

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION
STUDY SESSION
MARCH 26, 2013
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street

- II. **ANNOUNCEMENTS**

- III. **PUBLIC FORUM**

- IV. **DISCUSSION ITEMS**
 - A. **Keeping of Animals Ordinance Update.**

 - B. **Unified Land Use Ordinance – Part 4: Site Development and Design Standards.**

- V. **ADJOURNMENT**

**CITY OF
ASHLAND**



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

Memo

DATE: 03/26/2013
TO: Planning Commission
FROM: Brandon Goldman, Senior Planner
RE: Keeping of Animals Ordinance

Background

Upon approving new standards for the keeping of chickens in August 2012, the City Council directed Staff to examine the Municipal Code to further address requirements regulating the keeping of other animals that could further efforts to provide local food. Although there was discussion at the time regarding the development of a comprehensive Urban Agriculture ordinance, it was determined such an approach should be undertaken only if identified as a priority goal during the Council's annual goal setting process. Councilors did express interest in considering a more focused effort at identifying specific refinements to the Keeping of Animals provisions within the municipal code that could enhance opportunities for local food production at this time. Staff believes that with relatively minor code revisions property owners can have more flexibility to pursue actions that increase household food security..

On March 6th, 2013 a group of local residents experienced in animal husbandry met with Planning Staff to discuss potential amendments to the Keeping of Animals ordinance (ch 9.08.040). The group discussed various types of animals which are well suited to local food production on small properties in consideration of potential impacts on adjoining neighbors. The group generally discussed the number of animals needed to support the food needs of a household and how that the limitations in the existing ordinance act as impediments. A number of animals were discussed as being inappropriate in an urban setting (geese, pigs, cows, horses, etc.) on small properties. The group reviewed the current setback requirements for bees, rabbits, and chickens and discussed the potential of lessening the setbacks in a manner that remains sensitive to the potential adverse impacts on neighbors. The keeping of bees was discussed and a number of simple amendments were discussed that would allow for backyard apiaries to be established while ensuring the hives are located in a manner that reduces the concentration of bees on neighboring properties.

Current Standards summarized

Currently Ashland's municipal code allows for a variety of animals used in food production and includes criteria relating to their maximum number and location as follows:

Large livestock is permitted on properties greater than one acre in size and stables must be located a minimum of one hundred (100) feet from a dwelling or fifty (50) feet from a property line.



A single family household can currently have five chickens plus one per thousand (1000) Square feet of lot area in excess of 5000sq.ft., up to a maximum of twenty chickens. Chickens must be located a minimum of ten (10) feet from a property line and twenty (20) from an adjoining dwelling.

Rabbits must be kept a minimum of one hundred (100) feet of another dwelling and further than seventy-five (75) feet of a street or sidewalk. There is currently no limitation on the number of rabbits allowed provided the distance requirements are met.

Bees hives must be kept at least one hundred fifty (150) feet of another dwelling, street, or sidewalk. There is currently no limitation on the number of hives provided the distance requirements are met.

Pygmy Goats are not explicitly addressed within the ordinance and as such would currently be regulated consistent with the large livestock standards.

A number of standards are provided relating to pot-belly pigs (less than 95lbs) but as these animals are typically kept as pets, not for meat production, they would not be covered in amendments relating to increasing opportunities for local food production.

Discussion Items

Localities that allow for the keeping of livestock in an urban setting typically cover a number of common regulatory themes within their municipal code which are broadly outlined below.

Categories of Animals

- Distinctions regarding the types of animals that can be kept dependent upon lot size:
 - Micro-livestock
 - chickens (hens)
 - ducks, quail, pheasant
 - rabbits
 - miniature goats (pygmy)
 - Bees
 - Large Livestock
 - cows
 - horses
 - goats
 - sheep, llama
 - emu, ostrich,
- Frequently prohibited animals due to issues with excessive noise, odor, or public safety include:
 - roosters (male chickens)
 - geese, guinea fowl, turkeys, peacocks,
 - pigs
 - dangerous animals.

Distance (setback) Requirements

- Setbacks for animal enclosure areas and buildings that house animals
 - from property lines
 - distance restrictions in relation to dwellings.
- Containment provisions (required fences, Coops, hives. no at large animals etc.), minimum and/or maximum enclosure size requirements;

Standards for Keeping Bees



- Fly-over barrier requirements located between beehives and the adjoining properties.
- Limitation on the number of colonies by lot area
- Requirements for water in the immediate vicinity

Health and Sanitation

- Nuisance clauses for noise, odor, and animals at large
- Waste disposal/storage requirements
- Protection from predators and pests.
- Slaughtering restrictions relating to public health and sanitation

Questions for consideration

Setbacks

The Planning Commission is familiar with the recent ordinance amendment process relating to the keeping of chickens. Through that process the number of chickens allowed was increased, and the required setback from adjacent dwellings was reduced. Additionally the Council ultimately amended the ordinance to require a minimum 10' distance from adjoining properties.

Should similar setback standards be drafted to permit the keeping of other micro-livestock (e.g rabbits & ducks) in closer proximity to neighbors on smaller lots?

Lot size

Lot size has commonly been used as a mechanism used to correlate the number of animals to the capacity of the property in consideration of the impacts upon neighboring properties. In short a sliding scale is used so the smaller the lot area the fewer animals are permitted.

Should the number of animals permitted be limited based on lot size in the event the setback standards are reduced?

Goats

The keeping of goats and miniature goats is increasingly prevalent among urban homesteaders where permitted. There are a number of varieties of pygmy Goats weighing less than 85 lbs when full grown that tend to be used as pets, meat goats, as well as milk producers. Typically municipalities require that all male goats are neutered to control odor. As goats are social animals a solitary goat tends to make more noise than two goats together, As such city's that allow pygmy goats typically allow two adults.

Should the keeping of animal's ordinance be amended to permit pygmy goats on lots less than an acre in size?

Should full size goats continue to be regulated as livestock requiring a minimum lot area of an acre in size?

Manure

Specific standards relating to the potential for odor and combustion potential were included in the recent ordinance amendments relating to chicken manure. Specifically manure not used actively as fertilizer on site shall be stored in a 20gallon air-tight container.



Should similar standards for the storage of manure be drafted relating to the keeping of other micro-livestock?

Bees

During the Green Codes update in 2012 a number of local bee keepers provided testimony that Bees can be kept on smaller lots without endangering public safety provided certain standards are met. The current 150' distance requirement was seen to limit opportunities for bee keeping without functionally addressing issues relating to the number and maintenance of hives. At the March 6th working group meeting a local expert on bee-keeping discussed a model ordinance that could be amended to be incorporated into Ashland's keeping of animals ordinance. It was presented that Ashland's ordinance could readily be amended to promote backyard bee keeping while affording better protections for neighbors by limiting the number of hives to no more than three on lots less than a half acre in size, and requiring a flyway barrier (wall fence, dense vegetation) near the hives if less than 25 feet from the nearest property line.

Should the existing requirement that hives be placed 150' away from adjoining dwelling, sidewalk or streets be amended?

Should the section of code relating to bees be expanded to address suggested standards relating to, hive number, placement and maintenance, and flyway barrier locations in the event the setback requirement is reduced?

