CITY OF
ASHLAND

RECORD FOR PLANNING ACTION #PA-L-2020-00008

PLANNING ACTION: PA-L-2020-00008
APPLICANT: City of Ashland
DESCRIPTION: Ordinance amendments to the Ashland Land Use Ordinance to update and clarify the open space requirements and design standards for multifamily and single-family housing developments, and to correct terminology related to open space and other minor wording edits. The proposed amendments include two ordinances: 1) An ordinance amending Chapters 18.2.5 Standards for Residential Zones, 18.3.9 Performance Standards Option and PSO Overlay, 18.4.2 Building Placement, Orientation, and Design, 18.4.4 Landscaping, Lighting, and Screening, and 18.6 Definitions of the Ashland Land Use Ordinance to amend the open space requirements and design standards, and 2) an ordinance amending chapters 18.2.2 Base Zones and Allowed Uses, 18.2.3 Special Use Standards, 18.2.5 Standards for Residential Zones, 18.3.2 Croman Mill District, 18.3.4 Normal Neighborhood District, 18.3.5 North Mountain Neighborhood District, 18.3.9 Performance Standards Option and PSO Overlay, 18.3.10 Physical and Environmental Constraints Overlay, 18.3.11 Water Resources Protection Zones (Overlays), 18.3.14 Transit Triangle Overlay, 18.4.2 Building Placement, Orientation, and Design, 18.4.2 Parking, Access, and Circulation, 18.4.4 Landscaping, Lighting, and Screening, 18.4.5. Tree Preservation and Protection, 18.4.6. Public Facilities, 18.5.2 Site Design Review, 18.5.3 Land Divisions and Property Line Adjustments, and 18.5.7 Tree Removal Permits of the Ashland Land Use Ordinance for consistency in terminology related to open space and other minor wording edits.

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ATTN: LEGAL PUBLICATIONS

ELECTRONIC PUBLIC HEARING NOTICE

On **September 15, 2020**, the Ashland City Council will hold an electronic public hearing regarding proposed land use ordinance amendments to Title 18 Land Use in the Ashland Municipal Code related to the open space standards for new multifamily and single-family residential development.

The electronic public hearing will be held at 7:00 p.m. on September 15, 2020. The meeting will be televised on local channel 9 or channels 180 and 181 for Charter Communications customers or will also be available live stream by going to **rvtv.sou.edu** and selecting RVTV Prime.

The proposed ordinance amendments are available for review online at http://www.ashland.or.us/openspace. Copies of the ordinance and file information are available for purchase if requested. For additional information concerning these ordinance amendments, email maria.harris@ashland.or.us or call the Ashland Planning Division at (541) 488-5305.

Written testimony will be accepted via email to PC-public-testimony@ashland.or.us with the subject line "**September 15 Council Meeting Testimony**" by 10:00 a.m. on Monday, September 14, 2020. Written testimony received by the deadline will be available to the City Council before the meeting and will be included in the meeting minutes.

By the order of Bill Molnar, Community Development Director

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at (541) 488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title I).

Publish: **Friday, September 4, 2020**
E-mailed: 8/19/2020
Purchase Order: #120102

From: Brandon Goldman <brandon.goldman@ashland.or.us>
Sent: Monday, August 31, 2020 9:10 AM
To: John Stromberg <john@council.ashland.or.us>; Julie Akins <julie@council.ashland.or.us>; Stefani Seffinger <stefani@council.ashland.or.us>; Dennis Slattery <Dennis@council.ashland.or.us>; Rich Rosenthal <rich@council.ashland.or.us>; Tonya Graham <tonya@council.ashland.or.us>; Stephen Jensen <stephen@council.ashland.or.us>
Cc: Melissa Huhtala <melissa.huhtala@ashland.or.us>; Adam Hanks <adam.hanks@ashland.or.us>; David Lohman <david.lohman@ashland.or.us>; Jess Griffiths <jess.griffiths@ashland.or.us>; Bill Molnar <bill.molnar@ashland.or.us>; Elizabeth Taylor <elizabeth.taylor@ashland.or.us>; Maria Harris <maria.harris@ashland.or.us>
Subject: Open Space draft Ordinance Amendments

Mayor and Council,
Attached you will find two draft ordinances amending the open space standards for new housing development within the City of Ashland.

- The first ordinance includes the primary and substantive changes to the open space standards.
- The second ordinance is focused on consistent use of terminology related to open space throughout Ashland Municipal Code (AMC) Title 18 Land Use.

This item is scheduled for a public hearing and first reading before the Council on **September 15, 2020**.

The prior meeting archive on this ordinance amendment is available on the project webpage: http://www.ashland.or.us/Page.asp?NavID=17867

Thank you, Brandon

Brandon Goldman, AICP
Senior Planner
City of Ashland, Planning Division
20 East Main Street, Ashland OR 97520
(541) 552-2076, TTY: 1-800-735-2900
FAX: (541) 552-2050
brandon.goldman@ashland.or.us

This email transmission is official business of the City of Ashland, and it is subject to Oregon Public Records law for disclosure and retention. If you have received this message in error, please contact me at (541)552-2076. Thank you.

RECEIVED
AUG 31 2020
BY: .....

CITY OF
ASHLAND

ASHLAND PLANNING COMMISSION
SPECIAL MEETING
MINUTES - *Draft*
July 28, 2020

I. CALL TO ORDER:
Chair Haywood Norton called the meeting to order at 7:01 p.m.

Commissioners Present:	Staff Present:
Michael Dawkins	Bill Molnar, Community Development Director
Alan Harper	Maria Harris, Planning Manager
Haywood Norton	Derek Severson, Senior Planner
Roger Pearce	Dana Smith, Executive Assistant
Lynn Thompson	
Absent Members:	**Council Liaison:**
Kerry KenCairn	Stef Seffinger, absent

II. ANNOUNCEMENTS
Community Development Director Bill Molnar announced the Commission would hear the appeal of a Type I administrative approval on 345 Clinton Street, PA-T1-2020-00109 in August. Staff received an appeal of the Planning Commission decision for PA-T2-2020-00017 at 210 Alicia Street Friday, July 24, 2020. It would go before the City Council at their meeting August 18, 2020. The City Council heard from staff on the Affordable Housing Standards update at their Study Session July 20, 2020.

III. PUBLIC FORUM - None

IV. TYPE III PUBLIC HEARINGS CONT'D

A. PLANNING ACTION: #PA-T3-2019-00001
SUBJECT PROPERTY: 1511 Hwy 99 N
OWNER/AGENTS/APPLICANT: Linda Zare/Casita Developments, LLC & Kendrick Enterprise, LLC/ Rogue Planning & Development Services, LLC
DESCRIPTION: A request for Annexation of a 16.87-acre parcel and Zone Change from County RR-5 Rural Residential) to City R-2 (Low Density, Multi-Family Residential) for the properties located at 1511 Highway 99 North. The annexation is to include adjacent railroad property and state highway right-of-way. The application includes conceptual details for the future phased development of 196 apartments (1- and 2-Bedrooms, ranging from 480-701 square feet) in 14 two-story buildings; Outline Plan subdivision and Site Design Review development approvals are not requested here, and would be applied for subsequent to annexation. The application also requests an Exception to Street Standards to deviate from city standard parkrow and sidewalk improvements to respond to constraints of right-of-way width and existing encroachments. COMPREHENSIVE PLAN DESIGNATION: Multi-Family Residential; ZONING: Existing – County RR-5, Proposed – City R-2; ASSESSOR'S MAP: 38 1E 32; TAX LOT#'s: 1700 & 1702.

Chair Norton read the rules of the electronic public hearing.

Staff Report
Senior Planner Derek Severson presentation (see attached)

- Classroom Addition Proposal
- Vicinity Maps
- Video Tour by the Applicants
- Demolition Plan
- Pedestrian Access & Circulation (AMC 18.4.3.090)
- Parking Lot Landscaping & Screen Standards (AMC 18/4.4.030) / Street Dedication Requirements (AMC 18.4.6.030.C1)

- Civil Site Plan
- Aerial Photo (2018)
- "Grand Terrace" Annexation
- "Grand Terrace" Conceptual Elevations
- "Grand Terrace" Pedestrian Circulation
- "Grand Terrace" Open Spaces
- Contiguity & the Railroad Property
- "Grand Terrace" Annexation
- Oregon Revised Statutes (ORS) 222.170
- Transportation and Circulation – Access
- Driveway Treatment
- Site Design Review
- Vehicle Area Design (18.4.3.080.B.4 & .080.C)
- Driveways and Turn-around Design (18.4.3.080.D)
- City of Ashland Street Design Standards (AMC Table 18.4.6.040.F)
- Easement Language
- Frontage Improvements (North)
- Frontage Improvements (South)
- Transit Improvements
- Issues from last month's discussion…
- Affordability, Base Density and Undevelopable Lands
- Tonight

Questions of Staff

Commissioner Pearce asked what the proposal was for rezoning the Oregon Department of Transportation (ODOT) and the Central Oregon and Pacific Railroad properties. Mr. Severson thought it would go in the R-2 zone. Borders between districts extended to the center of the right of way.

Applicant's Presentation

Robert Kendrick/Ashland/Explained it had been a year-long process. Had he known; he would had submitted the proposal differently. The affordability component had been a challenge. The requirements could break the project. He was open to making a lot line adjustment to make the units fit. He had wanted to avoid doing two sets of plans, so he submitted developers plans that had caused some confusion. The project worked. He acknowledged the public response having a project on Highway 99. He used the Road Diet as an example noting that since it was put in place accidents and injuries had decreased dramatically. Ashland built approximately 15 apartments each year when it could handle over 50 yearly. The type of housing in this project would keep people in town.

Public Testimony

Don Greene/Ashland/Noted his credentials as a planning commissioner in Ashland and Jackson County for 30 years. He referenced a section of the parking ordinance and questioned having a driveway access for a 200-unit development instead of requiring it to be a street. The code also required 5-foot landscape areas when it abutted private property. He did not think there was enough space to meet the requirements. The driveway needed a sidewalk and should have a bike path. The driveway would not accommodate bikes with 1,800 vehicle trips a day.

Rebuttal by Applicant

Amy Gunter/Medford/Explained the exception to the design standard for 5-foot landscaping abutting private property would be explored during site review. They were showing the driveway conceptually and it was not up for approval currently. She clarified all trips to the site were not impacting this one narrow driveway, there would be other access points. Additionally, apartments did not have a.m. and p.m. peak hour volumes.

Questions of the Applicant

Commissioner Thompson asked about the conclusion of the traffic impact analysis done by Sandow Engineering that projected all site driveways would operate safely and efficiently. She only received the executive summary. Mr. Kendrick explained they submitted two reports. Mr. Severson clarified the packet and traffic impact analysis (TIA) was posted online. Ms. Gunter explained vehicle trip numbers, their distribution throughout the day, the turning lane by the trestle and driveway were adequate to accommodate right and left turns in and out of the property. The driveways met the standards. Mr. Molnar added ODOT concurred it met the requirement as well.

Commissioner Thompson wanted to ensure the conceptual ideas with the driveways would meet the access requirements. She asked what the conceptual plan was for pedestrian and bicycle access using the driveway within the easement. Mr. Kendrick explained there would not be a lot of cars parked on the easement and access area. A bicyclist would most likely use the main entry point. It would also depend on the time of day. Maximum peak loads projected 50 or 60 cars in the morning and afternoon. They could make the driveways shared use instead of incorporating bike paths on the easement road. Mr. Kendrick wanted a dedicated bike lane at the other entrance. They had paths already designed into the project and would add almost a mile for the rest of the sidewalk. It was a multi-modal project. They would provide electric cars onsite for residents to use. Ms. Gunter added the bike lane along the highway was already installed and would remain.

Commissioner Thompson wanted to know how a bicyclist would access the site riding north. Mr. Kendrick explained they would use good judgment and cross at the safest point. Ms. Gunter added painted arrows and restriping was suggested. It would be no different than all the other intersections without a bike path.

Commissioner Thompson wanted to know if the same would apply to a pedestrian trying to cross the highway. Mr. Kendrick responded there was excellent connectivity to the bus line on Valley View. It was a fifteen-minute walk.

Ms. Gunter noted the conclusions drawn in the TIA. The traffic engineer found all mobility standards met the current conditions and future developments. All intersections, whether they were marked or unmarked, were considered crosswalks.

Deliberations & Decision

Commissioner Pearce commented on the findings. Page 8, section 2.2. stated the proposal met the appliable criteria and it did not. He suggested saying it did not meet the boulevard street standards and the applicant would apply for an exception.

Commissioner Pearce explained the applicant did not meet the affordable housing base density either. The applicant had subtracted unbuildable areas from the calculation. Staff was recommending changing that in the code. Presently, it was not in the code so the proposal did not meet the standards. The City Council could modify the affordable housing requirements in the Type III legislative action on the annexation if they agreed with the applicant.

In the section regarding contiguity, Commissioner Pearce noted staff had included the ODOT property and justified adding it. Then ODOT agreed on including the property. The findings did not reflect that. He suggested making the findings about public facilities. That the Public Works Department reviewed the availability of water and sewer and with these conditions it would be ok.

On page 11 under Electric, strike the last sentence. Lastly, the Transportation section was confusing and should be rewritten to adhere with the ordinance. On the same page, Commissioner Thompson suggested deleting that it was ok the applicant did not have a site design plan. The applicant chose their approach and the Commission making findings on that approach was not necessary or appropriate. She also wanted to exclude wording that referenced what their attorneys had said.

Commissioner Harper did not agree that the City Council could choose to do whatever it wanted with the standards. He also spoke to the importance of the easement. Without the easement, the project did not meet the standard. Commissioner Dawkins agreed.

The Commission discussed the testimony Mr. Greene provided. They considered it a driveway instead of a street.

Commissioner Pearce/Dawkins m/s to move PA-T3-2019-00001 on to City Council with revised Findings.
DISCUSSION: Commissioner Pearce recommended a traffic speed study on Highway 99 at some point. Commissioner Thompson suggested adjusting the affordable housing units in the findings to 56 units or 37 if it was at 60%.

She did not think the Commission had the authority to make a recommendation contrary to the code to exclude unbuildable lands in the calculation. She reiterated her concerns about transportation safety (Section E of the Annexation Standards). Specifically that ODOT was unwilling to agree to any speed limit reduction, installation of a signal or even a crosswalk given the size of the development, the volume of cars, the history of traffic accidents according to the testimony of the community surrounding the development and the danger to bicyclists and pedestrians as well as vehicles of attempting to cross the highway under these circumstances. She also wanted language like the Transportation Commission's safety issue comments included in the findings. She thought the speed limit in that area should be addressed. Commissioner Dawkins agreed. Commissioner Pearce thought it could be treated in the findings. Commissioner Harper agreed. Roll Call Vote: Commissioner Pearce, Harper, Thompson, Norton and Dawkins, YES. Motion passed.

V. LEGISLATIVE PUBLIC HEARING

A. PLANNING ACTION: PA-L-2020-00008

APPLICANT: City of Ashland

DESCRIPTION: A public hearing on ordinance amendments to the Ashland Land Use Ordinance to update and clarify the open space requirements and design standards for multifamily and single-family housing developments, and to correct terminology related to open space and other minor wording edits. The proposed amendments include two ordinances: 1) An ordinance amending Chapters 18.2.5 Standards for Residential Zones, 18.3.9 Performance Standards Option and PSO Overlay, 18.4.2 Building Placement, Orientation, and Design, 18.4.4 Landscaping, Lighting, and Screening, and 18.6 Definitions of the Ashland Land Use Ordinance to amend the open space requirements and design standards, and 2) an ordinance amending chapters 18.2.2 Base Zones and Allowed Uses, 18.2.3 Special Use Standards, 18.2.5 Standards for Residential Zones, 18.3.2 Croman Mill District, 18.3.4 Normal Neighborhood District, 18.3.5 North Mountain Neighborhood District, 18.3.9 Performance Standards Option and PSO Overlay, 18.3.10 Physical and Environmental Constraints Overlay, 18.3.11 Water Resources Protection Zones (Overlays), 18.3.14 Transit Triangle Overlay, 18.4.2 Building Placement, Orientation, and Design, 18.4.2 Parking, Access, and Circulation, 18.4.4 Landscaping, Lighting, and Screening, 18.4.5. Tree Preservation and Protection, 18.4.6. Public Facilities, 18.5.2 Site Design Review, 18.5.3 Land Divisions and Property Line Adjustments, and 18.5.7 Tree Removal Permits of the Ashland Land Use Ordinance for consistency in terminology related to open space and other minor wording edits.

Staff Report

Planning Manager Maria Harris provided a presentation (see attached).

- Issues
  - Surfacing standard in proposed 18.4.4.070.Ca
  - Private open space standards, walkways and storage space, ground floor dwelling units' size
  - Table in 18.4.4.070.A
  - Cross reference open space fence requirements
- New Standards
- Current Surfacing Standard 18.4.2.030 Residential Development
- Proposed Surfacing Standard
- Shared Outdoor Space
- Renderings
- Examples of multifamily developments common open space
- Minimum Area Required in Lawn, Courts, Etc.
- Staff Recommendation
- Water Conservation & Climate Change
- Ground Floor Private Open Space 18.4.070.D
- Other Changes in Version 3

Questions of Staff

Commissioner Thompson discussed counting walkways and storage areas with Ms. Harris. Counting them addressed walkways that went through private open space like a porch, patio, or deck area.

Commissioner Pearce confirmed that moving Surfacing from Section 4 to Section 5 of the common open space standards made it applicable only to R-2 and R-3 zones.

Commissioner Thompson addressed the reference in the new table regarding maximum area allowed in private open space. She wanted to know why it was allowed only up to a certain amount. Ms. Harris explained if it was 10 units or more, the other half had to be in common open space. Commissioner Pearce commented they would provide additional open space and receive only half a credit.

Deliberations & Decision

Commissioner Pearce was not sure he supported the 48 to 60 sq. ft. dimensions for private open space. He thought people should do the door swing calculations. Mr. Molnar thought the issue would be if the 48 sq. ft. was intended to be exclusive of those other areas. A usable area had a minimum dimension of 6 feet and should be at least 48 sq. ft. By default, it was 6 x 8. The walkways and storage areas would have to be left out to create an exclusive 48 sq. ft. space. Ms. Harris clarified the concern was the administrative task of calculating for the applicants.

Commissioner Thompson/Pearce m/s to modify the proposed ordinance to incorporate Version 3 excluding Section D1 and D2. DISCUSSION: None. Roll Call Vote: Commissioner Thompson, Norton, Dawkins, Pearce, and Harper. YES. Motion passed.

Ms. Harris noted the Surfacing standard was in Version 2.

Commissioner Thompson/Pearce m/s to modify the proposed ordinance to reflect the change in the Surfacing standard as reflected in Version 2 of the proposal as well as stating lawn and durable lawn alternatives and striking the list. DISCUSSION: Commissioner Harper suggested stating lawn and durable lawn alternatives and striking the list. Commissioner Thompson accepted the modification. Roll Call on the amended motion: Commissioner Dawkins, Harper, Thompson, Pearce and Norton, YES. Motion passed.

VI. ADJOURNMENT

Meeting adjourned 9:04 p.m.

Submitted by,
Dana Smith, Executive Assistant

ASHLAND PLANNING COMMISSION
SPECIAL MEETING
July 28, 2020
AGENDA

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

II. ANNOUNCEMENTS

III. PUBLIC FORUM

IV. TYPE III PUBLIC HEARINGS CONT'D

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CITY OF ASHLAND

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Physical and Environmental Constraints Overlay, 18.3.11 Water Resources Protection Zones (Overlays), 18.3.14 Transit Triangle Overlay, 18.4.2 Building Placement, Orientation, and Design, 18.4.2 Parking, Access, and Circulation, 18.4.4 Landscaping, Lighting, and Screening, 18.4.5. Tree Preservation and Protection, 18.4.6. Public Facilities, 18.5.2 Site Design Review, 18.5.3 Land Divisions and Property Line Adjustments, and 18.5.7 Tree Removal Permits of the Ashland Land Use Ordinance for consistency in terminology related to open space and other minor wording edits.

VI. ADJOURNMENT

CITY OF ASHLAND

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Issues

- Surfacing standard in proposed 18.4.4.070.C.4
- Private open space standards
  - Walkways and storage space
  - Ground-floor dwelling units size
- Table 18.4.4.070.A
- Cross reference open space fence requirements

1

New Standards

- Utility Vaults
- Minimum Dimension
- Yards Abutting a Street
- Slope
- Private Open Space Minimum Dimensions and Location
- Credit for Proximity to a Park (R-2 and R-2)
- Surfacing Standard

2

Current Surfacing Standard

18.4.2.030 Residential Development

H. Open Space. Residential developments that are subject to the provisions of this chapter shall conform to all of the following standards.

2. Surfacing. Areas covered by shrubs, bark mulch, and other ground covers that do not provide suitable surface for human use may not be counted towards this requirement.

3

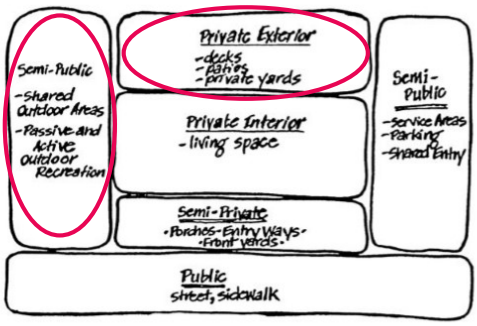
Proposed Surfacing Standard

a. *Surfacing.* A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas and recreational fields or courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other grounds covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural area with benches and walking paths.

4

Shared Outdoor Space. Many or the same ingredients necessary to provide successful private outdoor spaces are needed for successful shared spaces. The main difference is access to the area by more than one person or unit. Shared open spaces should provide for both active and passive activities. Passive activities include areas for quiet conversation, resting, walking, and enjoyment of nature and scenery for young and old alike. Active uses include sports such as croquet, volleyball, and Frisbee.

5



6

7

880 Park St.

8

880 Park St.

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880 Park St.

10

11

12

Minimum Area Required in Lawn, Courts, Etc.

	R-2 Zone	R-3 Zone	R-1-5 Zone
Total Area Required for 10 units	.75 Ac	.50 Ac	2.3 Ac
Minimum Total Open Space	2,614 sq. ft.	1,742 sq. ft.	5,009 sq. f.
Minimum Common Open Space	1,307 sq. ft.	871 sq. ft.	5,009 sq. ft.
Minimum Area Suitable for Human Use	653 sq. ft.	436 sq. ft.	2,505 sq. ft.

13

Staff Recommendation

5. R-2 and R-3 Zones. In addition to the standards in subsection 18.4.4.070.C, above, common open space in the R-2 and R-3 zones shall meet the following requirements.

a. *Surfacing.* A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas, recreational fields, or courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other grounds covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural area with benches and walking paths.

b. *Play Areas.* Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for common open space.

c. *Credit for Proximity to a Park.* A credit of up to 50 percent for common open space may be granted when the development is located within one-eighth of a mile walking distance of an existing public park. Distance from the development to the park shall be measured from the lot line via a sidewalk, multi-use path or pedestrian way located in a public right-of-way or public pedestrian easement.

14

Water Conservation & Climate Change

a. *Surfacing.* A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas, **durable lawn alternatives,** recreational fields, and courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other grounds covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural area with benches and walking paths. **For the purpose of this standard, durable lawn alternatives is defined as ground cover that provides a surface that can withstand active uses and that conserves more water than a traditional lawn. Examples of durable lawn alternatives are eco lawn, meadow lawn, meadow sedge and mondo grass "lily turf."**

15

Ground Floor Private Open Space

18.4.070.D Private Open Space

- Walkways and storage
- Size of private open space for ground floor units

16

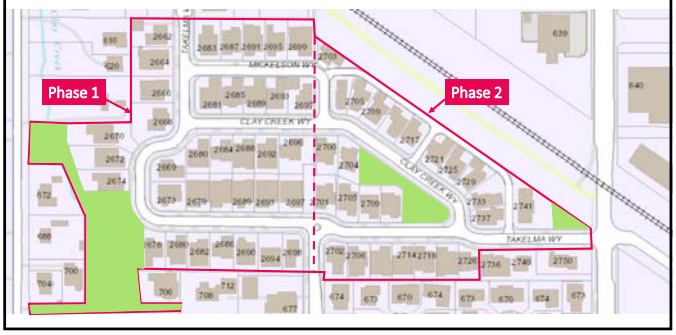
Other Changes

- Table 18.4.4.070.A
- Fence references
- 18.4.4.070.C Common Open Space
- 18.4.4.070.C.4 Improvements
- 18.4.4.070.C.4.d Landscaping

17

18

Clay Creek Gardens Subdivision



19

Clay Creek Gardens Subdivision

20

Clay Creek Gardens Subdivision

21

Eastfield Subdivision

22

Eastfield Subdivision

23

Eastfield Subdivision

24

Eastfield Subdivision

25

Helman Springs Subdivision

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27

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Ashland Comprehensive Plan Policies

- Where possible, utilize water-related areas for visual relief, pockets of wildlife habitat, landscaping amenities, natural site design elements, recreational uses, bike paths, and pedestrian and jogging trails.
- Preserve and protect significant wetlands, and mitigate potential impacts on these areas due to development and conflicting uses.

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Project Objectives

- Provide clear explanation of open space standards for applicants and neighbors
- Provide clarity for Planning Commission and staff to use in development review process
- Improve the function of common open spaces in housing developments

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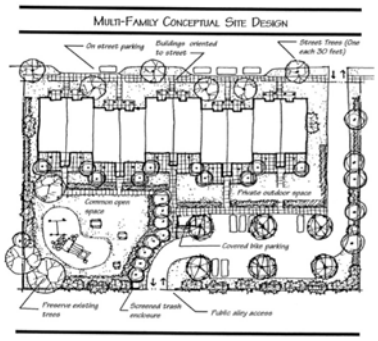

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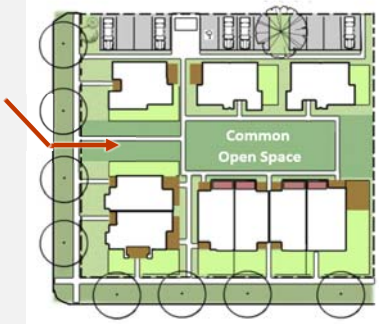
Common Open Space



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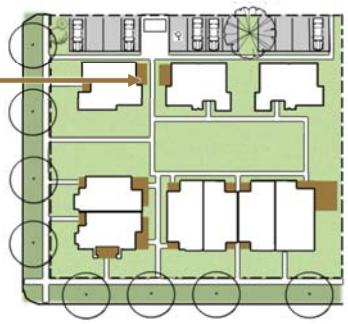
Private Open Space

Decks, Patios & Porches
- 6' Minimum Depth
- 48sq.ft. Minimum Area



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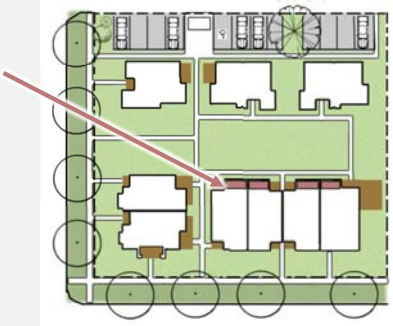
Private Open Space

Second Story Balconies
- 6' Minimum Depth
- 48sq.ft. Minimum Area



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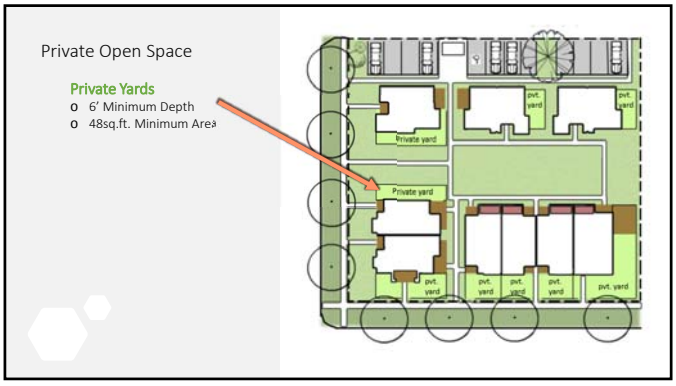
Private Open Space
Private Yards
o 6' Minimum Depth
o 48sq.ft. Minimum Area
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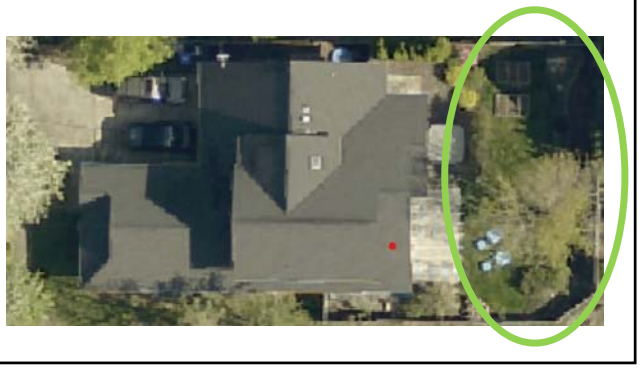

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ASHLAND PLANNING DIVISION

STAFF REPORT

Addendum 2

July 28, 2020

PLANNING ACTION: PA-L-2020-00008

APPLICANT: City of Ashland

ORDINANCE REFERENCES:

AMC 18.2.5	Standards for Residential Zones
AMC 18.3.9	Performance Standards Option and PSO Overlay
AMC 18.4.2	Building Placement, Orientation, and Design
AMC 18.4.4	Landscaping, Lighting, and Screening
AMC 18.6.1	Definitions

REQUEST: The proposal includes a series of amendments to the Ashland Municipal Code (AMC) Title 18 Land Use to update and clarify the open space requirements for multifamily and single-family housing developments.

The area and design requirements for open space are consolidated in one section in AMC 18.4.4 Landscaping, Lighting, and Screening. Currently, the standards are located in AMC 18.3.9 Performance Standards Option and PSO Overlay and AMC 18.4.2 Building Placement, Orientation, and Design.

The total amount of required open space is unchanged. New design standards are proposed and the existing design standards for open space are retained. The density bonus for major recreational facilities is deleted.

The definitions for common area, open space and yard are revised to eliminate inconsistent use of the term open space. Several new definitions area included and the definition of unbuildable area and buildable area are revised to correct an unintended omission in the 2015 code update.

I. Ordinance Amendments

A. Project Background

The Planning Commission held public hearings at the April 28, 2020 and May 26, 2020 meetings and unanimously recommended approval of two ordinances at the May 26, 2020 meeting. The Planning Commission did not receive any oral or written testimony at the public hearings. Prior to the public hearings, the Planning Commission discussed

amendments to the open space standards at five public meetings including January 22, 2019, March 26, 2019, August 27, 2019, October 22, 2019 and February 25, 2020.

After the Planning Commission recommended approval of the amendments to the open space standards, the legislative amendment was scheduled for a public hearing at the City Council on June 16, 2020. Before the scheduled meeting, a member of the development community expressed concerns about the proposed surfacing standard and the impact of the new standard on future development proposals. There were also some more minor changes suggested that are covered in section C. Other Standards of this report, below.

The primary concern raised was with the wording in "A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas and recreational fields or courts." The issues identified were the application of the standard to new planning applications and consistency of the standard with current climate change and environmental issues. As the Planning Commission knows, the rewriting of the surfacing standard during the previous public hearings was the topic of considerable discussion and proved somewhat challenging.

Staff believes that combining the open space standards into one section to make the code more user-friendly and to maintain consistency is the best approach. However, the initial process of combining the standards resulted in open space design standards, specifically those currently in 18.4.2.030.H, newly applying to detached single-family development. Currently, the open space standards in 18.4.2.030.H do not apply to detached single-family development. Between the April 28, 2020 and May 26, 2020 meeting, the play area standard that is currently located in 18.4.2.030.H.4 was moved to the new R-2 and R-3 zones section in 18.4.4.070.C.6 for this reason.

B. Code Revisions

1. Surfacing Standard

Currently, the open space design standards including the existing surfacing standard (see below) are located in Chapter 18.4.2 Building Placement, Orientation, and Design. The open space standards in 18.4.2.030.H apply to developments of multifamily housing and attached single-family housing but do not apply to developments of detached single-family housing.

18.4.2.030 Residential Development

H. Open Space. Residential developments that are subject to the provisions of this chapter shall conform to all of the following standards.

1. Recreation Area. An area equal to at least eight percent of the lot area shall be dedicated to open space for recreational use by the tenants of the development.
2. Surfacing. Areas covered by shrubs, bark mulch, and other ground covers that do not provide suitable surface for human use may not be counted towards this requirement.

3. Decks and Patios. Decks, patios, and similar areas are eligible for open space.
4. Play Areas. Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for open space.

The proposed surfacing standard is in 18.4.4.070.C.4.a (see below) of original Ordinance 1 that was in the June 16 City Council meeting packet. Ordinance 1 is attached. As currently written, this standard applies to all common open space in multifamily, attached single-family and detached single-family developments.

> **a. *Surfacing.* A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas and recreational fields or courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other grounds covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural area with benches and walking paths.**

2. Code Revisions

There are three versions of the proposed section 18.4.4.070 Open Space attached to this report.

- ***Version 1: No changes to originally proposed draft***
  This is the originally drafted 18.4.4.070, as it went to the City Council for the June 16, 2020 meeting.

- ***Version 2: Move surfacing standard to R-2 and R-3 zones***
  Staff recommends that the proposed amendments to the open space standards are revised to address the concerns raised with the surfacing standard. Staff believes the existing surfacing standard was originally intended for multifamily housing developments to provide a flexible outdoor space for residents because private open space may be limited or not provided. In contrast, detached single-family subdivisions include larger individual lots and private yard areas simply due to lot coverage and setback requirements.

  Single-family subdivisions require more site area and therefore more common open space than multifamily housing developments with the same number of dwelling units (see table below). As a result, the area comprised of "lawn areas and recreational areas or courts" will also be larger for a single-family subdivision. For example, the common open space required for a 10-unit single-family subdivision is almost four to six times the size of the area required for common open space in a multifamily housing development.

	R-2 Zone	R-3 Zone	R-1-5 Zone
Total Area Required for 10 units	.75 Ac	.50 Ac	2.3 Ac
Minimum Total Open Space	2,614 sq. ft.	1,742 sq. ft.	5,009 sq. ft.
Minimum Common Open Space	1,307 sq. ft.	871 sq. ft.	5,009 sq. ft.
Minimum Area Suitable for Human Use	653 sq. ft.	436 sq. ft.	2,505 sq. ft.

Moving the surfacing standard to the subsection for the multifamily zones, 18.4.4.070.C.6 R-2 and R-3 zones, would retain a portion of the common open space as a usable area that essentially provides a shared yard space for multifamily housing developments.

Staff recommends moving the surfacing standard to subsection18.4.4.070.C.6 so that the standard applies to new development in the multifamily zones and not to new development in the single-family zones. As discussed below, the surfacing standard currently applies to multifamily and attached single-family housing developments but does not apply to detached single-family developments (i.e., subdivisions). This would address concerns regarding the impact of expanded or new regulations since the surfacing standard currently and would continue to apply to multifamily housing developments.

- ***Version 3: Other Recommended Changes***
  Three other issues were raised with the proposed section 18.4.4.070 Open Space and are incorporated into the attached Version 3. While the additional revisions detailed in the attached Version 3 are less significant, Staff believes the changes improve the proposed open space standards.

    - Table 18.4.4.070.A: Concern that the second and third columns don't make it clear that the percentages are not additive. For the 18.3.9 Performance Standards Option row, the concern was that it might be interpreted to mean that 10 percent of open space was required rather than a total of 5 percent.
    - 18.4.4.070.D. Private Open Space: Delete provision that doesn't allow walkway and storage space to be counted as private open space (D.1.b)

and instead increase required private open space area for ground-floor dwelling units to 60 square feet rather than 48 square feet (D.2).

- 18.4.4.070.C.4.b Fences and Walls: Suggested cross referencing in the other section of code that outline fence requirements and multi-use path requirements.

C. Current Standards and Applicability

Chapter 18.4.2 Building Placement, Orientation, and Design, including the residential development standards in 18.4.2.030 and the current open space standards in 18.4.2.030.H, do not currently apply to developments of detached single-family homes.

18.4.2.020 Applicability

A. Chapter 18.4.2 applies to residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review. Note that some standards apply differently to developments located within Detailed Design Review, Downtown Design Review, and Historic Design Review overlays.

18.4.2.030 Residential Development

B. Applicability. Except as otherwise required by an overlay zone or plan district, the following standards apply to residential development pursuant to section 18.5.2.020. See conceptual site plan of multi-family development in Figure 18.4.2.030.

The residential development that is subject to Site Design Review includes multifamily development (i.e., more than one dwelling unit on a lot) and attached single family development. Detached single-family homes and related accessory structures are exempt from Site Design Review. See the highlighted sections of the code below.

18.5.2.020 Applicability

Site Design Review is required for the following types of project proposals.

A. **Commercial, Industrial, Non-Residential, and Mixed Uses**. Site Design Review applies to the following types of non-residential uses and project proposals, including proposals for commercial, industrial, and mixed-use projects, pursuant to section 18.5.2.030 Review Procedures.

1. New structures, additions, or expansions in C-1, E-1, HC, CM, and M-1 zones.
2. New non-residential structures or additions in any zone, including public buildings, schools, churches, and similar public and quasi-public uses in residential zones.
3. Mixed-use buildings and developments containing commercial and residential uses in a residential zoning district within the Pedestrian Place Overlay.

4. Any exterior change, including installation of Public Art, to a structure which is listed on the National Register of Historic Places or to a contributing property within an Historic District on the National Register of Historic Places that requires a building permit.
5. Expansion of impervious surface area in excess of ten percent of the area of the site, or 1,000 square feet, whichever is less.
6. Expansion of any parking lot, relocation of parking spaces on a site, or any other change that alters or affects circulation onto an adjacent property or public right-of-way.
7. Any change of occupancy from a less intense to a more intensive occupancy, as defined in the building code, or an change in use that requires a greater number of parking spaces.
8. Any change in use of a lot from one general use category to another general use category, e.g., from residential to commercial, as defined in the zoning regulations of this ordinance.
9. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from site design review per section 18.5.2.020.C.
10. Installation of wireless communication facilities in accordance with section 18.4.10.

B. **Residential Uses**. Site Design Review applies to the following types of residential uses and project proposals, pursuant to section 18.5.2.030 Review Procedures.

1. Two or more dwelling units on a lot in any zoning district, including the addition of an accessory residential unit, unless exempt from Site Design Review per subsection 18.2.3.040.A.
2. Construction of attached (common wall) single-family dwellings (e.g., townhomes, condominiums, rowhouses) in any zoning district.
3. Any exterior change, including installation of Public Art, to a structure individually listed on the National Register of Historic Places that requires a building permit.
4. Any change to off-street parking or landscaping in a residential development where such parking or landscaping is provided in common area (e.g., shared parking) and is approved pursuant to chapter 18.3.9 Performance Standards Option.
5. Any change in use that requires a greater number of parking spaces.
6. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from Site Design Review per subsection 18.5.2.020.C.
7. Installation of wireless communication facilities (e.g., accessory to a

residential use), in accordance with section 18.4.10.

C. Exempt From Site Design Review. The following types of uses and projects are exempt from Site Design Review.

1. Detached single-family dwellings and associated accessory structures and uses.
2. Accessory residential units meeting the requirements of subsection 18.2.3.040.A.
3. Land divisions and property line adjustments, which are subject to review under chapter 18.5.3.
4. The following mechanical equipment.
    a. Private, non-commercial radio and television antennas not exceeding a height of 70 feet above grade or 30 feet above an existing structure, whichever height is greater, and provided no part of such antenna shall be within the setback yards required by this ordinance. A building permit shall be required for any antenna mast or tower over 50 feet above grade or 30 feet above an existing structure when the same is constructed on the roof of the structure.
    b. Not more than three parabolic disc antennas, each under one meter in diameter, on any one lot or dwelling unit.
    c. Roof-mounted solar collection devices in all zones, with the exception of E-1 and C-1 zoned properties located within designated historic districts. The devices shall comply with solar setback standards described in chapter 18.4.8 and the height standards of the respective zoning district.
    d. Roof-mounted solar collection devices on E-1 and C-1 zoned properties located within designated historic districts if the footprint of the structure is not increased, the plane of the system is parallel to the slope of the roof and does not extend above the peak height of the roof or existing parapets, or is otherwise not visible from a public right-of-way. The devices shall comply with solar setback standards described in chapter 18.4.8 and height requirements of the respective zoning district.
    e. Installation of mechanical equipment other than those exempted in 18.5.2.020.C.3, subsections a – d, above, and which is not visible from a public right-of-way, except alleys, or adjacent residentially zoned property and consistent with other provisions of this ordinance, including solar access in chapter 18.4.8, and noise and setback requirements of subsection 18.2.4.020.B. See also, screening standards for mechanical equipment in subsection 18.4.4.030.G.4.
    f. Routine maintenance and replacement of existing mechanical equipment in all zones.

D. Legislative History

The exclusion of land divisions and related single-family developments from the Site Design Standards was included in the chapter when it was original adopted in 1982 (Ord. 2228). This original code language, see below, was in place from 1982 until 2008.

> **SECTION 18.72.030 Application.**
> Site Design and use standards shall apply to all zones of the city and shall apply to all development indicated in this Chapter, except for those developments which are regulated by the Subdivisions (18.80), the Partitioning (18.76), Manufactured Housing (18.84) and Performance Standards (18.88).

In 2008, the applicability standards were revised and identified specific types of residential development that were subject to Site Design Review (Ord. 2951). See the attached section of Ord. 2951.

The current open space standards in 18.4.2.030, including the existing surfacing standards, were adopted in 1992 (Ord. 2690).

E. Consistency with City Goals and Policies

One of the concerns raised with the existing and proposed surfacing standards, which tend to result in lawn or occasionally paved areas, is the consistency with adopted City policies on water conservation and climate change. The policies listed below are from adopted City of Ashland documents.

Ashland Comprehensive Plan – XI. Energy, Air and Water Conservation

- 7.c. Irrigation is a large water usage and it also can be accomplished with lower quality water. Therefore, water conservation efforts shall be directed toward an overall reduction of water usage (conservation) and substitution of lower quality water for outdoor irritation.

Climate and Energy Action Plan (CEAP)

- BE-5-1. Encourage heat-tolerant building approaches such as cool roofs and passive cooling.
- NS-2-1. Evaluate the value and potential for incentives for practices that reduce use of potable water for non-potable purposes and recharge ground water.
- NS-2-2. Explore water-efficient technologies on irrigation systems and consider requiring them during permitting.
- NS-2-3. Expand water conservation outreach and incentive programs for residents and businesses
- PHSW-1-1. Promote the expansion of tree canopy in urban heat islands or areas that need air conditioning such as schools.
- PHSW-3-2. Identify and minimize potential urban heat impacts.

The current standard often results in the common open space developed as lawn which requires higher amount of water than other landscaping alternatives. The proposed standard requires "A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas and recreational fields or courts." Staff believes it is safe to assume that the proposed standard would also result in lawn areas and possibly paved courts. Paved areas are a concern because of the contribution to increased temperatures or heat islands. The following excerpt regarding the impacts of high temperatures is from the City of Ashland's adopted Climate Energy and Action Plan (CEAP).

> *Climate change is expected to increase the number and severity of heat waves in Ashland, putting vulnerable people at greater risk of heat-related health complications and reducing the quality of life for all Ashland residents. The City can take steps to minimize the risks presented by heat waves by identifying where heat-related impacts will be most pronounced and working to encourage and/ or directly implement strategies for offsetting these impacts, such as by designating cooling centers through the city, improving cooling systems in schools and senior centers, and incentivizing cooling strategies such as cool roofs/pavements and expanded tree canopy.*

II. Procedural

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

B. Type III. It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.

1. Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.
2. Comprehensive Plan changes, including text and map changes or changes to other official maps.
3. Land Use Ordinance amendments.
4. Urban Growth Boundary amendments.

III. Conclusions and Recommendations

Staff recommends revising the proposed amendments to the open space standards to address the concerns raised with the surfacing standard. Staff believes the existing surfacing standard was originally intended for multifamily housing developments to provide a flexible outdoor space for residents because private open space may be limited or not provided. In contrast, detached single-family subdivisions include larger individual lots and private yard areas simply due to lot coverage and setback requirements. Moving the surfacing standard to subsection 18.4.4.070.C.6 R-2 and R-3 Zones would retain a portion of the common open space for multifamily developments as a usable area that essentially provides a shared yard space.

Single-family subdivisions require more site area and therefore more common open space than multifamily housing developments with the same number of dwelling units. As a result, the area comprised of "lawn areas and recreational areas or courts" will also be larger for a single-family subdivision. For example, the common open space required for a 10-unit single-family subdivision is almost four to six times the size of the area required for common open space in a multifamily housing development.

Staff recommends moving the surfacing standard to subsection18.4.4.070.C.6 so that the standard applies to new development in the multifamily zones and not to new development in the single-family zones. The surfacing standard currently applies to multifamily and attached single-family housing developments but does not apply to detached single-family developments (i.e., subdivisions). This would address concerns regarding the impact of expanded or new regulations since the surfacing standard currently and would continue to apply to multifamily housing developments.

While the additional revisions detailed in the attached Version 3 are less significant, Staff believes the changes improve the proposed open space standards.

Staff will forward the Planning Commission's recommendation to the City Council for a public hearing. The draft amendments to the open space standards and accompanying terminology corrections are tentatively scheduled for a public hearing and first reading at the September 22, 2020 City Council meeting.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTERS 18.2.5, 18.3.9, 18.4.2, 18.4.4 AND 18.6 OF THE ASHLAND LAND USE ORDINANCE TO AMEND THE OPEN SPACE STANDARDS

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are **~~bold lined through~~**, and additions are **bold underlined.**

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:
Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293; 531 P 2d 730, 734 (1975); and

WHEREAS, the City of Ashland Planning Commission considered the above-referenced recommended amendments to the Ashland Comprehensive Plan at a duly advertised public hearings on April 28, 2020 and May 26, 2020, and following deliberations, recommended approval of the amendments by a vote of 6-0; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on June 16, 2020; and

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Land Use Ordinance in the manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the Ashland Comprehensive Plan and that such amendments are fully supported by the record of this proceeding.

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

SECTION 1. Ashland Municipal Code Title 18 Land Use is hereby amended as follows.

SECTION 2. Section 18.2.5.080 [Residential Density Calculation in R-2 and R-3 Zones - Standards for Residential Zones] of the Ashland Land Use Ordinance is hereby amended to read as follows:

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

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

B. Density Calculation.

1. Except as specified in the minimum lot area dimensions below, the density in R-2 an R-3 zones shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public, and subject to the exceptions below.
2. Units less than 500 square feet of gross habitable area shall count as 0.75 units for the purposes of density calculations.
3. Accessory residential units are not required to meet the density or minimum lot area requirements of this section. See section 18.2.3.040 for accessory residential unit standards.

C. Minimum Density.

1. The minimum density shall be 80 percent of the calculated base density.
2. Exceptions to minimum density standards. The following lots are totally or partially exempt from minimum density standards.
   a. Lots less than 10,000 sq. ft. in existence prior to the effective date of this ordinance.
   b. Lots located within any Historic District designated within the Ashland Municipal Code.
   c. Lots with existing or proposed conditional uses may be exempt for that portion of the property that is subject to the conditional use for calculations of the minimum base density standard.
   d. Where a lot is occupied by a single-family residence **prior to** January 9, 2005 (Ord.

2914), the single-family residence may be enlarged or reconstructed without being subject to the minimum base density standard.

e. In the event that a fire or natural hazard destroys a single-family residence, such residence may be replaced without being subject to the minimum base density standard.

f. Where floodplains, streams, land drainages, wetlands, and/or steep slopes exist upon the lot an exception to minimum density requirements may be obtained to better meet the standards of chapter 18.3.10 Physical and Environmental Constraints **Overlay**.

g. A lot that is nonconforming in minimum density may not move further out of conformance with the minimum density standard. However, units may be added to the lot which bring the lot closer to conformance without coming all the way into conformance provided it is demonstrated that the minimum density will not be precluded.

D. Base Densities and Minimum Lot Dimensions.

1. R-2 Zone. Base density for the R-2 zone shall meet the following standards:

a. Minimum lot area for one unit shall be 5,000 square feet, except as allowed in section 18.2.3.040 for accessory residential units.

b. Minimum lot area for two units shall be 7,000 square feet.

c. Minimum lot area for three units shall be 9,000 square feet, except that the residential density bonus in subsection 18.2.5.080.F, below, may be used to increase density of lots greater than 8,000 square feet up to three units.

d. For more than three units, the base density shall be 13.5 dwelling units per acre. The permitted base density shall be increased by the percentage gained through the residential density bonus is subsection 18.2.5.080.F.

2. R-3 Zone. Base density for the R-3 zone shall meet the following standards:

a. Minimum lot area for one unit shall be 5,000 square feet, except as allowed in section 18.2.3.040 for accessory residential units.

b. Minimum lot area for two units shall be 6,500 square feet.

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

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

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

F. Residential Density Bonus.

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

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

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

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

   b. ***Common Open~~Outdoor Recreation~~*** *Space.* The maximum bonus for provision of **common open~~outdoor recreation~~** space **~~above minimum requirement established by this ordinance~~** is ten percent. **A one percent bonus shall be awarded for each one percent of the total project area in common open space in excess of any common or private open space required by section 18.4.4.070 and this ordinance. The common open space shall meet the standards in section 18.4.4.070. ~~The purpose of the density bonus for outdoor recreational space is to permit areas that could otherwise be developed as a recreational amenity. It is not the purpose of this provision to permit density bonuses for incidental open spaces that have no realistic use by project residents on a day-to-day basis. One percent increased density bonus for each percent of the project dedicated to outdoor recreation space beyond the minimum requirement of this ordinance.~~**

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

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

SECTION 3. Section 18.3.9.050 [Performance Standards for Residential Developments - Performance Standards Option and PSO Overlay] of the Ashland Land Use Ordinance is hereby amended as follows:

18.3.9.050 Performance Standards for Residential Developments

A. Base Densities. The density of the development shall not exceed the density established

by this section. The density shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. Fractional portions of the final answer, after bonus point calculations, shall not apply towards the total density. Accessory residential units are not required to meet the density requirements of this chapter in accordance with section 18.2.3.040.

1. The base density, for purposes of determining density bonuses allowed under this section, for developments other than cottage housing, is as provided in Table 18.3.9.050.

Table 18.3.9.050.A.1 Base Densities for Determining Allowable Density Bonus with Performance Standards Option

Zone	*Allowable Density (dwelling units per acre)*
WR-2	0.30 du/acre
WR-2.5	0.24 du/acre
WR-5	0.12 du/acre
WR-10	0.06 du/acre
WR-20	0.03 du/acre
RR-1	0.60 du/acre
RR-.5	1.2 du/acre
R-1-10	2.40 du/acre
R-1-7.5	3.60 du/acre
R-1-5	4.50 du/acre
R-1-3.5	7.2 du/acre
R-2	13.5 du/acre
R-3	20 du/acre

2. **Cottage Housing.** The base density for cottage housing developments, for purposes of determining density bonuses, allowed under this section is as provided in Table 18.3.9.050.A.2. **Cottage housing developments are not eligible for density bonuses pursuant to subsection 18.3.9.050.B.**

Table 18.3.9.050.A.2 Base Densities for Determining Allowable Density Bonus with Performance Standards Option					
Zones	**Maximum Cottage Density**	**Minimum number of cottages per cottage housing development**	**Maximum number of cottages per cottage housing development**	**Minimum lot size (accommodates minimum number of cottages)**	**Maximum Floor Area Ratio (FAR)**
R-1-5, NN-1-5 NM-R-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7,500 sq.ft.	0.35
R-1-7.5 NM-R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11,250 sq.ft.	0.35

3. **Common** Open Space Required. All developments **subject to this section** with a base density of ten units or greater shall be required to provide **common open space pursuant to section 18.4.4.070. ~~a minimum of five percent of the total lot area in Open Space; that area is not subject to bonus point calculations, however, density bonuses shall be awarded to open space in excess of the five percent required by this subsection~~**.

B. Density Bonus Point Calculations. The permitted base density shall be increased by the percentage gained through **density** bonus points. In no case shall the density exceed that allowed under the Comprehensive Plan. The maximum density bonus permitted shall be 60 percent (base density x 1.6), pursuant to the following criteria.

1. Conservation Housing. A maximum 15 percent bonus is allowed. One-hundred percent of the homes or residential units approved for development, after bonus point calculations, shall meet the minimum requirements for certification as an Earth Advantage home, as approved by the Ashland Conservation Division under the City' s Earth Advantage program as adopted by resolution 2006-06.

2. **~~Provision of~~** Common Open Space. A maximum ten percent bonus is allowed, pursuant to the following.

   a. *Purpose.* Common open spaces may be provided in the form of natural areas, wetlands, playgrounds, active or passive recreational areas, and similar areas in common ownership. **~~All areas set aside for common open space may be counted for base density, unless otherwise excluded by subsection 18.3.9.050.A.2.~~** However, for the purposes of awarding density bonus points, the Planning Commission shall consider whether or not the common open space is a significant amenity to project residents, and whether project residents will **~~realistically interact with~~use or enjoy** the **common** open space on a day-to-day

basis. **~~The purpose of the density bonus for common open space is to permit areas, which could otherwise be developed or sold as individual lots, to be retained in their natural state or to be developed as a recreational amenity. It is not the purpose of this provision to permit density bonuses for incidental open spaces that have no realistic use by project residents on a day-to-day basis. Open space provided in cottage housing developments, meeting the standards of section 18.2.3.090 Cottage Housing, is not eligible for density bonus points.~~**

b. *Standard.* Developments with fewer than ten units that provide more than two percent of the project area for common open space, or for developments of ten units or greater that provide more than five percent **common** open space, a one percent bonus shall be awarded for each one percent of the total project area in common open space **in excess of any common open space required by section 18.4.4.070 and this ordinance. The common open space shall meet the standards in section 18.4.4.070.**

~~3. Provision of Major Recreational Facilities. A maximum ten percent bonus is allowed, pursuant to the following.~~

~~a. *Purpose.* Points may be awarded for the provision of major recreational facilities.~~

~~b. *Standard.* For each percent of total project cost devoted to recreational facilities, a six percent density bonus may be awarded up to a maximum of ten percent bonus. Total project cost shall be defined as the estimated sale price or value of each residential unit times the total number of units in the project. Estimated value shall include the total market value for the structure and land. A qualified architect or engineer shall prepare the cost of the recreational facility using current costs of recreational facilities.~~

~~c Major recreational facilities provided in cottage housing developments, meeting the standards of section 18.2.3.090 Cottage Housing, are not eligible for density bonus points.~~

43. Affordable Housing. A maximum bonus of 35 percent is allowed. Developments shall receive a density bonus of two units for each affordable housing unit provided. Affordable housing bonus shall be for residential units that are guaranteed affordable in accordance with the standards of section 18.2.5.050 Affordable Housing Standards.

SECTION 4. Section 18.4.2.030 [Residential Development – Building Placement, Orientation, and Design] of the Ashland Land Use Ordinance is hereby amended as follows:

18.4.2.030 Residential Development

A. Purpose and Intent. For new multi-family residential developments, careful design considerations must be made to assure that the development is compatible with the surrounding neighborhood. For example, the use of earth tone colors and wood siding will blend a development into an area rather than causing contrast through the use of overwhelming colors and concrete block walls.

1. Crime Prevention and Defensible Space.

   a. *Parking Layout.* Parking for residents should be located so that distances to dwellings are minimized. However, avoid designs where parking areas are immediately abutting dwelling units because there is little or no transition from public to private areas. Parking areas should be easily visible from adjacent areas and windows.

   b. *Orientation of Windows.* Windows should be located so that vulnerable areas can be easily surveyed by residents.

   c. *Service and Laundry Areas.* Service and laundry areas should be located so that they can be easily observed by others. Windows and lighting should be incorporated to assure surveillance opportunities. Mail boxes should not be located in dark alcoves out of sight. Barriers to police surveillance such as tall shrubs and fences should be avoided.

   d. *Hardware.* Reliance solely upon security hardware in lieu of other alternatives is discouraged.

   e. *Lighting.* Site development should utilize lighting prudently. More lighting does not necessarily mean better security. Lighting should be oriented so that areas vulnerable to crime are accented.

   f. *Landscaping.* Plant materials such as high shrubs should be placed so that surveillance of semi-public and semi-private areas is not blocked. Thorny shrubs will discourage crime activity. Low shrubs and canopy trees will allow surveillance, hence, reduce the potential for crime.

B. Applicability. Except as otherwise required by an overlay zone or plan district, the following standards apply to residential development pursuant to section 18.5.2.020. See conceptual site plan of multi-family development in Figure 18.4.2.030.

1. Accessory Residential Units. Unless exempted from Site Design Review in 18.2.3.040.A, only the following standards in Chapter 18.4.2 apply to accessory residential units: building orientation requirements in 18.4.2.030.C, garage requirements in 18.4.2.030.D, and building materials in 18.4.2.030.E. If an accessory residential unit is located in the Historic District overlay, the standards in 18.4.2.050 also apply. See the Special Use Standards for accessory residential units in section 18.2.3.040.

C. Building Orientation. Residential buildings that are subject to the provisions of this chapter shall conform to all of the following standards. See also, solar orientation standards in section 18.4.8.050.

1. Building Orientation to Street. Dwelling units shall have their primary orientation toward a street. Where residential buildings are located within 20 feet of a street, they shall have a primary entrance opening toward the street and connected to the right-of-way via an approved walkway.

2. Limitation on Parking Between Primary Entrance and Street. Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or on one or both sides.

3. **Build-to Line.** Where a new building is proposed in a zone that requires a build-to line or maximum front setback yard, except as otherwise required for clear vision at intersections, the building shall comply with the build-to line standard.

D. Garages. The following standards apply to garages, carports, canopies, and other permanent and temporary structures used for parking or storing vehicles, including those parking and vehicle storage structures accessory to detached single-family dwellings. The standards are intended to balance residents' desire for a convenient, safe, and private vehicle access to their homes with the public interest in maintaining safe and aesthetically pleasing streetscapes. The standards therefore promote pedestrian safety and visibility of public ways, while addressing aesthetic concerns associated with street-facing garages. For the purpose of this subsection, a garage opening is considered to be facing a street where the opening is parallel to or within 45 degrees of the street right-of-way line.

1. **Alleys and Shared Drives.** Where a lot abuts a rear or side alley, or a shared driveway, including flag drives, the garage or carport opening(s) for that dwelling shall orient to the alley or shared drive, as applicable, and not a street.

2. **Setback for Garage Opening Facing Street.** The minimum setback for a garage (or carport) opening facing a street is 20 feet. This provision does not apply to alleys.

E. Building Materials. Building materials and paint colors should be compatible with the surrounding area. Very bright primary or neon-type paint colors, which attract attention to the building or use, are unacceptable.

F. Streetscape. One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18.4.4.030.E.

G. Landscaping and Recycle/Refuse Disposal Areas. Landscaping and recycle/refuse disposal areas shall be provided pursuant to chapter 18.4.4.

H. Open Space. ~~Residential developments that are subject to the provisions of this chapter shall conform to all of the following standards.~~ Common and/or private open space are required to be provided pursuant to section 18.4.4.070.

~~1. Recreation Area. An area equal to at least eight percent of the lot area shall be dedicated to open space for recreational use by the tenants of the development.~~

~~2. Surfacing. Areas covered by shrubs, bark mulch, and other ground covers that do not provide suitable surface for human use may not be counted towards this requirement.~~

~~3. Decks and Patios. Decks, patios, and similar areas are eligible for open space.~~

~~4. Play Areas. Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for open space.~~

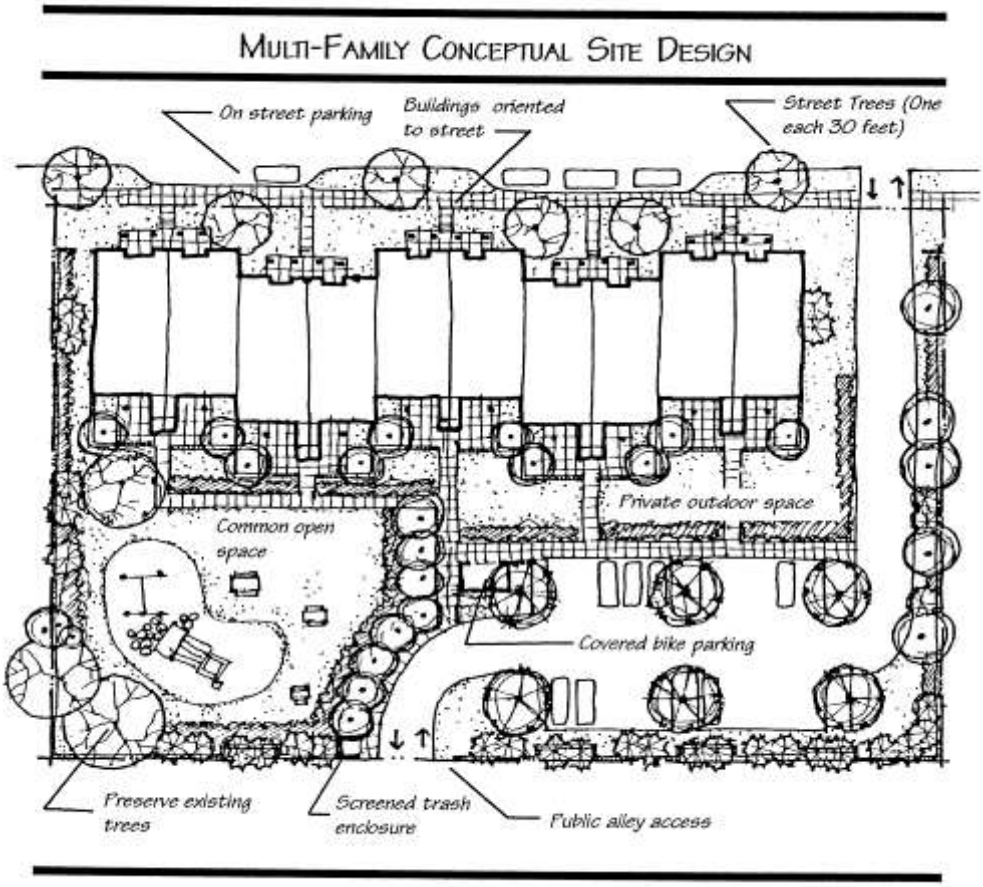

Figure 18.4.2.030
Multi-Family Conceptual Site Design

SECTION 5. Section 18.4.4.020 [Applicability – Landscaping, Lighting, and Screening] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.4.020 Applicability

The requirements of chapter 18.4.4 apply, as follows.

A. Landscaping and Screening. Section 18.4.4.030 establishes design standards for landscaping and screening, and applies to residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review.

B. Recycling and Refuse. Section 18.4.4.040 establishes design standards for recycle and refuse disposal areas, and applies to residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review.

C. Outdoor Lighting. Section 18.4.4.050 establishes standards for outdoor lighting, and applies to all new outdoor lighting installed or replaced after *[effective date].*

D. Fences and Walls. Section 18.4.4.060 establishes design standards for fences and walls. This section applies where a fence or wall is erected, extended, or otherwise altered; it also

applies to hedges and screen planting and situations where this ordinance requires screening or buffering.

E. Open Space. Section 18.4.4.070 establishes standards for open space, and applies to residential developments that are subject to chapter 18.5.2 Site Design Review and/or 18.3.9 Performance Standards Option and PSO Overlay. Certain sections of this ordinance require common and/or private open space as part of review under chapter 18.5.2. Site Design Review or chapter 18.3.9 Performance Standards Option and PSO Overlay. Certain other sections allow common open space to be provided in order to obtain density bonuses. All those section reference 18.4.4.070, which establishes standards for common and private open space.

~~E~~**F. Exceptions and Variances.** Requests to depart from the landscaping and screening requirements in section 18.4.4.030, recycling and refuse requirements in 18.4.4.040, and outdoor lighting in section 18.4.4.050 are subject to subsection 18.5.2.050.E Exception to the Site Development and Design Standards. Requests to depart from the fence and wall requirements in section 18.4.4.060 are subject to chapter 18.5.5 Variances.

SECTION 6. Section 18.4.4.070 Open Space [Landscaping, Lighting, and Screening] is added to the Ashland Land Use Ordinance as follows.

18.4.4.070 Open Space

A. Required Area. Table 18.4.4.070.A contains the minimum areas when common or private open space is required by this ordinance. See definition of open space in part 18-6.

Table 18.4.4.070.A – Minimum Area Required in Common or Private Open Space

Required Planning Action	Minimum Area Required for Open Space	Minimum Area Required for Common Open Space	Open Space Requirement May Be Met by Combining Common and Private Open Spaces	Density Bonus Available for Common Open Space in Excess of Base Requirement
18.5.2 Site Design Review	8 percent of total lot area	4 percent of total lot area for developments with a base density of 10 units or more	yes	After 8 percent of total lot area is met
18.3.9 Performance Standards Option and PSO Overlay	5 percent of total lot area for developments with a base density of 10 units or more	5 percent of total lot area for developments with a base density of 10 units or more	no	After 5 percent of total lot area is met for developments with a based density of 10 units or more After 2 percent of total lot area for developments with

Table 18.4.4.070.A – Minimum Area Required in Common or Private Open Space				
Required Planning Action	**Minimum Area Required for Open Space**	**Minimum Area Required for Common Open Space**	**Open Space Requirement May Be Met by Combining Common and Private Open Spaces**	**Density Bonus Available for Common Open Space in Excess of Base Requirement**
				less than 10 units
18.5.2 Site Design Review and 18.3.9 Performance Standards Option and PSO Overlay	**8 percent of total lot area**	**4 percent of total lot area for developments with a base density of 10 units or more**	**yes**	**After 8 percent of total lot area is met**

B. General Standards.

1. **Common and Private Open Space. For developments that are subject to chapter 18.5.2 Site Design Review, the required open space area may be met by combining common and private open spaces meeting the requirements of this section.**
2. **Density Calculation. All areas set aside for open space shall be counted for base density. The required open space is not subject to bonus point calculations.**
3. **Utilities. Areas occupied by utility vaults and pedestals shall not be counted in the required open space area.**
4. **Timing.**
   a. **Common Open Space. Common open space shall be constructed and landscaped prior to submission of the final plat or issuance of a building permit, whichever is later. The City may approve a final plat or building permit prior to completion of required common open space improvements if the applicant provides a bond by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City. Phased developments shall meet the requirements of subsection 18.3.9.040.A.4.**
   b. **Private Open Space. Private open space shall be constructed and landscaped prior to final occupancy of the respective dwelling unit.**

5. **Ownership and Maintenance. Common open space shall be set aside as common area for the use of residents of the development. Maintenance of common open space shall be the responsibility of the property owner(s) or by an association of owners (i.e., homeowners association).**

C. Common Open Space. Common open space shall meet the following standards. See definition of common open space in part 18-6.

1. **Dimensional Standards. Common open space shall have no dimension that is less than 20 feet and a minimum area of 400 square feet, except as described below.**

   a. ***Pedestrian Connections.*** **Walkways and multi-use paths shall contribute toward meeting the required common open space area when at least one common open space is provided that meets the dimensional standards in subsection 18.4.4.070.C.1, above. Pedestrian connections may be located within a required buffer or perimeter yard area. Sidewalks in the public right-of-way (i.e., public street) and walkways providing access to individual units may not be counted towards this requirement.**

   b. ***Natural Features.*** **Common open space may include areas that provide for the preservation or enhancement of natural features that meet the requirements of this section and the definition of common open space. See definition of common open space in part 18-6. Natural features located in common open space shall be counted toward meeting common open space requirements. Natural features may be located within a required buffer or perimeter yard area.**

2. **Location. Common open space shall not be located within a required yard abutting a street, except for pedestrian connections and natural features as provided in subsection 18.4.4.070.C.1, above.**

3. **Slope. Common open space designed for active use, such as lawn and picnic areas, shall be located on slopes less than five percent, except for areas regulated by the Building Code (e.g., walkways). Natural areas designed for passive use, such as riparian corridors and wetlands, may be located on slopes greater than five percent.**

4. **Improvements. The common open space shall contain one or more of the following: outdoor recreational area or facilities, lawn and picnic areas, community gardens, natural area with benches, seating areas, walking paths, or similar outdoor amenities as appropriate for the intended residents.**

   a. ***Surfacing.*** **A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas and recreational fields or courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other grounds covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural area with benches and walking paths.**

   b. ***Structures.*** **Common open space may include structures and outdoor furniture typically associated with outdoor recreation such as decks, gazebos, arbors,**

benches, and tables. Structures located in common open space shall be unenclosed and uninhabitable. Unenclosed for the purpose of this subsection means 50 percent or more of the walls are 42 inches in height or less, but the structure may be covered.

c. *Fences and Walls.* Fences, walls, hedges, and screen planting that are located on the perimeter of common open space shall not exceed four feet in height, except that fences in front yards and on the perimeter of the development shall meet the fence height requirements of section 18.4.4.060. This requirement shall not apply to fences located on properties adjoining but not located within a proposed development. See section 18.4.4.060 Fencing and Walls for fence permit and design standard requirements.

d. *Landscaping.* Common open space shall be landscaped in accordance with section 18.4.4.030 Landscaping and Screening.

6. R-2 and R-3 Zones. In addition to the standards in subsection 18.4.4.070.C, above, common open space in the R-2 and R-3 zones shall meet the following requirements.

a. *Play Areas.* Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for common open space.

b. *Credit for Proximity to a Park.* A credit of up to 50 percent for common open space may be granted when the development is located within one-eighth of a mile walking distance of an existing public park. Distance from the development to the park shall be measured from the lot line via a sidewalk, multi-use path or pedestrian way located in a public right-of-way or public pedestrian easement.

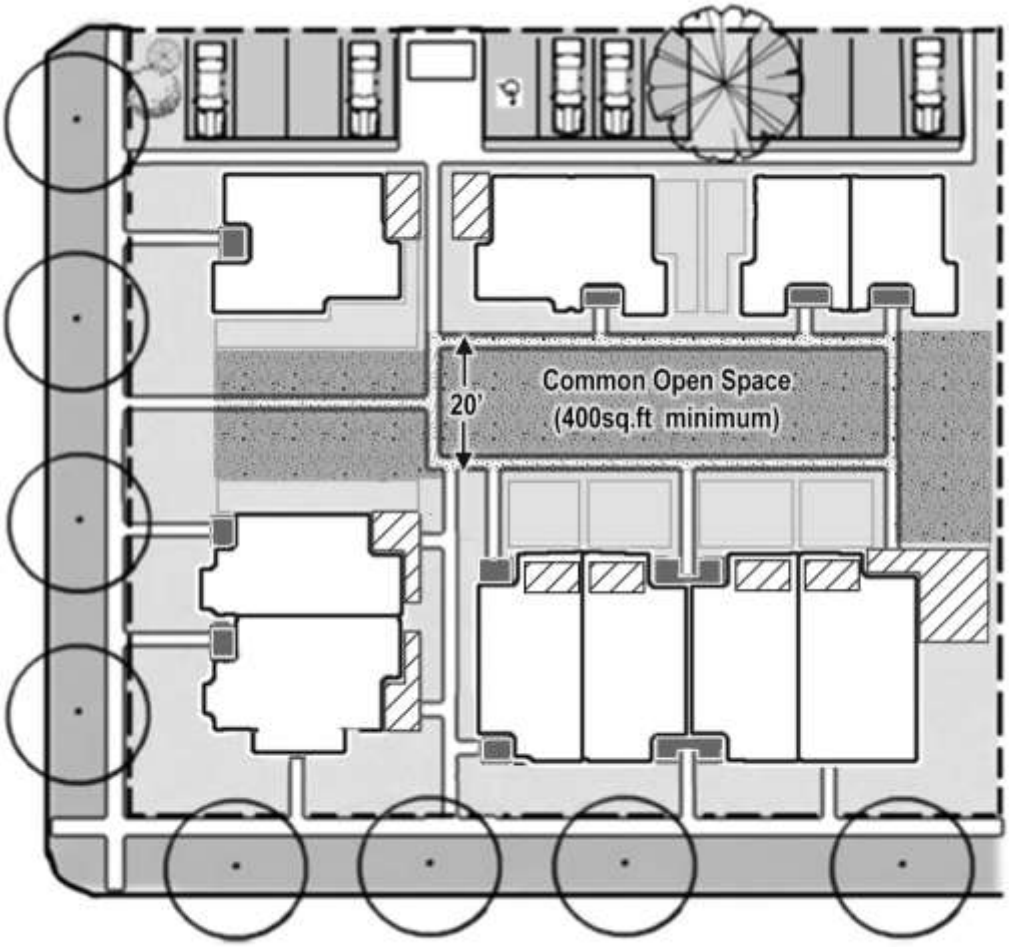

Figure 18.4.4.070.C
Common Open Space

D. Private Open Space. Private open space that is provided to meet the minimum required open space area in 18.4.4.070.A shall meet the following standards. See definition of private open space in part 18-6.

1. Eligible Spaces. Decks, patios, porches, balconies, side and rear yards, and similar areas are eligible for private open space.

a. *Access.* Private open space shall be directly accessible by a door from the interior of the individual dwelling unit served by the space.

b. *Walkways and Storage Space.* The minimum area required for private open space shall not include area for ingress and egress to a ground-floor dwelling unit (e.g., walkway to dwelling unit door) or storage space (storage or bicycle rack). The ingress and egress area shall be measured as 36 inches in width and the length of the pedestrian route.

2. Ground-Floor Dwelling Units. Decks, patios, porches, or yards shall be at least six feet deep and measuring at least 48 square feet. Ground-floor private open space shall not be located within 12 feet of recycling and refuse disposal areas. See definition of ground-floor dwelling unit in part 18-6.

3. Upper-Floor Dwelling Units. Balconies shall be at least six feet deep and measuring at least 48 square feet. See definition of upper-floor dwelling unit in

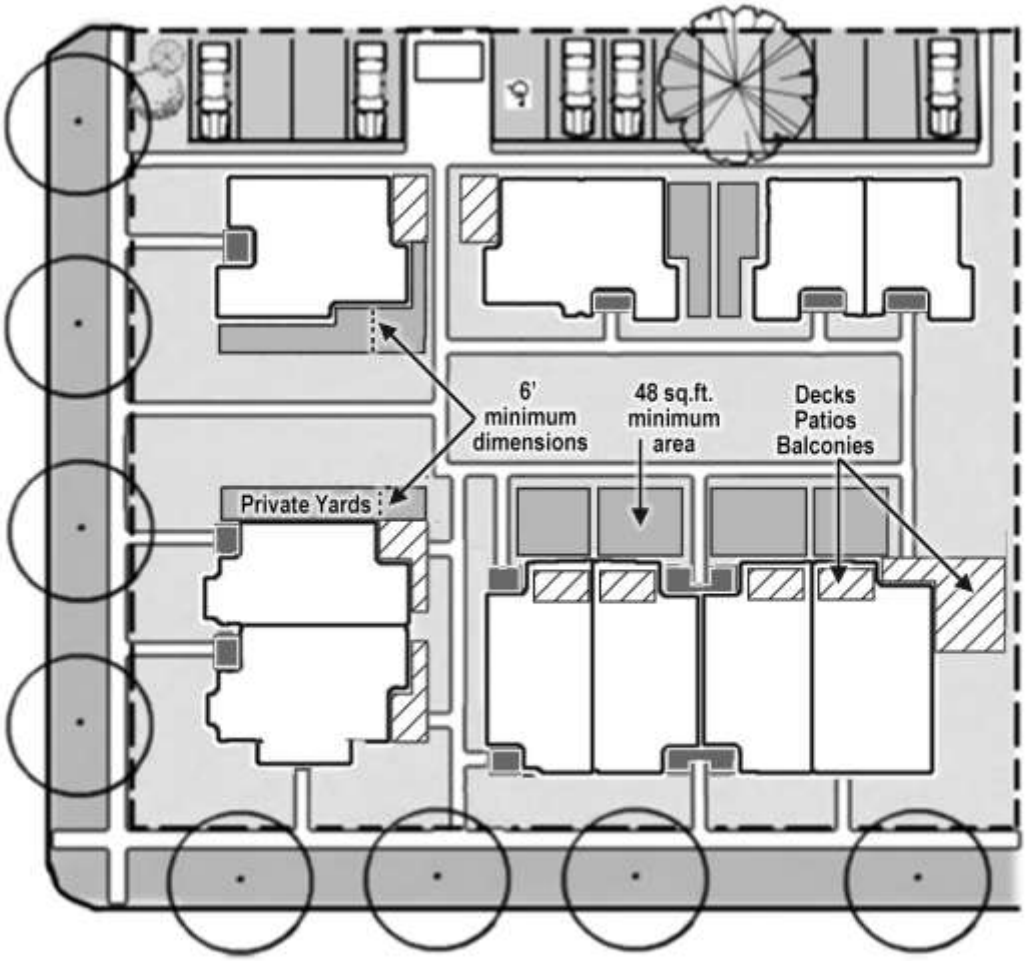

Figure 18.4.4070.D
Private Open Space

SECTION 7. Section 18.6.1.030 [Definitions – Definitions] of the Ashland Land Use Ordinance is hereby amended to read as follows:

Buildable Area. That portion of an existing or proposed lot that can be built upon.

Common Area. Land jointly owned **by an association of owners or permanently designated for the use of all residents of a development ~~to~~ that** include**s shared site facilities and amenities such as** open space, landscaping, **streets, driveways,** parking**, loading areas~~or recreation~~, recycling and refuse disposal areas, and storage structures ~~(e. g., may be managed by a homeowners' association)~~**.

Ground-Floor Dwelling Unit. A residential unit with the entrance, front or rear, that is within five feet of the finished grade. The distance to finished grade is measured vertically at a right angle from the doorsill to the finished grade.

Open Space. ~~A common area designated on the final plans of the development, permanently set aside for the common use of the residents of the development. Open space area is landscaped and/or left with a natural vegetation cover, and does not include thoroughfares, parking areas, or improvements other than recreational facilities.~~ Land or water with its surface predominately open to the sky or predominantly undeveloped unless otherwise specified, that is designated or set aside to serve the purpose of providing park and recreation activities, conserving natural resources, collecting and treating storm water, providing amenity space for private developments, or creating a pattern of development. Open space does not include **~~thoroughfares, parking areas or improvements other than recreational facilities~~ areas such as streets, driveways, parking, loading areas, recycling and refuse disposal areas, and storage structures**.

1. **Common Open Space. An area for the use or enjoyment of all residents of a development (e.g., multifamily dwelling units) or subdivision such as recreational areas or facilities, lawn and picnic areas, community gardens, and natural areas with benches, seating areas, or walking paths.**
2. **Private Open Space. An area intended for private outdoor use by residents of an individual dwelling unit. Private open space includes decks, patios, porches, balconies, side and rear yards, and similar areas.**
3. **Public Open Space or Park. An area owned or managed by a public or private agency and maintained for the use and enjoyment of the general public. Examples of public open space include public parks and recreation facilities, trail easements and systems, nature preserves, public plazas, and other public outdoor meeting areas.**

Park. See definition of Public Open Space.

Play Area. A piece of land specifically designed for and equipped to enable children to play outdoors.

Upper-Floor Dwelling Unit. A residential unit with the entrance, front or rear, that is more

than five feet above the finished grade. The distance from finished grade is measured vertically at a right angle from finished grade to the doorsill.

Unbuildable Area. ~~**All areas outside of building envelopes and within open space.**~~ **That portion of an existing or proposed lot that building upon is restricted by regulations. Unbuildable area includes but is not limited to required yards, easements, and Flood Plain Corridor, Hillside, and Severe Constraints Lands as classified in section 18.3.10.060. For the purposes of implementing chapter 18.4.8 Solar Access, unbuildable area does not include a required solar setback area.**

Yard. An ~~**open space on**~~ **outdoor area of** a lot which is unobstructed by a structure**, except as allowed in section 18.2.4.050 Yard Requirements and General Exceptions**, and measured from a lot line to the nearest point of a building. May also be an area defined by required setbacks (e.g., between a building or structure and nearest property line).

