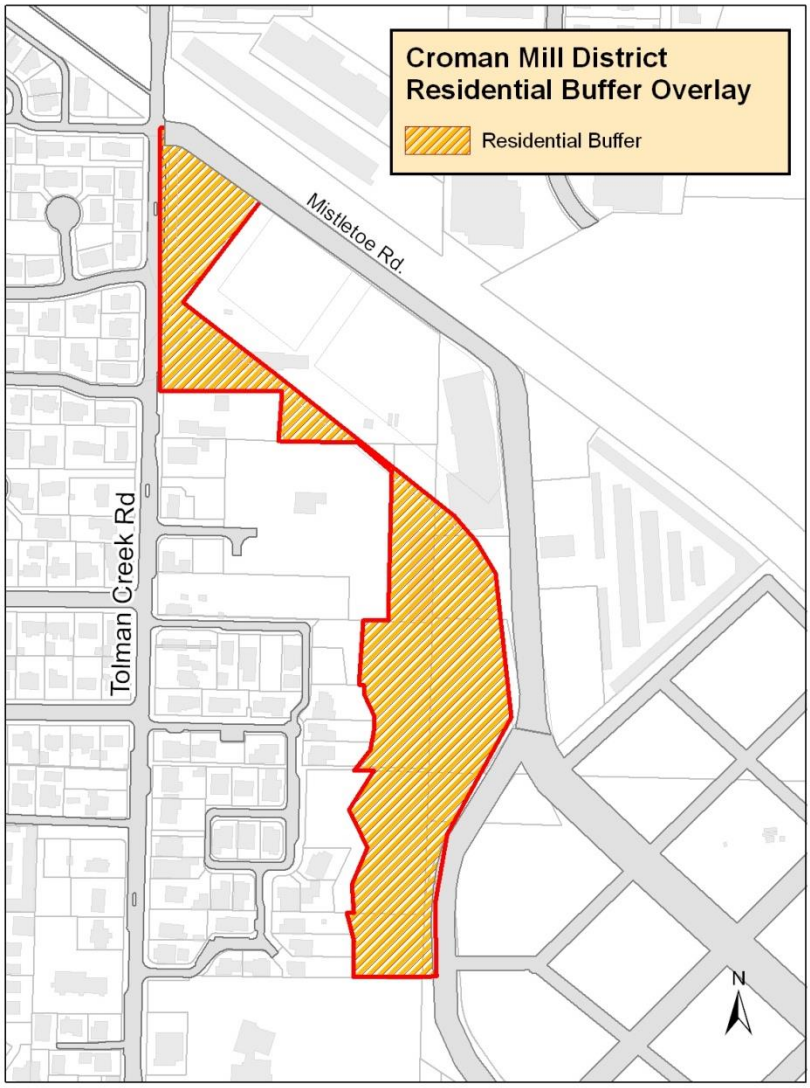


Figure 18.3.2.060.B.7.c
Residential Buffer Zone

i. Maximum Height. The maximum height allowance without a performance standards bonus for all structures within the Residential Buffer Zone is 35 feet in the NC zone and 40 feet in the MU zone, and the maximum height with a bonus is 40 feet in accordance with subsection 18.3.2.060.C.13.

ii. Upper Floor Setback Requirements. Buildings taller than two stories must step back the third story by at least six feet measured from the façade facing the street, alleyway, public park or open space.

8. Design of Large-Scale Buildings. For buildings located adjacent to active edge streets, or within NC, MU, and OE Zones, the following architectural standards apply to buildings with a gross floor area greater than 10,000 square feet, a façade length in excess of 100 feet, or a height taller than 45 feet.

   a. On upper floors, use windows and/or architectural features that provide interest on all four

sides of the building.

b. Use recesses and projections to visually divide building surfaces into smaller scale elements.

c. Use color or materials to visually reduce the size, bulk, and scale of the building.

d. Divide large building masses into heights and sizes that relate to human scale by incorporating changes in building masses or direction, sheltering roofs, a distinct pattern of divisions on surfaces, windows, trees, and small scale lighting.

e. On-site circulation systems shall incorporate a streetscape containing curbs, sidewalks, pedestrian-scale light standards and street trees.

9. Landscaping. In addition to the requirements of chapter 18.4.4 Landscaping, Lighting, and Screening, development shall conform to the following standards.

a. Efforts shall be made to save as many existing healthy trees and shrubs on the site as possible.

b. Landscaping design shall utilize a variety of low water use deciduous and evergreen trees, shrubs, and flowering plant species as described in subsection 18.4.4.030.I.

c. For developments in the CI zone and not adjacent to an active edge street, buildings adjacent to streets shall be buffered by landscaped areas at least ten feet in width, unless the area is used for entry features such as alcoves or as hardscape areas for pedestrian activities such as plazas or outside eating areas.

d. Loading facilities shall be screened and buffered when adjacent to residentially zoned land.

e. Landscaping shall be designed so that 50 percent coverage occurs after one year and 90 percent coverage occurs after five years.

f. Irrigation systems shall be installed to ensure landscaping success.

10. Lighting. Development shall provide adequate lighting, including pedestrian-scale lighting not greater than 14 feet in height along pedestrian pathways. All lighting shall conform to section 18.4.4.050 Outdoor Lighting.

11. Screening Mechanical Equipment. In addition to meeting the requirements of chapter 18.4.4 Landscaping, Lighting, and Screening all development shall conform to the following standards.

a. Screen rooftop mechanical equipment from public rights-of-way or adjacent residentially zoned property through extended parapets or other roof forms that are integrated into the overall composition of the building.

b. Parapets may be erected up to five feet above the height limit specified in the district in accordance with section 18.3.2.050 Dimensional Standards.

c. Screen ground floor mechanical equipment from public rights-of-way and adjacent residentially zoned property.

d. Solar energy systems are exempt from the screening requirements in subsections 18.3.2.060.B.11.a and 18.3.2.060.B.11.c, above. Additionally, rooftop solar energy systems may be erected up to five feet above the calculated building height, and shall be no greater

than five feet above the height limit specified in the district in accordance Table 18.3.2.050 Dimensional Standards.

e. Installation of mechanical equipment requires Site Design Review approval, unless otherwise exempted per chapter 18.5.2 Site Design Review.

12. Transit Facilities Standards. The location of planned transit routes within the Croman Mill District shall be defined according to the Croman Mill District Transit Framework map (see Figure 18.3.2.060.B.12) in collaboration with the local transit authority. Transit service facilities such as planned bus rapid transit facilities, shelters, and pullouts shall be integrated into the development application consistent with the following standards.

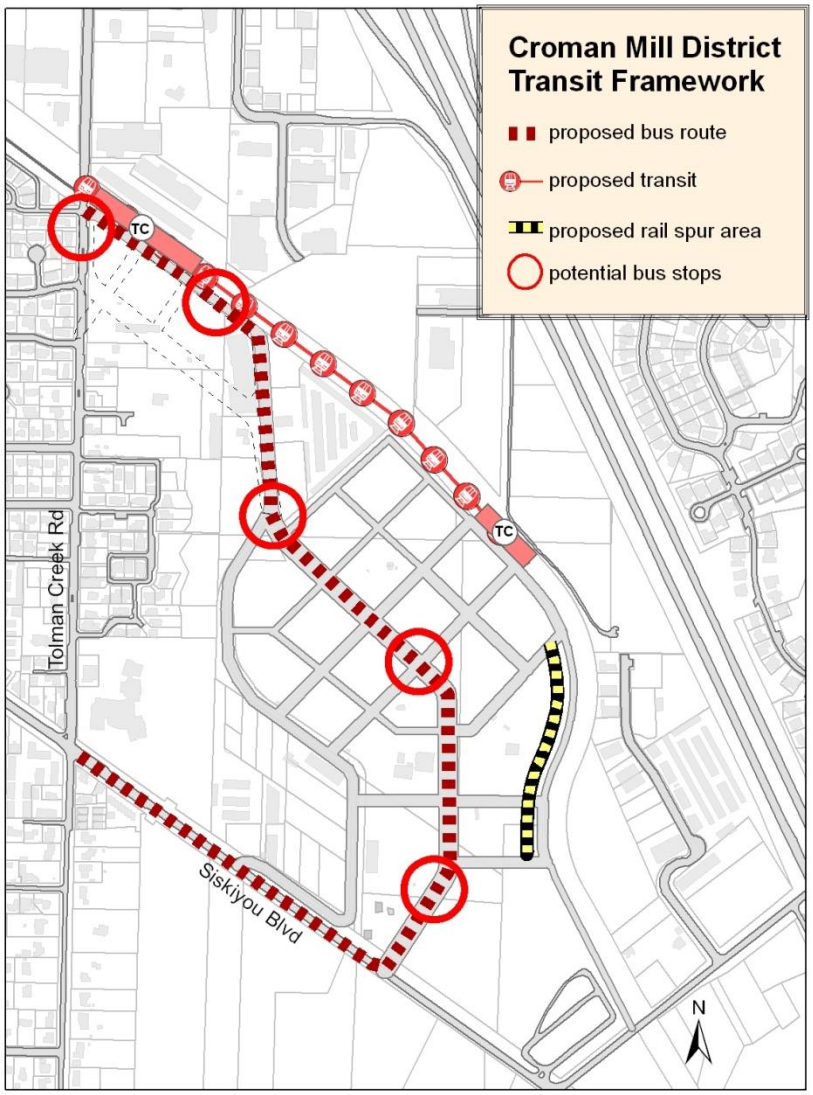


Figure 18.3.2.060.B.12
Transit Framework

a. All large scale development located on an existing or planned transit route shall accommodate a transit stop and other associated transit facilities unless the Community Development Director determines that adequate transit facilities already exist to serve the needs of the development; or
b. Provide the City with a bond or other suitable collateral ensuring satisfactory completion of the transit facilities at the time transit service is provided to the development. Suitable collateral may be in the form of security interest, letters of credit, certificates of deposit, cash bonds, bonds or other suitable collateral as determined by the City Administrator.

13. Freight Rail Spur Easement – CI zone

a. A Rail Spur easement a minimum of 500 feet in length by 25 feet in width shall be set aside at the approximate location in the Transit Framework Map in Figure 18.3.2.060.B.12 (see also, easement area in Figure 18.3.2.060.B.13.a).

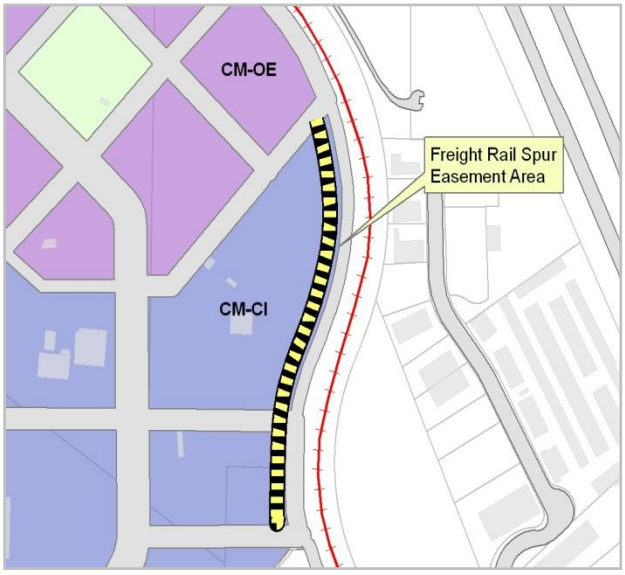


Figure 18.3.2.060.B.13.a
Freight Rail Spur

b. No buildings or permanent structures can be established within the spur easement so not to preclude installation of a rail spur for freight loading and unloading.
c. Buildings adjacent to the reserve strip shall be designed and configured to permit loading and unloading.

14. Commuter Rail Platform Easement – NC Zone

a. A commuter rail platform easement or designated railroad right-of-way a minimum of 400 feet in length and 25 feet in width shall be set aside at the approximate location presented on the Transit Framework map (see also, easement area in Figure 18.3.2.060.B.14.a).

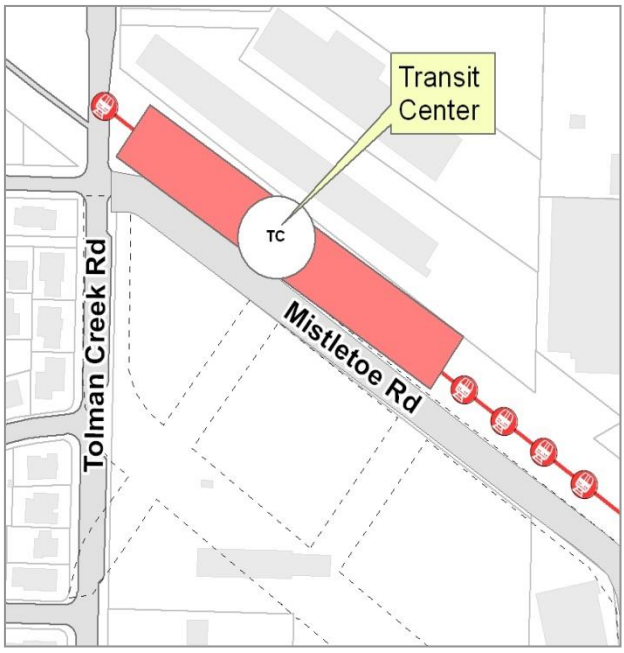


Figure 18.3.2.060.B.14.a
Transit Center

b. No building or permanent structure shall be placed within the platform easement or in such a way as to preclude installation of a commuter rail platform or planned bus rapid transit facility.
c. Buildings adjacent to the reserve strip shall be designed and configured to permit loading and unloading.

15. Transit Plaza. A location for the transit plaza shall be reserved between the commuter rail platform and commercial uses along the central boulevard. The design of the plaza as illustrated in Figure 18.3.2.060.B.15 shall include the following elements.

    a. A passenger waiting, loading, and unloading area.
    b. Outdoor gathering space adjacent to commercial uses.
    c. Accommodate the central bike path.
    d. Conveniently located and secure bike parking.

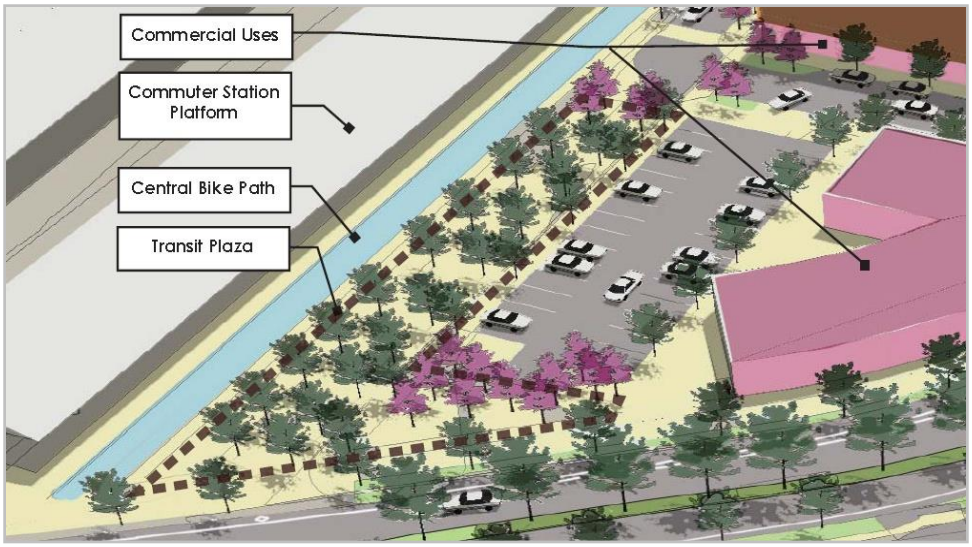


Figure 18.3.2.060.B.15
Transit Plaza

16. Open Spaces – Central Park. The purpose of the central park is to serve as a public amenity and accommodate the daily needs of employees (e.g., breaks, lunch time) as well as for special events that will attract residents citywide. The central park design as illustrated in Figure 18.3.2.060.B.16 shall provide a minimum of the following elements.

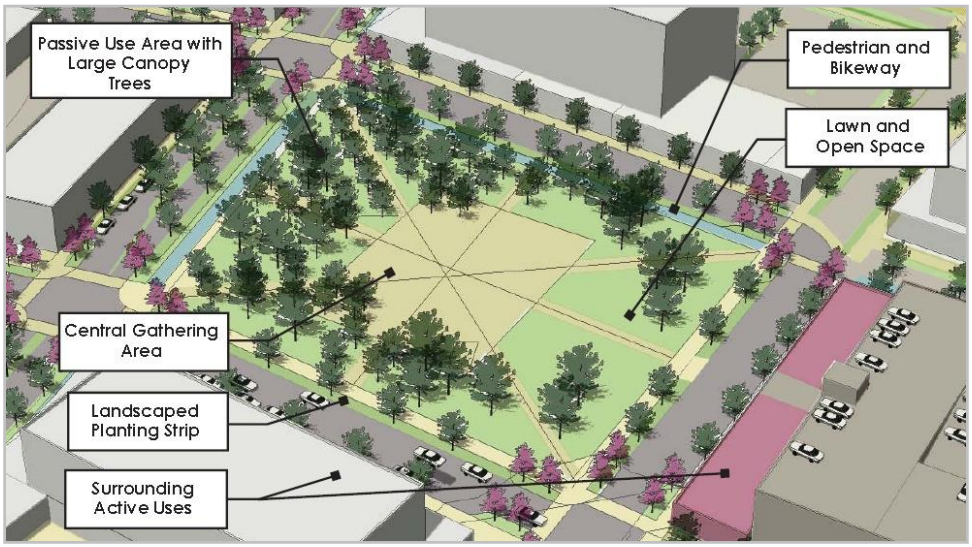


Figure 18.3.2.060.B.16
Central Park

a. Circulation through and around the park.
b. A centrally located hardscape area to accommodate large gatherings, and of no more than 50 percent of the total park area.
c. Street furniture, including lighting, benches, low walls, and trash receptacles along walkways and the park perimeter.
d. Simple and durable materials.

e. Trees and landscaping that provide visual interest with a diversity of plant materials.

f. Irregular placement of large-canopy trees within passive areas adjacent to the central boulevard.

g. Eight-foot minimum sidewalk width and seven-foot minimum park row width.

h. Landscaped swales to capture and treat runoff.

i. Porous solid surfacing for at least 50 percent of the hardscape area, and paving materials that reduce heat absorption (Solar Reflective Index (SRI) of at least 29).

17. Compact Development. New development shall provide a compact development pattern. This standard is met where the site layout enables future intensification of development and changes to land use over time, as applicable. The following measures shall be used to demonstrate compliance with this standard.

a. The development achieves the required minimum floor area ratio (FAR) and minimum number of stories, or shall provide a shadow plan that demonstrates how development may be intensified over time for more efficient use of land and to meet the required FAR and minimum number of stories.

b. Opportunities for shared parking are utilized.

C. Green Development Standards. The Croman Mill District Green Development Standards provide specific requirements for the management of stormwater run-off, use and collection of recycled materials, solar orientation and building shading, and conserving natural areas. Development located in the Croman Mill District shall be designed and constructed consistent with the following Green Development Standards. A site layout, landscaping, or building design in a manner inconsistent with the Croman Mill District Green Development Standards requires a minor amendment in accordance with subsection 18.3.2.030.B.

1. Conserve Natural Areas. Development plans shall preserve water quality, natural hydrology, and habitat, and preserve biodiversity through protection of streams and wetlands. In addition to the requirements of chapter 18.3.11 Water Resources Overlay, conserving natural water systems shall be considered in the site design through application of the following standards.

a. Designated stream and wetland protection areas shall be considered positive design elements and incorporated in the overall design of a given project.

b. Native riparian plant materials shall be planted in and adjacent to the creek to enhance habitat.

c. Create a long-term management plan for on-site wetlands, streams, associated habitats, and their buffers.

2. Create Diverse Neighborhoods. Development plans shall use the following measures to encourage diversity in the district by providing a balanced range of housing types that compliment a variety of land uses and employment opportunities.

a. Differentiate units by size and number of bedrooms.

b. For developments including more than four dwelling units, at least 25 percent of the total

units shall be designated as rental units.

c. Affordable purchase housing provided in accordance with the standards established by section 18.2.5.050 Affordable Housing Standards for households earning at or below 80 percent of the area median income shall apply toward the required percentage of rental housing per subsection 18.3.2.060.C.2.b, above.

d. Units designated as market rate or affordable rental units shall be retained as one condominium tract under one ownership.

3. Design Green Streets. Development plans shall conform to the following standards for green streets.

a. New streets shall be developed to capture and treat stormwater in a manner consistent with the Croman Mill District Stormwater Management Plan map, the Ashland Stormwater Master Plan and Green Streets Standards.

b. All development served by planned green streets shall accommodate said facilities by including the same in the development plan; and/or provide the City with a bond or other suitable collateral ensuring satisfactory completion of the green street(s) at the time full street network improvements are provided to serve the development. Suitable collateral may be in the form of security interest, letters of credit, certificates of deposit, cash bonds, bonds or other suitable collateral as determined by the City Administrator. See locations of green streets illustrated in Figure 18.3.2.060.C.3.b.i and the street cross section in Figure 18.3.2.060.C.3.b.ii.

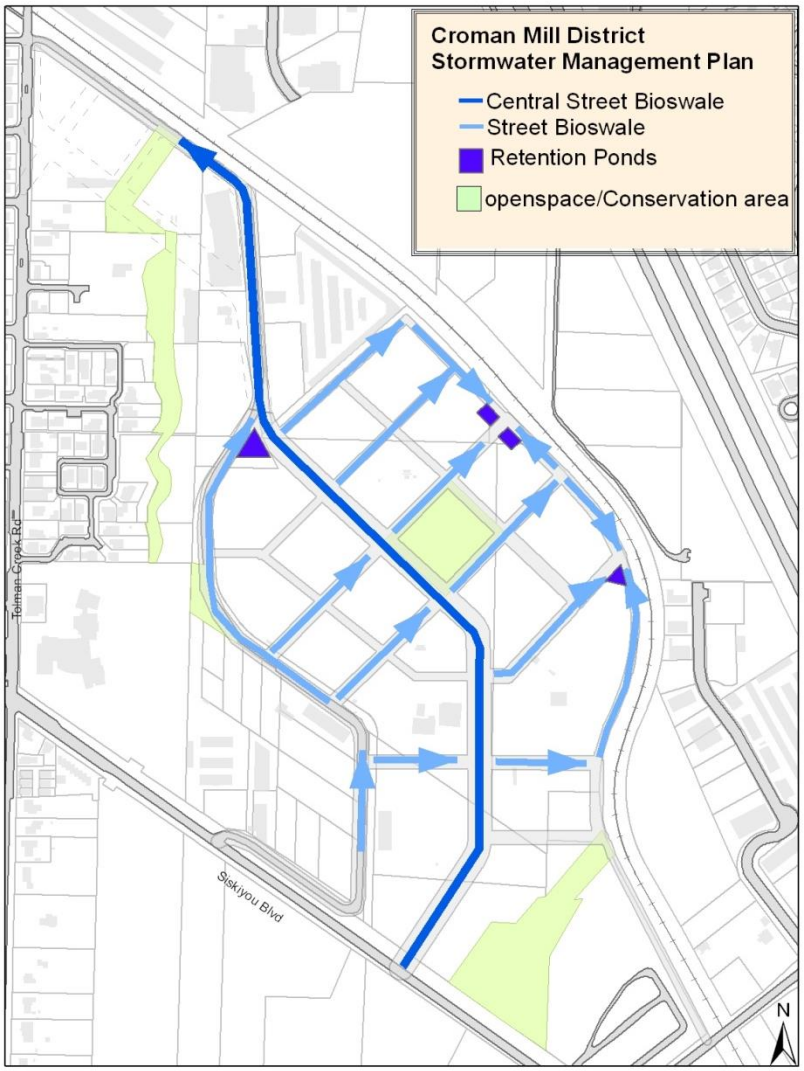


Figure 18.3.2.060.C.3.b.i
Stormwater Management Plan

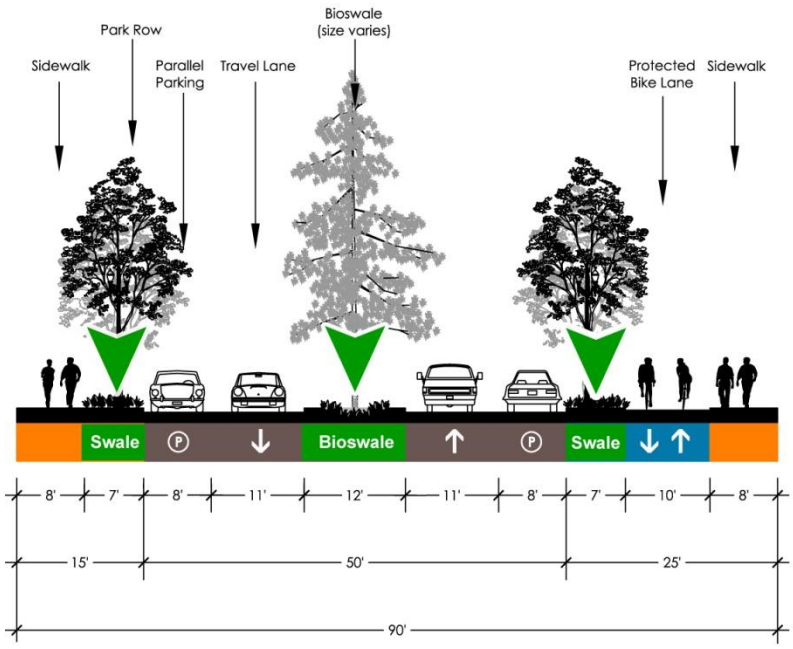


Figure 18.3.2.060.C.3.b.ii
Green Streets

4. Design Green Surface Parking. Development shall minimize the adverse environmental and microclimatic impacts of parking lots by using a maximum of 25 percent of the project area for surface parking. Parking areas shall conform to the standards of chapter 18.4.3 Parking, Access, and Circulation, chapter 18.4.4 Landscaping, Lighting, and Screening, and the applicable provisions of this chapter.

5. Stormwater Management. Development shall reduce the public infrastructure costs and adverse environmental effects of stormwater run-off by managing run-off from building roofs, driveways, parking areas, sidewalks, and other hard surfaces through implementation of the following standards.

   a. Design grading and site plans to capture and slow runoff.

   b. Use porous solid surfaces that allow water to infiltrate the soil.

   c. Direct discharge storm water runoff into a designated green street and neighborhood storm water treatment facilities.

   d. Retain rainfall on-site through infiltration, evapotranspiration or through capture and reuse techniques.

6. Recycling Areas. All developments in the Croman Mill District shall provide an opportunity-to-recycle site for use of the project occupants, pursuant to the following standards.

   a. Non-residential development shall provide a site to accommodate materials collected by the local solid waste franchisee under its on-route collection program for purposes of recycling that is of equal or greater size and with access comparable to the solid waste receptacle.

   b. All newly constructed residential units, either as part of an existing development or as a new

development, shall provide an opportunity-to-recycle site in accord with the following standards.

i. Residential developments not sharing a common solid waste receptacle shall provide an individual curbside-recycling container for each dwelling unit in the development.

ii. Residential developments sharing a common solid waste receptacle shall provide a site to accommodate materials collected by the local solid waste franchisee under its on-route collection program for purposes of recycling that is of equal or greater size and with access comparable to the solid waste receptacle.

c. Both opportunity-to-recycle sites and common solid waste receptacles shall be screened by fencing or landscaping, such as to limit the view of such facilities from adjacent properties or public rights-of-way. Such screening shall consist of placement of a solid wood, metal, or masonry wall from five to eight feet in height. All refuse and recycle materials shall be contained within the refuse area.

7. Minimize Construction Impacts. Construction activity shall minimize pollution and waste generation through the following measures.

a. Develop and implement an erosion and sediment control plan to reduce pollution from construction activities by controlling soil erosion, waterway sedimentation, and airborne dust generation in accordance with Ashland Public Works Standards. The erosion and sediment control plan shall be submitted with the final engineering for public improvements and building permits.

b. Recycle and/or salvage non-hazardous construction and demolition debris in accordance with the Building Demolition Debris Diversion requirements in 15.04.216.C.

8. Potable Water Reduction for Irrigation. Development plans shall provide water-efficient landscape irrigation designs that reduces the use of potable water by at least 50 percent of the baseline. See definition of baseline under water conserving landscaping in 18.6. Landscape and irrigation design, along with irrigation schedules shall conform to subsection 18.4.4.030.I. Methods used to accomplish the requirements of this section may include, but are not limited to, plant species selection, irrigation efficiency, proper scheduling, and use of captured rainwater, recycled water, graywater, and/or water treated for irrigation purposes and conveyed by a water district or public utility.

9. Solar Orientation. In addition to complying with the applicable provisions of subsection 18.3.2.060.B Site and Building Design, development plans shall incorporate passive and active solar strategies in the design and orientation of buildings and public spaces. When site and location permit, orient the building with the long sides facing north and south.

10. Building Shading. In order to promote energy conservation, development plans shall incorporate shade features as follows.

a. Provide horizontal exterior shading devices for south-facing windows to control solar gain during the peak cooling season.

b. Provide vertical exterior shading devices for east- and west-facing windows to control solar gain and glare due to low sun angles during the peak-cooling season.

c. A combination of horizontal and vertical exterior shading devices may be necessary to control solar gain on southwest- and southeast-facing windows.

11. Recycled Content in Infrastructure. For new streets, driveways, parking lots, sidewalks, and curbs, the aggregate materials shall be at least 50 percent by volume recycled aggregate materials such as crushed Portland cement concrete and asphalt concrete. Above-ground structured parking and underground parking are exempt from this requirement.

12. Outdoor Lighting. Outdoor lighting, in addition to complying with section 18.4.4.050 Outdoor Lighting, shall use down-shielded light fixtures that do not allow light to emit above the 90-degree plane of the fixture. Lighting fixtures provided to implement Federal Aviation Administration mitigation measures to enhance safe air navigation are exempt from this standard.

13. Performance Standard Bonuses. The permitted building height or base residential density, whichever is applicable, shall be increased by the number of stories or percentage residential density as outlined below. In no case shall the building height or residential density exceed the height and density bonus maximums in the Table 18.3.2.050 Croman Mill Dimensional Standards.

    a. *Green Building Bonus.* Projects that achieve a high performance green building standard and significantly improve energy performance beyond the current minimum Oregon requirements are eligible for a building height bonus as follows.

        i. In the event that a building or structure is determined to be meet the standard for LEED® certified building, the building height may exceed the maximum height specified for the CM zones within the Table 18.3.2.050 Dimensional Standards, through application of a height bonus as follows.

            (A) A building obtaining LEED® certification as meeting the LEED® Silver Standard may be increased in height by up to one story.

            (B) A building obtaining LEED® certification as meeting the LEED® Gold Standard may be increased in height by up to two stories.

            (C) A building in the Residential Buffer overlay obtaining LEED® certification as meeting the LEED® Silver or Gold Standard may be increased in height by ½ story up to a maximum height of 40 feet.

            (D) Applications to increase the building height in excess of the maximum permitted height through the application of a height bonus shall address any conditional determination by the Federal Aviation Administration requesting air navigation safety mitigation measures.

        ii. Demonstration of Achieving LEED® Certification. Projects awarded a height bonus pursuant to this section, shall provide the City with satisfactory evidence of having completed the following steps in the process toward demonstrating achievement of LEED® certification.

            (A) Hiring and retaining a LEED® accredited professional as part of the project team throughout design and construction of the project.

(B) Developments seeking a height bonus shall provide documentation with the planning application, and prior to issuance of a building permit, that the proposed development as designed and constructed will meet or exceed the equivalent LEED® standard relating to the height bonus awarded.

(C) A final report shall be prepared by the LEED® accredited professional and presented to the City upon completion of the project verifying that the project has met, or exceeded, the LEED® standard relating to the height bonus awarded.

(D) The report shall produce a LEED® compliant energy model following the methodology outlined in the LEED® rating system. The energy analysis done for the building performance rating method shall include all energy costs associated with the building project.

b. *Structured Parking Bonus.* A building may be increased by up to one story in height when the corresponding required parking is accommodated underground or within a private structured parking facility, subject to building height limitations for the zoning district.

c. *Affordable Housing Bonus.*

i. For every percent of units that are affordable, an equivalent percentage of density bonus shall be allowed up to a maximum bonus of 100 percent.

ii. Affordable housing bonus shall be for residential units that are affordable for moderate-income persons in accordance with the standards established by section 18.2.5.050 Affordable Housing Standards, and guaranteed affordable through procedures contained therein.

14. Employment Density. To promote transit supportive development, efficient use of employment zoned lands and local economic vitality, it is recommended that developments within the Croman Mill District are planned to accommodate employment densities as follows.

a. 60 employees per acre in the OE zone.

b. 25 employees per acre in the CI zone.

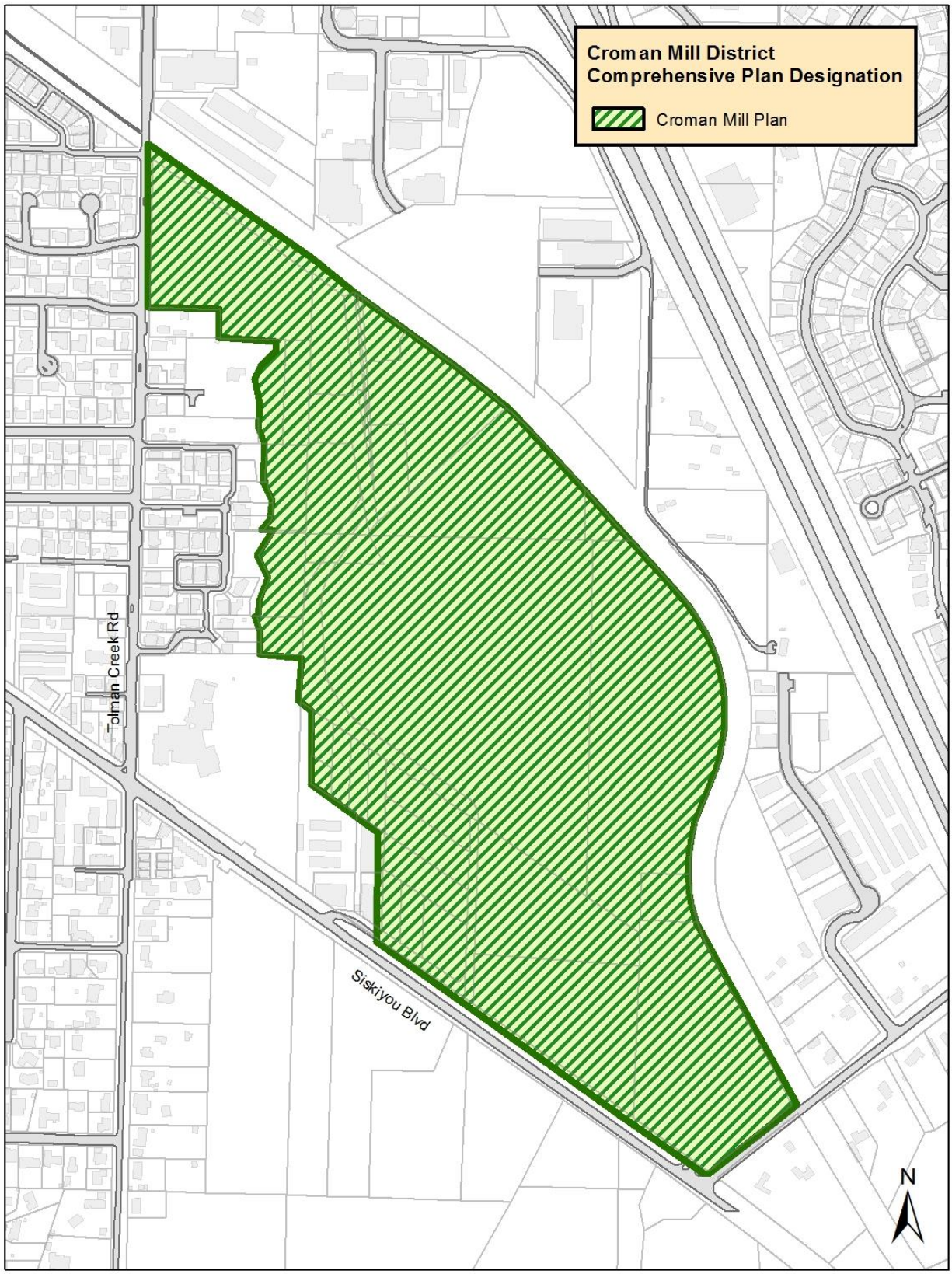
c. 25 employees per acre in the MU zone.

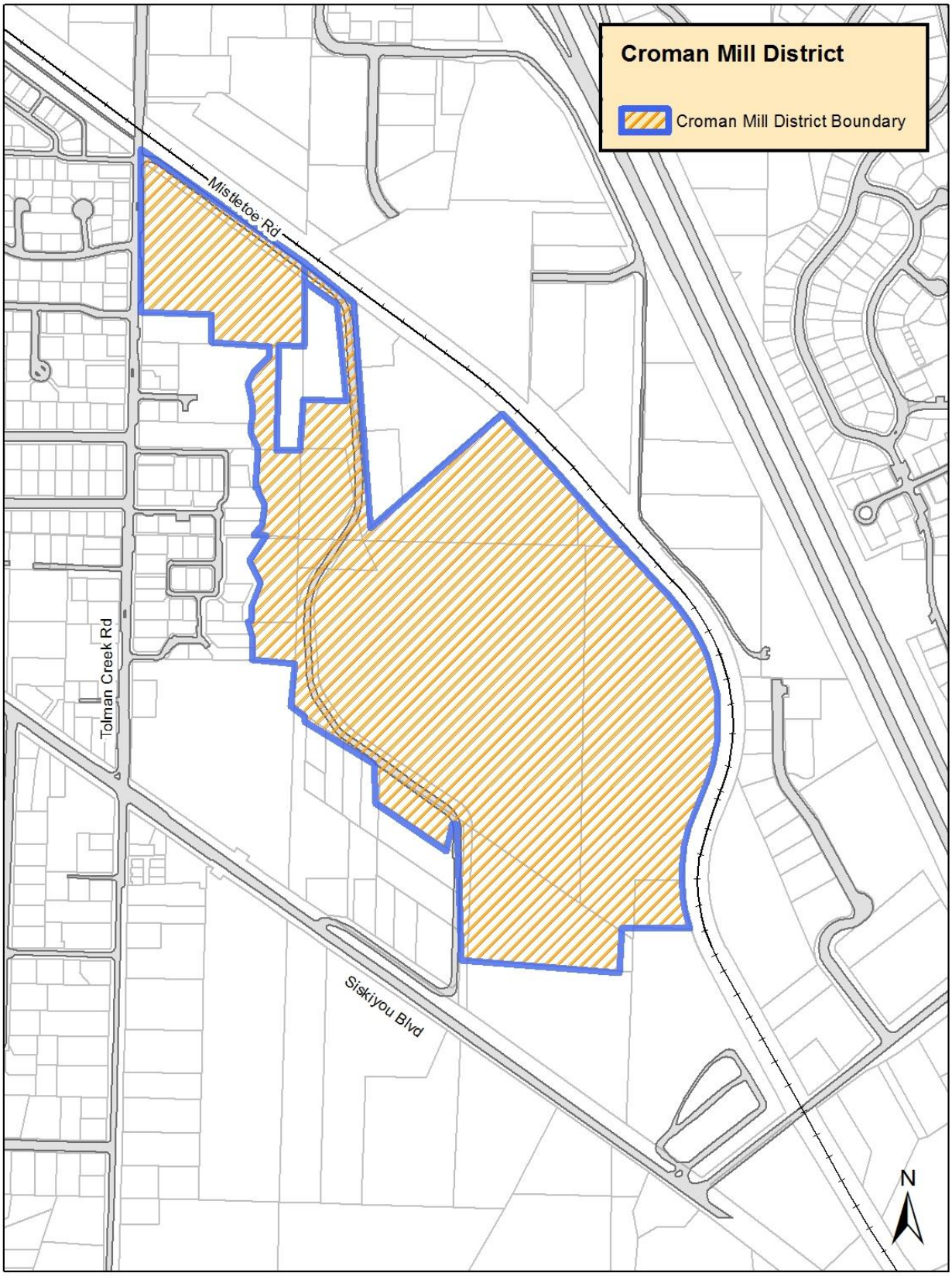
d. 20 employees per acre in the NC zone.

18.3.2.070 Open Space Zone

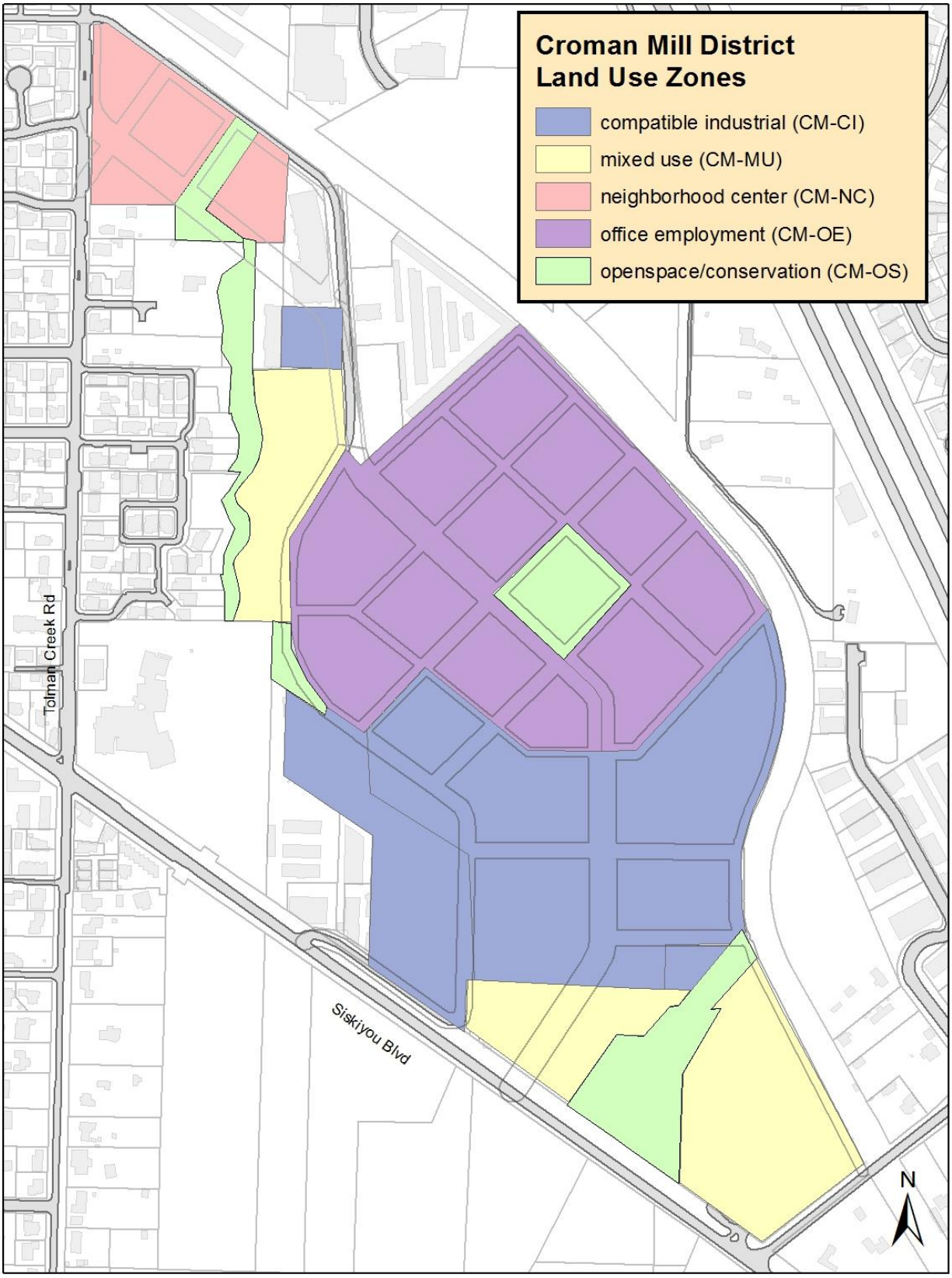
All projects containing land identified as open space on the Croman Mill District Zoning map shall dedicate those areas as common areas or public open space. It is recognized that the master planning of the properties as part of the Croman Mill Site Redevelopment Plan imparted significant value to the land, and the required dedication of those lands within the Croman Mill District for open space and conservation purposes is proportional to the value bestowed upon the property through the change in zoning designation.

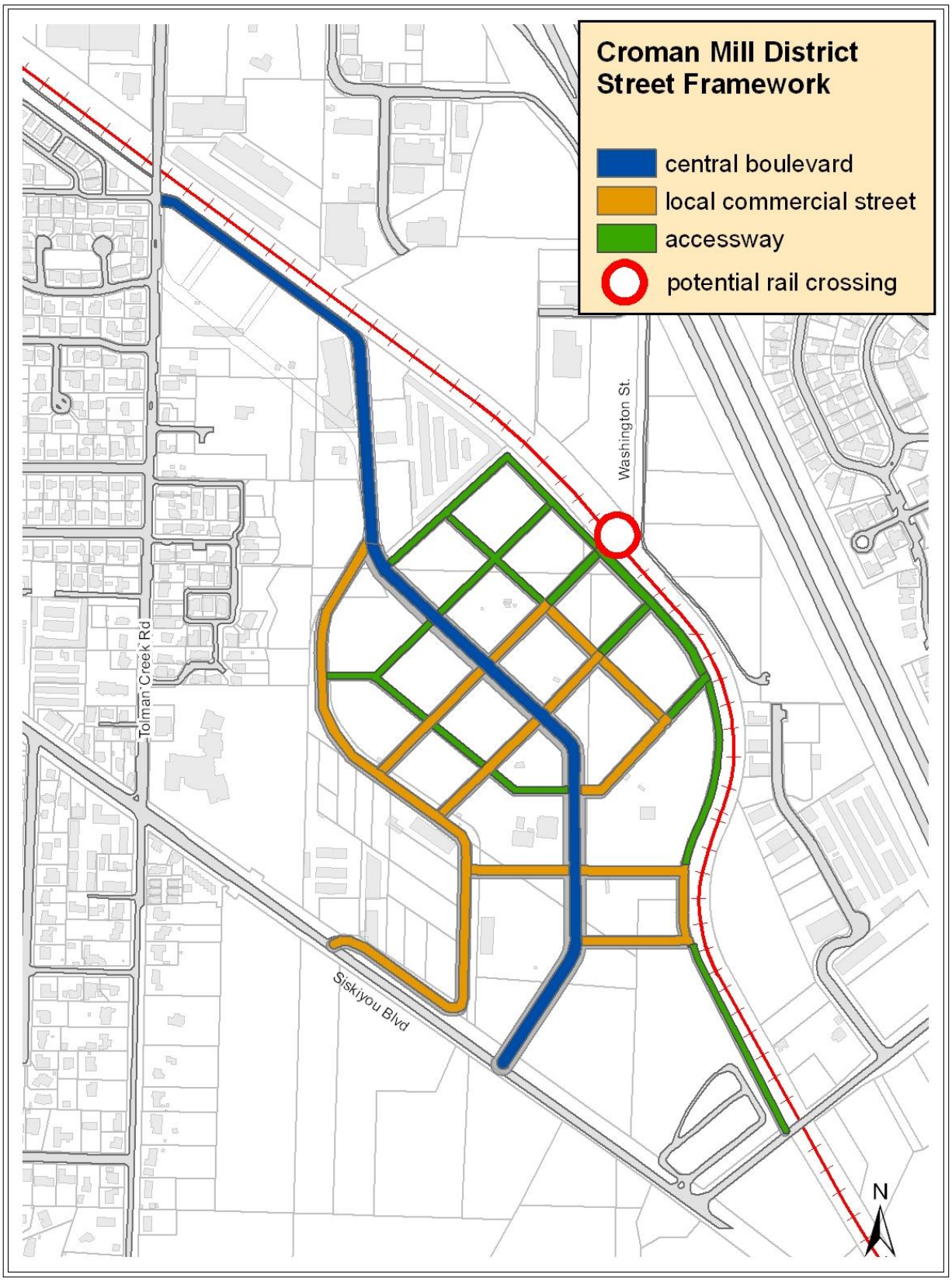
18.3.2 – Croman Mill District



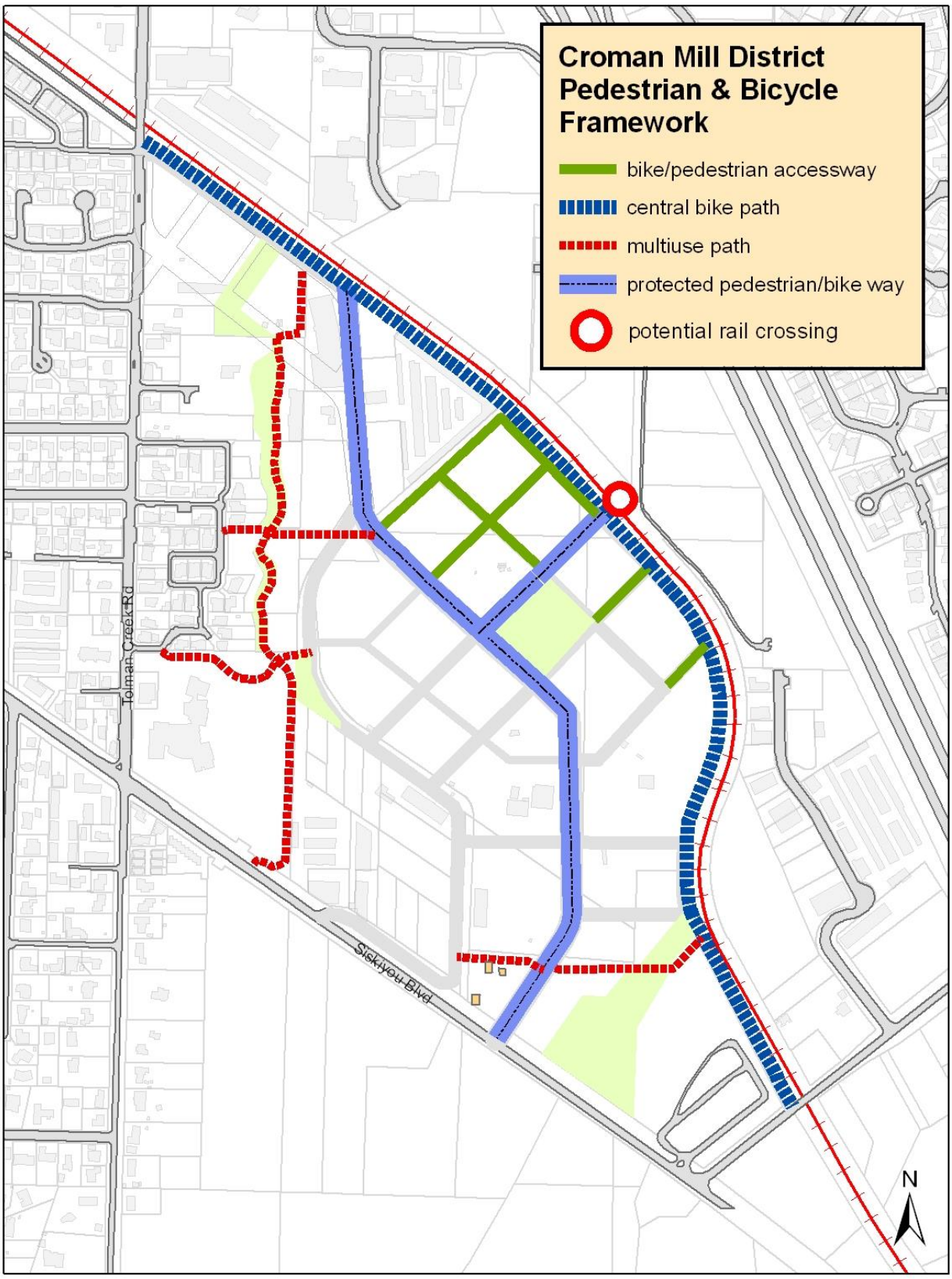

Croman Mill District
Croman Mill District Boundary
Mistletoe Rd
Tolman Creek Rd
Siskiyou Blvd
N

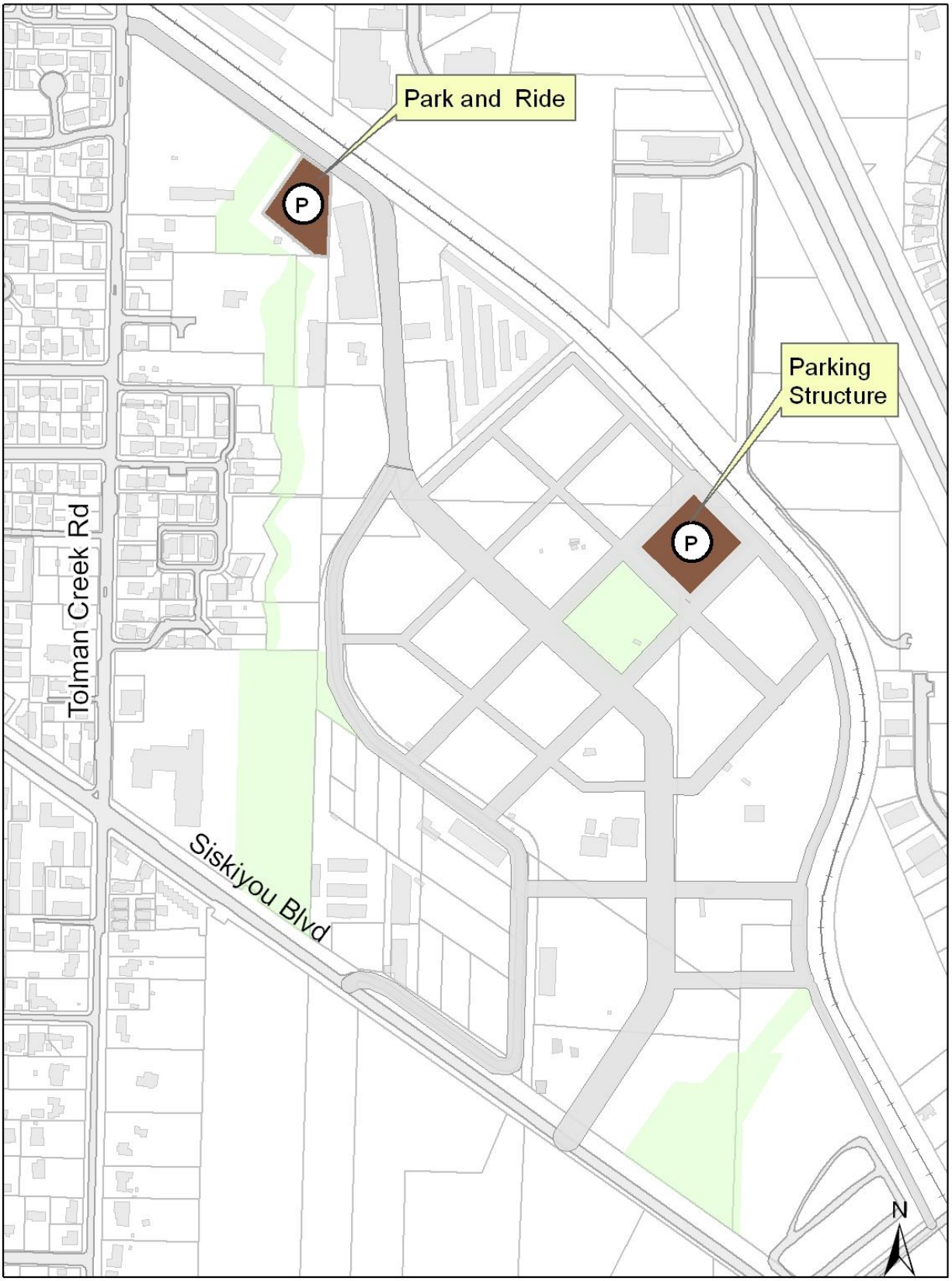
18.3.2 – Croman Mill District




Croman Mill District
Street Framework
central boulevard
local commercial street
accessway
potential rail crossing
Washington St.
Tolman Creek Rd
Siskiyou Blvd
N

18.3.2 – Croman Mill District




Park and Ride
P
Parking Structure
P
Tolman Creek Rd
Siskiyou Blvd
N

Chapter 18.3.3 – Health Care Services District

Sections:

18.3.3.010 Purpose
18.3.3.020 Applicability
18.3.3.030 Permitted Uses
18.3.3.040 Conditional Uses
18.3.3.050 General Regulations
18.3.3.060 Other Regulations

18.3.3.010 Purpose

This district is designed to provide the type of environment suitable for the development of health related services and residential uses, and related activities, while reducing the conflicts between uses through appropriate design.

18.3.3.020 Applicability

This chapter applies to properties designated as HC on the Zoning Map.

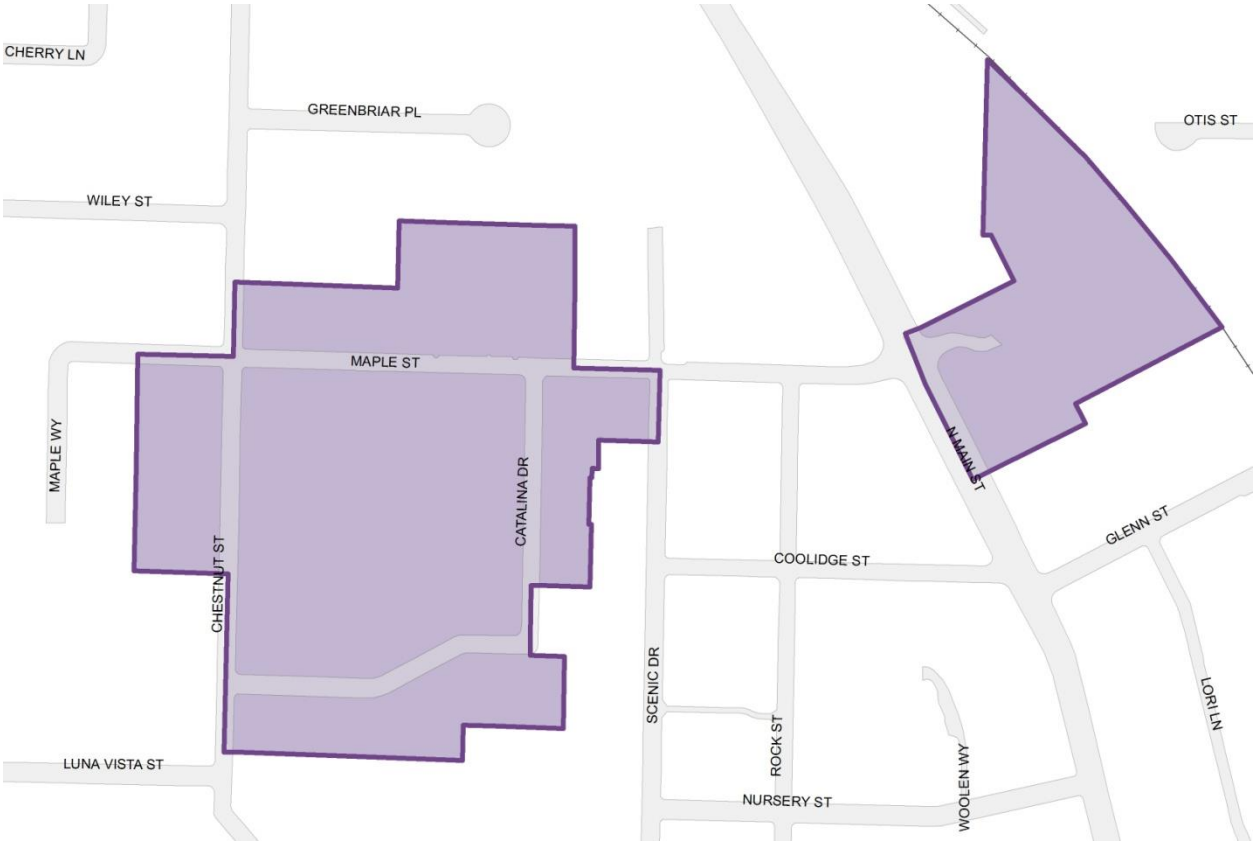


Figure 18.3.7.020
Health Care Services District

Figure 18.3.7.020
Health Care Services District

18.3.3.030 Permitted Uses

The following uses and their accessory uses are permitted outright.

A. Residential and agricultural uses, subject to the requirements of the R-2 zone.

B. Home occupations.

C. Offices or clinics for a dentist or doctor or allied health care providers, including, but not limited to, nurse practitioner, midwives, dieticians, psychologists, opticians, physical and occupational therapists, substance abuse counselors, chiropractors, and wellness centers, including nutritional counseling, health maintenance, and rehabilitation services.

D. Ambulance and paramedic service.

E. Medical laboratories.

F. Sales or rentals of durable medical goods.

G. Congregate care facilities, assisted living facilities, residential care facilities, and nursing homes.

H. Any use, located on City owned property, that is specifically allowed by the Ashland Community

Hospital Master Facility Plan adopted by the City by ordinance.

18.3.3.040 Conditional Uses

The following uses and their accessory uses are permitted when authorized in accordance with the chapter on Conditional Use Permits.

A. Limited personal service providers in the home, such as beauticians and masseurs.

B. Travelers' accommodations, subject to the requirements of the R-2 zone.

C. Professional offices for an accountant, architect, attorney, designer, engineer, insurance agent or adjuster, investment or management counselor or surveyor.

D. Any medically related use, located on City-owned property that is not specifically allowed by the Ashland Community Hospital Master Facility Plan.

E. Wireless Communication Facilities authorized pursuant to chapter 18.4.10 Wireless Communication Facilities.

18.3.3.050 General Regulations

A. Minimum Lot Area. Minimum lot area shall be 5,000 square feet.

B. Minimum Lot Width. Minimum lot width shall be 50 feet.

C. Minimum Lot Depth. All lots shall have a minimum depth of 80 feet. No lot depth shall be more than two and one-half times its width.

D. Standard Yard Requirements.

1. Front yard, 20 feet
2. Side yards (interior), six feet
3. Street-Side yard/side yard abutting a public street, ten feet.
4. Rear yard, ten feet, plus ten feet for each story in excess of one story.

E. Special Yards - Distances Between Buildings.

1. The distance between any primary structure and accessory building shall be a minimum of ten feet.
2. An inner court providing access to a double-row dwelling group shall be a minimum of 20 feet.

F. Maximum Height. No structure shall be over 35 feet in height.

G. Maximum Coverage. Maximum lot coverage shall be 65 percent.

H. Solar Access. In addition to the above minimum requirements, compliance with chapter 18.4.8 Solar Access is required.

18.3.3.060 Other Regulations

Where the other regulations in this ordinance do not refer to the HC zone, the standards for the R-2 zone (part 18.2 Zoning Regulations) shall apply.

Chapter 18.3.4 – Normal Neighborhood District

18.3.4.010 Purpose
18.3.4.020 Applicability
18.3.4.030 General Requirements
18.3.4.040 Use Regulations
18.3.4.050 Dimensional Regulations
18.3.4.060 Site Development and Design Standards
18.3.4.070 Open Space Area Overlay
18.3.4.075 Advanced Financing District [Placeholder]
18.3.4.080 Review and Approval Procedure

18.3.4.010 Purpose

The neighborhood is designed to provide an environment for traditional neighborhood living. The Normal Neighborhood Plan is a blueprint for promoting a variety of housing types while preserving open spaces, stream corridors, wetlands, and other significant natural features. The neighborhood commercial area is designated to promote neighborhood serving businesses with building designs that reflect the character of the neighborhood and where parking is managed through efficient on-street and off-street parking resources. The neighborhood will be characterized by a connected network of streets and alleys, paths and trails, with connection to the natural areas, wetlands, and streams. This network will also connect to the larger network of regional trails, paths, and streets beyond the boundaries of the neighborhood. The development of the neighborhood will apply principles of low impact development to minimize the extent and initial cost of new infrastructure and to promote the benefits of storm water management.

18.3.4.020 Applicability

This chapter applies to properties designated as Normal Neighborhood District on the Ashland Zoning Map, and pursuant to the Normal Neighborhood Plan adopted by Ordinance #3117, 3118 & 3119 (December 15, 2015). Development located within the Normal Neighborhood District is required to meet all applicable sections of this ordinance, except as otherwise provided in this chapter; where the provisions of this chapter conflict with comparable standards described in any other ordinance, resolution or regulation, the provisions of the Normal Neighborhood District shall govern.

18.3.4.030 General Regulations

A. Conformance with the Normal Neighborhood Plan. Land uses and development, including construction of buildings, streets, multi-use paths, and open space shall be located in accordance with those shown on the Normal Neighborhood Plan maps adopted by Ordinance #3117, 3118 & 3119 (December 15, 2015)

B. Performance Standards Overlay. All applications involving the creation of three or more lots shall be processed under chapter 18.3.9 Performance Standards Option.

C. Amendments. Major and minor amendments to the Normal Neighborhood Plan shall comply with the following procedures:

1. Major and Minor Amendments

a. Major amendments are those that result in any of the following:

i. A change in the land use overlay designation.

ii. A change in the maximum building height dimensional standards in section 18.3.4.050

iii. A change in the allowable base density, dwelling units per acre, in section 18.3.4.050.

iv. A change in the Plan layout that eliminates a street, access way, multi-use path or other transportation facility.

v. A change in the Plan layout that provides an additional vehicular access point onto East Main Street or Clay Street.

vi. A change not specifically listed under the major and minor amendment definitions.

b. Minor amendments are those that result in any of the following:

i. A change in the Plan layout that requires a street, access way, multi-use path or other transportation facility to be shifted fifty (50) feet or more in any direction as long as the change maintains the connectivity established by Normal Avenue Neighborhood Plan.

ii. A change in a dimensional standard requirement in section 18.3.4.050, but not including height and residential density.

iii. A change in the Plan layout that changes the boundaries or location of an open space area to correspond with a delineated wetland and water resource protection zone, or relocation of a designated open space area.

2. Major Amendment

Type II Procedure. A major amendment to the Normal Neighborhood Plan is subject to a public hearing and decision under a Type II Procedure. A major amendment may be approved upon finding that the proposed modification will not adversely affect the purpose of the Normal Neighborhood Plan. A major amendment requires a determination by the City that:

a. The proposed amendment maintains the transportation connectivity established by the Normal Neighborhood Plan;

b. The proposed amendment furthers the street design and access management concepts of the Normal Neighborhood Plan.

c. The proposed amendment furthers the protection and enhancement of the natural systems and features of the Normal Neighborhood Plan, including wetlands, stream beds, and water resource protection zones by improving the quality and function of existing natural resources.

d. The proposed amendment will not reduce the concentration or variety of housing types permitted in the Normal Neighborhood Plan.

e. The proposed amendment is necessary to accommodate physical constraints evident on the property, or to protect significant natural features such as trees, rock outcroppings, streams, wetlands, water resource protection zones, or similar natural features, or to adjust to existing property lines between project boundaries.

3. Minor Amendment

Type 1 Procedure**.** Minor amendments to the Normal Neighborhood Development Plan as identified in 18.3.4.030.C.1.b.i and 18.3.4.030.C.1.b.ii are subject to an administrative decision under the Type I Procedure.

Type II Procedure**.** A minor amendment to the Normal Neighborhood Development Plan as identified in 18.3.4.030.C.1.b.iii is subject to a public hearing and decision under a Type II Procedure.

Minor amendments are subject to the Exception to the Site Design and Use Development Standards of chapter 18.5.2.050.E.

18.3.4.040 Use Regulations

A. Plan overlay zones. There are four Land Use Designation Overlays zones within the Normal Neighborhood Plan are intended to accommodate a variety of housing opportunities, preserve natural areas and provide open space.

1. Plan NN-1-5 zone**.** The use regulations and development standards are intended to create, maintain and promote single-dwelling neighborhood character. A variety of housing types are allowed, in addition to the detached single dwelling. Development standards that are largely the same as those for single dwellings ensure that the overall image and character of the single-dwelling neighborhood is maintained.
2. Plan NN-1-3.5 zone. The use regulations and development standards are intended to create, maintain and promote single-dwelling neighborhood character. A variety of housing types are allowed including multiple compact attached and/or detached dwellings. Dwellings may be grouped around common open space promoting a scale and character compatible with single family homes. Development standards that are largely the same as those for single dwellings ensure that the overall image and character of the single-dwelling neighborhood is maintained.
3. Plan NN-1-3.5-C zone**.** The use regulations and development standards are intended to provide housing opportunities for individual households through development of multiple compact attached and/or detached dwellings with the added allowance for neighborhood-serving commercial mixed-uses so that many of the activities of daily living can occur within the Normal Neighborhood. The public streets within the vicinity of the NN-1-3.5-C overlay are to provide sufficient on-street parking to accommodate ground floor neighborhood business uses.
4. Plan NN-2 zone. The use regulations and development standards are intended to create and maintain a range of housing choices, including multi-family housing within the context of the residential character of the Normal Neighborhood Plan.

B. Normal Neighborhood Plan Residential Building Types. The development standards for the Normal Neighborhood Plan will preserve neighborhood character by incorporating four distinct land use overlay areas with different concentrations of varying housing types.

1. Single Dwelling Residential Unit.

A Single Dwelling Residential Unit is a detached residential building that contains a single dwelling with self-contained living facilities on one lot. It is separated from adjacent dwellings

by private open space in the form of side yards and backyards, and set back from the public street or common green by a front yard. Auto parking is generally on the same lot in a garage, carport, or uncovered area. The garage may be detached or attached to the dwelling structure.

2. Accessory Residential Unit**.**
   An Accessory Residential Unit is a secondary dwelling unit on a lot, either attached to the single-family dwelling or in a detached building located on the same lot with a single-family dwelling, and having an independent means of entry.
3. Double Dwelling Residential Unit (Duplex)**.**
   A Double Dwelling Residential Unit is a residential building that contains two dwellings located on a single lot, each with self-contained living facilities. Double Dwelling Residential Units must share a common wall or a common floor/ ceiling and are similar to a Single Dwelling Unit in appearance, height, massing and lot placement.
4. Attached Residential Unit. (Townhome, Row house)
   An Attached Residential Unit is single dwelling located on an individual lot which is attached along one or both sidewalls to an adjacent dwelling unit. Private open space may take the form of front yards, backyards, or upper level terraces. The dwelling unit may be set back from the public street or common green by a front yard.
5. Clustered Residential Units - Pedestrian-Oriented**.**
   Pedestrian-Oriented Clustered Residential Units are multiple dwellings grouped around common open space that promote a scale and character compatible with single family homes. Units are typically arranged around a central common green under communal ownership. Auto parking is generally grouped in a shared surface area or areas.
6. Multiple Dwelling Residential Unit.
   Multiple Dwelling Residential Units are multiple dwellings that occupy a single building or multiple buildings on a single lot. Dwellings may take the form of condominiums or apartments. Auto parking is generally provided in a shared parking area or structured parking facility.
7. Cottage Housing. *[Reserved]*

C. General Use Regulations. Uses and their accessory uses are permitted, special permitted or conditional uses in the Normal Neighborhood Plan area as listed in the Land Use Table.

Table 18.3.4.040 Land Use Descriptions	**NN-1-5** Single family Residential	**NN-1-3.5** Suburban Residential	**NN-1-3.5-C** Suburban Residential with commercial	**NN-2** Multi-family Low Density Residential
Residential Uses				
Single Dwelling Residential Unit (Single-Family Dwelling)	P	P	N	N
Accessory Residential Unit	P	P	P	N

Table 18.3.4.040 Land Use Descriptions	**NN-1-5** Single family Residential	**NN-1-3.5** Suburban Residential	**NN-1-3.5-C** Suburban Residential with commercial	**NN-2** Multi-family Low Density Residential
Residential Uses *(cont.)*				
Double Dwelling Residential Unit (Duplex Dwelling)	N	P	P	P
Cottage Housing [Placeholder]	*P*	*N*	*N*	*N*
Clustered Residential Units	N	P	P	P
Attached Residential Unit	N	P	P	P
Multiple Dwelling Residential Unit (Multi family Dwelling)	N	P	P	P
Manufactured Home on Individual Lot	P	P	P	P
Manufactured Housing Development	N	P	P	P
Neighborhood Business and Service Uses				
Home Occupation	P	P	P	P
Retail Sales and Services, with each building limited to 3,500 square feet of gross floor area	N	N	P	N
Professional and Medical Offices, with each building limited to 3,500 square feet of gross floor area	N	N	P	N
Light manufacturing or assembly of items occupying six hundred (600) square feet or less, and contiguous to the permitted retail use.	N	N	P	N
Restaurants	N	N	P	N
Day Care Center	N	N	P	N
Assisted Living Facilities	N	C	C	C
Public and Institutional Uses				
Religious Institutions and Houses of Worship	C	C	C	C
Public Buildings	P	P	P	P
Community Gardens	P	P	P	P
Open space and Recreational Facilities	P	P	P	P

P = Permitted Use; CU = Conditional Use Permit Required; N = Not Allowed

1. Permitted Uses. Uses listed as "Permitted (P)" are allowed. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of Part 18.5. See section 18.5.1.020 Determination of Review

Procedure.

2. Conditional Uses. Uses listed as "Conditional Use Permit Required (C)" are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.
3. Prohibited Uses. Uses not listed in the Land Use Table, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.

18.3.4.050 Dimensional Regulations

A. The lot and building dimensions shall conform to the standards in Table 18.3.4.050 below.

Table 18.3.4.050 Dimensional Standards	**NN-1-5**	**NN-1-3.5 NN-1-3.5C**	**NN-2**
Base density, dwelling units per acre	4.5	7.2	13.5
Minimum Lot Area[1], square feet (applies to lots created by partitions only)	5,000	3500	3000
Minimum Lot Depth[1], feet (applies to lots created by partitions only)	80	80	80
Minimum Lot Width[1], feet (applies to lots created by partitions only)	50	35	25
Setbacks and yards (feet)			
Minimum Front Yard abutting a street	15	15	15
Minimum Front Yard to a garage facing a public street, feet	20	20	20
Minimum Front Yard to unenclosed front porch, feet	8[2]	8[2]	8[2]
Minimum Side Yard	6	6 0 [3]	6 0 [3]
Minimum Side Yard abutting a public street	10	10	10
Minimum Rear Yard	10 ft per Bldg Story, 5 feet per Half Story		
Solar Access	Setback and yard requirements shall conform to the Solar Access standards of chapter 18.4.8		
Maximum Building Height, feet / stories	35 / 2.5	35 / 2.5	35 / 2.5
Maximum Lot Coverage, percentage of lot	50%	55%	65%
Minimum Required Landscaping, percentage of lot	50%	45%	35%
Parking	See section 18.4.3.080 Vehicle Area Design Requirements		
Minimum Outdoor Recreation Space,	na	na	8%

1 Minimum Lot Area , Depth, and Width requirements do not apply in performance standards subdivisions.
2 Minimum Front Yard to an unenclosed front porch (Feet), or the width of any existing public utility easement, whichever is greater; an unenclosed porch must be no less than 6 feet in depth and 8 feet in width, see section 18.6.1.030 for definition of porch.
3 Minimum Side Yard for Attached Residential Units (Feet)

B. Density Standards Development density in the Normal Neighborhood shall not exceed the densities established by Table 18.3.4.050, except where granted a density bonus under chapter 18.3.9. Performance Standards Options and consistent with the following:

1. General Density Provisions.
   a. The density in NN-1-5, NN-1-3.5, NN-1-3.5-C and NN-2 zones is to be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public.
   b. Conservation Areas including wetlands, floodplain corridor lands, and water resource protection zones may be excluded from the acreage of the project for the purposes of calculating minimum density for residential annexations as described in section 18.5.8.050.F.
   c. Units less than 500 square feet of gross habitable area shall count as 0.75 units for the purposes of density calculations.
   d. Accessory residential units consistent with standards described in section 18.2.3.040 are not required to meet density or minimum lot area requirements.
   e. Accessory residential units shall be included for the purposes of meeting minimum density calculation requirements for residential annexations as described in 18.5.8.050.F.
2. Residential Density Bonuses.
   a. The maximum residential density bonuses permitted shall be as described in section 18.2.5.080.F.
   b. Cottage Housing. *[Reserved]*

18.3.4.060 Site Development and Design Standards. The Normal Neighborhood District Design Standards provide specific requirements for the physical orientation, uses and arrangement of buildings; the management of parking; and access to development parcels. Development located in the Normal Neighborhood District must be designed and constructed consistent with the Site Design and Use Standards chapter 18.5.2 and the following:

A. Street Design and Access Standards. Design and construct streets and public improvements in accordance with the Ashland Street Standards. A change in the design of a street in a manner inconsistent with the Normal Neighborhood Plan requires a minor amendment in accordance with section 18.3.4.030.B.

1. Conformance with Street Network Plan: New developments must provide avenues, neighborhood collectors, streets, alleys, multi-use paths, and pedestrian and bicycle improvements consistent with the design concepts within the mobility chapter of the Normal Neighborhood Plan Framework and in conformance with the Normal Neighborhood Plan Street Network Map.

a. Streets designated as Shared Streets on the Normal Neighborhood Plan Street Network Map may be alternatively developed as alleys, or multiuse paths provided the following:
   i. Impacts to the water protection zones are minimized to the greatest extent feasible.
   ii. Pedestrian and bicyclist connectivity, as indicated on the Normal Avenue Neighborhood Plan Pedestrian and Bicycle Network Map, is maintained or enhanced.

2 Storm water management. The Normal Neighborhood Plan uses street trees, green streets, and other green infrastructure to manage storm water, protect water quality and improve watershed health. Discharge of storm water runoff must be directed into a designated green street and neighborhood storm water treatment facilities.
   a. Design Green Streets. Streets designated as Green Streets within the Street Network, and as approved by the Public Works Department, shall conform to the following standards:
      i. New streets must be developed so as to capture and treat storm water in conformance with the City of Ashland Storm Water Master Plan.
      ii.

3. Access Management Standards: To manage access to land uses and on-site circulation, and maintain transportation safety and operations, vehicular access must conform to the standards set forth in section 18.4.3.080, and as follows:
   a. Automobile access to development is intended to be provided by alleys where possible consistent with the street connectivity approval standards.
   b. Curb cuts along a Neighborhood Collector or shared street are to be limited to one per block, or one per 200 feet where established block lengths exceed 400 feet.

4. Required On-Street Parking: On-street parking is a key strategy to traffic calming and is required along the Neighborhood Collector and Local Streets.

B. Site and Building Design Standards.

1. Lot and Building Orientation:
   a. Lot Frontage Requirements: Lots in the Normal Neighborhood are required to have their Front Lot Line on a street or a Common Green.
   b. Common Green. The Common Green provides access for pedestrians and bicycles to abutting properties. Common greens are also intended to serve as a common open space amenity for residents. The following approval criteria and standards apply to common greens:
      i. Common Greens must include at least 400 square feet of grassy area, play area, or dedicated gardening space, which must be at least 15 feet wide at its narrowest dimension.

2. Cottage Housing: *[Reserved]*

3. Conservation of Natural Areas. Development plans must preserve water quality, natural hydrology and habitat, and preserve biodiversity through protection of streams and wetlands. In addition to the requirements of 18.3.11 Water Resources Protection Zones (Overlays), conserving natural water systems must be considered in the site design through the application of the following guidelines:
   a. Designated stream and wetland protection areas are to be considered positive design elements and incorporated in the overall design of a given project.
   b. Native riparian plant materials must be planted in and adjacent to the creek to enhance habitat.
   c. Create a long-term management plan for on-site wetlands, streams, associated habitats and their buffers.

4. Storm Water Management. Storm water run-off, from building roofs, driveways, parking areas, sidewalks, and other hard surfaces must be managed through implementation of the following storm water management practices:
   a. When required by the City Engineer, the applicant must submit hydrology and hydraulic calculations, and drainage area maps to the City, to determine the quantity of predevelopment, and estimated post-development, storm water runoff and evaluate the effectiveness of storm water management strategies. Computations must be site specific and must account for conditions such as soil type, vegetative cover, impervious areas, existing drainage patterns, flood plain areas and wetlands.
   b. Future Peak Storm water flows and volumes shall not exceed the pre-development peak flow. The default value for pre-development peak flow is .25 CFS per acre.
   c. Detention volume must be sized for the 25 year, 24 hour peak flow and volume.
   d. Development must comply with one or more of following guidelines.
      i. Implement storm water management techniques that endeavor to treat the water as close as possible to the spot where it hits the ground through infiltration, evapotranspiration or through capture and reuse techniques.
      ii. Use on-site landscape-based water treatment methods to treat rainwater runoff from all surfaces, including parking lots, roofs, and sidewalks.
      iii. Use pervious or semi-pervious surfaces that allow water to infiltrate soil.
      iv. Design grading and site plans that create a system that slows the stormwater, maximizing time for cleansing and infiltration.
      v. Maximizing the length of overland flow of storm water through bioswales and rain gardens,
      vi. Use structural soils in those environments that support pavements and trees yet are free draining.
      vii. Plant deep rooted native plants.
      viii, Replace metabolically active minerals, trace elements and microorganism rich compost in all soils disturbed through construction activities.

5. Off-Street Parking. Automobile parking, loading and circulation areas must comply with the

requirements of chapter 18.4.3 Parking, Access, and Circulation Standards, and as follows:

a. Neighborhood serving commercial uses within the NN-1-3.5-C zone must have parking primarily accommodated by the provision of public parking areas and on-street parking spaces, and are not required to provide private off-street parking or loading areas, except for residential uses where one space shall be provided per residential unit.

6. Neighborhood Module Concept plans. The Neighborhood Module Concept plans (i.e. development scenarios) are for the purpose of providing an example of developments that conform to the standards, and do not constitute independent approval criteria. Concept plans are attached to the end of this chapter.

7. Conformance with Open Space Network Plan**:** New developments must provide open space consistent with the design concepts within the Greenway and Open Space chapter of the Normal Neighborhood Plan Framework and in conformance with the Normal Neighborhood Plan Open Space Network Map. The open space network will be designed to support the neighborhood's distinctive character and provide passive recreational opportunities where people can connect with nature, where water resources are protected, and where riparian corridors and wetlands are preserved and enhanced.
   a. The application demonstrates that equal or better protection for identified resources will be ensured through restoration, enhancement, and mitigation measures.
   b. The application demonstrates that connections between open spaces are created and maintained providing for an interlinked system of greenways.
   c. The application demonstrates that open spaces function to provide habitat for wildlife, promote environmental quality by absorbing, storing, and releasing storm water, and protect future development from flood hazards.
   d. The application demonstrates that scenic views considered important to the community are protected, and community character and quality of life are preserved by buffering areas of development from one another.

18.3.4.65 Exception to the Site Development and Design Standards

An exception to the requirements Site Development and Design Standards must follow the procedures and approval criteria adopted under section 18.4.1.030, unless authorized under the procedures for a major amendment to plan.

18.3.4.070. Open Space Area Overlay

All projects containing land identified as Open Space Areas on the Normal Neighborhood Plan Open Space Network Map, unless otherwise amended per section 18.3.030.C, must dedicate those areas as: common areas, public open space, or private open space protected by restrictive covenant. It is recognized that the master planning of the properties as part of the Normal Neighborhood Plan imparted significant value to the land, and the reservation of lands for recreational open space and conservation purposes is proportional to the value bestowed upon the property through the change in

zoning designation and future annexation.

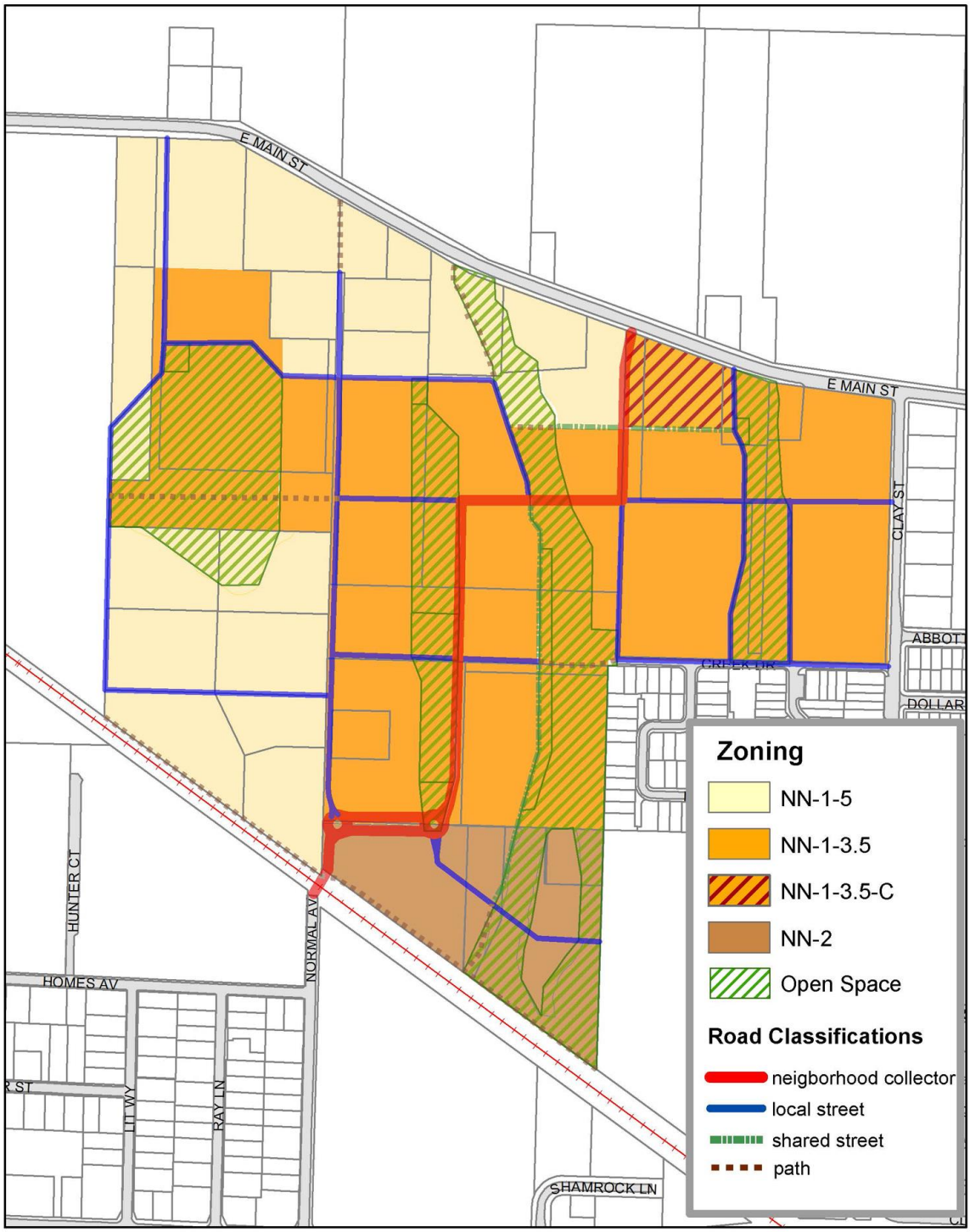
18.3.4.075. Advance Financing District *[Reserved]*

18.3.4.080. Review and Approval Procedure

All land use applications are to be reviewed and processed in accordance with the applicable procedures of Part 18.5.

Neighborhood Module Concept plans The City recognizes that future innovations in building technologies, water conservation practices, and creative approaches to site design and layout will help shape the neighborhood module concept in consideration of the unique characteristics of the properties being developed. As such these example illustrations presented are primarily intended to assist those involved in conceptualizing a development to better address the principle objectives outlined within the Normal Neighborhood Plan.

Normal Neighborhood District Zoning Classification Map



Normal Neighborhood District Zoning Classifications

Chapter 18.3.5 – North Mountain Neighborhood District

Sections:

18.3.5.010 Purpose and Background
18.3.5.020 Applicability
18.3.5.030 Site Plan and Architectural Review Procedure
18.3.5.040 General Regulations
18.3.5.050 Allowed Uses
18.3.5.060 Dimensional Standards
18.3.5.070 Civic Spaces Zone NM-Civic
18.3.5.080 Open Spaces Zone NM-O
18.3.5.090 North Mountain Greenway Zone NM-G
18.3.5.100 Site Development and Design Standards

18.3.5.010 Purpose and Background

A. Purpose. This district is designed to provide an environment suitable for traditional neighborhood living, working, and recreation. The NM district and Neighborhood Plan is a blueprint for promoting a variety of housing types, mixed-use developments, neighborhood oriented businesses, and community services in a manner which enhances property values and preserves open spaces and significant natural features. The purpose of the Neighborhood Plan is to provide a comprehensive set of design standards, policies, and regulations to guide future development within the identified area. Through the use of the standards a greater sense of neighborhood can be accomplished, as well as accommodating all forms of transportation, including walking, bicycling, and transit.

B. Location and Character. The North Mountain Neighborhood Plan Area contains approximately 53 acres and is located south of Interstate 5 and north of the North Mountain Avenue/Hersey Street intersection. Access to the area is provided via North Mountain Avenue. The characteristics of the area consist of rolling terrain and pastures, the Bear Creek Flood Plain, possible jurisdictional wetlands, and approximately nine residences dot the landscape. The area has been included in the Ashland City limits or many years, but experienced limited growth due to a lack of public facilities including, sewer, water, and paved streets. When the City's Comprehensive Plan was prepared in the late 1970s, this area was given a large lot zoning designation to discourage urbanization until full urban services were available. As a result, the zoning was RR.5 (half acre zoning) for more than 20 years. The construction of a Senior Housing complex consisting of multiple housing types began east of the subject area. The land use pattern and building architecture of the Senior Housing project is similar to the Design Standards established within this document.

C. Background. The initiation of this neighborhood plan was directed by the City Council of the City of Ashland. A Steering Committee, comprised of residents and property owners, was formed and the guidelines were developed as a joint effort by the Steering Committee and Community Development Department's planning staff members. Throughout the process and during three study sessions, additional input from the Ashland Planning Commission was given staff and formulated into this document. In addition, the City received a grant from the Oregon Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation (ODOT) for

the hiring of the consulting firm Lennartz & Coyle, Architects & Town Planners. Lennartz & Coyle completed a four day planning charrette with the citizens of Ashland to formulate the basic land use principles for the North Mountain Neighborhood. The Neighborhood Plan and related implementing standards were adopted by the City Council on April 2, 1997 (Ordinance No. 2800).

18.3.5.020 Applicability

This chapter applies to properties designated as NM on the Zoning Map, and pursuant to the North Mountain Neighborhood Plan adopted by Ordinance 2800 (April, 1997). Development located within the NM district is required to meet all applicable sections of this ordinance, except as otherwise provided in this chapter; where the provisions of this chapter conflict with comparable standards described in any other ordinance, resolution or regulation, the provisions of the North Mountain Neighborhood district shall govern.

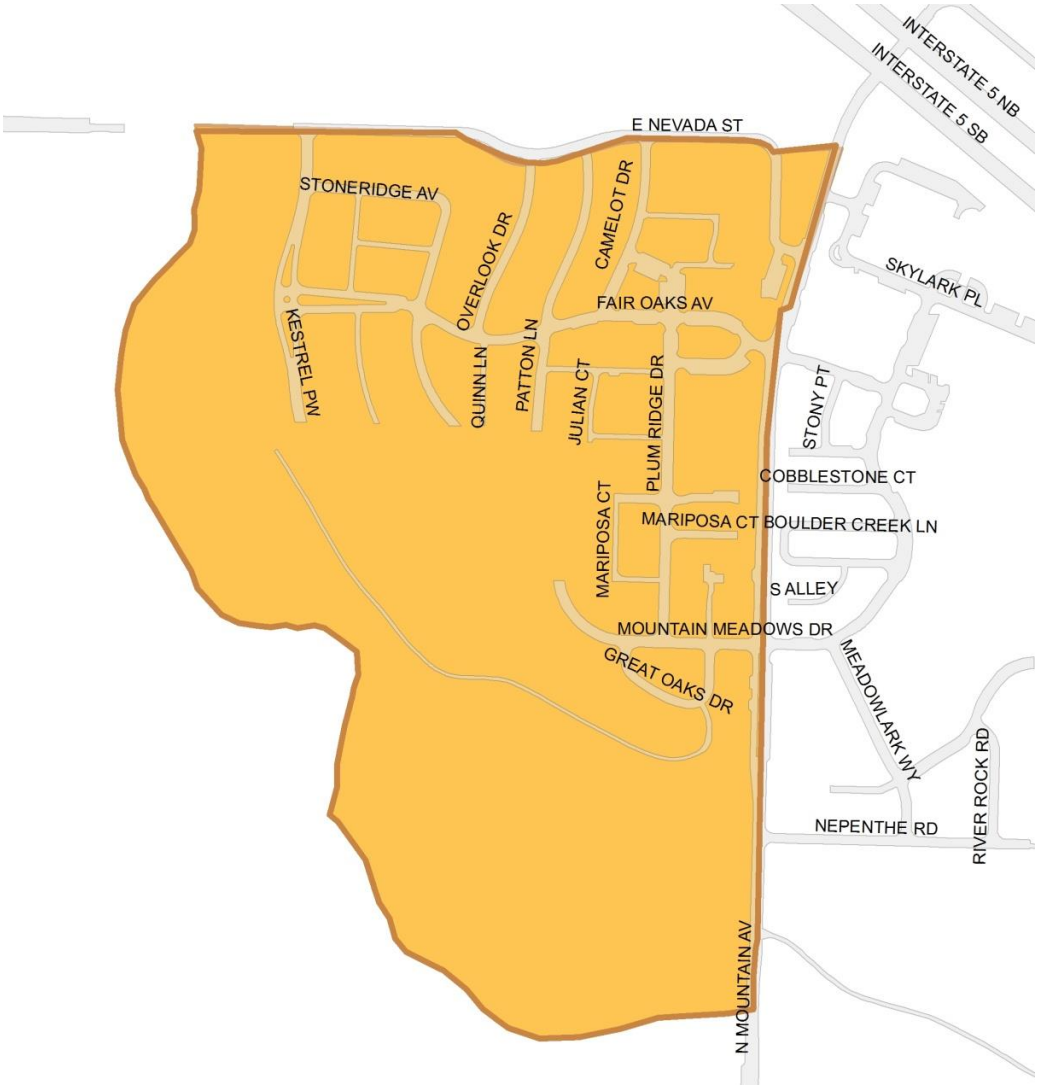


Figure 18.3.5.020
North Mountain Neighborhood District

18.3.5.030 Site Plan and Architectural Review Procedure

A. Applicability. The following planning applications shall comply with applicable North Mountain Neighborhood Design Standards and all other requirements outlined in chapter 18.5.2 Site Design Review.

1. Site Design Review. Developments requiring approval under chapter 18.5.2 Site Design Review.
2. Performance Standards Option Developments. In addition to the submittal requirements for Final Plan approval, per chapter 18.3.9 Performance Standards Option Overlay, the applicant shall provide typical elevations incorporating the architectural elements described in the North Mountain Neighborhood Design Standards for all proposed buildings.
3. Partitions. Developments requiring Partition approval under chapter 18.5.3 Land Divisions and Property Line Adjustments.

B. Review and Approval Procedure. All land use applications shall be reviewed and processed in accordance with the applicable procedures of part 18.5 Application Review Procedures and Approval Criteria.

C. Supplemental Approval Criteria. In addition to the criteria for approval required by other sections of this ordinance, applications within the NM district shall also meet all of the following criteria.

1. The application demonstrates conformity to the general design requirements of the North Mountain Neighborhood Plan, including density, transportation, building design, and building orientation.
2. The application complies with the specific design requirements as provided in the North Mountain Neighborhood Design Standards.

18.3.5.040 General Regulations

A. Conformance with North Mountain Neighborhood Plan. Land uses, streets, alleys, and pedestrian/bicycle access ways shall be located in accordance with those shown on the North Mountain Neighborhood Plan adopted by Ordinance 2800.

B. Amendments. Major and minor amendments to the North Mountain Neighborhood Plan shall comply with the following procedures.

1. Major and Minor Amendments.
    a. Major amendments are those that result in any of the following.
        i. A change in land use.
        ii. A change in the street layout plan that requires a street to be eliminated or to be located in such a manner as to not be consistent with the neighborhood plan.
        iii. A change in the North Mountain Neighborhood Design Standards.
        iv. A change in planned residential density.
        v. A change not specifically listed under the major and minor amendment definitions.

b. Minor amendments are those that result in any of the following.

i. Changes related to street trees, street furniture, fencing, or signage.

ii. A change in the street layout that requires a local street, alley, easement, pedestrian/bicycle accessway or utility to be shifted more than 50 feet in any direction, as long as the change maintains the connectivity established by the neighborhood plan.

2. Major Amendment Type II Procedure. The approval authority may approve a major amendment to the North Mountain Neighborhood Plan through a Type II procedure in section 18.5.1.060 upon finding that the application meets all of the following criteria.

a. The proposed modification maintains the connectivity established by the neighborhood plan.

b. The proposed modification furthers the design and access concepts advocated by the neighborhood plan, including but not limited to pedestrian access, bicycle access, and de-emphasis on garages as a residential design feature.

c. The proposed modification will not adversely affect the purpose, objectives, or functioning of the neighborhood plan.

d. The proposed modification is necessary to adjust to physical constraints evident on the property, or to protect significant natural features such as trees, rock outcroppings, wetlands, or similar natural features, or to adjust to existing property lines between project boundaries.

3. Minor Amendment Type I Procedure. A minor amendment to the North Mountain Neighborhood Plan is subject to the Type I procedure in section 18.5.1.050. The request for a minor amendment shall include findings that demonstrate that the change will not adversely affect the purpose, objectives, or functioning of the neighborhood plan.

C. Utilities. Utilities shall be installed underground to the greatest extent feasible. Where possible, alleys shall be utilized for utility location, including transformers, pumping stations, etc.

D. Lots With Alley Access. If an alley serves the site, access and egress for motor vehicles shall be to and from the alley. In such cases, curb openings along the street frontage are prohibited.

E. Streets, Alleys, and Pedestrian/Bicycle Accessways. Streets, alleys, and pedestrian/bicycle accessways shall be improved as designated in the North Mountain Neighborhood Design Standards.

F. Minimum Density. Proposals resulting in the creation of additional parcels or greater than three units on a single parcel shall provide for residential densities between 75 to 110 percent of the base density for a given zone, unless reductions in the total number of units is necessary to accommodate significant natural features, topography, access limitations or similar physical constraints. (Proposals involving the development of neighborhood commercial businesses and services shall be exempt from the above requirements).

G. Density Transfer. Density transfer within a project from one zone to another may be approved if it can be shown that the proposed density transfer furthers the design and access concepts advocated by the neighborhood plan, and provides for a variety of residential unit sizes, types, and architectural styles.

H. Floodplain Corridor. Developments including lands within the identified floodplain corridor, including street development, shall comply with the following requirements.

1. A hydrologic study prepared by a geotechnical expert shall be submitted concurrently with specific development proposals indicating the impact of the development on the floodplain corridor, and all efforts to be taken to mitigate negative impacts from flooding in the area of the floodplain corridor and areas of historic flooding.
2. The design of Greenway Drive, as indicated on the neighborhood plan, shall incorporate flood protection measures, as determined by a geotechnical expert, in the overall design of the new street. Such protection measures shall address flooding in the floodplain corridor and in areas of historic flooding.
3. A grading plan for the overall development, indicating grade relationships between the development and the floodplain corridor, shall be included with the specific development proposal. A statement shall be included, prepared by a geotechnical expert or licensed surveyor, indicating that the finish grade for all buildable areas outside of the floodplain corridor shall be at or above the Ashland floodplain corridor elevations indicated on the officially adopted city maps.

I. Off-Street Parking. Off-street parking shall be provided pursuant to the requirements of this chapter and 18.4.3 Parking, Access, and Circulation, except in the NM-C zone. In the NM-C zone, all uses are not required to provide off-street parking or loading areas, except for residential uses where one space shall be provided per residential unit and in conformance with chapters 18.4.2 Building Placement, Orientation and Design, and 18.4.4 Landscaping, Lighting, and Screening.

J. Drive-Up Uses. Drive-Up uses are not permitted within the North Mountain Neighborhood Plan area.

K. Performance Standards Overlay. All applications involving the creation of three or more lots shall be processed under chapter 18.3.9 Performance Standards Option Overlay.

L. Fencing. No fencing exceeding three feet in height shall be allowed in the front lot area between the structure and the street. No fencing shall be allowed in areas designated as Floodplain Corridor.

M. Adjustment of Lot Lines. As part of the approval process for specific development proposals, adjustments to proposed lot lines may be approved consistent with the density standards of the applicable zone, as designated by the North Mountain Neighborhood Plan.

18.3.5.050 Allowed Uses

A. Uses Allowed in North Mountain Neighborhood Zones. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.5.050 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the

review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.

C. Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. For regulations applying to the City's overlays zones, please refer to part 18.3.

C. Mixed-Use. Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

Table 18.3.5.050 – North Mountain Neighborhood Uses Allowed by Zone[12]

	North Mountain Neighborhood Zones[13]				
	NM-R-1-7.5	**NM-R-1-5**	**NM-MF**	**NM-C**	**NM-Civic**
A. Residential					
Residential Uses, subject to density requirements in Table 18.3.5.050	P	P	P	P	N
Accessory Residential Units	S	S	N	P	N
Home Occupations	P	P	P	P	N
Agricultural Uses, except Keeping of Livestock	P	P	P	P	S
Keeping of Micro-Livestock and Bees	S	S	S	N	S
Keeping of Livestock	N	N	N	N	N
Marijuana Cultivation, Homegrown	S	S	S	S	N
B. Public and Institutional Uses					
Community Services	N	S	N	S	P
Parks and Open Spaces	P	P	P	P	P
Public Parking Lots	N	N	N	CU	N
Religious Institution, Houses of Worship	N	N	N	S	N
Utility and Service Building, Public and Quasi-Public, excluding outdoor storage and electrical substations	N	N	N	S	N
B. Commercial					
Neighborhood Clinics	N	N	N	S	N
Neighborhood Oriented Retail Sales, Services, and Restaurants	N	N	N	S	N
Offices, Professional	N	N	N	S	N
Temporary uses	N	N	N	CU	N
C. Industrial					
Manufacturing, Light	N	N	N	S	N

[12] Key: P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.
[13] Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

D. Special Use Standards. The uses listed as "Permitted with Special Use Standards (S)" in Table 18.3.5.050, above, are allowed provided they conform to the requirements of this section and the requirements of chapter 18.5.2 Site Design Review.

1. Accessory Residential Units.
   a. Accessory residential units are not subject to the density requirements of the zone and are not included in the base density calculations.
   b. One accessory residential unit is allowed per lot, and the maximum number of dwelling units must not exceed two per lot.
   c. The proposal must comply with the lot coverage and setback requirements of the underlying zone.
   d. The maximum gross habitable floor area (GHFA) of the accessory residential unit must not exceed 50 percent of the GHFA of the primary residence on the lot, and must not exceed 750 square feet GHFA, except that second story accessory residential units constructed above a detached accessory building must not exceed 500 square feet GHFA.
   e. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.040.
2. Agricultural Uses. In the NM-Civic zone, agriculture may include community garden space.
3. Keeping of Micro-Livestock and Bees. Subject to the standards in section 18.2.3.160.
4. Marijuana Cultivation, Homegrown. Subject to the standards in subsection 18.2.3.190.A.
5. Community Services.
   a. In the NM-R-1-5 zone, each building may be up to a maximum of 2,500 square feet of gross floor area.
   b. In the NM-C zone, each building may be up to a maximum of 3,500 square feet of gross floor area.
6. Manufacturing, Light.
   a. The light manufacturing use shall occupy 600 square feet or less.
   b. The light manufacturing use shall be contiguous to the permitted retail outlet that operates in conjunction with and sells the manufactured items produced by the light manufacturing use.
7. Neighborhood Clinics. Each building may be up to a maximum of 3,500 square feet of gross floor area.
8. Neighborhood Oriented Retail Sales, Services, and Restaurants. Each building may be up to a maximum of 3,500 square feet of gross floor area.
9. Offices, Professional. Each building may be up to a maximum of 3,500 square feet of gross floor area.
10. Religious Institution, Houses of Worship. The same use cannot be located on a contiguous property, and there must be no more than two such uses in a given zone.

11. Utility and Service Building, Public and Quasi-Public. Each building may be up to a maximum of 3,500 square feet of gross floor area

18.3.5.060 Dimensional Standards

Table 18.3.5.060 contains lot and development standards, including density, minimum dimensions, area, coverage, structure height and other provisions that control the intensity, scale, and location of development for the NM-R-1-7.5, NM-R-1-5, NM-MF, and NM-C.

Table 18.3.5.060 North Mountain Neighborhood Dimensional Standards				
	North Mountain Neighborhood Zones[14]			
	NM-R-1-7.5	**NM-R-1-5**	**NM-MF**	**NM-C**
Residential Density (dwelling units/acre)[1]	3.6 du/ac	5 du/ac	12 du/ac	20 du/ac
[1]Density is computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. Fractional portions of the answer shall not apply towards the total density, except that units less than 500 square feet gross habitable floor area shall count as .75 units in the NM-MF and NM-C zones. Accessory residential units are not subject to the density requirements of the zone in the NM-R-1-7.5 and NM-R-1-5 zones.				
Standard Yards – Minimum (feet)				
Front – Standard	10 ft minimum/ 25 ft maximum	10 ft minimum/ 25 ft maximum	10 ft minimum/ 25 ft maximum	No minimum yard require-ments, except as required for parking, landscaping and building design requirement in chapters 18.4.2, 18.4.3, and 18.4.4.
Front – Unenclosed Porch	5 ft	5 ft	5 ft	
Front – - Garage[2]	15 ft from building face / 20 ft from sidewalk	15 ft from building face / 20 ft from sidewalk	15 ft from building face / 20 ft from sidewalk	
Side – Standard[3]	5 ft per building story	5 ft per building story	5 ft per building story	
Side – Adjacent to Street	10 ft	10 ft	10 ft	
Side – Single-Story, Detached Garage and Accessory Buildings[4]	3 ft	3 ft	3 ft	
Rear – Standard	10 ft per building story	10 ft per building story	10 ft per building story	
Rear – Upper Floor Dormer Space	15 ft	15 ft	15 ft	
Rear - Single-Story, Detached Garage and Accessory Buildings Adjacent to Alley	4 ft	4 ft	4 ft	
Rear – Two-Story Accessory Adjacent to Alley	4 ft	4 ft	4 ft	
[2]No greater than 50 percent of the total lineal building façade facing the street can consist of garage, carport, or other covered parking space. [3]No additional side yard is required for half-stories and upper floor dormer space. [4]No side yard is required for accessory buildings sharing a common wall.				
Solar Access	Solar access setback required pursuant			No solar

[14] Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

Table 18.3.5.060 North Mountain Neighborhood Dimensional Standards				
	North Mountain Neighborhood Zones[14]			
	NM-R-1-7.5	**NM-R-1-5**	**NM-MF**	**NM-C**
	to chapter 18.4.8 Solar Access.			access setback required.
Lot Coverage – Maximum (% of lot area)	45%	50%	75%	80%

18.3.5.070 Civic Spaces Zone NM-Civic

Civic spaces identified on the Neighborhood Plan map shall be developed as part of a specific project approval. If the project is proposed to be developed in phases, 50 percent of the area of the civic space shall be developed in the first phase with the remainder of the area to be developed prior to building permit issuance for 2/3 of the project's units.

18.3.5.080 Open Spaces Zone NM-O

Open spaces identified on the Neighborhood Plan map shall be developed as part of a specific project approval. If the project is proposed to be developed in phases, 50 percent of the area of the Open Space shall be developed in the first phase with the remainder of the area to be developed prior to building permit issuance for 2/3 of the project's units.

18.3.5.090 North Mountain Greenway Zone NM-G

A. Applicability. All projects containing land identified on the North Mountain Neighborhood Plan map as part of the North Mountain/Bear Creek Greenway shall dedicate that area so designated to the City for park purposes. It is recognized that previous zone changes allowing increases in allowable development density (up-zoning) as part of the North Mountain Neighborhood Plan imparted significant value to properties, and the required dedication of those lands within the North Mountain/Bear Creek Greenway for park purposes is both necessary based on the impacts of planned development and proportional to the value bestowed upon the property through the change in zoning designation.

B. Dedication on Final Survey Plat. The dedication of lands within the North Mountain/Bear Creek Greenway shall be indicated on the final survey plat accompanying all partitions, subdivisions, and Performance Standards developments.

C. Development Restrictions. It is recognized that lands within the North Mountain/Bear Creek Greenway are identified as part of Ashland's Floodplain Corridor Lands, and are prohibited from further development, except as outlined in chapter 18.3.10 Physical and Environmental Constraints Overlay.

D. Prohibition of Density Transfer. No transfer of density from lands identified within the North Mountain/Bear Creek Greenway shall be permitted. It is recognized that the up-zoning associated with the North Mountain Neighborhood Plan accommodated such transfers.

E. Greenway Drive. The design of Greenway Drive, as indicated on the neighborhood plan, shall

incorporate flood protection measures, as determined by a geotechnical expert, in the overall design of the new street. Such protection measures shall address flooding in the floodplain corridor and in areas of historic flooding.

18.3.5.100 Site Development and Design Standards

A. Housing. The following design standards apply to residential developments. While the standards are specific, the intent is not to limit innovative design, but rather provide a framework for clear direction and minimum standards.

1. Architectural Design. The street-facing elevations of residential buildings shall be broken with reveals, recesses, trim elements, and other architectural features to avoid the appearance of a blank wall as illustrated in Figure 18.3.5.100.A.1. In addition, at least two of the following design features must be provided along the front of each residence.

   a. Dormers

   b. Gables

   c. Recessed entries

   d. Covered porch entries

   e. Cupolas

   f. Pillars or Posts

   g. Bay window (min. 12-inch projection)

   h. Eaves (min. six-inch projection)

   i. Off-sets in building face or roof (min. 16 inches)

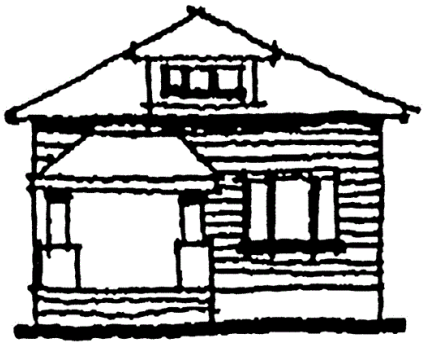


Figure 18.3.5.100.A.1
Architectural Design

2. Orientation. Dwellings shall be designed with a primary elevation oriented towards a street. Such elevation shall have a front door, framed by a simple porch or portico, porch, or other

design feature clearly visible from the street to promote natural surveillance of the street as illustrated in Figure 18.3.5.100.A.2.

Figure 18.3.5.100.A.2
Orientation

3. Repetitive Elevations. Excessive repetition of identical floor plans and elevations shall be discouraged. See Figure 18.3.5.100.A.3.a and Figure 18.3.5.100.A.3.b.

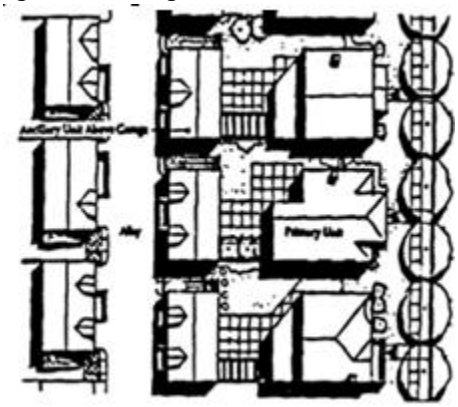


Figure 18.3.5.100.A.3.a
Varied Floor Plans

Figure 18.3.5.100.A.3.b

Varied Elevations

4. Supplemental Setback Requirements for Garages and Accessory Structures. In addition to the setback requirements of sections 18.3.5.060, the following garage and accessory structure setbacks are required, in order to promote an attractive streetscape where garages and accessory structures are visually subordinate to primary dwellings.
   a. Where no alleys are present, garages shall be located a minimum of 15 feet behind the primary façade and a minimum of 20 feet from the sidewalk. See Figure 18.3.5.100.A.4.a.

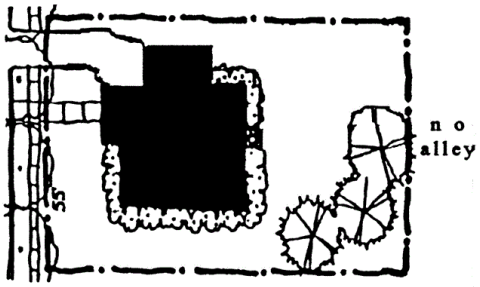


Figure 18.3.5.100.A.4.a
Garage Setbacks/No Alley

   b. Garages and accessory structures adjacent to an internal property line (i.e., neighbor's residence) shall maintain a minimum first floor side yard setback of four feet and a second floor setback of six feet, excluding dormers. See Figure 18.3.5.100.A.4.b.

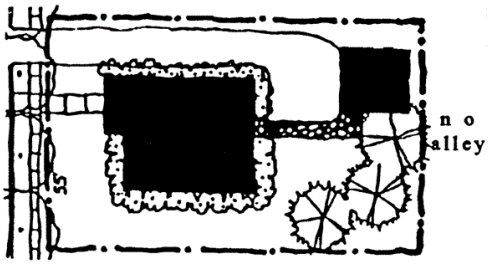


Figure 18.3.5.100.A.4.b
Garage Setbacks/No Alley

   c. No side yard setback is required where garages adjoin along a common property line.
   d. Garage or accessory structures, including accessory residential units, fronting and or accessed from the alley shall have a minimum rear yard setback of four feet. See Figure 18.3.5.100.A.4.d.

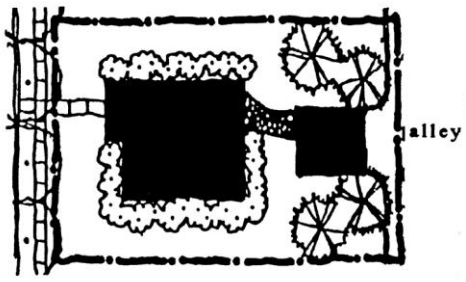


Figure 18.3.5.100.A.4.d

Garage Setbacks/Alley

e. The maximum allowed width of a garage opening is 22 feet. Expansion of the garage's depth is allowed should be considered for additional storage needs.
f. Common wall garages (i.e., adjacent garage openings), and dwellings with more than one garage openings, where the total width of adjacent garage openings exceeds 22 feet, shall have at least one garage opening recessed behind the other(s) by not less than three feet.

5. Terracing. Grading for new homes and accessory structures shall be minimized and building designs shall respond to the natural grade, to the extent practicable, pursuant to the following standards.

a. Terracing should be incorporated into the design of each lot's development, as illustrated in Figure 18.3.5.100.A.5.a. Terraces help ease transition between the public and private space.

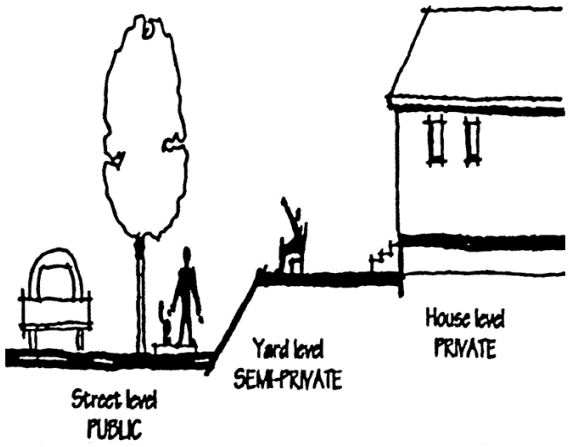


Figure 18.3.5.100.A.5.a
Terraces

b. In determining whether grading is minimized and building designs are practicable, this standard shall not be interpreted so as to preclude permitted housing at planned densities.

6. Porches. Where practicable, porches shall be incorporated into building designs within the North Mountain Neighborhood, in order to promote a sense of place, socialization, and natural surveillance of the street, as illustrated in Figure 18.3.5.100.A.6.a. Porches shall be a minimum of six feet in depth and eight feet in width, as illustrated in Figure 18.3.5.100.A.6.b - deep enough to allow a person to stand while the door is opening and large enough to allow at least one person to sit facing the street. Porches with dimensions less than six feet in depth and eight feet in width are often used as storage areas for bike, barbecues, etc., and do not realistically function as outdoor rooms.