Attached:

Background summary including existing ordinances



Keeping of Animals

2013 Ordinance Amendment Process

Background Summary

Across the country, more and more people are paying attention to where their food comes from and how it is produced. This in turn has led to more citizens interested in participating in their own local food production, with an emphasis on food and products that are grown organically, locally, and sustainably. Urban agriculture or “backyard farming” has grown in popularity around the country and over the past several years a number of Ashland residents have converted lawns to food producing planting beds, and have explored opportunities to keep chickens, ducks, turkeys, pygmy goats, bees and other animals on their properties only to learn that current codes may limit or preclude the keeping of such urban livestock on small urban properties within the City.

Urban Agriculture can be broadly addressed in the following categories:

- Keeping of animals and bees
- Soil safety, pesticides and fertilizers, & composting
- Growing of produce
- Rooftop & vertical agriculture
- Hydroponics and aquaculture
- Farmers markets, winter markets, farm stands and sales
- Accessory structures

Upon approving new standards for the Keeping of Chickens in Aug 2012, the City Council directed Staff to examine the Municipal Code to further address requirements regulating the keeping of other animals. Although there was discussion at the time regarding the development of a comprehensive Urban Agriculture ordinance, it was determined such an approach should be undertaken only if identified as a priority goal during the Council’s annual goal setting process. Councilors did express interest in considering a more focused effort at identifying specific refinements to the Keeping of Animals provisions within the municipal code that could enhance opportunities for local food production.

Chickens are certainly the most common “backyard livestock” raised in urban areas, however the keeping of other urban livestock for food production is increasingly common as urban farmers strive to have a healthier, more sustainable and cheaper source of food, by consuming the honey, eggs, milk or meat from their own animals. As was evident during the recent public hearings regarding the keeping of chickens, the raising backyard animals has been a controversial topic in Ashland where some residents argued that raising animals in the city



might cause nuisances like noise and bad odors, as well as public health and animal welfare issues. In evaluating allowances for the keeping of urban livestock it is incumbent upon the City to ensure that any permitted urban livestock can be successfully integrated into residential neighborhoods and establish standards that avoid negative impacts to neighbors or a nuisance to the community.

During the course of this year the City will work with local residents with hands on experience in keeping animals for the purpose of local food production to help identify areas within the existing code that act as impediments that could potentially be amended to better promote local food production. Ultimately regulations that incorporate citizen input in the creation stage help ensure an ordinance that best fits the needs (and is supported by) the community.

Where localities allow for the keeping of urban livestock , there are common regulatory themes which include:

- Limits on the number of animals permitted per household or given lot area,
- Distinction and limitations types or categories of animals that could be kept:
 - The most commonly permitted were chickens (hens), ducks, quail, miniature goats, rabbits and bees.
 - Limits on animal size due to smaller urban lot space constraint
 - Established minimum lot area for potbelly pigs, goats, cows, sheep and horses;
 - Prohibiting specific animals due to issues with excessive noise or public safety: roosters (male chickens), geese, guinea fowl, dangerous animals.
- Setbacks for animal enclosure areas and buildings that house animals
 - from property lines
 - distance restrictions in relation to dwellings.
- Containment provisions (required fences, Coops, hives. no at large animals etc.), minimum and/or maximum enclosure size requirements;
- Fly-over barrier requirements located between beehives and the adjoining properties.
- Nuisance clauses for noise, odor, disease, waste disposal, and protection from predators and pests.
- Slaughtering restrictions relating to public health and sanitation

Ordinance Update Process

The adoption of ordinance amendments is a public process that includes numerous public hearings and opportunities for revisions to the proposed ordinance in consideration of public testimony. The Ashland Planning Commission reviews any land use ordinance amendment and provides their recommendations to the Ashland City Council. The City Council is the final decision making body and can approve, amend, or deny any proposed ordinance amendments.



The anticipated timeline for the formal ordinance review and adoption process is as follows:

code update timeline (estimate)	Mar	Apr	May	June	July	Aug	Sept
Initial Public Involvement							
Citizen (Urban Husbandry Group) meeting	6-Mar			tbd			
Planning Commission Study Session	26-Mar						
Ordinance Preparation							
Council Study Session			tbd				
Draft Ordinance Amendments							
Formal ordinance review							
Public Hearing Planning Commission				11-Jun			
City Council 1st reading					16-Jul		
City Council 2nd Reading						20-Aug	
Codify 30 days after second reading							19-Sep

Ashland’s Existing Ordinance Requirements

Current City Ordinance allows for the keeping of animals provided the following criteria are met:

9.08.040

A. Except as otherwise permitted by ordinance, no person shall keep or maintain more than three (3) dogs over the age of three (3) months on any one (1) parcel or tract of land.

*B. No person shall keep or maintain swine. Notwithstanding the preceding sentence or the provisions of section 18.20.020, keeping or maintaining swine commonly referred to as Miniature Vietnamese, Chinese, or Oriental pot-bellied pigs (*sus scrofa vittatus*) is allowed, subject to the following:*

- 1. Such pigs shall not exceed a maximum height of 18 inches at the shoulder or weigh more than 95 pounds.*
- 2. No more than one such pig shall be kept at any one parcel or tract of land.*
- 3. Such pigs shall:*
 - a. Be confined by fence, leash or obedience training to the property of the person keeping or maintaining them or to the property of another if such other person has given express permission;*
 - b. Be confined to a car or truck when off property where otherwise confined; or*
 - c. Be on leash not longer than six feet in length.*
- 4. Such pigs shall be kept in accordance with the standards of minimum care for domestic animals as set forth in ORS 167.310.*
- 5. Notwithstanding any of the above, no such pig shall be allowed in any park.*



C. No person shall keep or maintain poultry within seventy-five (75) feet of another dwelling, except that chickens may be kept or maintained even within said seventy-five (75) foot buffer zone provided each of the following requirements is continuously met inside the buffer zone:

- 1. No more than five (5) chickens shall be kept or maintained on properties of less than five thousand (5000) square feet in area;*
- 2. No more than one (1) chicken for each one thousand (1,000) square feet of lot area, up to a maximum of twenty (20) chickens, shall be kept or maintained on properties greater than five thousand (5000) square feet in area,*
- 3. No chickens shall be allowed on properties containing multi-family complexes, including duplexes;*
- 4. In residential zones chickens shall be kept for personal use only, and not for the commercial exchange of goods or commodities with the exception of the sale of surplus eggs directly to the end consumer.*
- 5. No roosters shall be allowed;*
- 6. Chickens must be secured at all times and located at least twenty (20) feet from dwellings on adjoining properties:*
 - a. During non-daylight hours a secure chicken coop shall be provided to protect chickens from predators;*
 - b. Chickens shall be located in a chicken run that meets the requirements of AMC 18.68.140(C) 4) or in a securely fenced area at least ten (10) feet from neighboring properties;*
- 7. To protect public health, the areas in which chickens are kept must be maintained in compliance with AMC 9.08.060 and the following requirements:*
 - a. Chicken feed must be kept in rodent- and raccoon-proof containers;*
 - b. Chicken manure must be collected, stored, and removed from the property on a regular basis in accordance with 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 chickens; and*
 - iii. All manure not used for composting or fertilizing shall be removed;*
- 8. Chicken coops and runs shall be built in compliance with AMC 18.68.140(C) 4) and with all applicable building and zoning codes;*
- 9. The requirements of AMC 18.20.020(D) regarding of the keeping of livestock shall not apply to the keeping of chickens or the buildings and structures that house chickens.*
- 10. Noise resulting from the keeping or maintaining of chickens must not exceed the limitations set forth in AMC 9.08.170.*

D. No person shall keep or maintain rabbits within one hundred (100) feet of another dwelling or within seventy-five (75) feet of a street or sidewalk.