4. **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.
5. **Yard, Side.** A~~n open space~~**yard** between the front and rear yards measured horizontally and at right angles from the side lot line to the nearest point of the building.
6. **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.

SECTION 8. Codification. In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within such limitations, may:

(a) Renumber sections and parts of sections of the ordinance;

(b) Rearrange sections;

(c) Change reference numbers to agree with renumbered chapters, sections or other parts;

(d) Delete references to repealed sections;

(e) Substitute the proper subsection, section, or chapter numbers;

(f) Change capitalization and spelling for the purpose of uniformity;

(g) Add headings for purposes of grouping like sections together for ease of reference; and

(h) Correct manifest clerical, grammatical, or typographical errors.

SECTION 9. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____day of _____, 2020, and duly PASSED and ADOPTED this ____ day of _____, 2020.

_____
Melissa Huhtala, City Recorder

SIGNED and APPROVED this ___ day of _____, 2020.

_____
John Stromberg, Mayor

Reviewed as to form:

_____
David H. Lohman, City Attorney

Option 1: No Changes to Originally Proposed Draft

18.4.4.070 Open Space

A. Required Area. Table 18.4.4.070.A contains the minimum areas when common or private open space is required by this ordinance. See definition of open space in part 18-6.

Table 18.4.4.070.A – Minimum Area Required in Common or Private Open Space

Required Planning Action	Minimum Area Required for Open Space	Minimum Area Required for Common Open Space	Open Space Requirement May Be Met by Combining Common and Private Open Spaces	Density Bonus Available for Common Open Space in Excess of Base Requirement
18.5.2 Site Design Review	8 percent of total lot area	4 percent of total lot area for developments with a base density of 10 units or more	yes	After 8 percent of total lot area is met
18.3.9 Performance Standards Option and PSO Overlay	5 percent of total lot area for developments with a base density of 10 units or more	5 percent of total lot area for developments with a base density of 10 units or more	no	After 5 percent of total lot area is met for developments with a based density of 10 units or more After 2 percent of total lot area for developments with less than 10 units
18.5.2 Site Design Review and 18.3.9 Performance Standards Option and PSO Overlay	8 percent of total lot area	4 percent of total lot area for developments with a base density of 10 units or more	yes	After 8 percent of total lot area is met

B. General Standards.

1. Common and Private Open Space. For developments that are subject to chapter 18.5.2 Site Design Review, the required open space area may be met by combining common and private open spaces meeting the requirements of this section.
2. Density Calculation. All areas set aside for open space shall be counted for base density. The required open space is not subject to bonus point calculations.
3. Utilities. Areas occupied by utility vaults and pedestals shall not be counted in the required open space area.
4. Timing.
   a. *Common Open Space.* Common open space shall be constructed and landscaped

prior to submission of the final plat or issuance of a building permit, whichever is later. The City may approve a final plat or building permit prior to completion of required common open space improvements if the applicant provides a bond by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City. Phased developments shall meet the requirements of subsection 18.3.9.040.A.4.

b. *Private Open Space.* Private open space shall be constructed and landscaped prior to final occupancy of the respective dwelling unit.

5. Ownership and Maintenance. Common open space shall be set aside as common area for the use of residents of the development. Maintenance of common open space shall be the responsibility of the property owner(s) or by an association of owners (i.e., homeowners association).

C. Common Open Space. Common open space shall meet the following standards. See definition of common open space in part 18-6.

1. Dimensional Standards. Common open space shall have no dimension that is less than 20 feet and a minimum area of 400 square feet, except as described below.

a. *Pedestrian Connections.* Walkways and multi-use paths shall contribute toward meeting the required common open space area when at least one common open space is provided that meets the dimensional standards in subsection 18.4.4.070.C.1, above. Pedestrian connections may be located within a required buffer or perimeter yard area. Sidewalks in the public right-of-way (i.e., public street) and walkways providing access to individual units may not be counted towards this requirement.

b. *Natural Features.* Common open space may include areas that provide for the preservation or enhancement of natural features that meet the requirements of this section and the definition of common open space. See definition of common open space in part 18-6. Natural features located in common open space shall be counted toward meeting common open space requirements. Natural features may be located within a required buffer or perimeter yard area.

2. Location. Common open space shall not be located within a required yard abutting a street, except for pedestrian connections and natural features as provided in subsection 18.4.4.070.C.1, above.

3. Slope. *C*ommon open space designed for active use, such as lawn and picnic areas, shall be located on slopes less than five percent, except for areas regulated by the Building Code (e.g., walkways). Natural areas designed for passive use, such as riparian corridors and wetlands, may be located on slopes greater than five percent.

4. Improvements. The common open space shall contain one or more of the following: outdoor recreational area or facilities, lawn and picnic areas, community gardens, natural area with benches, seating areas, walking paths, or similar outdoor amenities as appropriate for the intended residents.

a. *Surfacing.* A minimum of 50 percent of the common open space must be covered in

suitable surfaces for human use, such as lawn areas and recreational fields or courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other grounds covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural area with benches and walking paths.

b. *Structures.* Common open space may include structures and outdoor furniture typically associated with outdoor recreation such as decks, gazebos, arbors, benches, and tables. Structures located in common open space shall be unenclosed and uninhabitable. Unenclosed for the purpose of this subsection means 50 percent or more of the walls are 42 inches in height or less, but the structure may be covered.

c. *Fences and Walls.* Fences, walls, hedges, and screen planting that are located on the perimeter of common open space shall not exceed four feet in height, except that fences in front yards and on the perimeter of the development shall meet the fence height requirements of section 18.4.4.060. This requirement shall not apply to fences located on properties adjoining but not located within a proposed development. See section 18.4.4.060 Fencing and Walls for fence permit and design standard requirements.

d. *Landscaping.* Common open space shall be landscaped in accordance with section 18.4.4.030 Landscaping and Screening.

5. R-2 and R-3 Zones. In addition to the standards in subsection 18.4.4.070.C, above, common open space in the R-2 and R-3 zones shall meet the following requirements.

a. *Play Areas.* Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for common open space.

b. *Credit for Proximity to a Park.* A credit of up to 50 percent for common open space may be granted when the development is located within one-eighth of a mile walking distance of an existing public park. Distance from the development to the park shall be measured from the lot line via a sidewalk, multi-use path or pedestrian way located in a public right-of-way or public pedestrian easement.

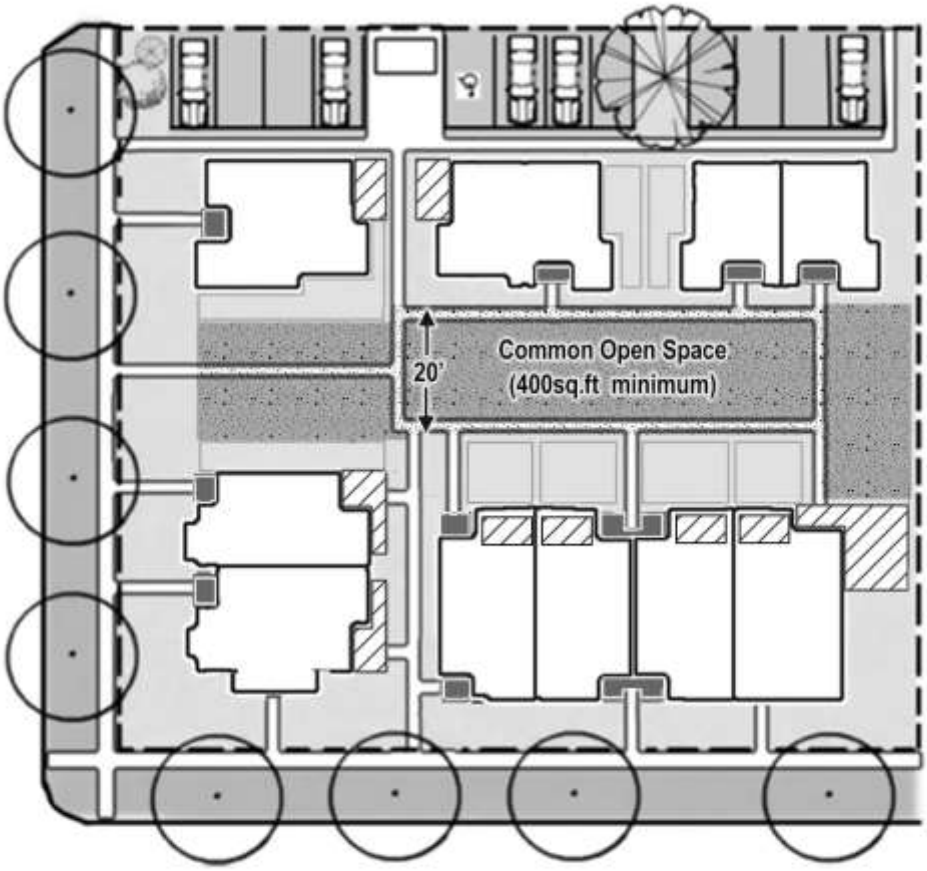

Figure 18.4.4.070.C
Common Open Space

D. Private Open Space. Private open space that is provided to meet the minimum required open space area in 18.4.4.070.A shall meet the following standards. See definition of private open space in part 18-6.

1. Eligible Spaces. Decks, patios, porches, balconies, side and rear yards, and similar areas are eligible for private open space.

    a. *Access.* Private open space shall be directly accessible by a door from the interior of the individual dwelling unit served by the space.

    b. *Walkways and Storage Space.* The minimum area required for private open space shall not include area for ingress and egress to a ground-floor dwelling unit (e.g., walkway to dwelling unit door) or storage space (storage or bicycle rack). The ingress and egress area shall be measured as 36 inches in width and the length of the pedestrian route.

2. Ground-Floor Dwelling Units. Decks, patios, porches, or yards shall be at least six feet

deep and measuring at least 48 square feet. Ground-floor private open space shall not be located within 12 feet of recycling and refuse disposal areas. See definition of ground-floor dwelling unit in part 18-6.

3. Upper-Floor Dwelling Units. Balconies shall be at least six feet deep and measuring at least 48 square feet. See definition of upper-floor dwelling unit in part 18-6.

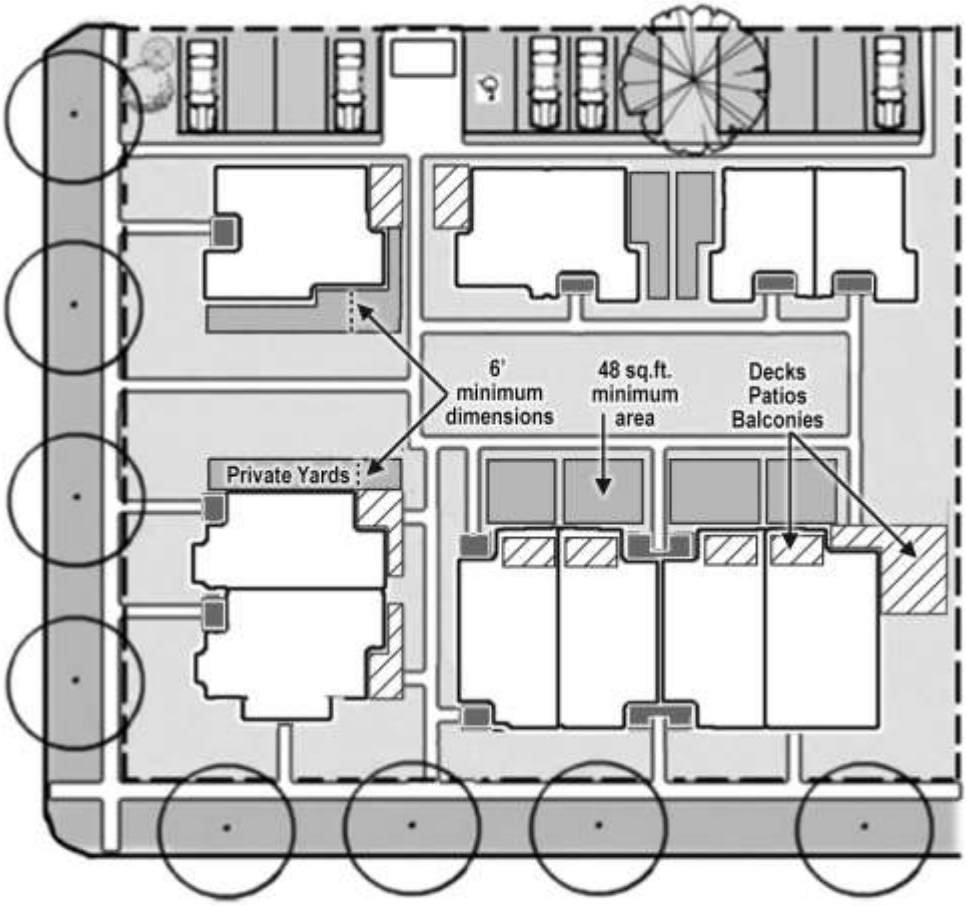

Figure 18.4.4070.D
Private Open Space

Option 2: Move surfacing standard to R-2 and R-3 zones

Amended text is shown in red

18.4.4.070 Open Space

A. Required Area. Table 18.4.4.070.A contains the minimum areas when common or private open space is required by this ordinance. See definition of open space in part 18-6.

Table 18.4.4.070.A – Minimum Area Required in Common or Private Open Space

Required Planning Action	Minimum Area Required for Open Space	Minimum Area Required for Common Open Space	Open Space Requirement May Be Met by Combining Common and Private Open Spaces	Density Bonus Available for Common Open Space in Excess of Base Requirement
18.5.2 Site Design Review	8 percent of total lot area	4 percent of total lot area for developments with a base density of 10 units or more	yes	After 8 percent of total lot area is met
18.3.9 Performance Standards Option and PSO Overlay	5 percent of total lot area for developments with a base density of 10 units or more	5 percent of total lot area for developments with a base density of 10 units or more	no	After 5 percent of total lot area is met for developments with a based density of 10 units or more After 2 percent of total lot area for developments with less than 10 units
18.5.2 Site Design Review and 18.3.9 Performance Standards Option and PSO Overlay	8 percent of total lot area	4 percent of total lot area for developments with a base density of 10 units or more	yes	After 8 percent of total lot area is met

B. General Standards.

1. Common and Private Open Space. For developments that are subject to chapter 18.5.2 Site Design Review, the required open space area may be met by combining common and private open spaces meeting the requirements of this section.
2. Density Calculation. All areas set aside for open space shall be counted for base density. The required open space is not subject to bonus point calculations.
3. Utilities. Areas occupied by utility vaults and pedestals shall not be counted in the required open space area.
4. Timing.

a. *Common Open Space.* Common open space shall be constructed and landscaped prior to submission of the final plat or issuance of a building permit, whichever is later. The City may approve a final plat or building permit prior to completion of required common open space improvements if the applicant provides a bond by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City. Phased developments shall meet the requirements of subsection 18.3.9.040.A.4.

b. *Private Open Space.* Private open space shall be constructed and landscaped prior to final occupancy of the respective dwelling unit.

5. Ownership and Maintenance. Common open space shall be set aside as common area for the use of residents of the development. Maintenance of common open space shall be the responsibility of the property owner(s) or by an association of owners (i.e., homeowners association).

C. Common Open Space. Common open space shall meet the following standards. See definition of common open space in part 18-6.

1. Dimensional Standards. Common open space shall have no dimension that is less than 20 feet and a minimum area of 400 square feet, except as described below.

a. *Pedestrian Connections.* Walkways and multi-use paths shall contribute toward meeting the required common open space area when at least one common open space is provided that meets the dimensional standards in subsection 18.4.4.070.C.1, above. Pedestrian connections may be located within a required buffer or perimeter yard area. Sidewalks in the public right-of-way (i.e., public street) and walkways providing access to individual units may not be counted towards this requirement.

b. *Natural Features.* Common open space may include areas that provide for the preservation or enhancement of natural features that meet the requirements of this section and the definition of common open space. See definition of common open space in part 18-6. Natural features located in common open space shall be counted toward meeting common open space requirements. Natural features may be located within a required buffer or perimeter yard area.

2. Location. Common open space shall not be located within a required yard abutting a street, except for pedestrian connections and natural features as provided in subsection 18.4.4.070.C.1, above.

3. Slope. *C*ommon open space designed for active use, such as lawn and picnic areas, shall be located on slopes less than five percent, except for areas regulated by the Building Code (e.g., walkways). Natural areas designed for passive use, such as riparian corridors and wetlands, may be located on slopes greater than five percent.

4. Improvements. The common open space shall contain one or more of the following: outdoor recreational area or facilities, lawn and picnic areas, community gardens, natural area with benches, seating areas, walking paths, or similar outdoor amenities as appropriate for the intended residents.

~~a. *Surfacing.* A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas and recreational fields or courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other grounds covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural area with benches and walking paths.~~

~~a~~b. *Structures.* Common open space may include structures and outdoor furniture typically associated with outdoor recreation such as decks, gazebos, arbors, benches, and tables. Structures located in common open space shall be unenclosed and uninhabitable. Unenclosed for the purpose of this subsection means 50 percent or more of the walls are 42 inches in height or less, but the structure may be covered.

~~b~~c. *Fences and Walls.* Fences, walls, hedges, and screen planting that are located on the perimeter of common open space shall not exceed four feet in height, except that fences in front yards and on the perimeter of the development shall meet the fence height requirements of section 18.4.4.060. This requirement shall not apply to fences located on properties adjoining but not located within a proposed development. See section 18.4.4.060 Fencing and Walls for fence permit and design standard requirements.

~~c~~d. *Landscaping.* Common open space shall be landscaped in accordance with section 18.4.4.030 Landscaping and Screening.

5. R-2 and R-3 Zones. In addition to the standards in subsection 18.4.4.070.C, above, common open space in the R-2 and R-3 zones shall meet the following requirements.

a. *Surfacing.* A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas, recreational fields, or courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other grounds covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural area with benches and walking paths.

~~b~~a. *Play Areas.* Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for common open space.

~~c~~b. *Credit for Proximity to a Park.* A credit of up to 50 percent for common open space may be granted when the development is located within one-eighth of a mile walking distance of an existing public park. Distance from the development to the park shall be measured from the lot line via a sidewalk, multi-use path or pedestrian way located in a public right-of-way or public pedestrian easement.

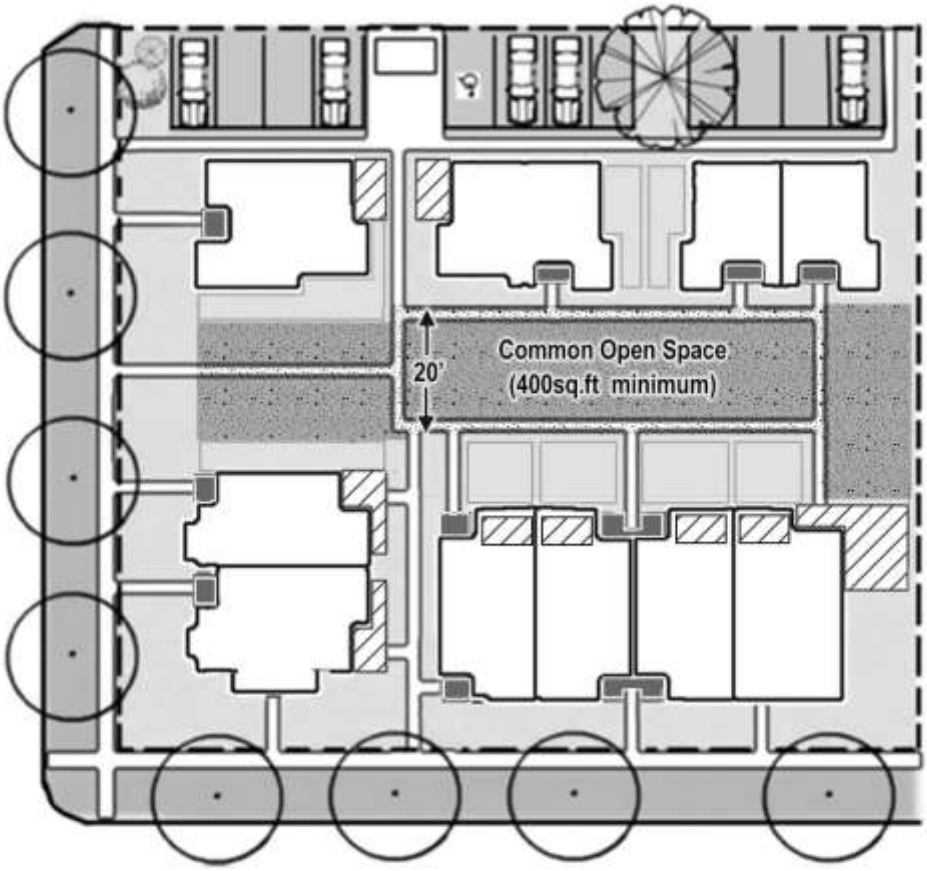

Figure 18.4.4.070.C
Common Open Space

D. Private Open Space. Private open space that is provided to meet the minimum required open space area in 18.4.4.070.A shall meet the following standards. See definition of private open space in part 18-6.

1. Eligible Spaces. Decks, patios, porches, balconies, side and rear yards, and similar areas are eligible for private open space.

    a. *Access.* Private open space shall be directly accessible by a door from the interior of the individual dwelling unit served by the space.

    b. *Walkways and Storage Space.* The minimum area required for private open space shall not include area for ingress and egress to a ground-floor dwelling unit (e.g., walkway to dwelling unit door) or storage space (storage or bicycle rack). The ingress and egress area shall be measured as 36 inches in width and the length of the pedestrian route.

2. Ground-Floor Dwelling Units. Decks, patios, porches, or yards shall be at least six feet

deep and measuring at least 48 square feet. Ground-floor private open space shall not be located within 12 feet of recycling and refuse disposal areas. See definition of ground-floor dwelling unit in part 18-6.

3. Upper-Floor Dwelling Units. Balconies shall be at least six feet deep and measuring at least 48 square feet. See definition of upper-floor dwelling unit in part 18-6.

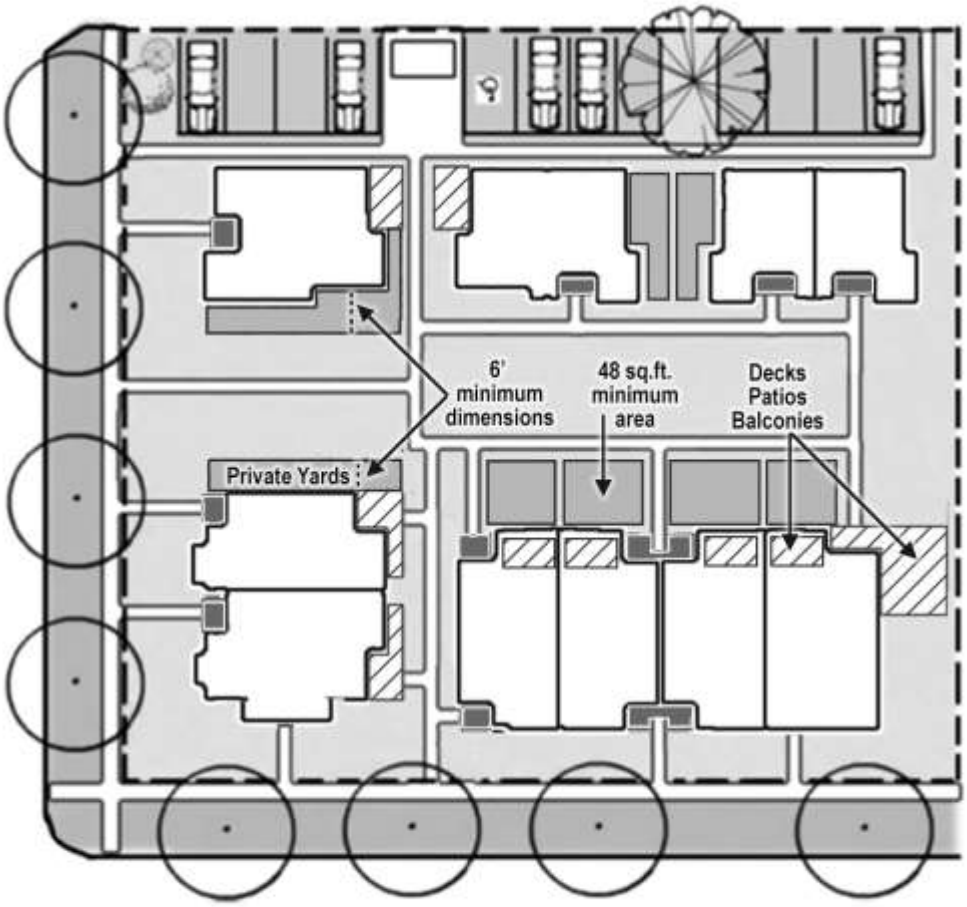

Figure 18.4.4070.D
Private Open Space

Option 4: Other Recommended Changes

Amended text is shown in red

18.4.4.070 Open Space

A. Required Area. Table 18.4.4.070.A contains the minimum areas when common or private open space is required by this ordinance. See definition of open space in part 18-6.

Table 18.4.4.070.A – Minimum Area Required in Common or Private Open Space

Required Planning Action	Minimum Total Area Required for Open Space	Minimum Area Required for Common Open Space	Maximum Area Allowed in Private Open Space ~~Open Space Requirement May Be Met by Combining Common and Private Open Spaces~~	Density Bonus Available for Common Open Space in Excess of Base Requirement
18.5.2 Site Design Review	8% of total lot area	4% of total lot area for developments with a base density of 10 units or more	4% of total lot area for developments with a base density of 10 units or more ~~yes~~	After 8% of total lot area is met
18.3.9 Performance Standards Option and PSO Overlay	5% of total lot area for developments with a base density of 10 units or more	5% of total lot area for developments with a base density of 10 units or more	N/A, 5% of total lot area must be common open space ~~no~~	After 5% of total lot area is met for developments with a based density of 10 units or more After 2% of total lot area for developments with less than 10 units
18.5.2 Site Design Review and 18.3.9 Performance Standards Option and PSO Overlay	8%of total lot area	4% of total lot area for developments with a base density of 10 units or more	4% of total lot area for developments with a base density of 10 units or more ~~yes~~	After 8% of total lot area is met

Commented [MH1]: Edits to table to address public comments regarding clarity.

B. General Standards.

1. Common and Private Open Space. For developments that are subject to chapter 18.5.2 Site Design Review, the required open space area may be met by combining common and private open spaces meeting the requirements of this section.
2. Density Calculation. All areas set aside for open space shall be counted for base density. The required open space is not subject to bonus point calculations.
3. Utilities. Areas occupied by utility vaults and pedestals shall not be counted in the required open space area.
4. Timing.

a. *Common Open Space.* Common open space shall be constructed and landscaped prior to submission of the final plat or issuance of a building permit, whichever is later. The City may approve a final plat or building permit prior to completion of required common open space improvements if the applicant provides a bond by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City. Phased developments shall meet the requirements of subsection 18.3.9.040.A.4.

b. *Private Open Space.* Private open space shall be constructed and landscaped prior to final occupancy of the respective dwelling unit.

5. Ownership and Maintenance. Common open space shall be set aside as common area for the use of residents of the development. Maintenance of common open space shall be the responsibility of the property owner(s) or by an association of owners (i.e., homeowners association).

C. Common Open Space. Common open space that is provided to meet the minimum required open space area in 18.4.4.070.A shall meet the following standards. ~~Common open space shall meet the following standards.~~ See definition of common open space in part 18-6.

1. Dimensional Standards. Common open space shall have no dimension that is less than 20 feet and a minimum area of 400 square feet, except as described below.

   a. *Pedestrian Connections.* Walkways and multi-use paths shall contribute toward meeting the required common open space area when at least one common open space is provided that meets the dimensional standards in subsection 18.4.4.070.C.1, above. Pedestrian connections may be located within a required buffer or perimeter yard area. Sidewalks in the public right-of-way (i.e., public street) and walkways providing access to individual units may not be counted towards this requirement.

   b. *Natural Features.* Common open space may include areas that provide for the preservation or enhancement of natural features that meet the requirements of this section and the definition of common open space. See definition of common open space in part 18-6. Natural features located in common open space shall be counted toward meeting common open space requirements. Natural features may be located within a required buffer or perimeter yard area.

2. Location. Common open space shall not be located within a required yard abutting a street, except for pedestrian connections and natural features as provided in subsection 18.4.4.070.C.1, above.

3. Slope. Common open space designed for active use, such as lawn and picnic areas, shall be located on slopes less than five percent, except for areas regulated by the Building Code (e.g., walkways). Natural features ~~areas~~ designed for passive use, such as riparian corridors and wetlands, may be located on slopes greater than five percent.

4. Improvements. ~~The common open space shall contain one or more of the following: outdoor recreational area or facilities, lawn and picnic areas, community gardens, natural~~

Commented [MH2]: For consistency with subsection D. Private Open Space below. Also, in review of approved subdivisions over last 20 years, common open space exceeded required 5% of total lot area. Standard should be clear that it applies to required common space and does not apply to additional common open space provided by the applicant.

~~area with benches, seating areas, walking paths, or similar outdoor amenities as appropriate for the intended residents.~~

a. *Surfacing.* A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas and recreational fields or courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other grounds covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural feature ~~area~~ with benches and walking paths.

b. *Structures.* Common open space may include structures and outdoor furniture typically associated with outdoor recreation such as decks, gazebos, arbors, benches, and tables. Structures located in common open space shall be unenclosed and uninhabitable. Unenclosed for the purpose of this subsection means 50 percent or more of the walls are 42 inches in height or less, but the structure may be covered.

c. *Fences and Walls.* Fences, walls, hedges, and screen planting that are located on the perimeter of common open space shall not exceed four feet in height, except that fences in front yards and on the perimeter of the development shall meet the fence height requirements of section 18.4.4.060. This requirement shall not apply to fences located on properties adjoining but not located within a proposed development. See section 18.4.4.060 Fencing and Walls for fence permit and design standard requirements.

d. *Landscaping.* Common open space shall be landscaped in accordance with section 18.4.4.030 Landscaping and Screening, except for natural features as provided in subsection 18.4.4.070.C.1, above.

5. R-2 and R-3 Zones. In addition to the standards in subsection 18.4.4.070.C, above, common open space in the R-2 and R-3 zones shall meet the following requirements.

a. *Play Areas.* Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for common open space.

b. *Credit for Proximity to a Park.* A credit of up to 50 percent for common open space may be granted when the development is located within one-eighth of a mile walking distance of an existing public park. Distance from the development to the park shall be measured from the lot line via a sidewalk, multi-use path or pedestrian way located in a public right-of-way or public pedestrian easement.

Commented [MH3]: Redundant – repeats definition of common open space and language in surfacing standard

Commented [MH4]: For consistent use of terminology in section and land use code.

Commented [MH5]: The Landscaping and Screening standards are intended for finished and improved areas rather than natural features such as creeks and wetlands.

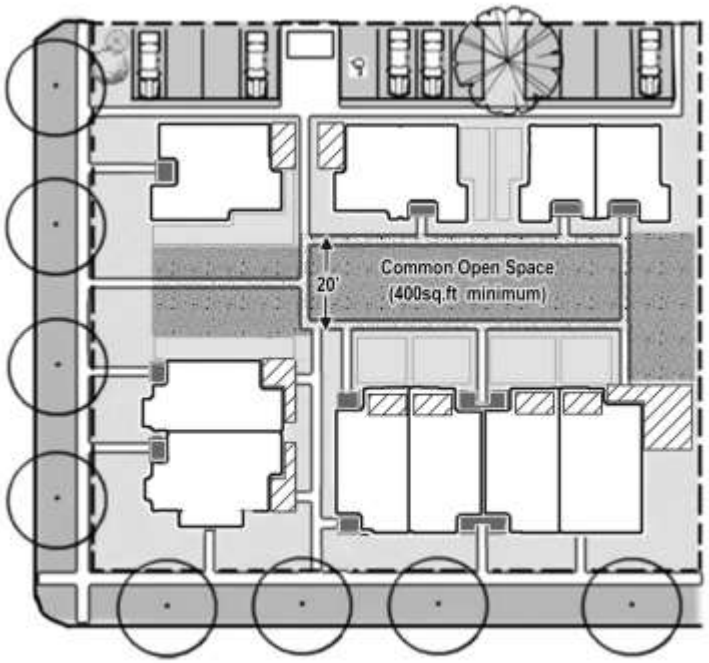

Figure 18.4.4.070.C
Common Open Space

D. Private Open Space. Private open space that is provided to meet the minimum required open space area in 18.4.4.070.A shall meet the following standards. See definition of private open space in part 18-6.

1. Eligible Spaces. Decks, patios, porches, balconies, side and rear yards, and similar areas are eligible for private open space.

    a. *Access.* Private open space shall be directly accessible by a door from the interior of the individual dwelling unit served by the space.

    ~~b. *Walkways and Storage Space.* The minimum area required for private open space shall not include area for ingress and egress to a ground-floor dwelling unit (e.g., walkway to dwelling unit door) or storage space (storage or bicycle rack). The ingress and egress area shall be measured as 36 inches in width and the length of the pedestrian route.~~

2. Ground-Floor Dwelling Units. Decks, patios, porches, or yards shall be at least six feet

Commented [MH6]: Edit to address public comment.

deep and measuring at least 60 ~~48~~ square feet. Ground-floor private open space shall not be located within 12 feet of recycling and refuse disposal areas. See definition of ground-floor dwelling unit in part 18-6.

3. Upper-Floor Dwelling Units. Balconies shall be at least six feet deep and measuring at least 48 square feet. See definition of upper-floor dwelling unit in part 18-6.

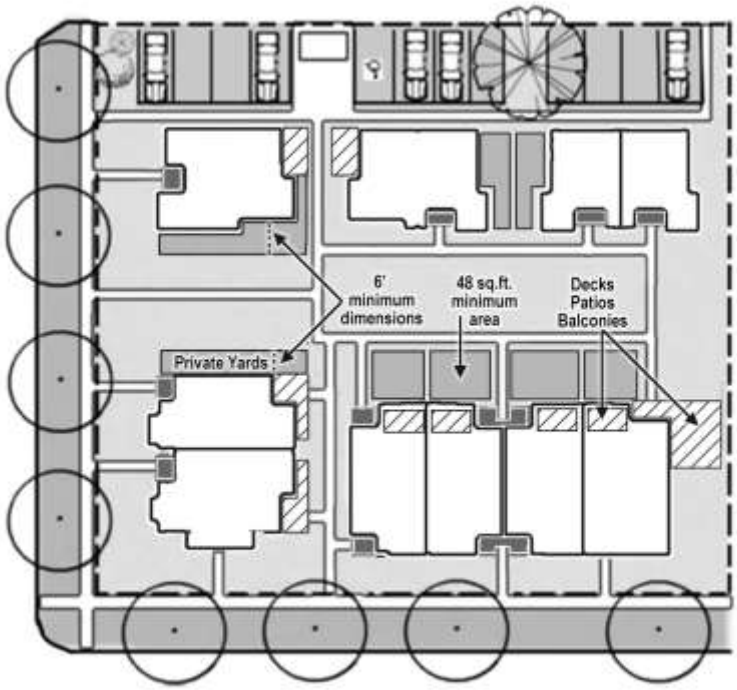

Figure 18.4.4070.D
Private Open Space

Commented [MH7]: Edit to address public comment.

18.4.4.060 Fences and Walls

A. Permitting. Permits, granted through Ministerial review, are required prior to installing any permanent fence or wall to ensure compliance with City standards. The property owner should obtain a property boundary survey where property boundaries are not otherwise identified. Where a development is subject to land use approval, the City may require installation of screening walls or fences as a condition of approval for development, as

provided by other ordinance sections. A building permit may be required for some fences and walls, pursuant to applicable building codes.

B. Design Standards. Fences, walls, hedges, and screen planting shall meet the following standards, where height is measured pursuant to subsection 18.4.4.060.B.2, below. See Figure 18.4.4.060.B.1 for illustration of maximum fence heights.

1. Height. Fences, walls, hedges, and screen planting shall not exceed the following heights.

   a. *Front Yard.* In any required front yard, not more than 3 ½ feet in height.

   b. *Rear and Side Yard.* In any rear or side yard, not more than 6 ½ feet in height.

   c. *Street-Side Yard.* In any rear or side yard abutting a public street, except alleys, not more than four feet in height where located within ten feet of said street.

   d. *Deer Fencing*. See subsection 18.4.4.060.B.6, below.

   e. *Open Space.* See maximum fence heights for common open space in section 18.4.4.070, and for cottage housing in section 18.2.3.090.

Commented [MH8]: Edit to address public comment.

18.4.4.060.G Standards Illustrated

7. Multi-use Path

Multi-use paths are off-street facilities used primarily for walking and bicycling. These paths can be relatively short connections between neighborhoods, or longer paths adjacent to rivers, creeks, railroad tracks, and open space. See Figure 18.4.6.040.G.7. See maximum fence heights for common open space in section 18.4.4.070, and for cottage housing in section 18.2.3.090.

Commented [MH9]: Edit to address public comment.

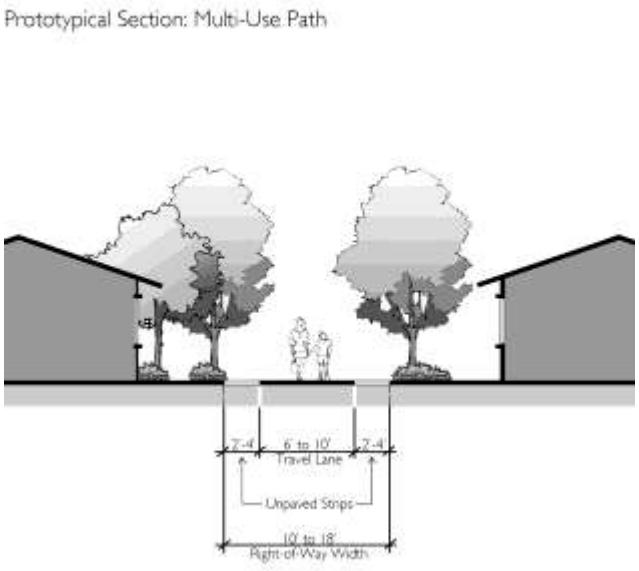

Figure 18.4.6.040.G.7
Multi-Use Path

Street Function	Provide short connections for pedestrians and bicyclists between destinations, and longer paths in situations where a similar route is not provided on the street network.
Connectivity	Enhances route options and shorten distances traveled for pedestrians and bicyclists.
Right-of-Way Width	10 ft – 18 ft
Improvement Width	6 ft – 10 ft paved with 2 ft – 4 ft gravel or planted strips on both sides
Curb and Gutter	not required

accessory residential units, including any required planning action and/or site review.

SECTION 76, 18.68.160, General Regulations, Driveway Grades, of the Ashland Municipal Code, is amended to read as follows:

18.68.160 Driveway Grades.

Grades for new driveways in all zones shall not exceed a grade of 20% for any portion of the driveway. All driveways shall be designed in accord with ~~**the criteria of the**~~ **City of** Ashland **standards**~~**Public Works Department**~~ and ~~**approved**~~ **installed** prior to issuance of a certificate of occupancy for new construction. If required by the City, the developer or owner shall provide certification of driveway grade by a licensed land surveyor. All vision clearance standards associated with driveway entrances onto public streets shall not be subject to the Variance section of this title.

SECTION 77, 18.72, Site Design and Use Standards, of the Ashland Municipal Code, is amended to read as follows:

Chapter 18.72 SITE DESIGN~~**REVIEW AND USE STANDARDS**~~

SECTION 78, 18.72.030, Site Design and Use Standards, Application, of the Ashland Municipal Code, is amended to read as follows:

18.72.030 Applica**bility**~~tion~~

Site design ~~**and use**~~ standards shall apply to all zones of the city **as outlined below.** ~~**and shall apply to all development indicated in this Chapter, except for those developments which are regulated by the Subdivisions (18.80), the Partitioning (18.76), Manufactured Housing (18.84) and Performance Standards (18.88).**~~

A. Applicability. The following development is subject to Site Design Review:

1. **Commercial, Industrial, Non-Residential and Mixed uses:**
   a. **All new structures, additions or expansions in C-1, E-1, HC and M zones.**
   b. **All new non-residential structures or additions (e.g. public buildings, schools, churches, etc.).**
   c. **Expansion of impervious surface area in excess of 10% of the area of the site or 1,000 square feet, whichever is less.**
   d. **Expansion of parking lots, relocation of parking spaces on a site, or other changes which affect circulation.**
   e. **Any change of occupancy from a less intensive to a more intensive occupancy, as defined in the City building code, or any change in use which requires a greater number of parking spaces.**
   f. **Any change in use of a lot from one general use category to another general use category, e.g., from residential to commercial, as defined by the zoning regulations of this Code.**

g. Any exterior change to a structure which requires a building permit and is listed on the National Register of Historic Places or to a contributing property within an Historic District on the National Register of Historic Places.

h. Mechanical equipment not otherwise exempt from site design review per Section 18.72.030(B).

2. Residential uses:

a. Two or more residential units on a single lot.

b. Construction of attached single-family housing (e.g. town homes, condominiums, row houses, etc.) in all zoning districts.

c. Residential development when off-street parking or landscaping, in conjunction with an approved Performance Standards Subdivision required by ordinance and not located within the boundaries of the individual unit parcel (e.g. shared parking).

d Any exterior change to a structure which requires a building permit and is individually listed on the National Register of Historic Places.

e. Mechanical equipment not otherwise exempt from site design review per Section 18.72.030(B).

B. Exemptions. The following development is exempt from Site Design Review application and procedure requirements provided that the development complies with applicable standards as set forth by this Chapter.

1. Detached single family dwellings and associated accessory structures and uses.

2. Land divisions regulated by the following chapters: Partitioning (18.76), Subdivisions (18.80), Manufactured Housing (18.84) and Performance Standards (18.88).

3. The following mechanical equipment:

a. Private, non-commercial radio and television antennas not exceeding a height of seventy (70) feet above grade or thirty (30) feet above an existing structure, whichever height is greater and provided no part of such antenna shall be within the yards required by this Title. A building permit shall be required for any antenna mast, or tower over fifty (50) feet above grade or thirty (30) feet above an existing structure when the same is constructed on the roof of the structure.

b. Not more than three (3) parabolic disc antennas, each under one (1) meter in diameter, on any one lot or dwelling unit.

c. Roof-mounted solar collection devices in all zoning districts, with the exception of Employment and Commercial zoned properties located within designated historic districts. The devices shall comply with solar setback standards described in 18.70 and height requirements of the respective zoning district.

d. Installation of mechanical equipment not exempted by (a, b, c) above or (e) below, and which is not visible from a public right-of-way or adjacent residentially zoned property and consistent with other provisions of this Title, including solar access, noise, and setback requirements of Section 18.68.140(c).

e. Routine maintenance and replacement of existing mechanical equipment in all zones.

ATTN: LEGAL PUBLICATIONS

ELECTRONIC PUBLIC HEARING NOTICE

On **July 28, 2020**, the Ashland Planning Commission will hold an electronic public hearing regarding proposed land use ordinance amendments to Title 18 Land Use in the Ashland Municipal Code related to the open space requirements for multifamily and single-family residential development. The Planning Commission will review the ordinance amendments and make a recommendation to the Ashland City Council. After the Planning Commission holds a public hearing and makes a recommendation, the City Council will also hold a public hearing at a future date that is to be determined. The City Council makes the final decision on any land use ordinance amendment.

The proposed ordinance amendments are available for review online at http://www.ashland.or.us/openspace. Copies of the ordinance and file information are available for purchase if requested. For additional information concerning these ordinance amendments, email maria.harris@ashland.or.us or call the Ashland Planning Division at (541) 488-5305.

The Planning Commission will hold a continued public hearing regarding a request for Annexation of a 16.87-acre parcel and Zone Change from County RR-5 Rural Residential) to City R-2 (Low Density, Multi-Family Residential) for the properties located at 1511 Highway 99 North. The annexation is to include adjacent railroad property and state highway right-of-way. The application includes conceptual details for the future phased development of 196 apartments (1- and 2-Bedrooms, ranging from 480-701 square feet) in 14 two-story buildings; Outline Plan subdivision and Site Design Review development approvals are not requested here, and would be applied for subsequent to annexation. The application also requests an Exception to Street Standards to deviate from city standard parkrow and sidewalk improvements to respond to constraints of right-of-way width and existing encroachments.

The electronic public hearing will be held at 7:00 p.m. on July 28, 2020. The meeting will be televised on local channel 9 or channels 180 and 181 for Charter Communications customers or will also be available live stream by going to **rvtv.sou.edu** and selecting RVTV Prime.

Written testimony will be accepted via email to PC-public-testimony@ashland.or.us with the subject line "**July 28 PC Meeting Testimony**" by 10:00 a.m. on Monday, July 27, 2020. If the applicant wishes to provide a rebuttal to the testimony, they can submit the rebuttal via e-mail to PC-public-testimony@ashland.or.us with the subject line "**July 28 PC Hearing Testimony**" by 10:00 a.m. on Tuesday, **July 28, 2020**. Written testimony received by the deadlines will be available to the Planning Commission before the meeting and will be included in the meeting minutes.

Oral testimony will be taken during the electronic public hearing. If you wish to provide oral testimony during the electronic meeting, send an email to PC-public-testimony@ashland.or.us by 10:00 a.m. on Monday, **July 27, 2020.** In order to provide testimony at the public hearing, please provide the following information: 1) make the subject line of the email "**July 28 PC Speaker Request**", 2) include your name, 3) the agenda item on which you wish to speak on, 4) specify if you will be participating by computer or telephone, and 5) the name you will use if participating by computer or the telephone number you will use if participating by telephone.

By the order of Bill Molnar, Community Development Director

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at (541) 488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title I).

Publish: July 17, 2020
E-mailed: July 13, 2020
Purchase Order: #118250

From: Mark Knox
To: Maria Harris
Cc: Bill Molnar; "Mark Knox"
Subject: RE: Open Space Code
Date: Tuesday, June 16, 2020 1:53:17 PM

[EXTERNAL SENDER]
Hey Maria,

All good, but I know I'm rushing and again I'm sorry, but here are my questions/comments:

1) 18.3.9.050 B.2.a. (proposed code)

The section where is states "All areas set aside for common open space may be counted for base density, unless otherwise excluded by subsection 18.3.9.050.A.2." is proposed for deletion.... QUESTION: Without reading the entirety of the proposed code, are we eliminating the ability to base the base density on the entire parcel, including natural areas or excluding them? In the case of the 10 acre doughnut hole with the creek running through it and consuming roughly 10% of the property, it would remove roughly 10% of the base density.... Is it clearly stated somewhere where this is not the intent? **NOTE: I believe I found it in Section 18.4.4.070 B.2....**

2) This is simply a philosophical point which changes all the time based on climate change and various other factors... I would like to NOT have "common" open spaces for the fact the code requires an HOA and adds significant cost to the owners/tenants. I don't know what the alternative would be besides the City taking on the responsibility, but this is a MAJOR factor in housing costs and of course friction in the neighborhood. One of the things I've realized is that open space, if planned well, is great, but it comes at a cost and comes in many forms. It's always an added cost, it typically requires excess water, it often forces units to be jammed together in order to make the open space, etc. **My only suggested solution is to require "MORE" private open space and less common open space**...

3) 18.4.4.070 C.4.a. Surfacing: This is the area of the proposed code I was referring to yesterday and mentioned to Bill the other day... It says "a minimum of 50% of the common open space covered in suitable surfaces for human use, such as lawn areas, recreational fields or courts. THEN it discusses "up to 50% pf the common open space may be covered by shrubs, mulch, and other ground covers that do not provide suitable surface for human use if the area is usable for the intended residents, such as community gardens or a natural area with benches and walking paths." The wording on this section is very confusing for three reasons:

   A) Community gardens *should be* considered suitable for human use and they should be encouraged. Not sure why this is written to exclude community gardens in the suitable category, but I may be missing the point.
   B) Please call me on this one as I just can't explain myself and I feel like I'm running out of time.... The way this section of code is written it appears that ½ of common open space must be surfaced for human use per the description and the other ½ can be left as

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JUN 16 2020
BY:.....

natural per the description. However, it's not clear if I have, for example, a 10 acre parcel in an R-1-5 zone with a one acre riparian area, including 30' buffer, and of that one acre (43,560) I want to designate 90% of it as "natural" and 10% (4,356 sq. ft.) as a common area open space that is suitable for human use... What is my required percentages?? In this case the common open space meets the 5% required minimum of 18.4.4.070 A., but is that all that has to be required as long as no denity bonus is requested? If density bonus is requested, I would have to either 1) improve a portion of the remaining 9 acres as common open space, or 2) improve a portion of the one acre riparian area, beyond the initial 5% and meet the "surfacing" requirements.

C) I really worry about PC / staff / neighbor subjectivity on this section of code... I know it's not meant to be that way, but it's pretty subjective language.

Call me when you can. I'm around. Thanks – Mark

From: Maria Harris [mailto:maria.harris@ashland.or.us]
Sent: Monday, June 15, 2020 4:06 PM
To: Mark Knox <knox@mind.net>
Cc: Bill Molnar <bill.molnar@ashland.or.us>
Subject: RE: Open Space Code

Hi Mark,

First of all, thank you for looking over the draft!

I'm not sure where you're seeing 10%. The total amount of open space required hasn't changed.

If the development requires Site Design Review and PSO subdivision approval, then a total of 8% of the total lot area must be in open space and half of that, or 4%, must be in common open space. For the natural area to count as common, it just have to have meet the definition of common open space – so the residents can use it and the example is natural areas with benches, seating areas or walking paths.

Yes, it would be great to talk about it tomorrow. I'll be available from 10 am on. I can call you if you have a good time.

Best,
Maria Harris, AICP
Planning Manager
City of Ashland, Community Development Department
20 E. Main St., Ashland, OR 97520
541.552.2045 Tel
800.735.2900 TTY
541.552.2050 Fax

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JUN 16 2020
BY: .....

This email transmission is official business of the City of Ashland, and it is subject to Oregon Public Records Law for disclosure and retention. If you have received this message in error, please contact me at 541.552.2045. Thank you.

From: Mark Knox <knox@mind.net>
Sent: Monday, June 15, 2020 3:51 PM
To: Maria Harris <maria.harris@ashland.or.us>
Cc: Bill Molnar <bill.molnar@ashland.or.us>; 'Mark Knox' <knox@mind.net>
Subject: Open Space Code

[EXTERNAL SENDER]

Hi Maria,

I wanted to ask you about the proposed Open Space amendments, specifically as it relates to "natural" areas. The code appears to require 50% of natural open space areas to be useable in order for it to be considered eligible for the 10% PSO requirements for developments over 10 units. I'm working on a project (the 10 acre doughnut hole between Ashland Village and City Corp yard) which has roughly 20 to 25% of riparian area, the vast majority of which has steep embankments and not really suited for recreational "improvements". Based on my initial reading of the proposed code, could I take a portion of the riparian area, say 10,000 square feet, improve it with walking trails and benches, and apply ½ (5,000 sq. ft.) to the overall 10% requirement?

Would the 10,000 square feet have to be "improved" as in "grass" or other groomed surfaces vs. a mixture of turf, hard surfaces AND plants such as drought tolerant species?

Also, I assume the 10% common open space requirement is not in addition to the 8% private open space requirement for multi-family developments?

It's pretty rough and I really want staff to see it ASAP, but it's still being roughed-out. Probably next week, but considering no one is meeting, it's hard to get feedback and I'm sure it would be time consuming too.

Sorry for late response and quick e-mail. We can chat tomorrow by phone if need be.

Overall, I'm in support, but have that one question. Thanks – Mark

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This email has been checked for viruses by Avast antivirus software.
www.avast.com

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BY:.....

ATTN: LEGAL PUBLICATIONS

ELECTRONIC PUBLIC HEARING NOTICE

On **June 16, 2020**, the Ashland City Council will hold an electronic public hearing regarding proposed land use ordinance amendments to Title 18 Land Use in the Ashland Municipal Code related to the open space requirements for multifamily and single-family residential development.

The electronic public hearing will be held at 7:00 p.m. on June 16, 2020. The meeting will be televised on local channel 9 or channels 180 and 181 for Charter Communications customers or will also be available live stream by going to **rvtv.sou.edu** and selecting RVTV Prime.

The proposed ordinance amendments are available for review online at http://www.ashland.or.us/openspace. Copies of the ordinance and file information are available for purchase if requested. For additional information concerning these ordinance amendments, email maria.harris@ashland.or.us or call the Ashland Planning Division at (541) 488-5305.

Written testimony will be accepted via email to PC-public-testimony@ashland.or.us with the subject line "**June 16 Council Meeting Testimony**" by 10:00 a.m. on Monday, June 15, 2020. Written testimony received by the deadline will be available to the City Council before the meeting and will be included in the meeting minutes.

By the order of Bill Molnar, Community Development Director

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at (541) 488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title I).

Publish: **Saturday, June 6, 2020**
E-mailed: **5/27/20**
Purchase Order: #118248

CITY OF
ASHLAND

ASHLAND PLANNING COMMISSION
REGULAR MEETING
MINUTES
May 26, 2020

I. CALL TO ORDER:

Chair Roger Pearce called the meeting to order at 7:02 p.m.

Commissioners Present:	**Staff Present:**
Michael Dawkins	Bill Molnar, Community Development Director
Alan Harper	Maria Harris, Planning Manager
Kerry KenCairn	Derek Severson, Senior Planner
Haywood Norton	Dana Smith, Executive Assistant
Roger Pearce	
Lynn Thompson	
Absent Members:	**Council Liaison:**
	Stef Seffinger

II. ANNOUNCEMENTS

Community Development Director Bill Molnar announced the City Council passed the first reading of the ordinance that would eliminate private plaza space for large-scale buildings in the C-1-D Zone and the Downtown Design Standards Overlay. The City Administration Department was discussing a greater roll out for city commission meetings. Soon, it would allow live testimony via Zoom for the City Council and Planning Commission.

III. PUBLIC FORUM - None

IV. TYPE II PUBLIC HEARINGS CONT'D *(The record and public hearing was closed on this matter. No further submittals (evidence or argument) would be accepted into the record.)*

A. PLANNING ACTION: #PA-T2-2020-00017
SUBJECT PROPERTY: 210 Alicia Street
OWNER/APPLICANT: David Scott Construction, LLC
DESCRIPTION: A request for Outline Plan subdivision and Site Design Review approvals for a 12-unit, 13-lot Cottage Housing Development for the property located at 210 Alicia Street. The application also requests a Tree Removal Permit to remove two trees including one 36-inch diameter multi-trunked Willow tree proposed to be removed as a hazard, and a 20-inch Plum tree proposed to be removed to accommodate driveway installation. COMPREHENSIVE PLAN DESIGNATION: Single-Family Residential; ZONING: R-1-5; ASSESSOR'S MAP: 39 1E 04DB; TAX LOT #: 1700.

Chair Pearce explained at the meeting May 12, 2020, the Commission considered the proposal, closed the public record and dealt with procedural issues. When they started deliberations, the power went out at the RVTV building. The item was re-noticed for this meeting. There was some confusion with information on the re-notice that indicated the meeting was continued to this meeting and the meeting on June 9, 2020. The Commission discussed continuing the meeting to June 9, 2020. Chair Pearce officially opened the public hearing.

Commissioner Dawkins/Harper m/s to continue the hearing to June 9, 202 at 7:00 p.m. DISCUSSION: Chair Pearce explained the record was still closed and no new evidence could be submitted. There were several emails received since the record was closed. If they were procedural, the Commission might review them. They would not be admitted into the record at this meeting. **Voice Vote: ALL AYES. Motion passed.**

V. LEGISLATIVE PUBLIC HEARING CONT'D

A. PLANNING ACTION: PA-L-2020-00008

APPLICANT: City of Ashland

DESCRIPTION: A public hearing on ordinance amendments to the Ashland Land Use Ordinance to update and clarify the open space requirements and design standards for multifamily and single-family housing developments, and to correct terminology related to open space and other minor wording edits. The proposed amendments include two ordinances: 1) An ordinance amending Chapters 18.2.5 Standards for Residential Zones, 18.3.9 Performance Standards Option and PSO Overlay, 18.4.2 Building Placement, Orientation, and Design, 18.4.4 Landscaping, Lighting, and Screening, and 18.6 Definitions of the Ashland Land Use Ordinance to amend the open space requirements and design standards, and 2) an ordinance amending chapters 18.2.2 Base Zones and Allowed Uses, 18.2.3 Special Use Standards, 18.2.5 Standards for Residential Zones, 18.3.2 Croman Mill District, 18.3.4 Normal Neighborhood District, 18.3.5 North Mountain Neighborhood District, 18.3.9 Performance Standards Option and PSO Overlay, 18.3.10 Physical and Environmental Constraints Overlay, 18.3.11 Water Resources Protection Zones (Overlays), 18.3.14 Transit Triangle Overlay, 18.4.2 Building Placement, Orientation, and Design, 18.4.2 Parking, Access, and Circulation, 18.4.4 Landscaping, Lighting, and Screening, 18.4.5. Tree Preservation and Protection, 18.4.6. Public Facilities, 18.5.2 Site Design Review, 18.5.3 Land Divisions and Property Line Adjustments, and 18.5.7 Tree Removal Permits of the Ashland Land Use Ordinance for consistency in terminology related to open space and other minor wording edits.

Chair Pearce confirmed no additional records had been submitted.

Commissioner KenCairn joined the meeting at 7:11 p.m.

Planning Manager Maria Harris explained the Commission made three changes to Ordinance One at the meeting April 28, 2020. Portions that were struck out or underlined were highlighted as well.

The changes added references to the new section **18.4.4.020**; clarifying density bonuses did not apply to cottage housing developments in **18.3.9.050.A.2**; and revising surfacing of common open space in **18.4.4.070.C.a**.

Staff made four additional changes to **18.4.4.070** as well. They revised and inserted graphics for common and private open space. They clarified identifying common open space for the use of residents; that pedestrian connections and natural features could be in required buffer or perimeter yard areas; and that play areas and credit for proximity to parks applied to the multi-family zones. A correction was made to table **18.4.4.070.A – Minimum Area Required in Common or Private Open Space**, third column **Minimum Area Required for Common Open Space,** all three boxes should read **"4 percent of total lot area with base developments of 10 units or more."**

Questions of Staff

Commissioner Thompson noted some words were missing on page 2 of 19, **C. Minimum Density.2.d**. On page 6 of 19 **B. Density Bonus Point Calculations.2.a**, she wanted to change **"interact"** to **"utilize"** in the third sentence. She noted common open space now included unbuildable areas and thought the density bonus section should be drafted more narrowly so the kind of open space that would qualify someone for a density bonus would have a stricter standard. Ms. Harris clarified the provision was not new code. Chair Pearce agreed with Commissioner Thompson on striking the language on being developed as an open space amenity. Removing rock out cropping's and adding language that open space could include preservation and enhancement of natural features if it met the common open space definition would resolve the issue. The Commission agreed to modify the definition of natural features in **1. Dimensional Standards.b** on page 13 of 19 and retain the density bonus language.

Commissioner Harper addressed the location of open space. He thought setbacks and side yards should be excluded from page 13 of 19 **1. Dimensional Standards.2** and explained why. Ms. Harris explained at the ground level staff had seen people putting open spaces instead of a side yard with no buffer between common open space and used a townhome as an example. They had also seen open space overlap the side yard that could be used for other units. Commissioner KenCairn thought making the 20-foot space contiguous would solve the problem. Commissioner Harper would allow them to be counted if the side yard and setbacks met the definitions and dimensional requirements. Chair Pearce added front yards should be excluded from the language. Ms. Harris thought it might be better to delete it completely. Chair Pearce suggested adding language that would state **"except for perimeter yards abutting streets"**. Ms. Harris recommended leaving in the second highlighted part. Chair Pearce clarified the language change as common open space not located in yards abutting a street except for pedestrian connections and natural features.

Ms. Harris noted that only changes to Ordinance Two was adding highlights to bolded or underlined portions.

Commissioner Thompson/Dawkins m/s to forward the two ordinance amendment recommendations to the City Council. Roll Call Vote: Commissioner Thompson, Dawkins, Norton, Pearce, Harper and KenCairn, YES. Motion passed.

Mr. Molnar explained it would go before City Council at their meeting June 16, 2020.

VI. OTHER BUSINESS

A. Election of Officers.

Commissioner Thompson/Harper m/s to nominate Commissioner Norton as Chair. Voice Vote: ALL AYES. Motion passed.

Commissioner Pearce/Thompson m/s to nominate Commissioner Dawkins as Vice Chair. Voice Vote: ALL AYES. Motion passed.

VII. ADJOURNMENT

Meeting adjourned 7:50 p.m.

Submitted by,
Dana Smith, Executive Assistant

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please fill out a Speaker Request Form and place it in the Speaker Request Box by staff. 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
SPECIAL MEETING
May 26, 2020
AGENDA

Held Electronically; View on Channel 9 or Channels 180 and 181 (for Charter Communications customers) or live stream via rvtv.sou.edu select RVTV Prime.

Note: As the May 26th Planning Commission meeting will be held electronically, written testimony for "Item V – Open Space" will be accepted via email to PC-public-testimony@ashland.or.us both general public forum items and agenda items as long as they are submitted with the subject line: May 26th Planning Commission Meeting Testimony before Monday, May 25 at 10:00 A.M. Written testimonies submitted by the deadline will be available to the Planning Commission before the meeting and will be included in the meetings minutes. (The hearing for "Item IV – 210 Alicia" has closed and no new testimony will be considered.)

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

II. ANNOUNCEMENTS

III. PUBLIC FORUM

IV. TYPE II PUBLIC HEARINGS CONT'D ***(Please note: The record and public hearing is closed on this matter. The Planning Commission's consideration of this item will be limited to their deliberation and decision. No further submittals (evidence or argument) will be accepted into the record.)***

A. PLANNING ACTION: #PA-T2-2020-00017
SUBJECT PROPERTY: 210 Alicia Street
OWNER/APPLICANT: David Scott Construction, LLC
DESCRIPTION: A request for Outline Plan subdivision and Site Design Review approvals for a 12-unit, 13-lot Cottage Housing Development for the property located at 210 Alicia Street. The application also requests a Tree Removal Permit to remove two trees including one 36-inch diameter multi-trunked Willow tree proposed to be removed as a hazard, and a 20-inch Plum tree proposed to be removed to accommodate driveway installation. COMPREHENSIVE PLAN DESIGNATION: Single-Family Residential; ZONING: R-1-5; ASSESSOR'S MAP: 39 1E 04DB; TAX LOT #: 1700.

V. LEGISLATIVE PUBLIC HEARING CONT'D

A. PLANNING ACTION: PA-L-2020-00008
APPLICANT: City of Ashland
DESCRIPTION: A public hearing on ordinance amendments to the Ashland Land Use Ordinance to update and clarify the open space requirements and design standards for multifamily and single-family housing developments, and to correct terminology related

CITY OF ASHLAND

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to open space and other minor wording edits. The proposed amendments include two ordinances: 1) An ordinance amending Chapters 18.2.5 Standards for Residential Zones, 18.3.9 Performance Standards Option and PSO Overlay, 18.4.2 Building Placement, Orientation, and Design, 18.4.4 Landscaping, Lighting, and Screening, and 18.6 Definitions of the Ashland Land Use Ordinance to amend the open space requirements and design standards, and 2) an ordinance amending chapters 18.2.2 Base Zones and Allowed Uses, 18.2.3 Special Use Standards, 18.2.5 Standards for Residential Zones, 18.3.2 Croman Mill District, 18.3.4 Normal Neighborhood District, 18.3.5 North Mountain Neighborhood District, 18.3.9 Performance Standards Option and PSO Overlay, 18.3.10 Physical and Environmental Constraints Overlay, 18.3.11 Water Resources Protection Zones (Overlays), 18.3.14 Transit Triangle Overlay, 18.4.2 Building Placement, Orientation, and Design, 18.4.2 Parking, Access, and Circulation, 18.4.4 Landscaping, Lighting, and Screening, 18.4.5. Tree Preservation and Protection, 18.4.6. Public Facilities, 18.5.2 Site Design Review, 18.5.3 Land Divisions and Property Line Adjustments, and 18.5.7 Tree Removal Permits of the Ashland Land Use Ordinance for consistency in terminology related to open space and other minor wording edits.

VI. OTHER BUSINESS

A. Election of Officers.

VII. ADJOURNMENT

CITY OF ASHLAND

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ASHLAND PLANNING DIVISION

STAFF REPORT

Addendum

May 26, 2020

PLANNING ACTION: PA-L-2020-00008

APPLICANT: City of Ashland

ORDINANCE REFERENCES:

AMC 18.2.5	Standards for Residential Zones
AMC 18.3.9	Performance Standards Option and PSO Overlay
AMC 18.4.2	Building Placement, Orientation, and Design
AMC 18.4.4	Landscaping, Lighting, and Screening
AMC 18.6.1	Definitions

REQUEST: The proposal includes a series of amendments to the Ashland Municipal Code (AMC) Title 18 Land Use to update and clarify the open space requirements for multifamily and single-family housing developments.

The area and design requirements for open space are consolidated in one section in AMC 18.4.4 Landscaping, Lighting, and Screening. Currently, the standards are located in AMC 18.3.9 Performance Standards Option and PSO Overlay and AMC 18.4.2 Building Placement, Orientation, and Design.

The total amount of required open space is unchanged. New design standards are proposed and the existing design standards for open space are retained. The density bonus for major recreational facilities is deleted.

The definitions for common area, open space and yard are revised to eliminate inconsistent use of the term open space. Several new definitions area included and the definition of unbuildable area and buildable area are revised to correct an unintended omission in the 2015 code update.

Finally, the draft amendments include a second ordinance that has minor edits and corrections to terminology throughout Title 18 Land Use to provide consistency in the use of the terms open space and parks. The edits primarily consistent of distinguishing common open space, private open space, public open space or parks, and the use of open space as a general term.

I. Ordinance Amendments

A. Revisions after April 28, 2020 Meeting

The Planning Commission held a public hearing and discussed the proposed ordinance amendments at the April 28, 2020 meeting. Staff revised Ordinance 1 based on the discussion at the April 28 meeting and those changes are described below.

Ordinance 1

The first ordinance includes the primary and substantive changes to the open space standards. The first ordinance is titled "AN ORDINANCE AMENDING CHAPTERS 18.2.5 STANDARDS FOR RESIDENTIAL ZONES, 18.3.9 PERFORMANCE STANDARDS OPTION AND PSO OVERLAY, 18.4.2 BUILDING PLACEMENT, ORIENTATION, AND DESIGN, 18.4.4 LANDSCAPING, LIGHTING, AND SCREENING, AND 18.6 DEFINITIONS OF THE ASHLAND LAND USE ORDINANCE TO AMEND THE OPEN SPACE STANDARDS."

The changes to Ordinance 1 that were made after the April 28 meeting are highlighted.

The primary issues identified in the Planning Commission discussion were: 1)including references to the consolidated open space standards in the new section 18.4.4.070, 2) clarifying that density bonuses do not apply to courage housing developments in 18.3.9.050.A.2, and 3) revising the standard in 18.4.4.070.C.a on surfacing of common open space.

In addition, staff revised and inserted graphics for common and private open space, and added several clarifications in 18.4.4.070 including: 1) identifying common open space for the use of residents in 18.4.4.070.B.5, 2) clarifying that pedestrian connections and natural features could be located in required buffer or perimeter yard areas, and 3) clarifying that play areas and credit for proximity to parks applies to the multi-family zones in 18.4.4.070.C.6.

Ordinance 2

The second ordinance is focused on consistent use of terminology related to open space through Title 18 Land Use. The second ordinance is titled "AN ORDINANCE AMENDING CHAPTERS 18.2.2 BASE ZONES AND ALLOWED USES, 18.2.3 SPECIAL USE STANDARDS, 18.2.5 STANDARDS FOR RESIDENTIAL ZONES, 18.3.2 CROMAN MILL DISTRICT, 18.3.4 NORMAL NEIGHBORHOOD DISTRICT, 18.3.5 NORTH MOUNTAIN NEIGHBORHOOD DISTRICT, 18.3.9 PERFORMANCE STANDARDS OPTION AND PSO OVERLAY, 18.3.10 PHYSICAL AND ENVIRONMENTAL CONSTRAINTS OVERLAY, 18.3.11 WATER RESOURCES PROTECTION ZONES (OVERLAYS), 18.3.14 TRANSIT TRIANGLE OVERLAY,

18.4.2 BUILDING PLACEMENT, ORIENTATION, AND DESIGN, 18.4.3 PARKING , ACCESS, AND CIRCULATION, 18.4.4. LANDSCAPING, LIGHTING, AND SCREENING, 18.4.5 TREE PRESERVATION AND PROTECTION, 18.4.6 PUBLIC FACILITIES, 18.5.2 SITE DESIGN REVIEW, 18.5.3 LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS AND 18.5.7 TREE REMOVAL PERMITS OF THE ASHLAND LAND USE ORDINANCE FOR CONSISTENCY IN TERMINOLOGY RELATED TO OPEN SPACE."

Ordinance 2 is unchanged since the April 28 meeting except that highlights were added to the lengthy document to make proposed amendments more visible.

B. Project Background

The Planning Commission held a public hearing on April 28, 2020 and did not receive any oral or written testimony. The public hearing was continued at the May 12, 2020 meeting to the May 26, 2020 meeting.

The Planning Commission discussed amendments to the open space standards at five public meetings including January 22, 2019, March 26, 2019, August 27, 2019, October 22, 2019 and February 25, 2019. The Planning Commission initiated the legislative amendment to amend the open space standards at the October 22, 2019 meeting.

The Planning Commission began reviewing the open space amendments because of difficulties in applying the standards to several planning applications for housing developments in the multifamily zones. In addition, each year the Commission has an annual retreat and visits completed projects that received a planning approval. The Commission observed the finished open spaces to the site visits and noted reoccurring problems with the design and functionality of the open spaces. Finally, staff continues to receive questions from development and design professionals regarding the open space standards.

II. Procedural

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

B. Type III. It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth

boundary amendments. The following planning actions shall be subject to the Type III procedure.

1. Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.
2. Comprehensive Plan changes, including text and map changes or changes to other official maps.
3. Land Use Ordinance amendments.
4. Urban Growth Boundary amendments.

III. Conclusions and Recommendations

If the Planning Commission recommends approval of the attached ordinances, staff will forward the Commission's recommendation to the City Council for a public hearing. The draft amendments to the open space standards and accompanying terminology corrections are tentatively scheduled for a public hearing and first reading at the June 16, 2020 City Council meeting.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTERS 18.2.5, 18.3.9, 18.4.2, 18.4.4 AND 18.6 OF THE ASHLAND LAND USE ORDINANCE TO AMEND THE OPEN SPACE STANDARDS

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are **~~bold lined through~~**, and additions are **bold underlined.**

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:
Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293; 531 P 2d 730, 734 (1975); and

WHEREAS, the City of Ashland Planning Commission considered the above-referenced recommended amendments to the Ashland Comprehensive Plan at a duly advertised public hearings on April 28, 2020 and May 26, 2020, and following deliberations, recommended approval of the amendments by a vote of #-#; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on (date); and

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Land Use Ordinance in the manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the Ashland Comprehensive Plan and that such amendments are fully supported by the record of this proceeding.

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

SECTION 1. Ashland Municipal Code Title 18 Land Use is hereby amended as follows.

SECTION 2. Section 18.2.5.080 [Residential Density Calculation in R-2 and R-3 Zones - Standards for Residential Zones] of the Ashland Land Use Ordinance is hereby amended to read as follows:

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

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

B. Density Calculation.

1. Except as specified in the minimum lot area dimensions below, the density in R-2 an R-3 zones shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public, and subject to the exceptions below.
2. Units less than 500 square feet of gross habitable area shall count as 0.75 units for the purposes of density calculations.
3. Accessory residential units are not required to meet the density or minimum lot area requirements of this section. See section 18.2.3.040 for accessory residential unit standards.

C. Minimum Density.

1. The minimum density shall be 80 percent of the calculated base density.
2. Exceptions to minimum density standards. The following lots are totally or partially exempt from minimum density standards.
   a. Lots less than 10,000 sq. ft. in existence prior to the effective date of this ordinance.
   b. Lots located within any Historic District designated within the Ashland Municipal Code.
   c. Lots with existing or proposed conditional uses may be exempt for that portion of the property that is subject to the conditional use for calculations of the minimum base density standard.
   d. Where a lot is occupied by a single-family residence January 9, 2005 (Ord. 2914),

the single-family residence may be enlarged or reconstructed without being subject to the minimum base density standard.

e. In the event that a fire or natural hazard destroys a single-family residence, such residence may be replaced without being subject to the minimum base density standard.

f. Where floodplains, streams, land drainages, wetlands, and/or steep slopes exist upon the lot an exception to minimum density requirements may be obtained to better meet the standards of chapter 18.3.10 Physical and Environmental Constraints.

g. A lot that is nonconforming in minimum density may not move further out of conformance with the minimum density standard. However, units may be added to the lot which bring the lot closer to conformance without coming all the way into conformance provided it is demonstrated that the minimum density will not be precluded.

D. Base Densities and Minimum Lot Dimensions.

1. R-2 Zone. Base density for the R-2 zone shall meet the following standards:

   a. Minimum lot area for one unit shall be 5,000 square feet, except as allowed in section 18.2.3.040 for accessory residential units.

   b. Minimum lot area for two units shall be 7,000 square feet.

   c. Minimum lot area for three units shall be 9,000 square feet, except that the residential density bonus in subsection 18.2.5.080.F, below, may be used to increase density of lots greater than 8,000 square feet up to three units.

   d. For more than three units, the base density shall be 13.5 dwelling units per acre. The permitted base density shall be increased by the percentage gained through the residential density bonus is subsection 18.2.5.080.F.

2. R-3 Zone. Base density for the R-3 zone shall meet the following standards:

   a. Minimum lot area for one unit shall be 5,000 square feet, except as allowed in section 18.2.3.040 for accessory residential units.

   b. Minimum lot area for two units shall be 6,500 square feet.

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

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

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

F. Residential Density Bonus.

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

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

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

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

   b. ***Common Open~~Outdoor Recreation~~*** *Space.* The maximum bonus for provision of **common open~~outdoor recreation~~** space **~~above minimum requirement established by this ordinance~~** is ten percent. **A one percent bonus shall be awarded for each one percent of the total project area in common open space in excess of any common or private open space required by section 18.4.4.070 and this ordinance. The common open space shall meet the standards in section 18.4.4.070.** T**~~he purpose of the density bonus for outdoor recreational space is to permit areas that could otherwise be developed as a recreational amenity. It is not the purpose of this provision to permit density bonuses for incidental open spaces that have no realistic use by project residents on a day-to-day basis. One percent increased density bonus for each percent of the project dedicated to outdoor recreation space beyond the minimum requirement of this ordinance.~~**

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

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

SECTION 3. Section 18.3.9.050 [Performance Standards for Residential Developments - Performance Standards Option and PSO Overlay] of the Ashland Land Use Ordinance is hereby amended as follows:

18.3.9.050 Performance Standards for Residential Developments

A. Base Densities. The density of the development shall not exceed the density established

by this section. The density shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. Fractional portions of the final answer, after bonus point calculations, shall not apply towards the total density. Accessory residential units are not required to meet the density requirements of this chapter in accordance with section 18.2.3.040.

1. The base density, for purposes of determining density bonuses allowed under this section, for developments other than cottage housing, is as provided in Table 18.3.9.050.

Table 18.3.9.050.A.1 Base Densities for Determining Allowable Density Bonus with Performance Standards Option

Zone	*Allowable Density (dwelling units per acre)*
WR-2	0.30 du/acre
WR-2.5	0.24 du/acre
WR-5	0.12 du/acre
WR-10	0.06 du/acre
WR-20	0.03 du/acre
RR-1	0.60 du/acre
RR-.5	1.2 du/acre
R-1-10	2.40 du/acre
R-1-7.5	3.60 du/acre
R-1-5	4.50 du/acre
R-1-3.5	7.2 du/acre
R-2	13.5 du/acre
R-3	20 du/acre

2. **Cottage Housing.** The base density for cottage housing developments, for purposes of determining density bonuses, allowed under this section is as provided in Table 18.3.9.050.A.2. **Cottage housing developments are not eligible for density bonuses pursuant to subsection 18.3.9.050.B.**

Table 18.3.9.050.A.2 Base Densities for Determining Allowable Density Bonus with Performance Standards Option					
Zones	Maximum Cottage Density	Minimum number of cottages per cottage housing development	Maximum number of cottages per cottage housing development	Minimum lot size (accommodates minimum number of cottages)	Maximum Floor Area Ratio (FAR)
R-1-5, NN-1-5 NM-R-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7,500 sq.ft.	0.35
R-1-7.5 NM-R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11,250 sq.ft.	0.35

3. **Common** Open Space Required. All developments **subject to this section** with a base density of ten units or greater shall be required to provide **common open space pursuant to section 18.4.4.070.** ~~**a minimum of five percent of the total lot area in Open Space; that area is not subject to bonus point calculations, however, density bonuses shall be awarded to open space in excess of the five percent required by this subsection**~~.

B. Density Bonus Point Calculations. The permitted base density shall be increased by the percentage gained through **density** bonus points. In no case shall the density exceed that allowed under the Comprehensive Plan. The maximum density bonus permitted shall be 60 percent (base density x 1.6), pursuant to the following criteria.

1. Conservation Housing. A maximum 15 percent bonus is allowed. One-hundred percent of the homes or residential units approved for development, after bonus point calculations, shall meet the minimum requirements for certification as an Earth Advantage home, as approved by the Ashland Conservation Division under the City' s Earth Advantage program as adopted by resolution 2006-06.

2. ~~**Provision of**~~ Common Open Space. A maximum ten percent bonus is allowed, pursuant to the following.

   a. *Purpose.* Common open spaces may be provided in the form of natural areas, wetlands, playgrounds, active or passive recreational areas, and similar areas in common ownership. ~~**All areas set aside for common open space may be counted for base density, unless otherwise excluded by subsection 18.3.9.050.A.2.**~~ However, for the purposes of awarding density bonus points, the Planning Commission shall consider whether or not the common open space is a significant amenity to project residents, and whether project residents will realistically interact with the **common** open space on a day-to-day basis. ~~**The purpose of the**~~

~~density bonus for common open space is to permit areas, which could otherwise be developed or sold as individual lots, to be retained in their natural state or to be developed as a recreational amenity. It is not the purpose of this provision to permit density bonuses for incidental open spaces that have no realistic use by project residents on a day-to-day basis. Open space provided in cottage housing developments, meeting the standards of section 18.2.3.090 Cottage Housing, is not eligible for density bonus points.~~

b. *Standard.* Developments with fewer than ten units that provide more than two percent of the project area for common open space, or for developments of ten units or greater that provide more than five percent **common** open space, a one percent bonus shall be awarded for each one percent of the total project area in common open space **in excess of any common open space required by section 18.4.4.070 and this ordinance. The common open space shall meet the standards in section 18.4.4.070.**

~~**3. Provision of Major Recreational Facilities. A maximum ten percent bonus is allowed, pursuant to the following.**~~

~~**a. *Purpose.* Points may be awarded for the provision of major recreational facilities.**~~

~~**b. *Standard.* For each percent of total project cost devoted to recreational facilities, a six percent density bonus may be awarded up to a maximum of ten percent bonus. Total project cost shall be defined as the estimated sale price or value of each residential unit times the total number of units in the project. Estimated value shall include the total market value for the structure and land. A qualified architect or engineer shall prepare the cost of the recreational facility using current costs of recreational facilities.**~~

~~**c Major recreational facilities provided in cottage housing developments, meeting the standards of section 18.2.3.090 Cottage Housing, are not eligible for density bonus points.**~~

43. Affordable Housing. A maximum bonus of 35 percent is allowed. Developments shall receive a density bonus of two units for each affordable housing unit provided. Affordable housing bonus shall be for residential units that are guaranteed affordable in accordance with the standards of section 18.2.5.050 Affordable Housing Standards.