Figure 18.3.5.100.A.6.a
Street with Front Porches

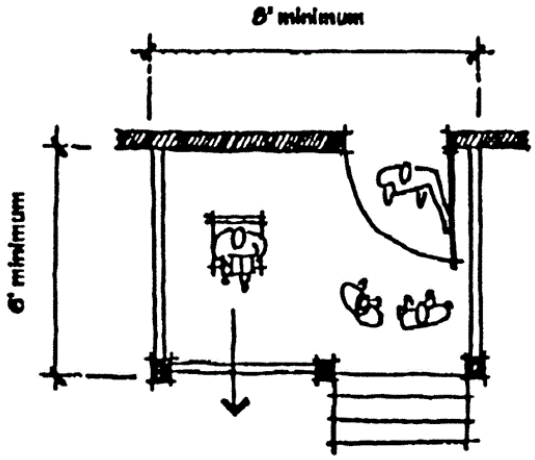


Figure 18.3.5.100.A.6.b
Porch Dimensions

7. Driveways. In order to minimize impervious surfaces, increase opportunities for on-street parking and street trees, and provide a visually attractive streetscape that comfortably accommodates pedestrians, driveways for single dwellings shall be no greater than nine feet wide, measured at the sidewalk. Where no alley is present and garages for multiple dwellings share a common wall (e.g., townhomes), a common driveway 12 feet in width may be used but shall serve as a shared drive for paired garages. See Figure 18.3.5.100.A.7.

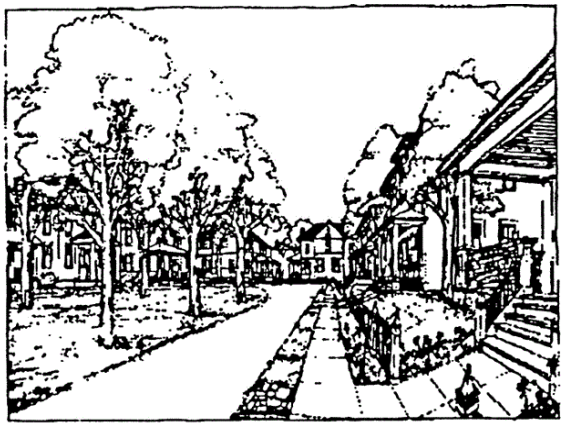


Figure 18.3.5.100.A.7
Benefits of Narrow Driveways on Streetscape

8. Accessory Residential Units. When a detached accessory dwelling unit is adjacent to a residential property, the unit shall meet the following standards. See Figure 18.3.5.100.A.8.
   a. Incorporate considerate design and placement into the development of accessory residential units.
   b. A visual buffer shall be provided using window placement, a sight obscuring fence and/or vegetation.
   c. Within five feet of a side property line, the second floor area of the unit shall be staggered and step-back an additional five feet or contain other detailing, in order to break up the mass of the building. With the addition of a dormer, this standard can be met without the step-back or reduced floor area.

Figure 18.3.5.100.A.8
Accessory Residential Units Along Alley

B. Neighborhood Central. In addition to the following, refer to the site development and design standards of part 18.4.
1. Transitional Architectural Design. Buildings developed for residential use shall be designed and

constructed in a way that allows a simple transition to commercial use, for example, through appropriate floor-to-ceiling heights and location of HVAC and other building systems.

2. Architectural Character. The architectural character of commercial buildings should reflect their importance as a focus of the North Mountain Neighborhood. Rather than taking on a residential appearance, these buildings should emulate a traditional storefront appearance. Ashland has many storefront buildings, which should be looked at for reference but not duplication. These building have a simple and flexible form, yet have a strong architectural identity. See Figure 18.3.5.100.B.2 a and Figure 18.3.5.100.B.2.b.

Figure 18.3.5.100.B.2.a

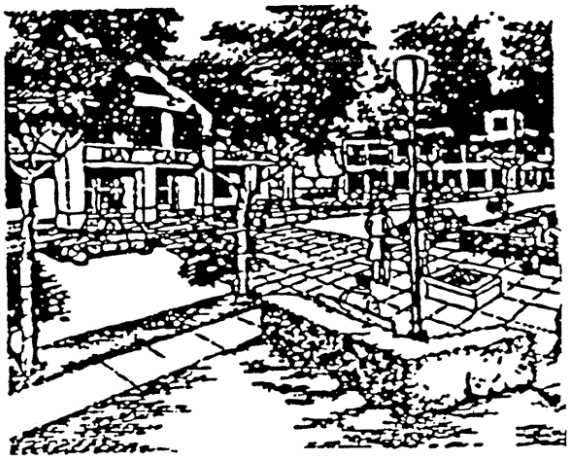


Figure 18.3.5.100.B.2.b.

3. Building Setbacks & Height. Buildings shall be built up to the front and side property lines as illustrated in Figure 18.3.5.100.B.3. Along the front, exceptions will be allowed to create courtyards, seating areas for cafes, or other special uses. These areas should be designed to further the activity along the streets. Arcades, awnings, bays, and balconies shall extend over walkways to form a continuous covered walk. In only rare cases should the façade of the second story extend beyond the first floor's front setback.

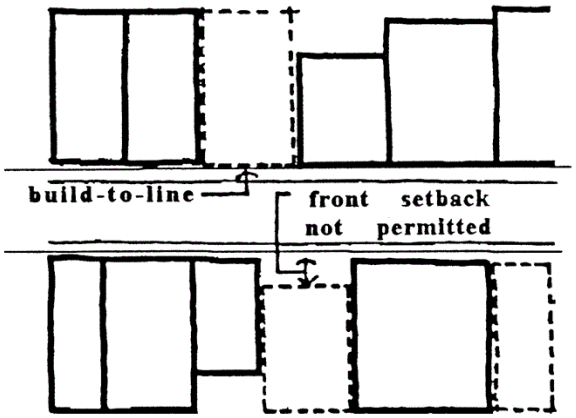


Figure 18.3.5.100.B.3
Building Setbacks

4. Side Setbacks. A side yard setback should only be considered where the building is adjacent to a residential zone or a pedestrian accessway connects to a rear parking area. A side yard setback accommodating a rear parking area shall only occur at mid-block between two buildings as illustrated in Figure 18.3.5.100.B.4.

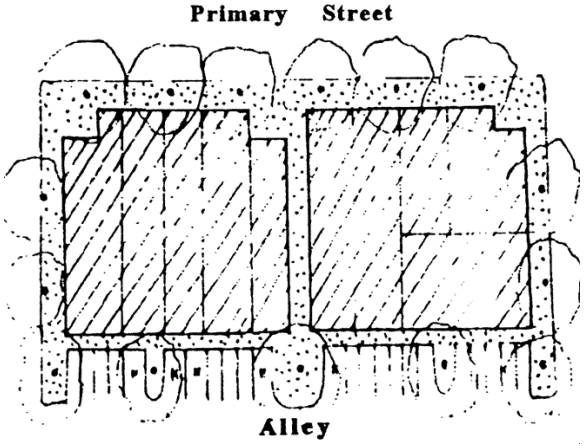


Figure 18.3.5.100.B.4
Pedestrian Accessway

5. Transit Facilities. The neighborhood central area will need a transit shelter (see Figure 18.3.5.100.B.5.a). The general design of the facility should be consistent with the City's adopted bus shelter design as illustrated in Figure 18.3.5.100.B.5.b. While transit service is not presently available to the neighborhood, the overall density of the area will ultimately support it, and the integration of the transit shelter within the neighborhood central area will further its use.

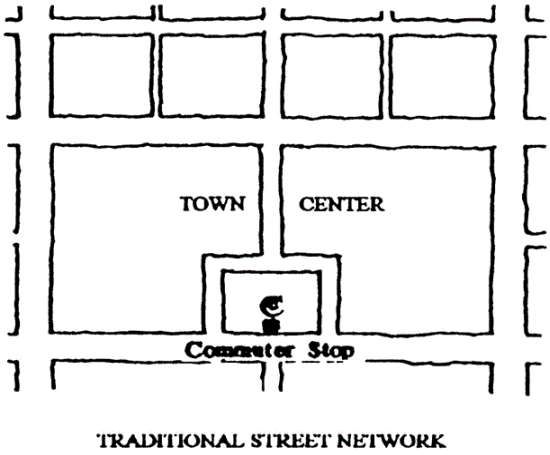


Figure 18.3.5.100.B.5.a
Transit Stop

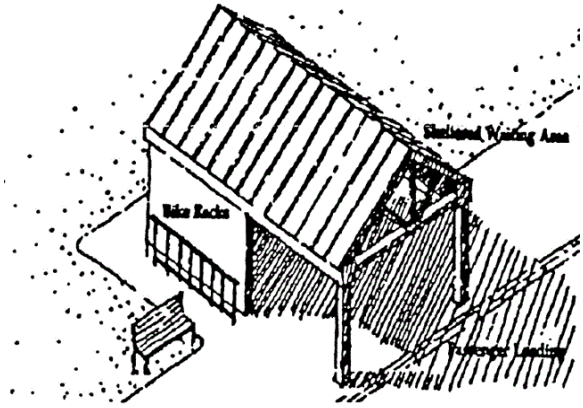


Figure 18.3.5.100.B.5.b
Transit Shelter

6. Mixed Uses. Second story apartments over ground floor shops are encouraged wherever practicable. Bays and balconies are encouraged to provide outlooks and create an articulated rhythm and visual interest. See Figure 18.3.5.100.B.6.

Figure 18.3.5.100.B.6
Mixed Uses

C. Street Types and Design. Several types of residential streets are planned for in the North Mountain Neighborhood. These streets would extend through the planned area to accommodate not only multi-modal movement, but also a variety of circulation options.

1. Greenway Drive. The Greenway Drive has a 49-foot right-or-way, which provides for a travel surface of 28 feet, an eight-foot planting strip, and sidewalks on each side. The sidewalk on the residential side is five feet and on the side of the Bear Creek Greenway an eight-foot sidewalk is shown. In cases where medians are identified on the North Mountain Neighborhood Plan, the median width shall be eight feet and the two travel lanes ten feet. See Figure 18.3.5.100.C.1.

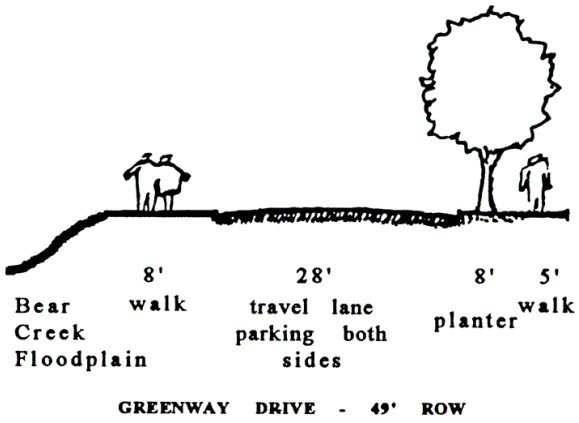


Figure 18.3.5.100.C.1
Greenway Drive

2. Neighborhood Access Street. The primary type of street traversing the neighborhood is the neighborhood access street. This street has a 48-foot right-of-way, which provides for a 15-foot travel surface, seven-foot parking bays, and eight-foot planting strips and five-foot sidewalks on each side. See Figure 18.3.5.100.C.2.

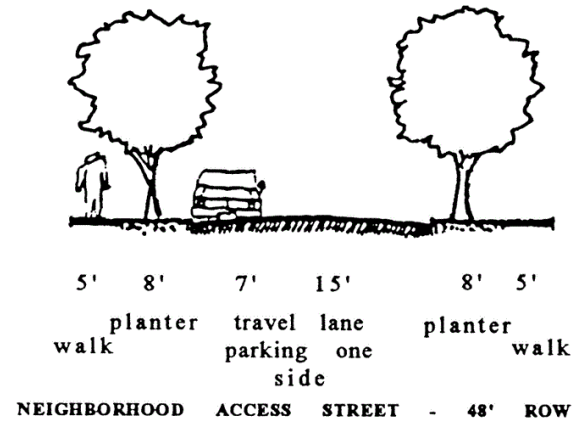


Figure 18.3.5.100.C.2
Neighborhood Access Street

3. Alleys. One of the most important features making up the neighborhood is the alley. Alleys allow parking to be located at the property's rear and diminish the negative impact of garages

proliferating along street frontages, reduces pedestrian and vehicle conflicts at curb-cuts, and reduces impervious hard surface. In addition, homes, instead of garages, fill the street frontages, providing maximum opportunity for social interaction. The alley cross section is a 20-foot wide right-of-way which contains a 12-foot wide improved alley and four-foot planted or graveled strips or shoulders. See Figure 18.3.5.100.C.3. See also, setback requirements for garages and accessory structure in section 18.3.5.060 and section 18.3.5.100.A.4.

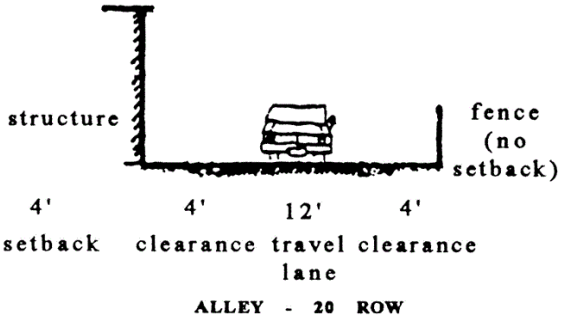


Figure 18.3.5.100.C.3
Alley

4. Pedestrian Accessways. The pedestrian accessway, separate from the Bear Creek multi-use path, provides a direct and convenient alternative route and is intended to be similar to the Alice Peil Walkway located off Granite Street. The accessway has a 12-foot right-of-way as illustrated in Figure 18.3.5.100.C.4.

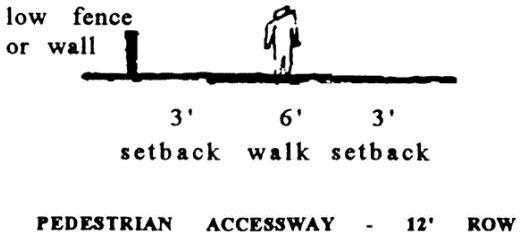


Figure 18.3.5.100.C.4
Pedestrian Accessway

5. Neighborhood Commercial Street. As a focal point of the North Mountain Neighborhood, the commercial street area should portray a strong sense of place. This is the place where neighbors will comfortably socialize on the sidewalk or plaza area before and after they patronize neighborhood businesses. The neighborhood commercial street cross section provides for an improved 45-foot wide right-of-way with a ten-foot wide sidewalk, a 17-foot deep parking space (angled 60 degrees), and an 18.foot, one way, travel lane, as illustrated in Figure 18.3.5.100.C.5. Street trees planted within the sidewalk and between the parking area and the pedestrian path are also included. The appropriate tree spacing should be no greater than 30 feet.

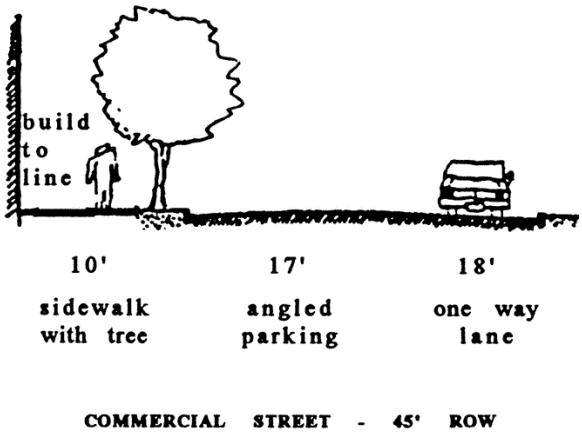


Figure 18.3.5.100.C.5
Neighborhood Commercial Street

6. North Mountain Avenue. As the entrance to the neighborhood and the primary access route, North Mountain Avenue shall have significant design components that evoke a welcome and inviting feeling. Figure 18.3.5.100.C.6 identifies a tree-lines street, which provides, not only an efficient vehicle, bicycle and pedestrian thoroughfare, but also creates an attractive environment.

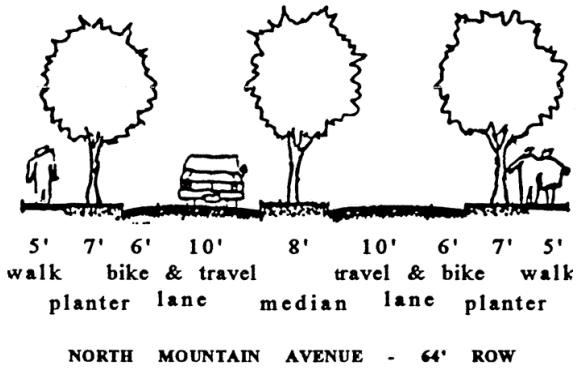


Figure 18.3.5.100.C.6
North Mountain Avenue

7. Planter Strips. All development fronting on streets shall be required to plant street trees in accordance with the Street Tree Standards of section 18.4.4.030 Landscaping and Screening. Large stature street trees should be used to provide a canopy effect for residential streets, while smaller stature trees may be more appropriate along alley frontages. The planting strips will also be planted with low lying ground cover and street trees that cantilever over the travel lanes and sidewalks. See Figure 18.3.5.100.C.7.

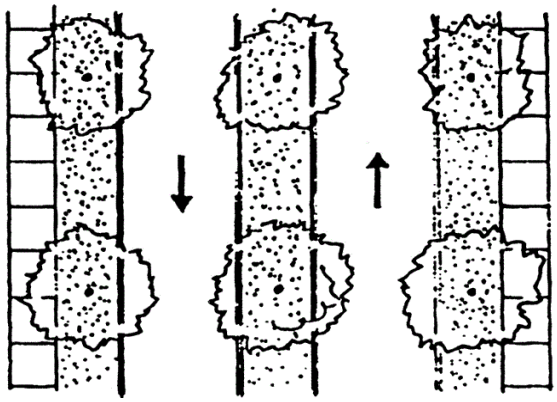


Figure 18.3.5.100.C.7
Planter Strips

8. Street Lighting. North Mountain, East Nevada, Greenway Drive, and streets within the NM-C zone shall incorporate pedestrian scaled lighting as illustrated in Figure 18.3.5.100.C.8. Light poles and illuminating fixtures shall be decorative in design and shall be similar in design to the lights on Oak Street, between "A" and "B" Streets. Wherever possible, light poles shall be centered within the planter strips and between street trees to increase illumination cast on the sidewalk and street, and light bollards shall be used to illuminate pedestrian accessways. Lighting fixtures for pedestrian use along residential streets and alley may be attached to building walls, porches, carports or patio walls.

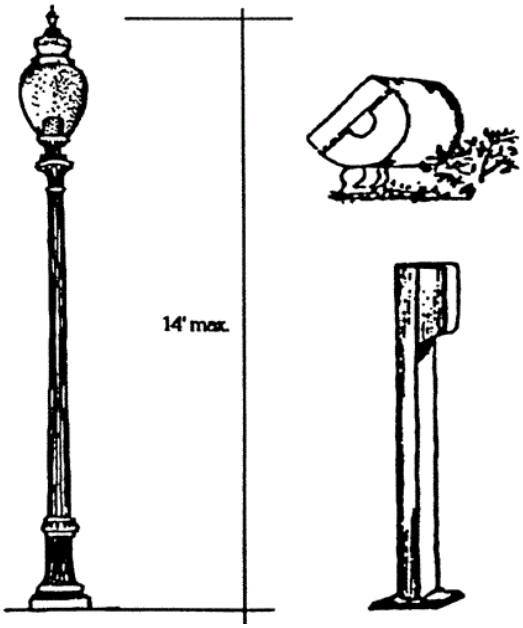


Figure 18.3.5.100.C.8
Street Lighting

9. Street Furniture. Outdoor hardscape elements such as benches, bollards, trash receptacles, mailboxes, light poles, etc. shall be consistent throughout the project area. The use of treated, stained wood, indigenous stone or rock, exposed aggregate concrete and painted steel is

acceptable for the construction of street furniture. See Figure 18.3.5.100.C.9.

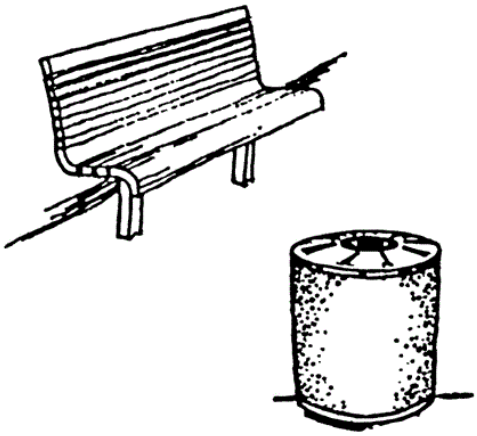


Figure 18.3.5.100.C.9
Street Furniture

D. Open Space and Neighborhood Focal Point.

1. Open Space. A variety of open space types are located within the North Mountain Neighborhood and each type should be designed based upon its environmental impact and benefiting attributes. Open space types within the area include the Bear Creek Floodplain, pocket parks, pedestrian accessways, a commercial common (plaza) and street medians. Each type of open space shall be accessible to the general public at all times. Development of open spaces shall be as follows.

   a. Except for pedestrian accessways and a small picnic area, use of the Bear Creek Floodplain shall be kept to a minimum. No buildings shall be permitted the area except for a small gazebo type structure associated with the picnic area.

   b. Whenever possible, pocket parks and pedestrian access ways shall be linked to formulate a more interesting and inevitable alternative. Each should be designed around natural features minimizing their impact, but increasing their appeal. Developments fronting these areas are encouraged as long as vehicular access is from an alley. See Figure 18.3.5.100.D.1.b.

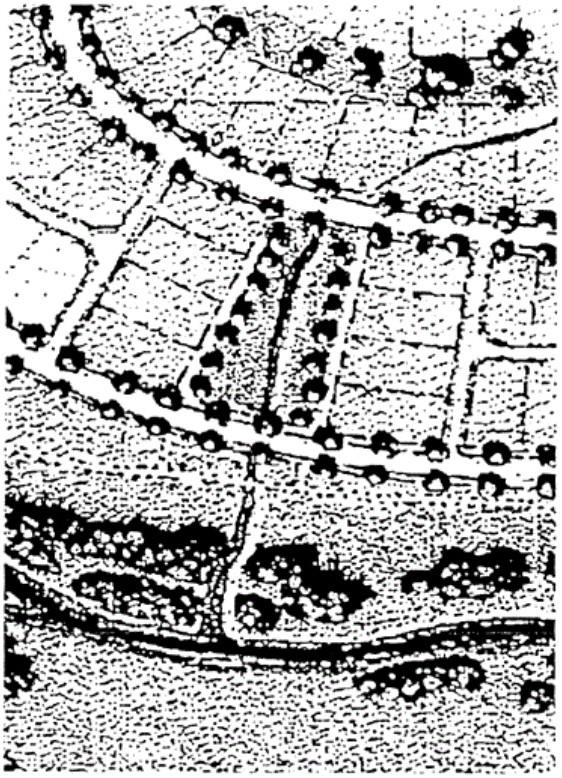


Figure 18.3.5.100.D.1.b

c. Street medians or small pocket medians shall be designed with large stature trees, shrubs, and perennial flowers as an accent as illustrated in Figure 18.3.5.100.D.1.c. Use of turf shall be minimized wherever possible. An irrigation system shall be installed at the time of plant installation.

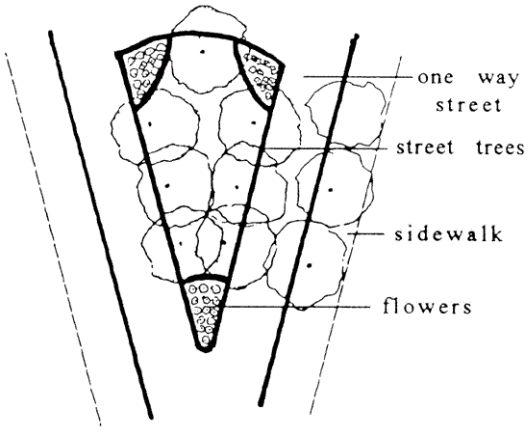


Figure 18.3.5.100.D.1.c
Medians

d. A plaza or commons area, similar to the plaza in the downtown shall be incorporated within the NM-C zone. The area shall be designed to provide adequate shading for comfortable midday summer use and sunny areas for winter use. Hardscape areas shall be centrally located, but minimized whenever possible. Benches, news racks, kiosks, and other street furniture shall be located within the area.

e. The area shall enclose and define the central space of the commercial core. The relationship of the maximum height of the surrounding buildings to the width of the plaza area should fall between a 1:1 and 1:5 ratio to assure special definition. See Figure 18.3.5.100.D.1.e.

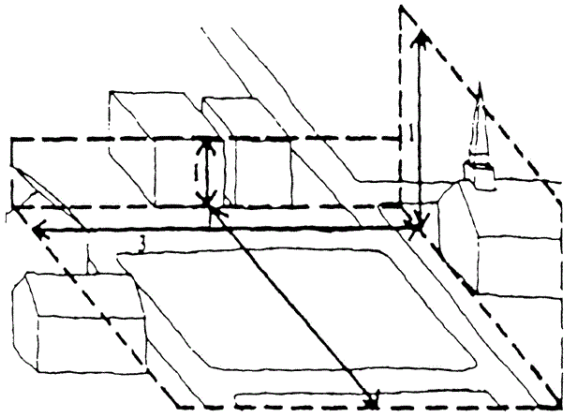


Figure 18.3.5.100.D.1.e
Building Height to Plaza Area Width Ratio

2. Neighborhood Focal Point. The intersection of Greenway Drive and North Mountain Avenue should serve as a neighborhood focal point. Special right-of-way design considerations shall be incorporated into the development of these streets, including but not limited to landscaping, special paving patterns, and a neighborhood monument or gateway. See Figure 18.3.5.100.D.2.

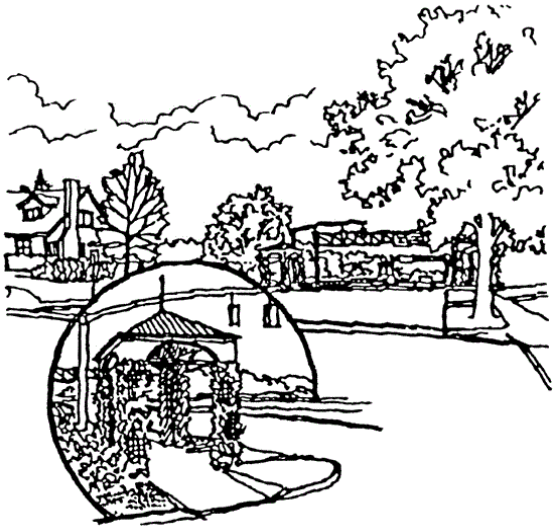
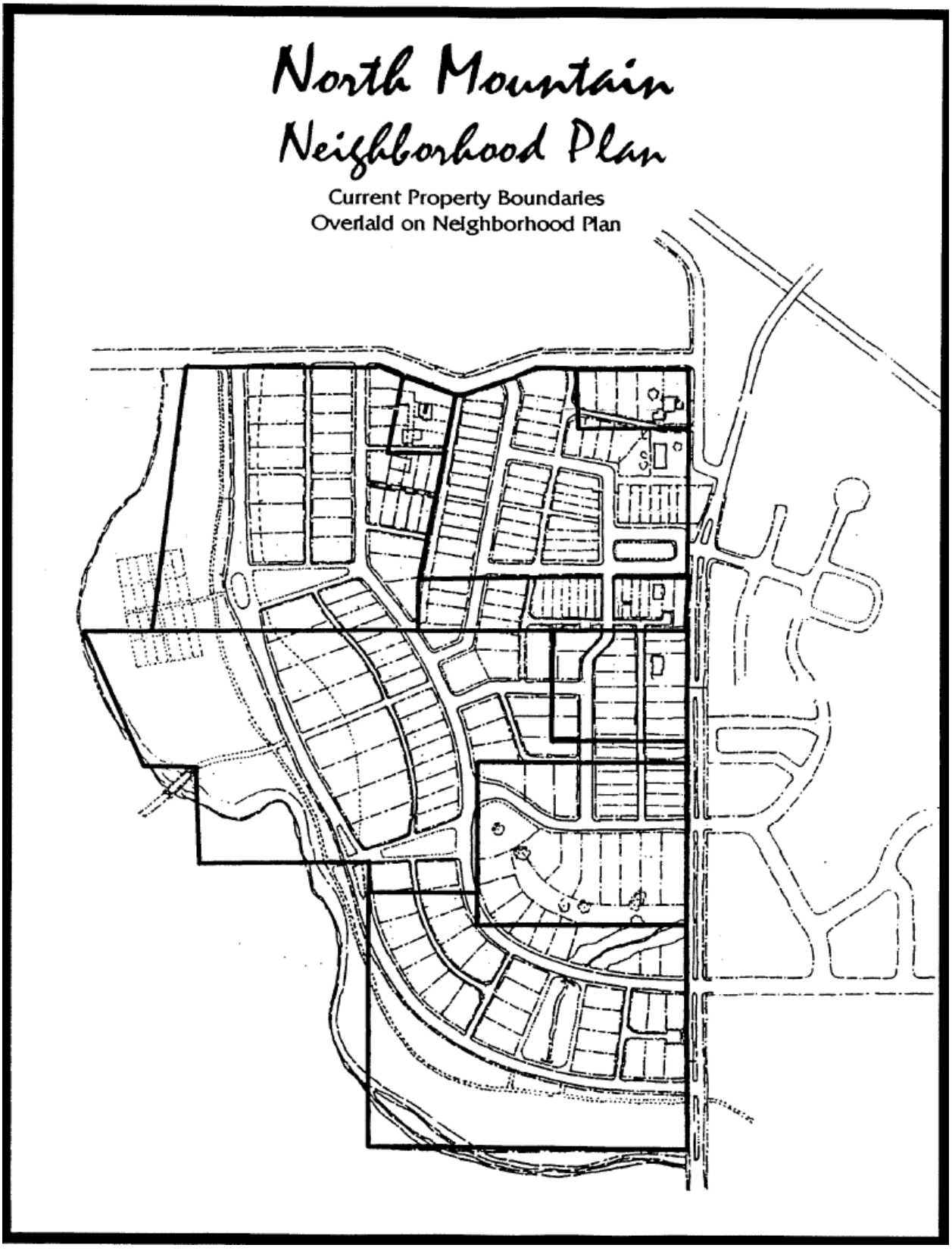
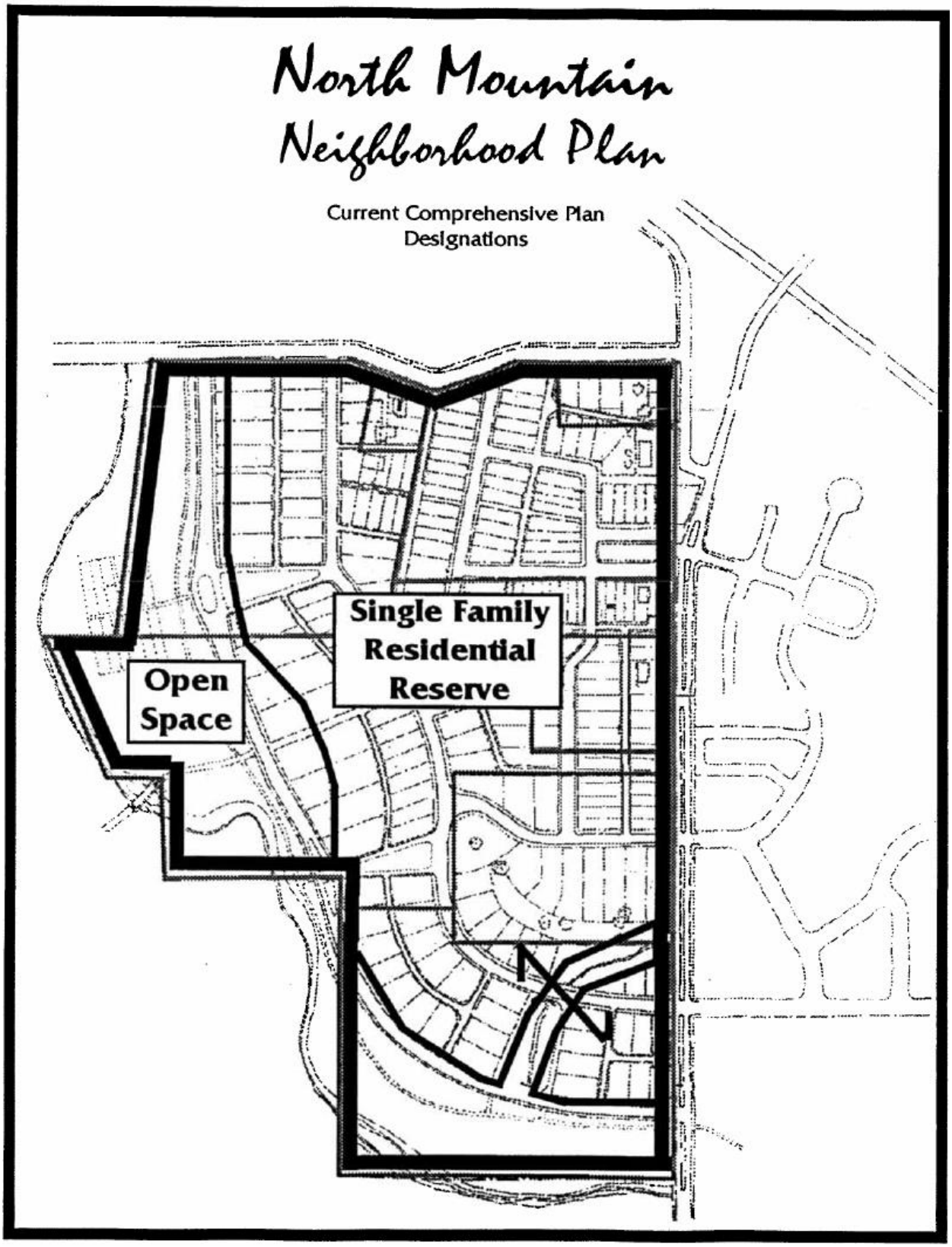


Figure 18.3.5.100.D.2

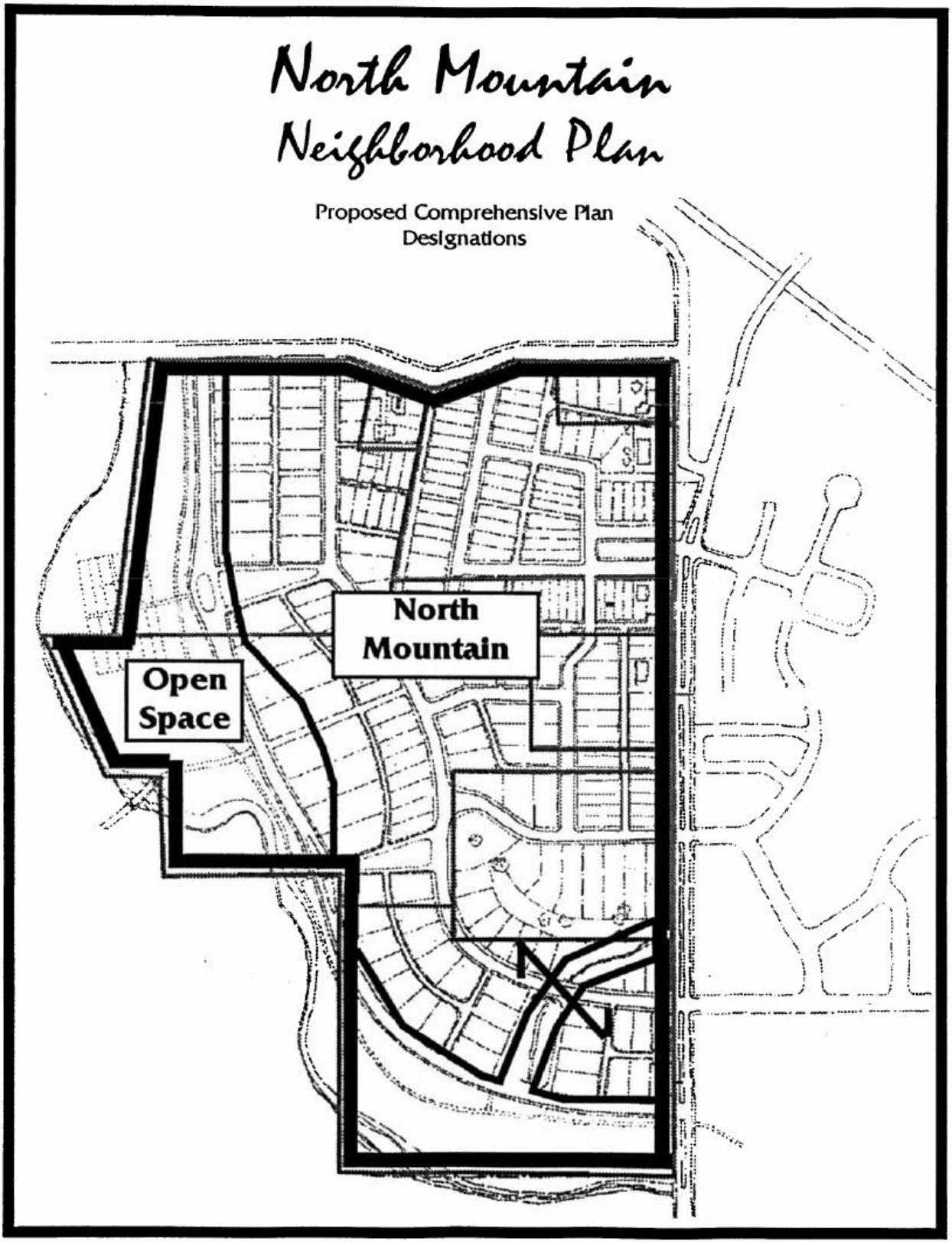
Neighborhood Focal Point

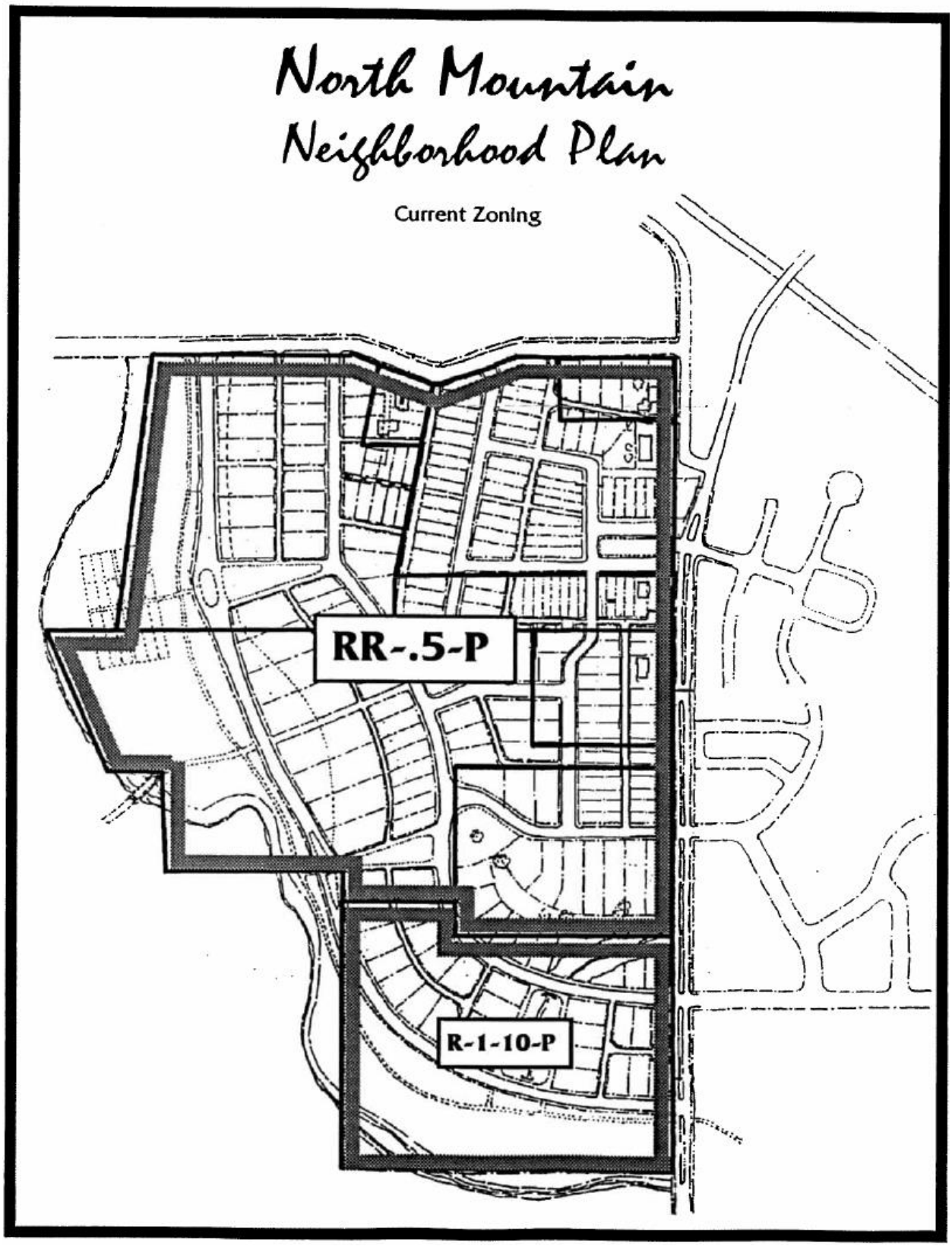
18.3.5 – North Mountain Neighborhood



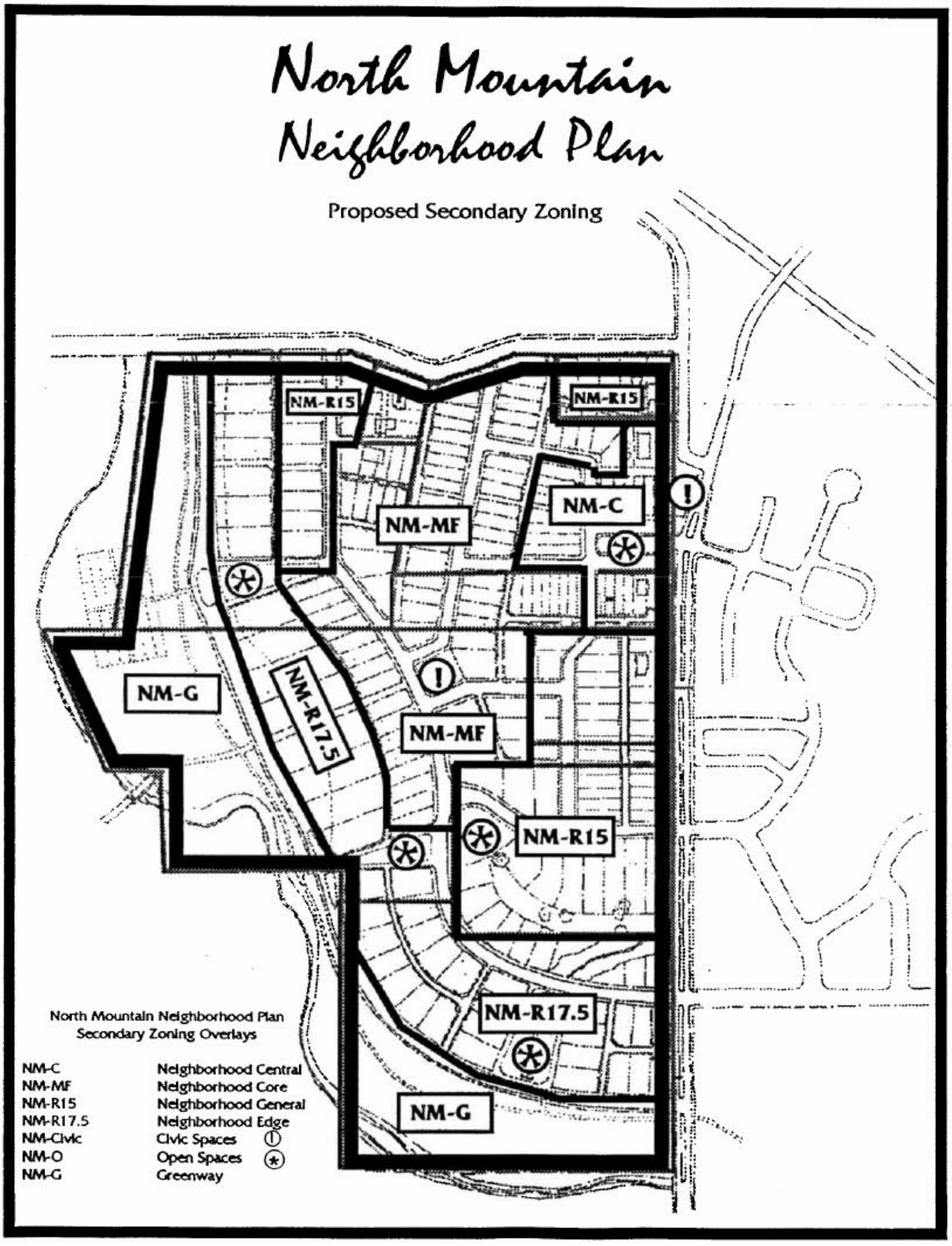

North Mountain
Neighborhood Plan
Current Comprehensive Plan
Designations
Single Family
Residential
Reserve
Open
Space

18.3.5 – North Mountain Neighborhood

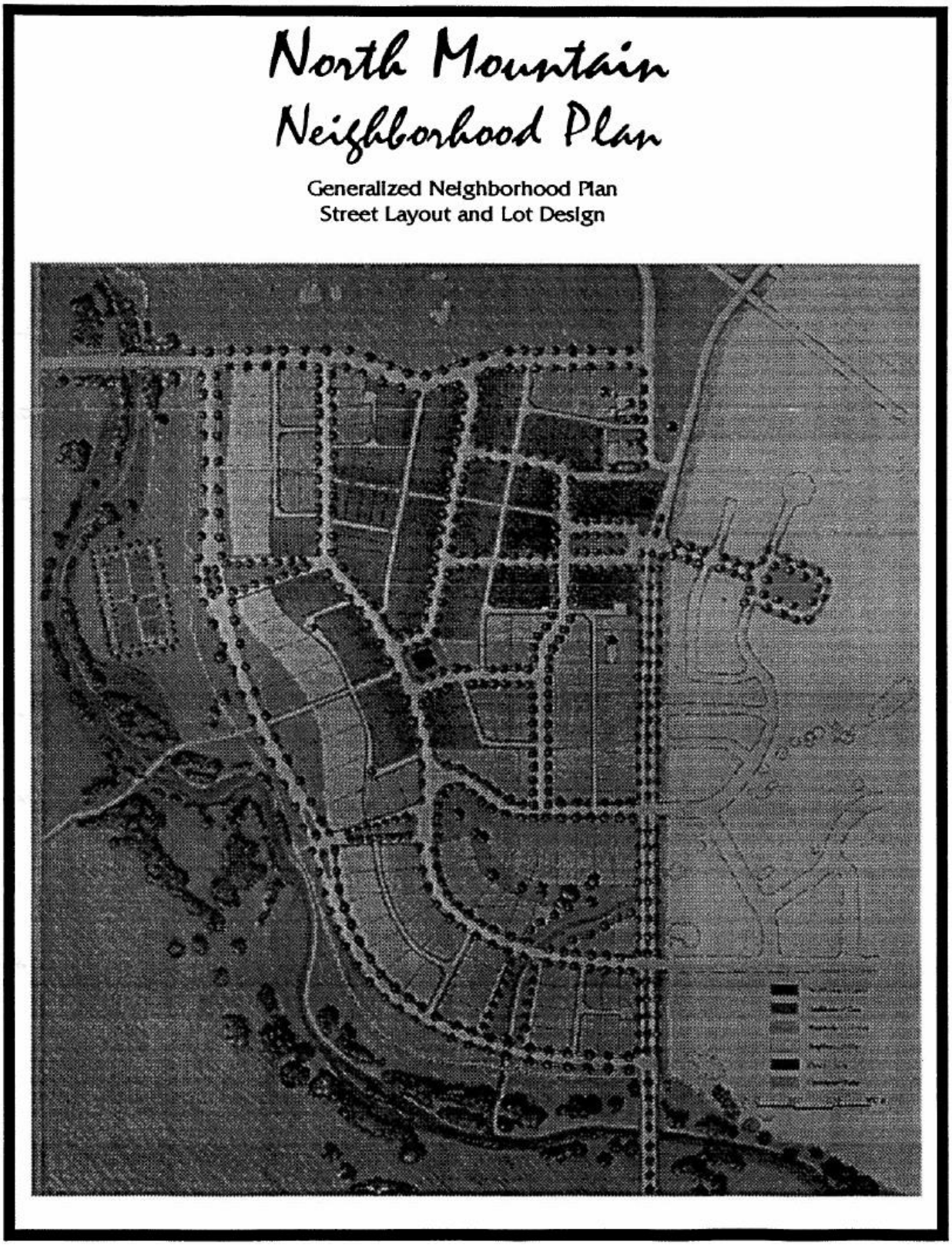


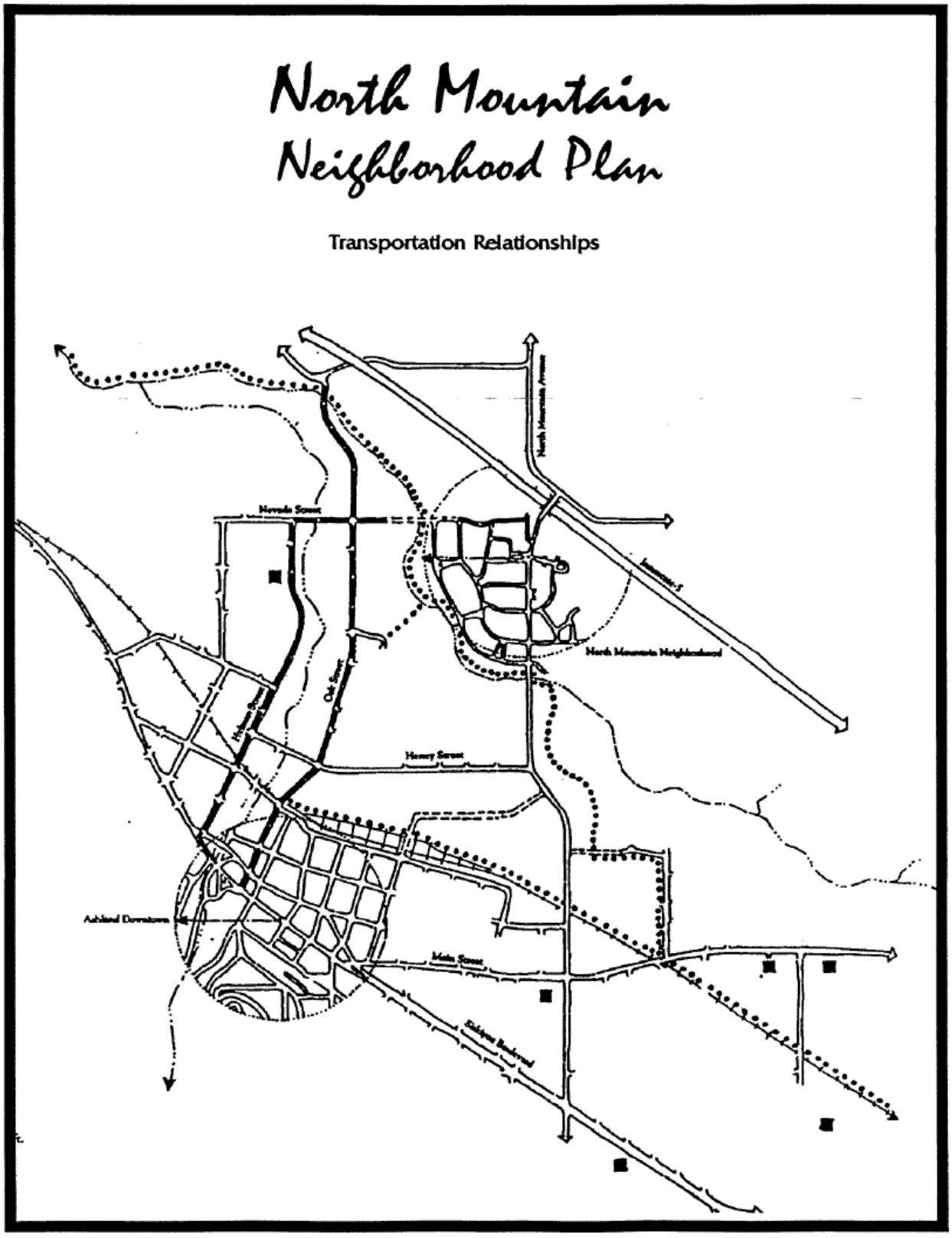

North Mountain
Neighborhood Plan
Current Zoning
RR-.5-P
R-1-10-P

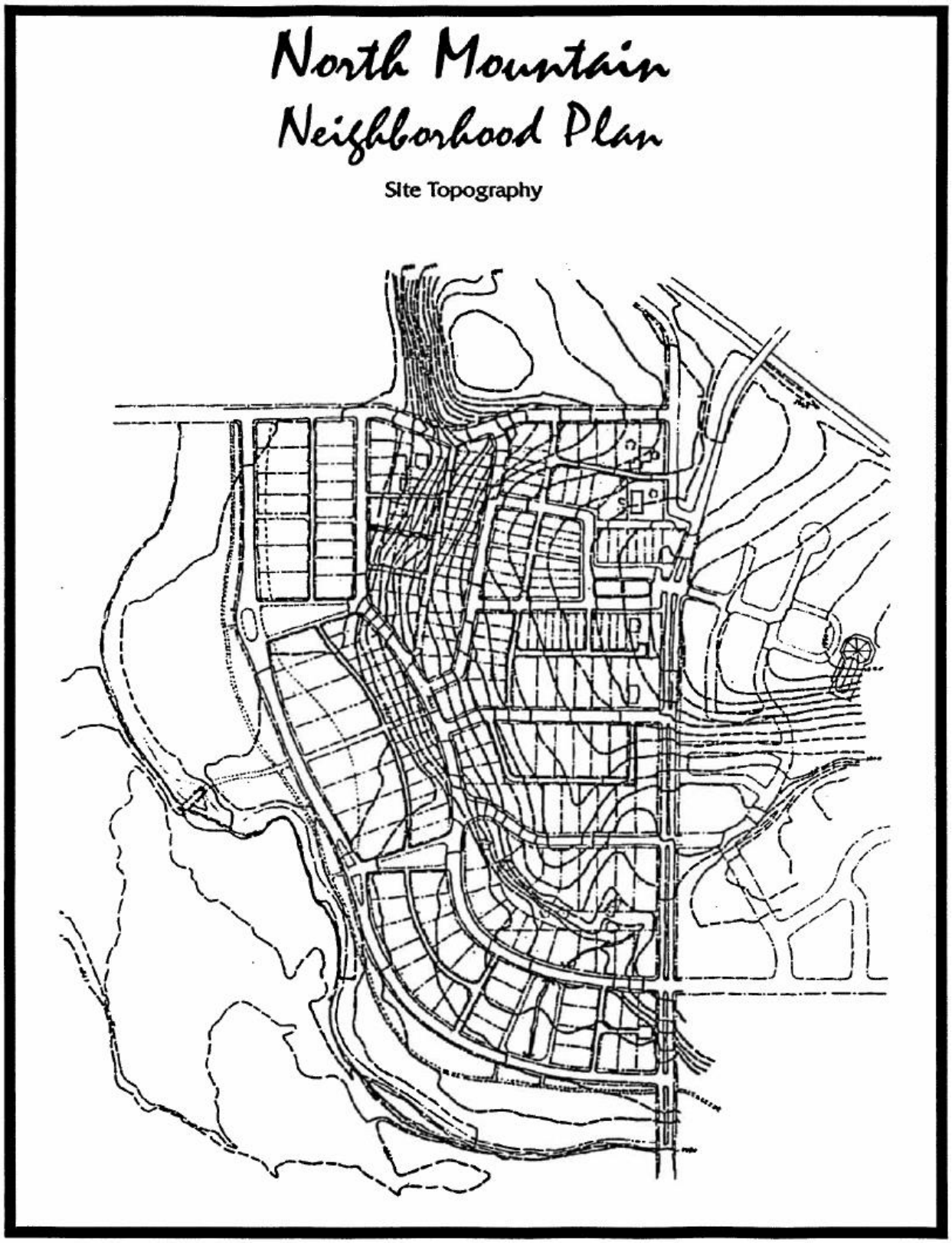
18.3.5 – North Mountain Neighborhood


North Mountain
Neighborhood Plan
Proposed Secondary Zoning
NM-R15
NM-R15
NM-C
NM-MF
NM-G
NM-R17.5
NM-MF
NM-R15
NM-R17.5
NM-G
North Mountain Neighborhood Plan
Secondary Zoning Overlays
NM-C Neighborhood Central
NM-MF Neighborhood Core
NM-R15 Neighborhood General
NM-R17.5 Neighborhood Edge
NM-Civic Civic Spaces
NM-O Open Spaces
NM-G Greenway

18.3.5 – North Mountain Neighborhood




North Mountain
Neighborhood Plan
Transportation Relationships
North Mountain Avenue
Nevada Street
Oak Street
Maple Street
Henry Street
Ashland Downtown
Main Street
Siskiyou Boulevard


North Mountain
Neighborhood Plan
SIte Topography

North Mountain Neighborhood Plan

Conceptual Drawing
Greenway Drive

ODOT/DLCD
Transportation &
Growth Management Program

NORTH MOUNTAIN NEIGHBORHOOD
Ashland, Oregon

LENNERTZ & COYLE

North Mountain Neighborhood Plan

Conceptual Drawing
Neighborhood Central Open Space

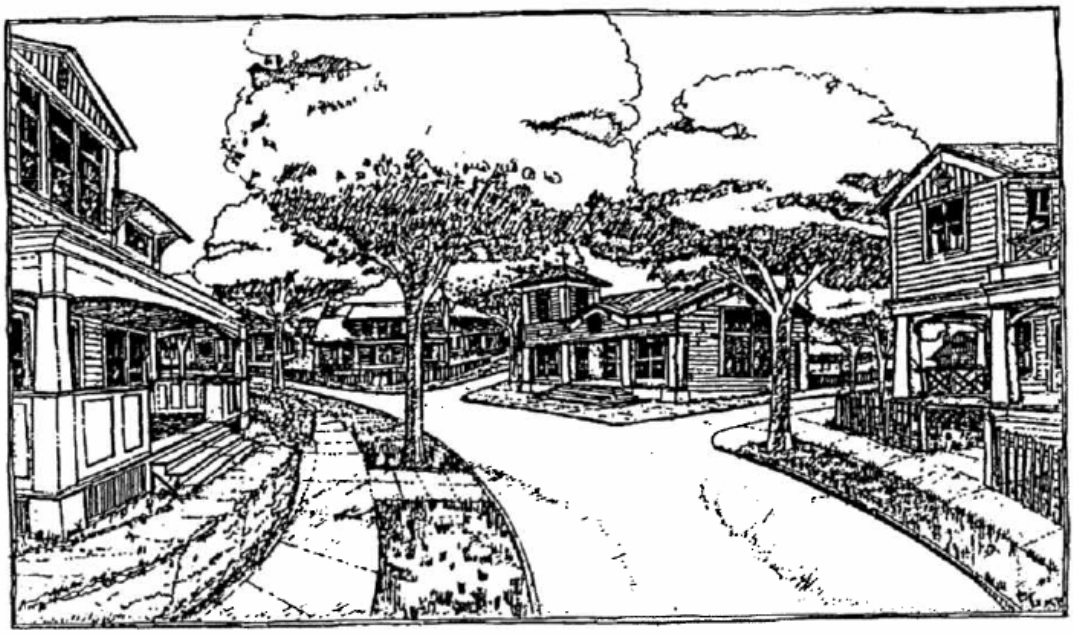
ODOT/DLCD
Transportation &
Growth Management Program

NORTH MOUNTAIN NEIGHBORHOOD
Ashland, Oregon

Leggertz & Coyle

North Mountain Neighborhood Plan

Conceptual Drawing
Neighborhood Civic
Community Building



ODOT/DLCD
Transportation &
Growth Management Program
February 3, 1996

NORTH MOUNTAIN NEIGHBORHOOD
Ashland, Oregon

Lennertz & Coyle
Architects & Town Planners

Chapter 18.3.6 – Southern Oregon University District

Sections:

18.3.6.010 Purpose
18.3.6.020 Applicability
18.3.6.030 Permitted Uses
18.3.6.040 Conditional Uses

18.3.6.010 Purpose

This district is designed to provide for the unique needs of Southern Oregon University (SOU) as a State educational institution functioning within the planning framework of the City.

18.3.6.020 Applicability

A. This chapter applies to properties designated as SO on the Zoning Map. The Southern Oregon University (SOU) district implements the Campus Master Plan Update for Southern Oregon University dated April 12, 2010, with all conditions added by the Planning Commission and City Council, as adopted and incorporated into the Comprehensive Plan by Ordinance No. 3014 on June 1, 2010. It can be applied to all areas now or hereinafter owned by the State of Oregon acting by and through the State Board of Higher Education, and located within the SOU boundary, as shown on the SOU Plan, adopted by SOU and approved by the City.

B. This chapter, together with chapters 18.5.2 Site Design Review, 18.4.3 Parking, Access, and Circulation, and 18.4.7 Signs are the only portions of this ordinance to be effective within the SOU zone; except that areas within 50 feet of privately owned land are subject to chapter 18.5.4 Conditional Use Permits. In addition, the creation or vacation of public streets or public ways shall be subject to mutual agreement between the City and SOU and all other applicable laws.

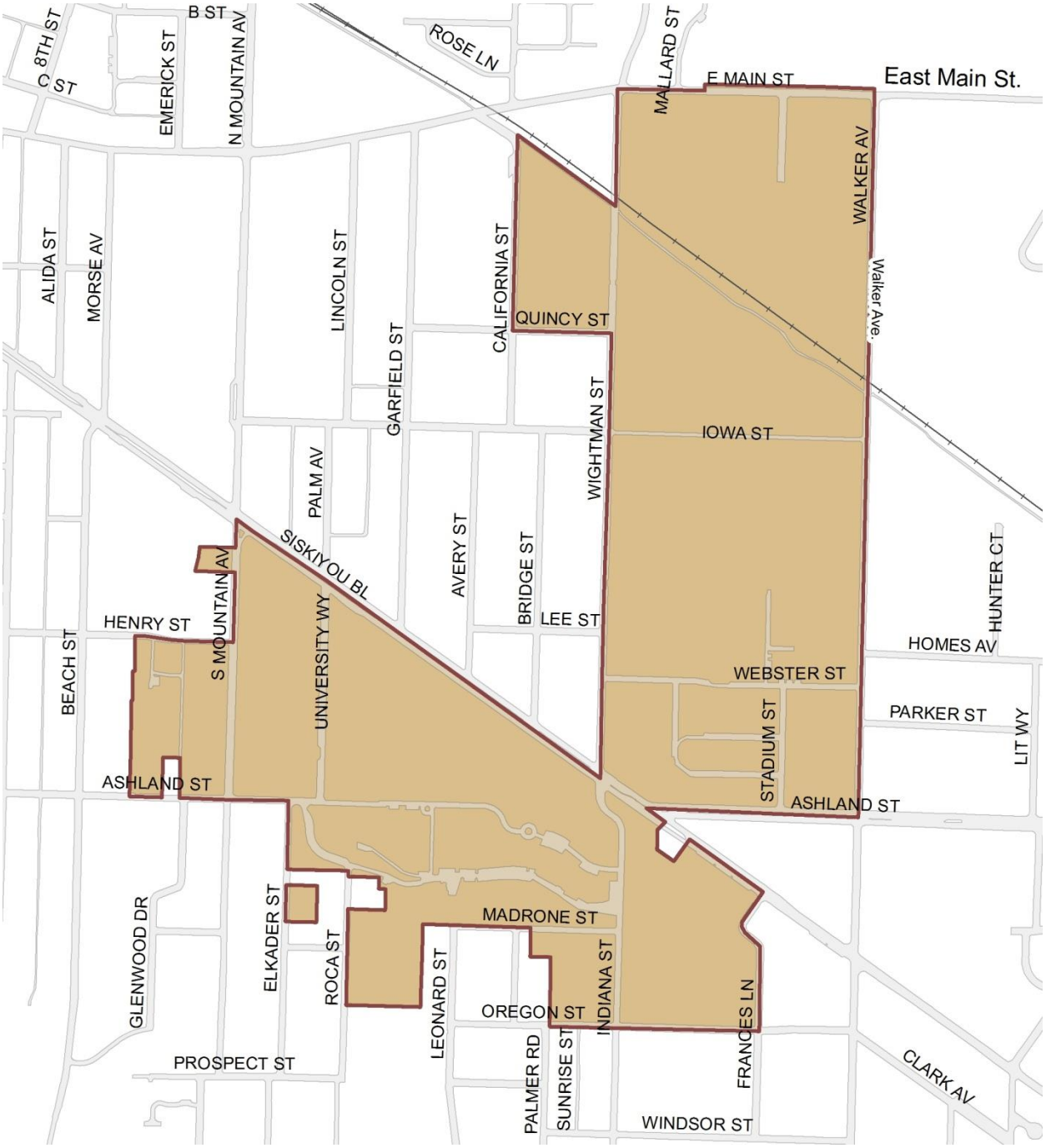


Figure 18.3.6.020
Southern Oregon University District

18.3.6.030 Permitted Uses

Permitted uses are as follows.

A. Uses permitted outright are all those which are directly related to the educational functions of SOU, provided that such uses are indicated and located in conformance with the adopted and City approved SOU Plan, and are greater than 50 feet from privately owned property.

B. Wireless Communication Facilities authorized pursuant to chapter 18.4.10 Wireless Communication Facilities.

18.3.6.040 Conditional Uses

Uses subject to approval of a conditional use permit, per chapter 18.5.4, are as follows.

A. Any use, site design, or construction or alteration of same not agreed upon in advance by the City and SOU in the SOU Plan.

B. Any use, site design, or construction within 50 feet of privately owned property.

C. Any construction over 40 feet in height.

D. Wireless Communication Facilities not permitted outright and authorized pursuant to chapter 18.4.10 Wireless Communication Facilities.

Chapter 18.3.7 – Airport Overlay

Sections:

18.3.7.010 Purpose
18.3.7.020 Applicability
18.3.7.030 Airport Overlay Regulations

18.3.7.010 Purpose

The Airport Overlay is intended to be applied to properties that lie within close proximity to the Ashland Airport where aircraft are likely to be flying at relatively low elevations. Further, the zone is intended to prevent the establishment of airspace obstructions in such areas through height restrictions and other land use controls. Application of the overlay zone does not alter the requirements of the parent zone except as specifically provided herein.

18.3.7.020 Applicability

This chapter applies to properties located in the Airport Overlay (A) on the Zoning map. In addition to the provisions of this ordinance, the requirements of section 18.3.7.030 Airport Overlay Regulations apply within the A Overlay.

18.3.7 – Airport Overlay

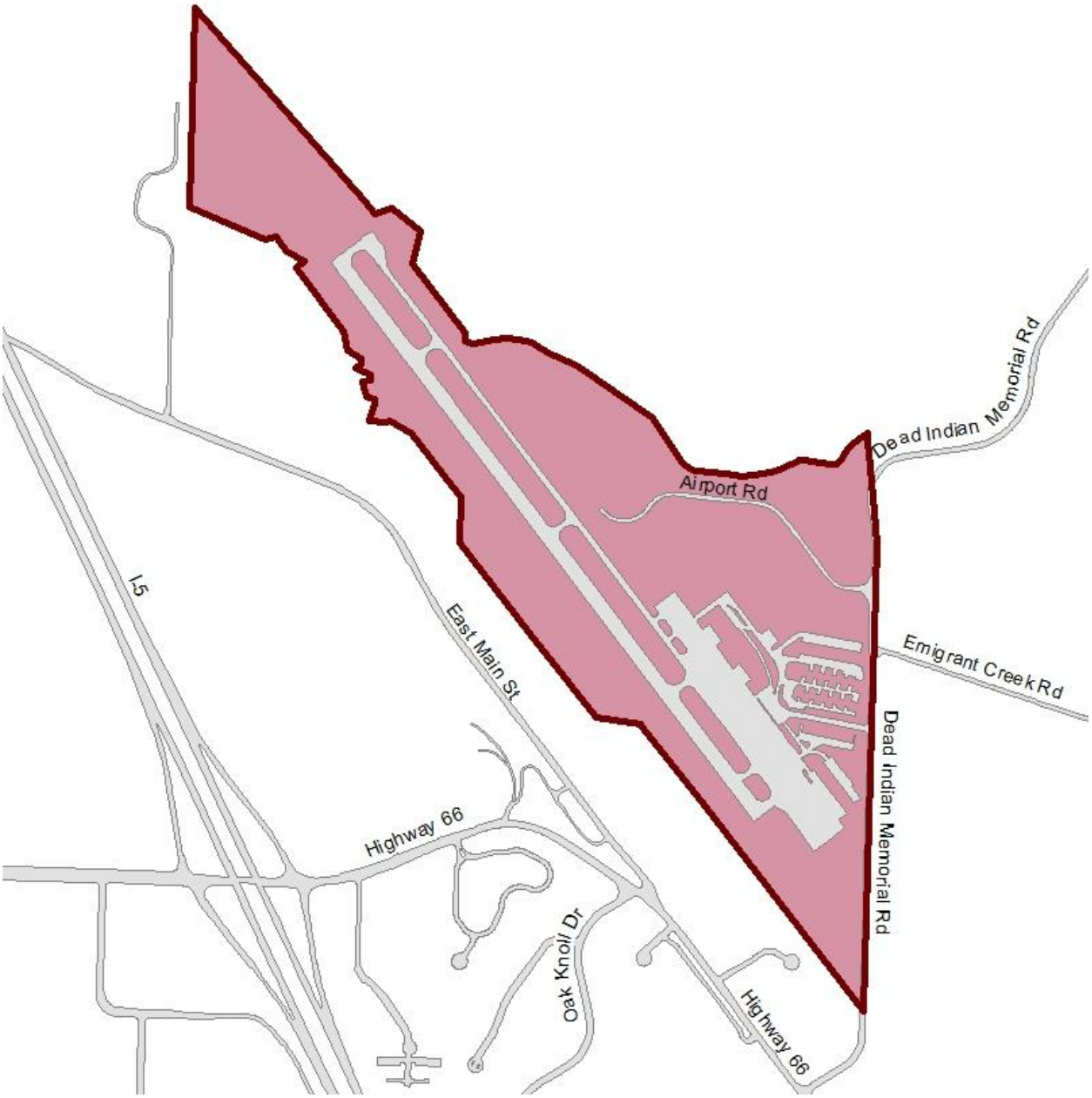


Figure 18.3.7.020
Airport Overlay

18.3.7.030 Airport Overlay Regulations

A. Residential uses are not permitted, unless approved pursuant to chapter 18.5.4 Conditional Use Permits.

B. The maximum height of structures, trees or other airspace obstructions shall comply with the FAR 77 Height Restrictions, which limit height as a conic section in relation to the runway and its approach as detailed in the adopted Ashland Municipal Airport Master Plan's "Airspace Plan", and shall not exceed the height allowed in the underlying zoning.

C. All planning actions will require, as a condition of approval that the applicant sign an agreement with the City agreeing that airport noise is likely to increase in the future and that they waive all rights to complain about airport noise.

D. Activities associated with tree trimming or removal are exempt from tree removal permit requirements as provided in AMC 18.5.7.020.C.10. The City may top any tree that is in excess of those maximum heights listed in section 18.3.7.030.B, or locate appropriate lights or markers on those trees as a warning to the operators of aircraft.

E. No use shall be made of land or water within any of this zone in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise create a hazard which may in any way endanger the landing, takeoff, or maneuvering of aircraft using the airport.

F. Construction or assembly of an aircraft hangar is exempt from Site Design Review 18.5.2.020, but requires approval of a Ministerial Action/Permit. The permit is to verify that the proposed hangar is within a pre-determined location identified in the adopted Ashland Municipal Airport Master Plan for conventional, executive or T-hangars, and is constructed in compliance with Ashland Municipal Airport design and material standards.

Chapter 18.3.8 Freeway Sign Overlay

Sections:

18.3.8.010 Purpose
18.3.8.020 Applicability
18.3.8.030 Freeway Sign Overlay Regulations

18.3.8.010 Purpose

The Freeway Sign Overlay provides for and regulates certain ground signs that identify businesses in commercial districts located at freeway interchanges.

18.3.8.020 Applicability

This chapter applies to properties located in the Freeway Sign Overlay (FS) on the Zoning Map. In addition to the provisions of chapter 18.4.7 Signs, the requirements of section 18.3.8.030 Freeway Sign Overlay Regulations apply within the FS Overlay.

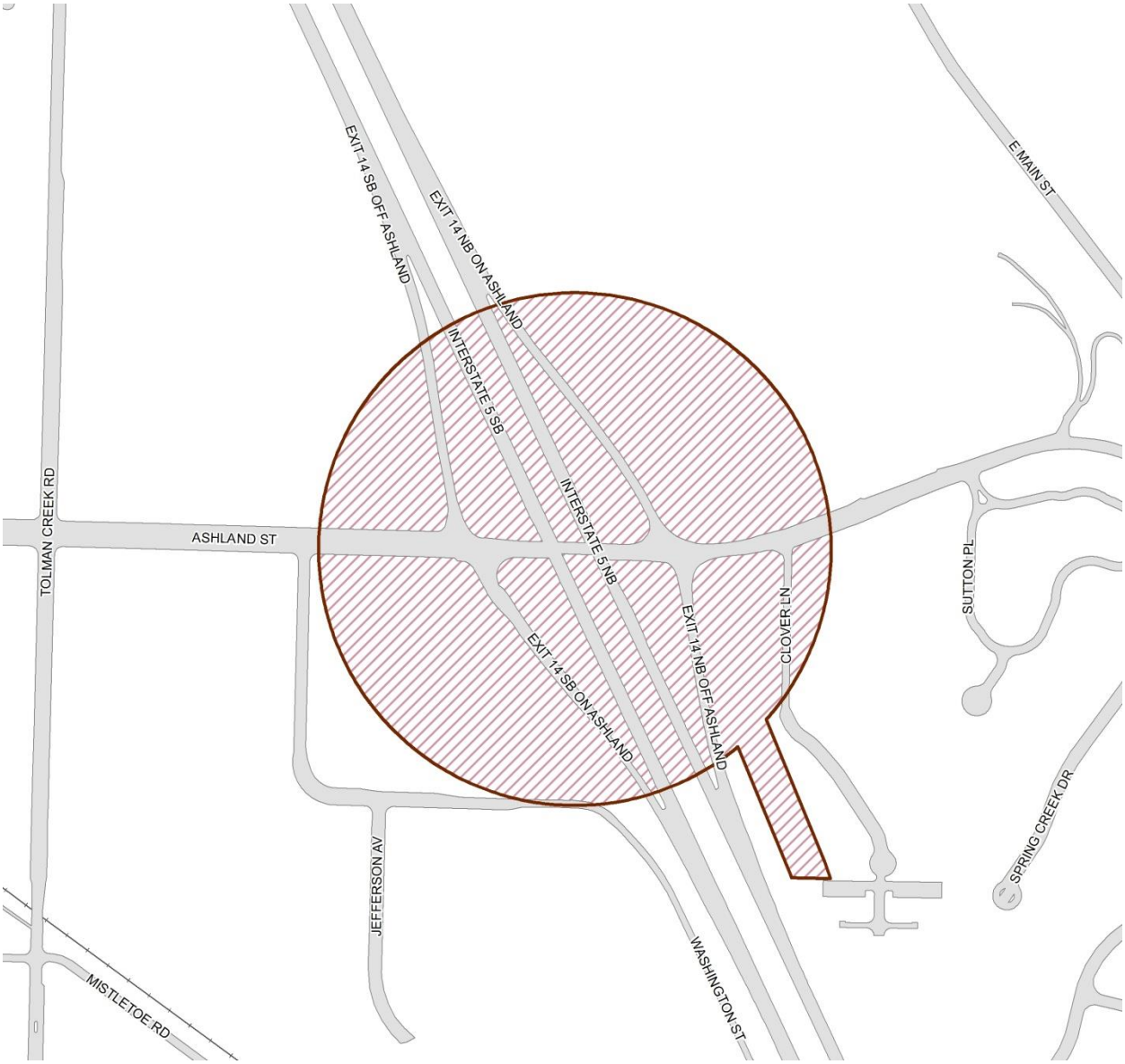


Figure 18.3.8.020
Freeway Sign Overlay

18.3.8 – Freeway Sign Overlay

18.3.8.030 Freeway Sign Overlay Regulations

The following regulations apply within the FS Overlay.

1. One freeway sign shall be permitted for each lot in addition to the signs allowed by chapter 18.4.7 Signs.
2. Signs shall not exceed an area of 100 square feet per sign.
3. Signs shall not exceed a height of 2,028 feet above mean sea level.

Chapter 18.3.9 – Performance Standards Option and PSO Overlay

Sections:

18.3.9.010 Purpose
18.3.9.020 Applicability
18.3.9.030 PSO Overlay
18.3.9.040 Review Procedures and Criteria
18.3.9.050 Performance Standards for Residential Developments
18.3.9.060 Parking Standards
18.3.9.070 Setbacks
18.3.9.080 Performance Standards Guidelines

18.3.9.010 Purpose

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.

18.3.9.020 Applicability

Developments exercising the Performance Standards option, including developments that are required to apply the option pursuant to this ordinance, shall meet the provisions of this chapter and all other applicable sections of this ordinance; except that developments subject to this chapter are not required to meet the minimum lot size, lot width, lot depth, and setback standards of part 18.2, and other standards as specifically provided by this chapter. The Performance Standards option may be used to divide residential and non-residential zoned land.

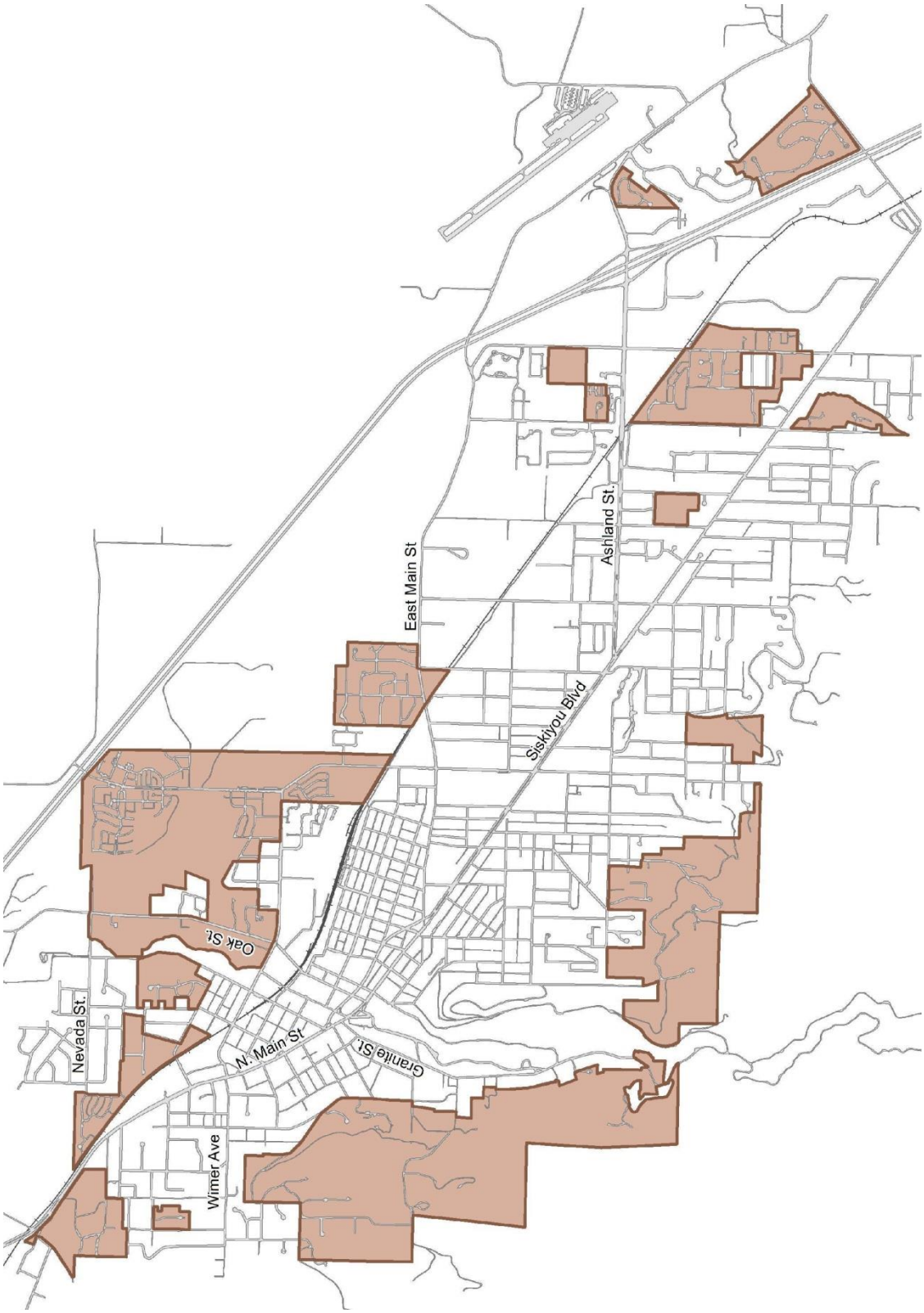


Figure 18.3.9.020

Performance Standards Option Overlay

18.3.9.030 PSO-Overlay

A. Purpose. The purpose of the PSO overlay is to distinguish between those areas that have been largely developed under the subdivision code, and those areas, which, due to the undeveloped nature of the property, sloping topography, or the existence of vegetation or natural hazards, are more suitable for development under Performance Standards.

B. Applicability. This chapter applies to properties located in the Performance Standards Option Overlay (PSO) as depicted on the Zoning Map. All developments in the PSO overlay, other than partitions and development of individual dwelling units, shall be processed under this chapter. The minimum number of dwelling units for a Performance Standards Subdivision within residential zoning districts is three.

C. Permitted Uses. In a PSO overlay, the granting of the application shall be considered an outright permitted use, subject to review by the Planning Commission for compliance with the standards set forth in this ordinance and the guidelines adopted by the City Council.

D. Development Outside PSO-overlay. If a parcel is not in a PSO overlay, then development under this chapter may only be approved if one or more of the following conditions exist.

1. The parcel is larger than two acres and is greater than 200 feet in average width.
2. 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.
3. The property is zoned R-2, R-3 or CM.

18.3.9.040 Review Procedures and Criteria

Review Steps. There are two required steps to Performance Standards Options and PSO Overlay approval, which may be completed individually or combined for concurrent review pursuant to 18.3.9.040.A.

1. Application for outline plan approval.
2. Application final plan approval.

Permitting and guarantees for public improvements, including bonding, and the creation of common areas shall follow the same procedures as for a subdivision.

A. Outline Plan. A proposed Outline Plan shall accompany applications for subdivision approval under this chapter. For developments of fewer than ten lots, the Outline Plan may be filed concurrently with the Final Plan, as that term is defined in 18.3.9.040.B.4. For developments of ten or more lots, prior Outline Plan approval is mandatory.

1. Review Procedure. The Type II procedure in section 18.5.1.060 shall be used for the approval of the outline plan.
2. Application Submission Requirements. The following information is required for a Performance

Standards Subdivision Outline Plan application submittal.

a. A topographic map showing contour intervals of five feet.

b. The proposed land uses and approximate locations of the existing buildings to be retained, the proposed structures on the site, the proposed and existing property lines and easements on the site, and existing buildings, structures, and trees greater than six inches in diameter measured at breast height on the properties adjacent to the site, and all buildings within 160 feet of the site boundaries.

c. The locations of all proposed thoroughfares, walkways, and parking facilities.

d. Public uses, including schools, parks, playgrounds, open spaces, and trails.

e. Public or private utilities.

f. General areas of cuts and fill.

g. The location of natural features such as rock outcroppings, marshes, wooded areas, and isolated preservable trees.

h. The location and direction of all watercourses and areas subject to flooding.

i. Plans shall indicate building envelopes for all proposed lots, which show the area and maximum height of improvements, including solar access and view protection where required.

j. Elevations of typical proposed residential structures. Elevations should be to scale and should include the approximate dimensions of the proposed structures and all attached exterior hardware for heating and cooling.

k. A written statement containing an explanation of:

   i. The character of the proposed development and the manner in which it has been designed to take advantage of the Performance Standards concept.

   ii. The proposed manner of financing.

   iii. The present ownership of all the land included within the development.

   iv. The method proposed to maintain common open areas, buildings and private thoroughfares.

   v. The proposed time schedule of the development.

   vi. The findings of the applicant showing that the development meets the criteria set forth in this ordinance and the Comprehensive Plan.

3. Approval Criteria for Outline Plan. The Planning Commission shall approve the outline plan when it finds all of the following criteria have been met.

   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 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 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.

4. Approval of the Outline Plan.

a. After the City approves an outline plan and adopts any zone change necessary for the development, the developer may then file a final plan in phases or in its entirety.

b. If an outline plan is phased, 50 percent of the value of the recreational amenities shall be provided in the first phase and all recreational amenities shall be provided when 2/3 of the units are finished.

B. Final Plan

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

2. Phasing. The final plan may be filed in phases as approved on the outline plan.

3. Expiration. If the final plan or the first phase of the outline plan is not approved within 18 months from the date of the approval of the outline plan, then the approval of the plan is terminated and void and of no effect whatsoever.

4. Application Submission Requirements. The following information is required for a Performance Standards Subdivision Final Plan application submittal.

a. A topographic map showing contour intervals of five feet.

b. Location of all thoroughfares and walks, their widths and nature of their improvements, and whether they are to be public or private.

c. Road cross-sections and profiles, clearly indicating the locations of final cuts and fills, and road grades.

d. The location, layout, and servicing of all off-street parking areas.

e. The property boundary lines.

f. The individual lot lines of each parcel that are to be created for separate ownership.

g. The location of easements for water line, fire hydrants, sewer and storm sewer lines, and the location of the electric, gas, telephone lines, telephone cable, and lighting plans.

h. Landscaping and tree planting plans with the location of the existing trees and shrubs which are to be retained, and the method by which they are to be preserved.

i. Common open areas and spaces, and the particular uses intended for them.

j. Areas proposed to be conveyed, dedicated, reserved or used for parks, scenic ways, playgrounds, schools or public buildings.

k. A plan showing the following for each existing or proposed building or structure for all sites except single-family, detached housing which meets the parent zone setbacks.

   i. Its location on the lot and within the Planned Unit Development.

   ii. Its intended use.

   iii. The number of dwelling units in each residential building.

   iv. Plans shall indicate building envelopes for all proposed lots, which show the area and maximum height of improvements, including solar access and view protection where required.

l. Elevations of typical proposed residential structures. Elevations should be to scale and should include the approximate dimensions of the proposed structures and all attached exterior hardware for heating and cooling.

m. Manner of financing.

n. Development time schedule.

o. If individual lots are to be sold, a final plat is required, similar to that required for a subdivision, per chapter 18.5.3 Land Divisions and Property Line Adjustments.

p. Final plans for location of water, sewer, drainage, electric and cable T.V. facilities, and plans for street improvements and grading or earth-moving improvements.

q. The location of all trees over six inches diameter at breast height, which are to be removed by the developer. Such trees are to be tagged with flagging at the time of Final Plan approval. See also, chapter 18.4.5 Tree Preservation and Protection.

5. Approval Criteria for Final Plan. Final Plan approval shall be granted upon finding of substantial conformance with the Outline Plan. This substantial conformance provision is intended solely to facilitate the minor modifications from one planning step to another. Substantial conformance shall exist when comparison of the outline plan with the final plan meets all of the following criteria.

   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 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 open space reduced below that permitted in the outline plan.

6. Any substantial amendment to an approved Final Plan shall follow a Type I procedure in section 18.5.1.050 and be reviewed in accordance with the above criteria.

18.3.9.050 Performance Standards for Residential Developments

A. Base Densities. The density of the development shall not exceed the density established by this section. The density shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. Fractional portions of the final answer, after bonus point calculations, shall not apply towards the total density.

1. The base density, for purposes of determining density bonuses allowed under this section, is as provided in Table 18.3.9.050.

Table 18.3.9.050 Base Densities for Determining Allowable Density Bonus with Performance Standards Option

Zone	***Allowable Density (dwelling units per acre)***
WR-2	0.30 du/acre
WR-2.5	0.24 du/acre
WR-5	0.12 du/acre
WR-10	0.06 du/acre
WR-20	0.03 du/acre
RR-1	0.60 du/acre
RR-.5	1.2 du/acre
R-1-10	2.40 du/acre
R-1-7.5	3.60 du/acre
R-1-5	4.50 du/acre
R-1-3.5	7.2 du/acre
R-2	13.5 du/acre
R-3	20 du/acre

2. Open Space Required. All developments with a base density of ten units or greater shall be required to provide a minimum of five percent of the total lot area in Open Space; that area is not subject to bonus point calculations, however, density bonuses shall be awarded to open space areas in excess of the five percent required by this subsection.

B. Density Bonus Point Calculations. The permitted base density shall be increased by the percentage gained through bonus points. In no case shall the density exceed that allowed under the Comprehensive Plan. The maximum density bonus permitted shall be 60 percent (base density x 1.6), pursuant to the following criteria.

1. Conservation Housing. A maximum 15 percent bonus is allowed. One-hundred percent of the homes or residential units approved for development, after bonus point calculations, shall meet the minimum requirements for certification as a Earth Advantage home, as approved by the Ashland Conservation Division under the City' s Earth Advantage program as adopted by resolution 2006-06.

2. Provision of Common Open Space. A maximum ten percent bonus is allowed, pursuant to the following.

   a. *Purpose.* Common open spaces may be provided in the form of natural areas, wetlands, playgrounds, active or passive recreational areas, and similar areas in common ownership. All areas set aside for common open space may be counted for base density, unless otherwise excluded by subsection 18.3.9.050.A.2. However, for the purposes of awarding density bonus points, the Planning Commission shall consider whether or not the common open space is a significant amenity to project residents, and whether project residents will realistically interact with the open space on a day-to-day basis. The purpose of the density bonus for common open space is to permit areas, which could otherwise be developed, or sold as individual lots, to be retained in their natural state or to be developed as a recreational amenity. It is not the purpose of this provision to permit density bonuses for incidental open spaces that have no realistic use by project residents on a day-to-day basis.

   b. *Standard.* Developments with fewer than ten units that provide more than two percent of the project area for common open space, or for developments of ten units or greater that provide more than five percent open space, a one percent bonus shall be awarded for each one percent of the total project area in common open space.

3. Provision of Major Recreational Facilities. A maximum ten percent bonus is allowed, pursuant to the following.

   a. *Purpose.* Points may be awarded for the provision of major recreational facilities such as tennis courts, swimming pools, playgrounds, or similar facilities.

   b. *Standard.* For each percent of total project cost devoted to recreational facilities, a six percent density bonus may be awarded up to a maximum of ten percent bonus. Total project cost shall be defined as the estimated sale price or value of each residential unit times the total number of units in the project. Estimated value shall include the total market value for the structure and land. A qualified architect or engineer shall prepare the cost of the recreational facility using current costs of recreational facilities.

4. Affordable Housing. A maximum bonus of 35 percent is allowed. Developments shall receive a

density bonus of two units for each affordable housing unit provided. Affordable housing bonus shall be for residential units that are guaranteed affordable in accordance with the standards of section 18.2.5.050 Affordable Housing Standards.

18.3.9.060 Parking Standards

All development under this chapter shall conform to the following parking standards, which are in addition to the requirements of chapter 18.4.3 Parking, Access, and Circulation.

A. On-Street Parking Required. At least one on-street parking space per dwelling unit shall be provided, in addition to the off-street parking requirements for all developments in an R-1 zone and for all developments in R-2 and R-3 zones that create or improve public streets.

B. On-Street Parking Standards. On-street parking spaces shall be immediately adjacent to the public right-of-way on publicly or association-owned land and be directly accessible from public right-of-way streets. On-street parking spaces shall be located within 200 feet of the dwelling that it is intended to serve. In addition, on-street public parking may be provided pursuant to minimum criteria established under subsection 18.4.3.060.A.

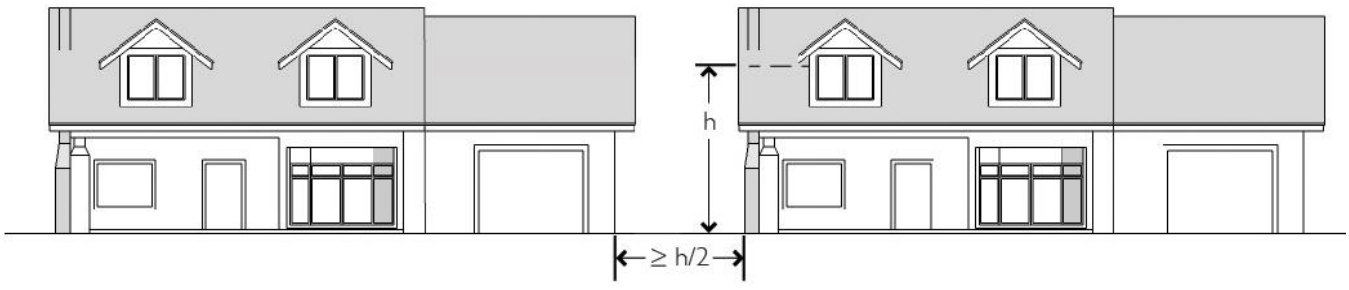
C. Signing of Streets. The installation of "No Parking" signs regulating parking in the public right-of-way and any other signs related to the regulation of on-street parking shall be consistent with the Street Standards in 18.4.6.030, and shall be consistent with the respective City planning approval.

18.3.9.070 Setbacks

All development under this chapter shall conform to the following setback standards, which are in addition to the requirements of the applicable zone.

A. Front Yard Setback. Front yard setbacks shall follow the requirements of the underlying district.

B. Building Separation. The minimum separation between two buildings must be half of the height of the tallest building, where building height is measured at the two closest exterior walls, and the maximum required separation is 12 feet. See Figure 18.3.9.070.B. See also, definitions of height of building or structure. and grade or ground level in part 18.6. This standard does not apply to non-residential zoning districts including C-1, C-1-D, E-1, CM, and M-1.



Note: Maximum required building separation is 12 feet.

Figure 18.3.9.070.B
Building Separation

C. Solar Setback. Solar setbacks shall meet the requirements of 18.4.8.

D. Perimeter Setback. Setbacks along the perimeter of the development shall have the same setbacks as required in the parent zone.

E. Building Envelope for Single-Family Structure. Any single-family structure not shown on the plan must meet the setback requirements established in the building envelope on the Outline Plan.

18.3.9.080 Performance Standards Guidelines

The City Council may adopt guidelines for Performance Standards developments by ordinance, following a Legislative public hearing held by the Planning Commission. These guidelines may contain the following.

A. Minimum standards for Performance Standards developments, including energy and water efficient housing standards; turn-around and other street standards; and minimum landscaping and design standards.

B. Methods of achieving bonuses recommended by the Council.

C. Additional standards and recommendations regarding project and unit design and layout, landscaping, street furniture, and other aesthetic considerations.

D. Interpretations of the intent and purpose of this chapter, applied to specific examples.

E. Other informational or educational materials the Council deems advisable.

Chapter 18.3.10 – Physical and Environmental Constraints Overlay

Sections:

18.3.10.010 Purpose and Intent
18.3.10.020 Applicability
18.3.10.030 Review Procedure
18.3.10.040 Application Submission Requirements
18.3.10.050 Approval Criteria
18.3.10.060 Land Classifications
18.3.10.070 Official Maps
18.3.10.080 Development Standards for Flood Plain Corridor Lands
18.3.10.090 Development Standards for Hillside Lands
18.3.10.100 Development Standards for Wildfire Lands
18.3.10.110 Development Standards for Severe Constraint Lands
18.3.10.120 Density Transfer
18.3.10.130 Penalties

18.3.10.010 Purpose and Intent

The purpose of this chapter is to provide for safe, orderly, and beneficial development of districts characterized by diversity of physiographic conditions and significant natural features; to limit alteration of topography and reduce encroachment upon, or alteration of, any natural environment and; to provide for sensitive development in areas that are constrained by various natural features. Physiographic conditions and significant natural features can be considered to include, but are not limited to: slope of the land, natural drainage ways, wetlands, soil characteristics, potential landslide areas, natural and wildlife habitats, forested areas, significant trees, and significant natural vegetation.

18.3.10.020 Applicability

A. Physical Constraints Review Permit. A Physical Constraints Review Permit is required for the following activities in the land classifications in section 18.3.10.060.

1. Alteration of Land. The alteration of the land surface by any of the following activities in areas identified as Flood Plain Corridor Land, Hillside Land, or Severe Constraint Land.
    a. Earth-moving activities such as grading, filling, stripping, or cutting involving more than 20 cubic yards on any lot, or earth-moving activity disturbing a surface area greater than 1000 square feet on any lot.
    b. Construction of a building, road, driveway, parking area, or other structure; except that additions to existing buildings of less than 300 square feet to the existing building footprint shall not be considered development for section 18.3.10.090 Development Standards for Hillside Lands.
    c. Culverting or diversion of any stream designated by chapter 18.3.10.
2. Special Flood Hazard Area. All activities located within an area of special flood hazard are subject to the provisions for a Development Permit under AMC 15.10 Flood Damage and

Prevention Regulations.

3. Tree Removal.

   a. *Flood Plain Corridor Land.* The following tree removal activities in areas identified as Flood Plain Corridor Land. See also, subsection 18.3.11.050.A.1 for tree pruning and removal standards in water resource protection zones.

      i. The removal of three or more living trees of over six inches DBH, or the removal of five percent of the total number of living or dead trees over six inches DBH, whichever is greater, on any lot within five year period, or any form of commercial logging.

      ii. The removal of one or more living conifers greater than two feet DBH, or living broadleaf trees greater than one foot DBH.

   b. *Hillside Land and Severe Constraints Land.* Tree removal, in areas identified as Hillside Land and Severe Constraint Land, except that a permit need not be obtained for tree removal that is not associated with development, and done for the purposes of wildfire management and carried out in accord with a Fire Prevention and Control Plan approved by the Fire Chief.

   c. *Commercial Logging.* Commercial logging in areas identified as Flood Plain Corridor Land, Hillside Land, or Severe Constraint Land.

B. The land classifications in section 18.3.10.060 determine the development standards that are applicable to property. Where this chapter and any other ordinances (e.g., 18.3.11 Water Resources Protection Overlay), easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

18.3.10.030 Review Procedure

A. If a development is part of a Site Design Review, Performance Standards Development, Conditional Use Permit, Subdivision, Partition, or any other planning action, the Physical Constraints Review Permit shall be reviewed simultaneously as a consolidated procedure.

B. If a development is exclusive of any other planning action, then the Physical Constraints Review Permit shall be processed as a Type I in section 18.5.1.050.

C. Where it appears that the proposal is part of a more extensive development that would require a master site plan, or other planning action, the Staff Advisor shall require that all necessary applications be filed simultaneously.

18.3.10.040 Application Submission Requirements

The following information is required for a Physical Constraints Review Permit application:

A. Project name.

B. Vicinity map.

C. Scale (the scale shall be at least one inch equals 50 feet or larger) utilizing the largest scale that fits on 22-inch by 34-inch paper. Multiple plans or layers shall be prepared at the same scale, excluding

detail drawings. The Staff Advisor may authorize different scales and plan sheet sizes for projects, provided the plans provide sufficient information to clearly identify and evaluate the application request.

D. North arrow.

E. Date.

F. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development.

G. Lot layout with dimensions for all lot lines.

H. Location and use of all proposed and existing buildings, fences, and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.

I. Location and size of all public utilities affected by the proposed development.

J. Location of drainage ways or public utility easements in and adjacent to the proposed development, and location of all other easements.

K. Topographic map of the site at a contour interval of not less than two feet nor greater than five feet. The topographic map shall also include a slope analysis, indicating buildable areas, as shown in Figure 18.3.10.040.K.

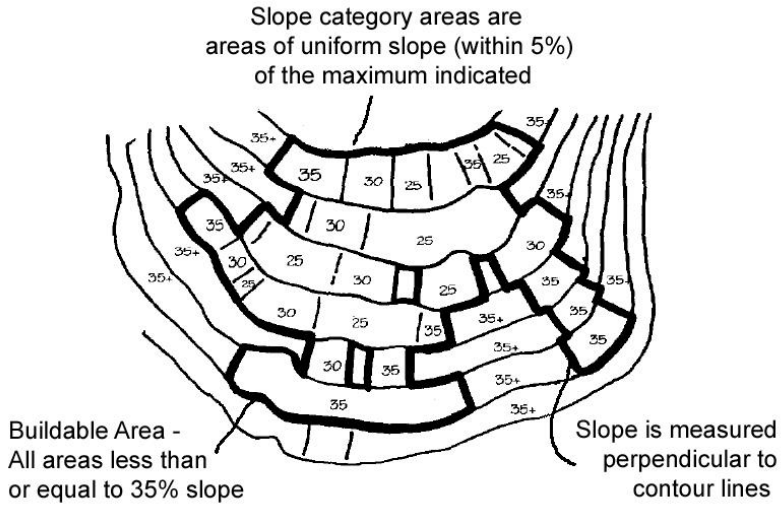


Figure 18.3.10.040.K
Slope Analysis

L. Location of all parking areas and spaces, ingress and egress on the site, and on-site circulation

M. Accurate locations of all existing natural features including, but not limited to, all trees as required in 18.3.10.090.D.1, including those of a caliper equal to or greater than six inches in diameter at breast height (DBH), native shrub masses with a diameter of ten feet or greater, natural drainage, swales, wetlands, ponds, springs, or creeks on the site, and outcroppings of rocks, boulders, etc. Natural features on adjacent properties potentially impacted by the proposed development shall also be included, such as trees with drip-lines extending across property lines. In forested areas, it is necessary to identify only those trees that will be affected or removed by the proposed

development. Indicate any contemplated modifications to a natural feature, including trees, method of erosion control, water runoff control, and proposed tree protection for the development as required by this chapter.

N. Building envelopes for all existing and proposed new parcels that contain only buildable area, as defined by this chapter.

O. Location of all irrigation canals and major irrigation lines.

P. Location of all areas of land disturbance, including cuts, fills, driveways, building sites, and other construction areas. Indicate total area of disturbance, total percentage of project site proposed for disturbance, and maximum depths and heights of cuts and fill.

Q. Location for storage or disposal of all excess materials resulting from cuts associated with the proposed development.

R. Applicant name, firm preparing plans, person responsible for plan preparation, and plan preparation dates shall be indicated on all plans.

S. Proposed timeline for development based on estimated date of approval, including completion dates for specific tasks.

T. Additional plans and studies as required in sections 18.3.10.080, 18.3.10.090, 18.3.10.100 and 18.3.10.110 of this chapter.

18.3.10.050 Approval Criteria

An application for a Physical Constraints Review Permit is subject to the Type I procedure in section 18.5.1.050 and shall be approved if the proposal meets all of the following criteria.

A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.

B. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.

C. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.

18.3.10.060 Land Classifications

The following factors shall be used to determine the classifications of various lands and their constraints to building and development on them.

A. Flood Plain Corridor Lands. Lands with potential stream flow and flood hazard. The following lands are classified as Flood Plain Corridor Lands.

1. All land contained within the 100-year Flood Plain as defined by the Federal Insurance Administration and identified in the Flood Insurance Map (FIRM) adopted by the City Council as

provided for in AMC 15.10.

2. All land within the area defined as Flood Plain Corridor Land in maps adopted by the Council as provided for in section 18.3.10.070 Official Maps.
3. All lands which have physical or historical evidence of flooding in the historical past.
4. All areas within 20 feet (horizontal distance) of any stream identified as a Riparian Preservation Creek on the Physical and Environmental Constraints Floodplain Corridor Lands map adopted pursuant to section 18.3.10.070 Official Maps.
5. All areas within ten feet (horizontal distance) of any stream identified as a Land Drainage Corridor on the Physical and Environmental Constraints Floodplain Corridor Lands maps adopted pursuant to section 18.3.10.070 Official Maps.

B. Hillside Lands. Hillside Lands are lands that are subject to damage from erosion and slope failure, and which include areas that are highly visible from other portions of the city. The following lands are classified as Hillside Lands: All areas defined as Hillside Lands on the Physical and Environmental Constraints Hillside Lands and Severe Constraints map and which have a slope of 25 percent or greater.

C. Wildfire Lands. Lands with potential of wildfire. The following lands are classified as Wildfire Lands: All areas defined as wildfire lands on the Physical and Environmental Constraints Wildfire Lands map.

D. Severe Constraint Lands. The following lands are classified as Severe Constraint Lands, which have characteristics that severely limit normal development.

1. All areas that are within the floodway channels, as defined in AMC 15.10.
2. All lands with a slope greater than 35 percent.

E. Classifications Cumulative. The above classifications are cumulative in their effect and, if a parcel of land falls under two or more classifications, it shall be subject to the regulations of each classification. Those restrictions applied shall pertain only to those portions of the land being developed and not necessarily to the whole parcel.

18.3.10.070 Official Maps

A. The City Council shall adopt official maps denoting the above-identified areas. Substantial amendments of these maps shall be a Type III procedure in section 18.5.1.070.

B. Minor amendments of the maps to correct mapping errors when the amendments are intended to more accurately reflect the mapping criteria contained in this chapter or in the findings of the Council in adopting an official map may be processed as a Type I procedure in section 18.5.1.050.

18.3.10.080 Development Standards for Flood Plain Corridor Lands

For all land use actions that could result in development of the Flood Plain Corridor, the following is required in addition to any requirements of AMC 15.10.

A. Standards for Fill in Flood Plain Corridor Lands.

1. Fill shall be designed as required by the Oregon Structural Specialty Code (OSSC), and Oregon Residential Specialty Code (ORSC), where applicable.
2. The toe of the fill shall be kept at least ten feet outside of floodway channels, as defined in AMC 15.10, and the fill shall not exceed the angle of repose of the material used for fill.
3. The amount of fill in the Flood Plain Corridor shall be kept to a minimum. Fill and other material imported from off the lot that could displace floodwater shall be limited to the following.
    a. Poured concrete and other materials necessary to build permitted structures on the lot.
    b. Aggregate base and paving materials, and fill associated with approved public and private street and driveway construction.
    c. Plants and other landscaping and agricultural material.
    d. A total of 50 cubic yards of other imported fill material.
    e. The above limits on fill shall be measured from April 1989, and shall not exceed the above amounts. These amounts are the maximum cumulative fill that can be imported onto the site, regardless of the number of permits issued.
4. If additional fill is necessary beyond the permitted amounts in subsection 18.3.10.080.A.3, above, then fill materials must be obtained on the lot from cutting or excavation only to the extent necessary to create an elevated site for permitted development. All additional fill material shall be obtained from the portion of the lot in the Flood Plain Corridor.
5. Adequate drainage shall be provided for the stability of the fill.
6. Fill to raise elevations for a building site shall be located as close to the outside edge of the Flood Plain Corridor as feasible.

B. Crossings. A crossing of any waterway identified on the official maps adopted pursuant to section 18.3.10.070 Official Maps (e.g., for streets, property access or utilities) must be designed by an engineer. Stream crossings shall be designed to the standards of AMC 15.10, or where no floodway has been identified, to pass a 100-year flood without any increase in the upstream flood height elevation. The engineer shall consider in the design the probability that the crossing will be blocked by debris in a severe flood, and accommodate expected overflow. The crossing shall be at right angles to the stream channel to the greatest extent possible. Fill for stream crossings shall be kept to the minimum necessary to achieve property access, but is exempt from the limitations in subsection 18.3.10.080.A, above.

C. Elevation of Non-Residential Structures. Non-residential structures shall be flood-proof to the standards in AMC 15.10 to one foot above the elevation contained in the maps adopted by AMC 15.10, or up to the elevation contained in the official maps adopted by section 18.3.10.070 Official Maps, whichever height is greater. Where no specific elevations exist, then they must be flood-proofed to an elevation of ten feet above the stream channel on Ashland, Bear or Neil Creek; to five feet above the stream channel on all other Riparian Preservation Creeks identified on the official maps adopted pursuant to section 18.3.10.070; and three feet above the stream channel on all

other Land Drainage Corridors identified on the official maps adopted pursuant to section 18.3.10.070.

D. Elevation of Residential Structures. All residential structures shall be elevated so that the lowest habitable floor shall be raised to one foot above the elevation contained in the maps adopted in AMC 15.10, or to the elevation contained in the official maps adopted pursuant to section 18.3.10.070 Official Maps, whichever height is greater. Where no specific elevations exist, then they must be constructed at an elevation of ten feet above the stream channel on Ashland, Bear, or Neil Creek; to five feet above the stream channel on all other Riparian Preservation Creeks identified on the official maps adopted pursuant to section 18.3.10.070; and three feet above the stream channel on all other Land Drainage Corridors identified on the official maps adopted pursuant to section 18.3.10.070, or one foot above visible evidence of high flood water flow, whichever is greater. An engineer or surveyor shall certify the elevation of the finished lowest habitable floor prior to issuance of a certificate of occupancy for the structure.

E. Structure Placement. To the maximum extent feasible, structures shall be placed on other than Flood Plain Corridor Lands. In the case where development is permitted in the Flood Plain Corridor area, then development shall be limited to that area which would have the shallowest flooding.

F. Residential Structure Placement. Existing lots with buildable land outside the Flood Plain Corridor shall locate all residential structures outside the Corridor Land, unless 50 percent or more of the lot is within the Flood Plain Corridor. For residential uses proposed for existing lots that have more than 50 percent of the lot in Corridor Land, structures may be located on that portion of the Flood Plain Corridor that is two feet or less below the flood elevations on the official maps, but in no case closer than 20 feet to the channel of a Riparian Preservation Creek identified on the official maps adopted pursuant to section 18.3.10.070. Construction shall be subject to the requirements in subsection 18.3.10.080.D, above.

G. New Non-Residential Structures. New non-residential uses may be located on that portion of Flood Plain Corridor Lands that equal to or above the flood elevations on the official maps adopted in section 18.3.10.070 Official Maps. Second story construction may be cantilevered or supported by pillars that will have minimal impact on the flow of floodwaters over the Flood Plain Corridor for a distance of 20 feet if it does not impact riparian vegetation, and the clearance from finished grade is at least ten feet in height. The finished floor elevation may not be more than two feet below the flood corridor elevations.

H. Building Envelopes. All lots modified by property line adjustments, and new lots created from areas containing Flood Plain Corridor Land, must have building envelopes containing buildable area of a sufficient size to accommodate the uses permitted in the underling zone, unless the action is for open space or conservation purposes. This section shall apply even if the effect is to prohibit further division of lots that are larger than the minimum size permitted in the zoning ordinance.

I. Basements.

1. Habitable basements are not permitted for new or existing structures or additions located within the Flood Plain Corridor.
2. Non-habitable basements, used for storage, parking, and similar uses are permitted for residential structures but must be flood-proofed to the standards of AMC 15.10.

J. Hazardous Chemicals. Storage of petroleum products, pesticides, or other hazardous or toxic chemicals is not permitted in Flood Plain Corridor Lands.

K. Fences. Fences shall be located and constructed in accordance with subsection 18.3.11.050.B.3. Fences shall not be constructed across any waterway or stream identified on the official maps adopted pursuant to section 18.3.10.070 Official Maps. Fences shall not be constructed within any designated floodway.

L. Decks and Other Structures. Decks and structures other than buildings, if constructed on Flood Plain Corridor Lands and at or below the levels specified in subsections 18.3.10.080.C and D, shall be flood-proofed to the standards contained in AMC 15.10.

M. Local Streets and Utilities. Local streets and utility connections to developments in and adjacent to the Flood Plain Corridor shall be located outside of the Flood Plain Corridor, except for crossing the Corridor, except as provided for in chapter 18.3.11 Water Resources Overlay, or in the Flood Plain Corridor as outlined below.

1. Public street construction may be allowed within the Bear Creek Flood Plain Corridor as part of development following the adopted North Mountain Neighborhood Plan. This exception shall only be permitted for that section of the Bear Creek Flood Plain Corridor between North Mountain Avenue and the Nevada Street right-of-way. The new street shall be constructed in the general location as indicated on the neighborhood plan map, and in the area generally described as having the shallowest potential for flooding within the corridor.
2. Proposed development that is not in accord with the North Mountain Neighborhood Plan shall not be permitted to utilize this exception.

18.3.10.090 Development Standards for Hillside Lands

It is the purpose of the Development Standards for Hillside Lands to provide supplementary development regulations to underlying zones to ensure that development occurs in such a manner as to protect the natural and topographic character and identity of these areas, environmental resources, the aesthetic qualities and restorative value of lands, and the public health, safety, and general welfare by insuring that development does not create soil erosion, sedimentation of lower slopes, slide damage, flooding problems, and severe cutting or scarring. It is the intent of these development standards to encourage a sensitive form of development and to allow for a reasonable use that complements the natural and visual character of the City.

A. General Requirements. The following general requirements shall apply in Hillside Lands.

1. Buildable Area. All development shall occur on lands defined as having buildable area. Slopes greater than 35 percent shall be considered unbuildable except as allowed below. Exceptions may be granted to this requirement only as provided in subsection 18.3.10.090.H.
    a. Existing parcels without adequate buildable area less than or equal to 35 percent shall be considered buildable for one unit.
    b. Existing parcels without adequate buildable area less than or equal to 35 percent cannot be subdivided or partitioned.

2. Building Envelope. All newly created lots either by subdivision or partition shall contain a building envelope with a slope of 35 percent or less.
3. New Streets and Driveways. New streets, flag drives, and driveways shall be constructed on lands of less than or equal to 35 percent slope with the following exceptions.
    a. The street is indicated on the Street Dedication map.
    b. The portion of the street, flag drive, or driveway on land greater than 35 percent slope does not exceed a length of 100 feet.
4. Geotechnical Studies. For all applications on Hillside Lands involving subdivisions or partitions, the following additional information is required: A geotechnical study prepared by a geotechnical expert indicating that the site is stable for the proposed use and development. The study shall include the following information.
    a. Index map.
    b. Project description to include location, topography, drainage, vegetation, discussion of previous work and discussion of field exploration methods.
    c. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc., and structural data including bedding, jointing and shear zones, soil depth, and soil structure.
    d. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.
    e. Suitability of site for proposed development from a geologic standpoint.
    f. Specific recommendations for cut and fill slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards.
    g. If deemed necessary by the engineer or geologist to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing subsurface structure, graphic logs with subsurface exploration, results of laboratory test and references.
    h. Signature and registration number of the engineer and/or geologist.
    i. Additional information or analyses as necessary to evaluate the site.
    j. Inspection schedule for the project as required in 18.3.10.090.B.9.
    k. Location of all irrigation canals and major irrigation pipelines.

B. Hillside Grading and Erosion Control. All development on lands classified as Hillside shall provide plans conforming to the following items.

1. All grading, retaining wall design, drainage, and erosion control plans for development on Hillside Lands shall be designed by a geotechnical expert. All cuts, grading or fills shall conform to the International Building Code and be consistent with the provisions of this ordinance. Erosion control measures on the development site shall be required to minimize the solids in runoff from disturbed areas.

2. Timing of Improvements. For development other than single family homes on individual lots, all grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Excavation shall not occur during the remaining wet months of the year. Erosion control measures shall be installed and functional by October 31. Up to 30 day modifications to the October 31 date, and 45 day modification to the May 1 date may be made by the Planning Director, based upon weather conditions and in consultation with the project geotechnical expert. The modification of dates shall be the minimum necessary, based upon evidence provided by the applicant, to accomplish the necessary project goals.

3. Retention in natural state. On all projects on Hillside Lands involving partitions and subdivisions, and existing lots with an area greater than one-half acre, an area equal to 25 percent of the total project area, plus the percentage figure of the average slope of the total project area, shall be retained in a natural state. Lands to be retained in a natural state shall be protected from damage through the use of temporary construction fencing or the functional equivalent. For example, on a 25,000 square feet lot with an average slope of 29 percent, 25%+29%=54% of the total lot area shall be retained in a natural state. The retention in a natural state of areas greater than the minimum percentage required here is encouraged.

4. Grading - Cuts. On all cut slopes on areas classified as Hillside Lands, the following standards shall apply.

    a. Cut slope angles shall be determined in relationship to the type of materials of which they are composed. Where the soil permits, limit the total area exposed to precipitation and erosion. Steep cut slopes shall be retained with stacked rock, retaining walls, or functional equivalent to control erosion and provide slope stability when necessary. Where cut slopes are required to be laid back (1:1 or less steep), the slope shall be protected with erosion control getting or structural equivalent installed per manufacturers specifications, and revegetated.

    b. Exposed cut slopes, such as those for streets, driveway accesses, or yard areas, greater than seven feet in height shall be terraced. Cut faces on a terraced section shall not exceed a maximum height of five feet. Terrace widths shall be a minimum of three feet to allow for the introduction of vegetation for erosion control. Total cut slopes shall not exceed a maximum vertical height of 15 feet. The top of cut slopes not utilizing structural retaining walls shall be located a minimum setback of one-half the height of the cut slope from the nearest property line. See Figure 18.3.10.090.B.4.b.