E. No person shall keep or maintain a bee hive, bees, apiary, comb, or container of any kind or character wherein bees are hived, within one hundred fifty (150) feet of another dwelling or within one hundred fifty (150) feet of a street or sidewalk.



F. No person shall keep or maintain a stable within one hundred (100) feet of another dwelling.

G. Where the conditions imposed by subsections (B) to (F) of this section differ from those imposed by another ordinance, the provision which is more restrictive shall control.

H. The applicable minimum care requirements of ORS 167.310 shall apply to all animals identified in this section.

I. Keeping of animals is a Class III violation.

(Ord. 1559 S4, 1968; Ord 3025, 2010; Ord 3061, 2012; Ord 3071; 2012)

The Land Use Code establishes a minimum lot area for livestock, and location requirements for barns and buildings housing livestock as follows:

18.20.020 D. The keeping of livestock, except swine, provided that:

- 1. No livestock shall be kept on any lot less than one (1) acre in area.*
- 2. No more than two (2) head of livestock over the age of six (6) months may be maintained per acre.*
- 3. Barns, stables, and other buildings and structures to house said livestock shall not be located closer than fifty (50) feet to any property line.*

The Land Use Code currently provides standards for accessory buildings that house chickens as follows:

18.68.140C. A chicken coop and a chicken run may be maintained accessory to a single-family dwelling in a residential district provided the following conditions are met:

- 1) No more than five (5) chickens shall be kept or maintained on properties of less than five thousand (5000) square feet in area;*
- 2) No more than one (1) chicken for each one thousand (1,000) square feet of lot area, up to a maximum of twenty (20) chickens, shall be kept or maintained on properties greater than five thousand (5000) square feet in area,*
- 3) No roosters shall be kept on the property at any time.*
- 4) Chicken coops and chicken runs shall be constructed as follows:*
 - a) they shall not be located in a required front yard.*
 - b) they shall be setback a minimum of ten (10) feet from abutting properties.*
 - c) they shall be at least twenty (20) feet from dwellings on adjoining properties.*
 - d) structures shall not exceed six (6) feet in height.*
 - e) chicken coops shall not exceed forty (40) square feet in area, or four (4) square feet per chicken, whichever is greater.*
 - f) chicken runs, as enclosed outdoor structures, shall not exceed one hundred (100) square feet in area, or ten (10) square feet per chicken, whichever is greater.*
- 5) The keeping of chickens, and the maintenance of their environment, shall be in accordance with Keeping of Animals chapter of the Ashland Municipal Code (Ch. 9.08.040).*



Memo

DATE: March 26, 2013

TO: Ashland Planning Commission

FROM: Maria Harris, Planning Manager

RE: Unified Land Use Ordinance Project
Part 4 – Site Development and Design Standards (Third Section)

SUMMARY

The third and final section of Part 4 Site Development and Design Standards is attached for the Planning Commission review and discussion. The Planning Commission reviewed the first section of Part 4 at the February 12 meeting, and the second section at the March 12 meeting. The third section Part 4 includes chapters on signs, solar access, tree preservation and protection, disc antennas and wireless communication facilities.

THIRD SECTION OF PART 4 – SITE DEVELOPMENT AND DESIGN STANDARDS

QUESTION: Does the Planning Commission have comments on the third section of Part 4 Site Development and Design Standards of the unified ordinance?

BACKGROUND: The Unified Ordinance Outline and the third section of Part 4 are attached. The material in this section is from Chapter 18.61 Tree Preservation and Protection, Chapter 18.72 Site Design Review (includes sections on disc antennas and wireless communication facilities), Chapter 18.96 Sign Regulations and Chapter 18.70 Solar Access. The focus of the third section is reformatting and editing for clarity, with few substantive amendments. Two sections, Signs (2009) and Wireless Communication Facilities (2012) recently went through extensive public process and updates.

SUMMARY OF AMENDMENTS: The potential amendments are summarized below.

- **Health Care (HC) Zone Signage** - see pp 4-13
The current code does not address the sign regulations for the HC zone (areas around Ashland Hospital, Mountain View Retirement Center (north of intersection of N. Main St. and Maple St., and Mountain Meadows at the north end of N. Mountain Ave.). As a result, the HC is added to the sign standards for the commercial, industrial and employment centers.
- **Commercial (C-1) Exemption from Solar Setback** – see pp 4-23 – 4-24
In the current code, properties in the C-1 zone are subject to solar “Setback Standard B” [Commercial Downtown (C-1-D), Croman Mill (CM) and North Mountain Neighborhood Central Overlay (NM-C) are exempt]. The language has been amended to exempt C-1 properties



from the solar setback requirement if the properties are not abutting a Residential Zone to the north. C-1 properties that have residential zones to the north will continue to have to meet the solar Setback Standard B. The addition of the C-1 zone (Commercial) is a revision the Planning Commission discussed in November 2012 as a change to Part 2 Zoning Regulations, and as per the Commissions input on the Policy Issues and Recommendations from the 2006 Land Use Ordinance Review.

- **Solar Access Permit for Protection from Shading by Vegetation** – see pp 4-26 – 4-29
The current ordinance allows a property with or installing a solar energy system to apply for a solar access permit to protect the system from being shaded by vegetation. The current code requires that the city record a solar access permit on neighboring properties. This section of the code is used infrequently, but when it has been used in the past, the recording of the solar access easement on neighboring properties was determined to be legally problematic by the City attorney's office. As a result, the amendments retain the solar access permit, but delete the requirement to record the solar access restriction.
- **Disc Antenna Installation Requirements** – see p 4-40
The current ordinance includes language addressing the installation and grounding of disc antennas. The reference to the requirement to meet Building Code requirements is retained, but the specific language on installation is deleted because it is covered by the Building Code.

ITEMS FOR NEXT DRAFT

Two adjustments to the third section of Part 4 are in process for the next draft of the unified code. First, staff is considering reformatting the chapter on signs to make the flow more user-friendly. Second, there are standards addressing tree preservation in the landscaping chapter (18-4.4) of Part 4. Staff is considering combining or reformatting the landscaping and tree preservation chapters again to make the flow more user-friendly.

ATTACHMENTS

1. Unified Ordinance Outline
2. Title 18 – Part 4 – Site Development and Design Standards (third section)



Ordinance Outline

The following outline groups similar code functions together into six distinct parts of the land use ordinance (Title 18), with each part containing a suite of related chapters, and subsections with each chapter.

