

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
JULY 23, 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. **Unified Land Use Ordinance: Definitions.**

- V. **OTHER BUSINESS**
 - A. **Bi-Annual Attendance Report (January – June 2013).**
Information Item Only. No Action Necessary.

- VI. **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: July 23, 2013
TO: Ashland Planning Commission
FROM: Maria Harris, Planning Manager
RE: Unified Land Use Ordinance Project
Part 6 - Definitions

SUMMARY

The first draft of the Definitions for the Unified Land Use Ordinance is attached. This draft consolidates and edits definitions in the current ordinance, and suggests some additional definitions.

QUESTION

Does the Planning Commission have comments on the definitions section?

BACKGROUND

The first draft of the Definitions for the Unified Land Use Ordinance consolidates and edits definitions from the following ordinance chapters:

- 18.08 Definitions
- 18.61 Tree Preservation and Protection
- 18.62 Physical & Environmental Constraints
- 18.63 Water Resources Protection Zones
- 18.64 Southern Oregon University
- 18.70 Solar Access
- 18.72 Site Design Review
- 18.84 Manufactured Housing Developments
- 18.88 Performance Standards Options
- 18.96 Sign Regulations
- 18.104 Conditional Use Permits
- 18.110 Measure 49

Some definitions in the current ordinance have been rewritten as standards and are relocated to the applicable ordinance chapters, and are indicated in the comment boxes. The standards currently included in the definitions of Open Space are an example of this.

ATTACHMENTS

1. Part 18-6 Definitions



User's Guide: The following consolidates definitions from the existing Land Use Ordinance and makes minor edits for clarity and consistency. The **gray highlighted text** indicates new language or terms. The new language and terms are primarily taken from the state model code. The ~~strikeout text~~ indicates deletions. The **yellow highlights** indicate duplications in the existing ordinance.

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Title 18-6 – Definitions

Chapter 18-6.1 — Definitions

Sections:

18-6.1.010	Purpose
18-6.1.020	Applicability
18-6.1.030	Definitions

Comment: This chapter replaces Chapter 18.08 Definitions and sections of other chapters of Title 18 containing definitions.

18-6.1.010 Purpose

The purpose of Chapter 18-6.1 is to define terms that are used in Title 18 (“this ordinance”) and other terms that may arise in interpreting this ordinance, particularly those that may be uncommon or have more than one meaning.

18-6.1.020 Applicability and General Provisions

- A. Applicability.** The definitions in Chapter 18-6.1 apply to actions and interpretations under Title 18 Land Use Ordinance. The meanings of some terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent shall control.
- B. General Provisions.** Terms not defined herein shall have their ordinary accepted meanings within the context in which they are used. [*Webster’s Third New International Dictionary of the English Language, Unabridged,*] shall be considered a standard reference. Where the masculine term is used it also includes the feminine, and the neuter and the singular variation of terms include the plural.
- C. Conflicting Definitions.** Where a term listed in Chapter 18-6.1 is defined by another section of this ordinance or by another code or statute referenced by this ordinance, the term is not redefined herein for purposes of that other code or statute.

18-6.1 – Definitions

18-6.1.030 Definitions

The following definitions are organized alphabetically.

Comment: The following consolidates definitions from the existing Land Use Ordinance and makes minor edits for clarity and consistency. The gray highlighted text indicates new language or terms. The new language and terms are primarily taken from the state model code. The ~~strikeout text~~ indicates deletions. The yellow highlights indicate duplications in the existing ordinance.

A

Access. A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property, as applicable.

Access Easement. An easement conveyed for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a lot or parcel across intervening property under separate ownership from the parcel being provided access. **Cross access easement** is an easement providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.

Access Management. The systematic control of the location, spacing, design, and operation of driveways, median openings interchanges, and street connections to a roadway to minimize conflicts between turning and through vehicles, bicyclists and pedestrians. The purpose of access management is to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. Public facility measures to support access management include roadway design applications, such as median treatments and auxiliary lanes, and the appropriate spacing of traffic signals. Measures that may be included as conditions of approval for development decisions include but are not limited to 1) standards such as minimum spacing of driveways and onsite vehicle storage requirements, 2) mitigations related to site conditions such as right-in-right-out only approaches, medians, dedicated turn lanes, and shared driveways and 3) provision for future opportunities for mitigation by land dedication or easement.

Alternate Access. The right to access a property by means other than the proposed approach or access connection. It may include an existing public right of way, another location on the subject street or highway, an easement across adjoining property, a different street, a service road, a local road, or an alley, and may be in the form of a single or joint approach.

Access Point. A connection providing for the movement of vehicles to or from a lot or parcel to a public roadway.

Access Spacing/Intersection Spacing. The minimum required distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

Access Way. A walkway providing a through connection for pedestrians between two streets, between two lots, or between a development and a public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walk way on public or private property (i.e., with a public access easement); may also be designed to accommodate emergency vehicles. See also, Walkway.

Accessible. Two meanings are possible depending on the specific code provision: In general, accessible means approachable by pedestrians, vehicles or other transportation mode, as applicable. Accessible may also mean approachable and useable by people with disabilities, in conformance with the Federal Americans With Disabilities Act. Either or both definitions may apply in a particular situation.

Accessory Equipment, Wireless Communication Facilities. All appurtenances defined in wireless communication facilities, with the exception of the support structure and antennas.

Comment: The definition of “accessory residential unit” is moved under “dwelling”.

Accessory Structure or Use. A structure or use incidental and subordinate to the main use of the property, and which is located on the same lot with the main use. Private garages and carports are accessory buildings when not attached to the main building. This definition shall also apply to mechanical equipment as defined herein.

Agriculture or Agricultural Use (Land Use). The use of the land for crops and tree farming; the tilling of the soil, and the raising of field and tree crops.

Agricultural Structures. Structures intended primarily or exclusively for support of an agricultural function, and exemplified by, but not restricted to barns, silos, water towers, windmills, greenhouses.

Airspace Obstruction. Any structure, tree, land mass, or use of land which penetrates a transitional, horizontal, or conical surface of an airport, airport approach, or airport overlay as defined by this Title and/or regulations of the Federal Aviation Administration.

Alley. A narrow street, ~~twenty (20) feet or less in width,~~ through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street. See standards in Section 18-4.6.030.

Alter or Alteration, Site. Any human-induced physical change to the existing condition of land or improvements thereon including but not limited to clearing, grubbing, draining, removal of vegetation (chemical or otherwise), excavation, grading, placement of fill material, placement of structures or impervious surfaces or other construction. “Permit to be altered” means allowing or failing to prevent the alteration. See also definitions related to Signs, below.

Antenna. The device used to capture an incoming or to transmit an outgoing radio-frequency signal from wireless communication systems. Antennas include the following types:

1. Omni-direction (whip) antenna - receives and transmits signals in a 360 degree pattern
2. Directional or Parabolic (panel or disk) Antenna - receives and transmits signals in a directional pattern. They are typically rectangular in shape.
3. Microwave antennas - receives and transmits to link two telecommunication facilities together by line of sight. They are typically circular or parabolic in shape and can be a grid or solid material.

Applicant. A person who applies for a permit or approval under this ordinance. An applicant can be the owner of the property, a contract purchaser, or someone who is legally authorized to represent the owner, such as a builder, developer, or contract purchaser.

Approval Authority. The Staff Advisor, Planning Commission or its Hearings Board, Hearings Officer, or City Council as determined by the applicable procedural requirements.

Arborist. A person licensed by the State of Oregon State Landscape Contractors Board or Construction

18-6.1 – Definitions

Contractors Board who is certified as an arborist from the International Society of Arboriculture or American Society of Consulting Arborists.

Architect. An architect licensed by the State of Oregon.

Architectural Projection. Eaves, decorative extensions, bay windows having no floor space, or other portions of a building having no living space or key structural value.

Automobile Service Station. A business where motor vehicles are serviced or repaired that providing service to the motoring public. Such uses can include light repair, tune-ups, transmission or drive train repairs to automobiles or light trucks, but does not include. ~~No~~ outside storage of any automobiles or materials such as tires, auto parts, etc., is allowable.

Average Slope. Average slope for a parcel of land or for an entire project, for the purposes of determining the area to remain in a natural state in Hillside Lands shall be calculated before grading using the following formula:

$$S = \frac{.00229(I)(L)}{A}$$

where "S" is the average percent of slope; ".00229" is the conversion factor for square feet; "I" is the contour interval in feet; "L" is the summation of length of the contour lines in scale feet; and "A" is the area of the parcel or project in acres.

B

Ballot Measure 49. The measure enacted by the voters at the November, 2007 General Election, which amended ORS Chapter 197. Ballot Measure 49 "Claim" means a written demand for compensation filed under Section 12 to 14 of Measure 49 and ORS 197.25, as in effect on and after the effective date of Measure 49. "Claimant" in this context means the person who has filed a claim. The claimant must be a current owner of the property that is the subject of the claim.

Bank Full Stage. The two-year recurrence interval flood elevation.

Bar. Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on premises as accessory to the principal use.

Base Flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE). The water surface elevation during the base flood in relation to a specific datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.1 foot.

Basement. That portion of a building with a floor-to-ceiling height of not less than 6.5 feet and where fifty percent (50%) or more of its perimeter walls are less than six (6) feet above natural grade and does not exceed twelve (12) feet above finish grade at any point.

Block. The land surrounded by streets and other right-of-way other than an alley, or land that is designated as a block on any recorded subdivision map.

Block Length. The distance measured along a street between the centerline of two intersecting through

streets.

Block Perimeter. The sum of the block lengths of all sides of a block.

Boarding or Rooming House (Land Use). A dwelling or part thereof, other than a hotel or motel, where lodging with or without means is provided, for compensation, for three (3) or more persons, for a minimum period of thirty (30) days.