SECTION 4. Section 18.4.2.030 [Residential Development – Building Placement, Orientation, and Design] of the Ashland Land Use Ordinance is hereby amended as follows:

18.4.2.030 Residential Development

A. Purpose and Intent. For new multi-family residential developments, careful design considerations must be made to assure that the development is compatible with the surrounding neighborhood. For example, the use of earth tone colors and wood siding will blend a development into an area rather than causing contrast through the use of overwhelming colors and concrete block walls.

1. Crime Prevention and Defensible Space.

a. *Parking Layout.* Parking for residents should be located so that distances to dwellings are minimized. However, avoid designs where parking areas are immediately abutting dwelling units because there is little or no transition from public to private areas. Parking areas should be easily visible from adjacent areas and windows.

b. *Orientation of Windows.* Windows should be located so that vulnerable areas can be easily surveyed by residents.

c. *Service and Laundry Areas.* Service and laundry areas should be located so that they can be easily observed by others. Windows and lighting should be incorporated to assure surveillance opportunities. Mail boxes should not be located in dark alcoves out of sight. Barriers to police surveillance such as tall shrubs and fences should be avoided.

d. *Hardware.* Reliance solely upon security hardware in lieu of other alternatives is discouraged.

e. *Lighting.* Site development should utilize lighting prudently. More lighting does not necessarily mean better security. Lighting should be oriented so that areas vulnerable to crime are accented.

f. *Landscaping.* Plant materials such as high shrubs should be placed so that surveillance of semi-public and semi-private areas is not blocked. Thorny shrubs will discourage crime activity. Low shrubs and canopy trees will allow surveillance, hence, reduce the potential for crime.

B. Applicability. Except as otherwise required by an overlay zone or plan district, the following standards apply to residential development pursuant to section 18.5.2.020. See conceptual site plan of multi-family development in Figure 18.4.2.030.

1. Accessory Residential Units. Unless exempted from Site Design Review in 18.2.3.040.A, only the following standards in Chapter 18.4.2 apply to accessory residential units: building orientation requirements in 18.4.2.030.C, garage requirements in 18.4.2.030.D, and building materials in 18.4.2.030.E. If an accessory residential unit is located in the Historic District overlay, the standards in 18.4.2.050 also apply. See the Special Use Standards for accessory residential units in section 18.2.3.040.

C. Building Orientation. Residential buildings that are subject to the provisions of this chapter shall conform to all of the following standards. See also, solar orientation standards in section 18.4.8.050.

1. **Building Orientation to Street.** Dwelling units shall have their primary orientation toward a street. Where residential buildings are located within 20 feet of a street, they shall have a primary entrance opening toward the street and connected to the right-of-way via an approved walkway.

2. **Limitation on Parking Between Primary Entrance and Street.** Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or on one or both sides.

3. **Build-to Line.** Where a new building is proposed in a zone that requires a build-to line

or maximum front setback yard, except as otherwise required for clear vision at intersections, the building shall comply with the build-to line standard.

D. Garages. The following standards apply to garages, carports, canopies, and other permanent and temporary structures used for parking or storing vehicles, including those parking and vehicle storage structures accessory to detached single-family dwellings. The standards are intended to balance residents' desire for a convenient, safe, and private vehicle access to their homes with the public interest in maintaining safe and aesthetically pleasing streetscapes. The standards therefore promote pedestrian safety and visibility of public ways, while addressing aesthetic concerns associated with street-facing garages. For the purpose of this subsection, a garage opening is considered to be facing a street where the opening is parallel to or within 45 degrees of the street right-of-way line.

1. **Alleys and Shared Drives.** Where a lot abuts a rear or side alley, or a shared driveway, including flag drives, the garage or carport opening(s) for that dwelling shall orient to the alley or shared drive, as applicable, and not a street.

2. **Setback for Garage Opening Facing Street.** The minimum setback for a garage (or carport) opening facing a street is 20 feet. This provision does not apply to alleys.

E. Building Materials. Building materials and paint colors should be compatible with the surrounding area. Very bright primary or neon-type paint colors, which attract attention to the building or use, are unacceptable.

F. Streetscape. One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18.4.4.030.E.

G. Landscaping and Recycle/Refuse Disposal Areas. Landscaping and recycle/refuse disposal areas shall be provided pursuant to chapter 18.4.4.

H. Open Space. ~~**Residential developments that are subject to the provisions of this chapter shall conform to all of the following standards.**~~ **Common and/or private open space are required to be provided pursuant to section 18.4.4.070.**

~~**1. Recreation Area. An area equal to at least eight percent of the lot area shall be dedicated to open space for recreational use by the tenants of the development.**~~

~~**2. Surfacing. Areas covered by shrubs, bark mulch, and other ground covers that do not provide suitable surface for human use may not be counted towards this requirement.**~~

~~**3. Decks and Patios. Decks, patios, and similar areas are eligible for open space.**~~

~~**4. Play Areas. Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for open space.**~~

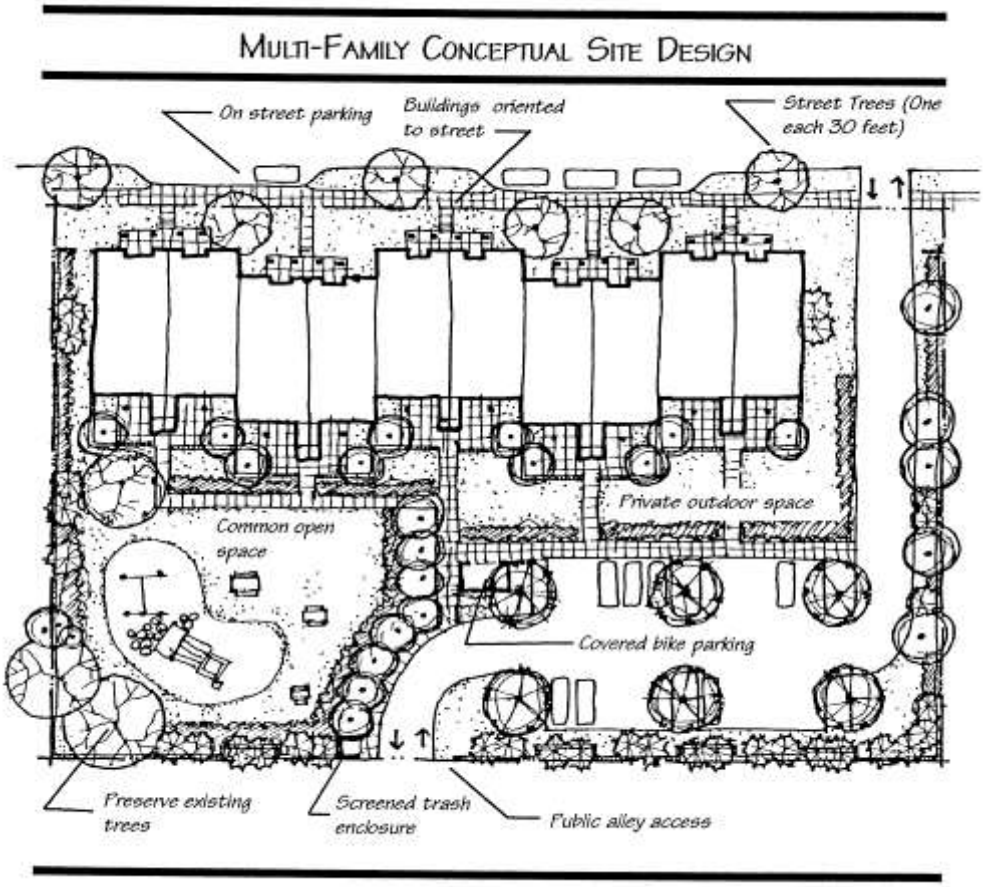


Figure 18.4.2.030
Multi-Family Conceptual Site Design

SECTION 5. Section 18.4.4.020 [Applicability – Landscaping, Lighting, and Screening] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.4.020 Applicability

The requirements of chapter 18.4.4 apply, as follows.

A. Landscaping and Screening. Section 18.4.4.030 establishes design standards for landscaping and screening, and applies to residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review.

B. Recycling and Refuse. Section 18.4.4.040 establishes design standards for recycle and refuse disposal areas, and applies to residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review.

C. Outdoor Lighting. Section 18.4.4.050 establishes standards for outdoor lighting, and applies to all new outdoor lighting installed or replaced after *[effective date].*

D. Fences and Walls. Section 18.4.4.060 establishes design standards for fences and walls. This section applies where a fence or wall is erected, extended, or otherwise altered; it also

applies to hedges and screen planting and situations where this ordinance requires screening or buffering.

E. Open Space. Section 18.4.4.070 establishes standards for open space, and applies to residential developments that are subject to chapter 18.5.2 Site Design Review and/or 18.3.9 Performance Standards Option and PSO Overlay. Certain sections of this ordinance require common and/or private open space as part of review under chapter 18.5.2 Site Design Review or chapter 18.3.9 Performance Standards Option and PSO Overlay. Certain other sections allow common open space to be provided in order to obtain density bonuses. All those sections reference 18.4.4.070, which establishes standards for common and private open space.

~~E~~**F. Exceptions and Variances.** Requests to depart from the landscaping and screening requirements in section 18.4.4.030, recycling and refuse requirements in 18.4.4.040, and outdoor lighting in section 18.4.4.050 are subject to subsection 18.5.2.050.E Exception to the Site Development and Design Standards. Requests to depart from the fence and wall requirements in section 18.4.4.060 are subject to chapter 18.5.5 Variances.

SECTION 6. Section 18.4.4.070 Open Space [Landscaping, Lighting, and Screening] is added to the Ashland Land Use Ordinance as follows.

18.4.4.070 Open Space

A. Required Area. Table 18.4.4.070.A contains the minimum areas when common or private open space is required by this ordinance. See definition of open space in part 18-6.

Table 18.4.4.070.A – Minimum Area Required in Common or Private Open Space

Required Planning Action	Minimum Area Required for Open Space	Minimum Area Required for Common Open Space	Open Space Requirement May Be Met by Combining Common and Private Open Spaces	Density Bonus Available for Common Open Space in Excess of Base Requirement
18.5.2 Site Design Review	8 percent of total lot area	4 percent of total lot area for developments of 10 units or more	yes	After 8 percent of total lot area is met
18.3.9 Performance Standards Option	5 percent of total lot area for developments with a base density of 10 units or more	5 percent of total lot area for developments with a base density of 10 units or more	no	After 5 percent of total lot area is met for developments with a based density of 10 units or more After 2 percent of total lot area for developments with less than 10 units

Table 18.4.4.070.A – Minimum Area Required in Common or Private Open Space				
Required Planning Action	Minimum Area Required for Open Space	Minimum Area Required for Common Open Space	Open Space Requirement May Be Met by Combining Common and Private Open Spaces	Density Bonus Available for Common Open Space in Excess of Base Requirement
18.5.2 Site Design Review and 18.3.9 Performance Standards Subdivision	8 percent of total lot area	4 percent of total lot area for developments of 10 units or more	yes	After 8 percent of total lot area is met

B. General Standards.

1. Common and Private Open Space. For developments that are subject to chapter 18.5.2 Site Design Review, the required open space area may be met by combining common and private open spaces meeting the requirements of this section.
2. Density Calculation. All areas set aside for open space shall be counted for base density. The required open space is not subject to bonus point calculations.
3. Utilities. Areas occupied by utility vaults and pedestals shall not be counted in the required open space area.
4. Timing.
   a. Common Open Space. Common open space shall be constructed and landscaped prior to submission of the final plat or issuance of a building permit, whichever is later. The City may approve a final plat or building permit prior to completion of required common open space improvements if the applicant provides a bond by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City. Phased developments shall meet the requirements of subsection 18.3.9.040.A.4.
   b. Private Open Space. Private open space shall be constructed and landscaped prior to final occupancy of the respective dwelling unit.
5. Ownership and Maintenance. Common open space shall be set aside as common area for the use of residents of the development. Maintenance of common open space shall be the responsibility of the property owner(s) or by an association of owners (i.e., homeowners association).

C. Common Open Space. Common open space shall meet the following standards. See definition of common open space in part 18-6.

1. Dimensional Standards. Common open space shall have no dimension that is less than 20 feet and a minimum area of 400 square feet, except as described below.

   a. *Pedestrian Connections.* Walkways and multi-use paths shall contribute toward meeting the required common open space area when at least one common open space is provided that meets the dimensional standards in subsection 18.4.4.070.C.1, above. Pedestrian connections may be located within a required buffer or perimeter yard area. Sidewalks in the public right-of-way (i.e., public street) and walkways providing access to individual units may not be counted towards this requirement.

   b. *Natural Features.* Common open space may include areas that provide for the preservation or enhancement of natural features such as wetlands, floodplain corridors, ponds, large trees, and rock outcroppings. Natural features located in common open space shall be counted toward meeting common open space requirements. Natural features may be located within a required buffer or perimeter yard area.

2. Location. Common open space shall not be located within a required buffer or perimeter yard area, except for pedestrian connections and natural features as provided in subsection 18.4.4.070.C.1, above.

3. Slope. Common open space designed for active use, such as lawn and picnic areas, shall be located on slopes less than five percent, except for areas regulated by the Building Code (e.g., walkways). Natural areas designed for passive use, such as riparian corridors and wetlands, may be located on slopes greater than five percent.

4. Improvements. The common open space shall contain one or more of the following: outdoor recreational area or facilities, lawn and picnic areas, community gardens, natural area with benches, seating areas, walking paths, or similar outdoor amenities as appropriate for the intended residents.

   a. *Surfacing.* A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas and recreational fields or courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other ground covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural area with benches and walking paths.

   b. *Structures.* Common open space may include structures and outdoor furniture typically associated with outdoor recreation such as decks, gazebos, arbors, benches, and tables. Structures located in common open space shall be unenclosed and uninhabitable. Unenclosed for the purpose of this subsection means 50 percent or more of the walls or 42 inches in height or less, but the structure may be covered.

   c. *Fences and Walls.* Fences, walls, hedges, and screen planting that are located on the perimeter of common open space shall not exceed four feet in height, except that fences in front yards and on the perimeter of the development shall

meet the fence height requirements of section 18.4.4.060. This requirement shall not apply to fences located on properties adjoining but not located within a proposed development. See section 18.4.4.060 Fencing and Walls for fence permit and design standard requirements.

d. *Landscaping.* Common open space shall be landscaped in accordance with section 18.4.4.030 Landscaping and Screening.

6. R-2 and R-3 Zones. In addition to the standards in subsection 18.4.4.070.C, above, common open space in the R-2 and R-3 zones shall meet the following requirements.

a. *Play Areas.* Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for common open space.

b. *Credit for Proximity to a Park.* A credit of up to 50 percent for common open space may be granted when the development is located within one-eighth of a mile walking distance of an existing public park. Distance from the development to the park shall be measured from the lot line via a sidewalk, multi-use path or pedestrian way located in a public right-of-way or public pedestrian easement.

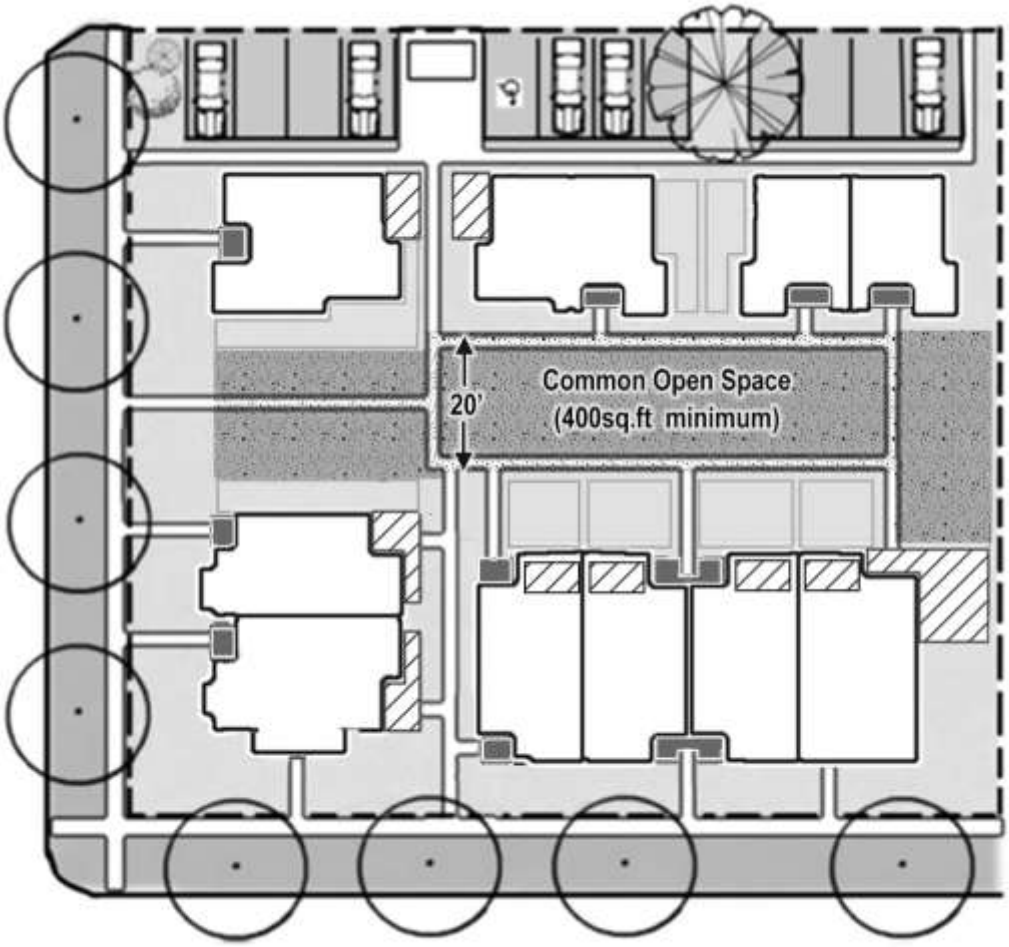


Figure 18.4.4.070.C
Common Open Space

D. Private Open Space. Private open space that is provided to meet the minimum required open space area in 18.4.4.070.A shall meet the following standards. See definition of private open space in part 18-6.

1. Eligible Spaces. Decks, patios, porches, balconies, side and rear yards, and similar areas are eligible for private open space.

a. *Access.* Private open space shall be directly accessible by a door from the interior of the individual dwelling unit served by the space.

b. *Walkways and Storage Space.* The minimum area required for private open space shall not include area for ingress and egress to a ground-floor dwelling unit (e.g., walkway to dwelling unit door) or storage space (storage or bicycle rack). The ingress and egress area shall be measured

as 36 inches in width and the length of the pedestrian route.

2. **Ground-Floor Dwelling Units. Decks, patios, porches, or yards shall be at least six feet deep and measuring at least 48 square feet. Ground-floor private open space shall not be located within 12 feet of recycling and refuse disposal areas. See definition of ground-floor dwelling unit in part 18-6.**

3. **Upper-Floor Dwelling Units. Balconies shall be at least six feet deep and measuring at least 48 square feet. See definition of upper-floor dwelling unit in part 18-6.**

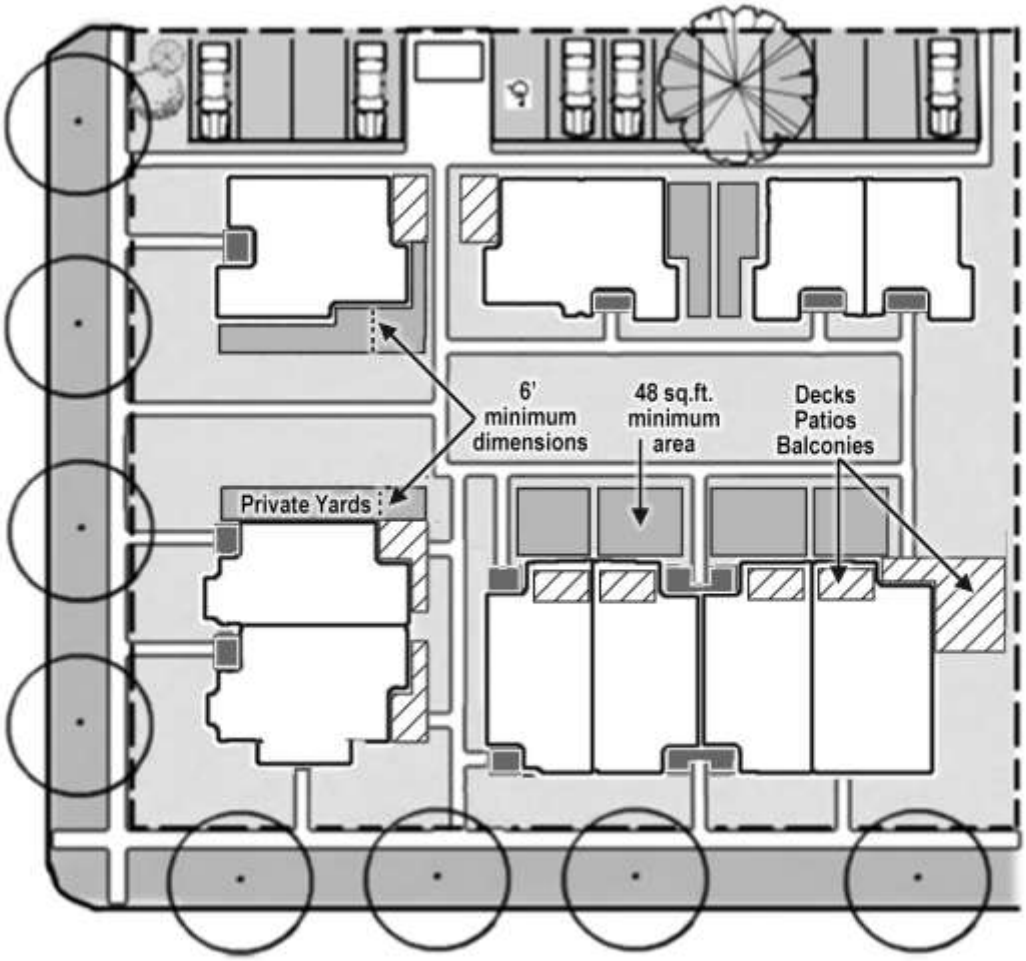


Figure 18.4.4.070.D
Private Open Space

SECTION 7. Section 18.6.1.030 [Definitions – Definitions] of the Ashland Land Use Ordinance is hereby amended to read as follows:

Buildable Area. That portion of an existing or proposed lot that can be built upon.

Common Area. Land jointly owned **by an association of owners or permanently designated for the use of all residents of a development ~~to~~ that** include**s shared site facilities and amenities such as** open space, landscaping, **streets, driveways,** parking**, loading areas~~or recreation~~, recycling and refuse disposal areas, and storage structures ~~(e. g., may be managed by a homeowners' association)~~**.

Ground-Floor Dwelling Unit. A residential unit with the entrance, front or rear, that is within five feet of the finished grade. The distance to finished grade is measured vertically at a right angle from the doorsill to the finished grade.

Open Space. ~~A common area designated on the final plans of the development, permanently set aside for the common use of the residents of the development. Open space area is landscaped and/or left with a natural vegetation cover, and does not include thoroughfares, parking areas, or improvements other than recreational facilities.~~ Land or water with its surface predominately open to the sky or predominantly undeveloped unless otherwise specified, that is designated or set aside to serve the purpose of providing park and recreation activities, conserving natural resources, collecting and treating storm water, providing amenity space for private developments, or creating a pattern of development. Open space does not include **~~thoroughfares, parking areas or improvements other than recreational facilities~~ areas such as streets, driveways, parking, loading areas, recycling and refuse disposal areas, and storage structures**.

1. **Common Open Space. An area for the use or enjoyment of all residents of a development (e.g., multifamily dwelling units) or subdivision such as recreational areas or facilities, lawn and picnic areas, community gardens, natural areas with benches, seating areas, or walking paths.**
2. **Private Open Space. An area intended for private outdoor use by residents of an individual dwelling unit. Private open space includes decks, patios, porches, balconies, side and rear yards, and similar areas.**
3. **Public Open Space or Park. An area owned or managed by a public or private agency and maintained for the use and enjoyment of the general public. Examples of public open space include public parks and recreation facilities, trail easements and systems, nature preserves, public plazas, and other public outdoor meeting areas.**

Park. See definition of Public Open Space.

Play Area. A piece of land specifically designed for and equipped to enable children to play outdoors.

Upper-Floor Dwelling Unit. **A residential unit with the entrance, front or rear, that is more than five feet above the finished grade. The distance from finished grade is measured vertically at a right angle from finished grade to the doorsill.**

Unbuildable Area. ~~**All areas outside of building envelopes and within open space.**~~ **That portion of an existing or proposed lot that building upon is restricted by regulations. Unbuildable area includes but is not limited to required yards, easements, and Flood Plain Corridor, Hillside, and Severe Constraints Lands as classified in section 18.3.10.060. For the purposes of implementing chapter 18.4.8 Solar Access, unbuildable area does not include a required solar setback area.**

Yard. An ~~**open space on**~~ **outdoor area of** a lot which is unobstructed by a structure**, except as allowed in section 18.2.4.050 Yard Requirements and General Exceptions**, and measured from a lot line to the nearest point of a building. May also be an area defined by required setbacks (e.g., between a building or structure and nearest property line).

4. **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.
5. **Yard, Side.** A~~n open space~~**yard** between the front and rear yards measured horizontally and at right angles from the side lot line to the nearest point of the building.
6. **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.

SECTION 8. Codification. In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within such limitations, may:

(a) Renumber sections and parts of sections of the ordinance;

(b) Rearrange sections;

(c) Change reference numbers to agree with renumbered chapters, sections or other parts;

(d) Delete references to repealed sections;

(e) Substitute the proper subsection, section, or chapter numbers;

(f) Change capitalization and spelling for the purpose of uniformity;

(g) Add headings for purposes of grouping like sections together for ease of reference; and

(h) Correct manifest clerical, grammatical, or typographical errors.

SECTION 9. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____day of _____, 2020, and duly PASSED and ADOPTED this ____ day of _____, 2020.

_____
Melissa Huhtala, City Recorder

SIGNED and APPROVED this ___ day of _____, 2020.

_____
John Stromberg, Mayor

Reviewed as to form:

_____
David H. Lohman, City Attorney

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTERS 18.2.2 BASE ZONES AND ALLOWED USES, 18.2.3 SPECIAL USE STANDARDS, 18.2.5 STANDARDS FOR RESIDENTIAL ZONES, 18.3.2 CROMAN MILL DISTRICT, 18.3.4 NORMAL NEIGHBORHOOD DISTRICT, 18.3.5 NORTH MOUNTAIN NEIGHBORHOOD DISTRICT, 18.3.9 PERFORMANCE STANDARDS OPTION AND PSO OVERLAY, 18.3.10 PHYSICAL AND ENVIRONMENTAL CONSTRAINTS OVERLAY, 18.3.11 WATER RESOURCES PROTECTION ZONES (OVERLAYS), 18.3.14 TRANSIT TRIANGLE OVERLAY, 18.4.2 BUILDING PLACEMENT, ORIENTATION, AND DESIGN, 18.4.3 PARKING , ACCESS, AND CIRCULATION, 18.4.4. LANDSCAPING, LIGHTING, AND SCREENING, 18.4.5 TREE PRESERVATION AND PROTECTION, 18.4.6 PUBLIC FACILITIES, 18.5.2 SITE DESIGN REVIEW, 18.5.3 LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS AND 18.5.7 TREE REMOVAL PERMITS OF THE ASHLAND LAND USE ORDINANCE FOR CONSISTENCY IN TERMINOLOGY RELATED TO OPEN SPACE

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are **~~bold lined through~~**, and additions are **bold underlined.**

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293; 531 P 2d 730, 734 (1975); and

WHEREAS, the City of Ashland Planning Commission considered the above-referenced recommended amendments to the Ashland Comprehensive Plan at a duly advertised public hearing on April 28, 2020, and following deliberations, recommended approval of the amendments by a vote of #-#; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on (date); and

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Comprehensive Plan in manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the comprehensive plan and that such amendments are fully supported by the record of this proceeding.

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

SECTION 1. Ashland Municipal Code Title 18 Land Use is hereby amended as follows.

SECTION 2. Section 18.2.2.030 [Allowed Uses – Base Zones and Allowed Uses] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.2.030 Allowed Uses

A. Uses Allowed in Base Zones. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to approval of a conditional use permit. Where Table 18.2.2.030 does not list a specific use and chapter 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040.

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

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

D. Prohibited Uses. Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use following the procedures of section 18.1.5.040 are prohibited. Prohibited uses are subject to the violations, complaints, and penalties sections in 18.1.6.080, 18.1.6.090, and 18-1.6.100.

E. Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. For uses allowed in special districts CM, HC, NM, NN and SOU, and for regulations applying to the City's overlays zones, refer to part 18.3.

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

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

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

1. Short-Term Events. The Staff Advisor may approve through Ministerial review short-term temporary uses occurring once in a calendar year and lasting not more than 72 hours including set up and take down. Activities such as races, parades, and festivals that occur on public property (e.g., street right-of-way, parks, sidewalks, or other public grounds) require a Special Event Permit pursuant to AMC 13.03.

2. Garage Sales. Garage sales shall have a duration of not more than two days and shall not occur more than twice within any 365-day period. Such activity shall not be accompanied by any off-premises advertisement. For the purpose of this ordinance, garage sales meeting the requirements of this subsection shall not be considered a commercial activity.

3. Temporary Buildings. Temporary occupancy of a manufactured housing unit or similar structure may be permitted for a period not to exceed 90 calendar days upon the granting of a permit by the Building Official. Such occupancy may only be allowed in conjunction with construction on the site. Said permit shall not be renewable within a six-month period beginning at the first date of issuance, except with approval of the Staff Advisor.

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

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
A. Agricultural Uses										
Agriculture, except Keeping of Bees, Livestock and Micro-Livestock, Homegrown Marijuana Cultivation, and Marijuana Production	P	P	P	P	P	P	N	N	N	Animal sales, feed yards, keeping of swine, commercial compost, or similar uses not allowed
Keeping of Bees	S	S	S	S	S	S	N	N	N	Sec. 18.2.3.160
Keeping of Livestock	S	N	N	N	S	S	N	N	N	
Keeping of Micro-Livestock	S	S	S	S	S	S	N	N	N	
Marijuana Cultivation, Homegrown	S	S	S	S	S	S	S	S	S	Sec. 18.2.3.190 See General Industrial, Marijuana Production
B. Residential Uses										
Single-Family Dwelling	P	P	P	P	P	P	S	S	N	See Single-Family standards in Sec. 18.2.5.090 Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Accessory Residential Unit	P or S	P or S	S	S	P or S	N	N	N	N	Sec. 18.2.3.040 and Sec. 18.5.2.020.C.2
Cottage Housing	S	N	N	N	N	N	N	N	N	Sec. 18.2.3.090 Cottage Housing
Duplex Dwelling	S	P	P	P	N	N	S	S	N	Sec. 18.2.3.110 Duplex Dwelling

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Manufactured Home on Individual Lot	S	S	S	S	N	N	N	N	N	Sec. 18.2.3.170 and not allowed in Historic District Overlay
Manufactured Housing Development	N	S	CU +S	N	N	N	N	N	N	Sec. 18.2.3.180
Multifamily Dwelling	N	P	P	P	N	N	S	S	N	Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings in Transit Triangle (TT) overlay, see chapter 18.3.14 Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Cottage Housing	S	N	N	N	N	N	N	N	N	Sec. 18.2.3.090 Cottage Housing
Rental Dwelling Unit Conversion to For-Purchase Housing	N	N	S	S	N	N	N	N	N	Sec. 18.2.3.200
Home Occupation	S	S	S	S	S	S	S	S	N	Sec. 18.2.3.150
C. Group Living										
Nursing Homes, Convalescent Homes	CU	CU	CU	CU	CU	CU	N	N	N	See chapter 18.3.3 Health Care Services
Residential Care Home	P	P	P	P	P	P	N	N	N	Subject to State licensing requirements
Residential Care Facility	CU	P	P	P	CU	CU	N	N	N	Subject to State licensing requirements
Room and Boarding Facility	N	P	P	P	N	N	N	N	N	
D. Public and Institutional										

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	**R-1-3.5**	**R-2**	**R-3**	**RR**	**WR**	**C-1 & C-1-D**	**E-1**	**M-1**	**Special Use Standards**
Uses										
Airport										See chapter 18.3.7 Airport Overlay
Cemetery, Mausoleum, Columbarium	N	N	N	N	CU	N	N	N	N	
Child Care Facility	CU	CU	CU	CU	CU	CU	P	P	P	Family Child Care Home exempt from planning application procedure pursuant to ORS 329A.440, see part 18.6 for definition Subject to State licensing requirements
Club Lodge, Fraternal Organization	CU	CU	CU	CU	CU	CU	P	CU	CU	
Electrical Substation	N	N	N	N	N	N	CU	CU	P	
Hospitals	CU	CU	CU	CU	CU	N	N	N	N	See chapter 18.3.3 Health Care Services
Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Mortuary, Crematorium	N	N	N	N	CU	N	P	P	P	
~~Public~~ Park, Open Space, and Recreational Facility, including playgrounds, trails, nature preserves, athletic fields, courts, swim pools, **and** similar uses	P	P	P	P	P	P	N	N	N	
Public Parking Facility	N	N	N	N	N	N	P	N	N	

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	**R-1-3.5**	**R-2**	**R-3**	**RR**	**WR**	**C-1 & C-1-D**	**E-1**	**M-1**	**Special Use Standards**
Recycling Depot	N	N	N	N	N	N	N	P	P	Not allowed within 200 ft of a residential zone
Religious Institution, Houses of Worship	CU	CU	CU	CU	CU	CU	CU	CU	CU	
School, Private (Kindergarten and up)	CU	CU	CU	CU	CU	CU	N	N	N	
School, Public (Kindergarten and up)	P	P	P	P	P	CU	N	N	N	
School, Private College/Trade/Technical School	N	N	N	N	N	N	N	CU	P	
Utility and Service Building, Yard and Structure, Public and Quasi-Public, excluding electrical substations	CU	CU	N	N	CU	CU	P	P	P	Includes public service building, yard, and structures such as public works yards Yards not allowed in the RR, WR, and C-1 zone
Wireless Communication Facility	CU	CU	CU	CU	CU	CU	P or CU	P or CU	P or CU	Sec.18.4.10
E. Commercial Uses										
Amusement/Entertainment, includes theater, concert hall, bowling alley, miniature golf, arcade; excluding drive-up uses	N	N	N	N	N	N	P	CU	P	

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	**R-1-3.5**	**R-2**	**R-3**	**RR**	**WR**	**C-1 & C-1-D**	**E-1**	**M-1**	**Special Use Standards**
Automotive and Truck Repair, or Service; includes fueling station, car wash, tire sales and repair/replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	N	N	N	N	N	N	S or CU	S or CU	P	Sec. 18.2.3.050 In C-1 zone, fuel sales and service is a permitted use provided within the Freeway Overlay, see chapter 18.3.8; conditional use in locations outside of Freeway Overlay In E-1 zone, auto and truck repair is a permitted use if 200 feet or more from residential zones; fuel sales and service requires CU permit
Automotive Sales and Rental includes motorcycles, boats, RVs, and trucks	N	N	N	N	N	N	CU	CU	P	Not allowed within Historic District Overlay
Accessory Travelers' Accommodation (See also Travelers' Accommodation)	N	N	CU +S	CU +S	N	N	N	N	N	Sec. 18.2.3.220
Bakery, except as classified as Food Processing	N	N	N	N	N	N	P	P	P	
Commercial Laundry, Cleaning, and Dyeing Establishment	N	N	N	N	N	N	S	S	P	Sec. 18.2.3.080
Commercial Recreation, includes country club, golf course, swimming club, and tennis club; excluding intensive uses such as driving range, race track, or amusement park	CU	CU	N	N	CU	CU	N	N	N	

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Commercial Retail Sales and Services, except Outdoor Sales and Services	N	N	CU +S	N	N	N	P	S	S	In R-2 zone, uses limited to personal and professional services, except see Sec. 18.2.3.210 for retail uses allowed in Railroad Historic District In E-1 zone, Retail limited to 20,000 sq ft of gross leasable floor space per lot. In M-1 zone, uses limited to serving persons working in zone See Marijuana Retail Sales
Drive-Up Use	N	N	N	N	N	N	S	N		Per Sec. 18.2.3.100, Drive-Up uses are limited to area east of Ashland St at intersection of Ashland St/Siskiyou Blvd
Hostel	N	N	CU	CU	N	N	CU*	N	N	*In C-1 zone, requires annual Type I review for at least the first three years, after which time the Planning Commission may approve a permanent facility through the Type II procedure
Hotel/Motel	N	N	N	N	N	N	CU	CU	P	
Kennel (See also Veterinary Clinic)	N	N	N	N	N	N	S	S	CU	No animals kept outside within 200 feet of a residential zone
Limited Retail Uses in Railroad Historic District	N	CU	CU	CU	N	N	N	N	N	Sec. 18.2.2.210 for Retail Uses Allowed in Railroad Historic District
Lumber Yard and Similar Sales of Building or Contracting Supplies, or Heavy Equipment	N	N	N	N	N	N	N	CU	P	

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	**R-1-3.5**	**R-2**	**R-3**	**RR**	**WR**	**C-1 & C-1-D**	**E-1**	**M-1**	**Special Use Standards**
Marijuana Retail Sales, includes sale of medical and recreational marijuana	N	N	N	N	N	N	S or CU	S or CU	N	Per Sec. 18.2.3.190, marijuana retail sales are limited to the C-1 and E-1 zones and located on a boulevard or 200 feet or more from any residential zone, see Sec 18.2.3.190.
Nightclub, Bar	N	N	N	N	N	N	S	CU	P	Not allowed within the Historic District Overlay unless located in C-1-D
Office	N	N	CU	CU	N	N	P	P	P	
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Plant Nursery, Wholesale, except Marijuana Production	N	N	CU	CU	N	N	N	N	N	
Self-Service Storage, Commercial (Mini-Warehouse)	N	N	N	N	N	N	N	CU	P	
Traveler's Accommodation (See also Accessory Travelers' Accommodation)	N	N	CU +S	CU +S	N	N	N	N	N	Sec. 18.2.3.220
Veterinary Clinic	N	N	N	N	N	N	P	P	P	
F. Industrial and Employment Uses										
Cabinet, Carpentry, and Machine Shop, and related Sales, Services, and Repairs	N	N	N	N	N	N	N	S or CU	P	In the E-1 zone, uses within 200 feet of a residential zone require CU permit
Commercial Excavation and Removal of Sand, Gravel, Stone, Loam, Dirty or Other Earth Products	N	N	N	N	CU +S	N	N	N	N	Sec. 18.2.3.070

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	**R-1-3.5**	**R-2**	**R-3**	**RR**	**WR**	**C-1 & C-1-D**	**E-1**	**M-1**	**Special Use Standards**
Concrete or Asphalt Batch Plant	N	N	N	N	N	N	N	N	CU	
Dwelling for a caretaker or watchman	N	N	N	N	N	N	N	CU	CU	
Food Products Manufacture/Processing/Preserving, including canning, bottling, freezing, drying, and similar processing and preserving.	N	N	N	N	N	N	S	S	P	In the C-1 zone, manufacture or assembly of items sold is a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet In the E-1 zone, See Sec. 18.2.3.140
Manufacture, General, includes Marijuana Laboratory, Processing, and Production	N	N	N	N	N	N	N	P or S	P or S	In E-1 and M-1 zones, marijuana laboratory, processing, and production are subject to the special use standards in Sec. 18.2.3.190 See Marijuana Cultivation, Homegrown

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

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
G. Other Uses										
Temporary Tree Sales	N	N	N	N	N	N	P	N	N	Allowed from November 1 to January 1
Temporary Use	CU, except uses lasting less than 72 hours are subject to Ministerial review, per Sec. 18.2.2.030.H									

SECTION 3. Section 18.2.3.090 [Cottage Housing – Special Use Standards] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.3.090 Cottage Housing

A. Purpose and Intent. The purpose and intent of this chapter is to encourage innovative site planning and variety in housing while ensuring compatibility with established neighborhoods, and to provide opportunities for ownership of small detached single-family dwellings for a population diverse in age, income, and household size. Where cottage housing developments are allowed, they are subject to Site Design Review under chapter 18.5.2, and shall meet all of the following requirements.

B. Exceptions and Variances. Requests to depart from the requirements of this chapter are subject to the approval criteria under section 18.5.2.050.E Exception to the Site Development and Design Standards.

C. Development Standards. Cottage housing developments shall meet all of the following requirements.

1. Density. Cottage Housing Density the permitted number of units and minimum lot areas shall be as follows.

Table 18.2.3.090.C.1 Cottage Housing Development Density					
Zones	Maximum Cottage Density	Minimum number of cottages per cottage housing development	Maximum number of cottages per cottage housing development	Minimum lot size (accommodates minimum number of cottages)	Maximum Floor Area Ratio (FAR)

R-1-5, NN-1-5 NM-R-1-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7,500 sq.ft.	0.35
R-1-7.5 NM-R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11,250 sq.ft.	0.35

2. Building and Site Design.

   a. *Maximum Floor Area Ratio.* The combined gross floor area of all cottages and garages shall not exceed a 0.35 floor area ratio (FAR). Structures such as parking carports, green houses, and common accessory structures are exempt from the maximum floor area calculation.

   b. *Maximum Floor Area.* The maximum gross habitable floor area for 75 percent or more of the cottages, within developments of four units or greater, shall be 800 square feet or less per unit. At least two of the cottages within three-unit cottage housing developments shall have a gross habitable floor area of 800 square feet or less. The gross habitable floor area for any individual cottage unit shall not exceed 1000 square feet.

   c. *Height.* Building height of all structures shall not exceed 18 feet. The ridge of a pitched roof may extend up to 25 feet above grade.

   d. *Lot Coverage.* Lot coverage shall meet the requirements of the underlying zone outlined in Table 18.2.5.030.A.

   e. *Building Separation.* A cottage development may include two-unit attached, as well as detached, cottages. With the exception of attached units, a minimum separation of six feet measured from the nearest point of the exterior walls is required between cottage housing units. Accessory buildings (e.g., carport, garage, shed, multipurpose room) shall comply with building code requirements for separation from non-residential structures.

   f. *Fences.* Notwithstanding the provisions of section 18.4.4.060, fence height is limited to four feet on interior areas adjacent to **common** open space except as allowed for deer fencing in subsection 18.4.4.060.B.6. Fences in the front and side yards abutting a public street, and on the perimeter of the development shall meet the fence standards of section 18.4.4.060.

3. Access, Circulation, and Off-Street Parking Requirements. Notwithstanding the provisions of chapter 18.3.9 Performance Standards Option and 18.4 Site Development and Site Design Standards, cottage housing developments are subject to the following requirements.

   a. *Public Street Dedications.* Except for those street connections identified on the Street Dedication Map, the Commission may reduce or waive the requirement to dedicate

and construct a public street as required in 18.4.6.040 upon finding that the cottage housing development meets connectivity and block length standards by providing public access for pedestrians and bicyclists with an alley, shared street, or multi-use path connecting the public street to adjoining properties.

b. *Driveways and parking areas*. Driveway and parking areas shall meet the vehicle area design standards of section 18.4.3.

i. Parking shall meet the minimum parking ratios per 18.4.3.040.

ii. Parking shall be consolidated to minimize the number of parking areas, and shall be located on the cottage housing development property.

iii. Off-street parking can be located within an accessory structure such as a multi-auto carport or garage, but such multi-auto structures shall not be attached to individual cottages. Single-car garages and carports may be attached to individual cottages. Uncovered parking is also permitted provided that off street parking is screened in accordance with the applicable landscape and screening standards of chapter 18.4.4.

4. **Common** Open space. **Common** ~~O~~open space shall meet all of the following standards.

a. A minimum of 20 percent of the total lot area is required as **common** open space.

b. **Common** ~~O~~open space(s) shall have no dimension that is less than 20 feet unless otherwise granted an exception by the hearing authority. Connections between separated **common** open spaces, not meeting this dimensional requirement, shall not contribute toward meeting the minimum **common** open space area.

c. Shall consist of a central space, or series of interconnected spaces.

d. Physically constrained areas such as wetlands or steep slopes cannot be counted towards the **common** open space requirement.

e. At least 50 percent of the cottage units shall abut a~~n~~ **common** open space.

f. The **common** open space shall be distinguished from the private **open spaces** ~~**outdoor areas**~~ with a walkway, fencing, landscaping, berm, or similar method to provide a visual boundary around the perimeter of the common area.

g. Parking areas and driveways do not qualify as **common** open space.

Figure 18.2.3.090 Cottage Housing Conceptual Site Plans

5. Private **Open Space ~~Outdoor Area~~**. Each residential unit in a cottage housing development shall have a private **open space~~outdoor area~~**. Private **open space~~outdoor areas~~** shall be separate from the **common** open space to create a sense of separate ownership.

   a. Each cottage unit shall be provided with a minimum of 200 square feet of usable private **open space~~outdoor area~~**. Private **open space~~outdoor areas~~** may include gardening areas, patios, or porches.

   b. No dimension of the private **open space~~outdoor area~~** shall be less than eight feet.

6. Common Buildings, Existing Nonconforming Structures and Accessory Residential Units.

   a. *Common Buildings.* Up to 25 percent of the required common open space, but no greater than 1,500 square feet, may be utilized as a community building for the sole use of the cottage housing residents. Common buildings shall not be attached to cottages.

   b. *Carports and garage structures.* Consolidated carports or garage structures, provided per 18.2.3.090.C.3.b, are not subject to the area limitations for common buildings.

   c. *Nonconforming Dwelling Units.* An existing single-family residential structure built prior to the effective date of this ordinance (date), which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain. Existing nonconforming dwelling units shall be included in the maximum permitted cottage density. 1,000 square feet of the habitable floor area of such nonconforming dwellings shall be included in the maximum floor area permitted per 18.2.3.090C.2.a. Existing garages, other existing non-habitable floor area, and the nonconforming dwelling's habitable floor area in excess of 1,000 square feet shall not be included in the maximum floor area ratio.

   d. *Accessory Residential Units.* New accessory residential units (ARUs) are not permitted in cottage housing developments, except that an existing ARU that is accessory to an existing nonconforming single-family structure may be counted as a

cottage unit if the property is developed subject to the provisions of this chapter.

7. Storm Water and Low-Impact Development.

   a. Developments shall include open space and landscaped features as a component of the project's storm water low impact development techniques including natural filtration and on-site infiltration of storm water.

   b. Low impact development techniques for storm water management shall be used wherever possible. Such techniques may include the use of porous solid surfaces in parking areas and walkways, directing roof drains and parking lot runoff to landscape beds, green or living roofs, and rain barrels.

   c. Cottages shall be located to maximize the infiltration of storm water run-off. In this zone, cottages shall be grouped and parking areas shall be located to preserve as much contiguous, permanently undeveloped open space and native vegetation as reasonably possible when considering all standards in this chapter.

8. Restrictions.

   a. The size of a cottage dwelling may not be increased beyond the maximum floor area in subsection 18.2.3.090.C.2.a. A deed restriction shall be placed on the property notifying future property owners of the size restriction.

SECTION 4. Section 18.2.3.180 [Manufactured Housing Developments – Special Use Standards] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.3.180 Manufactured Housing Developments

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

B. General Provisions.

1. Manufactured housing development may be located or relocated only in R-1-3.5 and R-2 zones.

2. No manufactured housing developments may be located, relocated, or increased in size or number of units within any other zone.

3. No manufactured housing developments may be located within the Historic District Overlay.

4. Manufactured housing developments shall be subject to regulations of this chapter and shall be located only on sites approved for use under the provisions of such chapter. No person shall establish, operate, manage, maintain, alter, or enlarge any manufactured housing development contrary to the provisions of this ordinance.

5. In addition to the requirements of this chapter, all manufactured housing developments shall conform to the regulations of ORS 446, together with such administrative rules as

may be adopted from time to time, except where such regulations are exceeded by the requirements of this chapter, in which case the more stringent requirements shall apply.

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

D. Manufactured Housing Development Design Standards.

1. Minimum Court Size. A manufactured housing development shall occupy a site of not less than one acre in size.
2. Density. The maximum density permitted shall be eight manufactured housing units per acre of developed court area. Manufactured housing which is 14 feet wide or less, or which is less than 800 square feet in size will count as 0.75 units for this calculation.
3. Manufactured Housing Sites or Lots. All manufactured housing sites or lots must be at least 2,000 square feet in size, at least 35 feet wide, and at least 40 feet deep.
4. Lot Coverage. Maximum lot coverage of any individual manufactured housing lot or site shall be 65 percent in the R-2 zone and 55 percent in the R-1-3.5 zone. In addition, the general lot coverage requirements of the parent zone shall also be complied with for the entire project site.
5. Setbacks.
   a. *Exterior Setbacks*. Manufactured housing sites along the exterior boundary of the court shall have the same setbacks as required in the parent zone, and no less than a minimum of five feet from a property boundary line.
   b. *Interior Front Yard Setbacks*. There shall be a front yard on each manufactured home lot or space of at least ten feet.
   c *Interior Side and Rear Yard Setbacks*. There shall be side or rear yards of at least five feet. There shall be a minimum separation of ten feet between manufactured housing units.
6. Street Standards. Public streets shall comply with the design standards contained in chapter 18.4.6. Private streets shall be a minimum of 20 feet in width, and constructed to the same standards as specified for an alley. A private street may be a dead-end street no more than 300 feet in depth from a higher order road. Adequate turn-around shall be provided according to standards established by the Planning Commission.
7. Sidewalk Standards. Every manufactured housing development shall have a permanent pedestrian walkway at least 48 inches wide connecting all manufactured housing units to public or private streets, common open spaces, ~~**recreational areas,**~~ **parks,** and commonly-owned buildings and facilities.
8. Off-Street Parking Standards. Each manufactured housing unit shall be provided with one off-street parking space on each manufactured housing site, setback 20 feet from the street. In addition, guest parking facilities of one parking space for each manufactured housing site shall also be provided on the project site, within 200 feet of the units they are intended to serve, either adjacent to the road or in a off street parking lot. Parking space construction, size, landscaping, and design requirements shall be

according to chapters 18.4.3 and 18.4.4.

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

10. Landscaping.

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

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

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

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

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

E. Manufactured Housing Unit Standards. All manufactured housing units located in approved manufactured housing developments shall comply with all of the following requirements.

1. Manufactured housing units shall be a minimum of 650 square feet in size.

2. Manufactured housing units shall be at least 12 feet wide.

3. Manufactured housing units shall have the Oregon Department of Commerce "insignia of Compliance." The Building Official shall inspect the manufactured housing unit and occupancy shall be approved only if the Building Official has determined that the manufactured housing unit has a valid insignia of compliance and has not deteriorated beyond an acceptable level of compliance.

4. Manufactured housing units shall be placed on permanent foundations, with wheels and hitches removed, be fully skirted or bermed, and shall have no uncovered ~~**open spaces**~~ **openings** except for vents of sufficient strength to support the loads imposed by the manufactured housing unit, based on accepted engineering design standards, as approved by the Building Official.

5. Manufactured housing units shall be provided with City water, sewer, electricity, telephone, and storm drainage, with easements dedicated where necessary.

6 Manufactured housing units shall comply with the thermal envelope requirements for heat loss required by the building code for single-family detached homes.

7. Manufactured housing units shall have a deck or patio area adjacent to the home. The deck or patio shall be constructed of a permanent material and shall be at least 80

square feet in size, with a minimum width of eight feet in its least dimension.

8. Each manufactured housing unit shall have a one parking space located on or adjacent to the unit space. The parking space shall be setback at least 20 feet from the street.

9. Not withstanding the above, any manufactured home legally located within the Ashland Urban Growth Boundary prior to July 1, 1990 may be relocated to an approved manufactured home development, subject to a fire and life safety inspection by the Building Official.

F. Storage and Temporary Occupancy of Manufactured Homes.

1. A no-charge permit from the Staff Advisor is required for the storage of any manufactured housing unit on the home premises of the owner for any length of time when not used for living purposes; provided, however, that all units so stored shall abide by the yard requirements for accessory buildings in this chapter.

2. No manufactured housing unit shall be stored on a public street except for temporary maneuvering purposes.

3. For temporary occupancy of a manufactured housing unit, see subsection 18.2.2.030.H.3.

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

1. Routine maintenance and repairs may be performed within the manufactured housing development or upon individual manufactured housing units.

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

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

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

H. Special Conditions. For the mitigation of adverse impacts, the City may impose conditions, including, but not limited to, requiring view-obscuring shrubbery, walls, or fences, and

requiring retention of specified trees, rocks, water ponds or courses, or other natural features.

SECTION 5. Section 18.2.3.190 [Marijuana-Related Uses – Special Use Standards] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.3.190 Marijuana-Related Uses

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

1. Primary Residence. The resident grower must live on the property where the cultivation of homegrown marijuana is located and that same property must be the primary residence of the resident grower.
2. Related Activities. Any drying, keeping, storage, or processing of homegrown marijuana shall be located inside the dwelling unit or an accessory structure and shall not be located outdoors.
3. Homegrown marijuana cultivation and any related activities must meet all applicable Oregon Revised Statutes and Oregon Administrative Rules.
4. Outdoor Cultivation. Up to four marijuana plants per lot for recreational marijuana or up to six marijuana plants per lot for medical marijuana are allowed to be grown outdoors in accordance with applicable Oregon Revised Statutes and Oregon Administrative Rules including the requirement to obtain and display a medical marijuana grow site registration card in ORS 475.320(2)(B)(d). Outdoor homegrown marijuana cultivation shall meet all of the following requirements.
    a. Locate marijuana plants so the plants are not visible from a public place, public street or any area that the general public has access (e.g., schools, playgrounds, parks, common~~ly owned~~ open space, pedestrian and bicycle paths and trails). Marijuana plants shall not be located in a front yard.
    b. Screen marijuana plants to limit view and access from adjacent residential properties with a solid wood fence or masonry wall. Any access points to the cultivation area must be secured at all times to prevent unauthorized access. For fence and wall design requirements, see section 18.4.4.060.
    c. *Dimensional Standards.* Marijuana plants grown in outdoor cultivation areas shall meet all of the following dimensional standards including Table 18.2.3.190.4.c.
        i. Locate cultivation area closer to the primary residence of the resident grower than to dwellings on adjoining properties or to dwellings in the same multifamily development.
        ii. Marijuana plants may be located in one cultivation area or in separate cultivation areas throughout a yard.

Table 18.2.3.190.4.c Outdoor Cultivation Dimensional Standards for Homegrown Marijuana[1]				
Number of Marijuana Plants per Lot[2]	**Maximum Cultivation Area Allowed per Lot[3]**	**Maximum Marijuana Plant Height[4]**	**Minimum Setback from Any Property Line**	**Minimum Setback from Dwellings on Adjoining Properties[5]**
6 or fewer plants	50 square feet	10 Feet	10 feet	20 feet

[1]Contiguous lots under single ownership shall be considered one lot for the purpose of calculating the dimensional standards for homegrown marijuana.

[2]Up to four plants for recreational marijuana or six plants for medical marijuana may be grown outdoors.

[3] All parts of a marijuana plants that are visible above the ground level shall be contained with the perimeter of the cultivation area. Where plants are located separately, the combined total of the individual cultivation areas shall not exceed the maximum cultivation area.

[4]Marijuana plants shall not exceed ten feet in height from the top of the average surrounding grade.

[5]Marijuana plants must also be located the setback distance from any multifamily dwelling unit within a multifamily development.

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

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

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

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

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

5. Indoor Cultivation.

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

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

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

B. Marijuana-Related Businesses.

1. Marijuana-related businesses may require Site Design Review under chapter 18.5.2 or a Conditional Use Permit under chapter 18.5.4. See Table 18.2.2.030 – Uses Allowed by Zone for zones where marijuana-related businesses are allowed. See definition of marijuana-related businesses in part 18.6. Marijuana-related businesses shall meet all of the following requirements.

   a. The business must be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle. Outdoor marijuana production, cultivation, and storage of merchandise, raw materials, or other material associated with the business are prohibited.

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

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

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

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

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

building at the location that are used in the business operation, including offices, kitchens, rest rooms, and storerooms.

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

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

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

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

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

SECTION 6. Section 18.2.3.200 [Multiple-Family Rental Unit Conversion to For-Purchase Units – Special Use Standards] of the Ashland Land Use Ordinance is hereby amended to read as follows:

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

A. Section 18.2.3.200 applies to existing multiple-family rental units, which for the purpose of this section, are defined as dwelling units designed to house multiple households within one or more structures on a single property that were constructed and occupied prior to November 3, 2007 (Ord. 2942).

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

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

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

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

Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Sec. 18.2.5.050)	Market Rate Rentals	Affordable Rentals (per Sec. 18.2.5.050)
2-4	100%	0%	0%	0%
5-12	75%	0%	25%	0%
13-24	50%	0%	50%	0%
25-48	25%	0%	75%	0%
49+	0%	0%	100%	0%

2. Where an existing multiple-family dwelling structure does not meet the regulations of the applicable zone, as listed in subsection 18.2.3.200.C.1, rental units may be converted to for-purchase units, as set forth in Table 18.2.3.200.C.2 and the standards below:

   a. Conversion of existing multiple-family structures to for-purchase housing shall comply with the following general regulations and the site development and design standards in part 18.4: number of bike and automobile parking spaces, trash, and recycling enclosures.

   b. Conversion of existing multiple-family structures to for-purchase housing shall demonstrate that there are adequate public facilities and public services available to serve the development, including but not limited to water, sewer, electric, fire protection, and storm drainage.

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

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

Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Sec. 18.2.5.050)	Market Rate Rentals	Affordable Rentals (per Sec. 18.2.5.050)
2-4	75%	25%	0%	0%
5-12	56.25%	0%	25%	18.75%
13-24	37.50%	0%	50%	12.50%
25-48	18.75%	0%	75%	6.25%
48+	0.00%	0%	100%	0%

3. As an incentive to provide affordable rental housing units above minimum requirements in projects of five or more units, an applicant shall be granted an equal percentage of for-purchase ownership units per Table 18.2.3.200.C.3.

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

Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Sec. 18.2.5.050)	Market Rate Rentals	Affordable Rentals (per Sec. 18.2.5.050)
2-4	na	na	na	na
5-12	68.75%	na	0%	31.25%
13-24	62.50%	na	0%	37.50%
25-48	56.25%	na	0%	43.75%
48+	50.00%	na	0%	50.00%

4. Units designated as market rate or affordable rental units shall be retained as one condominium tract under one ownership. This remaining rental tract shall be restricted from further consideration of conversion to for-purchase housing.

5. Affordable Housing Units provided under 18.2.3.200.C.2 and 18.2.3.200.C.3 shall meet the following affordability standards:
   a. Affordable Rental Units shall be affordable for rent by households earning at or below 60 percent of the AMI in accordance with the standards established by section 18.2.5.050 (Resolution 2006-13).
   b. Affordable Ownership Units shall be affordable for purchase by households earning at or below 80 percent of the AMI in accordance with the standards established by section 18.2.5.050 (Resolution 2006-13).
6. Prior to offering any units for sale the developer must comply with AMC 15.04.
7. Conversion of existing rental units into for-purchase housing shall comply with AMC 10.115.

SECTION 7. Section 18.2.5.030 [Unified Standards for Residential Zones – Standards for Residential Zones] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.5.030 Unified Standards for Residential Zones

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

Table 18.2.5.030.A – Standards for Urban Residential Zones

(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)

Standard	*R-1*				*R-2*	*R-3*
	R-1-10	*R-1-7.5*	*R-1-5*	*R-1-3.5*		
Residential Density (dwelling units/acre) - Minimum - Maximum See also Sec. 18.2.5.080, for R-2 and R-3 zones	NA Per Min. Lot Area	NA Per Min. Lot Area	NA Per Min. Lot Area	NA Per Min. Lot Area	See density standards in Sec. 18.2.5.080	
Lot Area – Minimum (square feet) - Lot	10,000 sf	7,500 sf	5,000 sf, 6,000 sf for corner lots	5,000 sf[1]	See density standards in Sec. 18.2.5.080	

Table 18.2.5.030.A – Standards for Urban Residential Zones

(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)

Standard	*R-1*				*R-2*	*R-3*
	R-1-10	*R-1-7.5*	*R-1-5*	*R-1-3.5*		
[1]Exception providing for minimum lot area of 3,500 sf in R-1-3.5 zone applies only where the lot contains an existing single-family dwelling that meets setback, density, and lot coverage standards; variances under this section are subject to Type I procedure.						
Lot Width – Minimum (feet)	75 ft[2]	65 ft[2]	50 ft[2]	50 ft[2]	50 ft	50 ft
[2]Width shall not exceed depth						
Lot Depth (feet) - Minimum - Maximum[3] [3]Does not apply to Partitions	 80 ft 150 ft	 80 ft 150 ft	 80 ft 150 ft	 80 ft 250% of width	 80 ft 250% of width	 80 ft 250% of width
Standard Yards – Minimum[4] (feet)						
- Front – Standard, except:	15 ft	15 ft	15 ft	15 ft	15 ft	15 ft
- Front – Unenclosed Porch[5]	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft
- Front – Garage Opening	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft
- Side – Standard	6 ft	6 ft	6 ft	6 ft	6 ft	6 ft
- Side – Corner Lot Adjacent to Street	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
- Rear – Single-Story Building	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
- Rear – Multi-Story Building	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 feet per Half Story	10 ft per Bldg Story, 5 feet per Half Story	10 ft per Bldg Story, 5 feet per Half Story
[4]See sections 18.2.4.050 and 18.2.5.060 for yard exceptions, and 18.2.5.040 for accessory structure setback exceptions; additional setbacks may be required to avoid easement encroachments, and to comply with Solar Access requirements in chapter 18.4.8. [5] For setback, or the width of any existing public utility easement, whichever is greater; an unenclosed porch must be no less than 6 feet in depth and 8 feet in width, see section 18.6.1.030 for definition of porch; in the Historic District Overlay unenclosed porch provisions do not apply, and the minimum front yard is 20 ft. [6]Does not apply to a side yard adjacent to an alley.						

Table 18.2.5.030.A – Standards for Urban Residential Zones

(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)

Standard	***R-1***				***R-2***	***R-3***
	R-1-10	***R-1-7.5***	***R-1-5***	***R-1-3.5***		
Building Separation, On Same Site – Minimum	NA[7]	NA[7]	NA[7]	NA[7]	½ the height of the tallest building, where building height is measured at the two closest exterior walls; maximum separation required is 12 ft[8] (see Figure 18.3.9.070.B)	
[7]Except as required under chapter 18.3.9 Performance Standards Option. [8]Except as required by building code; accessory structures are exempt from this requirement and subject to applicable building code requirements.						
Building Height – Maximum[9] (feet)	35 ft or 2 ½ stories, whichever is less, except structures within Historic District Overlay shall not exceed 30 ft					35 ft or 2 ½ stories, except up to 50 ft with CU permit approval
[9]See figure in the definition of "height of building" in section 18.6.1.030.						
Lot Coverage – Maximum[10] (% of lot area)	40%	45%	50%	55%	65%	75%
[10]A total area up to 200 sf or 5% of the permitted lot coverage, whichever is less, may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum; the porous solid surface exemption does not apply to driveways and parking areas. [11]Within Cottage Housing Developments up to 10% of the permitted lot coverage may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum.						
Landscape Area – Minimum (% of developed lot area)	60%	55%	50%	45%	35%	25%

Table 18.2.5.030.A – Standards for Urban Residential Zones

(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)

Standard	*R-1*				*R-2*	*R-3*
	R-1-10	*R-1-7.5*	*R-1-5*	*R-1-3.5*		
~~**Outdoor Recreation**~~ **Open** Space - Minimum (% of site area)[11] [12]See chapter 18.3.9 for additional **common** open space requirements in Performance Standard Options developments.	NA	NA	NA	NA	8%	8%

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

Table 18.2.5.030.B – Standards for Woodland Residential (WR) Zone (Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)			
Minimum Lot Area and Maximum Density *Limits on density transfer*. All developments, with the exception of partitioning, must be developed under the Performance Standards Option, chapter 18.3.9. Not more than 25% of the density allowed in a WR zone may be transferred to a higher density zone in a Performance Standard Options development.	**Slope**	**Min. Lot Size**	**DU/Acre**
	Less than 40%	2.0	.5
	40 to 50%	2.5	.4
	50 to 60%	5.0	.2
	Over 60%	10.0	.1
	Outside UGB	20.0	.05
Lot Coverage – Maximum[1] (% of lot area)	7%		
[1]A total area up to 200 sf or 5% of the permitted lot coverage, whichever is less, may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum; the porous solid surface exemption does not apply to driveways and parking areas.			
Lot Width - Minimum (feet)	100 ft		
Lot Depth - Minimum and Maximum (feet)	150 ft		
Standard Yards – Minimum[2] (feet) - Front – Standard - Side – Standard, except: - Side – Corner-Street/Alley Side - Rear – Single-Story Building - Rear – Multi-Story Building	 20 ft 6 ft 10 ft 10 ft 10 ft per Bldg Story		
[2]See sections 18.2.4.050 and 18.2.5.060 for yard exceptions, and 18.2.5.040 for accessory structure setback exceptions; additional setbacks may be required to avoid easement encroachments, and to comply with Solar Access requirements in chapter 18.4.8.			
Maximum Building Height	35 ft or 2 ½ stories, whichever is less.		

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

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

SECTION 8. Section 18.3.2.060 [Site Development and Design Standards - Croman Mill District] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.2.060 Site Development and Design Standards

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

1. Building Orientation and Scale – General Requirements. The following standards apply to all buildings, except the Staff Advisor may waive one or more of the following where a

building is not adjacent to an active edge street and is not accessed by pedestrians, such as warehouses and industrial buildings without attached offices.

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

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

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

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

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

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

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

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

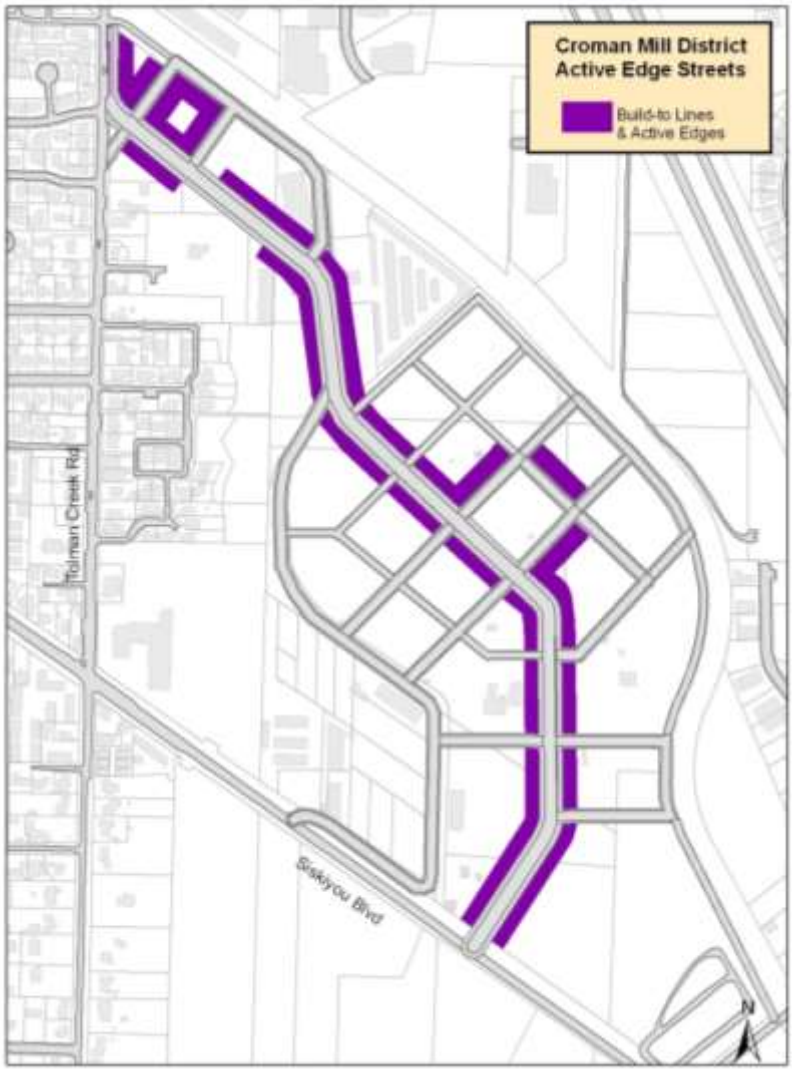


Figure 18.3.2.060.B.2
Active Edge Streets

a. Buildings shall be setback not more than ten feet from a public sidewalk unless addition setback area is used for pedestrian entries, such as alcoves, or for pedestrian activities such as plazas or outside eating areas. This standard shall apply to both street frontages on corner lots. If more than one structure is proposed for a site, at least 65 percent of the aggregate building frontage shall be within ten feet of the sidewalk.

b. Building frontages greater than 100 feet in length shall have offsets, jogs or have other distinctive changes in the building façade.

c. Buildings shall incorporate arcades, roofs, alcoves, porticoes, and awnings that protect pedestrians from the rain and sun.

d. Buildings shall incorporate display areas, windows, and doorways as follows. Windows must allow view into working areas or lobbies, pedestrian entrances, or displays areas. Blank walls within 30 feet of the street are prohibited.

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

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

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

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

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

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

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

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

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

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

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

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

standards.

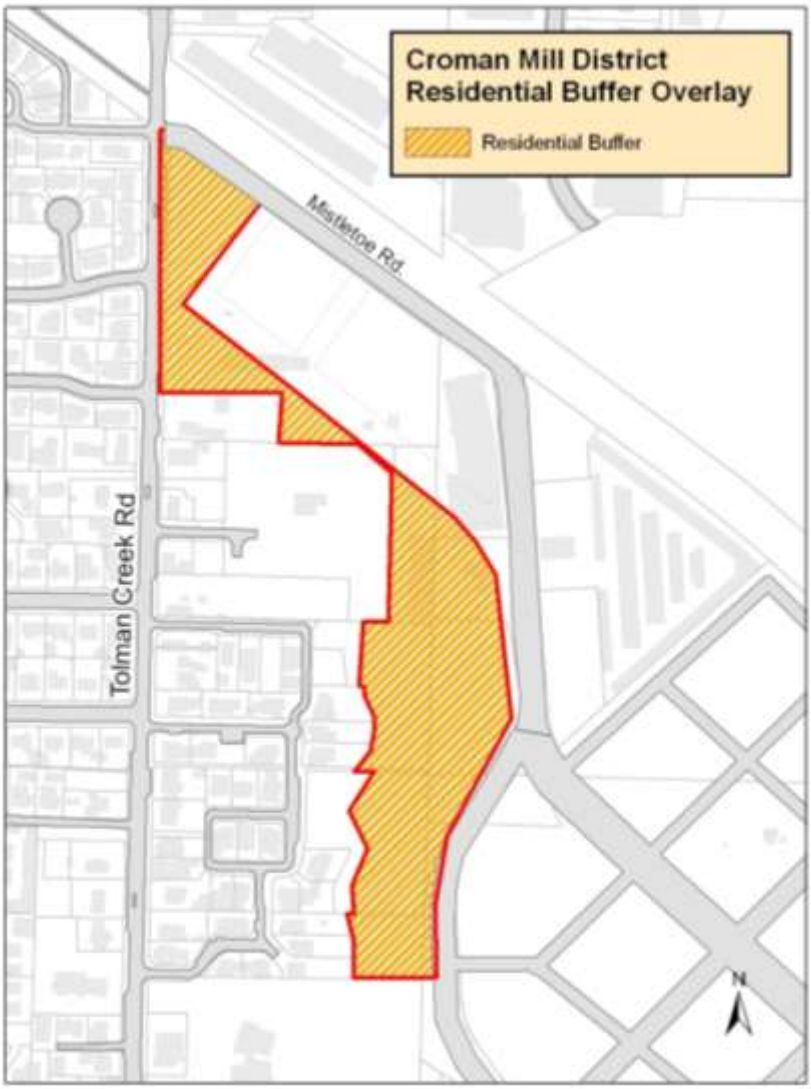


Figure 18.3.2.060.B.7.c
Residential Buffer Zone

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

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

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

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

four sides of the building.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

d. Solar energy systems are exempt from the screening requirements in subsections 18.3.2.060.B.11.a and 18.3.2.060.B.11.c, above. Additionally, rooftop solar energy

systems may be erected up to five feet above the calculated building height, and shall be no greater than five feet above the height limit specified in the district in accordance Table 18.3.2.050 Dimensional Standards.

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

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

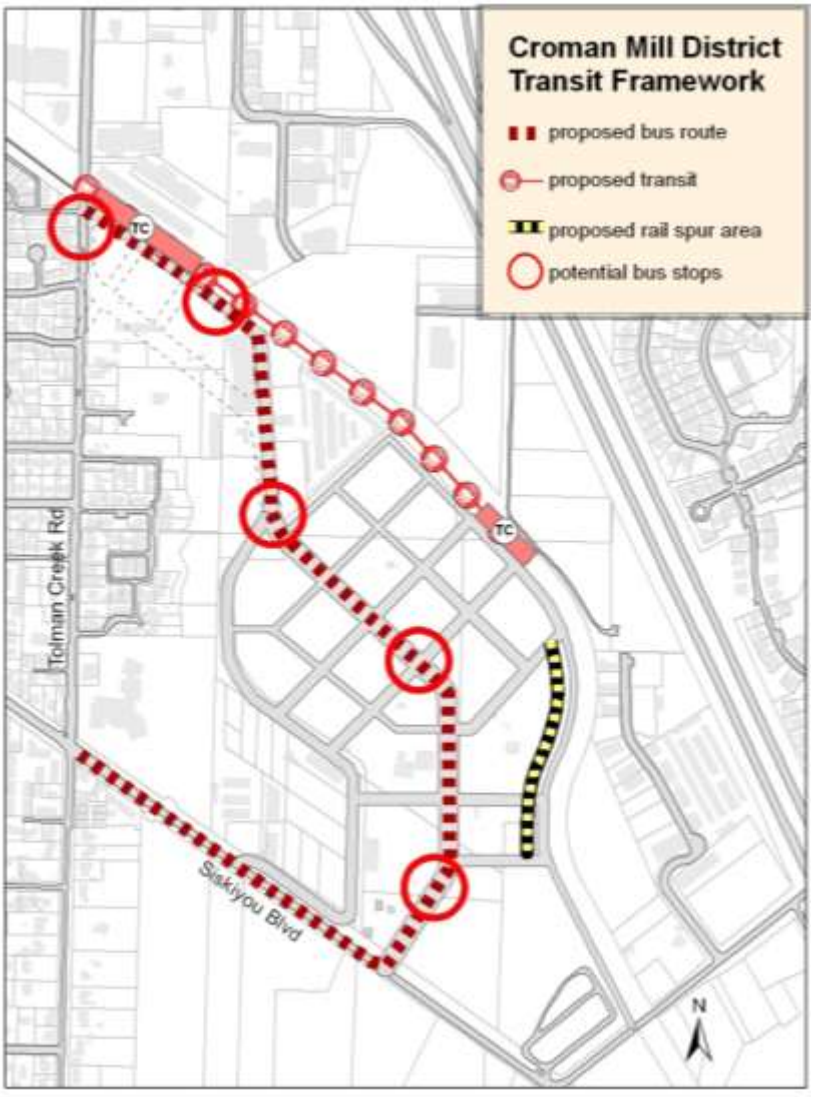


Figure 18.3.2.060.B.12
Transit Framework

a. All large scale development located on an existing or planned transit route shall accommodate a transit stop and other associated transit facilities unless the Community Development Director determines that adequate transit facilities already

exist to serve the needs of the development; or

b. Provide the City with a bond or other suitable collateral ensuring satisfactory completion of the transit facilities at the time transit service is provided to the development. Suitable collateral may be in the form of security interest, letters of credit, certificates of deposit, cash bonds, bonds or other suitable collateral as determined by the City Administrator.

13. Freight Rail Spur Easement – CI zone

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

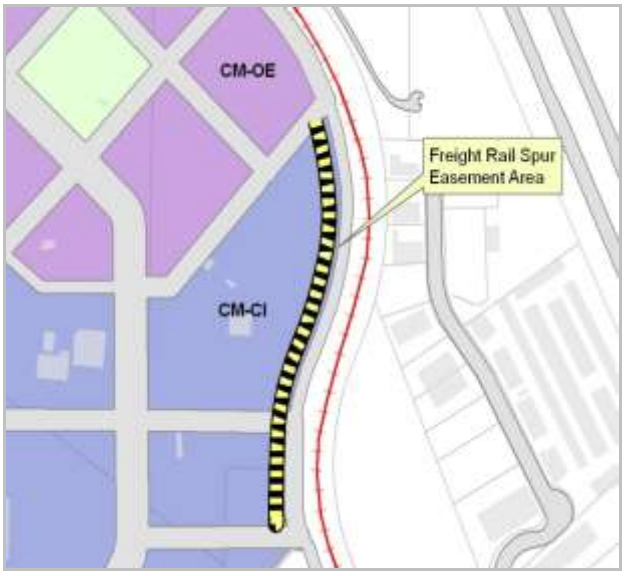


Figure 18.3.2.060.B.13.a
Freight Rail Spur

b. No buildings or permanent structures can be established within the spur easement so not to preclude installation of a rail spur for freight loading and unloading.

c. Buildings adjacent to the reserve strip shall be designed and configured to permit loading and unloading.

14. Commuter Rail Platform Easement – NC Zone

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

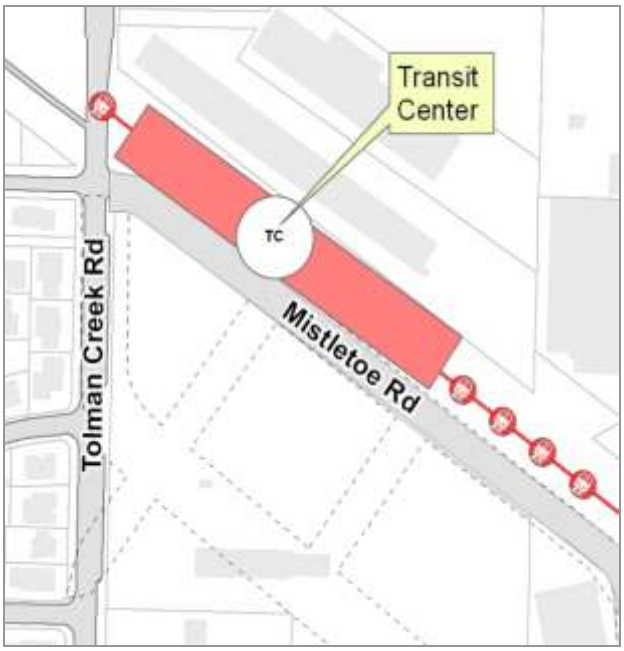


Figure 18.3.2.060.B.14.a
Transit Center

b. No building or permanent structure shall be placed within the platform easement or in such a way as to preclude installation of a commuter rail platform or planned bus rapid transit facility.

c. Buildings adjacent to the reserve strip shall be designed and configured to permit loading and unloading.

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

a. A passenger waiting, loading, and unloading area.

b. Outdoor gathering space adjacent to commercial uses.

c. Accommodate the central bike path.

d. Conveniently located and secure bike parking.