18-1 General Provisions

- 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 Non-Conforming Situations
- 18-1.5 Ordinance Interpretations
- 18-1.6 Zoning Permit Expiration, Extension and Enforcement

PC
reviewed
at
9/25/12
meeting

18-2 Zoning Regulations

- 18-2.1 Zoning Regulations – General Provisions
- 18-2.2 Base Zones – Allowed Uses
- 18-2.3 Special Use Standards
- 18-2.4 General Regulations for Base Zones
- 18-2.5 Standards for Residential Zones
- 18-2.6 Standards for Non-Residential Zones

PC
reviewed
at
11/13/12
meeting

18-3 Special Districts and Overlay Zones

- 18-3.1 Special District and Overlay Zone Purpose and Administration
- 18-3.2 Croman Mill District
- 18-3.3 Health Care Services District
- 18-3.4 North Mountain Neighborhood District
- 18-3.5 Southern Oregon University District
- 18-3.6 Airport Overlay

PC
reviewed
at
11/27/12
meeting



- 18-3.7 Freeway Sign Overlay
- 18-3.8 Performance Standards Options Overlay
- 18-3.9 Physical and Environmental Constraints Overlays (Floodplain Corridors, Hillside Lands, Severe Constraints, Wildfire Lands)
- 18-3.10 Water Resource Overlay
- 18-3.11 Site Development and Design Overlays (Detail Site Review, Downtown Design, Historic District, Pedestrian Place)
- 18-3.12 Residential Overlay

18-4 Site Development and Design Standards

- 18-4.1 Site Development and Design Standards Administration
- 18-4.2 Building Placement and Orientation
- 18-4.3 Parking, Access and Circulation
- 18-4.4 Landscaping, Fences and Walls, and Outdoor Lighting
- 18-4.5 [Reserved]
- 18-4.6 Public Facilities
- 18-4.7 Signs**
- 18-4.8 Solar Access**
- 18-4.9 Subdivision Design**
- 18-4.10 Grading and Excavation**
- 18-4.11 Tree Preservation and Protection**
- 18-4.12 Disc Antennas**
- 18-4.13 Wireless Communication Facilities**

PC reviewed at 2/12/2013 meeting

PC reviewed at 3/12/13 meeting

PC will review at 3/26/13 meeting

18-5 Application Review Procedures and Approval Criteria

- 18-5.1 General Review Procedures
- 18-5.2 Site Design Review
- 18-5.3 Land Divisions and Property Line Adjustments

PC reviewed at 1/8/13 meeting



18-5.4 Conditional Use Permits

18-5.5 Adjustments and Variances

18-5.6 Modifications to Approved Planning Applications

18-5.7 Annexations

18-5.8 Plan Amendments and Zone Changes

18-5.9 Ballot Measure 49 Claims

18-6 Definitions and Rules of Measurements



18-4 - SITE DEVELOPMENT AND DESIGN STANDARDS**4A-3**

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18-4 - Site Development and Design Standards

Chapters:

- 18-4.1 Design Standards Administration
- 18-4.2 Building Placement, Orientation and Design
- 18-4.3 Access, Circulation, Parking, and Loading
- 18-4.4 Landscaping, Street Trees, and Screening
- [18-4.5 *Reserved*]
- 18-4.6 Public Facilities
- 18-4.7 Signs
- 18-4.8 Solar Access
- 18-4.9 Subdivision Design
- 18-4.10 Grading and Excavation
- 18-4.11 Tree Preservation and Protection
- 18-4.12 Disc Antennas
- 18-4.13 Wireless Communication Facilities

Chapter 18-4.7 - Signs

Sections

18-4.7.010	Purpose
18-4.7.020	Exempted Signs
18-4.7.030	Prohibited Signs
18-4.7.040	Sign Permits
18-4.7.050	General Sign Regulations
18-4.7.060	Residential and North Mountain Sign Regulations
18-4.7.070	Commercial-Downtown Overlay District (C-1-D)
18-4.7.080	Commercial, Industrial and Employment Districts
18-4.7.090	Freeway Sign Zone
18-4.7.100	Abatement of Nuisance Signs
18-4.7.110	Construction and Maintenance Standards
18-4.7.120	Nonconforming Signs
18-4.7.130	Enforcement
18-4.7.140	Governmental Signs
18-4.7.150	Historic Signs

Comment: Chapter 18-4.7 carries forward Ashland's existing sign regulations, Chapter 18.96 Sign Regulations which was updated in 2009. The wording and organization is improved, but the requirements remain the same except if specifically noted. The sign definitions are relocated to the definitions chapter.

18-4.7.010 Purpose

This Chapter shall hereafter be known and designated as the "Sign Code of the City of Ashland", and is adopted in recognition of the important function of signs and the need to safeguard and enhance the economic and aesthetic values in the City of Ashland through regulation of such factors as size, number, location, illumination, construction, and maintenance of signs; and thereby safeguard public health, safety and general welfare.

18-4.7.020 Exempted Signs

The following signs and devices shall not be subject to the provisions of this chapter except for 18-4.7.030 and 18.3.7.140; 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 sign.

A. Informational Signs. Informational signs placed or approved for installation by the City of Ashland or by the State or Oregon in the publicly owned right-of-way. Collective identification or directory signs placed by the City of Ashland 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 of Ashland

property. See also, section 18-4.7.140 Government Signs.

- B. Memorials.** Memorial tablets, cornerstones, or similar plaques not exceeding six (6) 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. Please refer to 18-4.7.150.D 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 (2) 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 Zone, three (3) incidental signs with a total area of seven (7) square feet, provided no single incidental sign exceeds three (3) 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 5 watts per bulb do not flash or blink in any way. Strings of lights in residential zones are not regulated.
- I. Temporary Signs, Non-Illuminated Election Signs.** Temporary signs not exceeding four (4) square feet, provided the signs are erected no more than 45 days prior to and removed within seven days following an election.
- J. Temporary, Non-Illuminated 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.
- K. Temporary, Non-Illuminated Construction Signs.** Temporary, non-illuminated construction signs on a lot with an aggregate area not exceeding sixteen (16) square feet in residential areas or thirty-two (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. Freestanding temporary construction signs shall be no greater than five feet above grade.
- L. 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 twenty percent (20%) of such window area, and are maintained for a period not exceeding seven (7) days. Signs that remain longer than seven (7) days will be considered permanent and

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must comply with the provisions of this Chapter.

M. Temporary, Non-Illuminated Real Estate Signs. Temporary, non-illuminated real estate signs not exceeding six (6) square feet in residential areas or twelve square feet in commercial and industrial areas, provided said signs are removed within fifteen 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.

18-4.7.030 Prohibited Signs

Notwithstanding section 18-4.7.020 Exempted Signs, and except as provided by 18-4.7.140 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 18-4.7.020.
- 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 Sections 18-4.7.070.B.5.
- 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 (10) 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 Ashland Comprehensive Plan, or in any residential districts shall be permitted.
- J.** No bulletin boards or signs with changeable copy shall be permitted, except as allowed in Section 18-4.7.050.C.
- 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 (2) 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.

18-4.7.040 Sign Permits

A. Sign Permit Required. A sign permit is required in each of the following instances:

1. Upon the erection of any new sign except exempted signs.
2. 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.
3. To alter an existing non-conforming sign, subject to Section 18-4.7.140.
4. To erect a temporary sign for a new business subject to Section 18-4.7.040.D.

B. Required Information for a Sign Permit. For the purposes of review by the Staff Advisor and Building Official, a drawing to scale shall be submitted which indicates fully the material, color, texture, dimensions, shape, relation and 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.

C. Temporary Signs for New Businesses. The Staff Advisor or his/her designate 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. Unsafe or Illegal Signs.

1. If the Staff Advisor or Building Official shall find 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/she shall give written notice to the permittee or owner thereof to remove or alter such sign within seven (7) 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.
4. 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

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a permit has been obtained for such sign, has committed an infraction, and upon conviction thereof is punishable as prescribed in section 1.08.020 of the Ashland Municipal Code. It shall not be a defense to this section that such person erected, constructed, printed, painted or otherwise made the sign for another.

- E. Sign Permit Record Required.** The Planning Department shall keep a copy and permanent record of each sign permit issued.
- F. 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.