Building Code. The combined specialty codes adopted under ORS 446.062, 446.185, 447.020(2), 455.020(2), 455.610, 455.680, 460.085, 460.360, 479.730(1) or 480.545, but not include regulations adopted by the State Fire Marshall pursuant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220.

Comment: The current definition of Building Envelope is in Chapter 18.84 Manufactured Housing Development and Chapter 18.88 Performance Standards Option. Recommend clarification that envelope pertains to building area, as fences and other structures may be permitted outside building envelope.

Building Envelope. An area, within the property boundaries of a lot, parcel, or space, and generally defined by required setback yards, floor area ratio, overlay zone restrictions, if any, and other development standards, within which a permitted building ~~manufactured housing or structure~~ can be placed.

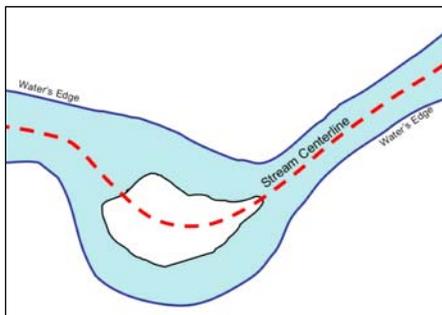
Building Line. A line ~~on a plat~~ indicating the limit beyond which buildings may not be erected.

C

Caliper Inch. A manner of expressing the diameter inches of a tree as calculated by measuring the tree's circumference and dividing by Pi (approximately 3.14159). Specially calibrated "diameter tapes" or "calipers" are used to determine caliper inches.

Carport. A stationary structure consisting of a roof, its supports, not more than one wall or storage cabinets substituting for a wall, used to shelter motor vehicles, recreational vehicles, or boats; does not include temporary shelters or canopies not affixed to a permanent foundation per applicable building codes.

Centerline of Stream. An imaginary line that is in the midpoint of the stream channel. In cases where a stream has multiple or braided channels, the centerline of stream is the midpoint between the outermost or upland sides of the stream channels



Centerline of Stream

Change of Use. Change in the primary type of use on a site.

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City. The City of Ashland, Oregon.

City Administrator. The City Administrator of the City of Ashland, or the City Administrator's designee.

City Facility. A public service or facility provided, owned and controlled by the City.

Clearing. Removal, redistribution or disturbance of vegetation, soil or substrate that may include trees, brush, grass, ground cover, or other vegetative matter from a site.

Club (Land Use). Any organization, group, or association supported by the members thereof, the purpose of which is to render a service customarily rendered for members and their guests but shall not include a commercial use.

Cohesive Soils. Residual or transported soils, usually originating from parent rock that contains significant quantities of minerals which weather to clay. Cohesive soils have a Plasticity Index of ten or more, based on laboratory testing according to AASHTO methods, or a site-specific scientific analysis of a particular soil material.

Collocation. The use of a single wireless communication facility by more than one wireless communications provider.

Commercial. Land use involving the sale of goods or services for a profit. See also “Retail Sales and Services.”

Commission. The Planning Commission of the City.

Common Area. Land jointly owned to include open space, landscaping, parking or recreation facilities (e. g., may be managed by a homeowners' association).

Community Services (Land Use). Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community, except for Schools, which are categorized separately. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Private lodges, clubs, and non-profit organizations that have membership provisions may be considered a Community Service. Uses providing mass shelter or short term housing where tenancy may be arranged for periods of less than one (1) month when operated by a public or non-profit agency may also be considered a Community Service. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature. See also, “Religious Institutions” and “Parks and Open Spaces.”

Comprehensive Plan. The current adopted Comprehensive Plan of the City.

Condominium. A development providing for individual ownership of units or airspace in a multi-unit structure or structures, in which the underlying land and/or structures are held under joint dominion.

Council. The City Council of the City.

County. Unless otherwise specified, Jackson County, Oregon.

Court, Inner. Area upon which any of four or more multifamily dwelling units in opposing (facing) buildings open and share pedestrian access and/or yard area. ~~dwelling opens.~~

Coverage, Lot or Site. Total area of all, buildings, parking areas, driveways, as well as other solid surfaces that will not allow normal water infiltration to the ground. The coverage is expressed as a percentage of such area in relation to the total gross area of the lot or site. Landscaping which does not negatively impact the

natural water retention and soil characteristics of the site shall not be deemed part of the lot or site coverage

D

Day Care Center, Nursery or Kindergarten (Land Use). An establishment providing for the care and supervision of children for no more than twelve (12) hours per day .

Dead Tree. A tree that is lifeless. Such evidence of lifelessness may include unseasonable lack of foliage, brittle dry branches, or lack of any growth during the growing season.

Deer Fence. An open fence used to prevent entry by deer or other wildlife for the purpose of protecting gardens, vegetation and yards.

Density(ies). A measurement of the number of dwelling units in relationship to a specified amount of land. A common standard is dwelling units per acre.

Designer. A person not registered as an architect or engineer, approved to plan and design single family homes and other buildings defined as exempt by the building code.

Develop. To construct or alter a structure or to make a physical change to the land including excavations, clearing and fills. See also, Alteration.

Development. In lands with significant natural features and physical constraints (i.e. floodplain corridor, hillside, wildfire and sever constrain lands), development is defined as alteration of the land surface by:

1. Earth-moving activities such as grading, filling, stripping, or cutting involving more than twenty (20) cubic yards on any lot, or earth-moving activity disturbing a surface area greater than 1000 sq. ft. on any lot;
2. Construction of a building, road, driveway, parking area, or other structure; except that additions to existing buildings of less than 300 sq. ft. to the existing building footprint shall not be considered development for Section 18-3.9.070 Development Standards for Hillside Lands.
3. Culverting or diversion of any stream designated by chapter 18-3.9.

Development Plan. Any plan adopted by the Planning Commission for the guidance of growth and improvement of the City, including modifications or refinements made from time to time.

Diameter at breast height or DBH. The diameter of the trunk at its maximum cross section, measured 54 inches (4 1/2 feet) above ground level at the base of the trunk. On sloped lands, the measurement shall be taken on the uphill side of tree.

Disc Antenna. A ~~device~~ device incorporating a reflective surface that is solid, open mesh, or bar configured and is the shape of a shallow dish, cone, horn, or cornucopia. Such devices may be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but is not limited to, what are commonly referred as satellite earth stations, TVROS, and microwave antennas.

Discontinued Use. A use that physically left the land it was on, a permitted use that ceased, or a use terminated at the end of a lease or contract. See Chapter 18-1.4 Non-Conforming Situations.

District. A zoning district. See also, Chapter 18-2.1

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- A. ~~"R" district indicates any residential zoning district.~~
- B. ~~"C" district indicates any commercial zoning district.~~
- C. ~~"M" district indicates any industrial zoning district.~~
- D. ~~"A" district indicates any airport overlay district.~~
- E. ~~"CM" district indicates any Croman Mill Plan zoning district.~~

Drainage Ditch or Channels means a: include:

1. Roadside ditches that carries only storm water runoff from the adjacent road and the immediate surrounding area. (Drainage ditches do not include historically altered streams or channels that convey surface water flows. These features are still classified as streams for the purpose of this ordinance.)
2. Constructed channels designed as part of the storm water infrastructure ~~and~~ that drains directly from storm water facilities or storm pipe systems; and
3. Features similar to those in 1 and 2, above.

Enhancement – means actions performed to improve the condition or functions and values of a Water Resource and its associated Protection Zone. Enhancement actions include but are not limited to increasing plant diversity, increasing fish and wildlife habitat, installing environmentally compatible erosion controls, and removing invasive plant species.

Dripline. An imaginary vertical line extending downward from the outermost tips of a tree's branches to the ground.

Drive-Up Uses (Land Use). Drive-up uses are defined as any establishment which by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods other than automobile fuel, or be entertained while remaining in their motor vehicles. The components of a drive-up use include kiosks, canopies or other structures; windows; stalls; queuing lanes and associated driveways. Drive-up uses may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. All driveways queuing and waiting areas associated with a drive-through/drive-up facility are similarly regulated as part of such facility.

Comment: Removed standard from definition. Cross-check to ensure it is included in applicable section of Title 18-4.

Driveway. The area that provides vehicular access to a site from a street, or the area that provides vehicular circulation on a site. An access way serving a single dwelling unit or parcel of land, and no greater than 50' travel distance in length. A flag drive serving a flag lot shall not be a driveway. Single dwelling or parcel accesses greater than 50' in length shall be considered as a flag drive, and subject to all of the development requirements thereof.

Driveway Apron. The edge of a driveway where it meets a public right-of-way.

Driveway Approach. A driveway connection to a public street or highway where it meets a public right-of-way. **Driveway, Shared.** When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) must be created and recorded for this purpose.

Driving Surface. A paved access capable of supporting up to 44,000 lbs. gross vehicle weight. Surface to be of minimum width as required by ordinance. Width shall be increased on turns where necessary to ensure fire apparatus remain on a paved surface during travel.

Dwelling. A structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. If the individual units are self-contained, assisted living facilities for the elderly or disabled as defined by the State of Oregon, having common food preparation, dining, social, recreational and/or housekeeping facilities are included in this definition. Typical accessory uses include: accessory storage buildings; private garage and parking areas; storage of not more than one commercial vehicle per dwelling unit; common area buildings for residents, guest houses and guest quarters not in the main building, provided such houses and quarters are and remain dependent upon the main building for either kitchen or bathroom facilities, or both, and the guest facilities are used for temporary lodging only and not as a place of residence; and the taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed [two (2)] in any dwelling unit. For the purposes of this ordinance, the following types of dwelling units are defined:

Comment: Based on the Oregon Model Code, the following terms replace single-family dwelling, two-family dwelling or duplex, and multiple-family dwelling in 18.08.200 through 18.08.230.