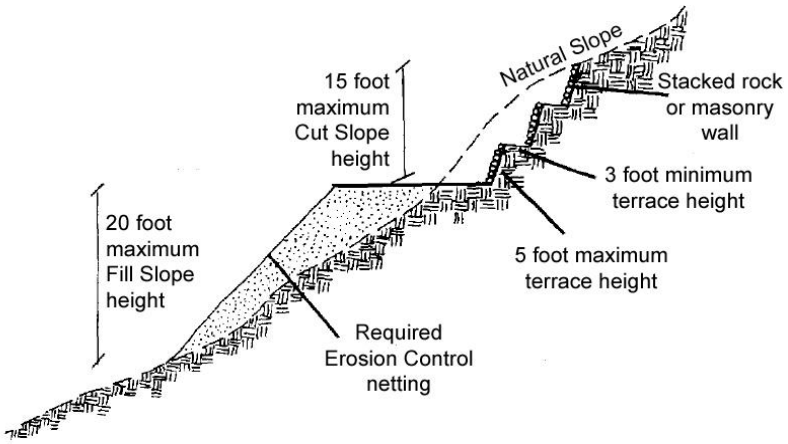


Figure 18.3.10.090.B.4.b
Cut and Fill Slopes

c. Cut slopes for structure foundations which reduce the effective visual bulk, such as split pad or stepped footings, shall be exempted from the height limitations of this section. See Figure 18.3.10.090.B.c.

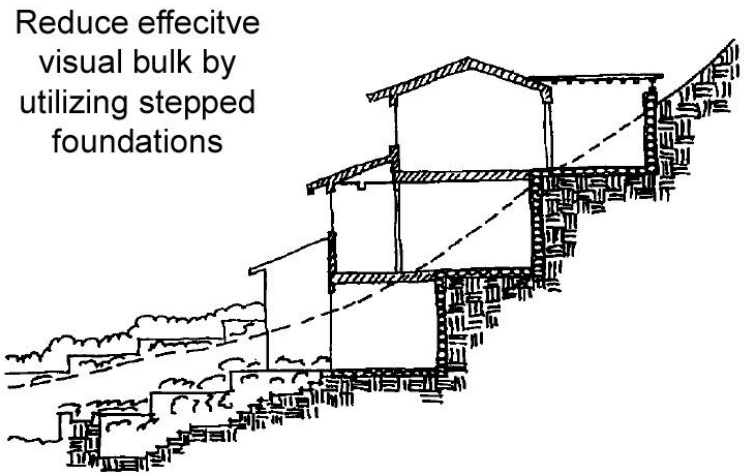


Figure 18.3.10.090.B.4.c
Stepped Foundations

d. Revegetation of cut slope terraces shall include the provision of a planting plan, introduction of top soil where necessary, and the use of irrigation if necessary. The vegetation used for these areas shall be native, or species similar in resource value to native plants, which will survive, help reduce the visual impact of the cut slope, and assist in providing long term slope stabilization. Trees, bush-type plantings, and cascading vine-type plantings may be appropriate.

5. Grading - Fill. On all fill slopes on lands classified as Hillside Lands, the following standards shall apply.

   a. Fill slopes shall not exceed a total vertical height of 20 feet. The toe of the fill slope area not utilizing structural retaining shall be a minimum of six feet from the nearest property line.

b. Fill slopes shall be protected with an erosion control netting, blanket or functional equivalent. Netting or blankets shall only be used in conjunction with an organic mulch such as straw or wood fiber. The blanket must be applied so that it is in complete contact with the soil so that erosion does not occur beneath it. Erosion netting or blankets shall be securely anchored to the slope in accordance with manufacturer's recommendations.

c. Whenever possible, utilities shall not be located or installed on or in fill slopes. When determined that it necessary to install utilities on fill slopes, all plans shall be designed by a geotechnical expert.

d. Revegetation of fill slopes shall utilize native vegetation or vegetation similar in resource value and which will survive and stabilize the surface. Irrigation may be provided to ensure growth if necessary. Evidence shall be required indicating long-term viability of the proposed vegetation for the purposes of erosion control on disturbed areas.

6. Revegetation Requirements. Where required by this chapter, all required revegetation of cut and fill slopes shall be installed prior to the issuance of a certificate of occupancy, signature of a required survey plat, or other time as determined by the hearing authority. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.

7. Maintenance, Security, and Penalties for Erosion Control Measures.

   a. *Maintenance.* All measures installed for the purposes of long-term erosion control, including but not limited to vegetative cover, rock walls, and landscaping, shall be maintained in perpetuity on all areas which have been disturbed, including public rights-of-way. The applicant shall provide evidence indicating the mechanisms in place to ensure maintenance of measures.

   b. *Security.* Except for individual lots existing prior to January 1, 1998, after an Erosion Control Plan is approved by the hearing authority and prior to construction, the applicant shall provide a performance bond or other financial guarantees in the amount of 120 percent of the value of the erosion control measures necessary to stabilize the site. Any financial guarantee instrument proposed, other than a performance bond, shall be approved by the City Attorney. The financial guarantee instrument shall be in effect for a period of at least one year, and shall be released when the Community Development Director and Public Works Director determine, jointly, that the site has been stabilized. All or a portion of the security retained by the City may be withheld for a period up to five years beyond the one year maintenance period if it has been determined by the City that the site has not been sufficiently stabilized against erosion.

8. Site Grading. The grading of a site on Hillside Lands shall be reviewed considering the following factors.

   a. No terracing shall be allowed except for the purposes of developing a level building pad and for providing vehicular access to the pad.

   b. Avoid hazardous or unstable portions of the site.

   c. Avoid hazardous or unstable portions of the site.

   d. Building pads should be of minimum size to accommodate the structure and a reasonable

amount of yard space. Pads for tennis courts, swimming pools and large lawns are discouraged. As much of the remaining lot area as possible should be kept in the natural state of the original slope.

9. Inspections and Final Report. Prior to the acceptance of a subdivision by the City, signature of the final survey plat on partitions, or issuance of a certificate of occupancy for individual structures, the project geotechnical expert shall provide a final report indicating that the approved grading, drainage, and erosion control measures were installed as per the approved plans, and that all scheduled inspections, as per 18.3.10.090.A.4.j were conducted by the project geotechnical expert periodically throughout the project.

C. Surface and Groundwater Drainage. All development on Hillside Lands shall conform to the following standards.

1. All facilities for the collection of stormwater runoff shall be constructed on the site and according to the following requirements:

   a. Stormwater facilities shall include storm drain systems associated with street construction, facilities for accommodating drainage from driveways, parking areas and other impervious surfaces, and roof drainage systems.

   b. Stormwater facilities, when part of the overall site improvements, shall be, to the greatest extent feasible, the first improvements constructed on the development site.

   c. Stormwater facilities shall be designed to divert surface water away from cut faces or sloping surfaces of a fill.

   d. Existing natural drainage systems shall be utilized, as much as possible, in their natural state, recognizing the erosion potential from increased storm drainage.

   e. Flow-retarding devices, such as detention ponds and recharge berms, shall be used where practical to minimize increases in runoff volume and peak flow rate due to development. Each facility shall consider the needs for an emergency overflow system to safely carry any overflow water to an acceptable disposal point.

   f. Stormwater facilities shall be designed, constructed and maintained in a manner that will avoid erosion on-site and to adjacent and downstream properties.

   g. Alternate stormwater systems, such as dry well systems, detention ponds, and leach fields, shall be designed by a registered engineer or geotechnical expert and approved by the Public Works Department or Building Official.

D. Tree Conservation, Protection and Removal. All development on Hillside Lands shall conform to the following requirements.

1. Inventory of Existing Trees. A tree survey at the same scale as the project site plan shall be prepared, which locates all trees greater than six inches diameter at breast height (DBH) identified by DBH, species, approximate extent of tree canopy. In addition, for areas proposed to be disturbed, existing tree base elevations shall be provided. Dead or diseased trees shall be identified. Groups of trees in close proximity (i.e., those within five feet of each other) may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated. All tree surveys shall have an accuracy of plus or minus two feet. The name,

signature, and address of the site surveyor responsible for the accuracy of the survey shall be provided on the tree survey. Portions of the lot or project area not to be disturbed by development need not be included in the inventory.

2. Evaluation of Suitability for Conservation. All trees indicated on the inventory of existing trees shall also be identified as to their suitability for conservation. When required by the hearing authority, the evaluation shall be conducted by a landscape professional. The following factors shall be included in this determination.
   a. *Tree Health.* Healthy trees can better withstand the rigors of development than non-vigorous trees.
   b. *Tree Structure.* Trees with severe decay or substantial defects are more likely to result in damage to people and property.
   c. *Species.* Species vary in their ability to tolerate impacts and damage to their environment.
   d. *Longevity.* Potential longevity.
   e. *Variety.* A variety of native tree species and ages.
   f. *Size.* Large trees provide a greater protection for erosion and shade than smaller trees.
3. Tree Conservation in Project Design. Significant trees (two feet DBH or greater conifers and one foot DBH or greater broadleaf) shall be protected and incorporated into the project design whenever possible.
   a. Streets, driveways, buildings, utilities, parking areas, and other site disturbances shall be located such that the maximum number of existing trees on the site are preserved, while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands. See Figure 18.3.10.090.D.3.a.

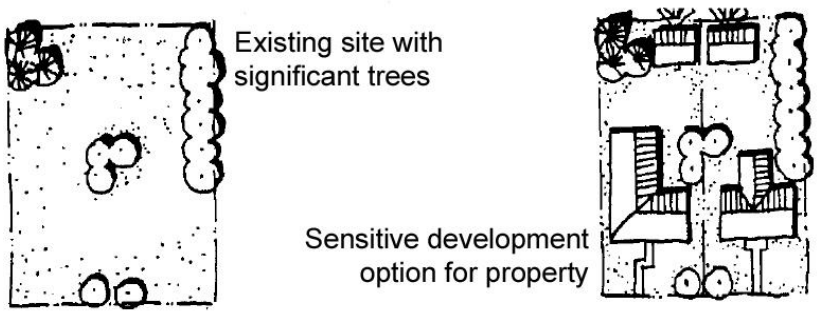


Figure 18.3.10.090.D.3.a
Site Planning for Tree Preservation

   b. Building envelopes shall be located and sized to preserve the maximum number of trees on site while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands.
   c. Layout of the project site utility and grading plan shall avoid disturbance of tree protection areas.
4. Tree Protection. On all properties where trees are required to be preserved during the course of

development, the developer shall follow the following tree protection standards.

a. All trees designated for conservation shall be clearly marked on the project site. Prior to the start of any clearing, stripping, stockpiling, trenching, grading, compaction, paving or change in ground elevation, the applicant shall install tree protection fencing in accordance with 18.4.5.030.C Prior to any construction activity, the shall be inspected pursuant to section 18.4.5.030.D.

b. Construction site activities, including but not limited to parking, material storage, soil compaction, and concrete washout, shall be arranged so as to prevent disturbances within tree protection areas.

c. No grading, stripping, compaction, or significant change in ground elevation shall be permitted within the drip line of trees designated for conservation unless indicated on the grading plans, as approved by the City, and landscape professional. If grading or construction is approved within the drip-line, a landscape professional may be required to be present during grading operations, and shall have authority to require protective measures to protect the roots.

d. Changes in soil hydrology and site drainage within tree protection areas shall be minimized. Excessive site run-off shall be directed to appropriate storm drain facilities and away from trees designated for conservation.

e. Should encroachment into a tree protection area occur which causes irreparable damage, as determined by a landscape professional, to trees, the project plan shall be revised to compensate for the loss. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of this chapter.

5. Tree Removal. Development shall be designed to preserve the maximum number of trees on a site. The development shall follow the standards for fuel reduction if the development is located in Wildfire Lands. When justified by findings of fact, the hearing authority may approve the removal of trees for one or more of the following conditions.

   a. The tree is located within the building envelope.

   b. The tree is located within a proposed street, driveway, or parking area.

   c. The tree is located within a water, sewer, or other public utility easement.

   d. The tree is determined by a landscape professional to be dead or diseased, or it constitutes an unacceptable hazard to life or property when evaluated by the standards in 18.3.10.090.D.2.

   e. The tree is located within or adjacent to areas of cuts or fills that are deemed threatening to the life of the tree, as determined by a landscape professional.

6. Tree Replacement. Trees approved for removal, with the exception of trees removed because they were determined to be diseased, dead, or a hazard, shall be replaced in compliance with the following standards.

   a. Replacement trees shall be indicated on a tree replanting plan. The replanting plan shall include all locations for replacement trees, and shall also indicate tree planting details.

b. Replacement trees shall be planted such that the trees will in time result in canopy equal to or greater than the tree canopy present prior to development of the property. See Figure 18.3.10.090.D.6.b. The canopy shall be designed to mitigate of the impact of paved and developed areas, reduce surface erosion, and increase slope stability. Replacement tree locations shall consider impact on the wildfire prevention and control plan. The hearing authority shall have the discretion to adjust the proposed replacement tree canopy based upon site-specific evidence and testimony.

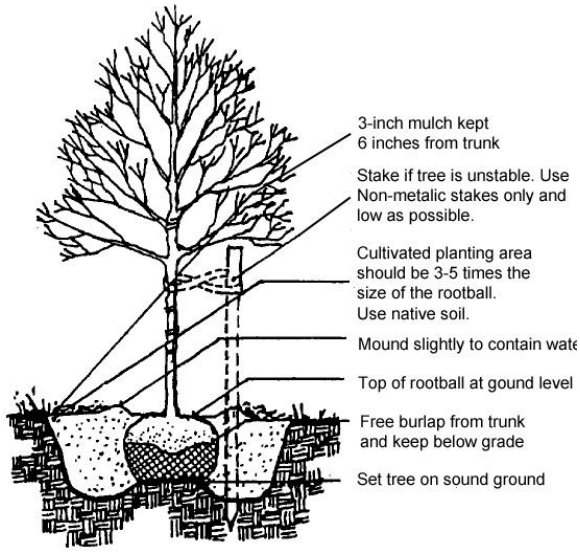


Figure 18.3.10.090.D.6.b
Tree Planting Guideline

c. Maintenance of replacement trees shall be the responsibility of the property owner. Required replacement trees shall be continuously maintained in a healthy manner. Trees that die within the first five years after initial planting must be replaced in kind, after which a new five-year replacement period shall begin. Replanting must occur within 30 days of notification unless otherwise noted.

7. Enforcement.

a. All tree removal shall be done in accord with the approved tree removal and replacement plan. No trees designated for conservation shall be removed without prior approval of the City.

b. Should the developer or developer's agent remove or destroy any tree that has been designated for conservation, the developer may be fined up to three times the current appraised value of the replacement trees and cost of replacement or up to three times the current market value, as established by a professional arborist, whichever is greater.

c. Should the developer or developer's agent damage any tree that has been designated for protection and conservation, the developer shall be penalized $50.00 per scar. If necessary, a professional arborist's report, prepared at the developer's expense, may be required to determine the extent of the damage. Should the damage result in loss of appraised value greater than determined above, the higher of the two values shall be used.

E. Building Location and Design Standards. All buildings and buildable areas proposed for Hillside Lands shall be designed and constructed in compliance with the following standards.

1. Building Envelopes. All newly created lots, either by subdivision or partition, shall contain building envelopes conforming to the following standards.

   a. The building envelope shall contain a buildable area with a slope of 35 percent or less. See Figure 18.3.10.090.E.1.a.

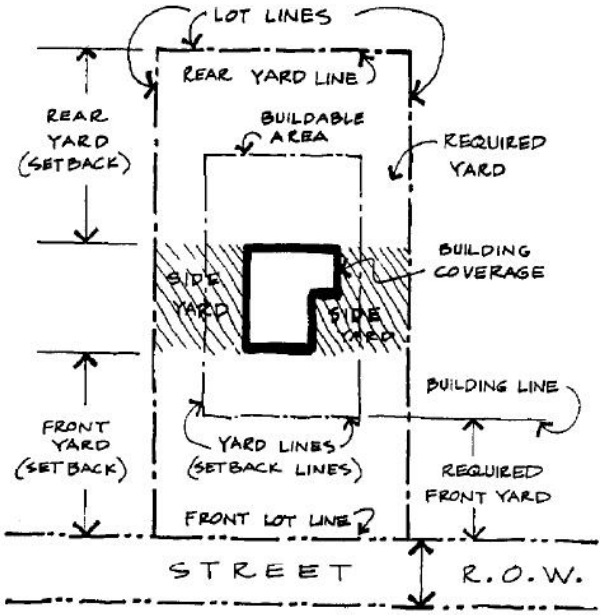


Figure 18.3.10.090.E.1.a
Buildable Area

   b. Building envelopes and lot design shall address the retention of a percentage of the lot in a natural state as required in 18.3.10.090.B.3.

   c. Building envelopes shall be designed and located to maximize tree conservation as required in 18.3.10.090.D.3 while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands.

   d. It is recommended that building envelope locations should be located to avoid ridgeline exposures, and designed such that the roofline of a building within the envelope does not project above the ridgeline as illustrated in Figure 18.3.10.090.E.1.d.

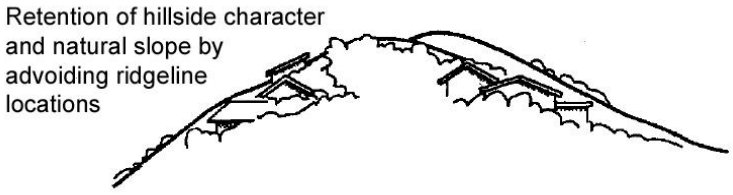


Figure 18.3.10.090.E.1.d.

2. Building Design. To reduce hillside disturbance through the use of slope responsive design techniques, buildings on Hillside Lands, excepting those lands within the designated Historic District, shall incorporate the following into the building design and indicate features on required building permits.

   a. The height of all structures shall be measured vertically from the natural grade to the uppermost point of the roof edge or peak, wall, parapet, mansard, or other feature perpendicular to that grade. Maximum hillside building height shall be 35 feet. See Figure 18.3.10.090.E.2.a.i and Figure 18.3.10.090.E.2.a.ii

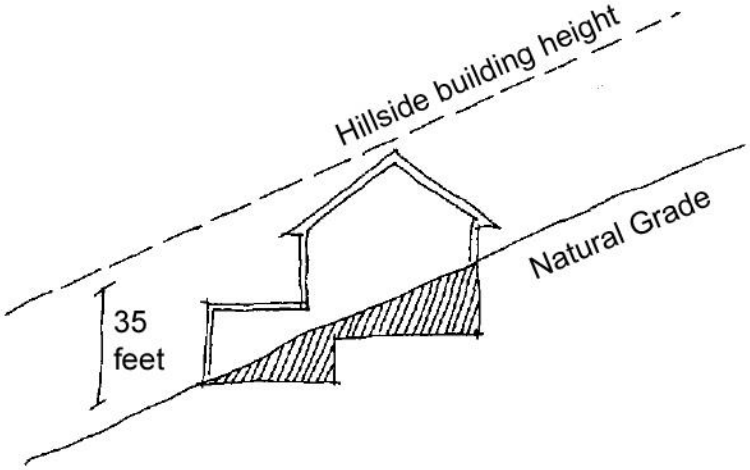


Figure 18.3.10.090.E.2.a.i
Hillside Building Height/Permitted

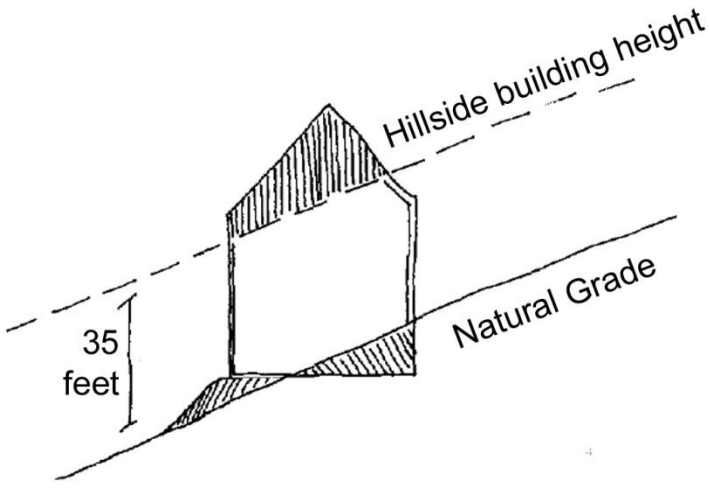


Figure 18.3.10.090.E.2.a.ii
Hillside Building Height/Not Permitted

b. Cut buildings into hillsides to reduce effective visual bulk.
   i. Split pad or stepped footings shall be incorporated into building design to allow the structure to more closely follow the slope.
   ii. Reduce building mass by utilizing below grade rooms cut into the natural slope.

c. A building step back shall be required on all downhill building walls greater than 20 feet in height, as measured above natural grade. Step-backs shall be a minimum of six feet. Decks projecting out from the building wall and hillside shall not be considered a building step-back. No vertical walls on the downhill elevations of new buildings shall exceed a maximum height of 20 feet above natural grade. See Figure 18.3.10.090.E.2.c.

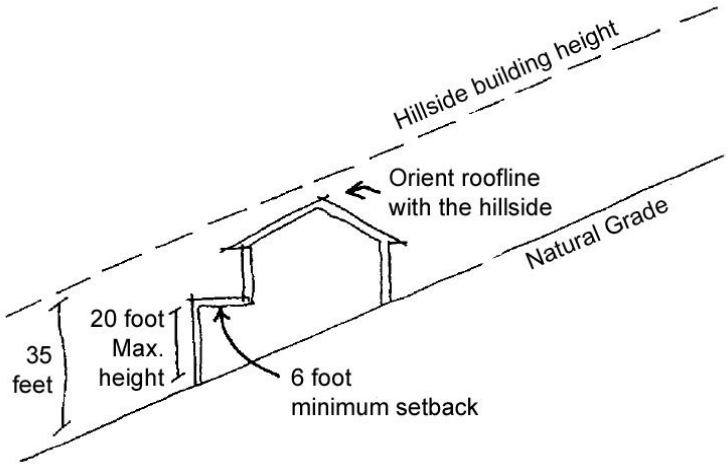


Figure 18.3.10.090.E.2.c
Downhill Building Step Back

d. Continuous horizontal building planes shall not exceed a maximum length of 36 feet. Planes longer than 36 feet shall include a minimum offset of six feet. See Figure 18.3.10.090.E.2.d.

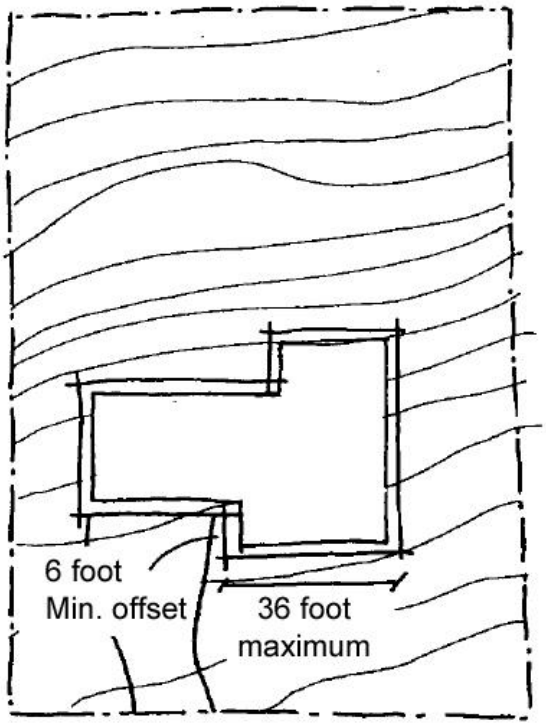


Figure 18.3.10.090.E.2.d
Horizontal Offsets

e. It is recommended that roof forms and roof lines for new structures be broken into a series of smaller building components to reflect the irregular forms of the surrounding hillside. Long, linear unbroken roof lines are discouraged. Large gable ends on downhill elevations should be avoided, however smaller gables may be permitted. See Figure 18.3.10.090.E.2.c.

f. It is recommended that roofs of lower floor levels be used to provide deck or outdoor space for upper floor levels. The use of overhanging decks with vertical supports in excess of 12 feet on downhill elevations should be avoided.

g. It is recommended that color selection for new structures be coordinated with the predominant colors of the surrounding landscape to minimize contrast between the structure and the natural environment.

F. All structures on Hillside Lands shall have foundations designed by an engineer or architect with demonstrable geotechnical design experience. A designer, as defined, shall not complete working drawings without having foundations designed by an engineer.

G. All newly created lots or lots modified by a lot line adjustment must include building envelopes containing a buildable area less than 35 percent slope of sufficient size to accommodate the uses permitted in the underlying zone, unless the division or lot line adjustment is for open space or conservation purposes.

H. Exception to the Development Standards for Hillside Lands. An exception under this section is not subject to the variance requirements of chapter 18.5.5 Variances. An application for an

exception is subject to the Type I procedure in section 18.5.1.050 and may be granted with respect to the development standards for Hillside Lands if the proposal meets all of the following criteria.

1. 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.
2. The exception will result in equal or greater protection of the resources protected under this chapter.
3. The exception is the minimum necessary to alleviate the difficulty.
4. The exception is consistent with the stated Purpose and Intent of chapter 18.3.10 Physical and Environmental Constraints Overlay chapter and section 18.3.10.090 Development Standards for Hillside Lands.

18.3.10.100 Development Standards for Wildfire Lands

A. Requirements for Subdivisions, Performance Standards Developments, or Partitions.

1. A Fire Prevention and Control Plan shall be required with the submission of any application for an outline plan approval of a Performance Standards Development, preliminary plat of a subdivision, or application to partition land where the site contains area designated as Wildfire Hazard.
2. The Staff Advisor shall forward the Fire Prevention and Control Plan to the Fire Chief within three days of the receipt of a completed application. The Fire Chief shall review the Fire Prevention and Control Plan, and submit a written report to the Staff Advisor no less than seven days before the scheduled hearing. The Fire Chief's report shall be a part of the record of the Planning Action.
3. The Fire Prevention and Control Plan, prepared at the same scale as the development plans, shall include the following items.
    a. An analysis of the fire hazards on the site from wildfire, as influenced by existing vegetation and topography.
    b. A map showing the areas that are to be cleared of dead, dying, or severely diseased vegetation.
    c. A map of the areas that are to be thinned to reduce the interlocking canopy of trees.
    d. A tree management plan showing the location of all trees that are to be preserved and removed on each lot. In the case of heavily forested parcels, only trees scheduled for removal shall be shown.
    e. The areas of primary and secondary fuel breaks that are required to be installed around each structure, as required by 18.3.10.100.B.
    f. Roads and driveways sufficient for emergency vehicle access and fire suppression activities, including the slope of all roads and driveways within the Wildfire Lands area.
4. Approval Criteria. The hearing authority shall approve the Fire Prevention and Control Plan when, in addition to the findings required by this chapter, the additional finding is made that the

wildfire hazards present on the property have been reduced to a reasonable degree, balanced with the need to preserve and/or plant a sufficient number of trees and plants for erosion prevention, wildlife habitat, and aesthetics.

5. The hearing authority may require, through the imposition of conditions attached to the approval, the following requirements as deemed appropriate for the development of the property.
   a. Delineation of areas of heavy vegetation to be thinned and a formal plan for such thinning.
   b. Clearing of sufficient vegetation to reduce fuel load.
   c. Removal of all dead and dying trees.
   d. Relocation of structures and roads to reduce the risks of wildfire and improve the chances of successful fire suppression.
6. The Fire Prevention and Control Plan shall be implemented during the public improvements required of a subdivision or Performance Standards Development, and shall be considered part of the subdivider's obligations for land development. The plan shall be implemented prior to the issuance of any building permit for structures to be located on lots created by partitions and for subdivisions or Performance Standards developments not requiring public improvements. The Fire Chief, or designee, shall inspect and approve the implementation of the Fire Prevention and Control Plan, and the Plan shall not be considered fully implemented until the Fire Chief has given written notice to the Staff Advisor that the plan was completed as approved by the hearing authority.
7. In subdivisions or Performance Standards Developments, provisions for the maintenance of the Fire Prevention and Control Plan shall be included in the covenants, conditions and restrictions for the development, and the City shall be named as a beneficiary of such covenants, restrictions, and conditions.
8. On lots created by partitions, the property owner shall be responsible for maintaining the property in accord with the requirements of the Fire Prevention and Control Plan approved by the hearing authority.

B. Requirements for Construction of All Structures.

1. Applicability. All new construction and any construction expanding the size of an existing structure shall have a fuel break as defined below.
2. General Fuel Break Requirements. A fuel break is defined as an area that is free of dead or dying vegetation, and has native, fast-burning species sufficiently thinned so that there is no interlocking canopy of this type of vegetation. Where necessary for erosion control or aesthetic purposes, the fuel break may be planted in slow-burning species. Establishment of a fuel break does not involve stripping the ground of all native vegetation. Fuel breaks may include structures, and shall not limit distance between structures and residences beyond that required by other sections of this ordinance.
3. Primary Fuel Break. A primary fuel break will be installed, maintained and shall extend a minimum of 30 feet, or to the property line, whichever is less, in all directions around structures, excluding fences, on the property. The goal within this area is to remove ground cover that will

produce flame lengths in excess of one foot. Such a fuel break shall be increased by ten feet for each ten percent increase in slope over ten percent. Adjacent property owners are encouraged to cooperate on the development of primary fuel breaks.

4. Secondary Fuel Break. A secondary fuel break will be installed, maintained and shall extend a minimum of 100 feet beyond the primary fuel break where surrounding landscape is owned and under the control of the property owner during construction. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire is reduced through fuels control.

5. Roofing. All structures shall be constructed or re-roofed with Class B or better non-wood roof coverings, as determined by the Oregon Structural Specialty Code. All re-roofing of existing structures in the Wildfire Lands area for which at least 50 percent of the roofing area requires re-roofing shall be done under approval of a zoning permit. No structure shall be constructed or re-roofed with wooden shingles, shakes, wood-product material or other combustible roofing material, as defined in the City's building code.

C. Fuel breaks in areas which are also Erosive or Slope Failure Lands shall be included in the erosion control measures outlined in section 18.3.10.090 Development Standards for Hillside Lands.

D. Implementation.

1. For land that have been subdivided and required to comply with subsection 18.3.10.100.A.6, above, all requirements of the plan shall be complied with prior to the commencement of construction with combustible materials.

2. For all other structures, the vegetation control requirements of subsection 18.3.10.100.B, above, shall be complied with before the commencement of construction with combustible materials on the lot.

3. As of November 1, 1994, existing residences in subdivisions developed outside of the Wildfire Lands Zone, but later included due to amendments to the zone boundaries shall be exempt from the requirements of this zone, with the exception of subsection 18.3.10.100.B.5, above. All new residences shall comply with all standards for new construction in subsection 18.3.10.100.B.

4. Subdivisions developed outside of the wildfire lands zone prior to November 1, 1994, but later included as part of the zone boundary amendment, shall not be required to prepare or implement Fire Prevention and Control Plans outlined in subsection 18.3.10.100.A.

18.3.10.110 Development Standards for Severe Constraint Lands

A. Severe Constraint Lands are extremely sensitive to development, grading, filling, or vegetation removal and, whenever possible, alternative development should be considered.

B. Development of floodways is not permitted except for bridges and road crossings. Such crossings shall be designed to pass the 100-year flood without raising the upstream flood height more than six inches.

C. Development on lands greater than 35 percent slope shall meet all requirements of section

18.3.10.090 Development Standards for Hillside Lands in addition to the requirements of this section.

D. Development of land or approval for a planning action shall be allowed only when the following study has been accomplished. An engineering geologic study approved by the Public Works Director and Planning Director establishes that the site is stable for the proposed use and development. The study shall include the following information.

1. Index map.
2. Project description to include location, topography, drainage, vegetation, discussion of previous work and discussion of field exploration methods.
3. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc., and structural data including bedding, jointing and shear zones, soil depth, and soil structure.
4. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.
5. Suitability of site for proposed development from a geologic standpoint.
6. Specific recommendations for cut slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards.
7. If deemed necessary by the engineer or geologist to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing subsurface structure, graphic logs with subsurface exploration, results of laboratory test and references.
8. Signature and registration number of the engineer and/or geologist.
9. Additional information or analyses as necessary to evaluate the site.

18.3.10.120 Density Transfer

Density may be transferred out of unbuildable areas to buildable areas of a lot provided the following standards are met.

A. Partitions and subdivisions involving density transfer shall be processed under chapter 18.3.9 Performance Standards Option Overlay.

B. A map shall be submitted showing the net buildable area to which the density will be transferred.

C. A covenant shall be recorded limiting development on the area from which density is transferred.

D. Density may not be transferred to properties under different ownership.

E. Density may be transferred only on contiguous lots under common ownership.

F. The density of the buildable area may not be increased to more than two times the permitted density of the underlying zone. Fractional units are to be rounded down to the next whole number.

18.3.10.130 Penalties

In addition to taking enforcement action and assessing penalties for violations of this code, as authorized by chapter 18.1.6 Zoning Permit Expiration, Extension, and Enforcement, the City make take the following actions where there is a violation of this chapter.

A. Whenever any work is being done contrary to the provisions of this chapter or whenever erosion control measures, tree protection measures, wildfire control measures, or Flood Plain Corridor development measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the Staff Advisor may order the work stopped by notice in writing served on any persons engaged in the doing or causing of such work to be done, and any such persons shall immediately stop work until authorized by the director or designee to proceed with the work.

B. All development under this chapter and all work or construction for which a permit is required under this chapter shall be subject to inspection by the Staff Advisor. When an inspection is made under this section or when it is necessary to make an inspection to enforce this code, or when the Staff Advisor has reasonable cause to believe that there exists upon Hillside Lands a condition which is contrary to or in violation of this chapter which makes the premises unsafe, dangerous or hazardous, the Staff Advisor may enter the premises at reasonable times to inspect or to perform the duties imposed by this chapter. The Staff Advisor shall first make a reasonable effort to locate the owner or other person having charge of the premises and request entry.

C. The City may refuse to accept any development permit application, may revoke or suspend any development or building permit, or may deny occupancy on the property until erosion control measures, tree protection measures, wildfire control measures, or Flood Plain Corridor development measures have been installed properly and are maintained in accordance with the requirements of this chapter.

D. The owner of the property from which erosion occurs due to failure or neglect of erosion control measures, together with any person or parties who cause such erosion shall be responsible to mitigate the impacts of the erosion and prevent future erosion.

Chapter 18.3.11 – Water Resources Protection Zones (Overlays)

Sections

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18.3.11.010 Purpose

The purpose and intent of this chapter is:

A. To implement state and federal law with respect to the protection of clean water, pollution control, and preservation of endangered species.

B. To protect Ashland's Goal 5 significant wetlands and riparian areas, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions these areas provide for the community.

C. To implement the provisions of Statewide Planning Goals 6 and 7, which require the buffering and separation of those land uses and activities that lead to or may create impacts on water quality, as well as to reduce the risk to people and property resulting from the inappropriate management of wetland and riparian areas.

D. To implement the goals and policies of the Environmental Resources chapter of Ashland's Comprehensive Plan with respect to water resources, wetlands, floodplains, and stream flooding.

E. To reduce flood damage and potential loss of life in areas subject to periodic flooding.

F. To better manage storm water drainage, minimize maintenance costs, protect properties adjacent to drainage ways, improve water quality, protect riparian and aquatic fish and wildlife habitat and provide opportunities for trail connections.

G. To protect water associated with Ashland's hydrology for human uses, fish and wildlife and their habitats.

H. To control erosion and limit sedimentation.

I. To protect the amenity values and educational opportunities of Ashland's wetlands, water bodies and associated riparian areas as community assets.

J. To improve public appreciation and understanding of wetlands and riparian areas for their unique ecosystem structure and functions and for the human-nature interactions they provide.

K. To improve and promote coordination among local, state, and federal agencies regarding development activities near Ashland's wetlands, water bodies, and associated riparian areas.

L. In cases of hardship, to provide a procedure to alter wetlands and riparian areas only when offset by appropriate mitigation, as stipulated in the ordinance and other applicable state and federal requirements.

18.3.11.020 Applicability

A. The provisions of this chapter apply to all lands containing Water Resources and Water Resource Protection Zones. Water Resources and Water Resource Protection Zones are defined, established and protected in this chapter.

B. State and federal wetland and riparian regulations will continue to apply within the City, regardless of whether or not these areas are mapped on Water Resources map. Nothing in this chapter shall be interpreted as superseding or nullifying state or federal requirements. Additionally, the City shall provide notification to the Oregon Department of State Lands (DSL), as required by Division 23 of Oregon Administrative Rules, for all applications concerning development permits or other land use decisions affecting wetlands on the inventory.

C. The burden is on the property owner to demonstrate that the requirements of this chapter are met or are not applicable to development activity or other proposed use or alteration of land. The Staff Advisor may make a determination based on the Water Resources map, field check, and any other relevant maps, site plans, and information that a Water Resource or Water Resource Protection Zone is not located on a particular site or is not impacted by proposed development, activities or uses. In cases where the location of the Water Resource or Water Resource Protection Zone is unclear or disputed, the Staff Advisor may require a survey, delineation prepared by a natural resource professional, or a sworn statement from a natural resource professional that no Water Resources or Water Resource Protection Zones exist on the site.

D. All Water Resource Protection Zones shall be protected from alteration and development, except as specifically provided in this chapter. No person or entity shall alter or allow to be altered any real property designated as a Water Resource Protection Zone, except as set forth in an exemption, approved planning application or permit authorized in this chapter. No person or entity shall use or allow to be used, property designated as a Water Resource Protection Zone, except as set forth in an exemption, approved planning application or permit authorized in this chapter.

E. Where this chapter and any other ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. It is likely that there will be some overlap between the regulations in this chapter and those in chapter 18.3.10 Physical and Environmental Constraints Overlay, which regulates development in physical constrained areas including floodplains. Where two regulations are in conflict, the most stringent shall govern.

18.3.11.030 Inventory of Ashland's Water Resources

The approximate locations of Ashland's Water Resources are identified on the Water Resource map, adopted by the City and added to the Comprehensive Plan through Ordinance 2419 (May 1987), Ordinance 2528 (July 1989) and Ordinance 2999 (December, 2009). Because the Comprehensive Plan maps are acknowledged to be approximate, the more precise wetland boundaries can be mapped, staked, and used for development review purposes without a modification of the Comprehensive Plan maps.

18.3.11.040 Establishment of Water Resource Protection Zones

A Water Resource Protection Zone is hereby established adjacent to and including all Water Resources to protect their integrity, function, and value. The boundaries of the following Water Resource Protection Zones shall be established by an on-site survey based upon the following standards.

A. Stream Bank Protection Zones. The following types of Stream Bank Protection Zones are hereby established to protect streams and their associated riparian resources. The approximate locations of streams are identified on the Water Resources map.

1. Riparian Corridor. For streams classified as Riparian Corridor fish-bearing streams with an annual average stream flow less than 1,000 cubic feet per second and on the Water Resources map, the Stream Bank Protection Zone shall include the stream, plus a riparian buffer consisting of all lands within 50 feet upland from the top of bank as illustrated in Figure 18.3.11.040.A.1.

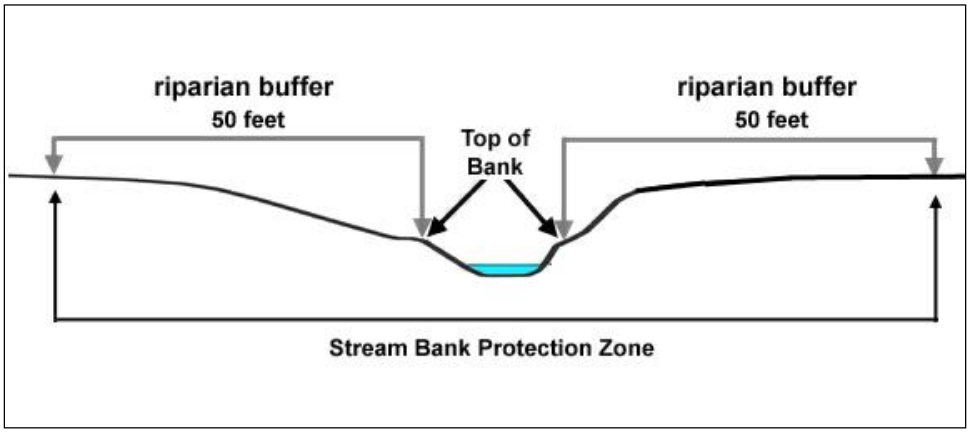


Figure 18.3.11.040.A.1
Stream Bank Protection Zone for Riparian Corridor Streams)

2. Local Streams. For streams classified as non-fish-bearing Local Streams and on the Water Resources map, the Stream Bank Protection Zone shall include the stream, plus a riparian buffer consisting of all lands 40 feet from the centerline of the stream as illustrated in Figure 18.3.11.040.A.2.

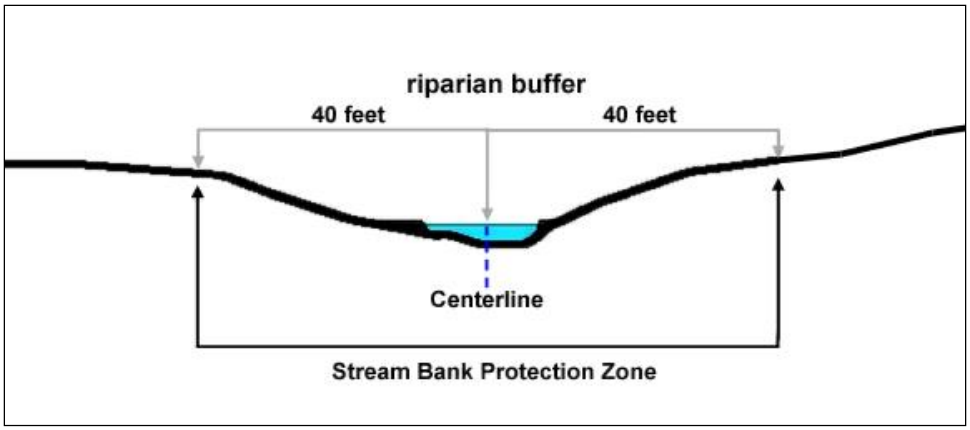


Figure 18.3.11.040.A.2
Stream Bank Protection Zone for Local Streams

3. Intermittent and Ephemeral Streams. For streams classified as Intermittent and Ephemeral Streams on the Water Resource Protection Zones map, the Stream Bank Protection Zone shall include the stream, plus a riparian buffer consisting of all lands within 30 feet from the centerline of the stream as illustrated in Figure 18.3.11.040.A.3.

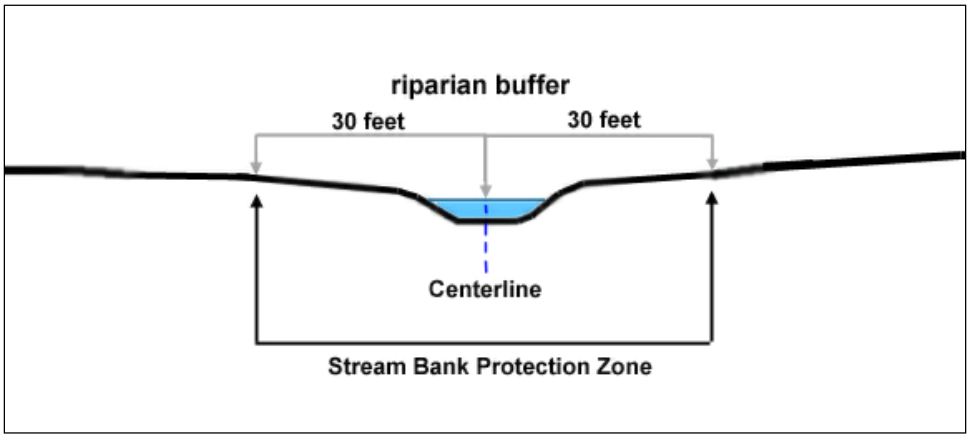


Figure 18.3.11.040.3
Stream Bank Protection Zone for Intermittent and Ephemeral Streams

4. Significant Wetland Presence. Where a Stream Bank Protection Zone includes all or part of a significant wetland as identified on official maps adopted by the City, the distance to the Stream Bank Protection Zone boundary shall be measured from, and include, the upland edge of the wetland.
5. Determination of Protection Zone. The measurement of the Stream Bank Protection Zones shall be a horizontal distance from the top of bank or from the center line of the stream as specified above. For streams that were piped or relocated to a culvert prior to the effective date of this chapter, the Stream Bank Protection Zones shall be reduced to half of the required width or the width of any existing easement (e.g., drainage-way easement), whichever is greater.

B. Wetland Protection Zones. The following types of Wetland Protection Zones are hereby established to protect wetland resources. The approximate locations of Locally Significant Wetlands

and Wetlands are identified on the Water Resources map. The precise boundary of a wetland and wetland buffer shall be established through conducting an on-site wetland delineation and survey based upon the following standards.

1. Locally Significant Wetlands. For wetlands classified as Locally Significant on the Water Resources map, the Wetland Protection Zone shall consist of all lands identified to have a wetland presence on the wetland delineation, plus a wetland buffer consisting of all lands within 50 feet of the upland-wetland edge as illustrated in Figure 18.3.11.040.B.1. A wetland delineation prepared by a qualified wetland specialist shall be submitted to the City that graphically represents the location of wetlands on a site plan map in accordance with subsection 18.3.11.100.A.3. An average buffer width of 50 feet may be utilized around the perimeter of a significant wetland upon submission of evidence and a detailed plan by a natural resources professional demonstrating that equal or better protection of the functions and values of the resource will be ensured, and that there will be an enhanced buffer treatment through the implementation and maintenance of a restoration and enhancement plan within the buffer area.

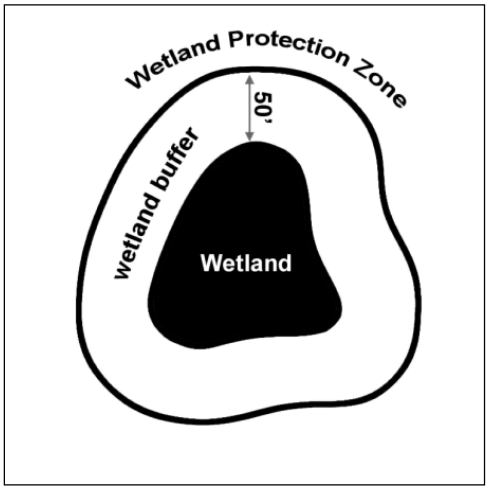


Figure 18.3.11.040.B.1
Wetland Protection Zone for Locally Significant Wetlands

2. Possible Wetlands. For wetlands not classified as Locally Significant on the Water Resources map, the Wetland Protection Zone shall consist of all lands identified to have a wetland presence on the wetland delineation, plus all lands within 20 feet of the upland-wetland edge as illustrated in Figure 18.3.11.040.B.2. Possible Wetlands includes all areas designated as such on the Water Resources map and any unmapped wetlands discovered on site. A wetland delineation prepared by a qualified wetland specialist shall be submitted to the City that graphically represents the location of wetlands on a site plan map in accordance with subsection 18.3.11.100.A.3. An average buffer width of 20 feet may be utilized around the perimeter of a possible wetland upon submission of evidence and a detailed plan by a natural resources professional demonstrating that equal or better protection of the functions and values of the resource will be ensured.

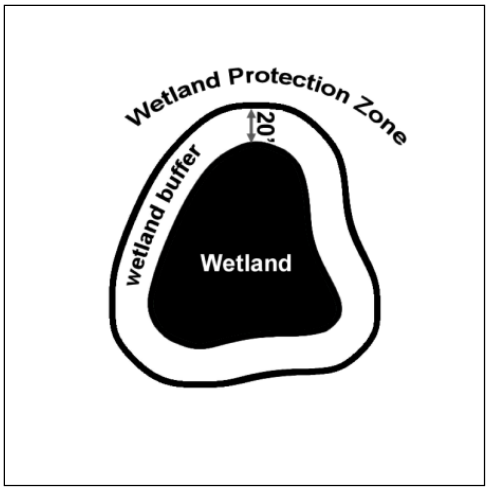


Figure 18.3.11.040.B.2
Wetland Protection Zone for Possible Wetlands

3. Determination of Protection Zone. The measurement of the Wetland Protection Zone shall be a horizontal distance from the upland-wetland edge as specified above.

18.3.11.050 Activities and Uses Exempt from These Regulations

A. Exempt Activities Within Water Resource Protection Zones. The following activities and uses do not require a permit or authorization under this chapter to be conducted or to continue in a Water Resource Protection Zone. Exempt activities and uses may qualify as development as defined in part 18.6 and may require a floodplain development permit.

1. Vegetation Maintenance, Planting, and Removal.

   a. *Landscaping Maintenance.* Continued maintenance of existing vegetation such as landscaping, lawn, gardens, and trees.

   b. *Lawn.* Existing lawn within Water Resource Protection Zones may be maintained, but existing lawn shall not be expanded and new lawn shall not be installed.

   c. *Tree Pruning.* Maintenance pruning of existing trees shall be kept to a minimum and shall be in accordance with the chapter 18.4.5 Tree Preservation and Protection. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, or resource functions (i.e., shade, soil stability, erosion control, etc.)

   d. *Non-Native, Noxious, and Invasive Vegetation Removal.* Removal of non-native, noxious, and invasive vegetation, and replacement with local native plant species is permitted. The act of removing non-native, noxious, and invasive vegetation shall not result in the removal of native vegetation. Local native plant species for both wetland and stream bank applications are identified on the City's Local Native Plant Species List, and noxious and invasive vegetation approved for removal is identified on the City's Prohibited Plant List. Removal and mowing of blackberries shall occur before May 1 or after July 31 to protect nesting birds.

e. *Hazardous Tree Removal.* Removal of a hazardous tree is allowed under the procedures and approval criteria described in chapter 18.4.5 Tree Preservation and Protection.

f. *In-Channel Vegetation Removal.* Removal of emergent in-channel vegetation that is likely to cause flooding using non-invasive methods such as mowing or weed-whacking that do not disturb the underlying substrate. Mechanized removal of emergent in-channel vegetation that would involve associated removal of soil below the ordinary high water line is not permitted and would otherwise be subject to state and federal wetland permitting requirements.

g. *Routine Planting.* The planting of local native plant species or the replacement of non-native, noxious and invasive plants with local native plant species is allowed. Local native plant species for both wetland and stream bank applications are identified on the City's Local Native Plant Species List, and noxious and invasive vegetation approved for removal is identified on the City's Prohibited Plant List.

h. *Use of Equipment or Machinery.* Use of hand-held equipment or machinery for vegetation maintenance, planting, and removal within Water Resource Protection Zones is allowed. Power-assisted equipment or machinery may be used for vegetation maintenance, planting, and removal within Water Resource Protection Zones when soil disturbance and erosion are minimized by all of the following measures.

   i. Use of power-assisted equipment or machinery shall occur from May 1 to October 31, and shall not occur during the remaining wet months of the year.

   ii. The general topography of the Water Resource Protection Zone shall be retained.

   iii. Soil compaction from construction equipment shall be reduced by distributing the weight of the equipment over a large area (e.g., laying lightweight geo-grids, mulch, chipped wood, plywood, OSB, metal plates or other materials capable of weight distribution in the pathway of the equipment).

   iv. Local native plant species shall not be damaged or removed.

   v. Disturbed areas shall be replanted so that landscaping shall obtain 50 percent coverage after one year and 90 percent after five years.

2. Building, Paving, and Grading.

   a. *Testing.* Site investigative work is allowed provided it has minimal surface area disturbance and is conducted by or required by a city, county, state, or federal agency. Such work may include surveys, percolation tests, soil borings or other similar tests.

   b. *Unpaved Trails.* The establishment of unpaved trails and related educational displays is allowed provided the trail width shall not exceed 36 inches, stair width shall not exceed 50 inches, and trail grade shall not exceed 20 percent except for the portion of the trail containing stairs. Trails in public parks may be up to 72 inches in width to accommodate high pedestrian traffic areas. Trails construction within a delineated wetland boundary shall be by permit in accordance with local, state, and federal permitting requirements and approved management plans.

   c. *Storm Water Treatment Facility Maintenance.* Routine maintenance of storm water

treatment facilities such as detention ponds or sediment traps, vegetated swales, and constructed wetlands is allowed in order to maintain flow and prevent flooding when conducted in accordance with local, state and federal permitting requirements and approved management plans. Multi-year maintenance plans for existing storm water treatment facilities without previously approved management plans require a Limited Activity and Use Permit in accordance with subsection 18.3.11.060.A.2.

3. Nonconforming Activities, Uses, and Structures. An activity, use or structure legally established prior to the adoption of this chapter, which would be prohibited by this chapter or which would be subject to the limitations and controls imposed by this chapter, shall be considered a nonconforming activity, use or structure, and may continue subject to the following provisions.

   a. *Nonconforming Structures.* Nonconforming structures within or partially within a Water Resource Protection Zone may be maintained and used.

   b. *Expansion of Nonconforming Structures.* Expansion of the footprint of a nonconforming structure within or partially within a Water Resource Protection Zone if the expansion of the footprint occurs outside the Water Resource Protection Zone and additional surface area in the Water Resource Protection Zone is not disturbed. Additional stories may be added to nonconforming structures if the following conditions are met.

      i. The existing building footprint within the Water Resource Protection Zone is not changed in size or shape.

      ii. The building, including decks, does not project beyond the building footprint over the Water Resource Protection Zone.

      ii. Additional surface area in the Water Resource Protection Zone is not disturbed.

   c. *Replacement of Nonconforming Primary Structures in Residential Zoning Districts.* Nonconforming primary structures within or partially within a Water Resource Protection Zone and located in residential zoning districts may be replaced or rebuilt if the existing building footprint within the Water Resource Protection Zone is not changed in size or shape and additional surface area in the Water Resource Protection Zone is not disturbed. Repair and reconstruction of a nonconforming structure under this section shall be in accordance with the requirements of the Flood Damage Prevention Regulations in AMC 15.10.

   d. *Replacement of Nonconforming Structures in Non-Residential Zoning Districts and Within Historic Districts.* Nonconforming structures within or partially within a Water Resource Protection Zone, located in a non-residential zoning district and within a Historic District may be replaced or rebuilt if the existing building footprint within the Water Resource Protection Zone is not changed in size or shape and additional surface area in the Water Resource Protection Zone is not disturbed. Repair and reconstruction of a nonconforming structure under this section shall be in accordance with the requirements of AMC 15.10 Flood Damage Prevention Regulations.

   e. *Exemptions for Historic Public Parks and Properties.* Nonconforming activities, landscaping, uses, and structures included in Lithia Park, Blue Bird Park, and Calle Guanajuato and located in the Water Resource Protection Zone may be used, maintained, and replaced, but shall not be expanded or enlarged within the Water Resource Protection Zone. Repair and

reconstruction of a nonconforming structure under this section shall be in accordance with the requirements of the Flood Damage Prevention Regulations in AMC 15.10.

4. City Emergency Activities. Emergency repair authorized by the City Administrator or his/her designee which must be undertaken immediately, or for which there is insufficient time for full compliance with this chapter, in order to address at least one of the following.
   a. Prevent an imminent threat to public health or safety.
   b. Prevent imminent danger to public or private property.
   c. Prevent an imminent threat of serious environment degradation.

B. Additional Exempt Activities and Uses within Stream Bank Protection Zones. In addition to the Exempt Activities and Uses in subsection 18.3.11.050.A, the following activities and uses do not require a permit or authorization under this chapter to be conducted or to continue in a Stream Bank Protection Zone.

1. Fire Hazard Prevention. Cutting or thinning of vegetation for fire hazard prevention provided that the cutting or thinning is the minimum necessary to alleviate the potential fire hazard and is consistent with City standards for Wildfire Lands described in chapter 18.3.10 Physical and Environmental Constraints Overlay.
2. Stream Restoration and Enhancement. Stream restoration and enhancement projects when all of the following standards are met.
   a. The restoration and enhancement results in a net gain in stream bank corridor functions.
   b. The lot is in a residential zoning district and occupied only by a single-family dwelling and accessory structures.
   c. The property has not undergone stream restoration and enhancement work in the past 12 months.
   d. The restoration and enhancement project does not involve in-stream work.
   e. The restoration and enhancement project may include minor earth moving activities involving excavation or placement of up to five cubic yards of soil and earth-moving activity disturbing a surface area of no more than 1,000 square feet.
3. Fences. Fences limited to open wire, electric or similar fence that will not collect debris or obstruct flood waters, but not including wire mesh or chain link fencing, may be installed in the upland half of the riparian buffer furthest away from the stream. Solid wood fencing is prohibited in Water Resource Protection Zones. Temporary tree protection fencing in accordance with the Tree Preservation and Protection standards in 18.4.5 is allowed in conjunction with a development project. Fencing in a designated floodplain shall conform to the requirements of subsection 18.3.11.070.K.
4. Outdoor Patio Areas. Outdoor patio areas consisting of porous solid surfaces up to 150 square feet in size per lot, but not including decks, may be constructed in the upland half of the riparian buffer furthest away from the stream.
5. Public Utility Maintenance and Replacement. Routine maintenance and replacement of existing

public utilities and irrigation pumps if work disturbs no more total surface area than the area inside the public utility easement and up to an additional five percent surface area of the public utility easement outside of the public utility easement.

6. Private Utility Maintenance and Replacement. Routine maintenance and replacement of existing private utilities and irrigation pumps.

7. Driveway and Street Maintenance and Paving. Maintenance, paving, and reconstruction of existing public and private streets and driveways if work disturbs no more total surface area than the area inside the street right-of-way or access easement and up to an additional five percent surface area of the street right-of-way or access easement outside of the right-of-way or easement. Public streets shall be located in public right-of-way or a public easement.

C. Additional Exempt Activities and Uses within Wetland Protection Zones. In addition to the Exempt Activities and Uses in subsection 18.3.11.050.A, the following activities and uses do not require a permit or authorization under this chapter to be conducted or to continue in a Wetland Protection Zone.

1. Fire Hazard Prevention. Perimeter mowing or thinning of vegetation for fire hazard prevention consistent with a wetland mitigation plan approved by the Oregon Division of State Lands, or within the wetland buffer provided that the mowing or thinning is the minimum necessary to alleviate the potential fire hazard and is consistent with City standards for Wildfire Lands described in the chapter 18.3.10 Physical and Environmental Constraints Overlay. The Staff Advisor may approve perimeter mowing or thinning of vegetation in wetlands that do not have an approved wetland mitigation plan using the ministerial process if a plan is submitted demonstrating that native plants will not be removed.

2. Fences. Fences limited to open wire, electric or similar fence that will not collect debris or obstruct flood waters, but not including wire mesh or chain link fencing, may be installed in the wetland buffer. Solid wood fencing is prohibited in Water Resource Protection Zones. Temporary tree protection fencing required in accordance with the Tree Preservation and Protection standards in 18.4.5 is allowed in conjunction with a development project. Fencing in a designated floodplain shall conform to the requirements of subsection 18.3.10.070.K.

18.3.11.060 Limited Activities and Uses

The following activities and uses within Water Resource Protection Zones are allowed provided the activities or uses comply with the review procedure and approval standards set forth in subsection 18.3.11.060.D.

A. Limited Activities and Uses within Water Resource Protection Zones.

1. Use of Power-assisted Equipment or Machinery. Use of power-assisted equipment or machinery for vegetation maintenance unless otherwise exempted in subsection 18.3.11.050.A.1.h.

2. Multi-Year Maintenance Plans. Multi-year maintenance plans may be authorized as follows for existing areas or storm water treatment facilities in Water Resource Protection Zones which do not have a previously approved management plans.

a. *Publicly and Commonly Owned Properties.* The routine restoration and enhancement of publicly and commonly owned properties such as public parks and private open spaces.

b. *Storm Water Treatment Facilities.* The ongoing routine maintenance of storm water treatment facilities such as detention ponds or sediment traps, vegetated swales, and constructed wetlands in order to maintain flow and prevent flooding. Routine maintenance of storm water treatment facilities in accordance with an approved management plan is exempted as outline in subsection 18.3.11.050.A.2.c.

3. Building, Paving, and Grading Activities. Permanent alteration of Water Resource Protection Zones by grading or by the placement of structures, fill or impervious surfaces may be authorized as follows.

a. *New Public Access and Utilities.* The location and construction of public streets, bridges, trails, multi-use path connections, and utilities deemed necessary to maintain a functional system and upon finding that no other reasonable, alternate location outside the Water Resource Protection Zone exists. This ordinance, the Comprehensive Plan, Transportation System Plan, adopted utility master plans, and other adopted documents shall guide this determination.

b. *New Private Access and Utilities.* The location and construction of private streets, driveways, and utilities to provide a means of access to an otherwise inaccessible or landlocked property where no other reasonable, alternate location outside the Water Resource Protection Zone exists.

c. *Storm Water Treatment Facility Installation.* Installation of public and private storm water treatment facilities such as detention ponds or sediment traps, vegetated swales, and constructed wetlands.

d. *Replacement of Nonconforming Accessory Structures in Residential Districts and Replacement of Nonconforming Structures in Non-Residential Zoning Districts and Outside Historic Districts.* Replacement of nonconforming structures located within or partially within the original building footprint, except those nonconforming primary structures exempted in subsection 18.3.11.050.A.3, provided replacement does not disturb additional surface area within the Water Resource Protection Zone.

B. Additional Limited Activities and Uses within Stream Bank Protection Zones.

1. Stream Restoration and Enhancement. Restoration and enhancement projects resulting in a net gain in stream bank corridor functions unless otherwise exempted in subsection 18.3.11.050.B.2. Restoration and enhancement activities not otherwise associated with development involving building, grading or paving are encouraged, and planning application fees associated with reviewing these activities for compliance with applicable land use standards may be waived by the Staff Advisor.

2. Driveway and Street Maintenance and Paving. Maintenance, paving, and reconstruction of existing public and private streets and driveways if work disturbs more total surface area than the area inside the street right-of-way or access easement and an additional five percent surface area of the street right-of-way or access easement outside of the right-of-way or easement. Public streets shall be located in public right-of-way or a public easement.

3. Public Facility Paving and Reconstruction. Paving and reconstruction of public parking areas and walkways if additional surface area in the Stream Bank Protection Zone is not disturbed, the public facilities are deemed necessary to maintain a functional system and upon finding that no other reasonable alternate location outside the Water Resource Protection Zone exits.
4. Public Utility Maintenance and Replacement. Routine maintenance and replacement of existing public utilities and irrigation pumps if work disturbs more total surface area than the area inside the public utility easement and an additional five percent surface area of the public utility easement outside of the public utility easement.
5. Erosion Control. Erosion control and stream bank stabilization measures that have been approved by the Oregon Department of State Lands (DSL), the U.S. Army Corps of Engineers, or other state or federal regulatory agencies, and that utilize non-structural bio-engineering methods.
6. Storm Water Outfall. Construction of a storm water outfall discharging treated storm water from an adjacent developed area provided that the discharge meets local, state, and federal water quality regulations.
7. Bridges. The installation of a bridge or similar, bottomless crossing structure for the purpose of constructing a public or private street, bicycle or pedestrian crossing, as well as to provide a means of access to an otherwise inaccessible or landlocked property.
8. Flood Control Measures. Installation or expansion of structural flood control measures, including but not limited to concrete retaining walls, gabions, gravity blocks, etc., shall generally be prohibited, but approved only if demonstrated that less-invasive, non-structural methods will not adequately meet the stabilization or flood control needs.

C. Additional Limited Activities and Uses within Wetland Protection Zones.

1. Wetland Restoration and Enhancement. Wetland restoration and enhancement projects resulting in a net gain in wetland functions. Wetland restoration and enhancement activities not otherwise associated with development involving building, grading or paving are encouraged, and planning application fees associated with reviewing these activities for compliance with applicable land use standards may be waived by the Staff Advisor.
2. Driveway and Street Maintenance and Paving. Maintenance, paving, and reconstruction of existing public and private streets and driveways. Public streets shall be located in public right-of-way or public easement.
3. Public and Private Utility Maintenance and Replacement. Routine maintenance and replacement of existing public and private utilities that disturb lands within the Wetland Protection Zone.

D. Limited Activities and Uses Permit. All Limited Activities and Uses described in section 18.3.11.060 shall be subject to a Type I procedure in section 18.5.1.050. An application for a Limited Activities and Uses Permit shall be approved if the proposal meets all of the following criteria.

1. All activities shall be located as far away from streams and wetlands as practicable, designed to minimize intrusion into the Water Resources Protection Zone and disturb as little of the surface

area of the Water Resource Protection Zone as practicable.

2. The proposed activity shall be designed, located and constructed to minimize excavation, grading, area of impervious surfaces, loss of native vegetation, erosion, and other adverse impacts on Water Resources.
3. On stream beds or banks within the bank full stage, in wetlands, and on slopes of 25 percent or greater in a Water Resource Protection Zone, excavation, grading, installation of impervious surfaces, and removal of native vegetation shall be avoided except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.
4. Water, storm drain, and sewer systems shall be designed, located and constructed to avoid exposure to floodwaters, and to avoid accidental discharges to streams and wetlands.
5. Stream channel repair and enhancement, riparian habitat restoration and enhancement, and wetland restoration and enhancement will be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in section 18.3.11.110 Mitigation Requirements.
6. Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

18.3.11.070 Water Resource Protection Zone Reductions

A Water Resource Protection Zone may be reduced by up to 25 percent through a Type I procedure in 18.5.1.050, and by greater than 25 percent and up to 50 percent through a Type II procedure in section 18.5.1.060 if the proposal meets all of the following criteria.

A. The proposed use or activity is designed to avoid intrusion into the Water Resource Protection Zone through the use of up to a 50 percent reduction of any dimensional standards (e.g., required front, side and rear yard setbacks; required distance between buildings) to permit development as far outside or upland of the Water Resource Protection Zone as possible. Such adjustment to any applicable dimensional standards shall be reviewed as part of the requested reduction, and shall not be subject to a separate Variance application under chapter 18.5.5 Variances. Reductions to dimensional standards may not be used to reduce required Solar Access setbacks without evidence of agreement by the effected property owner(s) to the north through a concurrent Solar Access Variance application as described in chapter 18.4.8 Solar Access.

B. The alteration of the Water Resource Protection Zone is the minimum necessary to efficiently perform the proposed activity and/or use. The proposed development shall minimize disturbance to the Water Resource Protection Zone by utilizing the following design options to minimize or reduce impacts of development.

1. Multi-story construction shall be considered.
2. Parking spaces shall be minimized to no more than that required as a minimum for the use.
3. Pavement shall be minimized, and all pavement used shall be installed and maintained in a

porous solid surface paving material.

4. Engineering solutions shall be used to minimize additional grading and/or fill.

C. The application demonstrates that equal or better protection for identified resources will be ensured through restoration, enhancement, and mitigation measures. The structures, functions, and values of the Water Resource will be restored through the implementation of a restoration and enhancement strategy set forth in a mitigation plan prepared in accordance with the standards and requirements described in section 18.3.11.110 Mitigation Requirements.

D. Long term conservation, management, and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

18.3.11.080 Hardship Exceptions for Development in Water Resource Protection Zones

Hardship Exceptions shall be subject to a Type II procedure in section 18.5.1.060, and are not subject to the Variance requirements of chapter 18.5.5 Variances. An application for a Hardship Exception may be approved if the proposal meets all of the following criteria.

A. The application of this chapter unduly restricts the development or use of the lot, and renders the lot not buildable.

B. The proposed activity or use of land would have been permitted prior to the effective date of this ordinance.

C. The applicant has explored all other reasonable options available under this chapter and other applicable provisions of this ordinance to relieve the hardship.

D. Adverse impacts on the structures, functions, or values of the resource including water quality, erosion, or slope stability that would result from approval of the exception have been minimized and will be mitigated to the greatest extent possible through restoration and enhancement of the Water Resource Protection Zone in accordance with a mitigation plan prepared in accordance with the standards and requirements in section 18.3.11.110 Mitigation Requirements.

E. Long term conservation, management, and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

18.3.11.090 Approval Standards for Land Divisions and Property Line Adjustments

Planning actions and procedures containing Water Resource Protection Zones and involving the division of land or property line adjustments shall comply with the following provisions and shall include the plan requirements in subsection 18.3.11.100.A.3.

A. Building Envelope Established. Each lot shall contain a building envelope outside the Water Resource Protection Zone of sufficient size to permit the establishment of the use and associated accessory uses.

B. Conservation Area. Performance Standards Option Subdivision, Subdivision, Partition, and Site Design Review applications shall include the Water Resource Protection Zone within a conservation easement or recorded development restriction, which stipulates that the use or activity within the Water Resource Protection Zone shall be consistent with the provisions of this chapter. The approval authority may require that the Water Resource Protection Zone be included in a separate tract of land managed by a homeowners' association or other common ownership entity responsible for preservation.

C. Density Transfer. Density calculated from the land area contained within the Water Resource Protection Zone may be transferred to lands outside the Water Resource Protection Zone provided the following standards are met.

1. Partitions and subdivisions involving density transfer shall be processed under chapter 18.3.9 Performance Standards Option Overlay.
2. A map shall be submitted showing the land area not within the Water Resource Protection Zone to which the density will be transferred.
3. The Water Resource Protection Zone shall be included in a separate preservation tract to be managed by a homeowner's association or other common ownership entity responsible for management of the area.
4. Density may only be transferred within the subject property or to a lot or lots contiguous to the subject property and within the same ownership.
5. The density transferred to lands not within the Water Resource Protection Zone may not be increased to more than one and a half times the base density of the underlying zoning district. Fractional units are to be rounded down to the nearest whole number.

D. Management Plan. Long term conservation, management, and maintenance of the Water Resource Protection Zone consistent with the requirements of this chapter shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C.

E. Mitigation Requirements. The approval authority may require a mitigation plan in accordance with the requirements of section 18.3.11.110 Mitigation Requirements to mitigate impacts resulting from land divisions.

F. Exemptions for a Public Purpose. An exemption to the requirements described above shall be granted for lots created for public park purposes, or privately-owned tracts created for the sole purpose of conserving in perpetuity the natural functions and values of the lands contained within the Water Resource Protection Zone.)

18.3.11.100 Application Submission Requirements

A. Required Plans and Information. The following plans and information shall be submitted with the application for activities and uses in a Water Resource Protection Zone which are required to be processed under a Type I or Type II procedure in chapter 18.5.1 including Limited Activities and Uses, Water Resource Protection Zone Reductions and Hardship Exceptions.

1. A narrative description of all proposed activities and uses including the extent to which any

Water Resource Protection Zone is proposed to be altered or affected as a result of the proposed development activity or use (in terms both of square footage of surface disturbance and cubic yards of overall disturbance).

2. Written findings of fact addressing all applicable development standards and approval criteria.
3. Site development plan map, drawn to scale. The application shall include a site map of the subject property prepared by a licensed surveyor, civil engineer, or other design professional that includes the information described below. The Staff Advisor may request additional information based upon the character of the site or the specific nature of the proposal.
    a. All watercourses identified (including any drainage ways, ponds, etc).
    b. Surveyed location of the Water Resource Protection Zone, as described in section 18.3.11.040 Establishment of Water Resource Protection Zones. For applications involving single-family residences or Limited Activities and Uses, in lieu of a surveyed location, the Staff Advisor may approve a field determination of the Water Resource Protection Zone by the Staff Advisor or his/her designee in which the applicant shall be required to stake the top-of-bank or the upland-wetland edge and the boundary of the Water Resource Protection Zone.
    c. For activities and use proposed within a Stream Bank Protection Zone: identification of the stream as being either fish-bearing or non-fish-bearing; identification of the top-of-bank or center line as required; and surveyed location of the stream's floodway and floodplain, if applicable.
    d. For activities and uses proposed within a Wetland Protection Zone: a wetland delineation (with an accompanying site map) prepared by a natural resource professional and that has been concurred with by the Oregon Department of State Lands (DSL); and an aerial photo with the wetland boundaries identified.
    e. Topographic information at two foot contour increments identifying both existing grades and proposed grade changes.
    f. Surveyed locations of all trees six inches in diameter at breast height (DBH) or greater located in the Water Resource Protection Zone and within 15 feet of the Water Resource Protection Zone, identified by edge of canopy, DBH, and species;
    g. The outlines of non-tree vegetation, with a dominant species and any occurrence of non-native, invasive species identified.
    h. Location of existing and proposed development, including all existing and proposed structures, any areas of fill or excavation, stream or wetland crossings, alterations to vegetation, or other alterations to the site' s natural state.
    i. The location of natural features, proposed and existing structures, and other proposed and existing improvements associated with lands within 100 feet of the Water Resource Protection Zone.
    j. Proposed and existing land uses within 100 feet of the Water Resource Protection Zone.
    k. The location of temporary fencing and erosion control measures installed to prevent

encroachment and flow of material into the Water Resource Protection Zone, such as sediment fencing and hay bales, etc.

l. North arrow and scale.

m. Sources of information (federal, state, and local).

4. Mitigation Plan prepared in accordance with the requirements described in section 18.3.11.110 Mitigation Requirements.

5. Management Plan prepared in accordance with the requirements described in subsection 18.3.11.110.C., except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

B. Building Permits and Development Activities. When approval of a planning action is not required, other permit applications for the construction of structures or other development activities on properties containing Water Resource Protection Zones shall be reviewed by the Staff Advisor to ensure that Water Resource Protection Zones are accurately identified on a site plan and that Limited Activities and Uses or other site disturbances will not be conducted within the Water Resource Protection Zone. Temporary fencing and erosion control measures may be required to be installed to prevent encroachment and flow of material or other debris into the Water Resource Protection Zone and to otherwise prevent impacts to the Water Resource Protection Zone by clearly identifying its boundaries. When required, these measures shall be installed and site-verified by the Staff Advisor before any permits are issued and prior to the commencement of excavation, grading, site clearing, construction, or similar site work resulting in changes to the land.

C. Required Information Waived – Determination. Applications under this chapter involving properties containing a Water Resource Protection Zone shall accurately indicate the locations of these features and all other information as described and required above. The Staff Advisor may waive one or more of the required elements of the site development plan map in subsection 18.3.11.100.A.3 if evidence is provided conclusively demonstrating that proposed excavation, grading, site clearing, construction, or similar actions resulting in changes to the property are not located within the boundaries of the Water Resource Protection Zone.

18.3.11.110 Mitigation Requirements for Water Resource Protection Zones

A. Vegetation Preservation and Construction Staging. The following standards shall be addressed in mitigation plans to protect vegetation identified for preservation and water resources from sedimentation when construction activity is proposed within a Water Resources Protection Zone.

1. Work areas on the immediate site shall be identified and marked to reduce damage to trees and vegetation. Temporary construction fencing shall be placed at the drip line of trees bordering the work area. No equipment maneuvering, staging, or stockpiling shall occur outside of designated work areas.

2. Trees shall not be used as anchors for stabilizing equipment.

3. Stockpiling of soil or soil mixed with vegetation, shall not be permitted in Water Resource Protection Areas on a permanent basis. Temporary storage shall employ erosion control measures to ensure sediments are not transported to adjacent surface waters.

4. Temporary erosion control measures shall be installed to prevent encroachment and flow of runoff, material, or other debris into the Water Resource. These measures shall be installed prior to the commencement of excavation, grading, site clearing, construction, or similar site work resulting in changes to the land. Access roads, staging areas, storage areas, and other areas of temporary disturbance necessary to complete the proposed activity shall be restored as soon as possible, but not more than 90 days after authorized land disturbance. Erosion control measures shall be in place concurrently with construction or establishment of the proposed activity. Temporary measures used for initial erosion control shall not be left in place permanently.

B. Options for Satisfying Restoration and Enhancement Requirements in Mitigation Plans. Mitigation plans are required to meet the standards in either the prescriptive option or alternative option as follows.

1. Prescriptive Option. The mitigation plan shall meet the following standards.

   a. *Re-Planting Timeline.* Re-planting shall occur within 90 days of authorized land disturbance.

   b. *Restoration Area Ratio.* Disturbed areas shall be re-planted and an additional area restored, re-planted and enhanced at a one square foot to one and a half square feet (1:1.5) ratio (e.g., if 100 square feet of surface area is disturbed, 150 square feet shall be restored, re-planted and enhanced).

   c. *Local Native Plant Species Coverage.* The Stream Bank Protection Zone shall be a minimum of 50 percent plant coverage in local native plant species with the installation of new trees only to consist of native trees as illustrated in Figure 18.3.11.110.B.1.c.i, Figure 18.3.11.110.B.1.c.ii, and Figure 18.3.11.110.B.1.c.iii. The Wetland Protection Zone shall be 100 percent plant coverage in local native plant species and in accordance with local, state, and federal approved management plans. Local native plant species for stream bank and wetland applications are identified on the City's Local Native Plant Species List. The use of noxious and invasive plants on the City's Prohibited Plant List in Water Resource Protection Zones is prohibited.

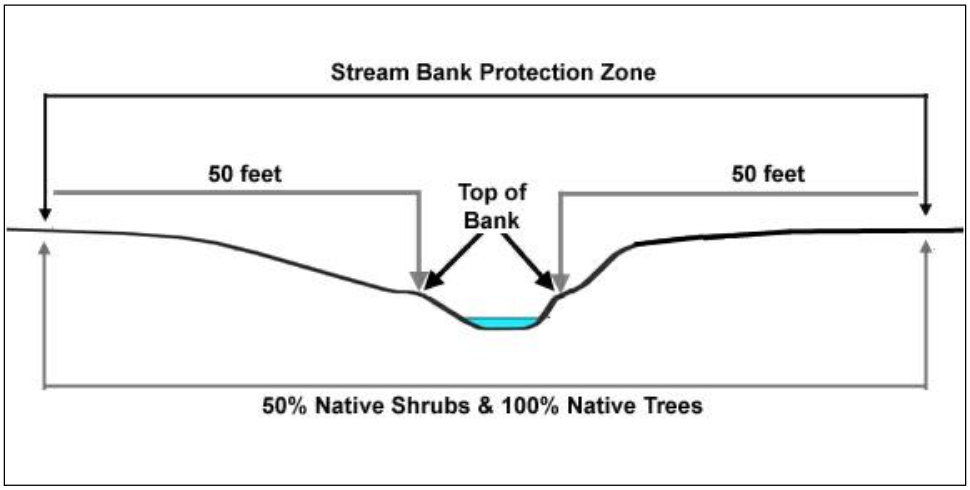


Figure 18.3.11.110.B.1.c.i
Native Plant Requirements for Riparian Corridor Streams

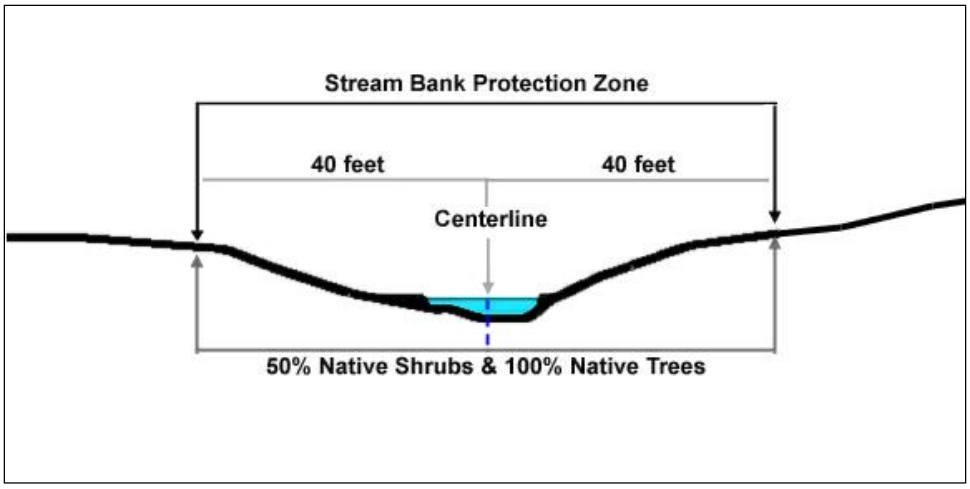


Figure 18.3.11.110.B.1.c.ii
Native Plant Requirements for Local Streams

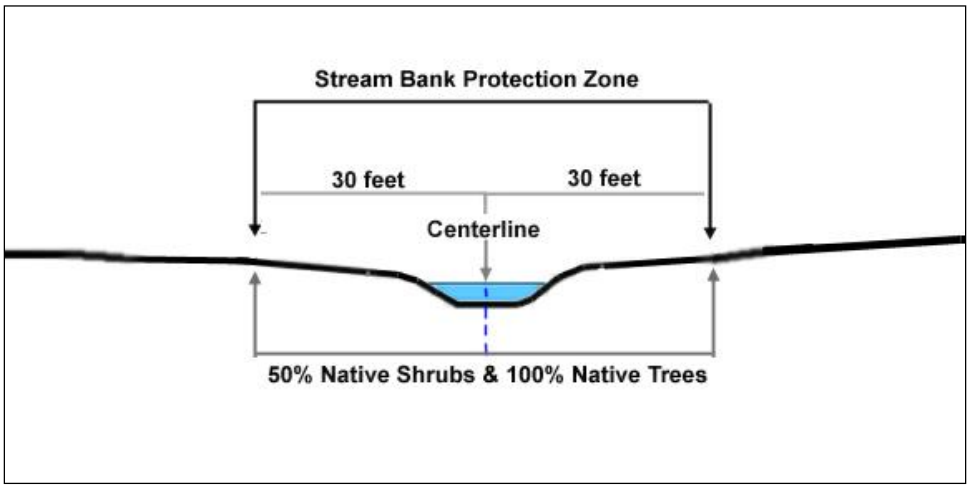


Figure 18.3.11.110.B.1.c.iii
Native Plant Requirements for Intermittent and Ephemeral Streams

d. *Re-Planting Priorities.*

   i. Priority shall be given to removal of noxious and invasive vegetation and planting of local native plant species.

   ii. Plant materials shall be located in such a manner as to maximize enhancement and restoration of the Water Resource Protection Zone, with particular emphasis on temperature reduction of watercourses, erosion control, bank stabilization, and wildlife habitat enhancement.

   iii. Nearby riparian plant communities should be used as a guide for developing a re-vegetation plan.

e. *Shrub and Tree Requirements.* Re-planting shall include shrubs and tree canopy layers in accordance with the following coverage and spacing requirements.

i. Shrubs shall be planted and maintained to provide a minimum of 50 percent total coverage of the restored area within a five year period. The minimum planting size shall be one gallon. Restoration areas that have existing vegetated under-story consisting of healthy riparian shrubs that covers at least 50 percent of the restoration area are considered compliant with the restoration standards for under-story plantings.

ii. Canopy trees shall be planted at 20-foot intervals. The minimum planting size shall be one inch caliper. All new trees shall be staked and protected by deer/rodent-proof fencing. Restoration areas that have an existing vegetated tree canopy consisting of healthy trees at least four inches DBH and at an average spacing of 20 feet on–center are considered compliant with the restoration standards for trees.

f. *Erosion Control.* Erosion control material such as mulch, hay, jute-netting, or comparable material shall be applied to protect disturbed, re-planted areas. Disturbed areas shall be replanted so that landscaping shall obtain 50 percent coverage after one year and 90 percent coverage after five years.

g. *Irrigation.* New plantings shall be irrigated for a period of five years to ensure establishment.

h. *Performance.* Local native plant species that do not survive the first two years after planting shall be replaced.

i. *Landscape and Irrigation Plans.* A mitigation plan shall include landscape and irrigation plans, with details addressing the proposed plant species, variety, size of plant materials, number of plants, timing of plantings, plant spacing and installation methods. The landscape plan shall address the plant coverage by local native plant species after five years.

2. Alternative Option. The mitigation plan shall address the following requirements, and shall meet or exceed the standards in the prescription option in subsection 18.3.11.110.B.1.

a. *Assessment of Water Resource Protection Zone Structures, Functions, and Values.* A mitigation plan shall include an assessment of the structures, functions, and values (i.e., water quality, flood control, habitat, etc.) that will be adversely impacted by the proposed alterations of the Water Resource Protection Zone and a clear explanation of how these impacts are to be mitigated.

b. *Objectives and Standards of Mitigation.* A mitigation plan shall state specific plan objectives and establish clear and measurable standards for determining if stated objectives have been accomplished. For example, the objective might be to restore or enhance the shade canopy within a Stream Bank Protection Zone to benefit fish and reduce water temperature, while the standard might be a certain percentage of shade canopy coverage at the end of one year and 100 percent shade canopy coverage after three years.

c. *Mitigation Site/Grading Plan.* A statement and detailed plan of the location, elevation, and hydrology of the mitigation area, including a grading plan at two foot contour intervals. For applications involving Wetland Protection Zones, the application shall demonstrate that plants have adequate access to site hydrology. For applications involving Stream Bank Protection Zones, the grading plan shall identify newly planted areas and include slope stabilizing measures to prevent erosion, ensure vegetative coverage, and limit plant

mortality.

d. *Landscape Plan.* The Stream Bank Protection Zone shall be a minimum of 50 percent plant coverage in local native plant species with the installation of new trees only to consist of native trees (see Figures 8, 9, and 10). The Wetland Protection Zone shall be 100 percent plant coverage in local native plant species and in accordance with local, state, and federal approved management plans. Local native plant species for stream bank and wetland applications are identified on the City's Local Native Plant Species List. The use of noxious and invasive plants on the City's Prohibited Plant List in Water Resource Protection Zones is prohibited. The landscape plan shall address the plant coverage by local native plant species after five years, and shall be size and species-specific, with details addressing the timing of plantings, proposed plant placement, and plant spacing.

e. *Plan Preparation.* The Staff Advisor may require the mitigation plan to be prepared by a natural resource professional.

C. Management Plan. The applicant shall implement a management plan for the Water Resource Protection Zone and resource areas under the applicant' s ownership or control, including the areas restored and enhanced to assure long term conservation and maintenance. The management plan shall detail proposed monitoring and maintenance, and shall include a schedule delineating how completed projects will be monitored and reported to the Staff Advisor. The management plan shall contain the following requirements.

1. The approved mitigation plan.
2. Identification of Water Resources and Water Resource Protection Zone management practices to be conducted and proposed intervals.
3. The following statements.
   a. "There shall be no alteration of the Water Resource Protection Zones as delineated and shown on the attached plan." (attach reduced plan)
   b. "There shall be no alteration of the size, shape, or design of an approved Water Resource Protection Zone without prior approval by the City of Ashland".
   c. "There shall be no amendment or change to this Management Plan without prior approval of the City of Ashland".
4. Provisions for the ongoing removal and management of noxious or invasive vegetation and debris.
5. Provisions for the protection of protected plant and animal species in accordance with recommendations from applicable state and federal agencies.
6. Specific provisions for city enforcement of the management plan.
7. Any additional measures deemed necessary to protect and maintain the structures, functions and values of the Water Resource Protection Zone (e.g., signage delineating preservation boundaries).
8. Provisions for the perpetual protection and maintenance of the Water Resource and Water Resource Protection Zone including but not limited to the following.

a. Recordation of a conservation easement or Conditions, Covenants, and Restrictions (CC&Rs) which prescribe the conditions and restrictions set forth in the approved planning application, development permit, building permit, or proposed public facilities plans, and any imposed by state or federal permits.

b. Transfer of the ownership and maintenance responsibilities for the area to a willing public agency, non-profit association, or private conservation organization with a recorded conservation easement prescribing the conditions and restrictions set forth in the approved planning application, development permit, building permit, or proposed public facilities plans, and any imposed by state or federal permits.

c. Other mechanisms addressing long-term protection, maintenance, and mitigation consistent with the purposes and requirements of this ordinance as deemed appropriate and acceptable by the approval authority.

D. Performance Guarantee. In general, mitigation shall be implemented prior to or concurrently with the project. The approval authority may require a performance bond or similar monetary insurance of up to 110 percent of the proposal's cost to guarantee that the mitigation proposal will be carried out as approved, and to ensure that the objectives are met through demonstration of compliance with measurable standards and that the site will be maintained to keep the Water Resource functioning properly.

18.3.11.120 Map Errors and Adjustments

The Staff Advisor may authorize a correction to a wetland on the Water Resources map when the applicant has shown that a mapping error has occurred and the error has been verified by the Oregon Department of State Lands (DSL). Delineations verified by DSL shall be used to automatically update the Water Resources map and record the wetland delineation document. No formal variance application or plan amendment is required for map corrections where an approved delineation with a DSL letter of concurrence is provided. Approved delineations shall be subject to the terms of expiration set forth in the DSL approval.

18.3.11.130 Enforcement and Penalties

A. Fine. A violation of any provision of this chapter, a permit issued under this chapter or any condition of a permit issued under this chapter shall be a violation as defined by AMC 1.08 and punishable by a fine as set forth in that section.

B. Mitigation and Management. Within 30 days of notification by the Planning Division of a violation of a provision of this chapter or any condition of a permit issued under this chapter, mitigation shall be required and the Staff Advisor may require the property owner to submit a mitigation plan prepared by a natural resource professional and in accordance with subsection 18.3.11.110.B.

C. Enforcement Fee. In addition to a fine, the court may impose an enforcement fee as restitution for the enforcement costs incurred by the City. This fee may be imposed upon any person who violates any provision of this chapter or who violates any permit or condition of any issued permit under this chapter. The fee shall be in an amount established by resolution of the City Council.

Chapter 18.3.12 – Site Development and Design Overlays

Sections

18.3.12.010 Purpose
18.3.12.020 Applicability
18.3.12.030 Detail Site Review Overlay
18.3.12.040 Downtown Design Standards Overlay
18.3.12.050 Historic District Overlay
18.3.12.060 Pedestrian Place Overlay

18.3.12.010 Purpose

The Site Development and Design overlays provide special regulations and standards that supplement the base zoning regulations which are implemented through Site Design Review.

18.3.12.020 Applicability

This chapter applies to the Detail Site Review, Downtown Design Standards, Historic District, and Pedestrian Place overlays. Development located within these overlays is required to meet all other applicable sections of this ordinance, except as modified by this chapter. Where the provisions of this chapter conflict with comparable standards described in any other ordinance or regulation, the provisions of this chapter apply.

18.3.12.030 Detail Site Review Overlay

A. The Detail Site Review Overlay is that area defined in the Site Design Zones map.

B. Development in the Detail Site Review Overlay is subject to subsection 18.4.2.040.C in addition to all other applicable sections of this ordinance.

C. Any development in the Detail Site Review Overlay which exceeds 10,000 square feet or is longer than 100 feet in length or width shall be reviewed according to the Type II procedure in section 18.5.1.060.

18.3.12.040 Downtown Design Standards Overlay

A. The Downtown Design Standards Overlay is that area defined in the Site Design Zones map.

B. Development in the Downtown Design Standards Overlay is subject to section 18.4.2.060 Downtown Design Standards in addition to all other applicable sections of this ordinance.

C. Any development in the Downtown Design Standards Overlay which exceeds 2,500 square feet shall be reviewed according to the Type II procedure in section 18.5.1.060.

18.3.12.050 Historic District Overlay

A. The Historic District Overlay, also referred to as the Historic Interest Area, is that area defined in the Historic Districts map.

B. Development in the Historic District Overlay is subject to section 18.4.2.050 Historic District Standards in addition to all other applicable sections of this ordinance.

18.3.12.060 Pedestrian Place Overlay

A. Purpose. The Pedestrian Place overlay is intended to direct and encourage development of small walkable nodes that provide concentrations of gathering places, housing, businesses, and pedestrian amenities situated and designed in a way to encourage walking, bicycling, and transit use.

B. Applicability

1. This section applies to properties designated as Pedestrian Places overlay on the Site Design Zones map.

2. Review Procedure. The Pedestrian Place overlay requirements apply to proposed development located in the Pedestrian Place overlay that requires a planning application approval, and involves development of new structures or additions other than single-family dwellings and associated accessory structures and uses. The provisions of the Pedestrian Place overlay supplement those of the applicable base zoning district and other applicable ordinance requirements.

3. Mixed-Use Buildings in Residential Zones. Mixed-use buildings located in an underlying residential zone require Site Design Review approval in accordance with chapter 18.5.2, and are subject to the standards subsection 18.4.2.040.B Basic Site Review Standards rather than section 18.4.2.030 Residential Development. Mixed-use buildings are subject to all other applicable provisions of part 18.4 Site Development and Design Standards.

C. Pedestrian Place Concept Plans. The Pedestrian Place Concept plans (i.e., site plan, development summary, and building illustrations) are for the purpose of providing an example of development that conforms to the standards, and do not constitute independent approval criteria. Concept plans are attached to the end of this chapter.

D. Development Standards. The following standards shall apply to development in the Pedestrian Places overlay in addition to all applicable provisions of this ordinance.

1. Building Setbacks. The solar access setback in chapter 18.4.8 Solar Access applies only to those lots abutting a residential zone to the north.

2. Plazas and Landscaping Ratio. Outdoor seating areas, plazas, and other useable paved surfaces may be applied toward meeting the landscaping area requirements in chapter 18.4.4 Landscaping, Lighting, and Screening, but shall not constitute more than 50 percent of the required area.

E. Development in Residential Zone. The following standards apply to development located in the Pedestrian Places overlay and a residential zone, in addition to all applicable provisions of this

ordinance.

1. Special Permitted Uses. In addition to the permitted uses in the underlying residential zone, the following uses and their accessory uses are permitted subject to the requirements of this section.
    a. Professional, financial, business and medical offices, and personal service establishments.
    b. Stores, shops, and offices supplying commodities or performing services.
    c. Restaurants.
2. Development Standards and Limitations.
    a. The maximum gross floor area occupied by a special permitted use shall be 2,500 square feet.
    b. Special permitted uses shall be allowed in a building or in a group of buildings including a mixture of businesses and housing. At least 50 percent of the total gross floor area of a building, or of where there is more than one building on a site, 50 percent of the total lot area including accessory uses such as parking, landscaping and public space, shall be designated for residential uses.
    c. The development shall meet the minimum housing density requirements of the underlying zone.
    d. Mixed-use buildings shall be setback not more than five feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas, or for a required public utility easement.
    e. Mixed-use developments shall have a minimum Floor Area Ratio (FAR) of .50. Plazas and pedestrian areas shall count as floor area for the purposes of meeting the minimum FAR. Projects including existing buildings or vacant parcels of a half an acre or greater in size shall achieve the required minimum FAR or provide a shadow plan (see graphic) that demonstrates how development may be intensified over time to meet the required minimum FAR.

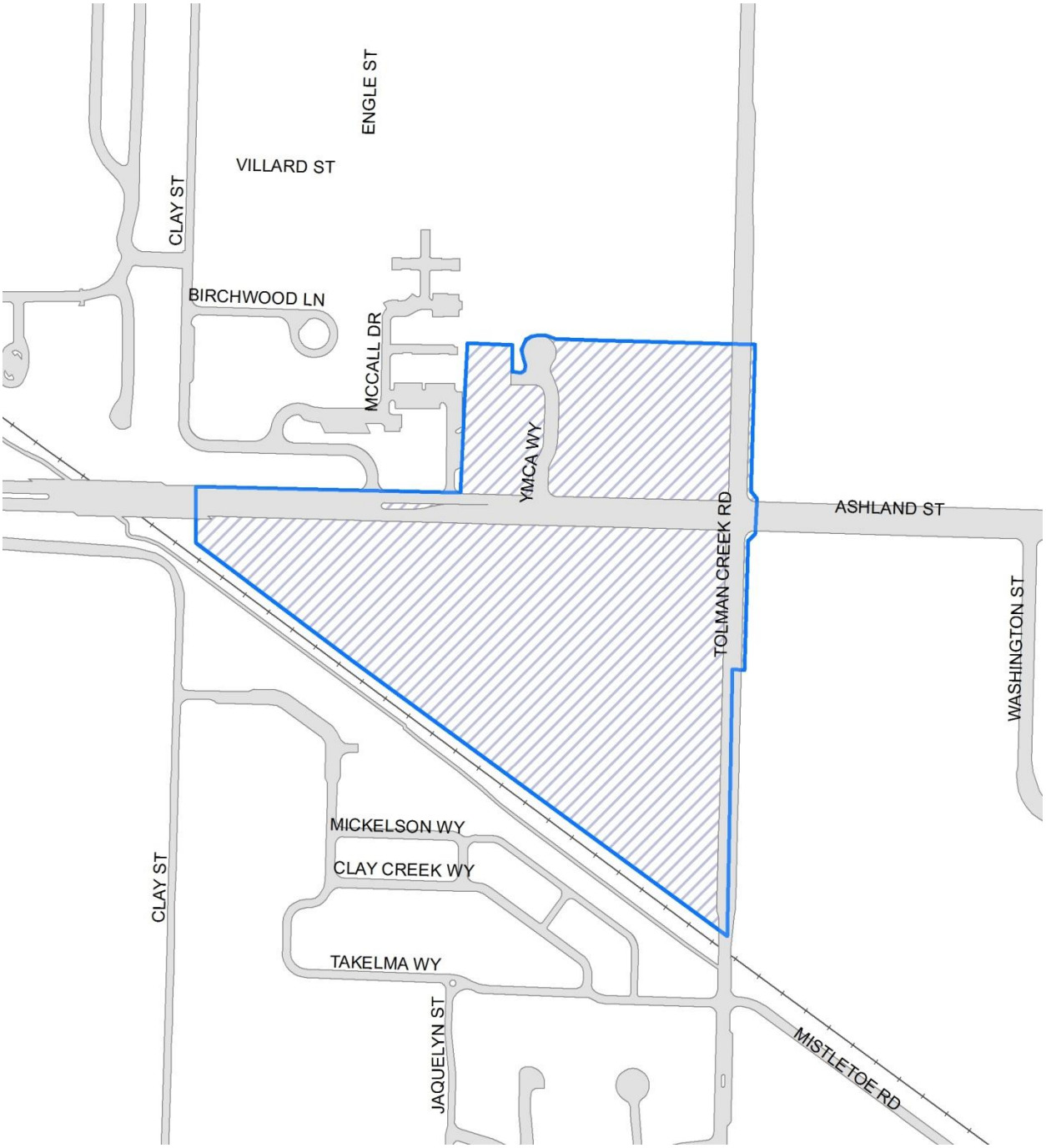


Figure 18.3.12.060
Pedestrian Places Overlay

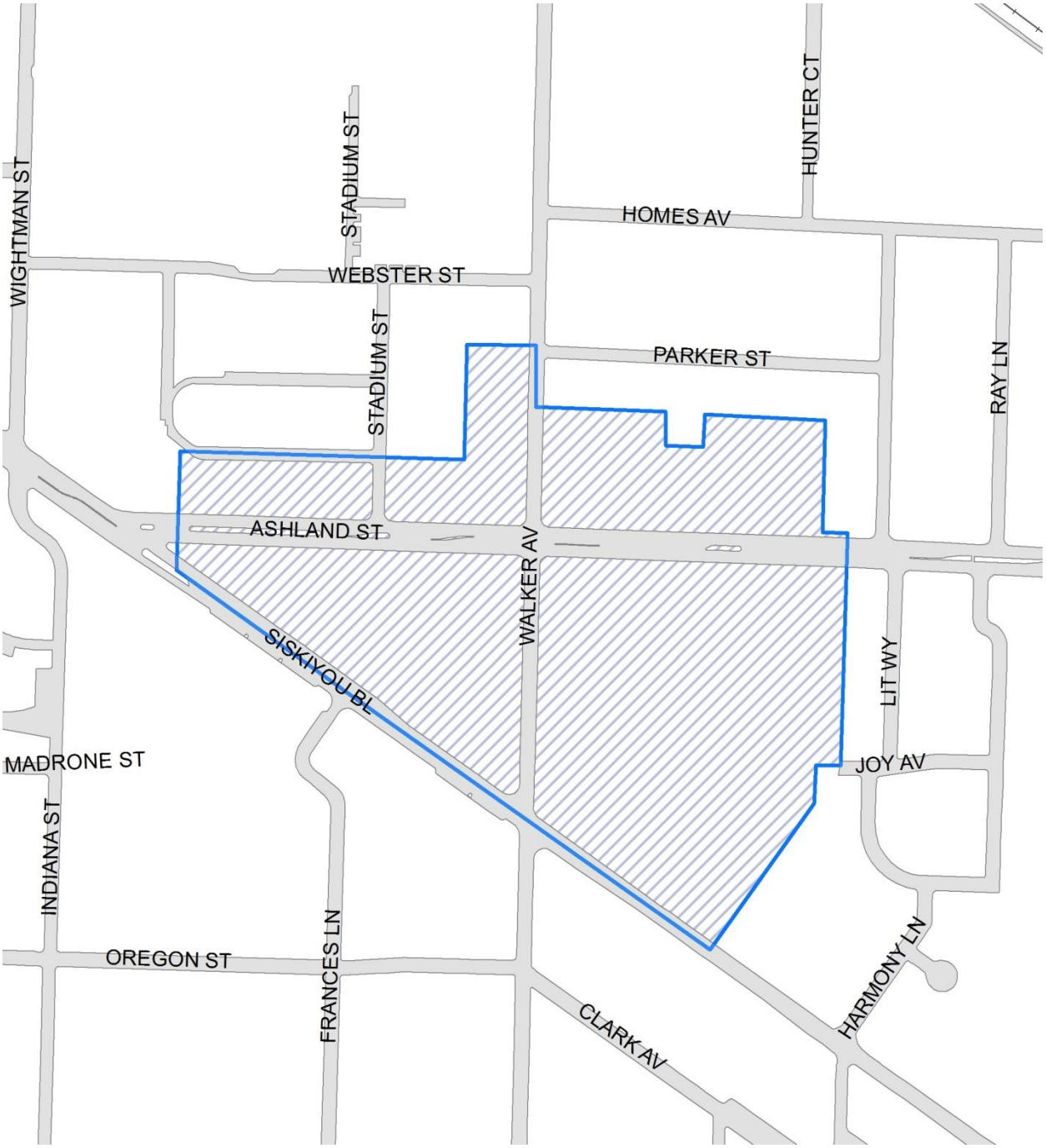


Figure 18.3.12.060
Pedestrian Places Overlay

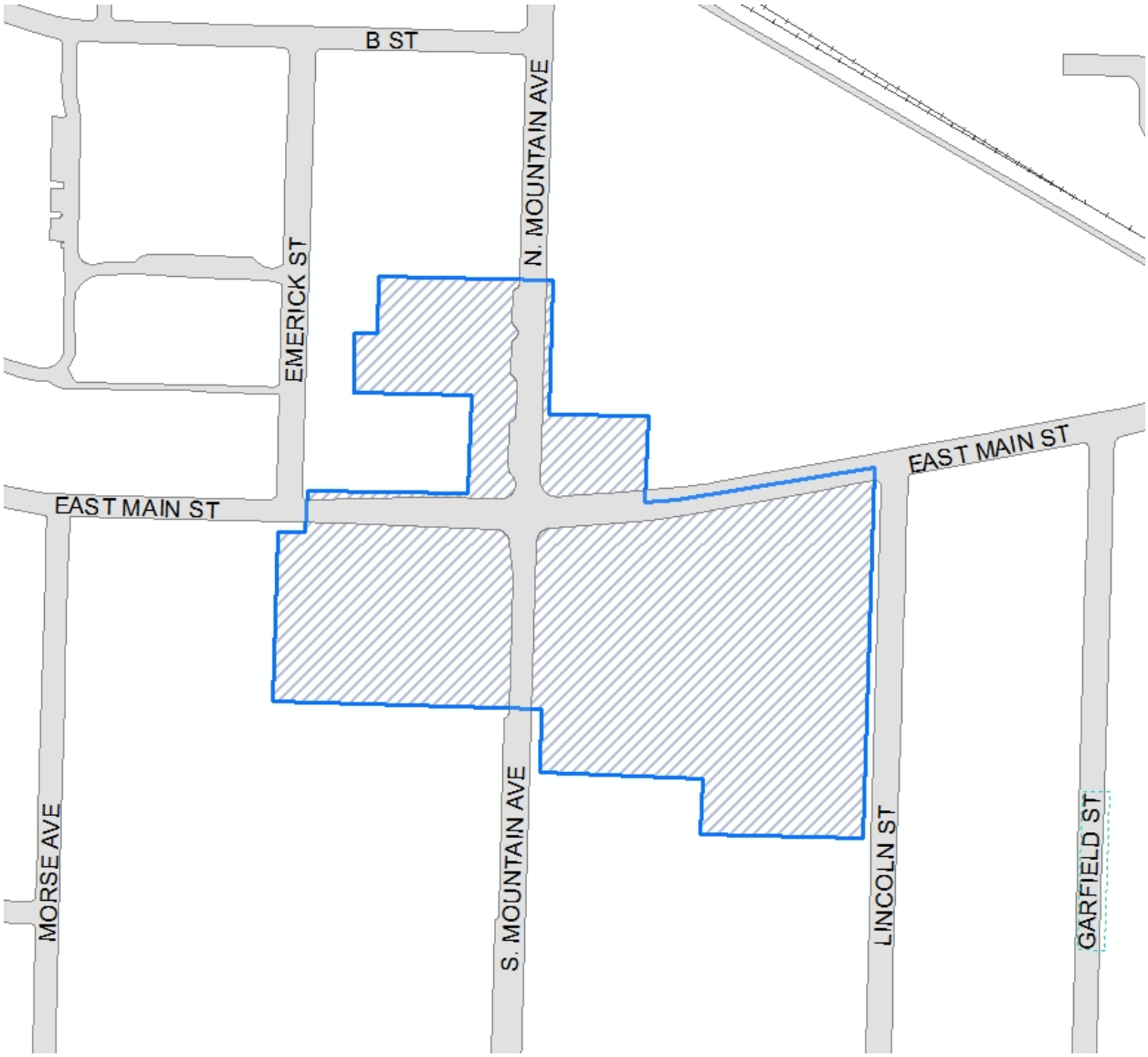
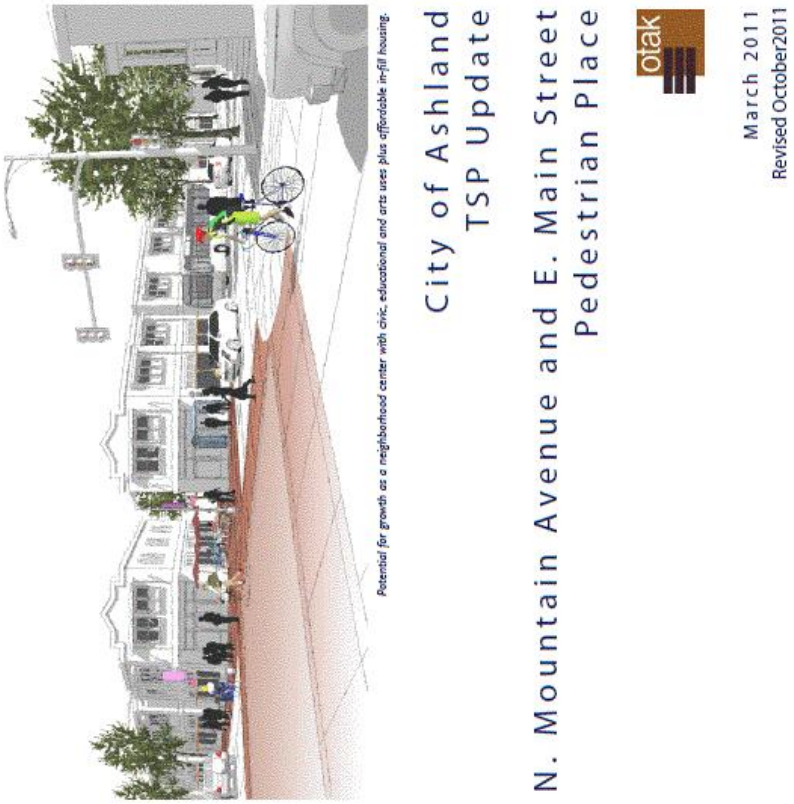


Figure 18.3.12.060
Pedestrian Places Overlay


Potential for growth as a neighborhood center with civic, educational and arts uses plus affordable in-fill housing.
City of Ashland
TSP Update
N. Mountain Avenue and E. Main Street
Pedestrian Place
otak
March 2011
Revised October2011

Concept Plan.

This conceptual development plan provides a hypothetical example that serves to illustrate how a property could develop to balance residential and commercial uses through implementing the Pedestrian Places building blocks.

Development Summary

Building A: 2-Story Apartment Building
- 8 Apartments

Building B: 2-Story Mixed-use Building
- General Retail Space – 1-2 shops (2500sq.ft each)
- 16 Apartments

Building C: 2-Story Mixed-use Building
- General Retail Space – 1-2 shops (2500sq.ft each)
- 16 Apartments

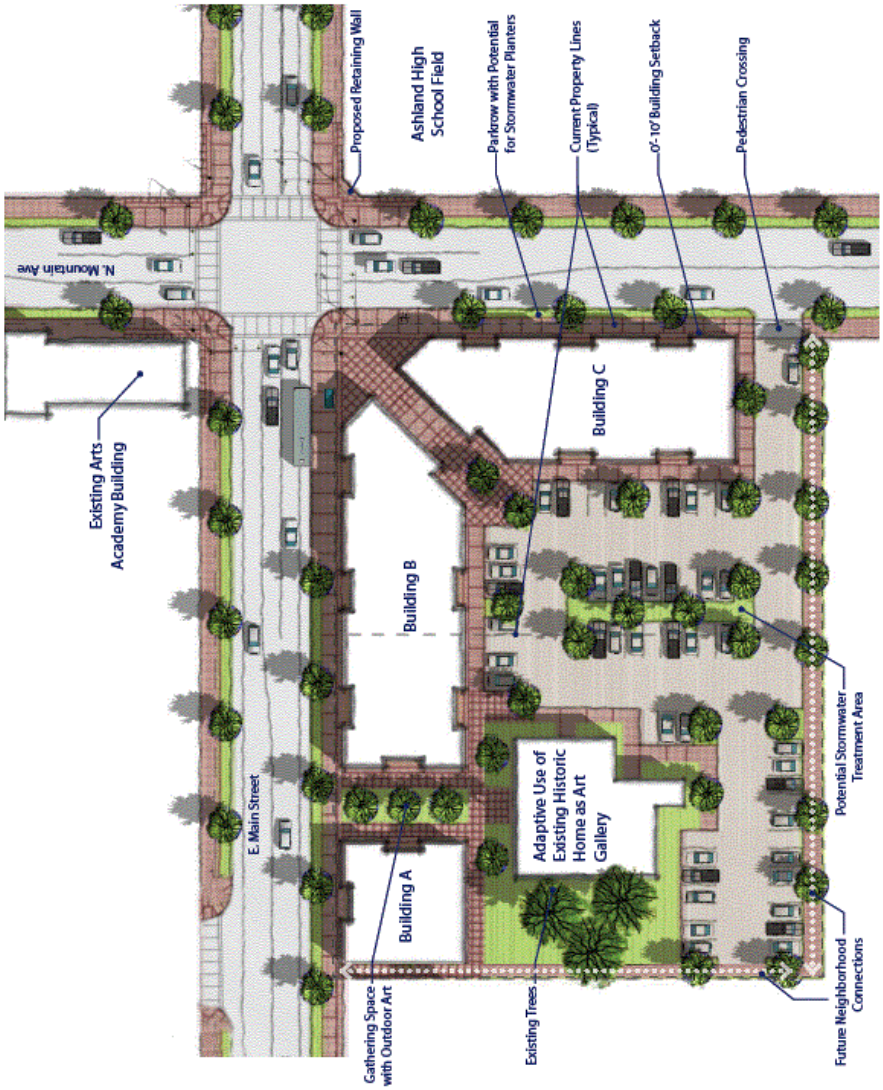
Historic Home as Potential Studio / Gallery Space

Flexible Parking Standards
- Various parking credit options

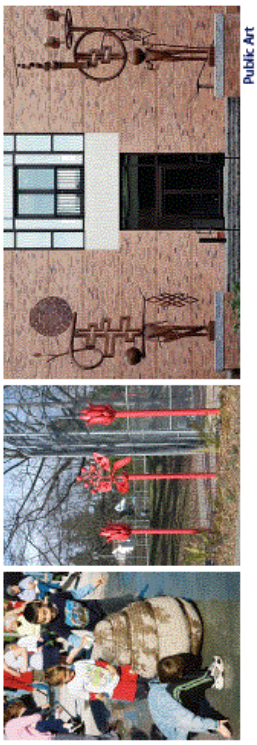
Achievable Density
- 22 – 24 dwelling units / acre (With preservation of historic home
- FAR= 0.66:1

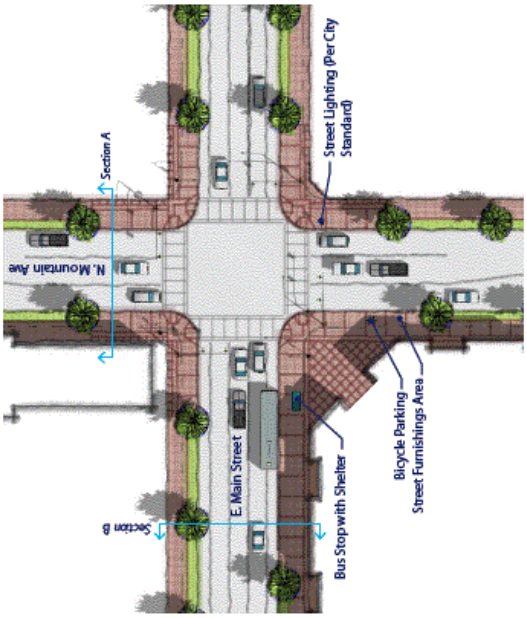
Arts, Education and Affordability
- Adaptive re-use of buildings to support local art
- Outdoor spaces for installation of public art
- Modestly sized, affordable apartments
- Civic and educational uses nearby

Transportation and Streetscape Improvements
- Enhanced sidewalks and intersection
- Opportunities for additional neighborhood connectivity
- Transit-supportive densities for restoring bus service
- Reduced parking areas
- Pedestrian-friendly building design
- Transportation and Streetscape Improvements

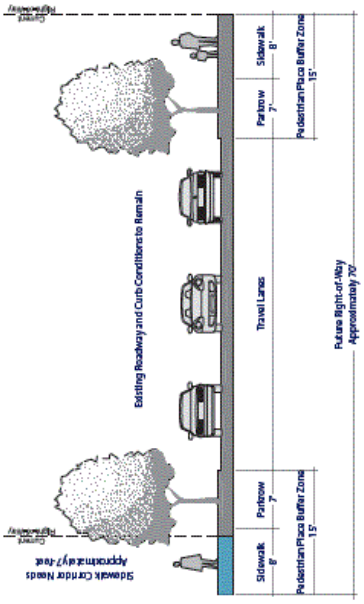


Streetscape and Public Art

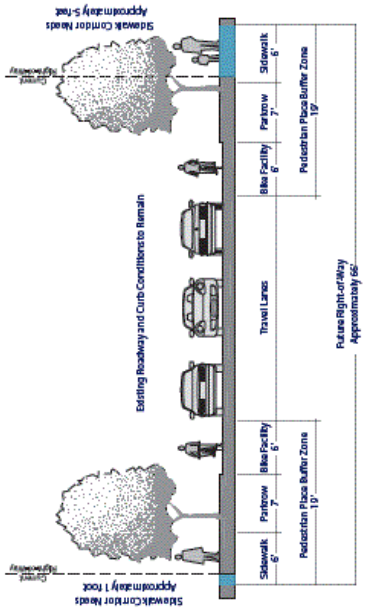




Pedestrian Place Streetscape Features



N. Mountain Avenue Future Improvements
Section A – Looking North

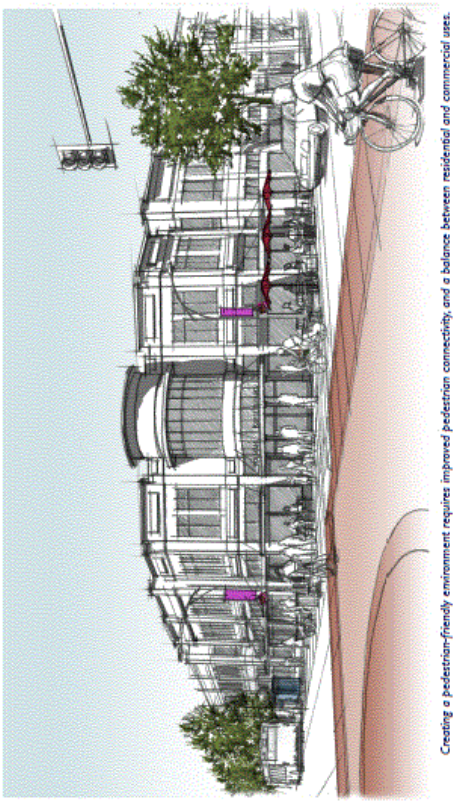


E. Main Street Future Improvements
Section B – Looking West

Designing the Public Realm

Public Realm Features

Primary streetscape character elements are the Green Street design with flow-through stormwater planters and building articulations with ground floor windows for the shops located near the intersection and residential units located near mid-block. The residential units could be artist live/work spaces with ground floor galleries visible from street. Near the intersection a paved sidewalk furnishing zone accommodates a bus shelter, bike racks and outdoor seating across from a revitalized Arts Academy.