18-4.7.050 General Sign Regulations

The following general provisions shall govern all signs in addition to all other applicable provisions of this chapter.

- A. Variances.** The following regulations pertaining to signs are not subject to the variance section of this Code: Section 18-4.7.030 - Prohibited Signs; Section 18-4.7.100 - Abatement of Nuisance Signs; and Section 18-4.7.110 - Construction and Maintenance Standards; and the size, height and number of constraints of Sections 18-4.7.060, 18-4.7.070, 18-4.7.080 and 18-4.7.090, except as may be allowed in 18-4.7.120.
- B. 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.
- C. Bulletin Board or Reader Board.** Twenty (20) percent of permitted sign area may be allowed as a bulletin board or reader board.
- D. 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 two and one-half (1.5) feet in height shall be placed in the vision clearance area. The vision clearance area is the triangle formed by a line connecting points twenty-five (25) feet from the intersection of property lines. In the case of an intersection involving an alley and a street, a line connecting points ten (10) feet along the alley and twenty-five feet (25') along the street forms the triangle. When the angle of intersection between the street and the alley is less than thirty (30) degrees, the distance shall be twenty-five (25) feet. This provision shall apply to all zones.
 - 3. Near driveways. No sign or portion of thereof shall be erected within ten (10) feet of

driveways unless the same is less than two and one-half (2.5) feet in height.

4. Future street right-of-way. No sign or portion thereof shall be erected within future street right-of-ways, as depicted upon the Master Street Plan, 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.

18-4.7.060 Residential and North Mountain Sign Regulations

Signs in the residential (R) and North Mountain (NM) districts 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.

B. Type of Signs Permitted

1. Neighborhood Identification Signs. One (1) sign shall be permitted at each entry point to residential developments not exceeding an area of six (6) square feet per sign with lettering not over nine (9) inches in height, located not over three (3) feet above grade.
2. Conditional Uses. Uses authorized in accordance with the Chapter on Conditional Use Permits may be permitted one (1) ground sign not exceeding an overall height of five (5) feet and an area of fifteen (15) square feet, set back at least ten (10) 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 Traveler's Accommodation Uses. Retail commercial uses allowed as a conditional use in the Railroad District and traveler's accommodations in residential zones shall be allowed one (1) wall sign or one ground sign that meets the following criteria:
 - a. The total size of the sign is limited to six (6) square feet.
 - b. The maximum height of any ground sign is to be three (3) feet above grade.
 - c. The sign must be constructed of wood and cannot be internally illuminated.

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4. North Mountain (NM) Signs. Signs for approved non-residential uses within the NM-R-1-5, NM-C and NM Civic zones shall be permitted one (1) ground sign not exceeding an overall height of five (5) feet and an area of fifteen (15) square feet, set back at least ten (10) 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 Overlay District (C-1-D)

Signs in the Commercial-Downtown Overlay District 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 (2) signs for each business.
3. Material. No sign in the Commercial-Downtown Overlay District 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 (2) or fewer business frontages shall be permitted one (1) 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 (1) square foot of sign area for every two (2) lineal feet of business frontage. The maximum sign area on any single business frontage shall not exceed sixty (60) square feet. Business frontages of three (3) or more, on a single building, shall comply with the following criteria established within the City's Site Design and Use Standards:
 - 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 ~~may 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 fifty (50) lineal feet. Corner lots can count one street frontage. Two (2) or more parcels of less than fifty (50) feet may be combined for purposes of meeting the foregoing standard.
2. Area. Signs shall not exceed an area of one (1) square foot for each two (2) lineal feet of street frontage, with a maximum area of sixty (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 provisions of Section 18-4.7.050.F.
4. Height. No ground sign shall be in excess of five (5) feet above grade.

D. Permitted Marquee or Awning Signs

1. Number. A maximum of two (2) 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 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 (9) 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 seven (7) feet, six (6) inches 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 (1) 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

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of one (1) square foot for each two (2) feet of lineal business frontage that is not already utilized by a wall sign. The maximum area of any projecting sign shall be fifteen (15) square feet.

3. Projection. Signs may project from the face of the building to which they are attached a maximum of two (2) feet if located eight (8) feet above grade, or three (3) feet if located nine (9) 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 (8) feet above grade.
5. Limitation on placement. No projecting sign shall be placed on any frontage on an arterial street as designated in the Ashland Comprehensive Plan.

F. Permitted Three-Dimensional Signs.

1. Number. One (1) three-dimensional sign shall be permitted for each lot in lieu of one (1) 3-square foot incidental sign otherwise allowed per 18-4.7.030.H.
2. Surface Area. Flat surfaces in excess of two (2) 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 (8) feet above grade, or the sign is attached to a marquee with the lowest portion of the sign not less than seven (7) feet, six (6) inches 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 (3) 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 (3) cubic feet. For the purposes of calculating volume the minimum dimension for height, width, or depth shall be considered one (1) 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 (1) 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 18-4.7.020.H. Signs shall not exceed an area of four (4) square feet per face including any border or trim, and there shall be no more than two (2) faces.
3. Height. Sandwich board signs and 'A' frame signs shall not extend more than three (3) feet above the ground on which it is placed. Pedestal signs shall not extend more than four (4) feet above the ground on which it is placed. A freestanding wind sign shall not extend more than five (5) 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 [Title 5 of] the Ashland Municipal Code.
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, Industrial and Employment Districts

Comment: The existing sign code does not address the Health Care Services zone, and the commercial sign section has historically been used for these areas. As a result, HC has been added to the introduction of this section to make the application clear.

Signs in C-1, CM, E-1, HC, M-1 commercial, industrial, employment and Croman Mill (CM) districts/zones, excepting the Downtown-Commercial Overlay District and the Freeway Overlay District, 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.

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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 (2) 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 (2) or fewer business frontages shall be permitted one (1) 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 (1) square foot of sign area for every two (2) lineal feet of business frontage. The maximum sign area on any single business frontage shall not exceed sixty (60) square feet. Business frontages of three (3) or more, on a single building, shall comply with the following criteria established within the City' s Site Design and Use Standards:
 - 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 (2) feet from the face of the building to which they are attached, provided the lowest portion of the sign is at least eight (8) feet above grade. Any portion lower than eight (8) feet can only project four (4) 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 (1) sign shall be permitted for each lot with a street frontage in excess of fifty (50) lineal feet. Corner lots can count both street frontages in determining the lineal feet of the street frontage but only one (1) ground sign is permitted on corner lots. Two (2) or more parcels of less than fifty (50) feet may be combined for purposes of meeting the foregoing standard.
2. Area. Signs shall not exceed an area of one (1) square foot for each two (2) lineal feet of street frontage, with a maximum area of sixty (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 provisions of Section 18-4.7.050.F.