- **Accessory Residential Unit.** A secondary dwelling unit on a lot where the primary use is a single-family dwelling, either attached to the single-family dwelling or in a detached building located on the same lot with a single-family dwelling, and having an independent means of access.
- **Duplex Dwelling.** A building containing two (2) dwelling units. A structure that contains two dwelling units on one lot. The units must share a common wall or common floor/ceiling.

Comment: The following amended definition is intended to clarify what does and does not constitute a dwelling unit with respect to the number and type of cooking facilities.

- **Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar. One (1) or more rooms designed for occupancy by one (1) family and not having more than one (1) kitchen or cooking facility. For the purpose of this Title, the term "dwelling," or "dwelling unit," does not include the term "trailer house."
- **Manufactured Home.** A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.
- **Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- **Multifamily Dwelling.** A building containing three (3) or more dwelling units. A dwelling in a structure

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or grouping of structures containing three (3) or more dwelling units on the same lot.

- **Residential Care Home** is a residential treatment or training or adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. (See also, ORS 197.660.).
- **Residential Facility** is defined under ORS 430.010 (for alcohol and drug abuse programs); ORS 443.400 (for persons with disabilities); and ORS 443.880; residential facilities provide housing and care for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet State-licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents.
- **Senior Housing.** Housing designated and/or managed for persons over a specified age. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities.
- **Single-Family Dwelling.** A detached or attached structure building containing one (1) dwelling unit per structure.

E

Easement. A grant of the right to use a strip of land for specific purposes.

Engineer. A registered professional engineer licensed by the State of Oregon.

Engineering Geologist. A registered professional engineering geologist licensed by the State of Oregon.

Exempt Vegetation, Solar Access. All vegetation over fifteen (15) feet in height at the time a solar access permit is applied for.

F

Fair Market Value. For the purposes of implementing Measure 49, the amount of money, in cash, that the property would bring if the property was offered for sale by a person who desires to sell the property but is not obligated to sell the property, and if the property was bought by a person who was willing to buy the property but not obligated to buy the property. The fair market value is the actual value of property, with all of the property's adaptations to general and special purposes. The fair market value of property does not include any prospective value, speculative value or possible value based upon future expenditures and improvements.

Comment: The definition of family is deleted because it is not needed. The ordinance limits use of the word family to the context of describing structures (e.g. single family dwelling, multifamily dwelling) and referencing the U.S. Department of Housing and Urban Development's (HUD) annual income categories. In addition, the current definition does not meet fair housing law requirements.

Family. ~~An individual, or two (2) or more persons related by blood, marriage, legal adoption, or guardianship, and not more than five (5) persons who are not related by blood, marriage, legal adoption or guardianship.~~

Family Daycare. Care for not more than sixteen (16) children in a home. See ORS 657A.440(4) for applicable licensing and other requirements.

Fill Material. A deposit of earth or other natural or manmade material placed by artificial means.

Filling. The act of placing fill material in any amount, including the temporary stockpiling of fill material.

Final Plat. The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions and information concerning a land division, pursuant with ORS 92 and Chapter 18-5.3 of this ordinance.

Fire Work Area. An area capable of supporting up to 44,000 lbs. gross vehicle weight. Area to be a minimum of 20' by 40', within 50' of the structure and clear of vertical obstructions.

Fish Bearing or Fish Habitat. Inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the state or federal endangered species acts. Fish use is determined from Oregon Department of Forestry Stream Classification, Oregon Department of Fish and Wildlife and Oregon Department of State Lands maps for salmonid fish distribution.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters; or
2. the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM). An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood Insurance Study (FIS). The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, floodway boundaries and water surface elevations of the base flood.

Floodway Channel. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor Areas, Gross Habitable. The total area of all floors in a dwelling measured to its outside surfaces that are under the horizontal projection of the roof or floor above with at least seven (7) feet of head room, excluding uninhabitable spaces accessed solely by an exterior door.

Floor Area, Gross. The total area of all floors in a building measured to the outside surfaces that are under the horizontal projection of the roof or floor above.

Floor-Area Ratio (FAR). The gross floor area of all buildings on a lot divided by the lot area.

G

Garage, private. ~~A covered permanent structure designed to provide shelter for vehicles, and which may be accessory to a dwelling or other primary use. Carports are considered garages. An enclosed or open~~

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~~(carport) roofed accessory structure designed to house vehicles owned by occupant(s) of a residential structure.~~

Garage sale. A temporary activity conducted on the premises of a private residence for the purpose of disposal of goods or belongings of the residents of the dwelling. ~~Such activity shall have a duration of not more than two (2) days, nor shall it occur more than twice within any three hundred sixty five (365) day period. Such activity shall not be accompanied by any off-premises advertisement.~~ For the purposes of this Title, garage sales shall not be considered a commercial activity.

Geotechnical Expert. An engineering geologist or an engineer with demonstrable expertise in geologic hazards evaluation and geotechnical engineering.

Grade or Ground Level. The average of the finished ground level at the center of all walls of the building. In case a wall is parallel to and within five (5) feet of a sidewalk, the ground level shall be measured at the sidewalk.

Grading. All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

Ground Cover. Living or processed plant material (e. g. , mulch, bark chips), river rock and cinders used for aesthetic purposes and to prevent erosion (i.e., cover bare ground) in designated landscape areas. See Chapter 18-4.4 Landscaping, Fences and Walls, Outdoor Lighting.

Ground Floor. The first floor of a building other than a cellar or basement.

Group Home. ~~See Residential Care Home. A dwelling housing a group in excess of five (5) individuals not related by blood, marriage, adoption or guardianship who function as a single housekeeping unit under a common management plan based on an intentionally structured relationship providing organization and stability. Such facilities can include, but are not limited to, homes for orphans, foster children, the elderly and battered women and children.~~

Group Living. Group Living is characterized by the long-term residential occupancy of a structure by a group of people. The size of the group typically is larger than the average size of a household. Group Living structures do not include self-contained units but rather have common facilities for residents including those for dining, social and recreational and laundry. Group Living is divided into two subcategories based on whether or not residents receive any personal care, training and/or treatment:

Room and board facilities are group living establishments where no personal care, training and/or treatment is provided. Examples include dormitories, fraternities, sororities, boarding houses, monasteries and convents, residential hotels, lodging houses operated by organizations for members only, and similar uses.

Long-term care facilities (Residential Care Homes and Residential Facilities) are group living establishments where personal care for children, the aged, and special categories of persons with some limits on ability for self-care is provided. In addition to the provision of room and board, services such as supervision; protection; assistance while bathing, dressing, grooming or eating; management of money; transportation; and recreation are provided. Medical care may or may not be a major element. Examples include hospice, nursing and personal care facilities, homes for the deaf or blind, and similar uses.

Gully. A drainage incision, commonly caused by erosion, which does not experience regular or seasonal stream flow, but does act as a channel for runoff during periods of high rainfall.

H

Hand-held Equipment or Machinery. Equipment or machinery held in and operated by hand. Hand-held equipment or machinery includes but is not limited to manual tools, weed eaters, chainsaws, and equipment or machinery with wheels and a weight of 100 pounds or less such as push lawn mowers and brush mowers. For the purposes of this ordinance, equipment or machinery with wheels and a weight in excess of 100 pounds is not considered hand-held equipment or machinery.

Height of Building or Structure. The vertical distance from the "grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip-roof.

Heritage Tree. Any tree listed on the official City of Ashland Heritage Tree list adopted by the City Council.

Highest Shade Producing Point, Solar Access. The point of a structure that casts the longest shadow beyond the northern property boundary at noon on December 21st.

Historic District. A district identified as historically significant under the City of Ashland Comprehensive Plan and its implementing regulations (e.g. overlay zones).

Home Occupation (Land Use). A business activity that is carried out in conjunction with a dwelling unit, and which is accessory to the residential use, subject to the special use provisions of Chapter 18-2.3. A commercial activity permitted in a residential zone as provided in Chapter 18.94.

Homeowners Association. A homeowners association is an organization formed for the maintenance and operation of the common areas of the development. The membership in the association must be automatic with the purchase of a dwelling unit or other property in the planned development. The association's principal source of funds shall be an assessment levied against each dwelling unit or other property, which assessment shall be enforceable as a lien against the property.

Comment: Review definition of Home-Oriented Commercial Activities and update for consistency with Railroad District standards. Relocate standards from definition to Railroad District chapter.

Home-Oriented Commercial Activities. The operation of small local-convenience businesses within the Railroad District as identified by the Ashland Historic Commission and approved by the Council. Such businesses may include grocery stores, barber and beauty shops and similar uses, provided the residential character of the property is maintained and no additional off-street parking shall be required.

Hospital (Land Use). An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.

Comment: The definition of Hostel was last updated in 1985. It is consistent with the definition in ORS 446.310.

Hostel (Land Use). Any establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental or use of facilities and which are operated, managed or maintained under the sponsorship of a non-profit organization which holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954, as amended.

Comment: Hotel is revised to include motel to represent a type of transient accommodation in commercial and employment zones. Revised definition is from state model code.

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Hotel/Motel (Land Use). ~~A building in which lodging is provided to guests for compensation and in which no provisions are made for cooking in the lodging rooms.~~ A building or portion thereof designed and used for occupancy of transient individuals lodged with or without meals and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services and recreational facilities. (See ORS 446.310)

I

Immediate Danger of Collapse, Tree. A tree that may already be leaning, with the surrounding soil heaving, and/or there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree removal permit could be obtained through the non-emergency process. "Immediate danger of collapse" does not include hazardous conditions that can be alleviated by pruning or treatment.

Impact Area. That area which is immediately surrounding a use, and which may be impacted by it, including ~~All~~ all land that is within the applicable notice area for a use is included in the impact area. In addition, any lot beyond the notice area, if the hearing authority finds that it may be materially affected by the proposed use, is also included in the impact area.