Figure 18.3.2.060.B.15
Transit Plaza

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

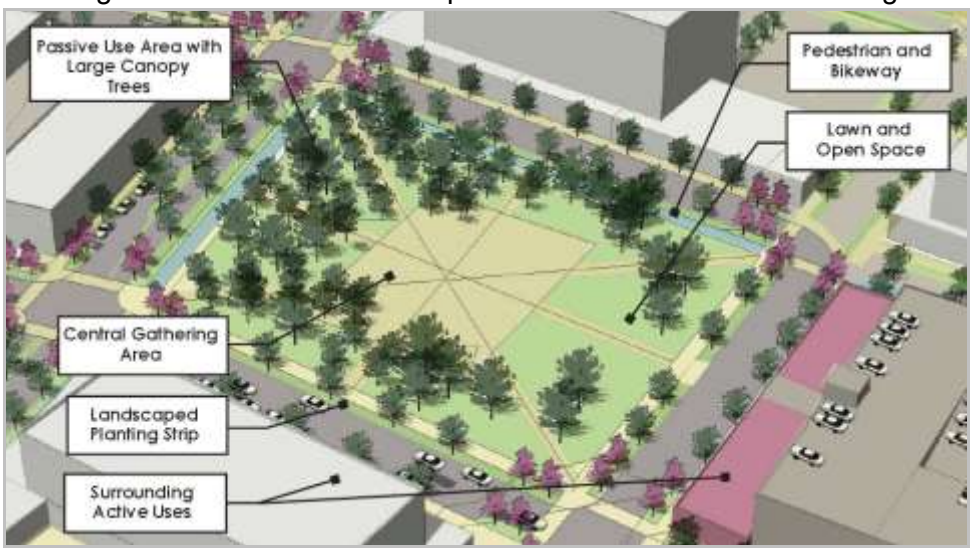


Figure 18.3.2.060.B.16
Central Park

a. Circulation through and around the **central** park.
b. A centrally located hardscape area to accommodate large gatherings, and of no more than 50 percent of the total **central** park area.
c. Street furniture, including lighting, benches, low walls, and trash receptacles along walkways and the **central** park perimeter.
d. Simple and durable materials.
e. Trees and landscaping that provide visual interest with a diversity of plant materials.

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

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

h. Landscaped swales to capture and treat runoff.

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

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

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

b. Opportunities for shared parking are utilized.

SECTION 9. Section 18.3.2.070 [Open Space Zone - Croman Mill District] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.2.070 Open Space Zone

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

SECTION 10. Section 18.3.4.030 [General Regulations - Normal Neighborhood] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.4.030 General Regulations

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

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

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

1. Major and Minor Amendments

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

      i. A change in the land use overlay designation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Minor Amendment.

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

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

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

SECTION 11. Section 18.3.4.040 [Use Regulations - Normal Neighborhood District] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.4.040 Use Regulations

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

1. Plan NN-1-5 zone**.** The use regulations and development standards are intended to create, maintain and promote single dwelling neighborhood character. A variety of housing types are allowed, in addition to the detached single dwelling. Development standards that are largely the same as those for single dwellings ensure that the overall image and character of the single dwelling neighborhood is maintained.

2. Plan NN-1-3.5 zone. The use regulations and development standards are intended to create, maintain and promote single dwelling neighborhood character. A variety of housing types are allowed including multiple compact attached and/or detached dwellings. Dwellings may be grouped around common open space promoting a scale and character compatible with single-family homes. Development standards that are largely the same as those for single dwellings ensure that the overall image and character of the single dwelling neighborhood is maintained.

3. Plan NN-1-3.5-C zone**.** The use regulations and development standards are intended to provide housing opportunities for individual households through development of multiple compact attached and/or detached dwellings with the added allowance for neighborhood-serving commercial mixed-uses so that many of the activities of daily living can occur within the Normal Neighborhood. The public streets within the vicinity of the NN-1-3.5-C overlay are to provide sufficient on-street parking to accommodate ground floor neighborhood business uses.

4. Plan NN-2 zone. The use regulations and development standards are intended to create and maintain a range of housing choices, including multi-family housing within the context of the residential character of the Normal-Neighborhood Plan.

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

1. Single Dwelling Residential Unit. A Single Dwelling Residential Unit is a detached residential building that contains a single dwelling with self-contained living facilities on one lot. It is separated from adjacent dwellings by private open space in the form of side yards and backyards, and set back from the public street or common green by a front yard. Auto parking is generally on the same lot in a garage, carport, or uncovered area. The garage may be detached or attached to the dwelling structure.
2. Accessory Residential Unit**.** An Accessory Residential Unit is a secondary dwelling unit on a lot, either attached to the single-family dwelling or in a detached building located on the same lot with a single-family dwelling, and having an independent means of entry.
3. Double Dwelling Residential Unit (Duplex)**.** A Double Dwelling Residential Unit is a residential building that contains two dwellings located on a single lot, each with self-contained living facilities. Double Dwelling Residential Units must share a common wall or a common floor/ ceiling and are similar to a Single Dwelling Unit in appearance, height, massing and lot placement.
4. Attached Residential Unit (Townhome, Row house). An Attached Residential Unit is single dwelling located on an individual lot which is attached along one or both sidewalls to an adjacent dwelling unit. ~~**Private open space may take the form of front yards, backyards, or upper level terraces.**~~ The dwelling unit may be set back from the public street or common green by a front yard.
5. Clustered Residential Units - Pedestrian-Oriented**.** Pedestrian-Oriented Clustered Residential Units are multiple dwellings grouped around common open space that promote a scale and character compatible with single-family homes. Units are typically arranged around a central common green under communal ownership. Auto parking is generally grouped in a shared surface area or areas.
6. Multiple Dwelling Residential Unit. Multiple Dwelling Residential Units are multiple dwellings that occupy a single building or multiple buildings on a single lot. Dwellings may take the form of condominiums or apartments. Auto parking is generally provided in a shared parking area or structured parking facility.
7. Cottage Housing. Cottage Housing Units are small dwellings in developments approved in accordance with the standards in 18.2.3.090.

C. Allowed Uses.

1. Uses Allowed in Normal Neighborhood District. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.4.040 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040

Similar Uses. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.

a. *Permitted Uses*. Uses listed as "Permitted (P)" are allowed.

b. *Permitted Subject to Special Use Standards.* Uses listed as "Permitted Subject to Special Use Standards (S)" are allowed, provided they conform to chapter 18.2.3 Special Use Standards.

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

d. *Prohibited Uses.* Uses not listed in Table 18.3.4.040, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.

2. Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone.

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

Table 18.3.4.040 Normal Neighborhood District Uses Allowed by Zone[10]	**Normal Neighborhood District Zones[11]**			
	NN-	**NN-1-**	**NN-1-**	**NN-**
A. Residential Uses				
Single Dwelling Residential Unit (Single-Family Dwelling)	P	P	N	N
Accessory Residential Unit, see Sec. 18.2.3.040	P or S	P or S	P or S	N
Double Dwelling Residential Unit (Duplex Dwelling)	N	P	P	P
Cottage Housing	P	N	N	N
Clustered Residential Units	N	P	P	P
Attached Residential Unit	N	P	P	P
Multiple Dwelling Residential Unit (Multi family Dwelling)	N	P	P	P
Manufactured Home on Individual Lot	P	P	P	P
Manufactured Housing Development	N	P	P	P
B. Neighborhood Business and Service Uses				
Home Occupation	P	P	P	P
Retail Sales and Services, with each building limited to 3,500 square feet of gross floor area	N	N	P	N

Table 18.3.4.040 Normal Neighborhood District Uses Allowed by Zone[10]	Normal Neighborhood District Zones[11]			
Professional and Medical Offices, with each building limited to 3,500 square feet of gross floor area	N	N	P	N
Light manufacturing or assembly of items occupying six hundred (600) square feet or less, and contiguous to the permitted retail use.	N	N	P	N
Restaurants	N	N	P	N
Day Care Center	N	N	P	N
Assisted Living Facilities	N	C	C	C
C. Residential Uses				
Religious Institutions and Houses of Worship	C	C	C	C
Public Buildings	P	P	P	P
Community Gardens	P	P	P	P
Open Space and Recreational Facilities	P	P	P	P

P = Permitted Use; S = Permitted with Special Use Standards; C = Conditional Use Permit Required; N = Not Allowed

SECTION 12. Section 18.3.4.060 [Site Development and Design Standards - Normal Neighborhood District] of the Ashland Land Use Ordinance is hereby amended to read as follows:

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

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

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

a. Streets designated as Shared Streets on the Normal Neighborhood Plan Street Network Map may be alternatively developed as alleys, or multiuse paths provided the following:

i. Impacts to the water protection zones are minimized to the greatest extent feasible.

ii. Pedestrian and bicyclist connectivity, as indicated on the Normal Avenue Neighborhood Plan Pedestrian and Bicycle Network Map, is maintained or enhanced.

2. Storm water management. The Normal Neighborhood Plan uses street trees, green streets, and other green infrastructure to manage storm water, protect water quality and improve watershed health. Discharge of storm water runoff must be directed into a designated green street and neighborhood storm water treatment facilities.

a. *Design Green Streets.* Streets designated as Green Streets within the Street Network, and as approved by the Public Works Department, shall conform to the following standards:

i. New streets must be developed so as to capture and treat storm water in conformance with the City of Ashland Storm Water Master Plan.

3. Access Management Standards: To manage access to land uses and on-site circulation, and maintain transportation safety and operations, vehicular access must conform to the standards set forth in section 18.4.3.080, and as follows:

a. Automobile access to development is intended to be provided by alleys where possible consistent with the street connectivity approval standards.

b. Curb cuts along a Neighborhood Collector or shared street are to be limited to one per block, or one per 200 feet where established block lengths exceed 400 feet.

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

B. Site and Building Design Standards.

1. Lot and Building Orientation:

a. *Lot Frontage Requirements*. Lots in the Normal Neighborhood are required to have their Front Lot Line on a street or a Common Green.

b. *Common Green.* The *Common* Green provides access for pedestrians and bicycles to abutting properties. *Common* greens are also intended to serve as a common open space amenity for residents. The following approval criteria and standards apply to common greens:

i. Common Greens must include at least 400 square feet of grassy area, play area, or dedicated gardening space, which must be at least 15 feet wide at its narrowest dimension.

2. Cottage Housing. Cottage Housing Developments in the Normal Neighborhood shall be developed in accordance with the standards in 18.2.3.090.

3. Conservation of Natural Areas. Development plans must preserve water quality, natural hydrology and habitat, and preserve biodiversity through protection of streams and wetlands. In addition to the requirements of 18.3.11 Water Resources Protection Zones (Overlays), conserving natural water systems must be considered in the site design through the application of the following guidelines:
    a. Designated stream and wetland protection areas are to be considered positive design elements and incorporated in the overall design of a given project.
    b. Native riparian plant materials must be planted in and adjacent to the creek to enhance habitat.
    c. Create a long-term management plan for on-site wetlands, streams, associated habitats and their buffers.
4. Storm Water Management**.** Storm water run-off, from building roofs, driveways, parking areas, sidewalks, and other hard surfaces must be managed through implementation of the following storm water management practices:
    a. When required by the City Engineer, the applicant must submit hydrology and hydraulic calculations, and drainage area maps to the City, to determine the quantity of predevelopment, and estimated post-development, storm water runoff and evaluate the effectiveness of storm water management strategies. Computations must be site specific and must account for conditions such as soil type, vegetative cover, impervious areas, existing drainage patterns, flood plain areas and wetlands.
    b. Future Peak Storm water flows and volumes shall not exceed the pre-development peak flow. The default value for pre-development peak flow is .25 CFS per acre.
    c. Detention volume must be sized for the 25 year, 24-hour peak flow and volume.
    d. Development must comply with one or more of following guidelines.
        i. Implement storm water management techniques that endeavor to treat the water as close as possible to the spot where it hits the ground through infiltration, evapotranspiration or through capture and reuse techniques.
        ii. Use on-site landscape-based water treatment methods to treat rainwater runoff from all surfaces, including parking lots, roofs, and sidewalks.
        iii. Use pervious or semi-pervious surfaces that allow water to infiltrate soil.
        iv. Design grading and site plans that create a system that slows the stormwater, maximizing time for cleansing and infiltration.
        v. Maximizing the length of overland flow of storm water through bioswales and rain gardens,
        vi. Use structural soils in those environments that support pavements and trees yet are free draining.
        vii. Plant deep rooted native plants.

viii. Replace metabolically active minerals, trace elements and microorganism rich compost in all soils disturbed through construction activities.

5. Off-Street Parking**.** Automobile parking, loading and circulation areas must comply with the requirements of chapter 18.4.3 Parking, Access, and Circulation Standards, and as follows:

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

6. Neighborhood Module Concept plans. The Neighborhood Module Concept plans (i.e. development scenarios) are for the purpose of providing an example of developments that conform to the standards, and do not constitute independent approval criteria. Concept plans are attached to the end of this chapter.

7. Conformance with Open Space Network Plan**:** New developments must provide open space consistent with the design concepts within the Greenway and Open Space chapter of the Normal Neighborhood Plan Framework and in conformance with the Normal Neighborhood Plan Open Space Network Map. The open space network will be designed to support the neighborhood's distinctive character and provide passive recreational opportunities where people can connect with nature, where water resources are protected, and where riparian corridors and wetlands are preserved and enhanced.

   a. The application demonstrates that equal or better protection for identified resources will be ensured through restoration, enhancement, and mitigation measures.

   b. The application demonstrates that connections between open spaces are created and maintained providing for an interlinked system of greenways.

   c. The application demonstrates that open spaces function to provide habitat for wildlife, promote environmental quality by absorbing, storing, and releasing storm water, and protect future development from flood hazards.

   d. The application demonstrates that scenic views considered important to the community are protected, and community character and quality of life are preserved by buffering areas of development from one another.

SECTION 13. Section 18.3.4.070 [Open Spaces Overlay - Normal Neighborhood District] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.4.070. Open Space Area Overlay

All projects containing land identified as Open Space Areas on the Normal Neighborhood Plan Open Space Network Map, unless otherwise amended per section 18.3.030.C, must dedicate those areas as: ~~common areas~~, public open space, **common open space,** or private open

space ~~protected by restrictive covenant~~. It is recognized that the master planning of the properties as part of the Normal Neighborhood Plan imparted significant value to the land, and the reservation of lands for ~~recreational~~ open space, **recreation,** and conservation purposes is proportional to the value bestowed upon the property through the change in zoning designation and future annexation.

SECTION 14. Section 18.3.5.080 [Open Spaces Zone - North Mountain Neighborhood] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.5.080 Open Spaces Zone NM-O

Open ~~S~~spaces identified on the Neighborhood Plan **Proposed Secondary Zoning** map shall be developed as part of a specific project approval. If the project is proposed to be developed in phases, 50 percent of the area of the **designate**d ~~O~~open ~~S~~space shall be developed in the first phase with the remainder of the area to be developed prior to building permit issuance for 2/3 of the project's units.

SECTION 15. Section 18.3.5.100 [Site Development and Design Standards - North Mountain Neighborhood] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.5.100 Site Development and Design Standards

D. Open Space and Neighborhood Focal Point.

1. Open Space. A variety of open space types are located within the North Mountain Neighborhood and each type should be designed based upon its environmental impact and benefiting attributes. Open space types within the area include the Bear Creek Floodplain, pocket parks, pedestrian accessways, a commercial common (plaza), and street medians. Each **of those** type**s** of open spaces shall be accessible to the general public at all times. Development of **those** open spaces shall be as follows.

    a. Except for pedestrian accessways and a small picnic area, use of the Bear Creek Floodplain shall be kept to a minimum. No buildings shall be permitted the area except for a small gazebo type structure associated with the picnic area.

    b. Whenever possible, pocket parks and pedestrian access ways shall be linked to formulate a more interesting and inevitable alternative. Each should be designed around natural features minimizing their impact, but increasing their appeal. Developments fronting these areas are encouraged as long as vehicular access is from an alley. See Figure 18.3.5.100.D.1.b.

SECTION 16. Section 18.3.9.040 [Review Procedures and Criteria -Performance Standards Option and PSO Overlay] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.9.040 Review Procedures and Criteria

Review Steps. There are two required steps to Performance Standards Options and PSO Overlay approval, which may be completed individually or combined for concurrent review pursuant to 18.3.9.040.A.

1. Application for outline plan approval.
2. Application final plan approval.

Permitting and guarantees for public improvements, including bonding, and the creation of common areas shall follow the same procedures as for a subdivision.

A. Outline Plan. A proposed Outline Plan shall accompany applications for subdivision approval under this chapter. For developments of fewer than ten lots, the Outline Plan may be filed concurrently with the Final Plan, as that term is defined in 18.3.9.040.B.4. For developments of ten or more lots, prior Outline Plan approval is mandatory.

1. Review Procedure. The Type II procedure in section 18.5.1.060 shall be used for the approval of the outline plan.
2. Application Submission Requirements. The following information is required for a Performance Standards Subdivision Outline Plan application submittal.
   a. A topographic map showing contour intervals of five feet.
   b. The proposed land uses and approximate locations of the existing buildings to be retained, the proposed structures on the site, the proposed and existing property lines and easements on the site, and existing buildings, structures, and trees greater than six inches in diameter measured at breast height on the properties adjacent to the site, and all buildings within 160 feet of the site boundaries.
   c. The locations of all proposed thoroughfares, walkways, and parking facilities.
   d. Public uses, including schools, parks, playgrounds, ~~**open spaces,**~~ and trails.
   e. Public or private utilities.
   f. General areas of cuts and fill.
   g. The location of natural features such as rock outcroppings, marshes, wooded areas, and isolated preservable trees.
   h. The location and direction of all watercourses and areas subject to flooding.
   i. Proposed common and private open spaces. Private open spaces shall be indicated if the areas are proposed as part of the required open space area for the development in section 18.4.4.070 (i.e., eight percent of total lot area in open space).
   ~~i~~**j**. Plans shall indicate building envelopes for all proposed lots, which show the area and maximum height of improvements, including solar access and view protection where required.
   ~~j~~**k**. Elevations of typical proposed residential structures. Elevations should be to scale and should include the approximate dimensions of the proposed structures and all

attached exterior hardware for heating and cooling.

~~k~~l. A written statement containing an explanation of:

i. The character of the proposed development and the manner in which it has been designed to take advantage of the Performance Standards concept.

ii. The proposed manner of financing.

iii. The present ownership of all the land included within the development.

iv. The method proposed to maintain common ~~open~~ areas, **such as common open space, common** buildings and private ~~thoroughfares~~**drives and driveways**.

v. The proposed time schedule of the development.

vi. The findings of the applicant showing that the development meets the criteria set forth in this ordinance and the Comprehensive Plan.

3. Approval Criteria for Outline Plan. The Planning Commission shall approve the outline plan when it finds all of the following criteria have been met.

a. The development meets all applicable ordinance requirements of the City.

b. Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.

c. The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the **common** open space, common areas, and unbuildable areas.

d. The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.

e. There are adequate provisions for the maintenance of **common** open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.

f. The proposed density meets the base and bonus density standards established under this chapter.

g. The development complies with the Street Standards.

h. The proposed development meets the common open space standards established under section 18.4.4.070. Common open space requirements may be satisfied by public open space in accordance with section 18.4.4.070 if approved by the City of Ashland.

4. Approval of the Outline Plan.

a. After the City approves an outline plan and adopts any zone change necessary for the development, the developer may then file a final plan in phases or in its entirety.

b. If an outline plan is phased, 50 percent of the value of the ~~recreational amenities~~**common open space** shall be provided in the first phase and all ~~recreational amenities~~**common open space** shall be provided when 2/3 of the units are finished.

B. Final Plan

1. Review Procedure. The Type I procedure in section 18.5.1.050 shall be used for approval of final plans, unless an outline plan has been filed concurrently, in which case Type II procedure shall be used, and the criteria for approval of an outline plan shall also be applied.
2. Phasing. The final plan may be filed in phases as approved on the outline plan.
3. Expiration. If the final plan or the first phase of the outline plan is not approved within 18 months from the date of the approval of the outline plan, then the approval of the plan is terminated and void and of no effect whatsoever.
4. Application Submission Requirements. The following information is required for a Performance Standards Subdivision Final Plan application submittal.
   a. A topographic map showing contour intervals of five feet.
   b. Location of all thoroughfares and walks, their widths and nature of their improvements, and whether they are to be public or private.
   c. Road cross-sections and profiles, clearly indicating the locations of final cuts and fills, and road grades.
   d. The location, layout, and servicing of all off-street parking areas.
   e. The property boundary lines.
   f. The individual lot lines of each parcel that are to be created for separate ownership.
   g. The location of easements for water line, fire hydrants, sewer and storm sewer lines, and the location of the electric, gas, telephone lines, telephone cable, and lighting plans.
   h. Landscaping and tree planting plans with the location of the existing trees and shrubs which are to be retained, and the method by which they are to be preserved.
   i. Common ~~**open**~~ areas and **common and private open** spaces, and the particular uses intended for them. **Private open spaces shall be indicated if the areas are proposed as part of the required open space area for the development in section 18.4.4.070 (i.e., eight percent of total lot area in open space).**
   j. Areas proposed to be conveyed, dedicated, reserved or used for parks, scenic ways, playgrounds, schools or public buildings.
   k. A plan showing the following for each existing or proposed building or structure for all sites except single-family, detached housing which meets the parent zone setbacks.
      i. Its location on the lot and within the Planned Unit Development.
      ii. Its intended use.

iii. The number of dwelling units in each residential building.

iv. Plans shall indicate building envelopes for all proposed lots, which show the area and maximum height of improvements, including solar access and view protection where required.

l. Elevations of typical proposed residential structures. Elevations should be to scale and should include the approximate dimensions of the proposed structures and all attached exterior hardware for heating and cooling.

m. Manner of financing.

n. Development time schedule.

o. If individual lots are to be sold, a final plat is required, similar to that required for a subdivision, per chapter 18.5.3 Land Divisions and Property Line Adjustments.

p. Final plans for location of water, sewer, drainage, electric and cable T.V. facilities, and plans for street improvements and grading or earth-moving improvements.

q. The location of all trees over six inches diameter at breast height, which are to be removed by the developer. Such trees are to be tagged with flagging at the time of Final Plan approval. See also, chapter 18.4.5 Tree Preservation and Protection.

5. Approval Criteria for Final Plan. Final Plan approval shall be granted upon finding of substantial conformance with the Outline Plan. This substantial conformance provision is intended solely to facilitate the minor modifications from one planning step to another. Substantial conformance shall exist when comparison of the outline plan with the final plan meets all of the following criteria.

a. The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.

b. The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Ordinance.

c. The **common** open spaces vary no more than ten percent of that provided on the outline plan.

d. The building size does not exceed the building size shown on the outline plan by more than ten percent.

e. The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.

f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.

g. The development complies with the Street Standards.

h. Nothing in this section shall limit reduction in the number of dwelling units or increased open space provided that, if this is done for one phase, the number of

dwelling units shall not be transferred to another phase, nor the **common** open space reduced below that permitted in the outline plan.

6. Any substantial amendment to an approved Final Plan shall follow a Type I procedure in section 18.5.1.050 and be reviewed in accordance with the above criteria.

SECTION 17. Section 18.3.10.080 [Development Standards for Flood Plain Corridor Lands - Physical and Environmental Constraints Overlay] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.10.080 Development Standards for Flood Plain Corridor Lands

For all land use actions that could result in development of the Flood Plain Corridor, the following is required in addition to any requirements of AMC 15.10.

A. Standards for Fill in Flood Plain Corridor Lands.

1. Fill shall be designed as required by the Oregon Structural Specialty Code (OSSC), and Oregon Residential Specialty Code (ORSC), where applicable.
2. The toe of the fill shall be kept at least ten feet outside of floodway channels, as defined in AMC 15.10, and the fill shall not exceed the angle of repose of the material used for fill.
3. The amount of fill in the Flood Plain Corridor shall be kept to a minimum. Fill and other material imported from off the lot that could displace floodwater shall be limited to the following.
   a. Poured concrete and other materials necessary to build permitted structures on the lot.
   b. Aggregate base and paving materials, and fill associated with approved public and private street and driveway construction.
   c. Plants and other landscaping and agricultural material.
   d. A total of 50 cubic yards of other imported fill material.
   e. The above limits on fill shall be measured from April 1989, and shall not exceed the above amounts. These amounts are the maximum cumulative fill that can be imported onto the site, regardless of the number of permits issued.
4. If additional fill is necessary beyond the permitted amounts in subsection 18.3.10.080.A.3, above, then fill materials must be obtained on the lot from cutting or excavation only to the extent necessary to create an elevated site for permitted development. All additional fill material shall be obtained from the portion of the lot in the Flood Plain Corridor.
5. Adequate drainage shall be provided for the stability of the fill.
6. Fill to raise elevations for a building site shall be located as close to the outside edge of the Flood Plain Corridor as feasible.

B. Crossings. A crossing of any waterway identified on the official maps adopted pursuant to section 18.3.10.070 Official Maps (e.g., for streets, property access or utilities) must be designed by an engineer. Stream crossings shall be designed to the standards of AMC 15.10, or where no floodway has been identified, to pass a 100-year flood without any increase in the upstream flood height elevation. The engineer shall consider in the design the probability that the crossing will be blocked by debris in a severe flood, and accommodate expected overflow. The crossing shall be at right angles to the stream channel to the greatest extent possible. Fill for stream crossings shall be kept to the minimum necessary to achieve property access, but is exempt from the limitations in subsection 18.3.10.080.A, above.

C. Elevation of Non-Residential Structures. Non-residential structures shall be flood-proof to the standards in AMC 15.10 to one foot above the elevation contained in the maps adopted by AMC 15.10, or up to the elevation contained in the official maps adopted by section 18.3.10.070 Official Maps, whichever height is greater. Where no specific elevations exist, then they must be flood-proofed to an elevation of ten feet above the stream channel on Ashland, Bear or Neil Creek; to five feet above the stream channel on all other Riparian Preservation Creeks identified on the official maps adopted pursuant to section 18.3.10.070; and three feet above the stream channel on all other Land Drainage Corridors identified on the official maps adopted pursuant to section 18.3.10.070.

D. Elevation of Residential Structures. All residential structures shall be elevated so that the lowest habitable floor shall be raised to one foot above the elevation contained in the maps adopted in AMC 15.10, or to the elevation contained in the official maps adopted pursuant to section 18.3.10.070 Official Maps, whichever height is greater. Where no specific elevations exist, then they must be constructed at an elevation of ten feet above the stream channel on Ashland, Bear, or Neil Creek; to five feet above the stream channel on all other Riparian Preservation Creeks identified on the official maps adopted pursuant to section 18.3.10.070; and three feet above the stream channel on all other Land Drainage Corridors identified on the official maps adopted pursuant to section 18.3.10.070, or one foot above visible evidence of high flood water flow, whichever is greater. An engineer or surveyor shall certify the elevation of the finished lowest habitable floor prior to issuance of a certificate of occupancy for the structure.

E. Structure Placement. To the maximum extent feasible, structures shall be placed on other than Flood Plain Corridor Lands. In the case where development is permitted in the Flood Plain Corridor area, then development shall be limited to that area which would have the shallowest flooding.

F. Residential Structure Placement. Existing lots with buildable land outside the Flood Plain Corridor shall locate all residential structures outside the Corridor Land, unless 50 percent or more of the lot is within the Flood Plain Corridor. For residential uses proposed for existing lots that have more than 50 percent of the lot in Corridor Land, structures may be located on that portion of the Flood Plain Corridor that is two feet or less below the flood elevations on the official maps, but in no case closer than 20 feet to the channel of a Riparian Preservation Creek identified on the official maps adopted pursuant to section 18.3.10.070. Construction shall be subject to the requirements in subsection 18.3.10.080.D, above.

G. New Non-Residential Structures. New non-residential uses may be located on that portion

of Flood Plain Corridor Lands that equal to or above the flood elevations on the official maps adopted in section 18.3.10.070 Official Maps. Second story construction may be cantilevered or supported by pillars that will have minimal impact on the flow of floodwaters over the Flood Plain Corridor for a distance of 20 feet if it does not impact riparian vegetation, and the clearance from finished grade is at least ten feet in height. The finished floor elevation may not be more than two feet below the flood corridor elevations.

H. **Building Envelopes.** All lots modified by property line adjustments, and new lots created from areas containing Flood Plain Corridor Land, must have building envelopes containing buildable area of a sufficient size to accommodate the uses permitted in the underling zone, unless the action is ~~for~~ **to provide** open space or **for** conservation purposes. This section shall apply even if the effect is to prohibit further division of lots that are larger than the minimum size permitted in the zoning ordinance.

I. Basements.

1. Habitable basements are not permitted for new or existing structures or additions located within the Flood Plain Corridor.
2. Non-habitable basements, used for storage, parking, and similar uses are permitted for residential structures but must be flood-proofed to the standards of AMC 15.10.

J. Hazardous Chemicals. Storage of petroleum products, pesticides, or other hazardous or toxic chemicals is not permitted in Flood Plain Corridor Lands.

K. Fences. Fences shall be located and constructed in accordance with subsection 18.3.11.050.B.3. Fences shall not be constructed across any waterway or stream identified on the official maps adopted pursuant to section 18.3.10.070 Official Maps. Fences shall not be constructed within any designated floodway.

L. Decks and Other Structures. Decks and structures other than buildings, if constructed on Flood Plain Corridor Lands and at or below the levels specified in subsections 18.3.10.080.C and D, shall be flood-proofed to the standards contained in AMC 15.10.

M. **Local Streets and Utilities.** Local streets and utility connections to developments in and adjacent to the Flood Plain Corridor shall be located outside of the Flood Plain Corridor, except for crossing the Corridor, except as provided for in chapter 18.3.11 Water Resources Overlay, or in the Flood Plain Corridor as outlined below.

1. Public street construction may be allowed within the Bear Creek Flood Plain Corridor as part of development following the adopted North Mountain Neighborhood Plan. This exception shall only be permitted for that section of the Bear Creek Flood Plain Corridor between North Mountain Avenue and the Nevada Street right-of-way. The new street shall be constructed in the general location as indicated on the neighborhood plan map, and in the area generally described as having the shallowest potential for flooding within the corridor.
2. Proposed development that is not in accord with the North Mountain Neighborhood Plan shall not be permitted to utilize this exception.

SECTION 18. Section 18.3.10.090 [Development Standards for Hillside Lands - Physical and Environmental Constraints Overlay] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.10.090 Development Standards for Hillside Lands

It is the purpose of the Development Standards for Hillside Lands to provide supplementary development regulations to underlying zones to ensure that development occurs in such a manner as to protect the natural and topographic character and identity of these areas, environmental resources, the aesthetic qualities and restorative value of lands, and the public health, safety, and general welfare by insuring that development does not create soil erosion, sedimentation of lower slopes, slide damage, flooding problems, and severe cutting or scarring. It is the intent of these development standards to encourage a sensitive form of development and to allow for a reasonable use that complements the natural and visual character of the City.

A. General Requirements. The following general requirements shall apply in Hillside Lands.

1. Buildable Area. All development shall occur on lands defined as having buildable area. Slopes greater than 35 percent shall be considered unbuildable except as allowed below. Exceptions may be granted to this requirement only as provided in subsection 18.3.10.090.H.
    a. Existing parcels without adequate buildable area less than or equal to 35 percent shall be considered buildable for one unit.
    b. Existing parcels without adequate buildable area less than or equal to 35 percent cannot be subdivided or partitioned.
2. Building Envelope. All newly created lots either by subdivision or partition shall contain a building envelope with a slope of 35 percent or less.
3. New Streets and Driveways. New streets, flag drives, and driveways shall be constructed on lands of less than or equal to 35 percent slope with the following exceptions.
    a. The street is indicated on the Street Dedication map.
    b. The portion of the street, flag drive, or driveway on land greater than 35 percent slope does not exceed a length of 100 feet.
4. Geotechnical Studies. For all applications on Hillside Lands involving subdivisions or partitions, the following additional information is required: A geotechnical study prepared by a geotechnical expert indicating that the site is stable for the proposed use and development. The study shall include the following information.
    a. Index map.
    b. Project description to include location, topography, drainage, vegetation, discussion of previous work and discussion of field exploration methods.
    c. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc., and structural data including bedding, jointing and shear zones, soil depth, and

soil structure.

d. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.

e. Suitability of site for proposed development from a geologic standpoint.

f. Specific recommendations for cut and fill slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards.

g. If deemed necessary by the engineer or geologist to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing subsurface structure, graphic logs with subsurface exploration, results of laboratory test and references.

h. Signature and registration number of the engineer and/or geologist.

i. Additional information or analyses as necessary to evaluate the site.

j. Inspection schedule for the project as required in 18.3.10.090.B.9.

k. Location of all irrigation canals and major irrigation pipelines.

B. Hillside Grading and Erosion Control. All development on lands classified as Hillside shall provide plans conforming to the following items.

1. All grading, retaining wall design, drainage, and erosion control plans for development on Hillside Lands shall be designed by a geotechnical expert. All cuts, grading or fills shall conform to the International Building Code and be consistent with the provisions of this ordinance. Erosion control measures on the development site shall be required to minimize the solids in runoff from disturbed areas.

2. Timing of Improvements. For development other than single-family homes on individual lots, all grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Excavation shall not occur during the remaining wet months of the year. Erosion control measures shall be installed and functional by October 31. Up to 30-day modifications to the October 31 date, and 45-day modification to the May 1 date may be made by the Planning Director, based upon weather conditions and in consultation with the project geotechnical expert. The modification of dates shall be the minimum necessary, based upon evidence provided by the applicant, to accomplish the necessary project goals.

3. Retention in natural state. On all projects on Hillside Lands involving partitions and subdivisions, and existing lots with an area greater than one-half acre, an area equal to 25 percent of the total project area, plus the percentage figure of the average slope of the total project area, shall be retained in a natural state. Lands to be retained in a natural state shall be protected from damage through the use of temporary construction fencing or the functional equivalent. For example, on a 25,000 square feet lot with an average slope of 29 percent, 25%+29%=54% of the total lot area shall be retained in a natural state. The retention in a natural state of areas greater than the minimum percentage required here is encouraged.

4. Grading - Cuts. On all cut slopes on areas classified as Hillside Lands, the following standards shall apply.

a. Cut slope angles shall be determined in relationship to the type of materials of which they are composed. Where the soil permits, limit the total area exposed to precipitation and erosion. Steep cut slopes shall be retained with stacked rock, retaining walls, or functional equivalent to control erosion and provide slope stability when necessary. Where cut slopes are required to be laid back (1:1 or less steep), the slope shall be protected with erosion control getting or structural equivalent installed per manufacturers specifications, and revegetated.

b. Exposed cut slopes, such as those for streets, driveway accesses, or yard areas, greater than seven feet in height shall be terraced. Cut faces on a terraced section shall not exceed a maximum height of five feet. Terrace widths shall be a minimum of three feet to allow for the introduction of vegetation for erosion control. Total cut slopes shall not exceed a maximum vertical height of 15 feet. The top of cut slopes not utilizing structural retaining walls shall be located a minimum setback of one-half the height of the cut slope from the nearest property line. See Figure 18.3.10.090.B.4.b.

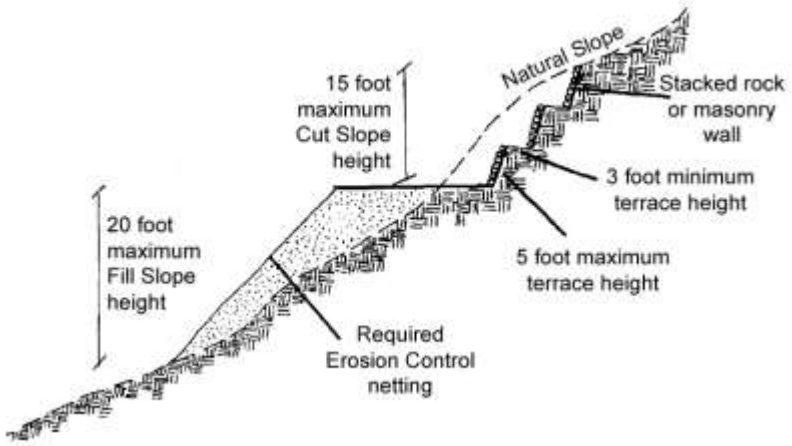


Figure 18.3.10.090.B.4.b
Cut and Fill Slopes

c. Cut slopes for structure foundations which reduce the effective visual bulk, such as split pad or stepped footings, shall be exempted from the height limitations of this section. See Figure 18.3.10.090.B.c.

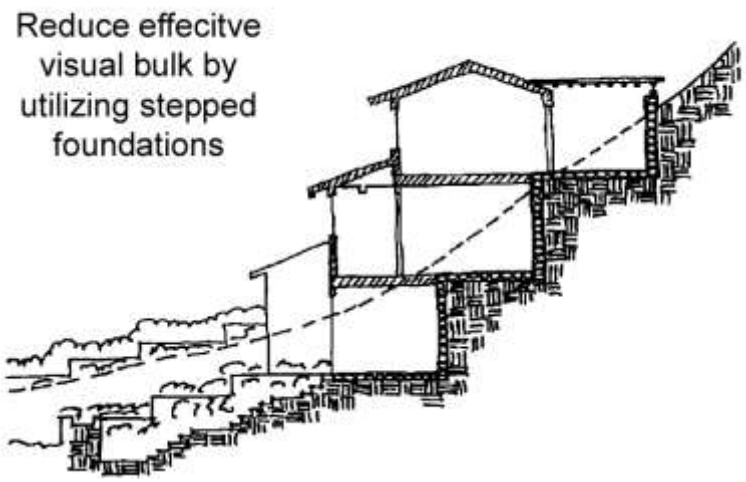


Figure 18.3.10.090.B.4.c
Stepped Foundations

d. Revegetation of cut slope terraces shall include the provision of a planting plan, introduction of top soil where necessary, and the use of irrigation if necessary. The vegetation used for these areas shall be native, or species similar in resource value to native plants, which will survive, help reduce the visual impact of the cut slope, and assist in providing long term slope stabilization. Trees, bush-type plantings, and cascading vine-type plantings may be appropriate.

5. Grading - Fill. On all fill slopes on lands classified as Hillside Lands, the following standards shall apply.

   a. Fill slopes shall not exceed a total vertical height of 20 feet. The toe of the fill slope area not utilizing structural retaining shall be a minimum of six feet from the nearest property line.

   b. Fill slopes shall be protected with an erosion control netting, blanket or functional equivalent. Netting or blankets shall only be used in conjunction with an organic mulch such as straw or wood fiber. The blanket must be applied so that it is in complete contact with the soil so that erosion does not occur beneath it. Erosion netting or blankets shall be securely anchored to the slope in accordance with manufacturer's recommendations.

   c. Whenever possible, utilities shall not be located or installed on or in fill slopes. When determined that it necessary to install utilities on fill slopes, all plans shall be designed by a geotechnical expert.

   d. Revegetation of fill slopes shall utilize native vegetation or vegetation similar in resource value and which will survive and stabilize the surface. Irrigation may be provided to ensure growth if necessary. Evidence shall be required indicating long-term viability of the proposed vegetation for the purposes of erosion control on disturbed areas.

6. Revegetation Requirements. Where required by this chapter, all required revegetation of cut and fill slopes shall be installed prior to the issuance of a certificate of occupancy,

signature of a required survey plat, or other time as determined by the hearing authority. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.

7. Maintenance, Security, and Penalties for Erosion Control Measures.

   a. *Maintenance.* All measures installed for the purposes of long-term erosion control, including but not limited to vegetative cover, rock walls, and landscaping, shall be maintained in perpetuity on all areas which have been disturbed, including public rights-of-way. The applicant shall provide evidence indicating the mechanisms in place to ensure maintenance of measures.

   b. *Security.* Except for individual lots existing prior to January 1, 1998, after an Erosion Control Plan is approved by the hearing authority and prior to construction, the applicant shall provide a performance bond or other financial guarantees in the amount of 120 percent of the value of the erosion control measures necessary to stabilize the site. Any financial guarantee instrument proposed, other than a performance bond, shall be approved by the City Attorney. The financial guarantee instrument shall be in effect for a period of at least one year, and shall be released when the Community Development Director and Public Works Director determine, jointly, that the site has been stabilized. All or a portion of the security retained by the City may be withheld for a period up to five years beyond the one-year maintenance period if it has been determined by the City that the site has not been sufficiently stabilized against erosion.

8. Site Grading. The grading of a site on Hillside Lands shall be reviewed considering the following factors.

   a. No terracing shall be allowed except for the purposes of developing a level building pad and for providing vehicular access to the pad.

   b. Avoid hazardous or unstable portions of the site.

   c. Avoid hazardous or unstable portions of the site.

   d. Building pads should be of minimum size to accommodate the structure and a reasonable amount of yard space. Pads for tennis courts, swimming pools and large lawns are discouraged. As much of the remaining lot area as possible should be kept in the natural state of the original slope.

9. Inspections and Final Report. Prior to the acceptance of a subdivision by the City, signature of the final survey plat on partitions, or issuance of a certificate of occupancy for individual structures, the project geotechnical expert shall provide a final report indicating that the approved grading, drainage, and erosion control measures were installed as per the approved plans, and that all scheduled inspections, as per 18.3.10.090.A.4.j were conducted by the project geotechnical expert periodically throughout the project.

C. Surface and Groundwater Drainage. All development on Hillside Lands shall conform to the following standards.

1. All facilities for the collection of stormwater runoff shall be constructed on the site and

according to the following requirements:

a. Stormwater facilities shall include storm drain systems associated with street construction, facilities for accommodating drainage from driveways, parking areas and other impervious surfaces, and roof drainage systems.

b. Stormwater facilities, when part of the overall site improvements, shall be, to the greatest extent feasible, the first improvements constructed on the development site.

c. Stormwater facilities shall be designed to divert surface water away from cut faces or sloping surfaces of a fill.

d. Existing natural drainage systems shall be utilized, as much as possible, in their natural state, recognizing the erosion potential from increased storm drainage.

e. Flow-retarding devices, such as detention ponds and recharge berms, shall be used where practical to minimize increases in runoff volume and peak flow rate due to development. Each facility shall consider the needs for an emergency overflow system to safely carry any overflow water to an acceptable disposal point.

f. Stormwater facilities shall be designed, constructed and maintained in a manner that will avoid erosion on-site and to adjacent and downstream properties.

g. Alternate stormwater systems, such as dry well systems, detention ponds, and leach fields, shall be designed by a registered engineer or geotechnical expert and approved by the Public Works Department or Building Official.

D. Tree Conservation, Protection and Removal. All development on Hillside Lands shall conform to the following requirements.

1. Inventory of Existing Trees. A tree survey at the same scale as the project site plan shall be prepared, which locates all trees greater than six inches diameter at breast height (DBH) identified by DBH, species, approximate extent of tree canopy. In addition, for areas proposed to be disturbed, existing tree base elevations shall be provided. Dead or diseased trees shall be identified. Groups of trees in close proximity (i.e., those within five feet of each other) may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated. All tree surveys shall have an accuracy of plus or minus two feet. The name, signature, and address of the site surveyor responsible for the accuracy of the survey shall be provided on the tree survey. Portions of the lot or project area not to be disturbed by development need not be included in the inventory.

2. Evaluation of Suitability for Conservation. All trees indicated on the inventory of existing trees shall also be identified as to their suitability for conservation. When required by the hearing authority, the evaluation shall be conducted by a landscape professional. The following factors shall be included in this determination.

a. *Tree Health.* Healthy trees can better withstand the rigors of development than non-vigorous trees.

b. *Tree Structure.* Trees with severe decay or substantial defects are more likely to result in damage to people and property.

c. *Species.* Species vary in their ability to tolerate impacts and damage to their

environment.

d. *Longevity.* Potential longevity.

e. *Variety.* A variety of native tree species and ages.

f. *Size.* Large trees provide a greater protection for erosion and shade than smaller trees.

3. Tree Conservation in Project Design. Significant conifer trees having a trunk 18 caliper inches or larger in diameter at breast height (DBH), and broadleaf trees having a trunk 12 caliper inches or larger in diameter at breast height (DBH), shall be protected and incorporated into the project design whenever possible.

a. Streets, driveways, buildings, utilities, parking areas, and other site disturbances shall be located such that the maximum number of existing trees on the site are preserved, while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands. See Figure 18.3.10.090.D.3.a.

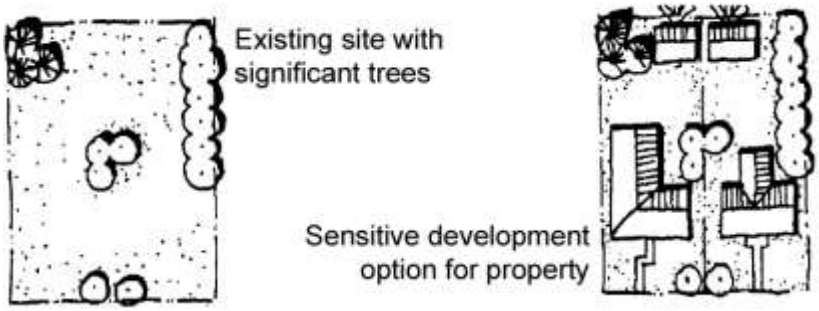


Figure 18.3.10.090.D.3.a
Site Planning for Tree Preservation

b. Building envelopes shall be located and sized to preserve the maximum number of trees on site while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands.

c. Layout of the project site utility and grading plan shall avoid disturbance of tree protection areas.

4. Tree Protection. On all properties where trees are required to be preserved during the course of development, the developer shall follow the following tree protection standards.

a. All trees designated for conservation shall be clearly marked on the project site. Prior to the start of any clearing, stripping, stockpiling, trenching, grading, compaction, paving or change in ground elevation, the applicant shall install tree protection fencing in accordance with 18.4.5.030.C Prior to any construction activity, the shall be inspected pursuant to section 18.4.5.030.D.

b. Construction site activities, including but not limited to parking, material storage, soil compaction, and concrete washout, shall be arranged so as to prevent disturbances within tree protection areas.

c. No grading, stripping, compaction, or significant change in ground elevation shall be

permitted within the drip line of trees designated for conservation unless indicated on the grading plans, as approved by the City, and landscape professional. If grading or construction is approved within the drip-line, a landscape professional may be required to be present during grading operations, and shall have authority to require protective measures to protect the roots.

d. Changes in soil hydrology and site drainage within tree protection areas shall be minimized. Excessive site run-off shall be directed to appropriate storm drain facilities and away from trees designated for conservation.

e. Should encroachment into a tree protection area occur which causes irreparable damage, as determined by a landscape professional, to trees, the project plan shall be revised to compensate for the loss. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of this chapter.

5. Tree Removal. Development shall be designed to preserve the maximum number of trees on a site. The development shall follow the standards for fuel reduction if the development is located in Wildfire Lands. When justified by findings of fact, the hearing authority may approve the removal of trees for one or more of the following conditions.

   a. The tree is located within the building envelope.

   b. The tree is located within a proposed street, driveway, or parking area.

   c. The tree is located within a water, sewer, or other public utility easement.

   d. The tree is determined by a landscape professional to be dead or diseased, or it constitutes an unacceptable hazard to life or property when evaluated by the standards in 18.3.10.090.D.2.

   e. The tree is located within or adjacent to areas of cuts or fills that are deemed threatening to the life of the tree, as determined by a landscape professional.

   f. The tree is identified for removal as part of an approved fire prevention and control plan per section 18.3.10.100.A, or with the exception of significant trees the tree removal is recommended by the Fire Code Official, and approved by the Staff Advisor, as part of a comprehensive fuels reduction strategy to implement a General Fuel Modification Area consistent with 18.3.10.100 B.

6. Tree Replacement. Trees approved for removal, with the exception of trees removed because they were determined to be diseased, dead, a hazard, or to comply with General Fuel Modification Area requirements, shall be replaced in compliance with the following standards.

   a. Replacement trees shall be indicated on a tree replanting plan. The replanting plan shall include all locations for replacement trees, and shall also indicate tree planting details.

   b. Replacement trees shall be planted such that the trees will in time result in canopy equal to or greater than the tree canopy present prior to development of the property. See Figure 18.3.10.090.D.6.b. The canopy shall be designed to mitigate of the impact of paved and developed areas, reduce surface erosion, and increase slope

stability. Replacement tree locations shall consider impact on the wildfire prevention and control plan. The hearing authority shall have the discretion to adjust the proposed replacement tree canopy based upon site-specific evidence and testimony.

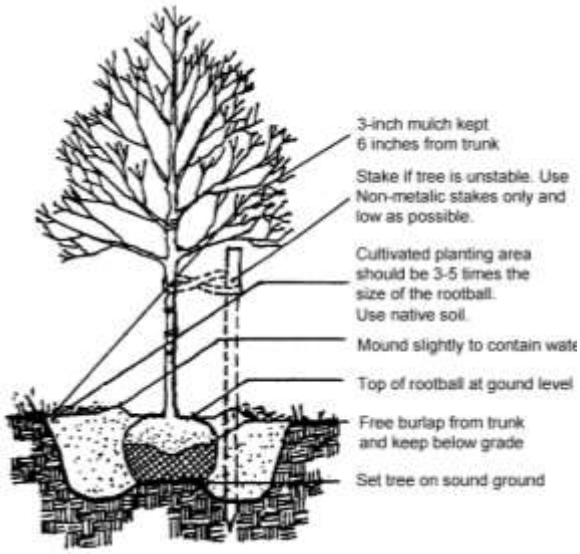


Figure 18.3.10.090.D.6.b
Tree Planting Guideline

c. Maintenance of replacement trees shall be the responsibility of the property owner. Required replacement trees shall be continuously maintained in a healthy manner. Trees that die within the first five years after initial planting must be replaced in kind, after which a new five-year replacement period shall begin. Replanting must occur within 30 days of notification unless otherwise noted.

7. Enforcement.

a. All tree removal shall be done in accord with the approved tree removal and replacement plan. No trees designated for conservation shall be removed without prior approval of the City.

b. Should the developer or developer's agent remove or destroy any tree that has been designated for conservation, the developer may be fined up to three times the current appraised value of the replacement trees and cost of replacement or up to three times the current market value, as established by a professional arborist, whichever is greater.

c. Should the developer or developer's agent damage any tree that has been designated for protection and conservation, the developer shall be penalized $50.00 per scar. If necessary, a professional arborist's report, prepared at the developer's expense, may be required to determine the extent of the damage. Should the damage result in loss of appraised value greater than determined above, the higher of the two values shall be used.

E. Building Location and Design Standards. All buildings and buildable areas proposed for Hillside Lands shall be designed and constructed in compliance with the following

standards.

1. Building Envelopes. All newly created lots, either by subdivision or partition, shall contain building envelopes conforming to the following standards.

   a. The building envelope shall contain a buildable area with a slope of 35 percent or less. See Figure 18.3.10.090.E.1.a.

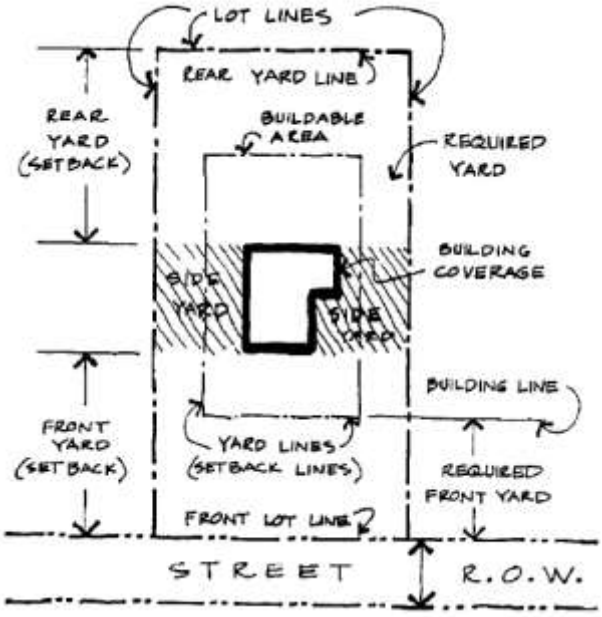


Figure 18.3.10.090.E.1.a
Buildable Area

   b. Building envelopes and lot design shall address the retention of a percentage of the lot in a natural state as required in 18.3.10.090.B.3.

   c. Building envelopes shall be designed and located to maximize tree conservation as required in 18.3.10.090.D.3 while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands.

   d. It is recommended that building envelope locations should be located to avoid ridgeline exposures, and designed such that the roofline of a building within the envelope does not project above the ridgeline as illustrated in Figure 18.3.10.090.E.1.d.

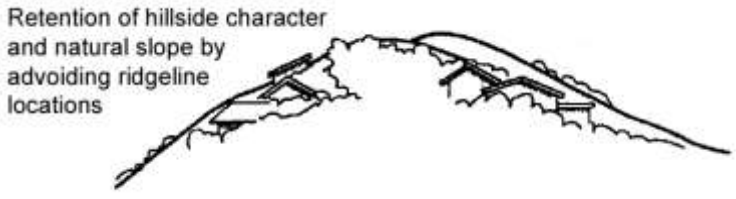


Figure 18.3.10.090.E.1.d.

2. Building Design. To reduce hillside disturbance through the use of slope responsive design techniques, buildings on Hillside Lands, excepting those lands within the designated Historic District, shall incorporate the following into the building design and indicate features on required building permits.

   a. The height of all structures shall be measured vertically from the natural grade to the uppermost point of the roof edge or peak, wall, parapet, mansard, or other feature perpendicular to that grade. Maximum hillside building height shall be 35 feet. See Figure 18.3.10.090.E.2.a.i and Figure 18.3.10.090.E.2.a.ii

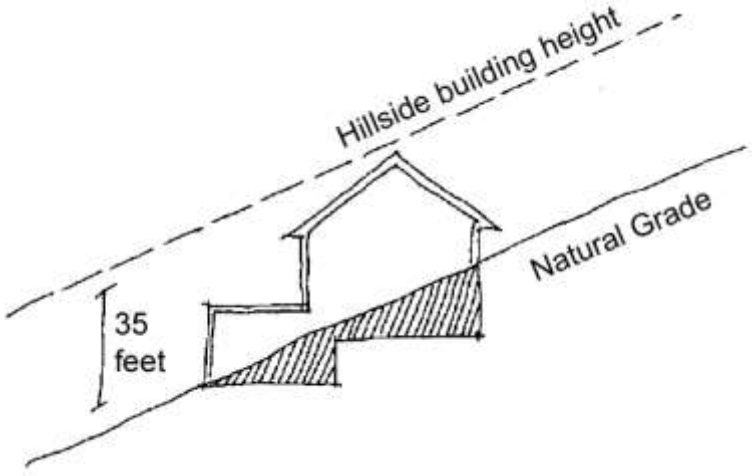


Figure 18.3.10.090.E.2.a.i
Hillside Building Height/Permitted

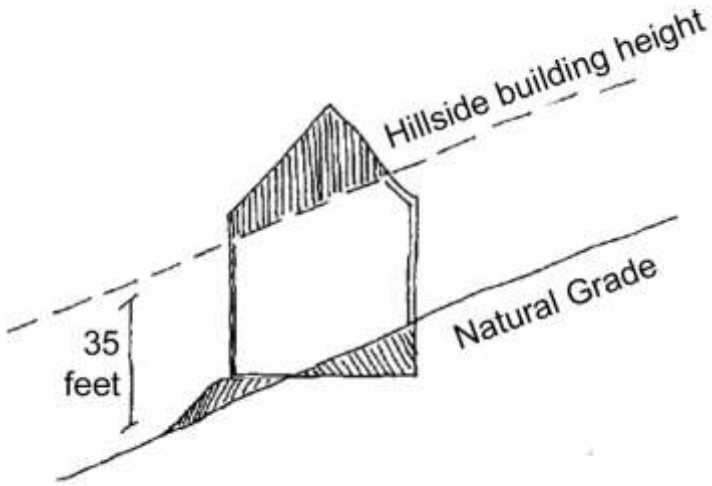


Figure 18.3.10.090.E.2.a.ii
Hillside Building Height/Not Permitted

   b. Cut buildings into hillsides to reduce effective visual bulk.
      i. Split pad or stepped footings shall be incorporated into building design to allow the structure to more closely follow the slope.

ii. Reduce building mass by utilizing below grade rooms cut into the natural slope.

c. A building step back shall be required on all downhill building walls greater than 20 feet in height, as measured above natural grade. Step-backs shall be a minimum of six feet. Decks projecting out from the building wall and hillside shall not be considered a building step-back. No vertical walls on the downhill elevations of new buildings shall exceed a maximum height of 20 feet above natural grade. See Figure 18.3.10.090.E.2.c.

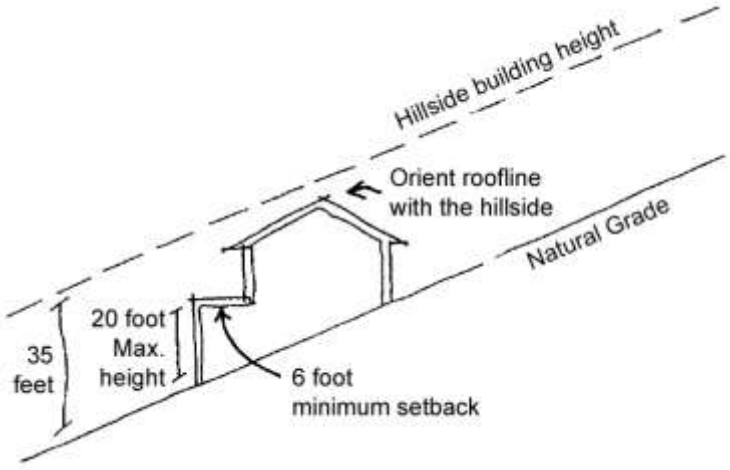


Figure 18.3.10.090.E.2.c
Downhill Building Step Back

d. Continuous horizontal building planes shall not exceed a maximum length of 36 feet. Planes longer than 36 feet shall include a minimum offset of six feet. See Figure 18.3.10.090.E.2.d.

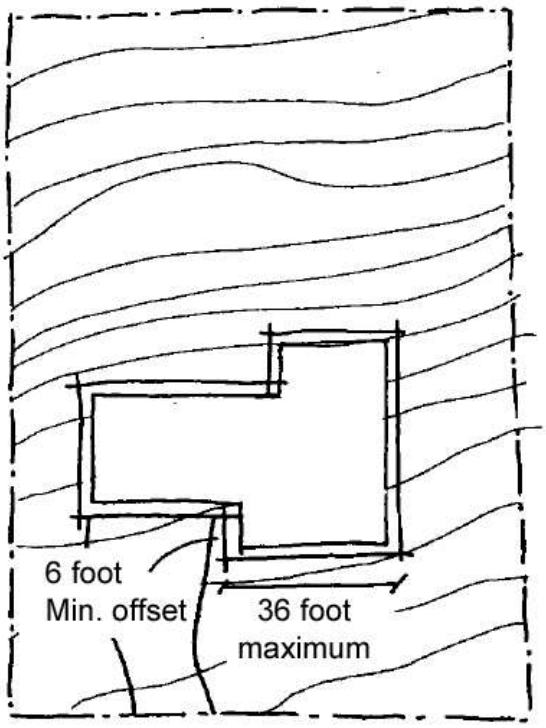


Figure 18.3.10.090.E.2.d
Horizontal Offsets

e. It is recommended that roof forms and roof lines for new structures be broken into a series of smaller building components to reflect the irregular forms of the surrounding hillside. Long, linear unbroken roof lines are discouraged. Large gable ends on downhill elevations should be avoided, however smaller gables may be permitted. See Figure 18.3.10.090.E.2.c.

f. It is recommended that roofs of lower floor levels be used to provide deck or outdoor space for upper floor levels. The use of overhanging decks with vertical supports in excess of 12 feet on downhill elevations should be avoided.

g. It is recommended that color selection for new structures be coordinated with the predominant colors of the surrounding landscape to minimize contrast between the structure and the natural environment.

F. All structures on Hillside Lands shall have foundations designed by an engineer or architect with demonstrable geotechnical design experience. A designer, as defined, shall not complete working drawings without having foundations designed by an engineer.

G. All newly created lots or lots modified by a lot line adjustment must include building envelopes containing a buildable area less than 35 percent slope of sufficient size to accommodate the uses permitted in the underlying zone, unless the division or lot line adjustment is ~~**for**~~ **to provide** open space or **for** conservation purposes

H. Exception to the Development Standards for Hillside Lands. An exception under this section is not subject to the variance requirements of chapter 18.5.5 Variances. An application for an exception is subject to the Type I procedure in section 18.5.1.050 and may

be granted with respect to the development standards for Hillside Lands if the proposal meets all of the following criteria.

1. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
2. The exception will result in equal or greater protection of the resources protected under this chapter.
3. The exception is the minimum necessary to alleviate the difficulty.
4. The exception is consistent with the stated Purpose and Intent of chapter 18.3.10 Physical and Environmental Constraints Overlay chapter and section 18.3.10.090 Development Standards for Hillside Lands.

SECTION 19. Section 18.3.11.060 [Limited Activities and Uses - Water Resources Protection Zones (Overlays)] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.11.060 Limited Activities and Uses

The following activities and uses within Water Resource Protection Zones are allowed provided the activities or uses comply with the review procedure and approval standards set forth in subsection 18.3.11.060.D.

A. Limited Activities and Uses within Water Resource Protection Zones.

1. Use of Power-assisted Equipment or Machinery. Use of power-assisted equipment or machinery for vegetation maintenance unless otherwise exempted in subsection 18.3.11.050.A.1.h.
2. Multi-Year Maintenance Plans. Multi-year maintenance plans may be authorized as follows for existing areas or storm water treatment facilities in Water Resource Protection Zones which do not have a previously approved management plans.
   a. *Publicly and Commonly Owned Properties.* The routine restoration and enhancement of publicly and commonly owned properties such as **public** ~~public~~ parks and **common** ~~private~~ open spaces.
   b. *Storm Water Treatment Facilities.* The ongoing routine maintenance of storm water treatment facilities such as detention ponds or sediment traps, vegetated swales, and constructed wetlands in order to maintain flow and prevent flooding. Routine maintenance of storm water treatment facilities in accordance with an approved management plan is exempted as outline in subsection 18.3.11.050.A.2.c.
3. Building, Paving, and Grading Activities. Permanent alteration of Water Resource Protection Zones by grading or by the placement of structures, fill or impervious surfaces may be authorized as follows.
   a. *New Public Access and Utilities.* The location and construction of public streets, bridges, trails, multi-use path connections, and utilities deemed necessary to maintain a functional system and upon finding that no other reasonable, alternate location outside the Water Resource Protection Zone exists. This ordinance, the

Comprehensive Plan, Transportation System Plan, adopted utility master plans, and other adopted documents shall guide this determination.

b. *New Private Access and Utilities.* The location and construction of private streets, driveways, and utilities to provide a means of access to an otherwise inaccessible or landlocked property where no other reasonable, alternate location outside the Water Resource Protection Zone exists.

c. *Storm Water Treatment Facility Installation.* Installation of public and private storm water treatment facilities such as detention ponds or sediment traps, vegetated swales, and constructed wetlands.

d. *Replacement of Nonconforming Accessory Structures in Residential Districts and Replacement of Nonconforming Structures in Non-Residential Zoning Districts and Outside Historic Districts.* Replacement of nonconforming structures located within or partially within the original building footprint, except those nonconforming primary structures exempted in subsection 18.3.11.050.A.3, provided replacement does not disturb additional surface area within the Water Resource Protection Zone.

B. Additional Limited Activities and Uses within Stream Bank Protection Zones.

1. Stream Restoration and Enhancement. Restoration and enhancement projects resulting in a net gain in stream bank corridor functions unless otherwise exempted in subsection 18.3.11.050.B.2. Restoration and enhancement activities not otherwise associated with development involving building, grading or paving are encouraged, and planning application fees associated with reviewing these activities for compliance with applicable land use standards may be waived by the Staff Advisor.

2. Driveway and Street Maintenance and Paving. Maintenance, paving, and reconstruction of existing public and private streets and driveways if work disturbs more total surface area than the area inside the street right-of-way or access easement and an additional five percent surface area of the street right-of-way or access easement outside of the right-of-way or easement. Public streets shall be located in public right-of-way or a public easement.

3. Public Facility Paving and Reconstruction. Paving and reconstruction of public parking areas and walkways if additional surface area in the Stream Bank Protection Zone is not disturbed, the public facilities are deemed necessary to maintain a functional system and upon finding that no other reasonable alternate location outside the Water Resource Protection Zone exits.

4. Public Utility Maintenance and Replacement. Routine maintenance and replacement of existing public utilities and irrigation pumps if work disturbs more total surface area than the area inside the public utility easement and an additional five percent surface area of the public utility easement outside of the public utility easement.

5. Erosion Control. Erosion control and stream bank stabilization measures that have been approved by the Oregon Department of State Lands (DSL), the U.S. Army Corps of Engineers, or other state or federal regulatory agencies, and that utilize non-structural bio-engineering methods.

6. Storm Water Outfall. Construction of a storm water outfall discharging treated storm

water from an adjacent developed area provided that the discharge meets local, state, and federal water quality regulations.

7. Bridges. The installation of a bridge or similar, bottomless crossing structure for the purpose of constructing a public or private street, bicycle or pedestrian crossing, as well as to provide a means of access to an otherwise inaccessible or landlocked property.

8. Flood Control Measures. Installation or expansion of structural flood control measures, including but not limited to concrete retaining walls, gabions, gravity blocks, etc., shall generally be prohibited, but approved only if demonstrated that less-invasive, non-structural methods will not adequately meet the stabilization or flood control needs.

C. Additional Limited Activities and Uses within Wetland Protection Zones.

1. Wetland Restoration and Enhancement. Wetland restoration and enhancement projects resulting in a net gain in wetland functions. Wetland restoration and enhancement activities not otherwise associated with development involving building, grading or paving are encouraged, and planning application fees associated with reviewing these activities for compliance with applicable land use standards may be waived by the Staff Advisor.

2. Driveway and Street Maintenance and Paving. Maintenance, paving, and reconstruction of existing public and private streets and driveways. Public streets shall be located in public right-of-way or public easement.

3. Public and Private Utility Maintenance and Replacement. Routine maintenance and replacement of existing public and private utilities that disturb lands within the Wetland Protection Zone.

D. Limited Activities and Uses Permit. All Limited Activities and Uses described in section 18.3.11.060 shall be subject to a Type I procedure in section 18.5.1.050. An application for a Limited Activities and Uses Permit shall be approved if the proposal meets all of the following criteria.

1. All activities shall be located as far away from streams and wetlands as practicable, designed to minimize intrusion into the Water Resources Protection Zone and disturb as little of the surface area of the Water Resource Protection Zone as practicable.

2. The proposed activity shall be designed, located and constructed to minimize excavation, grading, area of impervious surfaces, loss of native vegetation, erosion, and other adverse impacts on Water Resources.

3. On stream beds or banks within the bank full stage, in wetlands, and on slopes of 25 percent or greater in a Water Resource Protection Zone, excavation, grading, installation of impervious surfaces, and removal of native vegetation shall be avoided except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.

4. Water, storm drain, and sewer systems shall be designed, located and constructed to avoid exposure to floodwaters, and to avoid accidental discharges to streams and wetlands.

5. Stream channel repair and enhancement, riparian habitat restoration and enhancement,

and wetland restoration and enhancement will be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in section 18.3.11.110 Mitigation Requirements.

6. Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

SECTION 20. Section 18.3.11.090 [Approval Standards for Land Divisions and Property Line Adjustments - Water Resources Protection Zones (Overlays)] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.11.090 Approval Standards for Land Divisions and Property Line Adjustments

Planning actions and procedures containing Water Resource Protection Zones and involving the division of land or property line adjustments shall comply with the following provisions and shall include the plan requirements in subsection 18.3.11.100.A.3.

A. Building Envelope Established. Each lot shall contain a building envelope outside the Water Resource Protection Zone of sufficient size to permit the establishment of the use and associated accessory uses.

B. Conservation Area. Performance Standards Option Subdivision, Subdivision, Partition, and Site Design Review applications shall include the Water Resource Protection Zone within a conservation easement or recorded development restriction, which stipulates that the use or activity within the Water Resource Protection Zone shall be consistent with the provisions of this chapter. The approval authority may require that the Water Resource Protection Zone be included in a separate tract of land managed by a homeowners' association or other common ownership entity responsible for preservation.

C. Density Transfer. Density calculated from the land area contained within the Water Resource Protection Zone may be transferred to lands outside the Water Resource Protection Zone provided the following standards are met.

1. Partitions and subdivisions involving density transfer shall be processed under chapter 18.3.9 Performance Standards Option Overlay.
2. A map shall be submitted showing the land area not within the Water Resource Protection Zone to which the density will be transferred.
3. The Water Resource Protection Zone shall be included in a separate preservation tract to be managed by a homeowner's association or other common ownership entity responsible for management of the area.
4. Density may only be transferred within the subject property or to a lot or lots contiguous to the subject property and within the same ownership.

5. The density transferred to lands not within the Water Resource Protection Zone may not be increased to more than one and a half times the base density of the underlying zoning district. Fractional units are to be rounded down to the nearest whole number.

D. Management Plan. Long term conservation, management, and maintenance of the Water Resource Protection Zone consistent with the requirements of this chapter shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C.

E. Mitigation Requirements. The approval authority may require a mitigation plan in accordance with the requirements of section 18.3.11.110 Mitigation Requirements to mitigate impacts resulting from land divisions.

F. Exemptions for a Public Purpose. An exemption to the requirements described above shall be granted for lots created for ~~public~~ park purposes, or privately-owned tracts created for the sole purpose of conserving in perpetuity the natural functions and values of the lands contained within the Water Resource Protection Zone.)

SECTION 21. Section 18.3.14.050 [Dimensional Standards - Transit Triangle Overlay] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.14.050 Dimensional Standards

Notwithstanding the provisions of chapter 18.2.5 Standards for Residential Zones and chapter 18.2.6 Standards for Non-Residential Zones, Table 18.3.14.050 includes the dimensional standards within the TT overlay.

The dimensions shall conform to the standards in Table 18.3.14.050.

Table 18.3.14.050 Transit Triangle Overlay Dimensional Standards

	Base Zones[1]			
	C-1	**E-1**	**R-2**	**R-3**
Residential Density (dwelling units/acre)				
Minimum[2]	30 du/ac	15 du/ac	13.5 du/ac	20 du/ac
Maximum	Maximum residential density is regulated by the FAR under the TT overlay option. The maximum dwelling units per acre of the base zones do not apply under the TT overlay option.			
[2]At a minimum, the development shall meet the residential density allowed in the underlying zone, as noted above and per section 18.2.6.030 for C-1 and E-1 and subsection 18.2.5.080.D for R-2 and R-3.				
Floor Area Ratio (FAR)[3]				
Minimum	.5	.5	.5	.5
Maximum	1.5	1.5	1.25	1.25

Table 18.3.14.050 Transit Triangle Overlay Dimensional Standards				
	Base Zones[1]			
	C-1	**E-1**	**R-2**	**R-3**
[3]Plazas and pedestrian areas shall count as floor area for the purposes of meeting the minimum FAR. Plazas and pedestrian areas may also be applied toward meeting the landscaping area requirements but shall not constitute more than 50% of the required area.				
Lot Area, Width, Depth and Coverage	NA	NA	Land divisions in the R-2 and R-3 zones shall meet the applicable requirements of table 18.2.5.030.A or chapter 18.3.9 Performance Standards Options.	
Yards, Minimum (feet)[4]				
- Front	There is no minimum front, side, or rear yard required, except where buildings on the subject site abut a residential zone, in which case a side or rear yard of not less than 15 ft is required.		5 ft	5 ft
- Side			See table 18.2.5.030.A for standard yard requirements for the R-2 and R-3 zone	
- Rear				
[4]See building step back requirement in section 18.3.14.060.				
Building Separation, On Same Site – Minimum	NA		Building separation is not required under the TT overlay option, except as required by the building code.	
Building Height[5] & [6]				
Maximum Height – feet/stories	50/4	50/4	42/3	42/3
Solar Setback	Per table 18.2.6.030		Per chapter 18.4.8 Solar Access	
[5]See definition of "height of building" in section 18.6.1.030. [6]Parapets may be erected up to five feet above the maximum building height in the C-1 and E-1 zone; see also, 184.4.030.G.4 for mechanical equipment screening requirements, and 18.5.2.020 for Site Design Review for mechanical equipment review process.				
Lot Coverage – Maximum (% of lot area)	85%	85%	80%	80%
Landscape Area – Minimum (% of developed lot area)	15%	15%	20%	20%
~~Outdoor Recreation~~Open Space – Minimum (% of the area)	NA		~~Outdoor recreation~~ Open space is not required under the TT	

Table 18.3.14.050 Transit Triangle Overlay Dimensional Standards				
	Base Zones[1]			
	C-1	**E-1**	**R-2**	**R-3**
			overlay option.	

SECTION 22. Section 18.4.2.040 [Non-Residential Development - Building Placement, Orientation, and Design] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.2.040 Non-Residential Development

A. Purpose and Intent. Commercial and employment developments should have a positive impact upon the streetscape. For example, buildings made of unadorned concrete block or painted with bright primary colors used to attract attention can create an undesirable effect upon the streetscape.

Landscaping and site design for commercial and employment zones is somewhat different from that required for residential zones. The requirement for outdoor spaces is much less. The primary function is to improve the project's appearance, enhance the City's streetscape, lessen the visual and climatic impact of parking areas, and to screen adjacent residential uses from the adverse impacts which commercial uses may cause.

One area in which Ashland's commercial differs from that seen in many other cities is the relationship between the street, buildings, parking areas, and landscaping. The most common form of modern commercial development is the placement of a small buffer of landscaping between the street and the parking area, with the building behind the parking area at the rear of the parcel with loading areas behind the building. This may be desirable for the commercial use because it gives the appearance of ample parking for customers. However, the effect on the streetscape is less than desirable because the result is a vast hot, open, parking area which is not only unsightly but results in a development form which the City discourages.

The alternative desired in Ashland is to design the site so that it makes a positive contribution to the streetscape and enhances pedestrian and bicycle traffic. The following development standards apply to commercial, industrial, non-residential and mixed-use development. The application of the standards depends on what area of the City the property is located. Generally speaking, areas that are visible from highly traveled arterial streets and that are in the Historic District are held to a higher development standard than projects that are in manufacturing and industrial area.

B. Basic Site Review Standards. Except as otherwise required by an overlay zone or plan district, the following requirements apply to commercial, industrial, non-residential and mixed-use development pursuant to section 18.5.2.020. See conceptual site plan of basic site review development in Figure 18.4.2.040.B.

1. Orientation and Scale.

   a. Buildings shall have their primary orientation toward the street and not a parking area. Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or to one side. See Figure 18.4.2.040.B.1.

   b. A building façade or multiple building facades shall occupy a large majority of a project's street frontage as illustrated in Figure 18.4.2.040.B, and avoid site design that incorporates extensive gaps between building frontages created through a combination of driveway aprons, parking areas, or vehicle aisles. This can be addressed by, but not limited to, positioning the wider side of the building rather than the narrow side of the building toward the street. In the case of a corner lot, this standard applies to both street frontages. Spaces between buildings shall consist of landscaping and hard durable surface materials to highlight pedestrian areas.

   c. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. The entrance shall be designed to be clearly visible, functional, and shall be open to the public during all business hours. See Figure 18.4.2.040.B.1.

   d. Building entrances shall be located within 20 feet of the public right of way to which they are required to be oriented. Exceptions may be granted for topographic constraints, lot configuration, designs where a greater setback results in an improved access or for sites with multiple buildings, such as shopping centers, where other buildings meet this standard.

   e. Where a building is located on a corner lot, its entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets. The building shall be located as close to the intersection corner as practicable.

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

   g. The standards in a-d, above, may be waived if the building is not accessed by pedestrians, such as warehouses and industrial buildings without attached offices, and automotive service stations.

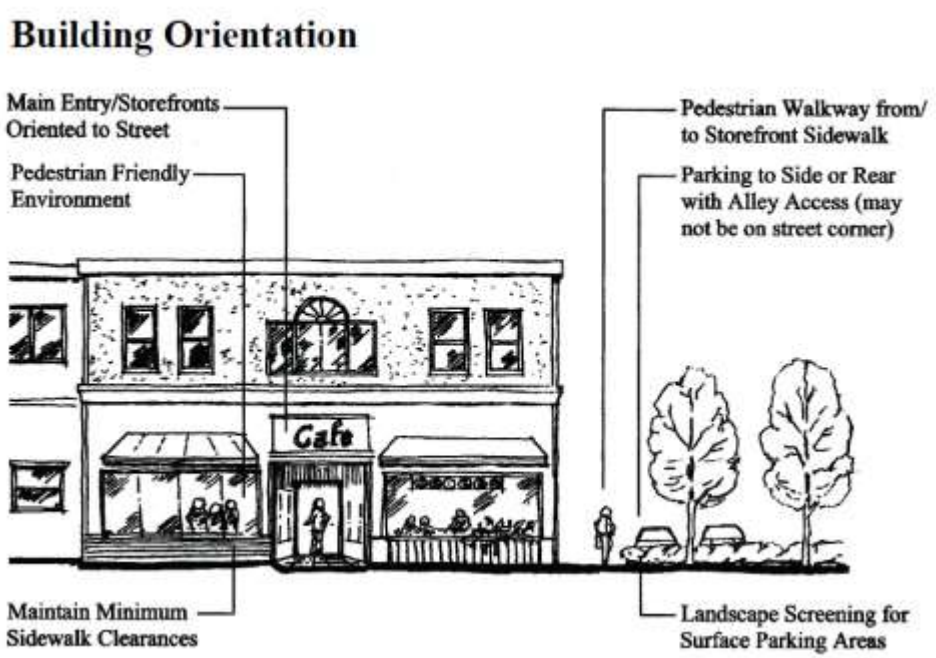


Figure 18.4.2.040.B.1
Building Orientation

2. Streetscape. One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18.4.4.030.E.

3. Landscaping.

   a. Landscape areas at least ten feet in width shall buffer buildings adjacent to streets, except the buffer is not required in the Detail Site Review, Historic District, and Pedestrian Place overlays.

   b. Landscaping and recycle/refuse disposal areas shall be provided pursuant to chapter 18.4.4.

4. Designated Creek Protection. Where a project is proposed adjacent to a designated creek protection area, the project shall incorporate the creek into the design while maintaining required setbacks and buffering, and complying water quality protection standards. The developer shall plant native riparian plants in and adjacent to the creek protection zone.

5. Noise and Glare. Artificial lighting shall meet the requirements of section 18.4.4.050. Compliance with AMC 9.08.170.c and AMC 9.08.175 related to noise is required.

6. Expansion of Existing Sites and Buildings. For sites that do not conform to the standards of section 18.4.2.040 (i.e., nonconforming developments), an equal percentage of the site must be made to comply with the standards of this section as the percentage of building expansion.

For example, if a building area is expanded by 25 percent, then 25 percent of the site must be brought up to the standards required by this document.