4. Height. No ground sign shall be in excess of five (5) feet above grade.

D. Permitted Awning or Marquee Signs

1. Number. Two (2) 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 (9) 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 seven (7) feet, six (6) inches 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 (1) 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 18-4.7.020.H. Signs shall not exceed an area of four (4) square feet per face including any border or trim, and there shall be no more than two (2) faces.
3. Height. Sandwich board signs and 'A' frame signs shall not extend more than three (3) feet above the ground on which it is placed. Pedestal signs shall not extend more than four (4) feet above the ground on which it is placed. A freestanding wind sign shall not extend more than five (5) 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 (10) 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 the [Title 5 of the]

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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 (1) three-dimensional sign shall be permitted for each lot in lieu of one (1) three 3-square foot incidental sign otherwise allowed per 18-4.7.020.H.
2. Surface Area. Flat surfaces in excess of two (2) square feet shall count toward the total aggregate sign area per 18-4.7.080.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 (8) feet above grade, or the sign is attached to a marquee with the lowest portion of the sign not less than seven (7) feet, six (6) inches 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 (3) 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 (3) cubic feet. For the purposes of calculating volume the minimum dimension for height, width, or depth shall be considered one (1) 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 Zone

- A. **Purpose.** This special overlay zone is intended to provide for and regulate certain ground signs that identify businesses in commercial districts located at freeway interchanges.

- B. Establishment and Location of Freeway Sign Zones.** Freeway sign zones shall be depicted on the official zoning map of the City and identified as the Freeway Overlay District.
- C. Freeway Overlay Sign Regulations.** All signs in this district shall comply with Section 18-4.7.080, except for ground signs, which shall comply with the provisions of Section 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 18-4.7.080 of this Chapter.
 2. Area. Signs shall not exceed an area of one hundred (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 Abatement of Nuisance Signs

The following signs are hereby declared a public nuisance and shall be removed or the nuisance abated:

- A.** Flashing sign visible from a public street or highway.
- B.** Temporary, movable or portable signs located on the publicly owned right-of-way.
- C.** Illegal signs.
- D.** Signs in obvious disrepair that are not maintained according to the standards set forth in 18-4.7.110.C.

18-4.7.110 Construction and Maintenance Standards

A. Materials of Construction

1. Single and multi-family residential districts. All signs and their supporting member may be constructed of any material subject to the provisions of this Chapter.
2. Commercial and industrial districts. 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 ~~U.B.C. Standards No. 32-37~~ 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.

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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.

18-4.7.120 Nonconforming Signs

Any sign which does not conform with a provision of Chapter 18-4.7 and has been in existence for more than five (5) 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 Title 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% of the cost of replacing the sign with a conforming sign. However, the signs must be restored to their original design ~~with a \$10.00 fee will be Sign Permit~~ 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 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 using the variance procedure of Chapter 18-

~~5.7. This Title to alleviate unusual hardships or extraordinary circumstances which exist in bringing nonconforming signs into conformity. The variance granted shall be the minimum required to alleviate the hardship or extraordinary circumstance.~~

18-4.7.130 Enforcement

The portions of this Chapter relating to the structural characteristics and safety of signs shall be enforced by the Building Official or his/her designate, ~~[pursuant to Title 5 of the Ashland Municipal Code]~~; all other portions shall be enforced by the Staff Advisor or designate.

18-4.7.140 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.

18-4.7.150 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 the City 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 Council shall refer all requests for inclusion on the Historic Sign Inventory to the Historic Commission for review and recommendation to the Council within thirty (30) days of the request. Notice of the Historic Commission meeting shall be mailed to all

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affected property owners within one hundred (100) feet of the subject property. If a recommendation is not made within thirty (30) days, the request shall be forwarded to the Council without a recommendation.

2. The Council shall, after receiving the recommendation of the Historic Commission or after thirty (30) days, provide notice to all affected property owners within (100) feet of the subject property of a public hearing before the City Council.
3. The 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 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 Sections 18-4.7.100 and 18-4.7.110.D. 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 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%, 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 City 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	Lot Classifications
18-4.8.040	Solar Setbacks
18-4.8.050	Solar Access Performance Standard
18-4.8.060	Variances
18-4.8.070	Solar Access Permit for Protection from Shading by Vegetation
18-4.8.080	Hearing Procedure
18-4.8.090	Limits On Solar Access Permits
18-4.8.100	Entry of Solar Access Permit Into Register
18-4.8.110	Effect and Enforcement.

Comment: This chapter carries forward 18.70 Solar Access with only minor edits, renumbering of sections and cross-references, and removal of the definitions. The definitions are consolidated in Part 18-6, and the Applicability section below is a placeholder.

18-4.8.010 Purpose

The purpose of the Solar Access 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

18-4.8.030 Lot Classifications

Affected Properties. All lots shall meet the provisions of this section and will be classified according to the following formulas and table:

FORMULA I:

Minimum N/S lot dimension for Formula I =
$$\frac{30'}{0.445 + S}$$

Where: S is the decimal value of slope, as defined in Part 18-6 Definitions and Rules of Measurements.

FORMULA II:

Minimum N/S lot dimension for Formula II =
$$\frac{10'}{0.445 + S}$$

Lots whose north-south lot dimension exceeds that calculated by Formula I shall be required to meet the setback in Section (A), below.

Those lots whose north-south lot dimension is less than that calculated by Formula I, but greater than that calculated by Formula II, shall be required to meet the setback in Section (B), below.

Those lots whose north-south lot dimension is less than that calculated by Formula II shall be required to meet the setback in subsection 18-4.8.040.C below.

TABLE I

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

18-4.8.040 Solar Setbacks

A. Setback Standard A. This setback is designed to insure that shadows are no greater than six (6) feet at the north property line. Buildings on lots which are classified as Standard A, and zoned for residential uses, shall be set back from the northern lot line according to the following formula:

$$SSB = \frac{H - 6'}{0.445 + S}$$

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.

H = the height in feet of the highest shade producing point of the structure which casts the longest shadow beyond the northern property line.

S = the slope of the lot, as defined in this Chapter.

B. Setback Standard B. This setback is designed to insure that shadows are no greater than sixteen (16) feet at the north property line.

Buildings for lots which are classified as Standard B, or for any lot zoned **C-1, E-1 or M-1, C-1** and not exempt by section 18-4.8.040.D.2, or for any lot not abutting a residential zone to the north, shall be set back from the northern lot line as set forth in the following formula:

$$SSB = H - 16'$$

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$$0.445 + S$$

C. Setback Standard C. This setback is designed to insure that shadows are no greater than twenty-one (21) feet at the north property line.

Buildings for lots in any zone whose north/south lot dimension is less than Standard B shall meet the setback set forth in the following formula:

$$SSB = \frac{H - 21'}{0.445 + S}$$

Comment: The highlighted language in subsection D.2 carries forward the existing exemptions in 18.32.050 C-1-D(Downtown), 18.53.050 CM (Croman Mill) and 18.30.030.D NM-C (North Mountain Neighborhood Central Overlay). The addition of the C-1 zone (Commercial) is a revision the Planning Commission discussed in November 2012 as a change to Part 2 Zoning Regulations, and as per the Commissions input on the Policy Issues and Recommendations from the 2006 Land Use Ordinance Review. The revised language in section B on the previous page is for consistency with the change below.

D. Exemptions.

1. Steep Slopes. Any lot with a slope of greater than thirty percent (30%) in a northerly direction, as defined by this Ordinance, shall be exempt from the effects of the Solar Setback Section.
2. Zones. The solar access setback does not apply in the C-1-D, CM, NM-C zones, and to properties not abutting a Residential zone in the C-1 zone.
3. 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 Section does not apply to shade caused by vegetation.
4. 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 D for actual shadow lengths.

E. 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 Access Performance Standard

A. Assignment of Solar Factor. All land divisions which create new lots shall be designed to

permit the location of a twenty-one (21) foot high structure with a setback which does not exceed fifty (50%) percent of the lot's north-south lot dimension. Lots having north facing (negative) slopes of less than fifteen percent (15%) (e.g., 10%), 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. Lots having north facing (negative) slopes equal to or greater than fifteen percent (15%) (e.g., 20%), 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.