Impervious Surface. Surface materials that prevent the normal infiltration of storm water into the ground.

Industrial, or Industrial Use. An activity related to the manufacture, production or storage of produce to be transported elsewhere for retail sale.

Infill. The development of more intensive land uses upon vacant or under-utilized sites.

Interest. For the purposes of implementing Measure 49, the average interest rate for a one-year United States Government Treasury Bill on December 31 of each year of the period between the date the land use regulation was enacted and the date the claim was filed, compounded annually on January 1 of each year of the period.

J

Junk Yard (Land Use). (1) Any property or establishment on which one or more persons are engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap or waste materials. (2) Any establishment or place of business on which two or more inoperable motor vehicles or an equivalent volume of waste or refuse are maintained, stored, bought, or sold. Includes wrecking yards, automobile graveyards, garbage dumps, and scrap metal processing facilities.

K

Kenel (Land Use). Any premises where four (4) or more dogs or cats are kept or permitted to remain, except veterinary clinics.

L

Landscape Professional. Arborist certified by the International Society of Arboriculture and licensed by the

State of Oregon State Landscape Contractors Board or Construction Contractors Board, or landscape architect licensed by the State of Oregon.

Comment: The following definition is consistent with ORS 197.015.

Land Use Decision. A final decision or determination made by the City of Ashland (or other agency with jurisdiction) that concerns the adoption, amendment, or application of the Comprehensive Plan or any provision of this Land Use Ordinance where the decision requires the interpretation or exercise of policy or legal judgment. All decisions requiring Quasi-Judicial review by the City of Ashland are Land Use Decisions. Decisions subject to Administrative review are considered Limited Land Use Decisions, pursuant with ORS 197.015.

Land Use Regulation. For the purposes of implementing Measure 49, a provision of a city comprehensive plan, zoning ordinance or land division ordinance that restricts the residential use of private real property zoned for residential use.

Lawn. Grass or similar materials maintained as a ground cover of less than six (6) inches in height. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

LEED® Accredited Professional. A person who has earned a credential as a Leadership in Energy and Environmental Design (LEED®) Accredited Professional from the U.S. Green Building Council, or Green Building Certification Institute, in accordance with their standards and requirements.

LEED® Certification. A building registered with the U.S. Green Building Council which has satisfied all prerequisites and has earned a minimum number of points outlined in the Leadership in Energy and Environmental Design (LEED®) Rating System under which it is registered. Levels of certification include Certified, Silver, Gold and Platinum.

LEED® Green Building Rating System” or “LEED® Rating System. The most recently published version of the Leadership in Energy and Environmental Design (LEED®) Green Building Rating Systems by the U.S. Green Building Council, or the version to be superseded for one year after the publication of a new applicable LEED® Rating System version.

Legislative Amendment. An amendment to the text of the land use ordinance or the comprehensive plan or an amendment of the zoning map, comprehensive plan maps or other official maps including the street dedication map described in chapter 18-5.8, for land involving numerous parcels under diverse ownerships.

Loading Area. The area available for the maneuvering and standing of vehicles engaged in delivering and loading goods, freight, or other articles.

Local Native Plant Species. Those plant species appropriate to planting in or adjacent to a Water Resource that are native species indigenous to the Rogue River Basin. Local native plant species are adapted to the elevation, weather, soils and hydrology of the area; will support the desired structure, functions, and values of the water resource; and once established require significantly less maintenance than non-native species. The City of Ashland Planning Division maintains a list of recognized site-appropriate local native plant species for both wetland and stream bank water resource applications, along with a list of known local suppliers. Plants may be added to or removed from the Local Native Plant List if reviewed and approved by the Staff Advisor in consultation with the City Horticulturist, Tree Commission, other professional groups with demonstrable expertise and local, state and federal agencies.

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Comment: The definition of a flag lot is revised to better describe the physical features of a flag lot using the definition from the state model code as well as the current definition.

Lot. A unit of land created by a partition or a subdivision, or a unit or contiguous units of land under single ownership, which complies with all applicable laws at the time such lots were created. Any contiguous ownership of non-conforming lots will be considered one (1) tract of land.

- **Corner Lot.** A lot abutting the intersection of two or more streets other than an alley.
- **Flag Lot.** A lot with two distinct parts:
 - The flag, which is the building site; and is located behind another lot; and
 - The pole, which connects the flag to the street; provides the only street frontage for the lot with less than forty (40) feet of frontage on a street; and unless an alley provides access, includes a driveway providing access.
- **Through Lot.** An interior lot having frontage on two (2) parallel or approximately parallel streets other than alleys. Such a lot shall have one (1) front yard fronting on the primary public street.

Lot Area. The total horizontal area within the lot lines of a lot, said area to be exclusive of street right-of-way.

Lot Depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear of lot line.

~~**Lot, Flag.** Any lot which has frontage on a city street which is less than forty (40) feet, and which is provided with access by an alley or a driveway parallel to the lot line of a lot having standard access.~~

~~**Lot, Interior.** A lot other than a corner lot.~~

Lot Line. The property line bounding a lot.

Lot Line, Front. In the case of an interior lot, the lot line separating the lot from the street other than an alley. A corner lot shall have one (1) street line considered the front lot line. The narrower street frontage shall be the front lot line except when the Staff Advisor determines topographical or access problems make such a designation impractical.

Lot Line, Rear. A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line ten (10) feet in length within the lot parallel to and at a maximum distance from the front lot line.

Lot Line, Side. Any lot line not a front or rear lot line.

~~**Lot, Reversed Corner.** A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.~~

Lot Width. The average (mean) horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

M

Comment: Manufactured home definition is updated and moved under "dwelling."

Manufactured Home. Residential structures with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the national Manufactured Housing Construction and Safety Standards Act of 1974, as amended on August 22, 1981.

Mobile Home Court, Park or Subdivision Manufactured Housing Development (Land Use). A plot of ground upon which one (1) or more mobile subdivision or park comprised of manufactured homes occupied for dwelling purposes are located, regardless of whether a charge is made for such accommodation.

Map. A diagram or drawing of a partition or subdivision or any other land use or land development matter.

Comment: Review definition of Minor Amendment against draft criteria for Minor/Major Modifications under chapter 18-5.6.

Minor Amendment. An amendment to a subdivision or partition plat that:

- A. Does not increase the number of lots or parcels created by the subdivision or partition;
- B. Does not enlarge the boundaries of subdivided or partitioned area;
- C. Does not change the general location or amount of land devoted to a specific land use; or
- D. Makes only minor shifting of the established lines, location or size of buildings or building envelopes, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces.

Mitigation. Taking one or more of the following actions listed in order of priority:

1. Avoiding the impact altogether by not taking a certain development action or parts of that action.
2. Minimizing impacts by limiting the degree or magnitude of the development action and its implementation.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action by monitoring and taking appropriate corrective measures.
5. Compensating for the impact by replacing or providing comparable substitute resources or environments.

Mitigation Plan. A plan that outlines the activities that will be undertaken to alleviate project impacts to sensitive areas.

Comment: Mobile home definition is updated and moved under “dwelling.”

Mobile home. ~~A building or vehicle which is portable or which was originally designed to be portable and which was constructed or modified to permit occupancy for dwelling purposes. This term shall include self-propelled mobile homes, pickup campers, mobile homes, travel trailers, trailers, and other similar equipment that may be utilized for dwelling purposes.~~

Comment: The definition of motel is deleted and the term included with the definition of hotel to represent a type of transient accommodations in commercial and employment zones. Motels are described this way in The Latest Illustrated Book of Development Definitions by Harvey S. Moskowitz and Carl G Lindbloom: “There is little distinction between hotels and motels. Traditionally, the motel (motor-hotel) was a one or two-story, less- expensive accommodation catering to the automobile traveling public, with a majority of all rooms having direct access to the outside without the necessity of passing

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through the main lobby of the building. Today, rentals range across the entire economic spectrum, multistory structures are common, and motels may offer a full range of services, including restaurants, meeting rooms, entertainment and recreational facilities.”

Motel. ~~A building or group of buildings on the same lot containing guest units for rental to transients, with separate entrances directly exterior and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities.~~

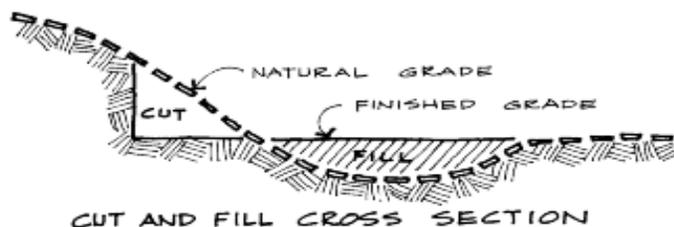
Mural. A graphic design on a building ~~which represents~~ representing a person, place, scene or other artistic endeavor. This definition does not include architectural enhancement of a building facade; however, this would be subject to the procedural and substantive design review portion of the Site Review Chapter.

N

Comment: The current code contains two definitions of Natural Grade, in Chapter 18.70 Solar Access and 18.62 Physical and Environmental Constraints. The definitions have been combined, and edited for clarity.

Natural Grade. ~~The elevation of the natural ground surface in its natural state, before man-made alterations. The natural ground surface is the ground surface in its original state, before any grading, excavation, or filling.~~

Natural Grade. The elevation of the ground level in its natural and original state, before manmade alterations such as construction, grading, filling, or excavation, and construction. (see graphic)



Natural Resources Professional. A “natural resources professional” includes individuals who have a Bachelors degree, or the equivalent or greater, in the field of natural resources, biology, ecology, or related fields, and at least four years of relevant post-graduate experience.