Creating a pedestrian-friendly environment requires improved pedestrian connectivity, and a balance between residential and commercial uses.

City of Ashland
TSP Update

Tolman Creek Road and Ashland Street
Pedestrian Place

otak

March 2011
Revised October 2011

Concept Plan

This conceptual development plan provides a hypothetical example that serves to illustrate how a property could develop through implementing the Pedestrian Places building blocks.

Development Summary

Building A: 2-Story Apartment Building

- 60 Apartments

Building B: 2-Story Mixed-use Building

- General Retail Space – 6-10 shops (15,000 sf)
- Office Space – 15,000 sf.

Flexible Parking Standards

- Various parking credit options

Achievable Density

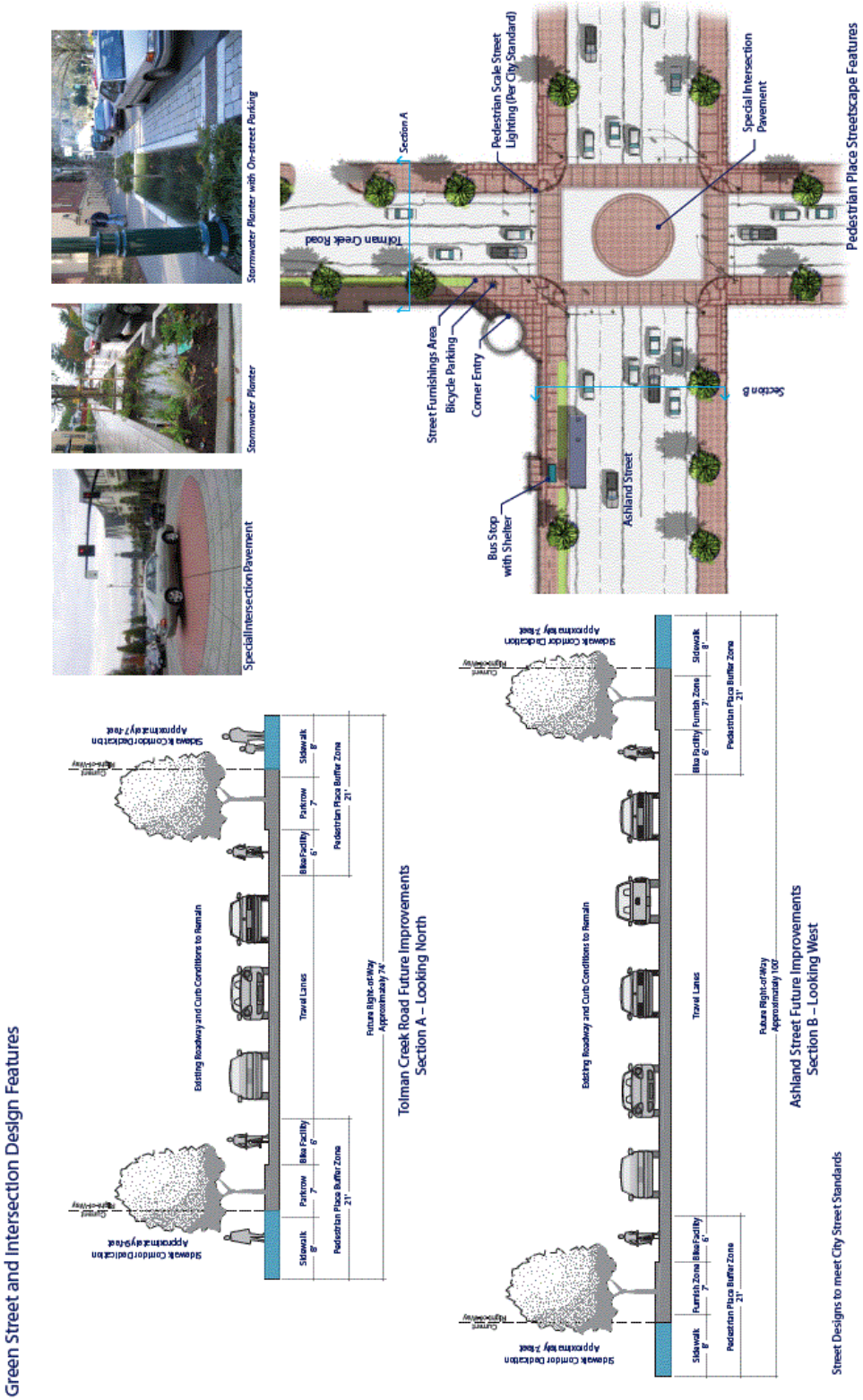
- 25 – 30 dwelling units / acre
- FAR= 0.67:1

Balancing Residential and Commercial Uses

- Expand housing choices in core area and connectivity to existing residential neighborhoods
- Office and retail complementary to existing commercial uses
- Modestly sized, affordable apartments

Transportation and Streetscape Improvements

- Enhanced sidewalks and intersection
- Opportunities for additional neighborhood connectivity
- Transit-supportive densities for frequent service
- Reduced parking areas
- Pedestrian-friendly building design

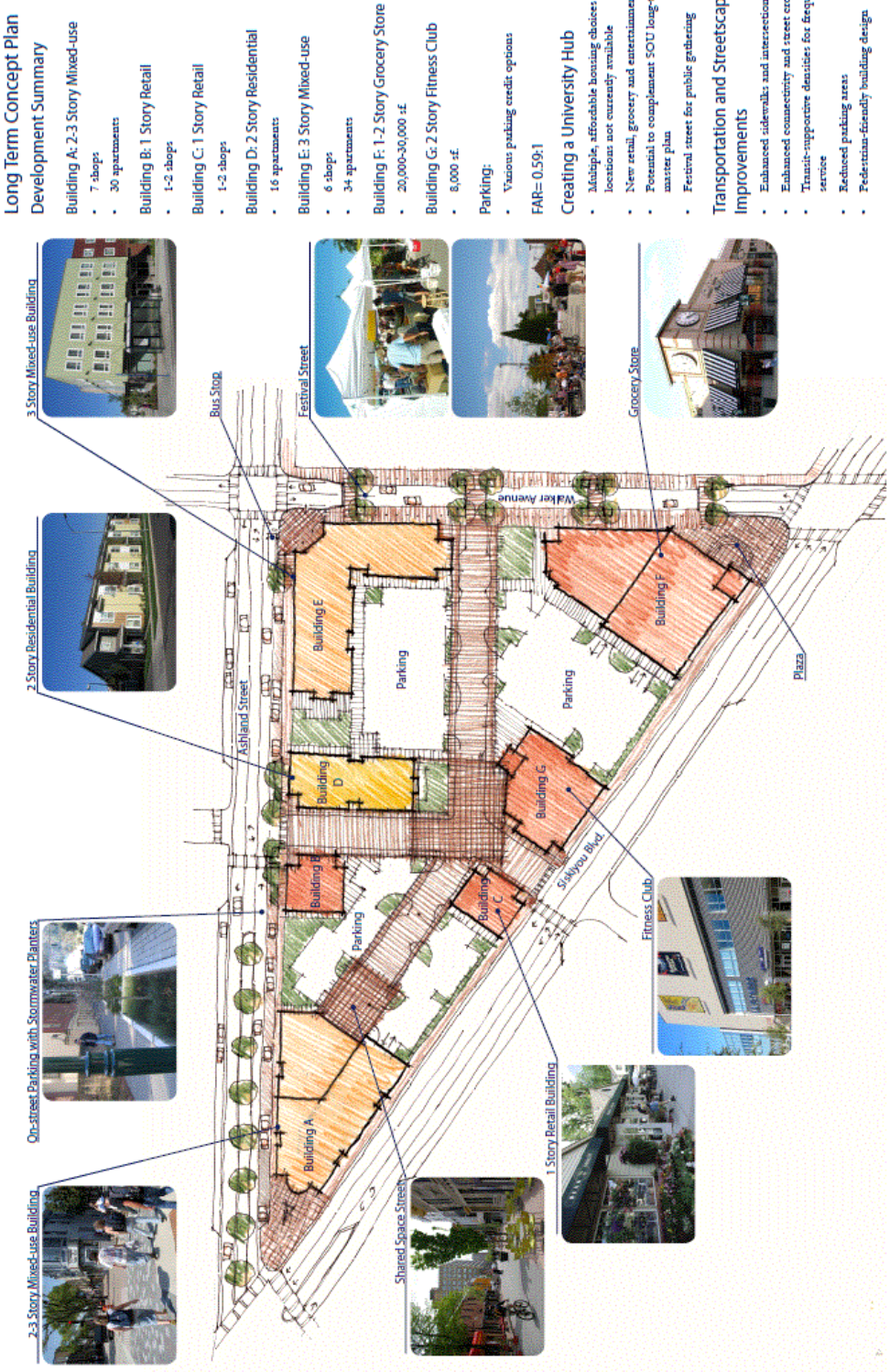

Green Street and Intersection Design Features
Stormwater Planter with On-street Parking
Stormwater Planter
Special Intersection Pavement
Pedestrian Place Streetscape Features
Pedestrian Scale Street Lighting (Per City Standard)
Special Intersection Pavement
Section A
Tolman Creek Road
Street Furnishings Area
Bicycle Parking
Corner Entry
Section B
Bus Stop with Shelter
Ashland Street
Tolman Creek Road Future Improvements
Section A – Looking North
Ashland Street Future Improvements
Section B – Looking West
Street Designs to meet City Street Standards

Designing the Public Realm

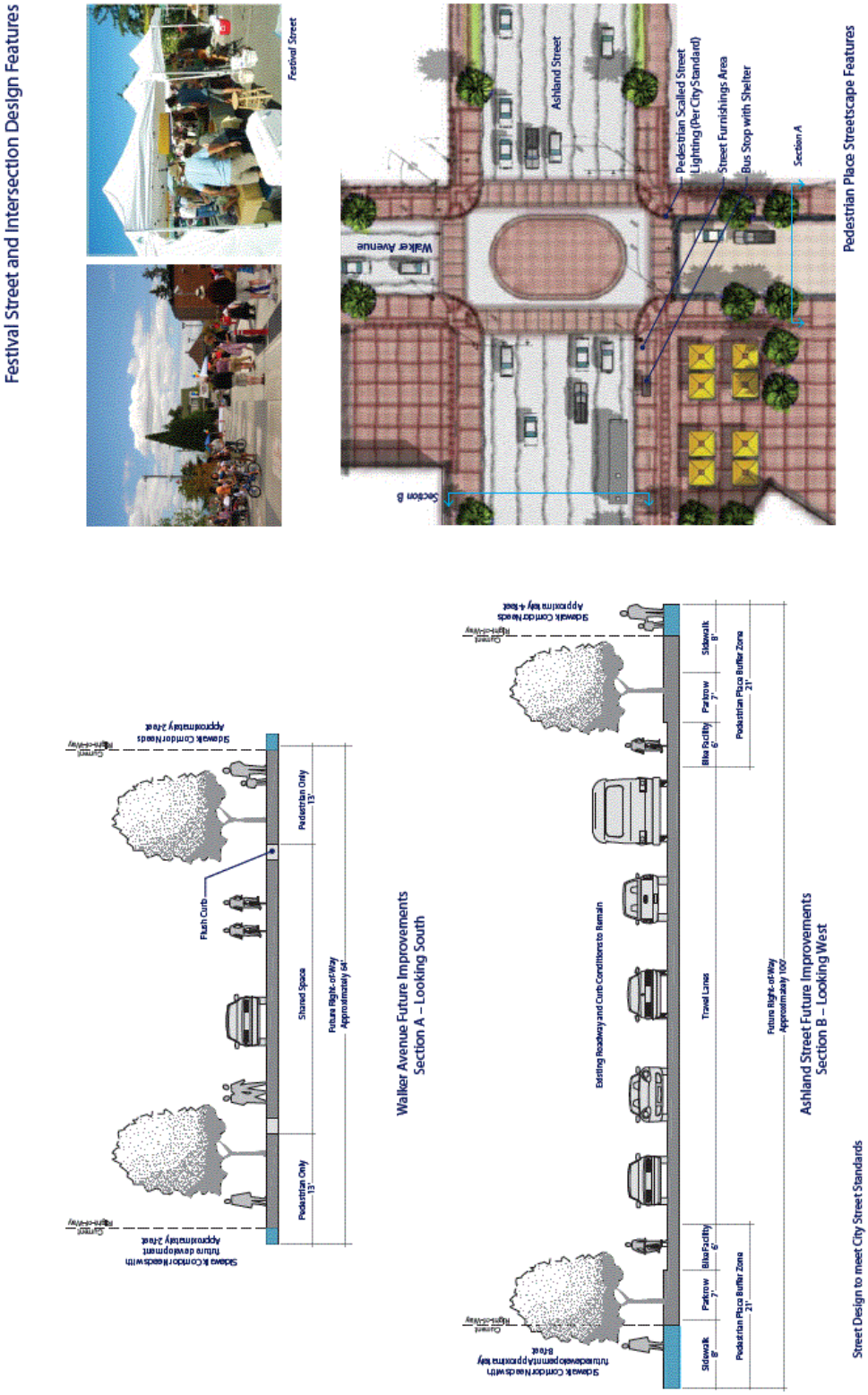
Public Realm Features

Primary streetscape character elements are the Green Street design with flow-through stormwater planters, ornamental street lights with banners and a paved sidewalk furnishing zone near the intersection to accommodate bus shelters, bike racks and outdoor seating. The corner entry and building setback, building articulations and large ground floor windows help create a more comfortable pedestrian environment alongside an unbuttonable street.

Potential to become a university district neighborhood hub.
FOOD & ARTS
City of Ashland
TSP Update
Walker Avenue and Ashland Street
Pedestrian Place
otak
March 2011
Revised October 2011


Long Term Concept Plan
Development Summary
Building A: 2-3 Story Mixed-use
• 7 shops
• 30 apartments
Building B: 1 Story Retail
• 1-2 shops
Building C: 1 Story Retail
• 1-2 shops
Building D: 2 Story Residential
• 16 apartments
Building E: 3 Story Mixed-use
• 6 shops
• 34 apartments
Building F: 1-2 Story Grocery Store
• 20,000-30,000 sf
Building G: 2 Story Fitness Club
• 8,000 sf
Parking:
• Various parking credit options
FAR= 0.59:1
Creating a University Hub
• Multiple, affordable housing choices and locations not currently available
• New retail, grocery and entertainment uses
• Potential to complement SOU long-term master plan
• Festival street for public gathering
Transportation and Streetscape Improvements
• Enhanced sidewalks and intersection
• Enhanced connectivity and street crossings
• Transit-supportive densities for frequent service
• Reduced parking areas
• Pedestrian-friendly building design
3 Story Mixed-use Building
Bus Stop
Festival Street
Grocery Store
2 Story Residential Building
Ashland Street
Building E
Parking
Building D
Building F
Plaza
Walker Avenue
Parking
Building G
Siskiyou Blvd.
On-street Parking with Stormwater Planters
Building B
Parking
Building C
Fitness Club
2-3 Story Mixed-use Building
Building A
Shared Space Street
1 Story Retail Building

Near Term Concept Plan
Potential SOU Building and Plaza, Complementary to Festival Street
Special Intersection Pavement
Vendors, Carts or Booths
Potential Outdoor Space, Complementary to the Festival Street
Shared Space for Truck Delivery and Occasional Festivals (See Note 1)
Walker Avenue Festival Street with Flush Curbs
Current Property Lines (Typical)
Potential for Future Development
Existing building with redevelopment potential
Existing Wall
Note 1: Location of vendors, carts or booths coordinated with delivery schedules of market. Truck ingress and egress from Walker Street.
Note 2: Scenario assumes re-development and re-configuration of all parking to promote new pedestrian connections
Walker Ave
Fitness
Market of Choice
Timbers Motel
Parkrow with Potential for Stormwater Planters
Proposed Pedestrian Crossing Enhancement
Shared Space for Pedestrians and Cars
Restaurant/Video Rental
Ashland Street
Siskiyou Blvd.
Existing Buildings
Future improvements contingent upon site redevelopment
Potential Pedestrian Walkway (See Note 2)
Proposed Pedestrian Crossing Enhancement
Creating a University Hub
Potential to complement SOU long-term master plan
Plaza space for food carts and vendors
Festival street for public gathering
Transportation and Streetscape Improvements
Enhanced sidewalks and intersection
Improved interior pedestrian and vehicle circulation
Enhanced connectivity and street crossings
Pedestrian-friendly street corners
Shared driveway access and parking


Festival Street and Intersection Design Features
Festival Street
Pedestrian Place Streetscape Features
Ashland Street
Walker Avenue
Section B
Section A
Pedestrian Scaled Street Lighting (Per City Standard)
Street Furnishings Area
Bus Stop with Shelter
Walker Avenue Future Improvements
Section A – Looking South
Sidewalk Corridor Reads with future development Approximately 24'feet
Sidewalk Corridor Reads Approximately 24'feet
Pedestrian Only 13'
Shared Space
Pedestrian Only 13'
Future Right-of-Way Approximately 64'
Flush Curb
Ashland Street Future Improvements
Section B – Looking West
Sidewalk Corridor Reads with future development Approximately 24'feet
Sidewalk Approximately 8'feet
Parkrow 7'
Bike Facility 6'
Pedestrian Place Buffer Zone 21'
Travel Lanes
Existing Roadway and Curb Conditions to Remain
Future Right-of-Way Approximately 100'
Street Design to meet City Street Standards

Chapter 18.3.13 – Residential Overlay

Sections

18.3.13.010 Residential Overlay Regulations

18.3.13.010 Residential Overlay Regulations

A. Purpose. The Residential overlay is intended to encourage a concentration and mix of businesses and housing that provides a variety of housing types, supports resource and energy conservation, and promotes walking, bicycling, and transit use.

B. Applicability. The Residential overlay applies to all property where 'Residential Overlay' (R) is indicated on the Zoning map.

C. Requirements. The Residential overlay requirements are as follows.

1. If there is one building on a site, ground floor residential uses shall occupy not more than 35 percent of the gross floor area of the ground floor. Where more than one building is located on a site, not more than 50 percent of the total lot area shall be designated for residential uses.
2. Residential densities shall not exceed 15 dwelling units per acre. For the purpose of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.
3. Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the E-1 District.
4. If the number of residential units exceeds ten, then at least 10 percent of the residential units shall be affordable for moderate-income persons in accord with the standards established by resolution of the City Council through procedures contained in the resolution. The number of units required to be affordable shall be rounded down to the nearest whole unit.

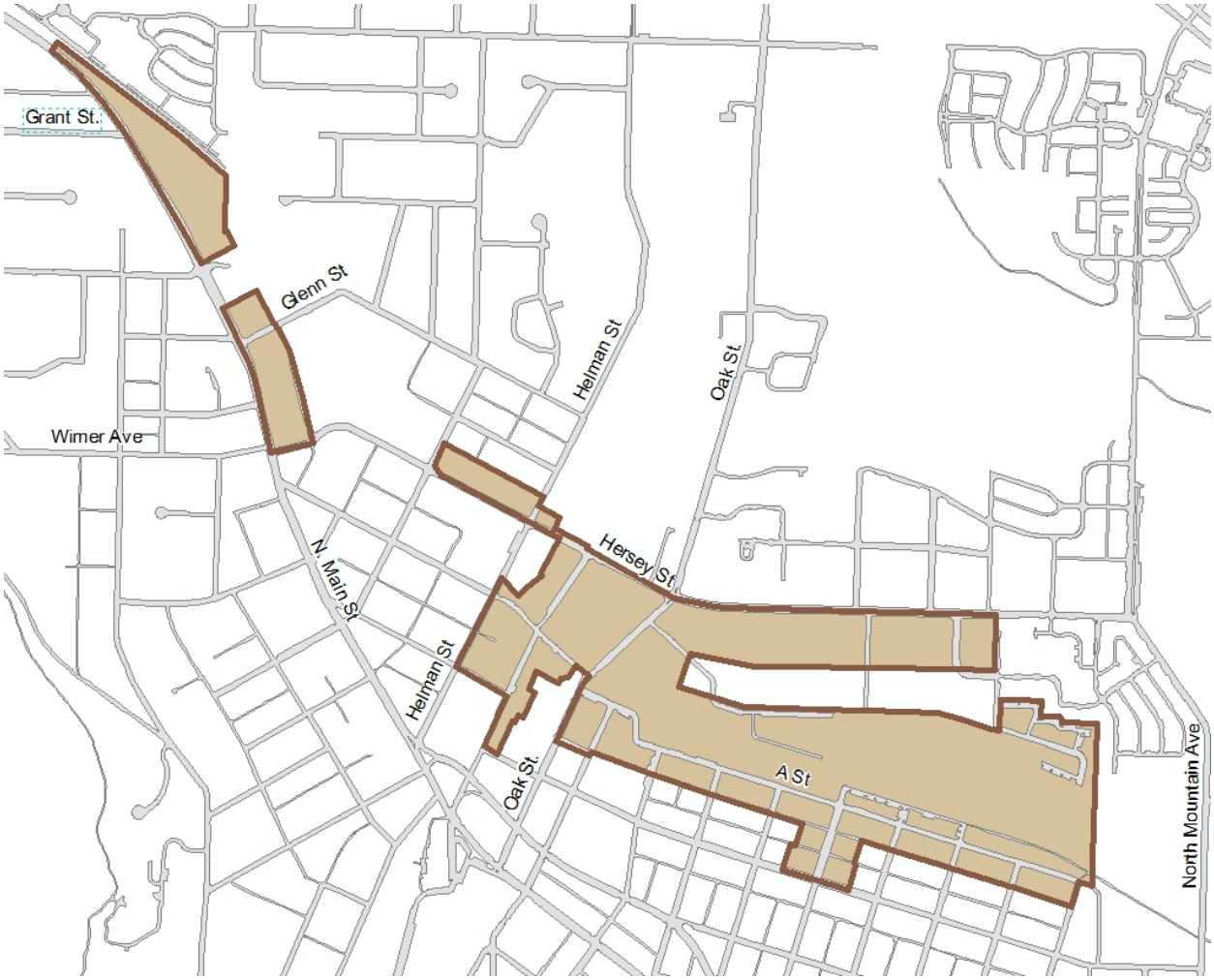


Figure 18.3.13.010
Residential Overlay

Figure 18.3.13.010
Residential Overlay

PART 18.4 - SITE DEVELOPMENT AND DESIGN STANDARDS

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PART 18.4 - Site Development and Design Standards

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18.4.1 Site Development and Design Standards Administration
18.4.2 Building Placement, Orientation, and Design
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18.4.5 Tree Preservation and Protection
18.4.6 Public Facilities
18.4.7 Signs
18.4.8 Solar Access
18.4.9 Disc Antennas
18.4.10 Wireless Communication Facilities

Chapter 18.4.1 – Site Development and Design Standards Administration

Sections:

18.4.1.010 Purpose
18.4.1.020 Applicability
18.4.1.030 Exceptions and Variances

18.4.1.010 Purpose

Part 18.4 contains design standards for development. The regulations are intended to protect public health, safety, and welfare through standards that promote land use compatibility, resource protection, and livability, consistent with the goals and policies of the Comprehensive Plan. Where an applicant requests an exception to a design standard, the approval authority evaluates the request against the purpose of the ordinance chapter in which the design standard is located.

18.4.1.020 Applicability

Part 18.4 applies to permits and approvals granted under this ordinance, and other City actions, as summarized in Table 18.4.1.020. The design standards of other agencies, such as the Oregon Department of Transportation or a natural resource regulatory agency, may also apply. The City's failure to notify the applicant of such requirement shall not invalidate a permit or other action taken by the City under this ordinance.

18.4.1.030 Exceptions and Variances

A. Applicability. The individual chapters identify the standards which are subject to the Exception and Variance processes.

Table 18.4.1.020
Applicability of Design Standards to Planning Approvals and Permits[15]

Type of Action	18.4.2 Buildings	18.4.3 Parking, Access, & Circulation	18.4.4 Landscape & Screening	18.4.6 Public Facilities	18.4.7 Signs	18.4.8 Solar Access	18.4.5 Trees	18.4.9 Discs; and 18.4.10 WCFs
Annexation	I	Y	I	Y	I	I	Y	I
Building Permit	City reviews building plan through a Ministerial procedure and determines which standards apply.							
Code Interpretation	Standards are subject to City interpretation under chapter 18.1.5.							
Code Text Amendment	Chapters apply where amendment affects design standards.							
Comprehensive Plan Map Amendment	N	N	N	Y	N	N	N	N
Conditional Use Permit	I	I	I	I	I	I	I	I
Home Occupation	Home Occupations are subject to section 18.2.3.150.							
Legal Lot Determination	N	Y	N	Y	N	N	N	N
Modification to Approval or Condition of Approval	Individual chapters map apply, depending on the modification request.							
Non-Conforming Situations, Expansion of	Uses, structures, developments, or lots found to be non-conforming to any standard of part 18.4 are subject to chapter 18.1.4.							
Partition or Re-plat of 2-3 lots (See also, chapter 18.5.3)	N	Y	I	Y	N	Y	I	N
Property Line Adjustments, including Lot Consolidations (See also, chapter 18.5.3)	N	Y	N	Y	N	Y	N	N
Site Design Review (See also, chapter 18.5.2)	Y	Y	Y	Y	Y	I	I	I
Subdivision or Replat of >3 lots (See also, chapter 18.5.3)	N	Y	I	Y	N	Y	I	N
Exceptions and Variances	Individual chapters of part 18.4 may apply, depending on the exception or variance request.							
Zoning District Map Change	N	N	N	Y	N	N	N	N

[15] Y = yes, chapter is applicable; I = in some cases, chapter may be applicable; N = no, chapter is not applicable

Chapter 18.4.2 – Building Placement, Orientation, and Design

Sections:

18.4.2.010 Purpose
18.4.2.020 Applicability
18.4.2.030 Residential Development
18.4.2.040 Non-Residential Development
18.4.2.050 Historic District Development
18.4.2.060 Downtown Ashland

18.4.2.010 Purpose

Chapter 18.4.2 regulates the placement, orientation, and design of buildings. The purpose is to promote site planning and building designs that:

A. Enhance the environment to encourage alternative modes of transportation, such as walking, bicycling, and transit;

B. Provide a business environment that is safe and comfortable, and natural surveillance of public spaces, or “eyes on the street,” for crime prevention and security;

C. Reduce dependency on the automobile for short trips, thereby conserving energy and reducing unwanted congestion;

D. Support resource conservation and reusable energy generation, through solar, wind, and other renewable energy sources; and

E. Require high quality development that makes a positive contribution to the streetscape and maintains a sense of place that is distinctly Ashland.

18.4.2.020 Applicability

A. Chapter 18.4.2 applies to residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review. Note that some standards apply differently to developments located within Detailed Design Review, Downtown Design Review, and Historic Design Review overlays.

B. **Exceptions and Variances.** Requests to depart from the requirements of this chapter are subject to subject to 18.5.2.050.E Exception to the Site Development and Design Standards.

18.4.2.030 Residential Development

A. **Purpose and Intent.** For new multi-family residential developments, careful design considerations must be made to assure that the development is compatible with the surrounding neighborhood. For example, the use of earth tone colors and wood siding will blend a development into an area rather than causing contrast through the use of overwhelming colors and concrete block walls.

1. Crime Prevention and Defensible Space.

a. *Parking Layout.* Parking for residents should be located so that distances to dwellings are minimized. However, avoid designs where parking areas are immediately abutting dwelling units because there is little or no transition from public to private areas. Parking areas should be easily visible from adjacent areas and windows.

b. *Orientation of Windows.* Windows should be located so that vulnerable areas can be easily surveyed by residents.

c. *Service and Laundry Areas.* Service and laundry areas should be located so that they can be easily observed by others. Windows and lighting should be incorporated to assure surveillance opportunities. Mail boxes should not be located in dark alcoves out of sight. Barriers to police surveillance such as tall shrubs and fences should be avoided.

d. *Hardware.* Reliance solely upon security hardware in lieu of other alternatives is discouraged.

e. *Lighting.* Site development should utilize lighting prudently. More lighting does not necessarily mean better security. Lighting should be oriented so that areas vulnerable to crime are accented.

f. *Landscaping.* Plant materials such as high shrubs should be placed so that surveillance of semi-public and semi-private areas is not blocked. Thorny shrubs will discourage crime activity. Low shrubs and canopy trees will allow surveillance, hence, reduce the potential for crime.

B. Applicability. Except as otherwise required by an overlay zone or plan district, the following standards apply to residential development pursuant to section 18.5.2.020. See conceptual site plan of multi-family development in Figure 18.4.2.030.

C. Building Orientation. Residential buildings that are subject to the provisions of this chapter shall conform to all of the following standards. See also, solar orientation standards in section 18.4.8.050.

1. Building Orientation to Street. Dwelling units shall have their primary orientation toward a street. Where residential buildings are located within 20 feet of a street, they shall have a primary entrance opening toward the street and connected to the right-of-way via an approved walkway.

2. Limitation on Parking Between Primary Entrance and Street. Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or on one or both sides.

3. Build-to Line. Where a new building is proposed in a zone that requires a build-to line or maximum front setback yard, except as otherwise required for clear vision at intersections, the building shall comply with the build-to line standard.

D. Garages. The following standards apply to garages, carports, canopies, and other permanent and temporary structures used for parking or storing vehicles, including those parking and vehicle storage structures accessory to detached single-family dwellings. The standards are intended to balance residents' desire for a convenient, safe, and private vehicle access to their homes with the public interest in maintaining safe and aesthetically pleasing streetscapes. The standards therefore promote pedestrian safety and visibility of public ways, while addressing aesthetic concerns

associated with street-facing garages. For the purpose of this subsection, a garage opening is considered to be facing a street where the opening is parallel to or within 45 degrees of the street right-of-way line.

1. Alleys and Shared Drives**.** Where a lot abuts a rear or side alley, or a shared driveway, including flag drives, the garage or carport opening(s) for that dwelling shall orient to the alley or shared drive, as applicable, and not a street.
2. Setback for Garage Opening Facing Street. The minimum setback for a garage (or carport) opening facing a street is 20 feet. This provision does not apply to alleys.

E. Building Materials. Building materials and paint colors should be compatible with the surrounding area. Very bright primary or neon-type paint colors, which attract attention to the building or use, are unacceptable.

F. Streetscape. One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18.4.4.030.E.

G. Landscaping and Recycle/Refuse Disposal Areas. Landscaping and recycle/refuse disposal areas shall be provided pursuant to chapter 18.4.4.

H. Open Space. Residential developments that are subject to the provisions of this chapter shall conform to all of the following standards.

1. Recreation Area. An area equal to at least eight percent of the lot area shall be dedicated to open space for recreational use by the tenants of the development.
2. Surfacing. Areas covered by shrubs, bark mulch, and other ground covers that do not provide suitable surface for human use may not be counted towards this requirement.
3. Decks and Patios. Decks, patios, and similar areas are eligible for open space.
4. Play Areas. Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for open space.

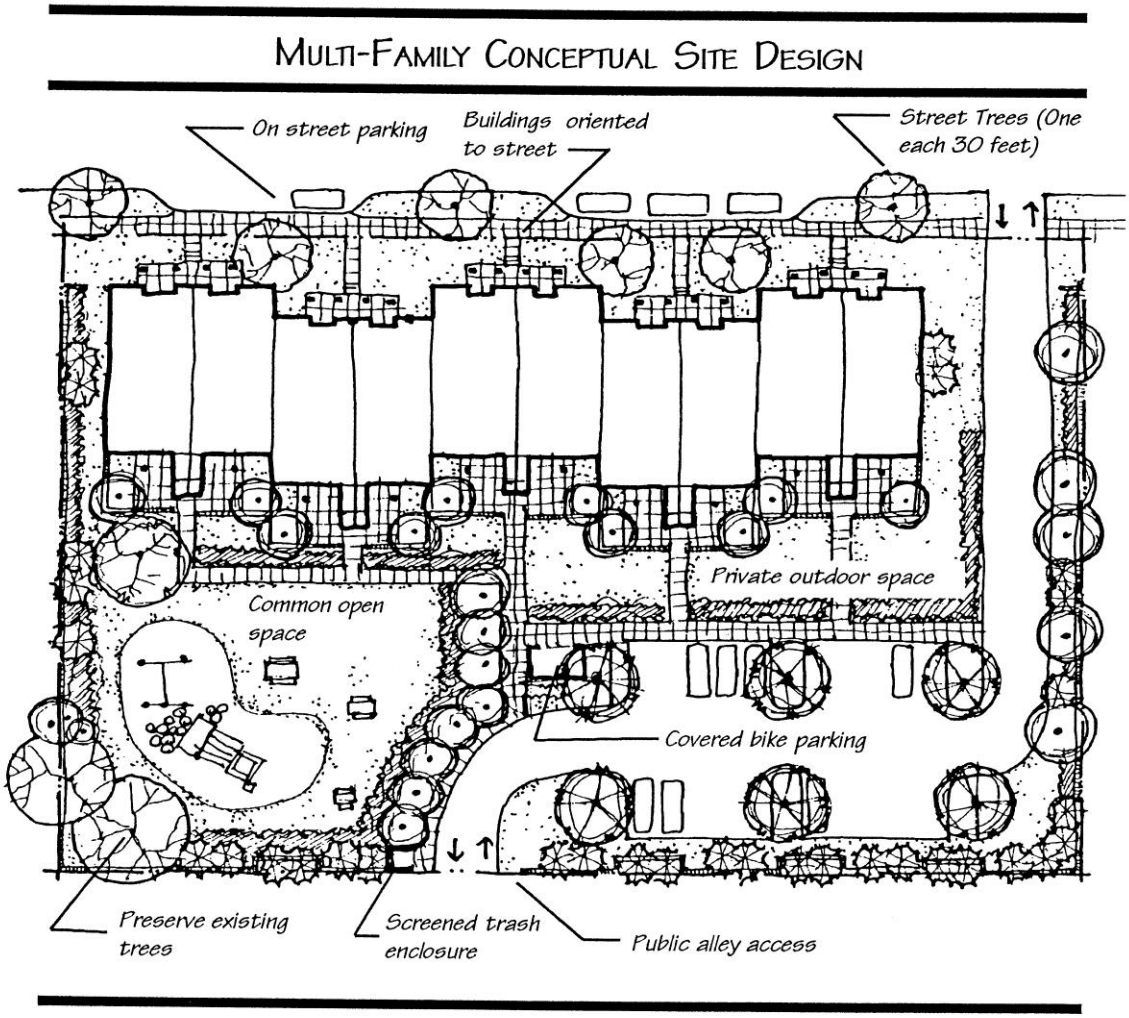


Figure 18.4.2.030
Multi-Family Conceptual Site Design

18.4.2.040 Non-Residential Development

A. Purpose and Intent. Commercial and employment developments should have a positive impact upon the streetscape. For example, buildings made of unadorned concrete block or painted with bright primary colors used to attract attention can create an undesirable effect upon the streetscape.

Landscaping and site design for commercial and employment zones is somewhat different from that required for residential zones. The requirement for outdoor spaces is much less. The primary function is to improve the project's appearance, enhance the City's streetscape, lessen the visual and climatic impact of parking areas, and to screen adjacent residential uses from the adverse impacts which commercial uses may cause.

One area in which Ashland's commercial differs from that seen in many other cities is the relationship between the street, buildings, parking areas, and landscaping. The most common form

of modern commercial development is the placement of a small buffer of landscaping between the street and the parking area, with the building behind the parking area at the rear of the parcel with loading areas behind the building. This may be desirable for the commercial use because it gives the appearance of ample parking for customers. However, the effect on the streetscape is less than desirable because the result is a vast hot, open, parking area which is not only unsightly but results in a development form which the City discourages.

The alternative desired in Ashland is to design the site so that it makes a positive contribution to the streetscape and enhances pedestrian and bicycle traffic. The following development standards apply to commercial, industrial, non-residential and mixed-use development. The application of the standards depends on what area of the City the property is located. Generally speaking, areas that are visible from highly traveled arterial streets and that are in the Historic District are held to a higher development standard than projects that are in manufacturing and industrial area.

B. Basic Site Review Standards. Except as otherwise required by an overlay zone or plan district, the following requirements apply to commercial, industrial, non-residential and mixed-use development pursuant to section 18.5.2.020. See conceptual site plan of basic site review development in Figure 18.4.2.040.B.

1. Orientation and Scale.

   a. Buildings shall have their primary orientation toward the street and not a parking area. Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or to one side. See Figure 18.4.2.040.B.1.

   b. A building façade or multiple building facades shall occupy a large majority of a project's street frontage a illustrated in Figure 18.4.2.040.B, and avoid site design that incorporates extensive gaps between building frontages created through a combination of driveway aprons, parking areas, or vehicle aisles. This can be addressed by, but not limited to, positioning the wider side of the building rather than the narrow side of the building toward the street. In the case of a corner lot, this standard applies to both street frontages. Spaces between buildings shall consist of landscaping and hard durable surface materials to highlight pedestrian areas.

   c. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. The entrance shall be designed to be clearly visible, functional, and shall be open to the public during all business hours. See Figure 18.4.2.040.B.1.

   d. Building entrances shall be located within 20 feet of the public right of way to which they are required to be oriented. Exceptions may be granted for topographic constraints, lot configuration, designs where a greater setback results in an improved access or for sites with multiple buildings, such as shopping centers, where other buildings meet this standard.

   e. Where a building is located on a corner lot, its entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets. The building shall be located as close to the intersection corner as practicable.

   f. Public sidewalks shall be provided adjacent to a public street along the street frontage.

   g. The standards in a-d, above, may be waived if the building is not accessed by pedestrians,

such as warehouses and industrial buildings without attached offices, and automotive service stations.

Building Orientation

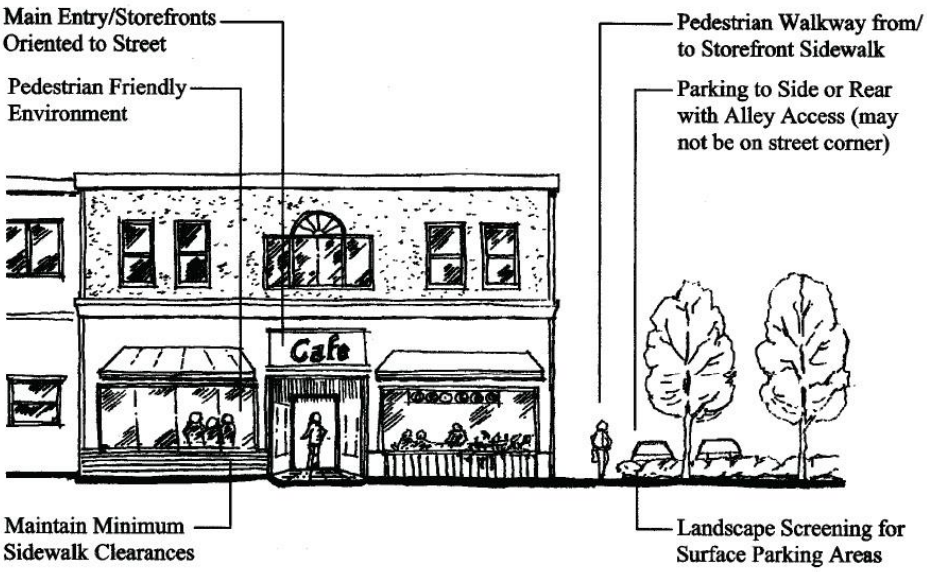


Figure 18.4.2.040.B.1
Building Orientation

2. Streetscape. One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18.4.4.030.E.

3. Landscaping.

   a. Landscape areas at least ten feet in width shall buffer buildings adjacent to streets, except the buffer is not required in the Detail Site Review, Historic District, and Pedestrian Place overlays.

   b. Landscaping and recycle/refuse disposal areas shall be provided pursuant to chapter 18.4.4.

4. Designated Creek Protection. Where a project is proposed adjacent to a designated creek protection area, the project shall incorporate the creek into the design while maintaining required setbacks and buffering, and complying water quality protection standards. The developer shall plant native riparian plants in and adjacent to the creek protection zone.

5. Noise and Glare. Artificial lighting shall meet the requirements of section 18.4.4.050. Compliance with AMC 9.08.170.c and AMC 9.08.175 related to noise is required.

6. Expansion of Existing Sites and Buildings. For sites that do not conform to the standards of section 18.4.2.040 (i.e., nonconforming developments), an equal percentage of the site must be made to comply with the standards of this section as the percentage of building expansion. For

example, if a building area is expanded by 25 percent, then 25 percent of the site must be brought up to the standards required by this document.

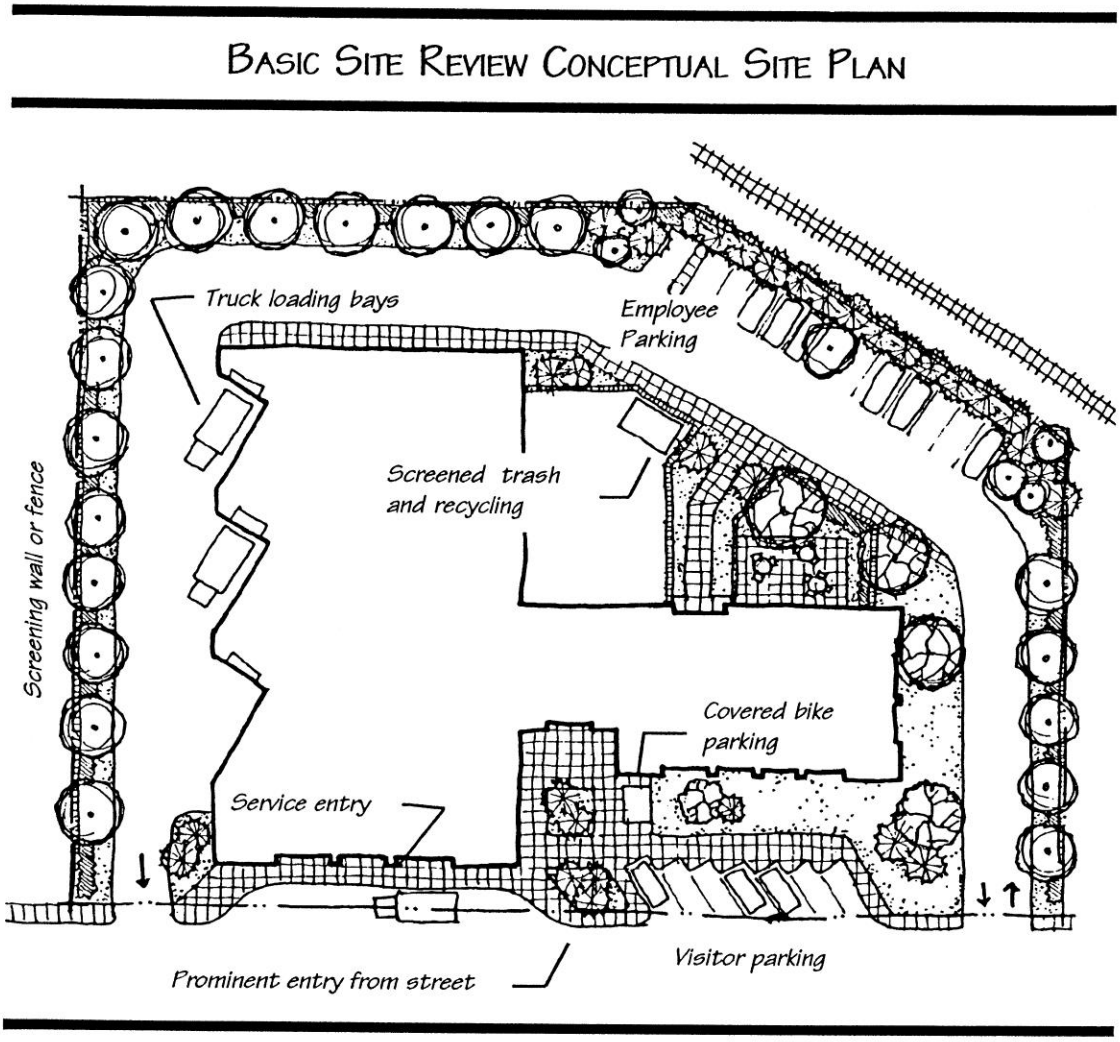


Figure 18.4.2.040.B
Basic Site Review Conceptual Site Plan

C. Detailed Site Review Standards. Development that is within the Detail Site Review overlay shall, in addition to the complying with the standards for Basic Site Review in 18.4.2.040.B, above, conform to the following standards. See conceptual site plan of detail site review development in Figure 18.4.2.040.C.1 and maps of the Detail Site Review overlay in Figures 18.4.2.040.C.2-5.

1. Orientation and Scale.

   a. Developments shall have a minimum Floor Area Ratio (FAR) of 0.50. Where a site is one-half an acre or greater in size, the FAR requirement may be met through a phased development plan or a shadow plan that demonstrates how development may be intensified

over time to meet the minimum FAR. See shadow plan example in Figure 18.4.2.040.C.1.a. Plazas and pedestrian areas shall count as floor area for the purposes of meeting the minimum FAR.

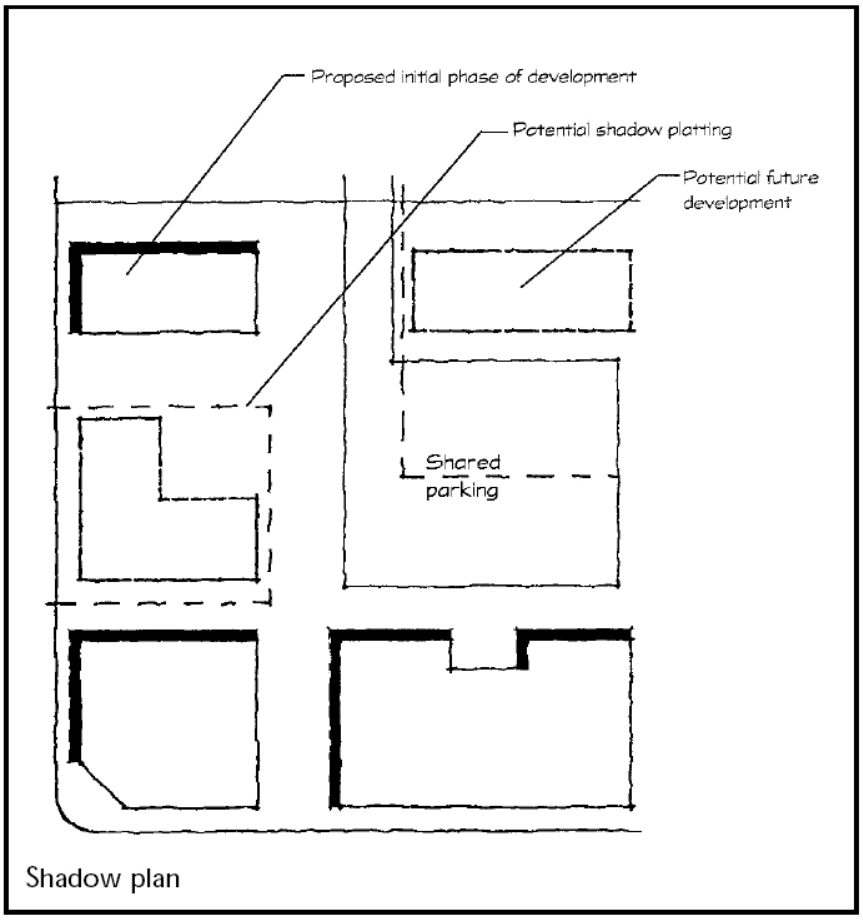


Figure 18.4.2.040.C.1.a
Shadow Plan

b. Building frontages greater than 100 feet in length shall have offsets, jogs, or have other distinctive changes in the building façade.

c. Any wall that is within 30 feet of the street, plaza, or other public open space shall contain at least 20 percent of the wall area facing the street in display areas, windows, or doorways. Windows must allow view into working areas, lobbies, pedestrian entrances, or displays areas. Blank walls within 30 feet of the street are prohibited. Up to 40 percent of the length of the building perimeter can be exempted for this standard if oriented toward loading or service areas.

d. Buildings shall incorporate lighting and changes in mass, surface or finish to give emphasis to entrances.

e. Infill or buildings, adjacent to public sidewalks, in existing parking lots is encouraged and desirable.

f. Buildings shall incorporate arcades, roofs, alcoves, porticoes, and awnings that protect pedestrians from the rain and sun.

2. Streetscape.

a. Hardscape (paving material) shall be utilized to designate “people” areas. Sample materials could be unit masonry, scored and colored concrete, grasscrete, or combinations of the above.

b. A building shall be setback not more than five feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas, or for a required public utility easement. This standard shall apply to both street frontages on corner lots. If more than one structure is proposed for a site, at least 65 percent of the aggregate building frontage shall be within five feet of the sidewalk.

3. Buffering and Screening.

a. Landscape buffers and screening shall be located between incompatible uses on an adjacent lot. Those buffers can consist or either plant material or building materials and must be compatible with proposed buildings.

b. Parking lots shall be buffered from the main street, cross streets, and screened from residentially zoned land.

4. Building Materials.

a. Buildings shall include changes in relief such as cornices, bases, fenestration, and fluted masonry, for at least 15 percent of the exterior wall area.

b. Bright or neon paint colors used extensively to attract attention to the building or use are prohibited. Buildings may not incorporate glass as a majority of the building skin.

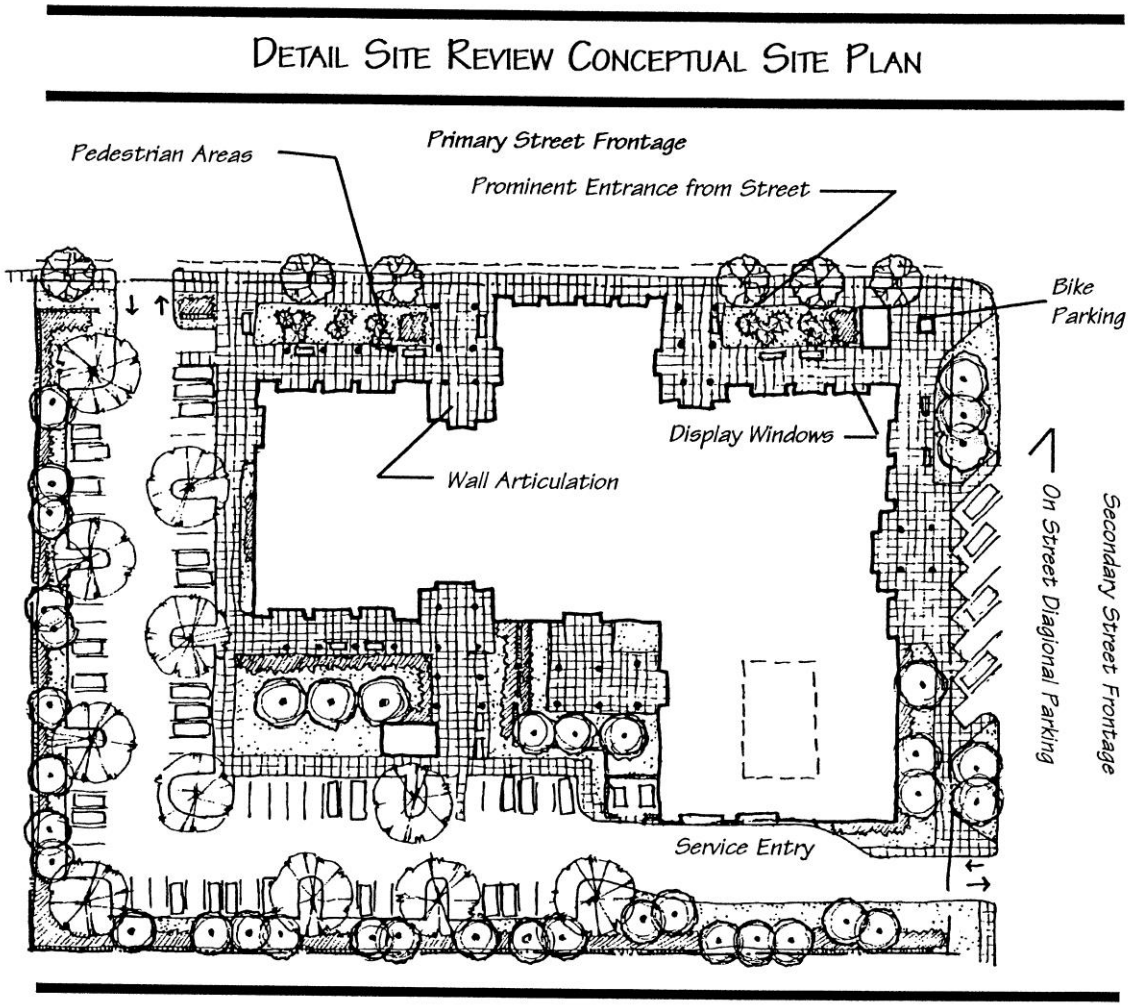


Figure 18.4.2-040.C.1
Detail Site Review Conceptual Site Plan

Detail Site Review Overlay
North Main, Historic District and Oak Street

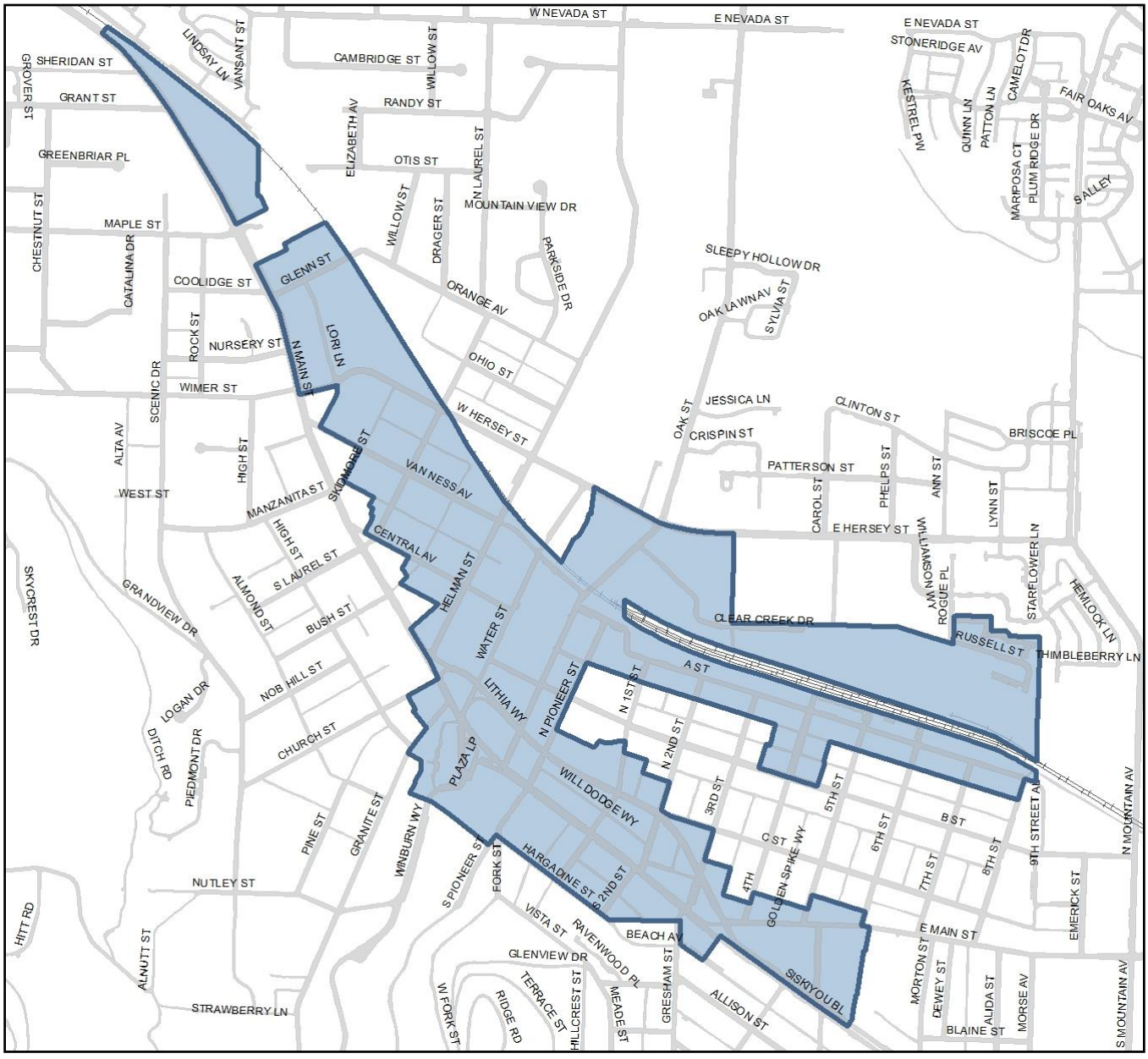


Figure 18.4.2.040.C.2

Detail Site Review Overlay
Siskiyou Boulevard, Ashland Street and Walker Avenue

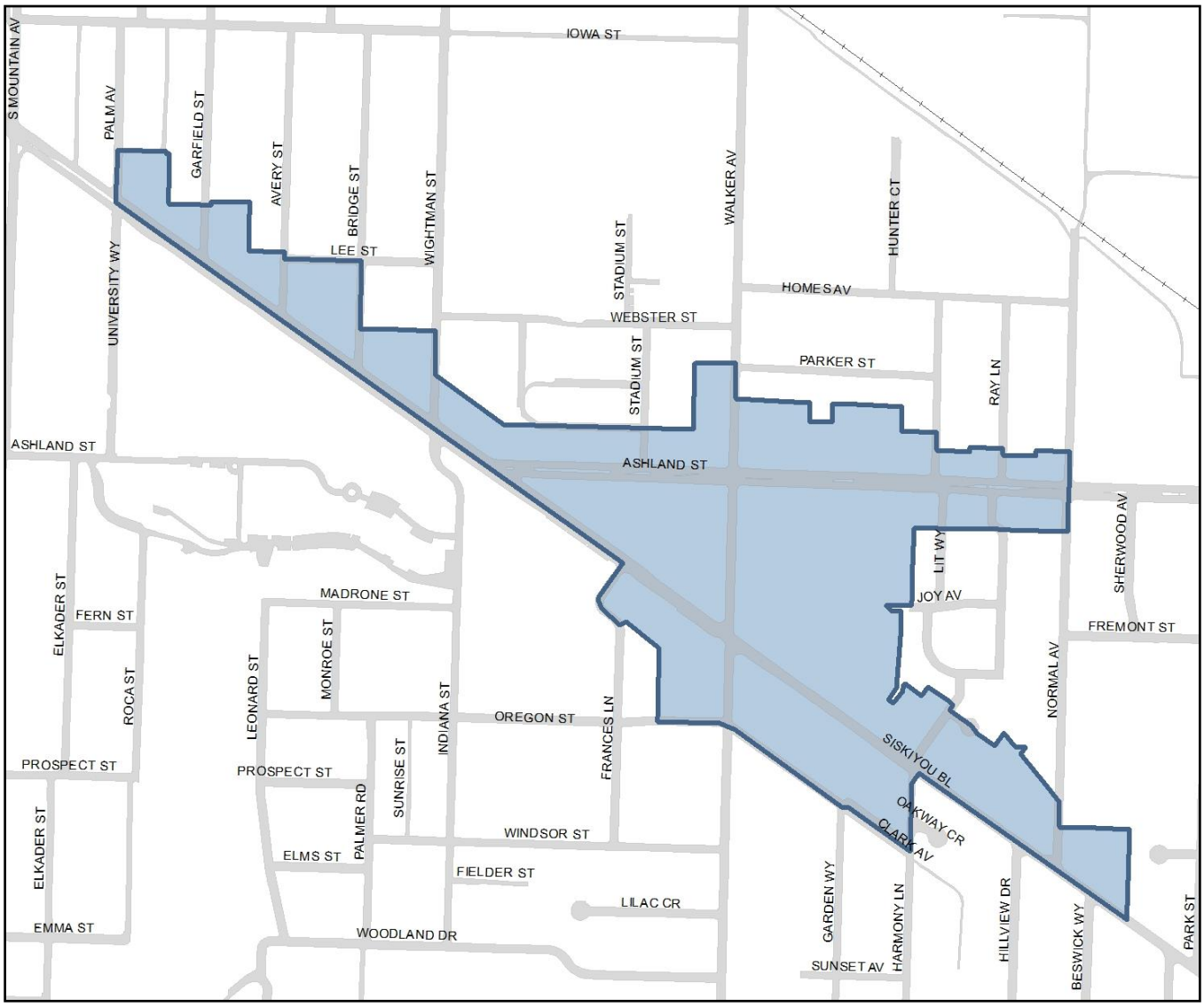


Figure 18.4.2.040.C.3

Detail Site Review Overlay
Ashland Street and Tolman Creek Road

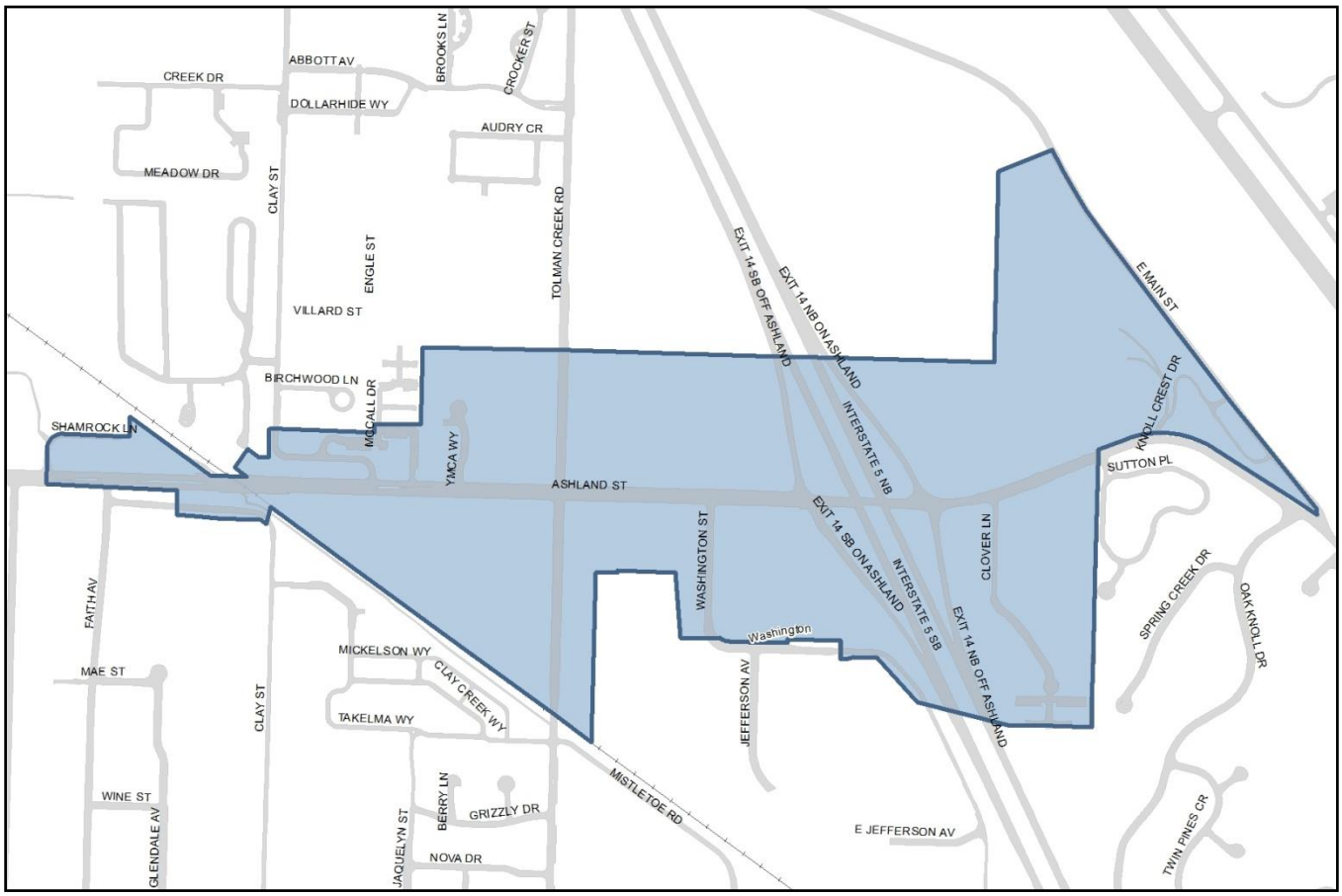


Figure 18.4.2.040.C.4

Detail Site Review Overlay
Crowson Road

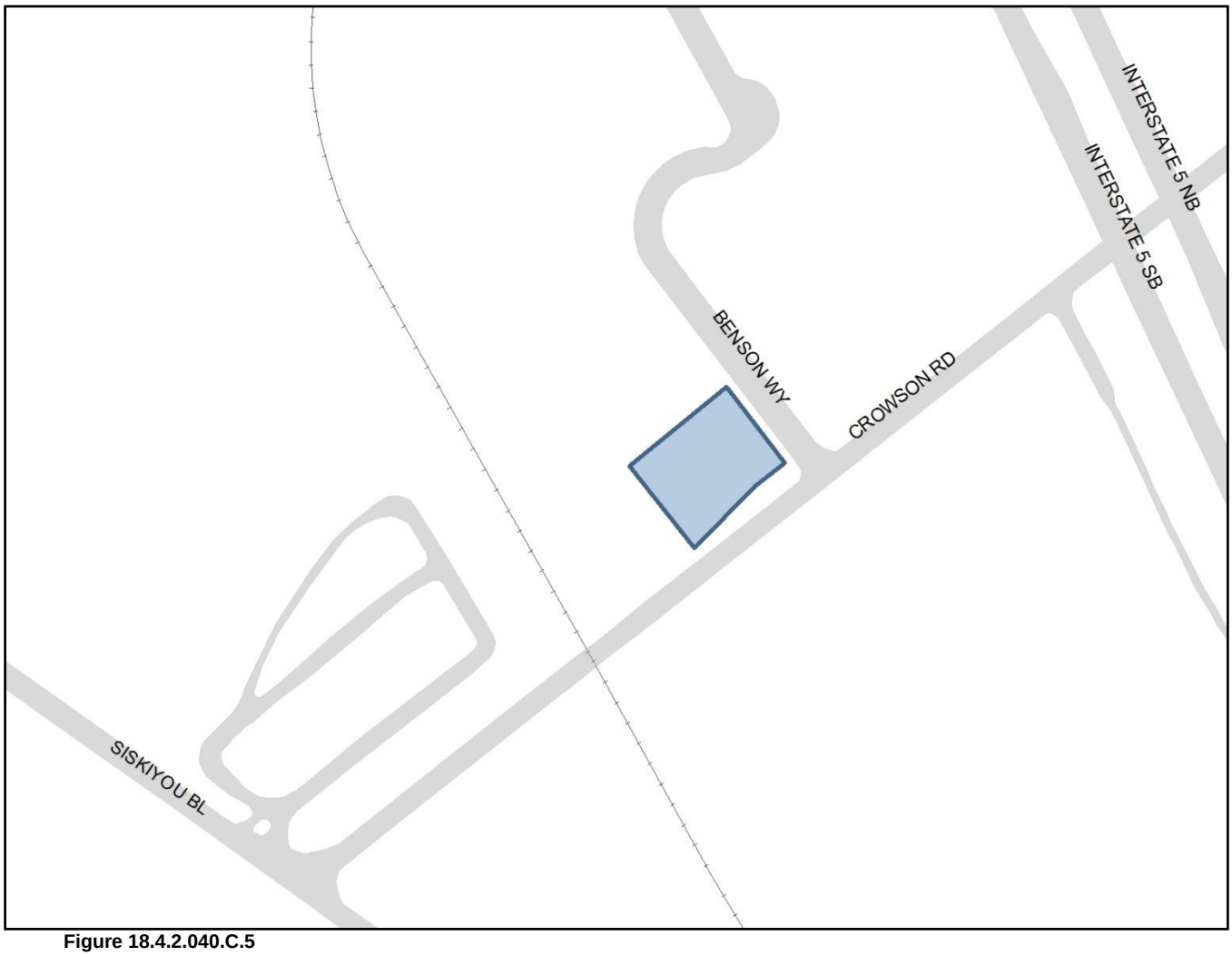


Figure 18.4.2.040.C.5

D. Additional Standards for Large Scale Projects. In the Detail Site Review overlay, developments that are greater than 10,000 square feet in gross floor area or contain more than 100 feet of building frontage shall, in addition to complying with the standards for Basic (18.4.2.040.B) and Detail (18.4.2.040.C) Site Review, above, conform to the following standards. See conceptual elevation of large scale development in Figure 18.4.2.040.D.1 and conceptual site plan of large scale development in Figure 18.4.2.040.D.2.

1. Orientation and Scale.

   a. Developments shall divide large building masses into heights and sizes that relate to human scale by incorporating changes in building masses or direction, sheltering roofs, a distinct pattern of divisions on surfaces, windows, trees, and small scale lighting.

b. Outside of the Downtown Design Standards overlay, new buildings or expansions of existing buildings in the Detail Site Review overlay shall conform to the following standards.

i. Buildings sharing a common wall or having walls touching at or above grade shall be considered as one building.

ii. Buildings shall not exceed a building footprint area of 45,000 square feet as measured outside of the exterior walls and including all interior courtyards. For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.

iii. Buildings shall not exceed a gross floor area of 45,000 square feet, including all interior floor space, roof top parking, and outdoor retail and storage areas, with the following exception.

Automobile parking areas located within the building footprint and in the basement shall not count toward the total gross floor area. For the purpose of this section, basement means any floor level below the first story in a building. First story shall have the same meaning as provided in the building code.

iv. Buildings shall not exceed a combined contiguous building length of 300 feet.

c. Inside the Downtown Design Standards overlay, new buildings or expansions of existing buildings shall not exceed a building footprint area of 45,000 square feet or a gross floor area of 45,000 square feet, including roof top parking, with the following exception.

Automobile parking areas locate within the building footprint and in the basement shall not count toward the total gross floor area. For the purpose of this section, basement means any floor level below the first story in a building. First story shall have the same meaning as provided in the building code.

2. Public Spaces.

a. One square foot of plaza or public space shall be required for every ten square feet of gross floor area, except for the fourth gross floor area.

b. A plaza or public spaces shall incorporate at least four of the following elements.

i. Sitting Space – at least one sitting space for each 500 square feet shall be included in the plaza. Seating shall be a minimum of 16 inches in height and 30 inches in width. Ledge benches shall have a minimum depth of 30 inches.

ii. A mixture of areas that provide both sunlight and shade.

iii. Protection from wind by screens and buildings.

iv. Trees – provided in proportion to the space at a minimum of one tree per 500 square feet, at least two inches in diameter at breast height.

v. Water features or public art.

vi. Outdoor eating areas or food vendors.

3. Transit Amenities. Transit amenities, bus shelters, pullouts, and designated bike lanes shall be required in accordance with the Ashland Transportation Plan and guidelines established by the

Rogue Valley Transportation District.

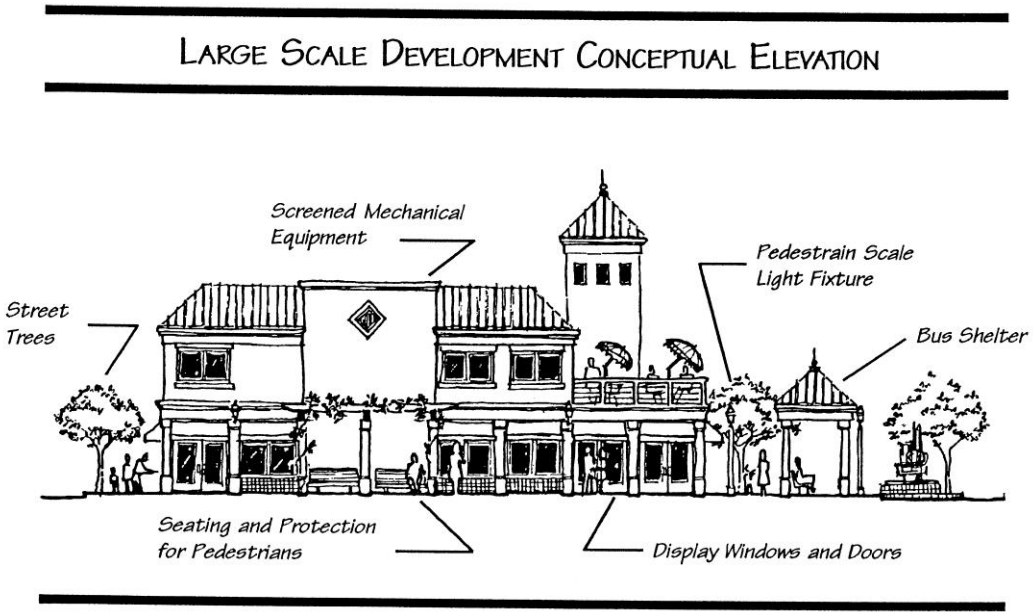


Figure 18.4.2.040.D.1
Large Scale Development Conceptual Elevation

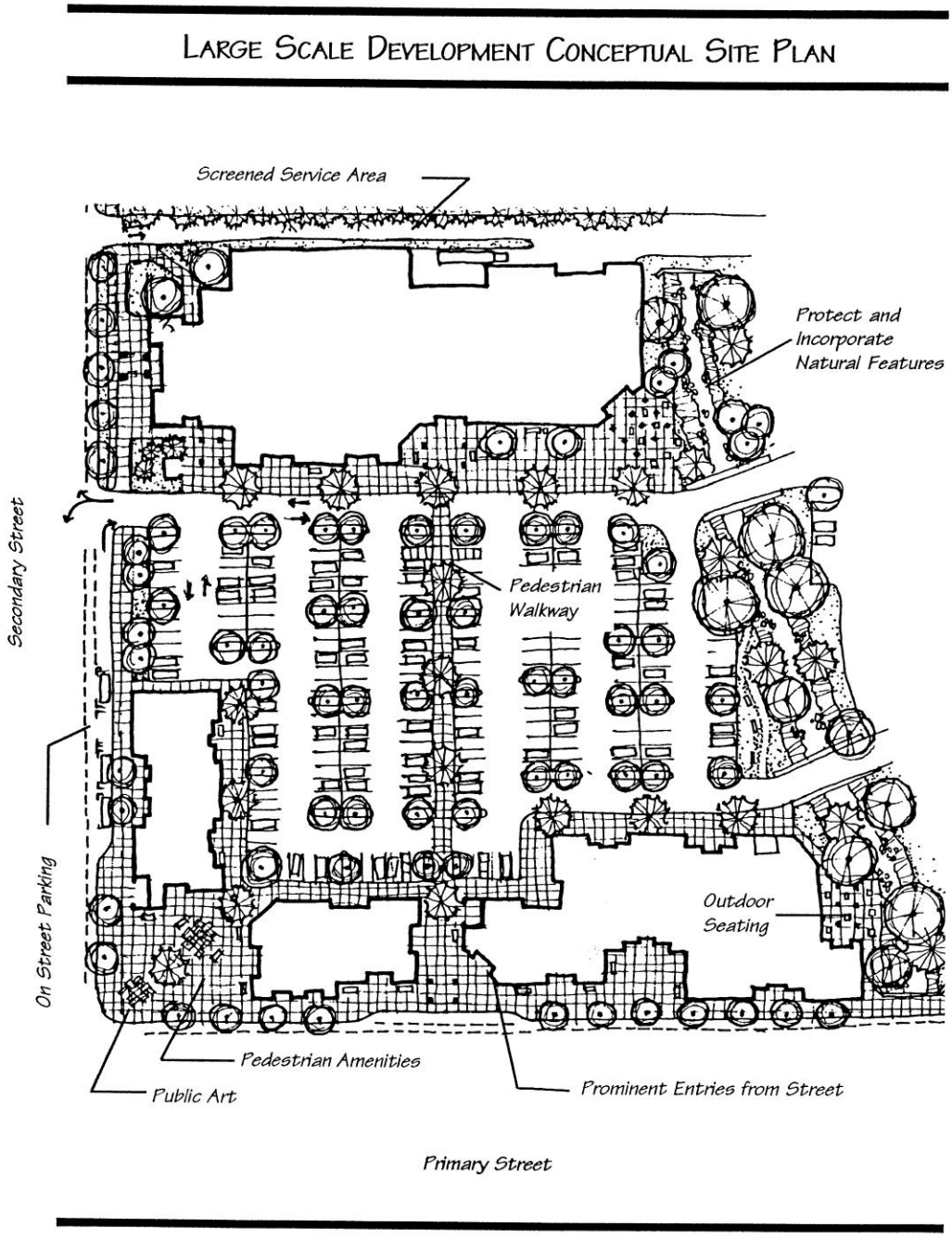


Figure 18.4.2.040.D.2
Large Scale Development Conceptual Site Plan

18.4.2.050 Historic District Development

A. Purpose, Applicability, and Background

1. Purpose and Intent. Ashland's Historic District is very important to all of the City's residents. Not only does this area contain the City's beginnings, but it is also the area of some of the most prominent landmarks in Ashland including the Plaza, East Main Street commercial area, Lithia Park, and many important residential districts. For the most part, the main architectural themes have already been laid down and must be considered in the design of any new structures or renovation of existing structures. This does not mean that all new structures must be a lavish imitation of an architectural style whose heyday is past, but sensitivity to surrounding buildings and the existing land use patterns is essential to the successful development.

While it is critical that buildings be made habitable and safe, it is equally imperative that the architectural character of a building be respected in the process of structural improvements. Unfortunately, this has not always been done in Ashland. The architectural merit of a building has too often been sacrificed for a more contemporary design. For this purpose, the following standards were conceived as a guide to design decisions in the hope that the architectural integrity of Ashland's homes and commercial buildings will no longer be unnecessarily lost.

It is suggested that you think of your building as a whole – a single unit with no removable parts. Every change that you make can chip away at the integrity of the whole, like surgery. Efforts to personalize and update the building will leave you with an assortment of miscellaneous parts that bear no relation to each other or to the original design. Wrought iron columns, asbestos shingles, and aluminum frame windows have only one thing in common – the local hardware store. Older buildings in Ashland were built one at a time and such added options can obscure their individuality.

2. Applicability. The City of Ashland has adopted ordinances to assure that all development in the Historic District overlay remains compatible with the existing integrity of the Historic District.

a. In new construction of single-family residences, the Historic Commission will use these standards to make recommendations to the applicant.

b. If a development requires a Type I, II, or III review procedure (e.g., Site Design Review, Conditional Use Permit) and involves new construction, or restoration and rehabilitation, or any use greater than a single-family use, the authority exists in the law for the Staff Advisor and the Planning Commission to require modifications in the design to match these standards. In this case the Historic Commission advises both the applicant and the Staff Advisor or other City decision maker.

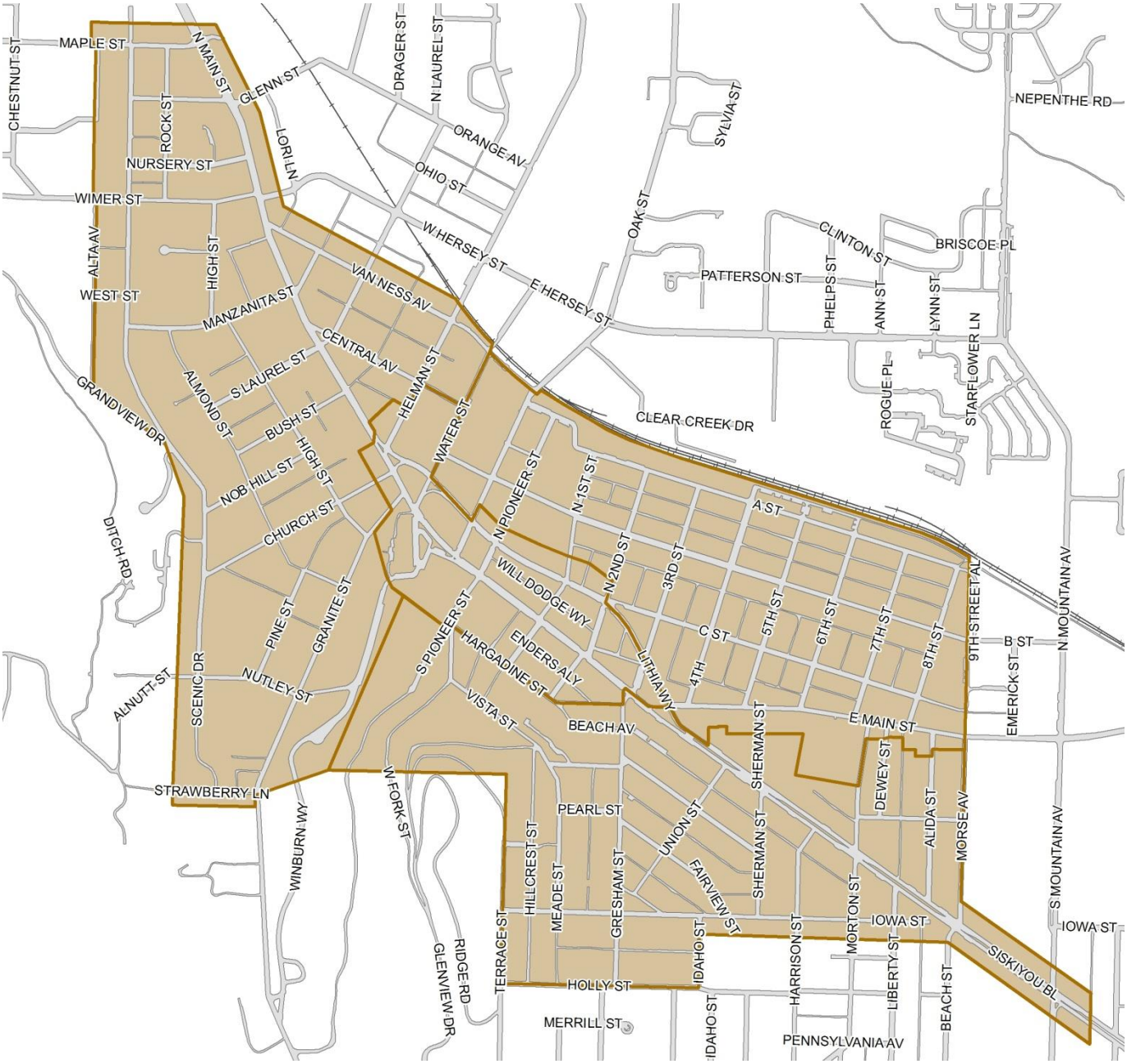


Figure 18.4.2.050
Historic District Overlay

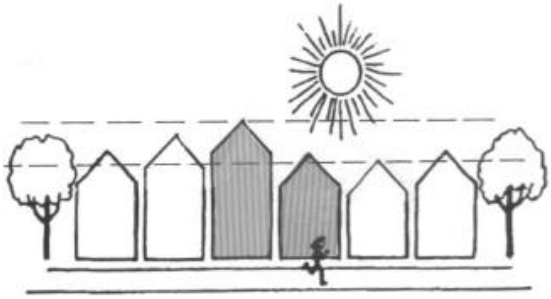
B. Historic District Design Standards. In addition to the standards of part 18.4, the approval authority uses the following standards for new construction, and restoration and rehabilitation of existing buildings within the Historic District overlay.

1. Transitional Areas. For projects located at the boundary between zones or overlays, appropriate adjustments to building form, massing, height, scale, placement, or architectural and material treatment may be considered to address compatibility with the transitional area while not losing

sight of the underlying standards or requirements applicable to the subject property.

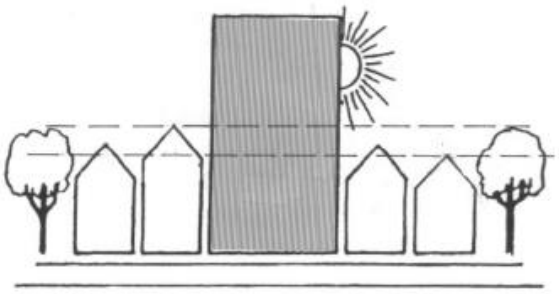
2. Height.

RECOMMENDED



Construct new buildings to a height within the range of historic building heights on and across the street.

AVOID



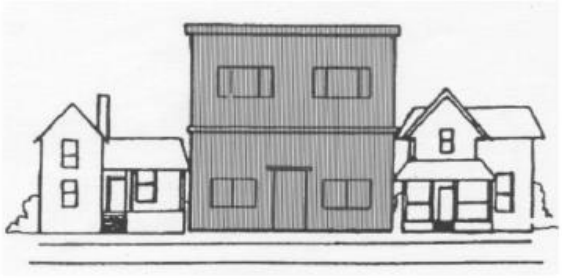
New construction that varies in height (i.e., too high or too low) from historic buildings in the vicinity.

3. Scale.

RECOMMENDED

Height, width, and massing of new buildings conform to historic buildings in the immediate vicinity.

AVOID



Height, width, or massing of new buildings that is out of scale with historic buildings in the vicinity.

4. Massing.

RECOMMENDED

Small, varied masses consistent with historic buildings in the immediate vicinity.

AVOID

Single, monolithic forms that are not relieved by variations in massing.

5. Setback.

RECOMMENDED

Front walls of new buildings are in the same plane as facades of adjacent historic buildings.

AVOID

Front walls that are constructed forward of or behind setback line of adjacent historic buildings.

6. Roof.

RECOMMENDED

Roof shape, pitches, and materials consistent with historic buildings in the immediate vicinity.

AVOID

Roof shapes, pitches, or materials not historically used in the immediate vicinity.

7. Rhythm of Openings.

RECOMMENDED

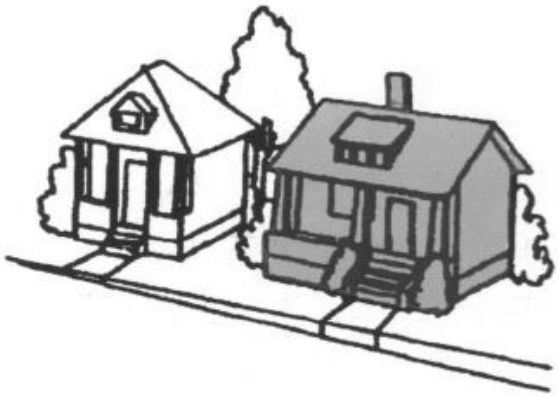
Pattern or rhythm of wall to door/window openings on the primary façade or other visually prominent elevation is maintained. Maintain compatible width-to-height ratio of bays in the façade.

AVOID

A pattern or rhythm of window/door openings that is inconsistent with adjacent historic buildings.

8. Base or Platforms.

RECOMMENDED



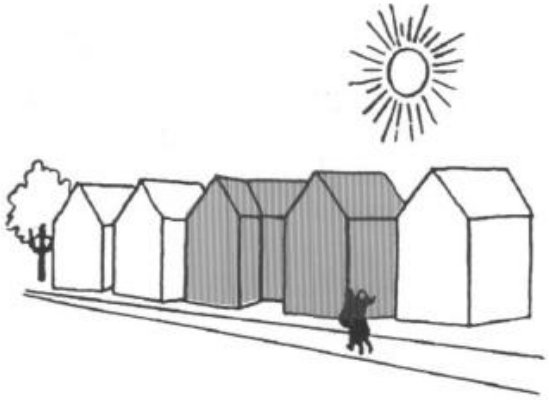
A clearly defined base, or platform characteristic of historic buildings in the immediate vicinity.

AVOID

Walls that appear to rise straight out of the ground without a distinct platform or base at the ground level.

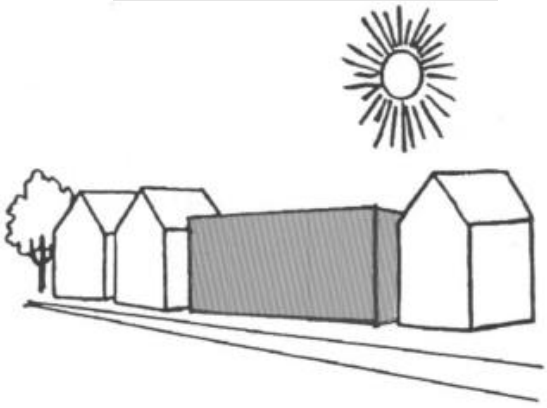
9. Form.

RECOMMENDED



Form (i.e., vertical/horizontal emphasis of building) that is consistent with that of adjacent historic buildings.

AVOID



Form that varies from that of existing adjacent historic buildings.

10. Entrances.

RECOMMENDED

Well-defined primary entrances with covered porches, porticos, and other architectural features compatible but not imitative of historic counterparts.

AVOID

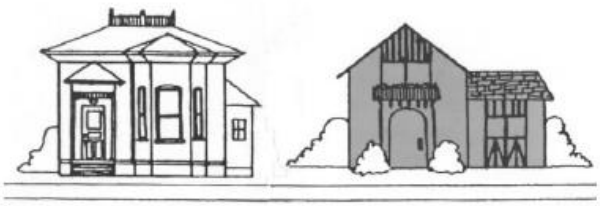
Façades with minimally defined primary entrances.

11. Imitation of Historic Features.

RECOMMENDED

Accurate restoration of original architectural features on historic buildings. New construction, including additions, that is clearly contemporary in design, which enhances but does not compete visually with adjacent historic buildings.

AVOID



Replicating or imitating the styles, motifs, or details of historic buildings.

12. Additions.

RECOMMENDED

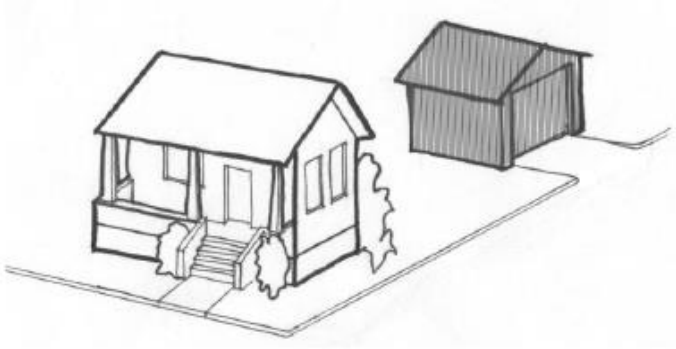
Additions that are visually unobtrusive from a public right-of-way, and do not obscure or eliminate character defining features of historic buildings.

AVOID

Additions on the primary façade or any elevation that is visually prominent from a public right-of-way, and additions that obscure or destroy character defining features.

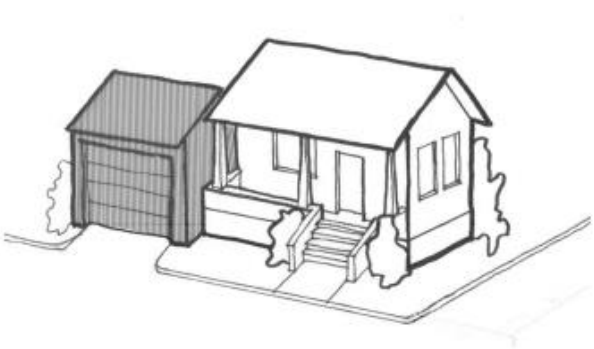
13. Garage Placement.

RECOMMENDED



Garage placed behind the primary historic building with access from a side street or alley if available.

AVOID



Garage placed beside or in front of the primary historic building.

C. Rehabilitation Standards for Existing Buildings and Additions.

1. Purpose. Because there is so much activity these days in the improvement of older housing, new terminology has been introduced. The difference between “restoring”, “rehabilitating”, and “remodeling” may seem academic, but each results in a major difference in the way the job or project may turn out. See also, definitions of restoration and rehabilitation in part 18.6.

To “restore” is to return a building to its original condition as if it were a precious museum piece. This technique it typically used for structures of particular significance, such as historic landmarks where accuracy will serve an educational purpose as well as a visual one. Restoration is the most painstaking improvement process and usually the most expensive because it requires technical skill and historical precision for successful results. It can involve the removal of extraneous elements as well as the recreation of original features which may have become deteriorated or been destroyed. A fine example of a restoration project in Ashland is the Swedenberg home found on Siskiyou Boulevard. Great care has been taken to assure that the architectural integrity of the building exterior is practically identical to that when it was built in the early 1900s.

Remodeling a building is normally at the opposite end of the improvement spectrum from restoration. Unless it is done with sensitivity, to remodel a building is to redesign it so that the generic features are obliterated and the basic character destroyed in the name of modernization. A remodeling job is to often considered a success if the original structure is unrecognizable in the end result. Remodeling is appropriate only for buildings which are not historic and have fallen into a state of disrepair due to vacancy or vandalism. Remodeling can also be a proper course of action when a non-historic structure undergoes a change in use, say from a single-family residence to commercial office space.

Unfortunately, it is quite common for a house to be remodeled and totally divested of its valuable characteristics when conditions do not require such radical treatment. Hence, the expression “remodel” can have bad connotations. To many people it suggests a waste of valuable resources. It is possible, however, to remodel with sensitivity, especially with the help of a talented architect.

To “rehabilitate” is to take corrective measures which will make a structure livable again. Some aspects of rehabilitation entail renovation and the introduction of new elements. For example, it is likely that inadequate electrical circuits would be required to be brought up to code to ensure safety and to provide adequate service for today’s modern appliances. When rehabilitating a building, it is essential to protect those portions or features which convey its historical, cultural, and architectural character. These are the very features through which the visual integrity and the economic value of the building are preserved. Modern elements shall only be introduced when absolutely necessary and in a manner which is sympathetic to the original design. An excellent example of a successful rehabilitation is the Ashland Community Center on Winburn Way.

The rewards of sensitive home improvements are many. First there is the satisfaction of knowing you have done the job right. Second, there is the gratification from compliments of other people who appreciate what you have done. Third, there is the pleasure of living in an attractive, comfortable and historically preserved home. While these benefits are difficult to measure, such restoration or rehabilitation can result in significant economic benefits. A perceptive combination of restoration and remodeling will actually contribute to the resale value of your home. Finally, a good rehabilitation project can be surprisingly influential on an entire neighborhood.

2. Rehabilitation Standards. In addition to the standards of part 18.4, the approval authority uses the following standards for existing buildings and additions within the Historic District Overlay.

18.4.2 – Building Placement, Orientation, and Design

These standards apply primarily to residential historic districts, residential buildings in the Downtown Historic District, and National Register-listed historic buildings not located within the Historic District Overlay. The purpose of the following standards is to prevent incompatible treatment of buildings in the Historic District Overlay and to ensure that new additions and materials maintain the historic and architectural character of the district.

a. Historic architectural styles and associated features shall not be replicated in new additions or associated buildings.

b. Original architectural features shall be restored as much as possible, when those features can be documented.

c. Replacement finishes on exterior walls of historic buildings shall match the original finish. Exterior finishes on new additions to historic buildings shall be compatible with, but not replicate, the finish of the historic building.

d. Diagonal and vertical siding shall be avoided on new additions or on historic buildings except in those instances where it was used as the original siding.

e. Exterior wall colors on new additions shall match those of the historic building.

f. Imitative materials including but not limited to asphalt siding, wood textured aluminum siding, and artificial stone shall be avoided.

g. Replacement windows in historic buildings shall match the original windows. Windows in new additions shall be compatible in proportion, shape and size, but not replicate original windows in the historic building.

h. Reconstructed roofs on historic buildings shall match the pitch and form of the original roof. Roofs on new additions shall match the pitch and form of the historic building, and shall be attached at a different height so the addition can be clearly differentiated from the historic building. Shed roofs are acceptable for one-story rear additions.

i. Asphalt or composition shingle roofs are preferred. Asphalt shingles which match the original roof material in color and texture are acceptable. Wood shake, woodshingle, tile, and metal roofs shall be avoided.

j. New porches or entries shall be compatible with, but not replicate, the historic character of the building.

k. New detached buildings shall be compatible with the associated historic building and shall conform to the above standards.

l. The latest version of the Secretary of the Interior's *Standards for Rehabilitation* and *Guidelines for Rehabilitating Historic Buildings* shall be used in clarifying and determining whether the above standards are met.

18.4.2.060 Downtown Ashland

A. Purpose, Intent, and Background.

1. Purpose and Intent. The purpose of the Downtown Design Standards is to respect the unique heritage and to enhance the appearance and livability of the area as it develops and changes. Section 18.4.2.060 implements the Ashland Downtown Plan. The design standards contained in this section are based on the Downtown Plan; where the intent of this section is unclear, the approval authority shall refer to the Downtown Plan in interpreting this section.

   Based upon common features found in the downtown, the standards provide a foundation for prospective applicants, citizens, and community decision makers to direct change in a positive and tangible way. It is not the intent of the Downtown Design Standards to freeze time and halt progress or restrict an individual property owner's creativity, but rather to guide new and remodeled proposals to be in context with their historic surroundings. Personal choice should be and can be expressed within the framework of the standards.

   While many communities across America are attempting to create or re-create an urban downtown of their own, the Downtown Design Standards are attempt to preserve what Ashland already has; a main street historical district with diverse individual buildings that collectively create an organized, coordinated, and ageless rhythm of buildings. As a collective group, the downtown can retain its sense of place, its economic base, its history, and its citizen's vision.

2. History. Ashland's downtown is without doubt the most important 55 acres in the city. For over 100 years, it has been the community's economic center. The downtown boasts one of the most beautiful parks in the country, and the Oregon Shakespeare Festival annually draws thousands of theater goers. Ashland's charm, cultural offerings, and lovely location have not been lost on those who visit, and during the last two decades the City's population has risen from 11,000 to 16,000. However, downtown economic growth has significantly exceeded population growth. The downtown retail spaces have increased, office spaces have doubled and tourist traffic has grown over 600 percent. Downtown automobile traffic has nearly doubled and pedestrian traffic counts have risen over 200 percent to 900 percent.

   Such growth demands changes in planning and development, but Ashland's citizens insist that these changes allow the downtown to maintain its integrity and its unique character. Community participation has always been integral to Ashland's development. Citizens' affection for the city and desire to increase the culture, physical grace, and the economy have encouraged residents to support Southern Oregon University, Lithia Park, the Oregon Shakespeare Festival, and numerous other community enterprises and improvements.

   Historically the city center, the downtown began at the Plaza area and extended southeast along East Main Street. Only about one-half mile long, the area now extends from the intersection of Helman and North Main Streets on the northwest to the Ashland Library on the southeast. It is approximately one-quarter mile wide and extends from Hargadine Street to "B" Street. Main areas are the Plaza, including the entrance to Lithia Park and Guanajuato Way, the Oregon Shakespeare Festival theaters, the East Main Street business district, the business area around the Ashland Library, Lithia Way/"C" Street, the property surrounding the old armory, and the Newbry property – the large vacant parcel of land bounded by the viaduct and by Helman Commercial, and Water Streets, known as the Water Street Annex.

Three large historic buildings will probably see more intense uses in the next twenty years – the Masonic Lodge, the Elks Lodge, and the Mark Anthony Hotel. Other buildings will undoubtedly redevelop, and conformance with both the city's historic guidelines and the downtown development criteria should insure that the developments are positive.

This downtown area is the employment center of the community, and in 1988 employed 25 percent of all city employees. Sixty-three percent of these were employed by restaurants, the Oregon Shakespeare Festival, and retail businesses which cater primarily to tourists in the summer months.

With 197 businesses, the downtown is also a thriving business center. The businesses are diverse ranging from light manufacturing and auto repair to tourist gift shops and law offices. Retail businesses comprise most of the square footage and are concentrated along Main Street. Many of these retail businesses are specialty stores which attract consumers throughout southern Oregon and northern California. Catering to the local tourist and regional markets has preserved the downtown's economic vitality and health.

In addition to being the employment and business center, the downtown is also the community's social and arts and entertainment center. Increased pedestrian amenities and bike paths have encouraged residents and tourists alike to enjoy the downtown by foot or bicycle or simply by sitting on the many benches and planters which have been furnished. The Oregon Shakespeare Festival, several smaller theatres, nightclubs, and restaurants provide tourist and residents with numerous opportunities for a pleasurable night out.

The combination of these factors – economic health, cultural artistic offerings, attractiveness, location, and a pleasant pedestrian and bicycling environment – have endowed Ashland with the attractive qualities of a tourist town and the advantages of being a real center for a rural town.

There are, of course, some problems which exist as a result of growth and change. The major problems which have been identified are:

Economic: The need to be less dependent on the tourist industry, particularly a single facet of that sector – the Oregon Shakespeare Festival – and to promote growth in the retail and services sectors, especially those that service the local, tourist, and regional markets.

Automobile and Traffic: Parking is a problem throughout the year, but particularly during the peak tourist summer months. Although facts indicate that parking demand is not entirely met by existing facilities, it may not be financially or environmentally wise to accommodate the highest peak days. As traffic congestion continues to increase, the city and residents will have to adapt to different traffic patterns and use alternative forms of transport in order to alleviate the problem.

Pedestrian Traffic: The substantial increase in pedestrian traffic has spurred improvements in pedestrian amenities such as benches, planter, and fountains to encourage pedestrian flow through the length of the downtown. Ongoing renovation will be needed to help accommodate the ever-growing number of people.

3. Background. The Downtown Design Standards were adopted by the City Council on August 7, 1998 (Ordinance No. 2825).

B. Applicability. Chapter 18.4.2.060 applies to all development within the Downtown Design Standards overlay as shown in Figure 18.4.2.060.B.

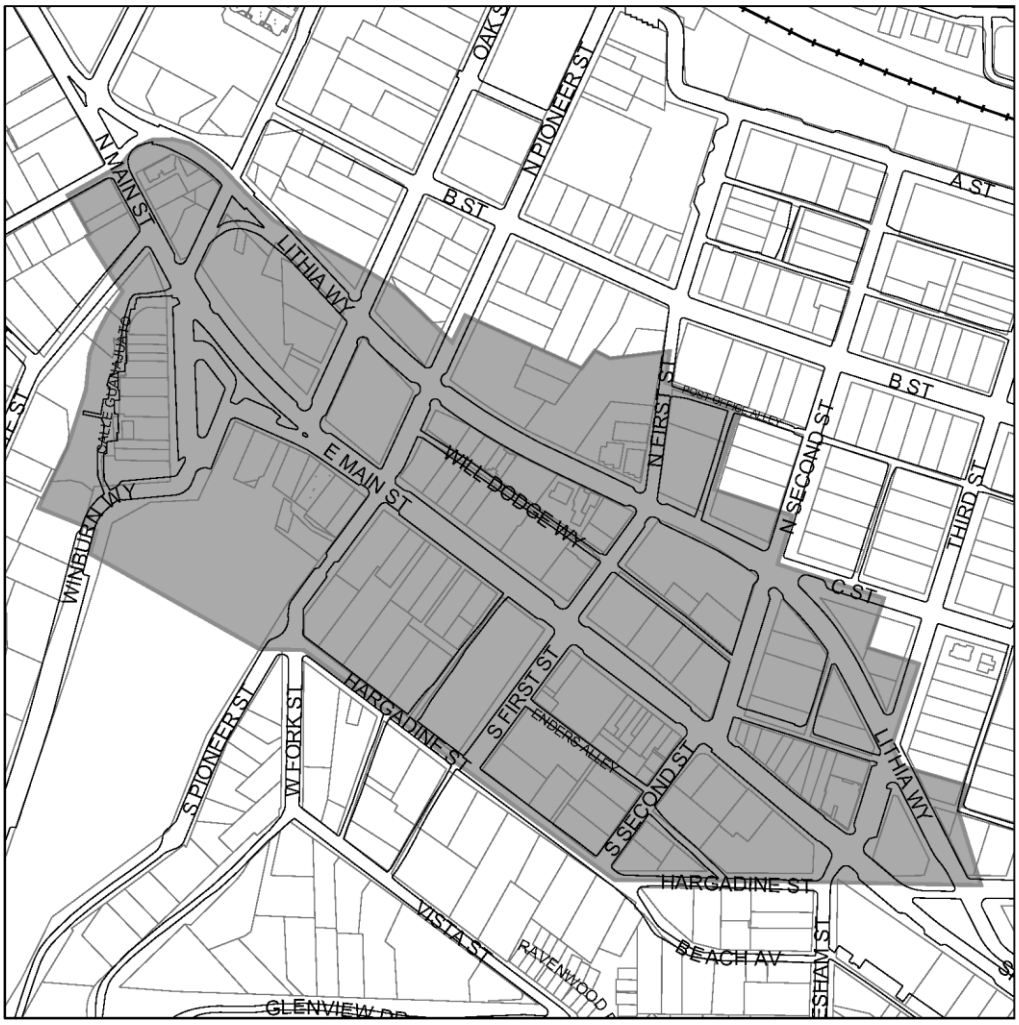


Figure 18.4.2.060.B
Downtown Design Standards Overlay

C. Downtown Design Standards.

1. Height. Building height shall vary from adjacent buildings, using either stepped parapets or slightly dissimilar overall height to maintain the traditional staggered streetscape appearance as illustrated in Figures 18.4.2.060.C.1, 5, and 10. Avoid treatment shown in Figure 18.4.2.060.C.3. An exception to this standard would be buildings that have a distinctive vertical division/façade treatment that visually separates it from adjacent buildings. Multi-story development is encouraged in the downtown as illustrated in Figures 18.4.2.060.C 1, 5, 6, and 10.

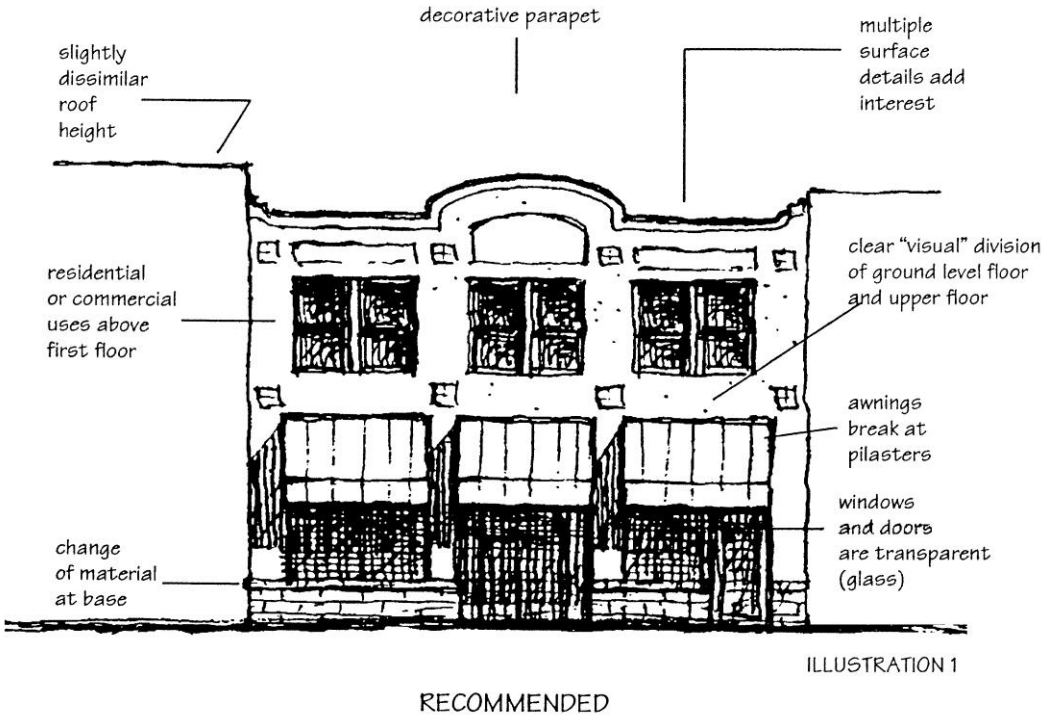


Figure 18.4.2.060.C.1

2. Setback.

   a. Except for arcades, alcoves, and other recessed features, building shall maintain a zero setback from the sidewalk or property line as illustrated in Figures 18.4.2.060.C.2, 5, 6 and 10. Areas having public utility easements or similar restricting conditions shall be exempt from this standard.

   b. Ground level entries should be recessed from the public right-of-way and have detailing and materials that create a sense of entry as illustrated in Figures 18.4.2.060.C.2, 5, 6, and 10. Avoid treatment shown in Figure 18.4.2.060.C.3.

   c. Recessed or projecting balconies, verandas, or other useable space above the ground level on existing and new buildings shall not be incorporated in a street facing elevation. Avoid treatments shown in Figure 18.4.2.060.C.4 and 7.

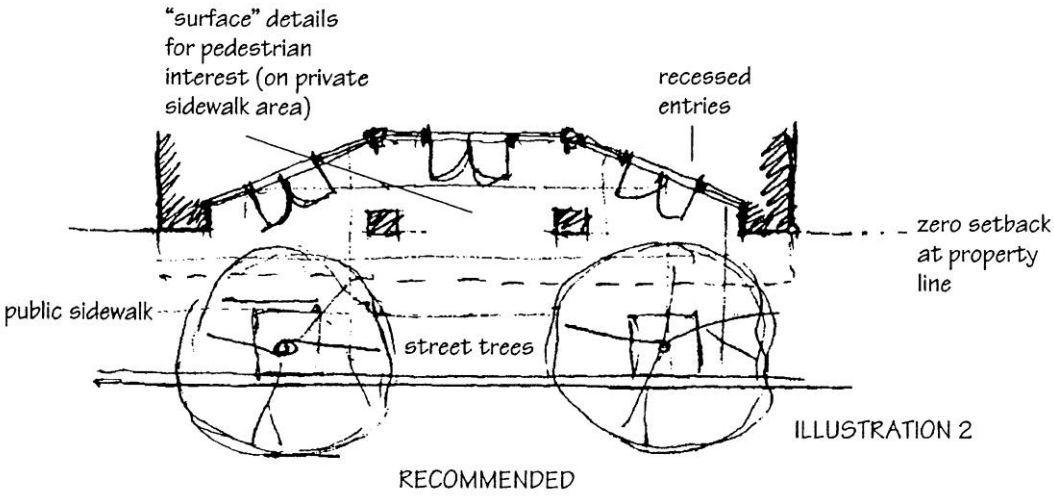


Figure 18.4.2.060.C.2

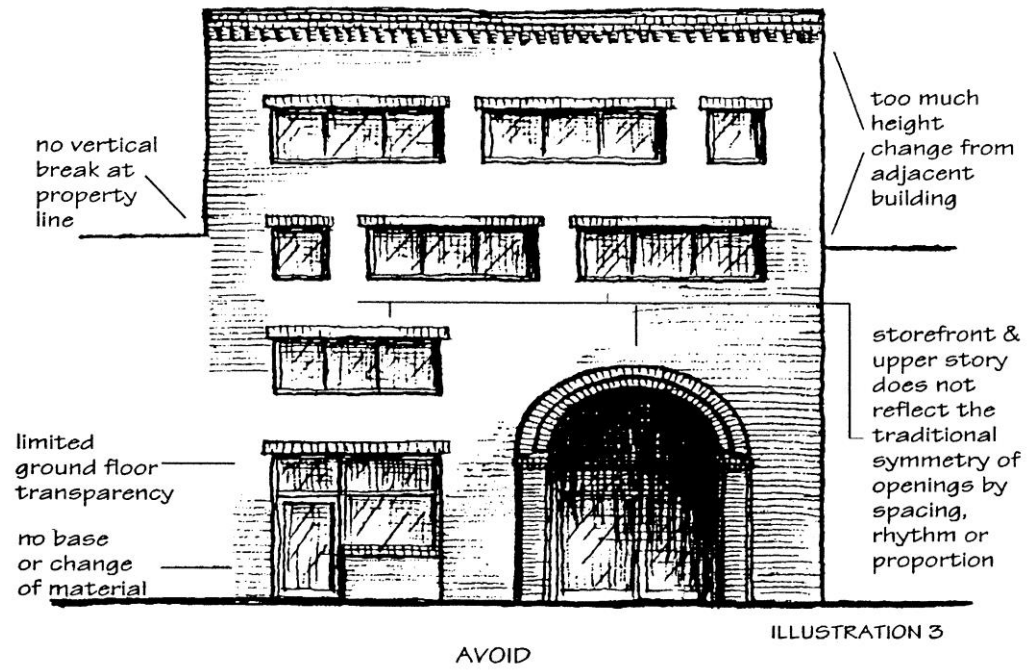


Figure 18.4.2.060.C.3

3. Width

   a. The width of a building shall be extended from side lot line to side lot line as illustrated in Figures 18.4.2.060.C.5. An exception to this standard would be an area specifically designed as plaza space, courtyard space, dining space, or rear access for pedestrian walkways.

   b. Lots greater than 80 feet in width shall respect the traditional width of buildings in the

downtown area by incorporating a rhythmic division of the façade in the building's design as illustrated in Figures 18.4.2.060.C.5, and 10. Avoid treatment shown in Figure 18.4.2.060.C.3.

4. Openings

   a. Ground level elevations facing a street shall maintain a consistent proportion of transparency (i.e., windows) compatible with the pattern found in the downtown area as illustrated in Figures 18.4.2.060.C.1, 5, 6, and 10.

   b. Scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, column, and other building features shall be visually compatible with the original architectural character of the building as illustrated in Figures 18.4.2.060.C.5 and 6. Avoid treatments shown in Figure 18.4.2.060.C.4 and 9.

   c. Upper floor windows orientation shall primarily be vertical (height greater than width) as illustrated in Figures 18.4.2.060.C.1, 5, and 6. Avoid treatment shown in Figure 18.4.2.060.C.8.

   d. Except for transom windows, windows shall not break the front plane of the building as illustrated in Figure 18.4.2.060.C.5.

   e. Ground level entry doors shall be primarily transparent as illustrated in Figures 18.4.2.060.C.10. Avoid treatment shown in Figure 18.4.2.060.C.4.

   f. Windows and other features of interest to pedestrians such as decorative columns or decorative corbelling shall be provided adjacent to the sidewalk as illustrated in Figures 18.4.2.060.C.1 and 5. Avoid treatments shown in Figure 18.4.2.060.C.4 and 7. Blank walls adjacent to a public sidewalk are prohibited.

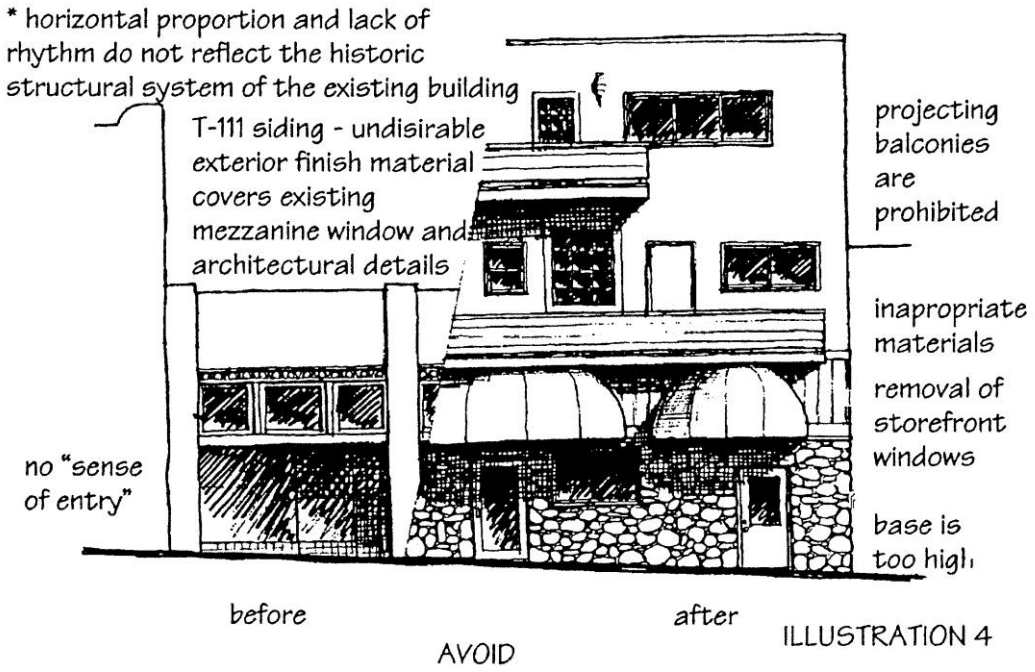


Figure 18.4.2.060.C.4

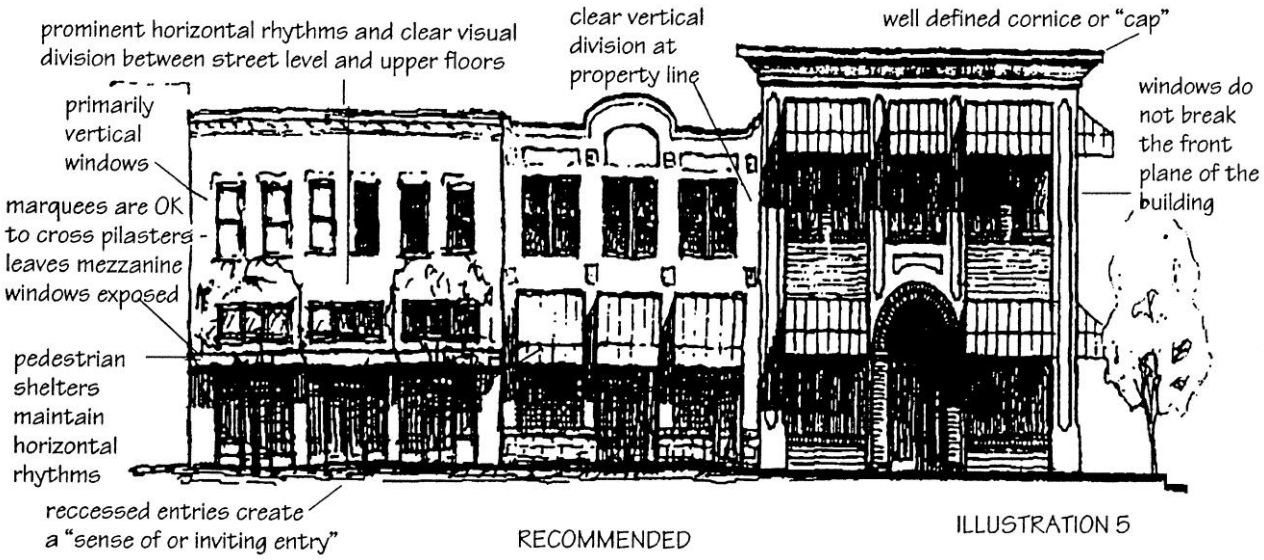


Figure 18.4.2.060.C.5

5. Horizontal Rhythms

   a. Prominent horizontal lines at similar levels along the street's street front shall be maintained as illustrated in Figures 18.4.2.060.C.1, 5, 8, and 10. Avoid treatments shown in Figure 18.4.2.060.C.4 and 8.

b. A clear visual division shall be maintained between ground level floor and upper floors as illustrated in Figures 18.4.2.060.C.1, 5, 6, and 10.

c. Buildings shall provide a foundation or base, typically from ground to the bottom of the lower window sills, with changes in volume or material, in order to give the building a sense of strength as illustrated in Figures 18.4.2.060.C.1, 5, and 10. Avoid treatments shown in Figure 18.4.2.060.C.4 and 8.