- B. Solar Envelope.** If the applicant chooses not to design a lot so that it meets the standards set forth in '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).

18-4.8.060 Exceptions

Comment: The wording and format of the previous "variance" section is reworked using the exception terminology.

~~A. Variances to this Chapter shall be processed as a Type I procedure, except that variances granted under subsection B of this Section may be processed as a Staff Permit.~~

The city reviewing authority may grant exceptions to the standards contained in Chapter 18-4.8 Solar Access without the need for variance. In granting an exception, the reviewing authority must, on the basis of the application, investigation and evidence submitted, find all of the criteria below are met:

~~**A variance may be granted with the following findings being the sole facts considered by the Staff Advisor:**~~

1. 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 the following information:
 - a. The signatures of all owners or registered leaseholders holding an interest in the property in question.
 - b. A statement that the waiver applies only to the specific building or buildings to which the waiver is granted.
 - c. 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.
 - d. A description and drawing of the shading which would occur, and

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2. The Staff Advisor finds that:
 - a. The exception does not preclude the reasonable use of solar energy on the site by future buildings; and
 - b. The exception does not diminish any substantial solar access benefiting a habitable structure on an adjacent lot.
 - c. There are unique or unusual circumstances that apply to this site which do not typically apply elsewhere.

Comment: A solar access permit can be applied for by to protect a property with a solar energy system from being shaded by vegetation (shading by buildings is protected by the solar setback requirements of this chapter). The current code requires that the city record a solar access permit on neighboring properties. However, this was determined to be legally problematic, and staff worked with the City attorney's office to develop the following changes to address this issue. The amendments are intended to remove the requirement to record the solar access restriction, and instead make it a violation of city code if vegetation begins to shade the solar energy system during solar heating hours.

18-4.8.070 Solar Access Permit for Protection from Shading by Vegetation

- A. A Solar Access Permit is applicable in the City of Ashland for protection of shading by vegetation only. The setback provisions of this ordinance protect shading by buildings.
- B. Any property owner or lessee, or agent of either, may apply for a Solar Access Permit from the Staff Advisor. The application shall be in such form as the Staff Advisor may prescribe but shall, at a minimum, include the following:
 1. A fee ~~of Fifty (\$50.00) Dollars plus Ten (\$10.00) Dollars for each lot affected by the Solar Access Permit~~ pursuant to the Fee Schedule adopted by City Council.
 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 (1) 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.
 6. The tax lot numbers of a maximum of ten (10) 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 18-4.8.050 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 recordation application and notify the applicant. The applicant is responsible for the accuracy of all information provided in the application.
- D. The Staff Advisor shall send notice by certified letter, return receipt requested, to each owner and **registered** lessee 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 collector 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. If no objections are filed within thirty (30) days following the date the final certified letter is mailed, the Staff Advisor shall issue the Solar Access Permit.
- F. 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 Section 18-4.8.080.

18-4.8.080 Hearing Procedure

- A. 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.
- B. The Staff Advisor shall consider the matters required for applications set forth in Section 18-4.8.070.B on which the applicant shall bear the burden of proof, and the following factor

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on which the objector shall bear the burden of proof: A showing by the objector that the proposed collector would unreasonably restrict the planting of vegetation on presently under-developed property.

1. If the objector is unable to prove these circumstances and the applicant makes the showings required by Section 18-4.8.060.B, the Staff Advisor shall approve the permit.
 2. If the applicant has failed to show all structures or vegetation shading of the proposed collector location in his application, the Staff Advisor may approve the permit while adding the omitted shading structures or vegetation as exemptions from this Chapter.
 3. 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.
 4. 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.
- C. Any decision by the Staff Advisor is subject to review before the Planning Commission as a Type II planning action according to the usual procedures contained in this Title.

18-4.8.090 Limits On Solar Access Permits

- A. No Solar Access Permit may be filed which would restrict any lot which has an average slope of fifteen (15) percent in the northerly direction.
- B. A Solar Access Permit becomes void if the use of the solar collector is discontinued for more than twelve (12) consecutive months or if the solar collector is not installed and operative within twelve (12) months of the filing date of the Solar Access Permit. The applicant may reapply for a Solar Access Permit in accordance with Chapter 18-4.8.070, however, the application fee shall be waived.

~~18-4.8.100 Entry of Solar Access Permit Into Register~~

~~A. When a Solar Access Permit is granted, the Staff Advisor shall:~~

- ~~1. File the Solar Access Permit with the County Clerk. This shall include the owner's name and address and tax lot of the property where the recorded collector is to be located, any special exceptions or exemptions from the usual affects of a Solar Access Permit, and the tax lots of the ten (10) or fewer adjacent properties subject to the Solar Access Permit.~~
- ~~2. File a notice on each affected tax lot that the Solar Access Permit exists and that it may~~

~~affect the ability of the property owner to grow vegetation, and that it imposes certain obligations on the property owner to trim vegetation.~~

~~3. Send a certified letter, return receipt requested, to the applicant and to each owner and registered lessee of property subject to the Solar Access Permit stating that such permit has been granted.~~

~~B. If a Solar Access Permit becomes void under Section 18-4.8.090.B, the Staff Advisor shall notify the County Clerk, the recorded owner, and the current owner and lessee of property formerly subject to the Solar Access Permit.~~

18-4.8.110 Effect and Enforcement

A. 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. ~~No one shall plant any vegetation that shades a recorded collector, or a recorded collector location if it is not yet installed, after receiving notice of a pending Solar Access Permit application or after issuance of a permit. After receiving notice of a Solar Access Permit or application, no one shall permit any vegetation on their property to grow in such a manner as to shade a recorded collector (or a recorded collector location if it is not yet installed)~~ 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.

C. If vegetation is not trimmed as required or is permitted to grow contrary to Section 18-4.8.100(B), the ~~recorded~~ owner of property with a solar access permit or the City, on complaint by ~~the recorded~~ such owner, shall give notice of the shading by certified mail, return receipt requested, to the owner or ~~registered~~ lessee of the property where the shading vegetation is located. If the property owner or lessee fails to remove the shading vegetation within thirty (30) days after receiving this notice, an injunction may be issued, upon complaint of the ~~recorded~~ owner, ~~recorded~~ lessee, or the City, by any court of jurisdiction. The injunction may order the ~~recorded~~ owner or ~~registered~~ lessee to trim the vegetation, and the court shall order the violating ~~recorded~~ owner or ~~registered~~ lessee 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.

D. If personal jurisdiction cannot be obtained over either the offending property owner or ~~registered~~ lessee, the City may have a notice listing the property by owner, address and legal description published once a week for four (4) 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

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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.

- E. In addition to the above remedies, the shading vegetation is declared to be a public nuisance and may be abated through Title 9 of the Ashland Municipal Code.
- F. Where the property owner or **registered** lessee contends that particular vegetation is exempt from trimming requirements, the burden of proof shall be on the property owner or lessee to show that an exemption applies to the particular vegetation.

Ashland Setback Table - 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

Ashland Setback Table - 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

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

Ashland Setback Table - 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

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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

Ashland Setback Table "D" - 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

Chapter 18-4.9 - Subdivision Design

Comment: The existing subdivision design standards in 18.80 are not often used because applicants routinely choose the Performance Standards Option. The existing standards will be reviewed, and updated as needed based Green Building best practices. This chapter is reserved for updates to 18.80, particularly sections 18.80.020 and 18.80.030.