Natural State. All land and water that remains undeveloped and undisturbed. This means that grading, excavating, filling and/or the construction of roadways, driveways, parking areas, and structures are prohibited. Incidental minor grading for hiking trails, bicycle paths, picnic areas and planting and landscaping which is in addition to and enhances the natural environment is permitted. Incidental brush removal for lot maintenance and ecosystem health is permitted. Further, vegetation removal for the purposes of wildfire control in conjunction with an approved fire prevention and control plan shall also be permitted.

Nightclub. An establishment dispensing liquor and meals and in which live music, dancing, or entertainment is conducted.

Non-cohesive Soils. Residual or transported soils containing no or very little clay, usually from crystalline granitic parent rock. Non-cohesive soils have a Plasticity Index of less than ten, based on laboratory testing according to AASHTO methods, or a published scientific analysis of a particular soil type.

Comment: The definition of nonconforming development from the state model code is added to support changes to the nonconforming chapter. The current definition of a “nonconforming structure or use” in 18.08.620 was edited to define a structure, and the definition of nonconforming use from the model code was added separately.

Nonconforming Development. An element of a development, such as lot area, setback, height, lot coverage, landscaping, sidewalk, or parking area, or lack thereof, that was created in conformance with development regulations but which subsequently, due to a change in the zone or applicable Code standards, is no longer in conformance with the current applicable development regulations. See chapter 18-1.4.

Nonconforming Structure or Use. An existing structure or use lawful at the time the ordinance codified in this Title, or any amendment thereto, becomes effective, and which does not conform to the requirements of the zone in which it is located.

Nonconforming Use. A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of floor area of the use is now prohibited in the zone. See chapter 18-1.4.

Non-native Species. A plant species which is not indigenous to the local area.

Northern Lot Line, Solar Access. Any lot line or lines less than forty-five (45) degrees southeast or southwest of a line drawn east-west and intersecting the northernmost point of the lot. If the northern lot line adjoins any unbuildable area (e.g., street, alley, public right-of-way, parking lot, or common area) other than a required yard area, the northern lot line shall be that portion of the northerly edge of the unbuildable area which is due north from the actual northern edge of the applicant's property.

Noxious and Invasive Vegetation. Plant species which are recognized as having a significant potential to disrupt the functions and values of local Water Resource ecosystems. The City of Ashland Planning Division maintains a list of recognized noxious and invasive plants. Plants may be added to or removed from the Prohibited Plant List if reviewed and approved by the Staff Advisor in consultation with the City Horticulturist, Tree Commission, other professional groups with demonstrable expertise and local, state and federal agencies.



Obstructed Street. A public street, or a private drive serving greater than three (3) units, or a driveway, that has been obstructed by a gate or other barriers designed to restrict access.

Office (Land Use). Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.

Comment: The following definitions of Open Space come from Chapter 18.84 Manufactured Housing Developments and Chapter 18.88 Performance Standards Options. The standards will be removed from the definition and relocated to applicable ordinance sections. For example, open space requirements for manufactured housing developments should be contained in 18-2.3.180.

Open Space. A common area designated on the final plans of the development, permanently set aside for the common use of the residents of the development. The open area may be landscaped and/or left with a natural vegetation cover, and in which area no thoroughfares, parking areas, or improvements other than recreational facilities are located. All developments shall provide a minimum of 5% of the total lot area in

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Open Space:

Open Space. A common area designated on the final plans of the development, permanently set aside for the common use of the members of the homeowners association residents of the development., which open Open space area may be landscaped and/or left with a natural vegetation cover, and in which area no thoroughfares, parking areas, or improvements other than recreational facilities are located. All developments with a base density of 10 units or greater shall provide a minimum of 5% of the total lot area in Open Space that is not subject to bonus point calculations. Bonus points shall only be awarded to that Open Space area in excess of the 5% required for developments of 10 units or greater. Open Space shall be optional for developments of less than 10 units, unless required by the application of the approval criteria.

Orientation. To cause to face toward a particular point of reference (e.g., “A building oriented to the street”).

Owner. The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale signed by the owner of record.

P

Parking Space. A space designed and designated to provide parking for a motor vehicle and in compliance with Chapter 18-4.3.

Comment: The definition of Partition is intended to be consistent with ORS 92.010. The statute refers to a calendar year, not 12 months.

Partition. To divide an area or tract of land into not more than three (3) parcels within one calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. To divide an area or tract of land into three (3) or fewer lots within twelve (12) months.

- **Major Land Partition.** A partition which necessitates the creation of a road or street.
- **Minor Land Partition.** A partition that does not necessitate the creation of a road or street.

Pedestrian Way. A right-of-way for pedestrian traffic.

Comment: Recommend removing the definition of pedestrian path, currently in the manufactured housing development chapter, and clarifying the standard for walkways/paths in 18-4.

~~**Pedestrian Path.** A graded cleared way, adjacent to the curb at curb level, for individuals who travel on foot.~~

Comment: There are two definitions of person in the ordinance, and the following definition was suggested by the Legal Department.

~~**Person.** An individual, firm, partnership, association, corporation, estate, receiver, syndicate, branch of government, social or fraternal organization, or any other group or combination acting as a legal entity, and including any trustee, assignee, or other representative thereof.~~

Person. Any individual or legal entity. Any natural person, their estate, or any legal entity; and includes any of their designated representatives.

Planned Road or Street. A highway, road, street or alley identified in an adopted corridor plan,

comprehensive plan or transportation system plan in accordance with administrative procedures of OAR 660-012 and ORS chapter 197 but has not been constructed.

Comment: Two similar but different definitions of “Planning Application or Action” exist in Chapter 18.08. The definition has been updated to coordinate with the procedures section in 18-5 of the Unified Land Use Ordinance. As requested by the Planning Commission, the types of procedures will be added as a subset under the definition.

Planning Application or Planning Action. A planning application is an ~~application action, other than an application for legislative amendment,~~ filed pursuant to the requirements of this ordinance. ~~A planning action is a proceeding pursuant to this ordinance in which the legal rights, duties or privileges of specific parties are determined, and any appeal or review of such proceeding, pursuant to the provision of this ordinance. A planning action does not include a ministerial action or a legislative amendment.~~ **Planning Action.** A proceeding pursuant to this ordinance in which the legal rights, duties or privileges of specific parties are determined, and any appeal or review of such proceeding, pursuant to the provisions of this ordinance. A planning action does not include a ministerial action or a legislative amendment.

Plat. A diagram, drawing or replat containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

Porch, Enclosed/Unenclosed. Covered porches, exterior balconies, or other similar areas attached to a building and having dimensions of not less than six (6) feet in depth by eight (8) feet in length. “Enclosed means the porch contains wall(s) that are more than forty-two (42) inches in height measured from finished floor level, for fifty percent (50%) or more of the porch perimeter. “Unenclosed” means the porch contains no such walls, but it may be covered.

Porous Solid Surface. Porous solid surface is a permeable surface built with an underlying stone reservoir that temporarily stores surface runoff before it infiltrates into the subsoil. Porous solid surfaces include pervious asphalt, pervious concrete, grass or permeable pavers, or decks that allow runoff to infiltrate the subsoil beneath the deck.

Power-assisted Equipment or Machinery. Equipment or machinery other than hand-held equipment or machinery. For the purposes of this ordinance, equipment or machinery with wheels and a weight in excess of 100 pounds is considered power-assisted equipment or machinery.

Pre-existing Structure. Structure in existence prior to an application for a wireless communication facility installation.

Primary Building Entrance. A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance, however, some buildings may have more than one entrance or may have entrances that open directly into the building's lobby or principal interior ground level circulation space.

Principal Building or Principal Structure. A structure or combination of structures in which the principal use of the zoning district in which it is located is conducted. The difference between a principal and accessory structure may be determined by comparing the size, placement, design, appearance, function, and the orientation of the structures on a site, among other relevant factors.

Primary Orientation. Direction of the front of the building with the main entrance to the public.

Primary Use. An activity or combination of activities of chief importance on the site. One of the main

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purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

Private Way. A private easement or ownership established by deed for vehicular access to property.

Property Line Adjustment. The relocation of a single common property line between two abutting properties not resulting in an increase in the number of lots, pursuant with Chapter 18-4.3.

Property. For the purposes of implementing Measure 49, the private real property described in a claim and contiguous private real property that is owned by the same owner, whether or not the contiguous property is described in another claim, and that is not property owned by the federal government, an Indian tribe or a public body, as defined in ORS 192.410.

Q

Quarry Face. The split face of the incision where the disturbed surface meets the natural, undisturbed surface.

Quasi-Judicial. An action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code to the facts of a development or land use proposal, and requires a public hearing. See chapter 18-5.1.

R

Rain Barrel. A barrel used to collect and store rain water runoff from rooftops via rain gutters for non-potable uses.

Reconstruct. To recreate or reassemble a structure or building with a new or replacement structure that recreates or reproduces its form, shape and location as originally built.

Recreational Vehicle or Travel Trailer. A self-propelled or towable mobile unit used for temporary dwelling purposes by travelers.

Reduction in Fair Market Value. For the purposes of implementing Measure 49, the difference, if any, in the fair market value of the property from the date that is one year before the enactment of the land use regulation to the date that is one year after the enactment, plus interest.

Rehabilitation. The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

Religious Institutions and Places of Worship (Land Use). Uses primarily providing meeting areas for religious activities; may include schools as an accessory use.

Residential, or Residential Use (Land Use). Long-term occupancy of a dwelling unit, which may be owner-occupied or rented. Occupancy of a dwelling unit for shorter periods (i.e. less than 30 days) of time is considered an overnight accommodation for transient individuals (e.g. hotel/motel, traveler's accommodation). Any activity, as contrasted with commercial and industrial activities, which involves the peaceful, private conduct of pursuits related to the living environment.

Restaurant (Land Use). An establishment where food and drink are prepared, served, and consumed. Consumption may occur within the principal building or outside the confines of the building.

Retail Sales and Service Uses (Land Use). Retail Sales and Service uses sell, lease, or rent new or used products, goods, or services.