6. Vertical Rhythms

a. New construction or storefront remodels shall reflect a vertical orientation, either through actual volumes or the use of surface details to divide large walls, so as to reflect the underlying historic property lines as illustrated in Figures 18.4.2.060.C.5 and 6. Avoid treatment shown in Figure 18.4.2.060.C.3.

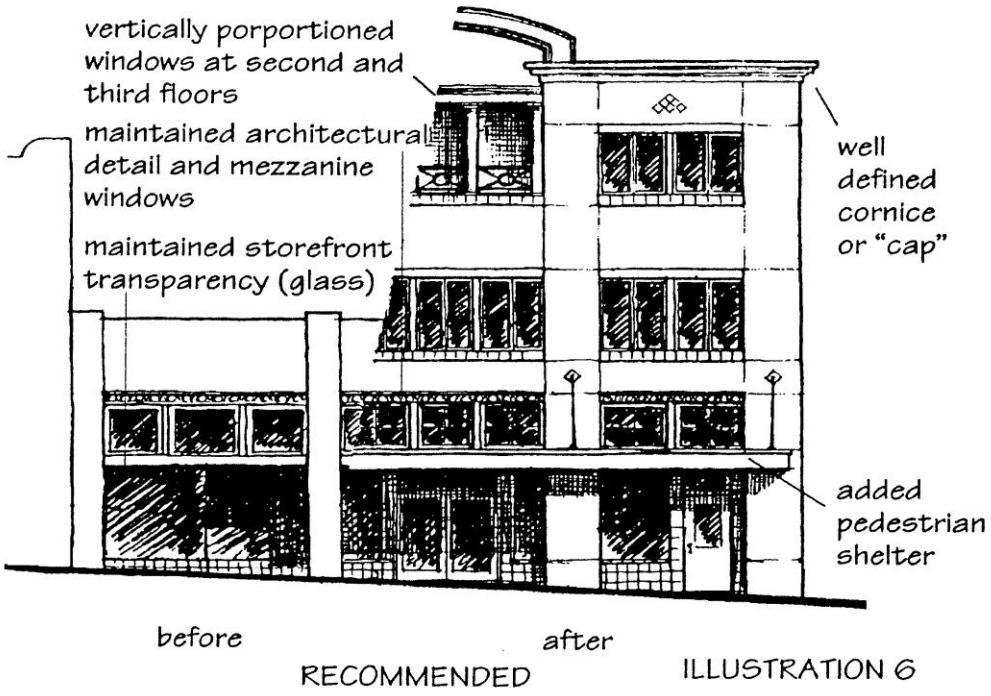


Figure 18.4.2.060.C.6

b. Storefront remodeling or upper story additions shall reflect the traditional structural system of the volume by matching the spacing and rhythm of historic openings and surface detailing as illustrated in Figure 18.4.2.060.C.6. Avoid treatments shown in Figure 18.4.2.060.C.4 and 9.

7. Roof Forms. Sloped or residential style roof forms are discourage in the downtown area unless visually screened from the right-of-way by either a parapet or a false front. The false front shall incorporate and well defined cornice line or cap along all primary elevations as illustrated in Figures 18.4.2.060.C.1, 5, and 10. Avoid treatment shown in Figure 18.4.2.060.C.7.

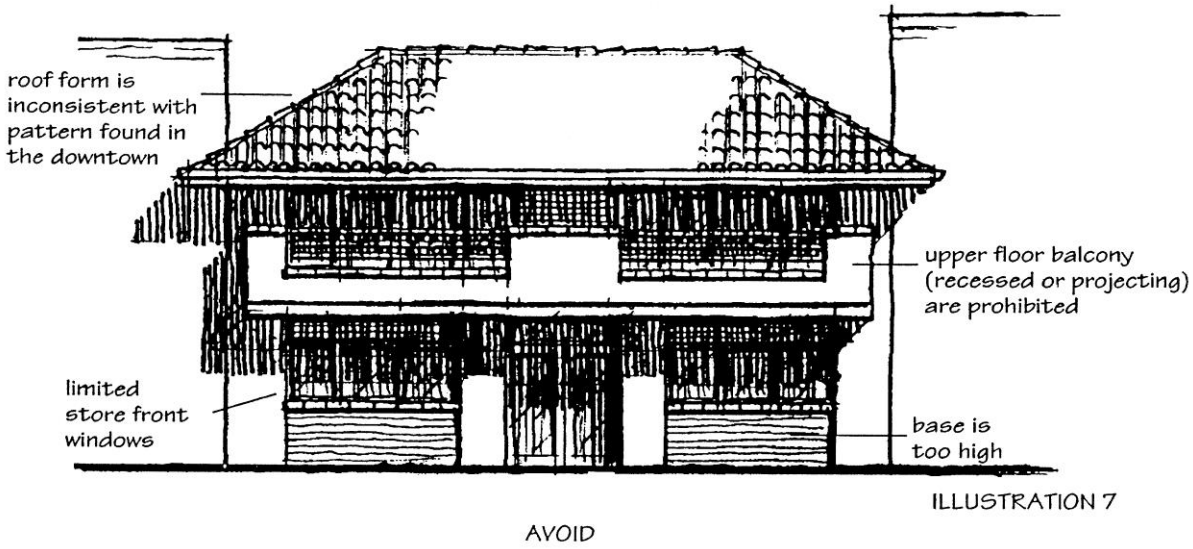


Figure 18.4.2.060.C.7

8. Materials

   a. Exterior building materials shall consist of traditional building materials found in the downtown area including block, brick, painted wood, smooth stucco, or natural stone. Avoid treatments shown in Figure 18.4.2.060.C.4 and 9.

   b. In order to add visual interest, buildings are encouraged to incorporate complex paneled exteriors with columns, framed bays, transoms, and windows to create multiple surface levels as illustrated in Figures 18.4.2.060.C.1, 5, and 10. Avoid treatments shown in Figure 18.4.2.060.C.7, 8, and 9.

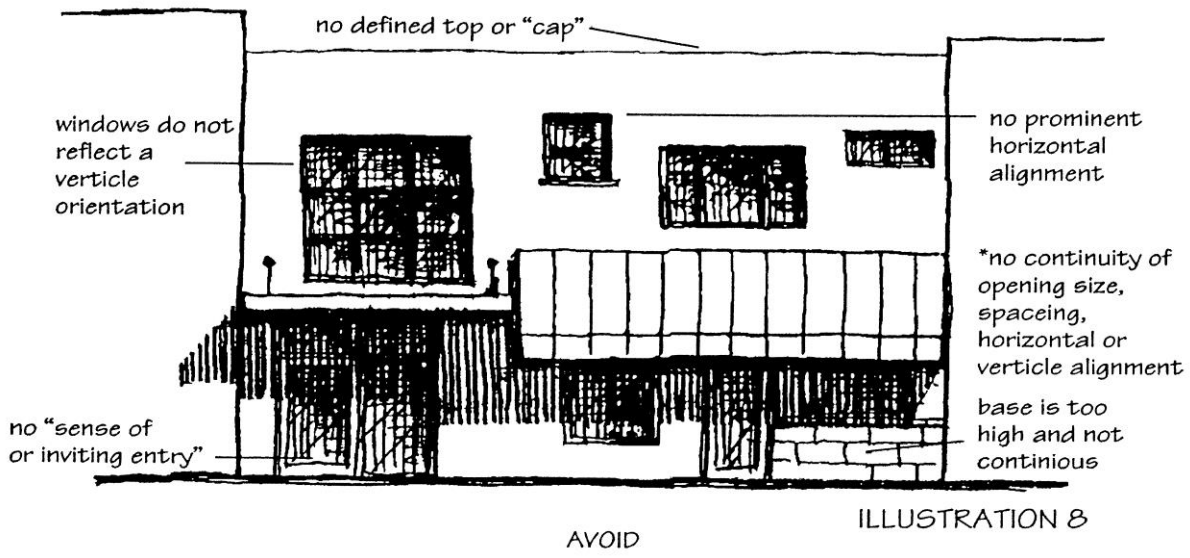


Figure 18.4.2.060.C.8

9. Awnings, Marquees, or Similar Pedestrian Shelters

   a. Awnings, marquees, or similar pedestrian shelters shall be proportionate to the building and shall not obscure the building's architectural details. If mezzanine or transom windows exist, awning placement shall be placed below the mezzanine or transom windows where feasible as illustrated in Figures 18.4.2.060.C.1, 5, 6, and 10. Avoid treatments shown in Figures 18.4.2.060.C.4 and 9.

   b. Except for marquees , similar pedestrian shelters such as awnings shall be placed between pilasters as illustrated in Figures 18.4.2.060.C.1 and 5. Avoid treatment shown in Figure 18.4.2.060.C.9.

   c. Sidewalk coverings along storefronts shall have prominent horizontal lines at similar levels as illustrated in Figure 18.4.2.060.C.5. Avoid treatment shown in Figure 18.4.2.060.C.8.

10. Other

   a. Non-street or alley facing elevations are less significant than street facing elevations. Rear and sidewalls of buildings should therefore be fairly simple (e.g., wood, block, brick, stucco, cast stone, masonry clad, with or without windows).

   b. Visual integrity of the original building shall be maintained when altering or adding building elements. This shall include such features as the vertical lines of columns, piers, the horizontal definition of spandrels and cornices, and other primary structural and decorative elements as illustrated in Figure 18.4.2.060.C.6. Avoid treatments shown in Figure 18.4.2.060.C.4 and 9.

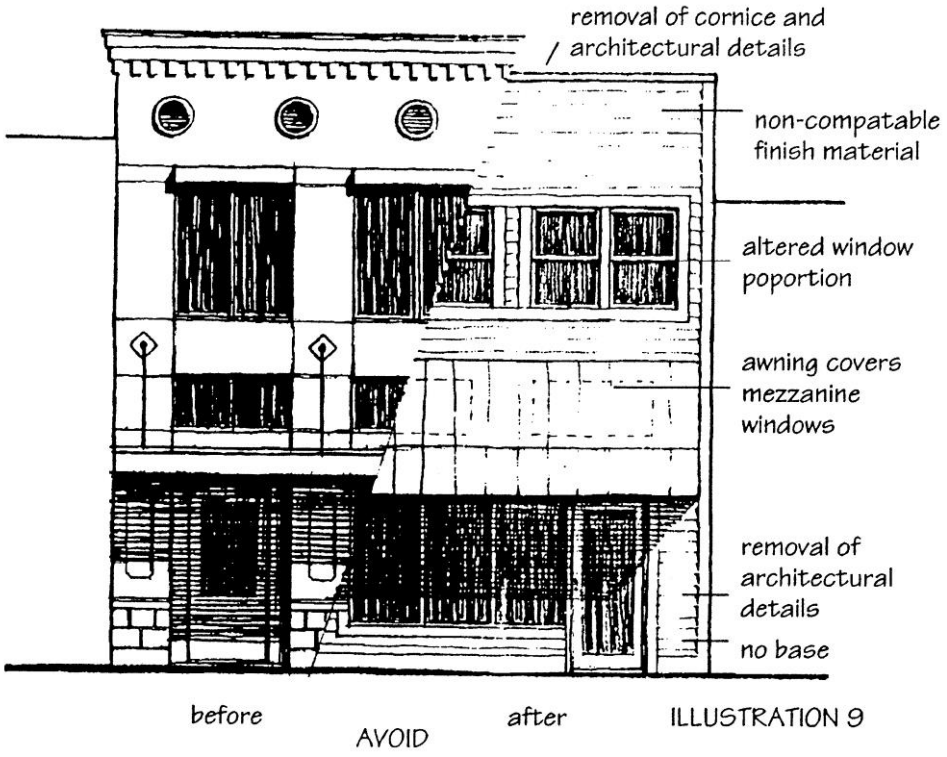


Figure 18.4.2.060.C.9

c. Restoration, rehabilitation, or remodeling projects shall incorporate, whenever possible, original design elements that were previously removed, remodeled, or covered over as illustrated in Figure 18.4.2.060.C.6. Avoid treatments shown in Figure 18.4.2.060.C.4 and 9.

d. Parking lots adjacent to the pedestrian path are prohibited. An exception to this standard would be paths required for handicapped accessibility.

e. Pedestrian amenities such as broad sidewalks, surface details on sidewalks, arcades, alcoves, colonnades, porticoes, awnings, and sidewalk seating shall be provided where possible and feasible.

f. Uses that are exclusively automotive such as service stations, drive-up windows, auto sales, and tire stores are discouraged in the downtown. The City shall use its discretionary powers, such as Conditional Use Permits, to deny new uses, although improvements to existing facilities may be permitted.

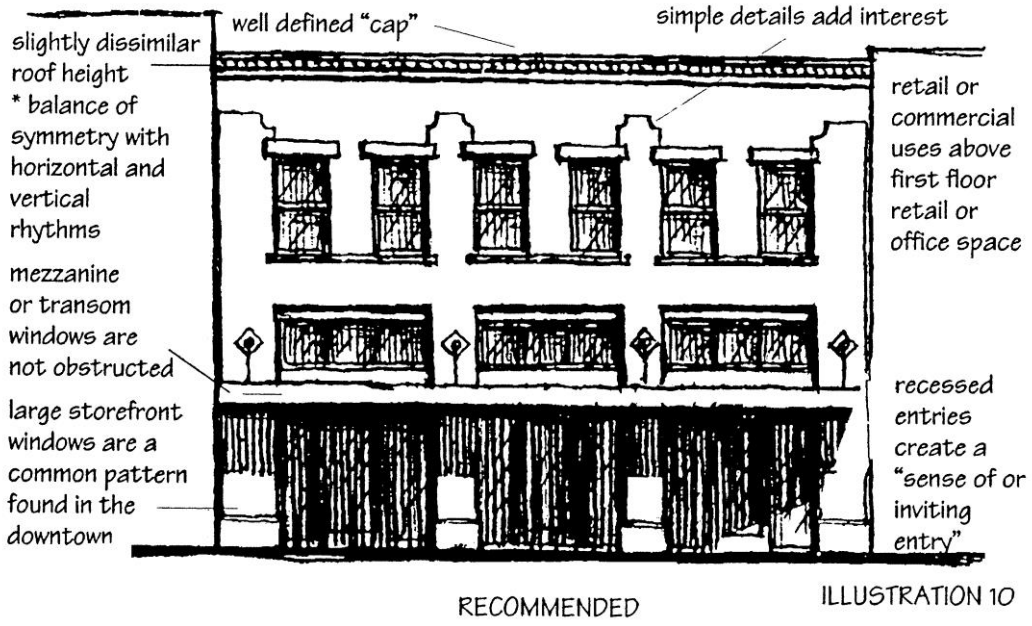
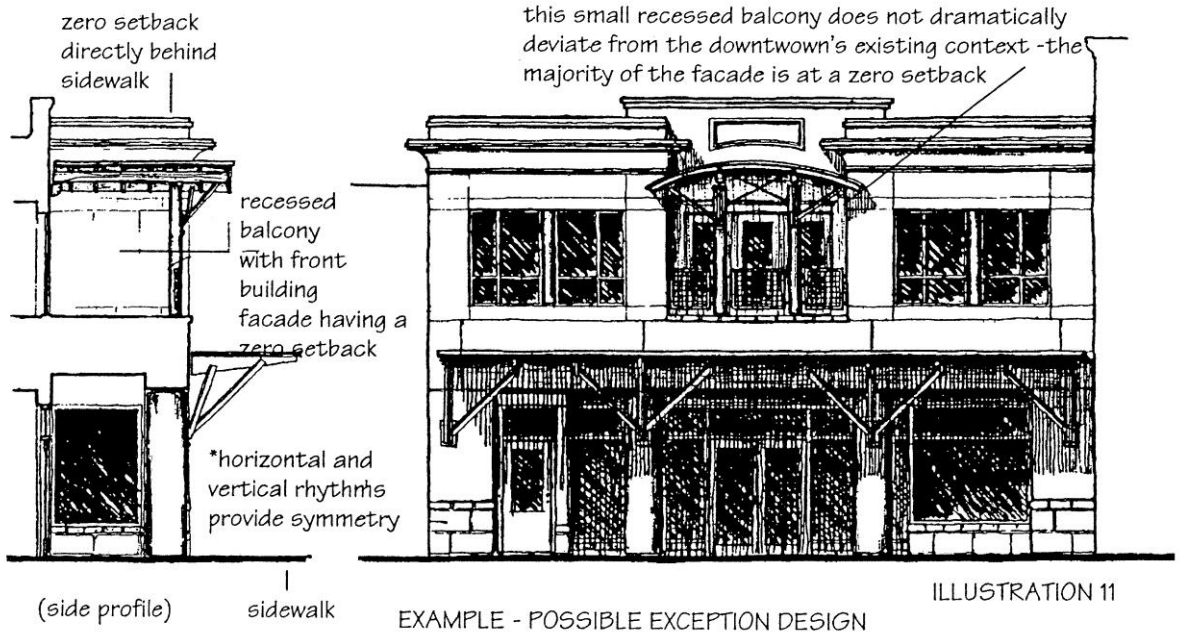


Figure 18.4.2.060.C.10

11. Exception to Standards. An exception to the Downtown Design Standards may be granted pursuant to 18.5.2.050.E Exception to the Site Development and Design Standards.

Figure 18.4.2.060.C.11



Chapter 18.4.3 – Parking, Access, and Circulation

Sections:

18.4.3.010 Purpose
18.4.3.020 Applicability
18.4.3.030 General Automobile Parking Requirements and Exceptions
18.4.3.040 Parking Ratios
18.4.3.050 Accessible Parking Spaces
18.4.3.060 Parking Management Strategies
18.4.3.070 Bicycle Parking
18.4.3.080 Vehicle Area Design
18.4.3.090 Pedestrian Access and Circulation
18.4.3.100 Construction
18.4.3.110 Availability of Facilities

18.4.3.010 Purpose

Chapter 18.4.3 contains requirements for automobile and bicycle parking, and vehicular and pedestrian access, circulation, and connectivity. The purpose is to provide safe and effective access and circulation for pedestrians, bicyclists, and vehicles. For transportation improvement requirements, refer to chapter 18.4.6 Public Facilities.

18.4.3.020 Applicability

A. The requirements of this chapter apply to parking, access, and circulation facilities in all zones, except those specifically exempted, whenever any building is erected or enlarged, parking, access or circulation is expanded or reconfigured, or the use is changed.

B. The City may require a study prepared by a qualified professional to determine offsets in parking demand, access, circulation, and other transportation impacts, pursuant to this section.

C. All required parking, access, and circulation facilities shall be constructed when a use is intensified by the addition of floor space, seating capacity, or change in use, or when an existing building or dwelling is altered or enlarged by the addition or creation of dwelling units or guest rooms.

D. Exceptions and Variances. Requests to depart from the requirements of this chapter are subject to chapter 18.5.5 Variances, except that deviations from the standards in subsections 18.4.3.080.B.4 and 5 and section 18.4.3.090 Pedestrian Access and Circulation are subject to 18.5.2.050.E Exception to the Site Development and Design Standards.

E. Variance to Parking Standard for Commercial Buildings in the Historic District. In order to preserve existing structures within the Historic District overlay while permitting the redevelopment of property to its highest commercial use, the Staff Advisor, through a Type I procedure and pursuant to section 18.5.1.050, may grant a Variance to the parking standards of section 18.4.3.040 by up to 50 percent for commercial uses within the Historic District overlay. The intent of this provision is to provide as much off-street parking as practical while preserving existing structures and allowing them to develop to their full commercial potential. The City, through this ordinance provision, finds

that reuse of the building stock within the Historic District overlay is an exceptional circumstance and an unusual hardship for the purposes of granting a variance.

18.4.3.030 General Automobile Parking Requirements and Exceptions

A. Minimum Number of Off-Street Automobile Parking Spaces. Off-street parking shall be provided pursuant to one of the following three methods and shall include required Disabled Person Parking.

1. Standard Ratios for Automobile Parking. The standards in Table 18.4.3.040.
2. Unspecified Use. Where automobile parking requirements for any use are not specifically listed in Table 18.4.3.040, such requirements shall be determined by the Staff Advisor based upon the most comparable use specified in this section, and other available data.
3. Parking Demand Analysis. The approval authority through a discretionary review may approve a parking standard that is different than the standards under subsection 1 and 2, above, as follows.
    a. The applicant submits a parking demand analysis with supporting data prepared by a professional engineer, planner, architect, landscape architect, or other qualified professional;
    b. The parking analysis, at a minimum, shall assess the average parking demand and available supply for existing and proposed uses on the subject site; opportunities for shared parking with other uses in the vicinity; existing public parking in the vicinity; transportation options existing or planned near the site, such as frequent bus service, carpools, or private shuttles; and other relevant factors. The parking demand analysis option may be used in conjunction with, or independent of, the options provided under section 18.4.3.060 Parking Management Strategies.
    c. The review procedure shall be the same as for the main project application.

B. Maximum Number of Off-Street Automobile Parking Spaces. The number of spaces provided by any particular use in ground surface lots shall not exceed the number of spaces required by this chapter by more than ten percent. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, shall not apply towards the maximum number of allowable spaces.

C. Downtown Zone. All uses within the C-1-D zone, except for hotel, motel, and hostel uses, are exempt from the off-street parking requirements of this section.

D. North Mountain Plan District. Within the Neighborhood Central zone of the North Mountain (NM) Neighborhood Plan district, all uses are exempt from the off-street parking requirements of this section, except that residential uses are required to provide a minimum of one parking space per residential unit.

18.4.3.040 Parking Ratios

Except as provided by section 18.4.3.030, the standard ratios required for automobile parking are as

follows. See also, accessible parking space requirements in section 18.4.3.050.

Table 18.4.3.040 – Automobile Parking Spaces by Use

Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Residential Categories	
Single Family Dwelling	2 spaces for the primary dwelling unit and the following for accessory residential units. a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units --1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit.
Multifamily	a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units -- 1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit. e. Retirement complexes for seniors 55-years or greater -- One space per unit.
Manufactured Housing	Parking for Manufactured Home on Single-Family Lot is same as Single Family Dwelling; for Manufactured Housing Developments, see sections 18.2.3.170 and 18.2.3.180.
Performance Standards Developments	See chapter 18.3.9.
Commercial Categories	
Auto, boat or trailer sales, retail nurseries and other open-space uses	1 space per 1,000 square feet of the first 10,000 square feet of gross land area; plus 1 space per 5,000 square feet for the excess over 10,000 square feet of gross land area; and 1 space per 2 employees.
Bowling Alleys	3 spaces per alley, plus 1 space for auxiliary activities set forth in this section.
Chapels and Mortuaries	1 space per 4 fixed seats in the main chapel.
Hotels	1 space per guest room, plus 1 space for the owner or manager; see also, requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities.
Offices	General Office: 1 space per 500 sq. ft. floor area. Medical/Dental Office: 1 space per 350 sq. ft. floor area.
Restaurants, Bars, Ice Cream Parlors, Similar Uses	1 space per 4 seats or 1 space per 100 sq. ft. of gross floor area, whichever is less.
Retail Sales and Services	General: 1 space per 350 sq. ft. floor area. Furniture and Appliances: 1 space per 750 sq. ft. floor area.
Skating Rinks	1 space per 350 sq. ft. of gross floor area.
Theaters, Auditoriums, Stadiums, Gymnasiums and Similar Uses	1 space per 4 seats.

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	**Minimum Parking per Land Use** (Based on Gross Floor Area; fractions are rounded to whole number.)
Travelers' Accommodations	1 space per guest room, plus 2 spaces for the owner or manager.
Industrial Categories	
Industrial, Manufacturing and Production, Warehousing and Freight	1 space per 1,000 sq. ft. of gross floor area, or 1 space for each 2 employees whichever is less, plus 1 space per company vehicle.
Institutional and Public Categories	
Aircraft Hangar - Ashland Municipal Airport	One space per hangar or one space per four aircraft occupying a hangar, whichever is greater. Parking spaces shall be provided within the hangar or within designated vehicle parking areas identified in the adopted Ashland Municipal Airport Master Plan.
Clubs, Fraternity and Sorority Houses; Rooming and Boarding Houses; Dormitories	2 spaces for each 3 guest rooms; in dormitories, 100 sq. ft. shall be equivalent to a guest room.
Daycare	1 space per two employees; a minimum of 2 spaces is required.
Golf Courses	Regular: 8 spaces per hole, plus additional spaces for auxiliary uses.
	Miniature: 4 spaces per hole.
Hospital	2 space per patient bed.
Nursing and Convalescent Homes	1 space per 3 patient beds.
Public Assembly	1 space per 4 seats
Religious Institutions and Houses of Worship	1 space per 4 seats.
Rest Homes, Homes for the Aged, or Assisted Living	1 space per 2 patient beds or 1 space per apartment unit.
Schools	Elementary and Junior High: 1.5 spaces per classroom, or 1 space per 75 sq. ft. of public assembly area, whichever is greater
	High Schools: 1.5 spaces per classroom, plus 1 space per 10 students the school is designed to accommodate; or the requirements for public assembly area, whichever is greater
	Colleges, Universities and Trade Schools: 1.5 spaces per classroom, plus 1 space per five students the school is designed to accommodate, plus requirements for on-campus student housing.
Other Categories	
Temporary Uses	Parking standards for temporary uses are the same as for primary uses, except that the City decision-making body may reduce or waive certain development and designs standards for temporary uses.

18.4.3.050 Accessible Parking Spaces

Accessible parking shall be provided consistent with the requirements of the building code, including but not limited to the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements. Accessible parking shall be included and indentified on the planning application submittals.

18.4.3.060 Parking Management Strategies

Except for single-family dwellings, the off-street parking spaces may be reduced through the application of the following credits. The total maximum reduction in off-street parking spaces is 50 percent, except as allowed for Off-Site Shared Parking credits in subsection 18.4.3.060.E, below. The approval authority may require a parking analysis prepared by a qualified professional. See 18.4.3.030.A.3 for parking analysis requirements.

A. On-Street Parking Credit. Credit for on-street parking spaces may reduce the required off-street parking spaces up to 50 percent, as follows.

1. Credit. One off-street parking space credit for one on-street parking space meeting the standards of subsections 2-4, below. See Figure 18.4.3.060.A.1.

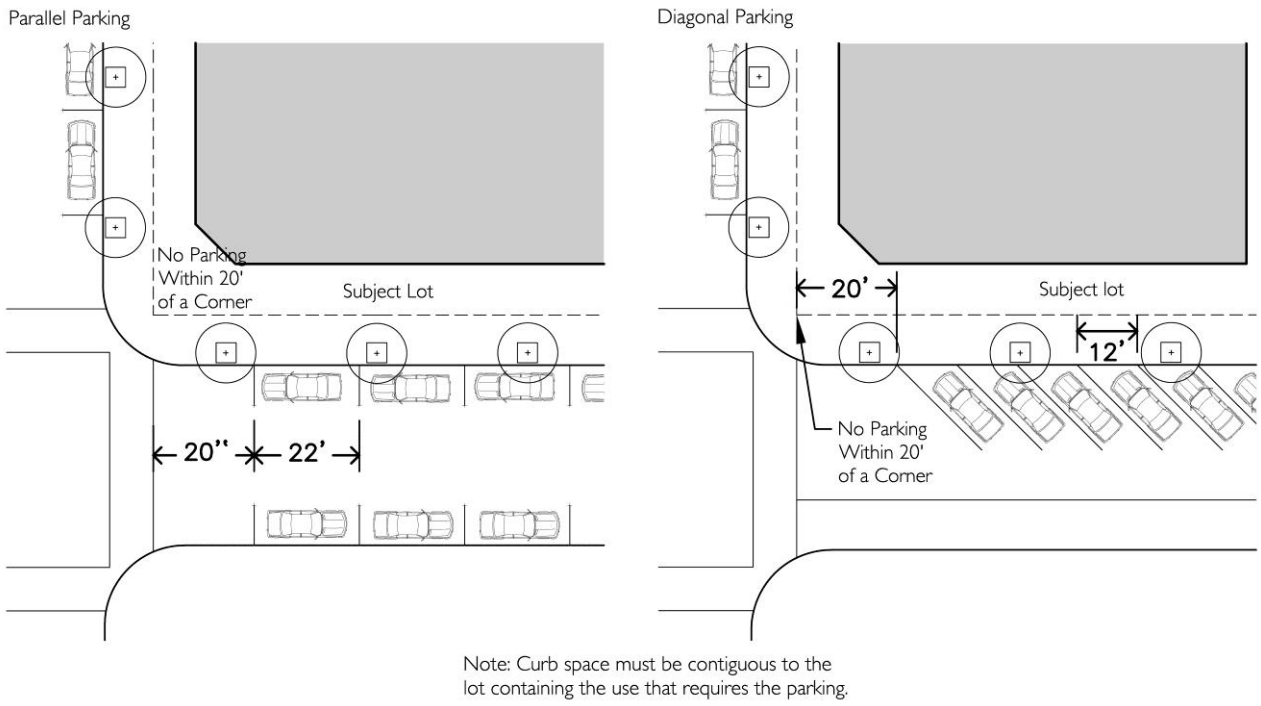


Figure 18.4.3.060.A.1
On-Street Parking Credit

2. Dimensions. On-street parking shall follow the established configuration of existing on-street

parking, except that 45-degree diagonal parking may be allowed with the approval of the Public Works Director, taking into account traffic flows and street design, with the parking spaces designed in accord with the standards on file with the Public Works Department.

a. Parallel parking, each 22 feet of uninterrupted curb.

b. 45-degree diagonal, each 12 feet of uninterrupted curb.

3. Location

a. Curb space must be contiguous to the lot containing the use that requires the parking.

b. Parking spaces may not be counted that are within 20 feet measured along the curb of any corner or intersection of an alley or street, nor any other parking configuration that violates any law or standard of the City or State.

c. Parking spaces located on arterials and collectors may only receive credit if the arterial or collector is greater in width than the minimums established by the street standards in section 18.4.6.040.

d. Parking spaces may not be counted that are within 200 feet of a C-1-D or SOU zone.

e. Parking spaces may not be counted that are required as on-street parking in accordance with section 18.3.9.060 in a development under the Performance Standards Option.

4. Availability. On-street parking spaces credited for a specific use shall not be used exclusively by that use, but shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be permitted.

B. Alternative Vehicle Parking. Alternative vehicle parking facilities may reduce the required off-street parking spaces up to 25 percent, as follows.

1. Motorcycle or scooter parking. One off-street parking space credit for four motorcycle or scooter parking spaces.

2. Bicycle parking. One off-street parking space credit for five additional, non-required bicycle parking spaces.

C. Mixed Uses. In the event that several users occupy a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for the several uses computed separately unless it can be shown that the peak parking demands are offset, in which case the mixed-use credit may reduce the off-street parking requirement by a percentage equal to the reduced parking demand. A mixed-use parking credit may reduce the required off-street parking spaces up to 50 percent.

D. Joint Use of Facilities. Required parking facilities of two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g., uses primarily of a daytime vs. nighttime nature) and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use. Jointly-used parking facilities may reduce the required off-street parking spaces up to 50 percent.

E. Off-Site Shared Parking. One off-street parking space credit for every one parking space

constructed in designated off-site shared parking areas, or through payment of in-lieu-of-parking fees for a common parking. Off-site shared parking facilities may reduce the required off-street parking spaces up to 100 percent.

F. TDM Plan Credit. Through implementation of an individual Transportation Demand Management (TDM) plan that demonstrates a reduction of long-term parking demand by a percentage equal to the credit requested. A TDM plan may reduce the required off-street parking spaces up to 50 percent.

G. Transit Facilities Credit. Sites where at least 20 spaces are required and where at least one lot line abuts a street with transit service may substitute transit-supportive plazas as follows. A Transit Facilities Credit may reduce the required off-street parking spaces up to 50 percent.

1. Pedestrian and transit supportive plazas may be substituted for up to ten percent of the required parking spaces on-site.
2. A street with transit service shall have a minimum of 30-minute peak period transit service frequency.
3. Existing parking areas may be converted to take advantage of these provisions.
4. The plaza must be adjacent to and visible from the transit street. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop.
5. The plaza must be at least 300 square feet in area and be shaped so that a ten-foot by ten-foot (10 feet X 10 feet) square will fit entirely in the plaza.
6. The plaza must include all of the following elements.
    a. A plaza that is open to the public. The owner must record a public access easement that allows public access to the plaza.
    b. A bench or other sitting area with at least five linear feet of seating.
    c. A shelter or other weather protection. The shelter must cover at least 20 square feet and the plaza must be landscaped. This landscaping is in addition to any other landscaping or screening required for parking areas by this ordinance.

18.4.3.070 Bicycle Parking

A. Applicability and Minimum Requirement. All uses, with the exception of residential units with a garage and uses in the C-1-D zone, are required to provide a minimum of two sheltered bike parking spaces pursuant to this section. The required bicycle parking shall be constructed when an existing residential building or dwelling is altered or enlarged by the addition or creation of dwelling units, or when a non-residential use is intensified by the addition of floor space, seating capacity, or change in use.

B. Calculation. Fractional spaces shall be rounded up to the next whole space.

C. Bicycle Parking for Residential Uses. Every residential use of two or more dwelling units per structure and not containing a garage for each dwelling shall provide bicycle parking spaces as follows.

1. Multi-Family Residential. One sheltered space per studio unit or one-bedroom unit; 1.5 sheltered spaces per two-bedroom unit; and two sheltered spaces per three-bedroom unit.

2. Senior Housing. One sheltered space per eight dwelling units where 80 percent of the occupants are 55 or older.

D. Bicycle Parking for Non-Residential Uses. Uses required to provide off street parking, except as specifically noted, shall provide two spaces per primary use, or one bicycle parking space for every five required automobile parking spaces, whichever is greater. Fifty percent of the bicycle parking spaces required shall be sheltered from the weather. All spaces shall be located in proximity to the uses they are intended to serve.

E. Bicycle Parking for Parking Lots and Structures. All public parking lots and structures shall provide two spaces per primary use, or one bicycle parking space for every five automobile parking spaces, of which 50 percent shall be sheltered.

F. Primary and Secondary Schools. Elementary, Junior High, Middle, and High Schools shall provide one sheltered bicycle parking space for every five students.

G. Colleges, Universities, and Trade Schools. Colleges, universities, and trade schools shall provide one bicycle parking space for every five required automobile parking spaces, of which 50 percent shall be sheltered.

H. No Fee for Use. No bicycle parking spaces required by this standard shall be rented or leased, however, a refundable deposit fee may be charged. This does not preclude a bike parking rental business.

I. Bicycle Parking Design Standards.

1. Bicycle parking shall be located so that it is visible to and conveniently accessed by cyclists, and promotes security from theft and damage.

2. Bicycle parking requirements, pursuant to this section, can be met in any of the following ways.

   a. Providing bicycle racks or lockers outside the main building, underneath an awning or marquee, or in an accessory parking structure.

   b. Providing a bicycle storage room, bicycle lockers, or racks inside the building. Providing bicycle racks on the public right of way, subject to review and approval by the Staff Advisor.

3. All required exterior bicycle parking shall be located on-site and within 50 feet of a regularly used building entrance and not farther from the entrance than the closest motor vehicle parking space. Bicycle parking shall have direct access to both the public right-of-way and to the main entrance of the principal use. For facilities with multiple buildings, building entrances or parking lots (such as a college), exterior bicycle parking shall be located in areas of greatest use and convenience for bicyclists.

4. Required bicycle parking spaces located out of doors shall be visible enough to provide security. Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent walkways or motor vehicle parking lots during all hours of use. Bicycle parking shall be at least as well lit as automobile parking.

5. Paving and Surfacing. Outdoor bicycle parking facilities shall be surfaced in the same manner

as the automobile parking area or with a minimum of two inch thickness of hard surfacing (i.e., asphalt, concrete, pavers, or similar material) and shall be relatively level. This surface will be maintained in a smooth, durable, and well-drained condition

6. Bicycle parking located outside the building shall provide and maintain an aisle for bicycle maneuvering between each row of bicycle parking. Bicycle parking including rack installations shall conform to the minimum clearance standards as illustrated in Figure 18.4.3.070.I.6.

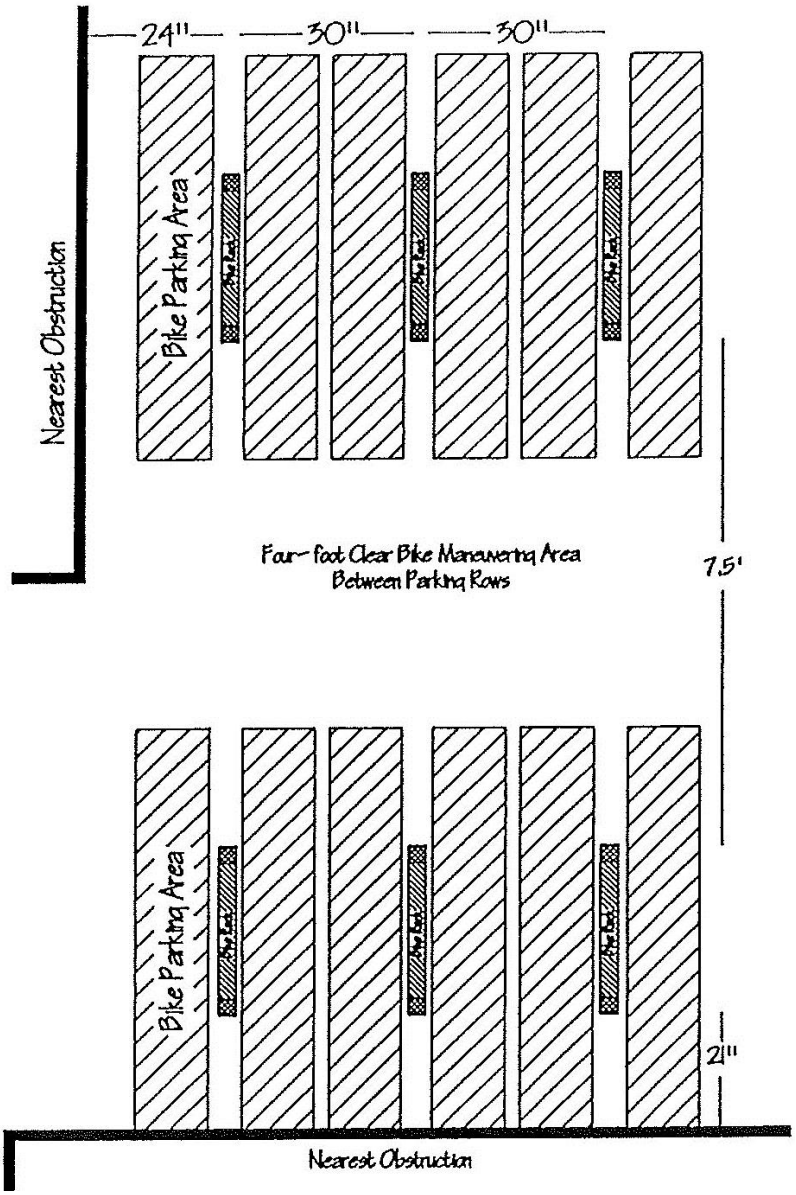


Figure 18.4.3.070.I.6
Bike Parking Layout

7. A bicycle parking space located inside of a building for employee bike parking shall be a minimum of six feet long by three feet wide by four feet high.

8. Each required bicycle parking space shall be accessible without moving another bicycle.
9. Areas set aside for required bicycle parking shall be clearly marked and reserved for bicycle parking only.
10. Sheltered parking shall mean protected from all precipitation and must include the minimum protection coverages as illustrated in Figure 18.4.3.070.I.10.

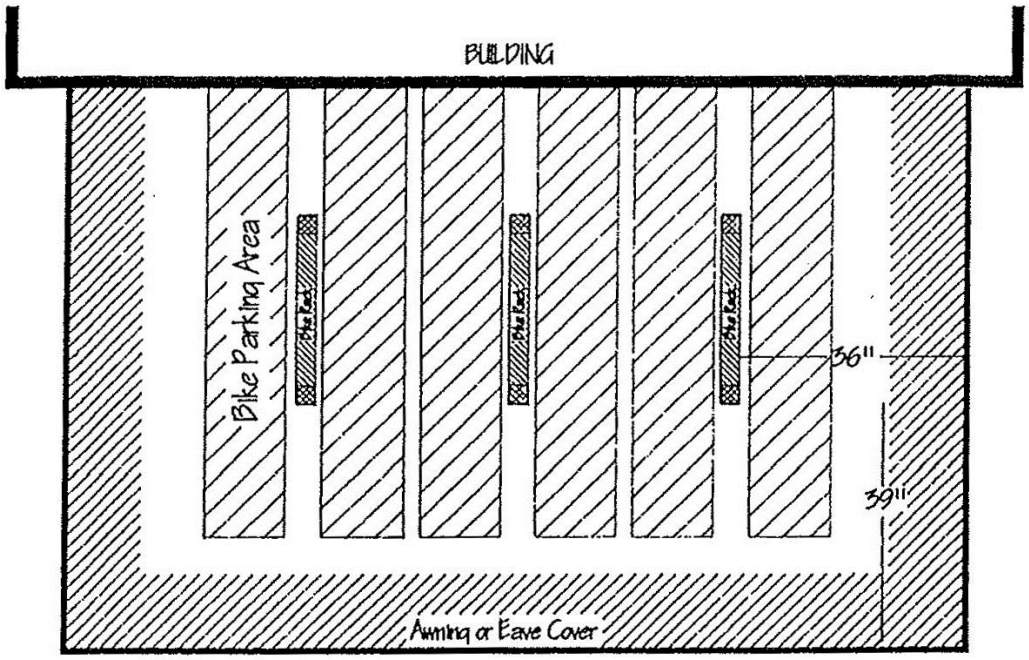


Figure 18.4.3.070.I.10.a
Covered Bike Parking Layout

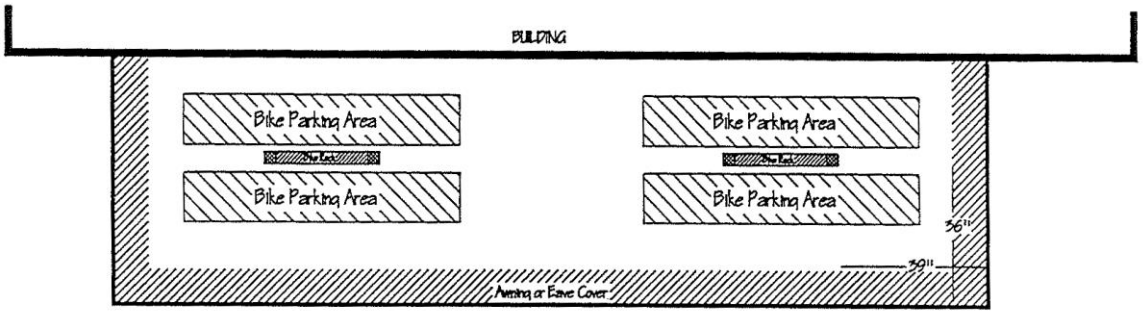


Figure 18.4.3.070.I.10.b
Covered Bike Parking Layout

11. Bicycle parking shall be located to minimize the possibility of accidental damage to either bicycles or racks. Where needed, barriers shall be installed.
12. Bicycle parking shall not impede or create a hazard to pedestrians. They shall not be located so as to violate the vision clearance standards of section 18.2.4.050. Bicycle parking facilities should be harmonious with their environment both in color and design. Facilities should be

incorporated whenever possible into building design or street furniture.

J. Bicycle Parking Rack Standards. The intent of the following standards is to ensure that required bicycle racks are designed so that bicycles may be securely locked to them without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

1. Bicycle parking racks shall consist of staple-design or inverted-u steel racks meeting the individual rack specifications as illustrated in Figure 18.4.3.070.J.1. The Staff Advisor, following review by the Transportation Commission, may approve alternatives to the above standards. Alternatives shall conform to all other applicable standards of this section.

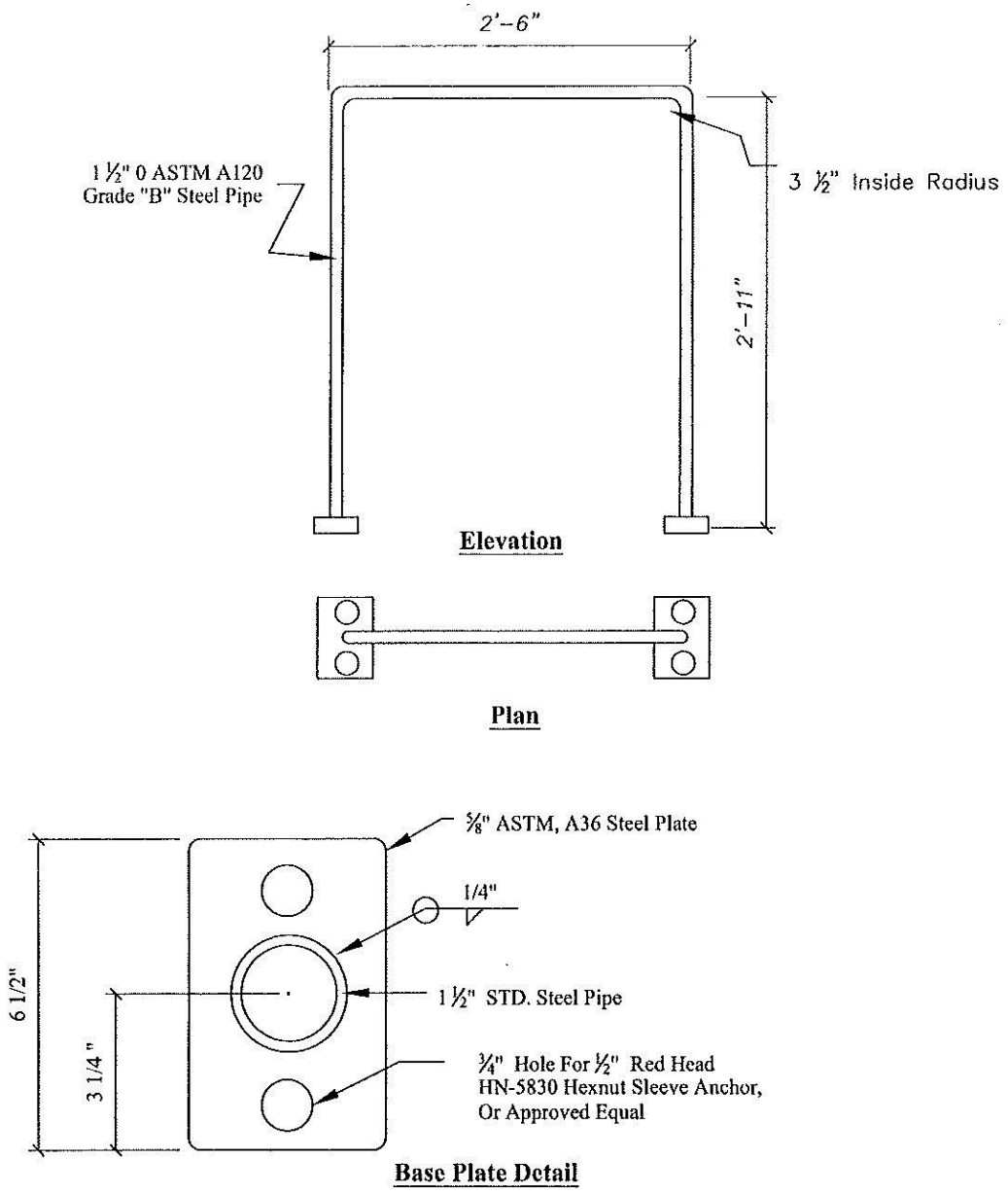


Figure 18.4.3.070.J.1

Bicycle Parking Rack

2. Commercial bike lockers are acceptable according to manufacturer's specifications.
3. Bicycle parking racks or lockers shall be anchored securely.
4. Bicycle racks shall hold bicycles securely by means of the frame. The frame shall be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels. Bicycle racks shall accommodate all of the following.
   a. Locking the frame and both wheels to the rack with a high-security U-shaped shackle lock, if the bicyclist removes the front wheel.
   b. Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock, if the bicyclist leaves both wheels on the bicycle.
   c. Locking the frame and both wheels to the rack with a chain or cable not longer than six feet without removal of the front wheel.

18.4.3.080 Vehicle Area Design

A. Parking Location

1. Except for single and two-family dwellings, required automobile parking facilities may be located on another parcel of land, provided said parcel is within 200 feet of the use it is intended to serve. The distance from the parking lot to the use shall be measured in walking distance from the nearest parking space to an access to the building housing the use, along a sidewalk or other pedestrian path separated from street traffic. Such right to use the off-site parking must be evidenced by a deed, lease, easement, or similar written instrument establishing such use, for the duration of the use.
2. Except as allowed in the subsection below, automobile parking shall not be located in a required front and side yard setback area abutting a public street, except alleys.
3. In all residential zones, off-street parking in a front yard for all vehicles, including trailers and recreational vehicles is limited to a contiguous area no more than 25 percent of the area of the front yard, or a contiguous area 25 feet wide and the depth of the front yard, whichever is greater. Since parking in violation of this section is occasional in nature, and is incidental to the primary use of the site, no vested rights are deemed to exist and violations of this section are not subject to the protection of the nonconforming use sections of this ordinance.

B. Parking Area Design. Required parking areas shall be designed in accordance with the following standards and dimensions as illustrated in 18.4.3.080.B. See also, accessible parking space requirements in section 18.4.3.050 and parking lot and screening standards in subsection 18.4.4.030.F.

1. Parking spaces shall be a minimum of 9 feet by 18 feet.
2. Up to 50 percent of the total automobile parking spaces in a parking lot may be designated for compact cars. Minimum dimensions for compact spaces shall be 8 feet by 16 feet. Such spaces shall be signed or the space painted with the words "Compact Car Only."

3. Parking spaces shall have a back-up maneuvering space not less than 22 feet, except where parking is angled, and which does not necessitate moving of other vehicles.

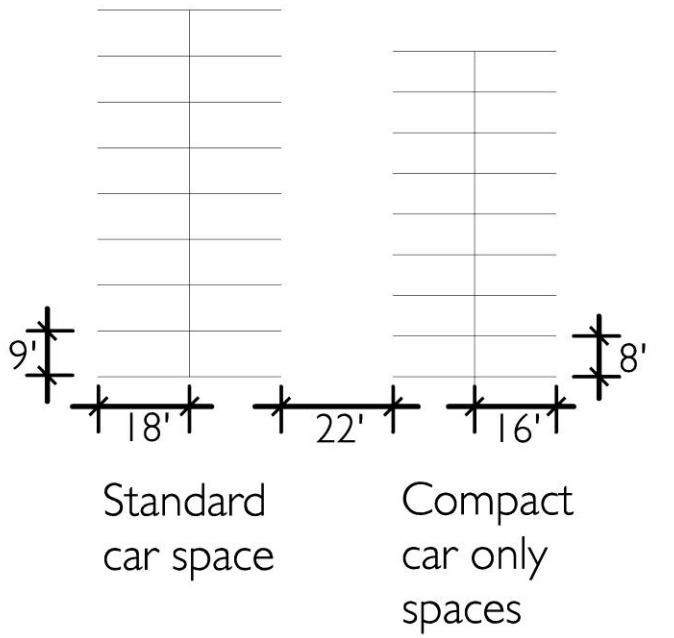
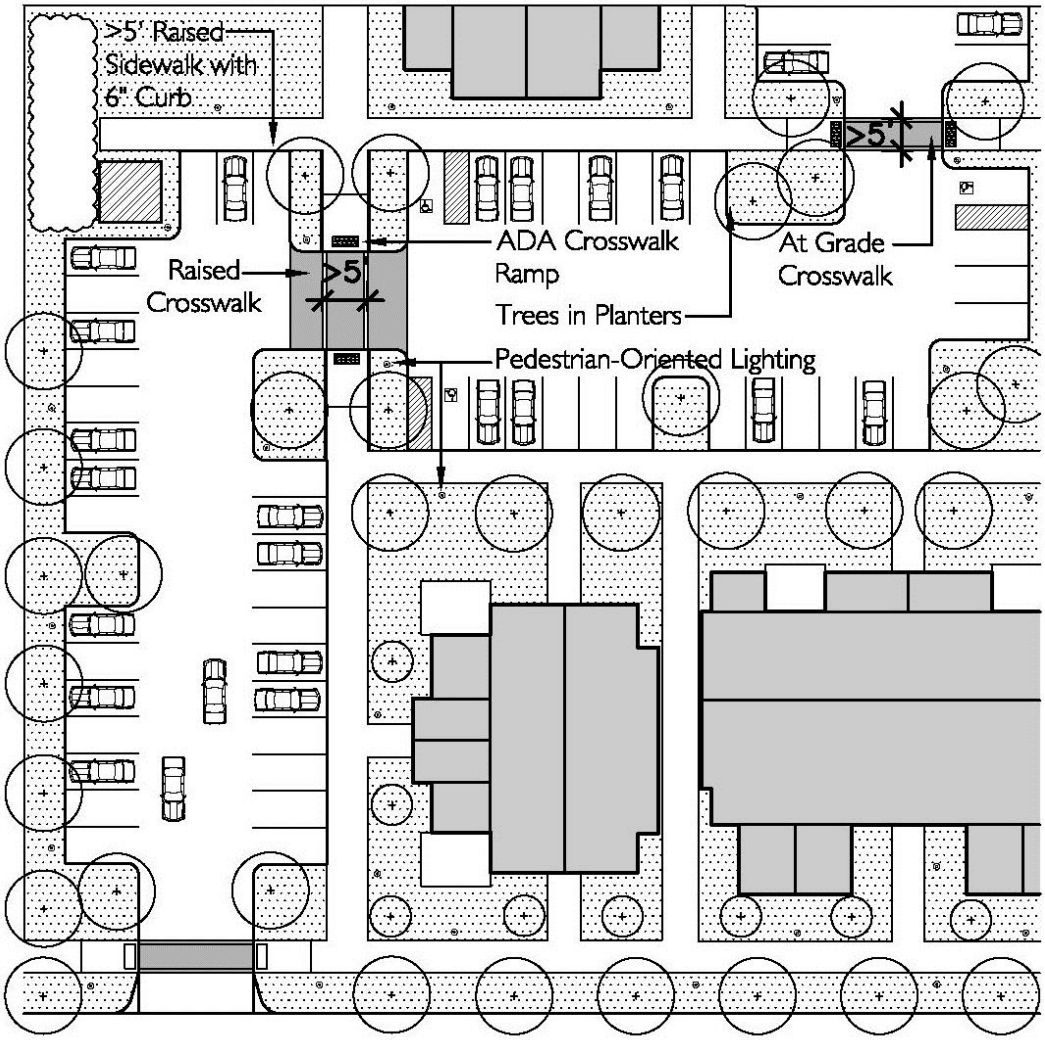


Figure 18.4.3.080.B
Parking Area Dimensions

4. Parking lots with 50 or more parking spaces, and parking lots where pedestrians must traverse more than 150 feet of parking area, as measured as an average width or depth, shall be divided into separate areas by one or more of the following means: a building or group of buildings; plazas landscape areas with walkways at least five feet in width; streets; or driveways with street-like features as illustrated in Figure 18.4.3.080.B.4 Street-like features, for the purpose of this section, means a raised sidewalk of at least five feet in width, with six-inch curb, accessible curb ramps, street trees in planters or tree wells and pedestrian-oriented lighting (i.e., not exceeding 14 feet typical height).



Insert Figure 18.4.3.080.B.4
Dividing Parking Lots into Separate Areas

5. Parking areas shall be designed to minimize the adverse environmental and microclimatic impacts of surface parking through design and material selection as illustrated in Figure 18.4.3.080.B.5. Parking areas of more than seven parking spaces shall meet the following standards.

   a. Use at one or more of the following strategies for the surface parking area, or put 50 percent of parking underground. For parking lots with 50 or more spaces, the approval authority may approve a combination of strategies.

      i Use light colored paving materials with a high solar reflectance (Solar Reflective Index (SRI) of at least 29) to reduce heat absorption for a minimum of 50 percent of the parking area surface.

      ii. Provide porous solid surfacing or an open grid pavement system that is at least 50

percent pervious for a minimum of 50 percent of the parking area surface.

iii. Provide at least 50 percent shade from tree canopy over the parking area surface within five years of project occupancy.

iv. Provide at least 50 percent shade from solar energy generating carports, canopies or trellis structures over the parking area surface.

b. Design parking lots and other hard surface areas in a way that captures and treats runoff with landscaped medians and swales.

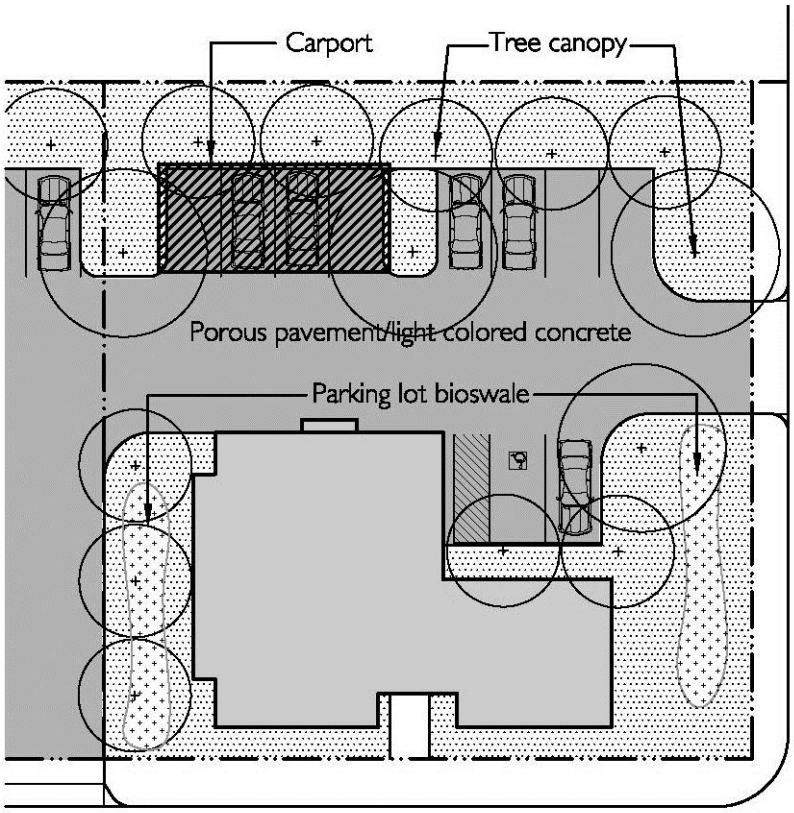


Figure 18.4.3.080.B.5
Parking Design to Reduce Environmental Impacts

C. Vehicular Access and Circulation. The intent of this subsection is to manage access to land uses and on-site circulation and maintain transportation system safety and operations. For transportation improvement requirements, refer to chapter 18.4.6 Public Facilities.

1. Applicability. This section applies to all public streets within the City and to all properties that abut these streets. The standards apply when developments are subject to a planning action (e.g., Site Design Review, Conditional Use Permit, Land Partition, Performance Standards Subdivision).

2. Site Circulation. New development shall be required to provide a circulation system that accommodates expected traffic on the site. All on-site circulation systems shall incorporate

street-like features as described in 18.4.3.080.B.4. Pedestrian connections on the site, including connections through large sites, and connections between sites and adjacent sidewalks must conform to the provisions of section 18.4.3.090.

3. Intersection and Driveway Separation. The distance from a street intersection to a driveway, or from a driveway to another driveway shall meet the minimum spacing requirements for the street's classification in the Ashland Transportation System Plan (TSP) as illustrated in Figures 18.4.3.080.C.3.a and Figure 18.4.3.080.C.3.b.

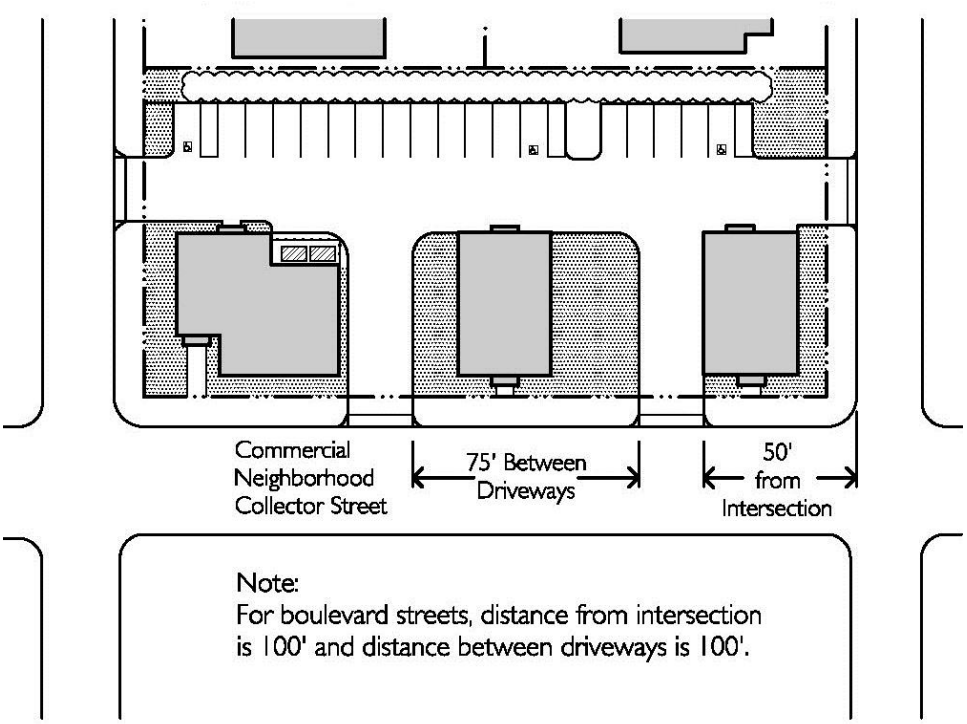


Figure 18.4.3.080.C.3.a
Driveway Separation for Boulevards, Avenues, and Collectors

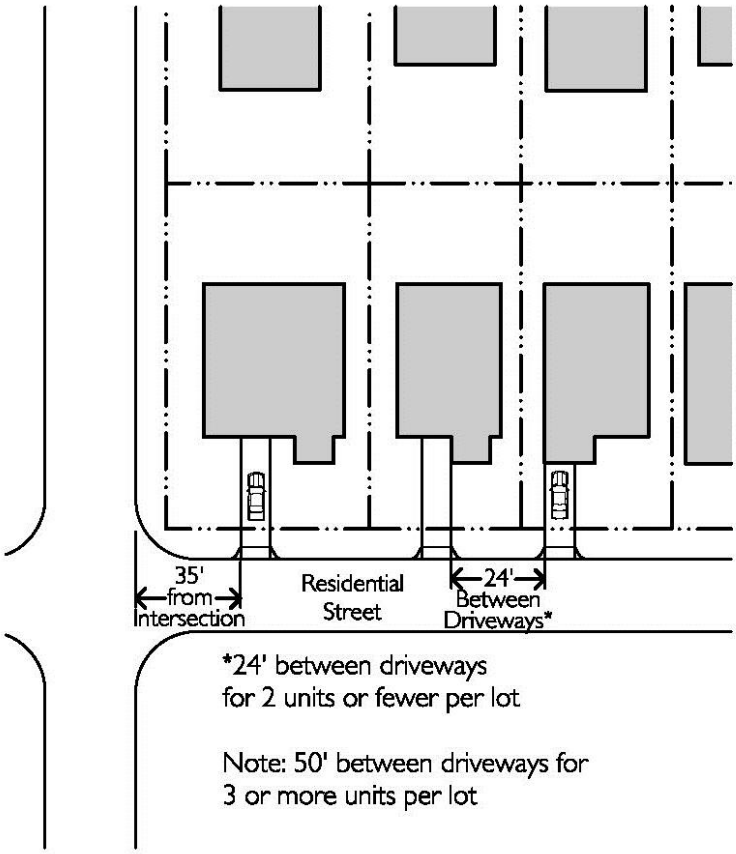


Figure 18.4.3.080.C.3.b
Driveway Separation for Neighborhoods Streets

a. In no case shall driveways be closer than 24 feet as measured from the bottom of the existing or proposed apron wings of the driveway approach.

b. Partitions and subdivisions of property located in an R-2, R-3, C-1, E-1, CM, or M-1 zone shall meet the controlled access standards set forth below. If applicable, cross access easements shall be required so that access to all properties created by the land division can be made from one or more points.

c. Street and driveway access points in an R-2, R-3, C-1, E-1, CM, or M-1 zone shall be limited to the following.

   i. Distance between driveways.

on boulevard streets:	100 feet
on collector streets:	75 feet
on neighborhood streets:	24 feet for 2 units or fewer per lot, 50 feet for three or more units per lot

   ii. Distance from intersections.

on boulevard streets:	100 feet
on collector streets:	50 feet
on neighborhood streets:	35 feet

d. Access Requirements for Multi-family Developments. All multi-family developments which will have automobile trip generation in excess of 250 vehicle trips per day shall provide at least two driveway access points to the development. Trip generation shall be determined by the methods established by the Institute of Transportation Engineers.

4. Shared Use of Driveways and Curb Cuts.

a. Plans submitted for developments subject to a planning action shall indicate how driveway intersections with streets have been minimized through the use of shared driveways and all necessary access easements. Where necessary from traffic safety and access management purposes, the City may require joint access and/or shared driveways in the following situations.

i. For shared parking areas.

ii. For adjacent developments, where access onto an arterial is limited.

iii For multi-family developments, and developments on multiple lots.

b. Developments subject to a planning action shall remove all curb cuts and driveway approaches not shown to be necessary for existing improvements or the proposed development. Curb cuts and approaches shall be replaced with standard curb, gutter, sidewalk, and planter/furnishings strip as appropriate.

c. If the site is served by a shared access or alley, access for motor vehicles must be from the shared access or alley and not from the street frontage.

5. Alley Access. Where a property has alley access, vehicle access shall be taken from the alley and driveway approaches and curb cuts onto adjacent streets are not permitted.

D. Driveways and Turn-Around Design. Driveways and turn-arounds providing access to parking areas shall conform to the following provisions.

1. A driveway for a single dwelling shall be minimum of nine feet in width, and a shared driveway serving two units shall be a minimum of 12 feet in width, except that driveways over 50 feet in length or serve a flag lot shall meet the width and design requirements of section 18.5.3.060.

2. Parking areas of seven or fewer spaces shall be served by a driveway 12 feet in width.

3. Parking areas of more than seven parking spaces shall be served by a driveway 20 feet in width and constructed to: facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety; be clearly and permanently marked and defined; and provide adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner.

4. The width of driveways and curb cuts in the parkrow and sidewalk area shall be minimized.

5. For single-family lots and multi-family developments, the number of driveway approaches and curb cuts shall not exceed one approach/curb cut per street frontage. For large multi-family developments and other uses, the number of approaches and curb cuts shall be minimized

where feasible to address traffic safety or operations concerns.

6. Vertical Clearances. Driveways, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13.5 feet for their entire length and width. Parking structures are exempt from this requirement.
7. Vision Clearance. No obstructions may be placed in the vision clearance area except as set forth in section 18.2.4.040.
8. Grades for new driveways in all zones shall not exceed 20 percent for any portion of the driveway. If required by the City, the developer or owner shall provide certification of driveway grade by a licensed land surveyor.
9. All driveways shall be installed pursuant to City standards prior to issuance of a certificate of occupancy for new construction.
10. Driveways for lots created or modified through a land division or property line adjustment, including those for flag lots, shall conform to the requirements of chapter 18.5.3 Land Divisions and Property Line Adjustments.

E. Parking and Access Construction. The development and maintenance as provided below, shall apply in all cases, except single-family dwellings.

1. Paving. All required parking areas, aisles, turn-arounds, and driveways shall be paved with concrete, asphaltic, porous solid surface, or comparable surfacing, constructed to standards on file in the office of the City Engineer.
2. Drainage. All required parking areas, aisles, and turn-arounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.
3. Driveway Approaches. Approaches shall be paved with concrete surfacing constructed to standards on file in the office of the City Engineer.
4. Marking. Parking lots of more than seven spaces shall have all spaces permanently and clearly marked.
5. Wheel stops. Wheel stops shall be a minimum of four inches in height and width and six feet in length. They shall be firmly attached to the ground and so constructed as to withstand normal wear. Wheel stops shall be provided where appropriate for all spaces abutting property lines, buildings, landscaping, and no vehicle shall overhang a public right-of-way.
6. Walls and Hedges
    a. Where a parking facility is adjacent to a street, a decorative masonry wall or evergreen hedge screen between 30 and 42 inches in height and a minimum of 12 inches in width shall be established parallel to and not nearer than two feet from the right-of-way line, pursuant to the following requirements.
        i. The area between the wall or hedge and street line shall be landscaped.
        ii. Screen planting shall be of such size and number to provide the required screening within 12 months of installation.

iii. All vegetation shall be adequately maintained by a permanent irrigation system, and said wall or hedge shall be maintained in good condition.

iv. Notwithstanding the above standards, the required wall or screening shall be designed to allow access to the site and sidewalk by pedestrians and shall meet the vision clearance area requirements in section 18.2.4.040.

b. In all zones, except single-family zones, where a parking facility or driveway is adjacent to a residential or agricultural zone, school yard, or like institution, a sight-obscuring fence, wall, or evergreen hedge shall be provided, pursuant to the following requirements.

i. The fence, wall or hedge shall be placed on the property line and shall be between five feet and six feet in height as measured from the high grade side of the property line, except that the height shall be reduced to 30 inches within a required setback area and within ten feet of a street property line.

ii. Screen plantings shall be of such size and number to provide the required screening within 12 months of installation.

iii. Adequate provisions shall be made to protect walls, fences, or plant materials from being damaged by vehicles using said parking area.

iv. Notwithstanding the above standards, the required wall or screening shall be designed to meet the vision clearance area requirements in section 18.2.4.040.

v. The fence, wall, or hedge shall be maintained in good condition.

7. Landscaping. In all zones, all parking facilities shall include landscaping to cover not less than seven percent of the area devoted to outdoor parking facilities, including the landscaping required in subsection 18.4.3.080.E.6, above. Said landscaping shall be uniformly distributed throughout the parking area, and provided with irrigation facilities and protective curbs or raised wood headers. It may consist of trees, plus shrubs, ground cover, or related material. A minimum of one tree per seven parking spaces is required.

8. Lighting. Lighting of parking areas within 100 feet of property in residential zones shall be directed into or on the site and away from property lines such that the light element shall not be directly visible from abutting residential property. Lighting shall comply with section 18.4.4.050.

18.4.3.090 Pedestrian Access and Circulation

A. Purpose. The purpose of section 18.4.3.090 is to provide for safe, direct, and convenient pedestrian access and circulation.

B. Standards. Development subject to this chapter, except single-family dwellings on individual lots and associated accessory structures, shall conform to the following standards for pedestrian access and circulation.

1. Continuous Walkway System. Extend the walkway system throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent sidewalks, trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private

property for this purpose.

2. Safe, Direct, and Convenient. Provide safe, reasonably direct, and convenient walkway connections between primary building entrances and all adjacent streets. For the purposes of this section, the following definitions apply.

   a. “Reasonably direct” means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

   b. “Safe and convenient” means reasonably free from hazards and provides a reasonably direct means of walking between destinations.

   c. "Primary entrance" for a non-residential building means the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

   d. "Primary entrance" for a residential building is the front door (i.e., facing the street). For multifamily buildings and mixed-use buildings where not all dwelling units have an individual exterior entrance, the “primary entrance” may be a lobby, courtyard, or breezeway serving as a common entrance for more than one dwelling.

3. Connections within Development. Walkways within developments shall provide connections meeting all of the following requirements as illustrated in Figures 18.4.3.090.B.3.a and 18.4.3.090.B.3.b

   a. Connect all building entrances to one another to the extent practicable.

   b. Connect on-site parking areas, recreational facilities, and common areas, and connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections.

   c. Install a protected raised walkway through parking areas of 50 or more spaces, and where pedestrians must traverse more than 150 feet of parking area, as measured as an average width or depth.

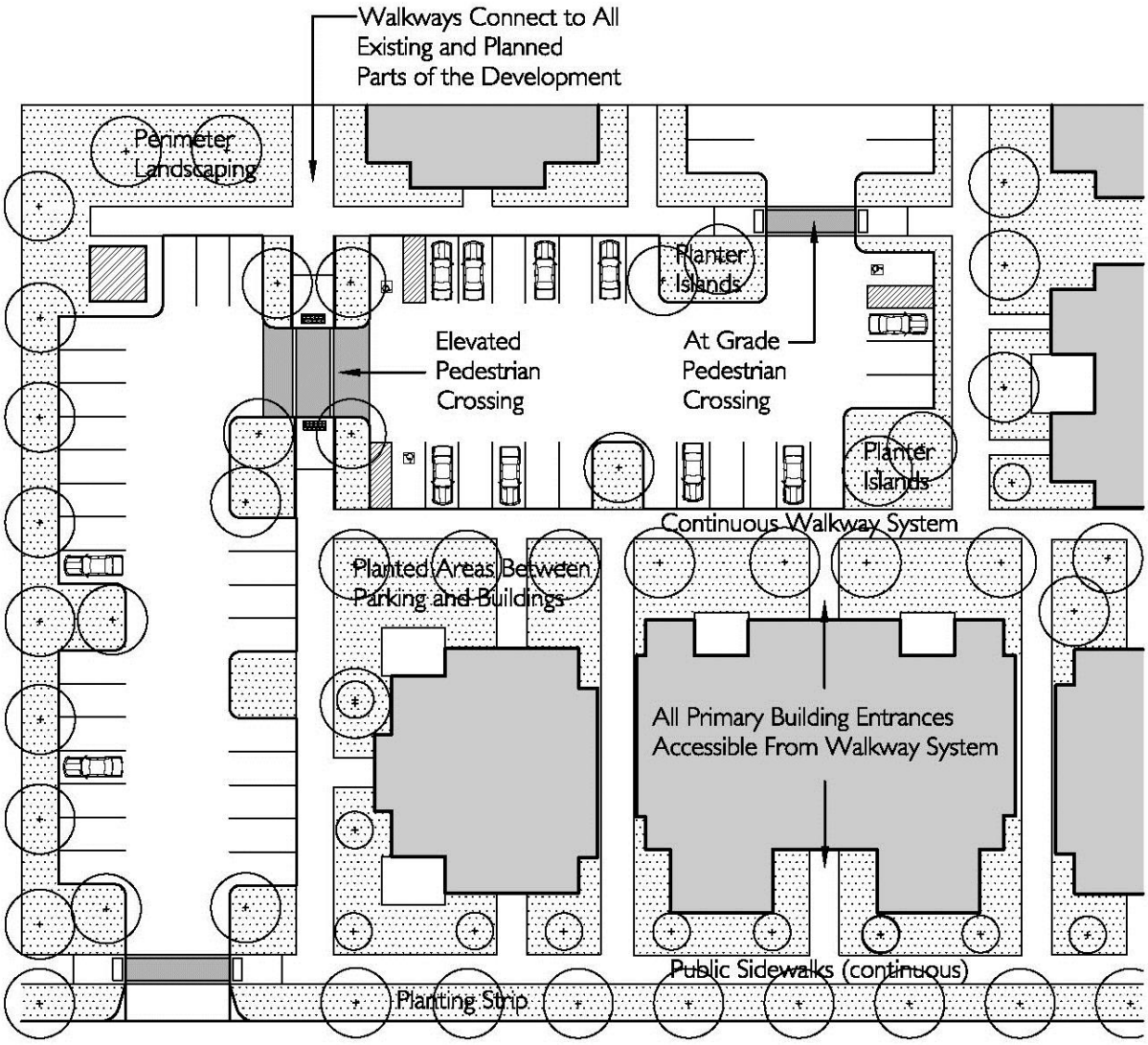


Figure18.4.3.090.B.3.a
Pedestrian Access and Circulation

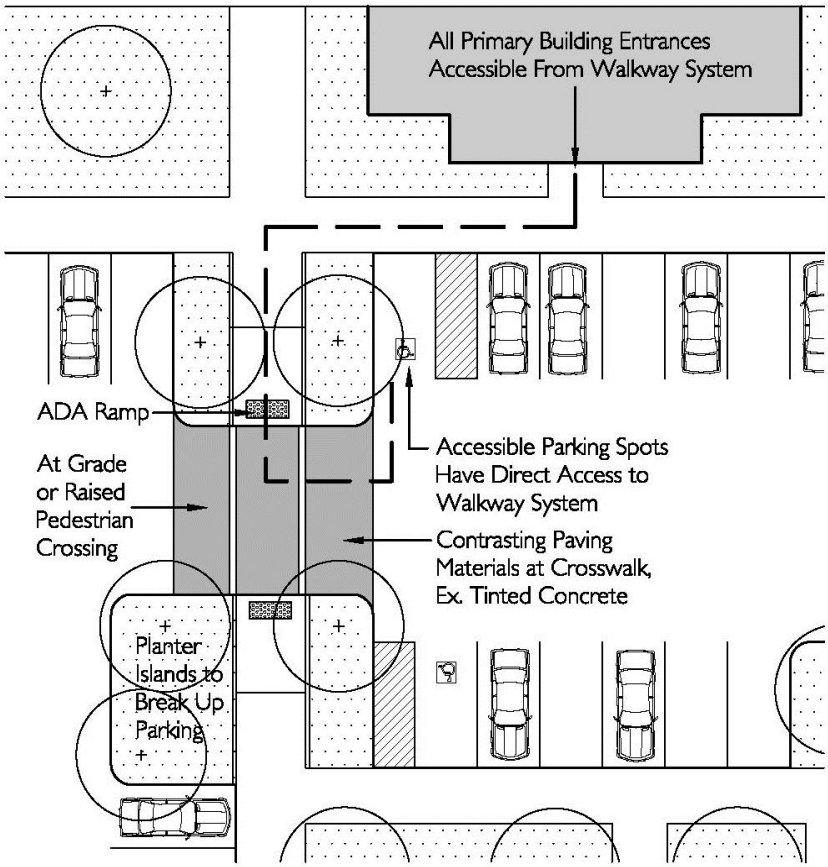


Figure 18.4.3.090.B.3.b
Pedestrian Access and Circulation Detail

4. Walkway Design and Construction**.** Walkways shall conform to all of the following standards in as illustrated in Figure 18.4.3.090.B.3.a and 18.4.3.090.B.3.b. For transportation improvement requirements, refer to chapter 18.4.6 Public Facilities.

   a. Vehicle/Walkway Separation. Except for crosswalks, where a walkway abuts a driveway or street, it shall be raised six inches and curbed along the edge of the driveway. Alternatively, the approval authority may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is distinguished from vehicle-maneuvering areas. Examples of alternative treatments are mountable curbs, surface treatments such as stamped concrete or reflector bumps, and using a row of decorative metal or concrete bollards to separate a walkway from a driveway.

   b. Crosswalks. Where walkways cross a parking area or driveway, clearly mark crosswalks with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

   c. Walkway Surface and Width. Walkway surfaces shall be concrete, asphalt, brick/masonry

pavers, or other durable surface, and at least five feet wide. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, and at least ten feet wide, in accordance with the section 18.4.6.040 Street Design Standards.

d. Accessible routes. Walkways shall comply with applicable Americans with Disabilities Act (ADA) and State of Oregon requirements. The ends of all raised walkways, where the walkway intersects a driveway or street, shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

e. Lighting. Lighting shall comply with section 18.4.4.050.

18.4.3.100 Construction

The required parking, access, and circulations facilities, shall be installed prior to a release of a certificate of use and occupancy or a release of utilities, and shall be permanently maintained as a condition of use. However, the Building Official may, unless otherwise directed by the Planning Commission or Staff Advisor, release a temporary certificate of use and occupancy and a temporary release of utilities before the installation of said facilities provided: (1) there is proof that the owner has entered into a contract with a qualified, bonded, and insured contractor for the completion of the parking, including walkways, landscaping, and other elements required by this chapter, with a specified time, and no other conditions of approval are outstanding; or (2) the owner has posted a satisfactory performance bond to ensure the installation of said parking facilities within a specified time.

18.4.3.110 Availability of Facilities

Required parking, access, and circulation shall be available for use by residents, customers, and employees only, and shall not be used for the storage or display of vehicles or materials.

Chapter 18.4.4 – Landscaping, Lighting, and Screening

Sections:

18.4.4.010 Purpose
18.4.4.020 Applicability
18.4.4.030 Landscaping and Screening
18.4.4.040 Recycle and Refuse Disposal Areas
18.4.4.050 Outdoor Lighting
18.4.4.060 Fences and Walls

18.4.4.010 Purpose

Chapter 18.4.4 contains standards for landscaping and screening, recycle and refuse disposal areas, outdoor lighting, and fences and walls. The regulations are intended to protect public health, safety, and welfare by reducing development impacts, such as glare, noise, and visual impacts, on adjacent uses; minimizing erosion; slowing the rate of surface water runoff, thereby reducing infrastructure costs; buffering pedestrians from vehicle maneuvering areas; cooling buildings and parking lots in summer months with shade; and enhancing the city's appearance.

18.4.4.020 Applicability

The requirements of chapter 18.4.4 apply, as follows.

A. Landscaping and Screening. Section 18.4.4.030 establishes design standards for landscaping and screening, and applies to residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review.

B. Recycling and Refuse. Section 18.4.4.040 establishes design standards for recycle and refuse disposal areas, and applies to residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review.

C. Outdoor Lighting. Section 18.4.4.050 establishes standards for outdoor lighting, and applies to all new outdoor lighting installed or replaced after *[effective date].*

D. Fences and Walls. Section 18.4.4.060 establishes design standards for fences and walls. This section applies where a fence or wall is erected, extended, or otherwise altered; it also applies to hedges and screen planting and situations where this ordinance requires screening or buffering.

E. Exceptions and Variances. Requests to depart from the landscaping and screening requirements in section 18.4.4.030, recycling and refuse requirements in 18.4.4.040, and outdoor lighting in section 18.4.4.050 are subject to subsection 18.5.2.050.E Exception to the Site Development and Design Standards. Requests to depart from the fence and wall requirements in section 18.4.4.060 are subject to chapter 18.5.5 Variances.

18.4.4.030 Landscaping and Screening

A. General Landscape Standard. All portions of a lot not otherwise developed with buildings, accessory structures, vehicle maneuvering areas, parking, or other approved hardscapes shall be landscaped pursuant to this chapter.

B. Minimum Landscape Area and Coverage. All lots shall conform to the minimum landscape area standards of the applicable zoning district (see Table 18.2.5.030.A - C for residential zones and Table 18.2.6.030 for non-residential zones). Except as otherwise provided by this chapter, areas proposed to be covered with plant materials shall have plant coverage of not less than 50 percent coverage within one year and 90 percent coverage within five years of planting.

C. Landscape Design and Plant Selection. The landscape design and selection of plants shall be based on all of the following standards.

1. Tree and Shrub Retention. Existing healthy trees and shrubs shall be retained, pursuant to chapter 18.4.5. Consistent with chapter 18.4.5 Tree Preservation and Protection, credit may be granted toward the landscape area requirements where a project proposal includes preserving healthy vegetation that contribute(s) to the landscape design.
2. Plant Selection.
    a. Use a variety of deciduous and evergreen trees, shrubs, and ground covers.
    b. Use plants that are appropriate to the local climate, exposure, and water availability. The presence of utilities and drainage conditions shall also be considered.
    c. *Storm Water Facilities.* Use water-tolerant species where storm water retention/detention or water quality treatment facilities are proposed.
    d. *Crime Prevention and Defensible Space*. Landscape plans shall provide for crime prevention and defensible space, for example, by using low hedges and similar plants allowing natural surveillance of public and semi-public areas, and by using impenetrable hedges in areas where physical access is discouraged.
    e. *Street Trees.* Street trees shall conform to the street tree list approved by the Ashland Tree Commission. See the Ashland Recommended Street Tree Guide.
3. Water Conserving Landscaping. Commercial, industrial, non-residential, and mixed-use developments that are subject to chapter 18.5.2 Site Design Review, shall use plants that are low water use and meet the requirements of 18.4.4.030.I Water Conserving Landscaping.
4. Hillside Lands and Water Resources. Landscape plans for land located in the Hillside Lands overlay must also conform to section 18.3.10.090 Development Standards for Hillside Lands, and in the Water Resources overlay must also conform to section 18.3.11.110 Mitigation Requirements for Water Resource Protection Zones.
5. Screening
    a. Evergreen shrubs shall be used where a sight-obscuring landscape screen is required.
    b. Where a hedge is used as a screen, evergreen shrubs shall be planted so that not less than 50 percent of the desired screening is achieved within two years and 100 percent is achieved within four years. Living groundcover in the screen strip shall be planted such that 100 percent coverage is achieved within two years.
6. Plant Sizes
    a. Trees shall be not less than two-inch caliper for street trees, and 1.5-inch caliper for other

trees at the time of planting.

b. Shrubs shall be planted from not less than one gallon containers, and where required for screening shall meet the requirements of 18.4.4.030.C.5 Screening.

D. Tree Preservation, Protection, and Removal. See chapter 18.4.5 for Tree Protection and Preservation and chapter 18.5.7 for Tree Removal Permit requirements.

E. Street Trees. The purpose of street trees is to form a deciduous canopy over the street. The same effect is also desired in parking lots and internal circulation streets; rows of street trees should be included in these areas where feasible.

All development fronting on public or private streets shall be required to plant street trees in accordance with the following standards and chosen from the recommended list of street trees.

1. Location of Street Trees. Street trees shall be located in the designated planting strip or street tree wells between the curb and sidewalk, or behind the sidewalk in cases where a planting strip or tree wells are or will not be in place. Street trees shall include irrigation, root barriers, and generally conform to the standards established by the Community Development Department.

2. Spacing and Placement of Street Trees

All street tree spacing may be made subject to special site conditions that may, for reasons such as safety, affect the decision. Any such proposed special condition shall be subject to the Staff Advisor's review and approval. The placement, spacing, and pruning of street trees shall meet all of the following requirements.

a. Street trees shall be placed at the rate of one tree for every 30 feet of street frontage. Trees shall be evenly spaced, with variations to the spacing permitted for specific site limitations, such as driveway approaches.

b. Street trees shall not be planted closer than 25 feet from the curb line of intersections of streets or alleys, and not closer than ten feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.

d. Street trees shall not be planted closer than 20 feet to light standards. Except for public safety, no new light standard location shall be positioned closer than ten feet to any existing street tree, and preferably such locations will be at least 20 feet distant.

e. Street trees shall not be planted closer than 2.5 feet from the face of the curb. Street trees shall not be planted within two feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees, or tree wells, shall be at least 25 square feet; however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Tree wells shall be covered by tree grates in accordance with City specifications.

g. Street trees planted under or near power lines shall be selected so as to not conflict with power lines at maturity.

h. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation, where approved pursuant to section 18.4.6.040 Street Design Standards, may be utilized to save existing

street trees, subject to approval by the Staff Advisor.

3. Pruning. Street trees, as they grow, shall be pruned to provide at least eight feet of clearance above sidewalks and 12 feet above street roadway surfaces.

4. Replacement of Street Trees. Existing street trees removed by development projects shall be replaced by the developer with those from the street tree list approved by the Ashland Tree Commission. The replacement trees shall be of size and species similar to the trees that are approved by the Staff Advisor. See the Ashland Recommended Street Tree Guide.

F. Parking Lot Landscaping and Screening. Parking lot landscaping, including areas of vehicle maneuvering, parking, and loading, shall meet the following requirements.

1. Landscaping.

   a. Parking lot landscaping shall consist of a minimum of seven percent of the total parking area plus a ratio of one tree for each seven parking spaces to create a canopy effect.

   b. The tree species shall be an appropriate large canopied shade tree and shall be selected from the street tree list approved by the Ashland Tree Commission to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians. See the Ashland Recommended Street Tree Guide.

   c. The tree shall be planted in a landscaped area such that the tree bole is at least two feet from any curb or paved area.

   d. The landscaped area shall be distributed throughout the parking area and parking perimeter at the required ratio.

   e. That portion of a required landscaped yard, buffer strip, or screening strip abutting parking stalls may be counted toward required parking lot landscaping but only for those stalls abutting landscaping as long as the tree species, living plant material coverage, and placement distribution criteria are also met. Front or exterior yard landscaping may not be substituted for the interior landscaping required for interior parking stalls.

2. Screening.

   a. *Screening Abutting Property Lines.* A five foot landscaped strip shall screen parking abutting a property line. Where a buffer between zones is required, the screening shall be incorporated into the required buffer strip, and will not be an additional requirement.

   b. *Screening Adjacent to Residential Building.* Where a parking area is adjacent to a residential building it shall be setback at least eight feet from the building, and shall provide a continuous hedge screen.

   c. *Screening at Required Yards.*

      i. Parking abutting a required landscaped front yard or exterior yard shall incorporate a sight obstructing hedge screen into the required landscaped yard.

      ii. The screen shall grow to be at least 36 inches higher than the finished grade of the parking area, except within vision clearance areas, section 18.2.4.050.

iii. The screen height may be achieved by a combination of earth mounding and plant materials.

iv. Elevated parking lots shall screen both the parking and the retaining walls.

G. Other Screening Requirements. Screening is required for refuse and recycle containers, outdoor storage areas, loading and service corridors, mechanical equipment, and the City may require screening other situations, pursuant with the requirements of this ordinance.

1. Recycle and Refuse Container Screen. Recycle and refuse containers or disposal areas shall be screened ~~from view~~ by placement of a solid wood fence or masonry wall five to eight feet in height to limit the view from adjacent properties or public rights-of-way. All recycle and refuse materials shall be contained within the screened area.

2. Outdoor Storage. Outdoor storage areas shall be screened from view, except such screening is not required in the M-1 zone.

3. Loading Facilities and Service Corridors. Commercial and industrial loading facilities and service corridors shall be screened when adjacent to residential zones. Siting and design of such service areas shall reduce the adverse effects of noise, odor, and visual clutter upon adjacent residential uses.

4. Mechanical Equipment. Mechanical equipment shall be screened by placement of features at least equal in height to the equipment to limit view from public rights-of-way, except alleys, and adjacent residentially zoned property. Mechanical equipment meeting the requirements of this section satisfy the screening requirements in 18.5.2.020.C.3.

   a. *Roof-mounted Equipment.* Screening for roof-mounted equipment shall be constructed of materials used in the building's exterior construction and include features such as a parapet, wall, or other sight-blocking features. Roof-mounted solar collection devices are exempt from this requirement pursuant to subsection 18.5.2.020.C.3.

   b. *Other Mechanical Equipment.* Screening for other mechanical equipment (e.g., installed at ground level) include features such as a solid wood fence, masonry wall, or hedge screen.

H. Irrigation. Irrigation systems shall be installed to ensure landscape success. If a landscape area is proposed without irrigation, a landscape professional shall certify the area can be maintained and survive without artificial irrigation. Irrigation plans are reviewed through a Ministerial process at the time of building permit submittals.

I. Water Conserving Landscaping. Water has always been a scare, valuable resource in the Western United States. In the Rogue Valley, winter rains give way to a dry season spanning five to seven months. Lack of water during the dry summer season was a major problem facing early settlers. Their creative solutions greatly altered the development of this region. Talent Irrigation District's and other district's reservoirs and many miles of reticulating canals are an engineering marvel.

Ashland's early development centered around Ashland Creek and its year-round water supply flowing from the flanks of Mt. Ashland, a mile in elevation above the town.

As the town grew, the old reservoir at the top of Granite Street and later, Reeder Reservoir were built. They remain as a testament to the town's need for more water than the quantity that flows

through the City during the dry season. The reservoir collects the winter rain behind its dams, for use during the dry season. Snowfall adds to this system by slowly melting in the spring and summer, after rainfall has diminished. This recharges the groundwater that continues to flow into Ashland Creek long after the last of the snow pack has melted.

Presently, Reeder reservoir's capacity is just barely sufficient to supply the City's current water demands in a severe drought. With Ashland's semi-arid climate that includes periodic multi-year droughts, a fixed reservoirs size, and growing water demands, it is clear that additional steps to insure a secure a water supply are now necessary.

There are two main ways of insuring a reliable water supply; either increase the supply by finding additional water sources or reduce the demand through water conservation strategies. The traditional supply side solutions are economically and environmentally expensive. Demand side solutions are relatively inexpensive, although they require changes in behavior and usage patterns. One of the main strategies for reducing water use are landscape designs that use less water. Ashland has adopted these guidelines in order to reduce the amount of water wasted by many standard landscaping practices.

The advantages to standards like these are that they avoid the costs of increasing the water supply, and also avoid the draconian measure of mandatory rationing. While standards limit plant materials, the choices offered by drought tolerant plants give ample opportunity to create beautiful landscapes at no additional cost.

The goal of these guidelines is to decrease water usage while encouraging attractive landscaping. Further, standards are aimed at reducing water and demand when it is most crucial, during the dry late summer months when water reserves are low.

The following standards are intended to conserve water while encouraging attractive landscaping. Further, requirements are aimed at reducing water demand when water is most scarce, during the dry late summer months when water reserves are low.

1. Landscaping Design Standards

    a. *Landscaping Coverage*. Water conserving designs shall have plant coverage of not less than 90 percent with five years of planting, but are not required to meet the standard of 50 percent coverage within one year.

    b. *Plant Selection*. At least 90 percent of plants in the non-turf areas shall be listed as drought tolerant in the Sunset Western Garden book, City's Water-Wise Landscaping website, or be similarly well-suited for this climate of region as determined by the Staff Advisor. Up to ten percent of the plants may be of a non-drought tolerant variety or species as long as they are grouped together and are located in a separate irrigation zone.

    c. *Screening*. Plant screening hedges to attain 50 percent coverage after two years.

    d. *Mulch*. Add a minimum of two inches of mulch in non-turf areas to the soil surface after planting. Neither large nuggets nor fine bark may be used for mulch. Non-porous material shall not be placed under the mulch.

    e. *Turf and Water Areas*. Limit combined turf or water areas (i.e., pools, ponds, and fountains) to 20 percent of the landscaped areas. Turf limitations do not apply to public parks, private

common open space, required outdoor recreation areas, golf courses, cemeteries, and school recreation areas.

f. *Fountains*. Design all fountains to recycle their water.

g. *Turf Location*. Turf is restricted to slopes less than ten percent grade.

h. *Berms and Raised Beds*.

i. No more than five percent of landscaped area of any lot or project may be berms or raised beds higher than one foot unless there is demonstrated need for sound or safety barrier. If allowed, berms must be no taller than 1/6 of their width.

ii. All plantings on berms one foot or greater in height must be drought tolerant.

iii. Only drip irrigation is allowed on berms more than one foot in height.

i. *Soil Quality.* When new vegetation is planted, soils shall be amended for plant health and water absorption. Add mature compost at a rate of three cubic yards of compost per 1,000 square feet of area to be landscaped, and work soil and amendment(s) to a depth of four to six inches. This requirement may be waived for one or more of the following circumstances.

a. The area to be landscaped is fenced off to fully protect native soil from disturbance and compaction during construction.

b. Soil tests document an organic content of a least three percent based on a representative core sample taken at a rate of one test per 20,000 square feet, based on a minimum of three core sample per test. Samples shall be taken at least 40 feet apart to a depth of six inches following attainment of rough grade.

c. The area to be landscaped will be used to capture and treat storm water runoff, and is subject to separate design standards.

2. Irrigation System Design Standards. Irrigation plans are reviewed through a Ministerial process at the time of building permit submittals, and are subject to the following standards.

a. Design sprinkler head spacing for head-to-head coverage.

b Design irrigation system to minimize runoff and overspray to non-irrigated areas.

c. Match precipitation rates for all irrigation heads for each circuit.

d. Separate irrigation zones based on water needs of plantings and type of sprinklers being used (i.e., rotating, fixed spray, or drip). Plants with similar watering needs shall be in the same irrigation zone unless irrigated by drip irrigation having emitters sized for individual plant water needs.

f. Use sprinkler heads with a precipitation rate of .85 inches per hour or less on slopes exceeding 15 percent to minimize run-off, or when slope exceeds ten percent within ten feet of hardscape.

g. Serviceable check valves (or pressure compensating emitters for drip systems) are required where an elevation difference greater than 20 feet exists on any circuit.

h. Drip irrigation systems are required for trees unless within lawn areas.

i. Equip all irrigation zones with pressure regulator valves (PRV) to meet the manufacturer's recommended operating pressure for the components of each zone; except in those instances where a PRV is in place. PRV's shall be located at the meter or solenoid valve.

k. *Automatic Sprinkler Controls.*

i. Equip all irrigation systems with a controller capable of dual or multiple programming. Controllers shall have a multiple start time capability, station run times in minutes to hours, and water days by interval, day of the week, and even/odd days.

ii. Use controllers with a percent adjust (water budget) feature, or the capability of accepting an external rain or soil moisture sensor.

3. Exceptions. Requests to depart from the requirements of this section shall demonstrate that the water consumption for the project as a whole is equal to or less than what would occur if the standards were strictly applied, in addition to meeting the criteria in 18.5.2.050.E Exception to the Site Development and Design Standards.

J. Maintenance. All landscaping shall be maintained in good condition, or otherwise replaced by the property owner; dead plants must be replaced within 180 days of discovery. Replacement planting consistent with an approved plan does not require separate City approval.

18.4.4.040 Recycling and Refuse Disposal Areas

A. Recycling. All residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review shall provide an opportunity-to-recycle site for use of the project occupants.

1. Residential. All newly constructed residential units, either as part of an existing development or as a new development, shall provide an opportunity-to-recycle site in accord with the following standards.

a. Residential developments not sharing a common refuse receptacle shall provide an individual curbside recycling container for each dwelling unit in the development.

b. Residential developments sharing a common refuse receptacle shall provide a site of equal or greater size adjacent to or with access comparable to the common refuse receptacle to accommodate materials collected by the local sanitary service franchisee under its residential on-route collection program for purposes of recycling.

2. Commercial. Commercial developments having a refuse receptacle shall provide a site of equal or greater size adjacent to or with access comparable to the refuse receptacle to accommodate materials collected by the local sanitary service franchisee under its on-route collection program for purposes of recycling.

B. Service Areas. Recycling and refuse disposal areas shall be located to provide truck access and shall not be placed within any required front yard or required landscape area.

C. Screening. Recycle and refuse disposal area screening shall be provided pursuant to section 18.4.4.030.G.1.

18.4.4.050 Outdoor Lighting

A. Purpose. This section contains regulations requiring adequate levels of outdoor lighting while minimizing light spillover onto adjacent properties

B. Applicability. All outdoor lighting is subject to the requirements of this section. Where a proposed development is subject to Type I, Type II, or Type III review, the approval authority may require specific lighting levels or limit lighting as a condition of approval to protect the public health, safety, and welfare.

C. Standards. As a guideline, lighting levels shall be no greater than necessary to provide for pedestrian safety, property/business identification, and crime prevention. All outdoor lighting, except streetlights, shall comply with the following standards.

1. Arrange and install artificial lighting so there is no direct illumination onto adjacent residential properties.
2. Provide light poles no greater than 14 feet in height for pedestrian facilities. (Pedestal- or bollard-style lighting is an alternative method for illuminating walkways located inside a development but not located in a public street right-of-way.)
3. Where a light standard is placed over a sidewalk or walkway, maintain a minimum vertical clearance of eight feet.
4. Install light fixtures where they will not obstruct public ways, driveways, or walkways. Where a light standard must be placed within a walkway, maintain an unobstructed pedestrian through zone per Americans with Disabilities Act (ADA) compliance.
5. Except as permitted for signs, direct outdoor light fixtures downward and have full shielding to minimize excessive light spillover onto adjacent properties.
6. For streetlight requirements, see subsection 18.4.6.040.D.18.

D. Maintenance. Outdoor lighting shall be maintained in good condition, or otherwise replaced by the property owner.

18.4.4.060 Fences and Walls

A. Permitting. Permits, granted through Ministerial review, are required prior to installing any permanent fence or wall to ensure compliance with City standards. The property owner should obtain a property boundary survey where property boundaries are not otherwise identified. Where a development is subject to land use approval, the City may require installation of screening walls or fences as a condition of approval for development, as provided by other ordinance sections. A building permit may be required for some fences and walls, pursuant to applicable building codes.

B. Design Standards. Fences, walls, hedges, and screen planting shall meet the following standards, where height is measured pursuant to subsection 18.4.4.060.B.2, below. See Figure 18.4.4.060.B.1 for illustration of maximum fence heights.

1. Height. Fences, walls, hedges, and screen planting shall not exceed the following heights.
   a. *Front Yard.* In any required front yard, not more than 3 ½ feet in height.

b. *Rear and Side Yard.* In any rear or side yard, not more than 6 ½ feet in height.

c. *Street-Side Yard.* In any rear or side yard abutting a public street, except alleys, not more than four feet in height where located within ten feet of said street.

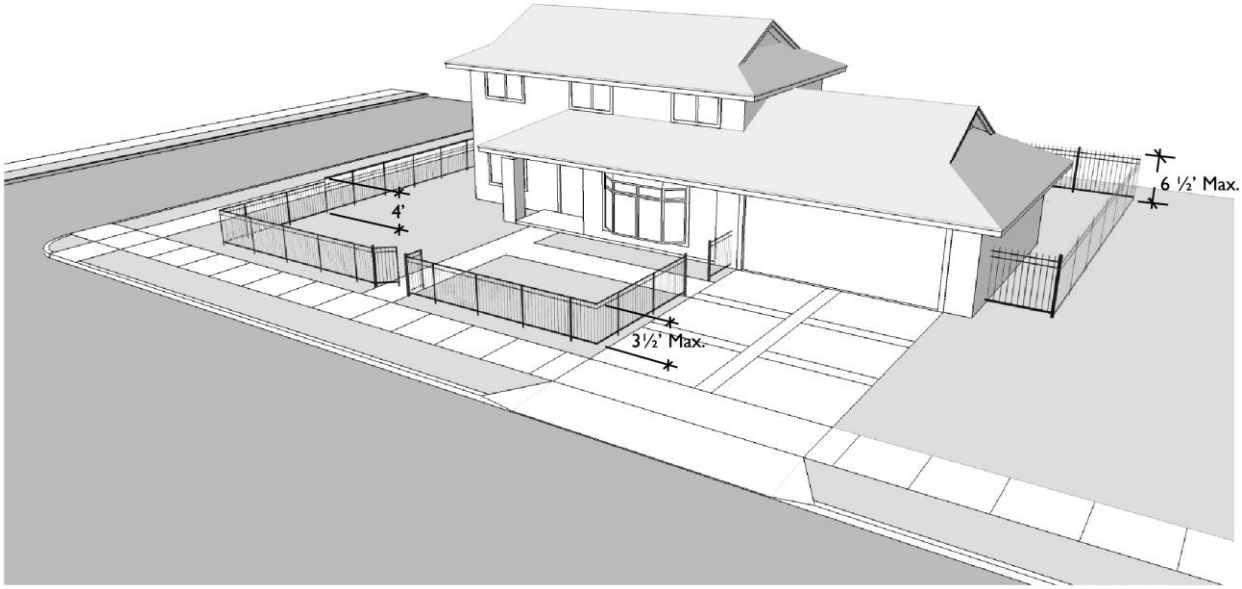
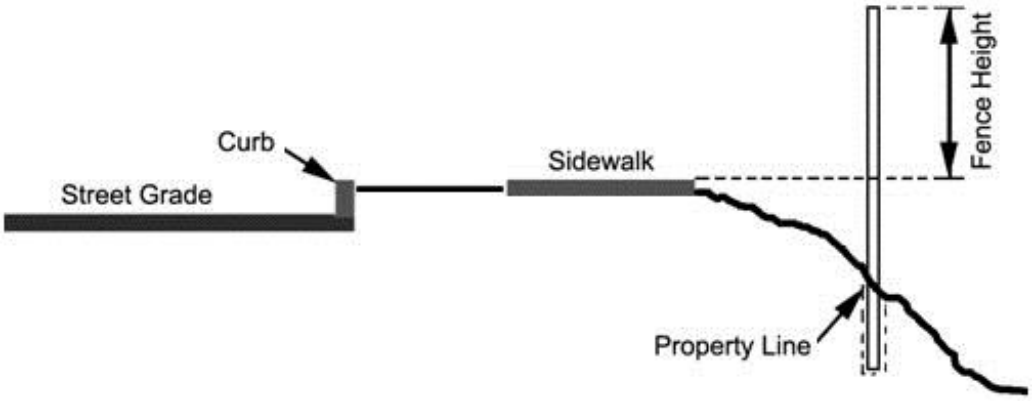


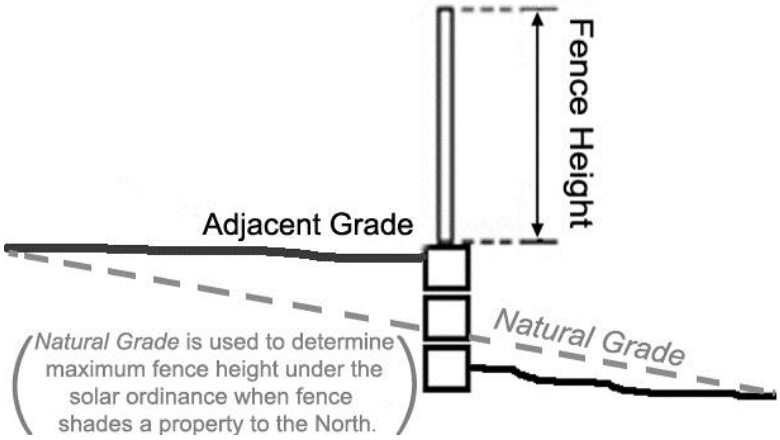
Figure 18.4.4.060.B.1
Fence Heights by Yard

2. Height Measurement. The height of a fence is the vertical distance measured from the natural grade to the highest point of the fence, including the structural supports.
   a. *Below-Grade Lots.* On lots that are not generally level with the adjacent street, height may be measured from the top of the adjacent sidewalk or curb, or, where curbs are absent, from the crown of the adjacent street plus six inches.



   b. *Retaining Walls and Slopes.* Where fences are built on top of retaining walls, or one lot is markedly higher than an adjacent lot, height shall be measured from the highest adjacent

grade, except that the solar access of adjacent properties to the north shall be maintained in accordance with chapter 18.4.8 Solar Access.



3. Location.

   a. *Yard (Setbacks).* Standard yard requirements do not apply to fences and walls meeting the height requirements of this section; however fences and walls exceeding the height requirements of this section shall meet yard requirements. All fences and walls shall comply with the vision clearance area requirements of section 18.2.4.040. Other provisions of this ordinance may limit allowable height of a fence or wall below the height limits of this section.

   b. *Public Rights-of-Way.* The construction of permanent structures is prohibited in the public right-of-way and associated setback areas of a future street or greenway.

4. Framework. The framework for newly constructed fences and walls shall face toward the property of the party who constructs the fence, except where fences are jointly constructed.

5. Restricted Materials. The use of barbed wire, razor wire, electrified wire, and similar security fencing materials shall be restricted as follows.

   a. Such materials shall not be located adjacent to a sidewalk, a public way, or along the adjoining property line of another person.

   b. Such materials shall not be erected or maintained at less than 6 ½ feet above grade.

   c. Such materials may be located in commercial, employment, or industrial lands if not visible from the public right of way, or with approval from the Community Development Director on properties deemed to be hazardous or in need of additional security.

6. Deer Fencing.

   a. Deer fencing may be attached to a permitted front, side, or rear yard fence provided the area in excess of the allowable fence heights per this section is designed and constructed to provide a clear view through the fence.

      i. Within required front yards, at least 85 percent of the surface shall be unobstructed to

both light and air when viewed perpendicular to the plane of the fence.

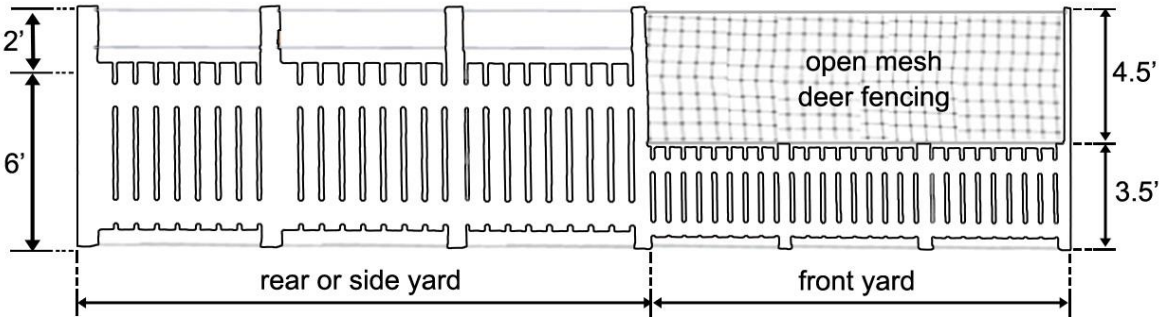
ii. Within required side and rear yards, at least 80 percent of the surface shall be unobstructed to both light and air when viewed perpendicular to the plane of the fence.

b. Deer fencing shall have a minimum height of 6 ½ feet and shall not exceed eight feet above grade.

c. Permitted deer fencing materials may include, woven wire fencing, field fence, “hog panels”, wire strand, or polypropylene mesh net that is open and visible through the material. Within front yards all mesh material shall have a minimum open diameter of 1 ½ square inches.

d. Deer fencing shall be supported by structural supports, or tension wires, that run along the top of the fence to prevent sagging.

e. Chain link fences shall not be considered to be deer fences under this section even if they meet the criteria above.



7. Waterways, Riparian Areas, and Wetlands. Fences in and near waterways, riparian areas, and wetlands are shall conform to the following standards.

a. *Waterways.* Fences shall not be constructed across any waterway or stream, or within any designated floodway identified on the official maps adopted pursuant to chapter 18.3.10 Physical and Environmental Constraints Overlay.

b. *Riparian Areas and Wetlands.* Fences may be installed in the upland half of the stream bank protection zone, and in the wetland buffer identified on the official map adopted pursuant to chapter 18.3.11 Water Resources Protection Zones Overlay. Temporary tree protection fencing required with development pursuant to chapter 18.4.5 is exempt from this requirement.

c. *Materials.* Fences in floodways and water resource protection zones shall be limited to open wire, electric, or similar fencing material that will not collect debris or obstruct flood waters, but not including wire mesh or chain link fencing. Solid wood fencing is prohibited in the Water Resource Protection Zones.

C. Maintenance. Fences and walls shall be maintained in a safe condition. Fences shall not lean more than five percent from the vertical plane.

Chapter 18.4.5 – Tree Preservation and Protection

Sections

18.4.5.010 Purpose
18.4.5.020 Applicability
18.4.5.030 Tree Protection
18.4.5.040 Performance Security
18.4.5.050 Verification Permit
18.4.5.060 Heritage Trees

18.4.5.010 Purpose

Chapter 18.4.5 contains requirements for tree preservation and protection. The regulations are intended to reduce development impacts by preserving healthy trees for soil stability, noise buffering, wind protection, temperature mitigation, and wildlife habitat, as well as for the contribution to the character and beauty of Ashland.

18.4.5.020 Applicability

A. Chapter 18.4.5 applies to developments requiring a Type I, Type II, or Type III planning action.

B. No person who is required to install or maintain tree protection measures pursuant to this chapter shall do any development activities, including but not limited to clearing, grading, excavation, or demolition work, on a property or site which requires a planning action without approved tree protection measures properly installed and maintained pursuant to this chapter.

C. Tree Removal. All tree removal and topping activities shall be carried out in accordance with the requirements of chapter 18.5.7 Tree Removal Permits.

18.4.5.030 Tree Protection

A. Tree Protection Plan. A tree protection plan shall be approved by the Staff Advisor concurrent with applications for Type I, Type II, and Type III planning actions. If tree removal is proposed, a Tree Removal Permit pursuant to chapter 18.5.7 may be required.

B. Tree Protection Plan Submission Requirements. In order to obtain approval of a tree protection plan; an applicant shall submit a plan to the City, which clearly depicts all trees to be preserved and/or removed on the site. The plan must be drawn to scale and include the following.

1. Location, species, and diameter of each tree on site and within 15 feet of the site.
2. Location of the drip line of each tree.
3. An inventory of the health and hazard of each tree on site, and recommendations for treatment for each tree.
4. Location of existing and proposed roads, water, sanitary and storm sewer, irrigation, and other utility lines/facilities and easements.

5. Location of dry wells, drain lines and soakage trenches.
6. Location of proposed and existing structures.
7. Grade change or cut and fill during or after construction.
8. Existing and proposed impervious surfaces.
9. Identification of a contact person and/or arborist who will be responsible for implementing and maintaining the approved tree protection plan.
10. Location and type of tree protection measures to be installed per section 18.4.5.030.C.

C. Tree Protection Measures Required.

1. Chain link fencing, a minimum of six feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater, and at the boundary of any open space tracts, riparian areas, or conservation easements that abut the parcel being developed.
2. The fencing shall be flush with the initial undisturbed grade.
3. Approved signs shall be attached to the chain link fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Staff Advisor for the project.
4. No construction activity shall occur within the tree protection zone, including, but not limited to dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles.
5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, concrete or dry wall excess, and construction debris or run-off.
6. No excavation, trenching, grading, root pruning, or other activity shall occur within the tree protection zone unless approved by the Staff Advisor.
7. Except as otherwise determined by the Staff Advisor, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation, or demolition work, and shall be removed only after completion of all construction activity, including landscaping and irrigation installation.

D. Inspection. The applicant shall not proceed with any construction activity, except installation of erosion control measures, until the City has inspected and approved the installation of the required tree protection measures and a building and/or grading permit has been issued by the City.

18.4.5.040 Performance Security

The City may require the permittee to post with the City a bond, or other suitable collateral as determined by the City Administrator, ensuring the satisfactory completion and maintenance of the tree protection plan. Suitable collateral may be in the form of letters of credit, certificates of deposit, cash bond, or bonds issued by an insurance company legally doing business in the State of Oregon.

18.4.5.050 Verification Permit

A. If a site has received development approval through a planning action consistent with the standards of this chapter, then a Verification Permit shall be required for those trees approved for removal through that process. To obtain a Verification Permit, an applicant must clearly identify on the property the trees to be removed by tying pink tagging tape around each tree and submitting a site plan indicating the location of the requested trees. Vegetation four- to six-inches DBH that is to be removed shall also be marked with pink tagging tape. The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application. The Staff Advisor will then verify that the requested trees match the site plan approved with the planning action. The City shall require the applicant to mitigate for the removal of each tree, pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the original development permit.

B. Verification Permits shall be required prior to the issuance of an excavation permit or building permit and prior to any site disturbance and/or storage of materials on the subject property.

18.4.5.060 Heritage Trees

A. The City recognizes that specific trees in Ashland are deserving of special status due to distinctive form, size, age, location, species, unique qualities, or historical significance.

B. Any person may nominate, with the written consent of the property owner, a mature tree for consideration as a Heritage Tree. This nomination shall include all information necessary for evaluation based on the items described in section 18.4.5.050.A, above. The Tree Commission shall review all nominations and shall make a written final recommendation to the City Council. The Council shall review the recommendation and make the final determination for Heritage Tree status.