18-4.9.010 Purpose

xxx

Chapter 18-4.10 - Grading and Excavation

Comment: This section is reserved for Ashland's commercial excavation standards, 18.68.080, and the grading requirements contained in the Site Design and Use Standards. The standards should be updated based on a review of Green Building best practices.

18-4.10.010 Purpose

xxx

18-4.11 – Tree Preservation and Protection

Chapter 18-4.11 - Tree Preservation and Protection

Comment: This section carries forward the existing tree preservation and protection standards of Chapter 18.61 Tree Preservation and Protection . The bulk of Chapter 18.61 covers the tree removal permit process, and will be included in Part 18-5 Application Review Procedures and Approval Criteria in the next draft.

Sections

- 18-4.11.010 Purpose
- 18-4.11.020 Applicability
- 18-4.11.030 Tree Protection
- 18-4.11.040 Performance Security

18-4.11.010 Purpose

The City of Ashland 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 of Ashland 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 or 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.

18-4.11.020 Applicability

Chapter 18-4.11 applies to residential, commercial and manufacturing developments that are subject to chapter 18-5.X Tree Preservation and Protection.

18-4.11.130 Tree Protection

A. Tree Protection Plan Required.

1. A Tree Protection Plan approved by the Staff Advisor shall be required prior to conducting any development activities including, but not limited to clearing, grading, excavation, or demolition work on a property or site, which requires a planning action or building permit.
2. 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:
 - a. Location, species, and diameter of each tree on site and within 15 feet of the site;
 - b. Location of the drip line of each tree;
 - c. Location of existing and proposed roads, water, sanitary and storm sewer, irrigation, and other utility lines/facilities and easements;
 - d. Location of dry wells, drain lines and soakage trenches;
 - e. Location of proposed and existing structures;
 - f. Grade change or cut and fill during or after construction;
 - g. Existing and proposed impervious surfaces;
 - h. Identification of a contact person and/or arborist who will be responsible for implementing and maintaining the approved tree protection plan; and
 - i. Location and type of tree protection measures to be installed per section 18-4.11.130.B.
3. For development requiring a planning action, the Tree Preservation Plan shall include an inventory of all trees on site, their health or hazard condition, and recommendations for treatment for each tree.

B. Tree Protection Measures Required.

1. 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.

18-4.11 – Tree Preservation and Protection

2. 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.
3. The fencing shall be flush with the initial undisturbed grade.
4. 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.
5. 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.
6. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or m-off.
7. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless approved by the Staff Advisor.

C. 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.

18-4.11.140 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.

Chapter 18-4.12 - Disc Antennas

Comment: This section carries forward Ashland's existing disc antenna standards in 18.72.170. Sections G and H are deleted because these items are covered by building code.

Sections

18-4.12.010	Purpose
18-4.12.020	Applicability
18-4.12.030	Building Permit Required
18-4.12.040	Development Standards

18-4.12.010 Purpose

To protect public health and safety and to ensure compliance with building codes.

18-4.12.020 Applicability

Chapter 18-4.12 applies to all disc antennas, including exempt antennas in accordance with section 18-5.2.A.9 and those that are subject to chapter 5.2 Site Design Review, section 18-5.2.C.3.b.

18-4.12.020 Building Permit Required

All disc antennas shall be subject to review and approval of the building official where required by the Building Code.

18-4.12.030 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 (1) 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.

18-4.12 – Disc Antennas

- C. No more than one disc antenna shall be permitted on each lot, except three (3) or fewer parabolic disc antennas, each under one (1) meter in diameter, is permitted on any one lot or dwelling unit in accordance with 18-5.2.C.3b.
- 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 shall meet all manufacturer's specifications. The mast or tower shall be non-combustible. Corrosive hardware, such as brackets, turnbuckles, clips and similar type equipment if used, shall be protected by plating or otherwise to guard against corrosion.~~
- ~~H. Every antenna must be adequately grounded, for protection against a direct strike of lightning, with an adequate ground wire. Ground wires shall be of the type approved by the latest edition of the Electrical Code for grounding masts and lightning arrestors and shall be installed in a mechanical manner, with as few bends as possible, maintaining a clearance of at least two inches from combustible materials. Lightning arrestors shall be used that are approved as safe by the Underwriters' Laboratories, Inc., and both sides of the line must be adequately protected with proper arrestors to remove static charges accumulated on the line. When lead-in conductors of polyethylene ribbon-type are used, lightning arrestors must be installed in each conductor. When coaxial cable or shielded twin lead is used for lead-in, suitable protection may be provided without lightning arrestors by grounding the exterior metal sheath.~~
- G. Antennas may contain no sign or graphic design as defined in the Ashland Sign Code, even if the sign is permitted on the property.

Chapter 18-4.13 - Wireless Communication Facilities

Comment: This chapter carries forward Ashland's existing standards for wireless communication facilities in 18.72.180 which was updated in 2012.

Sections

- 18-4.13.010 Purpose
- 18-4.13.020 Applicability
- 18-4.13.030 Application Submittals
- 18-4.13.040 Design Standards

18-4.12.010 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.

18-4.13.020 Applicability

- A.** All installation of wireless communication systems shall be subject to the requirements of this section in addition to all applicable Site Design and Use Standards. Installations of wireless communication systems are subject to the following approval process:

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

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Zoning Designations	Attached to Existing Structures	Alternative Structures	Freestanding Support Structures
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
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 Commercial Downtown zone (C-1-D), 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 Districts, 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 Review or Conditional Use Permit as specified in the preceding subsection, provided that these actions:

1. Do not create an increase in the height of the facility; and
2. Conform with the conditions of the previously approved planning action; and
3. Do not cause the facility to go out of conformance with the standards of Section 18-

4.13.040.

18-4.13.030 Application Submittal

In addition to the submittals required in by section 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 (min 1"=10').
- C.** A set of manufacturers 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; and
 - 2. A map showing the existing and approved wireless communication facility sites operated by the applicant, and all other wireless communication facilities within a 5 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 Section 18-4.13.040.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, an 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

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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. Documentation to include:
 - 1. a copy of the mailing list to properties within 300' 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.

18-4.13.040 Design Standards

All wireless communication facilities shall be located, designed, constructed, treated and maintained in accordance with the following standards:

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) 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. 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 alternative. For the purpose of Section 18-4.13, 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 WCF 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, WCF 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 WCF 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:
 - a. document that alternative sites have been considered and are technologically unfeasible or unavailable; and
 - b. demonstrate that a reasonable effort was made to locate collocation sites that meet the applicant's service coverage area needs; and
 - c. document the reasons collocation can or cannot occur.

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2. Relief from collocation under this section may be granted at the discretion of the approving 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 WCF 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 WCF 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 WCF wireless communication facilities shall have a 10 foot landscaped buffer zone.
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 WCF wireless communication facilities. Each tree shall have a caliper of 2 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. WCF 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 Hearing 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, if attached to a pre-existing or alternative structure shall be integrated into

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the existing building architecturally and, to the greatest extent possible, shall not exceed the height of the pre-existing or alternative structure.

4. Antennas, if 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 WCF wireless communication facility is permitted only when required by a federal or state authority.
7. Should it be deemed necessary by the Hearing Authority for the mitigation of visual impact of the WCF 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, shielding techniques.