Restoration. The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensate upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

Restoration. Efforts performed to re-establish the functional values and characteristics of a critical area that have been destroyed or degraded by past alterations such as filling, grading or draining.

Comment: The current ordinance contains two definitions of Riparian, in Chapter 18.62 Physical and Environmental Constraints and Chapter 18.63. Water Resource Protection Zones. The most recent definition from the Water Resources chapter is retained.

~~**Riparian.** That area associated with a natural watercourse including its wildlife and vegetation.~~

Riparian Area. The area adjacent to a stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem, which affects or is directly affected by the stream.

Riparian Buffer. An area located adjacent to the stream and including the riparian area that is preserved for the purpose of protecting the functions and values of the stream and the riparian area by serving to reduce the adverse effects of adjacent land uses.

Riparian Corridor. “Riparian Corridor” is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary. A Riparian Corridor is a type of Stream Bank Protection Zone.

S

Schools (Land Use). Public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level.

Comment: The definition of Secretary and the term Staff Advisor are used interchangeably in the current ordinance. Secretary was used a few times in one of the oldest chapters, Chapter 18.80 Subdivisions, and it has been updated to Staff Advisor in the unified code.

~~**Secretary.** The Secretary to the Planning Commission who is the Director of the City Planning Department.~~

Self-Service Storage (Land Use). Mini-storage or other storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.

Comment: The definition of setback has proven difficult for many people to understand, and therefore has been updated.

~~**Setback.** The horizontal perpendicular distance from a lot line to the closest part of a building or structure that is subject to a setback or yard requirement.~~ The minimum distance required between a specified object,

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such as a building or structure, and another point. Typically, a setback refers to the minimum distance (yard dimension) from a building to a specified property line. A setback is measured horizontally at right angles to the lot line, from the lot line to the nearest point of the building. Architectural projections may intrude into required setbacks as set forth in section 18-2.4.100. When multi-story setbacks are specified, the setback for a story above the ground floor is measured horizontally from the lot line to the plane of the nearest wall of the upper story.

Shadow Plan. A schematic or conceptual design for future land development when a lot could be developed at a higher intensity. A shadow plan demonstrates that the proposed development will not impede the future use of the lot to be fully developed to the required building intensity standards (i.e. Floor Area Ratio), and that the proposed development has been planned to prevent piecemeal and uncoordinated development.

Shared Driveway. A driveway used to access two or more lots or parcels.

Shared Parking. Required parking facilities for two or more uses that may or may not be on the same parcel, which are satisfied jointly with the same facilities. See chapter 18-4.3.

Significant Tree. A "tree" having a trunk eighteen (18) caliper inches or larger in diameter at breast height (DBH).

Signs – Definitions Related to Signs

Alter or Alteration. Any change excluding content, and including but not limited to the size, shape, method of illumination, position, location, materials, construction, or supporting structure of a sign.

Area. The entire area within circles, triangles or rectangles which enclose the extreme limits of lettering, logo, trademark, or other graphic representation, together with any frame or structural trim forming an integral part of the display used to differentiate the sign from the background against which it is placed. In the case of a multi-faced sign, the area of each face shall be included in determining sign area, excepting double-faced signs placed no more than twenty-four (24) inches back-to-back.

Awning. A temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

Building Face of Wall. All window and wall area of a building in one plane or elevation.

Bulletin Board or Reader Board. A sign of a permanent nature, but which accommodates changeable copy.

Business. A commercial or industrial enterprise.

Business Frontage. A lineal front footage of a building or portion thereof devoted to a specific business or enterprise, and having a pedestrian entrance/exit open to the general public during all business hours.

Business Premises. A parcel of property or that portion thereof occupied by one tenant.

Canopy. A non-movable roof-like structure attached to a building.

Construction sign. A temporary sign erected on the premises where construction is taking place during the period of construction.

Direct Illumination. A source of illumination on the surface of a sign or from within a sign.

Election. The time designated by law for voter to cast ballots for candidates and measures.

Flashing Sign. A sign incorporating intermittent electrical impulses to a source of illumination or revolving or moving in a manner which creates the illusion of flashing, or which changes color or intensity of illumination. This definition is to include electronic time, date and temperature signs.

Ground Sign. A sign erected on a free-standing frame, mast or pole and not attached to any building. Also known as a "free-standing sign".

Indirect Illumination. A source of illumination directed toward a sign so that the beam of light falls upon the exterior surface of the sign.

Illegal Sign. A sign that is erected in violation of the Ashland Sign Code (18-4.7).

Marquee Sign. A sign that is painted on, attached to, or supported by a marquee, awning or canopy.

Marquee. A non-movable roof-like structure that is self-draining.

Non-conforming Sign. An existing sign, lawful at the time of enactment of this Ordinance, which does not conform to the requirements of this Code.

Projecting Signs. Signs other than wall signs, which are attached to and project from a structure or building face, usually perpendicular to the building face.

Portable Sign. A permitted sign not permanently attached to the ground or other permanent structure including sandwich boards, pedestal signs, 'A' Frame signs, flags, and wind signs (not including flags of national, state or city governments).

Public Art. Public Art defined, approved, and installed in accordance with section 2.17 of the Ashland Municipal Code shall not be regulated as a sign per the provisions of this Chapter.

Real Estate Sign. A sign erected on the premises, where the property, or a portion of the property, is actively listed for sale or lease, during the period of sale or lease.

Replacement Sign. A change in the materials of permitted sign in which the approved sign dimensions, supporting structure, and location remain unaltered.

Roof Sign. Any sign erected upon, against, or directly above a roof or top of or above the parapet of a building.

Shopping Center or Business Complex. Any business or group of businesses which are in a building or group of buildings, on one or more lots which are contiguous or which are separated by a public right-of-way or a privately owned flag drive used for access and not greater than thirty-five (35) feet in width, which are constructed and/or managed as a single entity, and share ownership and/or function.

Sign. Any identification, description, illustration, symbol or device which is placed or affixed directly or indirectly upon a building, structure, or land, Interior illuminated panels, fascia strips, bands, columns, or other interior illuminated decorative features located on or off a structure, visible from the public right-of-way, and with or without lettering or graphics shall also be considered a sign and included in the overall sign area of the site. Public Art shall not be considered a sign.

Sign, Public. A sign erected by a public officer or employee in the performance of a public duty which shall include, but not be limited to, motorist informational signs and warning lights.

Street Frontage. The lineal dimension in feet that the property upon which a structure is built abuts a

18-6.1 – Definitions

public street or streets.

Temporary Sign. A sign that is not permanently affixed. All devices such as banners, pennants, flags, (not including flags of national, state or city governments), searchlights, curb signs, balloons or other air or gas-filled balloons.

Three-Dimensional Sign. A sign which has a depth or relief on its surface greater than six inches exclusive of the supporting sign structure and not to include projecting wall signs.

Vehicle Sign. A sign mounted on a vehicle, bicycle, trailer or boat, or fixed or attached to a device for the purpose of transporting from site-to-site.

Wall Graphics. Including but not limited to any mosaic, mural or painting or graphic art technique or combination or grouping of mosaics, murals, or paintings or graphic art techniques applied, implanted or placed directly onto a wall or fence.

Wall Sign. A sign attached to or erected against the wall or window of a building with the face in a parallel plane of the building wall.

Wind Sign or Device. Any sign or device in the nature of banners, flags, balloons, or other objects fastened in such a manner as to move upon being subject to pressures by wind or breeze.

Site. For land divisions, property line adjustments, and lot consolidations, the site is the lots, lots of record, parcels, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows:

- If a proposed development includes multiple ownerships, then the site is the combined area of all contiguous ownerships.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

Comment: The current code contains two definitions of Slope, in Chapter 18.62 Physical and Environmental Constraints and Chapter 18.70 Solar Access. They are similar but the solar access definition is more specific, limiting its application.

Slope. The deviation of a surface from the horizontal, usually expressed in percent.

Slope, Solar Access. For the purpose of calculating solar setback, a vertical change in elevation divided by the horizontal distance of the vertical change. Slope is measured along lines extending one hundred fifty (150) feet north from the end points of a line drawn parallel to the northern lot line through the midpoint of the north-south lot dimension. North facing slopes will have negative (-) values and south facing slopes will have positive (+) values.

Solar Energy System. Any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for use in the heating or cooling of a structure or building, the heating or pumping of water, or the generation of

electricity. A solar energy system may be used for purposes in addition to the collection of solar energy. These uses include, but are not limited to, serving as a structural member of part of the roof of a building or structure and serving as a window or wall.

Solar Envelope. A three dimensional surface which covers a lot and shows, at any point, the maximum height of a permitted structure which protects the solar access of the parcel(s) to the north.

Solar Heating Hours. The hours and dates during which solar access is protected by a solar access permit, not to exceed those hours and dates when the sun is lower than twenty-four (24) degrees altitude and greater than seventy (70) degrees east and west of true south.

Solar Access Permit Height Limitations. The height limitations on affected properties required by the provisions of a Solar Access Permit displayed as a series of five (5) foot contour lines which begin at the bottom edge of the solar energy system protected by the permit, rise at an angle to the south not less than twenty-four (24) degrees from the horizon, and extend at an angle not greater than seventy (70) degrees to the east and west of true south and run parallel to the solar energy system.

Solar Setback. The minimum distance that a structure, or any part thereof, can be located from a property boundary.

Comment: The following definition is from Chapter 18.64 Southern Oregon University .

Southern Oregon University (SOU) Plan. The Campus Master Plan Update for Southern Oregon University dated 12 April 2010, with all conditions added by the City Planning Commission and City Council as adopted and incorporated into the Ashland Comprehensive Plan by Ordinance No. 3014 on June 1, 2010.

Staff Advisor. The ~~Secretary~~ Community Development Director, or ~~an~~ his or her authorized representative.