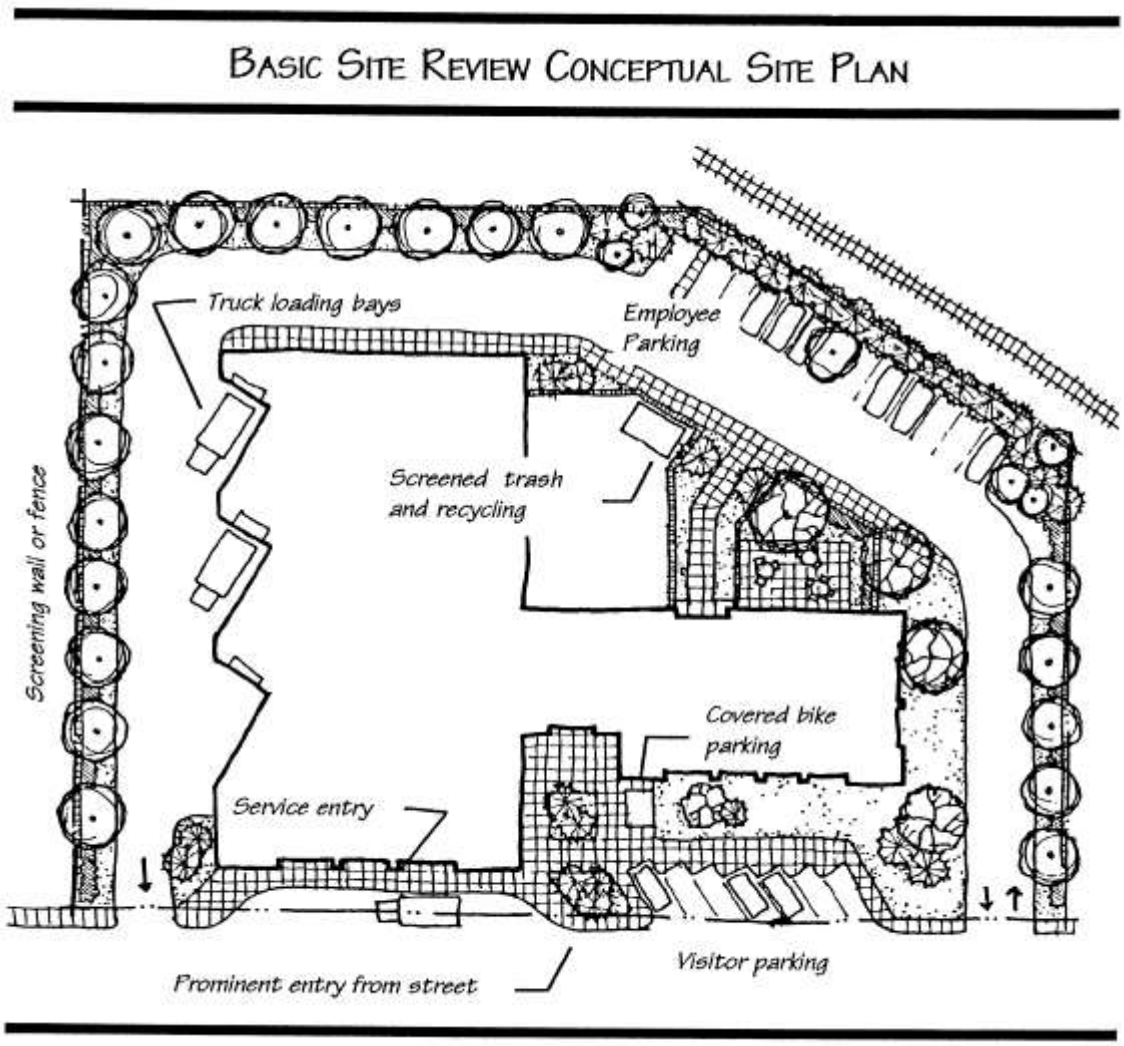


Figure 18.4.2.040.B
Basic Site Review Conceptual Site Plan

C. Detailed Site Review Standards. Development that is within the Detail Site Review overlay shall, in addition to the complying with the standards for Basic Site Review in 18.4.2.040.B, above, conform to the following standards. See conceptual site plan of detail site review development in Figure 18.4.2.040.C.1 and maps of the Detail Site Review overlay in Figures 18.4.2.040.C.2-5.

1. Orientation and Scale.

   a. Developments shall have a minimum Floor Area Ratio (FAR) of 0.50. Where a site is one-half an acre or greater in size, the FAR requirement may be met through a phased development plan or a shadow plan that demonstrates how development may be intensified over time to meet the minimum FAR. See shadow plan example

in Figure 18.4.2.040.C.1.a. Plazas and pedestrian areas shall count as floor area for the purposes of meeting the minimum FAR.

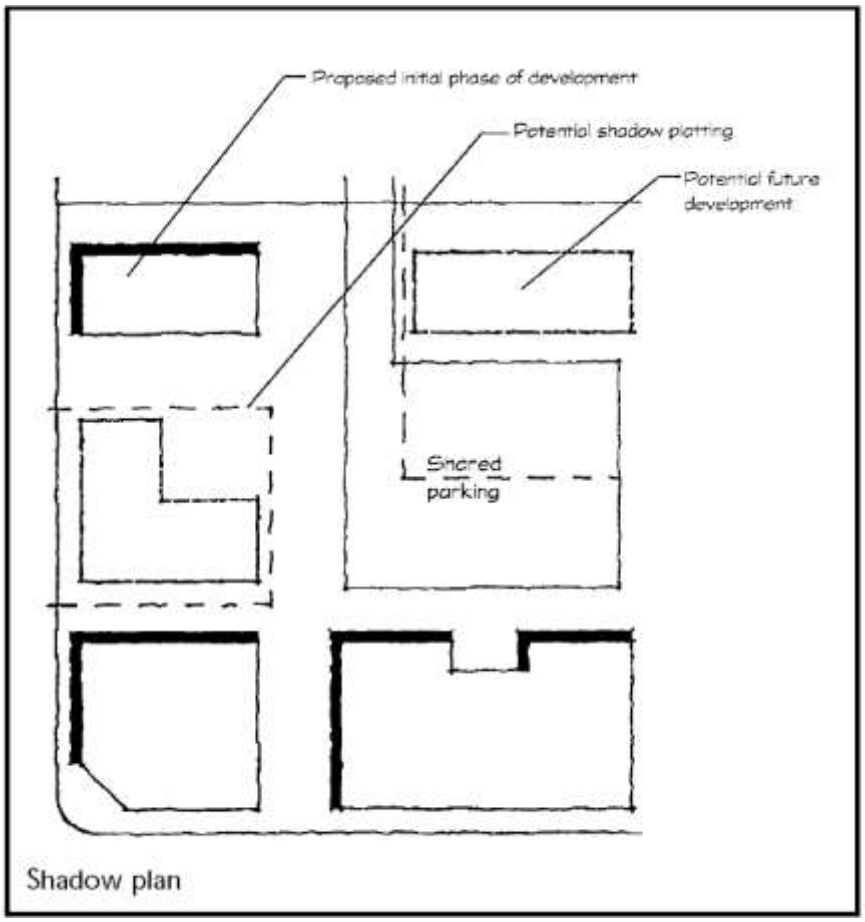


Figure 18.4.2.040.C.1.a
Shadow Plan

b. Building frontages greater than 100 feet in length shall have offsets, jogs, or have other distinctive changes in the building façade.

c. Any wall that is within 30 feet of the street, plaza, or other public **or common** open space shall contain at least 20 percent of the wall area facing the street in display areas, windows, or doorways. Windows must allow view into working areas, lobbies, pedestrian entrances, or displays areas. Blank walls within 30 feet of the street are prohibited. Up to 40 percent of the length of the building perimeter can be exempted for this standard if oriented toward loading or service areas.

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

e. Infill or buildings, adjacent to public sidewalks, in existing parking lots is encouraged and desirable.

f. Buildings shall incorporate arcades, roofs, alcoves, porticoes, and awnings that protect pedestrians from the rain and sun.

2. Streetscape.

a. Hardscape (paving material) shall be utilized to designate “people” areas. Sample materials could be unit masonry, scored and colored concrete, grasscrete, or combinations of the above.

b. A building shall be setback not more than five feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas, or for a required public utility easement. This standard shall apply to both street frontages on corner lots. If more than one structure is proposed for a site, at least 65 percent of the aggregate building frontage shall be within five feet of the sidewalk.

3. Buffering and Screening.

a. Landscape buffers and screening shall be located between incompatible uses on an adjacent lot. Those buffers can consist or either plant material or building materials and must be compatible with proposed buildings.

b. Parking lots shall be buffered from the main street, cross streets, and screened from residentially zoned land.

4. Building Materials.

a. Buildings shall include changes in relief such as cornices, bases, fenestration, and fluted masonry, for at least 15 percent of the exterior wall area.

b. Bright or neon paint colors used extensively to attract attention to the building or use are prohibited. Buildings may not incorporate glass as a majority of the building skin.

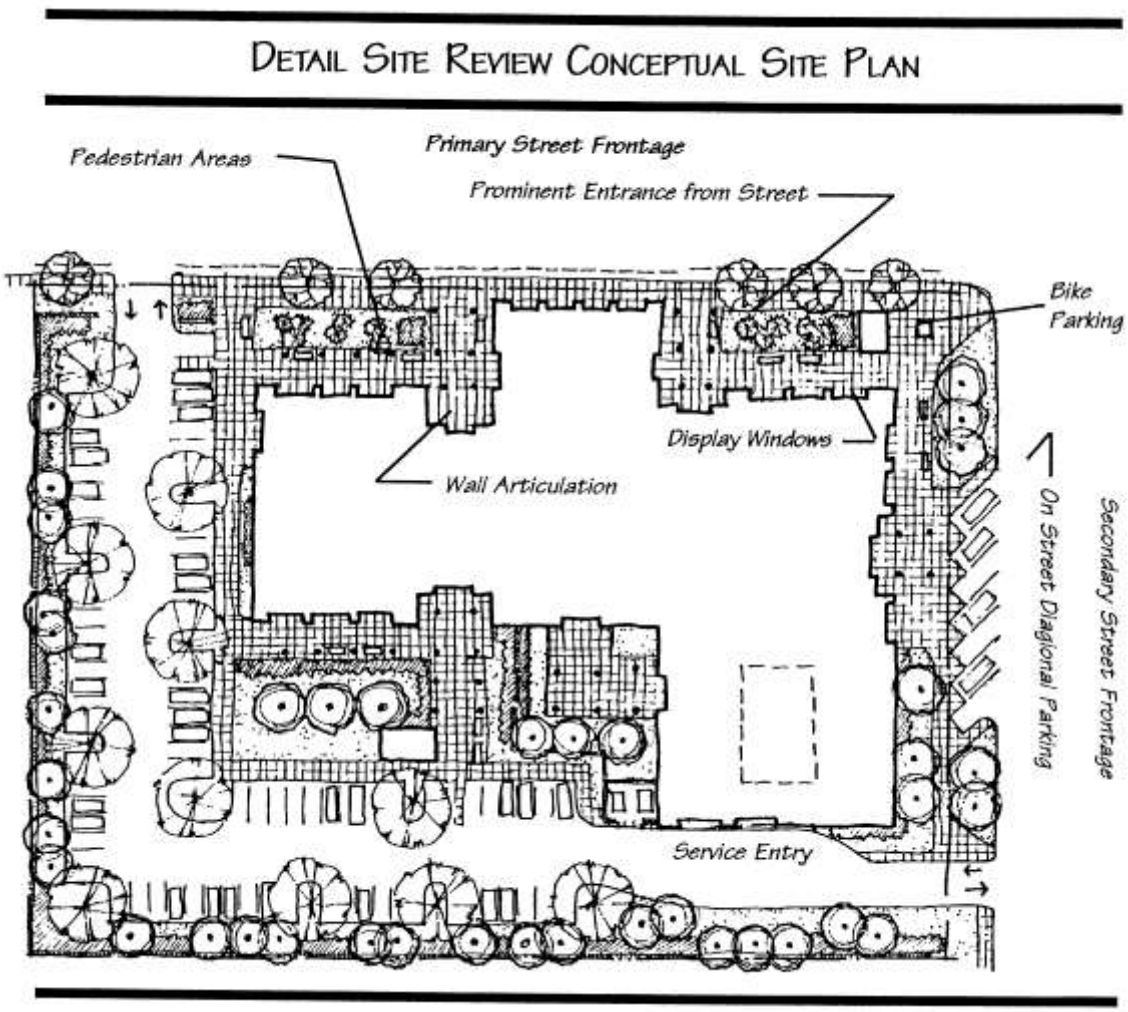


Figure 18.4.2-040.C.1
Detail Site Review Conceptual Site Plan

D. Additional Standards for Large Scale Projects. In the Detail Site Review overlay, developments that are greater than 10,000 square feet in gross floor area or contain more than 100 feet of building frontage shall, in addition to complying with the standards for Basic (18.4.2.040.B) and Detail (18.4.2.040.C) Site Review, above, conform to the following standards. See conceptual elevation of large scale development in Figure 18.4.2.040.D.1 and conceptual site plan of large scale development in Figure 18.4.2.040.D.2.

1. Orientation and Scale.

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

   b. Outside of the Downtown Design Standards overlay, new buildings or expansions of existing buildings in the Detail Site Review overlay shall conform to the following standards.

i. Buildings sharing a common wall or having walls touching at or above grade shall be considered as one building.

ii. Buildings shall not exceed a building footprint area of 45,000 square feet as measured outside of the exterior walls and including all interior courtyards. For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.

iii. Buildings shall not exceed a gross floor area of 45,000 square feet, including all interior floor space, roof top parking, and outdoor retail and storage areas, with the following exception.

Automobile parking areas located within the building footprint and in the basement shall not count toward the total gross floor area. For the purpose of this section, basement means any floor level below the first story in a building. First story shall have the same meaning as provided in the building code.

iv. Buildings shall not exceed a combined contiguous building length of 300 feet.

c. Inside the Downtown Design Standards overlay, new buildings or expansions of existing buildings shall not exceed a building footprint area of 45,000 square feet or a gross floor area of 45,000 square feet, including roof top parking, with the following exception.

Automobile parking areas locate within the building footprint and in the basement shall not count toward the total gross floor area. For the purpose of this section, basement means any floor level below the first story in a building. First story shall have the same meaning as provided in the building code.

2. Public Spaces.

a. One square foot of plaza or public space shall be required for every ten square feet of gross floor area, except for the fourth gross floor area.

b. A plaza or public spaces shall incorporate at least four of the following elements.

i. Sitting Space – at least one sitting space for each 500 square feet shall be included in the plaza. Seating shall be a minimum of 16 inches in height and 30 inches in width. Ledge benches shall have a minimum depth of 30 inches.

ii. A mixture of areas that provide both sunlight and shade.

iii. Protection from wind by screens and buildings.

iv. Trees – provided in proportion to the space at a minimum of one tree per 500 square feet, at least two inches in diameter at breast height.

v. Water features or public art.

vi. Outdoor eating areas or food vendors.

3. Transit Amenities. Transit amenities, bus shelters, pullouts, and designated bike lanes shall be required in accordance with the Ashland Transportation Plan and guidelines established by the Rogue Valley Transportation District.

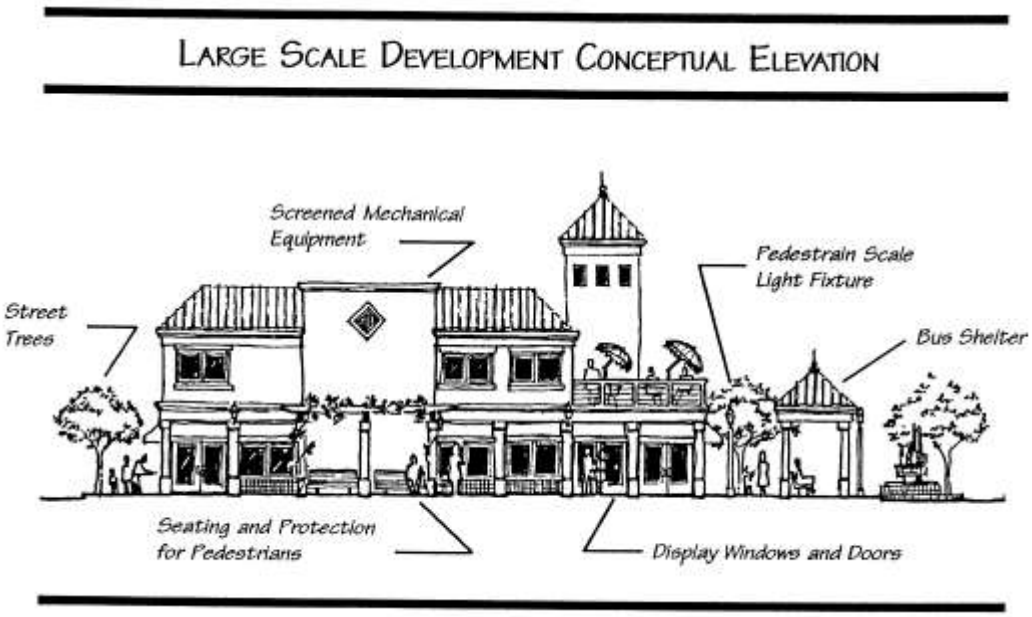


Figure 18.4.2.040.D.1
Large Scale Development Conceptual Elevation

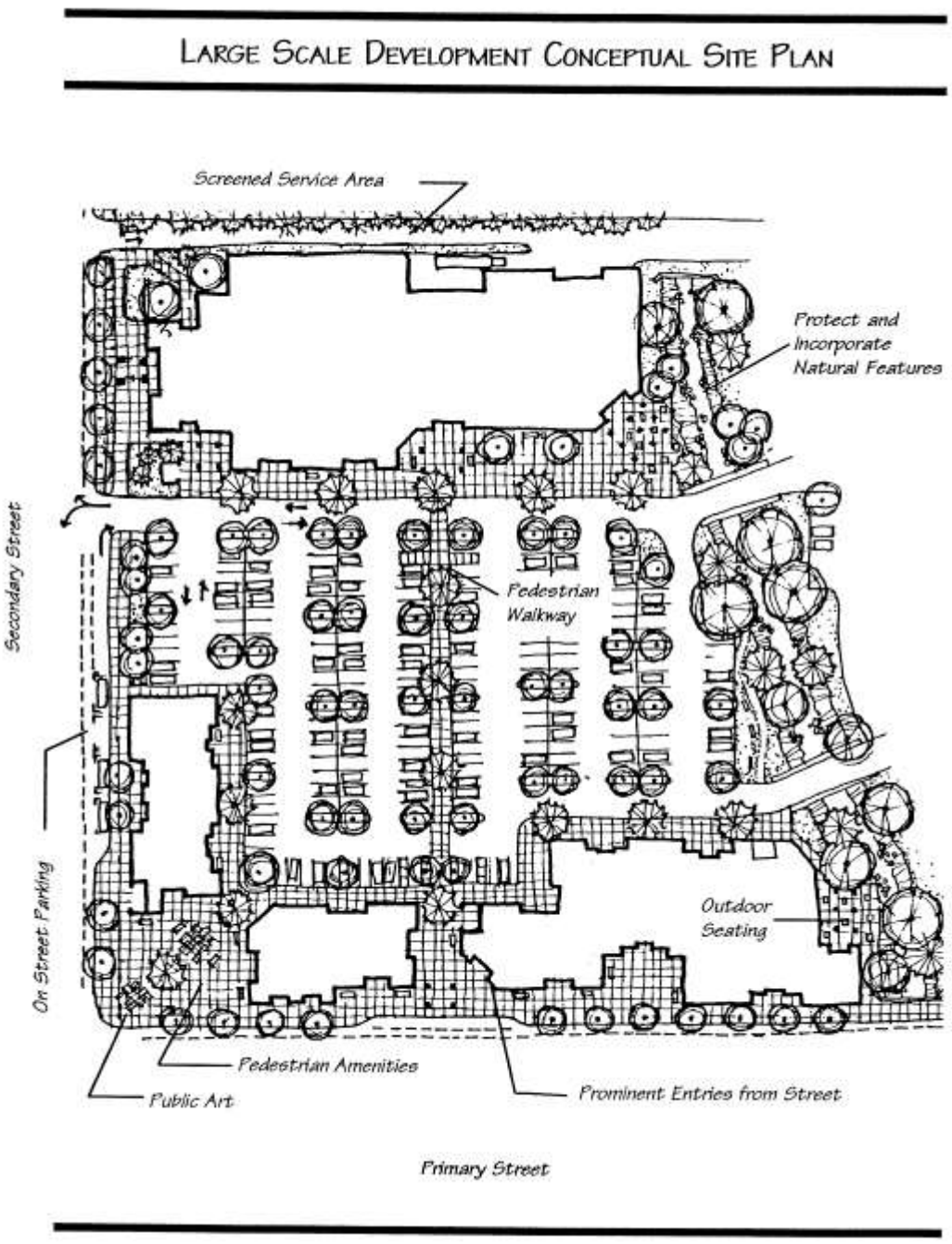


Figure 18.4.2.040.D.2
Large Scale Development Conceptual Site Plan

SECTION 23. Section 18.4.3.040 [Parking Ratios - Parking, Access, and Circulation] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.3.040 Parking Ratios

Except as provided by section 18.4.3.030, the standard ratios required for automobile parking are as follows. See also, accessible parking space requirements in section 18.4.3.050.

Table 18.4.3.040 – Automobile Parking Spaces by Use

Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Residential Categories	
Single-family Dwelling	2 spaces for detached dwelling units and the following attached dwelling units. a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units --1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit.
Accessory Residential Units	a. Units less than 800 sq. ft.– 1 space/unit, except. as exempted in subsection 18.2.3.040.A. b. Units greater than 800 sq. ft. and up to 1,000 sq. ft. – 2.00 spaces/unit.
Multi-family Dwellings	a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units -- 1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit. e. Retirement complexes for seniors 55-years or greater -- One space per unit. f. Transit Triangle (TT) overlay option developments, see chapter 18.3.14.
Cottage Housing	a. Units less than 800 sq. ft. -- 1 space/unit. b. Units greater than 800 sq. ft. and less than 1000 sq. ft. -- 1.5 spaces/unit. c. Units greater than 1000 sq. ft. -- 2.00 spaces/unit. d. Retirement complexes for seniors 55-years or greater -- One space per unit.

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	**Minimum Parking per Land Use** (Based on Gross Floor Area; fractions are rounded to whole number.)
Manufactured Housing	Parking for Manufactured Home on Single-Family Lot is same as Single-Family Dwelling; for Manufactured Housing Developments, see sections 18.2.3.170 and 18.2.3.180.
Performance Standards Developments	See chapter 18.3.9.
Commercial Categories	
Auto, boat or trailer sales, retail nurseries and other ~~open-space~~ **outdoor retail** uses	1 space per 1,000 sq. ft. of the first 10,000 sq. ft. of gross land area; plus 1 space per 5,000 sq. ft. for the excess over 10,000 sq. ft. of gross land area; and 1 space per 2 employees.
Bowling Alleys	3 spaces per alley, plus 1 space for auxiliary activities set forth in this section.
Chapels and Mortuaries	1 space per 4 fixed seats in the main chapel.
Hotels	1 space per guest room, plus 1 space for the owner or manager; see also, requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities.
Offices	General Office: 1 space per 500 sq. ft. floor area.
	Medical/Dental Office: 1 space per 350 sq. ft. floor area.
Restaurants, Bars, Ice Cream Parlors, Similar Uses	1 space per 4 seats or 1 space per 100 sq. ft. of gross floor area, whichever is less.
Retail Sales and Services	General: 1 space per 350 sq. ft. floor area.
	Furniture and Appliances: 1 space per 750 sq. ft. floor area.
Skating Rinks	1 space per 350 sq. ft. of gross floor area.
Theaters, Auditoriums, Stadiums, Gymnasiums and Similar Uses	1 space per 4 seats.
Travelers' Accommodations	1 space per guest room, plus 2 spaces for the owner or manager.
Industrial Categories	
Industrial, Manufacturing and Production, Warehousing and Freight	1 space per 1,000 sq. ft. of gross floor area, or 1 space for each 2 employees whichever is less, plus 1 space per company vehicle.
Institutional and Public Categories	

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	**Minimum Parking per Land Use** (Based on Gross Floor Area; fractions are rounded to whole number.)
Aircraft Hangar - Ashland Municipal Airport	One space per hangar or one space per four aircraft occupying a hangar, whichever is greater. Parking spaces shall be provided within the hangar or within designated vehicle parking areas identified in the adopted Ashland Municipal Airport Master Plan.
Clubs, Fraternity and Sorority Houses; Rooming and Boarding Houses; Dormitories	2 spaces for each 3 guest rooms; in dormitories, 100 sq. ft. shall be equivalent to a guest room.
Daycare	1 space per two employees; a minimum of 2 spaces is required.
Golf Courses	Regular: 8 spaces per hole, plus additional spaces for auxiliary uses.
	Miniature: 4 spaces per hole.
Hospital	2 space per patient bed.
Nursing and Convalescent Homes	1 space per 3 patient beds.
Public Assembly	1 space per 4 seats
Religious Institutions and Houses of Worship	1 space per 4 seats.
Rest Homes, Homes for the Aged, or Assisted Living	1 space per 2 patient beds or 1 space per apartment unit.
Schools	Elementary and Junior High: 1.5 spaces per classroom, or 1 space per 75 sq. ft. of public assembly area, whichever is greater
	High Schools: 1.5 spaces per classroom, plus 1 space per 10 students the school is designed to accommodate; or the requirements for public assembly area, whichever is greater
	Colleges, Universities and Trade Schools: 1.5 spaces per classroom, plus 1 space per five students the school is designed to accommodate, plus requirements for on-campus student housing.
Other Categories	
Temporary Uses	Parking standards for temporary uses are the same as for primary uses, except that the City decision-making body may reduce or waive certain development and designs standards for temporary uses.

SECTION 24. Section 18.4.3.090 [Pedestrian Access and Circulation - Parking, Access, and Circulation] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.3.090 Pedestrian Access and Circulation

A. Purpose. The purpose of section 18.4.3.090 is to provide for safe, direct, and convenient pedestrian access and circulation.

B. Standards. Development subject to this chapter, except single-family dwellings on individual lots and associated accessory structures, shall conform to the following standards for pedestrian access and circulation.

1. Continuous Walkway System. Extend the walkway system throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent sidewalks, trails, ~~**public**~~ parks, and **common** open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property for this purpose.

2. Safe, Direct, and Convenient. Provide safe, reasonably direct, and convenient walkway connections between primary building entrances and all adjacent streets. For the purposes of this section, the following definitions apply.

   a. “Reasonably direct” means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

   b. “Safe and convenient” means reasonably free from hazards and provides a reasonably direct means of walking between destinations.

   c. "Primary entrance" for a non-residential building means the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

   d. "Primary entrance" for a residential building is the front door (i.e., facing the street). For multifamily buildings and mixed-use buildings where not all dwelling units have an individual exterior entrance, the “primary entrance” may be a lobby, courtyard, or breezeway serving as a common entrance for more than one dwelling.

3. Connections within Development. Walkways within developments shall provide connections meeting all of the following requirements as illustrated in Figures 18.4.3.090.B.3.a and 18.4.3.090.B.3.b

   a. Connect all building entrances to one another to the extent practicable.

   b. Connect on-site parking areas, ~~**recreational facilities**~~**common and public open spaces**, and common areas, and connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections.

   c. Install a protected raised walkway through parking areas of 50 or more spaces, and where pedestrians must traverse more than 150 feet of parking area, as measured as an average width or depth.

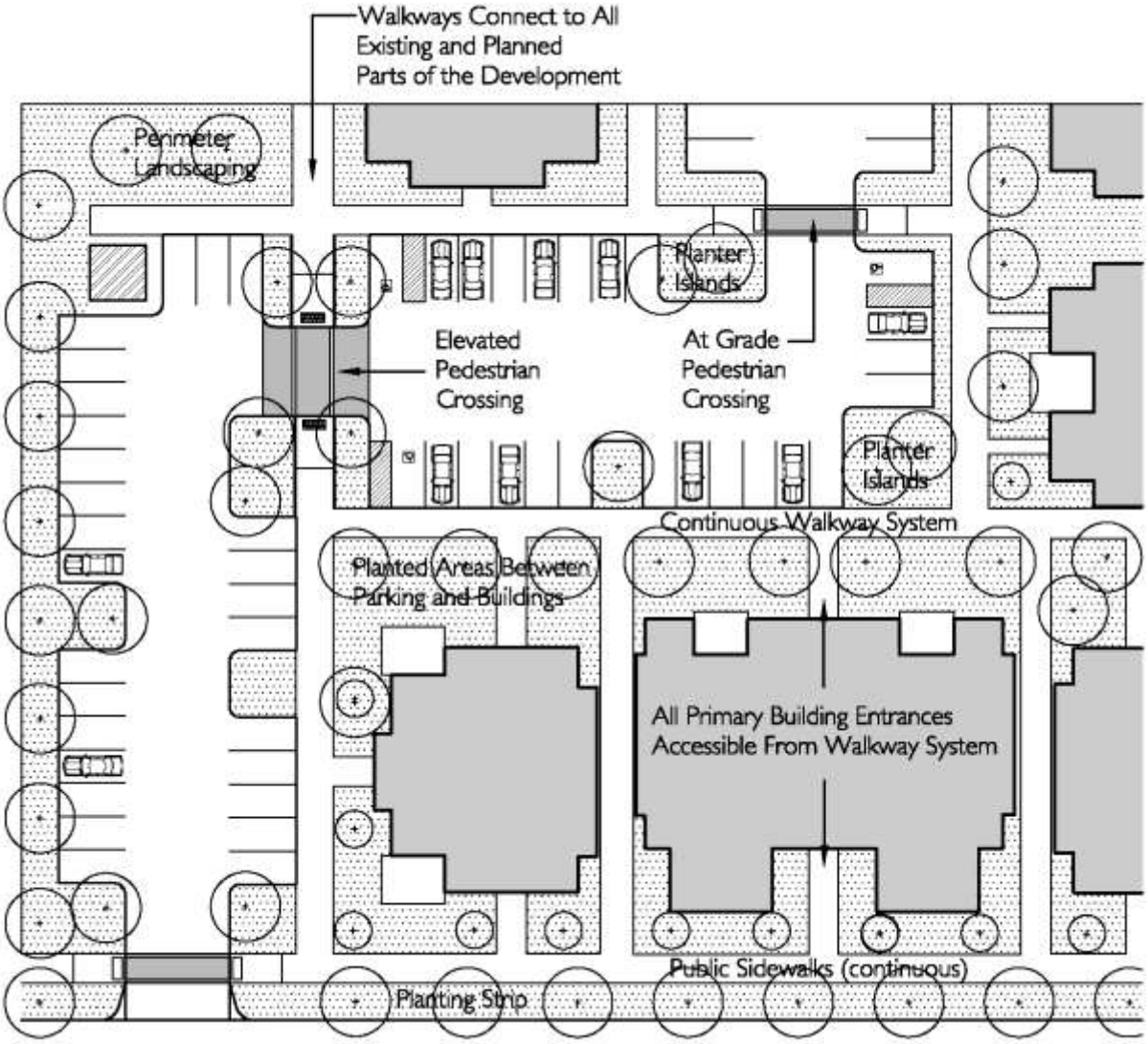


Figure 18.4.3.090.B.3.a
Pedestrian Access and Circulation

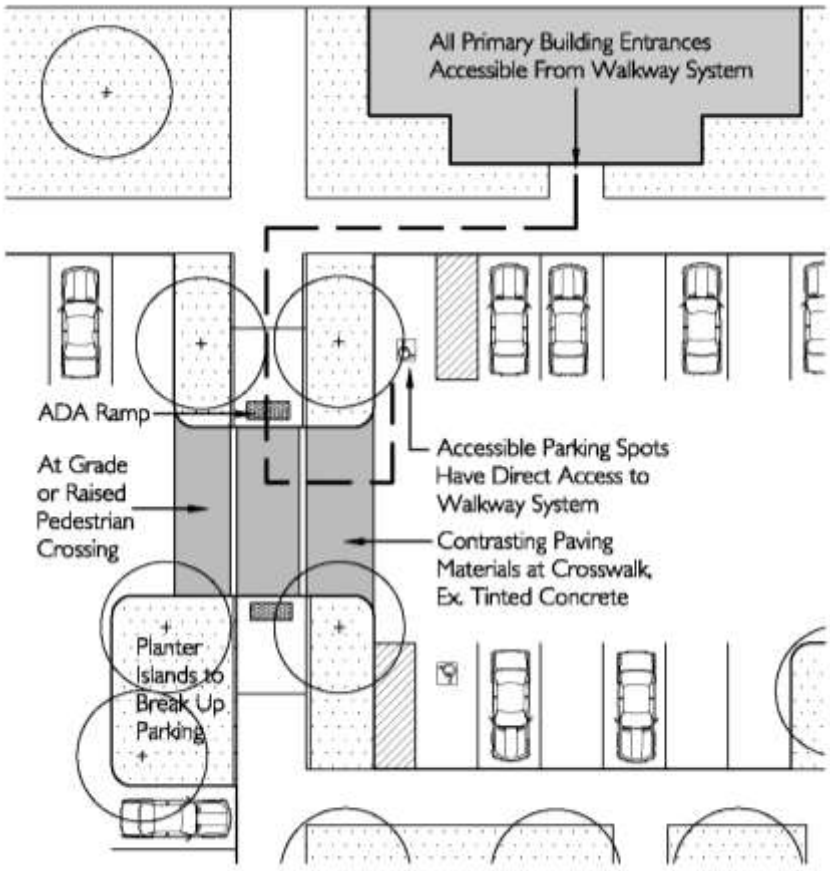


Figure 18.4.3.090.B.3.b
Pedestrian Access and Circulation Detail

4. Walkway Design and Construction. Walkways shall conform to all of the following standards in as illustrated in Figure 18.4.3.090.B.3.a and 18.4.3.090.B.3.b. For transportation improvement requirements, refer to chapter 18.4.6 Public Facilities.

   a. Vehicle/Walkway Separation. Except for crosswalks, where a walkway abuts a driveway or street, it shall be raised six inches and curbed along the edge of the driveway. Alternatively, the approval authority may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is distinguished from vehicle-maneuvering areas. Examples of alternative treatments are mountable curbs, surface treatments such as stamped concrete or reflector bumps, and using a row of decorative metal or concrete bollards to separate a walkway from a driveway.

   b. Crosswalks. Where walkways cross a parking area or driveway, clearly mark crosswalks with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

   c. Walkway Surface and Width. Walkway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, and at least five feet wide. Multi-use

paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, and at least ten feet wide, in accordance with the section 18.4.6.040 Street Design Standards.

d. Accessible routes. Walkways shall comply with applicable Americans with Disabilities Act (ADA) and State of Oregon requirements. The ends of all raised walkways, where the walkway intersects a driveway or street, shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

e. Lighting. Lighting shall comply with section 18.4.4.050.

SECTION 25. Section 18.4.4.030 [Landscaping and Screening - Landscaping, Lighting and Screening] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.4.030 Landscaping and Screening

A. General Landscape Standard. All portions of a lot not otherwise developed with buildings, accessory structures, vehicle maneuvering areas, parking, or other approved hardscapes shall be landscaped pursuant to this chapter.

B. Minimum Landscape Area and Coverage. All lots shall conform to the minimum landscape area standards of the applicable zoning district (see Table 18.2.5.030.A - C for residential zones and Table 18.2.6.030 for non-residential zones). Except as otherwise provided by this chapter, areas proposed to be covered with plant materials shall have plant coverage of not less than 50 percent coverage within one year and 90 percent coverage within five years of planting.

C. Landscape Design and Plant Selection. The landscape design and selection of plants shall be based on all of the following standards.

1. Tree and Shrub Retention. Existing healthy trees and shrubs shall be retained, pursuant to chapter 18.4.5. Consistent with chapter 18.4.5 Tree Preservation and Protection, credit may be granted toward the landscape area requirements where a project proposal includes preserving healthy vegetation that contribute(s) to the landscape design.

2. Plant Selection.

   a. Use a variety of deciduous and evergreen trees, shrubs, and ground covers.

   b. Use plants that are appropriate to the local climate, exposure, and water availability. The presence of utilities and drainage conditions shall also be considered.

   c. *Storm Water Facilities.* Use water-tolerant species where storm water retention/detention or water quality treatment facilities are proposed.

   d. *Crime Prevention and Defensible Space*. Landscape plans shall provide for crime prevention and defensible space, for example, by using low hedges and similar plants allowing natural surveillance of public and semi-public areas, and by using impenetrable hedges in areas where physical access is discouraged.

   e. *Street Trees.* Street trees shall conform to the street tree list approved by the Ashland Tree Commission. See the Ashland Recommended Street Tree Guide.

3. Water Conserving Landscaping. Commercial, industrial, non-residential, and mixed-use developments that are subject to chapter 18.5.2 Site Design Review, shall use plants that are low water use and meet the requirements of 18.4.4.030.I Water Conserving Landscaping.

4. Hillside Lands and Water Resources. Landscape plans for land located in the Hillside Lands overlay must also conform to section 18.3.10.090 Development Standards for Hillside Lands, and in the Water Resources overlay must also conform to section 18.3.11.110 Mitigation Requirements for Water Resource Protection Zones.

5. Screening

   a. Evergreen shrubs shall be used where a sight-obscuring landscape screen is required.

   b. Where a hedge is used as a screen, fire-resistant and drought tolerant evergreen shrubs shall be planted so that not less than 50 percent of the desired screening is achieved within two years and 100 percent is achieved within four years. Living groundcover in the screen strip shall be planted such that 100 percent coverage is achieved within two years.

6. Plant Sizes

   a. Trees shall be not less than two-inch caliper for street trees, and 1.5-inch caliper for other trees at the time of planting.

   b. Shrubs shall be planted from not less than one gallon containers, and where required for screening shall meet the requirements of 18.4.4.030.C.5 Screening.

D. Tree Preservation, Protection, and Removal. See chapter 18.4.5 for Tree Protection and Preservation and chapter 18.5.7 for Tree Removal Permit requirements.

E. Street Trees. The purpose of street trees is to form a deciduous canopy over the street. The same effect is also desired in parking lots and internal circulation streets; rows of street trees should be included in these areas where feasible.

All development fronting on public or private streets shall be required to plant street trees in accordance with the following standards and chosen from the recommended list of street trees.

1. Location of Street Trees. Street trees shall be located in the designated planting strip or street tree wells between the curb and sidewalk, or behind the sidewalk in cases where a planting strip or tree wells are or will not be in place. Street trees shall include irrigation, root barriers, and generally conform to the standards established by the Community Development Department.

2. Spacing and Placement of Street Trees

   All street tree spacing may be made subject to special site conditions that may, for reasons such as safety, affect the decision. Any such proposed special condition shall be subject to the Staff Advisor's review and approval. The placement, spacing, and pruning of street trees shall meet all of the following requirements.

   a. Street trees shall be placed at the rate of one tree for every 30 feet of street frontage.

Trees shall be evenly spaced, with variations to the spacing permitted for specific site limitations, such as driveway approaches.

b. Street trees shall not be planted closer than 25 feet from the curb line of intersections of streets or alleys, and not closer than ten feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.

d. Street trees shall not be planted closer than 20 feet to light standards. Except for public safety, no new light standard location shall be positioned closer than ten feet to any existing street tree, and preferably such locations will be at least 20 feet distant.

e. Street trees shall not be planted closer than 2.5 feet from the face of the curb.Street trees shall not be planted within two feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees, or tree wells, shall be at least 25 square feet; however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Tree wells shall be covered by tree grates in accordance with City specifications.

g. Street trees planted under or near power lines shall be selected so as to not conflict with power lines at maturity.

h. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation, where approved pursuant to section 18.4.6.040 Street Design Standards, may be utilized to save existing street trees, subject to approval by the Staff Advisor.

3. Pruning. Street trees, as they grow, shall be pruned to provide at least eight feet of clearance above sidewalks and 12 feet above street roadway surfaces.

4. Replacement of Street Trees. Existing street trees removed by development projects shall be replaced by the developer with those from the street tree list approved by the Ashland Tree Commission. The replacement trees shall be of size and species similar to the trees that are approved by the Staff Advisor. See the Ashland Recommended Street Tree Guide.

F. Parking Lot Landscaping and Screening. Parking lot landscaping, including areas of vehicle maneuvering, parking, and loading, shall meet the following requirements. Single-family dwellings and accessory residential units are exempt from the requirements of subsection 18.4.4.030.F.2, below.

1. Landscaping.

a. Parking lot landscaping shall consist of a minimum of seven percent of the total parking area plus a ratio of one tree for each seven parking spaces to create a canopy effect.

b. The tree species shall be an appropriate large canopied shade tree and shall be selected from the street tree list approved by the Ashland Tree Commission to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians. See the Ashland Recommended Street Tree Guide.

c. The tree shall be planted in a landscaped area such that the tree bole is at least two

feet from any curb or paved area.

d. The landscaped area shall be distributed throughout the parking area and parking perimeter at the required ratio.

e. That portion of a required landscaped yard, buffer strip, or screening strip abutting parking stalls may be counted toward required parking lot landscaping but only for those stalls abutting landscaping as long as the tree species, living plant material coverage, and placement distribution criteria are also met. Front or exterior yard landscaping may not be substituted for the interior landscaping required for interior parking stalls.

2. Screening.

a. *Screening Abutting Property Lines.* A five foot landscaped strip shall screen parking abutting a property line. Where a buffer between zones is required, the screening shall be incorporated into the required buffer strip, and will not be an additional requirement.

b. *Screening Adjacent to Residential Building.* Where a parking area is adjacent to a residential building it shall be setback at least eight feet from the building, and shall provide a continuous hedge screen.

c. *Screening at Required Yards.*

i. Parking abutting a required landscaped front yard or exterior yard shall incorporate a sight obstructing hedge screen into the required landscaped yard.

ii. The screen shall grow to be at least 36 inches higher than the finished grade of the parking area, except within vision clearance areas, section 18.2.4.050.

iii. The screen height may be achieved by a combination of earth mounding and plant materials.

iv. Elevated parking lots shall screen both the parking and the retaining walls.

G. Other Screening Requirements. Screening is required for refuse and recycle containers, outdoor storage areas, loading and service corridors, mechanical equipment, and the City may require screening other situations, pursuant with the requirements of this ordinance.

1. Recycle and Refuse Container Screen. Recycle and refuse containers or disposal areas shall be screened ~~**from view**~~ by placement of a solid wood fence or masonry wall five to eight feet in height to limit the view from adjacent properties or public rights-of-way. All recycle and refuse materials shall be contained within the screened area.

2. Outdoor Storage. Outdoor storage areas shall be screened from view, except such screening is not required in the M-1 zone.

3. Loading Facilities and Service Corridors. Commercial and industrial loading facilities and service corridors shall be screened when adjacent to residential zones. Siting and design of such service areas shall reduce the adverse effects of noise, odor, and visual clutter upon adjacent residential uses.

4. Mechanical Equipment. Mechanical equipment shall be screened by placement of features at least equal in height to the equipment to limit view from public rights-of-way,

except alleys, and adjacent residentially zoned property. Mechanical equipment meeting the requirements of this section satisfy the screening requirements in 18.5.2.020.C.4.

a. *Roof-mounted Equipment.* Screening for roof-mounted equipment shall be constructed of materials used in the building's exterior construction and include features such as a parapet, wall, or other sight-blocking features. Roof-mounted solar collection devices are exempt from this requirement pursuant to subsection 18.5.2.020.C.4.

b. *Other Mechanical Equipment.* Screening for other mechanical equipment (e.g., installed at ground level) include features such as a solid wood fence, masonry wall, or hedge screen.

H. Irrigation. Irrigation systems shall be installed to ensure landscape success. If a landscape area is proposed without irrigation, a landscape professional shall certify the area can be maintained and survive without artificial irrigation. Irrigation plans are reviewed through a Ministerial process at the time of building permit submittals.

I. Water Conserving Landscaping. Water has always been a scare, valuable resource in the Western United States. In the Rogue Valley, winter rains give way to a dry season spanning five to seven months. Lack of water during the dry summer season was a major problem facing early settlers. Their creative solutions greatly altered the development of this region. Talent Irrigation District's and other district's reservoirs and many miles of reticulating canals are an engineering marvel.

Ashland's early development centered around Ashland Creek and its year-round water supply flowing from the flanks of Mt. Ashland, a mile in elevation above the town.

As the town grew, the old reservoir at the top of Granite Street and later, Reeder Reservoir were built. They remain as a testament to the town's need for more water than the quantity that flows through the City during the dry season. The reservoir collects the winter rain behind its dams, for use during the dry season. Snowfall adds to this system by slowly melting in the spring and summer, after rainfall has diminished. This recharges the groundwater that continues to flow into Ashland Creek long after the last of the snow pack has melted.

Presently, Reeder reservoir's capacity is just barely sufficient to supply the City's current water demands in a severe drought. With Ashland's semi-arid climate that includes periodic multi-year droughts, a fixed reservoirs size, and growing water demands, it is clear that additional steps to insure a secure a water supply are now necessary.

There are two main ways of insuring a reliable water supply; either increase the supply by finding additional water sources or reduce the demand through water conservation strategies. The traditional supply side solutions are economically and environmentally expensive. Demand side solutions are relatively inexpensive, although they require changes in behavior and usage patterns. One of the main strategies for reducing water use are landscape designs that use less water. Ashland has adopted these guidelines in order to reduce the amount of water wasted by many standard landscaping practices.

The advantages to standards like these are that they avoid the costs of increasing the water supply, and also avoid the draconian measure of mandatory rationing. While standards limit

plant materials, the choices offered by drought tolerant plants give ample opportunity to create beautiful landscapes at no additional cost.

The goal of these guidelines is to decrease water usage while encouraging attractive landscaping. Further, standards are aimed at reducing water and demand when it is most crucial, during the dry late summer months when water reserves are low.

The following standards are intended to conserve water while encouraging attractive landscaping. Further, requirements are aimed at reducing water demand when water is most scarce, during the dry late summer months when water reserves are low.

1. Landscaping Design Standards

   a. *Landscaping Coverage*. Water conserving designs shall have plant coverage of not less than 90 percent with five years of planting, but are not required to meet the standard of 50 percent coverage within one year.

   b. *Plant Selection*. At least 90 percent of plants in the non-turf areas shall be listed as drought tolerant in the Sunset Western Garden book, City's Water-Wise Landscaping website, or be similarly well-suited for this climate of region as determined by the Staff Advisor. Up to ten percent of the plants may be of a non-drought tolerant variety or species as long as they are grouped together and are located in a separate irrigation zone.

   c. *Screening*. Plant screening hedges to attain 50 percent coverage after two years.

   d. *Mulch*. Add a minimum of two inches of mulch in non-turf areas to the soil surface after planting, with the exception of within five (5) feet of a building or deck where bark mulch and other combustible materials are not permitted per the General Fuel Modification Area standards in 18.3.10.100. Neither large nuggets nor fine bark may be used for mulch. Non-porous material shall not be placed under the mulch.

   e. *Turf and Water Areas*. Limit combined **natural** turf or water areas (i.e., pools, ponds, and fountains) to 20 percent of the landscaped areas. ~~**Turf**~~ **These** limitations do not apply to ~~**public**~~ parks, ~~**private**~~ common open space, ~~**required outdoor recreation areas,**~~ golf courses, cemeteries, and school recreation areas.

   f. *Fountains*. Design all fountains to recycle their water.

   g. *Turf Location*. **Natural** ~~**T**~~turf is restricted to slopes less than ten percent grade.

   h. *Berms and Raised Beds*.

      i. No more than five percent of landscaped area of any lot or project may be berms or raised beds higher than one foot unless there is demonstrated need for sound or safety barrier. If allowed, berms must be no taller than 1/6 of their width.

      ii. All plantings on berms one foot or greater in height must be drought tolerant.

      iii. Only drip irrigation is allowed on berms more than one foot in height.

   i. *Soil Quality.* When new vegetation is planted, soils shall be amended for plant health and water absorption. Add mature compost at a rate of three cubic yards of compost per 1,000 square feet of area to be landscaped, and work soil and amendment(s) to a depth of four to six inches. This requirement may be waived for one or more of the

following circumstances.

a. The area to be landscaped is fenced off to fully protect native soil from disturbance and compaction during construction.

b. Soil tests document an organic content of a least three percent based on a representative core sample taken at a rate of one test per 20,000 square feet, based on a minimum of three core sample per test. Samples shall be taken at least 40 feet apart to a depth of six inches following attainment of rough grade.

c. The area to be landscaped will be used to capture and treat storm water runoff, and is subject to separate design standards.

J. Maintenance. All landscaping shall be maintained in good condition, or otherwise replaced by the property owner; dead plants must be replaced within 180 days of discovery. Replacement planting consistent with an approved plan does not require separate City approval.

SECTION 26. Section 18.4.5.030 [Tree Protection - Tree Preservation and Protection] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.5.030 Tree Protection

A. Tree Protection Plan. A tree protection plan shall be approved by the Staff Advisor concurrent with applications for Type I, Type II, and Type III planning actions. If tree removal is proposed, a Tree Removal Permit pursuant to chapter 18.5.7 may be required.

B. Tree Protection Plan Submission Requirements. In order to obtain approval of a tree protection plan; an applicant shall submit a plan to the City, which clearly depicts all trees to be preserved and/or removed on the site. The plan must be drawn to scale and include the following.

1. Location, species, and diameter of each tree on site and within 15 feet of the site.
2. Location of the drip line of each tree.
3. An inventory of the health and hazard of each tree on site, and recommendations for treatment for each tree.
4. Location of existing and proposed roads, water, sanitary and storm sewer, irrigation, and other utility lines/facilities and easements.
5. Location of dry wells, drain lines and soakage trenches.
6. Location of proposed and existing structures.
7. Grade change or cut and fill during or after construction.
8. Existing and proposed impervious surfaces.
9. Identification of a contact person and/or arborist who will be responsible for implementing and maintaining the approved tree protection plan.
10. Location and type of tree protection measures to be installed per section 18.4.5.030.C.

C. Tree Protection Measures Required.

1. Chain link fencing, a minimum of six feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater, and at the boundary of any **common or public** open space ~~**tracts**~~, riparian areas, or conservation easements that abut the parcel being developed.
2. The fencing shall be flush with the initial undisturbed grade.
3. Approved signs shall be attached to the chain link fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Staff Advisor for the project.
4. No construction activity shall occur within the tree protection zone, including, but not limited to dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles.
5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, concrete or dry wall excess, and construction debris or run-off.
6. No excavation, trenching, grading, root pruning, or other activity shall occur within the tree protection zone unless approved by the Staff Advisor.
7. Except as otherwise determined by the Staff Advisor, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation, or demolition work, and shall be removed only after completion of all construction activity, including landscaping and irrigation installation.

D. Inspection. The applicant shall not proceed with any construction activity, except installation of erosion control measures, until the City has inspected and approved the installation of the required tree protection measures and a building and/or grading permit has been issued by the City.

SECTION 27. Subsection 18.4.6.040.E [Street Design Standards - Public Facilities] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.6.040 Street Design Standards

E. Connectivity Standards. New and reconstructed streets, alleys, and pathways shall conform to the following connectivity standards, and the Street Dedication Map.

1. Interconnection. Streets shall be interconnected to reduce travel distance, promote the use of alternative modes, provide for efficient provision of utilities and emergency services, and provide multiple travel routes. In certain situations where the physical features of the land create severe constraints, or natural features should be preserved, exceptions may be made. Such conditions may include, but are not limited to, topography, wetlands, mature trees, creeks, drainages, and rock outcroppings. See also, subsection 18.4.6.040.I Hillside Streets and Natural Areas.

2. Connectivity to Abutting Lands. Design streets to connect to existing, proposed, and planned streets adjacent to the development, unless prevented by environmental or topographical constraints or existing development patterns. Where the locations of planned streets are shown on the Street Dedication Map, the development shall implement the street(s) shown on the plan pursuant to chapter 18.4.6. Wherever a proposed development abuts vacant, redevelopable, or a future development phase, provide street stubs to allow access to logically extend the street system into the surrounding area. Provide turnarounds at street ends constructed to Uniform Fire Code standards, as the City deems applicable. Design street ends to facilitate future extension in terms of grading, width, and temporary barricades.
3. Efficient Land Use. Street layout shall permit and encourage efficient lot layout and attainment of planned densities.
4. Integration With Major Streets. Integrate neighborhood circulation systems and land development patterns with boulevards and avenues, which are designed to accommodate heavier traffic volumes. Locate and design streets to intersect as nearly as possible to a right angle.
5. Alleys. The use of the alley is recommended, where possible. Alleys can contribute positively to the form of the street and have many advantages including: alleys allow more positive streetscapes with front yards used for landscaping rather than for front yard driveways; alleys can create a positive neighborhood space where the sidewalk feels more safe and inviting for pedestrians, neighbors socializing, and children playing; when the garage is located in rear yards off the alley, interesting opportunities arise for creating inviting exterior rooms using the garage as a privacy wall and divider of space; alleys enhance the grid street network and provides midblock connections for non-motorists; alleys provide rear yard access and delivery; and provide alternative utility locations and service areas
6. Preserving Natural Features. Locate and design streets to preserve natural features to the greatest extent feasible. Whenever possible, street alignments shall follow natural contours and features so that visual and physical access to the natural feature is provided. Situate streets between natural features, such as creeks, mature trees, drainages, **common or public** open spaces, and individual parcels in order to appropriately incorporate such significant neighborhood features. The City may approve adjustments to the street design standards in order to preserve natural features, per 18.4.6.040.I Hillside Streets and Natural Areas.
7. Physical Site Constraints. In certain situations where the physical features of the land create severe constraints adjustments may be made. Such conditions may include, but are not limited to, topography, wetlands, mature trees, creeks, drainages, and rock outcroppings. See 18.4.6.040.I Hillside Streets and Natural Areas.
8. Off-Street Connections. Connect off-street pathways to the street network and use to provide pedestrian and bicycle access in situations where a street is not feasible. In cases where a street is feasible, off-street pathways shall not be permitted in lieu of a traditional street with sidewalks. However, off-street pathways are permitted in addition to traditional streets with sidewalks in any situation.

9. Walkable Neighborhoods. Size neighborhoods in walkable increments, with block lengths meeting the following requirements.

   a. The layout of streets shall not create excessive travel lengths. Block lengths shall be a maximum of 300 to 400 feet and block perimeters shall be a maximum of 1,200 to 1,600 feet.

   b. An exception to the block length standard may be permitted when one or more of the following conditions exist.

      i. Physical conditions that preclude development of a public street. In certain situations where the physical features of the land create severe constraints, or natural features should be preserved, exceptions may be made. Such conditions may include, but are not limited to, topography, wetlands, mature trees, creeks, drainages, and rock outcroppings. See 18.4.6.040.I Hillside Streets and Natural Areas.

      ii. Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, preclude a connection now or in the future considering the potential for redevelopment.

      iii. Where an existing public street or streets terminating at the boundary of the development site have a block length exceeding 600 feet, or are situated such that the extension of the street(s) into the development site would create a block length exceeding 600 feet. In such cases, the block length shall be as close to 600 feet as practical.

   c. When block lengths exceed 400 feet, use the following measures to provide connections and route options for short trips.

      i. Where extreme conditions preclude street connections, continuous nonautomotive connection shall be provided with a multi-use path. Off-street pathways shall not be used in lieu of a traditional street with sidewalks in cases where extreme conditions do not exist.

      ii. Introduce a pocket park, or plaza area with the street diverted around it.

      iii. At the mid-block point, create a short median with trees or use other traffic calming devices to slow traffic, break up street lengths, and provide pedestrian refuge.

10. Traffic Calming. Traffic calming features, such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian refuges, speed table, and or special paving may be required to slow traffic in areas with high pedestrian traffic.

SECTION 28. Subsection 18.4.6.040.G.7 [Street Design Standards - Public Facilities] of the Ashland Land Use Ordinance is hereby amended to read as follows:

G. Standards Illustrated. New and reconstructed streets, alleys and pathways shall conform

to the following design standards, as summarized in Table 18.4.6.040.F.

7. Multi-use Path

Multi-use paths are off-street facilities used primarily for walking and bicycling. These paths can be relatively short connections between neighborhoods, or longer paths adjacent to rivers, creeks, railroad tracks, and **parks and common** open space. See Figure 18.4.6.040.G.7.

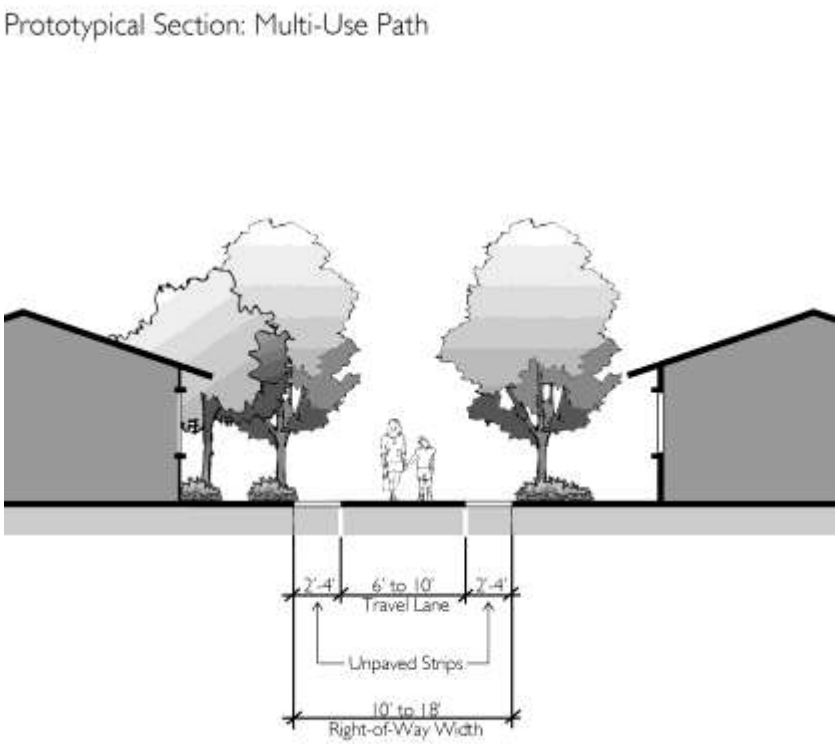


Figure 18.4.6.040.G.7
Multi-Use Path

Street Function	Provide short connections for pedestrians and bicyclists between destinations, and longer paths in situations where a similar route is not provided on the street network.
Connectivity	Enhances route options and shorten distances traveled for pedestrians and bicyclists.
Right-of-Way Width	10 ft – 18 ft
Improvement Width	6 ft – 10 ft paved with 2 ft – 4 ft gravel or planted strips on both sides

Curb and Gutter not required

SECTION 29. Subsection 18.4.6.040.I [Street Design Standards - Public Facilities] of the Ashland Land Use Ordinance is hereby amended to read as follows:

I. Hillside Streets and Natural Areas. Streets constructed in hillside lands or natural resource areas (e.g., creeks, rock outcroppings, drainages, wetlands) should minimize negative impacts and use minimal cut and fill slopes. Generally, the range of street types provided in 18.4.6.040.G make it possible to construct or improve streets in accordance with the design standards. However, street design may be adjusted in hillside lands and natural resource areas using the Exceptions to Street Standards process in 18.4.6.020.B.1. In addition to the approval criteria for an Exception to Street Standards, the following standards must be met.

1. Approval of Streets in Hillside Lands and Natural Areas. Approval of a street in a hillside lands or natural areas shall conform to chapter 18.3.10, Physical and Environmental Constraints, and the following provisions.

   a. *Clear Travel Lane*. New streets shall provide a 20-foot clear travel lane area in areas designated Hillside Lands.

   b. *On-Street Parking*. Ample on-street or bay parking shall be provided at the foot of steep hills, especially those prone to snow or ice buildup.

   c. Streets shall be located in a manner that preserves natural features to the greatest extent feasible.

   e. Whenever possible, street alignments shall follow natural contours and features so that visual and physical access to the natural feature is possible.

   f. Streets shall be situated between natural features, such as creeks, mature trees, drainages, **common or public** open spaces, and individual parcels in order to appropriately incorporate such significant neighborhood features.

2. Dead End Streets. Dead-end streets may be permitted in areas where topography, wetland, creeks, or other physical features preclude street connections. Only neighborhood streets may be dead end roads. No dead end street shall exceed 500 feet in length, not including the turnaround.

SECTION 30 Section 18.5.2.040 [Application Submission Requirements - Site Design Review] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.5.2.040 Application Submission Requirements

The following information is required for Site Design Review application submittal, except where the Staff Advisor determines that some information is not pertinent and therefore is not required.

A. General Submission Requirements. Information required for Type I or Type II review, as applicable (see sections 18.5.1.050 and 18.5.1.060), including but not limited to a written

statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.

B. Site Design Review Information. In addition to the general information required for Site Design Review, the applicant shall provide the following information.

1. Basic Plan Information. Plans and drawings shall include the project name, date, north arrow, scale, and names and addresses of all persons listed as owners of the subject property on the most recently recorded deed. The scale of site and landscaping plans shall be at least one-inch equals 50 feet or larger, and of building elevations one-inch equals ten feet or larger.
2. Site Analysis Map. The site analysis map shall contain the following information.
    a. Vicinity map.
    b. The property boundaries, dimensions, and area of the site shall be identified.
    c. Topographic contour lines at 5-foot intervals or less, except where the Staff Advisor determines that larger intervals will be adequate for steeper slopes.
    e. Zone designation of the and adjacent to the proposed development, including lands subject to overlay zones including but not limited to lands subject to Detail Site Review, Downtown Design Standards, Historic District, Pedestrian Place, Physical and Environmental Constraints, and Water Resource Protection Zones overlays (see part 18.3 Special Districts and Overlays).
    f. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site.
    g. The location and size of all public and private utilities, on and adjacent to the subject site, including:
        i. Water lines;
        ii. Sewer lines, manholes and cleanouts;
        iii. Storm drainage and catch basins; and
        iv. Fire hydrants.
    h. Site features, including existing structures, pavement, drainage ways, rock outcroppings, areas having unique views, and streams, wetlands, drainage ways, canals and ditches.
    i. The location, size, and species of trees six inches DBH or greater, including trees located on the subject site and trees located off-site that have drip lines extending into the subject site.
3. Proposed Site Plan. The site plan shall contain the following information.
    a. The proposed development site, including boundaries, dimensions, and gross area.
    b. Features identified on the existing site analysis maps that are proposed to remain on the site.
    c. Features identified on the existing site map, if any, which are proposed to be

removed or modified by the development.

d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements.

e. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements, including:

i. Connection to the City water system and meter locations;

ii. Connection to the City sewer system;

iii. Connection to the City electric utility system and meter locations;

iv. New and/or replaced fire hydrants and vault locations;

v. The proposed method of drainage of the site; and

vi. The opportunity-to-recycle site and solid waste receptacle, including proposed screening.

f. Location of drainage ways and public utility easements in and adjacent to the proposed development.

g. Setback dimensions for all existing and proposed structures.

h. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access.

i. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls), including accessible parking by building code.

j. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails.

k. ~~**Outdoor recreation**~~**Common open** spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.

l. Location of outdoor lighting.

m. Location of mail boxes, if known.

n. Locations of bus stops and other public or private transportation facilities.

o. Locations, sizes, and types of signs.

4. Architectural drawings. Architectural drawings, as applicable.

a. Exterior elevations of all proposed buildings, drawn to a scale of one inch equals ten feet or greater; such plans shall indicate the material, color, texture, shape, and design features of the building, and include mechanical devices not fully enclosed in the building.

b. Exterior elevations of other proposed structures, including fences, retaining walls, accessory buildings, and similar structures.

c. The elevations and locations of all proposed signs for the development.

d. For non-residential developments proposed on properties located in a Historic

District, section drawings including exterior walls, windows, projections, and other features, as applicable, and drawings of architectural details (e.g., column width, cornice and base, relief and projection, etc.) drawn to a scale ¾ of an inch equals one foot or larger.

5. Preliminary Grading and Drainage Plan. A preliminary grading and drainage plan prepared by an engineer shall be submitted with the application for Site Design Review where a development site is ½ of an acre or larger as deemed necessary by the Staff Advisor. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed, and temporary and permanent erosion control measures. Surface water detention and treatment plans may also be required, in accordance with chapter 18.4.6 Public Facilities.
6. Erosion Control Plan. An erosion control plan addressing temporary and permanent erosion control measures, which shall include plantings where cuts or fills (including berms), swales, storm water detention facilities, and similar grading is proposed. Erosion control plans in Hillside Lands shall also conform to section 18.3.10.090 Development Standards for Hillside Lands.
7. Landscape and Irrigation Plans**.**
    a. Landscape and irrigations plans shall include the following information.
        i. The location, size, and species of the existing and proposed plant materials, and any other pertinent features of the proposed landscaping and plantings.
        ii. A tree protection and removal plan consistent with chapter 18.4.5 for sites with trees that are to be retained, protected, and removed.
        iii. At time of building permit submittals, an irrigation plan including a layout of irrigation facilities.
    b. When water conserving landscaping is required pursuant to section 18.4.4.030, the landscape plan shall contain the following additional information.
        i. Information from proposed site plan.
        ii. Landscape contact person, including address and telephone number.
        iii. Identification of cut and fill areas.
        iv. Location of underground utilities and all transformer and utility meter locations.
        v. Slopes exceeding ten percent and grade changes in root zones of plants to be retained on site.
        vi. Inventory of existing plant materials on site identifying that will remain and will be removed.
        vii. Composite plant list including quantity, size, botanical name, common name, variety, and spacing requirements of all proposed plant material.
        viii. Mulch areas labeled according to material and depth.

ix. Shrub and tree planting and staking detail.

x. Root barrier design, installation specifications, and details.

xii. Design and installation specifications of any proposed tree grates.

c. When water conserving landscaping is required pursuant to section 18.4.4.030, the irrigation plan included with the building permit submittals shall contain the following additional information.

i. Information from proposed site plan.

ii. Irrigation contact person, including address and telephone number.

iii. For lots with a landscaped area greater than 5,000 square feet, a grading plan and topographic map showing contour intervals of five feet or less.

iv. Identification of water source and point of connection including static and operating pressure.

v. If Talent Irrigation District (TID) is used, list the size and type of filtration method.

vi. Area of irrigated space in square feet.

vii. Size, type, brand, and location of backflow device, as well as make, model, precipitation rate, and location of sprinkler heads.

viii. Layout of drip system showing type of emitter and its outputs, as well as type of filtration used.

ix. Piping description including size schedule or class, type of mounting used between piping and sprinkler heard, depth of proposed trenching, and provisions for winterization.

x. Size, type, brand, and location of control valves ad sprinkler controllers.

xi. Size, type, depth, and location of materials for under paving sleeves.

xii. Type and location of pressure regulator.

xiii. Type and location of rain sensor.

xiv. Monthly irrigation schedule for the plant establishment period (6 – 12 months) and for the first year thereafter.

xv. Water schedule for each zone from the plan.

8. Narrative**.** Letter or narrative report documenting compliance with the applicable approval criteria contained in section 18.5.2.050. Specifically, the narrative shall contain the following.

a. For commercial and industrial developments:

i. The square footage contained in the area proposed to be developed.

ii. The percentage of the lot covered by structures.

iii. The percentage of the lot covered by other impervious surfaces.

iv. The total number of parking spaces.

v. The total square footage of all landscaped areas.

b. For residential developments:

i. The total square footage in the development.

ii. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, e.g., ten one-bedroom, 25 two-bedroom, etc).

iii. Percentage of lot coverage by structures; streets, roads, or drives; public use areas, common ~~area/private recreation~~ and private open space ~~areas~~, landscaping, and parking areas.

SECTION 31. Section 18.5.3.020 [Applicability and General Requirements - Land Divisions and Property Line Adjustments] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.5.3.020 Applicability and General Requirements

A. Applicability. The requirements for partitions and subdivisions apply, as follows.

1. Subdivisions are the creation of four or more lots from one parent lot, parcel, or tract, within one calendar year.
2. Partitions are the creation of three or fewer lots from one parent lot, parcel, or tract, each having frontage on a public street, within one calendar year. (Note: Partitions of three lots with access via a private drive are allowed under chapter 18.3.9 Performance Standards Option.)
3. Property line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots.
4. For properties located in the Performance Standards Overlay, all land divisions, other than partitions and development of individual dwelling units, shall be processed under chapter 18.3.9 Performance Standards Option. Properties not located in the Performance Standards Overlay but meeting the requirements of section 18.3.9.030, may be processed under chapter 18.3.9 Performance Standards Option. Except as modified by chapter 18.3.9, the provisions of chapter 18.5.3 apply to development applications processed under the Performance Standards Option.

B. Land Survey. Before any action is taken pursuant to this ordinance that would cause adjustments or realignment of property lines, required yard areas, or setbacks, the exact lot lines shall be validated by location of official survey pins or by a survey performed by a licensed surveyor.

C. Subdivision and Partition Approval Through Two-Step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation.

1. The preliminary plat must be approved before the final plat can be submitted for review.
2. The final plat must demonstrate compliance with all conditions of approval of the

preliminary plat.

D. Compliance With Oregon Revised Statutes (ORS) chapter 92. All subdivision and partitions shall conform to state regulations in Oregon Revised Statute (ORS) chapter 92, Subdivisions and Partitions.

E. Future Re-Division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the lots shall be of such size, shape, and orientation as to facilitate future re-division and extension of streets and utilities. The approval authority may require a development plan indicating how further division of oversized lots and extension of planned public facilities to adjacent parcels can occur in the future. If the Planning Commission determines that an area or tract of land has been or is in the process of being divided into four or more lots, the Commission can require full compliance with all subdivision regulations.

F. Minor Amendments. The following minor amendments to subdivisions and partitions are subject to Ministerial review in Chapter 18.5.1.040. Changes to an approved plan or condition of approval that do not meet the thresholds for a minor amendment, below, are subject to Chapter 18.5.6 Modifications to Approved Planning Actions.

1. A change that does increase the number of lots or parcels created by the subdivision.
2. A change that does not enlarge the boundaries of subdivided or partitioned area.
3. A change that does not alter the general location or amount of land devoted to a specific land use.
4. A change that makes only minor shifting of the established lines, location, or size of buildings or building envelopes, proposed public or private streets, pedestrian ways, utility easement, or parks and **~~other~~ common ~~public~~** open spaces.

SECTION 32. Section 18.5.3.030 [Preliminary Plat Approval Process - Land Divisions and Property Line Adjustments] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.5.3.030 Preliminary Plat Approval Process

A. Review of Preliminary Plat.

1. Partitions. Preliminary plats for partitions, including flag lot partitions, are reviewed through the Type I procedure under section 18.5.1.050.
2. Subdivisions. Preliminary plats for subdivisions are subject to the approval criteria in section 18.5.3.050 and are reviewed through the Type II procedure, pursuant to chapter 18.5.1.060.

B. Modifications. The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in chapter 18.5.6 Modifications to Approved Planning Actions. See also, subsection 18.5.3.020.G Minor Amendments.

C. Phased Subdivision. The Planning Commission may approve plans for phasing a subdivision, and changes to approved phasing plans, provided applicant's proposal meets all of the following criteria.

1. The proposed phasing schedule shall be reviewed with the preliminary subdivision plat application.
2. Commission approval is required for modifications to phasing plans.
3. The required improvements (i.e., utilities, streets) for the first subdivision phase shall be installed or bonded for within 18 months of the approval of the preliminary plat, except when an extension of the preliminary plat is granted pursuant to section 18.1.6.040.
4. Public facilities and ~~private~~**common** open spaces shall be constructed in conjunction with or prior to each phase.
5. The final plat for the first phase shall be approved within 18 months of the approval of the preliminary plat, except when extension of the preliminary plat is granted pursuant to section 18.1.6.040.

SECTION 33. Section 18.5.3.040 [Preliminary Plat Submission - Land Divisions and Property Line Adjustments] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.5.3.040 Preliminary Plat Submissions

Applications for Preliminary Plat approval shall contain all of the following information.

A. General Submission Requirements.

1. Partitions. Information required for a Type I review (see section 18.5.1.050), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.
2. Subdivisions. Information required for a Type II review, (see section 18.5.1.060), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.

B. Preliminary Plat Information. In addition to the general information described in subsection A, above, and any information required pursuant to chapter 18.3.9 Performance Standards Option, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information, in quantities determined by Staff Advisor.

1. General information
   a. Name of subdivision (partitions are named by year and file number). This name shall not duplicate the name of another land division in the City or vicinity.
   b. Date, north arrow, and scale of drawing.
   c. Location of the development sufficient to define its location in the City, boundaries.
   d. Zoning of parcel to be divided, including any overlay zones.

e. A title block specifying “minor or major partition” and including the partition number, City of Ashland, the names, addresses, and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey.

f. Identification of the drawing as a “preliminary plat”.

2. Existing Conditions. Except where the Staff Advisor deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on existing conditions of the site.

a. *Streets*. Location, name, and present width of all streets, alleys, and rights-of-way on and abutting the site.

b. *Easements.* Width, location, and purpose of all existing easements of record on and abutting the site;

c. *Utilities.* Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;

d. *Topography and Natural Features*. A topographic map showing contour intervals of five feet or less and the location of any physical constrained lands, pursuant to chapter 18.3.10, and any natural features, such as rock outcroppings, wetlands, streams, wooded areas, and isolated preservable trees.

e. The Base Flood Elevation, Floodplain Corridor Elevation, and Floodplain Boundary, per the Ashland Floodplain Corridor Maps, as applicable.

f. North arrow and scale.

3. Proposed Development. Except where the Staff Advisor deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on the proposed development.

a. Proposed lots, streets, tracts, **common** open space, and park land (if any); location, names, right-of-way dimensions.

b. Location, width, and purpose of all proposed easements;

c. Approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and private tracts (e.g., ~~**private**~~**common** open space, common area, or street).

d. Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as **common** open space ~~**for the purpose of surface water management, recreation, or other use**~~.

e. Proposed public street improvements, pursuant to chapter 18.4.6.

f. Preliminary design for extending City water and sewer service to each lot, pursuant to chapter 18.4.6.

g. Proposed method of storm water drainage and treatment, if required, pursuant to chapter 18.4.6.

h. The approximate location and identity of other facilities, including the locations of electric, fire hydrants, streetlights, and utilities, as applicable.

i. Evidence of compliance with applicable overlay zones.

SECTION 34. Section 18.5.7.020 [Applicability and Review Procedure - Tree Removal Permits] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.5.7.020 Applicability and Review Procedure

All tree removal and topping activities shall be carried out in accordance with the requirements of this chapter and as applicable, the provisions of part 18.3 Special Districts and Overlay Zones, and chapter 18.4.4 Landscaping, Lighting, and Screening.

If tree removal is part of another planning action involving development activities, the tree removal application, if timely filed, shall be processed concurrently with the other planning action. Applications for Tree Removal Permits are reviewed as follows.

A. Ministerial Action. The following Tree Removal Permits are subject to the Ministerial procedure in section 18.5.1.040.

1. Emergency Tree Removal Permit.

B. Type I Reviews. The following Tree Removal Permits are subject to the Type I review in section 18.5.1.050. This section applies to removal of trees that are a hazard or are not a hazard.

1. Removal of trees greater than six-inches DBH on private lands zoned C-I, E-I, M-I, CM, or HC.
2. Removal of trees greater than six-inches DBH on lots zoned R-2, R-3, and R-1-3.5 that are not occupied solely by a single-family detached dwelling.
3. Removal of significant trees, as defined in part 18.6, on vacant property zoned for residential purposes including but not limited to R-I, RR, WR, and NM zones.
4. Removal of significant trees as defined in part 18.6, on lands zoned SOU, on lands under the control of the Ashland School District, or on lands under the control of the City.
5. Tree Topping Permit.

C. Exempt From Tree Removal Permit. The following activities are exempt from the requirement for a tree removal permit in 18.5.7.020.A, subsections A. and B, above.

1. Those activities associated with the establishment or alteration of any ~~**public**~~ park under the Ashland Parks and Recreation Commission. However, the Parks and Recreation Department shall provide an annual plan in January to the Tree Commission outlining proposed tree removal and topping activities, and reporting on tree removal and topping activities that were carried out in the previous year.
2. Removal of trees in single-family residential zones on lots occupied only by a single-family detached dwelling and associated accessory structures where the property is less than twice the minimum lot size or otherwise ineligible to be partitioned or subdivided,

except as otherwise regulated by chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.

3. Removal of trees in multi-family residential and health care zones on lots occupied only by a single-family detached dwelling and associated accessory structures where the property cannot be further developed with additional dwelling units other than an accessory residential unit, except as otherwise regulated by chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.
4. Removal of trees less than six-inches DBH in any zone, excluding those trees located within the public right of way or required as conditions of approval with landscape improvements for planning actions.
5. Removal of trees less than 18 caliper inches in diameter at breast height (DBH) on any public school lands, Southern Oregon University, and other public land, excluding Heritage trees.
6. Removal of trees within the Wildfire Lands area of the City, as defined on adopted maps, for the purposes of wildfire fuel management, consistent with the fuel modification area standards in 18.3.10.100, and in accord with the requirements of chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.
7. Removal of dead trees.
8. Those activities associated with tree trimming for safety reasons, as mandated by the Oregon Public Utilities Commission, by the City's Electric and Telecommunication Utility. However, the Utility shall provide an annual plan to the Tree Commission outlining tree trimming activities and reporting on tree trimming activities that were carried out in the previous year. Tree trimming shall be done, at a minimum, by a Journeyman Tree Trimmer, as defined by the Utility, and will be done in conformance and to comply with OPUC regulations.
9. Removal of street trees within the public right-of-way subject to street tree removal permits in AMC 13.16.
10. Those activities associated with tree trimming or removal at the Airport, within the Airport (A) overlay zone for safety reasons, as mandated by the Federal Aviation Administration. The Public Works Department shall provide an annual report to the Tree Commission outlining tree trimming activities and reporting on tree trimming activities that were carried out in the previous year.

D. Other Requirements.

1. Flood Plain, Hillsides, and Wildfire. Tree removal in the Physical and Environmental Constraints Overlay (i.e., areas identified as Flood Plain Corridor Land, Hillside Lands, Wildfire Lands and Severe Constraint Lands) must also comply with the provisions of chapter 18.3.10 Physical and Environmental Constrains Overlay.
2. Water Resources. Tree removal in regulated riparian areas and wetlands must also comply with the provisions of chapter 18.3.11 Water Resources Protection Zones.

SECTION 35. Section 18.5.7.050 [Mitigation Required - Tree Removal Permits] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.5.7.050 Mitigation Required

One or more of the following shall satisfy the mitigation requirement.

A. Replanting On-Site. The applicant shall plant either a minimum 1 ½-inch caliper healthy and well-branched deciduous tree or a five to six-foot tall evergreen tree for each tree removed. The replanted tree shall be of a species that will eventually equal or exceed the removed tree in size if appropriate for the new location. Larger trees may be required where the mitigation is intended, in part, to replace a visual screen between land uses. Suitable species means the tree' s growth habits and environmental requirements are conducive to the site, given existing topography, soils, other vegetation, exposure to wind and sun, nearby structures, overhead wires, etc. The tree shall be planted and maintained per the specifications of the Recommended Street Tree Guide.

B. Replanting Off-Site. If in the City's determination there is insufficient available space on the subject property, the replanting required in section 18.5.7.050.A, above, shall occur on other property in the applicant's ownership or control within the City, in ~~a~~**an common** open space tract that is part of the same subdivision, or in a City owned or dedicated **public** open space or park. Such mitigation planting is subject to the approval of the authorized property owners. If planting on City owned or dedicated property, the City may specify the species and size of the tree. Nothing in this section shall be construed as an obligation of the City to allow trees to be planted on City owned or dedicated property.

C. Payment In-Lieu of Planting. If in the City's determination no feasible alternative exists to plant the required mitigation, the applicant shall pay into the tree account an amount as established by resolution of the City Council.

D. Mitigation Plan. An approved mitigation plan shall be fully implemented within one year of a tree being removed unless otherwise set forth in a tree removal application and approved in the tree removal permits.

SECTION 36. Section 18.5.7.090 [Enforcement and Penalties - Tree Removal Permits] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.5.7.090 Enforcement and Penalties

In addition to taking enforcement action and assessing penalties for violations of this code, as authorized by chapter 18.1.6 Zoning Permit Expiration, Extension, and Enforcement, the City may take the following mitigation actions where there is a violation of this chapter:

A. Arborist Report and Required Treatment. Upon request by the City, a person who violates any provision of this chapter shall submit a report prepared by an arborist to evaluate the damage to a tree and/or make recommendations to remedy the violation. The City upon evaluating these recommendations, may, at the City's discretion, require that the recommended measures be implemented.

B. Restoration Fee. In addition to any fine and enforcement fee, the court may impose a restoration fee as restitution to the City for restoring the tree. This fee may be imposed upon any person who violates any provision of this chapter or who violates any permit or condition of any permit.

1. The fee shall be paid into the City's Tree Account and shall be a standard fee per caliper inch for the total number of caliper inches of the tree damaged or removed in violation of this chapter. The standard fee shall be in an amount as established by resolution of the City Council.
2. The court may require the person to pay into the City's Tree Account an increased fee per caliper inch or pay for the value of the tree, whichever is greater, if any of the following apply.
    a. The person has committed a previous violation of a provision of this chapter.
    b. Tree protection measures as required by this chapter were not installed or maintained.
    c. The tree removed or damaged was:
        i. 18 caliper inches in diameter or greater;
        ii. a designated Heritage Tree;
        iii expressly protected or required to be preserved as a condition of approval of a development permit pursuant to this ordinance; or
        iv. located on public right of way, City owned or dedicated property, a **common** ~~**public or private**~~ open space area or conservation easement.
3. The value of a tree under this section shall be determined by an arborist in accordance with the methods set forth in the Guide for Plant Appraisal, an official publication of the International Society of Arboriculture.