C. Should the City Council approve the nomination, the tree shall be included on the Heritage Tree list adopted by resolution of the City Council. The property owner shall be notified of the Council's action.

D. Once designated, a Heritage Tree shall be subject to the applicable provisions of this ordinance.

E. A Heritage Tree may be removed from the list by the City Council upon its own motion, or the City shall remove a Heritage Tree from the list upon written request by the property owner. A request by the owner must state the reasons for removal from the list and be filed with the City Recorder. The City Recorder shall then remove the Heritage Tree from the list and cause to be filed with the county recording office a quitclaim deed quitclaiming any interest of the City resulting from the listing.

Chapter 18.4.6 – Public Facilities

Sections:

18.4.6.010 Purpose
18.4.6.020 Applicability
18.4.6.030 General Requirements
18.4.6.040 Street Design Standards
18.4.6.050 Street and Greenway Dedications
18.4.6.060 Public Use Areas
18.4.6.070 Sanitary Sewer and Water Service Improvements
18.4.6.080 Storm Drainage and Surface Water Management Facilities
18.4.6.090 Utilities

18.4.6.010 Purpose

A. Purpose. The standards of chapter 18.4.6 implement the public facility policies of the Comprehensive Plan.

18.4.6.020 Applicability

A. Applicability. Chapter 18.4.6 applies to all new development, including projects subject to Land Division (Subdivision or Partition) approval and developments subject to Site Design Review, where public facility improvements are required. All public facility improvements within the City shall occur in accordance with the standards and procedures of this chapter.

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 18.4.6.020.B.1 Exceptions to the Street Design Standards, below.

1. Exception to the Street Design Standards. The approval authority may approve exceptions to the standards section in 18.4.6.040 Street Design Standards if all of the following circumstances 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.

    b 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 safety and efficiency crossing roadway.

    c. The exception is the minimum necessary to alleviate the difficulty.

d. The exception is consistent with the Purpose and Intent of the Street Standards in subsection 18.4.6.040.A.

18.4.6.030 General Requirements

A. Public Improvement Requirement. No building permit may be issued until all required public facility improvements are installed in accordance with the approved design, approved by the City Engineer, or a financial guarantee is provided pursuant to 18.4.6.030.E, below.

B. Waiver of Right to Remonstrate and Consent to Participate in Costs of Improvements. Whenever a request is made for a building permit which involves new construction of a new residential unit and/or any request involving a planning action which would increase traffic flow on any street not fully improved, the applicant is required to legally agree to participate in the costs and to waive the rights of the owner of the subject property to remonstrate both with respect to the owners agreeing to participate in the costs of full street improvements and to not remonstrate to the formation of a local improvement district, to cover such improvements and costs thereof. Full street improvements shall include paving, curb, gutter, sidewalks, and the undergrounding of utilities. This requirement is a condition prior to the issuance of a building permit or the granting of approval of a planning action and if the owner declines to so agree, then the building permit and/or planning action shall be denied. This shall not require paving of alleys, and shall not be construed as waiving property owners rights to present their views during a public hearing held by the City Council.

C. Permit Approval. No development of public facilities and no development within a public right-of-way shall be undertaken without plans approved by the City, permit fees paid, and permits issued. Permit fees are as established by resolution of the City Council.

D. Easements. The developer shall make arrangements with the City and applicable utility providers for each utility franchise for the provision and dedication of easements necessary to maintain public facilities and utilities. Utility easements shall additionally conform to the requirements of the utility service provider. All easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other utilities shall be recorded and referenced on a survey or final plat, as applicable. See chapter 18.5.2 Site Design Review, and chapter 18.5.3 Land Divisions.

E. Performance Guarantee Required. The City may approve a final plat or building permit prior to completion of required public improvements when it determines that enough of the public improvements required for the site development or land division, or phase thereof, are complete and the applicant has an acceptable assurance for the balance of said improvements. The applicant shall provide a bond issued by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City.

F. Determination of Sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses, plus reasonable inflationary costs.

G. Agreement. Where improvements are required pursuant to this section, a signed and recorded agreement between the City and the subdivider or developer, as applicable, shall contain, at a minimum, all of the following.

1. The period within which all required improvements and repairs shall be completed.
2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant.
3. The improvement fees and deposits that are required.
4. As applicable, a provision for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

H. Failure to Perform. In the event the subdivider or developer, as applicable, fails to carry out all provisions of an agreement required by this section, and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit or letter of credit for reimbursement.

18.4.6.040 Street Design Standards

A. Purpose, Intent, and Background

1. Purpose. This section contains standards for street connectivity and design as well as cross sections for street improvements. The standards are intended to provide multiple transportation options, focus on a safe environment for all users, design streets as public spaces, and enhance the livability of neighborhoods, consistent with the Comprehensive Plan.
2. Intent. Ashland's streets are some of the most important public spaces in the community. The Street Design Standards outline the art and science of developing healthy, livable streets, and are intended to illustrate current standards for planning and designing the streets of Ashland. The standards are to be used in the development of new streets, and reconstruction of existing streets or portions thereof (i.e. improving a paved local street by adding sidewalks). The standards area also intended as a resource for use by home builders, developers, and community members in the pursuit of quality development practices.

   A series of street types is offered including the multi-use path, alley, neighborhood street, commercial neighborhood street, neighborhood collector, commercial neighborhood collector, avenue, and boulevard. Street cross sections provide a model for building streets the traditional way. Variations can be made from these basic types to fit the particular site and situation. However, the measurements of each street component must be used to create and maintain the desired low-speed environment where people feel comfortable and the maximum number of people walk, bicycle and use transit.

   All streets in Ashland shall be designed using the following assumptions.

   - All designs encourage pedestrian and bicycle travel.
   - Neighborhood streets (Neighborhood Collectors and Neighborhood Streets) are designed for 20 mile-per-hour (mph).
   - All new streets and alleys are paved.
   - All streets have standard vertical, non-mountable curbs.
   - Gutter widths are included as part of the curb-to-curb street width.

- New avenues and boulevards have bicycle lanes.
- Parkrow and sidewalk widths do not include the curb.
- Sidewalks are shaded by trees for pedestrian comfort.
- All streets have parkrows and sidewalks on both sides. In certain situations where the physical features of the land create severe constraints, or natural features should be preserved, exceptions may be made. Exceptions could result in construction of meandering sidewalks, sidewalks on only one side of the street, or curbside sidewalk segments instead of setback walks. Exceptions should be allowed when physical conditions exist that preclude development of a public street, or components of the street. Such conditions may include, but are not limited to, topography, wetlands, mature trees, creeks, drainages, rock outcroppings, and limited right-of-way when improving streets through a local improvement district (LID).
- Parkrows and medians are usually landscaped.
- Garages are set back from the sidewalk so parked vehicles are clear of sidewalks.
- Building set backs and heights create a sense of enclosure.

3. Background. The City updated the street design standards to reflect traditional street design principles and implement the goals and policies of the *Transportation Element* of the *Comprehensive Plan*. The Street Design Standards were adopted by the City Council on February 2, 1999 (Ordinance No. 2836), and amended on July 1, 2008 (Ordinance No. 2959).

B. Applicability. The following standards apply to all street improvements, including new streets, alleys and pathways, and the extension or widening of existing streets. The street connectivity and design standards are part of the *Ashland Land Use Ordinance* and are approval standards that will be used in land use decisions and for street construction projects.

C. General Requirements. New and reconstructed streets, alleys, and pathways shall conform to the following requirements.

1. Dedicated Public Streets Required. All streets serving four units or greater, and which are in an R-1, RR and WR zone, must be dedicated to the public and shall be developed to the Street Standards of this section.
2. Location. Locate transportation facilities, such as streets, pedestrian and bicycle ways, and transit facilities, within public rights-of-way, except that the approval authority may approve transportation facilities outside a public right-of-way where a public access easement is provided.
3. Dead End Streets. No dead end street shall exceed 500 feet in length, not including the turnaround. Dead end roads must terminate in an improved turnaround as illustrated in Figure 18.4.6.040.G.5.
4. Obstructed Streets. Creating an obstructed street is prohibited.
5. Street Grade. Street grades measured at the street centerline for dedicated streets and flag drives shall be as follows.

a. Street and private drive grades in developments subject to chapter 18.3.9 Performance Standards Option Overlay shall not exceed a maximum grade of 15 percent.

b. Street and private drive grades in developments subject to chapter 18.3.9 Performance Standards Option Overlay shall not exceed a maximum grade of 15 percent. No variance may be granted to this section for public streets. Variances may be granted for private drives for grades in excess of 15 percent but not greater than 18 percent for no more than 200 feet subject to chapter 18.5.5 Variances.

D. Required Street Layout and Design Principles. Streets are important elements of the form, character, and identity of Ashland and its neighborhoods. Traditional neighborhood design is used as the basis for the Street Design Standards because it creates street that provide multiple transportation options, focuses on a safe environment for all users, treats streets as public spaces, and enhances the livability of the neighborhoods. As a result, street layout and design are an integral part of neighborhood design. Therefore, the following principles shall be used for the planning and designing of streets.

1. Specificity. Design streets individually and molded to the particular situation at hand by a multi-disciplinary team. Planners, engineers, architects, emergency responders, utility providers, landscape architects, as well as the developer and neighborhood or homeowners association groups should be included in street design teams. The following conditions (existing and projected) must be considered in order to design each street.

   a. The volume of pedestrian, bicycle, and motor vehicle traffic each day and at peak hours.

   b. The speeds of motor vehicles, bicycles, and pedestrians along the street as designed or redesigned.

   c. The mix of pedestrian, bicycle, and motor vehicle traffic (including percentage of large trucks).

   d. The zoning and surrounding future land uses (assess pedestrian, bicycle, and transit generators and attractors such as schools, shopping areas, community buildings, parks, churches, and gathering places).

   e. The natural features of the area such as slope, mature trees, creeks, wetlands, etc.

   f. The adjacent building setbacks with respect to the street.

   g. Whether adjacent properties will be serviced directly from the street, or from alleys.

   h. The function of the street and relation to the surrounding street network.

2. Emergency Vehicles. Design streets to efficiently and safely accommodate emergency fire and medical services vehicles. The effects of decisions concerning turning radii and paths must be made with a full understanding of the implications of such decisions on the other users of the street.

3. Shared Street Space. On neighborhood streets with relatively low average daily traffic (ADT), use the curb-to-curb area on neighborhood streets as a shared space by moving automobiles, parked cars, and bicycles.

4. Human Scale. Design streets at the human scale. Human scale is the relationship between the

dimensions of the human body and the proportion of the spaces that people use. Those areas that provide visually interesting details, create opportunities for interactions, and feel comfortable to pedestrians moving at slow travel speed are designed at a human scale.

5. Streetscape. Consider the entire area from building face to building face, or the streetscape in street design. The streetscape begins at the front of a vertical element, such as a building or fence on one side of a street and runs to the front of a building on the other side of the street. It is a three dimensional area running the length of the street.
6. Connectivity. Streets should be interconnected. Cul-de-sacs and other dead-end streets are not typical of grid street networks except in areas where topographic, wetland, and other physical features preclude connection. Where extreme conditions prevent a street connection, a continuous nonautomotive connection in the form of a multi-use path or trail shall be provided. See subsection 18.4.6.040.E Connectivity Standards.
7. Multiple Routes. Layout streets using a grid or modified grid network pattern to provide multiple routes. See subsection 18.4.6.040.E Connectivity Standards.
8. Pedestrians, Bicyclists, and Public Transportation Users. Pedestrians, bicyclists, and bus riders are considered primary users of all streets. Design streets to meet the needs of pedestrians and bicyclists, thus encouraging walking, bicycling, and riding the bus as transportation modes. Integrate pedestrian, bicycle, and public transportation considerations from the beginning of the design process.
9. Driveway Aprons and Curb Cuts. Minimize the number of driveway aprons and curb cuts to enhance the pedestrian environment and maintain vehicular, pedestrian, and bicycle capacity. See subsection 18.4.3.080.D Driveways and Turn-Around Design.
10. Access to Activity Centers. Provide convenient access to and from activity centers such as schools, commercial areas, parks, employment centers, and other major attractors.
11. Vista Terminations. Consider important sites at the end of streets and learn what civic buildings or public spaces may be needed for a particular area. The focus of vista terminations may include buildings, plazas, parks, or a notable view. New subdivision design should provide for vista termination in street layout.
12. Pavement Area. Minimize the pavement area of neighborhood streets, consistent with efforts to reduce street construction and maintenance costs, storm water runoff, and negative environmental impacts. Narrower streets also distinguish neighborhood streets from boulevards and avenues, and enhance neighborhood character.
13. Peak Run-Off. Where appropriate, use the local street system and its infrastructure to reduce peak storm water run-off into the city's storm drain system and natural water systems downstream, and provide biological and mechanical treatment of storm water runoff.
14. Preservation of Natural Features. Design neighborhood streets to be responsive to physical features, and to avoid or minimize impacts to natural features and water-related resources. See subsections 18.4.6.040.E Connectivity Standards and 18.4.6.040.I Hillside Streets and Natural Areas.
15. Neighborhood Street Volumes. Design neighborhood streets to carry traffic volumes at low

speeds. Neighborhood streets should function safely while reducing the need for extensive traffic regulations, control devices, and enforcement.

16. Cut-Through Traffic. The neighborhood street should be designed to reduce continuous cut-through, non-local traffic on neighborhood streets.
17. Street Trees. Plant street trees on neighborhood streets to buffer pedestrians and adjacent land uses from traffic, enhance street image and neighborhood character, calm motor vehicle traffic speeds, and enhance neighborhood identity or sense of place. Trees planted in the parkrow, along the sidewalk, or anywhere in the public right-of-way must be from the Ashland Recommended Street Tree Guide.
18. Street Lights. Install or relocate streetlights with street improvement projects. Use pedestrian scale and styles of poles that match the neighborhood. Spacing of light poles should be determined by the adjacent land uses. Place lighting at frequent intervals in busy retail and commercial areas, but lighting may be limited to intersections in residential areas. In some instances, building or fence-mounted lighting may replace the need for additional street lighting. Lighting elements should provide full-spectrum light so that colors at night are realistic. Install streetlights where they will not obstruct public ways, driveways, or walkways. Where a streetlight must be placed within a walkway, maintain an unobstructed pedestrian through zone per Americans with Disabilities Act (ADA) compliance. Streetlights shall conform to City specifications.
19. Street Furniture. Street furniture includes pedestrian amenities such as benches, flower pots, sculptures, and other public art, low walls for sitting and drinking fountains. Provide benches in retail and commercial areas, along frequently used pedestrian corridors (i.e., routes over one-quarter of a mile to schools, parks, shopping, etc.), and at bus stops. Provide trash receptacles in pedestrian sitting areas.
20. Curbs. Use a standard, vertical six-inch high curb on improved streets. Rolled or mountable curbs should not be used because they do not create an effective safety barrier, channel storm water, or prevent automobiles from parking on the parkrow and sidewalk. The horizontal curb surface is not included in the parkrow or sidewalk width.
21. Transit Routes and Stops. Design streets identified as future transit routes to safely and efficiently accommodate transit vehicles. Transit stops should include amenities, such as but not limited to a bench, shelter from the elements, a posted schedule, bicycle parking, and water fountains. Such amenities encourage combination trips such as walking or bicycling to the bus stop and vice-versa at the destination.
22. Street Names. Street names shall meet the criteria and be processed in accordance with AMC 13.24.
23. Street Signs. Traffic control and sign placement shall be approved by the City. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. No-parking signs shall be consistent with the Street Design Standards in section 18.4.6.040 and the street design approved with the development by the approval authority.

E. Connectivity Standards. New and reconstructed streets, alleys, and pathways shall conform to the following connectivity standards, and the Street Dedication Map.

1. Interconnection. Streets shall be interconnected to reduce travel distance, promote the use of alternative modes, provide for efficient provision of utilities and emergency services, and provide multiple travel routes. In certain situations where the physical features of the land create severe constraints, or natural features should be preserved, exceptions may be made. Such conditions may include, but are not limited to, topography, wetlands, mature trees, creeks, drainages, and rock outcroppings. See also, subsection 18.4.6.040.I Hillside Streets and Natural Areas.
2. Connectivity to Abutting Lands. Design streets to connect to existing, proposed, and planned streets adjacent to the development, unless prevented by environmental or topographical constraints or existing development patterns. Where the locations of planned streets are shown on the Street Dedication Map, the development shall implement the street(s) shown on the plan pursuant to chapter 18.4.6. Wherever a proposed development abuts vacant, redevelopable, or a future development phase, provide street stubs to allow access to logically extend the street system into the surrounding area. Provide turnarounds at street ends constructed to Uniform Fire Code standards, as the City deems applicable. Design street ends to facilitate future extension in terms of grading, width, and temporary barricades.
3. Efficient Land Use. Street layout shall permit and encourage efficient lot layout and attainment of planned densities.
4. Integration With Major Streets. Integrate neighborhood circulation systems and land development patterns with boulevards and avenues, which are designed to accommodate heavier traffic volumes. Locate and design streets to intersect as nearly as possible to a right angle.
5. Alleys. The use of the alley is recommended, where possible. Alleys can contribute positively to the form of the street and have many advantages including: alleys allow more positive streetscapes with front yards used for landscaping rather than for front yard driveways; alleys can create a positive neighborhood space where the sidewalk feels more safe and inviting for pedestrians, neighbors socializing, and children playing; when the garage is located in rear yards off the alley, interesting opportunities arise for creating inviting exterior rooms using the garage as a privacy wall and divider of space; alleys enhance the grid street network and provides midblock connections for non-motorists; alleys provide rear yard access and delivery; and provide alternative utility locations and service areas
6. Preserving Natural Features. Locate and design streets to preserve natural features to the greatest extent feasible. Whenever possible, street alignments shall follow natural contours and features so that visual and physical access to the natural feature is provided. Situate streets between natural features, such as creeks, mature trees, drainages, open spaces, and individual parcels in order to appropriately incorporate such significant neighborhood features. The City may approve adjustments to the street design standards in order to preserve natural features, per 18.4.6.040.I Hillside Streets and Natural Areas.
7. Physical Site Constraints. In certain situations where the physical features of the land create severe constraints adjustments may be made. Such conditions may include, but are not limited to, topography, wetlands, mature trees, creeks, drainages, and rock outcroppings. See

18.4.6.040.I Hillside Streets and Natural Areas.

8. Off-Street Connections. Connect off-street pathways to the street network and use to provide pedestrian and bicycle access in situations where a street is not feasible. In cases where a street is feasible, off-street pathways shall not be permitted in lieu of a traditional street with sidewalks. However, off-street pathways are permitted in addition to traditional streets with sidewalks in any situation.
9. Walkable Neighborhoods. Size neighborhoods in walkable increments, with block lengths meeting the following requirements.
    a. The layout of streets shall not create excessive travel lengths. Block lengths shall be a maximum of 300 to 400 feet and block perimeters shall be a maximum of 1,200 to 1,600 feet.
    b. An exception to the block length standard may be permitted when one or more of the following conditions exist.
        i. Physical conditions that preclude development of a public street. In certain situations where the physical features of the land create severe constraints, or natural features should be preserved, exceptions may be made. Such conditions may include, but are not limited to, topography, wetlands, mature trees, creeks, drainages, and rock outcroppings. See 18.4.6.040.I Hillside Streets and Natural Areas.
        ii. Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, preclude a connection now or in the future considering the potential for redevelopment.
        iii. Where an existing public street or streets terminating at the boundary of the development site have a block length exceeding 600 feet, or are situated such that the extension of the street(s) into the development site would create a block length exceeding 600 feet. In such cases, the block length shall be as close to 600 feet as practical.
    c. When block lengths exceed 400 feet, use the following measures to provide connections and route options for short trips.
        i. Where extreme conditions preclude street connections, continuous nonautomotive connection shall be provided with a multi-use path. Off-street pathways shall not be used in lieu of a traditional street with sidewalks in cases where extreme conditions do not exist.
        ii. Introduce a pocket park, or plaza area with the street diverted around it.
        iii. At the mid-block point, create a short median with trees or use other traffic calming devices to slow traffic, break up street lengths, and provide pedestrian refuge.
10. Traffic Calming. Traffic calming features, such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian refuges, speed table, and or special paving may be required to slow traffic in areas with high pedestrian traffic.

F. Design Standards. A description of street design standards for each street classification follows in Table 18.4.6.040.F and subsection 18.4.6.040.G. All elements listed are required unless specifically noted, and dimensions and ranges represent minimum standard or ranges for the improvements shown. The approval authority may require a dimension within a specified range based upon intensity of land use, existing and projected traffic and pedestrian volumes, or when supported through other applicable approval standards. The approval authority may approve dimensions and ranges greater than those proposed by an applicant.

Table 18.4.6.040.F: City of Ashland Street Design Standards

TYPE OF STREET	AVERAGE DAILY TRIPS (ADT)	RIGHT-OF-WAY WIDTH	CURB-TO-CURB PAVEMENT WIDTH	WITHIN CURB-TO-CURB AREA				CURB	PARK-ROW	SIDE-WALKS
				MOTOR VEHICLE TRAVEL LANES	MEDIAN AND/OR CENTER TURN LANE	BIKE LANES on both sides	PARK-ING	on both sides	on both sides	on both sides
2-Lane Boulevard	8,000 to	61'-87'	34'	11'	none	6'	8'-9'	6"	5'-8' [1]	6'-10' [2]
3-Lane Boulevard	30,000	73'-99'	46'	11'	12'	6'	8'-9'	6"	5'-8' [1]	6'-10' [2]
5-Lane Boulevard		95'-121'	68'	11'	12'	6'	8'-9'	6"	5'-8' [1]	6'-10' [2]
2-Lane Avenue	3,000 to	59'-86'	32'-33'	10'-10.5'	none	6'	8'-9'	6"	5'-8' [1]	6'-10' [2]
3-Lane Avenue	10,000	70.5'-97.5'	43.5'-44.5'	10'-10.5'	11.5'	6'	8'-9'	6"	5'-8' [1]	6'-10' [2]
Neighborhood Collector, Residential	1,500 to 5,000				NA	NA [3]				
No Parking		49'-51'	22'	11'			none	6"	8'	5'-6'
Parking One Side		50'-56'	25'-27'	9'-10'			7'	6"	7'-8'	5'-6'
Parking Both Sides		57'-63'	32'-34'	9'-10'			7'	6"	7'-8'	5'-6'
Neighborhood Collector, Commercial										
Parallel Parking One Side		55'-65'	28'	10'			8'	6"	5'-8' [1]	8'-10' [2]
Parallel Parking Both Sides		63'-73'	36'	10'			8'	6"	5'-8' [1]	8'-10' [2]
Diagonal Parking One Side		65'-74'	37'	10'			17'	6"	5'-8' [1]	8'-10' [2]

Table 18.4.6.040.F: City of Ashland Street Design Standards

TYPE OF STREET	AVERAGE DAILY TRIPS (ADT)	RIGHT-OF-WAY WIDTH	CURB-TO-CURB PAVEMENT WIDTH	WITHIN CURB-TO-CURB AREA				CURB on both sides	PARK-ROW on both sides	SIDE-WALKS on both sides
				MOTOR VEHICLE TRAVEL LANES	MEDIAN AND/OR CENTER TURN LANE	BIKE LANES on both sides	PARK-ING			
Diagonal Parking Both Sides		81'-91'	54'	10'			17'	6"	5'-8' [1]	8'-10' [2]
Neighborhood Street Parking One Side	less than 1,500	47'-51'	22'	15' Queuing	NA	NA [3]	7'	6"	5'-8' [1]	5'-6'
Neighborhood Street Parking Both Sides		50'-57'	25'-28'	11'-14' Queuing			7'	6"	5'-8' [1]	5'-6'
Private Drive [4]	Less than 100	15'-20'	12'-15'	Queuing	NA	NA	NA	NA	NA	NA
Shared Street	Less than 1500	25'	18' paved	12'	NA	NA	NA	NA	NA	NA
Alley	NA	16'	12' paved width, 2' strips on both sides	NA	NA	NA	NA	NA	NA	NA
Multi-Use Path	NA	12'-18'	6'-10' paved width, 2'-4' strips on both sides	NA	NA	NA	NA	NA	NA	NA

1) 7' – 8' landscape parkrow shall be installed in residential areas; 5' hardscape parkrow with tree wells shall be installed in commercial areas on streets with on-street parking lanes, or 7' landscape parkrow may be used in commercial areas on streets without on-street parking lanes or where the street corridor includes landscaped parkrow. Street Trees shall be planted in parkrows pursuant to 18.4.4.030.

2) 6' sidewalk shall be installed in residential areas; 8'-10' sidewalk shall be installed in commercial areas; 10' sidewalk shall be required on boulevards in the Downtown Design Standards Zone.

3) Bike lanes are generally not needed on streets with low volumes (less than 3,000 ADT) or low motor vehicle travel speeds (less than 25mph). For over 3,000 ADT or actual travel speeds exceeding 25 mph, 6' bike lanes; one on each side of the street moving in the same direction as motor vehicle traffic

4) A private drive is a street in private ownership, not dedicated to the public, which serves three or less units. Private drives are permitted in the Performance Standards Options overlay.

G. Standards Illustrated. New and reconstructed streets, alleys and pathways shall conform to the following design standards, as summarized in Table 18.4.6.040.F.

1. Boulevard.

Boulevards are major thoroughfares filled with human and vehicular activity. Design should provide an environment where walking, bicycling, using transit, and driving are equally convenient and should facilitate the boulevard's use as a public space. Design should start with the assumption that the busy nature of a boulevard is a positive factor and incorporate it to enhance the streetscape and setting. A two-lane, three-lane, or five-lane configuration can be used depending on the number of trips generated by surrounding existing and future land uses. See Figure 18.4.6.040.G.1.

Prototypical Section: 3-Lane Boulevard

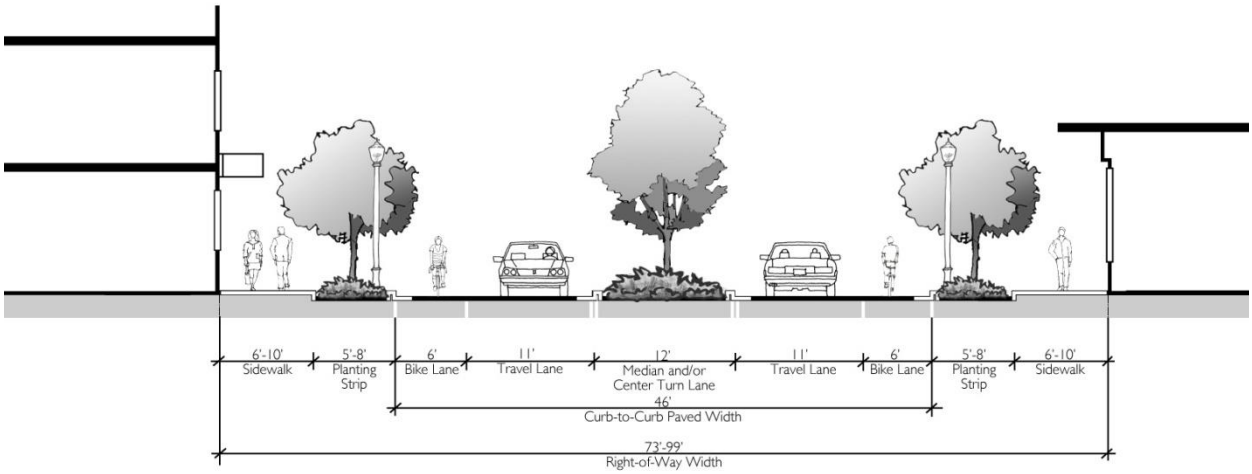


Figure 18.4.6.040.G.1
Three-Lane Boulevard

Street Function	Provide access to major urban activity centers and connections to regional traffic ways such as Interstate 5. Traffic without a destination in Ashland should be encouraged to use regional traffic ways and discouraged from using boulevards.	
Connectivity	Connects neighborhoods to urban activity centers and to regional traffic ways such as Interstate 5.	
Average Daily Traffic	8,000 - 30,000 motor vehicle trips per day	
Managed Speed	25 mph – 35 mph	
Right-of-Way Width	2-lane	61 ft – 87 ft
	3-lane	73 ft – 99 ft
	5-lane	95 ft – 121 ft

Curb-to-Curb Width	2-lane	34 ft
	3-lane	46 ft
	5-lane	68 ft
Motor Vehicle Lanes	2-lane	11 ft travel lanes
	3-lane	11 ft travel lanes; one 12 ft median or center-turn lane
	5-lane	11 ft travel lanes; one 12 ft median or center-turn lane
Bike Lanes	6 ft bike lanes; one on each side of the street moving in the same direction as motor vehicle traffic	
Parking	8 ft – 9 ft lanes; parking may be provided in 8 ft – 9 ft bays rather than as a continuous on-street lane	
Curb and Gutter	required; 6 inch vertical curb	
Parkrow	Residential	7 ft -8 ft landscape parkrow; 8 ft on streets without on-street parking lanes
	Commercial	5 ft hardscape parkrow (i.e., street tree wells) on streets with on-street parking lanes
		7 ft landscape parkrow on streets without on-street parking lanes or where street corridor includes landscape parkrow
	All	plant street trees pursuant to section 18.4.4.030
Sidewalk	Residential	6 ft on both sides
	Commercial	8 ft – 10 ft on both sides
		10 ft sidewalk required on boulevards in Downtown Design Standards Zone

2. Avenue

Avenues provide concentrated pedestrian, bicycle, transit, and motor vehicle access from neighborhoods to neighborhood activity centers and boulevards. Avenues are similar to boulevards, but are designed on a smaller scale. Design should provide an environment where walking, bicycling, using transit, and driving are equally convenient and facilitates the avenue's use as a public space. A two-lane or three-lane configuration can be used depending on the number of trips generated by surrounding existing and future land uses. See Figure 18.4.6.040.G.2.

Prototypical Section: 3-Lane Avenue

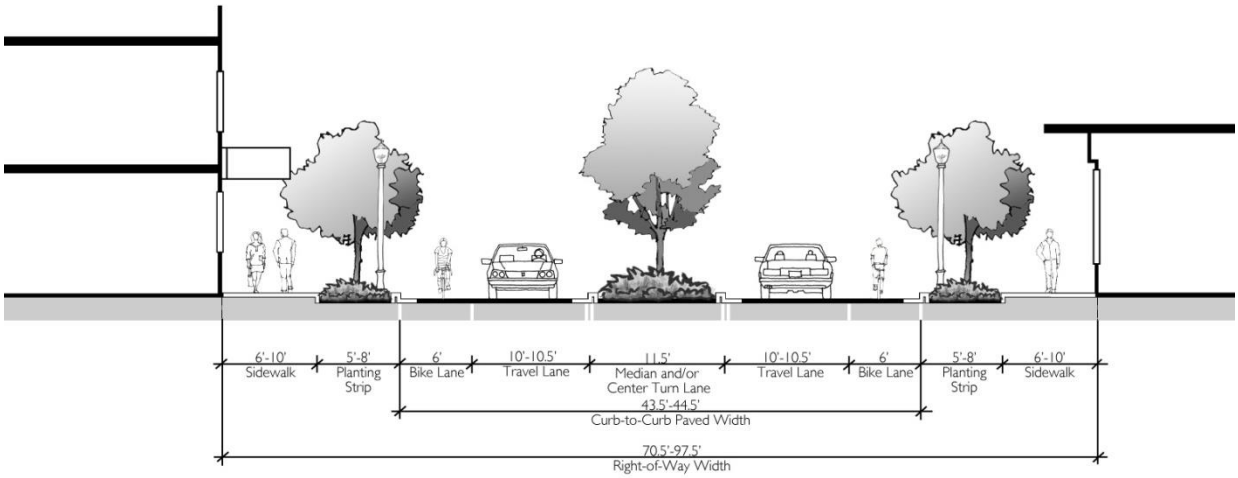


Figure 18.4.6.040.G.2
Three-Lane Avenue

Street Function	Provide access from neighborhoods to neighborhood activity centers and boulevards.	
Connectivity	Connects neighborhoods to neighborhood activity centers and boulevards.	
Average Daily Traffic	3,000 - 10,000 motor vehicle trips per day	
Managed Speed	20 mph – 25 mph	
Right-of-Way Width	2-lane	59 ft – 86 ft
	3-lane	70.5 ft – 97.5 ft
Curb-to-Curb Width	2-lane	32 ft– 33 ft
	3-lane	43.5 ft – 44.5 ft
Motor Vehicle Lanes	2-lane	10 ft – 10.5 ft travel lanes
	3-lane	10 ft – 10.5 ft travel lanes; one 11.5 ft median or center-turn lane

Bike Lanes	6 ft bike lanes; one on each side of the street moving in the same direction as motor vehicle traffic	
Parking	8 ft – 9 ft lanes; may be provided in 8 ft – 9 ft bays rather than as a continuous on-street lane	
Curb and Gutter	required; 6 inch vertical curb	
Parkrow	Residential	7 ft - 8 ft landscape parkrow; 8 ft on streets without on-street parking lanes
	Commercial	5 ft hardscape parkrow (i.e., street tree wells) on streets with on-street parking lanes
		7 ft landscape parkrow on streets without on-street parking lanes or where street corridor includes landscape parkrow
	All	plant street trees pursuant to section 18.4.4.030
Sidewalk	Residential	6 ft on both sides
	Commercial	8 ft – 10 ft on both sides

3. Neighborhood Collector

Neighborhood Collectors provide access to neighborhood cores and gather traffic from various parts of the neighborhood and distribute it to the major street system. Different configurations with several on-street parking options are provided for residential zones as illustrated in Figures 18.4.6.040.G.3.a, 18.4.6.040.G.3.b, and 18.4.6.040.G.3.c, and for commercial and employment zones as illustrated in 18.4.6.040.G.3.d, 18.4.6.040.G.3.e, 18.4.6.040.G.3.f, and 18.4.6.040.G.3.g.

Prototypical Section: Residential Neighborhood Collector, No Parking

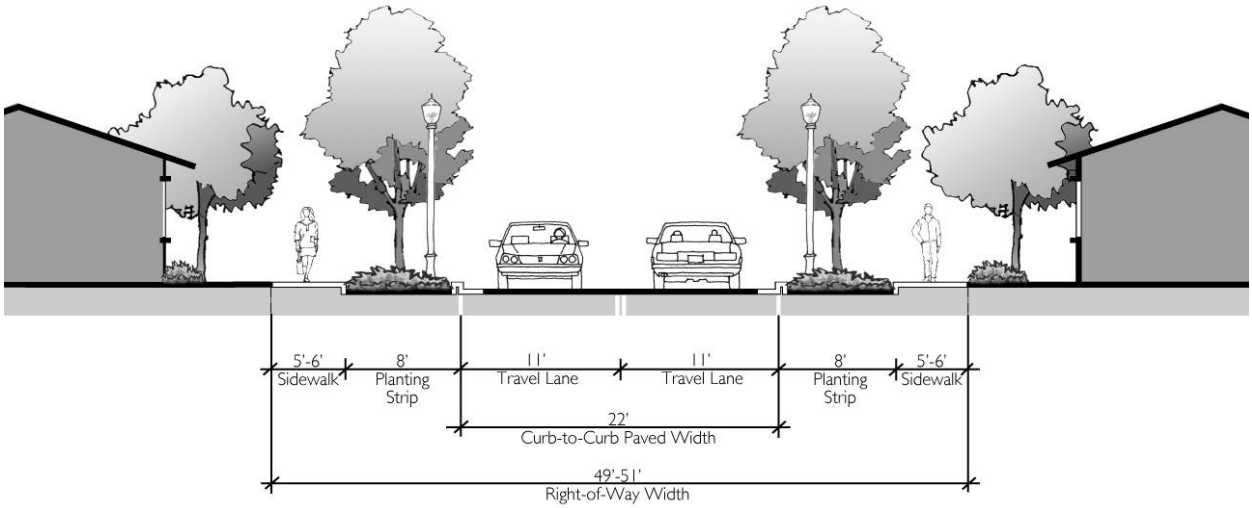


Figure 18.4.6.040.G.3.a
Residential Neighborhood Collector, No Parking

Street Function	Provide access to neighborhoods, shopping, and services.		
Connectivity	Residential	Collects traffic within residential areas and connects neighborhoods with the major street network.	
	Commercial	Collects traffic within residential areas and connects neighborhoods with major street network. Provides neighborhood shopping opportunities.	
Average Daily Traffic	1,500 to 5,000 motor vehicle trips per day		
Managed Speed	15mph – 20 mph		
Right-of-Way Width	Residential	no parking	49 ft – 51 ft

		parking one side	50 ft – 56 ft
		parking both sides	57 ft – 63 ft
	Commercial	parallel parking one side	55 ft – 65 ft
		parallel parking both sides	63 ft – 73 ft
		diagonal parking one side	65 ft – 74 ft
		diagonal parking both sides	81 ft – 91 ft
Curb-to-Curb Width	Residential	no parking	22 ft
		parking one side	25 ft – 27 ft
		parking both sides	32 ft – 34 ft
	Commercial	parallel parking one side	28 ft
		parallel parking both sides	36 ft
		diagonal parking one side	37 ft
		diagonal parking both sides	54 ft
Motor Vehicle Lanes	Residential	no on-street parking	11 ft travel lanes
		parking one/both sides	9 ft-10 ft travel lanes
	Commercial		10 ft travel lanes
Bike Lanes	generally not needed on streets with low volumes (less than 3,000 ADT) or low motor vehicle travel speeds (less than 25 mph)		
	for over 3,000 ADT or actual travel speeds exceeding 25 mph, 6 ft bike lanes; one on each side of the street moving in the same direction as motor vehicle traffic		
Parking	Residential		7 ft lanes
	Commercial	parallel parking	8 ft lanes

		diagonal parking 17 ft lanes
Curb and Gutter	required: 6 inch vertical curb	
Parkrow	Residential	7 ft – 8 ft landscape parkrow; 8 ft on streets without on-street parking lanes
	Commercial	5 ft hardscape parkrow (i.e., street tree wells) on streets with on-street parking lanes
		7 ft landscape parkrow on streets without on-street parking lanes or where street corridor includes landscape parkrow
	all	plant street trees pursuant to section 18.4.4.030
Sidewalk	Residential	5 ft – 6 ft on both sides; use 6 ft in high pedestrian volume areas with frequent two-way foot traffic
	Commercial	8 ft- 10 ft on both sides

Prototypical Section: Residential Neighborhood Collector, Parallel Parking One Side

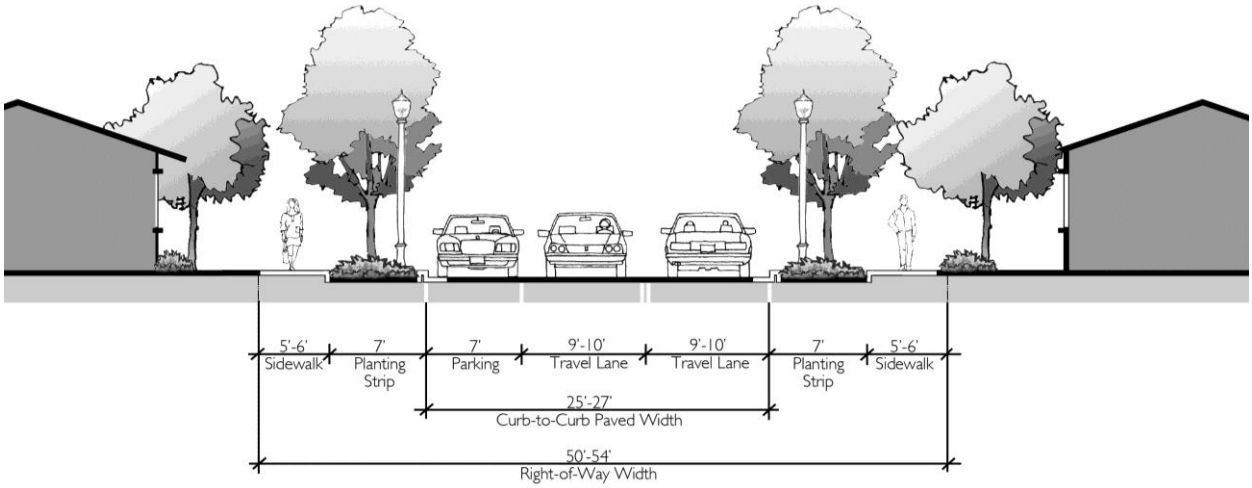


Figure 18.4.6.040.G.3.b
Residential Neighborhood Collector, Parking One Side

Prototypical Section: Residential Neighborhood Collector, Parallel Parking Both Sides

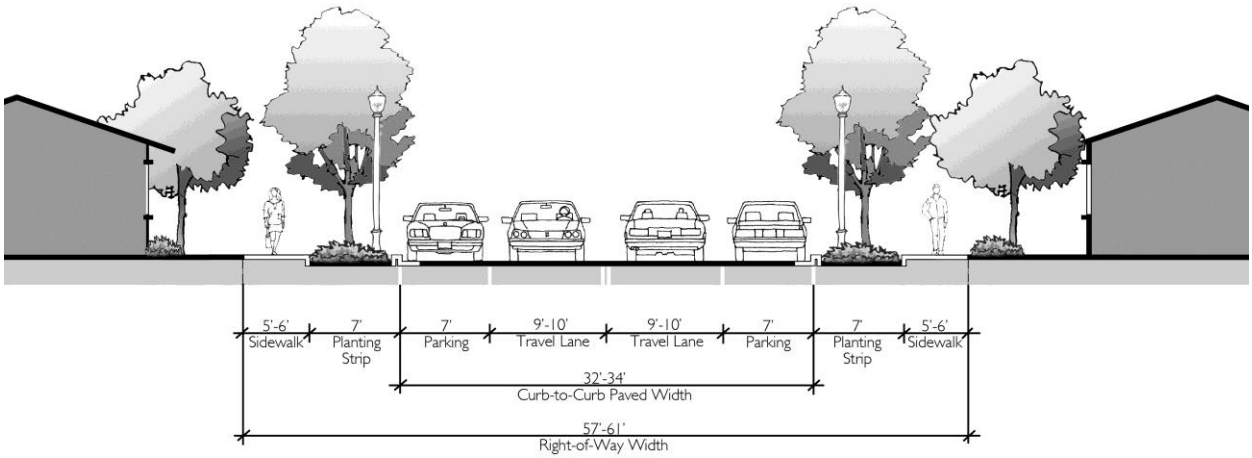


Figure 18.4.6.040.G.3.c
Residential Neighborhood Collector, Parking Both Sides

Prototypical Section: Commercial Neighborhood Collector, Parallel Parking One Side

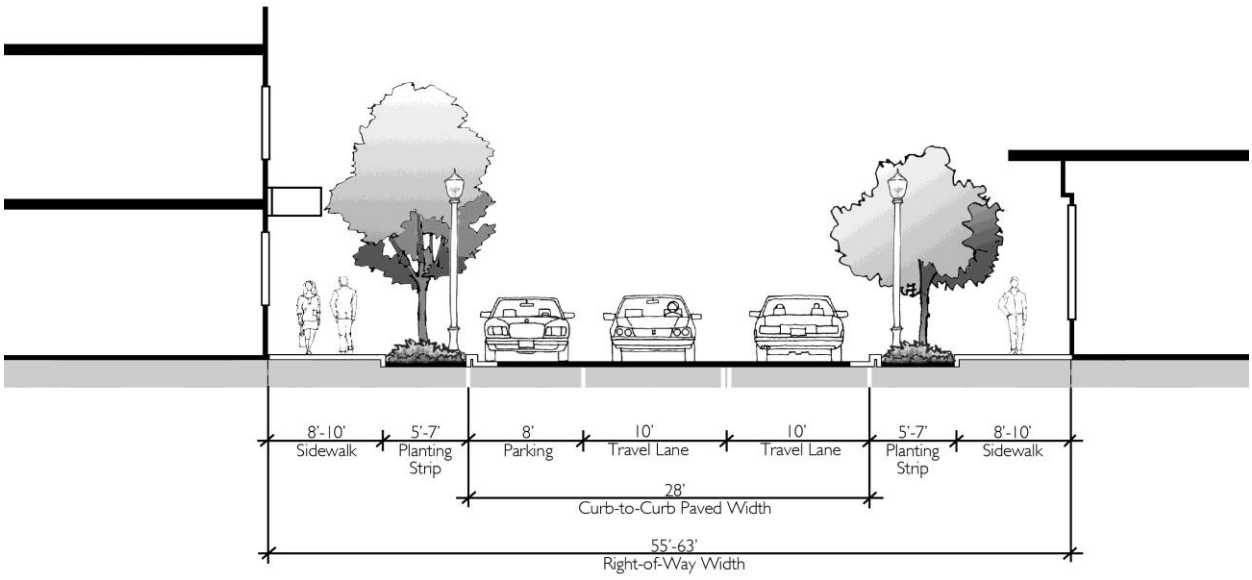


Figure 18.4.6.040.G.3.d
Commercial Neighborhood Collector, Parallel Parking One Side

Prototypical Section: Commercial Neighborhood Collector, Parallel Parking Both Sides

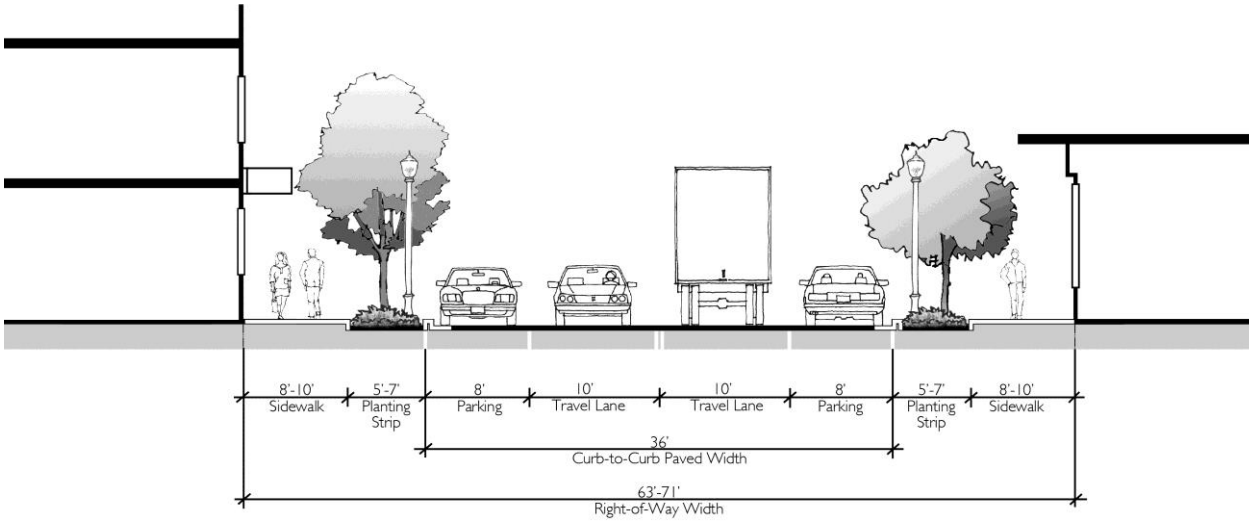


Figure 18.4.6.040.G.3.e
Commercial Neighborhood Collector, Parallel Parking Both Sides

Prototypical Section: Commercial Neighborhood Collector, Angled Parking One Side

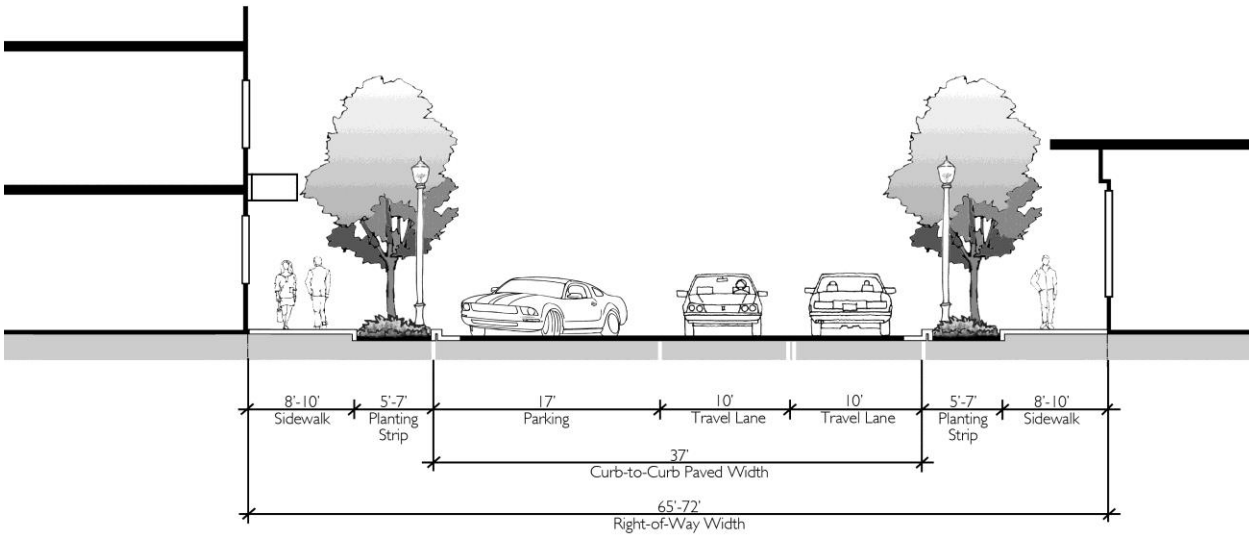
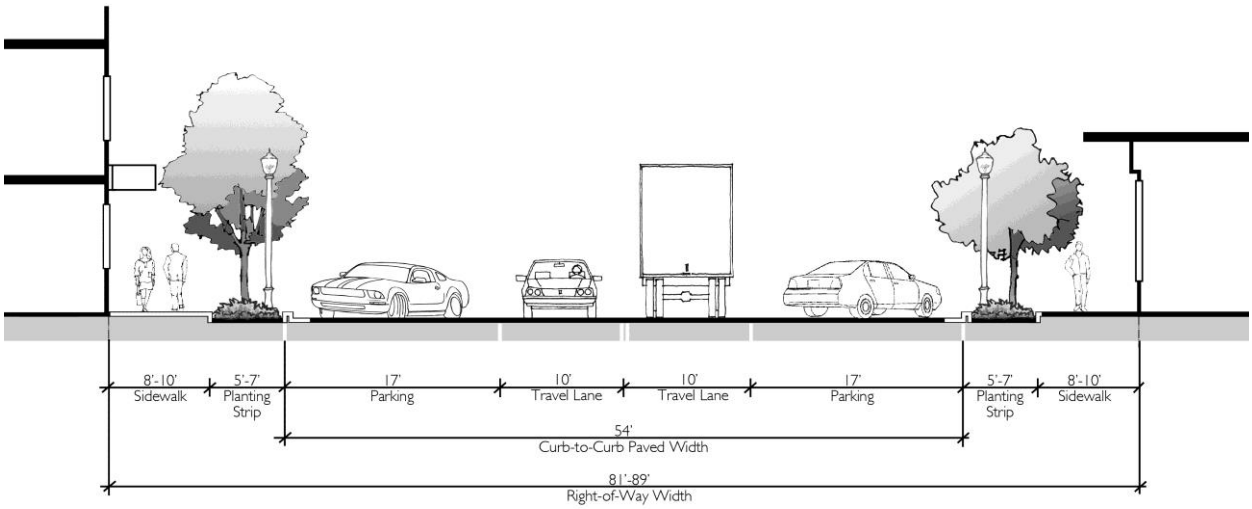


Figure 18.4.6.040.G.3.f
Commercial Neighborhood Collector, Angled Parking One Side

Prototypical Section: Commercial Neighborhood Collector, Angled Parking Both Sides



18.4.6.040.G.3.g
Commercial Neighborhood Collector, Angled Parking Both Sides

4. Neighborhood Street

Neighborhood Streets provide access to individual residential units and neighborhood commercial areas. Different configurations with several on-street parking options are provided for residential and commercial zones as illustrated in Figures 18.4.6.040.G.4.a and 18.4.6.040.G.4.b. Neighborhood Streets are for use in the following single-family residential zones: WR (Woodland Residential), RR - 1 and RR - .5 (Low Density Residential), and R-1-3.5, R-1-5, R-1-7.5 and R-1-10 (Single-Family Residential), unless specifically noted.

Prototypical Section: Residential Neighborhood Street, Parallel Parking Both Sides

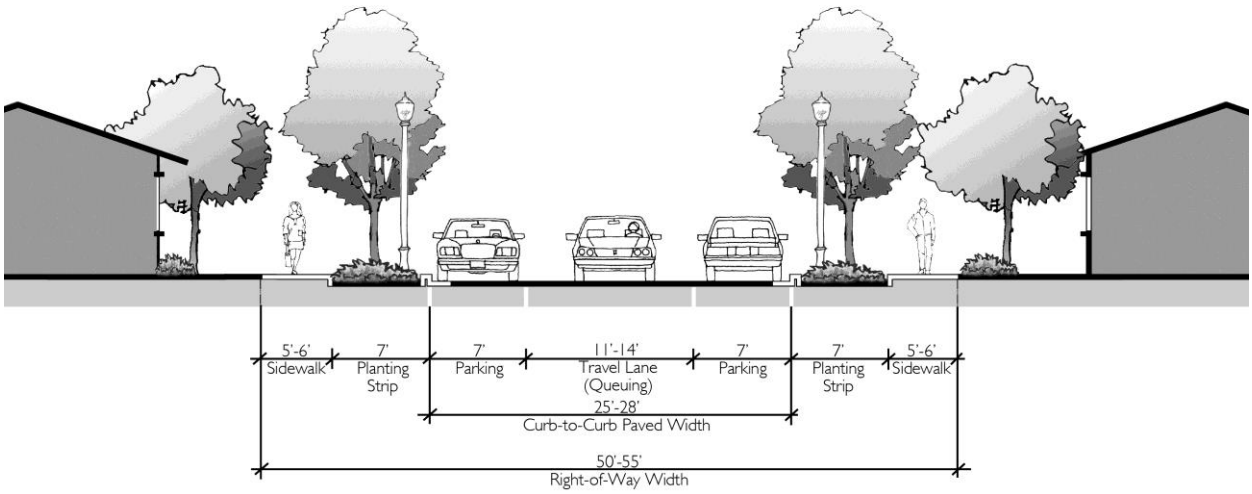


Figure 18.4.6.040.G.4.a
Neighborhood Street, Parking Both Sides

Street Function	Provide access to individual residential units and commercial areas.	
Connectivity	Connects to higher order streets.	
Average Daily Traffic	less than 1,500 motor vehicle trips per day	
Managed Speed	10 mph - 20 mph	
Right-of-Way Width	parking one side	47 ft - 51 ft
	parking both sides	50 ft - 57 ft
Curb-to-Curb Width	parking one side	22 ft
	parking both sides	25 ft - 28 ft
Motor Vehicle Lanes	parking one side	15 ft queuing lane

	parking both sides in R-1-10, R-1-7.5 and R-1-5 zones	11 ft queuing lane
	parking both sides in R-1-3.5, R-2 and R-3 zones	14 ft queuing lane
Bike Lanes	generally not needed on streets with low volumes (less than 3,000 ADT) or low motor vehicle travel speeds (less than 25 mph)	
Parking	7 ft lanes; may be provided in 7 ft bays rather than as a continuous on-street lane	
Curb and Gutter	required, 6" vertical curb	
Parkrow	Residential	7 ft-8 ft landscape parkrow; 8 ft on streets without on-street parking lanes
	Commercial	5 ft hardscape parkrow (i.e., street tree wells) on streets with on-street parking lanes
		7 ft landscape parkrow on streets without on-street parking lanes or where street corridor includes landscape parkrow
	All	plant street trees pursuant to section 18.4.4.030
Sidewalk	5 ft-6 ft on both sides; use 6 ft in high pedestrian volume areas with frequent two-way foot traffic	

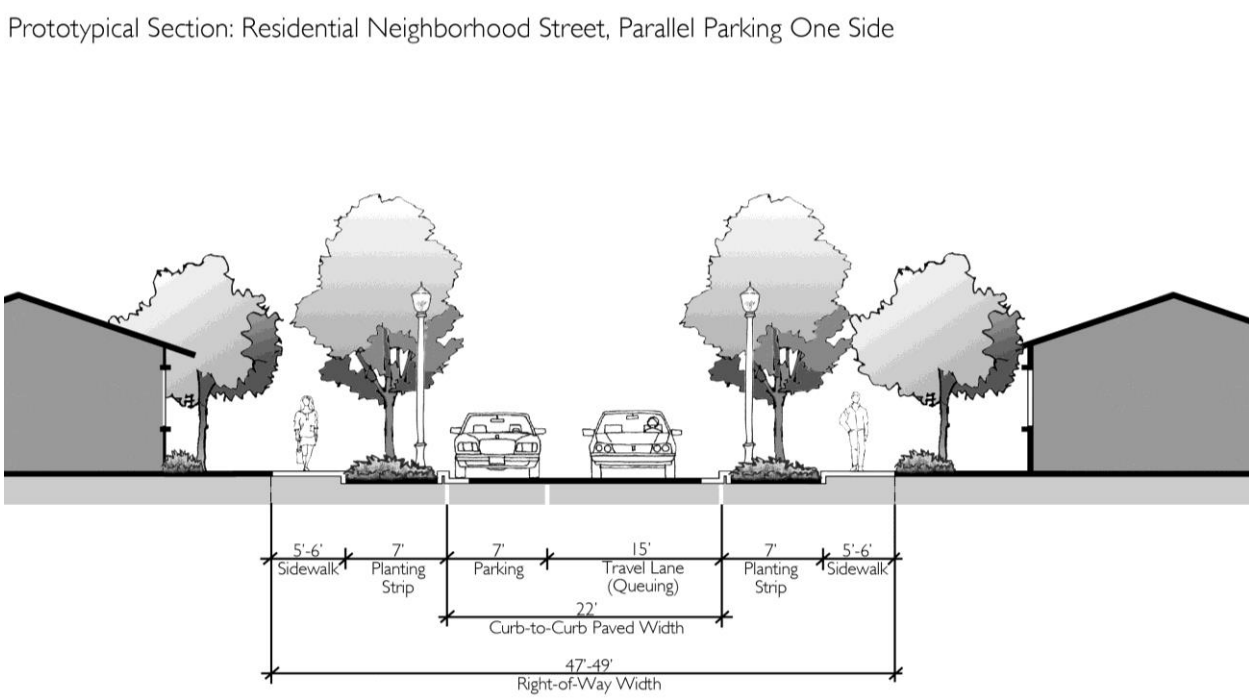
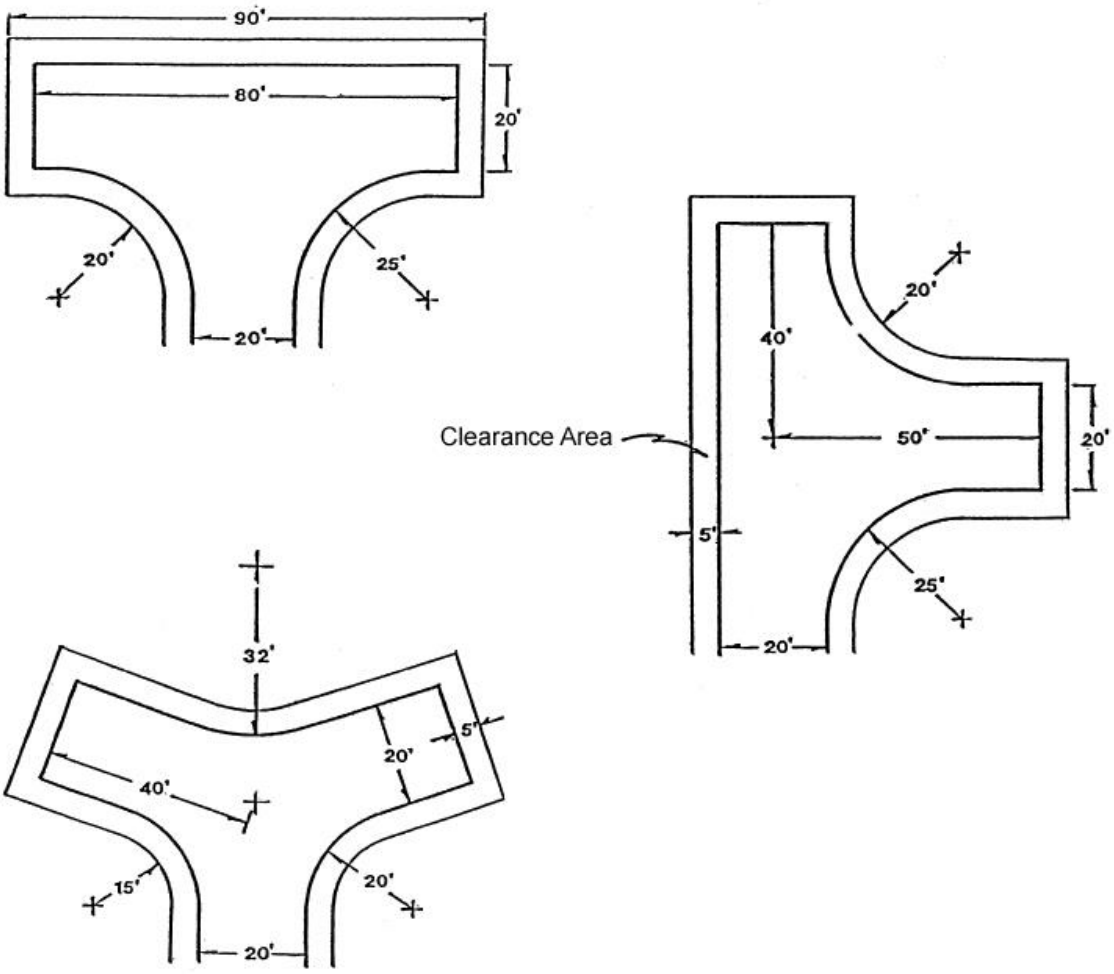


Figure 18.4.6.040.G.4.b
Neighborhood Street, Parking One Sides

5. Private Drive

A private drive is a road in private ownership, not dedicated to the public that serves three or less lots. Private drives are limited to development approved using the Performance Standards Option pursuant to chapter 18.3.9.

Street Function	Provide access to individual residential units.	
Connectivity	Connects to higher order streets.	
Average Daily Traffic	100 or less motor vehicle trips per day	
Managed Speed	10 mph - 20 mph	
Dedicated Width	for 2 – 3 lots	20 ft
	for 1 lot	15 ft
Drive Width	for 2 – 3 lots	15 ft
	for 1 lot	12 ft
Fire Lane	Private drives and work areas shall be deemed fire lanes and subject to all requirements thereof.	
	Fire Work Areas: Private drives serving structures greater than 24' in height, as defined in part 18.6, shall provide a Fire Work Area of 20 ft by 40 ft within 50 ft of the structure. The Fire Work Area requirement shall be waived if the structure served by the drive has an approved automatic sprinkler system installed.	
	Fire Truck Turnarounds: When required by the Oregon Fire Code, private drives greater than 150 feet in length shall provide a turnaround as illustrated in Figure 18.4.6.040.G.5. The Staff Advisor, in coordination with the Fire Code Official, may extend the distance of the turnaround requirement up to a maximum of 250 feet in length as allowed by Oregon Fire Code access exemptions.	
Other	curbs, bike lanes, parkrows and sidewalks not required	



Insert Figure 18.4.6.040.G.5
Fire Truck Turnaround

6. Alley

Alleys are semi-public neighborhood spaces that provide access to the rear or side of properties, and alternative utility placement areas. Alleys eliminate the need for front yard driveways providing the opportunity for a more positive front yard streetscape, allowing the street located adjacent to the front of properties to be designed using a narrow width with limited on-street parking, and creating the opportunity for the use of narrower lots to increase residential densities. Alleys are appropriate in all residential areas and some commercial areas for business frontage.

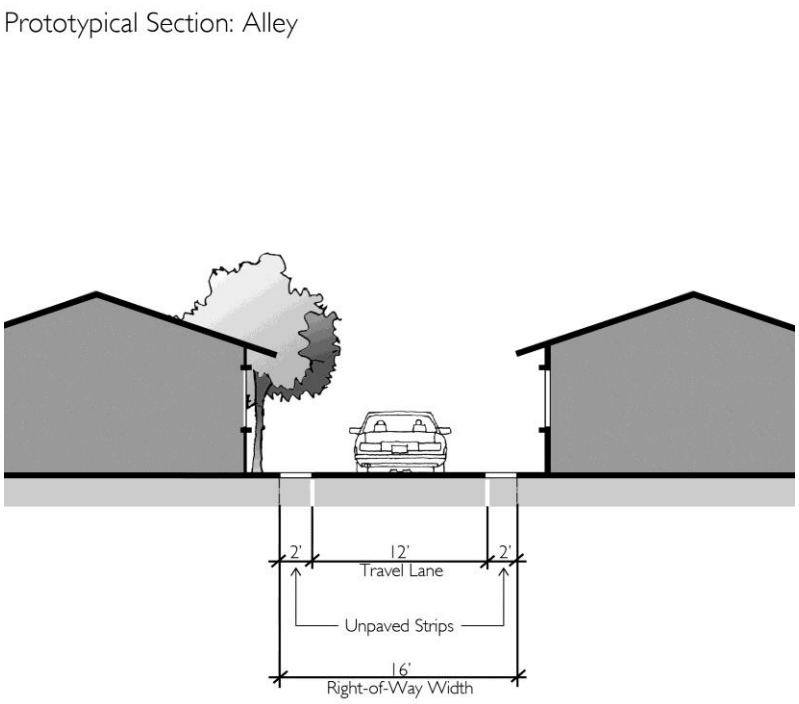


Figure 18.4.6.040.G.6
Alley

Street Function	Provide rear and side yard access to residential and commercial properties, and an alternative utility placement area.
Connectivity	Connects to all types of streets.
Managed Speed	motor vehicle travel speeds should be below 10 mph
Right-of-Way Width	16 ft
Improvement Width	12 ft paved with 2 ft gravel or planted strips on both sides
Curb and Gutter	curb not required, use inverse crown

7. Multi-use Path

Multi-use paths are off-street facilities used primarily for walking and bicycling. These paths can be relatively short connections between neighborhoods, or longer paths adjacent to rivers, creeks, railroad tracks, and open space. See Figure 18.4.6.040.G.7.

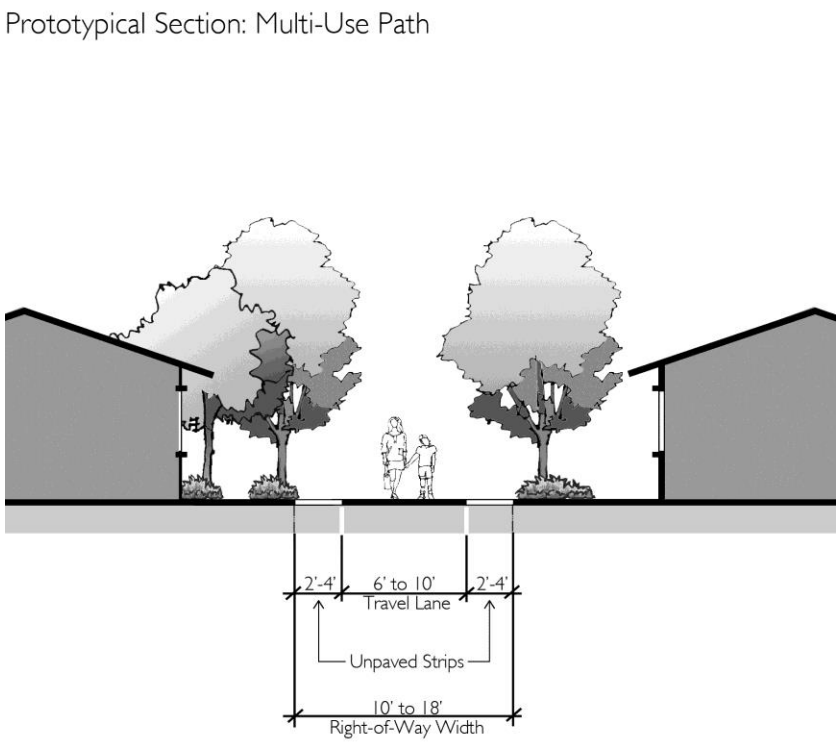


Figure 18.4.6.040.G.7
Multi-Use Path

Street Function	Provide short connections for pedestrians and bicyclists between destinations, and longer paths in situations where a similar route is not provided on the street network.
Connectivity	Enhances route options and shorten distances traveled for pedestrians and bicyclists.
Right-of-Way Width	10 ft – 18 ft
Improvement Width	6 ft – 10 ft paved with 2 ft – 4 ft gravel or planted strips on both sides
Curb and Gutter	not required

8. Shared Street

Provides access to residential uses in an area in which right-of-way is constrained by natural features, topography or historically significant structures. Shared Streets may additionally be used in circumstances where a slower speed street, collectively shared by pedestrians, bicycles, and autos, is a functional and preferred design alternative. The design of the street should emphasize a slower speed environment and provide clear physical and visual indications the space is shared across modes. See Figure 18.4.6.040.G.8.

Prototypical Section: Shared Street

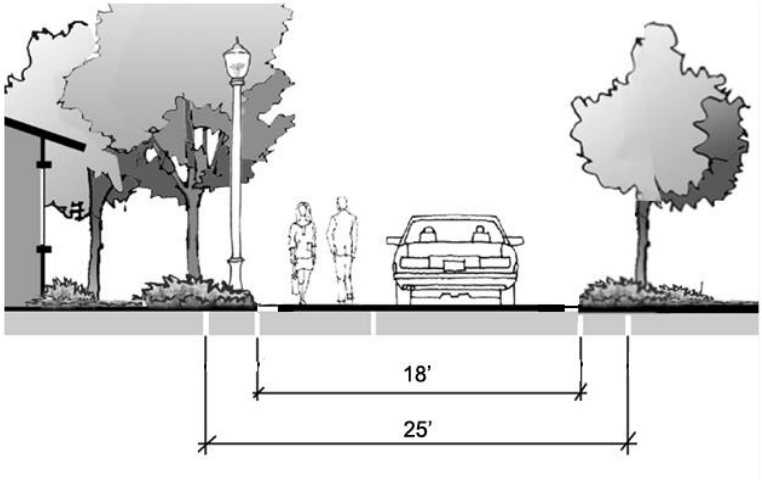


Figure 18.4.6.040.G.8
Shared Street

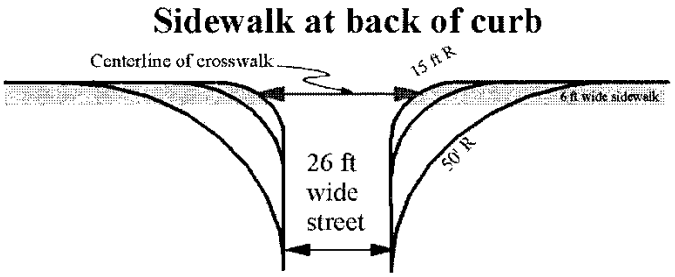
Street Function:	Provide vehicular, pedestrian, and bicycle neighborhood circulation and access to individual residential and commercial properties designed to encourage socializing with neighbors, outdoor play for children, and creating comfortable spaces for walking and biking.
Connectivity:	Connects to all types of streets.
Average Daily Traffic:	1,500 or less motor vehicle trips per day.
Managed Speed:	Motor vehicle travel speeds should be below 15 mph.
Right-of-Way Width:	25'
Pavement width:	18’ minimum, maintaining full fire truck access and minimum turning paths at all changes in alignment and intersections.
Motor Vehicle Travel Lanes:	Minimum 12' clear width.
Bike Lanes:	Not applicable. Bicyclists can share the travel lane and easily negotiate these low use areas.

Parking: Parking and loading areas may be provided within the right of way with careful consideration to ensure parked vehicles do not obstruct pedestrian, bicycles, or emergency vehicle access.

Parkrow: Not applicable.

Sidewalks: Not applicable. Pedestrians can share the travel lane and easily negotiate these low use areas. Refuge areas are to be provided within the right of way to allow pedestrians to step out of the travel lane when necessary.

H. Crosswalk and Street Corner Radius. Provide pedestrians with the shortest possible route across street intersections. This is accomplished by using small curb radii and curb extensions as illustrated in Figure 18.4.6.040.H. At the street corner, where one curbed street meets another is known as the curb return. The measure of the sharpness of the corner, or curb return is known as the curb return radius (Crr).



Radius	Crossing Distance	Increased Crossing	Percent Increase
15'	37'	+11'	42%
25'	50'	+24'	92%
50'	89'	+53'	203%

Figure 18.4.6.040.H
Street Corner Radius and Crossing Distance

1. Pedestrian Crossing Distance. With a larger Crr, turning movements of right-turning vehicles are easier and possible at faster speeds, but the length of the crosswalk needed to cross the street for pedestrians at that point is also increased. As the Crr increases, the distance the pedestrian must cross increases, and the time it takes for the pedestrian to cross the intersection increases. Higher turning vehicular speeds are encouraged and dangerous rolling stops become more frequent. Table 18.4.6.040.H.1 exemplifies the affect on intersection crossings as Crr increases from 15 feet to 35 feet.

Table 18.4.6.040.H.1: Affect on Pedestrian Crossing of Curb Radius

SIDEWALK WIDTH	6'	6'	6'	8'	8'	8'	10'	10'	10'	10'
PARKROW WIDTH	6'	6'	6'	6'	6'	6'	6'	6'	6'	6'
CURB RETURN RADIUS	15'	25'	30'	15'	25'	30'	15'	25'	30'	35'
CROSSING DISTANCE	2.5'	11.6'	17.2'	1.7'	10.0'	15.3'	1.1'	8.6'	13.6'	19.0'

ADDED TO STREET WIDTH										
CROSSING TIME ADDED WITH ADDITIONAL STREET WIDTH (SECONDS)	0.7	3.3	4.9	0.5	2.9	4.4	0.3	2.5	3.9	5.4

Source: Traditional Neighborhood Development Street Design Guidelines, Institute of Transportation Engineers

2. Crosswalk and Curb Return Radius Approval Standards. New and reconstructed crosswalks and corners shall conform to the following Crr standards. See also, requirements for vision clearance area in section 18.2.4.040.

   a. Base Crr on reasonable anticipated vehicular and pedestrian traffic volumes, traffic types, and intersection control devices.

   b. Use ten to 15 feet Crr in neighborhoods, excluding intersections involving boulevards.

   c. When designing Crr, allow for large vehicles to swing across the centerline of the street pursuant to AASHTO standards.

   d. Begin on-street parking a minimum of 20 feet from any intersection involving boulevards and avenues to provide clear vision for pedestrians, bicyclists, and drivers. This setback will also assist larger vehicles to turn.

   e. At intersections with Crr 15 feet or larger and high pedestrian traffic volumes, use paver bulb outs, textured crossings, and other appropriate traffic calming treatments to facilitate pedestrian travel.

   f. Match the Crr of newly constructed or reconstructed street corners in the Historic District overlay to what historically has been used in the remainder of the Historic District overlay.

I. Hillside Streets and Natural Areas. Streets constructed in hillside lands or natural resource areas (e.g., creeks, rock outcroppings, drainages, wetlands) should minimize negative impacts and use minimal cut and fill slopes. Generally, the range of street types provided in 18.4.6.040.G make it possible to construct or improve streets in accordance with the design standards. However, street design may be adjusted in hillside lands and natural resource areas using the Exceptions to Street Standards process in 18.4.6.020.B.1. In addition to the approval criteria for an Exception to Street Standards, the following standards must be met.

1. Approval of Streets in Hillside Lands and Natural Areas. Approval of a street in a hillside lands or natural areas shall conform to chapter 18.3.10, Physical and Environmental Constraints, and the following provisions.

   a. *Clear Travel Lane*. New streets shall provide a 20-foot clear travel lane area in areas designated Hillside Lands.

   b. *On-Street Parking*. Ample on-street or bay parking shall be provided at the foot of steep hills, especially those prone to snow or ice buildup.

   c. Streets shall be located in a manner that preserves natural features to the greatest extent feasible.

   e. Whenever possible, street alignments shall follow natural contours and features so that visual and physical access to the natural feature is possible.

f. Streets shall be situated between natural features, such as creeks, mature trees, drainages, open spaces, and individual parcels in order to appropriately incorporate such significant neighborhood features.

2. Dead End Streets. Dead-end streets may be permitted in areas where topography, wetland, creeks, or other physical features preclude street connections. Only neighborhood streets may be dead end roads. No dead end street shall exceed 500 feet in length, not including the turnaround.

J. Publicly-Funded Street Improvements. Streets built or improved using a local improvement district (LID), or other public or grant funds may occur in areas constrained by the built environment or natural features, and as a result, are allowed exceptions to the street design standards. Street design may be adjusted for publicly-funded projects pursuant to the Exceptions to Street Standards process in subsection 18.4.6.020.B.1. In addition to the approval criteria for an Exception to Street Standards, the following requirements must be met. See also, subsection 18.4.6.050.C Nonconformities Created by Street Dedication.

1. Curb-to-Curb Width. Street improvements constructed through a publicly-funded project shall be permitted to reduce the required curb-to-curb width required in section 18.4.6.040.G to preserve significant natural features, to accommodate existing structures and to ensure compatibility with the surrounding neighborhood. A reduction in the required curb-to-curb width shall require the approval of the City Planning, Engineering, Police, and Fire departments.

2. Retrofitting Existing Streets With Sidewalks and Parkrows. Street design adjustments could result in construction of meandering sidewalks, sidewalks on one rather than both sides of the street, or curbside sidewalk segments instead of setback walkways. In some cases, sidewalks may replace pavement (i.e., on top of existing pavement) on streets with wider curb-to-curb widths than is currently required. Building sidewalks and/or parkrows in place of existing pavement is generally limited to situations where a sidewalk and/or parkrow will be continuous along the entire side of the street.

3. Preserving Natural Features. Streets shall be located in a manner that preserves natural features to the greatest extent feasible, pursuant to 18.4.6.040.I.

K. Ashland Street Corridor.

1. Purpose and Intent. The Ashland Street Corridor is located between the intersection of Siskiyou Boulevard to the west and the Interstate 5 interchange to the east. In general, the area boundary includes the lots fronting the Highway 66 right-of-way. This main boulevard street is comprised of Ashland Street, Greensprings Highway, and Highway 66.

   Presently, varieties of land uses (e.g., retail/commercial, employment, institutional, and residential) as well as a collage of building types and vacant lands are located along this corridor. This boulevard is an important transportation element because it is one of the three entrances to Ashland, it links the downtown with hotel accommodations and the airport, and it is a commercial and retail center, primarily for local residents.

   In addition, the land within and adjacent to the corridor, both commercial and residential, is for the most part underdeveloped or undeveloped. Much of the future economic growth of the City

will probably be centered in this location.

The City Council and Planning Commission have recognized the potential of the corridor and requested special design studies be performed to insure its planned development. During those studies it was determined that the image of the corridor portrays a typical “strip development”. These types of development are in the fringe areas of towns throughout the United States. Vast areas or asphalt paving, minimal landscaping, and uninspired architecture are indicative of these strip developments, resulting in large part to the dominance of the automobile as the only form of transit. In Ashland, a town noted for its charm, natural beauty, and culture, this type of development is a contradiction. The corridor does however offer opportunities such as views to the mountains and foothills, landscaped open space, and large lots.

Recognizing these opportunities, the City desires to develop this area according to standards which will create an environment reflective of Ashland’s community image. A key factor in achieving this goal is to reduce the auto-orientation of this environment by encouraging pedestrian amenities and urban design strategies, thereby instilling a sense of community pride in the property owners and merchants of this area.

The Ashland Street Corridor design standards listed below will provide the City with direction for the future development of this key commercial and retail corridor. It is important to note that this work must be a cooperative effort between the private and public sectors of the community.

In concert with the design standards for the private development of the corridor, the design standards for the public right-of-way are intended to provide an attractive street environment which will encourage pedestrian usage and public safety.

2. Design Standards. Improvements in the Ashland Street right-of-way shall meet the following standards.

    1. Landscape Median.

        a. Twelve-foot wide minimum with left turn pockets in limited but appropriate locations, approximately every 400 feet.

        b. Small flowering trees, low water use, and low maintenance shrubs (i.e., 12-foot spread maximum) and ground cover shall be planted.

        c. Lighting shall be to City street light standards.

    2. Sidewalk.

        a. A five to eight-foot wide minimum area for street tree placement is required (e.g., five feet wide for street tree wells, seven to eight feet wide for parkrows).

        b. Trees shall be drought tolerant and hardy, placed with root barriers and tree grates to City specifications, or in landscaped strips with ground cover.

        c. Six to ten-foot wide textured or scored concrete sidewalk in addition to the street tree area (total widths would be a minimum of eight feet).

        d. Pedestrian scaled light fixtures placed in the street tree strip.

        e. Specially designed street name signs.

3. Special Pedestrian Areas.
    a. Pedestrian refuges protected from weather shall be placed near transit stops or at intervals of 400 feet in the corridor if no transit stop is nearby.
    b. Textured concrete or unit masonry paving shall be used in these areas to differentiate them from other areas.
    c. Street furniture (e.g., benches, drinking fountains, new racks,) shall be included for the comfort and convenience of the pedestrian.

18.4.6.050 Street and Greenway Dedications

A. Purpose. To provide timely and orderly improvement and enlargement of the city street and greenway system through the dedication of land by property owners upon development of their land.

B. Street Dedication Required. The approval authority may require the dedication of land for the construction of a city street, greenway, or portion thereof, provided that the impact of the development on the city transportation system is roughly proportional to the dedication. It is assumed that all development requiring planning actions will increase traffic generated in the area unless it can be proven otherwise to the satisfaction of the Planning Commission. Land will be dedicated by a property owner for the construction of a street or greenway when:

1. A development requiring a planning action, partition, or subdivision takes place on the owner's property;
2. The development will result in increases in the traffic generated (i.e., pedestrian, bicycle, auto) in the area, by some measure;
3. The property contains a future street or greenway dedicated on the official map adopted pursuant to 18.4.6.050.D;
4. Where required neighborhood street connections are not shown on the Street Dedication Map, the development shall provide for the reasonable continuation and connection of the transportation system to serve the development and adjacent vacant or redevelopable lands, conforming to section 18.4.6.040.E Connectivity Standards; and
5. The City may require additional right-of-way for streets that do not meet the street standards of this chapter, or as necessary for realignments of intersections or street sections, which do not have to be shown on the official map.

C. Nonconformities Created by Street Dedication. When the lot area or setbacks of a lot that conforms to the requirements of the applicable zoning district are reduced by a minor amount as a result of dedication of right-of-way for improvement of a street, the remaining lot is deemed in compliance with the minimum lot size, lot coverage, and yard requirements of the zone. Lots which could be divided prior to the right-of-way dedication shall not be prohibited from such division if the parcel size falls below the minimum requires due to dedication of right-of-way for improvement to a street.

D. Street Dedication Map.

1. Future street and greenway dedications are shown on the official street dedication and planned bikeway network map adopted by the City Council.
2. The Staff Advisor or the Planning Commission may modify the location of a required street or greenway dedication to account for practical difficulties in implementing this ordinance, as long as the general intent of providing safe transportation from one point to another is ensured.

E. Dedication Required Prior to Final Approval.

1. Dedication of the future right-of-way for a street or greenway is required prior to final action on a partitioning, subdivision, or development requiring a planning action.
2. If a plat is required for final action, the dedication shall be indicated on the plat as dedicated to the City.
3. If no plat is required, a deed with the dedication described by a registered surveyor shall be granted to the City. Said deed shall be provided with adequate title insurance or other assurance necessary to ensure that the title is free of all encumbrances, back taxes, or liens.

18.4.6.060 Public Use Areas

A. Dedication of Public Use Areas. Where a proposed park, playground, trail, or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication of this area to the City, or the designation of this area on the final plat for future dedication to the City, provided that the impact of the development on the City park system is roughly proportional to the dedication, conforms to the requirements of this ordinance, and is consistent with applicable parks and trails master plans.

18.4.6.070 Sanitary Sewer and Water Service Improvements.

A. Sewers and Water Mains Required. All new development is required to connect to city water and sanitary sewer systems. Sanitary sewer and water system improvements must be installed to serve new development and to connect developments to existing mains, considering the City's adopted facility master plans and applicable standards. Where streets are required to be stubbed to the edge of the development, sewer and water system improvements, and other utilities, must also be stubbed with the streets, except where alternate alignment(s) are approved by the City Engineer.

B. Sewer and Water Plan Approval. Development permits for sewer and water improvements in the public right-of-way or public easements must be approved by the City Engineer.

C. Over-Sizing. The approval authority may require as a condition of approval that sewer and water lines serving new development be sized to accommodate future development within the area as projected by the applicable facility master plans; and the City may authorize other cost-recovery or cost-sharing methods as provided under state law.

D. Inadequate Facilities. Development permits may be restricted or rationed by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems.

18.4.6.080 Storm Drainage and Surface Water Management Facilities

A. Storm Drainage Plan Approval. Development permits for storm drainage and surface water management plans must be approved by the City Engineer and Building Official.

B. Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be sized to accommodate existing and projected future runoff from upstream drainage area, considering the City's adopted facility master plans and applicable standards. Such facilities shall be subject to review and approval by the City Engineer.

C. Effect on Downstream Drainage. Where it is anticipated by the City Engineer that the additional runoff resulting from the development would overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.

D. Over-Sizing. The authority may require as a condition of approval that the storm drainage system serving new development shall be sized to accommodate future development within the area as projected by the applicable facility master plan; and the City may authorize other cost recovery or cost-sharing methods as provided under state law.

E. Existing Watercourse. Where a watercourse, drainage way, channel, or stream traverses a proposed development site, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the boundary or centerline of such watercourse, as applicable, and such further width as will be adequate for conveyance and maintenance to protect the public health and safety.

18.4.6.090 Utilities

The following standards apply to new development where extension of electric power or communication lines is required.

A. General Provision. The developer is responsible for coordinating his or her development plan with the applicable utility providers and paying for the extension/installation of utilities not otherwise available to the subject property.

B. Height. Utility transmission and distribution lines, poles, and towers may exceed the height limits otherwise provided for in this title, except for wireless communication systems as provided in chapter 18.4.10 and in the Airport Overlay as provided in chapter 18.3.7.

C. Underground Utilities.

1. General Requirement. The requirements of the utility service provider must be met. All utility lines in new developments, partitions, and subdivisions, including but not limited to those required for electric, communication, lighting, and related facilities, must be placed underground, except as provided for in 18.4.6.090.D, below.
2. Partitions and Subdivisions. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities.

a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic, per section 18.2.4.040.

b. All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.

c. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

D. Exception to Undergrounding Requirement. The City may waive the undergrounding standard where existing physical constraints, such as geologic conditions, streams, or existing development conditions make underground placement impractical.

Chapter 18.4.7 – Signs

Sections

18.4.7.010 Purpose
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18.4.7.040 Exempted Signs
18.4.7.050 Prohibited Signs
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18.4.7.070 Commercial-Downtown Zone
18.4.7.080 Commercial, Health Care, Employment, Croman Mill and Industrial Zones
18.4.7.090 Freeway Sign Overlay
18.4.7.100 Construction and Maintenance Standards
18.4.7.110 Nonconforming Signs
18.4.7.120 Governmental Signs
18.4.7.130 Historic Signs

18.4.7.010 Purpose

Chapter 18.4.7 contains standards for the design and location of signs. The regulations are intended to recognize the important function of signs and the need to safeguard and enhance the economic and aesthetic values in the City through regulation of such factors as size, number, location, illumination, construction, and maintenance of signs.

18.4.7.020 Applicability

A. The requirements of chapter 18.4.7 apply to signs in all zones, except those specifically exempted, whenever a sign is altered, erected, or replaced.

B. Permitting.

1. A Sign Permit, granted through Ministerial review pursuant to section 18.5.5.040, is required in each of the following instances and prior to installing any sign to ensure compliance with City standards.
   a. Upon the erection of any new sign except exempted signs.
   b. To make alteration to an existing sign, including a change in the size or materials. Permits shall not be required for minor maintenance and repairs to existing signs or for changes in sign copy for conforming signs.
   c. To alter an existing non-conforming sign, subject to section 18.4.7.110.
   d. To erect a temporary sign for a new business subject to 18.4.7.040.D.
2. Submission Requirements. For the purposes of review by the Staff Advisor, a drawing to scale shall be submitted which indicates fully the material, color, texture, dimensions, shape, location, attachment to building and other structures, structural elements of the proposed sign, and the size and dimensions of any other signs located on the applicant's building or property.

3. Sign Permit Fee. The fee for a Sign Permit shall be as set forth in the annual Miscellaneous Fees and Charges, as adopted by the City Council. The fee for any sign that is erected without a Sign Permit shall be double the regular sign fee.

C. Temporary Signs for New Businesses. The Staff Advisor can issue a permit for a temporary sign for new businesses for a period not to exceed seven days. A permit is required for these signs but the permit fee is waived.

D. Exceptions and Variances. Requests to depart from the requirements of sections 18.4.7.030 General Regulations, 18.4.7.110 Nonconforming Signs, and 18.4.7.130 Historic Signs are subject to chapter 18.5.5 Variances. Exceptions and Variances to the remaining sections of chapter 18.4.7 Signs are prohibited.

18.4.7.030 General Sign Regulations

The following general provisions shall govern all signs in addition to all other applicable provisions of this chapter.

A. Bulletin Board or Reader Board. Twenty percent of permitted sign area may be allowed as a bulletin board or reader board.

B. Placement of Signs.

1. Near Residential. No sign shall be located in a commercial or industrial zone so that it is primarily visible only from a residential zone.
2. Near Street Intersections. No signs in excess of 2 ½ feet in height shall be placed in the vision clearance area pursuant to the vision clearance area requirements in section 18.2.4.040.
3. Near Driveways. No sign or portion of thereof shall be erected within ten feet of driveways unless the same is less than 2 ½ feet in height pursuant to the vision clearance area requirements in section 18.2.4.040.
4. Future Street Right-of-Way. No sign or portion thereof shall be erected within future street right-of-ways, as depicted upon the Street Dedication Map, unless and until an agreement is recorded stipulating that the sign will be removed or relocated upon street improvements at no expense to the City.

C. Obstruction by Signs. No sign or portion thereof shall be placed so that it obstructs any fire escape, stairway, or standpipe; interferes with human exit through any window of any room located above the first floor of any building; obstructs any door or required exit from any building; or obstructs any required light or ventilation.

D. Unsafe or Illegal Signs.

1. If the Staff Advisor or Building Official finds that any sign is unsafe or insecure, or any sign erected or established under a Sign Permit has been carried out in violation of said permit or this chapter, he or she shall give written notice to the permittee or owner thereof to remove or alter such sign within seven days.
2. The Staff Advisor or Building Official may cause any sign that is an immediate peril to persons or property or sign erected without a permit to be removed immediately, and said sign shall not

be re-established until a valid permit has been issued. Failure to remove or alter said signs as directed shall subject the permittee or owner to the penalties prescribed in this title.

3. Any person who erects, constructs, prints, paints, or otherwise makes a sign for which a Sign Permit or approval is required under chapter 18.4.7 without first having determined a permit has been obtained for such sign, has committed an infraction, and upon conviction thereof is punishable as prescribed in AMC 1.08.020. It shall not be a defense to this section that such person erected, constructed, printed, painted, or otherwise made the sign for another.

E. Abatement of Nuisance Signs. The following signs are hereby declared a public nuisance and shall be removed or the nuisance abated.

1. Flashing sign visible from a public street or highway.
2. Temporary, movable or portable signs located on the publicly owned right-of-way.
3. Illegal signs.
4. Signs in obvious disrepair that are not maintained according to the standards set forth in 18.4.7.100.C.

18.4.7.040 Exempted Signs

The following signs and devices shall not be subject to the provisions of this chapter. All of the following exempted signs shall be subject to the other regulations contained in chapter 18.4.7 relative to the size, lighting, or spacing of such signs.

A. Informational Signs. Informational signs placed or approved for installation by the City or by the State or Oregon in the publicly owned right-of-way. Collective identification or directory signs placed by the City showing the types and locations of various civic, business, recreation, historic interest areas, or other similar uses, when such signs are located on publicly owned right-of-way or on City property. See also, section 18.4.7.120 Government Signs.

B. Memorials. Memorial tablets, cornerstones, or similar plaques not exceeding six square feet in size.

C. Flags. Flags of national, state, or local governments.

D. Historic Signs. Historic signs are exempt from some provisions of chapter 18.4.7. See section 18.4.7.130 Historic Signs.

E. Interior Signs. Signs within a building provided they are not visible to persons outside the building.

F. Signs Not Visible from Public Way. Any sign which is not visible to motorists or pedestrians on any public highway, sidewalk, street, or alley.

G. Small, Incidental Signs. Small incidental signs provided said signs do not exceed two square feet in area per sign, not more than two in number on any parcel or two per business frontage, whichever is greater. Within the Downtown Design Standards overlay, three incidental signs with a total area of seven square feet, provided no single incidental sign exceeds three square feet in area, are allowable per business frontage.

H. String of Lights. Strings of lights in non-residential zones where the lights do not exceed five watts per bulb do not flash or blink in any way. Strings of lights in residential zones are not regulated.

I. **Temporary Signs, Charitable Organization.** Temporary, non-illuminated signs not exceeding 16 square feet, for charitable fundraising events placed by non-profit and charitable organizations. Such signs shall not be placed more than seven days prior to the event and must be removed within two days following the event. No more than two such events may be advertised in this manner per lot per year.

J. **Temporary Signs, Construction.** Temporary, non-illuminated construction signs with an aggregate area not exceeding 16 square feet in residential areas or 32 square feet in commercial and industrial areas, provided said signs are removed within seven days of completion of the project. Such signs shall be limited to no more than four signs per lot and placed on the lot (i.e, not located in the street right-of-way). Freestanding temporary construction signs shall be no greater than five feet above grade.

K. **Temporary Signs, Elections.** Temporary, non-illuminated signs not exceeding four square feet, provided the signs are erected no more than 45 days prior to and removed within seven days following an election.

L. **Temporary Signs, Real Estate.** Temporary, non-illuminated real estate signs not exceeding six square feet in residential areas or 12 square feet in commercial and industrial areas, provided said signs are removed within 15 days from the sale, lease, or rental of the property. Such signs shall be limited to one sign per lot. Freestanding temporary real estate signs shall be no greater than five feet above grade.

M. **Temporary Window Signs, Non-Residential Zone.** Temporary signs painted or placed upon a window in a non-residential zone, when such signs do not obscure more than 20 percent of such window area, and are maintained for a period not exceeding seven days. Signs that remain longer than seven days will be considered permanent and must comply with the provisions of this chapter.

18.4.7.050 Prohibited Signs

Notwithstanding section 18.4.7.040 Exempted Signs, and except as provided by section 18.4.7.120 Government Signs, the following signs and sign elements are prohibited.

A. No movable sign, temporary sign, or bench sign shall be permitted except as may be provided in section 18.4.7.040.

B. No wind sign, device, or captive balloon shall be permitted except as may be provided in section 18.4.7.020 ,18.4.7.070.G and 18.4.7.080.E.

C. No flashing signs shall be permitted.

D. No sign shall have or consist of any moving, rotating, or otherwise animated part.

E. No three-dimensional statue, caricature, or representation of persons, animals, or merchandise shall be used as a sign or incorporated into a sign structure except as may be provided in 18.4.7.070.F.

F. No public address system or sound devices shall be used in conjunction with any sign or advertising device.

G. No roof signs or signs which project above the roof shall be permitted.

H. No exposed sources of illumination shall be permitted on any sign, or for the decoration of any building, including, but not limited to, neon or fluorescent tubing and flashing incandescent bulbs, except when the source of illumination is within a building, and at least ten feet from a window which allows visibility from the public right-of-way, or when a sign is internally illuminated, or the source of light is fully shielded from the public view.

I. No signs that use plastic as part of the exterior visual effects or are internally illuminated in the Historic District, as identified in the Comprehensive Plan or in any residential zones shall be permitted.

J. No bulletin boards or signs with changeable copy shall be permitted, except as allowed in 18.4.7.030.A.

K. No wall graphics shall be permitted.

L. No unofficial sign which purports to be, is an imitation of, or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic, or which hides from view any official traffic sign or signal shall be permitted.

M. Vehicle signs used as static displays such that the primary purpose of the vehicle is the display of the sign, placed or parked on the public right-of-way for a continuous period of two days or more. Vehicles and equipment regularly used in the conduct of the business such as delivery vehicles, construction vehicles, fleet vehicles, or similar uses, shall not be subjected to this prohibition.

18.4.7.060 Residential and North Mountain Sign Regulations

Signs in the residential zones and North Mountain Neighborhood District (NM) shall conform to the following regulations.

A. Special Provisions

1. No sign or portion thereof shall extend beyond any property line of the premises on which such sign is located.
2. Internally illuminated signs shall not be permitted.
3. Nothing contained herein shall be construed as permitting any type of sign in conjunction with a commercial use allowed as a home occupation, as no signs are allowed in conjunction with a home occupation. Signs in residential areas are only permitted in conjunction with a Conditional Use Permit.

B. Type of Signs Permitted

1. Neighborhood Identification Signs. One sign shall be permitted at each entry point to residential developments not exceeding an area of six square feet per sign with lettering not over nine inches in height, located not over three feet above grade.
2. Conditional Uses. Uses authorized in accordance with the chapter 18.5.4 Conditional Use Permits may be permitted one ground sign not exceeding an overall height of five feet and an area of 15 square feet, set back at least ten feet from property lines; or one wall sign in lieu of a ground sign. Such signs shall be approved in conjunction with the issuance of such Conditional Use Permit. Said signs shall not use plastic as part of the exterior visual effect and shall not be

internally illuminated.

3. Retail and Travelers' Accommodation Uses. Retail commercial uses allowed as a conditional use in the Railroad District and travelers' accommodations in residential zones shall be allowed one wall sign or one ground sign that meets the following standards, except as otherwise prohibited for accessory travelers' accommodations.
   a. The total size of the sign is limited to six square feet.
   b. The maximum height of any ground sign is to be three feet above grade.
   c. The sign must be constructed of wood and cannot be internally illuminated.
4. North Mountain Neighborhood District (NM) Signs. Signs for approved non-residential uses within the NM-R-1-5, NM-C and NM Civic zones shall be permitted one ground sign not exceeding an overall height of five feet and an area of 15 square feet, set back at least ten feet from property lines; or one wall or awning sign in lieu of a ground sign. Said signs shall not use plastic as part of the exterior visual effect and shall not be internally illuminated.

18.4.7.070 Commercial-Downtown Zone

Signs in the C-1-D zone shall conform to the following regulations.

A. Special Provisions

1. Frontage. The number and use of signs allowed by virtue of a given business frontage shall be placed only upon such business frontage.
2. Aggregate Number of Signs. The aggregate number of signs for each business shall be two signs for each business.
3. Material. No sign in the C-1-D zone shall use plastic as part of the exterior visual effects of the sign.
4. Aggregate Area of Signs**.** The aggregate area of all signs established by and located on a given street frontage shall not exceed an area equal to one square foot for each lineal foot of street frontage. Aggregate area shall not include nameplates, and real estate and construction signs.

B. Permitted Wall Signs

1. Number. Two signs per building frontage shall be permitted for each business, or one sign per frontage for a group of businesses occupying a single common space or suite.
2. Area. Buildings with two or fewer business frontages shall be permitted one square foot of sign area for each lineal foot of business frontage. For the third and subsequent business frontage on a single building, the business shall be permitted one square foot of sign area for every two lineal feet of business frontage. The maximum sign area on any single business frontage shall not exceed 60 square feet. Business frontages of three or more, on a single building, shall comply with all of the following standards established in chapter 18.4.2 Building Placement, Orientation, and Design.
   a. A pedestrian entrance designed to be attractive and functional, and open to the public during all business hours.

b. The pedestrian entrance shall be accessed from a walkway connected to a public sidewalk.

3. Projection. Signs may project a maximum of two feet from the face of the building to which they are attached, provided the lowest portion of the sign is at least eight feet above grade. Any portion lower than eight feet may only project four inches.

4. Extension Above Roofline. Signs shall not project above the roof or eave line of the building.

C. Permitted Ground Signs

1. Number. One sign, in lieu of a wall sign, shall be permitted for each lot with a street frontage in excess of 50 lineal feet. Corner lots can count one street frontage. Two or more parcels of less than 50 feet may be combined for purposes of meeting the foregoing standard.

2. Area. Signs shall not exceed an area of one square foot for each two lineal feet of street frontage, with a maximum area of 60 square feet per sign.

3. Placement. Signs shall be placed so that no sign or portion thereof shall extend beyond any property line of the premises on which such sign is located. Signs on corner properties shall also comply with the vision clearance area requirements of section 18.2.4.040.

4. Height. No ground sign shall be in excess of five feet above grade.

D. Permitted Marquee or Awning Signs

1. Number. A maximum of two signs shall be permitted for each business frontage in lieu of wall signs.

2. Area. Signs shall not exceed the permitted aggregate sign area not taken up by a wall sign.

3. Projection. Signs shall not project beyond the face of the marquee if suspended, or above the face of the marquee if attached to and parallel to the face of the marquee.

4. Height. Signs shall have a maximum face height of nine inches if placed below the marquee.

5. Clearance Above Grade. The lowest portion of a sign attached to a marquee shall not be less than 7 ½ feet above grade.

6. Signs Painted on a Marquee. Signs can be painted on the marquee in lieu of wall signs provided the signs do not exceed the permitted aggregate sign area not taken up by wall signs.

E. Permitted Projection Signs.

1. Number. One sign shall be permitted for each business or group of businesses occupying a single common space or suite in lieu of a wall sign.

2. Area. Except for marquee or awning signs, a projecting sign shall not exceed an area of one square foot for each two feet of lineal business frontage that is not already utilized by a wall sign. The maximum area of any projecting sign shall be 15 square feet.

3. Projection. Signs may project from the face of the building to which they are attached a maximum of two feet if located eight feet above grade, or three feet if located nine feet above grade or more.

4. Height and Extension Above Roof Line. Signs shall not extend above the roofline, eave or parapet wall of the building to which they are attached, or be lower than eight feet above grade.

5. Limitation on Placement. No projecting sign shall be placed on any frontage on an arterial street as designated in the Comprehensive Plan.

F. Permitted Three-Dimensional Signs.

1. Number. One three-dimensional sign shall be permitted for each lot in lieu of one three-square foot incidental sign otherwise allowed per 18.4.7.040.G.
2. Surface Area. Flat surfaces in excess of two square feet shall count toward the total aggregate sign area per 18.4.7.070.A.4.
3. Placement. The three-dimensional sign shall be located so that no sign or portion thereof is within a public pedestrian easement or extends beyond any property line of the premises on which such sign is located into the public right-of-way unless the sign is attached to the face of the building and located eight feet above grade, or the sign is attached to a marquee with the lowest portion of the sign not less than 7 ½ feet above grade not projecting beyond, or above, the face of the marquee.
4. Dimensions. No three-dimensional sign shall have a height, width, or depth in excess of three feet.
5. Volume. The volume of the three-dimensional sign shall be calculated as the entire volume within a rectangular cube enclosing the extreme limits of all parts of the sign and shall not exceed three cubic feet. For the purposes of calculating volume the minimum dimension for height, width, or depth shall be considered one foot.
6. Materials. The three-dimensional signs shall be constructed of metal, wood, bronze, concrete, stone, glass, clay, fiberglass, or other durable material, all of which are treated to prevent corrosion or reflective glare. Three-dimensional signs shall not be constructed of plastic. Three-dimensional signs shall not be internally illuminated or contain any electrical component.

G. Permitted Portable Business Signs

1. Number. One portable business sign, limited to sandwich boards, pedestal signs, 'A' frame signs, flags, and wind signs, shall be allowed on each lot excepting that buildings, businesses, shopping centers, and business complexes with permanent ground signs shall not be permitted to have portable signs.
2. Area. Sign area shall be deducted from the aggregate sign allowed for exempt incidental signs established in 18.4.7.040.G. Signs shall not exceed an area of four square feet per face including any border or trim, and there shall be no more than two faces.
3. Height. Sandwich board signs and 'A' frame signs shall not extend more than three feet above the ground on which it is placed. Pedestal signs shall not extend more than four feet above the ground on which it is placed. A freestanding wind sign shall not extend more than five feet above the ground on which it is placed.
4. Placement. Signs shall be placed so that no sign or portion thereof shall extend beyond any property line of the premises on which such sign is located. Portable signs shall be located within ten feet of the business entrance and shall not be placed on public right-of-way. No portable business sign shall be constructed and placed so as to interfere with pedestrian ingress and egress as regulated within AMC Title 13.

5. General Limitations. Signs shall be anchored, supported, or designed as to prevent tipping over, which reasonably prevents the possibility of signs becoming hazards to public health and safety. Signs shall not be constructed of plastic, illuminated, or contain any electrical component. No objects shall be attached to a portable sign such as but not limited to balloons, banners, merchandise, and electrical devices. Portable business signs shall be removed at the daily close of business. These signs are prohibited while the business is closed.

18.4.7.080 Commercial, Health Care, Employment, Croman Mill and Industrial Zones

Signs in the C-1, HC, E-1, CM, and M-1 zones, excepting the C-1-D zone and the Freeway Sign Overlay, shall conform to the following regulations.

A. Special Provisions

1. Frontage. The number and use of signs allowed by virtue of a given business frontage shall be placed only upon such business frontage.
2. Aggregate Number of Signs. The aggregate number of signs for each business shall be two signs for each business frontage.
3. Aggregate Area of Signs. The aggregate area of all signs established by and located on a given street frontage, shall not exceed an area equal to one square foot of sign area for each lineal foot of street frontage. Aggregate area shall not include nameplates, and temporary real estate and construction signs.

B. Permitted Wall Signs

1. Number. Two signs per building frontage shall be permitted for each business or group of businesses occupying a single common space or suite in lieu of a wall sign.
2. Area. Buildings with two or fewer business frontages shall be permitted one square foot of sign area for each lineal foot of business frontage. For the third and subsequent business frontages on a single building, the business shall be permitted one square foot of sign area for every two lineal feet of business frontage. The maximum sign area on any single business frontage shall not exceed 60 square feet. Business frontages of three or more, on a single building, shall comply with the all of the following criteria established in chapter 18.4.2 Building Placement, Orientation, and Design.
    a. A pedestrian entrance designed to be attractive and functional, and open to the public during all business hours.
    b. The pedestrian entrance shall be accessed from a walkway connected to a public sidewalk.
3. Projection. Except for marquee or awning signs, a projecting sign may project a maximum of two feet from the face of the building to which they are attached, provided the lowest portion of the sign is at least eight feet above grade. Any portion lower than eight feet can only project four inches.
4. Extension Above Roofline. Signs may not project above the roof or eave line of the building.

C. Permitted Ground Signs

1. Number. One sign shall be permitted for each lot with a street frontage in excess of 50 lineal feet. Corner lots can count both street frontages in determining the lineal feet of the street frontage but only one ground sign is permitted on corner lots. Two or more parcels of less than 50 feet may be combined for purposes of meeting the foregoing standard.
2. Area. Signs shall not exceed an area of one square foot for each two lineal feet of street frontage, with a maximum area of 60 square feet per sign.
3. Placement. Signs shall be placed so that no sign or portion thereof shall extend beyond any property line of the premises on which such sign is located. Signs on corner properties shall also comply with the vision clearance area requirements in section 18.2.4.040.
4. Height. No ground sign shall be in excess of five feet above grade.

D. Permitted Awning or Marquee Signs

1. Number. Two signs shall be permitted for each business frontage in lieu of wall signs.
2. Area. Signs shall not exceed the permitted aggregate sign area not taken up by a wall sign.
3. Projection. Signs may not project beyond the face of the marquee if suspended or above or below the face of the marquee if attached to and parallel to the face of the marquee.
4. Height. Signs shall have a maximum face height of nine inches if attached to the marquee.
5. Clearance Above Grade. The lowest portion of a sign attached to a marquee shall not be less than 7 ½ above grade.
6. Signs Painted on a Marquee. Signs can be painted on the marquee in lieu of wall sign provided the signs do not exceed the permitted aggregate sign area not taken up by wall signs.

E. Permitted Portable Business Signs

1. Number. One portable business sign, limited to sandwich boards, pedestal signs, 'A' frame signs, flags, and wind signs, shall be allowed on each lot excepting that buildings, businesses, shopping centers, and business complexes with permanent ground signs shall not be permitted to have portable signs.
2. Area. Sign area shall be deducted from the aggregate sign allowed for exempt incidental signs established in 18.4.7.040.G. Signs shall not exceed an area of four square feet per face including any border or trim, and there shall be no more than two faces.
3. Height. Sandwich board signs and 'A' frame signs shall not extend more than three feet above the ground on which it is placed. Pedestal signs shall not extend more than four feet above the ground on which it is placed. A freestanding wind sign shall not extend more than five feet above the ground on which it is placed.
4. Placement. Signs shall be placed so that no sign or portion thereof shall extend beyond any property line of the premises on which such sign is located. Portable signs shall be located within ten feet of the business entrance and shall not be placed on public right-of-way. No portable business sign shall be constructed and placed so as to interfere with pedestrian ingress and egress as regulated within AMC Title 13.

5. General Limitations. Signs shall be anchored, supported, or designed as to prevent tipping over, which reasonably prevents the possibility of signs becoming hazards to public health and safety. Signs shall not be constructed of plastic, illuminated, or contain any electrical component. No objects shall be attached to a portable sign such as but not limited to balloons, banners, merchandise, and electrical devices. Portable business signs shall be removed at the daily close of business. These signs are prohibited while the business is closed.

F. Permitted Three-Dimensional Signs

1. Number. One three-dimensional sign shall be permitted for each lot in lieu of one three-square foot incidental sign otherwise allowed per 18.4.7.040.G.
2. Surface Area. Flat surfaces in excess of two square feet shall count toward the total aggregate sign area per 18.4.7.080.A.3.
3. Placement. The three-dimensional sign shall be located so that no sign or portion thereof is within a public pedestrian easement or extends beyond any property line of the premises on which such sign is located into the public right-of-way unless the sign is attached to the face of the building and located eight feet above grade, or the sign is attached to a marquee with the lowest portion of the sign not less than 7 ½ above grade not projecting beyond, or above, the face of the marquee.
4. Dimensions. No three-dimensional sign shall have a height, width, or depth in excess of three feet.
5. Volume. The volume of the three-dimensional sign shall be calculated as the entire volume within a rectangular cube enclosing the extreme limits of all parts of the sign and shall not exceed three cubic feet. For the purposes of calculating volume the minimum dimension for height, width, or depth shall be considered one foot.
6. Materials. The three-dimensional signs shall be constructed of metal, wood, bronze, concrete, stone, glass, clay, fiberglass, or other durable material, all of which are treated to prevent corrosion or reflective glare. Three-dimensional signs shall not be constructed of plastic. Three-dimensional signs shall not be internally illuminated or contain any electrical component.

18.4.7.090 Freeway Sign Overlay

A. Purpose. This special overlay zone is intended to provide for and regulate certain ground signs that identify businesses in commercial zones located at freeway interchanges.

B. Establishment and Location of Freeway Sign Overlay. The Freeway Sign overlay shall be depicted on the official zoning map of the City and identified as the Freeway Sign Zone.

C. Freeway Sign Overlay Regulations. All signs in this overlay shall comply with section 18.4.7.080, except for ground signs, which shall comply with the provisions of 18.4.7.090.D, Ground Sign Regulations.

D. Ground Sign Regulations.

1. Number. One freeway sign shall be permitted for each lot in addition to the signs allowed by section 18.4.7.080.

2. Area. Signs shall not exceed an area of 100 square feet per sign.
3. Height. Signs shall not exceed a height of 2,028 feet above mean sea level.

18.4.7.100 Construction and Maintenance Standards

A. Materials of Construction

1. Single and Multi-Family Residential Zones. All signs and their supporting member may be constructed of any material subject to the provisions of this chapter.
2. Commercial and Industrial Zones. All signs and their supporting members shall be constructed of non-combustible materials or fire-retardant treated wood which maintains its fire-resistive qualities when tested in accordance with the rain and weathering tests of the Building Code, unless otherwise provided in this section.
3. Non-Treated Signs. All wall, ground, marquee, and projecting signs of twenty square feet or less may be constructed of non-treated wood.
4. Real Estate and Construction Signs. All signs may be constructed of compressed wood particle board or other material of similar fire resistivity.
5. Directly Illuminated Signs. All signs illuminated from within may be faced with plastics approved by the Building Code.
6. Glass. All glass used in signs shall be shatter-resistant, or covered by a shatter-resistant material.
7. Wood. Wood in contact with the ground shall be foundation-grade redwood, foundation-grade cedar, all heartwood cypress, or any species of wood that has been pressure-treated with an approved preservative. Trim and backing strips may be constructed of wood.

B. Construction Methods

1. All signs shall be constructed of such materials or treated in such manner that normal weathering will not harm, deface or otherwise affect the sign.
2. All letters, figure, and similar message elements shall be safely and securely attached to the sign structure.
3. All signs shall be designed and constructed to resist the applicable wind loads set forth in the Building Code.

C. Maintenance. All signs shall be maintained at all times in a state of good repair, and no person shall maintain or permit to be maintained on any premises owned or controlled by him/her, any sign which is in a sagging, leaning, fallen, decayed, deteriorated, or other dilapidated or unsafe condition.

18.4.7.110 Nonconforming Signs

Any sign that does not conform to a provision of chapter 18.4.7 and has been in existence for more than five years is subject to the requirements of this section, as follows.

A. **Alteration of Any Existing Nonconforming Sign.** It is unlawful to alter any existing nonconforming sign. The sign must be brought into conformance with this ordinance upon any physical alteration. Acts of God or vandalism which damage these nonconforming signs shall be exempt from this section, if the cost of the repair is less than 50 percent of the cost of replacing the sign with a conforming sign. However, the signs must be restored to their original design and a Sign Permit is required prior to the repair work.

B. **Land Use Actions Requiring Conformance.** Any nonconforming sign used by a business, shopping center, or business complex must be brought into conformance prior to any expansion or change in use that requires a Site Design Review or Conditional Use Permit. All nonconforming signs must be brought into conformance with chapter 18.4.7, the same provisions as are required for new signs. No building permits for new construction may be issued until this provision is complied with.

C. **Sign Variances.** Variances can be granted to this section using the variance procedure of chapter 18.5.5 to alleviate unusual hardships or extraordinary circumstances that exist in bringing nonconforming signs into conformity.

18.4.7.120 Governmental Signs

Governmental agencies may apply for a Conditional Use Permit to place a sign that does not conform to this chapter when it is determined that, in addition to meeting the criteria for a conditional use, the sign is necessary to further that agency's public purpose.

18.4.7.130 Historic Signs

A. **Historic Sign Inventory.** The inventory of historically significant signs shall be established by resolution of the City Council.

B. **Criteria for Designation of Historic Signs.** All signs for which designation as a Historic Sign are requested shall be substantially in existence at the time of the application; shall be displayed in their original location; shall be in association with an important event, person, group, or business in the history of Ashland; shall follow a guideline of being in existence for approximately 40 years; and shall meet one of the following criteria.

   1. The sign is exemplary of technology, craftsmanship, or design of the period when it was constructed, uses historic sign materials or means of illumination, and is not significantly altered from its historic period. If the sign has been altered, it must be restorable to its historic appearance.

   2. The sign is integrated into the architecture of the building and is exemplary of a historically significant architectural style.

C. **Procedure for Designating Historic Signs.** The owner of any sign may request that said sign be reviewed for significance in the Historic Sign Inventory upon written application to the City Council. Application fees shall be the same as for Type II applications. Applications shall include written findings addressing the criteria for designation of historic signs, and current and historic photographs of the sign, if available.

1. The City Council shall refer all requests for inclusion on the Historic Sign Inventory to the Historic Commission for review and recommendation to the Council within 30 days of the request. Notice of the Historic Commission meeting shall be mailed to all affected property owners within 100 feet of the subject property. If a recommendation is not made within 30 days, the request shall be forwarded to the Council without a recommendation.
2. The City Council shall, after receiving the recommendation of the Historic Commission or after 30 days, provide notice to all affected property owners within 100 feet of the subject property of a public hearing before the Council.
3. The City Council shall decide, based on the criteria above and the recommendation of the Historic Commission, whether to approve the request to include the sign on the inventory.
4. Inclusion on the Historic Sign Inventory shall be by resolution of the City Council.
5. The burden of proof shall be on the applicant.

D. Historic Signs Exempt from Certain Requirements. Signs on the Historic Sign Inventory in any zone shall be exempt from the requirements of chapter 18.4.7, except subsections 18.4.7.030.E and 18.4.7.110.C. Also, that the sign area of the historic sign is exempted from the total allowable sign area, as defined in this section, except as modified by City Council conditions in E. below.