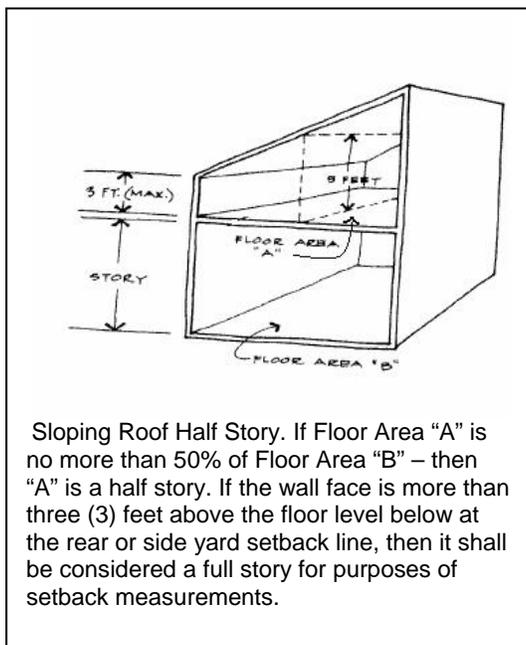
Comment: The existing ordinance currently contains two definitions of "Story" In Chapter 18.08 Definitions. Text from the two definitions is combined under the second definition..

~~**Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. A basement shall not be considered a story. If the wall face of the upper most floor at the rear or side yard setback line is more than three (3) feet above the floor level below, the upper floor shall be considered a story for purposes of setbacks. Unenclosed decks, porches, balconies and similar features are not considered stories.~~

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, the basement or cellar shall be considered a story. A basement shall not be considered a story. Unenclosed decks, porches, balconies and similar features are not considered stories.

Story, Half. A half story is a space under a sloping roof that has the line of intersection of the roof and exterior wall face not more than three (3) feet above the floor level below and in which space the floor area with head room of five (5) feet or more occupies no more than fifty percent (50%) of the total floor area of the story directly beneath.

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Stream. A stream means a channel such as a creek that carries flowing surface water, including perennial, intermittent and ephemeral streams with defined channels, and excluding man-made irrigation and drainage channels. Drainage channels do not include historically altered streams or channels that convey surface water flows. A stream is a type of Water Resource.

Stream, Ephemeral. An ephemeral stream generally flows only during and following a rain event. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow. Intermittent and Ephemeral Streams is a type of Stream Bank Protection Zone.

Stream, Intermittent. An intermittent stream generally flows only during part of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow. Intermittent and Ephemeral Streams is a type of Stream Bank Protection Zone.

Stream, Perennial. A perennial stream has flowing water year-round during a typical year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Stream, Local. A type of Stream Bank Protection Zone.

Stream Bank Protection Zone. An area subject to the provisions of this chapter which includes a stream and an associated riparian buffer of varying width, as established herein, located adjacent to the stream, and in which certain human activities are regulated in order to protect the structure and functions of the stream. A Stream Bank Protection Zone is a type of Water Resource Protection Zone. There are three types of Stream Bank Protection Zones defined, established and protected in this chapter – Riparian Corridor, Local Streams and Intermittent and Ephemeral Streams.

Stream Bank Protection Zone Boundary. An imaginary line that is measured horizontally at a standard distance upland from the top of bank or from the center line of the stream as required in Section 18.63.050.

Stream Corridor Functions. Includes providing shade for the stream, stream bank and channel stability, woody debris for the stream, sediment retention, litter for aquatic organisms in the stream, water filtration, aquatic and riparian fish and wildlife habitat.

Street. A public right-of-way for roadway, sidewalk, and utility installation including the terms "road," "highway," "land," "place," "avenue," "alley" or other similar designations. The entire width between the right-of-way lines of every way that provides for public use for the purpose of vehicular and pedestrian traffic.

Street, Arterial. A street used primarily for through traffic.

Street, Collector. A street used to some extent for through traffic and to some extent for access to abutting properties.

Street, Cul-de-sac. A short dead-end street terminated by a vehicle turnaround.

Street, Half. A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

Comment: The definition of marginal access street is deleted because it is not used in the ordinance.

~~**Street, Marginal Access.** A minor street parallel and adjacent to a major arterial street providing access to abutting properties but protected from through traffic.~~

Street, Minor. A street intended primarily for access to abutting properties.

Street Connectivity. Expressed as the number of street and/or access way connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

Street-Facing/Oriented to Street. A wall plane of a structure that faces or is oriented within 45 degrees or less from a street lot line.

Street Stub. A temporary street ending where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Stripping. Any activity that significantly disturbs vegetated or otherwise stabilized soil surface, including clearing and grubbing operations.

Comment: All buildings are structures, but not all structures are buildings. Last part of definition is a standard, and will be moved to Part 18-2 Zoning Regulations.

~~**Structure or Building.** That which is built or constructed; an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on, in, or above the ground or which is attached to something having a location on, in or above the ground. Structures thirty (30) inches in height or less, including entry stairs, uncovered porches, patios and similar structures, are exempt from the side and rear yard setback requirements and from half (1/2) the yard requirements for the front yard and side yard abutting a public street.~~

Structural Alteration. A change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams or girders, or the roof. See also, "Alteration."

Comment: The statute refers to a calendar year, not 12 months.

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Subdivision, Subdivide Land. Division of land creating four or more lots within a calendar year. See also, chapter 18-5.3, Land Divisions and ORS 92.010. ~~To divide an area or tract of land into four (4) or more lots within twelve (12) months.~~

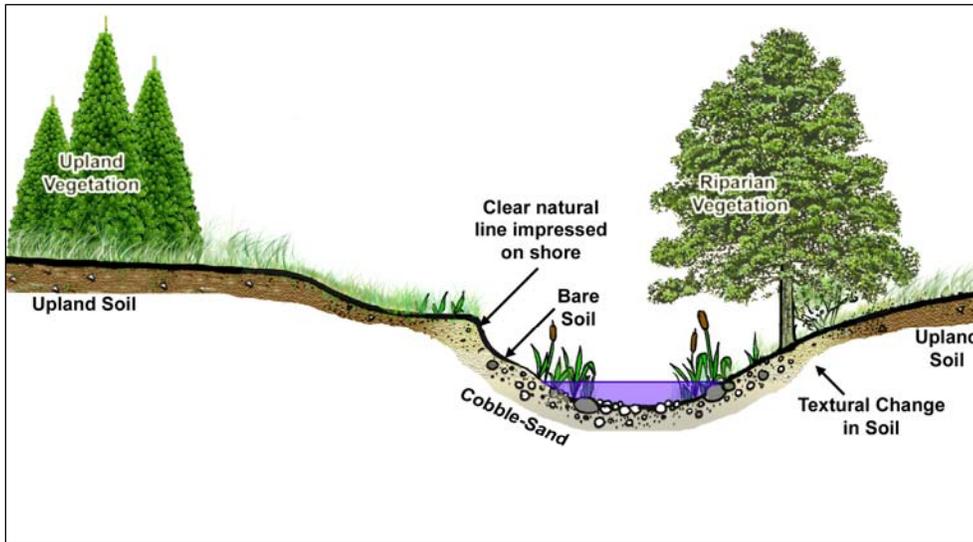
Sunchart, Solar Access. Photographs or drawings, taken in accordance with the guidelines of the Staff Advisor, which plot the position of the sun during solar heating hours. The sunchart shall contain at a minimum the southern skyline as seen through a grid which plots solar altitude for a forty-two (42) degree northern latitude in ten (10) degree increments and solar azimuth measured from true south in fifteen (15) degree increments. If the solar energy system is less than twenty (20) feet wide, a minimum of one (1) sunchart shall be taken from the bottom edge of the center of the solar energy system. If the solar energy system is greater than twenty (20) feet wide, a minimum of two (2) suncharts shall be taken, one (1) from the bottom edge of each end of the solar energy system.

T

Comment: The word reoccurring is inserted to address temporary uses that are seasonal but occur over some time period (e.g. farmers market is an annual event). Approval body replaces Commission because the short-term events of 72 hours or less were made a ministerial approval.

Temporary Use. A short-term, seasonal, reoccurring, or intermittent use. Such use shall be approved by Conditional Use Permit only, with such conditions as the City approval body ~~Commission~~ deems reasonable in accordance with the Conditional Use standards.

Top of Bank. The elevation at which water overflows the natural banks of streams or other waters of the state and begins to inundate upland areas. Physical characteristics that indicate the elevation include a clear, natural line impressed on the shore, a change from bare soil to upland vegetation (e.g. oak, fir, pine), a change in vegetation from riparian vegetation (e.g. willows, big leaf maple, alders) to upland vegetation (e.g. oak, fir, pine), a textural change of depositional sediment or changes in the character of the soil (e.g. from sand, sand and cobble, cobble and gravel to upland soils), absence of fine debris (e.g. needles, leaves, cones and seeds), and the presence of water-borne litter or debris, water-stained leaves or water lines on tree trunks. In the absence of physical evidence or where the top of each bank is not clearly defined, the two year recurrence interval flood elevation may be used to approximate the top of bank.



Top of Bank

Topping. The severe cutting back of a tree's limbs to stubs 3 inches or larger in diameter within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree. Topping does not include the practice of "pollarding" when conducted in accordance with the standards established by the International Society of Arboriculture.

Tract, or Area of Land. A unit, or contiguous units, of land under single ownership.

Travel Trailer. A vacation structure or self-propelled vehicle equipped with wheels for street or highway use; intended for human occupancy; equipped with plumbing, sink or toilets; used for vacation and recreational purposes; and not used as a residence. See ORS 446.003(5), (24); and see Recreational Vehicle.

Traveler's Accommodations (Land Use). Any establishment in a residential zone having rooms or dwellings rented or kept for rent to travelers or transients for a charge or fee paid or to be paid for rental or use of such facilities for a period of less than thirty (30) days.