C. Fine. The removal of a tree in violation of this chapter, in violation of a permit or any condition of a permit issued under this chapter shall be a separate offense for each tree.

D. Cumulative Remedies. The rights, remedies, and penalties provided in this chapter are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the City under any other provision of law.

SECTION 37. Codification. In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within such limitations, may:

(a) Renumber sections and parts of sections of the ordinance;

(b) Rearrange sections;

(c) Change reference numbers to agree with renumbered chapters, sections or other parts;

(d) Delete references to repealed sections;

(e) Substitute the proper subsection, section, or chapter numbers;

(f) Change capitalization and spelling for the purpose of uniformity;

(g) Add headings for purposes of grouping like sections together for ease of reference; and

(h) Correct manifest clerical, grammatical, or typographical errors.

SECTION 38. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____day of _____, 2020, and duly PASSED and ADOPTED this ____ day of _____, 2020.

_____
Melissa Huhtala, City Recorder

SIGNED and APPROVED this ___ day of _____, 2020.

_____
John Stromberg, Mayor

Reviewed as to form:

_____
David H. Lohman, City Attorney

CITY OF
ASHLAND

ASHLAND PLANNING COMMISSION
REGULAR MEETING
MINUTES
May 12, 2020

I. CALL TO ORDER:

Chair Roger Pearce called the meeting to order at 7:02 p.m.

Commissioners Present:	**Staff Present:**
Michael Dawkins	Bill Molnar, Community Development Director
Alan Harper	Derek Severson, Senior Planner
Kerry KenCairn	Dana Smith, Executive Assistant
Haywood Norton	
Roger Pearce	
Lynn Thompson	
Absent Members:	**Council Liaison:**
	Stefani Seffinger, absent

II. ANNOUNCEMENTS

Community Development Director Bill Molnar announced the City Council would hold a public hearing on amendments to the Land Use Ordinance regarding plaza space standards. The public hearing for the Open Space Amendments originally scheduled for this meeting, would be continued to the meeting May 26, 2020. The Commission retreat was postponed to the fall. Currently, there was a vacancy on the Commission.

III. AD-HOC COMMITTEE UPDATES - None

IV. CONSENT AGENDA

A. Approval of Minutes

1. April 28, 2020 Special Meeting

Chair Pearce deemed the minutes of April 28, 2020 approved.

V. PUBLIC FORUM - None

Chair Pearce formally reopened the public hearing for PA-L-2020-00008, Open Space Ordinance Amendments and continued it to the meeting May 26, 2020 at 7:00 p.m.

VI. TYPE II PUBLIC HEARINGS

A. PLANNING ACTION: #PA-T2-2020-00017
SUBJECT PROPERTY: 210 Alicia Street
OWNER/APPLICANT: David Scott Construction, LLC
DESCRIPTION: A request for Outline Plan subdivision and Site Design Review approvals for a 12-unit, 13-lot Cottage Housing Development for the property located at 210 Alicia Street. The application also requests a Tree Removal Permit to remove two trees including one 36-inch diameter multi-trunked Willow tree proposed to be removed as a hazard, and a 20-inch Plum tree proposed to be removed to accommodate driveway installation. COMPREHENSIVE PLAN DESIGNATION: Single-Family Residential; ZONING: R-1-5; ASSESSOR'S MAP: 39 1E 04DB; TAX LOT #: 1700.

Chair Pearce read the rules of the public hearing during an electronic meeting.

Ex Parte Contact
Commissioner KenCairn, Norton and Thompson declared one site visit and no ex parte contact. Commissioner Harper had no ex parte contact and did not visit the site. Commissioner Dawkins attempted a site visit but was halted by the owner. He did have a conversation with the individual at the property. He stated it would be difficult to make a decision without a site visit. He had no issue or bias regarding the proposal and had not discussed the substance of the application with the individual at the property. Chair Pearce drove past the site and had no ex parte contact.

Staff Report
Senior Planner Derek Severson provided a presentation (see attached)

- Proposal
- Vicinity Map
- Cottage Housing – Survey
- Photo – Existing Driveway Separation
- Outline Plan – 13-lot P.S.O. Subdivision
- Outline Plan – Parking
- Cottage Housing – Landscape Plan
- Outline Plan – Five 800 s.f. Small Cottages
- Outline Plan – Three 999 s.f. Cottages
- Outline Plan – Two Duplexes (2 x 800 s.f.)
- Outline Plan - Carport Design
- Outline Plan - Solar Compliance
- Outline Plan - Utility Plan
- Outline Plan - Sewer Capacity
- Outline Plan - Grading Plan
- Outline Plan - Erosion Control Plan
- Residential Neighborhood Streets
- Sylvia Street perspective
- Alicia Avenue perspective
- Outline Plan - Fire Marshal's comments

Staff supported the proposal with the conditions recommended in the packet.

Questions of Staff
Chair Pearce asked about the tree permits. Mr. Severson confirmed one of the tree permits was for a deciduous tree at the driveway. The other permit was for a willow considered a hazard tree. Chair Pearce thought there should be a specific finding regarding the waiver for the public street dedication. He asked about the minimum separation from the property on Sylvia Street and north. Mr. Severson confirmed it was a nonconforming situation that could not be remedied but was not being changed in the proposal. Commissioner Dawkins confirmed the nonconforming lot would stand up with the Land Use Board of Appeals.

Commissioner Harper noted nonconforming items could not be intensified or made more burdensome and asked if it violated policy. Mr. Severson responded the code spoke to a separation and did not apply to vehicle trips. Staff looked at it as a nonconforming situation based on physical separation that was not being decreased. Commissioner Thompson thought the point Commissioner Harper raised applied to minimum density and read the code. Commissioner Harper asked for dimensions on the units. Mr. Severson thought they were approximately 32-feet by 26-feet for the 800 square foot units.

Commissioner Thompson wanted confirmation on the width of the open space landscape buffer between the parking and the garages. She thought 80% of the units had to abut open space. Six or seven cottages abutted the buffer but not the open space. Mr. Severson explained all units abutted open space except lot 7.

Chair Pearce opened the public hearing and submitted all the application materials, written public testimony and the applicant's rebuttal into the record.

Applicant's Presentation – See packet

Written Public Testimony – See attached

Rebuttal by Applicant – See attached

Deliberations & Decision
Chair Pearce closed the public hearing. The Commission discussed leaving the record open. Kent Patrick-Riley had experienced a glitch in the system when he tried the email PC-public-testimony@ashland.or.us at the beginning of the comment period. Due to that, he asked that the public hearing be postponed. The system was fixed and running within a couple of hours after the City was notified of the issue. Chair Pearce explained the issue was remedied and Mr. Patrick-Riley was able to present his arguments. He apologized to Mr. Patrick-Riley but did not think the hearing should be postponed or the record kept open based on the email issue.

Commissioner Norton referenced page 8 of the draft findings and read the second full paragraph. He thought it could be interpreted as leaving the record open. It could be confusing for the public and should be clarified. That alone was enough to continue the hearing. He added Commissioner Dawkins unable to access the site was another factor as well.

Chair Pearce responded the draft findings were written ten days before. The shaded area was filler language the Commission could use if there was a request for a continuance. Mr. Severson agreed it could be clearer. Chair Pearce addressed Commissioner Dawkins not being allowed on the site. People did not have to allow the Commission on their private property. If the Commission found insufficient information in the arborist report they could continue the hearing. Not being able to conduct a site visit was not enough to postpone.

Mr. Molnar described the incidents that resulted in the owner not allowing access to the property. The owner wanted to be notified first and present. Mr. Molnar had not anticipated anyone else going to the property at that time. Commissioner Dawkins went to the property for a site visit unaware of the owner's request. The owner called Mr. Molnar afterwards.

The Commission discussed postponing the meeting further and decided to close the record. Chair Pearce closed the administrative record.

The Commission addressed the public comments regarding insufficient parking and potential overflow on the street. The applicants were not seeking on street parking credits and satisfied the cottage housing parking requirements.

At approximately one hour and 5 minutes into the meeting, the televised portion went off the air.

The Commission discussed sewer capacity. Mr. Severson explained the applicant had mentioned there was capacity issues on portions of Oak Street. The Public Works Wastewater Division stated it was not a cause for concern. Neighbors had thought incidents were reported to the City. Mr. Severson followed up and no issues had been reported.

Emergency egress in case of fire. The Commission adhered to the fire marshal's comments.

Garbage pickup. Commissioner Norton thought it met the standards.

The Commission was notified the meeting was interrupted due to a power outage at the RVTV building.

Chair Pearce continued the hearing to May 26, 2020 at 7:00 p.m. The hearing for PA-T3-2019-00001 1511 Hwy 99 North was moved to the meeting June 9, 2020 at 7:00 p.m.

VII. TYPE III PUBLIC HEARINGS

A. PLANNING ACTION: #PA-T3-2019-00001
SUBJECT PROPERTY: 1511 Hwy 99 N
OWNER/AGENTS/APPLICANT: Linda Zare/Casita Developments, LLC & Kendrick Enterprise, LLC/ Rogue Planning & Development Services, LLC
DESCRIPTION: A request for Annexation of a 16.87-acre parcel and Zone Change from County RR-5 Rural Residential) to City R-2 (Low Density, Multi-Family Residential) for the properties located at 1511 Highway 99 North. The annexation is to include adjacent railroad property and state highway right-of-way. The application includes conceptual details for the future phased development of 196 apartments (1- and 2-Bedrooms, ranging from 480-701 square feet) in 14 two-story buildings; Outline Plan subdivision and Site Design Review development approvals are not requested here, and would be applied for subsequent to annexation. The application also requests an Exception to Street Standards to deviate from city standard parkrow and sidewalk improvements to respond to constraints of right-of-way width and existing encroachments. COMPREHENSIVE PLAN DESIGNATION: Multi-Family Residential; ZONING: Existing – County RR-5, Proposed – City R-2; ASSESSOR'S MAP: 38 1E 32; TAX LOT#'s: 1700 & 1702.

Item continued to June 9, 2020 at 7:00 p.m.

VIII. OTHER BUSINESS

A. Election of Officers.

Item moved to the meeting Mary 26, 2020 at 7:00 p.m.

IX. ADJOURNMENT

The Commission waited for the power to return to the RVTV building for approximately twenty minutes. The meeting adjourned at 8:27 p.m.

Submitted by,
Dana Smith, Executive Assistant

CITY OF
ASHLAND

ASHLAND PLANNING COMMISSION
SPECIAL MEETING
MINUTES
April 28, 2020

I. CALL TO ORDER:

Chair Roger Pearce called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:	**Staff Present:**
Troy Brown, Jr.	Bill Molnar, Community Development Director
Michael Dawkins	Maria Harris, Planning Manager
Alan Harper	Dana Smith, Executive Assistant
Kerry KenCairn	
Haywood Norton	
Roger Pearce	
Lynn Thompson	
Absent Members:	**Council Liaison:**
	Stefani Seffinger, absent

II. ANNOUNCEMENTS

Community Development Director Bill Molnar explained this was Commissioner Brown's last meeting. He noted Commissioner Brown's contributions to the Commission. He would be missed. Mr. Molnar announced the election of officers would occur in May. He explained the meeting May 12, 2020 would be televised. The meeting would adopt the rules the City Council was using requiring written testimony only. There would be an evidentiary hearing on the 1511 Highway 99 annexation that night.

III. CONSENT AGENDA

A. Approval of Minutes

1. March 10, 2020 Regular Meeting

Chair Pearce called for a vote to approve the minutes of March 10, 2020. Commissioner Brown and KenCairn abstained. Voice Vote: ALL AYES. Motion passed 5-0.

IV. PUBLIC FORUM

V. LEGISLATIVE PUBLIC HEARING

A. PLANNING ACTION: PA-L-2020-00008

APPLICANT: City of Ashland

DESCRIPTION: A public hearing on ordinance amendments to the Ashland Land Use Ordinance to update and clarify the open space requirements and design standards for multifamily and single-family housing developments, and to correct terminology related to open space and other minor wording edits. The proposed amendments include two ordinances: 1) An ordinance amending Chapters 18.2.5 Standards for Residential Zones, 18.3.9 Performance Standards Option and PSO Overlay, 18.4.2 Building Placement, Orientation, and Design, 18.4.4 Landscaping, Lighting, and Screening, and 18.6 Definitions of the Ashland Land Use Ordinance to amend the open space requirements and design standards, and 2) an ordinance amending chapters 18.2.2 Base Zones and Allowed Uses, 18.2.3 Special Use Standards, 18.2.5 Standards for Residential Zones, 18.3.2 Croman Mill District, 18.3.4 Normal Neighborhood District, 18.3.5

North Mountain Neighborhood District, 18.3.9 Performance Standards Option and PSO Overlay, 18.3.10 Physical and Environmental Constraints Overlay, 18.3.11 Water Resources Protection Zones (Overlays), 18.3.14 Transit Triangle Overlay, 18.4.2 Building Placement, Orientation, and Design, 18.4.2 Parking, Access, and Circulation, 18.4.4 Landscaping, Lighting, and Screening, 18.4.5. Tree Preservation and Protection, 18.4.6. Public Facilities, 18.5.2 Site Design Review, 18.5.3 Land Divisions and Property Line Adjustments, and 18.5.7 Tree Removal Permits of the Ashland Land Use Ordinance for consistency in terminology related to open space and other minor wording edits.

Planning Manager Maria Harris provided a presentation (see attached):

- Why Amend the Open Space Standards?
- When is Open Space Required?
- Examples of Open Space
- What Stays the Same?

Commissioner Dawkins confirmed common open space would include gardens. Commissioner Thompson questioned whether there was enough specificity regarding **"50% can be covered in shrubs, mulch and other ground covers if designed so residents can move through and interact with open space."** The Commission discussed modifying the language in **18.4.4070 Open Space (5)(a) Surfacing**. Ms. Harris noted **5. Improvements** provided a list of acceptable uses. She would look into revising the language in **(5)(a)**.

- Proposed Amendments

Ms. Harris clarified the way the ordinance was constructed did not apply to cottage housing standards which were considered a use. Ideally, it would be good to have all the open space requirements in one place.

- Proposed Amendments for Common Open Space with graphics and examples

Commissioner KenCairn suggested adding a 20-foot dimension to the graphic showing the space with the path going through it was 20-feet wide.

- Proposed Amendments for Private Open Space with graphics and examples
- Miscellaneous Proposed Amendments
- Open Space Terminology
- Next Steps

Questions of Staff

The Commission discussed including language from the old standard requiring 50% being suitable for human use in **18.4.4.070 Open Space (5)(a) Surfacing**. Ms. Harris would combine the language and revise the overall statement.

Deliberation

Chair Pearce explained issues he had with **Table 18.4.4.070.A Required Open Space Area by Type of Review Procedure**. He wanted the preferred requirement to be in each section where it was required and have 18.4.4.070 be the standards. Ms. Harris would add specific code references to **18.4.4.020 Applicability (E)** and add a footnote to the table. The Commission approved the revisions.

The Commission agreed with the major recreational facility recommendation.

VIII. ADJOURNMENT

Meeting adjourned 8:19 p.m.

Submitted by,
Dana Smith, Executive Assistant

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please fill out a Speaker Request Form and place it in the Speaker Request Box by staff. 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
SPECIAL MEETING
April 28, 2020
AGENDA

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

II. ANNOUNCEMENTS

A. Election of Officers – May 12, 2020

B. Virtual Planning Commission Meetings

III. CONSENT AGENDA

A. Approval of Minutes

1. March 10, 2020 Regular Meeting

IV. PUBLIC FORUM

V. LEGISLATIVE PUBLIC HEARING

A. PLANNING ACTION: PA-L-2020-00008
APPLICANT: City of Ashland
DESCRIPTION: A public hearing on ordinance amendments to the Ashland Land Use Ordinance to update and clarify the open space requirements and design standards for multifamily and single-family housing developments, and to correct terminology related to open space and other minor wording edits. The proposed amendments include two ordinances: 1) An ordinance amending Chapters 18.2.5 Standards for Residential Zones, 18.3.9 Performance Standards Option and PSO Overlay, 18.4.2 Building Placement, Orientation, and Design, 18.4.4 Landscaping, Lighting, and Screening, and 18.6 Definitions of the Ashland Land Use Ordinance to amend the open space requirements and design standards, and 2) an ordinance amending chapters 18.2.2 Base Zones and Allowed Uses, 18.2.3 Special Use Standards, 18.2.5 Standards for Residential Zones, 18.3.2 Croman Mill District, 18.3.4 Normal Neighborhood District, 18.3.5 North Mountain Neighborhood District, 18.3.9 Performance Standards Option and PSO Overlay, 18.3.10 Physical and Environmental Constraints Overlay, 18.3.11 Water Resources Protection Zones (Overlays), 18.3.14 Transit Triangle Overlay, 18.4.2 Building Placement, Orientation, and Design, 18.4.2 Parking, Access, and Circulation, 18.4.4 Landscaping, Lighting, and Screening, 18.4.5. Tree Preservation and Protection, 18.4.6. Public Facilities, 18.5.2 Site Design Review, 18.5.3 Land Divisions and Property Line Adjustments, and 18.5.7 Tree Removal Permits of the Ashland Land Use Ordinance for consistency in terminology related to open space and other minor wording edits.

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).

Why Amend the Open Space Standards?

Project Objectives

- Provide clear explanation of the open space requirements for applicants and neighbors
- Provide clarity for Planning Commission and staff to review of planning applications
- Improve the function of common open spaces in housing developments

When is Open Space Required?

Four Types of Residential Development

- Multifamily Development
- Attached Single-Family Development/Subdivision
- Subdivisions in Single-Family Zones
- Cottage Housing Developments

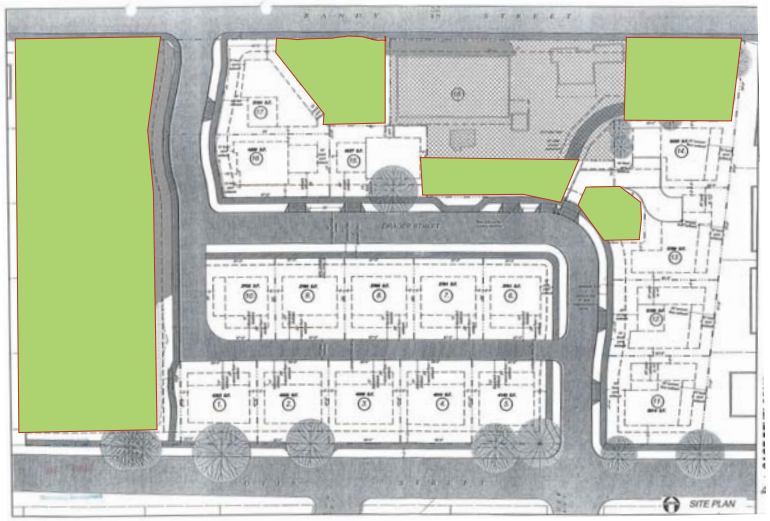
Multifamily Development
231-235 Hersey

4/28/2020 Planning Commission Public Hearing

Attached Single-Family Development
1068 East Main

4/28/2020 Planning Commission Public Hearing

4/28/2020 Planning Commission Public Hearing



Single-Family Subdivision
Helman Springs Subdivision

What Stays the Same?

Mechanics

- Base density calculation based on total lot area and includes areas designated for open space
- Multifamily and attached single-family housing developments are eligible for density bonus after required 8% of open space is provided
- Maintenance of open space by property owner or association of owners
- Common open space improved prior to final plat or issuance of building permit, or applicant provides financial security to defer improvements

What Stays the Same?

Area Required

- 8% of total lot area for developments that require Site Design Review (multifamily residential and attached single-family residential)
- 5% of total lot area for developments of 10 units or more that require only Performance Standards Options (PSO) Subdivision approval (detached single-family residential)

Not Additive

- Developments requiring Site Design Review and PSO subdivision are required to provide a maximum of 8% of total lot area in open space

What Stays the Same?

Design Standards

- Common open space may include natural features
- Private open space can include decks, patios, balconies, porches, yards and similar areas in multifamily and attached single-family housing
- Play areas for children for projects of 20 units or more in multifamily and attached single-family housing
- Common open space must provide suitable surface for human use
  - ✓ Amended: 50% can be covered in shrubs, mulch and other ground covers if designed so residents can move through and interact with open space

What Stays the Same?

Type of Open Space

- Site Design Review requirement can be satisfied by a combination of common and private open space
- PSO Subdivisions of 10 units are more are required to provide common open space

Proposed Amendments

Definitions

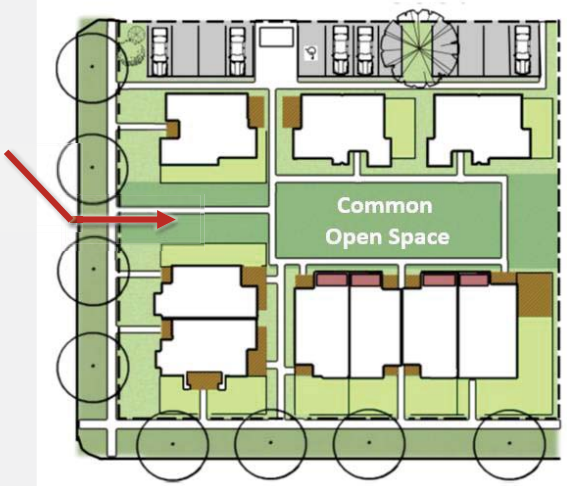
- Open space definition revised
- Added definitions of common, private and public open space
- Added definitions of ground-floor, upper-floor dwelling unit and play area
- Revised definition of common area and yard
- Revised definition of unbuildable area and added definition of buildable area

Proposed Amendments

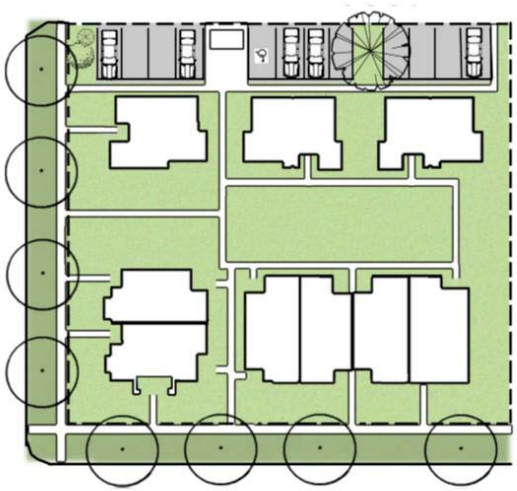
Ordinance Format

- Consolidate open space requirements in new section 18.4.4.070
  - User-friendly
  - Tables and graphics
- Currently located in chapters 18.3.9 Performance Standards Option and PSO Overlay and 18.4.2 Building Placement, Orientation, and Design
- New location chapter 18.4.4 Landscaping, Lighting, and Screening

Common Open Space

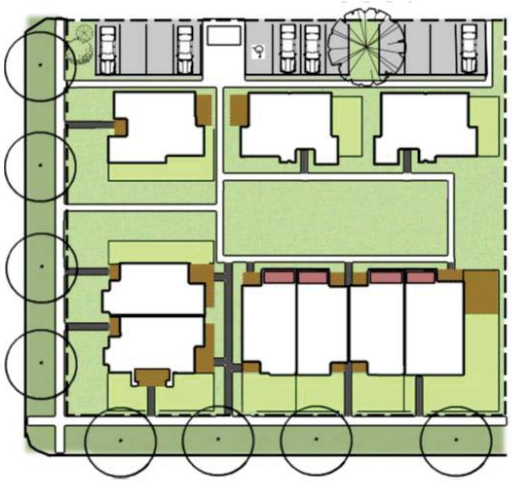


Open Space



Private Open Space

Decks, Patios & Porches
Private Yards
Second Story Balconies



Proposed Amendments for Common Open Space

- Locate areas designed for active use on slopes less than 5%
- Fences and walls around common open space up to 4 feet in height
- Structures such as gazebos and decks are allowed
- Up to 50% credit for common open space in multifamily and attached single-family housing within 1/8 of a mile of public park

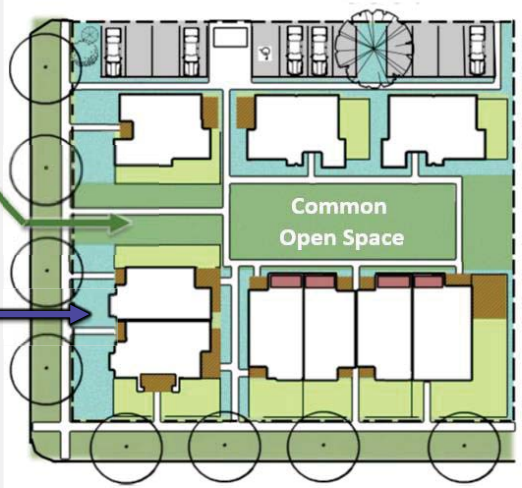
Proposed Amendments for Common Open Space

- Developments of 10 or more multifamily or attached single-family housing units require 50% of open space area in common open space
  - When PSO Subdivision also proposed, common open space 4% of total lot area rather than 5% (i.e., attached single-family housing)
- Minimum dimension is 20' and minimum area is 400 square feet
- Locate common open space outside of buffer or perimeter yard areas

Common Open Space

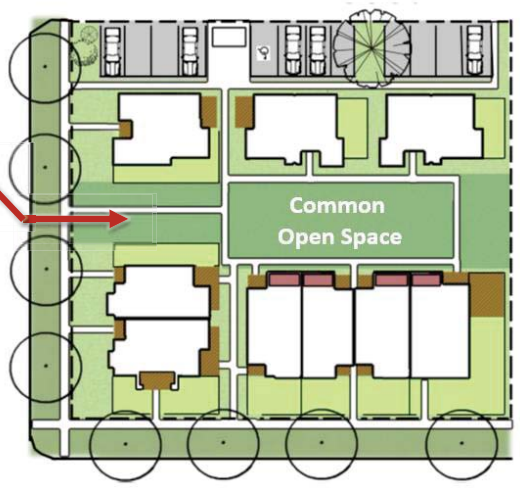
Eligible Areas
- 50% of the Required open space
- 20' Minimum Dimension
- 400 sq. ft. Minimum Area
- Slope less than 5%
- Fence height up to 4 feet

Ineligible Areas
- Areas not meeting dimensional requirements
- Areas located in a required buffer or perimeter yard area.
- Pedestrian connections to individual units



Common Open Space

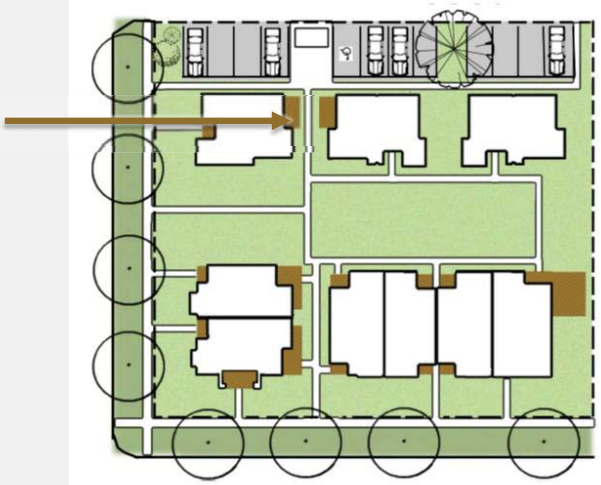
Eligible Areas
- 50% of the required open space
- 20' Minimum Dimension
- 400 sq. ft. Minimum Area
- Slope less than 5%
- Fence height up to 4 feet



Private Open Space

Decks, Patios & Porches

- 6’ Minimum Depth
- 48sq.ft. Minimum Area



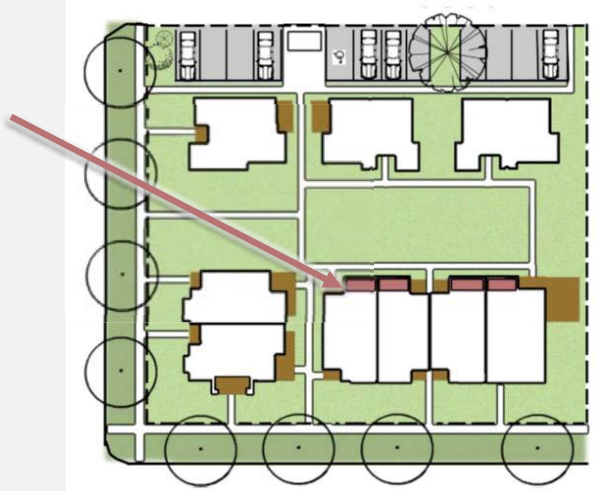
Proposed Amendments for Private Open Space

- Private open space shall be at least 6 feet deep and 48 square feet in size
- Accessed directly by the door of the unit
- Ground-floor private open space can not be located with 12 feet of refuse and recycling areas
- Private open space area does not include walkways to private units, storage or bicycle rack

Private Open Space

Second Story Balconies

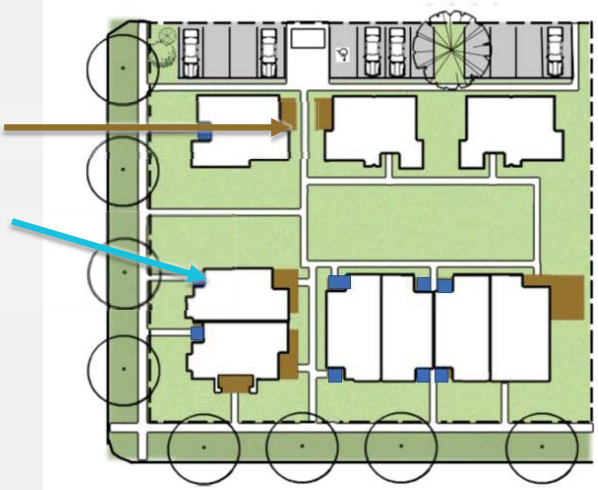
- 6’ Minimum Depth
- 48sq.ft. Minimum Area



Private Open Space

Decks, Patios & Porches

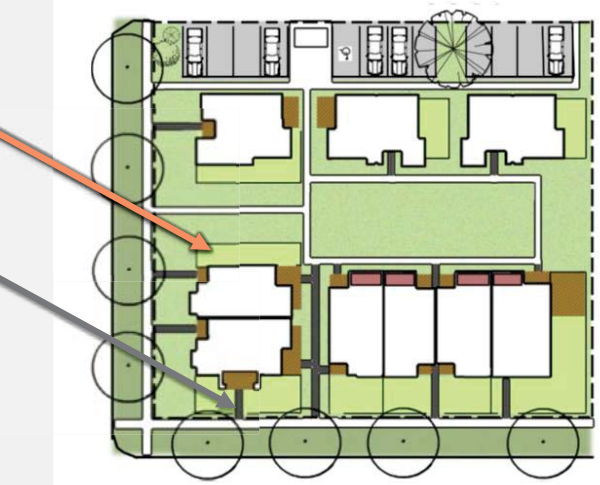
- 6’ Minimum Depth
- 48sq.ft. Minimum Area
- Small Porches and landings do not count as private open space



Private Open Space

Private Yards

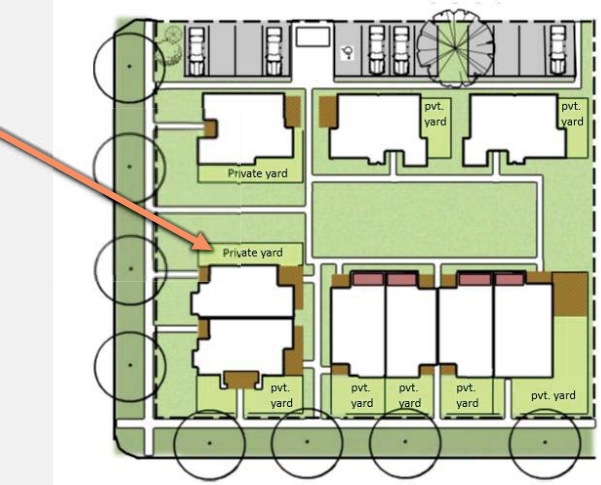
- 6’ Minimum Depth
- 48sq.ft. Minimum Area
- Ingress/Egress walkways to individual units are not counted as Private or Common Open Space



Private Open Space

Private Yards

- 6’ Minimum Depth
- 48sq.ft. Minimum Area



Misc. Proposed Amendments

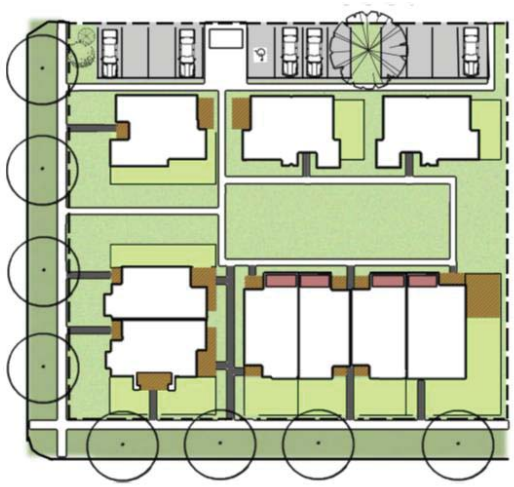
- Area used for utility vaults and pedestals are not included in open space, both common and private
- Density bonus for major recreational facilities deleted

Private Open Space

Decks, Patios & Porches
- 6' Minimum Depth
- 48sq.ft. Minimum Area

Second Story Balconies
- 6' Minimum Depth
- 48sq.ft. Minimum Area

Private Yards
- 6' Minimum Depth
- 48sq.ft. Minimum Area
- Ingress/Egress walkways to individual units are not counted as Private Open Space

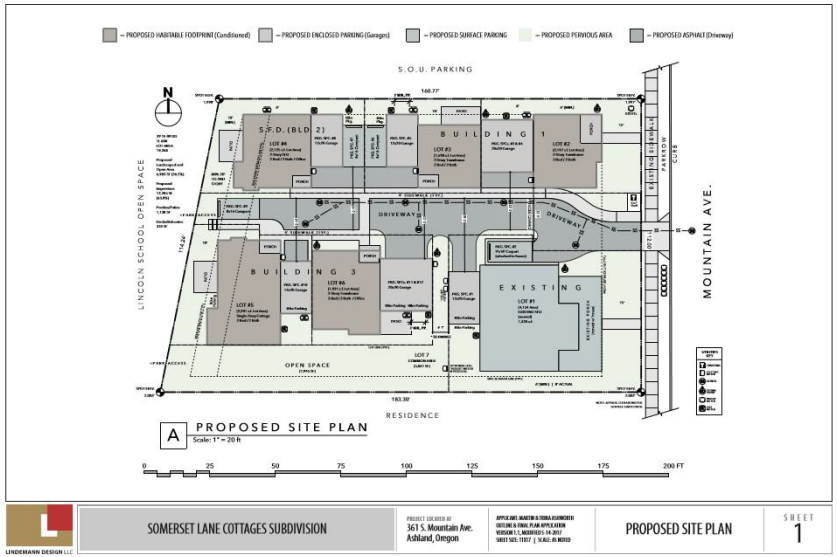


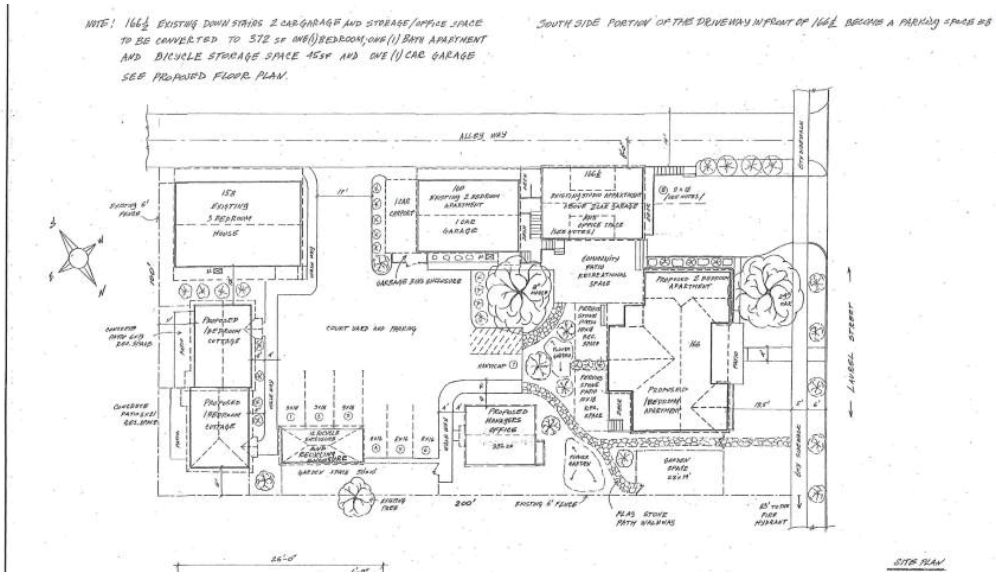
Next Steps

- Final clean-up and edits
- May Planning Commission Recommendation
- June Public Hearing at City Council meeting

Open Space Terminology

- Second longer ordinance
- Provide consistency in terms open space and parks
  - Open space, common open space, private open space, and public open space or parks
- Reviewed by subcommittee


– PROPOSED HABITABLE FOOTPRINT (Conditioned)
– PROPOSED ENCLOSED PARKING (Garages)
– PROPOSED SURFACE PARKING
– PROPOSED PERVIOUS AREA
– PROPOSED ASPHALT (Driveway)
S.O.U. PARKING
LINCOLN SCHOOL OPEN SPACE
MOUNTAIN AVE.
S.F.D. (BLD 2)
BUILDING 1
BUILDING 3
EXISTING
DRIVEWAY
OPEN SPACE
RESIDENCE
A PROPOSED SITE PLAN
Scale: 1" = 20 ft
0 25 50 75 100 125 150 175 200 FT
LINDEMANN DESIGN LLC
SOMERSET LANE COTTAGES SUBDIVISION
PROJECT LOCATED AT
361 S. Mountain Ave.
Ashland, Oregon
PROPOSED SITE PLAN
SHEET
1


NOTE: 166½ EXISTING DOWN STAIRS 2 CAR GARAGE AND STORAGE/OFFICE SPACE TO BE CONVERTED TO 372 SF ONE (1) BEDROOM, ONE (1) BATH APARTMENT AND BICYCLE STORAGE SPACE 45SF AND ONE (1) CAR GARAGE SEE PROPOSED FLOOR PLAN.
SOUTH SIDE PORTION OF THE DRIVEWAY IN FRONT OF 166½ BECOME A PARKING SPACE #8
ALLEY WAY
LAUREL STREET
SITE PLAN

ASHLAND PLANNING DIVISION
STAFF REPORT
April 28, 2020

PLANNING ACTION: PA-L-2020-00008

APPLICANT: City of Ashland

ORDINANCE REFERENCES:

AMC 18.2.5	Standards for Residential Zones
AMC 18.3.9	Performance Standards Option and PSO Overlay
AMC 18.4.2	Building Placement, Orientation, and Design
AMC 18.4.4	Landscaping, Lighting, and Screening
AMC 18.6.1	Definitions

REQUEST: The proposal includes a a series of amendments to the Ashland Municipal Code (AMC) Title 18 Land Use to update and clarify the open space requirements for multifamily and single-family housing developments.

The area and design requirements for open space are consolidated in one section in AMC 18.4.4 Landscaping, Lighting, and Screening. Currently, the standards are located in AMC 18.3.9 Performance Standards Option and PSO Overlay and AMC 18.4.2 Building Placement, Orientation, and Design.

The total amount of required open space is unchanged. New design standards are proposed and the existing design standards for open space are retained. The density bonus for major recreational facilities is deleted.

The definitions for common area, open space and yard are revised to eliminate inconsistent use of the term open space. Several new definitions area included and the definition of unbuildable area and buildable area are revised to correct an unintended omission in the 2015 code update.

Finally, the draft amendments include a second ordinance that has minor edits and corrections to terminology throughout Title 18 Land Use to provide consistency in the use of the terms open space and parks. The edits primarily consistent of distinguishing common open space, private open space, public open space or parks, and the use of open space as a general term.

I. Ordinance Amendments

A. Summary of Proposed Amendments

The proposal includes a series of amendments to the Ashland Municipal Code (AMC) Title 18 Land Use to update and clarify the open space requirements for multifamily and single-family housing developments. There are two ordinances included in the amendments.

The primary objectives of the amendments to the open space standards are: 1) to make the requirements clear for applicants in developing projects, the general public in reviewing projects, and the Planning Commission in administering and applying the standards to planning applications, and 2) to improve the function of common open spaces in multifamily and single-family housing developments.

Ordinance 1

The first ordinance includes the primary and substantive changes to the open space standards. The first ordinance is titled "AN ORDINANCE AMENDING CHAPTERS 18.2.5 STANDARDS FOR RESIDENTIAL ZONES, 18.3.9 PERFORMANCE STANDARDS OPTION AND PSO OVERLAY, 18.4.2 BUILDING PLACEMENT, ORIENTATION, AND DESIGN, 18.4.4 LANDSCAPING, LIGHTING, AND SCREENING, AND 18.6 DEFINITIONS OF THE ASHLAND LAND USE ORDINANCE TO AMEND THE OPEN SPACE STANDARDS."

The amendments clarify that the required open space can be composed of common and private open space in multifamily and attached single-family housing developments, and that the open space in subdivisions of detached single-family homes is required to be common open space. The total amount of required open space is unchanged, and remains eight percent of the total lot area in multifamily and attached single-family developments and five percent of the total lot area in subdivision of detached single-family homes.

The area and design requirements are consolidated in one section in AMC 18.4.4 Landscaping, Lighting, and Screening. Currently, the standards are located in AMC 18.3.9 Performance Standards Option and PSO Overlay and AMC 18.4.2 Building Placement, Orientation, and Design.

New design standards for required common and private open spaces are proposed including the following.

- The common open space required for multifamily and attached single-family housing is changed from five to four percent of the total lot area.

- Common open space is required for multifamily and attached single-family housing developments of 10 or more dwelling units. Currently the existing code does not clearly specify the common open space requirement.
- A credit for up to 50 percent of the common open space is available for multifamily and attached single-family housing developments that are within 1/8 of a mile of a public park.
- Common open space is required to have minimum dimensions.
- Common open space is required to be located outside buffers and perimeter yard setback areas.
- Common open space that includes active use areas is required to be located on slopes less than five percent.
- Clarification is added that structures such as gazebos and decks can be located in common open space.
- Areas occupied by utility vaults and pedestals are not included in required open space.
- Fencing on the perimeter of common open space is limited to four feet in height unless it is located in a front yard area or on the perimeter of the development.
- Private open space in multifamily and attached single-family housing developments is required to be accessed directly by a door from the dwelling unit the private open space serves.
- Walkways and storage space is not included in required private open space.
- Private open space is required to have minimum dimensions.

Note: The design standards for private open spaces only apply to new multifamily and attached single-family housing developments that elect to count private open spaces towards the required eight percent of total lot area. The private open space design standards will not apply to existing private open spaces, new private open spaces that are not included in the required eight percent, or private open spaces in subdivisions of detached single-family homes.

The existing area requirements and design standards for open space are included in the proposed draft and include the following.

- The base density of a project is calculated using the total site area and includes areas identified for open space are counted in the area for base density of a project.
- Clarification is added requiring common open space to either be installed or bonded for before the issuance of a building permit or the final survey plat is signed. Required private open space is required to be installed prior to the certificate of occupancy being issued for the housing unit.

- Maintenance of the open space is the responsibility of the property owner or by an association of owners.
- Natural features such as wetlands and riparian areas can be incorporated into open space.
- Play areas for children are required for projects of greater than 20 units for multifamily and attached single-family housing developments.
- The surface of common open space is required to be appropriate for human use and cannot be covered by shrubs, mulch and other ground covers. This standard is amended to provide flexibility and allow 50 percent of the site to be covered by shrubs, mulch and other ground covers if the open space is designed so that residents can move through and interact with the space (e.g., trail or sitting area in natural area or garden area).

The definitions for common area, open space and yard are revised to eliminate inconsistent use of the term open space. New definitions are added for common open space, private open space and public open space or park. Other new definitions include buildable area, ground-floor dwelling unit, park, play area, and upper-floor dwelling unit. The definition of unbuildable area and buildable area are revised to correct an unintended omission in the 2015 code update.

The density bonus for open space includes two revisions. First, the density bonus for major recreational facilities is deleted. Second, clarification is added that multifamily and attached single-family housing developments are eligible for an open space density bonus for open space area that exceeds the base requirement of eight percent of the total lot area in open space.

The recommendation to delete the density bonus for major recreation facilities is included for three reasons. First, current development in Ashland rarely has the physical space or the resources to incorporate the major recreational facilities that are included in the existing code language - swimming pools, tennis courts, and playgrounds. The facilities seem to be outdated on the development or subdivision level and the density bonus has rarely been used over the past three decades. Second, any major recreational facilities would be located in common open spaces and maintained by a property owner of a multifamily development or an owners association. Major recreational facilities are expensive to maintain and appear to be beyond the capacity of most current day owners or owners associations. Third, the density bonus for major recreational facilities is based on the cost of the facility submitted with the planning application and the value is difficult to verify.

Ordinance 2

The second ordinance is focused on consistent use of terminology related to open space through Title 18 Land Use. The second ordinance is titled "AN ORDINANCE AMENDING CHAPTERS 18.2.2 BASE ZONES AND ALLOWED USES, 18.2.3 SPECIAL USE STANDARDS, 18.2.5 STANDARDS FOR RESIDENTIAL ZONES, 18.3.2 CROMAN MILL DISTRICT, 18.3.4 NORMAL NEIGHBORHOOD DISTRICT, 18.3.5 NORTH MOUNTAIN NEIGHBORHOOD DISTRICT, 18.3.9 PERFORMANCE STANDARDS OPTION AND PSO OVERLAY, 18.3.10 PHYSICAL AND ENVIRONMENTAL CONSTRAINTS OVERLAY, 18.3.11 WATER RESOURCES PROTECTION ZONES (OVERLAYS), 18.3.14 TRANSIT TRIANGLE OVERLAY, 18.4.2 BUILDING PLACEMENT, ORIENTATION, AND DESIGN, 18.4.3 PARKING , ACCESS, AND CIRCULATION, 18.4.4. LANDSCAPING, LIGHTING, AND SCREENING, 18.4.5 TREE PRESERVATION AND PROTECTION, 18.4.6 PUBLIC FACILITIES, 18.5.2 SITE DESIGN REVIEW, 18.5.3 LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS AND 18.5.7 TREE REMOVAL PERMITS OF THE ASHLAND LAND USE ORDINANCE FOR CONSISTENCY IN TERMINOLOGY RELATED TO OPEN SPACE."

The draft amendments include a second ordinance that has minor edits and corrections to terminology throughout Title 18 Land Use to provide consistency in the use of the terms open space and parks. The edits primarily consistent of distinguishing common open space, private open space, public open space or parks, and the use of open space as a general term.

The first draft of the second ordinance was reviewed by a subcommittee of three Planning Commissioners. The subcommittees comments were largely incorporated into the attached ordinance.

B. Project Background

The Planning Commission discussed amendments to the open space standards at five public meetings including January 22, 2019, March 26, 2019, August 27, 2019, October 22, 2019 and February 25, 2019. The Planning Commission initiated the legislative amendment to amend the open space standards at the October 22, 2019 meeting.

The Planning Commission began reviewing the open space amendments because of difficulties in applying the standards to several planning applications for housing developments in the multifamily zones. In addition, each year the Commission has an annual retreat and visits completed projects that received a planning approval. The Commission observed the finished open spaces to the site visits and noted reoccurring problems with the design and functionality of the open spaces. Finally, staff continues to receive questions from development and design professionals regarding the open space standards.

II. Procedural

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

B. Type III. It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.

1. Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.
2. Comprehensive Plan changes, including text and map changes or changes to other official maps.
3. Land Use Ordinance amendments.
4. Urban Growth Boundary amendments.

III. Conclusions and Recommendations

If the Planning Commission recommends approval of the attached ordinances, staff will forward the Commission's recommendation to the City Council for a public hearing.

ORDINANCE NO._____

AN ORDINANCE AMENDING CHAPTERS 18.2.5, 18.3.9, 18.4.2 AND 18.6 OF THE ASHLAND LAND USE ORDINANCE TO AMEND THE OPEN SPACE STANDARDS

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are **bold ~~lined through~~** and additions are **bold underlined**. Unchanged text is grey.

SECTION 1. Section 18.4.2.030 [Residential Development – Building Placement, Orientation, and Design] of the Ashland Land Use Ordinance is hereby amended as follows:

18.4.2.030 Residential Development

A. Purpose and Intent. For new multi-family residential developments, careful design considerations must be made to assure that the development is compatible with the surrounding neighborhood. For example, the use of earth tone colors and wood siding will blend a development into an area rather than causing contrast through the use of overwhelming colors and concrete block walls.

1. Crime Prevention and Defensible Space.

   a. *Parking Layout.* Parking for residents should be located so that distances to dwellings are minimized. However, avoid designs where parking areas are immediately abutting dwelling units because there is little or no transition from public to private areas. Parking areas should be easily visible from adjacent areas and windows.

   b. *Orientation of Windows.* Windows should be located so that vulnerable areas can be easily surveyed by residents.

   c. *Service and Laundry Areas.* Service and laundry areas should be located so that they can be easily observed by others. Windows and lighting should be incorporated to assure surveillance opportunities. Mail boxes should not be located in dark alcoves out of sight. Barriers to police surveillance such as tall shrubs and fences should be avoided.

   d. *Hardware.* Reliance solely upon security hardware in lieu of other alternatives is discouraged.

   e. *Lighting.* Site development should utilize lighting prudently. More lighting does not necessarily mean better security. Lighting should be oriented so that areas vulnerable to crime are accented.

   f. *Landscaping.* Plant materials such as high shrubs should be placed so that surveillance of semi-public and semi-private areas is not blocked. Thorny shrubs will discourage crime activity. Low shrubs and canopy trees will allow surveillance, hence, reduce the potential for crime.

B. Applicability. Except as otherwise required by an overlay zone or plan district, the following standards apply to residential development pursuant to section 18.5.2.020. See conceptual site plan of multi-family development in Figure 18.4.2.030.

1. Accessory Residential Units. Unless exempted from Site Design Review in 18.2.3.040.A, only the following standards in Chapter 18.4.2 apply to accessory residential units: building orientation requirements in 18.4.2.030.C, garage requirements in 18.4.2.030.D, and building materials in 18.4.2.030.E. If an accessory residential unit is located in the Historic District overlay, the standards in 18.4.2.050 also apply. See the Special Use Standards for accessory residential units in section 18.2.3.040.

C. Building Orientation. Residential buildings that are subject to the provisions of this chapter shall conform to all of the following standards. See also, solar orientation standards in section 18.4.8.050.

1. **Building Orientation to Street.** Dwelling units shall have their primary orientation toward a street. Where residential buildings are located within 20 feet of a street, they shall have a primary entrance opening toward the street and connected to the right-of-way via an approved walkway.
2. **Limitation on Parking Between Primary Entrance and Street.** Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or on one or both sides.
3. **Build-to Line.** Where a new building is proposed in a zone that requires a build-to line or maximum front setback yard, except as otherwise required for clear vision at intersections, the building shall comply with the build-to line standard.

D. Garages. The following standards apply to garages, carports, canopies, and other permanent and temporary structures used for parking or storing vehicles, including those parking and vehicle storage structures accessory to detached single-family dwellings. The standards are intended to balance residents' desire for a convenient, safe, and private vehicle access to their homes with the public interest in maintaining safe and aesthetically pleasing streetscapes. The standards therefore promote pedestrian safety and visibility of public ways, while addressing aesthetic concerns associated with street-facing garages. For the purpose of this subsection, a garage opening is considered to be facing a street where the opening is parallel to or within 45 degrees of the street right-of-way line.

1. **Alleys and Shared Drives.** Where a lot abuts a rear or side alley, or a shared driveway, including flag drives, the garage or carport opening(s) for that dwelling shall orient to the alley or shared drive, as applicable, and not a street.
2. **Setback for Garage Opening Facing Street.** The minimum setback for a garage (or carport) opening facing a street is 20 feet. This provision does not apply to alleys.

E. Building Materials. Building materials and paint colors should be compatible with the surrounding area. Very bright primary or neon-type paint colors, which attract attention to the building or use, are unacceptable.

F. Streetscape. One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18.4.4.030.E.

G. **Landscaping and Recycle/Refuse Disposal Areas.** Landscaping and recycle/refuse disposal areas shall be provided pursuant to chapter 18.4.4.

H. **Open Space.** ~~**Residential developments that are subject to the provisions of this chapter shall conform to all of the following standards.**~~ **Open space area shall be provided pursuant to section 18.4.4.070.**

1. ~~**Recreation Area. An area equal to at least eight percent of the lot area shall be dedicated to open space for recreational use by the tenants of the development.**~~

2. ~~**Surfacing. Areas covered by shrubs, bark mulch, and other ground covers that do not provide suitable surface for human use may not be counted towards this requirement.**~~

3. ~~**Decks and Patios. Decks, patios, and similar areas are eligible for open space.**~~

4. ~~**Play Areas. Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for open space.**~~

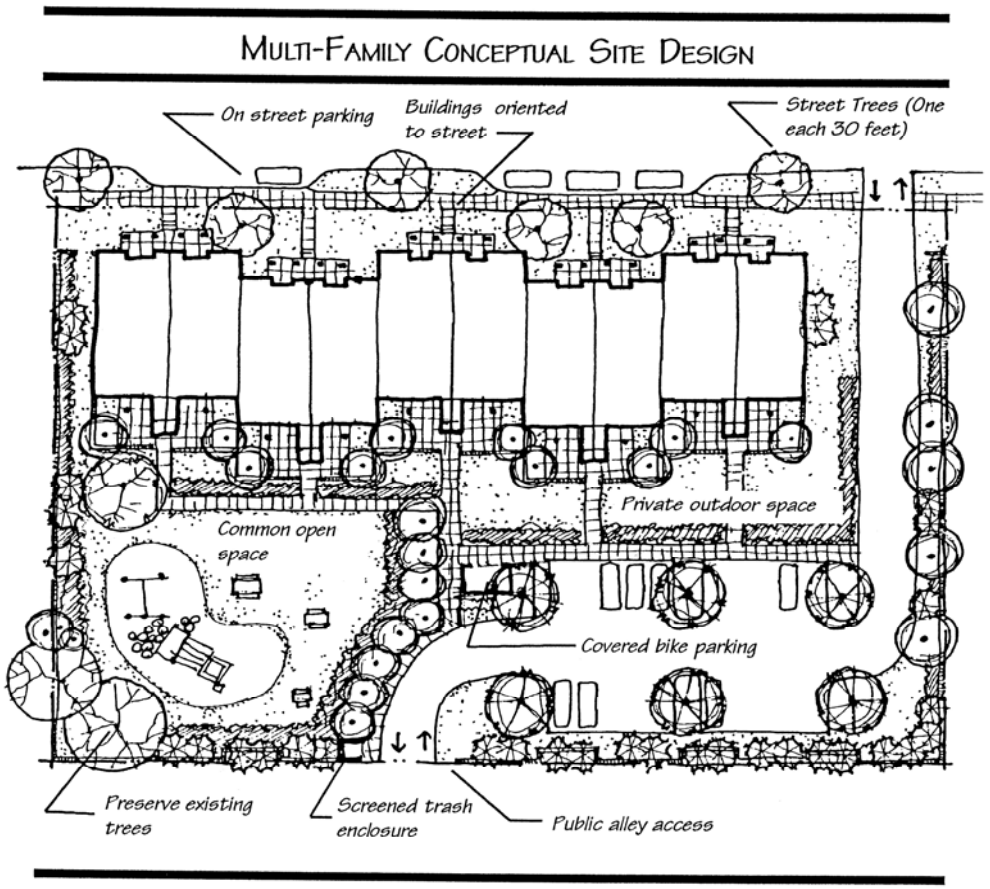


Figure 18.4.2.030
Multi-Family Conceptual Site Design

SECTION 2. Section 18.2.5.080 [Residential Density Calculation in R-2 and R-3 Zones - Standards for Residential Zones] of the Ashland Land Use Ordinance is hereby amended to read as follows:

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

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

B. Density Calculation.

1. Except as specified in the minimum lot area dimensions below, the density in R-2 an R-3 zones shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public, and subject to the exceptions below.
2. Units less than 500 square feet of gross habitable area shall count as 0.75 units for the purposes of density calculations.
3. Accessory residential units are not required to meet the density or minimum lot area requirements of this section. See section 18.2.3.040 for accessory residential unit standards.

C. Minimum Density.

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

conformance provided it is demonstrated that the minimum density will not be precluded.

D. Base Densities and Minimum Lot Dimensions.

1. R-2 Zone. Base density for the R-2 zone shall meet the following standards:
   a. Minimum lot area for one unit shall be 5,000 square feet, except as allowed in section 18.2.3.040 for accessory residential units.
   b. Minimum lot area for two units shall be 7,000 square feet.
   c. Minimum lot area for three units shall be 9,000 square feet, except that the residential density bonus in subsection 18.2.5.080.F, below, may be used to increase density of lots greater than 8,000 square feet up to three units.
   d. For more than three units, the base density shall be 13.5 dwelling units per acre. The permitted base density shall be increased by the percentage gained through the residential density bonus is subsection 18.2.5.080.F.
2. R-3 Zone. Base density for the R-3 zone shall meet the following standards:
   a. Minimum lot area for one unit shall be 5,000 square feet, except as allowed in section 18.2.3.040 for accessory residential units.
   b. Minimum lot area for two units shall be 6,500 square feet.
   c. Minimum lot area for three units shall be 8,000 square feet.
   d. For more than three units, the base density shall be 20 dwelling units per acre. The permitted base density shall be increased by the percentage gained through the residential density bonus is subsection 18.2.5.080.F, below.

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

F. Residential Density Bonus.

1. Density Bonus Points Authorized. Except as allowed under chapter 18.3.9 Performance Standards Option, the permitted base density shall be increased only pursuant to this section.
2. Maximum **Density** Bonus Points. The total maximum bonus permitted shall be 60 percent.
3. **Density** Bonus Point Criteria. The following bonuses shall be awarded:
   a. *Conservation Housing*. The maximum bonus for conservation housing is 15 percent. One hundred percent of the homes or residential units approved for development, after **density** bonus point calculations, shall meet the minimum requirements for certification as an Earth Advantage home, as approved by the Conservation Division under the City' s Earth Advantage program as adopted by resolution 2006-6.
   b. ***Common Open~~Outdoor Recreation~~*** *Space.* The maximum bonus for provision of **common open~~outdoor recreation~~** space above **the** minimum requirement established by this ordinance is ten percent. **A one percent bonus shall be**

awarded for each one percent of the total project area in common open space in excess of the requirement in 18.4.4.070.A. ~~The purpose of the density bonus for outdoor recreational space is to permit areas that could otherwise be developed as a recreational amenity. It is not the purpose of this provision to permit density bonuses for incidental open spaces that have no realistic use by project residents on a day-to-day basis. One percent increased density bonus for each percent of the project dedicated to outdoor recreation space beyond the minimum requirement of this ordinance.~~

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

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

SECTION 3. Section 18.3.9.050 [Performance Standards for Residential Developments - Performance Standards Option and PSO Overlay] of the Ashland Land Use Ordinance is hereby amended as follows:

18.3.9.050 Performance Standards for Residential Developments

A. Base Densities. The density of the development shall not exceed the density established by this section. The density shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. Fractional portions of the final answer, after bonus point calculations, shall not apply towards the total density. Accessory residential units are not required to meet the density requirements of this chapter in accordance with section 18.2.3.040.

1. The base density, for purposes of determining density bonuses allowed under this section, for developments other than cottage housing, is as provided in Table 18.3.9.050.

Table 18.3.9.050.A.1 Base Densities for Determining Allowable Density Bonus with Performance Standards Option	
Zone	***Allowable Density (dwelling units per acre)***

WR-2	0.30 du/acre
WR-2.5	0.24 du/acre
WR-5	0.12 du/acre
WR-10	0.06 du/acre
WR-20	0.03 du/acre
RR-1	0.60 du/acre
RR-.5	1.2 du/acre
R-1-10	2.40 du/acre
R-1-7.5	3.60 du/acre
R-1-5	4.50 du/acre
R-1-3.5	7.2 du/acre
R-2	13.5 du/acre
R-3	20 du/acre

2. **Cottage Housing.** The base density for cottage housing developments, for purposes of determining density bonuses, allowed under this section is as provided in Table 18.3.9.050.A.2.

Table 18.3.9.050.A.2 Base Densities for Determining Allowable Density Bonus with Performance Standards Option

Zones	Maximum Cottage Density	Minimum number of cottages per cottage housing development	Maximum number of cottages per cottage housing development	Minimum lot size (accommodates minimum number of cottages)	Maximum Floor Area Ratio (FAR)
R-1-5, NN-1-5 NM-R-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7,500 sq.ft.	0.35
R-1-7.5 NM-R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11,250 sq.ft.	0.35

3. **Common** Open Space Required. ~~**All developments with a base density of ten units or greater shall be required to provide a minimum of five percent of the total lot area in Open Space; that area is not subject to bonus point calculations, however, density bonuses shall be awarded to open space in excess of the five percent**~~

~~required by this subsection~~. **Common open space area shall be provided pursuant to section 18.4.4.070.**

B. Density Bonus Point Calculations. The permitted base density shall be increased by the percentage gained through **density** bonus points. In no case shall the density exceed that allowed under the Comprehensive Plan. The maximum density bonus permitted shall be 60 percent (base density x 1.6), pursuant to the following criteria.

1. Conservation Housing. A maximum 15 percent bonus is allowed. One-hundred percent of the homes or residential units approved for development, after bonus point calculations, shall meet the minimum requirements for certification as an Earth Advantage home, as approved by the Ashland Conservation Division under the City' s Earth Advantage program as adopted by resolution 2006-06.

2. ~~**Provision of**~~ Common Open Space. A maximum ten percent bonus is allowed, pursuant to the following.

   a. *Purpose.* Common open spaces may be provided in the form of natural areas, wetlands, playgrounds, active or passive recreational areas, and similar areas in common ownership. ~~**All areas set aside for common open space may be counted for base density, unless otherwise excluded by subsection 18.3.9.050.A.2.**~~ However, for the purposes of awarding density bonus points, the Planning Commission shall consider whether or not the common open space is a significant amenity to project residents, and whether project residents will realistically interact with the **common** open space on a day-to-day basis. ~~**The purpose of the density bonus for common open space is to permit areas, which could otherwise be developed or sold as individual lots, to be retained in their natural state or to be developed as a recreational amenity. It is not the purpose of this provision to permit density bonuses for incidental open spaces that have no realistic use by project residents on a day-to-day basis. Open space provided in cottage housing developments, meeting the standards of section 18.2.3.090 Cottage Housing, is not eligible for density bonus points.**~~

   b. *Standard.* Developments with fewer than ten units that provide more than two percent of the project area for common open space, or for developments of ten units or greater that provide more than five percent **common** open space, a one percent bonus shall be awarded for each one percent of the total project area in common open space **in excess of the requirement in 18.4.4.070.A, except as specified below**.

      i. Cottage Housing. Common open space provided in cottage housing developments, meeting the standards of section 18.2.3.090 Cottage Housing, is not eligible for density bonus points.

~~**3. Provision of Major Recreational Facilities. A maximum ten percent bonus is allowed, pursuant to the following.**~~

~~**a. *Purpose.* Points may be awarded for the provision of major recreational facilities.**~~

~~b. *Standard.* For each percent of total project cost devoted to recreational facilities, a six percent density bonus may be awarded up to a maximum of ten percent bonus. Total project cost shall be defined as the estimated sale price or value of each residential unit times the total number of units in the project. Estimated value shall include the total market value for the structure and land. A qualified architect or engineer shall prepare the cost of the recreational facility using current costs of recreational facilities.~~

~~c. Major recreational facilities provided in cottage housing developments, meeting the standards of section 18.2.3.090 Cottage Housing, are not eligible for density bonus points.~~

43. Affordable Housing. A maximum bonus of 35 percent is allowed. Developments shall receive a density bonus of two units for each affordable housing unit provided. Affordable housing bonus shall be for residential units that are guaranteed affordable in accordance with the standards of section 18.2.5.050 Affordable Housing Standards.

SECTION 4. Section 18.4.4.020 [Applicability – Landscaping, Lighting, and Screening] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.4.020 Applicability

The requirements of chapter 18.4.4 apply, as follows.

A. Landscaping and Screening. Section 18.4.4.030 establishes design standards for landscaping and screening, and applies to residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review.

B. Recycling and Refuse. Section 18.4.4.040 establishes design standards for recycle and refuse disposal areas, and applies to residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review.

C. Outdoor Lighting. Section 18.4.4.050 establishes standards for outdoor lighting, and applies to all new outdoor lighting installed or replaced after *[effective date].*

D. Fences and Walls. Section 18.4.4.060 establishes design standards for fences and walls. This section applies where a fence or wall is erected, extended, or otherwise altered; it also applies to hedges and screen planting and situations where this ordinance requires screening or buffering.

E. Open Space. Section 18.4.4.070 establishes area requirements and design standards for open space, and applies to residential developments that are subject to chapter 18.5.2 Site Design Review, chapter 18.3.9 Performance Standards Option and PSO Overlay, or require approvals under both chapter 18.5.2 Site Design Review and chapter 18.3.9 Performance Standards Option and PSO Overlay.

~~E~~**F. Exceptions and Variances.** Requests to depart from the landscaping and screening requirements in section 18.4.4.030, recycling and refuse requirements in 18.4.4.040, and outdoor lighting in section 18.4.4.050 are subject to subsection 18.5.2.050.E Exception to the Site Development and Design Standards. Requests to depart from the fence and wall

requirements in section 18.4.4.060 are subject to chapter 18.5.5 Variances.

SECTION 5. Section 18.4.4.070 Open Space [Landscaping, Lighting, and Screening] is added to the Ashland Land Use Ordinance as follows.

18.4.4.070 Open Space

A. Required Area. Table 18.4.4.070.A contains the minimum required area for open space. See definition of open space in part 18-6.

Table 18.4.4.070.A – Required Open Space Area by Type of Review Procedure

Required Planning Action	Minimum Area Required for Open Space	Minimum Area Required for Common Open Space	Open Space Requirement May Be Met by Combining Common and Private Open Spaces	Density Bonus Available for Open Space In Excess of Base Requirement
18.5.2 Site Design Review	8 percent of total lot area	4 percent of total lot area for developments of 10 units or more	yes	After 8 percent of total lot area is met
18.3.9 Performance Standards Option	5 percent of total lot area for all developments with a base density of 10 units or more	5 percent of total lot area	no	After 5 percent of total lot area is met
18.5.2 Site Design Review and 18.3.9 Performance Standards Subdivision	8 percent of total lot area	4 percent of total lot area for developments of 10 units or more	yes	After 8 percent of total lot area is met

1. Common and Private Open Space. For developments that are subject to chapter 18.5.2 Site Design Review, the required open space area may be met by combining common and private open spaces meeting the requirements of this section.

2. Density Calculation. All areas set aside for open space shall be counted for base density. The required open space is not subject to bonus point calculations.

3. Utilities. Areas occupied by utility vaults and pedestals shall not be counted in the required open space area.

4. Timing.

a. Common Open Space. Common open space shall be constructed and landscaped prior to submission of the final plat or issuance of a building permit, whichever is later. The City may approve a final plat or building permit prior to completion of required common open space improvements if the

applicant provides a bond by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City. Phased developments shall meet the requirements of subsection 18.3.9.040.A.4.

b. Private Open Space. Private open space shall be constructed and landscaped prior to final occupancy of the respective dwelling unit.

5. Maintenance. Maintenance of open space shall be the responsibility of the property owner(s) or by an association of owners (i.e., homeowners association). set aside as common area for the use of residents of the development. Maintenance of common open space shall be the responsibility of the property owner(s) or by an association of owners (i.e., homeowners association).

B. Common Open Space. Common open space shall meet the following standards. See definition of common open space in part 18-6.

1. *Credit for Proximity to a Park.* A credit of up to 50 percent for common open space may be granted when the development is located within one-eighth of a mile walking distance of an existing public park. Distance from the development to the park shall be measured from the lot line via a sidewalk, multi-use path or pedestrian way located in a public right-of-way or public pedestrian easement.

2. Dimensional Standards. Common open space shall have no dimension that is less than 20 feet and a minimum area of 400 square feet, except as outlined below.

a. *Pedestrian Connections.* Walkways and multi-use paths shall contribute toward meeting the required common open space area when at least one area meeting the minimum area required in subsection 18.4.4.040.A.3.b, above, is met. Sidewalks in the public right-of-way (i.e., public street) and walkways providing access to individual units may not be counted towards this requirement.

b. *Natural Features.* Natural features located in common open space shall be counted toward meeting common open space requirements.

3. Location. Common open space shall not be located within a required buffer or perimeter yard setback area.

4. Slope. *C*ommon open space designed for active use, such as lawn and picnic areas, shall be located on slopes less than five percent, except for areas regulated by the Building Code (e.g., walkways). Natural areas designed for passive use, such as riparian corridors and wetlands, may be located on slopes greater than five percent.

5. Improvements. The common open space shall contain one or more of the following: outdoor recreational area or facilities, lawn and picnic areas, community gardens, natural area with benches, seating areas, or walking paths, or similar outdoor amenities as appropriate for the intended residents.

a. *Surfacing.* A maximum of 50 percent of the required common open space may

be covered by shrubs, mulch, and other ground covers that do not provide suitable surface for human use if residents have the ability to move through and interact with the common open space.

b. *Structures.* Common open space may include structures and outdoor furniture typically associated with outdoor recreation such as decks, gazebos, arbors, benches and tables. Structures located in common open space shall be unenclosed and unhabitable. Unenclosed for the purpose of this subsection means 50 percent or more of the walls or 42 inches in height or less, but the structure may be covered.

c. *Natural Areas.* Common open space may include areas that provide for the preservation or enhancement of natural features such as wetlands, floodplain corridors, ponds, large trees, and rock outcroppings.

d. *Play Areas.* Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for common open space.

e. *Fences and Walls.* Fences, walls, hedges, and screen planting that are located on the perimeter of common open space shall not exceed four feet in height, except that fences in front yards and on the perimeter of the development shall meet the fence height requirements of section 18.4.4.060. This requirement shall not apply to fences located on properties adjoining but not located within a proposed development. See section 18.4.4.060 Fencing and Walls for fence permit and design standard requirements.

f. *Landscaping.* Common open space shall be landscaped in accordance with section 18.4.4.030 Landscaping and Screening.

C. Private Open Space. Private open space that is provided to meet the required open space area in 18.4.4.070.A shall meet the following standards. See definition of private open space in part 18-6.

1. Eligible Spaces. Decks, patios, porches, balconies, side and rear yards, and similar areas are eligible for private open space.

a. *Access.* Private open space shall be directly accessible by a door from the interior of the individual dwelling unit served by the space.

b. *Walkways and Storage Space.* The minimum area required for private open space shall not include area for ingress and egress to a ground-floor dwelling unit (e.g., walkway to dwelling unit door) or storage space (storage or bicycle rack). The ingress and egress area shall be measured as 36 inches in width and the length of the pedestrian route.

2. Ground-Floor Dwelling Units. Decks, patios, porches, or yards shall be at least six feet deep and measuring at least 48 square feet. Ground-floor private open space shall not be located within 12 feet of recycling and refuse disposal areas. See definition of ground-floor dwelling unit in part 18-6.

3. Upper-Floor Dwelling Units. Balconies shall be at least six feet deep and

measuring at least 48 square feet. See definition of upper-floor dwelling unit in part 18-6.

SECTION 6. Section 18.6.1.030 [Définitions – Definitions] of the Ashland Land Use Ordinance is hereby amended to read as follows:

Buildable Area. That portion of an existing or proposed lot that can be built upon.

Common Area. Land jointly owned **by an association of owners or permanently designated for the use of all residents of a development ~~to~~ that** include**s shared site facilities and amenities such as** open space, landscaping, **streets, driveways,** parking**, loading areas~~or recreation~~, recycling and refuse disposal areas, and storage structures ~~(e. g., may be managed by a homeowners' association)~~**.

Ground-Floor Dwelling Unit. A residential unit with the entrance, front or rear, that is within five feet of the finished grade. The distance to finished grade is measured vertically at a right angle from the doorsill to the finished grade.

Open Space. ~~A common area designated on the final plans of the development, permanently set aside for the common use of the residents of the development. Open space area is landscaped and/or left with a natural vegetation cover, and does not include thoroughfares, parking areas, or improvements other than recreational facilities.~~ Land or water with its surface predominately open to the sky or predominantly undeveloped unless otherwise specified, that is designated or set aside to serve the purpose of providing park and recreation activities, conserving natural resources, collecting and treating storm water, providing amenity space for private developments, or creating a pattern of development. Open space does not include **~~thoroughfares, parking areas or improvements other than recreational facilities~~ areas such as streets, driveways, parking, loading areas, recycling and refuse disposal areas, and storage structures**.

- **Common Open Space. An area for the use or enjoyment of all residents of a development (e.g., multifamily dwelling units) or subdivision such as recreational area or facilities, lawn and picnic areas, community gardens, or natural area with benches, seating areas, or walking paths.**
- **Private Open Space. An area intended for private outdoor use by residents of an individual dwelling unit. Private open space includes decks, patios, porches, balconies, side and rear yards, and similar areas.**
- **Public Open Space or Park. An area owned or managed by a public or private agency and maintained for the use and enjoyment of the general public. Examples of public open space include public parks and recreation facilities, trail easements and systems, nature preserves, public plazas, and other public outdoor meeting areas.**

Park. See definition of Public Open Space.

Play Area. A piece of land specifically designed for and equipped to enable children to play outdoors.

Upper-Floor Dwelling Unit. A residential unit with the entrance, front or rear, that is more than five feet above the finished grade. The distance from finished grade is measured vertically at a right angle from finished grade to the doorsill.

Unbuildable Area. ~~All areas outside of building envelopes and within open space.~~ That portion of an existing or proposed lot that building upon is restricted by regulations. Unbuildable area includes but is not limited to required yards, easements, and Flood Plain Corridor and Severe Constraints Lands as classified in section 18.3.10.060. For the purposes of implementing chapter 18.4.8 Solar Access, unbuildable area does not include a required yard area.

Yard. An ~~**open space on**~~ **outdoor area of** a lot which is unobstructed by a structure**, except as allowed in section 18.2.4.050 Yard Requirements and General Exceptions**, and measured from a lot line to the nearest point of a building. May also be an area defined by required setbacks (e.g., between a building or structure and nearest property line).

- **Yard, Front.** A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building.
- **Yard, Side.** A~~n open space~~**yard** 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.

SECTION 7. Codification. In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within such limitations, may:

(a) Renumber sections and parts of sections of the ordinance;

(b) Rearrange sections;

(c) Change reference numbers to agree with renumbered chapters, sections or other parts;

(d) Delete references to repealed sections;

(e) Substitute the proper subsection, section, or chapter numbers;

(f) Change capitalization and spelling for the purpose of uniformity;

(g) Add headings for purposes of grouping like sections together for ease of reference; and

(h) Correct manifest clerical, grammatical, or typographical errors.

SECTION 8. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____day of _____, 2020, and duly PASSED and ADOPTED this ____ day of _____, 2020.

_____
Melissa Huhtala, City Recorder

SIGNED and APPROVED this ___ day of _____, 2020.

_____
John Stromberg, Mayor

Reviewed as to form:

_____
David H. Lohman, City Attorney

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTERS 18.2.2 BASE ZONES AND ALLOWED USES, 18.2.3 SPECIAL USE STANDARDS, 18.2.5 STANDARDS FOR RESIDENTIAL ZONES, 18.3.2 CROMAN MILL DISTRICT, 18.3.4 NORMAL NEIGHBORHOOD DISTRICT, 18.3.5 NORTH MOUNTAIN NEIGHBORHOOD DISTRICT, 18.3.9 PERFORMANCE STANDARDS OPTION AND PSO OVERLAY, 18.3.10 PHYSICAL AND ENVIRONMENTAL CONSTRAINTS OVERLAY, 18.3.11 WATER RESOURCES PROTECTION ZONES (OVERLAYS), 18.3.14 TRANSIT TRIANGLE OVERLAY, 18.4.2 BUILDING PLACEMENT, ORIENTATION, AND DESIGN, 18.4.3 PARKING , ACCESS, AND CIRCULATION, 18.4.4. LANDSCAPING, LIGHTING, AND SCREENING, 18.4.5 TREE PRESERVATION AND PROTECTION, 18.4.6 PUBLIC FACILITIES, 18.5.2 SITE DESIGN REVIEW, 18.5.3 LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS AND 18.5.7 TREE REMOVAL PERMITS OF THE ASHLAND LAND USE ORDINANCE FOR CONSISTENCY IN TERMINOLOGY RELATED TO OPEN SPACE

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are **~~bold lined through~~**, and additions are **bold underlined.**

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:
Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293; 531 P 2d 730, 734 (1975); and

WHEREAS, the City of Ashland Planning Commission considered the above-referenced recommended amendments to the Ashland Comprehensive Plan at a duly advertised public hearing on April 28, 2020, and following deliberations, recommended approval of the amendments by a vote of #-#; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on (date); and

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Comprehensive Plan in manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the comprehensive plan and that such amendments are fully supported by the record of this proceeding.

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

SECTION 1. Ashland Municipal Code Title 18 Land Use is hereby amended as follows.

SECTION 2. Section 18.2.2.030 [Allowed Uses – Base Zones and Allowed Uses] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.2.030 Allowed Uses

A. Uses Allowed in Base Zones. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to approval of a conditional use permit. Where Table 18.2.2.030 does not list a specific use and chapter 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040.

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

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

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

E. Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. For uses allowed in special districts CM, HC, NM, NN and SOU, and for regulations applying to the City's overlays zones, refer to part 18.3.