E. Conditions on Historic Signs. The City Council shall have the authority to impose conditions regulating area, maintenance, etc. on the signs included in the Historic Sign Inventory to further the purpose and intent of chapter 18.4.7.

F. Removal or Demolition. Removal or demolition of a Historic Sign shall be done under permit and approval of the Staff Advisor. The Historic Commission shall review the permit at their next regularly scheduled meeting and shall have the authority to delay issuance for 30 days from the date of their review meeting. Such delay shall be to allow the Commission the opportunity to discuss alternate plans for the sign with the applicant.

G. Involuntary Damage or Destruction. Signs on the Historic Sign Inventory, which have been destroyed or damaged by fire or other calamity, by act of God or by public enemy to an extent greater than 50 percent, may be reconstructed in an historically accurate manner. Such reconstruction shall be authorized by the City Council, only after determination that the reconstruction will be an accurate duplication of the historic sign, based on review of photographic or other documentary evidence specifying the historic design. The Historic Commission shall review and make recommendations to the Council on all such reconstructions.

H. Maintenance and Modification of Historic Signs.

1. All parts of the historic sign, including but not limited to neon tubes, incandescent lights and shields, and sign faces, shall be maintained in a functioning condition as historically intended for the sign. Replacement of original visible components with substitutes to retain the original appearance shall be permitted provided such replacements accurately reproduce the size, shape, color, and finish of the original. Failure to maintain the sign in accord with this section shall be grounds for review of the historic sign designation by the City Council.
2. Modifications of a historic sign may be allowed, after review by the Historic Commission and approval by the City Council, only if such modifications do not substantially change the historic

style, scale, height, type of material, or dimensions of the historic sign, and does not result in a sign which does not meet the criteria for designation as a historic sign.

3. Changes in the location of a historic sign may be allowed, after review by the Historic Commission and approval by the City Council, only if such locational change does not result in the sign no longer meeting the criteria for designation as a historic sign.

Chapter 18.4.8 – Solar Access

Sections

18.4.8.010 Purpose
18.4.8.020 Applicability
18.4.8.030 Solar Setbacks
18.4.8.040 Solar Access Performance Standard
18.4.8.050 Solar Orientation Standards
18.4.8.060 Solar Access Permit for Protection from Shading by Vegetation
18.4.8.070 Effect and Enforcement.

18.4.8.010 Purpose

The purpose of this chapter is to provide protection of a reasonable amount of sunlight from shade from structures and vegetation whenever feasible to all parcels in the City to preserve the economic value of solar radiation falling on structures, investments in solar energy systems, and the options for future uses of solar energy.

18.4.8.020 Applicability

A. Lot Classifications. All lots shall meet the provisions of this section and will be classified according to the following formulas and table.

1. Standard A Lots. Lots with a north-south lot dimension exceeding that calculated by Formula I and zoned for residential uses shall be required to meet setback standard A in 18.4.8.030.A. See definition of north-south lot dimension in part 18.6.

   Minimum N/S lot dimension for Formula I = $\frac{\mathbf{30'}}{\mathbf{0.445 + S}}$

   Where: S is the decimal value of slope, as defined in part 18.6.

2. Standard B Lots. Those lots with a north-south lot dimension that is less than that calculated by Formula I but greater than that calculated by Formula II, any lot zoned C-1, E-1, or M-1 and not exempt by 18.4.8.020.B, or an lot not abutting a residential zone to the north, shall be required to meet setback standard B in 18.4.8.030.B. See definition of north-south lot dimension in part 18.6.

   Minimum N/S lot dimension for Formula II = $\frac{\mathbf{10'}}{\mathbf{0.445 + S}}$

3. Standard C Lots. Those lots with a north-south lot dimension that is less than that calculated by Formula II shall be required to meet setback standard C in 18.4.8.030.C. See definition of north-south lot dimension in part 18.6.

Table 18.4.8.020.A: Lot Classification Standards

Slope	-.30	-.25	-.20	-.15	-.10	-.05	0.0	.05	.10	.15	.20
STD A	207	154	122	102	87	76	67	61	55	50	46
STD B	69	51	41	34	29	25	22	20	18	17	15

B. Exemptions.

1. Architectural Projections. Rooftop architectural features a maximum of four feet in width, such as chimneys and vent pipes, and light poles and flag poles shall be exempt from the setback standards in section 18.4.8.030.

2. Steep Slopes. Any lot with a slope of greater than 30 percent in a northerly direction, as defined by this ordinance, shall be exempt from the setback standards in section 18.4.8.030.

3. Zones. Any lot in the C-1-D, CM, and NM-C zones, and properties in the C-1 zone not abutting a residential zone, shall be exempt from the setback standards in section 18.4.8.030.

4. Existing Shade Conditions. If an existing structure or topographical feature casts a shadow at the northern lot line at noon on December 21, that is greater than the shadow allowed by the requirements of this section, a structure on that lot may cast a shadow at noon on December 21, that is not higher or wider at the northern lot line than the shadow cast by the existing structure or topographical feature. This exemption does not apply to shade caused by vegetation.

   a. *Actual Shadow Height.* If the applicant demonstrates that the actual shadow that would be cast by the proposed structure at noon on December 21 is no higher than that allowed for that lot by the provisions of this section, the structure shall be approved. Refer to Table 18.4.8.020.B.4.a, below, for actual shadow lengths.

Table 18.4.8.020.B.4.a: Actual Shadow Length (at solar noon on December 21st)

Height in feet	Slope									
	0.30	-0.25	-0.20	-0.15	-0.10	-0.05	0.00	0.05	0.10	0.15
8 *	55	41	33	27	23	20	18	16	15	13
10 *	69	51	41	34	29	25	22	20	18	17
12 *	83	61	49	41	35	30	27	24	22	20
14 *	96	72	57	47	41	35	31	28	26	24
16 *	110	82	65	54	46	40	36	32	29	27
18 *	124	92	73	61	52	46	40	36	33	30
20 *	138	102	82	68	58	51	45	40	37	34
22 *	151	113	90	75	64	56	49	44	40	37
24 *	165	123	98	81	70	61	54	48	44	40
26 *	179	133	106	88	75	66	58	53	48	44
28 *	193	143	114	95	81	71	63	57	51	47
30 *	207	154	122	102	87	76	67	61	55	50
32 *	220	164	130	108	93	81	72	65	59	54
34 *	234	174	139	115	98	86	76	69	62	57
36 *	248	184	147	122	104	91	81	73	66	60
38 *	262	195	155	129	110	96	85	77	70	64
40 *	275	205	163	135	116	101	90	81	73	67

C. Exceptions and Variances. Requests to depart from section 18.4.8.030 Solar Setbacks are subject to 18.4.8.020.C.1 Exception to the Solar Setback, below. Deviations from the standards in section 18.4.8.050 Solar Orientation Standards are subject to subsection 18.5.2.050.E Exception to the Site Development and Design Standards.

1. Solar Setback Exception. The approval authority through a Type I review pursuant to section 18.5.1.050 may approve exceptions to the standards in 18.4.8.030 Solar Setbacks if the requirements in subsection a, below, are met and the circumstances in subsection b, below, are found to exist.

   a. That the owner or owners of all property to be shaded sign, and record with the County Clerk on the affected properties' deed, a release form supplied by the City containing all of the following information.

      i. The signatures of all owners or registered leaseholders holding an interest in the property in question.

      ii. A statement that the waiver applies only to the specific building or buildings to which the waiver is granted.

      iii. A statement that the solar access guaranteed by this section is waived for that particular structure and the City is held harmless for any damages resulting from the waiver.

      iv. A description and drawing of the shading which would occur.

   b. The approval authority finds all of the following criteria are met.

      i. The exception does not preclude the reasonable use of solar energy (i.e., passive and active solar energy systems) on the site by future habitable buildings.

      ii. The exception does not diminish any substantial solar access which benefits a passive or active solar energy system used by a habitable structure on an adjacent lot.

      iii. There are unique or unusual circumstances that apply to this site which do not typically apply elsewhere.

18.4.8.030 Solar Setbacks

A. Setback Standard A. This setback is designed to ensure that shadows are no greater than six feet at the north property line. Buildings on lots which are classified as standard A, pursuant to 18.4.8.020.A.1, shall be set back from the northern lot line according to the following formula.

$$\mathbf{SSB} = \frac{\mathbf{H - 6'}}{\mathbf{0.445 + S}}$$

Where:

SSB = the minimum distance in feet that the tallest shadow producing point which creates the longest shadow onto the northerly property must be set back from the northern property line. See definition of northern property line in part 18.6.

H = the height in feet of the highest shade producing point of the structure which casts the longest shadow beyond the northern property line. See definition of highest shade producing point in part

18.6.

S = the slope of the lot, as defined in this chapter.

Table 18.4.8.030.A: Setback Standard "A"

Height in feet	Slope									
	-0.30	-0.25	-0.20	-0.15	-0.10	-0.05	-0.00	0.05	0.10	0.15
8 *	14	10	8	7	6	5	4	4	4	3
10 *	28	20	6	4	2	0	9	8	7	7
12 *	41	31	24	20	17	15	13	21	11	10
14 *	55	41	33	27	23	20	18	16	15	13
16 *	69	51	41	34	29	25	22	20	18	17
18 *	83	61	49	41	35	30	27	24	22	20
20 *	96	72	57	47	41	35	31	28	26	24
22 *	110	82	65	54	46	40	36	32	29	27
24 *	124	92	73	61	52	46	40	36	33	30
26 *	138	102	82	68	58	51	45	40	37	34
28 *	151	113	90	75	64	56	49	44	40	37
30 *	165	123	98	81	70	61	54	48	44	40
32 *	179	133	106	88	75	66	58	53	48	44
34 *	193	143	114	95	81	71	63	57	51	47
36 *	207	154	122	102	87	76	67	61	55	50
38 *	220	164	130	108	93	81	72	65	59	54
40 *	234	174	139	115	98	86	76	69	62	57

B. Setback Standard B. This setback is designed to ensure that shadows are no greater than 16 feet at the north property line. Buildings for lots which are classified as standard B, pursuant to 18.4.8.020.A.2, shall be set back from the northern lot line as set forth in the following formula.

$$SSB = \frac{H - 16'}{0.445 + S}$$

Table 18.4.8.030.B: Setback Standard "B"

Height in feet	Slope									
	0.30	-0.25	-0.20	-0.15	-0.10	-0.05	0.00	0.05	0.10	0.15
8 *	0	0	0	0	0	0	0	0	0	0
10 *	0	0	0	0	0	0	0	0	0	0
12 *	0	0	0	0	0	0	0	0	0	0
14 *	0	0	0	0	0	0	0	0	0	0
16 *	0	0	0	0	0	0	0	0	0	0
18 *	14	10	8	7	8	5	4	4	4	3
20 *	28	20	16	14	12	10	9	8	7	7
22 *	41	31	24	20	17	15	13	12	11	10
24 *	55	41	33	27	23	20	18	16	15	13
26 *	69	51	54	34	29	25	22	20	18	17
28 *	83	61	49	41	35	30	27	24	22	20
30 *	96	72	57	47	41	35	31	28	26	24
32 *	110	82	65	54	46	40	36	35	29	27
34 *	124	92	73	61	52	46	40	36	33	30
36 *	138	102	82	68	58	51	45	40	37	34
38 *	151	113	90	75	64	56	49	44	40	37
40 *	165	123	98	81	70	61	54	48	44	40

C. Setback Standard C. This setback is designed to ensure that shadows are no greater than 21 feet at the north property line. Buildings on lots which are classified as standard C, pursuant to 18.4.8.020.A.3, shall be set back from the northern lot line according to the following formula.

$$SSB = \frac{H - 21'}{0.445 + S}$$

Table 18.4.8.030.C: Setback Standard "C"

Height in feet	Slope									
	0.30	-0.25	-0.20	-0.15	-0.10	-0.05	0.00	0.05	0.10	0.15
8 *	0	0	0	0	0	0	0	0	0	0
10 *	0	0	0	0	0	0	0	0	0	0
12 *	0	0	0	0	0	0	0	0	0	0
14 *	0	0	0	0	0	0	0	0	0	0
16 *	0	0	0	0	0	0	0	0	0	0
18 *	0	0	0	0	0	0	0	0	0	0
20 *	0	0	0	0	0	0	0	0	0	0
22 *	7	5	4	3	3	3	2	2	2	2
24 *	21	15	12	10	9	8	7	6	6	6
26 *	34	26	20	17	14	13	11	10	9	8
28 *	48	36	29	24	20	18	16	14	13	12
30 *	62	46	37	30	26	23	20	18	17	15
32 *	76	56	45	37	32	28	25	22	20	18
34 *	90	67	53	44	38	33	29	26	24	22
36 *	103	77	61	51	43	38	34	30	28	25
38 *	117	87	69	58	49	43	38	34	31	29
40 *	131	97	77	64	55	48	43	38	35	32

18.4.8.040 Solar Access Performance Standard

A. Assignment of Solar Factor. Land divisions which create new lots shall be designed to permit the location of a 21-foot high structure with a setback which does not exceed 50 percent of the lot's north-south lot dimension pursuant to the following standards.

1. Lots having north facing (negative) slopes of less than 15 percent (e.g., ten percent) and which are zoned for residential uses shall have a north-south lot dimension equal to or greater than that calculated by using Formula I in 18.4.8.020.A.1.
2. Lots having north facing (negative) slopes equal to or greater than 15 percent (e.g., 20 percent) or are zoned for non-residential uses shall have a north-south lot dimension equal to or greater than that calculated by using Formula II in 18.4.8.020.A.2.

B. Solar Envelope. If the applicant chooses not to design a lot so that it meets the standards set forth in subsection A, above, a solar envelope shall be used to define the height requirements that will protect the applicable solar access standard. The solar envelope and written description of its effects shall be filed with the land partition or subdivision plat for the lot(s).

C. Lots Affected By Solar Envelopes. All structures on a lot affected by a solar envelope shall comply with the height requirements of the solar envelope.

18.4.8.050 Solar Orientation Standards

Land divisions which create lots in residential zones shall meet the following solar orientation standards.

A. Street and Lot Orientation. Where the site and location permit, layout new streets as close as possible to a north-south and east-west axis so that lots and buildings within the street network have south facing sides for maximum solar access.

B. Building Orientation. Where the site and location permit, orient buildings so that the long sides of the structure face north and south.

18.4.8.060 Solar Access Permit for Protection from Shading by Vegetation

A. Purpose. Solar Access Permits are intended to provide solar energy systems protection from shading by vegetation. The setback provisions of this chapter protect shading by buildings.

B. Applicability. Any property owner may apply for a Solar Access Permit from the Staff Advisor.

1. No Solar Access Permit may be filed which would restrict any lot which has an average slope of 15 percent or more in the northerly direction.
2. A Solar Access Permit becomes void if the use of the solar energy system is discontinued for more than 12 consecutive months or if the solar energy system is not installed and operative within 12 months of the filing date of the Solar Access Permit. The applicant may reapply for a Solar Access Permit in accordance with section 18.4.8.060, and the application fee shall be waived.

C. Application Submission Requirements. The applicant is responsible for the accuracy of all information provided in the application. The application shall be in such form as the Staff Advisor may prescribe, but at a minimum shall include the following.

1. The required fee.
2. The applicant's name and address, the owner's name and address, and the tax lot number of the property where the proposed solar energy system is to be located.
3. A statement by the applicant that the solar energy system is already installed or that it will be installed on the property within one year following the granting of the permit.
4. The proposed site and location of the solar energy system, its orientation with respect to true south, and its slope from the horizontal shown clearly in drawing form.
5. A sun chart. The sunchart must contain at a minimum the southern skyline as seen through a grid which plots solar altitude for a 42 degree northern latitude in ten degree increments and solar azimuth measured from true south in 15 degree increments. If the solar energy system is less than 20 feet wide, a minimum of one sunchart must be taken from the bottom edge of the center of the solar energy system. If the solar energy system is greater than 20 feet wide, a minimum of two suncharts must be taken, one from the bottom edge of each end of the solar energy system.

6. The tax lot numbers of a maximum of ten adjacent properties proposed to be subject to the Solar Access Permit. A parcel map of the owner's property showing such adjacent properties with the location of existing buildings and vegetation, with all exempt vegetation labeled exempt.
7. The Solar Access Permit height limitations as defined in section 18.4.8.040 of this ordinance, for each affected property which are necessary to protect the solar energy system from shade during solar heating hours. In no case shall the height limitations of the Solar Access Permit be more restrictive than the building setbacks.

C. If the application is complete and complies with this ordinance, the Staff Advisor shall accept the Solar Access Permit and notify the applicant.

D. Notice. The Staff Advisor shall send notice by certified letter, return receipt requested, to each owner of property proposed to be subject to the Solar Access Permit. The letter shall contain, at a minimum, the following information.

1. The name and address of the applicant.
2. A statement that an application for a Solar Access Permit has been filed.
3. Copies of the solar energy system location drawing, sunchart, and parcel map submitted by the applicant.
4. A statement that the Solar Access Permit, if granted, imposes on them duties to trim vegetation at their expense.
5. The advisability of obtaining photographic proof of the existence of trees and large shrubs.
6. The times and places where the application may be viewed.
7. Telephone number and address of the City departments that will provide further information.
8. That any adversely affected person may object to the issuance of the permit by a stated time and date, and how and where the objection must be made.

E. Effective Date of Decision.

1. If no objections are filed within 30 days following the date the final certified letter is mailed, the Staff Advisor shall issue the Solar Access Permit.
2. If any adversely affected person or governmental unit files a written objection with the Staff Advisor within the specified time, and if the objections still exist after informal discussions among the objector, appropriate City Staff, and the applicant, a hearing date shall be set and a hearing held in accordance with the provisions of 18.4.8.060.F.

F. Hearing Procedure.

1. The Staff Advisor shall send notice of the hearing on the permit application to the applicant and to all persons originally notified of the Solar Access Permit application, and shall otherwise follow the procedures for a Type II hearing in section 18.5.1.060.
2. The Staff Advisor shall consider the matters required for applications set forth in 18.4.8.060 on which the applicant shall bear the burden of proof, and the following factor on which the objector shall bear the burden of proof: A showing by the objector that the proposed solar energy system would unreasonably restrict the planting of vegetation on presently under-developed property.

a. If the objector is unable to prove these circumstances and the applicant makes the showings required by 18.4.8.020.C.1, the Staff Advisor shall approve the permit.

b. If the applicant has failed to show all structures or vegetation shading of the proposed solar energy system location in his application, the Staff Advisor may approve the permit while adding the omitted shading structures or vegetation as exemptions from this chapter.

c. If the objector shows that an unconditional approval of the application would unreasonably restrict development of the objector's presently under-developed property, the Staff Advisor may approve the permit, adding such exemptions as are necessary to allow for reasonable development of the objector's property.

d. If the Staff Advisor finds that the application contains inaccurate information that substantially affects the enforcement of the Solar Access Permit, the application shall be denied.

18.4.8.070 Effect and Enforcement

A. Solar Setback. No City department shall issue any development permit purporting to allow the erection of any structure in violation of the setback provisions of this chapter.

B. Solar Access Permit for Protection from Shading by Vegetation.

1. No person owning or in control of property shall allow vegetation to be placed or if placed to grow on such property in such a manner as to shade a solar energy system protected by a Solar Access Permit on the property of another unless the vegetation is specifically exempted by the permit or by this ordinance.

2. If vegetation is not trimmed as required or is permitted to grow contrary to a Solar Access Permit, the owner of property with a Solar Access Permit or the City, on complaint by such owner, shall give notice of the shading by certified mail, return receipt requested, to the owner of the property where the shading vegetation is located. If the property owner fails to remove the shading vegetation within 30 days after receiving this notice, an injunction may be issued upon complaint of the owner or the City by any court of jurisdiction. The injunction may order the owner to trim the vegetation, and the court shall order the violating owner to pay any damages to the complainant, to pay court costs, and to pay the complainant reasonable attorney's fees incurred during trial and/or appeal.

3. If personal jurisdiction cannot be obtained over either the offending property owner or lessee, the City may have a notice listing the property by owner, address, and legal description published once a week for four consecutive weeks in a newspaper of general circulation within the City, giving notice that vegetation located on the property is in violation of this ordinance and is subject to mandatory trimming. The City shall then have the power, pursuant to court order, to enter the property, trim or cause to have trimmed the shading parts of the vegetation, and add the costs of the trimming, court costs and other related costs as a lien against that property.

4. In addition to the above remedies, the shading vegetation is declared to be a public nuisance and may be abated through AMC Title 9.

5. Where the property owner contends that particular vegetation is exempt from trimming

requirements, the burden of proof shall be on the property owner to show that an exemption applies to the particular vegetation.

Chapter 18.4.9 – Disc Antennas

Sections

18.4.9.010 Purpose
18.4.9.020 Applicability
18.4.9.030 Building Permit Required
18.4.9.040 Development Standards

18.4.9.010 Purpose

Chapter 18.4.9 contains standards for installation of disc antennas. The regulations allow for the reasonable use of disc antennas while minimizing aesthetic impacts on adjacent properties and ensuring compliance with building codes.

18.4.9.020 Applicability

A. Chapter 18.4.9 applies to all disc antennas, including antennas exempt from Site Design Review in accordance with 18.5.2.020.C and those that are subject to chapter 18.5.2 Site Design Review.

B. **Exceptions and Variances.** Requests to depart from the requirements of this chapter are subject to subject to 18.5.2.050.E Exception to the Site Development and Design Standards.

18.4.9.030 Building Permit Required

All disc antennas shall be subject to review and approval of the Building Official where required by the Building Code.

18.4.9.040 Development Standards

All disc antennas shall be located, designed, constructed, treated, and maintained in accordance with the following standards.

A. Antennas shall be installed and maintained in compliance with the requirements of the Building Code.

B. Disc antennas exceeding one meter in diameter shall not be permitted on the roof, except where there is no other location on the lot which provides access to receiving or transmitting signals. In no case shall any part of any antenna be located more than ten feet above the apex of the roof surface. Antennas mounted on the roof shall be located in the least visible location as viewed from adjacent right-of-ways, and residential structures in residential zones.

C. No more than one disc antenna shall be permitted on each lot, except three or fewer parabolic disc antennas, each under one meter in diameter, are permitted on any one lot in accordance with 18.5.2.020.C.3.b.

D. Ground mounted disc antennas shall be erected or maintained to the rear of the main building, except in those instances when the subject property is cul-de-sac or corner lot where the side yard is larger than the rear yard, in which case the antenna may be located in the side yard. Antennas shall not be located in any required setback area. No portion of an antenna array shall extend beyond the property lines or into any front yard area. Guy wires shall not be anchored within any front yard area but may be attached to the building.

E. Antennas may be ground-mounted, free standing, or supported by guy wires, buildings, or other structures in compliance with the manufacturer's structural specifications. Ground-mounted antennas shall be any antenna with its base mounted directly in the ground, even if such antenna is supported or attached to the wall of a building.

F. The antenna, including guy wires, supporting structures and accessory equipment, shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets. Antennas shall be screened through the addition of architectural features and/or landscaping that harmonize with the elements and characteristics of the property. The materials used in constructing the antenna shall not be unnecessarily bright, shiny, garish, or reflective. Whenever possible, disc antennas shall be constructed out of mesh material and painted a color that will blend with the background.

G. Antennas may contain no sign or graphic design as defined in part 18.6, even if the sign is permitted on the property.

Chapter 18.4.10 – Wireless Communication Facilities

Sections

18.4.10.010 Purpose
18.4.10.020 Applicability
18.4.10.030 Application Submission Requirements
18.4.10.040 Design Standards

18.4.10.010 Purpose

The purpose of this section is to establish standards that regulate the placement, appearance, and impact of wireless communication facilities while providing residents with the ability to access and adequately utilize the services that these facilities support. Because of the physical characteristics of wireless communication facilities, the impacts imposed by these facilities affect not only the neighboring residents but also the community as a whole. The standards are intended to ensure that the visual and aesthetic impacts of wireless communication facilities are mitigated to the greatest extent possible, especially in or near residential areas.

18.4.10.020 Applicability

A. All installation of wireless communication systems shall be subject to the requirements of this section in addition to all applicable Site Development and Design Standards. Installations of wireless communication systems are subject to the following review procedures.

Table 18.4.10.020: Review Procedures for Wireless Communication Systems

Zoning Designations	Attached to Existing Structures	Alternative Structures	Freestanding Support Structures
Residential Zones	CUP	Prohibited	Prohibited
C-1	CUP	CUP	Prohibited
C-1-D (Downtown)	CUP	Prohibited	Prohibited
C-1 - Freeway overlay	Site Review	Site Review	CUP
E-1	Site Review	Site Review	CUP
M-1	Site Review	Site Review	CUP
SOU	Site Review	CUP	CUP
NM (North Mountain)	Prohibited	Prohibited	Prohibited
Historic District	CUP	Prohibited	Prohibited
A-1 (Airport Overlay)	CUP	CUP	CUP
HC (Health Care)	CUP	Prohibited	Prohibited

Table 18.4.10.020: Review Procedures for Wireless Communication Systems

Zoning Designations	Attached to Existing Structures	Alternative Structures	Freestanding Support Structures
CM-NC	CUP	CUP	CUP
CM-OE	Site Review	Site Review	CUP
CM-CI	Site Review	Site Review	CUP
CM-MU	CUP	CUP	CUP
CM-OS	Prohibited	Prohibited	Prohibited

B. Additional Provisions

1. In residential zones, wireless communication facilities are permitted on existing structures greater than 45 feet in height. For the purposes of this section, existing structures shall include the replacement of existing pole, mast, or tower structures (such as stadium light towers) for the combined purposes of their previous use and wireless communication facilities.
2. In the C-1-D zone, wireless communication facilities are permitted on existing structures with a height greater than 50 feet.
3. With the exception of the C-1-D zone as described above, wireless communication facilities are prohibited in the Historic District Overlay, as defined in the Comprehensive Plan.

C. Exemptions. Replacement of previously approved antennas and accessory equipment are permitted outright with an approved building permit, and are allowed without a Site Design Review or Conditional Use Permit as specified in the preceding subsection, provided that these actions meet all of the following requirements.

1. Do not create an increase in the height of the facility.
2. Conform with the conditions of the previously approved planning action.
3 Do not cause the facility to go out of conformance with the standards of section 18.4.10.040.

D. Exceptions and Variances. Requests to depart from the requirements of this chapter are subject to subject to 18.5.2.050.E Exception to the Site Development and Design Standards.

18.4.10.030 Application Submission Requirements

In addition to the submittals required in by chapter 18.5.2 Site Design Review, the following items shall be provided as part of the application for a wireless communication facility.

A. A photo of each of the major components of a similar installation, including a photo montage of the overall facility as proposed.

B. Exterior elevations of the proposed wireless communication facility at a scale of at least one inch equals ten feet.

C. A set of manufacturer's specifications of the support structure, antennas, and accessory buildings with a listing of materials being proposed including colors of the exterior materials.

D. A site plan indicating all structures, land uses, and zoning designation within 150 feet of the site boundaries, or 300 feet if the height of the structure is greater than 80 feet.

E. A map that includes the following information.

1. The coverage area of the proposed wireless communication facility.
2. A map showing the existing and approved wireless communication facility sites operated by the applicant, and all other wireless communication facilities within a five mile radius of the proposed site.

F. Details and specifications for exterior lighting.

G. A collocation feasibility study that adequately indicates collocation efforts were made and states the reasons collocation can or cannot occur addressing the collocation standards in 18.4.10.040.C.

H. For applications requesting approval of installation of new wireless communication facilities that are not collocated on a structure used by one or more wireless communications providers, the applicant shall submit, along with the standard application fee, an additional fee to reimburse the City for the cost of having the application materials reviewed by an independent contractor. The contractor must provide objective advice based on professional qualifications and experience in telecommunication/radio frequency engineering, structural engineering, assessment of electromagnetic fields, telecommunications law, and other related fields of expertise. The fee for this independent analysis of application materials shall be in an amount established by resolution of the City Council.

I. A copy of the lease agreement for the proposed site showing that the agreement does not preclude collocation.

J. Documentation detailing the general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.

K. Any other documentation the applicant feels is relevant to comply with the applicable design standards.

L. Documentation that the applicant has held a local community meeting to inform members of the surrounding area of the proposed wireless communication facility. Meeting documentation shall include all of the following.

1. A copy of the mailing list to properties within 300 feet of the proposed facility.
2. A copy of the notice of community meeting, mailed one week prior to the meeting.
3. A copy of the newspaper ad placed in a local paper one week prior to the meeting.
4. A summary of issues raised during the meeting.

18.4.10.040 Design Standards

All wireless communication facilities shall be located, designed, constructed, treated, and maintained in accordance with the following standards.

18.4.10 – Wireless Communication Facilities

A. General Provisions

1. All facilities shall be installed and maintained in compliance with the requirements of the Building Code. At the time of building permit application, written statements from the Federal Aviation Administration (FAA), the Aeronautics Section of the Oregon Department of Transportation, and the Federal Communication Commission (FCC) confirming that the proposed wireless communication facility complies with regulations administered by that agency or that the facility is exempt from regulation.
2. All associated transmittal equipment must be housed in a building, above or below ground level, which must be designed and landscaped to achieve minimal visual impact with the surrounding environment.
3. Wireless communication facilities shall be exempted from height limitations imposed in each zone.
4. Wireless communication facilities shall be installed at the minimum height and mass necessary for its intended use. A submittal verifying the proposed height and mass shall be prepared by a licensed engineer.
5. Lattice towers are prohibited as freestanding wireless communication support structures.
6. Signage for wireless communication facilities shall consist of a maximum of two non-illuminated signs, with a maximum of two square feet each, stating the name of the facility operator and a contact phone number.
7. The applicant is required to remove all equipment and structures from the site and return the site to its original condition, or condition as approved by the Staff Advisor, if the facility is abandoned for a period greater than six months. Removal and restoration must occur within 90 days of the end of the six-month period.
8. All new wireless communication support structures shall be constructed so as to allow other users to collocate on the facility.

B. Preferred Designs. The following preferred designs are a stepped hierarchy, and the standards shall be applied in succession from subsection a to e, with the previous standard exhausted before moving to the following design alterative. For the purpose of chapter 18.4.10, feasible is defined as capable of being done, executed or effected; possible of realization. A demonstration of feasibility requires a substantial showing that a preferred design can or cannot be accomplished.

1. Collocation. Where possible, the use of existing wireless communication facilities sites for new installations shall be encouraged. Collocation of new facilities on existing facilities shall be the preferred option. Where technically feasible, collocate new facilities on pre-existing structures with wireless communication facilities in place or on pre-existing towers.
2. Attached to Existing Structure. If (a) above is not feasible, wireless communication facilities shall be attached to pre-existing structures, when feasible.
3. Alternative Structure. If (a) or (b) above are not feasible, alternative structures shall be used with design features that conceal, camouflage, or mitigate the visual impacts created by the proposed wireless communication facilities.
4. Freestanding Support Structure. If (1), (2), or (3) listed above are not feasible, a monopole

design shall be used with the attached antennas positioned in a vertical manner to lessens the visual impact compared to the antennas in a platform design. Platform designs shall be used only if it is shown that the use of an alternate attached antenna design is not feasible.

5. Lattice towers are prohibited as freestanding wireless communication support structures.

C. Collocation Standards

1. The collocation feasibility study shall meet all of the following requirements.
   a. Document that alternative sites have been considered and are technologically unfeasible or unavailable.
   b. Demonstrate that a reasonable effort was made to locate collocation sites that meet the applicant's service coverage area needs.
   c. Document the reasons collocation can or cannot occur.
2. Relief from collocation under this section may be granted at the discretion of the approval authority if the application and independent third party analysis demonstrate collocation is not feasible because one or more of the following conditions exist at prospective collocation sites.
   a. A significant service gap in coverage area.
   b. Sufficient height cannot be achieved by modifying existing structure or towers.
   c. Structural support requirements cannot be met.
   d. Collocation would result in electronic, electromagnetic, obstruction, or other radio frequency interference.

D. Landscaping. The following standards apply to all wireless communication facilities with any primary or accessory equipment located on the ground and visible from a residential use or the public right-of-way.

1. Vegetation and materials shall be selected and sited to produce a drought resistant landscaped area.
2. The perimeter of the wireless communication facilities shall be enclosed with a security fence or wall. Such barriers shall be landscaped in a manner that provides a natural sight obscuring screen around the barrier to a minimum height of six feet.
3. The outer perimeter of the wireless communication facilities shall have a ~~ten foot~~ landscaped buffer zone ten feet in width.
4. The landscaped area shall be irrigated and maintained to provide for proper growth and health of the vegetation.
5. One tree shall be required per 20 feet of the landscape buffer zone to provide a continuous canopy around the perimeter of the wireless communication facilities. Each tree shall have a caliper of two inches, measured at breast height, at the time of planting.

E. Visual Impacts

1. Wireless communication facilities shall be located in the area of minimal visual impact within the site which will allow the facility to function consistent with its purpose.

2. Wireless communication facilities, in any zone, must be set back from any residential zone a distance equal to twice its overall height. The setback requirement may be reduced if, as determined by the approval authority, it can be demonstrated through findings of fact that increased mitigation of visual impact can be achieved within of the setback area. Underground accessory equipment is not subject to the setback requirement.
3. Antennas attached to a pre-existing or alternative structure shall be integrated into the existing building architecturally and to the greatest extent possible shall not exceed the height of the pre-existing or alternative structure.
4. Antennas attached to a pre-existing or alternative structure shall have a non-reflective finish and color that blends with the color and design of the structure to which it is attached.
5. All wireless communication support structures must have a non-reflective finish and color that will mitigate visual impact, unless otherwise required by other government agencies.
6. Exterior lighting for a wireless communication facility is permitted only when required by a federal or state authority.
7. Should it be deemed necessary by the approval authority for the mitigation of visual impact of the wireless communication facility, additional design measures may be required. These may include, but are not limited to: additional camouflage materials and designs, facades, specific colors and materials, masking, and shielding techniques.

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18.5.1.010 Purpose and Applicability

A. Purpose. This chapter establishes procedures to initiate and make final decisions on planning actions under the Land Use Ordinance ("this ordinance"), pursuant to City policy and state law.

B. Applicability of Review Procedures. All planning actions shall be subject to processing by one of the following procedures summarized in subsections 1 - 4, below, and as designated in Table 18.5.1.010. Building permits and other approvals, including approvals from other agencies such as the state department of transportation or a natural resource regulatory agency, may be required. Failure to receive notice of any such requirement does not waive that requirement or invalidate any planning action under this ordinance.

1. Ministerial Action (Staff Advisor Decision). The Staff Advisor makes ministerial decisions by applying City standards and criteria that do not require the use of substantial discretion (e.g., fence, sign and home occupation permits). A public notice and public hearing are not required for Ministerial decisions. Procedures for Ministerial actions are contained in section 18.5.1.040.

2. Type I Procedure (Administrative Decision With Notice). Type I decisions are made by the Staff Advisor with public notice and an opportunity for appeal to the Planning Commission. Alternatively the Staff Advisor may refer a Type I application to the Commission for its review and decision in a public meeting. Procedures for Type I actions are contained in section 18.5.1.050.

3. Type II Procedure (Quasi-Judicial Review/Public Hearing Review). Type II decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council. Applications involving zoning map amendments consistent with the Comprehensive Plan map and minor map amendments or corrections are subject to quasi-judicial review under the Type II procedure. Quasi-judicial decisions involve discretion but implement policy. Procedures for Type II actions are contained in section 18.5.1.060.

4. Type III Procedure (Legislative Decision). The Type III procedure applies to the creation, revision, or large-scale implementation of public policy (e.g., adoption of regulations, zone changes, comprehensive plan amendments, annexations). Type III reviews are considered by the Planning Commission, who makes a recommendation to City Council. The Council makes the final decision on a legislative proposal through the enactment of an ordinance.

Table 18.5.1.010 – Summary of Approvals by Type of Review Procedure

Planning Actions	Review Procedures	Applicable Regulations
Access to a Street/Driveway Approach	Ministerial	Chapter 18.4.3
Annexation	Type III	Chapter 18.5.8; See Oregon Revised Statute 222.
Aircraft Hangar with no associated commercial use	Ministerial	Chapter 18.3.7.030
Aircraft Hangar in conjunction with another use	Type I or II	Chapter 18.5.2
Ordinance Interpretation	Type I or II	Chapter 18.1.5
Ordinance Text Amendment	Type III	Chapter 18.5.9
Comprehensive Plan Amendment	Type III	Chapter 18.5.9
Conditional Use Permit	Type I or II	Chapter 18.5.4
Conversion of Multifamily Dwelling Units into For-Purchase Housing	Ministerial	Section 18.2.3.200
Exception to Site Development and Design Standards	Type I	Subsection 18.5.2.050.E
Exception to Street Standards	Type I	Subsection 18.4.6.020.B.1
Extension of Time Limit for Approved Planning Action	Ministerial	Section 18.1.6.040
Fence	Ministerial	Section 18.4.4.060
Hillside Standards Exception	Type I	Subsection 18.3.10.090.H
Home Occupation Permit	Ministerial	Section 18.2.3.150
Land Use Control Maps Change	Type II or III	Chapter 18.5.9
Legal Lot Determination	Ministerial	Chapter 18.1.3
Modification to Approval Minor Modification Major Modification	Ministerial Per original review	Chapter 18.5.6
Non-Conforming Use or Structure, Expansion of	Ministerial or Type I	Chapter 18.1.4
Partition or Re-plat of 2-3 lots Preliminary Plat Final Plat Minor Amendment	 Type I Ministerial Ministerial	 Chapter 18.5.3 Chapter 18.5.3 Subsection 18.5.3.020.G

Table 18.5.1.010 – Summary of Approvals by Type of Review Procedure		
Planning Actions	**Review Procedures**	**Applicable Regulations**
Performance Standards Option Outline Plan Final Plan Minor Amendment	 Type II Type I Ministerial	 Chapter 18.3.9 Chapter 18.3.9 Subsection 18.5.3.020.G
Physical and Environmental Constraints Permit	Type I	Chapter 18.3.10
Property Line Adjustments, including Lot Consolidations	Ministerial	Chapter 18.5.3
Sign Permit	Ministerial	Chapter 18.4.7
Site Design Review	Type I or II	Chapter 18.5.2
Solar Setback Exception	Type I	Chapter 18.4.8
Subdivision or Replat of >3 lots Preliminary Plat Final Plat Minor Amendment	 Type II Ministerial Ministerial	 Chapter 18.5.3 Chapter 18.5.3 Subsection 18.5.3.020.G
Tree Removal Permit	Type I	Chapter 18.5.7
Variance	Type I or II	Chapter 18.5.5
Water Resources Protection Zone – Limited Activities and Uses	Type I	Section 18.3.11.060
Water Resources Protection Zone Reduction	Type I or II	Section 18.3.11.070
Water Resources Protection Zone – Hardship Exception	Type II	Section 18.3.11.080
Zoning District Map Change	Type II or III	Chapter 18.5.9

18.5.1.020 Determination of Review Procedure

Where Table 18.5.1.010 designates more than one possible review procedure, e.g., Type I or Type II, the applicable review procedure shall be based on the criteria contained in the ordinance chapters or sections referenced in the table.

18.5.1.030 Pre-application Conference and Consolidation of Review

A. Pre-Application Conference. All applicants for Type I, II, and III planning actions shall have completed a pre-application conference for the project within a six-month time period preceding the filing of the application. The Staff Advisor may waive this requirement if in the Staff Advisor's opinion the information to be gathered in a pre-application conference already exists in the final application. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this ordinance, provide for an exchange of information regarding applicable elements of the comprehensive plan and development requirements, and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development. The Staff Advisor is authorized to create procedures allowing for electronic or other

alternative forms of conferences.

B. Consolidated Review Procedures. An applicant may apply at one time for all permits and approvals needed for a project proposal. The consolidated procedure shall be subject to the time limitations set out in ORS 227.178. The consolidated procedure shall follow the most restrictive procedure in the development project.

18.5.1.040 Ministerial Procedure (Staff Advisor Decision)

Ministerial decisions are made by the Staff Advisor. A public notice and public hearing are not required for Ministerial decisions. Ministerial decisions are those where the application of City standards and criteria does not require the exercise of substantial discretion.

A. Application Requirements and Review.

1. Application Form and Fee. Applications requiring Ministerial review shall be made on forms provided by the City and include any plans, exhibits, or other submittals required pursuant to the applicable sections of this ordinance. One or more property owners of the property for which the planning action is requested and their authorized agents, as applicable, must sign the application. The application shall not be considered complete unless the appropriate application fee accompanies it.

2. Decision. Within 21 days after accepting a complete application for a Ministerial review the Staff Advisor shall approve or deny the application, unless such time limitation is extended with the consent of the applicant.

B. Building Permits. The City shall not issue a building permit for a project subject to review under this section until the Staff Advisor has approved the Ministerial application.

C. Criteria and Decision. The Staff Advisor, in approving a Ministerial application, may find that other City permits or approvals are required prior to issuance of construction or building permits, in which case the Staff Advisor may specify the required permits and approvals with the Ministerial decision.

D. Effective Date. A Ministerial decision is final on the date it is signed by the Staff Advisor.

18.5.1.050 Type I Procedure (Administrative Decision with Notice)

Type I decisions are made by the Staff Advisor, following public notice and a public comment period. Type I decisions provide an opportunity for appeal to the Planning Commission.

A. Application Requirements.

1. Application Form and Fee. Applications for Type I review shall be made on forms provided by the Staff Advisor. One or more property owners of the property for which the planning action is requested, and their authorized agent, as applicable, must sign the application. The application shall not be considered complete unless the appropriate application fee accompanies it.

2. Submittal Information. The application shall include all of the following information.

   a. The information requested on the application form.

   b. Plans and exhibits required for the specific approvals sought.

c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail.

d. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, as applicable.

e. The required fee.

B. Notice of Application.

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

   a. Applicant.

   b. Owners of the subject property.

   c. Owners of record for properties located within 200 feet of the perimeter of the subject site.

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

   e. Where an application subject to Type I review is preceded by a Type II decision, to parties of record from the subject Type II decision.

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

2. Owners of Record. The notices shall be mailed to owners of record of property on the most recent property tax assessment roll. See section 18.5.1.120 Failure to Receive Notice.

3. Content of Notice of Application. The notice of application shall include all of the following.

   a. The street address or other easily understandable reference to the location of the proposed use or development.

   b. A summary of the proposal.

   c. The applicable criteria for the decision, listed by commonly used citation.

   d. Date and time that written comments are due, and the physical address where comments must be mailed or delivered.

   e. An explanation of the 14-day period for the submission of written comments, starting from the date of mailing. All comments must be received by the City within the 14-day period.

   f. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards are available for review and that copies will be provided at a reasonable cost.

   g. A statement that a person who fails to address the relevant approval criteria with enough

detail, may not be able to appeal to the Planning Commission on that issue.

h. The name and phone number of a City contact person.

i. A brief summary of the Type I review and decision process.

4. Posted Notice. The City shall post the notice of application on the project site in clear view from a public right-of-way using a poster format prescribed by the Staff Advisor. Posting shall occur not later than the date of the mailing of the notice.

5. Certification of Notices. The City shall prepare an affidavit or other certification stating the date(s) the notices were mailed and posted, which shall be made a part of the file.

C. Decision.

1. At the conclusion of the comment period, the Staff Advisor shall review the comments received and prepare a decision approving, approving with conditions, or denying the application based on the applicable ordinance criteria. The Staff Advisor shall prepare a decision within 45 days of the City's determination that an application is complete, unless the applicant agrees to a longer time period. Alternatively, the Staff Advisor may transmit written comments received along with a copy of the application to the Planning Commission for review and decision at its next regularly scheduled meeting.

2. Where the Staff Advisor refers a Type I application to the Planning Commission, the Commission shall approve, approve with conditions, or deny the application through the Type II procedure based on the applicable ordinance criteria. The Commission may continue its review to the next meeting to allow the applicant time to respond to questions, provided the Commission must make a final decision within the 120-day period prescribed under State law (ORS 227.178) and as described in subsection 18.5.1.090.B of this ordinance.

D. Notice of Decision.

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

a. Applicant.

b. Owners of the subject property.

c. Owners of record for properties located within 200 feet of the perimeter of the subject site.

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

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

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

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

2. Owners of Record. The notices shall be mailed to owners of record of property on the most recent property tax assessment roll. See section 18.5.1.120 Failure to Receive Notice.
3. Content of Notice of Decision. The notice shall include all of the following.
   a. A description of the nature of the decision.
   b. An explanation of the nature of the application and the proposed use or uses, which could be authorized.
   c. The street address or other easily understandable reference to the location of the proposed use or development.
   d. The name and phone number of a City contact person.
   e. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and applicable criteria and standards are available for review and that copies will be provided at reasonable cost.
   f. A statement that any person who was mailed a written notice of the decision may request reconsideration or appeal as provided in this section 18.5.1.050, subsections F and G, below.
   g. A statement that the decision becomes final when the period for filing a local appeal has expired.
   h. An explanation that a person who is mailed written notice of the decision cannot appeal directly to LUBA; an appeal must be filed with the City before a party with standing may appeal to LUBA.
4. Certification of Notices. The City shall prepare an affidavit or other certification stating the date(s) the notices were mailed and posted, which shall be made a part of the file.

E. Effective Date of Decision. Unless the conditions of approval specify otherwise or the decision is appealed pursuant to subsection 18.5.1.050.G, a Type I decision becomes effective 12 days after the City mails the notice of decision.

F. Reconsideration. The Staff Advisor may reconsider a Type I decision as set forth below.

1. Any party entitled to notice of the planning action, or any City department may request reconsideration of the action after the decision has been made by providing evidence to the Staff Advisor that a factual error occurred through no fault of the party asking for reconsideration, which in the opinion of the Staff Advisor, might affect the decision. Reconsideration requests are limited to factual errors and not the failure of an issue to be raised by letter or evidence during the opportunity to provide public input on the application sufficient to afford the Staff Advisor an opportunity to respond to the issue prior to making a decision.
2. Reconsideration requests shall be received within five days of mailing the notice of decision. The Staff Advisor shall decide within three days whether to reconsider the matter.
3. If the Staff Advisor is satisfied that an error occurred crucial to the decision, the Staff Advisor shall withdraw the decision for purposes of reconsideration. The Staff Advisor shall decide within ten days to affirm, modify, or reverse the original decision. The City shall send notice of

the reconsideration decision to affirm, modify, or reverse to any party entitled to notice of the planning action.

4. If the Staff Advisor is not satisfied that an error occurred crucial to the decision, the Staff Advisor shall deny the reconsideration request. Notice of denial shall be sent to those parties that requested reconsideration.

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

1. Who May Appeal. The following persons have standing to appeal a Type I decision.
   a. The applicant or owner of the subject property.
   b. Any person who is entitled to written notice of the Type I decision pursuant to subsection 18.5.1.050.B.
   c. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.
2. Appeal Filing Procedure.
   a. *Notice of Appeal*. Any person with standing to appeal, as provided in subsection 18.5.1.050.G.1, above, may appeal a Type I decision by filing a notice of appeal and paying the appeal fee according to the procedures of this subsection. The fee required in this section shall not apply to appeals made by neighborhood or community organizations recognized by the City and whose boundaries include the site. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded.
   b. *Time for Filing*. A notice of appeal shall be filed with the Staff Advisor within 12 days of the date the notice of decision is mailed.
   c. *Content of Notice of Appeal*. The notice of appeal shall be accompanied by the required filing fee and shall contain.
      i. An identification of the decision being appealed, including the date of the decision.
      ii. A statement demonstrating the person filing the notice of appeal has standing to appeal.
      iii. A statement explaining the specific issues being raised on appeal.
      iv. A statement demonstrating that the appeal issues were raised during the public comment period.
   d. The appeal requirements of this section must be fully met or the appeal will be considered by the City as a jurisdictional defect and will not be heard or considered.
3. Scope of Appeal**.** Appeal hearings on Type I decisions made by the Staff Advisor shall be de novo hearings before the Planning Commission. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Type I decision, but may include other relevant evidence and arguments. The Commission may allow additional evidence, testimony, or argument concerning any relevant ordinance provision.
4. Appeal Hearing Procedure. Hearings on appeals of Type I decisions follow the Type II public

hearing procedures, pursuant to section 18.5.1.060, subsections A – E, except that the decision of the Planning Commission is the final decision of the City on an appeal of a Type I decision. A decision on an appeal is final the date the City mails the adopted and signed decision. Appeals of Commission decisions must be filed with the State Land Use Board of Appeals, pursuant to ORS 197.805 - 197.860.

18.5.1.060 Type II Procedure (Quasi-Judicial Decision – Public Hearing)

Type II decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council.

A. Application Requirements.

1. Application Form and Fee. Applications for Type II review shall be made on forms provided by the Staff Advisor. One or more property owners of the property for which the planning action is requested, and their authorized agent, as applicable, must sign the application. The required application fee must accompany the application for it to be considered complete.
2. Submittal Information. The application shall include all of the following information.
   a. The information requested on the application form.
   b. Plans and exhibits required for the specific approvals sought.
   c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail.
   d. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, as applicable.
   e. The required fee.

B. Initial Evidentiary Hearing. Once a Type II application is deemed complete, the Staff Advisor may hold an initial evidentiary hearing pursuant to ORS 227.165. The Staff Advisor shall transmit copies of the record developed at the evidentiary hearing to the Planning Commission for consideration at the public hearing.

C. Notice of Public Hearing.

1. Mailing of Notice of Public Hearing.
   a. The City shall mail notice of public hearing not less than ten days before the hearing. Such notice shall be mailed to all individuals and organizations listed below.
      i. Applicant.
      ii. Owners of the subject property.
      iii. Owners of record for properties located within 200 feet of the perimeter of the subject site.
      iv. Neighborhood group or community organization officially recognized by the City that includes the area of the subject property.
      v. Any person who submits a written request to receive a notice.
2. Owners of Record. The notices shall be mailed to owners of record of property on the most

recent property tax assessment roll. See section 18.5.1.120 Failure to Receive Notice.

3. Content of Notice of Public Hearing. Notices mailed and posted pursuant to this section shall contain all of the following information.
   a. The street address or other easily understandable reference to the location of the proposed use or development.
   b. A summary of the proposal.
   c. The applicable criteria for the decision, listed by commonly used citations.
   d. The date, time and location of the scheduled hearing.
   e. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards are available for review and that copies will be provided at a reasonable cost.
   f. The name and phone number of a City contact person.
   g. A statement that a copy of the City's staff report and recommendation to the hearings body will be available for review at no cost at least seven days before the hearing, and that a copy will be provided on request at a reasonable cost.
   h. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings.
   i. A statement that after the public hearing closes the City will issue its decision and mail it to the applicant and to anyone else who submitted written comments or provided oral testimony in the public hearing.
   j. A disclosure statement that an issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the local government. Such issues shall be raised and accompanied by statements or evidence sufficient to afford the hearings body and the parties an adequate opportunity to respond to each issue.
4. Posted Notice. The City shall post the notice of public hearing on the project site in clear view from a public right-of-way using a poster format prescribed by the Staff Advisor. Posting shall occur not later than the date of the mailing of the notice.
5. Certification of Notices. The City shall prepare an affidavit or other certification stating the date(s) the notices were mailed and posted, which shall be made a part of the file.
6. Newspaper Notice. In addition to the mailed and posted notice specified in subsection 18.5.1.060.C, above, the City shall publish a notice in a newspaper of general circulation in the City at least ten days prior the date of the public hearing.

D. Conduct of the Public Hearing.

1. **Announcements.** At the commencement of the hearing, the Chairperson, or his or her designee, shall state to those in attendance all of the following information and instructions.
   a. The applicable approval criteria by ordinance chapter that apply to the application.

b. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision.

c. Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue may preclude appeal to the State Land Use Board of Appeals on that issue.

d. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record.

e. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in subsection 18.5.1.060.C.5, below, or leave the record open for additional written evidence or testimony as provided in subsection 18.5.1.060.D.6, below.

2. **Ex Parte Contacts and Conflict of Interest**. The public is entitled to an impartial hearing body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. After the announcements are made, the Planning Commission or City Council members shall declare any actual or potential conflicts of interest and any ex parte contacts including the substance of those contacts and any conclusions the member reached because of those contacts.

   a. No member shall serve on any proceeding in which such member has an actual conflict of interest; in which the member, or those persons or businesses described in ORS 227.035, has a direct or substantial financial interest; or in which the member is biased. If a member refuses to disqualify him or herself, the Hearings Board, for hearings before the Board; the Planning Commission, for hearings before the Commission, or the City Council for hearings before the Council, shall have the power to remove such member for that proceeding.

   b. All parties shall be advised that they have the right to rebut the substance of any ex parte communications.

3. **Presenting and Receiving Evidence.**

   a. The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence.

   b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section.

   c. Members of the hearing body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

4. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing record, except that the hearing body may take notice local, state, or federal regulations; previous City decisions; case law; staff reports and similar evidence not in the record upon announcing its intention to take notice of such facts. Where the hearing body takes notice of

new facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened and to present evidence concerning the newly presented facts.

5. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing; where the date is announced during the proceedings of the subject hearing, the City is not required to issue new notices. An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, the hearing body may close the hearing and limit additional testimony to arguments and not accept additional evidence.

6. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open). If such a request is filed, the hearing body shall reopen the record, as follows.

   a. When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony.

   b. An extension of the hearing or record granted pursuant to this section is subject to the limitations of subsection 18.5.1.090.B (ORS 227.178 - “120-day rule”), unless the applicant voluntarily waives his or her right to a final decision being made within 120 days of filing a complete application.

   c. If requested by the applicant, the hearing body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

E. Notice of Decision.

1. **Mailing of Notice of Decision.** The City shall mail notice of the decision to the following.

   a. Applicant or authorized agent.

   b. Owners of the subject property.

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

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

2. **Content of Notice of Decision.** The notice shall include all of the following.

   a. The decision.

   b. Findings relied upon in making the decision.

   c. Conditions of approval.

   d. A statement that the decision becomes final when the period for filing a local appeal has

expired.

e. An explanation that a person who is mailed written notice of the decision cannot appeal directly to LUBA; an appeal must be filed with the City before a party with standing may appeal to LUBA.

F. Certification of Notices. The City shall prepare an affidavit or other certification stating the date(s) the notices were mailed and posted, which shall be made a part of the file.

G. Effective Date of Decision. Unless a condition of approval specifies otherwise or the decision is appealed pursuant to subsection 18.5.1.060.I, a Type II decision becomes effective ten days after the City mails the notice of decision.

H. Reconsideration. Reconsideration requests are limited to errors identified below and not the failure of an issue to be raised by letter or evidence during the opportunity to provide public input on the application sufficient to afford the Staff Advisor an opportunity to respond to the issue prior to making a decision. The Staff Advisor may reconsider a Type II decision as set forth below.

1. The Staff Advisor on his/her own motion, or any party entitled to notice of the planning action may request reconsideration of the action after the Planning Commission final decision has been made by providing evidence to the Staff Advisor addressing one or more of the following.

   a. New evidence material to the decision exists which was unavailable, through no fault of the requesting party, when the record of the proceeding was open.

   b. A factual error occurred through no fault of the requesting party which is relevant to an approval criterion and material to the decision.

   c. A procedural error occurred, through no fault of the requesting party, that prejudiced the requesting party's substantial rights and remanding the matter will correct the error.

2. Reconsideration requests shall be received within seven days of mailing the notice of decision. The Staff Advisor shall promptly decide whether to reconsider the matter.

3. If the Staff Advisor is satisfied that an error occurred as identified above and is crucial to the decision, the Staff Advisor shall schedule reconsideration with notice to parties before the Planning Commission. Reconsideration shall be scheduled before the Commission at the next regularly scheduled meeting. Reconsideration shall be limited to the portion of the decision affected by the alleged errors identified in subsection 18.5.1.060.H.1, above.

4. The Planning Commission shall decide to affirm, modify, or reverse the original decision. The City shall send notice of the reconsideration decision to affirm, modify, or reverse to any party entitled to notice of the planning action.

5. If the Staff Advisor is not satisfied that an error occurred crucial to the decision, the Staff Advisor shall deny the reconsideration request. Notice of denial shall be sent to those parties that requested reconsideration.

I. Appeal of Type II Decision. The City Council may call up a Type II decision pursuant to section 18.5.1.060.J. A Type II decision may also be appealed to the Council as follows.

1. Who May Appeal. Appeals may only be filed by parties to the planning action. "Parties" shall be defined as the following.

a. The applicant.

b. Persons who participated in the public hearing, either orally or in writing. Failure to participate in the public hearing, either orally or in writing, precludes the right of appeal to the Council.

c. Persons who were entitled to receive notice of the action but did not receive notice due to error.

2. Appeal Filing Procedure.

a. *Notice of Appeal*. Any person with standing to appeal, as provided in subsection 18.5.1.060.I.1, above, may appeal a Type II decision by filing a notice of appeal and paying the appeal fee according to the procedures of this subsection.

b. *Time for Filing*. The notice of appeal shall be filed with the City Administrator within ten days of the date the notice of decision is mailed.

c. *Content of Notice of Appeal*. The notice shall include the appellant's name, address, a reference to the decision sought to be reviewed, a statement as to how the appellant qualifies as a party, the date of the decision being appealed, and a clear and distinct identification of the specific grounds for which the decision should be reversed or modified, based on identified applicable criteria or procedural irregularity.

d. The appeal requirements of this section must be fully met or the appeal will be considered by the City as a jurisdictional defect and will not be heard or considered.

3. Mailed Notice**.** The City shall mail the notice of appeal together with a notice of the date, time, and place to consider the appeal by the City Council to the parties, as provided in subsection 18.5.1.060.I.1, at least 20 days prior to the meeting.

4. Scope of Appeal.

a. Except upon the election to reopen the record as set forth in subsection 18.5.1.060.I.4.b, below, the review of a decision of the Planning Commission by the City Council shall be confined to the record of the proceeding before the Commission. The record shall consist of the application and all materials submitted with it; documentary evidence, exhibits, and materials submitted during the hearing or at other times when the record before the Commission was open; recorded testimony; (including DVDs when available), the executed decision of the Commission, including the findings and conclusions. In addition, for purposes of Council review, the notice of appeal and the written arguments submitted by the parties to the appeal, and the oral arguments, if any, shall become part of the record of the appeal proceeding.

b. *Reopening the Record*. The City Council may reopen the record and consider new evidence on a limited basis, if such a request to reopen the record is made to the City Administrator together with the filing of the notice of appeal and the City Administrator determines prior to the Council appeal hearing that the requesting party has demonstrated one or more of the following.

i. That the Planning Commission committed a procedural error, through no fault of the requesting party, that prejudiced the requesting party's substantial rights and that

reopening the record before the Council is the only means of correcting the error.

ii. That a factual error occurred before the Commission through no fault of the requesting party which is relevant to an approval criterion and material to the decision.

iii. That new evidence material to the decision on appeal exists which was unavailable, through no fault of the requesting party, when the record of the proceeding was open, and during the period when the requesting party could have requested reconsideration. A requesting party may only qualify for this exception if he or she demonstrates that the new evidence is relevant to an approval criterion and material to the decision. This exception shall be strictly construed by the Council in order to ensure that only relevant evidence and testimony is submitted to the hearing body.

iv. Re-opening the record for purposes of this section means the submission of additional written testimony and evidence, not oral testimony or presentation of evidence before the Council.

5. Appeal Hearing Procedure**.** The decision of the City Council is the final decision of the City on an appeal of a Type II decision, unless the decision is remanded to the Planning Commission.

   a. *Oral Argument*. Oral argument on the appeal shall be permitted before the Council. Oral argument shall be limited to ten minutes for the applicant, ten for the appellant, if different, and three minutes for any other party who participated below. A party shall not be permitted oral argument if written arguments have not been timely submitted. Written arguments shall be submitted no less than ten days prior to the Council consideration of the appeal. Written and oral arguments on the appeal shall be limited to those issues clearly and distinctly set forth in the notice of appeal; similarly, oral argument shall be confined to the substance of the written argument.

   b. *Scope of Appeal Deliberations*. Upon review, and except when limited reopening of the record is allowed, the Council shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the Planning Commission, or to determining if errors in law were committed by the Commission. Review shall in any event be limited to those issues clearly and distinctly set forth in the notice of appeal. No issue may be raised on appeal to the Council that was not raised before the Commission with sufficient specificity to enable the Commission and the parties to respond.

   c. *Council Decision*. The Council may affirm, reverse, modify, or remand the decision and may approve or deny the request, or grant approval with conditions. The Council shall make findings and conclusions, and make a decision based on the record before it as justification for its action. The Council shall cause copies of a final order to be sent to all parties participating in the appeal. Upon recommendation of the Administrator, the Council may elect to summarily remand the matter to the Planning Commission. If the Council elects to remand a decision to the Commission, either summarily or otherwise, the Commission decision shall be the final decision of the City, unless the Council calls the matter up pursuant to subsection 18.5.1.060.J.

6. Record of the Public Hearing**.** For purposes of City Council review, the notice of appeal and the written arguments submitted by the parties to the appeal, and the oral arguments, if any, shall

become part of the record of the appeal proceeding.

The public hearing record shall include the following information.

a. The notice of appeal and the written arguments submitted by the parties to the appeal.

b. Copies of all notices given as required by this chapter, and correspondence regarding the application that the City mailed or received.

c. All materials considered by the hearings body including the application and all materials submitted with it.

d. Documentary evidence, exhibits and materials submitted during the hearing or at other times when the record before the Planning Commission was open.

e. Recorded testimony (including DVDs when available).

f. All materials submitted by the Staff Advisor to the hearings body regarding the application;

g. The minutes of the hearing.

g. The final written decision of the Commission including findings and conclusions.

7. Effective Date and Appeals to State Land Use Board of Appeals. City Council decisions on Type II applications are final the date the City mails the notice of decision. Appeals of Council decisions on Type II applications must be filed with the State Land Use Board of Appeals, pursuant to ORS 197.805 - 197.860.

J. City Council Call-Up of Planning Commission Decision. The City Council may call up any planning action for a decision upon motion and majority vote, provided such vote takes place in the required appeal period. Unless the planning action is appealed and a public hearing is required, the Council review of the Planning Action is limited to the record and public testimony is not allowed. The Council may affirm, modify, or reverse the decision of the Planning Commission, or may remand the decision to the Commission for additional consideration if sufficient time is permitted for making a final decision of the city. The Council shall make findings and conclusions and cause copies of a final order to be sent to all parties of the planning action.

18.5.1.070 Type III (Legislative Decision)

Type III actions are reviewed by the Planning Commission, which makes a recommendation to City Council. The Council makes final decisions on legislative proposals through enactment of an ordinance.

A. Initiation of Requests. The City Council, Planning Commission, or any property owner or resident of the city may initiate an application for a legislative decision under this ordinance. Legislative requests are not subject to the 120-day review period under subsection 18.5.1.090.B (ORS 227.178).

B. Application Requirements.

1. Application Form and Fee. Legislative applications shall be made on forms provided by the Staff Advisor.

2. Submittal Information. The application shall contain all of the following information.

a. The information requested on the application form.

b. A map and/or plan, as applicable, addressing the appropriate criteria and standards in sufficient detail for review and decision.

c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail.

d. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, as applicable.

e. The required fee, except when the City initiates the request.

f. Other information the Staff Advisor deems necessary to provide a complete application.

C. Procedure. Public hearings on Type III actions are conducted similar to City Council hearings on other legislative proposals, except the criteria for approval include, as applicable, those contained in chapter 18.5.9 Comprehensive Plan, Zoning, and Land Use Ordinance Amendments, and chapter 18.5.8 Annexations.

D. Notice of Public Hearing. Notification procedure for Type III actions is as follows.

1. The Staff Advisor shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments to the Comprehensive Plan, Zoning Map, or Land Use Ordinance at least 35 days before the first public hearing at which public testimony or new evidence will be received.

2. At least 20 days but not more than 40 days before the date of the first hearing on an application to legislatively amend the Comprehensive Plan, Zoning Map, or this ordinance, the City shall mail notice of such hearing to:

   a. Each owner whose property is rezoned in accordance with ORS 227.186; and

   b. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

3. At least ten days before the scheduled Planning Commission and City Council public hearing dates, public notice shall be published in a newspaper of general circulation in the City. The notice shall include the time and place of the public hearing, and a brief description of the proposed amendment.

E. Final Decision, Effective Date, and Notice of Decision. Where a Legislative proposal is approved pursuant to this ordinance, it becomes final and takes effect as specified in the enacting ordinance. Where the proposal is not approved, the decision to deny is final on the date the decision is mailed to the applicant; or where the applicant is the City, the decision is final on the date the City Council makes its decision. A notice of a legislative land use decision shall be mailed to the applicant, all parties of record, those groups or individuals who requested notice of the decision, and DLCD.

18.5.1.080 Application Submittal Requirements

A. The Staff Advisor is authorized to set standards and procedures for application submittal

requirements, including the number and type of applications required (e.g., hard copies, electronic copies), size and format of applications (e.g., paper size, electronic format), and dates when applications can be received. The Staff Advisor shall make the requirements for application submittals readily available to the public.

18.5.1.090 Complete Application and Time Limits

A. Complete Applications. The Staff Advisor shall determine within 30 days of receiving an application for Type I, II, or III review whether the application is complete, and shall advise the applicant accordingly in writing. Where an application is deemed incomplete, the Staff Advisor shall inform the applicant that the applicant must respond pursuant to subsection 1, 2, or 3, below, within 180 days from the date of application submittal. The 120-day clock under subsection 18.5.1.090.B does not begin until the applicant:

1. Submits all of the missing information; or
2. Submits some of the missing information, and requests in writing the City commence its review; or
3. Submits none of the missing information, and requests in writing the City commence its review.

B. Time Limit - 120-day Rule. The City shall take final action on Administrative and Quasi-Judicial land use applications, pursuant to this chapter, including resolution of all appeals, within 120 days from the date the Staff Advisor deems the application complete for purposes of processing, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (Note: The 120-day rule does not apply to Legislative Land Use decisions.)

C. Time Periods. In computing time periods prescribed or allowed by this chapter, the designated period of time does not include the date of the action or event cited. For example, where this ordinance provides for an appeal period ending ten days after the City mails a decision, the ten-day period does not include the day the decision is mailed. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.

18.5.1.100 City Council or Planning Commission May Initiate Procedures

The City Council or Planning Commission may initiate any Ministerial, Type I, Type II, or Type III planning action by motion duly adopted by the respective body designating the appropriate City department to complete and file the application.

18.5.1.110 Priority Planning Action Processing

A. New buildings and existing buildings whose repair, alteration, or rehabilitation costs exceed 50 percent of their replacement costs, that will be pursuing certification under the Leadership in Energy and Environmental Design Green Building Rating System (LEED®) of the United States Green Building Council shall receive top priority in the processing of planning actions.

B. Applicants wishing to receive priority planning action processing shall provide the following documentation with the application demonstrating the completion of the following steps in working towards LEED® certification.

1. Hiring and retaining a LEED® Accredited Professional as part of the project team throughout the design and construction process.
2. The LEED® checklist indicating the credits that will be pursued.

18.5.1.120 Failure to Receive Notice

A. The failure of a property owner to receive notice, as provided for in sections 18.5.1.050 and 18.5.1.060, shall not invalidate such proceedings if the City can demonstrate by affidavit that such notice was mailed. The failure to receive notice shall not invalidate the decision after the action is final if a good faith attempt was made to notify all persons entitled to receive notice.

B. Noticing Error.

1. A noticing error shall be corrected as provided in subsection 18.5.1.090.B.2, below, whenever it is demonstrated to the Staff Advisor that:
   a. The City did not comply with the notice requirements in sections 18.5.1.050 and 18.5.1.060;
   b. Such error adversely affected and prejudiced a person's substantial rights; and
   c. Such person notified the Staff Advisor within 21 days of when the person knew or should have known of the decision.
2. The Staff Advisor shall schedule a public hearing for the next regular meeting according to the applicable procedural requirements in sections 18.5.1.050 and 18.5.1.060. The City shall notify by mail all persons who previously appeared in the matter and all persons who were entitled to mailed notice. The record of the previous decision shall be reviewed and considered by the hearing authority. A decision made after the hearing shall supersede the previous decision.
3. Notwithstanding the period specified in subsection 18.5.1.090.B.1, above, the period for a hearing shall not exceed three years after the date of the initial decision.

18.5.1.130 Resubmittal of Applications

A. Type I and Type II. A Type I or Type II application that is denied by the Planning Commission or denied by the City Council, unless that denial is specifically stated to be without prejudice, shall not be eligible for resubmittal for one year from the date of the denial, unless evidence is submitted that conditions, the application, or the project design have changed to an extent that further consideration is warranted.

B. Type III. A Type III application that is denied by the City Council shall not be eligible for resubmittal for one year from the date of the denial, unless evidence is submitted that conditions have changed to an extent that in the opinion of the Planning Commission or Council further consideration is warranted.

18.5.1.140 Fees

Fees for applications under this ordinance shall be set by resolution of the Council.

Chapter 18.5.2 – Site Design Review

Sections:

18.5.2.010 Purpose
18.5.2.020 Applicability
18.5.2.030 Review Procedures
18.5.2.040 Application Submission Requirements
18.5.2.050 Approval Criteria
18.5.2.060 Public Improvements Guarantee
18.5.2.070 Expiration and Extensions
18.5.2.080 Power to Amend Plans

18.5.2.010 Purpose

The purpose and intent of this chapter is to regulate the manner in which land in the City is used and developed, to reduce adverse effects on surrounding property owners and the general public, to create a business environment that is safe and comfortable, to further energy conservation efforts within the City, to enhance the environment for walking, cycling, and mass transit use, and to ensure that high quality development is maintained throughout the City.

18.5.2.020 Applicability

Site Design Review is required for the following types of project proposals.

A. Commercial, Industrial, Non-Residential, and Mixed Uses. Site Design Review applies to the following types of non-residential uses and project proposals, including proposals for commercial, industrial, and mixed-use projects, pursuant to section 18.5.2.030 Review Procedures.

1. New structures, additions, or expansions in C-1, E-1, HC, CM, and M-1 zones.
2. New non-residential structures or additions in any zone, including public buildings, schools, churches, and similar public and quasi-public uses in residential zones.
3. Mixed-use buildings and developments containing commercial and residential uses in a residential zoning district within the Pedestrian Place Overlay.
4. Any exterior change, including installation of Public Art, to a structure which is listed on the National Register of Historic Places or to a contributing property within an Historic District on the National Register of Historic Places that requires a building permit.
5. Expansion of impervious surface area in excess of ten percent of the area of the site, or 1,000 square feet, whichever is less.
6. Expansion of any parking lot, relocation of parking spaces on a site, or any other change that alters or affects circulation onto an adjacent property or public right-of-way.
7. Any change of occupancy from a less intense to a more intensive occupancy, as defined in the building code, or an change in use that requires a greater number of parking spaces.

8. Any change in use of a lot from one general use category to another general use category, e.g., from residential to commercial, as defined in the zoning regulations of this ordinance.
9. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from site design review per section 18.5.2.020.C.
10. Installation of wireless communication facilities in accordance with section 18.4.10.

B. Residential Uses. Site Design Review applies to the following types of residential uses and project proposals, pursuant to section 18.5.2.030 Review Procedures.

1. Two or more dwelling units, including the addition of an accessory residential unit, on a lot in any zoning district.
2. Construction of attached (common wall) single-family dwellings (e.g., townhomes, condominiums, rowhouses) in any zoning district.
3. Any exterior change, including installation of Public Art, to a structure individually listed on the National Register of Historic Places that requires a building permit.
4. Any change to off-street parking or landscaping in a residential development where such parking or landscaping is provided in common area (e.g., shared parking) and is approved pursuant to chapter 18.3.9 Performance Standards Option.
5. Any change in use that requires a greater number of parking spaces.
6. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from Site Design Review per section 18.5.2.020.C.
7. Installation of wireless communication facilities (e.g., accessory to a residential use), in accordance with section 18.4.10.

C. Exempt From Site Design Review. The following types of uses and projects are exempt from Site Design Review, but are required to comply with the applicable provisions of part 18.4 Site Development and Design Standards.

1. Detached single-family dwellings and associated accessory structures and uses, except that accessory residential units require Site Design Review pursuant to section 18.2.3.040.
2. Land divisions and property line adjustments, which are subject to review under chapter 18.5.3.
3. The following mechanical equipment.
    a. Private, non-commercial radio and television antennas not exceeding a height of 70 feet above grade or 30 feet above an existing structure, whichever height is greater, and provided no part of such antenna shall be within the setback yards required by this ordinance. A building permit shall be required for any antenna mast or tower over 50 feet above grade or 30 feet above an existing structure when the same is constructed on the roof of the structure.
    b. Not more than three parabolic disc antennas, each under one meter in diameter, on any one lot or dwelling unit.
    c. Roof-mounted solar collection devices in all zones, with the exception of E-1 and C-1 zoned

properties located within designated historic districts. The devices shall comply with solar setback standards described in chapter 18.4.8 and the height standards of the respective zoning district.

d. Roof-mounted solar collection devices on E-1 and C-1 zoned properties located within designated historic districts if the footprint of the structure is not increased, the plane of the system is parallel to the slope of the roof and does not extend above the peak height of the roof or existing parapets, or is otherwise not visible from a public right-of-way. The devices shall comply with solar setback standards described in chapter 18.4.8 and height requirements of the respective zoning district.

e. Installation of mechanical equipment other than those exempted in 18.5.2.020.C.3, subsections a – d, above, and which is not visible from a public right-of-way, except alleys, or adjacent residentially zoned property and consistent with other provisions of this ordinance, including solar access in chapter 18.4.8, and noise and setback requirements of subsection 18.2.4.020.B. See also, screening standards for mechanical equipment in subsection 18.4.4.030.G.4.

f. Routine maintenance and replacement of existing mechanical equipment in all zones.

18.5.2.030 Review Procedures

A. Type I Review. Except as provided by 18.5.2.030, subsections B - G, below, applications for Site Design Review are subject to the Type I procedure, pursuant to section 18.5.1.050**.**

B. C-1, E-1, HC, and M-1 Zones. In the C-1, E-1, HC, and M-1 zones, but not within the Downtown Design Standards or Detail Site Review overlays, new structures or additions greater than 15,000 square feet in gross floor area, or greater than 50 percent of an existing building's gross floor area are subject to Type II review.

C. Downtown Design Standards Overlay. In the Downtown Design Standards overlay, new structures or additions greater than 2,500 square feet in gross floor area, or greater than ten percent of an existing building's gross floor area are subject to Type II review.

D. Detail Site Review Overlay. In the Detail Site Review overlay, new structures or additions greater than 10,000 square feet in gross floor area, or longer than 100 feet in length or width are subject to Type II review.

E. Residential Site Review. Residential structures or additions greater than 10,000 square feet in gross floor area, other than single-family homes or accessory uses on individual lots, are subject to Type II review.

F. Croman Mill District. In the Croman Mill district, new structures or additions greater than 15,000 square feet in gross floor area are subject to Type II review.

G. Landscape and Irrigation Plan Amendments. Minor amendments to landscape and irrigation plans approved pursuant to chapter 18.4.4 to improve fire safety, public safety, water conservation, or energy efficiency may be processed as Ministerial or Type I actions.

18.5.2.040 Application Submission Requirements

The following information is required for Site Design Review application submittal, except where the Staff Advisor determines that some information is not pertinent and therefore is not required.

A. General Submission Requirements. Information required for Type I or Type II review, as applicable (see sections 18.5.1.050 and 18.5.1.060), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.

B. Site Design Review Information. In addition to the general information required for Site Design Review, the applicant shall provide the following information.

1. Basic Plan Information. Plans and drawings shall include the project name, date, north arrow, scale, and names and addresses of all persons listed as owners of the subject property on the most recently recorded deed. The scale of site and landscaping plans shall be at least one inch equals 50 feet or larger, and of building elevations one inch equals ten feet or larger.
2. Site Analysis Map. The site analysis map shall contain the following information.
    a. Vicinity map.
    b. The property boundaries, dimensions, and area of the site shall be identified.
    c. Topographic contour lines at 5-foot intervals or less, except where the Staff Advisor determines that larger intervals will be adequate for steeper slopes.
    e. Zone designation of the and adjacent to the proposed development, including lands subject to overlay zones including but not limited to lands subject to Detail Site Review, Downtown Design Standards, Historic District, Pedestrian Place, Physical and Environmental Constraints, and Water Resource Protection Zones overlays (see part 18.3 Special Districts and Overlays).
    f. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site.
    g. The location and size of all public and private utilities, on and adjacent to the subject site, including:
        i. Water lines;
        ii. Sewer lines, manholes and cleanouts;
        iii. Storm drainage and catch basins; and
        iv. Fire hydrants.
    h. Site features, including existing structures, pavement, drainage ways, rock outcroppings, areas having unique views, and streams, wetlands, drainage ways, canals and ditches.
    i. The location, size, and species of trees six inches DBH or greater, including trees located on the subject site and trees located off-site that have drip lines extending into the subject site.
3. Proposed Site Plan. The site plan shall contain the following information.

a. The proposed development site, including boundaries, dimensions, and gross area.

b. Features identified on the existing site analysis maps that are proposed to remain on the site.

c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development.

d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements.

e. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements, including:

   i. Connection to the City water system and meter locations;

   ii. Connection to the City sewer system;

   iii. Connection to the City electric utility system and meter locations;

   iv. New and/or replaced fire hydrants and vault locations;

   v. The proposed method of drainage of the site; and

   vi. The opportunity-to-recycle site and solid waste receptacle, including proposed screening.

f. Location of drainage ways and public utility easements in and adjacent to the proposed development.

g. Setback dimensions for all existing and proposed structures.

h. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access.

i. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls), including accessible parking by building code.

j. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails.

k. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.

l. Location of outdoor lighting.

m. Location of mail boxes, if known.

n. Locations of bus stops and other public or private transportation facilities.

o. Locations, sizes, and types of signs.

4. Architectural drawings. Architectural drawings, as applicable.

   a. Exterior elevations of all proposed buildings, drawn to a scale of one inch equals ten feet or greater; such plans shall indicate the material, color, texture, shape, and design features of the building, and include mechanical devices not fully enclosed in the building.

b. Exterior elevations of other proposed structures, including fences, retaining walls, accessory buildings, and similar structures.

c. The elevations and locations of all proposed signs for the development.

d. For non-residential developments proposed on properties located in a Historic District, section drawings including exterior walls, windows, projections, and other features, as applicable, and drawings of architectural details (e.g., column width, cornice and base, relief and projection, etc.) drawn to a scale ¾ of an inch equals one foot or larger.

5. Preliminary Grading and Drainage Plan. A preliminary grading and drainage plan prepared by an engineer shall be submitted with the application for Site Design Review where a development site is ½ of an acre or larger as deemed necessary by the Staff Advisor. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed, and temporary and permanent erosion control measures. Surface water detention and treatment plans may also be required, in accordance with chapter 18.4.6 Public Facilities.

6. Erosion Control Plan. An erosion control plan addressing temporary and permanent erosion control measures, which shall include plantings where cuts or fills (including berms), swales, storm water detention facilities, and similar grading is proposed. Erosion control plans in Hillside Lands shall also conform to section 18.3.10.090 Development Standards for Hillside Lands.

7. Landscape and Irrigation Plans.

   a. Landscape and irrigations plans shall include the following information.

      i. The location, size, and species of the existing and proposed plant materials, and any other pertinent features of the proposed landscaping and plantings.

      ii. A tree protection and removal plan consistent with chapter 18.4.5 for sites with trees that are to be retained, protected, and removed.

      iii. At time of building permit submittals, an irrigation plan including a layout of irrigation facilities.

   b. When water conserving landscaping is required pursuant to section 18.4.4.030, the landscape plan shall contain the following additional information.

      i. Information from proposed site plan.

      ii. Landscape contact person, including address and telephone number.

      iii. Identification of cut and fill areas.

      iv. Location of underground utilities and all transformer and utility meter locations.

      v. Slopes exceeding ten percent and grade changes in root zones of plants to be retained on site.

      vi. Inventory of existing plant materials on site identifying that will remain and will be removed.

vii. Composite plant list including quantity, size, botanical name, common name, variety, and spacing requirements of all proposed plant material.

viii. Mulch areas labeled according to material and depth.

ix. Shrub and tree planting and staking detail.

x. Root barrier design, installation specifications, and details.

xii. Design and installation specifications of any proposed tree grates.

c. When water conserving landscaping is required pursuant to section 18.4.4.030, the irrigation plan included with the building permit submittals shall contain the following additional information.

i. Information from proposed site plan.

ii. Irrigation contact person, including address and telephone number.

iii. For lots with a landscaped area greater than 5,000 square feet, a grading plan and topographic map showing contour intervals of five feet or less.

iv. Identification of water source and point of connection including static and operating pressure.

v. If Talent Irrigation District (TID) is used, list the size and type of filtration method.

vi. Area of irrigated space in square feet.

vii. Size, type, brand, and location of backflow device, as well as make, model, precipitation rate, and location of sprinkler heads.

viii. Layout of drip system showing type of emitter and its outputs, as well as type of filtration used.

ix. Piping description including size schedule or class, type of mounting used between piping and sprinkler heard, depth of proposed trenching, and provisions for winterization.

x. Size, type, brand, and location of control valves ad sprinkler controllers.

xi. Size, type, depth, and location of materials for under paving sleeves.

xii. Type and location of pressure regulator.

xiii. Type and location of rain sensor.

xiv. Monthly irrigation schedule for the plant establishment period (6 – 12 months) and for the first year thereafter.

xv. Water schedule for each zone from the plan.

8. Narrative**.** Letter or narrative report documenting compliance with the applicable approval criteria contained in section 18.5.2.050. Specifically, the narrative shall contain the following.

a. For commercial and industrial developments:

i. The square footage contained in the area proposed to be developed.

ii. The percentage of the lot covered by structures.

iii. The percentage of the lot covered by other impervious surfaces.

iv. The total number of parking spaces.

v. The total square footage of all landscaped areas.

b. For residential developments:

i. The total square footage in the development.

ii. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, e.g., ten one-bedroom, 25 two-bedroom, etc).

iii. Percentage of lot coverage by structures; streets, roads, or drives; public use areas, common area/private recreation areas, landscaping, and parking areas.

18.5.2.050 Approval Criteria

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

A. Underlying Zone. The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.

B. Overlay Zones. The proposal complies with applicable overlay zone requirements (part 18.3).

C. Site Development and Design Standards. The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.

D. City Facilities. The proposal complies with the applicable standards in section 18.4.6 Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.

E. Exception to the Site Development and Design Standards. The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.

1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or

2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site

Development and Design Standards.

18.5.2.060 Public Improvements Guarantee

Public improvements required as part of a Site Design Review approval shall be subject to the performance guarantee and warranty bond provisions of chapter 18.4.6 Public Facilities, as applicable.

18.5.2.070 Expiration and Extensions

Site Design Review approvals are subject to sections 18.1.6.030 Permit Expiration and 18.1.6.040 Permit Extension.

18.5.2.080 Power to Amend Plans

When approving an application to modify a Site Design Review approval pursuant to chapter 18.5.6, the Planning Commission or Staff Advisor may include any or all of the following conditions as they find necessary to meet the intent and purpose and the criteria for approval.

A. Require the value of the landscaping to be above two percent, but not greater than five percent of the total project costs as determined from the building permit valuation.

B. Require such modifications in the landscaping plan as will ensure proper screening and aesthetic appearance.

C. Require plantings and ground cover to be predominant, not accessory, to other inorganic or dead organic ground cover.

D. Require the retention of existing trees, rocks, water ponds or courses, and other natural features.

E. Require the retention and restoration of existing historically significant structures on the project site.

F. Require the City Engineer's approval of a grading plan or drainage plan for a collection and transmission of drainage.

G. Require the modification or revision of the design or remodeling of structures, signs, accessory buildings, etc., to be consistent with the Site Development and Design Standards.

H. Require the modification of the placement of any new structures, new accessory uses, parking, and landscaping on the project site to buffer adjacent uses from the possible detrimental effects of the propose development.

I. Restrict heights of new buildings or additions over 35 feet and increase setbacks up to 20 feet.

J. Require on-site fire hydrants with protective barricades.

K. Require the type and placement or shielding of lights for outdoor circulation and parking.

L. Require new developments to provide limited controlled access onto a major street by means of traffic signals, traffic controls and turning islands, landscaping, or any other means necessary to ensure the viability, safety, and integrity of the major street as a through corridor.

M. Require pedestrian access, separate pedestrian paths, sidewalks, and protection from weather in new developments.

N. Require developments to provide access to improved City streets and, where possible, provide access to the lower order street rather than a major collector or arterial street.

Chapter 18.5.3 – Land Divisions and Property Line Adjustments

Sections:

18.5.3.010 Purpose
18.5.3.020 Applicability and General Requirements
18.5.3.030 Preliminary Plat Approval Process
18.5.3.040 Preliminary Plat Submissions
18.5.3.050 Preliminary Partition Plat Criteria
18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria
18.5.3.070 Preliminary Subdivision Plat Criteria
18.5.3.080 Land Division-Related Variances
18.5.3.090 Final Plats
18.5.3.100 Filing and Recording
18.5.3.110 Re-platting and Vacation of Plats
18.5.3.120 Property Line Adjustments
18.5.3.130 Expiration and Extensions

18.5.3.010 Purpose

The purpose of this chapter is to provide rules, regulations and standards governing the approval of subdivisions, partitions and property line adjustments as follows.

A. Carry out the development pattern envisioned by the Comprehensive Plan.

B. Encourage efficient use of land resources and public services, and to provide transportation options.

C. Protect the natural environment and encourage sustainable building practices.

D. Promote the public health, safety and general welfare through orderly and efficient urbanization.

E. Coordinate land division requirements with other code provisions such as the Performance Standards Option.

18.5.3.020 Applicability and General Requirements

A. Applicability. The requirements for partitions and subdivisions apply, as follows.

1. Subdivisions are the creation of four or more lots from one parent lot, parcel, or tract, within one calendar year.
2. Partitions are the creation of three or fewer lots from one parent lot, parcel, or tract, each having frontage on a public street, within one calendar year. (Note: Partitions of three lots with access via a private drive are allowed under chapter 18.3.9 Performance Standards Option.)
3. Property line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots.
4. For properties located in the Performance Standards Overlay, all land divisions, other than

partitions and development of individual dwelling units, shall be processed under chapter 18.3.9 Performance Standards Option. Properties not located in the Performance Standards Overlay but meeting the requirements of section 18.3.9.030, may be processed under chapter 18.3.9 Performance Standards Option. Except as modified by chapter 18.3.9, the provisions of chapter 18.5.3 apply to development applications processed under the Performance Standards Option.

B. Land Survey. Before any action is taken pursuant to this ordinance that would cause adjustments or realignment of property lines, required yard areas, or setbacks, the exact lot lines shall be validated by location of official survey pins or by a survey performed by a licensed surveyor.

C. Subdivision and Partition Approval Through Two-Step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation.

1. The preliminary plat must be approved before the final plat can be submitted for review.
2. The final plat must demonstrate compliance with all conditions of approval of the preliminary plat.

D. Compliance With Oregon Revised Statutes (ORS) chapter 92. All subdivision and partitions shall conform to state regulations in Oregon Revised Statute (ORS) chapter 92, Subdivisions and Partitions.

E. Future Re-Division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the lots shall be of such size, shape, and orientation as to facilitate future re-division and extension of streets and utilities. The approval authority may require a development plan indicating how further division of oversized lots and extension of planned public facilities to adjacent parcels can occur in the future. If the Planning Commission determines that an area or tract of land has been or is in the process of being divided into four or more lots, the Commission can require full compliance with all subdivision regulations.

F. Minor Amendments. The following minor amendments to subdivisions and partitions are subject to Ministerial review in Chapter 18.5.1.040. Changes to an approved plan or condition of approval that do not meet the thresholds for a minor amendment, below, are subject to Chapter 18.5.6 Modifications to Approved Planning Actions.

1. A change that does increase the number of lots or parcels created by the subdivision.
2. A change that does not enlarge the boundaries of subdivided or partitioned area.
3. A change that does not alter the general location or amount of land devoted to a specific land use.
4. A changes that makes only minor shifting of the established lines, location, or size of buildings or building envelopes, proposed public or private streets, pedestrian ways, utility easement, or parks and other public open spaces.

18.5.3.030 Preliminary Plat Approval Process

A. Review of Preliminary Plat.

1. Partitions. Preliminary plats for partitions, including flag lot partitions, are reviewed through the Type I procedure under section 18.5.1.050.
2. Subdivisions. Preliminary plats for subdivisions are subject to the approval criteria in section 18.5.3.050 and are reviewed through the Type II procedure, pursuant to chapter 18.5.1.060.

B. Modifications. The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in chapter 18.5.6 Modifications to Approved Planning Actions. See also, subsection 18.5.3.020.G Minor Amendments.

C. Phased Subdivision. The Planning Commission may approve plans for phasing a subdivision, and changes to approved phasing plans, provided applicant's proposal meets all of the following criteria.

1. The proposed phasing schedule shall be reviewed with the preliminary subdivision plat application.
2. Commission approval is required for modifications to phasing plans.
3. The required improvements (i.e., utilities, streets) for the first subdivision phase shall be installed or bonded for within 18 months of the approval of the preliminary plat, except when an extension of the preliminary plat is granted pursuant to section 18.1.6.040.
4. Public facilities and private open spaces shall be constructed in conjunction with or prior to each phase.
5. The final plat for the first phase shall be approved within 18 months of the approval of the preliminary plat, except when extension of the preliminary plat is granted pursuant to section 18.1.6.040.

18.5.3.040 Preliminary Plat Submissions

Applications for Preliminary Plat approval shall contain all of the following information.

A. General Submission Requirements.

1. Partitions. Information required for a Type I review (see section 18.5.1.050), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.
2. Subdivisions. Information required for a Type II review, (see section 18.5.1.060), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.

B. Preliminary Plat Information. In addition to the general information described in subsection A, above, and any information required pursuant to chapter 18.3.9 Performance Standards Option, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information, in quantities determined by Staff Advisor.

1. General information

   a. Name of subdivision (partitions are named by year and file number). This name shall not duplicate the name of another land division in the City or vicinity.

   b. Date, north arrow, and scale of drawing.

   c. Location of the development sufficient to define its location in the City, boundaries.

   d. Zoning of parcel to be divided, including any overlay zones.

   e. A title block specifying “minor or major partition” and including the partition number, City of Ashland, the names, addresses, and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey.

   f. Identification of the drawing as a “preliminary plat”.

2. Existing Conditions. Except where the Staff Advisor deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on existing conditions of the site.

   a. *Streets*. Location, name, and present width of all streets, alleys, and rights-of-way on and abutting the site.

   b. *Easements.* Width, location, and purpose of all existing easements of record on and abutting the site;

   c. *Utilities.* Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;

   d. *Topography and Natural Features*. A topographic map showing contour intervals of five feet or less and the location of any physical constrained lands, pursuant to chapter 18.3.10, and any natural features, such as rock outcroppings, wetlands, streams, wooded areas, and isolated preservable trees.

   e. The Base Flood Elevation, Floodplain Corridor Elevation, and Floodplain Boundary, per the Ashland Floodplain Corridor Maps, as applicable.

   f. North arrow and scale.

3. Proposed Development. Except where the Staff Advisor deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on the proposed development.

   a. Proposed lots, streets, tracts, open space, and park land (if any); location, names, right-of-way dimensions.

   b. Location, width, and purpose of all proposed easements;

   c. Approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and private tracts (e.g., private open space, common area, or street).

d. Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use.

e. Proposed public street improvements, pursuant to chapter 18.4.6.

f. Preliminary design for extending City water and sewer service to each lot, pursuant to chapter 18.4.6.

g. Proposed method of storm water drainage and treatment, if required, pursuant to chapter 18.4.6.

h. The approximate location and identity of other facilities, including the locations of electric, fire hydrants, streetlights, and utilities, as applicable.

i. Evidence of compliance with applicable overlay zones.

18.5.3.050 Preliminary Partition Plat Criteria

The approval authority shall approve an application for preliminary partition plat approval only where all of the following criteria are met.

A. The future use for urban purposes of the remainder of the tract will not be impeded.

B. The development of the remainder of any adjoining land or access thereto will not be impeded.

C. The partition plan conforms to applicable City-adopted neighborhood or district plans, if any, and any previous land use approvals for the subject area.

D. The tract of land has not been partitioned for 12 months.

E. Proposed lots conform to the requirements of the underlying zone, per part 18.2, any applicable overlay zone requirements, per part 18.3, and any applicable development standards, per part 18.4 (e.g., parking and access, tree preservation, solar access and orientation).

F. Accesses to individual lots conform to the standards in section 18.4.3.080 Vehicle Area Design. See also, 18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria.

G. The proposed streets, utilities, and surface water drainage facilities conform to the street design standards and other requirements in part 18.4, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications.

H. Unpaved Streets.

1. Minimum Street Improvement. When there exists a 20-foot wide access along the entire street frontage of the parcel to the nearest fully improved collector or arterial street, as designated in the Comprehensive Plan, such access shall be improved with an asphaltic concrete pavement designed for the use of the proposed street. The minimum width of the street shall be 20-feet with all work done under permit of the Public Works Department.

2. Unpaved Streets. The Public Works Director may allow an unpaved street for access for a land partition when all of the following conditions exist.

a. The unpaved street is at least 20-feet wide to the nearest fully improved collector or arterial street. The City may require the street to be graded (cut and filled) to its standard physical width, and surfaced as required in chapter 18.4.6 prior to the signature of the final partition plat by the City.

b. The centerline grade on any portion of the unpaved street does not exceed ten percent.

c. The final elevation of the street shall be established as specified by the Public Works Director except where the establishment of the elevation would produce a substantial variation in the level of the road surface. In this case, the slope of the lot shall be graded to meet the final street elevation.

d. Should the partition be on an unpaved street and paving is not required, the applicant shall agree to participate in the costs and to waive the rights of the owner of the subject property to remonstrate both with respect to the owners agreeing to participate in the cost of full street improvements and to not remonstrate to the formation of a local improvement district to cover such improvements and costs thereof. Full street improvements shall include paving, curb, gutter, sidewalks, and the undergrounding of utilities. This requirement shall be precedent to the signing of the final survey plat, and if the owner declines to so agree, then the application shall be denied.

I. Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street.

J. Required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development.

K. A partition plat containing one or more flag lots shall additionally meet the criteria in section 18.5.3.060.

18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria

The approval authority shall approve a preliminary plat application for a flag lot partition only where all of the following criteria are met.

A. The criteria of section 18.5.3.050 are met.

B. For the purpose of meeting the minimum lot area requirement, the lot area, exclusive of the flag drive area, must meet the minimum square footage requirements of the zoning district.

C. Flag drives shall be in the same ownership as the flag lots served. Where two or more lots are served by the same flag drive, the flag drive shall be owned by one of the lots and an easement for access shall be granted to the other lot or lots.

D. Except as provided in subsection 18.5.3.060.H, below, the flag drive serving a single flag lot shall have a minimum width of 15 feet and contain a 12 foot wide paved driving surface. For drives serving two flag lots, the flag drive shall be 20 feet wide, with a 15 foot wide driving surface to the back of the first lot, and a 12 foot wide driving surface to the rear lot. Drives shared by adjacent properties shall have a width of 20 feet, with a 15 foot paved driving surface. Width shall be increased on turns where necessary to ensure fire apparatus remain on a paved surface during

travel.

E. Curb cuts have been minimized, where possible, through the use of common driveways. No more than two flag lots are served by the flag drive.

F. Flag drive grades shall not exceed a maximum grade of 15 percent. Variances may be granted for flag drives for grades in excess of 15 percent but no greater than 18 percent for not more than 200 feet. Such variances shall be required to meet all of the criteria for approval in chapter 18.5.5 Variances.

G. Flag drives shall be constructed to prevent surface drainage from flowing over sidewalks or other public ways.

H. Flag lots adjacent to an alley shall meet all of the requirements of this section, except that:

1. Vehicle access shall be from the alley only where required as a condition of approval.
2. No screening and paving requirements shall be required for the flagpole.
3. A four foot pedestrian path shall be installed within the flagpole and improved and maintained with either a concrete, asphalt, brick, or paver block surface connecting the street to the buildable area of the flag lot.
4. The flag pole width shall be no less than eight feet wide and the entrance of the pole at the street shall be identified by the address of the flag lot clearly visible from the street on a four-inch by four-inch post that is 3½ feet high. The post shall be painted white with black numbers three inches high running vertically down the front of the post. For flagpoles serving two or more dwellings, the addresses of such dwellings shall be on a two foot by three foot white sign clearly visible from the street with three-inch black numbers.

I. Flag drives and fire work areas shall be deemed Fire Apparatus Access Roads under the Oregon Fire Code and subject to all requirements thereof.

J. When required by the Oregon Fire Code, flag drives greater than 150 feet in length shall provide a turnaround (see Figure 18.4.6.040.G.5). The Staff Advisor, in coordination with the Fire Code Official, may extend the distance of the turnaround requirement up to a maximum of 250 feet in length as allowed by Oregon Fire Code access exemptions.

K. Each flag lot has at least three parking spaces situated to eliminate the necessity for vehicles backing out.

L. There shall be no parking within ten feet of the centerline of the drive on either side of the flag drive entrance.

M. Flag drives serving structures greater than 24 feet in height, as defined in part 18.6, shall provide a fire work area of 20 feet by 40 feet clear of vertical obstructions and within 50 feet of the structure. The fire work area requirement shall be waived if the structure served by the drive has an approved automatic sprinkler system installed.

N. Both sides of the flag drive have been screened with a site-obscuring fence, wall or evergreen hedge to a height of from four to six feet, except in the front yard setback area where, starting five feet from the property line, the height shall be from 30 to 42 inches in the remaining setback area. Such fence or landscaping shall be placed at the extreme outside of the flag drive in order to ensure

adequate fire access.

O. The applicant has executed and filed with the Community Development Department an agreement between applicant and the City for paving and screening of the flag drive. Such an agreement shall specify the period within which the applicant, or agent for applicant, or contractor shall complete the paving to standards as specified by the Public Works Director and screening as required by this section, and providing that if applicant should fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the applicant. An agreement shall also provide for the maintenance of the paving and screening pursuant to this section, and assurance ongoing maintenance.

P. Flag lots shall be required to provide a useable yard area that has a minimal dimension of 20 feet wide by 20 feet deep. As used in this chapter, the term "useable yard area" means a private yard area which is unobstructed by a structure or automobile from the ground upward.

18.5.3.070 Preliminary Subdivision Plat Criteria

A. Approval Criteria. The approval authority, pursuant to subsection 18.5.3.030.A, may approve, approve with conditions or deny a preliminary subdivision plat on findings of compliance with all of the following approval criteria.

1. The subdivision plan conforms to applicable City-adopted neighborhood or district plans, if any, and any previous land use approvals for the subject area.
2. Proposed lots conform to the requirements of the underlying zone, per part 18.2, any applicable overlay zone requirements, per part 18.3, and any applicable development standards, per part 18.4 (e.g., parking and access, tree preservation, solar access and orientation).
3. Access to individual lots necessary to serve the development shall conform to the standards contained in section 18.4.3.080 Vehicle Area Design.
4. The proposed streets, utilities, and surface water drainage facilities conform to the standards in chapter 18.4.6, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications.
5. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas(e.g., landscaping, tree preservation, common areas, access, parking, etc.) is ensured through appropriate legal instrument (e.g., Covenants, Conditions and Restrictions (CC&R's).
6. Required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development.

B. Conditions of Approval. The approval authority may attach such conditions as are necessary to carry out provisions of this ordinance, and other applicable ordinances and regulations.

18.5.3.080 Land Division-Related Variances

Variances shall be processed in accordance with chapter 18.5.5. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted; when

practical the applications shall be reviewed concurrently.

18.5.3.090 Final Plats

A. Final Plat Submission. Final plats require review and approval by the Staff Advisor and City Surveyor prior to recording with Jackson County. Within 18 months of the date of preliminary plat approval, except when an extension of the preliminary plat is granted pursuant to section 18.1.6.040, the tract of land shall be surveyed, and the applicant shall submit the final plat.

B. Final Plat Information. The final plat submission requirements are as follows.

1. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied.
2. All public improvements required by the preliminary plat have been installed and approved by the City or applicable service provider if different than the City (e.g., road authority, utility provider), or otherwise bonded in conformance with chapter 18.4.6.
3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.
4. All required streets, access ways, roads, easements, and other dedications or reservations are shown on the plat.
5. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, and water and sewer facilities, as applicable.
6. As applicable, the applicant has furnished acceptable copies of Covenants, Conditions and Restrictions (CC&R's), easements, maintenance agreements (e.g., landscaping, tree preservation, common areas, access, parking, etc.), and other documents pertaining to common improvements recorded and referenced on the plat.
7. Verification by the City that water and sanitary sewer service is available to every lot depicted on the plat.
8. The format of the plat shall conform to ORS 92, and shall incorporate the preliminary plat information in section 18.5.3.040.
9. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner approved by the Jackson County Surveyor for purposes of identifying its location.
10. A copy of any deed restrictions applicable to the partition or subdivision or the title report.

C. Review Procedure.

1. Review of Final Plat. Upon receipt by the City, the final map and other data shall be reviewed by the City Engineer and Staff Advisor who shall determine whether the subdivision as shown is

substantially the same as it appeared on the approved preliminary plat and that there has been compliance with provisions of the law and of this code. The City may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground and City representatives may enter the property for this purpose. If the City Engineer determines that full conformity has not been made, the applicant shall be advised of the changes or additions that must be made and shall afford the applicant an opportunity to make the changes or additions.

2. Approval of Final Plat. If the Staff Advisor and City Surveyor determine that the final plat is in full conformance with the approved preliminary plat and other regulations, the Staff Advisor and the City Surveyor may then sign the plat without further action by the Planning Commission. If the final plat is not in full conformance with the preliminary plat, the applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in chapter 18.5.6. See also, subsection 18.5.3.020.G Minor Amendments.

18.5.3.100 Filing and Recording

A new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat is recorded for the partition or subdivision containing the lot is recorded. Requests to validate an existing lot created through means other than a final plat ("lot of record") shall follow the procedure in chapter 18.1.3. The final plat filing and recording requirements are as follows.

A. Filing Plat with County. Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Jackson County for signatures of County officials as required by ORS chapter 92.

B. Proof of Recording. Upon final recording with the County, the applicant shall submit to the City a paper copy and electronic files of all sheets of the recorded final plat.

18.5.3.110 Re-platting and Vacation of Plats

Except as required for street vacations, the same procedure and standards that apply to the creation of a plat (preliminary plat followed by final plat) shall be used to re-plat or vacate a plat. Street vacations are subject to AMC 4.18 and ORS 18.271. A re-plat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets, or alleys; or if it fails to meet any applicable City standards.

18.5.3.120 Property Line Adjustments

A Property Line Adjustment is the modification of lot boundary when no lot is created. The Staff Advisor reviews applications for Property Line Adjustments through the Ministerial procedure, per section 18.5.1.040. The application submission and approval process for Property Line Adjustments is as follows.

A. Submission Requirements. All applications for Property Line Adjustment shall be made on forms provided by the City and shall include information required for a Ministerial review, pursuant to section 18.5.1.040. The application shall include a preliminary lot line map drawn to scale identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing

structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; location of lands subject to the Ashland Floodplain Corridor Overlay; existing fences and walls; and any other information deemed necessary by the Staff Advisor for ensuring compliance with City codes. The application shall be signed by all of the owners as appearing on the deeds of the subject lots.

B. Approval Criteria. The Staff Advisor shall approve or deny a request for a property line adjustment in writing based on all of the following criteria.

1. Parcel Creation. No additional parcel or lot is created by the lot line adjustment.
2. Lot Standards. Except as allowed for nonconforming lots, pursuant to chapter 18.1.4, or as required by an overlay zone in part 18.3, all lots and parcels conform to the lot standards of the applicable zoning district, including lot area, dimensions, setbacks, and coverage, per part 18.2. If a lot does not conform to the lots standards of the applicable zoning district, it shall not be made less conforming by the property line adjustment. As applicable, all lots and parcels shall identify a buildable area free of building restrictions for physical constraints (i.e., flood plain, greater than 35 percent slope, water resource protection zones).
3. Access Standards. All lots and parcels conform to the standards in section 18.4.3.080 Vehicle Area Design. Lots and parcels that do not conform to the access standards shall not be made less conforming by the property line adjustment.

C. Final Property Line Adjustment Plat. The final plat for Property Line Adjustments shall be prepared as a partition plat, and meet the requirements of sections 18.5.3.090.

D. Recording Property Line Adjustments.

1. Recording. Within 60 days of the City approval of the final plat (or the approval of the preliminary property line adjustment map expires), the applicant shall submit the final plat to Jackson County for signatures of County officials as required by ORS chapter 92.
2. Time Limit. The applicant shall submit a copy of the recorded property line adjustment survey map to the City within 15 days of recording and prior to any application being filed for building permits on the re-configured lots.

18.5.3.130 Expiration and Extensions

Land division approvals are subject to sections 18.1.6.030 Permit Expiration and 18.1.6.040 Permit Extension.

Chapter 18.5.4 – Conditional Use Permits

Sections:

18.5.4.010 Purpose
18.5.4.020 Applicability
18.5.4.030 Review Procedure
18.5.4.040 Application Submission Requirements
18.5.4.050 Approval Criteria
18.5.4.060 Expiration; Revocation; Abandonment
18.5.4.070 Modifications to Conditional Use Permits

18.5.4.010 Purpose

The purpose of this chapter is to provide procedures and standards for permitting conditional uses.

18.5.4.020 Applicability

Chapter 18.5.4 applies to land use actions involving a conditional use as designated in section 18.2.2.030. Certain uses are permitted in each zoning district only as conditional uses, and conditional uses are identified in chapter 18.2.2 Base Zones and Allowed Uses. No conditionally permitted use may be established, enlarged or altered unless the City first issues a conditional use permit in accordance with the provisions of this chapter.

18.5.4.030 Review Procedure

Applications for Conditional Use Permits are reviewed as follows.

A. Type I Reviews. The following Conditional Use Permits are subject to Type I review in chapter 18.5.1.050.

1. Conditional Use Permits involving existing structures or additions to existing structures, and not involving more than three residential dwelling units.
2. Temporary uses, as defined in chapter 18.6.
3. Government signs per section 18.4.7.
4. Wireless communication facilities per section 18.4.10.

B. Type I Reviews. Conditional Use Permits not listed in subsection 18.5.4.030.A, above, are subject to Type II review in section 18.5.1.060.

18.5.4.040 Application Submission Requirements

An application for a Conditional Use Permit shall be submitted by the owner of the subject property or authorized agent on a form prescribed by the City and accompanied by the required filing fee. The application shall include a plan or drawing meeting the requirements below.

A. General Submission Requirements. Information required for Type I or Type II review, as applicable (see sections 18.5.1.050 and 18.5.1.060), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.

B. Plan Submittal. The plan or drawing accompanying the application shall include the following information.

1. Vicinity map.
2. North arrow and scale.
3. Depiction and names of all streets abutting the subject property.
4. Depiction of the subject property, including the dimensions of all lot lines.
5. Location and use of all buildings existing and proposed on the subject property and schematic architectural elevations of all proposed structures.
6. Location of all parking areas, parking spaces, and ingress, egress, and traffic circulation for the subject property, including accessible parking by building code.
7. Schematic landscaping plan showing area and type of landscaping proposed.
8. A topographic map of the site showing contour intervals of five feet or less.
9. Approximate location of all existing natural features in areas which are planned to be disturbed, including, but not limited to, all existing trees of greater than six inches DBH, any natural drainage ways, ponds or wetlands, and any substantial outcroppings of rocks or boulders.

18.5.4.050 Approval Criteria

A. Approval Criteria. A Conditional Use Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

1. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
3. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.
    a. Similarity in scale, bulk, and coverage.
    b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle,

and mass transit use are considered beneficial regardless of capacity of facilities.

c. Architectural compatibility with the impact area.

d. Air quality, including the generation of dust, odors, or other environmental pollutants.

e. Generation of noise, light, and glare.

f. The development of adjacent properties as envisioned in the Comprehensive Plan.

g. Other factors found to be relevant by the approval authority for review of the proposed use.

4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.

5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.

a. *WR and RR.* Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.

b. *R-1.* Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.

c. *R-2 and R-3.* Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.

d. *C-1.* The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.

e. *C-1-D.* The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.

f. *E-1.* The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.

g. *M-1.* The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.

h. *CM-C1.* The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.

i. *CM-OE and CM-MU.* The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.

k. *CM-NC.* The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.

l. *HC, NM, and SOU.* The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District, respectively, complying with all ordinance requirements.

B. Conditions of Approval. The approval authority may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following.

1. Limiting the hours, days, place, and/or manner of operation.
2. Specifying the period of time within which the proposed use shall be developed.
3. Limiting the duration of use.
4. Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust, in addition to the requirements of part 18.4 Site Development and Design Standards.
5. Requiring larger setback areas, and/or building separation.
6. Requiring architectural design features such as building materials, textures, colors, and architectural features that address architectural compatibility with the impact area.
7. Designating the size, number, location, and/or design of vehicle and pedestrian access points or parking and loading areas.
8. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable, consistent with the requirements of chapter 18.4.6 Public Facilities. Alternatively, the City may require the owner sign a non-remonstrance agreement and consent to participate in the costs of providing such improvements, per section 18.4.6.030.
9. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas, in addition to the requirements of part 18.4 Site Development and Development Standards.
10. Regulation of building materials, textures, colors, and architectural features.
11. Limiting the number, size, location, height and/or lighting of signs;
12. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting.
13. Requiring berms, screening, or landscaping and the establishment of standards for their installation and maintenance.
14. Requiring and designating the size, height, location, and/or materials for fences and walls.
15. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands.
16. Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with City standards.
17. The approval authority may require renewal of Conditional Use Permits annually or in

accordance with another timetable as approved pursuant to this chapter. Where applicable, the timetable shall provide for periodic review and renewal, or expiration, of the Conditional Use Permit to ensure compliance with conditions of approval; such period review may occur through a Type I or Type II review process, pursuant to chapter 18.5.1.

18.5.4.060 Expiration; Revocation; Abandonment

Unless a longer period is specifically allowed by the approval authority, Conditional Use Permits are subject to sections 18.1.6.030 Permit Expiration and 18.1.6.040 Permit Extension. A conditional use is deemed void if discontinued or abandoned for a period of six consecutive months.

18.5.4.070 Modifications to Conditional Use Permits

Modifications to conditional use permits are subject to chapter 18.5.6.

Chapter 18.5.5 – Variances

Sections:

18.5.5.010 Purpose
18.5.5.020 Applicability
18.5.5.030 Review Procedure
18.5.5.040 Application Submission Requirements
18.5.5.050 Approval Criteria
18.5.5.060 Effect
18.5.5.070 Expiration and Extension

18.5.5.010 Purpose

Where practical difficulties, unnecessary hardships, and results inconsistent with the general purpose of the Land Use Ordinance ("this ordinance") may result from the strict application of certain provisions thereof, a Variance may be granted as provided in this chapter.

18.5.5.020 Applicability

This chapter may not be used to allow a use that is not in conformity with the uses specified by this ordinance for the district in which the land is located. Chapter 18.5.5 does not apply where this ordinance specifically provides for exceptions to development standards (e.g., exceptions to the site development and design standards, solar setback, street standards, hillside lands development standards, water resource protection zone standards).

18.5.5.030 Review Procedure

Applications for Variances are reviewed as follows.

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

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

listed in this section.

B. Type II. Variances not listed in subsection 18.5.5.030.A, above, are subject to the Type II review procedure in section 18.5.1.060.

18.5.5.040 Application Submission Requirements

An application for a Variance shall be submitted by the owner of the subject property or authorized agent on a form prescribed by the City and accompanied by the required filing fee. The application shall include a plan or drawing meeting the requirements below:

A. General Submission Requirements. Information required for Type I or Type II review, as applicable (see sections 18.5.1.050 and 18.5.1.060), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.

B. Plan Submittal. The plan or drawing accompanying the application shall include the following information.

1. Vicinity map.
2. North arrow and scale.
3. Depiction and names of all streets abutting the subject property.
4. Depiction of the subject property, including the dimensions of all lot lines.
5. Location and use of all buildings existing and proposed on the subject property and schematic architectural elevations of all proposed structures.
6. Location of all parking areas, parking spaces, and ingress, egress, and traffic circulation for the subject property, including accessible parking by building code.
7. Schematic landscaping plan showing area and type of landscaping proposed.
8. A topographic map of the site showing contour intervals of five feet or less.
9. Approximate location of all existing natural features in areas which are planned to be disturbed, including, but not limited to, all existing trees of greater than six inches DBH, any natural drainage ways, ponds or wetlands, and any substantial outcroppings of rocks or boulders.

18.5.5.050 Approval Criteria

A. The approval authority through a Type I or Type II procedure, as applicable, may approve a variance upon finding that it meets all of the following criteria.

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.
2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.

3. The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.
4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

B. In granting a variance, the approval authority may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property and property owners, the neighborhood, or the City as a whole.

18.5.5.060 Effect

No building or zoning permit shall be issued in any case where a variance is required until the effective date of the decision, and then only in accordance with the terms and conditions of said approval. An appeal from the action of the approval authority shall automatically stay the issuance of the building or other permit until such appeal has been completed and the final decision of the City is issued. In the event the variance is approved, the building or zoning permit may be issued immediately thereafter, in accordance with such terms and conditions as may have been imposed on said variance.

18.5.5.070 Expiration and Extension

Variances are subject to sections 18.1.6.030 Permit Expiration and 18.1.6.040 Permit Extension.

Chapter 18.5.6 – Modifications to Approved Planning Applications

Sections:

18.5.6.010 Purpose
18.5.6.020 Applicability
18.5.6.030 Major Modifications
18.5.6.040 Minor Modifications

18.5.6.010 Purpose

The purpose of this chapter is to provide an efficient process for modifying land use decisions and approved development plans.

18.5.6.020 Applicability

This chapter applies when an applicant proposes to modify an approved application or condition of approval.

18.5.6.030 Major Modifications

A. Authorization of Major Modifications. The approval authority and review procedure for Major Modification applications is the same as for the original project or plan approval. Any one of the following changes constitutes a Major Modification.

1. A change in land use, from a less intensive use to a more intensive use, as evidenced by parking, paved area, estimated an increase in automobile or truck trips (peak and/or average daily trips), an increase in hours of operation, an increased demand for parking, additional paved area, or similar factors, where the increase is 20 percent or more, provided the standards of parts 18.2, 18.3, and 18.4 are met.
2. An increase in floor area to a commercial or industrial development by 20 percent or more, or an increase in the number of dwelling units in a multifamily development, by ten percent or more, provided the standards of parts 18.2 and 18.3 are met.
3. An increase in building envelope or an increase in lot coverage by 20 percent or more, provided the standards of parts 18.2 and 18.3 are met.
4. A change in the type and/or location of vehicle access points or approaches, driveways, or parking areas affecting off-site traffic if the change could cause a significant adverse impact on traffic operations or safety (i.e., requiring mitigation).
5. A reduction to screening, or a reduction to the area reserved for common open space or landscaping by 20 percent or more.
6. A change to a building elevation or floor plan that the Staff Advisor determines is not in substantial conformance with the original approval.
7. Change to a condition of approval, or a change similar to 18.5.6.030, subsections 1 - 6, above,

that could have a detrimental impact on adjoining properties. The Staff Advisor shall have discretion in determining detrimental impacts triggering a major modification.

8. Other changes similar to those in 18.5.6.030, subsections 1 - 6, above, in scale, magnitude, or impact to adjacent properties, as determined by the Staff Advisor.

B. Major Modification Applications. In requesting a Major Modification, the applicant shall submit an application form, filing fee, a letter describing the modification, and a site plan using the same plan format as in the original approval. The approval authority may require other relevant information, as necessary, in evaluating the request.

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

1. Major 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.
2. A modification adding or altering a conditional use, or requiring a variance, administrative variance, or exception may be subject to other ordinance requirements.
3. The approval authority shall approve, deny, or approve with conditions the application, based on written findings.

18.5.6.040 Minor Modifications

A. Authorization of Minor Modifications.

1. A Minor Modification is a change to an approved plan or condition of approval that does not meet any of the thresholds for a Major Modification listed in section 18.5.6.030.A. For minor amendments to partitions and subdivisions, see also, subsection 18.5.3.020.G.
2. The Staff Advisor through a Ministerial or Type I procedure, depending on whether the proposal involves the exercise of discretion, shall review proposals for Minor Modifications.

B. Minor Modification Applications. In requesting a Minor Modification, the applicant shall submit an application form, filing fee, a letter describing the modification, and a site plan using the same plan format as in the original approval. The approval authority may require other relevant information, as necessary, in evaluating the request.

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.