Tree. Any woody plant having a trunk six caliper inches or larger in diameter at breast height (DBH). If a tree splits into multiple trunks above ground, but below 4.5 feet, the trunk is measured at its most narrow point beneath the split, and is considered one tree if greater than six inches DBH. Plants commonly planted as shrubs, including but not limited to English laurel, photinia, arborvitae, poison oak, English holly, and English ivy shall not be considered a "tree". Trees specifically planted and maintained as a hedge shall also not be considered a "tree."

Tree Account. An account established by resolution of the Council for the receipt of funds to be utilized for future tree purposes, as outlined in the resolution.

Tree Protection Zone. The area reserved around a tree or group of trees in which no grading, access, stockpiling or other construction activity shall occur as determined by the Staff Advisor based on review of the tree and site conditions.

Comment: The code contains two different definitions of Tree Removal. The first one below is from chapter 18.61 Tree Protection. The second is from 18.62 Physical and Environmental Constraints. The ordinance would be clearer if the standards for tree removal were removed from the definitions.

18-6.1 – Definitions

Tree Removal. To cut down a tree, or remove 50% or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline and/or die. "Removal" includes topping. "Removal" includes but is not limited to damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. "Removal" does not include normal trimming or pruning of trees.

Tree Removal. The following activities are defined as tree removal:

1. The removal of three or more living trees of over six (6) inches diameter at breast height (d.b.h.), or the removal of five percent (5%) of the total number of living (or dead trees) over six (6) inches d.b.h., whichever is greater, on any lot within five (5) year period, or any form of commercial logging;
2. The removal of one or more living conifers greater than two (2) feet d.b.h., or living broadleaf trees greater than one (1) foot d.b.h.

Tree Removal Permit. Written authorization from the City for a tree removal to proceed as described in an application, such authorization having been given in accordance with chapter 18-4.11.

Turnaround. A vehicle maneuvering area at the end of a dead-end street or driveway (e.g., hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around.

U

Unbuildable Area. All areas outside of building envelopes and within open space.

Upland. Land not characterized by the presence of riparian area, water bodies or wetlands.

Urban Growth Boundary (UGB). The City incorporates by reference the definition given the term in ORS 195.060, as amended.

Use (Land Use). The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

V

Vehicle Repair (Land Use). Repair of passenger vehicles, trucks or other motor vehicles such as motorcycles, boats and recreational vehicles.

Vehicle Servicing (Land Use). Gas stations, unattended card key stations, car washes, commercial vehicle maintenance and/or, oil and lubrication services, and similar uses.

Comment: Recommend relocating clear vision requirement/standard to chapter 18-2.4.090.

Vision Clearance Area. Areas near intersections of roadways and motor vehicle access points where a clear field of vision is required for traffic safety and to maintain adequate sight distance. See Chapter 18-2.4.090. A triangular area on a lot at the intersection of two (2) streets or a street and a railroad, two (2) sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines or intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

W

Waive or Waiver. For the purposes of implementing Measure 49, an action or decision authorizing the claimant to use the property without application of the land use regulation(s) to the extent necessary to offset the reduction in fair market value of the property.

Walkway. A sidewalk or path, including any access way, improved to City standards, or to other roadway authority standards, as applicable. See also, Access Way.

Water Budget. The amount of water a landscape needs taking into account the inputs and outputs of water to and from the root zone. Inputs, such as precipitation, are subtracted from outputs, such as evapotranspiration, to calculate the water needs of the landscape.

Water Resource. A riparian, local, intermittent or ephemeral stream corridor or a wetland, as distinguished from a riparian or wetland buffer, which extends upland from the Water Resource.

Water Resources Map. The adopted City of Ashland map which identifies the approximate locations of Water Resources in Ashland including officially recognized streams and wetlands identified on Ashland's Local Wetland Inventory.

Water Resource Protection Zone. An area subject to the provisions of this chapter which includes a Water Resource and an associated buffer of varying width, as established herein, located adjacent to the Water Resource and in which certain human activities are regulated in order to protect the structure, functions and values of the resource. Water Resource Protection Zone is a category including Stream Bank Protection Zones and Wetland Protection Zones, and is used throughout this chapter to refer to Stream Bank Protection Zones and Wetland Protection Zones.

Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands are a type of Water Resource.

Wetlands, Locally Significant. Those wetlands identified on the Water Resources Map and determined "significant wetlands" using the criteria adopted the Oregon Department of State Lands (DSL). Locally Significant Wetlands is a type of Wetland Protection Zone.

Wetlands, Possible. An area that appears to meet wetland criteria but is too small (less than a half acre according to Oregon Department of State Lands (DSL) rules) to require its inclusion in the Local Wetland Inventory. The Water Resources Map notes areas that are in the Possible Wetland designation. However, there may be additional existing areas that meet the DSL wetland criteria, but are not included on the Water Resources Map. Possible Wetlands is a type of Wetland Protection Zone.

Wetland Boundary. A line marked on a map or flagged in the field that identifies the approximate wetland/non-wetland boundary.

Wetland Buffer. An area extending away from the outer delineated wetland boundary or upland edge that is preserved for the purpose of protecting the functions and values of the wetland by serving to reduce the adverse effects of adjacent land uses.

Wetland Delineation. A determination of wetland presence that includes marking the wetland boundaries on the ground and/or on a detailed map prepared by professional land survey or similar accurate methods.

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Wetland Functions. Include wildlife habitat, fish habitat, water quality and hydrological control.

Wetland Protection Zone. An area subject to the provisions of this chapter that includes all wetlands determined to be Locally Significant and Possible Wetlands with confirmed jurisdictional wetland presence, and an associated buffer area of varying width, as established herein, located adjacent to the wetland, and in which certain human activities are regulated in order to protect the structure and functions of the wetland. A Wetland Protection Zone is a type of Water Resource Protection Zone. There are two types of Wetland Protection Zones defined, established and protected in this chapter – Locally Significant Wetlands and Possible Wetlands.

Wetland Protection Zone Boundary. An imaginary line that is measured horizontally at a standard distance upland from the delineated wetland boundary as required in Section 18-3.10.

Wetland Specialist. An individual who has the appropriate credentials verifying proven expertise and vocational experience conducting wetland delineations.

Wildfire. Fire caused by combustion of native vegetation, commonly referred to as forest fire or brush fire, and not a prescribed burn.

Wireless Communication Facilities. The site, structures, equipment and appurtenances used to transmit, receive, distribute, provide or offer wireless telecommunications services. This includes, but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment

Wireless Communications Systems. The sending and receiving of radio frequency transmissions and the connection or relaying of these signals to land lines and other sending and receiving stations, and including, but not limited to cellular radiotelephone, personal communications services (PCS), enhanced/specialized mobile radio, and commercial paging services, and any other technology which provides similar services.

Wireless Communications Support Structure. A structure used to support wireless communications antennas and connecting appurtenances. The purpose of such structures is to elevate an antenna above the surrounding terrain or structures and may be attached to an existing building or other permanent structures or as a free-standing structure which may include, but are not limited to monopole support structures and lattice support structures, and may have supporting guyed wires and ground anchors.

1. Monopole - A support structure which consists of a single pole sunk into the ground or attached to a foundation.
2. Lattice Tower - A support structure which consists of a network of cross braces that forms a tower. These types of structures are primarily used for taller towers and require a larger base than that of a monopole.
3. Alternative Structure - Man-made structures that, by design, camouflage or conceal the presence of wireless communication facilities, such as clock towers, bell towers, church steeples, water towers, light poles and similar alternative-design mounting structures.

X [reserved]

Y

Yard. An open space on a lot which is unobstructed by a structure. May also be an area defined by required setbacks (i.e., between the setback line and nearest property line).

Yard, Front. A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building.

Yard, Side. An open space between the front and rear yards measured horizontally and at right angles from the side lot line to the nearest point of the building.

Yard, Rear. A yard between side lot lines and measured horizontally at right angles to the rear yard line from the rear yard line to the nearest point of the building.

Z

Zoning Permit. An acknowledgement made to the Building Official by the Staff Advisor that the application for a building permit meets the requirements of the Land Use Ordinance. Where applicable a zoning permit may also set forth any special conditions to be met by the applicant prior to issuance of a Certificate of Occupancy or any other planning and zoning related conditions to be enforced by the Building Official.

Memo

DATE: July 23, 2013
 TO: Planning Commission
 RE: Planning Commission Attendance Report

Pursuant to AMC 2.10.025, below is the Planning Commission's attendance record for January through June 2013. This report is for information only; No action by the Planning Commission is needed.

Meeting Date	Meeting Type	Absences
January 8, 2013	Regular Meeting	0
January 22, 2013	Study Session	1 - Commissioner Brown
February 12, 2013	Regular Meeting	0
February 26, 2013	Study Session	0
March 12, 2013	Regular Meeting	0
March 26, 2013	Study Session	0
April 9, 2013	Regular Meeting	0
April 23, 2013	Study Session	0
May 14, 2013	Regular Meeting	0
May 28, 2013	Study Session	0
June 11, 2013	Regular Meeting	0
June 25, 2013	Study Session	1 – Commissioner Mindlin

AMC 2.10.025

All members are expected to attend all regularly scheduled meetings, study sessions and special meetings, when applicable. If a member will be absent from a meeting the member must notify the chair or the staff liaison at least two hours prior to the meeting. Any member who has two or more unexcused absences in a six month period [i.e. January 1– June 30 or July 1 - December 31] shall be considered inactive and the position vacant. Further any member not attending a minimum of two-thirds (2/3) of all scheduled meetings (inclusive of study sessions and special meetings) shall be considered inactive and the position vacant. Attendance shall be reviewed by the commission or board during the regularly scheduled meetings in January and July, with a report sent to the Mayor and City Council advising of the need for appointment or re-appointment, if necessary.