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

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

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

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

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

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
A. Agricultural Uses										
Agriculture, except Keeping of Bees, Livestock and Micro-Livestock, Homegrown Marijuana Cultivation, and Marijuana Production	P	P	P	P	P	P	N	N	N	Animal sales, feed yards, keeping of swine, commercial compost, or similar uses not allowed
Keeping of Bees	S	S	S	S	S	S	N	N	N	Sec. 18.2.3.160
Keeping of Livestock	S	N	N	N	S	S	N	N	N	
Keeping of Micro-Livestock	S	S	S	S	S	S	N	N	N	
Marijuana Cultivation, Homegrown	S	S	S	S	S	S	S	S	S	Sec. 18.2.3.190 See General Industrial, Marijuana Production
B. Residential Uses										
Single-Family Dwelling	P	P	P	P	P	P	S	S	N	See Single-Family standards in Sec. 18.2.5.090 Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Accessory Residential Unit	P or S	P or S	S	S	P or S	N	N	N	N	Sec. 18.2.3.040 and Sec. 18.5.2.020.C.2
Cottage Housing	S	N	N	N	N	N	N	N	N	Sec. 18.2.3.090 Cottage Housing
Duplex Dwelling	S	P	P	P	N	N	S	S	N	Sec. 18.2.3.110 Duplex Dwelling

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Manufactured Home on Individual Lot	S	S	S	S	N	N	N	N	N	Sec. 18.2.3.170 and not allowed in Historic District Overlay
Manufactured Housing Development	N	S	CU +S	N	N	N	N	N	N	Sec. 18.2.3.180
Multifamily Dwelling	N	P	P	P	N	N	S	S	N	Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings in Transit Triangle (TT) overlay, see chapter 18.3.14 Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Cottage Housing	S	N	N	N	N	N	N	N	N	Sec. 18.2.3.090 Cottage Housing
Rental Dwelling Unit Conversion to For-Purchase Housing	N	N	S	S	N	N	N	N	N	Sec. 18.2.3.200
Home Occupation	S	S	S	S	S	S	S	S	N	Sec. 18.2.3.150
C. Group Living										
Nursing Homes, Convalescent Homes	CU	CU	CU	CU	CU	CU	N	N	N	See chapter 18.3.3 Health Care Services
Residential Care Home	P	P	P	P	P	P	N	N	N	Subject to State licensing requirements
Residential Care Facility	CU	P	P	P	CU	CU	N	N	N	Subject to State licensing requirements
Room and Boarding Facility	N	P	P	P	N	N	N	N	N	
D. Public and Institutional										

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	**R-1-3.5**	**R-2**	**R-3**	**RR**	**WR**	**C-1 & C-1-D**	**E-1**	**M-1**	**Special Use Standards**
Uses										
Airport										See chapter 18.3.7 Airport Overlay
Cemetery, Mausoleum, Columbarium	N	N	N	N	CU	N	N	N	N	
Child Care Facility	CU	CU	CU	CU	CU	CU	P	P	P	Family Child Care Home exempt from planning application procedure pursuant to ORS 329A.440, see part 18.6 for definition Subject to State licensing requirements
Club Lodge, Fraternal Organization	CU	CU	CU	CU	CU	CU	P	CU	CU	
Electrical Substation	N	N	N	N	N	N	CU	CU	P	
Hospitals	CU	CU	CU	CU	CU	N	N	N	N	See chapter 18.3.3 Health Care Services
Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Mortuary, Crematorium	N	N	N	N	CU	N	P	P	P	
~~**Public**~~ Park, Open Space, and Recreational Facility, including playgrounds, trails, nature preserves, athletic fields, courts, swim pools, **and** similar uses	P	P	P	P	P	P	N	N	N	
Public Parking Facility	N	N	N	N	N	N	P	N	N	

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	**R-1-3.5**	**R-2**	**R-3**	**RR**	**WR**	**C-1 & C-1-D**	**E-1**	**M-1**	**Special Use Standards**
Recycling Depot	N	N	N	N	N	N	N	P	P	Not allowed within 200 ft of a residential zone
Religious Institution, Houses of Worship	CU	CU	CU	CU	CU	CU	CU	CU	CU	
School, Private (Kindergarten and up)	CU	CU	CU	CU	CU	CU	N	N	N	
School, Public (Kindergarten and up)	P	P	P	P	P	CU	N	N	N	
School, Private College/Trade/Technical School	N	N	N	N	N	N	N	CU	P	
Utility and Service Building, Yard and Structure, Public and Quasi-Public, excluding electrical substations	CU	CU	N	N	CU	CU	P	P	P	Includes public service building, yard, and structures such as public works yards Yards not allowed in the RR, WR, and C-1 zone
Wireless Communication Facility	CU	CU	CU	CU	CU	CU	P or CU	P or CU	P or CU	Sec.18.4.10
E. Commercial Uses										
Amusement/Entertainment, includes theater, concert hall, bowling alley, miniature golf, arcade; excluding drive-up uses	N	N	N	N	N	N	P	CU	P	

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Automotive and Truck Repair, or Service; includes fueling station, car wash, tire sales and repair/replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	N	N	N	N	N	N	S or CU	S or CU	P	Sec. 18.2.3.050 In C-1 zone, fuel sales and service is a permitted use provided within the Freeway Overlay, see chapter 18.3.8; conditional use in locations outside of Freeway Overlay In E-1 zone, auto and truck repair is a permitted use if 200 feet or more from residential zones; fuel sales and service requires CU permit
Automotive Sales and Rental includes motorcycles, boats, RVs, and trucks	N	N	N	N	N	N	CU	CU	P	Not allowed within Historic District Overlay
Accessory Travelers' Accommodation (See also Travelers' Accommodation)	N	N	CU +S	CU +S	N	N	N	N	N	Sec. 18.2.3.220
Bakery, except as classified as Food Processing	N	N	N	N	N	N	P	P	P	
Commercial Laundry, Cleaning, and Dyeing Establishment	N	N	N	N	N	N	S	S	P	Sec. 18.2.3.080
Commercial Recreation, includes country club, golf course, swimming club, and tennis club; excluding intensive uses such as driving range, race track, or amusement park	CU	CU	N	N	CU	CU	N	N	N	

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Commercial Retail Sales and Services, except Outdoor Sales and Services	N	N	CU +S	N	N	N	P	S	S	In R-2 zone, uses limited to personal and professional services, except see Sec. 18.2.3.210 for retail uses allowed in Railroad Historic District In E-1 zone, Retail limited to 20,000 sq ft of gross leasable floor space per lot. In M-1 zone, uses limited to serving persons working in zone See Marijuana Retail Sales
Drive-Up Use	N	N	N	N	N	N	S	N		Per Sec. 18.2.3.100, Drive-Up uses are limited to area east of Ashland St at intersection of Ashland St/Siskiyou Blvd
Hostel	N	N	CU	CU	N	N	CU*	N	N	*In C-1 zone, requires annual Type I review for at least the first three years, after which time the Planning Commission may approve a permanent facility through the Type II procedure
Hotel/Motel	N	N	N	N	N	N	CU	CU	P	
Kennel (See also Veterinary Clinic)	N	N	N	N	N	N	S	S	CU	No animals kept outside within 200 feet of a residential zone
Limited Retail Uses in Railroad Historic District	N	CU	CU	CU	N	N	N	N	N	Sec. 18.2.2.210 for Retail Uses Allowed in Railroad Historic District
Lumber Yard and Similar Sales of Building or Contracting Supplies, or Heavy Equipment	N	N	N	N	N	N	N	CU	P	

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Marijuana Retail Sales, includes sale of medical and recreational marijuana	N	N	N	N	N	N	S or CU	S or CU	N	Per Sec. 18.2.3.190, marijuana retail sales are limited to the C-1 and E-1 zones and located on a boulevard or 200 feet or more from any residential zone, see Sec 18.2.3.190.
Nightclub, Bar	N	N	N	N	N	N	S	CU	P	Not allowed within the Historic District Overlay unless located in C-1-D
Office	N	N	CU	CU	N	N	P	P	P	
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Plant Nursery, Wholesale, except Marijuana Production	N	N	CU	CU	N	N	N	N	N	
Self-Service Storage, Commercial (Mini-Warehouse)	N	N	N	N	N	N	N	CU	P	
Traveler's Accommodation (See also Accessory Travelers' Accommodation)	N	N	CU +S	CU +S	N	N	N	N	N	Sec. 18.2.3.220
Veterinary Clinic	N	N	N	N	N	N	P	P	P	
F. Industrial and Employment Uses										
Cabinet, Carpentry, and Machine Shop, and related Sales, Services, and Repairs	N	N	N	N	N	N	N	S or CU	P	In the E-1 zone, uses within 200 feet of a residential zone require CU permit
Commercial Excavation and Removal of Sand, Gravel, Stone, Loam, Dirty or Other Earth Products	N	N	N	N	CU +S	N	N	N	N	Sec. 18.2.3.070

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Concrete or Asphalt Batch Plant	N	N	N	N	N	N	N	N	CU	
Dwelling for a caretaker or watchman	N	N	N	N	N	N	N	CU	CU	
Food Products Manufacture/Processing/Preserving, including canning, bottling, freezing, drying, and similar processing and preserving.	N	N	N	N	N	N	S	S	P	In the C-1 zone, manufacture or assembly of items sold is a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet In the E-1 zone, See Sec. 18.2.3.140
Manufacture, General, includes Marijuana Laboratory, Processing, and Production	N	N	N	N	N	N	N	P or S	P or S	In E-1 and M-1 zones, marijuana laboratory, processing, and production are subject to the special use standards in Sec. 18.2.3.190 See Marijuana Cultivation, Homegrown

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

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
G. Other Uses										
Temporary Tree Sales	N	N	N	N	N	N	P	N	N	Allowed from November 1 to January 1
Temporary Use	CU, except uses lasting less than 72 hours are subject to Ministerial review, per Sec. 18.2.2.030.H									

SECTION 3. Section 18.2.3.090 [Cottage Housing – Special Use Standards] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.3.090 Cottage Housing

A. Purpose and Intent. The purpose and intent of this chapter is to encourage innovative site planning and variety in housing while ensuring compatibility with established neighborhoods, and to provide opportunities for ownership of small detached single family dwellings for a population diverse in age, income, and household size. Where cottage housing developments are allowed, they are subject to Site Design Review under chapter 18.5.2, and shall meet all of the following requirements.

B. Exceptions and Variances. Requests to depart from the requirements of this chapter are subject to the approval criteria under section 18.5.2.050.E Exception to the Site Development and Design Standards.

C. Development Standards. Cottage housing developments shall meet all of the following requirements.

1. Density. Cottage Housing Density the permitted number of units and minimum lot areas shall be as follows.

Table 18.2.3.090.C.1 Cottage Housing Development Density					
Zones	Maximum Cottage Density	Minimum number of cottages per cottage housing development	Maximum number of cottages per cottage housing development	Minimum lot size (accommodates minimum number of cottages)	Maximum Floor Area Ratio (FAR)

R-1-5, NN-1-5 NM-R-1-5	1 cottage dwelling unit per 2,500 square feet of lot area	3	12	7,500 sq.ft.	0.35
R-1-7.5 NM-R-1-7.5	1 cottage dwelling unit per 3,750 square feet of lot area	3	12	11,250 sq.ft.	0.35

2. Building and Site Design.

   a. *Maximum Floor Area Ratio.* The combined gross floor area of all cottages and garages shall not exceed a 0.35 floor area ratio (FAR). Structures such as parking carports, green houses, and common accessory structures are exempt from the maximum floor area calculation.

   b. *Maximum Floor Area.* The maximum gross habitable floor area for 75 percent or more of the cottages, within developments of four units or greater, shall be 800 square feet or less per unit. At least two of the cottages within three unit cottage housing developments shall have a gross habitable floor area of 800 square feet or less. The gross habitable floor area for any individual cottage unit shall not exceed 1000 square feet.

   c. *Height.* Building height of all structures shall not exceed 18 feet. The ridge of a pitched roof may extend up to 25 feet above grade.

   d. *Lot Coverage.* Lot coverage shall meet the requirements of the underlying zone outlined in Table 18.2.5.030.A.

   e. *Building Separation.* A cottage development may include two-unit attached, as well as detached, cottages. With the exception of attached units, a minimum separation of six feet measured from the nearest point of the exterior walls is required between cottage housing units. Accessory buildings (e.g., carport, garage, shed, multipurpose room) shall comply with building code requirements for separation from non-residential structures.

   f. *Fences.* Notwithstanding the provisions of section 18.4.4.060, fence height is limited to four feet on interior areas adjacent to **common** open space except as allowed for deer fencing in subsection 18.4.4.060.B.6. Fences in the front and side yards abutting a public street, and on the perimeter of the development shall meet the fence standards of section 18.4.4.060.

3. Access, Circulation, and Off-Street Parking Requirements. Notwithstanding the provisions of chapter 18.3.9 Performance Standards Option and 18.4 Site Development and Site Design Standards, cottage housing developments are subject to the following requirements.

   a. *Public Street Dedications.* Except for those street connections identified on the Street Dedication Map, the Commission may reduce or waive the requirement to dedicate

and construct a public street as required in 18.4.6.040 upon finding that the cottage housing development meets connectivity and block length standards by providing public access for pedestrians and bicyclists with an alley, shared street, or multi-use path connecting the public street to adjoining properties.

b. *Driveways and parking areas*. Driveway and parking areas shall meet the vehicle area design standards of section 18.4.3.

i. Parking shall meet the minimum parking ratios per 18.4.3.040.

ii. Parking shall be consolidated to minimize the number of parking areas, and shall be located on the cottage housing development property.

iii. Off-street parking can be located within an accessory structure such as a multi-auto carport or garage, but such multi-auto structures shall not be attached to individual cottages. Single-car garages and carports may be attached to individual cottages. Uncovered parking is also permitted provided that off street parking is screened in accordance with the applicable landscape and screening standards of chapter 18.4.4.

4. **Common** Open space. **Common** ~~O~~open space shall meet all of the following standards.

a. A minimum of 20 percent of the total lot area is required as **common** open space.

b. **Common** ~~O~~open space(s) shall have no dimension that is less than 20 feet unless otherwise granted an exception by the hearing authority. Connections between separated **common** open spaces, not meeting this dimensional requirement, shall not contribute toward meeting the minimum **common** open space area.

c. Shall consist of a central space, or series of interconnected spaces.

d. Physically constrained areas such as wetlands or steep slopes cannot be counted towards the **common** open space requirement.

e. At least 50 percent of the cottage units shall abut a~~n~~ **common** open space.

f. The **common** open space shall be distinguished from the private **common spaces** ~~**outdoor areas**~~ with a walkway, fencing, landscaping, berm, or similar method to provide a visual boundary around the perimeter of the common area.

g. Parking areas and driveways do not qualify as **common** open space.

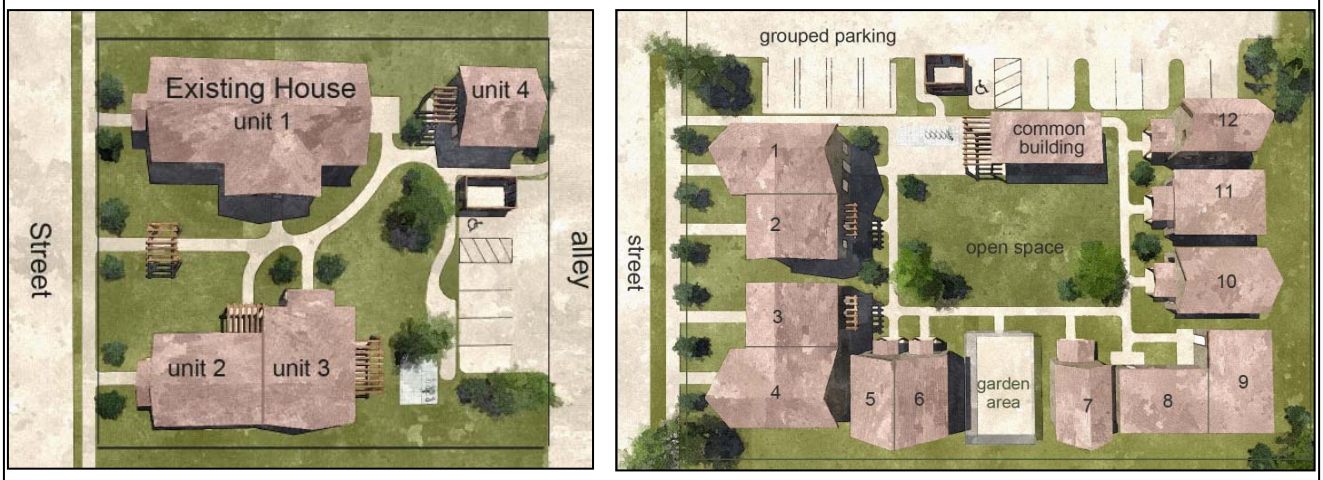


Figure 18.2.3.090 Cottage Housing Conceptual Site Plans

5. Private **Open Space ~~Outdoor Area~~**. Each residential unit in a cottage housing development shall have a private **open space~~outdoor area~~**. Private **open space~~outdoor areas~~** shall be separate from the **common** open space to create a sense of separate ownership.

   a. Each cottage unit shall be provided with a minimum of 200 square feet of usable private **open space~~outdoor area~~**. Private **open space~~outdoor areas~~** may include gardening areas, patios, or porches.

   b. No dimension of the private **open space~~outdoor area~~** shall be less than eight feet.

6. Common Buildings, Existing Nonconforming Structures and Accessory Residential Units.

   a. *Common Buildings.* Up to 25 percent of the required common open space, but no greater than 1,500 square feet, may be utilized as a community building for the sole use of the cottage housing residents. Common buildings shall not be attached to cottages.

   b. *Carports and garage structures.* Consolidated carports or garage structures, provided per 18.2.3.090.C.3.b, are not subject to the area limitations for common buildings.

   c. *Nonconforming Dwelling Units.* An existing single-family residential structure built prior to the effective date of this ordinance (date), which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain. Existing nonconforming dwelling units shall be included in the maximum permitted cottage density. 1,000 square feet of the habitable floor area of such nonconforming dwellings shall be included in the maximum floor area permitted per 18.2.3.090C.2.a. Existing garages, other existing non-habitable floor area, and the nonconforming dwelling's habitable floor area in excess of 1,000 square feet shall not be included in the maximum floor area ratio.

   d. *Accessory Residential Units.* New accessory residential units (ARUs) are not permitted in cottage housing developments, except that an existing ARU that is accessory to an existing nonconforming single-family structure may be counted as a

cottage unit if the property is developed subject to the provisions of this chapter.

7. Storm Water and Low-Impact Development.

a. Developments shall include open space and landscaped features as a component of the project's storm water low impact development techniques including natural filtration and on-site infiltration of storm water.

b. Low impact development techniques for storm water management shall be used wherever possible. Such techniques may include the use of porous solid surfaces in parking areas and walkways, directing roof drains and parking lot runoff to landscape beds, green or living roofs, and rain barrels.

c. Cottages shall be located to maximize the infiltration of storm water run-off. In this zone, cottages shall be grouped and parking areas shall be located to preserve as much contiguous, permanently undeveloped open space and native vegetation as reasonably possible when considering all standards in this chapter.

8. Restrictions.

a. The size of a cottage dwelling may not be increased beyond the maximum floor area in subsection 18.2.3.090.C.2.a. A deed restriction shall be placed on the property notifying future property owners of the size restriction.

SECTION 4. Section 18.2.3.180 [Manufactured Housing Developments – Special Use Standards] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.3.180 Manufactured Housing Developments

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

B. General Provisions.

1. Manufactured housing development may be located or relocated only in R-1-3.5 and R-2 zones.

2. No manufactured housing developments may be located, relocated, or increased in size or number of units within any other zone.

3. No manufactured housing developments may be located within the Historic District Overlay.

4. Manufactured housing developments shall be subject to regulations of this chapter and shall be located only on sites approved for use under the provisions of such chapter. No person shall establish, operate, manage, maintain, alter, or enlarge any manufactured housing development contrary to the provisions of this ordinance.

5. In addition to the requirements of this chapter, all manufactured housing developments shall conform to the regulations of ORS 446, together with such administrative rules as

may be adopted from time to time, except where such regulations are exceeded by the requirements of this chapter, in which case the more stringent requirements shall apply.

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

D. Manufactured Housing Development Design Standards.

1. Minimum Court Size. A manufactured housing development shall occupy a site of not less than one acre in size.
2. Density. The maximum density permitted shall be eight manufactured housing units per acre of developed court area. Manufactured housing which is 14 feet wide or less, or which is less than 800 square feet in size will count as 0.75 units for this calculation.
3. Manufactured Housing Sites or Lots. All manufactured housing sites or lots must be at least 2,000 square feet in size, at least 35 feet wide, and at least 40 feet deep.
4. Lot Coverage. Maximum lot coverage of any individual manufactured housing lot or site shall be 65 percent in the R-2 zone and 55 percent in the R-1-3.5 zone. In addition, the general lot coverage requirements of the parent zone shall also be complied with for the entire project site.
5. Setbacks.
   a. *Exterior Setbacks*. Manufactured housing sites along the exterior boundary of the court shall have the same setbacks as required in the parent zone, and no less than a minimum of five feet from a property boundary line.
   b. *Interior Front Yard Setbacks*. There shall be a front yard on each manufactured home lot or space of at least ten feet.
   c *Interior Side and Rear Yard Setbacks*. There shall be side or rear yards of at least five feet. There shall be a minimum separation of ten feet between manufactured housing units.
6. Street Standards. Public streets shall comply with the design standards contained in chapter 18.4.6. Private streets shall be a minimum of 20 feet in width, and constructed to the same standards as specified for an alley. A private street may be a dead-end street no more than 300 feet in depth from a higher order road. Adequate turn-around shall be provided according to standards established by the Planning Commission.
7. Sidewalk Standards. Every manufactured housing development shall have a permanent pedestrian walkway at least 48 inches wide connecting all manufactured housing units to public or private streets, common open spaces, ~~**recreational areas**~~, **parks,** and commonly-owned buildings and facilities.
8. Off-Street Parking Standards. Each manufactured housing unit shall be provided with one off-street parking space on each manufactured housing site, setback 20 feet from the street. In addition, guest parking facilities of one parking space for each manufactured housing site shall also be provided on the project site, within 200 feet of the units they are intended to serve, either adjacent to the road or in a off street parking lot. Parking space construction, size, landscaping, and design requirements shall be

according to chapters 18.4.3 and 18.4.4.

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

10. Landscaping.

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

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

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

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

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

E. Manufactured Housing Unit Standards. All manufactured housing units located in approved manufactured housing developments shall comply with all of the following requirements.

1. Manufactured housing units shall be a minimum of 650 square feet in size.

2. Manufactured housing units shall be at least 12 feet wide.

3. Manufactured housing units shall have the Oregon Department of Commerce "insignia of Compliance." The Building Official shall inspect the manufactured housing unit and occupancy shall be approved only if the Building Official has determined that the manufactured housing unit has a valid insignia of compliance and has not deteriorated beyond an acceptable level of compliance.

4. Manufactured housing units shall be placed on permanent foundations, with wheels and hitches removed, be fully skirted or bermed, and shall have no uncovered ~~**open spaces**~~ **openings** except for vents of sufficient strength to support the loads imposed by the manufactured housing unit, based on accepted engineering design standards, as approved by the Building Official.

5. Manufactured housing units shall be provided with City water, sewer, electricity, telephone, and storm drainage, with easements dedicated where necessary.

6 Manufactured housing units shall comply with the thermal envelope requirements for heat loss required by the building code for single-family detached homes.

7. Manufactured housing units shall have a deck or patio area adjacent to the home. The deck or patio shall be constructed of a permanent material and shall be at least 80

square feet in size, with a minimum width of eight feet in its least dimension.

8. Each manufactured housing unit shall have a one parking space located on or adjacent to the unit space. The parking space shall be setback at least 20 feet from the street.

9. Not withstanding the above, any manufactured home legally located within the Ashland Urban Growth Boundary prior to July 1, 1990 may be relocated to an approved manufactured home development, subject to a fire and life safety inspection by the Building Official.

F. Storage and Temporary Occupancy of Manufactured Homes.

1. A no-charge permit from the Staff Advisor is required for the storage of any manufactured housing unit on the home premises of the owner for any length of time when not used for living purposes; provided, however, that all units so stored shall abide by the yard requirements for accessory buildings in this chapter.

2. No manufactured housing unit shall be stored on a public street except for temporary maneuvering purposes.

3. For temporary occupancy of a manufactured housing unit, see subsection 18.2.2.030.H.3.

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

1. Routine maintenance and repairs may be performed within the manufactured housing development or upon individual manufactured housing units.

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

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

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

H. Special Conditions. For the mitigation of adverse impacts, the City may impose conditions, including, but not limited to, requiring view-obscuring shrubbery, walls, or fences, and

requiring retention of specified trees, rocks, water ponds or courses, or other natural features.

SECTION 5. Section 18.2.3.190 [Marijuana-Related Uses – Special Use Standards] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.3.190 Marijuana-Related Uses

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

1. Primary Residence. The resident grower must live on the property where the cultivation of homegrown marijuana is located and that same property must be the primary residence of the resident grower.
2. Related Activities. Any drying, keeping, storage, or processing of homegrown marijuana shall be located inside the dwelling unit or an accessory structure and shall not be located outdoors.
3. Homegrown marijuana cultivation and any related activities must meet all applicable Oregon Revised Statutes and Oregon Administrative Rules.
4. Outdoor Cultivation. Up to four marijuana plants per lot for recreational marijuana or up to six marijuana plants per lot for medical marijuana are allowed to be grown outdoors in accordance with applicable Oregon Revised Statutes and Oregon Administrative Rules including the requirement to obtain and display a medical marijuana grow site registration card in ORS 475.320(2)(B)(d). Outdoor homegrown marijuana cultivation shall meet all of the following requirements.
    a. Locate marijuana plants so the plants are not visible from a public place, public street or any area that the general public has access (e.g., schools, playgrounds, parks, common~~ly-owned~~ open space, pedestrian and bicycle paths and trails). Marijuana plants shall not be located in a front yard.
    b. Screen marijuana plants to limit view and access from adjacent residential properties with a solid wood fence or masonry wall. Any access points to the cultivation area must be secured at all times to prevent unauthorized access. For fence and wall design requirements, see section 18.4.4.060.
    c. *Dimensional Standards.* Marijuana plants grown in outdoor cultivation areas shall meet all of the following dimensional standards including Table 18.2.3.190.4.c.
        i. Locate cultivation area closer to the primary residence of the resident grower than to dwellings on adjoining properties or to dwellings in the same multifamily development.
        ii. Marijuana plants may be located in one cultivation area or in separate cultivation areas throughout a yard.

Table 18.2.3.190.4.c Outdoor Cultivation Dimensional Standards for Homegrown Marijuana[1]				
Number of Marijuana Plants per Lot[2]	**Maximum Cultivation Area Allowed per Lot[3]**	**Maximum Marijuana Plant Height[4]**	**Minimum Setback from Any Property Line**	**Minimum Setback from Dwellings on Adjoining Properties[5]**
6 or fewer plants	50 square feet	10 Feet	10 feet	20 feet

[1]Contiguous lots under single ownership shall be considered one lot for the purpose of calculating the dimensional standards for homegrown marijuana.

[2]Up to four plants for recreational marijuana or six plants for medical marijuana may be grown outdoors.

[3] All parts of a marijuana plants that are visible above the ground level shall be contained with the perimeter of the cultivation area. Where plants are located separately, the combined total of the individual cultivation areas shall not exceed the maximum cultivation area.

[4]Marijuana plants shall not exceed ten feet in height from the top of the average surrounding grade.

[5]Marijuana plants must also be located the setback distance from any multifamily dwelling unit within a multifamily development.

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

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

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

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

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

5. Indoor Cultivation.

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

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

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

B. Marijuana-Related Businesses.

1. Marijuana-related businesses may require Site Design Review under chapter 18.5.2 or a Conditional Use Permit under chapter 18.5.4. See Table 18.2.2.030 – Uses Allowed by Zone for zones where marijuana-related businesses are allowed. See definition of marijuana-related businesses in part 18.6. Marijuana-related businesses shall meet all of the following requirements.

   a. The business must be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle. Outdoor marijuana production, cultivation, and storage of merchandise, raw materials, or other material associated with the business are prohibited.

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

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

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

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

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

building at the location that are used in the business operation, including offices, kitchens, rest rooms, and storerooms.

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

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

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

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

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

SECTION 6. Section 18.2.3.200 [Multiple-Family Rental Unit Conversion to For-Purchase Units – Special Use Standards] of the Ashland Land Use Ordinance is hereby amended to read as follows:

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

A. Section 18.2.3.200 applies to existing multiple-family rental units, which for the purpose of this section, are defined as dwelling units designed to house multiple households within one or more structures on a single property that were constructed and occupied prior to November 3, 2007 (Ord. 2942).

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

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

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

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

Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Sec. 18.2.5.050)	Market Rate Rentals	Affordable Rentals (per Sec. 18.2.5.050)
2-4	100%	0%	0%	0%
5-12	75%	0%	25%	0%
13-24	50%	0%	50%	0%
25-48	25%	0%	75%	0%
49+	0%	0%	100%	0%

2. Where an existing multiple-family dwelling structure does not meet the regulations of the applicable zone, as listed in subsection 18.2.3.200.C.1, rental units may be converted to for-purchase units, as set forth in Table 18.2.3.200.C.2 and the standards below:

   a. Conversion of existing multiple-family structures to for-purchase housing shall comply with the following general regulations and the site development and design standards in part 18.4: number of bike and automobile parking spaces, trash, and recycling enclosures.

   b. Conversion of existing multiple-family structures to for-purchase housing shall demonstrate that there are adequate public facilities and public services available to serve the development, including but not limited to water, sewer, electric, fire protection, and storm drainage.

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

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

Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Sec. 18.2.5.050)	Market Rate Rentals	Affordable Rentals (per Sec. 18.2.5.050)
2-4	75%	25%	0%	0%
5-12	56.25%	0%	25%	18.75%
13-24	37.50%	0%	50%	12.50%
25-48	18.75%	0%	75%	6.25%
48+	0.00%	0%	100%	0%

3. As an incentive to provide affordable rental housing units above minimum requirements in projects of five or more units, an applicant shall be granted an equal percentage of for-purchase ownership units per Table 18.2.3.200.C.3.

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

Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Sec. 18.2.5.050)	Market Rate Rentals	Affordable Rentals (per Sec. 18.2.5.050)
2-4	na	na	na	na
5-12	68.75%	na	0%	31.25%
13-24	62.50%	na	0%	37.50%
25-48	56.25%	na	0%	43.75%
48+	50.00%	na	0%	50.00%

4. Units designated as market rate or affordable rental units shall be retained as one condominium tract under one ownership. This remaining rental tract shall be restricted from further consideration of conversion to for-purchase housing.

5. Affordable Housing Units provided under 18.2.3.200.C.2 and 18.2.3.200.C.3 shall meet the following affordability standards:
   a. Affordable Rental Units shall be affordable for rent by households earning at or below 60 percent of the AMI in accordance with the standards established by section 18.2.5.050 (Resolution 2006-13).
   b. Affordable Ownership Units shall be affordable for purchase by households earning at or below 80 percent of the AMI in accordance with the standards established by section 18.2.5.050 (Resolution 2006-13).
6. Prior to offering any units for sale the developer must comply with AMC 15.04.
7. Conversion of existing rental units into for-purchase housing shall comply with AMC 10.115.

SECTION 7. Section 18.2.5.030 [Unified Standards for Residential Zones – Standards for Residential Zones] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.5.030 Unified Standards for Residential Zones

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

Table 18.2.5.030.A – Standards for Urban Residential Zones

(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)

Standard	*R-1*				*R-2*	*R-3*
	R-1-10	*R-1-7.5*	*R-1-5*	*R-1-3.5*		
Residential Density (dwelling units/acre) - Minimum - Maximum See also Sec. 18.2.5.080, for R-2 and R-3 zones	NA Per Min. Lot Area	NA Per Min. Lot Area	NA Per Min. Lot Area	NA Per Min. Lot Area	See density standards in Sec. 18.2.5.080	
Lot Area – Minimum (square feet) - Lot	10,000 sf	7,500 sf	5,000 sf, 6,000 sf for corner lots	5,000 sf[1]	See density standards in Sec. 18.2.5.080	

Table 18.2.5.030.A – Standards for Urban Residential Zones

(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)

Standard	*R-1*				*R-2*	*R-3*
	R-1-10	*R-1-7.5*	*R-1-5*	*R-1-3.5*		
[1]Exception providing for minimum lot area of 3,500 sf in R-1-3.5 zone applies only where the lot contains an existing single-family dwelling that meets setback, density, and lot coverage standards; variances under this section are subject to Type I procedure.						
Lot Width – Minimum (feet)	75 ft[2]	65 ft[2]	50 ft[2]	50 ft[2]	50 ft	50 ft
[2]Width shall not exceed depth						
Lot Depth (feet) - Minimum - Maximum[3] [3]Does not apply to Partitions	 80 ft 150 ft	 80 ft 150 ft	 80 ft 150 ft	 80 ft 250% of width	 80 ft 250% of width	 80 ft 250% of width
Standard Yards – Minimum[4] (feet)						
- Front – Standard, except:	15 ft	15 ft	15 ft	15 ft	15 ft	15 ft
- Front – Unenclosed Porch[5]	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft
- Front – Garage Opening	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft
- Side – Standard	6 ft	6 ft	6 ft	6 ft	6 ft	6 ft
- Side – Corner Lot Adjacent to Street	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
- Rear – Single-Story Building	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
- Rear – Multi-Story Building	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 feet per Half Story	10 ft per Bldg Story, 5 feet per Half Story	10 ft per Bldg Story, 5 feet per Half Story
[4]See sections 18.2.4.050 and 18.2.5.060 for yard exceptions, and 18.2.5.040 for accessory structure setback exceptions; additional setbacks may be required to avoid easement encroachments, and to comply with Solar Access requirements in chapter 18.4.8. [5] For setback, or the width of any existing public utility easement, whichever is greater; an unenclosed porch must be no less than 6 feet in depth and 8 feet in width, see section 18.6.1.030 for definition of porch; in the Historic District Overlay unenclosed porch provisions do not apply, and the minimum front yard is 20 ft. [6]Does not apply to a side yard adjacent to an alley.						

Table 18.2.5.030.A – Standards for Urban Residential Zones

(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)

Standard	*R-1*				*R-2*	*R-3*
	R-1-10	*R-1-7.5*	*R-1-5*	*R-1-3.5*		
Building Separation, On Same Site – Minimum	NA[7]	NA[7]	NA[7]	NA[7]	½ the height of the tallest building, where building height is measured at the two closest exterior walls; maximum separation required is 12 ft[8] (see Figure 18.3.9.070.B)	
[7]Except as required under chapter 18.3.9 Performance Standards Option. [8]Except as required by building code; accessory structures are exempt from this requirement and subject to applicable building code requirements.						
Building Height – Maximum[9] (feet)	35 ft or 2 ½ stories, whichever is less, except structures within Historic District Overlay shall not exceed 30 ft					35 ft or 2 ½ stories, except up to 50 ft with CU permit approval
[9]See figure in the definition of "height of building" in section 18.6.1.030.						
Lot Coverage – Maximum[10] (% of lot area)	40%	45%	50%	55%	65%	75%
[10]A total area up to 200 sf or 5% of the permitted lot coverage, whichever is less, may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum; the porous solid surface exemption does not apply to driveways and parking areas. [11]Within Cottage Housing Developments up to 10% of the permitted lot coverage may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum.						
Landscape Area – Minimum (% of developed lot area)	60%	55%	50%	45%	35%	25%

Table 18.2.5.030.A – Standards for Urban Residential Zones

(Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)

Standard	*R-1*				*R-2*	*R-3*
	R-1-10	*R-1-7.5*	*R-1-5*	*R-1-3.5*		
~~**Outdoor Recreation**~~ **Open** Space - Minimum (% of site area)[11] [12]See chapter 18.3.9 for additional **common** open space requirements in Performance Standard Options developments.	NA	NA	NA	NA	8%	8%

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

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

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

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

Table 18.2.5.030.C – Standards for Rural Residential (RR) Zone
(Except as modified under chapter 18.5.5 and Variances or chapter 18.3.9 Performance Standards Option.)

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

SECTION 8. Section 18.3.2.060 [Site Development and Design Standards - Croman Mill District] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.2.060 Site Development and Design Standards

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

1. Building Orientation and Scale – General Requirements. The following standards apply to all buildings, except the Staff Advisor may waive one or more of the following where a

building is not adjacent to an active edge street and is not accessed by pedestrians, such as warehouses and industrial buildings without attached offices.

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

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

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

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

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

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

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

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

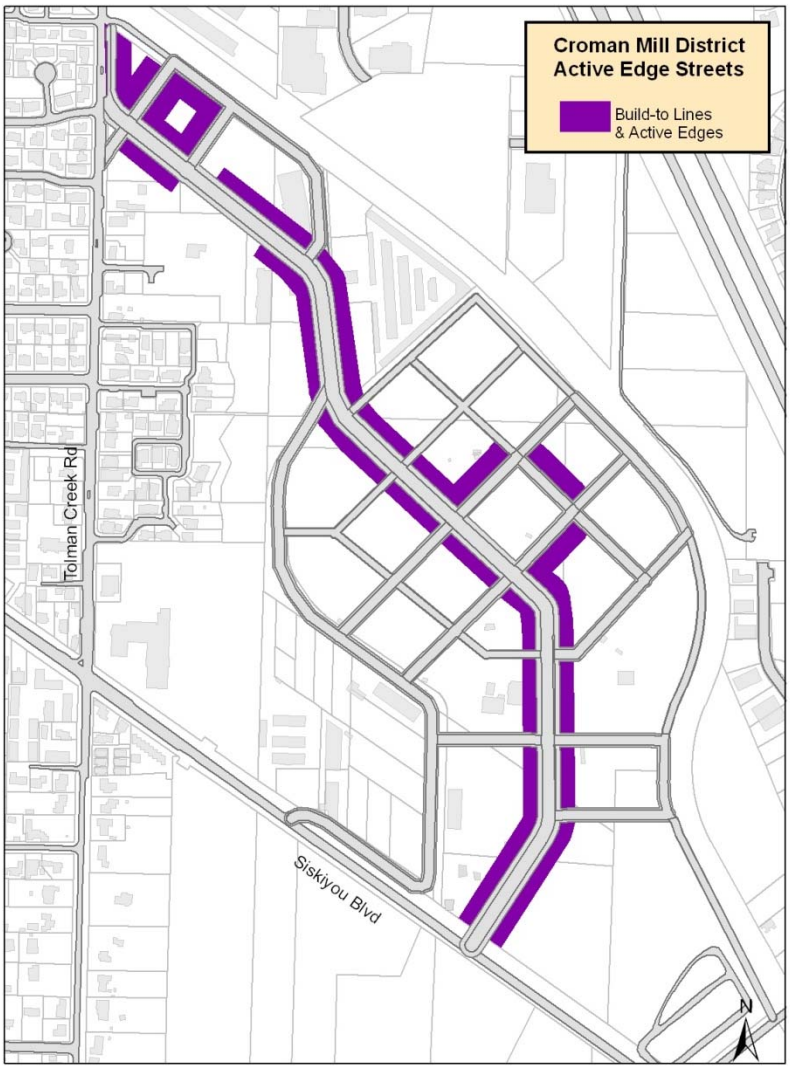


Figure 18.3.2.060.B.2
Active Edge Streets

a. Buildings shall be setback not more than ten feet from a public sidewalk unless addition setback area is used for pedestrian entries, such as alcoves, or for pedestrian activities such as plazas or outside eating areas. This standard shall apply to both street frontages on corner lots. If more than one structure is proposed for a site, at least 65 percent of the aggregate building frontage shall be within ten feet of the sidewalk.

b. Building frontages greater than 100 feet in length shall have offsets, jogs or have other distinctive changes in the building façade.

c. Buildings shall incorporate arcades, roofs, alcoves, porticoes, and awnings that protect pedestrians from the rain and sun.

d. Buildings shall incorporate display areas, windows, and doorways as follows. Windows must allow view into working areas or lobbies, pedestrian entrances, or displays areas. Blank walls within 30 feet of the street are prohibited.

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

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

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

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

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

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

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

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

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

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

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

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

standards.

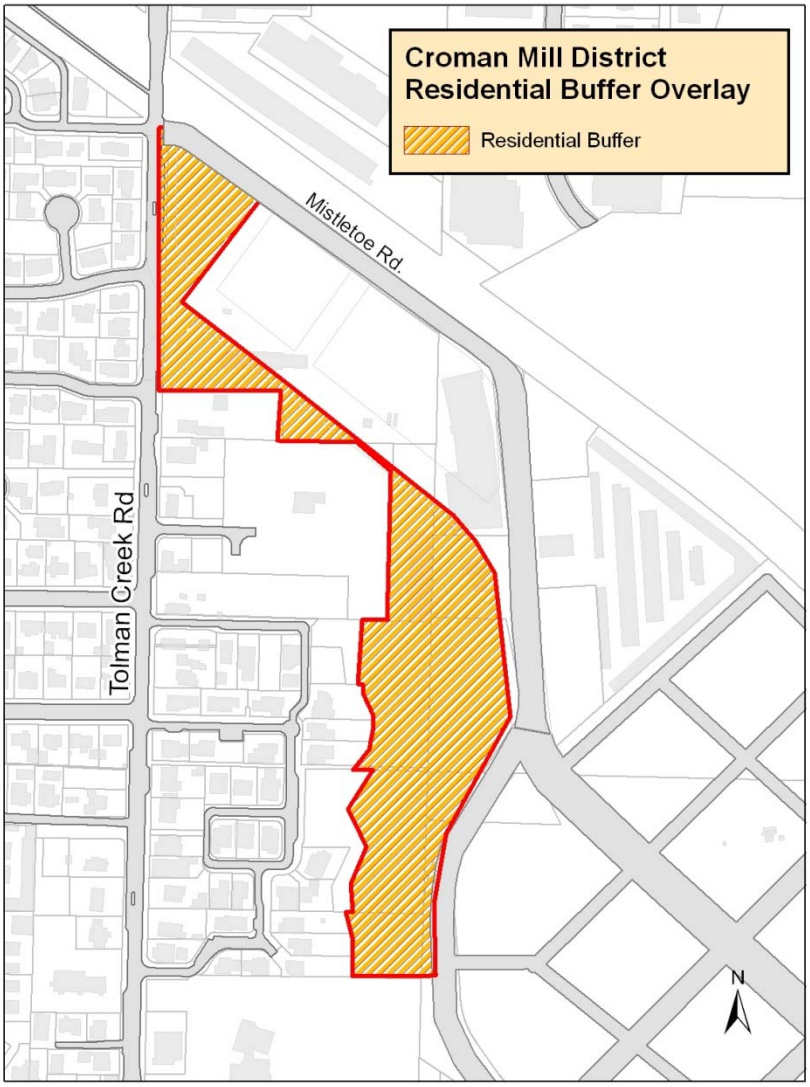


Figure 18.3.2.060.B.7.c
Residential Buffer Zone

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

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

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

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

four sides of the building.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

d. Solar energy systems are exempt from the screening requirements in subsections 18.3.2.060.B.11.a and 18.3.2.060.B.11.c, above. Additionally, rooftop solar energy

systems may be erected up to five feet above the calculated building height, and shall be no greater than five feet above the height limit specified in the district in accordance Table 18.3.2.050 Dimensional Standards.

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

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

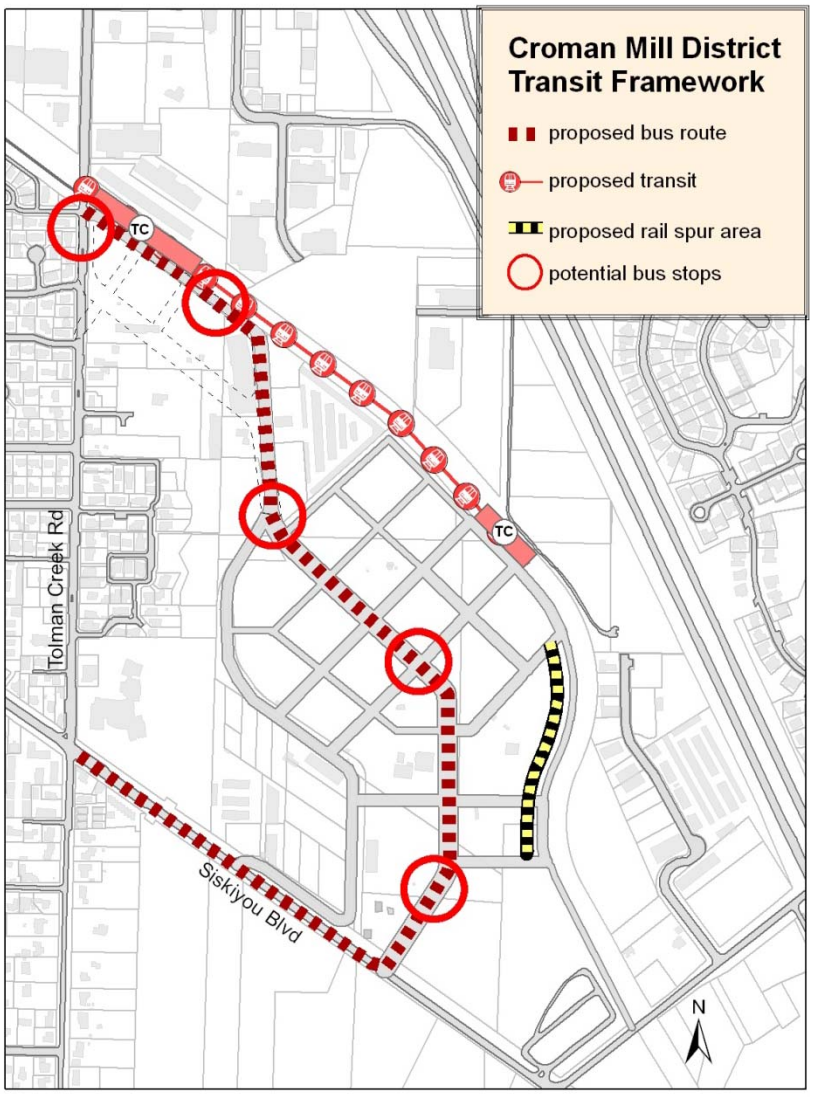


Figure 18.3.2.060.B.12
Transit Framework

a. All large scale development located on an existing or planned transit route shall accommodate a transit stop and other associated transit facilities unless the Community Development Director determines that adequate transit facilities already

exist to serve the needs of the development; or

b. Provide the City with a bond or other suitable collateral ensuring satisfactory completion of the transit facilities at the time transit service is provided to the development. Suitable collateral may be in the form of security interest, letters of credit, certificates of deposit, cash bonds, bonds or other suitable collateral as determined by the City Administrator.

13. Freight Rail Spur Easement – CI zone

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

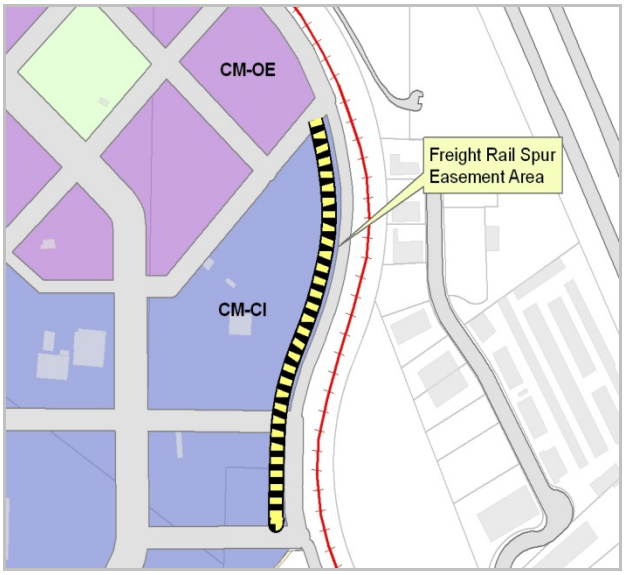


Figure 18.3.2.060.B.13.a
Freight Rail Spur

b. No buildings or permanent structures can be established within the spur easement so not to preclude installation of a rail spur for freight loading and unloading.

c. Buildings adjacent to the reserve strip shall be designed and configured to permit loading and unloading.

14. Commuter Rail Platform Easement – NC Zone

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

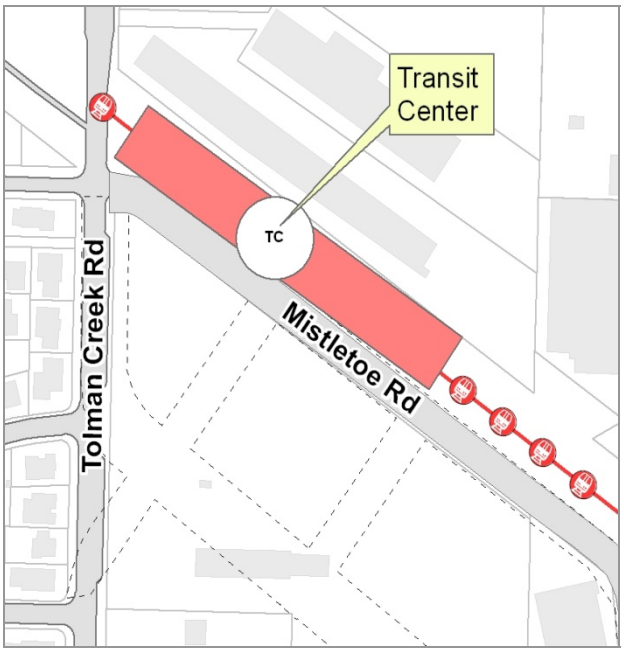


Figure 18.3.2.060.B.14.a
Transit Center

b. No building or permanent structure shall be placed within the platform easement or in such a way as to preclude installation of a commuter rail platform or planned bus rapid transit facility.

c. Buildings adjacent to the reserve strip shall be designed and configured to permit loading and unloading.

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

a. A passenger waiting, loading, and unloading area.

b. Outdoor gathering space adjacent to commercial uses.

c. Accommodate the central bike path.

d. Conveniently located and secure bike parking.

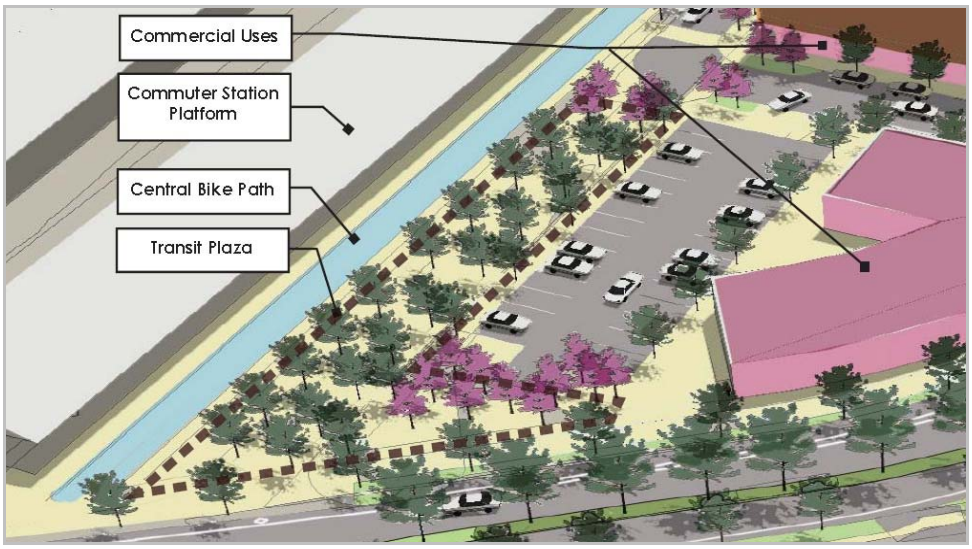


Figure 18.3.2.060.B.15
Transit Plaza

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

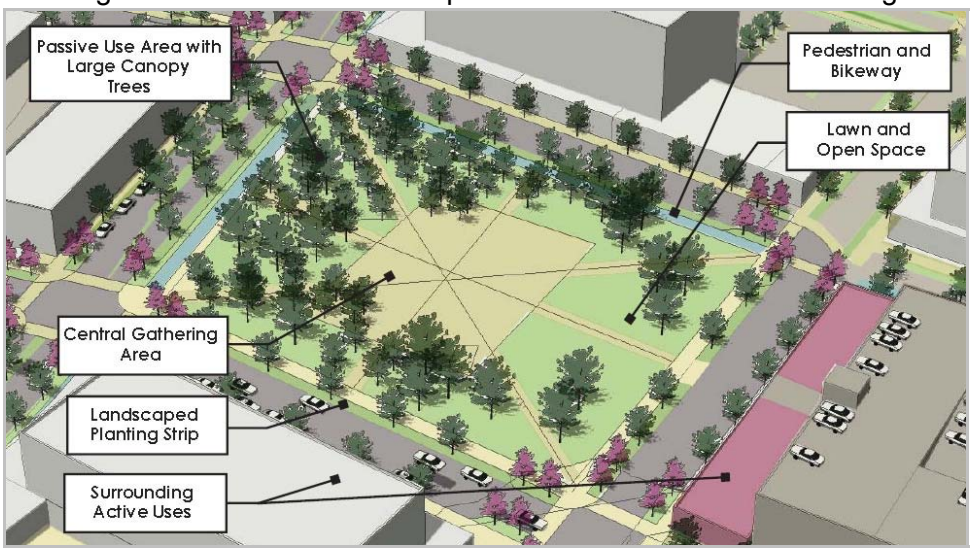


Figure 18.3.2.060.B.16
Central Park

a. Circulation through and around the **central** park.
b. A centrally located hardscape area to accommodate large gatherings, and of no more than 50 percent of the total **central** park area.
c. Street furniture, including lighting, benches, low walls, and trash receptacles along walkways and the **central** park perimeter.
d. Simple and durable materials.
e. Trees and landscaping that provide visual interest with a diversity of plant materials.

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

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

h. Landscaped swales to capture and treat runoff.

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

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

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

b. Opportunities for shared parking are utilized.

SECTION 9. Section 18.3.2.070 [Open Space Zone - Croman Mill District] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.2.070 Open Space Zone

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

SECTION 10. Section 18.3.4.030 [General Regulations - Normal Neighborhood] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.4.030 General Regulations

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

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

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

1. Major and Minor Amendments

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

      i. A change in the land use overlay designation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Minor Amendment.

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

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

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

SECTION 11. Section 18.3.4.040 [Use Regulations - Normal Neighborhood District] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.4.040 Use Regulations

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

1. Plan NN-1-5 zone**.** The use regulations and development standards are intended to create, maintain and promote single-dwelling neighborhood character. A variety of housing types are allowed, in addition to the detached single dwelling. Development standards that are largely the same as those for single dwellings ensure that the overall image and character of the single-dwelling neighborhood is maintained.

2. Plan NN-1-3.5 zone. The use regulations and development standards are intended to create, maintain and promote single-dwelling neighborhood character. A variety of housing types are allowed including multiple compact attached and/or detached dwellings. Dwellings may be grouped around common open space promoting a scale and character compatible with single family homes. Development standards that are largely the same as those for single dwellings ensure that the overall image and character of the single-dwelling neighborhood is maintained.

3. Plan NN-1-3.5-C zone**.** The use regulations and development standards are intended to provide housing opportunities for individual households through development of multiple compact attached and/or detached dwellings with the added allowance for neighborhood-serving commercial mixed-uses so that many of the activities of daily living can occur within the Normal Neighborhood. The public streets within the vicinity of the NN-1-3.5-C overlay are to provide sufficient on-street parking to accommodate ground floor neighborhood business uses.

4. Plan NN-2 zone. The use regulations and development standards are intended to create and maintain a range of housing choices, including multi-family housing within the context of the residential character of the Normal Neighborhood Plan.

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

1. Single Dwelling Residential Unit. A Single Dwelling Residential Unit is a detached residential building that contains a single dwelling with self-contained living facilities on one lot. It is separated from adjacent dwellings by private open space in the form of side yards and backyards, and set back from the public street or common green by a front yard. Auto parking is generally on the same lot in a garage, carport, or uncovered area. The garage may be detached or attached to the dwelling structure.
2. Accessory Residential Unit. An Accessory Residential Unit is a secondary dwelling unit on a lot, either attached to the single-family dwelling or in a detached building located on the same lot with a single-family dwelling, and having an independent means of entry.
3. Double Dwelling Residential Unit (Duplex). A Double Dwelling Residential Unit is a residential building that contains two dwellings located on a single lot, each with self-contained living facilities. Double Dwelling Residential Units must share a common wall or a common floor/ ceiling and are similar to a Single Dwelling Unit in appearance, height, massing and lot placement.
4. Attached Residential Unit (Townhome, Row house). An Attached Residential Unit is single dwelling located on an individual lot which is attached along one or both sidewalls to an adjacent dwelling unit. ~~**Private open space may take the form of front yards, backyards, or upper level terraces.**~~ The dwelling unit may be set back from the public street or common green by a front yard.
5. Clustered Residential Units - Pedestrian-Oriented. Pedestrian-Oriented Clustered Residential Units are multiple dwellings grouped around common open space that promote a scale and character compatible with single family homes. Units are typically arranged around a central common green under communal ownership. Auto parking is generally grouped in a shared surface area or areas.
6. Multiple Dwelling Residential Unit. Multiple Dwelling Residential Units are multiple dwellings that occupy a single building or multiple buildings on a single lot. Dwellings may take the form of condominiums or apartments. Auto parking is generally provided in a shared parking area or structured parking facility.
7. Cottage Housing. Cottage Housing Units are small dwellings in developments approved in accordance with the standards in 18.2.3.090.

C. Allowed Uses.

1. Uses Allowed in Normal Neighborhood District. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.4.040 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040

Similar Uses. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.

a. *Permitted Uses*. Uses listed as "Permitted (P)" are allowed.

b. *Permitted Subject to Special Use Standards.* Uses listed as "Permitted Subject to Special Use Standards (S)" are allowed, provided they conform to chapter 18.2.3 Special Use Standards.

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

d. *Prohibited Uses.* Uses not listed in Table 18.3.4.040, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.

2. Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone.

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

Table 18.3.4.040 Normal Neighborhood District Uses Allowed by Zone[10]	**Normal Neighborhood District Zones[11]**			
	NN-	**NN-1-**	**NN-1-**	**NN-**
A. Residential Uses				
Single Dwelling Residential Unit (Single-Family Dwelling)	P	P	N	N
Accessory Residential Unit, see Sec. 18.2.3.040	P or S	P or S	P or S	N
Double Dwelling Residential Unit (Duplex Dwelling)	N	P	P	P
Cottage Housing	P	N	N	N
Clustered Residential Units	N	P	P	P
Attached Residential Unit	N	P	P	P
Multiple Dwelling Residential Unit (Multi family Dwelling)	N	P	P	P
Manufactured Home on Individual Lot	P	P	P	P
Manufactured Housing Development	N	P	P	P
B. Neighborhood Business and Service Uses				
Home Occupation	P	P	P	P
Retail Sales and Services, with each building limited to 3,500 square feet of gross floor area	N	N	P	N

Table 18.3.4.040 Normal Neighborhood District Uses Allowed by Zone[10]	Normal Neighborhood District Zones[11]			
Professional and Medical Offices, with each building limited to 3,500 square feet of gross floor area	N	N	P	N
Light manufacturing or assembly of items occupying six hundred (600) square feet or less, and contiguous to the permitted retail use.	N	N	P	N
Restaurants	N	N	P	N
Day Care Center	N	N	P	N
Assisted Living Facilities	N	C	C	C
C. Residential Uses				
Religious Institutions and Houses of Worship	C	C	C	C
Public Buildings	P	P	P	P
Community Gardens	P	P	P	P
Open Space and Recreational Facilities	P	P	P	P

P = Permitted Use; S = Permitted with Special Use Standards; C = Conditional Use Permit Required; N = Not Allowed

SECTION 12. Section 18.3.4.060 [Site Development and Design Standards - Normal Neighborhood District] of the Ashland Land Use Ordinance is hereby amended to read as follows:

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

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

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

a. Streets designated as Shared Streets on the Normal Neighborhood Plan Street Network Map may be alternatively developed as alleys, or multiuse paths provided the following:

i. Impacts to the water protection zones are minimized to the greatest extent feasible.

ii. Pedestrian and bicyclist connectivity, as indicated on the Normal Avenue Neighborhood Plan Pedestrian and Bicycle Network Map, is maintained or enhanced.

2. Storm water management. The Normal Neighborhood Plan uses street trees, green streets, and other green infrastructure to manage storm water, protect water quality and improve watershed health. Discharge of storm water runoff must be directed into a designated green street and neighborhood storm water treatment facilities.

a. *Design Green Streets.* Streets designated as Green Streets within the Street Network, and as approved by the Public Works Department, shall conform to the following standards:

i. New streets must be developed so as to capture and treat storm water in conformance with the City of Ashland Storm Water Master Plan.

3. Access Management Standards: To manage access to land uses and on-site circulation, and maintain transportation safety and operations, vehicular access must conform to the standards set forth in section 18.4.3.080, and as follows:

a. Automobile access to development is intended to be provided by alleys where possible consistent with the street connectivity approval standards.

b. Curb cuts along a Neighborhood Collector or shared street are to be limited to one per block, or one per 200 feet where established block lengths exceed 400 feet.

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

B. Site and Building Design Standards.

1. Lot and Building Orientation:

a. *Lot Frontage Requirements*. Lots in the Normal Neighborhood are required to have their Front Lot Line on a street or a Common Green.

b. *Common Green.* The *Common* Green provides access for pedestrians and bicycles to abutting properties. *Common* greens are also intended to serve as a common open space amenity for residents. The following approval criteria and standards apply to common greens:

i. Common Greens must include at least 400 square feet of grassy area, play area, or dedicated gardening space, which must be at least 15 feet wide at its narrowest dimension.

2. Cottage Housing. Cottage Housing Developments in the Normal Neighborhood shall be developed in accordance with the standards in 18.2.3.090.

3. Conservation of Natural Areas. Development plans must preserve water quality, natural hydrology and habitat, and preserve biodiversity through protection of streams and wetlands. In addition to the requirements of 18.3.11 Water Resources Protection Zones (Overlays), conserving natural water systems must be considered in the site design through the application of the following guidelines:
    a. Designated stream and wetland protection areas are to be considered positive design elements and incorporated in the overall design of a given project.
    b. Native riparian plant materials must be planted in and adjacent to the creek to enhance habitat.
    c. Create a long-term management plan for on-site wetlands, streams, associated habitats and their buffers.
4. Storm Water Management. Storm water run-off, from building roofs, driveways, parking areas, sidewalks, and other hard surfaces must be managed through implementation of the following storm water management practices:
    a. When required by the City Engineer, the applicant must submit hydrology and hydraulic calculations, and drainage area maps to the City, to determine the quantity of predevelopment, and estimated post-development, storm water runoff and evaluate the effectiveness of storm water management strategies. Computations must be site specific and must account for conditions such as soil type, vegetative cover, impervious areas, existing drainage patterns, flood plain areas and wetlands.
    b. Future Peak Storm water flows and volumes shall not exceed the pre-development peak flow. The default value for pre-development peak flow is .25 CFS per acre.
    c. Detention volume must be sized for the 25 year, 24 hour peak flow and volume.
    d. Development must comply with one or more of following guidelines.
        i. Implement storm water management techniques that endeavor to treat the water as close as possible to the spot where it hits the ground through infiltration, evapotranspiration or through capture and reuse techniques.
        ii. Use on-site landscape-based water treatment methods to treat rainwater runoff from all surfaces, including parking lots, roofs, and sidewalks.
        iii. Use pervious or semi-pervious surfaces that allow water to infiltrate soil.
        iv. Design grading and site plans that create a system that slows the stormwater, maximizing time for cleansing and infiltration.
        v. Maximizing the length of overland flow of storm water through bioswales and rain gardens,
        vi. Use structural soils in those environments that support pavements and trees yet are free draining.
        vii. Plant deep rooted native plants.

viii. Replace metabolically active minerals, trace elements and microorganism rich compost in all soils disturbed through construction activities.

5. Off-Street Parking**.** Automobile parking, loading and circulation areas must comply with the requirements of chapter 18.4.3 Parking, Access, and Circulation Standards, and as follows:

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

6. Neighborhood Module Concept plans. The Neighborhood Module Concept plans (i.e. development scenarios) are for the purpose of providing an example of developments that conform to the standards, and do not constitute independent approval criteria. Concept plans are attached to the end of this chapter.

7. Conformance with Open Space Network Plan**:** New developments must provide open space consistent with the design concepts within the Greenway and Open Space chapter of the Normal Neighborhood Plan Framework and in conformance with the Normal Neighborhood Plan Open Space Network Map. The open space network will be designed to support the neighborhood's distinctive character and provide passive recreational opportunities where people can connect with nature, where water resources are protected, and where riparian corridors and wetlands are preserved and enhanced.

   a. The application demonstrates that equal or better protection for identified resources will be ensured through restoration, enhancement, and mitigation measures.

   b. The application demonstrates that connections between open spaces are created and maintained providing for an interlinked system of greenways.

   c. The application demonstrates that open spaces function to provide habitat for wildlife, promote environmental quality by absorbing, storing, and releasing storm water, and protect future development from flood hazards.

   d. The application demonstrates that scenic views considered important to the community are protected, and community character and quality of life are preserved by buffering areas of development from one another.

SECTION 13. Section 18.3.4.070 [Open Spaces Overlay - Normal Neighborhood District] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.4.070. Open Space Area Overlay

All projects containing land identified as Open Space Areas on the Normal Neighborhood Plan Open Space Network Map, unless otherwise amended per section 18.3.030.C, must dedicate those areas as: ~~**common areas**~~, public open space, **common open space,** or private open

space ~~protected by restrictive covenant~~. It is recognized that the master planning of the properties as part of the Normal Neighborhood Plan imparted significant value to the land, and the reservation of lands for ~~recreational~~ open space, **recreation,** and conservation purposes is proportional to the value bestowed upon the property through the change in zoning designation and future annexation.

SECTION 14. Section 18.3.5.080 [Open Spaces Zone - North Mountain Neighborhood] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.5.080 Open Spaces Zone NM-O

Open ~~S~~**s**paces identified on the Neighborhood Plan **Proposed Secondary Zoning** map shall be developed as part of a specific project approval. If the project is proposed to be developed in phases, 50 percent of the area of the **designate**d ~~O~~**o**pen ~~S~~**s**pace shall be developed in the first phase with the remainder of the area to be developed prior to building permit issuance for 2/3 of the project's units.

SECTION 15. Section 18.3.5.100 [Site Development and Design Standards - North Mountain Neighborhood] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.5.100 Site Development and Design Standards

D. Open Space and Neighborhood Focal Point.

1. Open Space. A variety of open space types are located within the North Mountain Neighborhood and each type should be designed based upon its environmental impact and benefiting attributes. Open space types within the area include the Bear Creek Floodplain, pocket parks, pedestrian accessways, a commercial common (plaza), and street medians. Each **of those** type**s** of open spaces shall be accessible to the general public at all times. Development of **those** open spaces shall be as follows.

    a. Except for pedestrian accessways and a small picnic area, use of the Bear Creek Floodplain shall be kept to a minimum. No buildings shall be permitted the area except for a small gazebo type structure associated with the picnic area.

    b. Whenever possible, pocket parks and pedestrian access ways shall be linked to formulate a more interesting and inevitable alternative. Each should be designed around natural features minimizing their impact, but increasing their appeal. Developments fronting these areas are encouraged as long as vehicular access is from an alley. See Figure 18.3.5.100.D.1.b.

SECTION 16. Section 18.3.9.040 [Review Procedures and Criteria -Performance Standards Option and PSO Overlay] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.9.040 Review Procedures and Criteria

Review Steps. There are two required steps to Performance Standards Options and PSO Overlay approval, which may be completed individually or combined for concurrent review pursuant to 18.3.9.040.A.

1. Application for outline plan approval.
2. Application final plan approval.

Permitting and guarantees for public improvements, including bonding, and the creation of common areas shall follow the same procedures as for a subdivision.

A. Outline Plan. A proposed Outline Plan shall accompany applications for subdivision approval under this chapter. For developments of fewer than ten lots, the Outline Plan may be filed concurrently with the Final Plan, as that term is defined in 18.3.9.040.B.4. For developments of ten or more lots, prior Outline Plan approval is mandatory.

1. Review Procedure. The Type II procedure in section 18.5.1.060 shall be used for the approval of the outline plan.
2. Application Submission Requirements. The following information is required for a Performance Standards Subdivision Outline Plan application submittal.
   a. A topographic map showing contour intervals of five feet.
   b. The proposed land uses and approximate locations of the existing buildings to be retained, the proposed structures on the site, the proposed and existing property lines and easements on the site, and existing buildings, structures, and trees greater than six inches in diameter measured at breast height on the properties adjacent to the site, and all buildings within 160 feet of the site boundaries.
   c. The locations of all proposed thoroughfares, walkways, and parking facilities.
   d. Public uses, including schools, parks, playgrounds, ~~**open spaces,**~~ and trails.
   e. Public or private utilities.
   f. General areas of cuts and fill.
   g. The location of natural features such as rock outcroppings, marshes, wooded areas, and isolated preservable trees.
   h. The location and direction of all watercourses and areas subject to flooding.
   i. Proposed common and private open spaces. Private open spaces shall be indicated if the areas are proposed as part of the required open space area for the development in section 18.4.4.070 (i.e., eight percent of total lot area in open space).
   ~~i~~**j**. Plans shall indicate building envelopes for all proposed lots, which show the area and maximum height of improvements, including solar access and view protection where required.
   ~~j~~**k**. Elevations of typical proposed residential structures. Elevations should be to scale and should include the approximate dimensions of the proposed structures and all

attached exterior hardware for heating and cooling.

~~k~~l. A written statement containing an explanation of:

i. The character of the proposed development and the manner in which it has been designed to take advantage of the Performance Standards concept.

ii. The proposed manner of financing.

iii. The present ownership of all the land included within the development.

iv. The method proposed to maintain common **~~open~~** areas, **such as common open space, common** buildings and private **~~thoroughfares~~drives and driveways**.

v. The proposed time schedule of the development.

vi. The findings of the applicant showing that the development meets the criteria set forth in this ordinance and the Comprehensive Plan.

3. Approval Criteria for Outline Plan. The Planning Commission shall approve the outline plan when it finds all of the following criteria have been met.

a. The development meets all applicable ordinance requirements of the City.

b. Adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection, and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.

c. The existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the **common** open space, common areas, and unbuildable areas.

d. The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.

e. There are adequate provisions for the maintenance of **common** open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.

f. The proposed density meets the base and bonus density standards established under this chapter.

g. The development complies with the Street Standards.

h. The proposed development meets the common open space standards established under section 18.4.4.070. Common open space requirements may be satisfied by public open space in accordance with section 18.4.4.070 if approved by the City of Ashland.

4. Approval of the Outline Plan.

a. After the City approves an outline plan and adopts any zone change necessary for the development, the developer may then file a final plan in phases or in its entirety.

b. If an outline plan is phased, 50 percent of the value of the ~~**recreational amenities**~~**common open space** shall be provided in the first phase and all ~~**recreational amenities**~~**common open space** shall be provided when 2/3 of the units are finished.

B. Final Plan

1. Review Procedure. The Type I procedure in section 18.5.1.050 shall be used for approval of final plans, unless an outline plan has been filed concurrently, in which case Type II procedure shall be used, and the criteria for approval of an outline plan shall also be applied.
2. Phasing. The final plan may be filed in phases as approved on the outline plan.
3. Expiration. If the final plan or the first phase of the outline plan is not approved within 18 months from the date of the approval of the outline plan, then the approval of the plan is terminated and void and of no effect whatsoever.
4. Application Submission Requirements. The following information is required for a Performance Standards Subdivision Final Plan application submittal.
   a. A topographic map showing contour intervals of five feet.
   b. Location of all thoroughfares and walks, their widths and nature of their improvements, and whether they are to be public or private.
   c. Road cross-sections and profiles, clearly indicating the locations of final cuts and fills, and road grades.
   d. The location, layout, and servicing of all off-street parking areas.
   e. The property boundary lines.
   f. The individual lot lines of each parcel that are to be created for separate ownership.
   g. The location of easements for water line, fire hydrants, sewer and storm sewer lines, and the location of the electric, gas, telephone lines, telephone cable, and lighting plans.
   h. Landscaping and tree planting plans with the location of the existing trees and shrubs which are to be retained, and the method by which they are to be preserved.
   i. Common ~~**open**~~ areas and **common and private open** spaces, and the particular uses intended for them. **Private open spaces shall be indicated if the areas are proposed as part of the required open space area for the development in section 18.4.4.070 (i.e., eight percent of total lot area in open space).**
   j. Areas proposed to be conveyed, dedicated, reserved or used for parks, scenic ways, playgrounds, schools or public buildings.
   k. A plan showing the following for each existing or proposed building or structure for all sites except single-family, detached housing which meets the parent zone setbacks.
      i. Its location on the lot and within the Planned Unit Development.
      ii. Its intended use.

iii. The number of dwelling units in each residential building.

iv. Plans shall indicate building envelopes for all proposed lots, which show the area and maximum height of improvements, including solar access and view protection where required.

l. Elevations of typical proposed residential structures. Elevations should be to scale and should include the approximate dimensions of the proposed structures and all attached exterior hardware for heating and cooling.

m. Manner of financing.

n. Development time schedule.

o. If individual lots are to be sold, a final plat is required, similar to that required for a subdivision, per chapter 18.5.3 Land Divisions and Property Line Adjustments.

p. Final plans for location of water, sewer, drainage, electric and cable T.V. facilities, and plans for street improvements and grading or earth-moving improvements.

q. The location of all trees over six inches diameter at breast height, which are to be removed by the developer. Such trees are to be tagged with flagging at the time of Final Plan approval. See also, chapter 18.4.5 Tree Preservation and Protection.

5. Approval Criteria for Final Plan. Final Plan approval shall be granted upon finding of substantial conformance with the Outline Plan. This substantial conformance provision is intended solely to facilitate the minor modifications from one planning step to another. Substantial conformance shall exist when comparison of the outline plan with the final plan meets all of the following criteria.

a. The number of dwelling units vary no more than ten percent of those shown on the approved outline plan, but in no case shall the number of units exceed those permitted in the outline plan.

b. The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved outline plan, but in no case shall these distances be reduced below the minimum established within this Ordinance.

c. The **common** open spaces vary no more than ten percent of that provided on the outline plan.

d. The building size does not exceed the building size shown on the outline plan by more than ten percent.

e. The building elevations and exterior materials are in conformance with the purpose and intent of this ordinance and the approved outline plan.

f. That the additional standards which resulted in the awarding of bonus points in the outline plan approval have been included in the final plan with substantial detail to ensure that the performance level committed to in the outline plan will be achieved.

g. The development complies with the Street Standards.

h. Nothing in this section shall limit reduction in the number of dwelling units or increased open space provided that, if this is done for one phase, the number of

dwelling units shall not be transferred to another phase, nor the **common** open space reduced below that permitted in the outline plan.

6. Any substantial amendment to an approved Final Plan shall follow a Type I procedure in section 18.5.1.050 and be reviewed in accordance with the above criteria.

SECTION 17. Section 18.3.10.080 [Development Standards for Flood Plain Corridor Lands - Physical and Environmental Constraints Overlay] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.10.080 Development Standards for Flood Plain Corridor Lands

For all land use actions that could result in development of the Flood Plain Corridor, the following is required in addition to any requirements of AMC 15.10.

A. Standards for Fill in Flood Plain Corridor Lands.

1. Fill shall be designed as required by the Oregon Structural Specialty Code (OSSC), and Oregon Residential Specialty Code (ORSC), where applicable.
2. The toe of the fill shall be kept at least ten feet outside of floodway channels, as defined in AMC 15.10, and the fill shall not exceed the angle of repose of the material used for fill.
3. The amount of fill in the Flood Plain Corridor shall be kept to a minimum. Fill and other material imported from off the lot that could displace floodwater shall be limited to the following.
   a. Poured concrete and other materials necessary to build permitted structures on the lot.
   b. Aggregate base and paving materials, and fill associated with approved public and private street and driveway construction.
   c. Plants and other landscaping and agricultural material.
   d. A total of 50 cubic yards of other imported fill material.
   e. The above limits on fill shall be measured from April 1989, and shall not exceed the above amounts. These amounts are the maximum cumulative fill that can be imported onto the site, regardless of the number of permits issued.
4. If additional fill is necessary beyond the permitted amounts in subsection 18.3.10.080.A.3, above, then fill materials must be obtained on the lot from cutting or excavation only to the extent necessary to create an elevated site for permitted development. All additional fill material shall be obtained from the portion of the lot in the Flood Plain Corridor.
5. Adequate drainage shall be provided for the stability of the fill.
6. Fill to raise elevations for a building site shall be located as close to the outside edge of the Flood Plain Corridor as feasible.

B. Crossings. A crossing of any waterway identified on the official maps adopted pursuant to section 18.3.10.070 Official Maps (e.g., for streets, property access or utilities) must be designed by an engineer. Stream crossings shall be designed to the standards of AMC 15.10, or where no floodway has been identified, to pass a 100-year flood without any increase in the upstream flood height elevation. The engineer shall consider in the design the probability that the crossing will be blocked by debris in a severe flood, and accommodate expected overflow. The crossing shall be at right angles to the stream channel to the greatest extent possible. Fill for stream crossings shall be kept to the minimum necessary to achieve property access, but is exempt from the limitations in subsection 18.3.10.080.A, above.

C. Elevation of Non-Residential Structures. Non-residential structures shall be flood-proof to the standards in AMC 15.10 to one foot above the elevation contained in the maps adopted by AMC 15.10, or up to the elevation contained in the official maps adopted by section 18.3.10.070 Official Maps, whichever height is greater. Where no specific elevations exist, then they must be flood-proofed to an elevation of ten feet above the stream channel on Ashland, Bear or Neil Creek; to five feet above the stream channel on all other Riparian Preservation Creeks identified on the official maps adopted pursuant to section 18.3.10.070; and three feet above the stream channel on all other Land Drainage Corridors identified on the official maps adopted pursuant to section 18.3.10.070.

D. Elevation of Residential Structures. All residential structures shall be elevated so that the lowest habitable floor shall be raised to one foot above the elevation contained in the maps adopted in AMC 15.10, or to the elevation contained in the official maps adopted pursuant to section 18.3.10.070 Official Maps, whichever height is greater. Where no specific elevations exist, then they must be constructed at an elevation of ten feet above the stream channel on Ashland, Bear, or Neil Creek; to five feet above the stream channel on all other Riparian Preservation Creeks identified on the official maps adopted pursuant to section 18.3.10.070; and three feet above the stream channel on all other Land Drainage Corridors identified on the official maps adopted pursuant to section 18.3.10.070, or one foot above visible evidence of high flood water flow, whichever is greater. An engineer or surveyor shall certify the elevation of the finished lowest habitable floor prior to issuance of a certificate of occupancy for the structure.

E. Structure Placement. To the maximum extent feasible, structures shall be placed on other than Flood Plain Corridor Lands. In the case where development is permitted in the Flood Plain Corridor area, then development shall be limited to that area which would have the shallowest flooding.

F. Residential Structure Placement. Existing lots with buildable land outside the Flood Plain Corridor shall locate all residential structures outside the Corridor Land, unless 50 percent or more of the lot is within the Flood Plain Corridor. For residential uses proposed for existing lots that have more than 50 percent of the lot in Corridor Land, structures may be located on that portion of the Flood Plain Corridor that is two feet or less below the flood elevations on the official maps, but in no case closer than 20 feet to the channel of a Riparian Preservation Creek identified on the official maps adopted pursuant to section 18.3.10.070. Construction shall be subject to the requirements in subsection 18.3.10.080.D, above.

G. New Non-Residential Structures. New non-residential uses may be located on that portion

of Flood Plain Corridor Lands that equal to or above the flood elevations on the official maps adopted in section 18.3.10.070 Official Maps. Second story construction may be cantilevered or supported by pillars that will have minimal impact on the flow of floodwaters over the Flood Plain Corridor for a distance of 20 feet if it does not impact riparian vegetation, and the clearance from finished grade is at least ten feet in height. The finished floor elevation may not be more than two feet below the flood corridor elevations.

H. Building Envelopes. All lots modified by property line adjustments, and new lots created from areas containing Flood Plain Corridor Land, must have building envelopes containing buildable area of a sufficient size to accommodate the uses permitted in the underling zone, unless the action is ~~for~~ **to provide** open space or **for** conservation purposes. This section shall apply even if the effect is to prohibit further division of lots that are larger than the minimum size permitted in the zoning ordinance.

I. Basements.

1. Habitable basements are not permitted for new or existing structures or additions located within the Flood Plain Corridor.
2. Non-habitable basements, used for storage, parking, and similar uses are permitted for residential structures but must be flood-proofed to the standards of AMC 15.10.

J. Hazardous Chemicals. Storage of petroleum products, pesticides, or other hazardous or toxic chemicals is not permitted in Flood Plain Corridor Lands.

K. Fences. Fences shall be located and constructed in accordance with subsection 18.3.11.050.B.3. Fences shall not be constructed across any waterway or stream identified on the official maps adopted pursuant to section 18.3.10.070 Official Maps. Fences shall not be constructed within any designated floodway.

L. Decks and Other Structures. Decks and structures other than buildings, if constructed on Flood Plain Corridor Lands and at or below the levels specified in subsections 18.3.10.080.C and D, shall be flood-proofed to the standards contained in AMC 15.10.

M. Local Streets and Utilities. Local streets and utility connections to developments in and adjacent to the Flood Plain Corridor shall be located outside of the Flood Plain Corridor, except for crossing the Corridor, except as provided for in chapter 18.3.11 Water Resources Overlay, or in the Flood Plain Corridor as outlined below.

1. Public street construction may be allowed within the Bear Creek Flood Plain Corridor as part of development following the adopted North Mountain Neighborhood Plan. This exception shall only be permitted for that section of the Bear Creek Flood Plain Corridor between North Mountain Avenue and the Nevada Street right-of-way. The new street shall be constructed in the general location as indicated on the neighborhood plan map, and in the area generally described as having the shallowest potential for flooding within the corridor.
2. Proposed development that is not in accord with the North Mountain Neighborhood Plan shall not be permitted to utilize this exception.