Chapter 18.5.7 – Tree Removal Permits

Sections:

18.5.7.010 Purpose
18.5.7.020 Applicability and Review Procedure
18.5.7.030 Application Submission Requirements
18.5.7.040 Approval Criteria and Standards
18.5.7.050 Mitigation Requirements
18.5.7.060 Conditions of Approval for Tree Removal Permits
18.5.7.070 Expiration of Tree Removal Permits
18.5.7.080 Evidence of Violation
18.5.7.090 Penalties

18.5.7.010 Purpose

The City recognizes the importance of trees to the character and beauty of Ashland as well as the role that trees have in advancing the public health, safety, and welfare. The City has therefore determined that reasonable regulation of the removal of certain trees is necessary and that this regulation of trees is based upon the following general guidelines.

A. The City recognizes that trees can provide soil stability, noise buffering, and wind protection benefits. The City greatly values trees for their ecological importance, temperature mitigation, enhanced wildlife habitat, and aesthetics.

B. The City recognizes the special significance of heritage and distinctive trees, and values the contribution, which such trees make to the beauty and quality of life of Ashland.

C. The City recognizes that because of the known benefits of trees, development property should be protected from unregulated removal of trees prior to the approval of development plans. Trees on such properties should be preserved so that they may be considered for incorporation into development plans.

D. The City recognizes that residents in single-family zones should have the freedom to determine the nature of their private landscaped surroundings.

E. The City recognizes that city-owned property and properties located in multi-family residential zones often have special landscaping circumstances, and that these special circumstances have the potential to affect significantly larger numbers of persons if unregulated. Because of this, such properties require reasonable regulation.

18.5.7.020 Applicability and Review Procedure

All tree removal and topping activities shall be carried out in accordance with the requirements of this chapter and as applicable, the provisions of part 18.3 Special Districts and Overlay Zones, and chapter 18.4.4 Landscaping, Lighting, and Screening.

If tree removal is part of another planning action involving development activities, the tree removal application, if timely filed, shall be processed concurrently with the other planning action. Applications

for Tree Removal Permits are reviewed as follows.

A. Ministerial Action. The following Tree Removal Permits are subject to the Ministerial procedure in section 18.5.1.040.

1. Emergency Tree Removal Permit.

B. Type I Reviews. The following Tree Removal Permits are subject to the Type I review in section 18.5.1.050. This section applies to removal of trees that are a hazard or are not a hazard.

1. Removal of trees greater than six-inches DBH on private lands zoned C-I, E-I, M-I, CM, or HC.
2. Removal of trees greater than six-inches DBH on lots zoned R-2, R-3, and R-1-3.5 that are not occupied solely by a single family detached dwelling.
3. Removal of significant trees, as defined in part 18.6, on vacant property zoned for residential purposes including but not limited to R-I, RR, WR, and NM zones.
4. Removal of significant trees as defined in part 18.6, on lands zoned SOU, on lands under the control of the Ashland School District, or on lands under the control of the City.
5. Tree Topping Permit.

C. Exempt From Tree Removal Permit. The following activities are exempt from the requirement for a tree removal permit in 18.5.7.020.A, subsections A. and B, above.

1. Those activities associated with the establishment or alteration of any public park under the Ashland Parks and Recreation Commission. However, the Parks and Recreation Department shall provide an annual plan in January to the Tree Commission outlining proposed tree removal and topping activities, and reporting on tree removal and topping activities that were carried out in the previous year.
2. Removal of trees in single family residential zones on lots occupied only by a single family detached dwelling and associated accessory structures, except as otherwise regulated by chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.
3. Removal of trees in multi-family residential zones on lots occupied only by a single family detached dwelling and associated accessory structures, except as otherwise regulated by chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.
4. Removal of trees less than six-inches DBH in any zone, excluding those trees located within the public right of way or required as conditions of approval with landscape improvements for planning actions.
5. Removal of trees less than 18.inches DBH on any public school lands, Southern Oregon University, and other public land, excluding Heritage trees.
6. Removal of trees within the Wildfire Lands area of the City, as defined on adopted maps, for the purposes of wildfire fuel management, and in accord with the requirements of chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.
7. Removal of dead trees.

8. Those activities associated with tree trimming for safety reasons, as mandated by the Oregon Public Utilities Commission, by the City's Electric and Telecommunication Utility. However, the Utility shall provide an annual plan to the Tree Commission outlining tree trimming activities and reporting on tree trimming activities that were carried out in the previous year. Tree trimming shall be done, at a minimum, by a Journeyman Tree Trimmer, as defined by the Utility, and will be done in conformance and to comply with OPUC regulations.
9. Removal of street trees within the public right-of-way subject to street tree removal permits in AMC 13.16.
10. Those activities associated with tree trimming or removal at the Airport, within the Airport (A) overlay zone for safety reasons, as mandated by the Federal Aviation Administration. The Public Works Department shall provide an annual report to the Tree Commission outlining tree trimming activities and reporting on tree trimming activities that were carried out in the previous year.

D. Other Requirements.

1. Flood Plain, Hillsides, and Wildfire. Tree removal in the Physical and Environmental Constraints Overlay (i.e., areas identified as Flood Plain Corridor Land, Hillside Lands, Wildfire Lands and Severe Constraint Lands) must also comply with the provisions of chapter 18.3.10 Physical and Environmental Constrains Overlay.
2. Water Resources. Tree removal in regulated riparian areas and wetlands must also comply with the provisions of chapter 18.3.11 Water Resources Protection Zones.

18.5.7.030 Application Submission Requirements

An application for a Tree Removal Permit shall be submitted by the owner of the subject property or authorized agent on a form prescribed by the City and accompanied by the required filing fee. The application shall include a plan or drawing meeting the requirements below.

A. General Submission Requirements. Information required for a Ministerial or Type I review, as applicable (see sections 18.5.1.040 and 18.5.1.050.), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.

B. Plan Submittal. An application for all Tree Removal Permits shall include the following.

1. Plans drawn to scale containing the number, size, species, and location of the trees proposed to be removed or topped on a site plan of the property.
2. The anticipated date of removal or topping.
3. A statement of the reason for removal or topping. If a prior planning approval requires that the subject tree(s) be preserved, a modification request, pursuant to chapter 18.5.6, may also be required.
4. Information concerning proposed landscaping or planting of new trees to replace the trees to be removed.
5. Evidence that the trees proposed for removal or topping have been clearly identified on the property for visual inspection.

6. A Tree Protection Plan that includes trees located on the subject site that are not proposed for removal, and any off-site trees where drip lines extend into proposed landscaped areas on the subject site. Such plans shall conform to the protection requirements under section 18.4.5.030.
7. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.
8. Any other information reasonably required by the City.

18.5.7.040 Approval Criteria

A. Emergency Tree Removal Permit. An Emergency Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

1. If the condition of a tree presents an immediate danger of collapse, as defined in part 18.6, and represents a clear and present hazard to persons or property, an emergency tree removal permit may be issued and the payment of a fee may be waived. The Staff Advisor may require the applicant to hire an arborist to review the evidence to ascertain whether the tree presented an immediate danger of collapse.

B. Tree Removal Permit.

1. Hazard Tree. A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
   a. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.
   b. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.
2. Tree That is Not a Hazard. A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
   a. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.3.10.
   b. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.
   c. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered

and no reasonable alternative exists to allow the property to be used as permitted in the zone.

d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.

e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

C. Tree Topping Permit. Topping is an injurious pruning practice, which may lead to stress, disease, and decay in trees. It should be avoided whenever an alternative exists. A Tree Topping Permit may be issued if all of the following apply.

1. A utility, public agency, or other person who routinely tops trees in furtherance of public safety, may apply for a topping permit pursuant to this section based upon an arborist's report establishing a methodology for topping in compliance with this subsection.
2. Trees under utility wires may be topped only where other pruning techniques are impractical.
3. The City, in granting approval for tree removal in an open space or undeveloped area, may allow a tree to be topped to a designated height in order to maintain a snag for wildlife habitat.

18.5.7.050 Mitigation Required

One or more of the following shall satisfy the mitigation requirement.

A. Replanting On-Site. The applicant shall plant either a minimum 1 ½-inch caliper healthy and well-branched deciduous tree or a five to six-foot tall evergreen tree for each tree removed. The replanted tree shall be of a species that will eventually equal or exceed the removed tree in size if appropriate for the new location. Larger trees may be required where the mitigation is intended, in part, to replace a visual screen between land uses. Suitable species means the tree' s growth habits and environmental requirements are conducive to the site, given existing topography, soils, other vegetation, exposure to wind and sun, nearby structures, overhead wires, etc. The tree shall be planted and maintained per the specifications of the Recommended Street Tree Guide.

B. Replanting Off-Site. If in the City's determination there is insufficient available space on the subject property, the replanting required in section 18.5.7.050.A, above, shall occur on other property in the applicant's ownership or control within the City, in an open space tract that is part of the same subdivision, or in a City owned or dedicated open space or park. Such mitigation planting is subject to the approval of the authorized property owners. If planting on City owned or dedicated property, the City may specify the species and size of the tree. Nothing in this section shall be construed as an obligation of the City to allow trees to be planted on City owned or dedicated property.

C. Payment In-Lieu of Planting. If in the City's determination no feasible alternative exists to plant the required mitigation, the applicant shall pay into the tree account an amount as established by resolution of the City Council.

D. Mitigation Plan. An approved mitigation plan shall be fully implemented within one year of a tree being removed unless otherwise set forth in a tree removal application and approved in the tree removal permits.

18.5.7.060 Conditions of Approval for Tree Removal Permits

The City may impose conditions of approval on any Tree Removal Permit if the condition is reasonably related to preventing, eliminating, or mitigating a negative impact or potential negative impact on natural features or processes or on the built environment of the neighborhood which is as created or contributed to by the approved tree removal. Conditions of approval may include, but are not limited to the following.

A. Requiring modifications in the location, design, or intensity of a development or activities on a site or to require or prohibit certain construction methods. Modifications may result in a decrease in size of residential or commercial structures, but modifications shall not reduce the density of residential development below the permitted density allowed by the zone.

B. Requiring vegetation not requiring a tree removal permit to remain in place or be planted.

C. Requiring the removal of injurious or noxious vegetation (such as English Ivy) from other trees on the property.

18.5.7.070 Expiration of Tree Removal Permits

Tree removal permits shall remain valid for a period of 18 months from the date of issuance or date of final decision by a hearing body, if applicable. A 30-day extension shall be automatically granted by the Staff Advisor if requested in writing before the expiration of the permit. Permits that have lapsed are void. Trees removed after a tree removal permit has expired shall be considered a violation of this chapter.

18.5.7.080 Evidence of Violation

A. If a tree is removed without a Tree Removal Permit, a violation shall be determined by measuring the stump. A stump that is eight caliper inches or more in diameter shall be considered initial evidence of a violation of this chapter.

B. Removal of the stump of a tree removed without a tree removal permit prior to the determination provided in 18.5.7.080.A, above, is a violation of this chapter.

C. Proof of violation of this chapter shall be deemed prima facie evidence that such violation is that of the owner of the property upon which the violation was committed. Prosecution of or failure to prosecute the owner shall not be deemed to relieve any other responsible person.

D. Tree removal or topping caused by natural weather conditions shall not be deemed a violation of this chapter and shall be exempt from all penalties set forth in section 18.5.7.090.

18.5.7.090 Enforcement and Penalties

In addition to taking enforcement action and assessing penalties for violations of this code, as

authorized by chapter 18.1.6 Zoning Permit Expiration, Extension, and Enforcement, the City may take the following mitigation actions where there is a violation of this chapter:

A. Arborist Report and Required Treatment. Upon request by the City, a person who violates any provision of this chapter shall submit a report prepared by an arborist to evaluate the damage to a tree and/or make recommendations to remedy the violation. The City upon evaluating these recommendations, may, at the City's discretion, require that the recommended measures be implemented.

B. Restoration Fee. In addition to any fine and enforcement fee, the court may impose a restoration fee as restitution to the City for restoring the tree. This fee may be imposed upon any person who violates any provision of this chapter or who violates any permit or condition of any permit.

1. The fee shall be paid into the City's Tree Account and shall be a standard fee per caliper inch for the total number of caliper inches of the tree damaged or removed in violation of this chapter. The standard fee shall be in an amount as established by resolution of the City Council.
2. The court may require the person to pay into the City's Tree Account an increased fee per caliper inch or pay for the value of the tree, whichever is greater, if any of the following apply.
    a. The person has committed a previous violation of a provision of this chapter.
    b. Tree protection measures as required by this chapter were not installed or maintained.
    c. The tree removed or damaged was:
        i. 18 caliper inches in diameter or greater;
        ii. a designated Heritage Tree;
        iii expressly protected or required to be preserved as a condition of approval of a development permit pursuant to this ordinance; or
        iv. located on public right of way, City owned or dedicated property, a public or private open space area or conservation easement.
3. The value of a tree under this section shall be determined by an arborist in accordance with the methods set forth in the Guide for Plant Appraisal, an official publication of the International Society of Arboriculture.

C. Fine. The removal of a tree in violation of this chapter, in violation of a permit or any condition of a permit issued under this chapter shall be a separate offense for each tree.

D. Cumulative Remedies. The rights, remedies, and penalties provided in this chapter are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the City under any other provision of law.

Chapter 18.5.8 – Annexations

Sections:

18.5.8.010 Purpose
18.5.8.020 Applicability and Application Submission Requirements
18.5.8.030 Review Procedure
18.5.8.040 Initiation by City Council
18.5.8.050 Approval Criteria and Standards
18.5.8.060 Boundaries
18.5.8.070 Statutory Procedures

18.5.8.010 Purpose

This chapter contains procedures and approval criteria for the Annexation of land to provide for the orderly expansion of the City and adequate provision of public facilities and services.

18.5.8.020 Applicability and Application Submission Requirements

Except for annexations initiated pursuant to section 18.5.8.040, application for annexation shall include the following information.

A. Consent to annexation, which is non-revocable for a period of one year from its date.

B. Agreement to deposit an amount sufficient to retire any outstanding indebtedness of special districts defined in ORS 222.510.

C. Boundary description and map prepared in accordance with ORS 308.225. Such description and map shall be prepared by a registered land surveyor. The boundaries shall be surveyed and monumented as required by sta tute subsequent to City Council approval of the proposed annexation.

D. Written findings addressing the criteria and standards in section 18.5.8.040.

E. Written request by the property owner for a zone change. Provided, however, no written request shall be necessary if the annexation has been approved by a majority vote in an election meeting the requirements of Section 11g of Article XI of the Oregon Constitution (Ballot Measure No. 47).

18.5.8.030 Review Procedure

All annexations shall be processed under the Type III procedure.

18.5.8.040 Initiation by City Council or Planning Commission

The City Council or Planning Commission on its own motion may initiate a proposal for annexation. The approval criteria and standards in section 18.5.8.050 shall apply. Provided, however, that in the case of annexation pursuant to section 18.5.8.050.H.3 (current or probable public health hazard due to lack of full City sanitary sewer or water services) or section 18.5.8.030.H.6 (the lot or lots proposed for

annexation are an island completely surrounded by lands within the city limits), the approval standards in subsections 18.5.7.050.E, F and G shall not apply.

18.5.8.050 Approval Criteria and Standards

An annexation may be approved if the proposed request for annexation conforms, or can be made to conform through the imposition of conditions, with all of the following approval criteria.

A. The land is within the City's Urban Growth Boundary.

B. The proposed zoning for the annexed area is in conformance with the designation indicated on the Comprehensive Plan Map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.

C. The land is currently contiguous with the present city limits.

D. Adequate City facilities for the provision of water to the site as determined by the Public Works Department; the transport of sewage from the site to the waste water treatment plant as determined by the Public Works Department; the provision of electricity to the site as determined by the Electric Department; urban storm drainage as determined by the Public Works Department can and will be provided to and through the subject property. Unless the City has declared a moratorium based upon a shortage of water, sewer, or electricity, it is recognized that adequate capacity exists system-wide for these facilities.

E. Adequate transportation can and will be provided to and through the subject property. For the purposes of this section "adequate transportation" for annexations consists of vehicular, bicycle, pedestrian, and transit transportation meeting the following standards.

1. For vehicular transportation a 20-foot wide paved access exists, or can and will be constructed, along the full frontage of the project site to the nearest fully improved collector or arterial street. All streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20-foot wide driving surface. The City may, after assessing the impact of the development, require the full improvement of streets adjacent to the annexed area. All streets located within annexed areas shall be fully improved to City standards. Where future street dedications are indicated on the Street Dedication Map or required by the City, provisions shall be made for the dedication and improvement of these streets and included with the application for annexation.
2. For bicycle transportation safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.
3. For pedestrian transportation safe and accessible pedestrian facilities exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by ordinance on all streets within the annexed area. Where the project site is within a quarter of a mile of an existing sidewalk system, the sidewalks from the project site shall be

constructed to extend and connect to the existing system. Likely pedestrian destinations from the project site shall be determined and the safe and accessible pedestrian facilities serving those destinations shall be indicated.

4. For transit transportation, should transit service be available to the site, or be likely to be extended to the site in the future based on information from the local public transit provider, provisions shall be made for the construction of adequate transit facilities, such as bus shelters and bus turn-out lanes. All required transportation improvements shall be constructed and installed prior to the issuance of a certificate of occupancy for any new structures on the annexed property.

F. For all residential annexations, a plan shall be provided demonstrating that the development of the entire property will ultimately occur at a minimum density of 90 percent of the base density for the zone, unless reductions in the total number of units is necessary to accommodate significant natural features, topography, access limitations, or similar physical constraints. The owner or owners of the property shall sign an agreement, to be recorded with the county clerk after approval of the annexation, ensuring that future development will occur in accord with the minimum density indicated in the development plan. For purposes of computing maximum density, portions of the annexed area containing undevelopable areas such as wetlands, floodplain corridor lands, or slopes greater than 35 percent, shall not be included.

G. Except as provided in 18.5.8.050.G.7, below, annexations with a density or potential density of four residential units or greater and involving residential zoned lands, or commercial, employment or industrial lands with a Residential Overlay (R-Overlay) shall meet the following requirements.

1. The total number of affordable units provided to qualifying buyers, or to qualifying renters, shall be equal to or exceed 25 percent of the base density as calculated using the unit equivalency values set forth herein.

   a. Ownership units restricted to households earning at or below 120 percent the area median income shall have an equivalency value of 0.75 unit.

   b. Ownership units restricted to households earning at or below 100 percent the area median income shall have an equivalency value of 1.0 unit.

   c. Ownership units restricted to households earning at or below 80 percent the area median income shall have an equivalency value of 1.25 unit.

   d. Ownership or rental units restricted to households earning at or below 60 percent the area median income shall have an equivalency value of 1.5 unit.

2. As alternative to providing affordable units per section 18.5.8.050.G.1, above, the applicant may provide title to a sufficient amount of buildable land for development complying with subsection 18.5.8.050.G.1.b, above, through transfer to a non-profit (IRC 501(3)(c) affordable housing developer or public corporation created under ORS 456.055 to 456.235.

   a. The land to be transferred shall be located within the project meeting the standards set forth in 18.5.8.050.G, subsections 4 - 6.

   b. All needed public facilities shall be extended to the area or areas proposed for transfer.

   c. Prior to commencement of the project, title to the land shall be transferred to the City, an

affordable housing developer which must either be a unit of government, a non–profit 501(C)(3) organization, or public corporation created under ORS 456.055 to 456.235.

d. The land to be transferred shall be deed restricted to comply with Ashland's affordable housing program requirements.

3. The affordable units shall be comparable in bedroom mix and housing type with the market rate units in the development.

   a. The number of bedrooms per dwelling unit in the affordable units within the residential development shall be in equal proportion to the number of bedrooms per dwelling unit in the market-rate units within the residential development. This provision is not intended to require the same floor area in affordable units as compared to market-rate units. The minimum square footage of each affordable unit shall comply with the minimum required floor based as set forth in Table 18.5.8.050.G.3.

Table 18.5.8.050.G.3

Unit Type	Minimum Required Unit Floor Area (Square Feet)
Studio	350
1 Bedroom	500
2 Bedroom	800
3 Bedroom	1,000
4 Bedroom	1,250

   b. The required on-site affordable units shall be comprised of the different unit types in the same proportion as the market dwelling units within the development.

4. A development schedule shall be provided that demonstrates that that the affordable housing units per subsection 18.5.8.050.G shall be developed, and made available for occupancy, as follows.

   a. That 50 percent of the affordable units shall have been issued building permits prior to issuance of a certificate of occupancy for the last of the first 50 percent of the market rate units.

   b. Prior to issuance of a building permit for the final ten percent of the market rate units, the final 50 percent of the affordable units shall have been issued certificates of occupancy.

5. That affordable housing units shall be distributed throughout the project

6. That affordable housing units shall be constructed using comparable building materials and include equivalent amenities as the market rate units.

   a. The exterior appearance of the affordable units in any residential development shall be visually compatible with the market-rate units in the development. External building materials and finishes shall be substantially the same in type and quality for affordable units as for

market-rate units

b. Affordable units may differ from market-rate units with regard to interior finishes and materials provided that the affordable housing units are provided with comparable features to the market rate units, and shall have generally comparable improvements related to energy efficiency, including plumbing, insulation, windows, appliances, and heating and cooling systems.

7. Exceptions to the requirements of 18.5.8.050, subsections G.2 – G.5, above, may be approved by the City Council upon consideration of one or more of the following.

   a. That an alternative land dedication as proposed would accomplish additional benefits for the City, consistent with the purposes of this chapter, than would development meeting the on-site dedication requirement of subsection 18.5.8.050.G.2.

   b. That an alternative mix of housing types not meeting the requirements of subsection 18.5.8.050.G.3.b would accomplish additional benefits to the City consistent with this chapter, than would the development providing a proportional mix of unit types.

   c. That the alternative phasing proposal not meeting subsection 18.5.8.050.G.4 provided by the applicant provides adequate assurance that the affordable housing units will be provided in a timely fashion.

   d. That the distribution of affordable units within the development not meeting subsection 18.5.8.050.G.5 is necessary for development of an affordable housing project that provides onsite staff with supportive services.

   e. That the distribution of affordable units within the development as proposed would accomplish additional benefits for the city, consistent with the purposes of this chapter, than would development meeting the distribution requirement of subsection 18.5.8.050.G.5.

   f. That the materials and amenities applied to the affordable units within the development, that are not equivalent to the market rate units per subsection 18.5.8.050.G.6, are necessary due to local, State, or Federal Affordable Housing standards or financing limitations.

8. The total number of affordable units described in this section 18.5.8.050.G shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction or similar legal instrument shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. Properties providing affordable units as part of the annexation process shall qualify for a maximum density bonus of 25 percent.

H. One or more of the following standards are met.

1. The proposed area for annexation is to be residentially zoned, and there is less than a five-year supply of vacant and redevelopable land in the proposed land use classification within the current city limits. “Redevelopable land” means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the Housing Element of the Comprehensive Plan.

2. The proposed lot or lots will be zoned CM, E-1, or C-1 under the Comprehensive Plan, and that the applicant will obtain Site Design Review approval for an outright permitted use, or special permitted use concurrent with the annexation request.
3. A current or probable public health hazard exists due to lack of full City sanitary sewer or water services.
4. Existing development in the proposed annexation has inadequate water or sanitary sewer service, or the service will become inadequate within one year.
5. The area proposed for annexation has existing City water or sanitary sewer service extended, connected, and in use, and a signed consent to annexation agreement has been filed and accepted by the City.
6. The lot or lots proposed for annexation are an island completely surrounded by lands within the city limits.

18.5.8.060 Boundaries

When an annexation is initiated by a private individual, the Staff Advisor may include other parcels of property in the proposed annexation to make a boundary extension more logical and to avoid parcels of land which are not incorporated but are partially or wholly surrounded by the City. The Staff Advisor, in a report to the Planning Commission and City Council, shall justify the inclusion of any parcels other than the parcel for which the petition is filed. The purpose of this section is to permit the Commission and Council to make annexations extending the City's boundaries more logical and orderly.

18.5.8.070 Statutory Procedures

The applicant for the annexation shall also declare which procedure under ORS chapter 222 the applicant proposes that the Council use, and supply evidence that the approval through this procedure is likely.

Chapter 18.5.9 – Comprehensive Plan, Zoning, and Land Use Ordinance Amendments

Sections:

18.5.9.010 Purpose
18.5.9.020 Applicability and Review Procedure

18.5.9.010 Purpose

This chapter contains the procedure for amending the Comprehensive Plan, Zoning and Land Use Control Maps, and Land Use Ordinance.

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

A. Type II. The Type II procedure is used for applications involving zoning map amendments consistent with the Comprehensive Plan map, and minor map amendments or corrections. Amendments under this section may be approved if in compliance with the Comprehensive Plan and the application demonstrates that one or more of the following.

1. The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan.
2. A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances.
3. Circumstances relating to the general public welfare exist that require such an action.
4. Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.
5. Increases in residential zoning density of four units or greater on commercial, employment, or industrial zoned lands (i.e., Residential Overlay), will not negatively impact the City's commercial and industrial land supply as required in the Comprehensive Plan, and will provide 25 percent of the proposed base density as affordable housing consistent with the approval standards set forth in subsection 18.5.8.050.G.
6. The total number of affordable units described in 18.5.9.020.A, subsections 4 or 5, above, shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. 18.5.9.020.A, subsections 4 and 5 do not apply to Council initiated actions.

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

18.5.9 – Comprehensive Plan, Zoning, and Land Use Ordinance Amendments

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

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

Chapter 18.5.10 – Ballot Measure 49 Claims

Sections:

18.5.10.010 Purpose and Scope
18.5.10.020 Measure 49: Delegation of Authority to City Administrator
18.5.10.030 Measure 49: Claim for Compensation
18.5.10.040 City Administrator Review and Decision
18.5.10.050 City Council Consideration and Decision
18.5.10.060 Burden of Proof and Record
18.5.10.070 Effect of Waiver
18.5.10.080 Procedural Error
18.5.10.090 Recording
18.5.10.100 Reconsideration of Waiver
18.5.10.110 Appeals

18.5.10.010 Purpose and Scope

A. ORS 197.352(5) authorizes local government to establish procedures governing new claims under Section 12 to 14 of Ballot Measure 49 (2007). These provisions are in addition to and not in lieu of the requirements of Ballot Measure 49.

B. As it relates to City claims, Ballot Measure 49 permits compensation claims only when a non-exempt City land development regulation, enacted after January 1, 2007, restricts the residential use of private real property zoned for primarily single family residential use and it can be demonstrated in a qualified appraisal that the restriction reduces fair market value.

18.5.10.020 Measure 49: Delegation of Authority to City Administrator

A. The City Administrator is delegated authority to determine the validity of, and grant non-monetary compensation for, claims filed under section 12 to 14 of Measure 49 after June 28, 2007. The City Administrator may not authorize monetary payment for any claim, nor may the City Administrator award transferable development credits.

B. The City Administrator may forward any claim to the City Council for resolution if the City Administrator determines it would be in the public interest to do so. The City Administrator shall forward a claim to the Council for a decision if the City Administrator concludes that payment of monetary compensation or an award of transferable development credits is an appropriate remedy.

18.5.10.030 Measure 49: Claim for Compensation

A. Filing. All claims shall be filed with the City Administrator in person or by U.S. mail. The filing date is the date the claim is received by the City.

B. Submittal Requirements:

1. Claimant shall file a fully executed and completed Measure 49 claim form provided by the

Community Development Department including.

a. The name and address of each owner and the date (supported by evidence) when the property was acquired.

b. The address, if any, tax lot number, township, range and section of the property that is the subject of the claim.

c. A specific statement of the person's desired use of the property for residential use.

d. A specific reference (or citation) to each land use regulation enacted after January 1, 2007 that is alleged to restrict the person' s desired use of the property and when the land use regulations were enacted (the reference must be specific enough to permit the City to identify the precise regulation).

e. The amount of reduction in fair market value (supported by evidence) alleged for each regulation at issue plus interest.

f. Whether a previous permit was issued for development of the property including a description of the use and case file number.

g. Whether a claim was filed for the subject property with the state or any other government.

h. Any other information reasonably related to the review and processing of the claim as required by the Community Development Director or as provided on the Measure 49 claim form.

2. Claimant shall also provide all of the following information.

a. Evidence of the acquisition date of the claimant, including the instrument conveying the property to the claimant and a report from a title company identifying the person in which title is vested and the claimant' s acquisition date and described exceptions and encumbrances to title that are of record.

b. The written consent of all of the owners if there is more than one owner.

c. A qualifying appraisal (consistent with section 12 (2) of the Measure) showing the fair market value of the property one year before the enactment of each land use regulation and the fair market value of the property one year after the enactment. The actual and reasonable cost of preparing the claim, evidenced by receipts, including the cost of the appraisal, not to exceed $5,000, may be added to the calculation of the reduction in fair market value under this subsection. The appraisal must: (1) be prepared by a person certified under ORS chapter 674 or a person registered under ORS chapter 308; (2) comply with the Uniform Standards of Professional Appraisal Practice, as authorized by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989; and (3) expressly determine the highest and best use of the property at the time the land use regulation was enacted.

d. A claim review fee to cover the actual and reasonable cost of reviewing the claim, of $750 or such other claim(s) review fee as set by Resolution of the City Council.

3. Only one claim for each property may be filed for each land use regulation.

C. Claim Review Process. The City shall:

1. Deny a claim if:
    a. It is not filed within five years from the date the land use regulation was enacted;
    b. An application for a comprehensive plan or zoning amendment is approved for the subject property;
    c. An application to include the property within the UGB is approved; or
    d. A petition to annex the property is approved by the City.
2. Determine whether a claim is complete within 60 days after receiving the claim;
3. Notify the claimant of any missing information within 60 days after receiving the claim;
4. After providing notice of missing information, deem the application complete if:
    a. The claimant provides the missing information and the required fee; or
    b. The claimant provides written statement that some or all of the missing information will not be provided and the required fee.
5. Deem the application complete if the City fails to notify the claimant of missing information within 60 days after receiving the claim;
6. Deem the application withdrawn if the claimant fails to provide the missing information, fee or a written statement that some or all of the information will not be provided within the time specified in the notice of missing information; and
7. Issue a final determination on a claim within 180 days from the date the claim is deemed complete.

18.5.10.040 City Administrator Review and Decision

A. Claims Review Process. Upon receipt of a filing, the City Administrator shall follow the claims review process under section 18.5.10.030.

B. Review Criteria. The City Administrator shall determine whether to approve or deny the claim based upon the criteria and standards in Ballot Measure 49 and based upon a demonstration by the owner that all of the following requirements are met.

1. A City land use regulation enacted after January 1, 2007 and after the property was acquired by the owner(s) restricts the owner' s desired residential use of the property.
2. The City land use regulation has the effect of reducing the fair market value of the property.
3. The highest and best use of the property at the time the property was acquired is the owner' s desired use of the property.
4. The land use regulation is not an exempt land use regulation under the terms of Ballot Measure 49.
5. The time limitations for filing a claim, as specified in Ballot Measure 49, have not been exceeded.

6. All other requirements of law, including Measure 49 requirements not specifically stated herein, have been met.

C. Acquisition Date. The date the property was acquired is:

1. The date the claimant became the owner of the property as shown in the deed records of Jackson County;
2. If there is more than claimant for the same property under the same claim and the claimants have different acquisition dated, the acquisition date is the earliest of those dated;
3. If the claimant is the surviving spouse of a person who was an owner of the property in fee title, the claimant's acquisition date is the date the claimant was married to the deceased spouse or the date the spouse acquired the property, whichever is later. A claimant or a surviving spouse may disclaim relief by using the procedure provided in ORS 105.623 to 105.649; and
4. If a claimant conveyed the property to another person and reacquired the property, whether by foreclosure or otherwise, the claimant's acquisition date is the date the claimant reacquired ownership of the property.

D. A default judgment entered after December 2, 2004, does not alter a claimant s acquisition date unless the claimant's acquisition date is after December 2, 2004.

E. Notice of Opportunity to Comment of Staff Report. If a claim is deemed complete and is not rejected, the City Administrator shall draft a staff report. No less than 30 days notice of an opportunity to submit written comments on the staff report shall be sent to the following.

1. The claimant or representative and all owners of the subject property known to the City.
2. All property owners of record within 100 feet of the subject property.
3. Any formally recognized City neighborhood association in which the subject property is located.
4. The Oregon Department of Land Conservation and Development.
5. Any special district or school district in which the property is located or which has requested notice.
6. Jackson County.

F. The notice shall contain all of the following information.

1. The address, if any, tax lot number, township range and section of the property that is the subject of the claim and the date when the property was acquired.
2. A statement of the claim, including the owner's desired use of the property for residential use.
3. A summary of the staff report including the number of dwellings, lots or parcels as well as the specific regulations alleged to restrict the use of the property.
4. A statement that the claim, staff report and any information submitted is available at the Community Development Department, 51 Winburn Way, Ashland, Oregon 97520, for inspection or copying at cost and the phone number of a City staff contact.
5. A statement that all persons may submit written comments, evidence and arguments within the comment period which shall end on a date certain as specified in the notice (not less than 30

days from the date the notice is mailed).

6. A statement that judicial review of the final determination on the claim is limited to the written evidence and arguments submitted to the City while the record is open.
7. A statement that prior to the end of the comment period the claimant may request an additional seven days to respond to new evidence or to submit final arguments.
8. A statement that judicial review is available only for issues that are raised with sufficient specificity to afford the public entity an opportunity to respond.
9. Any other information as deemed necessary by the City Administrator.

G. The City Administrator shall consider comments actually received by the conclusion of the comment period and such other information as the City Administrator deems relevant and material. Any request by claimant to respond to new evidence or to submit final arguments must be submitted before the close of the written comment period as provided in the notice. The claimant shall receive seven days to submit such evidence or argument.

H. Final Waiver or Rejection of Claim. A decision to issue a waiver or reject a claim shall be reduced in writing and signed by the City Administrator. The City Administrator may waive some regulations identified in the claim and deny waiver of others. The City Administrator may not waive regulations that are not specified in the claim. The City Administrator may impose reasonable conditions on the waiver to protect the public interest.

I. Notice of Final Waiver or Rejection of a Claim. The City Administrator shall send notice and a copy of the decision to the claimant. Notice of the final decision shall also be sent to anyone who submitted any written evidence or arguments prior to the close of the comment period and to all persons entitled to notice of the comment period. The notice shall contain a brief description of the waiver, if any, including a listing of all regulations that the City Administrator has decided to not apply and the specific number of dwellings, lots or parcels authorized by the waiver. The notice also shall state that a claim has been, or may need to be, filed with the State, or other entity, if the City Administrator thinks that a state or other governmental regulation is implicated.

J. The City Administrator may forward a claim to the City Council for a public hearing and decision in accordance with section 18.5.10.050 and this section. The City Administrator shall consider such factors as: the amount of compensation at issue; the nature of the proposed use or development, if any; and the impact of the proposed use or development. The decision of the City Administrator to forward the claim to the Council is final and not subject to appeal. The Council, however, may summarily and without notice or hearing elect to return the claim to the City Administrator for a decision.

18.5.10.050 City Council Consideration and Decision

A. Claim Processing. All claims transferred by the City Administrator to the City Council shall be processed by the City Administrator consistent with the claims review process provided under this chapter. The Council shall issue a final decision after providing notice and a hearing within 180 days from the date the claim in deemed complete.

B. Notice and Hearing. The decision of the City Council shall be made after a public hearing

conducted in accordance with such procedures as the Council may adopt. At least 30 days written notice shall be provided of the public hearing and include such information as is set forth in section 18.5.10.040, providing all required notices above are modified to include reference to the public hearing date rather than the comment period. A staff report will be available at least 14 calendar days prior to the hearing addressing:

1. Whether the claim filed is complete; and
2. A recommendation as to whether and how much to pay in compensation, or, in lieu thereof, a recommendation on an award of transferable development credits, or a recommendation regarding the number of dwellings and lots that may be approved and the land regulation(s) that should be waived.

C. Final Decision. The City Council may reject the claim, pay compensation, award transferable development credits, issue a waiver, or approve any combination of such remedies. The decision shall otherwise be decided based on the same review criteria applicable to a decision issued by the City Administrator under section 18.5.10.040. The Council may waive some regulations specified in the claim and deny waiver of others. The Council is not limited to those regulations listed in the claim and may impose any conditions of approval that it deems reasonable and appropriate to protect the public interest. Notice of the Council's final decision shall be mailed to any person entitled to notice of the hearing or that appeared orally or in writing at the public hearing.

18.5.10.060 Burden of Proof and Record

The claimant shall have the burden of proof on all matters under this chapter. The claimant bears sole responsibility for ensuring that the record before the City contains all information and evidence necessary to support the claim. The claimant shall be precluded from submitting information or raising new issues in any subsequent proceeding.

18.5.10.070 Effect of Waiver

A. A decision to waive a land use regulation shall in no way impact any obligation to demonstrate compliance with any regulations not expressly provided for in the decision or to obtain any required approvals or permits.

B. A use authorized by a waiver has the legal status of a lawful nonconforming use in the same manner as provided under ORS 215.130. The claimant may carry out a use authorized by a public entity under this section except that a public entity may waive only land use regulations that were enacted by the public entity. When a use authorized by this section is lawfully established, the use may be continued lawfully in the same manner as provided by ORS 215.130.

18.5.10.080 Procedural Error

No procedural defect in processing a claim shall invalidate any proceeding or decision unless the party alleging the error demonstrates prejudice to a substantial right. Inadvertent failure to provide notice or complete notice shall not be grounds for invalidating a decision.

18.5.10.090 Recording

The City shall record a memorandum of the final waiver in the deed records for Jackson County, Oregon.

18.5.10.100 Reconsideration of Waiver

The City Council or City Administrator may, at its sole discretion, reconsider a decision on a claim if it appears that the decision is inconsistent with a subsequent court ruling; administrative rule or other change in the law relative to Measure 49. The decision to reconsider may be made without notice or hearing; but, the decision on reconsideration shall be made only after notice and opportunity to be heard consistent with the requirements for claim review provided under this chapter for City Administrator and Council review whichever is applicable. At the conclusion of the process, the Council or City Administrator may affirm, modify, or revoke the earlier decision. If the Council modifies or revokes a decision that resulted in payment of compensation, the Council shall specify the amount due from the claimant and the City may institute an action for recovery. If the Council or City Administrator modifies or revokes a decision to modify, remove, or not apply a land use regulation, it shall issue an order setting forth such remedy as it deems appropriate to protect the public interest.

18.5.10.110 Appeals

A. A person that is adversely affected by a final determination of under this chapter may obtain judicial review of that determination under ORS 34.010 to 34.100. A person is adversely affected if the person is:

1. An owner of the property that is the subject of the final determination or;
2. A person who timely submitted written evidence, arguments or comments.

B. Judicial review of a decision under this chapter is:

1. Limited to evidence in the record at the time of the final determination; and
2. Available only for issues raised with sufficient specificity to afford an opportunity to respond.

PART 18.6 - DEFINITIONS

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Chapter 18.6.1 — Definitions

Sections:

18.6.1.010 Purpose
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18.6.1.010 Purpose

The purpose of chapter 18.6.1 is to define terms that are used in the Land Use Ordinance ("this ordinance") and other terms that may arise in interpreting this ordinance, particularly those that may be uncommon or have more than one meaning.

18.6.1.020 Applicability

A. Applicability. The definitions in chapter 18.6.1 apply to actions and interpretations under the Land Use Ordinance (AMC Title 18). The meanings of some terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent shall control.

B. General Provisions. Terms not defined herein shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference. Where the singular variation of a term is used it also includes the plural.

C. Conflicting Definitions. Where a term listed in chapter 18.6.1 is defined by another section of this ordinance or by another code or statute referenced by this ordinance, the term is not redefined herein for purposes of that other code or statute.

18.6.1.030 Definitions

The following definitions are organized alphabetically.

A

Access Easement. An easement conveyed for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a lot or parcel across intervening property under separate ownership. **Cross Access Easement** is an easement providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.

Access Management. The systematic control of the location, spacing, design, and operation of driveways, median openings, interchanges, and street connections to a roadway to minimize conflicts between turning and through vehicles, bicyclists, and pedestrians. The purpose of access management is to provide access to land development in a manner that preserves the safety and efficiency of the transportation system. Public facility measures to support access management

include roadway design applications, such as minimum spacing of driveways, median treatments, and the appropriate spacing of traffic signals.

Access Point. A connection providing for the movement of vehicles to or from a lot or parcel to a public roadway.

Accessible. Two meanings are possible depending on the specific code provision: In general, accessible means approachable by pedestrians, bicyclists, vehicles, or other transportation modes, as applicable. Accessible may also mean approachable and useable by people with disabilities, in conformance with the Federal Americans with Disabilities Act. Either or both definitions may apply in a particular situation.

Accessory Building or Structure. A building or structure of secondary importance or function on a site, and which is located on the same lot with the primary use. Examples of accessory structures include but are not limited to: buildings not attached to the main building (e.g., garages, carports, guest houses, workshops, and sheds), arbors, gazebos, and mechanical equipment. See also, definition of Dwelling – Accessory Residential Unit.

Accessory Equipment. For the purposes of implementing chapter 18.4.10 Wireless Communication Facilities, all appurtenances defined in wireless communication facilities, with the exception of the support structure and antennas.

Accessory Travelers' Accommodation. Transient lodging in a residential zone where the property owner resides in a dwelling on its own lot and rents no more than two bedrooms under a single reservation to overnight guests on one or more occasions for a period of less than 30 consecutive days.

Addition. Construction that increases the size of the original structure by building outside existing walls and/or roof.

Agriculture or Agricultural Use. The use of the land for crops and tree farming; the tilling of the soil, and the raising of field and tree crops.

Agricultural Structures. Structures intended primarily or exclusively for support of an agricultural function, and exemplified by, but not restricted to barns, silos, water towers, windmills, greenhouses.

Aircraft Hangar (including Conventional, Executive and T-Hangar). A building structure designed to hold aircraft and associated equipment and materials in protective storage, generally built of metal, but other materials such as wood and concrete are also used.

Airspace Obstruction. Any structure, tree, land mass, or use of land which penetrates a transitional, horizontal, or conical surface of an airport, airport approach, or airport overlay as defined by this Title and/or regulations of the Federal Aviation Administration.

Alcove. Any small recessed or niched space.

Alter or Alteration. For the purposes of implementing chapter 18.3.11 Water Resource Protection Zones Overlay, any human-induced physical change to the existing condition of land or improvements thereon including but not limited to clearing, grubbing, draining, removal of vegetation (chemical or otherwise), excavation, grading, placement of fill material, placement of structures or impervious surfaces, or other construction. **Permit to be Altered** means allowing or

failing to prevent the alteration. See also, definitions related to Signs, below.

Antenna. The device used to capture an incoming or to transmit an outgoing radio-frequency signal from wireless communication systems. Antennas include the following types.

1. Omni-Direction (whip) Antenna - receives and transmits signals in a 360 degree pattern.
2. Directional or Parabolic (panel or disk) Antenna - receives and transmits signals in a directional pattern. They are typically rectangular in shape.
3. Microwave Antennas - receives and transmits to link two telecommunication facilities together by line of sight. They are typically circular or parabolic in shape and can be a grid or solid material.

Apiary. The assembly of one or more colonies of bees at a single location.

Applicant. A person who applies for a permit or approval under this ordinance. An applicant can be the owner of the property, a contract purchaser, or someone who is legally authorized to represent the owner, such as a planner, builder, or developer.

Approval Authority. The Staff Advisor, Planning Commission or its Hearings Board, Hearings Officer, or City Council as determined by the applicable procedural requirements.

Arborist. A person licensed by the State of Oregon Landscape Contractors Board or Construction Contractors Board who is certified as an arborist from the International Society of Arboriculture or American Society of Consulting Arborists.

Arcade. A covered passageway with a series of open archways on one or both sides.

Architect. An architect licensed by the State of Oregon.

Architectural Projection. Eaves, decorative extensions, bay windows having no floor space, or other portions of a building having no living space or key structural value.

Ashland Municipal Code (AMC). The complete codification of the general ordinance of the City of Ashland.

Automobile Service Station. A business that dispenses or sells fuel and services and performs light repair to automobiles and light trucks including tune-ups and transmission or drive train repairs, but does not include the outside storage of automobiles or materials such as tires, auto parts, etc.

Automotive and Truck Repair Service. Establishments primarily engaged in providing automobile and truck repair.

Average Slope. For the purposes of determining the area to remain in a natural state in Hillside Lands, average slope for a parcel of land or for an entire project is calculated before grading using the following formula:

$$S = \frac{.00229(I)(L)}{A}$$

where "S" is the average percent of slope; ".00229" is the conversion factor for square feet; "I" is the contour interval in feet; "L" is the summation of length of the contour lines in scale feet; and "A" is the area of the parcel or project in acres.

Awning. A lightweight, exterior roof-like shade that projects over a window or door.

B

Balcony. A railed or balustrade platform that project from a wall.

Ballot Measure 49 – Definitions Related to Chapter 18.5.10 Ballot Measure 49 Claims

- **Ballot Measure 49.** The measure enacted by the voters at the November, 2007 General Election, which amended ORS chapter 197. **Ballot Measure 49 Claim** means a written demand for compensation filed under section 12 to 14 of Measure 49 and ORS 197.25, as in effect on and after the effective date of Measure 49. **Claimant** in this context means the person who has filed a claim. The claimant must be a current owner of the property that is the subject of the claim.
- **Fair Market Value.** The amount of money, in cash, that the property would bring if the property were offered for sale by a person who desires to sell the property but is not obligated to sell the property, and if the property were bought by a person who was willing to buy the property but not obligated to buy the property. The fair market value is the actual value of property, with all of the property' s adaptations to general and special purposes. The fair market value of property does not include any prospective value, speculative value, or possible value based upon future expenditures and improvements.
- **Interest.** The average interest rate for a one-year United States Government Treasury Bill on December 31 of each year of the period between the date the land use regulation was enacted and the date the claim was filed, compounded annually on January 1 of each year of the period.
- **Land Use Regulation.** A provision of a city comprehensive plan, zoning ordinance, or land division ordinance that restricts the residential use of private real property zoned for residential use.
- **Property.** The private real property described in a claim and contiguous private real property that is owned by the same owner, whether or not the contiguous property is described in another claim, and that is not property owned by the federal government, an Indian tribe, or a public body, as defined in ORS 192.410.
- **Reduction in Fair Market Value.** The difference, if any, in the fair market value of the property from the date that is one year before the enactment of the land use regulation to the date that is one year after the enactment, plus interest.
- **Waive or Waiver.** An action or decision authorizing the claimant to use the property without application of the land use regulation(s) to the extent necessary to offset the reduction in fair market value of the property.

Bank Full Stage. The two-year recurrence interval flood elevation.

Bar. Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on premises as accessory to the primary use.

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE). The water surface elevation during the base flood in relation to a specific

datum. The base flood elevation (BFE) is depicted on the Flood Insurance Rate Map (FIRM) to the nearest foot and in the Flood Insurance Study (FIS) to the nearest 0.1 foot. See also, definitions of Flood Insurance Rate Map and Flood Insurance Study.

Basement. That portion of a building with a floor-to-ceiling height of not less than six-and-a-half feet, where the perimeter walls do not exceed 12 feet above finished grade at any point, and where 50 percent or more of its perimeter walls are less than six feet above natural grade.

Bay.

1. A repetitive vertical subdivision of an exterior façade; may be defined by various means, including pilasters a wall openings.
2. A door or window opening in a façade, especially when defined by repetitive columns or arches.

Beekeeper. A person who owns or has charge of one or more colonies of bees.

Block. The land surrounded by streets and other right-of-way other than an alley or land that is designated as a block on any recorded subdivision map.

Block Length. The distance measured along a street between the centerlines of two intersecting through streets.

Block Perimeter. The sum of the block lengths of all sides of a block.

Building Code. The combined specialty codes as defined in AMC 15.04 and approved by the State of Oregon.

Building Envelope. An area, within the property boundaries of a lot, parcel, or space within which a permitted building can be placed.

C

Caliper Inch. A manner of expressing the diameter inches of a tree as calculated by measuring the tree's circumference and dividing by Pi (approximately 3.14159). Specially calibrated diameter tapes or calipers are used to determine caliper inches.

Cast Stone. A mixture of stone chips or fragments usually embedded in a matrix of mortar, cement, or plaster; the surface may be ground, polished, molded, or otherwise treated to simulate stone.

Centerline of Stream. An imaginary line that is in the midpoint of the stream channel. In cases where a stream has multiple or braided channels, the centerline of stream is the midpoint between the outermost or upland sides of the stream channels. See Figure below.

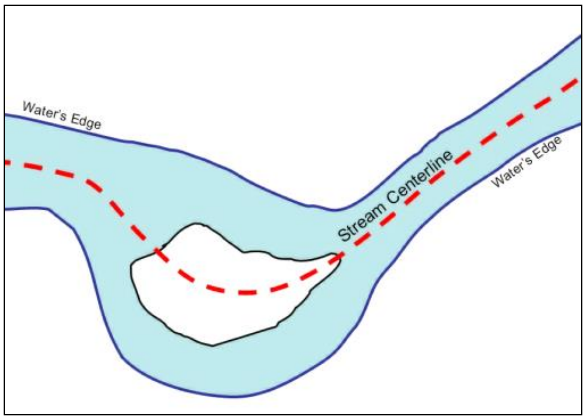

Figure 1
Centerline of Stream

Change of Use. Change in the primary type of use on a site.

Child Care Facility . An establishment providing care and supervision of children for periods of less than 24 hours that do not otherwise meet the definition of family child care home.

- **Family Child Care Home.** Care for not more than 16 children in a single-family dwelling. See ORS 329A.440 for applicable requirements.

City. The City of Ashland, Oregon.

City Administrator. The City Administrator of the City or the City Administrator's designee.

City Engineer. The City Engineer of the City or the City Engineer's designee.

City Facility. A public service or facility provided, owned, and controlled by the City.

Clearing. Removal, redistribution, or disturbance of vegetation, soil, or substrate that may include trees, brush, grass, ground cover, or other vegetative matter from a site.

Club. Any organization, group, or association supported by the members thereof, the purpose of which is to render a service customarily rendered for members and their guests but does not include a commercial use.

Cohesive Soils. Residual or transported soils, usually originating from parent rock that contains significant quantities of minerals which weather to clay. Cohesive soils have a Plasticity Index of ten or more, based on laboratory testing according to AASHTO methods or a site-specific scientific analysis of a particular soil material.

Collocation. The use of a single wireless communication facility by more than one wireless communications provider.

Colony. An aggregate of bees consisting principally of workers, but having, when perfect, one queen at times drones, brood, combs, and honey.

Column. A slender, vertical elment that supports part of a building or structure.

Commercial. Land use involving the sale of goods or services for a profit. See also, definition of Retail Sales and Services.

Commission. The Planning Commission of the City**.**

Common Area. Land jointly owned to include open space, landscaping, parking, or recreation facilities (e. g., may be managed by a homeowners' association).

Comprehensive Plan. The current adopted Comprehensive Plan of the City.

Condominium. A development providing for individual ownership of units or airspace in a multi-unit structure or structures, in which the underlying land and/or structures are held under joint dominion. See ORS 100 for applicable requirements.

Corbel.

1. A horizontal masonry band with continuous or intermittent corbels.
2. A stepped portion of a masonry wall; the steps may be on top or on the bottom.

Cornice. The projecting moldings forming the top band of a wall or other element.

Council. The City Council of the City.

County. Unless otherwise specified, Jackson County, Oregon.

Courtyard. An exterior space surrounded on three or four sides by building and/or walls.

Coverage, Lot or Site. The total area of a lot covered by buildings, parking areas, driveways, and other solid surfaces that will not allow natural water infiltration to the soil. Landscaping, including living plants, vegetative ground cover, and mulch, which allows natural soil characteristics and water infiltration and retention is not considered lot or site coverage. See also, lot coverage exemption in Table 18.2.5.030.A – Standards for Urban Residential Zones.

D

Days. Calendar days, unless specifically states as working days. Working days included Monday through Friday, excluding Federal holidays. See also, section 18.5.1.090.C Time Periods.

Dead Tree. A tree that is lifeless. Such evidence of lifelessness may include unseasonable lack of foliage, brittle dry branches, or lack of any growth during the growing season.

Decorative. Treatment applied to the surface of a building or structure to enhance its beauty.

Deer Fence. An open fence used to prevent entry by deer or other wildlife for the purpose of protecting gardens, vegetation, and yards.

Density(ies). A measurement of the number of dwelling units in relationship to a specified amount of land. A common standard is dwelling units per acre.

Designer. A person not registered as an architect or engineer, approved to plan and design single family homes and other buildings that area defined as exempt by the building code.

Develop. To construct or alter a structure or to make a physical change to the land including excavation, clearing, dredging, fill, or paving.

Development. All improvements on a site, including alterations to land and new or remodeled structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to

exterior display, storage, or activities.

Diameter at Breast Height (DBH). The diameter of the trunk at its maximum cross section, measured 54 inches (4 ½ feet) above ground level at the base of the trunk. On sloped lands, the measurement is taken on the uphill side of tree.

Disc Antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is the shape of a shallow dish, cone, horn, or cornucopia. Such devices may be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but is not limited to, what are commonly referred as satellite earth stations, TVROS, and microwave antennas.

Discontinued Use. A use that physically left the land it was on, a permitted use that ceased, or a use terminated at the end of a lease or contract. See also, chapter 18.1.4 Nonconforming Situations.

District. A part, zone, or geographic area in the City within which certain zoning or development regulations apply. See also, chapter 18.2.1 Zoning Regulations and General Provisions.

Drainage Ditch or Channel. Roadside ditches that carry only storm water runoff from the adjacent road and the immediate surrounding area. (Drainage ditches do not include historically altered streams or channels that convey surface water flows. These features are still classified as streams for the purpose of this ordinance.); or a constructed channel designed as part of the storm water infrastructure that drain directly from storm water facilities or storm pipe systems.

Dripline. An imaginary vertical line extending downward from the outermost tips of a tree's branches to the ground.

Drive-Up Uses. Drive-up uses are defined as any establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods other than automobile fuel, or be entertained while remaining in their motor vehicles. The components of a drive-up use are regulated as part of such facility and include kiosks, canopies, or other structures; windows; stalls; and queuing lanes and associated driveways.

Driveway. The area that provides vehicular access to a site from a street or the area that provides vehicular circulation on a site.

- **Drive, Flag**. A driveway that serves a single lot or parcel and is greater than 50 feet in length, or provides vehicular access to a flag lot(s). See also, section 18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria.
- **Driveway, Shared**. A driveway used to access two or more lots or parcels.

Driveway Apron. The edge of a driveway where it meets a public right-of-way.

Driveway Approach. A driveway connection to a public street or highway where it meets a public right-of-way.

Driving Surface. A paved access capable of supporting up to 44,000 lbs. gross vehicle weight.

Dwelling. A structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable,

unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar. For the purposes of this ordinance, the following types of dwelling units are defined:

- **Accessory Residential Unit.** A secondary dwelling unit on a lot where the primary use is a single-family dwelling, either attached to a single-family dwelling or in a detached building located on the same lot, and having an independent means of access (i.e., door).
- **Duplex Dwelling.** A structure that contains two dwelling units located on one lot. The units must share a common wall or common floor/ceiling.
- **Manufactured Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.
- **Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- **Multifamily Dwelling.** A dwelling in a structure or grouping of structures containing two or more dwelling units located on one lot.
- **Senior Housing.** Housing designated and/or managed for persons over a specified age. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities.
- **Single-Family Dwelling.** A detached or attached structure containing one dwelling unit located on its own lot.

E

Easement. A grant of the right to use land for a specific purposes, such as access or to locate utilities.

Elevation. A scaled drawing which illustrates the view of a side of a building.

Engineer. A registered professional engineer licensed by the State of Oregon.

Engineering Geologist. A registered professional engineering geologist licensed by the State of Oregon.

Enhancement. Actions performed to improve the condition or functions and values of a water resource and its associated protection zone. Enhancement actions include but are not limited to increasing plant diversity, increasing fish and wildlife habitat, installing environmentally compatible erosion controls, and removing invasive plant species.

F

Facade. Any of the exterior faces of a building.

False Front. A building façade that extends above the roof or beyond the side walls in order to give the impression of a larger structure.

Family. An individual or two or more persons related by blood, marriage, legal adoption, or guardianship; or not more than five persons who are not related by blood, marriage, legal adoption, or guardianship.

Fill. A deposit of earth or other natural or manmade material placed by artificial means.

Filling. The act of placing fill material in any amount, including the temporary stockpiling of fill material.

Final Plat. The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division, pursuant with ORS 92 and chapter 18.5.3 of this ordinance.

Fire Work Area. An area capable of supporting up to 44,000 lbs. gross vehicle weight.

Fish Bearing or Fish Habitat. Inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the state or federal endangered species acts. Fish use is determined from Oregon Department of Forestry Stream Classification, Oregon Department of Fish and Wildlife, and Oregon Department of State Lands maps for salmonid fish distribution.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM). An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood Insurance Study (FIS). The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, floodway boundaries, and water surface elevations of the base flood.

Floodway Channel. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area, Gross Habitable. The total area of all floors in a dwelling measured to its outside surfaces that are under the horizontal projection of the roof or floor above with at least seven feet of head room, excluding uninhabitable spaces accessed solely by an exterior door.

Floor Area, Gross. The total area of all floors in a building measured to the outside surfaces that are under the horizontal projection of the roof or floor above.

Floor-Area Ratio (FAR). The gross floor area of all buildings on a lot divided by the lot area.

G

Garage. A covered permanent structure designed to provide shelter for vehicles, and which is accessory to a dwelling. Carports are considered garages.

Garage sale. A temporary activity conducted on the premises of a private residence for the purpose of disposal of goods or belongings of the residents of the dwelling.

Geotechnical Expert. An engineering geologist or an engineer with demonstrable expertise in geologic hazards evaluation and geotechnical engineering.

Grade or Ground Level. The average of the finished ground level at the center of all walls of the building. In case a wall is parallel to and within five feet of a sidewalk, the ground level must be measured at the sidewalk.

Grading. All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

Greenhouse. A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of fragile or out-of-season plants for personal enjoyment or for subsequent sale.

Ground Floor. The first floor of a building other than a cellar or basement.

Group Living. Group living is characterized by the long-term residential occupancy of a structure by a group of people. The size of the group typically is larger than the average size of a household. Group Living structures do not include self-contained units but rather have common facilities for residents including those for dining, social and recreational, and laundry. Residential Care Homes, Residential Care Facilities, and Room and Board Facilities are types of Group Living.

- **Residential Care Home.** A residential treatment or training or adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. (See also, ORS 197.660).
- **Residential Facility.** Residential facilities provide housing and care for 6 to 15 individuals who need not be related as defined under ORS 430.010 (for alcohol and drug abuse programs); ORS 443.400 (for persons with disabilities); and ORS 443.880. Staff persons required to meet State-licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents.
- **Room and Board Facility.** Group living establishment located in a dwelling or part thereof, other than a travelers' accommodation or hotel, where lodging, with or without meals, is provided for compensation for a minimum period of 30 days. **P**ersonal care, training, and/or treatment is not provided at a room and board facilities. Examples include dormitories, fraternities, sororities, and boarding houses.

Guest House. A house or quarters without kitchen cooking facilities to provide shelter for guests, and which is accessory to a single-family dwelling. A guest house is and remains dependent upon the

main building for kitchen facilities, and can be a detached building located on the same lot or attached to a single-family dwelling. See also, section 18.2.5.040 Accessory Buildings and Structures.

Gully. A drainage incision, commonly caused by erosion, which does not experience regular or seasonal stream flow, but does act as a channel for runoff during periods of high rainfall.

H

Hand-Held Equipment or Machinery. Equipment or machinery held in and operated by hand, such as manual tools, weed eaters, chainsaws, and equipment or machinery with wheels and a weight of 100 pounds or less (e.g., push lawn mower, brush mowers). See also, definition of Power-Assisted Equipment or Machinery.

Hazard Tree. A hazard tree is a tree that is physically damaged to the degree that it is clear the tree is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within a public right of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated.

Height of Building or Structure. The vertical distance from grade or ground level to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip-roof. See Figure below. See also, definition of Grade or Ground Level.

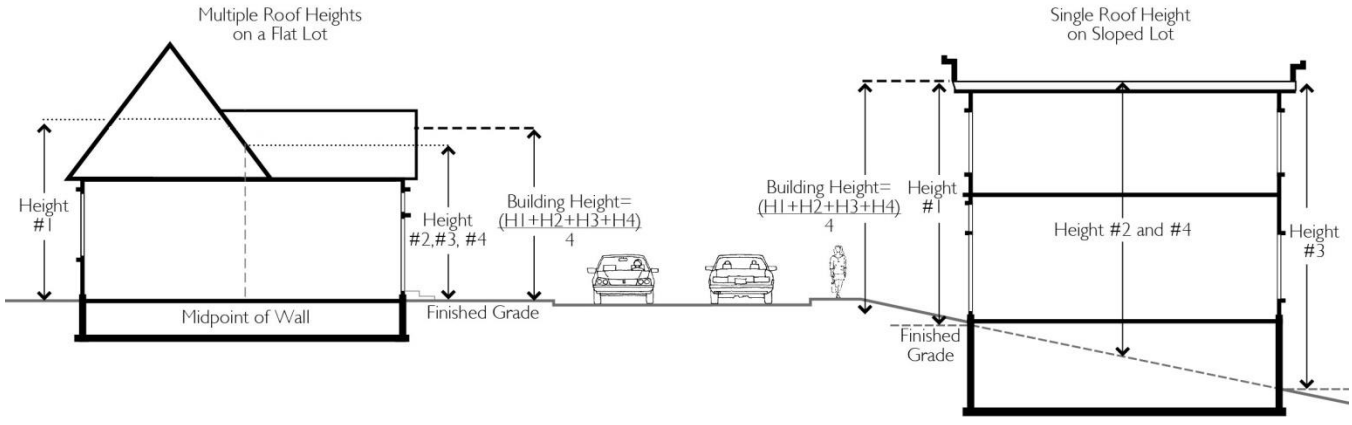

Figure 2
Height of Building or Structure

Heritage Tree. Any tree listed on the official City of Ashland Heritage Tree List adopted by the City Council.

Historic. A structure or site, usually over fifty years old, which possess the historical or architectural

significant according to the Cultural Resources Inventory (1988-1989) of the City of Ashland and/or based on the criteria for listing in the National Register of Historic Places.

Historic District. A district identified as historically significant under the Comprehensive Plan and its implementing regulations (e.g., overlay zones).

Hive. The receptacle inhabited by a colony that is manufactured for that purpose.

Home Occupation. A business activity that is carried out in conjunction with a dwelling unit, and which is accessory to the residential use, subject to the special use provisions of section 18.2.3.150.

Homegrown Marijuana. Marijuana plants planted, cultivated, grown, and harvested by a person 21 years of age or older for personal consumption, whether for medical or non-medical purposes, or for a medical marijuana card holder. Medical marijuana grow sites located in residential zones shall be considered homegrown marijuana for the purpose of this ordinance.

Homegrown Marijuana Cultivation. The cultivation of homegrown marijuana and related activities such as processing, keeping, or storage of homegrown marijuana.

- Cultivation Area. The area within which marijuana plants are grown on a lot. The cultivation area is the total of the individual areas of the marijuana plants at maturity. The individual area of a marijuana plant is calculated based on an imaginary vertical line extending downward from the outermost tips of the marijuana plants branches to the ground.
- Resident Grower. An individual engaged in the cultivation of homegrown marijuana for personal consumption, whether for medical or non-medical purposes, or for a medical marijuana card holder.

Homeowners Association. A homeowners association is an organization formed for the maintenance and operation of the common areas of the development. The membership in the association must be automatic with the purchase of a dwelling unit or other property in the planned development. The association's principal source of funds must be an assessment levied against each dwelling unit or other property, which assessment must be enforceable as a lien against the property.

Home-Oriented Commercial Activities. The operation of small local-convenience businesses within the Railroad Historic District. Such businesses may include grocery stores, barber and beauty shops, and similar uses.

Hospital. An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.

Hostel. Any establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental or use of facilities and which are operated, managed, or maintained under the sponsorship of a non-profit organization which holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954, as amended.

Hotel/Motel. A building or portion thereof designed and used for transient lodging in a non-residential zone for a period of less than 30 days, lodged with or without meals and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

I

Immediate Danger of Collapse, Tree. A tree that may already be leaning, with the surrounding soil heaving, and/or there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree removal permit could be obtained through the non-emergency process. Immediate danger of collapse does not include hazardous conditions that can be alleviated by pruning or treatment.

Impact Area. That area which is immediately surrounding a conditional use, and which may be impacted by it, including all land that is within the applicable notice area for a use. In addition, any lot beyond the notice area, if the hearing authority finds that it may be materially affected by the proposed use, is also included in the impact area.

Impervious Surface. Surface materials that prevent the normal infiltration of storm water into the ground.

Industrial or Industrial Use. An activity related to the manufacture, production, or storage of produce to be transported elsewhere for retail sale.

Infill. The development of more intensive land uses upon vacant or under-utilized sites.

J

Junk Yard.

1. Any property or establishment on which one or more persons are engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap or waste materials; or
2. Any establishment or place of business on which two or more inoperable motor vehicles or an equivalent volume of waste or refuse are maintained, stored, bought, or sold. Includes wrecking yards, automobile graveyards, garbage dumps, and scrap metal processing facilities.

K

Kennel. Any lot or premises where four or more dogs or cats aged six months or older are boarded or bred for compensation. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

L

Landscape Professional. For the purposes of implementing chapter 18.3.10 Physical and Environmental Constraints Overlay, an arborist certified by the International Society of Arboriculture and licensed by the State of Oregon State Landscape Contractors Board or Construction Contractors Board or landscape architect licensed by the State of Oregon.

Land Use Decision. A final decision or determination made by the City (or other agency with jurisdiction) that concerns the adoption, amendment, or application of the Comprehensive Plan or any provision of this ordinance where the decision requires the interpretation or exercise of policy or

legal judgment. All decisions requiring quasi-judicial review by the City are Land Use Decisions. Decisions subject to administrative review are considered limited land use decisions, pursuant with ORS 197.015.

Land Use Ordinance. The current adopted Land Use Ordinance (AMC Title 18 Land Use) of the City. Also referred to as "this ordinance."

Lawn. Grass or similar materials maintained as a ground cover of less than six inches in height. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

LEED® Accredited Professional. A person who has earned a credential as a Leadership in Energy and Environmental Design (LEED®) Accredited Professional from the U.S. Green Building Council, or Green Building Certification Institute, in accordance with their standards and requirements.

LEED® Certification. A building registered with the U.S. Green Building Council which has satisfied all prerequisites and has earned a minimum number of points outlined in the Leadership in Energy and Environmental Design (LEED®) Rating System under which it is registered. Levels of certification include Certified, Silver, Gold, and Platinum.

LEED® Green Building Rating System or LEED® Rating System. The most recently published version of the Leadership in Energy and Environmental Design (LEED®) Green Building Rating Systems by the U.S. Green Building Council or the version to be superseded for one year after the publication of a new applicable LEED® Rating System version.

Loading Area. The area available for the maneuvering and standing of vehicles engaged in delivering and loading goods, freight, or other articles.

Local Native Plant Species. Those plant species appropriate to planting in or adjacent to a water resource that are native species indigenous to the Rogue River Basin. Local native plant species are adapted to the elevation, weather, soils, and hydrology of the area; will support the desired structure, functions, and values of the water resource; and once established require significantly less maintenance than non-native species. Plants may be added to or removed from the Local Native Plant List if reviewed and approved by the Staff Advisor in consultation with the City Horticulturist, Tree Commission, other professional groups with demonstrable expertise, and local, state, and federal agencies.

Lot. A unit of land created by a partition or a subdivision or a unit or contiguous units of land under single ownership, which complies with all applicable laws at the time such lots were created. Any contiguous ownership of non-conforming lots will be considered one tract of land.

- **Corner Lot.** A lot abutting the intersection of two or more streets other than an alley. See Figure below.

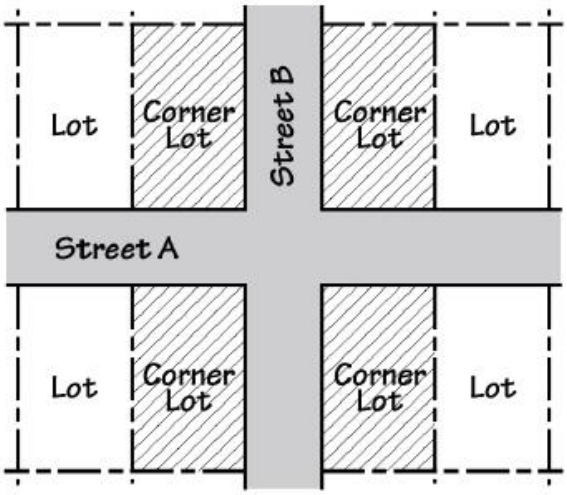

Figure 3
Corner Lots

- **Flag Lot. A lot with two distinct parts. See Figure below.**

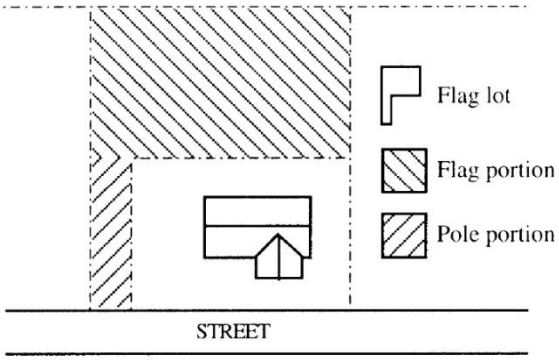

Figure 4
Flag Lot

1. The flag, which is the building site; and is located behind another lot.
2. The pole, which connects the flag to the street; provides the only street frontage for the lot with less than 40 feet of frontage on a street; and unless an alley provides access, includes a driveway providing access.

- **Interior Lot.** A lot other than a corner or flag lot.
- **Through Lot.** An interior lot having frontage on two parallel or approximately parallel streets other than alleys. Such a lot has one front yard fronting on the primary public street.

Lot Area. The total horizontal area within the lot lines of a lot, said area to be exclusive of street right-

of-way.

Lot Depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot Line. The property line along the edge of a lot.

- **Front Lot Line.** In the case of an interior lot, the lot line separating the lot from the street other than an alley. A corner lot has one street line considered the front lot line. The narrower street frontage must be the front lot line except when the Staff Advisor determines topographical or access problems make such a designation impractical. See Figure below.
- **Rear Lot Line.** A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line
- **Side Lot Line.** Any lot line that is not a front or rear lot line. See Figure below.

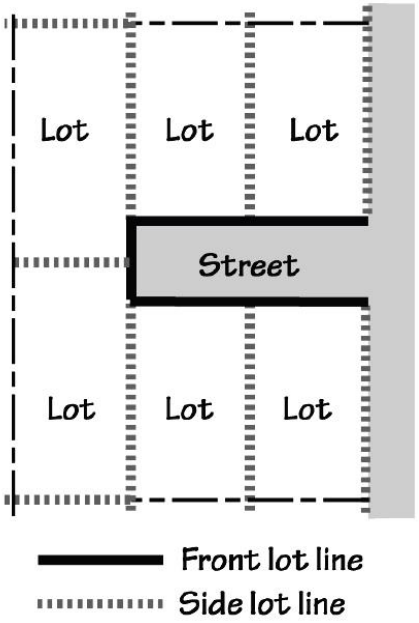

Figure 5
Front and Side Lot Lines

Lot Width. The average (mean) horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

M

Manufactured Housing Development. A subdivision or park comprised of manufactured homes occupied for dwelling purposes, regardless of whether a charge is made for such accommodation.

Map. A diagram or drawing of a partition, subdivision, or any other land use or land development matter.

Marijuana. The plant Cannabis, family Cannabaceae, or any part or seed of the plant. It does not included industrial hemp.

- **Medical Marijuana.** Marijuana used to mitigate the symptoms or effects of a medical condition and regulated by the Oregon Medical Marijuana Act (ORS 475.300 – ORS 475.346). Grown and sold by registered persons and facilities with the Oregon Health Authority (OHA)**.**
- **Recreational Marijuana**. Marijuana used for personal consumption by a person 21 years of age or older.

Marijuana Plant. Immature and mature plants of the plant Cannabis family Moracae.

Marijuana-Related Businesses. Marijuana-related businesses licensed by the Oregon Liquor Control Commission (OLCC) or registered by the Oregon Health Authority (OHA). Marijuana-related businesses are organized into the following categories.

- **Laboratory.** A laboratory that tests marijuana and marijuana items.
- **Processing**. Processing, compounding, or conversion of marijuana into cannabinoid products, concentrates, or extracts.
- **Production**. Planting, cultivating, growing, harvesting, or drying marijuana. Medical marijuana grow sites located in non-residential zones that do not meet the definition of Homegrown Marijuana shall be considered production for the purpose of this ordinance.
- **Retail**. A business that sells marijuana and marijuana products to the consumer.
- **Wholesale**. An operation that handles and distributes marijuana and marijuana products for the purpose of resale.

Marquee. A permanent roof-like shelter over an entrance to a building; flat in shape.

Mechanical Equipment. Equipment or devices installed for a use appurtenant to the primary use. Such equipment includes heating and air conditioning equipment, solar collectors, parabolic antennas, disc antenna, radio, TV receiving or transmitting antennas, and any power generating devices.

Mezzanine. A partial intermediate floor between two main levels, especially directly above the ground floor; often has a lower ceiling height that the other levels.

Mezzanine Window. A window with a greater width than height, especially when used to provide light to an intermediate floor.

Mitigation. For the purposes of implementing chapter 18.3.11 Water Resource Protection Zones Overlay, taking one or more of the following actions listed in order of priority.

1. Avoiding the impact altogether by not taking a certain development action or parts of that action.
2. Minimizing impacts by limiting the degree or magnitude of the development action and its implementation.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action by monitoring and taking appropriate corrective

measures.

5. Compensating for the impact by replacing or providing comparable substitute resources or environments.

Mitigation Plan. A plan that outlines the activities that will be undertaken to alleviate project impacts to sensitive areas.

Mixed-Use. The combination of residential uses with commercial (e.g., office, retail, or services), civic, or light industrial uses on a site.

N

Natural Grade. The elevation of the ground level in its natural and original state, before manmade alterations such as grading, filling, excavation, and construction. See Figure below.

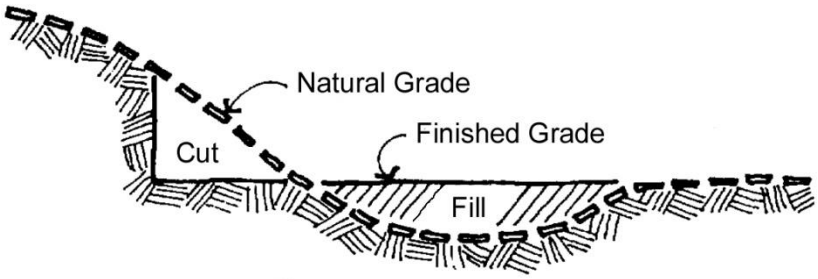

Figure 6
Natural Grade

Natural Resources Professional. For the purposes of implementing chapter 18.3.11 Water Resource Protection Zones Overlay, a natural resources professional includes individuals who have a Bachelors degree or the equivalent or greater**,** in the field of natural resources, biology, ecology, or related fields, and at least four years of relevant post-graduate experience**.**

Natural State. All land and water that remains undeveloped and undisturbed. Natural state does not include grading, excavating, filling, and/or the construction of roadways, driveways, parking areas, and structures are prohibited. Natural state includes the following activities.

1. Incidental minor grading for hiking trails, bicycle paths, picnic areas, and planting and landscaping which is in addition to and enhances the natural environment.

2. Incidental brush removal for lot maintenance and ecosystem health.

3. Vegetation removal for the purposes of wildfire control in conjunction with an approved fire prevention and control plan.

Nightclub. An establishment dispensing liquor and meals and in which live music, dancing, or entertainment is conducted.

Non-cohesive Soils. Residual or transported soils containing no or very little clay, usually from crystalline granitic parent rock. Non-cohesive soils have a Plasticity Index of less than ten, based on laboratory testing according to AASHTO methods or a published scientific analysis of a particular

soil type.

Nonconforming Development. An element of a development, such as lot area, setback, height, lot coverage, landscaping, sidewalk, or parking area, or lack thereof, that was created in conformance with development regulations but subsequently, due to a change in the zone or applicable code standards, is no longer in conformance with the current applicable development regulations. See also, chapter 18.1.4 Nonconforming Situations.

Nonconforming Lot or Lot of Record. A legally created lot or parcel meeting applicable regulations in effect at the time of creation (e.g., area, setbacks, coverage, location), but that subsequently, due to a change in the zone or zoning regulations, no longer conforms with the current applicable regulations. See also, chapter 18.1.4 Nonconforming Situations.

Nonconforming Structure. An existing structure that was created in conformance with the zoning regulations but that subsequently, due to a change in the zone or the zoning regulations, no longer conforms with the current applicable requirements of the zone in which it is located. See also, chapter 18.1.4 Nonconforming Situations.

Nonconforming Use. A use that was allowed by right when established or that obtained a required land use approval when established, but that subsequently due to a change in the zone or zoning regulations, the use or the amount of floor area of the use is now prohibited in the zone. See also, chapter 18.1.4 Nonconforming Situations.

Non-Native Species. A plant species which is not indigenous to the local area.

Noxious and Invasive Vegetation. Plant species which are recognized as having a significant potential to disrupt the functions and values of local water resource ecosystems. Plants may be added to or removed from the Prohibited Plant List if reviewed and approved by the Staff Advisor in consultation with the City Horticulturist, Tree Commission, other professional groups with demonstrable expertise, and local, state and federal agencies.

Nucleus colony. A small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose not including surplus honey, storage, or harvesting.

O

Obstructed Street. A public street or a private drive serving greater than three units, or a driveway that has been obstructed by a gate or other barriers designed to restrict access.

Office. Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.

Open Space. A common area designated on the final plans of the development, permanently set aside for the common use of the residents of the development. Open space area is landscaped and/or left with a natural vegetation cover, and does not include thoroughfares, parking areas, or improvements other than recreational facilities.

Orientation. To cause to face toward a particular point of reference (e.g., “A building oriented to the street.”).

- **Building Orientation.** The directional expression of the front façade of a building (i.e., facing the street, facing north, facing south).

Owner. The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale signed by the owner of record.

P

Panel. A small plane surface surrounded by moldings or depressed below or raised above the adjacent surface; typically rectangular but may be any geometric shape; may be ornamented.

Parapet. A low guarding wall that projects above the roof line.

Parking Space. A space designed and designated to provide parking for a motor vehicle or bicycle in compliance with chapter 18.4.3 Parking, Access, and Circulation.

Parkrow or Planter Strip. A landscape area for street trees and other plantings within the public right-of-way, usually in the form of a continuous planter area between the street and sidewalk.

Partition. To divide an area or tract of land into not more than three parcels within 12 months

- **Major Land Partition.** A partition which necessitates the creation of a road or street.
- **Minor Land Partition.** A partition that does not necessitate the creation of a road or street.

Pedestrian Way. A right-of-way or easement for pedestrian traffic.

Pedestrian Path. A graded cleared way, adjacent to the curb at curb level, for individuals who travel on foot.

Person. Any natural person, their estate, or any legal entity; and including any of their designated representatives.

Pier. A member, usually in the form of a thickened section, which forms an integral part of a wall; usually placed at intervals along the wall to provide lateral support or to take concentrated vertical loads.

Pilaster. An engaged pier or pillar, often with capital and base; may be constructed as a projection of the wall itself.

Planned Road or Street. A highway, road, street, or alley identified in an adopted corridor plan, comprehensive plan, or transportation system plan in accordance with administrative procedures of OAR 660-012 and ORS chapter 197 but has not been constructed.

Planning Action or Planning Application. A planning action is an application filed pursuant to the requirements of this ordinance. A planning action is a proceeding pursuant to this ordinance in which the legal rights, duties, or privileges of specific parties are determined, and any appeal or review of such proceeding pursuant to the provisions of this ordinance. A planning action does not include a ministerial action or legislative amendment.

- **Type I Procedure (Administrative Decision With Notice).** Type I decisions are made by the Staff Advisor with public notice and an opportunity for appeal to the Planning Commission. See section 18.5.1.050 for the procedures for Type I actions.

- **Type II Procedure (Quasi-Judicial Review/Public Hearing Review).** Type II decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council. See section 18.5.1.060 for the procedures for Type II actions.

Plat. A diagram, drawing, or replat containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

Plaza. An open public space.

Porch. Covered porches, exterior balconies, or other similar areas attached to a building and having dimensions of not less than six feet in depth and eight feet in width.

- **Enclosed Porch.** A porch that contains wall(s) that are more than 42 inches in height measured from finished floor level for 50 percent or more of the porch perimeter.
- **Unenclosed Porch.** All walls contained in an unenclosed porch are less than 42 inches in height, but an unenclosed porch may be covered.

Porous Solid Surface. Porous solid surface is a permeable surface built with an underlying stone reservoir that temporarily stores surface runoff before it infiltrates into the subsoil. Porous solid surfaces include pervious asphalt, pervious concrete, grass or permeable pavers, or decks that allow runoff to infiltrate the subsoil beneath the deck.

Power-assisted Equipment or Machinery. Equipment or machinery with wheels and a weight in excess of 100 pounds or that does not otherwise meet the definition of Hand-Held Equipment or Machinery. See also, definition of Hand-Held Equipment or Machinery.

Pre-existing Structure. For the purposes of implementing chapter 18.4.10 Wireless Communication Facilities, a structure in existence prior to an application for a wireless communication facility installation.

Primary Residence. The property that the taxpayer uses a majority of the time during the year ordinarily will be considered the taxpayer's principal residence. In addition to the taxpayer's use of the property, relevant factors in determining a taxpayer's principle residence may include, but are not limited to the following.

1. The taxpayer's place of employment.
2. The principal place of abode of the taxpayer's family members.
3. The address listed on the taxpayer's federal and state tax returns, driver's license, automobile registration, and voter registration card.
4. The taxpayer's mailing address for bills and correspondence.
5. The location of the taxpayer's banks.
6. The location of religious organizations and recreational clubs with which the taxpayer is affiliated.

Primary Orientation. Direction of the front of the building with the main entrance to the public.

Primary Building or Structure. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure may be determined by comparing the size, placement,

design, appearance, function, and the orientation of the structures on a site, among other relevant factors.

Primary Use. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

Private Drive. A private drive is a road in private ownership, not dedicated to the public, which serves three or fewer dwelling units.

Property Line Adjustment. The relocation of a single common property line between two abutting properties not resulting in an increase in the number of lots, pursuant with chapter 18.5.3 Land Divisions and Property Line Adjustments. See Figure below.

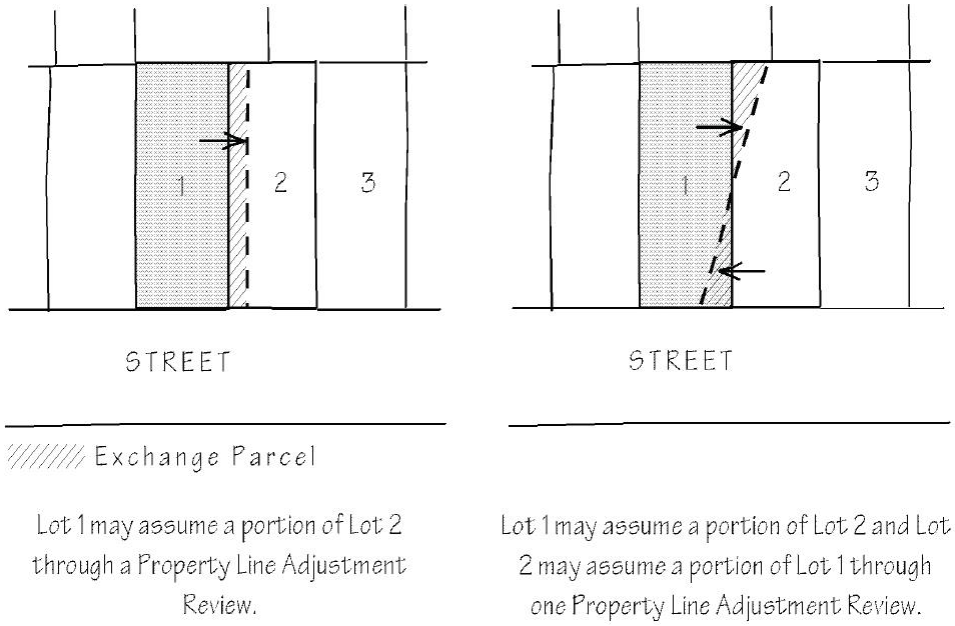

Figure 7
Property Line Adjustment

Q

Quarry Face. The split face of the incision where the disturbed surface meets the natural, undisturbed surface.

Queuing Lane. Traffic lane requiring one of two opposing vehicles to yield by pulling into a vacant portion of the adjacent parking lane to allow the other vehicle to pass. Queuing lanes are designed to reduce vehicle speeds and non-local traffic on neighborhood streets.

R

Rain Barrel. A barrel used to collect and store rain water runoff from rooftops via rain gutters for non-potable uses.

Reconstruct. To recreate or reassemble a structure or building with a new or replacement structure that recreates or reproduces its form, shape, and location as originally built.

Recreational Vehicle or Travel Trailer. A self-propelled or towable mobile unit used for temporary dwelling purposes by travelers.

Rehabilitation. The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

Religious Institutions and Places of Worship. Uses primarily providing meeting areas for religious activities; may include schools and community services as accessory uses.

Residential or Residential Use. Long-term occupancy of a dwelling unit, which may be owner-occupied or rented. Occupancy of a dwelling unit for shorter periods (i.e., less than 30 days) of time is considered an overnight accommodation for transient individuals. See also, definitions of Accessory Travelers' Accommodation, Hotel/Motel, and Travelers' Accommodation.

Restaurant. An establishment where food and drink are prepared, served, and consumed. Consumption may occur within the primary structure or outside the confines of the building.

Retail Sales and Services. Retail sales and service uses sell, lease, or rent new or used products, goods, or services.

Restoration. The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

Restoration. For the purposes of implementing chapter 18.3.11 Water Resource Protection Zone Overlay, efforts performed to re-establish the functional values and characteristics of a critical area that have been destroyed or degraded by past alterations such as filling, grading, or draining.

Riparian Area. The area adjacent to a stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem, which affects or is directly affected by the stream.

Riparian Buffer. An area located adjacent to the stream and including the riparian area that is preserved for the purpose of protecting the functions and values of the stream and the riparian area by serving to reduce the adverse effects of adjacent land uses.

Riparian Corridor. Riparian Corridor is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary. A riparian corridor is a type of stream bank protection zone.

S

Schools. Public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level.

Self-Service Storage. Mini-storage or other storage areas for individual or business uses. The storage

areas are designed to allow private access by the tenant for storing personal property.

Setback. The minimum distance required between a specified object, such as a building or structure, and another point. Typically, a setback refers to the minimum distance (yard dimension) from a building to a specified property line. A setback is measured horizontally at right angles to the lot line, from the nearest point of the building or structure to the lot line. When multi-story setbacks are specified, the setback for a story above the ground floor is measured horizontally from the plane of the nearest wall of the upper story to the lot line. See also, section 18.2.4.050 Yard Requirements and General Exceptions.

Shadow Plan. A schematic or conceptual design for future land development when a lot could be developed at a higher intensity. A shadow plan demonstrates that the proposed development will not impede the future use of the lot to be fully developed to the required building intensity standards (i.e., Floor Area Ratio), and that the proposed development has been planned to prevent piecemeal and uncoordinated development.

Shared Parking. Required parking facilities for two or more uses, structures, or lots that are satisfied jointly with the same facilities. See also, chapter 18.4.3 Parking, Access, and Circulation.

Significant Tree. A tree having a trunk 18 caliper inches or larger in diameter at breast height (DBH).

Signs – Definitions Related to Chapter 18.4.7 Signs

- **Alter or Alteration.** Any change excluding content, and including but not limited to the size, shape, method of illumination, position, location, materials, construction, or supporting structure of a sign.
- **Area.** The entire area within circles, triangles, or rectangles which enclose the extreme limits of lettering, logo, trademark, or other graphic representation, together with any frame or structural trim forming an integral part of the display used to differentiate the sign from the background against which it is placed. In the case of a multi-faced sign, the area of each face must be included in determining sign area, excepting double-faced signs placed no more than 24 inches back-to-back.
- **Awning.** A temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.
- **Building Face of Wall.** All window and wall area of a building in one plane or elevation.
- **Bulletin Board or Reader Board.** A sign of a permanent nature, but which accommodates changeable copy.
- **Business.** A commercial or industrial enterprise.
- **Business Frontage.** A lineal front footage of a building or portion thereof devoted to a specific business or enterprise, and having a pedestrian entrance/exit open to the general public during all business hours.
- **Business Premises.** A parcel of property or that portion thereof occupied by one tenant.
- **Canopy.** A non-movable roof-like structure attached to a building.

- **Construction sign.** A temporary sign erected on the premises where construction is taking place during the period of construction.
- **Direct Illumination.** A source of illumination on the surface of a sign or from within a sign.
- **Election.** The time designated by law for voter to cast ballots for candidates and measures.
- **Flashing Sign.** A sign incorporating intermittent electrical impulses to a source of illumination or revolving or moving in a manner which creates the illusion of flashing, or which changes color or intensity of illumination. This definition is to include electronic time, date, and temperature signs.
- **Ground Sign.** A sign erected on a free-standing frame, mast, or pole and not attached to any building. Also known as a free-standing sign.
- **Indirect Illumination.** A source of illumination directed toward a sign so that the beam of light falls upon the exterior surface of the sign.
- **Illegal Sign.** A sign that is erected in violation of the chapter 18.4.7 Signs.
- **Marquee or Awning Sign.** A sign that is painted on, attached to, or supported by a marquee, awning, or canopy.
- **Marquee.** A non-movable roof-like structure that is self-draining.
- **Mural.** A graphic design on a building representing a person, place, scene, or other artistic endeavor. This definition does not include architectural enhancement of a building facade.
- **Nonconforming Sign.** An existing sign, lawful at the time of enactment of this ordinance, which does not conform to the requirements of this code.
- **Projecting Signs.** Signs other than wall signs, which are attached to and project from a structure or building face, usually perpendicular to the building face.
- **Portable Sign.** A permitted sign not permanently attached to the ground or other permanent structure including sandwich boards, pedestal signs, ‘A’ Frame signs, flags, and wind signs (not including flags of national, state, or city governments).
- **Public Art.** Public art defined, approved, and installed in accordance with AMC 2.17, is not regulated as a sign per the provisions of chapter 18.4.7 Signs.
- **Real Estate Sign.** A sign erected on the premises, where the property or a portion of the property, is actively listed for sale or lease during the period of sale or lease.
- **Replacement Sign.** A change in the materials of permitted sign in which the approved sign dimensions, supporting structure, and location remain unaltered.
- **Roof Sign.** Any sign erected upon, against, or directly above a roof or top of or above the parapet of a building.
- **Shopping Center or Business Complex.** Any business or group of businesses which are in a building or group of buildings, on one or more lots which are contiguous or which are separated by a public right-of-way or a privately owned flag drive used for access and not greater than 35 feet in width, which are constructed and/or managed as a single entity, and share ownership and/or function.

- **Sign.** Any identification, description, illustration, symbol, or device which is placed or affixed directly or indirectly upon a building, structure, or land. Interior illuminated panels, fascia strips, bands, columns, or other interior illuminated decorative features located on or off a structure, visible from the public right-of-way, and with or without lettering or graphics must also be considered a sign and included in the overall sign area of the site. Public Art, as defined above, is not considered a sign.
- **Sign, Public.** A sign erected by a public officer or employee in the performance of a public duty which includes, but is not limited to, motorist informational signs and warning lights.
- **Street Frontage.** The lineal dimension in feet that the property upon which a structure is built abuts a public street or streets.
- **Temporary Sign.** A sign that is not permanently affixed. All devices such as banners, pennants, flags, (not including flags of national, state, or city governments), searchlights, curb signs, balloons, or other air or gas-filled balloons.
- **Three-Dimensional Sign.** A sign which has a depth or relief on its surface greater than six inches exclusive of the supporting sign structure and not to include projecting wall signs.
- **Vehicle Sign.** A sign mounted on a vehicle, bicycle, trailer, or boat, or fixed or attached to a device for the purpose of transporting from site-to-site.
- **Wall Graphics.** Including but not limited to any mosaic, mural, painting, graphic art technique, or combination or grouping of mosaics, murals, paintings, or graphic art techniques applied, implanted, or placed directly onto a wall or fence.
- **Wall Sign.** A sign attached to or erected against the wall or window of a building with the face in a parallel plane of the building wall.
- **Wind Sign or Device.** Any sign or device in the nature of banners, flags, balloons, or other objects fastened in such a manner as to move upon being subject to pressures by wind or breeze.

Slope. The deviation of a surface from the horizontal, usually expressed in percent. See Figure below. See also, definition of Slope, Solar Setback.

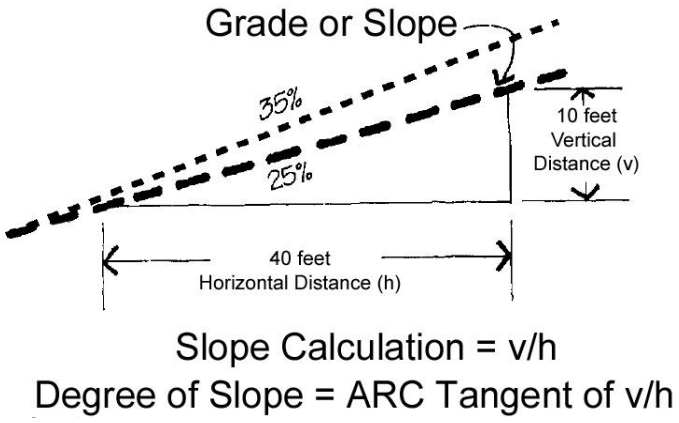

Figure 8
Slope

Solar Access and Setbacks – Definitions Related to Chapter 18.4.8 Solar Access

- **Exempt Vegetation.** All vegetation over 15 feet in height at the time a solar access permit is applied for.
- **Highest Shade Producing Point, Solar Access.** The point of a structure that casts the longest shadow beyond the northern property boundary at noon on December 21st.
- **Northern Lot Line.** Any lot line or lines less than 45 degrees southeast or southwest of a line drawn east-west and intersecting the northernmost point of the lot. If the northern lot line adjoins any unbuildable area (e.g., street, alley, public right-of-way, parking lot, or common area) other than a required yard area, the northern lot line is that portion of the northerly edge of the unbuildable area which is due north from the actual northern edge of the applicant's property. See Figure below.

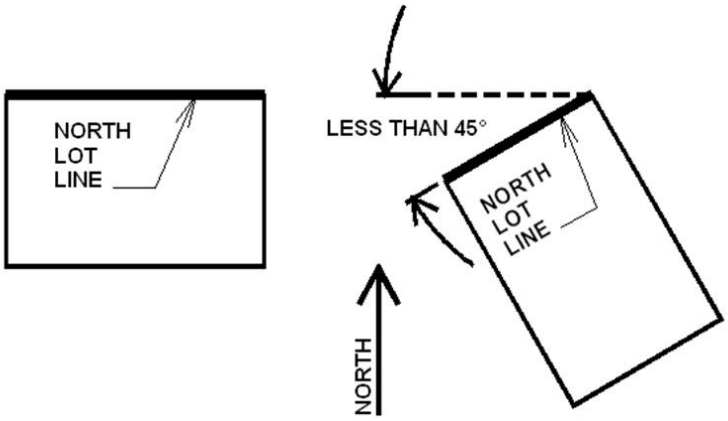

Figure
Northern Lot Line

- **North-South Lot Dimension.** The average distance in feet between lines from the corners of the northern lot line south to a line drawn east-west and intersecting the southernmost point of the lot. See Figure below.

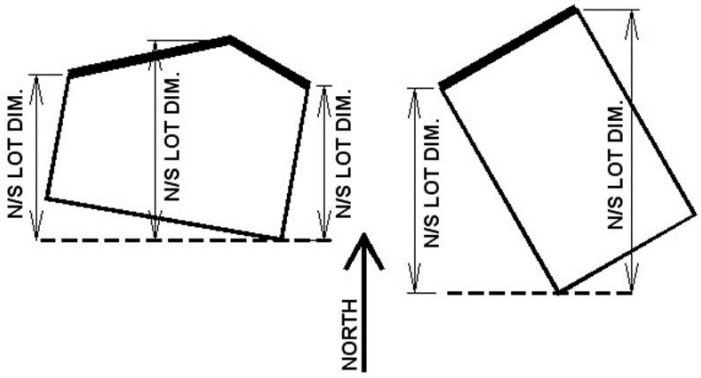

Figure 10

North-South Lot Dimension

- **Slope, Solar Setback.** A vertical change in elevation divided by the horizontal distance of the vertical change. Slope is measured along lines extending 150 feet north from the end points of a line drawn parallel to the northern lot line through the midpoint of the north-south lot dimension. North facing slopes will have negative (-) values and south facing slopes will have positive (+) values. See Figure below.

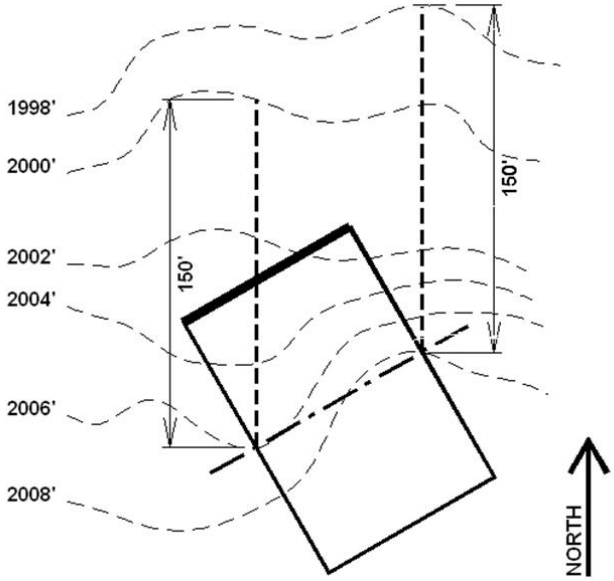

Figure 11
Measuring Slope for Solar Setback

- **Solar Energy System.** Any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for use in the heating or cooling of a structure or building, the heating or pumping of water, or the generation of electricity. A solar energy system may be used for purposes in addition to the collection of solar energy. These uses include, but are not limited to, serving as a structural member of part of the roof of a building or structure and serving as a window or wall.
- **Solar Envelope.** A three dimensional surface which covers a lot and shows, at any point, the maximum height of a permitted structure which protects the solar access of the parcel(s) to the north.
- **Solar Heating Hours.** The hours and dates during which solar access is protected by a solar access permit, not to exceed those hours and dates when the sun is lower than 24 degrees altitude and greater than 70 degrees east and west of true south.
- **Solar Access Permit Height Limitations.** The height limitations on affected properties required by the provisions of a Solar Access Permit displayed as a series of five foot contour lines which begin at the bottom edge of the solar energy system protected by the permit, rise at an angle to the south not less than 24 degrees from the horizon, and extend at an angle not

greater than 70 degrees to the east and west of true south and run parallel to the solar energy system.

- **Solar Setback.** The minimum distance that a structure, or any part thereof, can be located from a property boundary.
- **Sunchart, Solar Access.** Photographs or drawings, taken in accordance with the guidelines of the Staff Advisor, which plot the position of the sun during solar heating hours.

Southern Oregon University (SOU) Plan. The Campus Master Plan Update for Southern Oregon University dated April 12, 2010, with all conditions added by the Planning Commission and City Council as adopted and incorporated into the Comprehensive Plan by Ordinance No. 3014 on June 1, 2010.

Spandrels. An area, roughly triangular in shape, included between the extradoses of two adjoining arches and a line approximately connecting their crowns.

Staff Advisor. The Community Development Director of the City or the Community Development Director's authorized representative.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story is that portion of a building included between the upper surface of the top floor and the ceiling above. A basement is not considered a story. Unenclosed decks, porches, balconies, and similar features are not considered stories.

Story, Half. A half story is a space under a sloping roof that has the line of intersection of the roof and exterior wall face not more than three feet above the floor level below and in which space the floor area with head room of five feet or more occupies no more than 50 percent of the total floor area of the story directly beneath. If the wall face is more than three feet above the floor level below at the rear or side yard setback line, then it must be considered a full story for purposes of setback measurements. See Figure below.

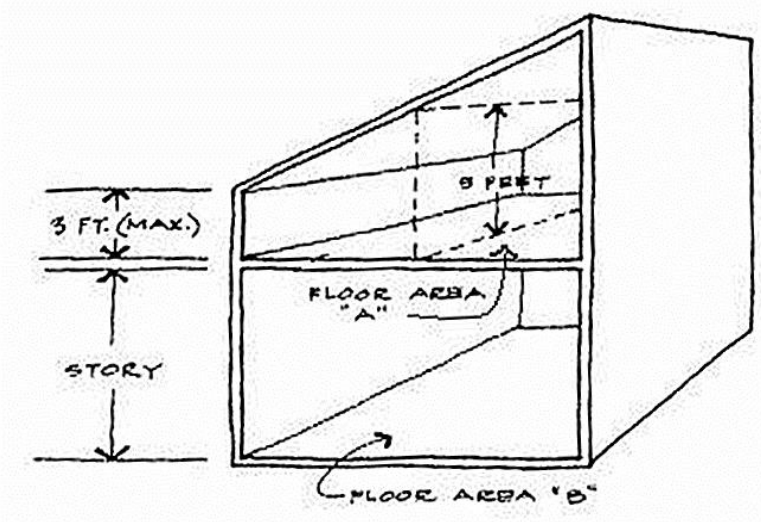

Figure 12
Half Story

Stream. A stream means a channel such as a creek that carries flowing surface water, including perennial, intermittent, and ephemeral streams with defined channels, and excluding man-made irrigation and drainage channels. Drainage channels do not include historically altered streams or channels that convey surface water flows. A stream is a type of water resource.

- **Stream, Ephemeral.** An ephemeral stream generally flows only during and following a rain event. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow. Intermittent and ephemeral streams is a type of stream bank protection zone.
- **Stream, Intermittent.** An intermittent stream generally flows only during part of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow. Intermittent and ephemeral streams is a type of stream bank protection zone.
- **Stream, Perennial.** A perennial stream has flowing water year-round during a typical year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.
- **Stream, Local.** A type of stream bank protection zone.

Stream Bank Protection Zone. An area subject to the provisions of chapter 18.3.11 Water Resource Protection Zones that includes a stream and an associated riparian buffer of varying width, as established herein, located adjacent to the stream, and in which certain human activities are regulated in order to protect the structure and functions of the stream. A stream bank protection zone is a type of water resource protection zone. There are three types of stream bank protection zones defined, established and protected in this ordinance – riparian corridor, local streams, and intermittent and ephemeral streams.

Stream Bank Protection Zone Boundary. An imaginary line that is measured horizontally at a standard distance upland from the top of bank or the center line of the stream as required in section 18.3.11.040 Establishment of Water Resource Protection Zones.

Stream Corridor Functions. Includes providing shade for the stream, stream bank, and channel stability, woody debris for the stream, sediment retention, litter for aquatic organisms in the stream, water filtration, aquatic and riparian fish, and wildlife habitat.

Street. A public right-of-way for roadway, sidewalk, and utility installation including the terms road, highway, land, place, avenue, alley, or other similar designations. The entire width between the right-of-way lines of every way that provides for public use for the purpose of vehicular and pedestrian traffic. See also, street design standards in section 18.4.6.040.

- **Street, Alley.** A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting another street.
- **Street, Arterial.** A street used primarily for through traffic, also referred to as a Boulevard.
- **Street, Collector.** A street used to some extent for through traffic and to some extent for access to abutting properties. Types of collector streets are Avenues and Neighborhood Collectors.
- **Street, Cul-de-sac.** A short dead-end street terminated by a vehicle turnaround.

- **Street, Half.** A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
- **Street, Minor.** A street intended primarily for access to abutting properties, also referred to as Neighborhood Street.

Street Connectivity. Expressed as the number of street and/or access way connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

Street Stub. A temporary street ending where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Stripping. Any activity that significantly disturbs vegetated or otherwise stabilized soil surface, including clearing and grubbing operations.

Structure. That which is built or constructed; an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on, in, or above the ground or which is attached to something having a location on, in or above the ground.

Structural Alteration. A change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams or girders, or the roof. See also, definition of Alteration.

Subdivision or Subdivide Land. Division of land creating four or more lots within 12 months, except the Performance Standards Option under chapter 18.3.9 includes the division of land creating three lots. See also, chapter 18.5.3, Land Divisions and ORS 92.010.

T

Temporary Use. A short-term, seasonal, reoccurring, or intermittent use. Such use must be approved by Conditional Use Permit only, except as exempted in the temporary use section 18.2.2.030.H.

Top of Bank. The elevation at which water overflows the natural banks of streams or other waters of the state and begins to inundate upland areas. Physical characteristics that indicate the elevation include a clear, natural line impressed on the shore, a change from bare soil to upland vegetation (e.g., oak, fir, pine), a change in vegetation from riparian vegetation (e.g., willows, big leaf maple, alders) to upland vegetation (e.g., oak, fir, pine), a textural change of depositional sediment or changes in the character of the soil (e.g., from sand, sand and cobble, cobble and gravel to upland soils), absence of fine debris (e.g., needles, leaves, cones and seeds), and the presence of water-borne litter or debris, water-stained leaves or water lines on tree trunks. In the absence of physical evidence or where the top of each bank is not clearly defined, the two year recurrence interval flood elevation may be used to approximate the top of bank. See Figure below.

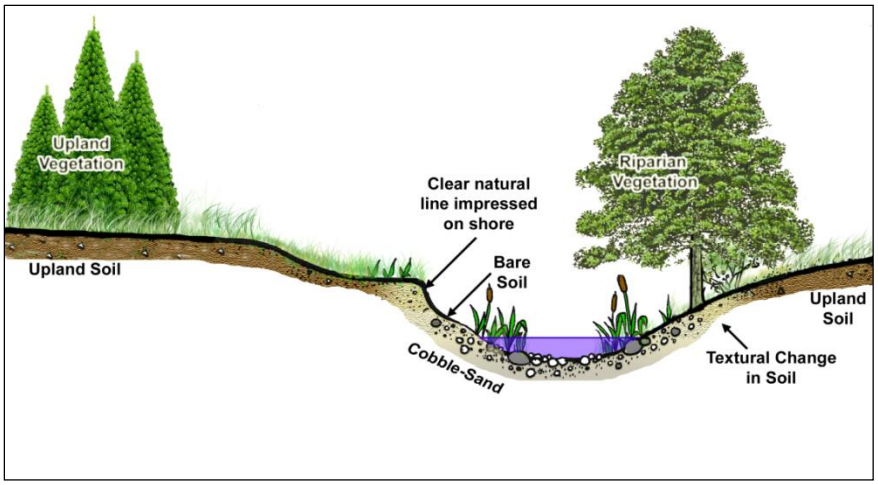

Figure 13
Top of Bank

Topping. The severe cutting back of a tree's limbs to stubs three inches or larger in diameter within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree. Topping does not include the practice of pollarding when conducted in accordance with the standards established by the International Society of Arboriculture.

Tract or Area of Land. A unit or contiguous units of land under single ownership.

Transom Window. A glazed or clear opening above the door or window.

Transparency. A clear opening or window; clear enough to see through.

Travelers' Accommodations. Transient lodging in a residential zone having a room, rooms, or dwellings rented or kept for rent to travelers or transients for a charge or fee paid or to be paid for rental or use of such facilities on one or more occasions for a period of less than 30 consecutive days. See also, definition of Accessory Travelers' Accommodation.

Tree. Any woody plant having a trunk six caliper inches or larger in diameter at breast height (DBH). If a tree splits into multiple trunks above ground, but below 4 ½ feet, the trunk is measured at its most narrow point beneath the split, and is considered one tree if greater than six inches DBH. Plants commonly planted as shrubs, including but not limited to English laurel, Leyland cypress, Photinia, Arborvitae, poison oak, English holly, and English ivy are not considered a tree. Trees specifically planted and maintained as a hedge are also not be considered a tree.

Tree Account. An account established by resolution of the City Council for the receipt of funds to be utilized for future tree purposes, as outlined in the resolution.

Tree Protection Zone. The area reserved around a tree or group of trees in which no grading, access, stockpiling, or other construction activity can occur as determined by the Staff Advisor based on review of the tree and site conditions.

Tree Removal. To cut down a tree, remove 50 percent or more of the crown, trunk, or root system of a tree, or to damage a tree so as to cause the tree to decline and/or die. Tree removal includes topping. Tree removal includes but is not limited to damage inflicted upon a root system by

application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. Tree removal does not include normal trimming or pruning of trees.

Tree Removal Permit. Written authorization from the City for a tree removal to proceed as described in an application, such authorization having been given in accordance with chapter 18.4.5 Tree Preservation and Protection.

Turnaround. A vehicle maneuvering area at the end of a dead-end street or driveway (e.g., hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around.

U

Unbuildable Area. All areas outside of building envelopes and within open space.

Upland. Land not characterized by the presence of riparian area, water bodies, or wetlands.

Urban Growth Boundary (UGB). The City incorporates by reference the definition given the term in ORS 195.060, as amended.

Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

V

Verand. An open-sided, raised sitting area with thin columns that support its roof; typically extends along the entire wall or warps around a corner.

Vision Clearance Area. Areas near intersections of roadways and motor vehicle access points where a clear field of vision is required for traffic safety and to maintain adequate sight distance. See also, section 18.2.4.040 Vision Clearance Area.

W

Walkway. A sidewalk or path improved to City standards or to other roadway authority standards, as applicable.

Water Budget. The amount of water a landscape needs taking into account the inputs and outputs of water to and from the root zone. Inputs, such as precipitation, are subtracted from outputs, such as evapotranspiration, to calculate the water needs of the landscape.

Water Conserving Landscaping – Definitions Related to Section 18.4.4.030.I

- **Automatic Sprinkler Controller.** Sprinkler controllers/timers determine watering start and stop times.
- **Baseline.** The amount of water required by the site during the peak watering month if watered at 100 percent of Reference Evapotranspiration (ETo).

- **Berm.** Any area where the soil is raised 30 percent or more on its sides and has no retaining wall included**.**
- **Check Valves.** A check valve a device that prevents the water that remains in the sprinkler piping from draining out of the sprinklers after the valve has shut off.
- **Control Valves.** These are the valves that sprinklers on and off; they also may be used for drip irrigation systems. Other names sometime used for them are irrigation valve or sprinkler valve.
- **Drip Irrigation.** Devices that apply water at or below the soil surface. Spray or misting emitters are not drip irrigation devices.
- **Emitters.** Drip distribution device that dispenses water to the ground at a predictable rate.
- **Head to Head Coverage.** The area watered by each sprinkler overlaps the area watered by the adjacent sprinkler; providing uniform water coverage.
- **Irrigation Zone.** The portion of an irrigation system served by a single control valve, typically operated by a unique station on the irrigation controller.
- **Mature Compost.** A stable organic amendment product characterized by raw materials (yard trimmings, vegetative, food waste, feedstock manures, etc.) that has been sufficiently decomposed under controlled moisture and aeration conditions. Mature compost is a well-cured product in which viable seed and pathogens are eliminated through the application of high temperatures. Mature compost is characterized by low amounts of carbon dioxide, a low ratio of ammonia to nitrate, low total ammonia content, and little to no odor.
- **Mulch.** A permeable protective covering of organic material such as bark, pine needles, or compost spread over soil and around plants to reduce evaporation, maintain even soil temperature, prevent soil erosion, and prevent leaks.
- **Precipitation Rates (PR).** The rate that sprinkler heads apply water to the soil or turf.
- **Pressure Reduction Valve (PRV).** A valve that automatically reduces the water pressure from the water supply main to a lower, more appropriate pressure. Pressure regulating sprinklers are not considered a pressure reduction valve.
- **Raised Beds.** Areas of soil with retaining walls one foot or greater in height.
- **Terrace.** Creation of horizontal areas on sloped land through a series of steps, retained on the downhill side.

Water Resource. A riparian, local, intermittent or ephemeral stream corridor, or a wetland

Water Resources Map. The adopted City map which identifies the approximate locations of water resources in Ashland including officially recognized streams and wetlands identified on the City's Local Wetland Inventory.

Water Resource Protection Zone. An area subject to the provisions of chapter 18.3.11 Water Resource Protection Zones which includes a water resource and an associated buffer of varying width, located adjacent to the water resource and in which certain human activities are regulated in order to protect the structure, functions, and values of the resource. Water resource protection zone is a category including stream bank protection zones and wetland protection zones.

Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands are a type of water resource.

- **Wetlands, Locally Significant.** Those wetlands identified on the Water Resources Map and determined significant wetlands using the criteria adopted the Oregon Department of State Lands (DSL). Locally significant wetlands is a type of wetland protection zone.
- **Wetlands, Possible.** An area that appears to meet wetland criteria but is too small (less than a half acre according to Oregon Department of State Lands (DSL) rules) to require its inclusion in the Local Wetland Inventory. The Water Resources Map notes areas that are in the possible wetland designation. However, there may be additional existing areas that meet the DSL wetland criteria, but are not included on the Water Resources Map. Possible wetlands is a type of wetland protection zone.

Wetland Boundary. A line marked on a map or flagged in the field that identifies the approximate wetland/non-wetland boundary.

Wetland Buffer. An area extending away from the outer delineated wetland boundary or upland edge that is preserved for the purpose of protecting the functions and values of the wetland by serving to reduce the adverse effects of adjacent land uses.

Wetland Delineation. A determination of wetland presence that includes marking the wetland boundaries on the ground and/or on a detailed map prepared by professional land survey or similar accurate methods.

Wetland Functions. Include wildlife habitat, fish habitat, water quality, and hydrological control.

Wetland Protection Zone. An area subject to the provisions of chapter 18.3.11 Water Resource Protection Zones that includes all wetlands determined to be locally significant and possible wetlands with confirmed jurisdictional wetland presence, and an associated buffer area of varying width, as established herein, located adjacent to the wetland, and in which certain human activities are regulated in order to protect the structure and functions of the wetland. A wetland protection zone is a type of water resource protection zone. There are two types of wetland protection zones defined, established and protected in this chapter – locally significant wetlands and possible wetlands.

Wetland Protection Zone Boundary. An imaginary line that is measured horizontally at a standard distance upland from the upland from the delineated wetland boundary as required in section 18.3.11.040 Establishment of Water Resource Protection Zones.

Wetland Specialist. An individual who has the appropriate credentials verifying proven expertise and vocational experience conducting wetland delineations.

Wildfire. Fire caused by combustion of native vegetation, commonly referred to as forest fire or brush fire, and not a prescribed burn.

Wireless Communication Facilities. The site, structures, equipment, and appurtenances used to transmit, receive, distribute, provide, or offer wireless telecommunications services. This includes, but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults,

buildings, electronics, and switching equipment.

Wireless Communications Systems. The sending and receiving of radio frequency transmissions and the connection or relaying of these signals to land lines and other sending and receiving stations, and including, but not limited to cellular radiotelephone, personal communications services (PCS), enhanced/specialized mobile radio, and commercial paging services, and any other technology which provides similar services.

Wireless Communications Support Structure. A structure used to support wireless communications antennas and connecting appurtenances. The purpose of such structures is to elevate an antenna above the surrounding terrain or structures and may be attached to an existing building or other permanent structures or as a free-standing structure which may include, but are not limited to monopole support structures and lattice support structures, and may have supporting guyed wires and ground anchors.

- **Monopole.** A support structure which consists of a single pole sunk into the ground or attached to a foundation.
- **Lattice Tower.** A support structure which consists of a network of cross braces that forms a tower. These types of structures are primarily used for taller towers and require a larger base than that of a monopole.
- **Alternative Structure.** Man-made structures that, by design, camouflage or conceal the presence of wireless communication facilities, such as clock towers, bell towers, church steeples, water towers, light poles, and similar alternative-design mounting structures.

X *[reserved]*

Y

Yard. An open space on a lot which is unobstructed by a structure, and measured from a lot line to the nearest point of a building. May also be an area defined by required setbacks (e.g., between a building or structure and nearest property line).

- **Yard, Front.** A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building.
- **Yard, Side.** An open space between the front and rear yards measured horizontally and at right angles from the side lot line to the nearest point of the building.
- **Yard, Rear.** A yard between side lot lines and measured horizontally at right angles to the rear yard line from the rear yard line to the nearest point of the building.

Z

Zone. A specifically delineated area within which certain land use regulations and development standards apply.

Zoning Permit. An acknowledgement made to the Building Official by the Staff Advisor that the application for a building permit meets the requirements of the Land Use Ordinance. Where

applicable, a zoning permit may also set forth any special conditions to be met by the applicant prior to issuance of a certificate of occupancy or any other planning and zoning related conditions to be enforced by the Building Official.