SECTION 18. Section 18.3.10.090 [Development Standards for Hillside Lands - Physical and Environmental Constraints Overlay] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.10.090 Development Standards for Hillside Lands

It is the purpose of the Development Standards for Hillside Lands to provide supplementary development regulations to underlying zones to ensure that development occurs in such a manner as to protect the natural and topographic character and identity of these areas, environmental resources, the aesthetic qualities and restorative value of lands, and the public health, safety, and general welfare by insuring that development does not create soil erosion, sedimentation of lower slopes, slide damage, flooding problems, and severe cutting or scarring. It is the intent of these development standards to encourage a sensitive form of development and to allow for a reasonable use that complements the natural and visual character of the City.

A. General Requirements. The following general requirements shall apply in Hillside Lands.

1. Buildable Area. All development shall occur on lands defined as having buildable area. Slopes greater than 35 percent shall be considered unbuildable except as allowed below. Exceptions may be granted to this requirement only as provided in subsection 18.3.10.090.H.
    a. Existing parcels without adequate buildable area less than or equal to 35 percent shall be considered buildable for one unit.
    b. Existing parcels without adequate buildable area less than or equal to 35 percent cannot be subdivided or partitioned.
2. Building Envelope. All newly created lots either by subdivision or partition shall contain a building envelope with a slope of 35 percent or less.
3. New Streets and Driveways. New streets, flag drives, and driveways shall be constructed on lands of less than or equal to 35 percent slope with the following exceptions.
    a. The street is indicated on the Street Dedication map.
    b. The portion of the street, flag drive, or driveway on land greater than 35 percent slope does not exceed a length of 100 feet.
4. Geotechnical Studies. For all applications on Hillside Lands involving subdivisions or partitions, the following additional information is required: A geotechnical study prepared by a geotechnical expert indicating that the site is stable for the proposed use and development. The study shall include the following information.
    a. Index map.
    b. Project description to include location, topography, drainage, vegetation, discussion of previous work and discussion of field exploration methods.
    c. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc., and structural data including bedding, jointing and shear zones, soil depth, and

soil structure.

d. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.

e. Suitability of site for proposed development from a geologic standpoint.

f. Specific recommendations for cut and fill slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards.

g. If deemed necessary by the engineer or geologist to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing subsurface structure, graphic logs with subsurface exploration, results of laboratory test and references.

h. Signature and registration number of the engineer and/or geologist.

i. Additional information or analyses as necessary to evaluate the site.

j. Inspection schedule for the project as required in 18.3.10.090.B.9.

k. Location of all irrigation canals and major irrigation pipelines.

B. Hillside Grading and Erosion Control. All development on lands classified as Hillside shall provide plans conforming to the following items.

1. All grading, retaining wall design, drainage, and erosion control plans for development on Hillside Lands shall be designed by a geotechnical expert. All cuts, grading or fills shall conform to the International Building Code and be consistent with the provisions of this ordinance. Erosion control measures on the development site shall be required to minimize the solids in runoff from disturbed areas.

2. Timing of Improvements. For development other than single family homes on individual lots, all grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Excavation shall not occur during the remaining wet months of the year. Erosion control measures shall be installed and functional by October 31. Up to 30 day modifications to the October 31 date, and 45 day modification to the May 1 date may be made by the Planning Director, based upon weather conditions and in consultation with the project geotechnical expert. The modification of dates shall be the minimum necessary, based upon evidence provided by the applicant, to accomplish the necessary project goals.

3. Retention in natural state. On all projects on Hillside Lands involving partitions and subdivisions, and existing lots with an area greater than one-half acre, an area equal to 25 percent of the total project area, plus the percentage figure of the average slope of the total project area, shall be retained in a natural state. Lands to be retained in a natural state shall be protected from damage through the use of temporary construction fencing or the functional equivalent. For example, on a 25,000 square feet lot with an average slope of 29 percent, 25%+29%=54% of the total lot area shall be retained in a natural state. The retention in a natural state of areas greater than the minimum percentage required here is encouraged.

4. Grading - Cuts. On all cut slopes on areas classified as Hillside Lands, the following standards shall apply.

a. Cut slope angles shall be determined in relationship to the type of materials of which they are composed. Where the soil permits, limit the total area exposed to precipitation and erosion. Steep cut slopes shall be retained with stacked rock, retaining walls, or functional equivalent to control erosion and provide slope stability when necessary. Where cut slopes are required to be laid back (1:1 or less steep), the slope shall be protected with erosion control getting or structural equivalent installed per manufacturers specifications, and revegetated.

b. Exposed cut slopes, such as those for streets, driveway accesses, or yard areas, greater than seven feet in height shall be terraced. Cut faces on a terraced section shall not exceed a maximum height of five feet. Terrace widths shall be a minimum of three feet to allow for the introduction of vegetation for erosion control. Total cut slopes shall not exceed a maximum vertical height of 15 feet. The top of cut slopes not utilizing structural retaining walls shall be located a minimum setback of one-half the height of the cut slope from the nearest property line. See Figure 18.3.10.090.B.4.b.

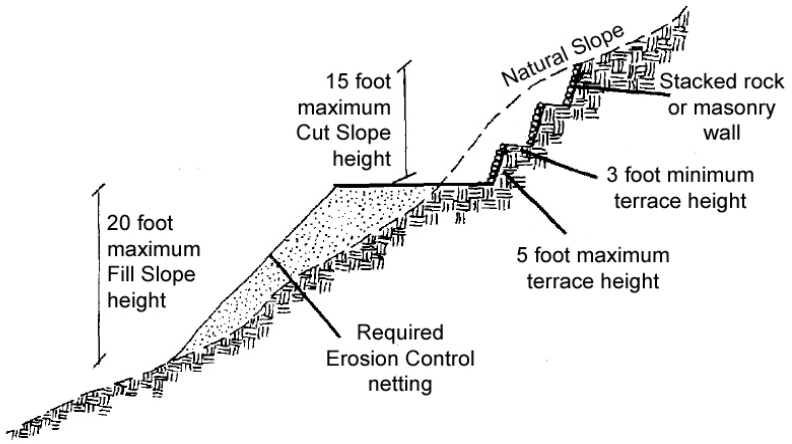


Figure 18.3.10.090.B.4.b
Cut and Fill Slopes

c. Cut slopes for structure foundations which reduce the effective visual bulk, such as split pad or stepped footings, shall be exempted from the height limitations of this section. See Figure 18.3.10.090.B.c.

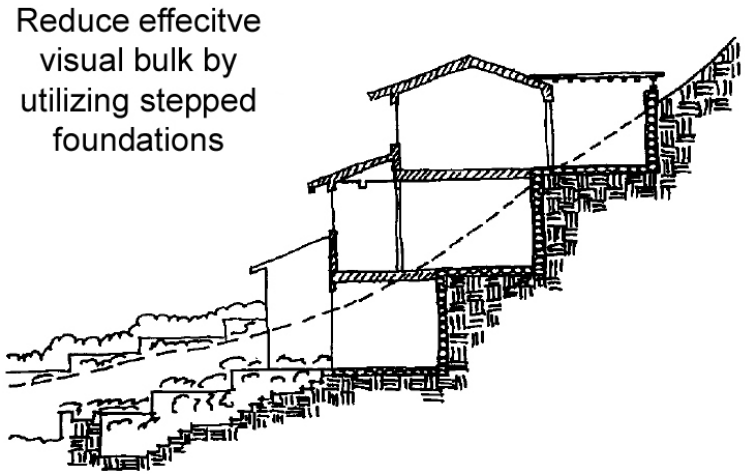


Figure 18.3.10.090.B.4.c
Stepped Foundations

d. Revegetation of cut slope terraces shall include the provision of a planting plan, introduction of top soil where necessary, and the use of irrigation if necessary. The vegetation used for these areas shall be native, or species similar in resource value to native plants, which will survive, help reduce the visual impact of the cut slope, and assist in providing long term slope stabilization. Trees, bush-type plantings, and cascading vine-type plantings may be appropriate.

5. Grading - Fill. On all fill slopes on lands classified as Hillside Lands, the following standards shall apply.

   a. Fill slopes shall not exceed a total vertical height of 20 feet. The toe of the fill slope area not utilizing structural retaining shall be a minimum of six feet from the nearest property line.

   b. Fill slopes shall be protected with an erosion control netting, blanket or functional equivalent. Netting or blankets shall only be used in conjunction with an organic mulch such as straw or wood fiber. The blanket must be applied so that it is in complete contact with the soil so that erosion does not occur beneath it. Erosion netting or blankets shall be securely anchored to the slope in accordance with manufacturer's recommendations.

   c. Whenever possible, utilities shall not be located or installed on or in fill slopes. When determined that it necessary to install utilities on fill slopes, all plans shall be designed by a geotechnical expert.

   d. Revegetation of fill slopes shall utilize native vegetation or vegetation similar in resource value and which will survive and stabilize the surface. Irrigation may be provided to ensure growth if necessary. Evidence shall be required indicating long-term viability of the proposed vegetation for the purposes of erosion control on disturbed areas.

6. Revegetation Requirements. Where required by this chapter, all required revegetation of cut and fill slopes shall be installed prior to the issuance of a certificate of occupancy,

signature of a required survey plat, or other time as determined by the hearing authority. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.

7. Maintenance, Security, and Penalties for Erosion Control Measures.

   a. *Maintenance.* All measures installed for the purposes of long-term erosion control, including but not limited to vegetative cover, rock walls, and landscaping, shall be maintained in perpetuity on all areas which have been disturbed, including public rights-of-way. The applicant shall provide evidence indicating the mechanisms in place to ensure maintenance of measures.

   b. *Security.* Except for individual lots existing prior to January 1, 1998, after an Erosion Control Plan is approved by the hearing authority and prior to construction, the applicant shall provide a performance bond or other financial guarantees in the amount of 120 percent of the value of the erosion control measures necessary to stabilize the site. Any financial guarantee instrument proposed, other than a performance bond, shall be approved by the City Attorney. The financial guarantee instrument shall be in effect for a period of at least one year, and shall be released when the Community Development Director and Public Works Director determine, jointly, that the site has been stabilized. All or a portion of the security retained by the City may be withheld for a period up to five years beyond the one year maintenance period if it has been determined by the City that the site has not been sufficiently stabilized against erosion.

8. Site Grading. The grading of a site on Hillside Lands shall be reviewed considering the following factors.

   a. No terracing shall be allowed except for the purposes of developing a level building pad and for providing vehicular access to the pad.

   b. Avoid hazardous or unstable portions of the site.

   c. Avoid hazardous or unstable portions of the site.

   d. Building pads should be of minimum size to accommodate the structure and a reasonable amount of yard space. Pads for tennis courts, swimming pools and large lawns are discouraged. As much of the remaining lot area as possible should be kept in the natural state of the original slope.

9. Inspections and Final Report. Prior to the acceptance of a subdivision by the City, signature of the final survey plat on partitions, or issuance of a certificate of occupancy for individual structures, the project geotechnical expert shall provide a final report indicating that the approved grading, drainage, and erosion control measures were installed as per the approved plans, and that all scheduled inspections, as per 18.3.10.090.A.4.j were conducted by the project geotechnical expert periodically throughout the project.

C. Surface and Groundwater Drainage. All development on Hillside Lands shall conform to the following standards.

1. All facilities for the collection of stormwater runoff shall be constructed on the site and

according to the following requirements:

a. Stormwater facilities shall include storm drain systems associated with street construction, facilities for accommodating drainage from driveways, parking areas and other impervious surfaces, and roof drainage systems.

b. Stormwater facilities, when part of the overall site improvements, shall be, to the greatest extent feasible, the first improvements constructed on the development site.

c. Stormwater facilities shall be designed to divert surface water away from cut faces or sloping surfaces of a fill.

d. Existing natural drainage systems shall be utilized, as much as possible, in their natural state, recognizing the erosion potential from increased storm drainage.

e. Flow-retarding devices, such as detention ponds and recharge berms, shall be used where practical to minimize increases in runoff volume and peak flow rate due to development. Each facility shall consider the needs for an emergency overflow system to safely carry any overflow water to an acceptable disposal point.

f. Stormwater facilities shall be designed, constructed and maintained in a manner that will avoid erosion on-site and to adjacent and downstream properties.

g. Alternate stormwater systems, such as dry well systems, detention ponds, and leach fields, shall be designed by a registered engineer or geotechnical expert and approved by the Public Works Department or Building Official.

D. Tree Conservation, Protection and Removal. All development on Hillside Lands shall conform to the following requirements.

1. Inventory of Existing Trees. A tree survey at the same scale as the project site plan shall be prepared, which locates all trees greater than six inches diameter at breast height (DBH) identified by DBH, species, approximate extent of tree canopy. In addition, for areas proposed to be disturbed, existing tree base elevations shall be provided. Dead or diseased trees shall be identified. Groups of trees in close proximity (i.e., those within five feet of each other) may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated. All tree surveys shall have an accuracy of plus or minus two feet. The name, signature, and address of the site surveyor responsible for the accuracy of the survey shall be provided on the tree survey. Portions of the lot or project area not to be disturbed by development need not be included in the inventory.

2. Evaluation of Suitability for Conservation. All trees indicated on the inventory of existing trees shall also be identified as to their suitability for conservation. When required by the hearing authority, the evaluation shall be conducted by a landscape professional. The following factors shall be included in this determination.

a. *Tree Health.* Healthy trees can better withstand the rigors of development than non-vigorous trees.

b. *Tree Structure.* Trees with severe decay or substantial defects are more likely to result in damage to people and property.

c. *Species.* Species vary in their ability to tolerate impacts and damage to their

environment.

d. *Longevity.* Potential longevity.

e. *Variety.* A variety of native tree species and ages.

f. *Size.* Large trees provide a greater protection for erosion and shade than smaller trees.

3. Tree Conservation in Project Design. Significant conifer trees having a trunk 18 caliper inches or larger in diameter at breast height (DBH), and broadleaf trees having a trunk 12 caliper inches or larger in diameter at breast height (DBH), shall be protected and incorporated into the project design whenever possible.

a. Streets, driveways, buildings, utilities, parking areas, and other site disturbances shall be located such that the maximum number of existing trees on the site are preserved, while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands. See Figure 18.3.10.090.D.3.a.

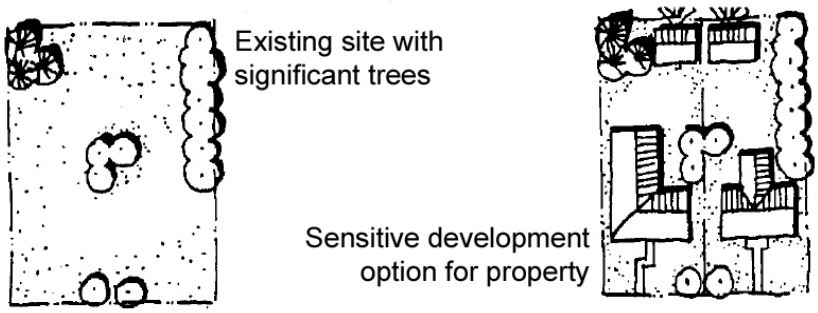


Figure 18.3.10.090.D.3.a
Site Planning for Tree Preservation

b. Building envelopes shall be located and sized to preserve the maximum number of trees on site while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands.

c. Layout of the project site utility and grading plan shall avoid disturbance of tree protection areas.

4. Tree Protection. On all properties where trees are required to be preserved during the course of development, the developer shall follow the following tree protection standards.

a. All trees designated for conservation shall be clearly marked on the project site. Prior to the start of any clearing, stripping, stockpiling, trenching, grading, compaction, paving or change in ground elevation, the applicant shall install tree protection fencing in accordance with 18.4.5.030.C Prior to any construction activity, the shall be inspected pursuant to section 18.4.5.030.D.

b. Construction site activities, including but not limited to parking, material storage, soil compaction, and concrete washout, shall be arranged so as to prevent disturbances within tree protection areas.

c. No grading, stripping, compaction, or significant change in ground elevation shall be

permitted within the drip line of trees designated for conservation unless indicated on the grading plans, as approved by the City, and landscape professional. If grading or construction is approved within the drip-line, a landscape professional may be required to be present during grading operations, and shall have authority to require protective measures to protect the roots.

d. Changes in soil hydrology and site drainage within tree protection areas shall be minimized. Excessive site run-off shall be directed to appropriate storm drain facilities and away from trees designated for conservation.

e. Should encroachment into a tree protection area occur which causes irreparable damage, as determined by a landscape professional, to trees, the project plan shall be revised to compensate for the loss. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of this chapter.

5. Tree Removal. Development shall be designed to preserve the maximum number of trees on a site. The development shall follow the standards for fuel reduction if the development is located in Wildfire Lands. When justified by findings of fact, the hearing authority may approve the removal of trees for one or more of the following conditions.

   a. The tree is located within the building envelope.

   b. The tree is located within a proposed street, driveway, or parking area.

   c. The tree is located within a water, sewer, or other public utility easement.

   d. The tree is determined by a landscape professional to be dead or diseased, or it constitutes an unacceptable hazard to life or property when evaluated by the standards in 18.3.10.090.D.2.

   e. The tree is located within or adjacent to areas of cuts or fills that are deemed threatening to the life of the tree, as determined by a landscape professional.

   f. The tree is identified for removal as part of an approved fire prevention and control plan per section 18.3.10.100.A, or with the exception of significant trees the tree removal is recommended by the Fire Code Official, and approved by the Staff Advisor, as part of a comprehensive fuels reduction strategy to implement a General Fuel Modification Area consistent with 18.3.10.100 B.

6. Tree Replacement. Trees approved for removal, with the exception of trees removed because they were determined to be diseased, dead, a hazard, or to comply with General Fuel Modification Area requirements, shall be replaced in compliance with the following standards.

   a. Replacement trees shall be indicated on a tree replanting plan. The replanting plan shall include all locations for replacement trees, and shall also indicate tree planting details.

   b. Replacement trees shall be planted such that the trees will in time result in canopy equal to or greater than the tree canopy present prior to development of the property. See Figure 18.3.10.090.D.6.b. The canopy shall be designed to mitigate of the impact of paved and developed areas, reduce surface erosion, and increase slope

stability. Replacement tree locations shall consider impact on the wildfire prevention and control plan. The hearing authority shall have the discretion to adjust the proposed replacement tree canopy based upon site-specific evidence and testimony.

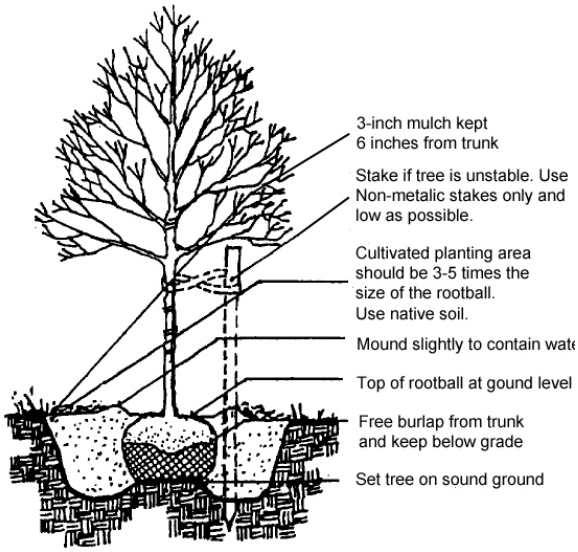


Figure 18.3.10.090.D.6.b
Tree Planting Guideline

c. Maintenance of replacement trees shall be the responsibility of the property owner. Required replacement trees shall be continuously maintained in a healthy manner. Trees that die within the first five years after initial planting must be replaced in kind, after which a new five-year replacement period shall begin. Replanting must occur within 30 days of notification unless otherwise noted.

7. Enforcement.

a. All tree removal shall be done in accord with the approved tree removal and replacement plan. No trees designated for conservation shall be removed without prior approval of the City.

b. Should the developer or developer's agent remove or destroy any tree that has been designated for conservation, the developer may be fined up to three times the current appraised value of the replacement trees and cost of replacement or up to three times the current market value, as established by a professional arborist, whichever is greater.

c. Should the developer or developer's agent damage any tree that has been designated for protection and conservation, the developer shall be penalized $50.00 per scar. If necessary, a professional arborist's report, prepared at the developer's expense, may be required to determine the extent of the damage. Should the damage result in loss of appraised value greater than determined above, the higher of the two values shall be used.

E. Building Location and Design Standards. All buildings and buildable areas proposed for Hillside Lands shall be designed and constructed in compliance with the following

standards.

1. Building Envelopes. All newly created lots, either by subdivision or partition, shall contain building envelopes conforming to the following standards.

   a. The building envelope shall contain a buildable area with a slope of 35 percent or less. See Figure 18.3.10.090.E.1.a.

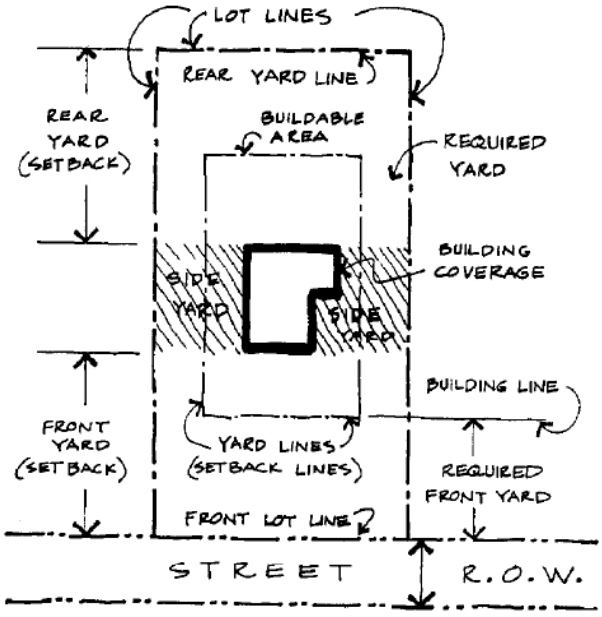


Figure 18.3.10.090.E.1.a
Buildable Area

   b. Building envelopes and lot design shall address the retention of a percentage of the lot in a natural state as required in 18.3.10.090.B.3.

   c. Building envelopes shall be designed and located to maximize tree conservation as required in 18.3.10.090.D.3 while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands.

   d. It is recommended that building envelope locations should be located to avoid ridgeline exposures, and designed such that the roofline of a building within the envelope does not project above the ridgeline as illustrated in Figure 18.3.10.090.E.1.d.

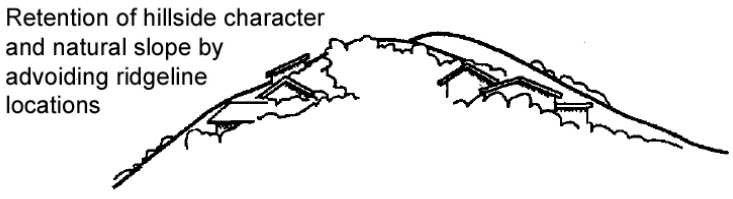


Figure 18.3.10.090.E.1.d.

2. Building Design. To reduce hillside disturbance through the use of slope responsive design techniques, buildings on Hillside Lands, excepting those lands within the designated Historic District, shall incorporate the following into the building design and indicate features on required building permits.

   a. The height of all structures shall be measured vertically from the natural grade to the uppermost point of the roof edge or peak, wall, parapet, mansard, or other feature perpendicular to that grade. Maximum hillside building height shall be 35 feet. See Figure 18.3.10.090.E.2.a.i and Figure 18.3.10.090.E.2.a.ii

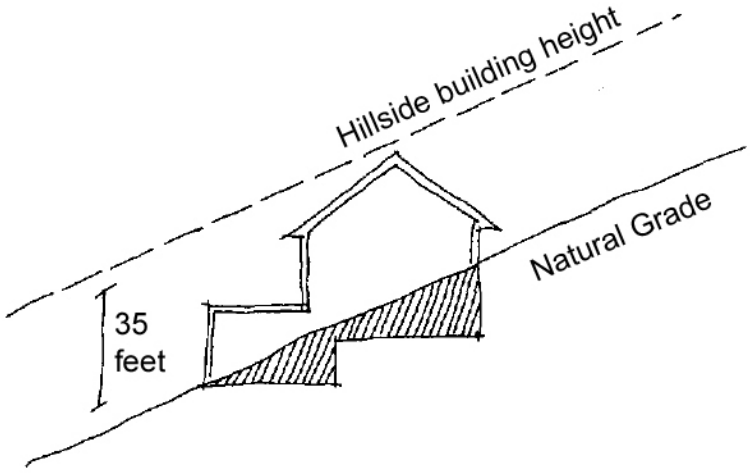


Figure 18.3.10.090.E.2.a.i
Hillside Building Height/Permitted

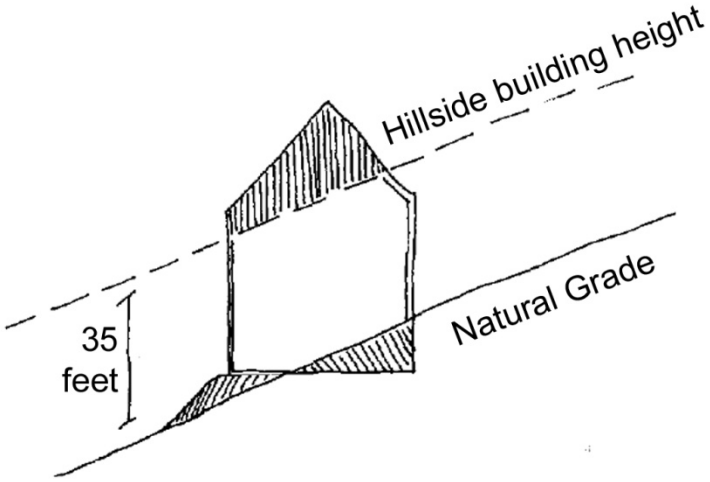


Figure 18.3.10.090.E.2.a.ii
Hillside Building Height/Not Permitted

   b. Cut buildings into hillsides to reduce effective visual bulk.
      i. Split pad or stepped footings shall be incorporated into building design to allow the structure to more closely follow the slope.

ii. Reduce building mass by utilizing below grade rooms cut into the natural slope.

c. A building step back shall be required on all downhill building walls greater than 20 feet in height, as measured above natural grade. Step-backs shall be a minimum of six feet. Decks projecting out from the building wall and hillside shall not be considered a building step-back. No vertical walls on the downhill elevations of new buildings shall exceed a maximum height of 20 feet above natural grade. See Figure 18.3.10.090.E.2.c.

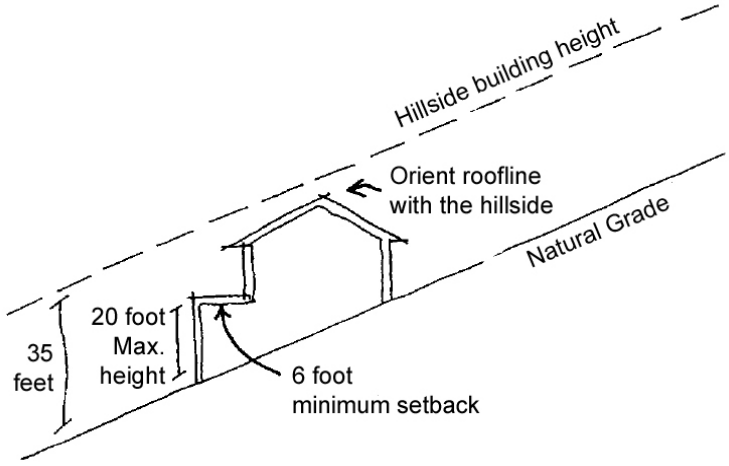


Figure 18.3.10.090.E.2.c
Downhill Building Step Back

d. Continuous horizontal building planes shall not exceed a maximum length of 36 feet. Planes longer than 36 feet shall include a minimum offset of six feet. See Figure 18.3.10.090.E.2.d.

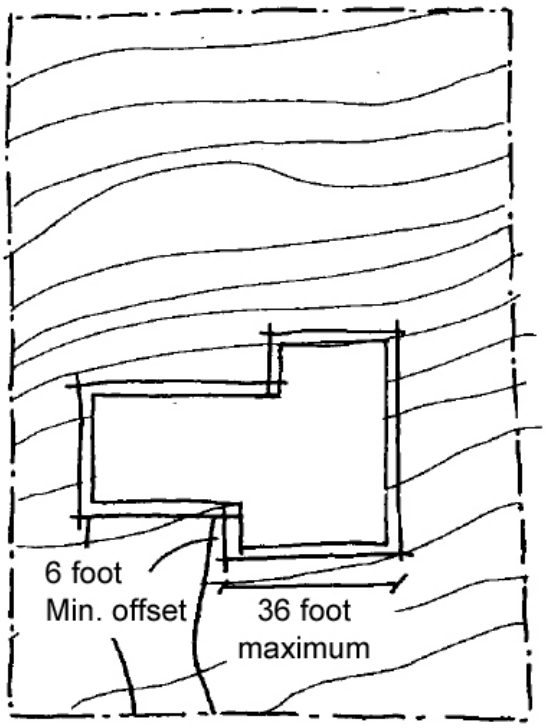


Figure 18.3.10.090.E.2.d
Horizontal Offsets

e. It is recommended that roof forms and roof lines for new structures be broken into a series of smaller building components to reflect the irregular forms of the surrounding hillside. Long, linear unbroken roof lines are discouraged. Large gable ends on downhill elevations should be avoided, however smaller gables may be permitted. See Figure 18.3.10.090.E.2.c.

f. It is recommended that roofs of lower floor levels be used to provide deck or outdoor space for upper floor levels. The use of overhanging decks with vertical supports in excess of 12 feet on downhill elevations should be avoided.

g. It is recommended that color selection for new structures be coordinated with the predominant colors of the surrounding landscape to minimize contrast between the structure and the natural environment.

F. All structures on Hillside Lands shall have foundations designed by an engineer or architect with demonstrable geotechnical design experience. A designer, as defined, shall not complete working drawings without having foundations designed by an engineer.

G. All newly created lots or lots modified by a lot line adjustment must include building envelopes containing a buildable area less than 35 percent slope of sufficient size to accommodate the uses permitted in the underlying zone, unless the division or lot line adjustment is **~~for~~** **to provide** open space or **for** conservation purposes

H. Exception to the Development Standards for Hillside Lands. An exception under this section is not subject to the variance requirements of chapter 18.5.5 Variances. An application for an exception is subject to the Type I procedure in section 18.5.1.050 and may

be granted with respect to the development standards for Hillside Lands if the proposal meets all of the following criteria.

1. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
2. The exception will result in equal or greater protection of the resources protected under this chapter.
3. The exception is the minimum necessary to alleviate the difficulty.
4. The exception is consistent with the stated Purpose and Intent of chapter 18.3.10 Physical and Environmental Constraints Overlay chapter and section 18.3.10.090 Development Standards for Hillside Lands.

SECTION 19. Section 18.3.11.060 [Limited Activities and Uses - Water Resources Protection Zones (Overlays)] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.11.060 Limited Activities and Uses

The following activities and uses within Water Resource Protection Zones are allowed provided the activities or uses comply with the review procedure and approval standards set forth in subsection 18.3.11.060.D.

A. Limited Activities and Uses within Water Resource Protection Zones.

1. Use of Power-assisted Equipment or Machinery. Use of power-assisted equipment or machinery for vegetation maintenance unless otherwise exempted in subsection 18.3.11.050.A.1.h.
2. Multi-Year Maintenance Plans. Multi-year maintenance plans may be authorized as follows for existing areas or storm water treatment facilities in Water Resource Protection Zones which do not have a previously approved management plans.
   a. *Publicly and Commonly Owned Properties.* The routine restoration and enhancement of publicly and commonly owned properties such as ~~**public**~~ parks and ~~**private**~~ **common** open spaces.
   b. *Storm Water Treatment Facilities.* The ongoing routine maintenance of storm water treatment facilities such as detention ponds or sediment traps, vegetated swales, and constructed wetlands in order to maintain flow and prevent flooding. Routine maintenance of storm water treatment facilities in accordance with an approved management plan is exempted as outline in subsection 18.3.11.050.A.2.c.
3. Building, Paving, and Grading Activities. Permanent alteration of Water Resource Protection Zones by grading or by the placement of structures, fill or impervious surfaces may be authorized as follows.
   a. *New Public Access and Utilities.* The location and construction of public streets, bridges, trails, multi-use path connections, and utilities deemed necessary to maintain a functional system and upon finding that no other reasonable, alternate location outside the Water Resource Protection Zone exists. This ordinance, the

Comprehensive Plan, Transportation System Plan, adopted utility master plans, and other adopted documents shall guide this determination.

b. *New Private Access and Utilities.* The location and construction of private streets, driveways, and utilities to provide a means of access to an otherwise inaccessible or landlocked property where no other reasonable, alternate location outside the Water Resource Protection Zone exists.

c. *Storm Water Treatment Facility Installation.* Installation of public and private storm water treatment facilities such as detention ponds or sediment traps, vegetated swales, and constructed wetlands.

d. *Replacement of Nonconforming Accessory Structures in Residential Districts and Replacement of Nonconforming Structures in Non-Residential Zoning Districts and Outside Historic Districts.* Replacement of nonconforming structures located within or partially within the original building footprint, except those nonconforming primary structures exempted in subsection 18.3.11.050.A.3, provided replacement does not disturb additional surface area within the Water Resource Protection Zone.

B. Additional Limited Activities and Uses within Stream Bank Protection Zones.

1. Stream Restoration and Enhancement. Restoration and enhancement projects resulting in a net gain in stream bank corridor functions unless otherwise exempted in subsection 18.3.11.050.B.2. Restoration and enhancement activities not otherwise associated with development involving building, grading or paving are encouraged, and planning application fees associated with reviewing these activities for compliance with applicable land use standards may be waived by the Staff Advisor.

2. Driveway and Street Maintenance and Paving. Maintenance, paving, and reconstruction of existing public and private streets and driveways if work disturbs more total surface area than the area inside the street right-of-way or access easement and an additional five percent surface area of the street right-of-way or access easement outside of the right-of-way or easement. Public streets shall be located in public right-of-way or a public easement.

3. Public Facility Paving and Reconstruction. Paving and reconstruction of public parking areas and walkways if additional surface area in the Stream Bank Protection Zone is not disturbed, the public facilities are deemed necessary to maintain a functional system and upon finding that no other reasonable alternate location outside the Water Resource Protection Zone exits.

4. Public Utility Maintenance and Replacement. Routine maintenance and replacement of existing public utilities and irrigation pumps if work disturbs more total surface area than the area inside the public utility easement and an additional five percent surface area of the public utility easement outside of the public utility easement.

5. Erosion Control. Erosion control and stream bank stabilization measures that have been approved by the Oregon Department of State Lands (DSL), the U.S. Army Corps of Engineers, or other state or federal regulatory agencies, and that utilize non-structural bio-engineering methods.

6. Storm Water Outfall. Construction of a storm water outfall discharging treated storm

water from an adjacent developed area provided that the discharge meets local, state, and federal water quality regulations.

7. Bridges. The installation of a bridge or similar, bottomless crossing structure for the purpose of constructing a public or private street, bicycle or pedestrian crossing, as well as to provide a means of access to an otherwise inaccessible or landlocked property.

8. Flood Control Measures. Installation or expansion of structural flood control measures, including but not limited to concrete retaining walls, gabions, gravity blocks, etc., shall generally be prohibited, but approved only if demonstrated that less-invasive, non-structural methods will not adequately meet the stabilization or flood control needs.

C. Additional Limited Activities and Uses within Wetland Protection Zones.

1. Wetland Restoration and Enhancement. Wetland restoration and enhancement projects resulting in a net gain in wetland functions. Wetland restoration and enhancement activities not otherwise associated with development involving building, grading or paving are encouraged, and planning application fees associated with reviewing these activities for compliance with applicable land use standards may be waived by the Staff Advisor.

2. Driveway and Street Maintenance and Paving. Maintenance, paving, and reconstruction of existing public and private streets and driveways. Public streets shall be located in public right-of-way or public easement.

3. Public and Private Utility Maintenance and Replacement. Routine maintenance and replacement of existing public and private utilities that disturb lands within the Wetland Protection Zone.

D. Limited Activities and Uses Permit. All Limited Activities and Uses described in section 18.3.11.060 shall be subject to a Type I procedure in section 18.5.1.050. An application for a Limited Activities and Uses Permit shall be approved if the proposal meets all of the following criteria.

1. All activities shall be located as far away from streams and wetlands as practicable, designed to minimize intrusion into the Water Resources Protection Zone and disturb as little of the surface area of the Water Resource Protection Zone as practicable.

2. The proposed activity shall be designed, located and constructed to minimize excavation, grading, area of impervious surfaces, loss of native vegetation, erosion, and other adverse impacts on Water Resources.

3. On stream beds or banks within the bank full stage, in wetlands, and on slopes of 25 percent or greater in a Water Resource Protection Zone, excavation, grading, installation of impervious surfaces, and removal of native vegetation shall be avoided except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.

4. Water, storm drain, and sewer systems shall be designed, located and constructed to avoid exposure to floodwaters, and to avoid accidental discharges to streams and wetlands.

5. Stream channel repair and enhancement, riparian habitat restoration and enhancement,

and wetland restoration and enhancement will be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in section 18.3.11.110 Mitigation Requirements.

6. Long term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C, except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

SECTION 20. Section 18.3.11.090 [Approval Standards for Land Divisions and Property Line Adjustments - Water Resources Protection Zones (Overlays)] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.11.090 Approval Standards for Land Divisions and Property Line Adjustments

Planning actions and procedures containing Water Resource Protection Zones and involving the division of land or property line adjustments shall comply with the following provisions and shall include the plan requirements in subsection 18.3.11.100.A.3.

A. Building Envelope Established. Each lot shall contain a building envelope outside the Water Resource Protection Zone of sufficient size to permit the establishment of the use and associated accessory uses.

B. Conservation Area. Performance Standards Option Subdivision, Subdivision, Partition, and Site Design Review applications shall include the Water Resource Protection Zone within a conservation easement or recorded development restriction, which stipulates that the use or activity within the Water Resource Protection Zone shall be consistent with the provisions of this chapter. The approval authority may require that the Water Resource Protection Zone be included in a separate tract of land managed by a homeowners' association or other common ownership entity responsible for preservation.

C. Density Transfer. Density calculated from the land area contained within the Water Resource Protection Zone may be transferred to lands outside the Water Resource Protection Zone provided the following standards are met.

1. Partitions and subdivisions involving density transfer shall be processed under chapter 18.3.9 Performance Standards Option Overlay.
2. A map shall be submitted showing the land area not within the Water Resource Protection Zone to which the density will be transferred.
3. The Water Resource Protection Zone shall be included in a separate preservation tract to be managed by a homeowner's association or other common ownership entity responsible for management of the area.
4. Density may only be transferred within the subject property or to a lot or lots contiguous to the subject property and within the same ownership.

5. The density transferred to lands not within the Water Resource Protection Zone may not be increased to more than one and a half times the base density of the underlying zoning district. Fractional units are to be rounded down to the nearest whole number.

D. Management Plan. Long term conservation, management, and maintenance of the Water Resource Protection Zone consistent with the requirements of this chapter shall be ensured through preparation and recordation of a management plan as described in subsection 18.3.11.110.C.

E. Mitigation Requirements. The approval authority may require a mitigation plan in accordance with the requirements of section 18.3.11.110 Mitigation Requirements to mitigate impacts resulting from land divisions.

F. Exemptions for a Public Purpose. An exemption to the requirements described above shall be granted for lots created for ~~**public**~~ park purposes, or privately-owned tracts created for the sole purpose of conserving in perpetuity the natural functions and values of the lands contained within the Water Resource Protection Zone.)

SECTION 21. Section 18.3.14.050 [Dimensional Standards - Transit Triangle Overlay] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.14.050 Dimensional Standards

Notwithstanding the provisions of chapter 18.2.5 Standards for Residential Zones and chapter 18.2.6 Standards for Non-Residential Zones, Table 18.3.14.050 includes the dimensional standards within the TT overlay.

The dimensions shall conform to the standards in Table 18.3.14.050.

Table 18.3.14.050 Transit Triangle Overlay Dimensional Standards

	Base Zones[1]			
	C-1	**E-1**	**R-2**	**R-3**
Residential Density (dwelling units/acre)				
Minimum[2]	30 du/ac	15 du/ac	13.5 du/ac	20 du/ac
Maximum	Maximum residential density is regulated by the FAR under the TT overlay option. The maximum dwelling units per acre of the base zones do not apply under the TT overlay option.			
[2]At a minimum, the development shall meet the residential density allowed in the underlying zone, as noted above and per section 18.2.6.030 for C-1 and E-1 and subsection 18.2.5.080.D for R-2 and R-3.				
Floor Area Ratio (FAR)[3]				
Minimum	.5	.5	.5	.5
Maximum	1.5	1.5	1.25	1.25

Table 18.3.14.050 Transit Triangle Overlay Dimensional Standards				
	Base Zones[1]			
	C-1	**E-1**	**R-2**	**R-3**
[3]Plazas and pedestrian areas shall count as floor area for the purposes of meeting the minimum FAR. Plazas and pedestrian areas may also be applied toward meeting the landscaping area requirements but shall not constitute more than 50% of the required area.				
Lot Area, Width, Depth and Coverage	NA	NA	Land divisions in the R-2 and R-3 zones shall meet the applicable requirements of table 18.2.5.030.A or chapter 18.3.9 Performance Standards Options.	
Yards, Minimum (feet)[4]				
- Front	There is no minimum front, side, or rear yard required, except where buildings on the subject site abut a residential zone, in which case a side or rear yard of not less than 15 ft is required.		5 ft	5 ft
- Side			See table 18.2.5.030.A for standard yard requirements for the R-2 and R-3 zone	
- Rear				
[4]See building step back requirement in section 18.3.14.060.				
Building Separation, On Same Site – Minimum	NA		Building separation is not required under the TT overlay option, except as required by the building code.	
Building Height[5] & [6]				
Maximum Height – feet/stories	50/4	50/4	42/3	42/3
Solar Setback	Per table 18.2.6.030		Per chapter 18.4.8 Solar Access	
[5]See definition of "height of building" in section 18.6.1.030. [6]Parapets may be erected up to five feet above the maximum building height in the C-1 and E-1 zone; see also, 184.4.030.G.4 for mechanical equipment screening requirements, and 18.5.2.020 for Site Design Review for mechanical equipment review process.				
Lot Coverage – Maximum (% of lot area)	85%	85%	80%	80%
Landscape Area – Minimum (% of developed lot area)	15%	15%	20%	20%
~~**Outdoor Recreation**~~**Open** Space – Minimum (% of the area)	NA		~~**Outdoor recreation**~~ **Open** space is not required under the TT	

Table 18.3.14.050 Transit Triangle Overlay Dimensional Standards				
	Base Zones[1]			
	C-1	E-1	R-2	R-3
			overlay option.	

SECTION 22. Section 18.4.2.040 [Non-Residential Development - Building Placement, Orientation, and Design] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.2.040 Non-Residential Development

A. Purpose and Intent. Commercial and employment developments should have a positive impact upon the streetscape. For example, buildings made of unadorned concrete block or painted with bright primary colors used to attract attention can create an undesirable effect upon the streetscape.

Landscaping and site design for commercial and employment zones is somewhat different from that required for residential zones. The requirement for outdoor spaces is much less. The primary function is to improve the project's appearance, enhance the City's streetscape, lessen the visual and climatic impact of parking areas, and to screen adjacent residential uses from the adverse impacts which commercial uses may cause.

One area in which Ashland's commercial differs from that seen in many other cities is the relationship between the street, buildings, parking areas, and landscaping. The most common form of modern commercial development is the placement of a small buffer of landscaping between the street and the parking area, with the building behind the parking area at the rear of the parcel with loading areas behind the building. This may be desirable for the commercial use because it gives the appearance of ample parking for customers. However, the effect on the streetscape is less than desirable because the result is a vast hot, open, parking area which is not only unsightly but results in a development form which the City discourages.

The alternative desired in Ashland is to design the site so that it makes a positive contribution to the streetscape and enhances pedestrian and bicycle traffic. The following development standards apply to commercial, industrial, non-residential and mixed-use development. The application of the standards depends on what area of the City the property is located. Generally speaking, areas that are visible from highly traveled arterial streets and that are in the Historic District are held to a higher development standard than projects that are in manufacturing and industrial area.

B. Basic Site Review Standards. Except as otherwise required by an overlay zone or plan district, the following requirements apply to commercial, industrial, non-residential and mixed-use development pursuant to section 18.5.2.020. See conceptual site plan of basic site review development in Figure 18.4.2.040.B.

1. Orientation and Scale.

   a. Buildings shall have their primary orientation toward the street and not a parking area. Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or to one side. See Figure 18.4.2.040.B.1.

   b. A building façade or multiple building facades shall occupy a large majority of a project's street frontage as illustrated in Figure 18.4.2.040.B, and avoid site design that incorporates extensive gaps between building frontages created through a combination of driveway aprons, parking areas, or vehicle aisles. This can be addressed by, but not limited to, positioning the wider side of the building rather than the narrow side of the building toward the street. In the case of a corner lot, this standard applies to both street frontages. Spaces between buildings shall consist of landscaping and hard durable surface materials to highlight pedestrian areas.

   c. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. The entrance shall be designed to be clearly visible, functional, and shall be open to the public during all business hours. See Figure 18.4.2.040.B.1.

   d. Building entrances shall be located within 20 feet of the public right of way to which they are required to be oriented. Exceptions may be granted for topographic constraints, lot configuration, designs where a greater setback results in an improved access or for sites with multiple buildings, such as shopping centers, where other buildings meet this standard.

   e. Where a building is located on a corner lot, its entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets. The building shall be located as close to the intersection corner as practicable.

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

   g. The standards in a-d, above, may be waived if the building is not accessed by pedestrians, such as warehouses and industrial buildings without attached offices, and automotive service stations.

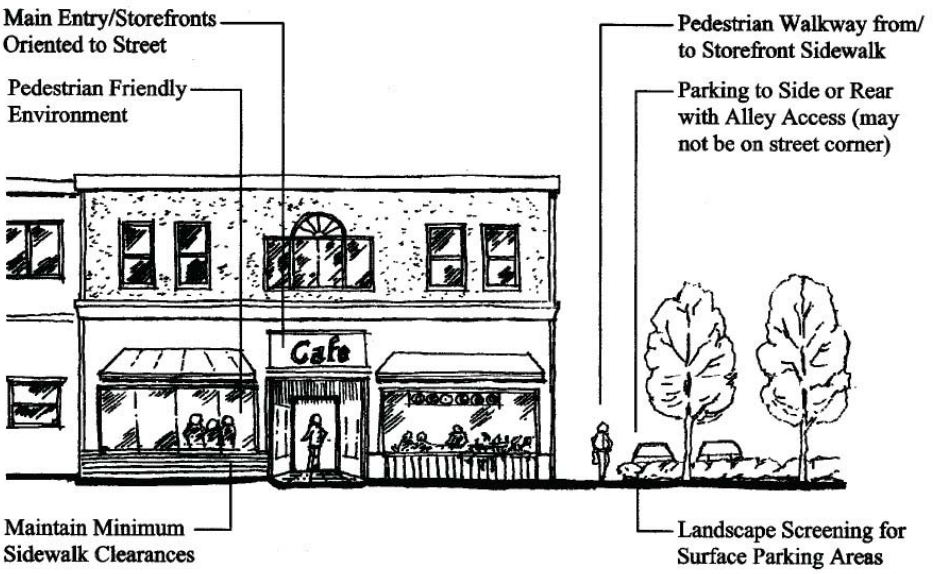


Figure 18.4.2.040.B.1
Building Orientation

2. Streetscape. One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18.4.4.030.E.

3. Landscaping.

   a. Landscape areas at least ten feet in width shall buffer buildings adjacent to streets, except the buffer is not required in the Detail Site Review, Historic District, and Pedestrian Place overlays.

   b. Landscaping and recycle/refuse disposal areas shall be provided pursuant to chapter 18.4.4.

4. Designated Creek Protection. Where a project is proposed adjacent to a designated creek protection area, the project shall incorporate the creek into the design while maintaining required setbacks and buffering, and complying water quality protection standards. The developer shall plant native riparian plants in and adjacent to the creek protection zone.

5. Noise and Glare. Artificial lighting shall meet the requirements of section 18.4.4.050. Compliance with AMC 9.08.170.c and AMC 9.08.175 related to noise is required.

6. Expansion of Existing Sites and Buildings. For sites that do not conform to the standards of section 18.4.2.040 (i.e., nonconforming developments), an equal percentage of the site must be made to comply with the standards of this section as the percentage of building expansion.

For example, if a building area is expanded by 25 percent, then 25 percent of the site must be brought up to the standards required by this document.

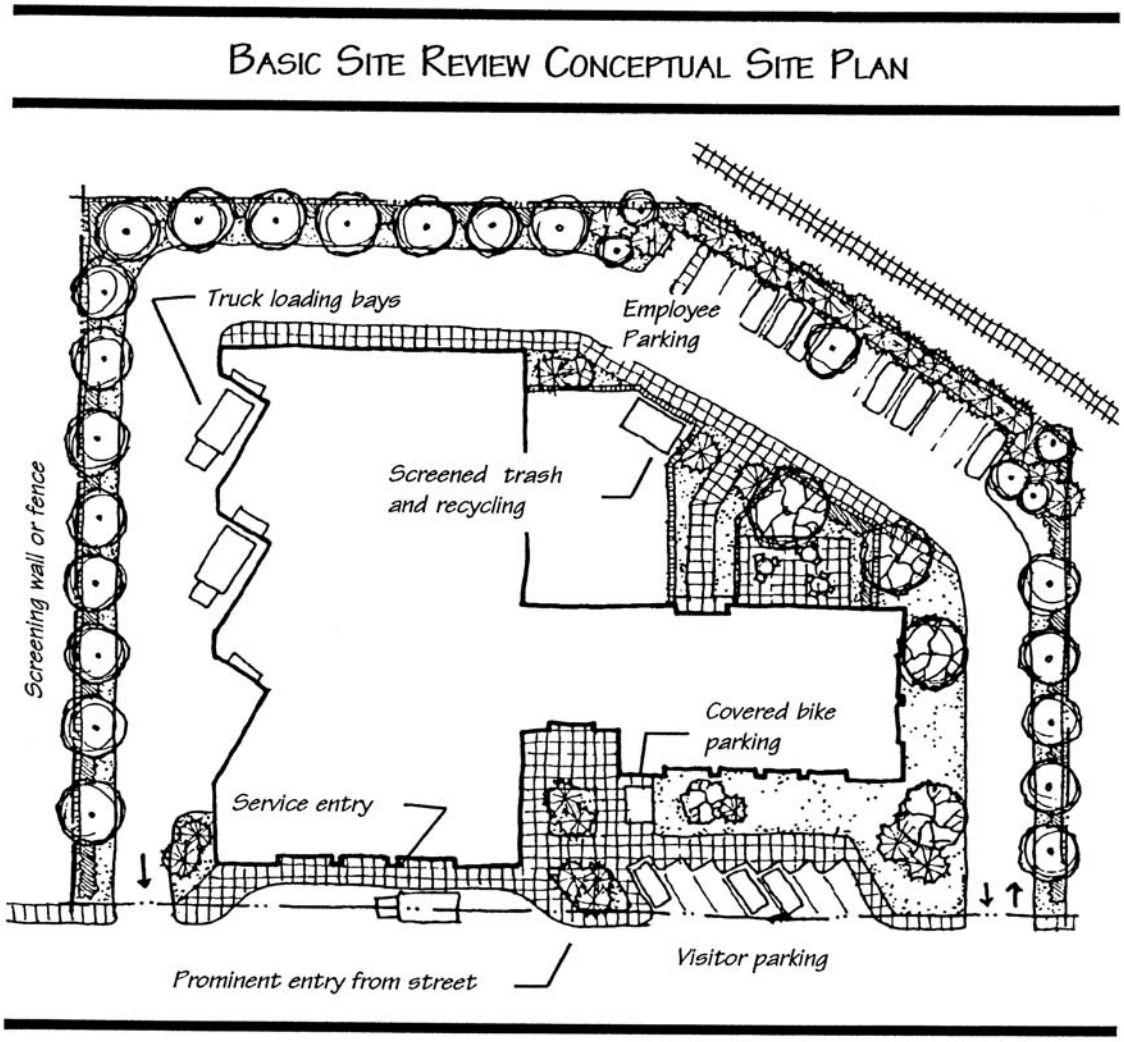


Figure 18.4.2.040.B
Basic Site Review Conceptual Site Plan

C. Detailed Site Review Standards. Development that is within the Detail Site Review overlay shall, in addition to the complying with the standards for Basic Site Review in 18.4.2.040.B, above, conform to the following standards. See conceptual site plan of detail site review development in Figure 18.4.2.040.C.1 and maps of the Detail Site Review overlay in Figures 18.4.2.040.C.2-5.

1. Orientation and Scale.

   a. Developments shall have a minimum Floor Area Ratio (FAR) of 0.50. Where a site is one-half an acre or greater in size, the FAR requirement may be met through a phased development plan or a shadow plan that demonstrates how development may be intensified over time to meet the minimum FAR. See shadow plan example

in Figure 18.4.2.040.C.1.a. Plazas and pedestrian areas shall count as floor area for the purposes of meeting the minimum FAR.

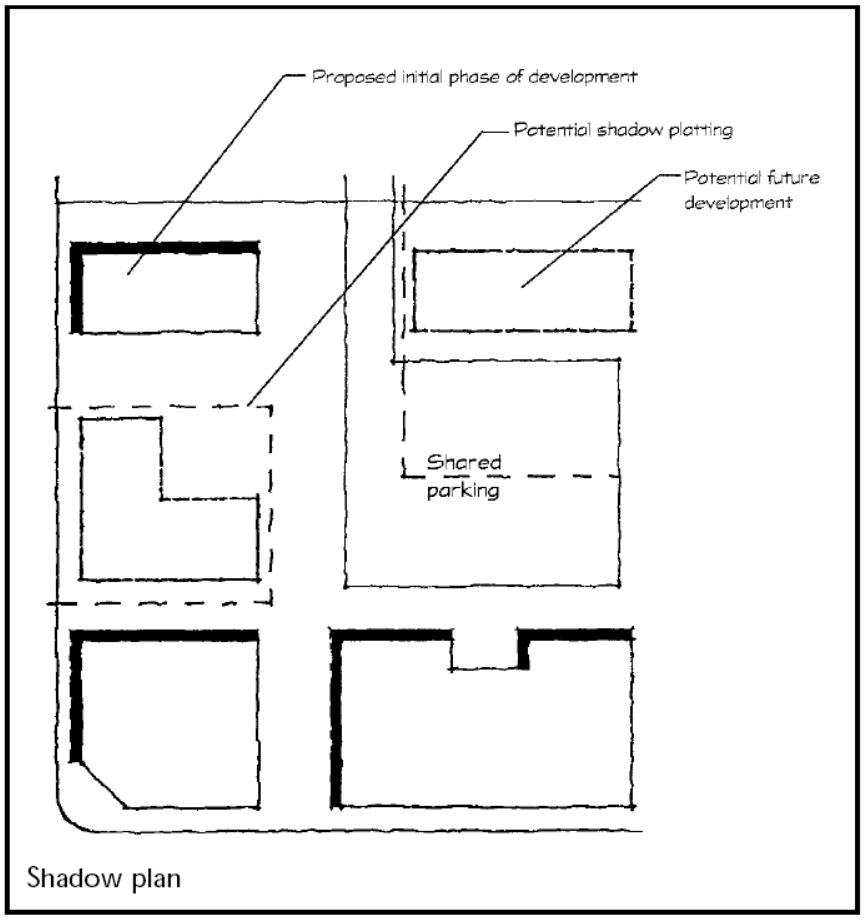


Figure 18.4.2.040.C.1.a
Shadow Plan

b. Building frontages greater than 100 feet in length shall have offsets, jogs, or have other distinctive changes in the building façade.

c. Any wall that is within 30 feet of the street, plaza, or other public **or common** open space shall contain at least 20 percent of the wall area facing the street in display areas, windows, or doorways. Windows must allow view into working areas, lobbies, pedestrian entrances, or displays areas. Blank walls within 30 feet of the street are prohibited. Up to 40 percent of the length of the building perimeter can be exempted for this standard if oriented toward loading or service areas.

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

e. Infill or buildings, adjacent to public sidewalks, in existing parking lots is encouraged and desirable.

f. Buildings shall incorporate arcades, roofs, alcoves, porticoes, and awnings that protect pedestrians from the rain and sun.

2. Streetscape.

a. Hardscape (paving material) shall be utilized to designate “people” areas. Sample materials could be unit masonry, scored and colored concrete, grasscrete, or combinations of the above.

b. A building shall be setback not more than five feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas, or for a required public utility easement. This standard shall apply to both street frontages on corner lots. If more than one structure is proposed for a site, at least 65 percent of the aggregate building frontage shall be within five feet of the sidewalk.

3. Buffering and Screening.

a. Landscape buffers and screening shall be located between incompatible uses on an adjacent lot. Those buffers can consist or either plant material or building materials and must be compatible with proposed buildings.

b. Parking lots shall be buffered from the main street, cross streets, and screened from residentially zoned land.

4. Building Materials.

a. Buildings shall include changes in relief such as cornices, bases, fenestration, and fluted masonry, for at least 15 percent of the exterior wall area.

b. Bright or neon paint colors used extensively to attract attention to the building or use are prohibited. Buildings may not incorporate glass as a majority of the building skin.

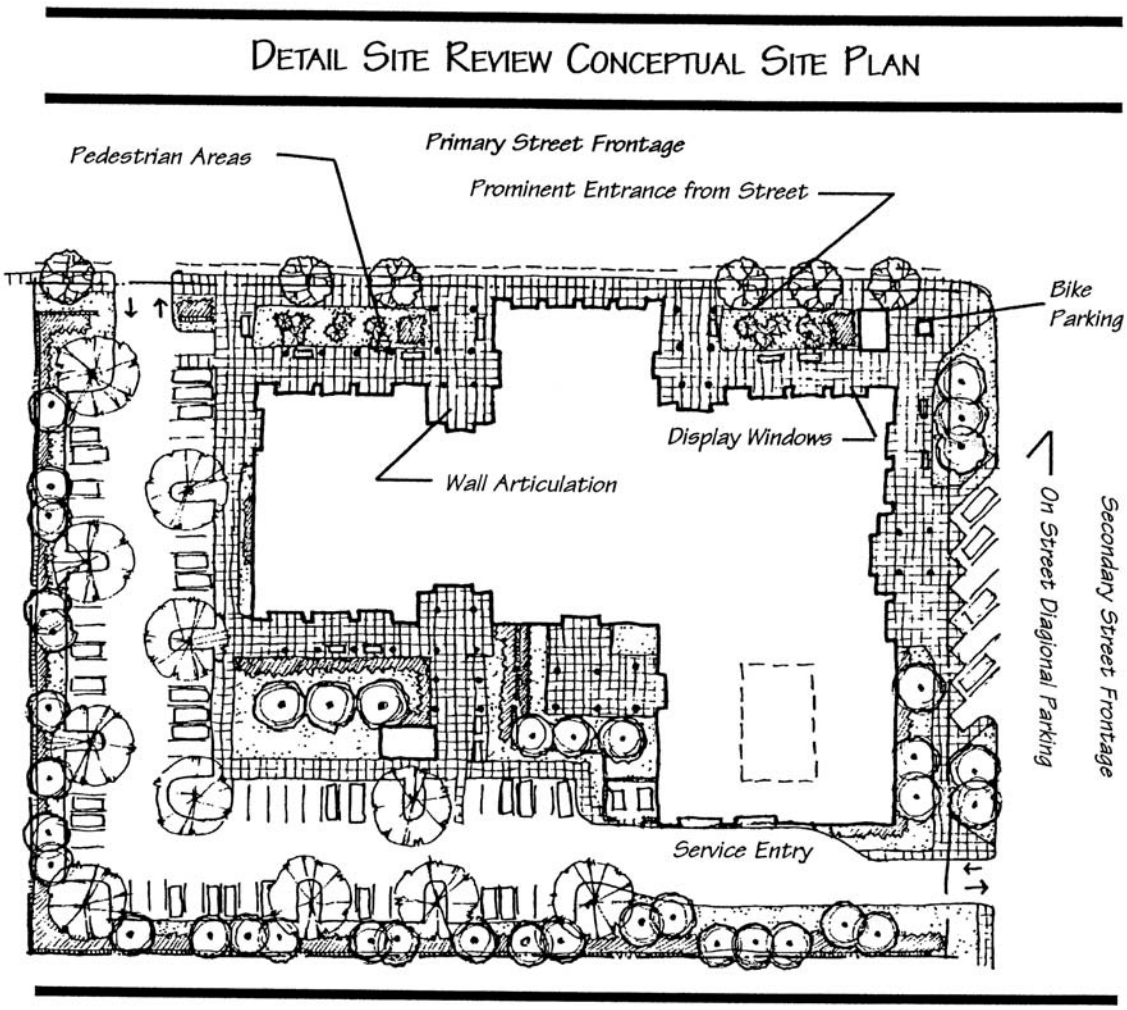


Figure 18.4.2-040.C.1
Detail Site Review Conceptual Site Plan

D. Additional Standards for Large Scale Projects. In the Detail Site Review overlay, developments that are greater than 10,000 square feet in gross floor area or contain more than 100 feet of building frontage shall, in addition to complying with the standards for Basic (18.4.2.040.B) and Detail (18.4.2.040.C) Site Review, above, conform to the following standards. See conceptual elevation of large scale development in Figure 18.4.2.040.D.1 and conceptual site plan of large scale development in Figure 18.4.2.040.D.2.

1. Orientation and Scale.

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

   b. Outside of the Downtown Design Standards overlay, new buildings or expansions of existing buildings in the Detail Site Review overlay shall conform to the following standards.

i. Buildings sharing a common wall or having walls touching at or above grade shall be considered as one building.

ii. Buildings shall not exceed a building footprint area of 45,000 square feet as measured outside of the exterior walls and including all interior courtyards. For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.

iii. Buildings shall not exceed a gross floor area of 45,000 square feet, including all interior floor space, roof top parking, and outdoor retail and storage areas, with the following exception.

Automobile parking areas located within the building footprint and in the basement shall not count toward the total gross floor area. For the purpose of this section, basement means any floor level below the first story in a building. First story shall have the same meaning as provided in the building code.

iv. Buildings shall not exceed a combined contiguous building length of 300 feet.

c. Inside the Downtown Design Standards overlay, new buildings or expansions of existing buildings shall not exceed a building footprint area of 45,000 square feet or a gross floor area of 45,000 square feet, including roof top parking, with the following exception.

Automobile parking areas locate within the building footprint and in the basement shall not count toward the total gross floor area. For the purpose of this section, basement means any floor level below the first story in a building. First story shall have the same meaning as provided in the building code.

2. Public Spaces.

a. One square foot of plaza or public space shall be required for every ten square feet of gross floor area, except for the fourth gross floor area.

b. A plaza or public spaces shall incorporate at least four of the following elements.

i. Sitting Space – at least one sitting space for each 500 square feet shall be included in the plaza. Seating shall be a minimum of 16 inches in height and 30 inches in width. Ledge benches shall have a minimum depth of 30 inches.

ii. A mixture of areas that provide both sunlight and shade.

iii. Protection from wind by screens and buildings.

iv. Trees – provided in proportion to the space at a minimum of one tree per 500 square feet, at least two inches in diameter at breast height.

v. Water features or public art.

vi. Outdoor eating areas or food vendors.

3. Transit Amenities. Transit amenities, bus shelters, pullouts, and designated bike lanes shall be required in accordance with the Ashland Transportation Plan and guidelines established by the Rogue Valley Transportation District.

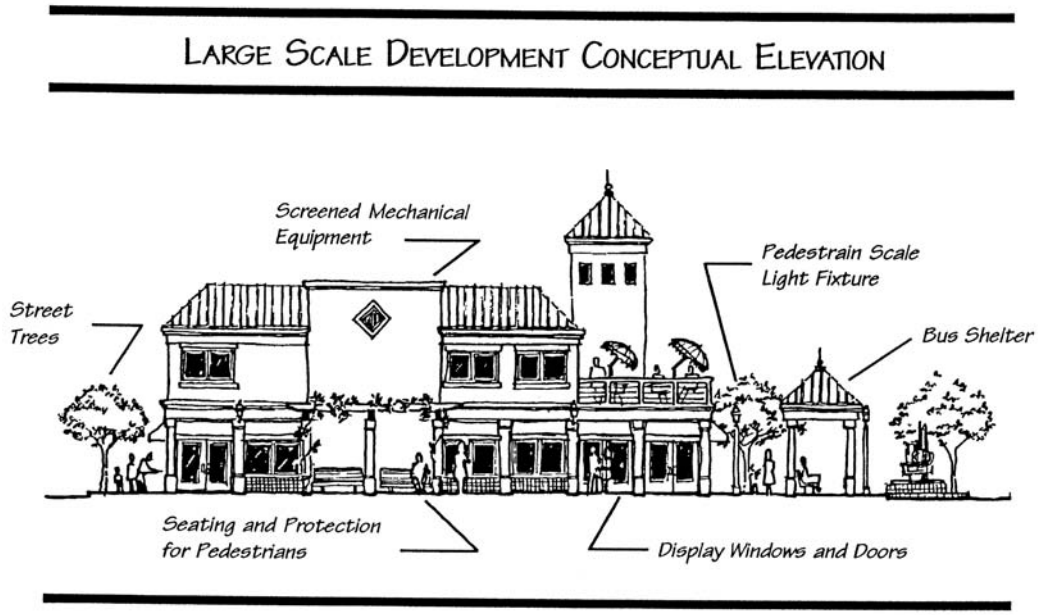


Figure 18.4.2.040.D.1
Large Scale Development Conceptual Elevation

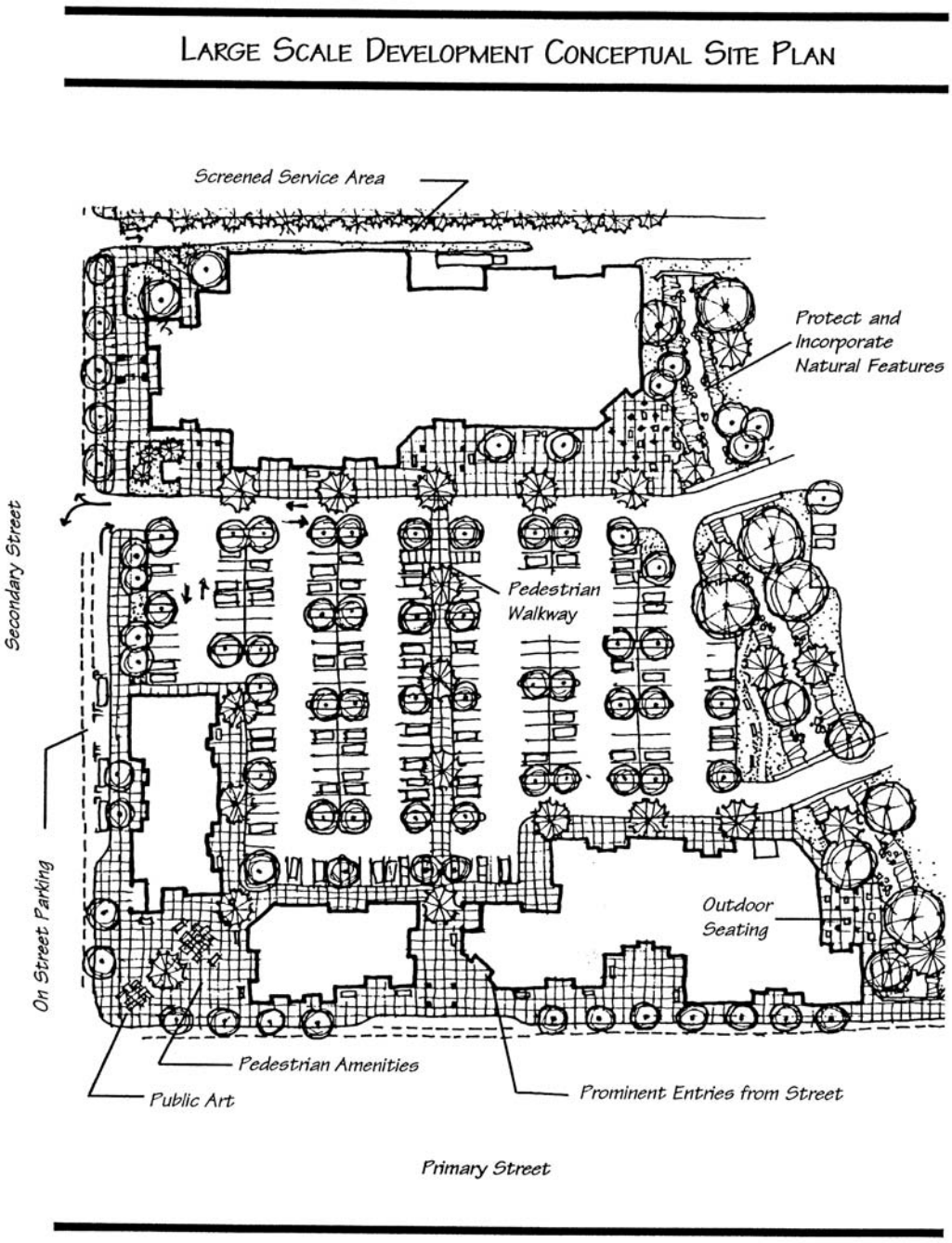


Figure 18.4.2.040.D.2
Large Scale Development Conceptual Site Plan

SECTION 23. Section 18.4.3.040 [Parking Ratios - Parking, Access, and Circulation] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.3.040 Parking Ratios

Except as provided by section 18.4.3.030, the standard ratios required for automobile parking are as follows. See also, accessible parking space requirements in section 18.4.3.050.

Table 18.4.3.040 – Automobile Parking Spaces by Use

Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Residential Categories	
Single-family Dwelling	2 spaces for detached dwelling units and the following attached dwelling units. a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units --1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit.
Accessory Residential Units	a. Units less than 800 sq. ft.– 1 space/unit, except. as exempted in subsection 18.2.3.040.A. b. Units greater than 800 sq. ft. and up to 1,000 sq. ft. – 2.00 spaces/unit.
Multi-family Dwellings	a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units -- 1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit. e. Retirement complexes for seniors 55-years or greater -- One space per unit. f. Transit Triangle (TT) overlay option developments, see chapter 18.3.14.
Cottage Housing	a. Units less than 800 sq. ft. -- 1 space/unit. b. Units greater than 800 sq. ft. and less than 1000 sq. ft. -- 1.5 spaces/unit. c. Units greater than 1000 sq. ft. -- 2.00 spaces/unit. d. Retirement complexes for seniors 55-years or greater -- One space per unit.

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	**Minimum Parking per Land Use** (Based on Gross Floor Area; fractions are rounded to whole number.)
Manufactured Housing	Parking for Manufactured Home on Single-Family Lot is same as Single Family Dwelling; for Manufactured Housing Developments, see sections 18.2.3.170 and 18.2.3.180.
Performance Standards Developments	See chapter 18.3.9.
Commercial Categories	
Auto, boat or trailer sales, retail nurseries and other ~~**open-space**~~ **outdoor retail** uses	1 space per 1,000 sq. ft. of the first 10,000 sq. ft. of gross land area; plus 1 space per 5,000 sq. ft. for the excess over 10,000 sq. ft. of gross land area; and 1 space per 2 employees.
Bowling Alleys	3 spaces per alley, plus 1 space for auxiliary activities set forth in this section.
Chapels and Mortuaries	1 space per 4 fixed seats in the main chapel.
Hotels	1 space per guest room, plus 1 space for the owner or manager; see also, requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities.
Offices	General Office: 1 space per 500 sq. ft. floor area.
	Medical/Dental Office: 1 space per 350 sq. ft. floor area.
Restaurants, Bars, Ice Cream Parlors, Similar Uses	1 space per 4 seats or 1 space per 100 sq. ft. of gross floor area, whichever is less.
Retail Sales and Services	General: 1 space per 350 sq. ft. floor area.
	Furniture and Appliances: 1 space per 750 sq. ft. floor area.
Skating Rinks	1 space per 350 sq. ft. of gross floor area.
Theaters, Auditoriums, Stadiums, Gymnasiums and Similar Uses	1 space per 4 seats.
Travelers' Accommodations	1 space per guest room, plus 2 spaces for the owner or manager.
Industrial Categories	
Industrial, Manufacturing and Production, Warehousing and Freight	1 space per 1,000 sq. ft. of gross floor area, or 1 space for each 2 employees whichever is less, plus 1 space per company vehicle.
Institutional and Public Categories	

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	**Minimum Parking per Land Use** (Based on Gross Floor Area; fractions are rounded to whole number.)
Aircraft Hangar - Ashland Municipal Airport	One space per hangar or one space per four aircraft occupying a hangar, whichever is greater. Parking spaces shall be provided within the hangar or within designated vehicle parking areas identified in the adopted Ashland Municipal Airport Master Plan.
Clubs, Fraternity and Sorority Houses; Rooming and Boarding Houses; Dormitories	2 spaces for each 3 guest rooms; in dormitories, 100 sq. ft. shall be equivalent to a guest room.
Daycare	1 space per two employees; a minimum of 2 spaces is required.
Golf Courses	Regular: 8 spaces per hole, plus additional spaces for auxiliary uses.
	Miniature: 4 spaces per hole.
Hospital	2 space per patient bed.
Nursing and Convalescent Homes	1 space per 3 patient beds.
Public Assembly	1 space per 4 seats
Religious Institutions and Houses of Worship	1 space per 4 seats.
Rest Homes, Homes for the Aged, or Assisted Living	1 space per 2 patient beds or 1 space per apartment unit.
Schools	Elementary and Junior High: 1.5 spaces per classroom, or 1 space per 75 sq. ft. of public assembly area, whichever is greater
	High Schools: 1.5 spaces per classroom, plus 1 space per 10 students the school is designed to accommodate; or the requirements for public assembly area, whichever is greater
	Colleges, Universities and Trade Schools: 1.5 spaces per classroom, plus 1 space per five students the school is designed to accommodate, plus requirements for on-campus student housing.
Other Categories	
Temporary Uses	Parking standards for temporary uses are the same as for primary uses, except that the City decision-making body may reduce or waive certain development and designs standards for temporary uses.

SECTION 24. Section 18.4.3.090 [Pedestrian Access and Circulation - Parking, Access, and Circulation] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.3.090 Pedestrian Access and Circulation

A. Purpose. The purpose of section 18.4.3.090 is to provide for safe, direct, and convenient pedestrian access and circulation.

B. Standards. Development subject to this chapter, except single-family dwellings on individual lots and associated accessory structures, shall conform to the following standards for pedestrian access and circulation.

1. Continuous Walkway System. Extend the walkway system throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent sidewalks, trails, ~~**public**~~ parks, and **common** open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property for this purpose.

2. Safe, Direct, and Convenient. Provide safe, reasonably direct, and convenient walkway connections between primary building entrances and all adjacent streets. For the purposes of this section, the following definitions apply.

   a. “Reasonably direct” means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

   b. “Safe and convenient” means reasonably free from hazards and provides a reasonably direct means of walking between destinations.

   c. "Primary entrance" for a non-residential building means the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

   d. "Primary entrance" for a residential building is the front door (i.e., facing the street). For multifamily buildings and mixed-use buildings where not all dwelling units have an individual exterior entrance, the “primary entrance” may be a lobby, courtyard, or breezeway serving as a common entrance for more than one dwelling.

3. Connections within Development. Walkways within developments shall provide connections meeting all of the following requirements as illustrated in Figures 18.4.3.090.B.3.a and 18.4.3.090.B.3.b

   a. Connect all building entrances to one another to the extent practicable.

   b. Connect on-site parking areas, ~~**recreational facilities**~~**common and public open spaces**, and common areas, and connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections.

   c. Install a protected raised walkway through parking areas of 50 or more spaces, and where pedestrians must traverse more than 150 feet of parking area, as measured as an average width or depth.

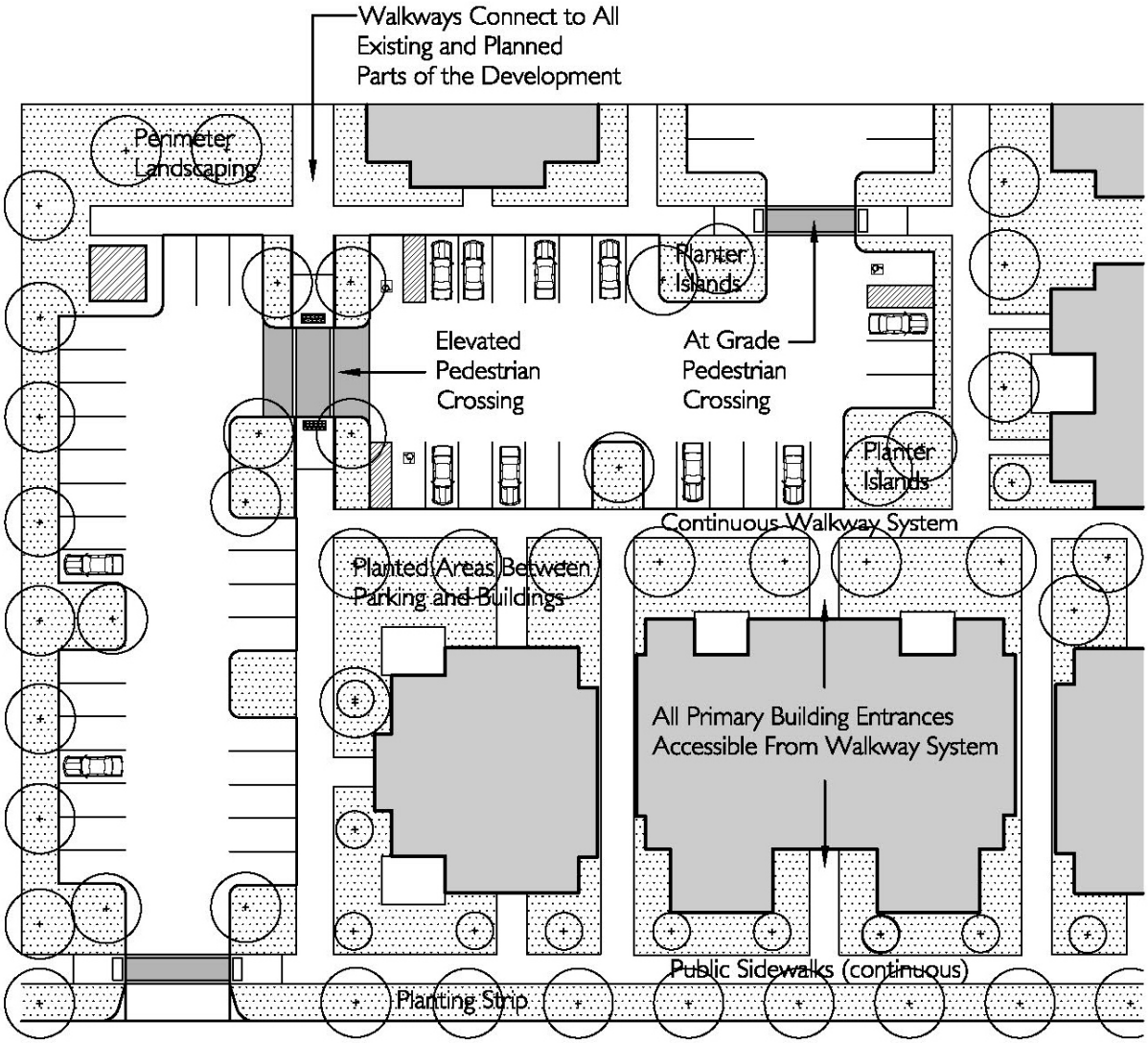


Figure18.4.3.090.B.3.a
Pedestrian Access and Circulation

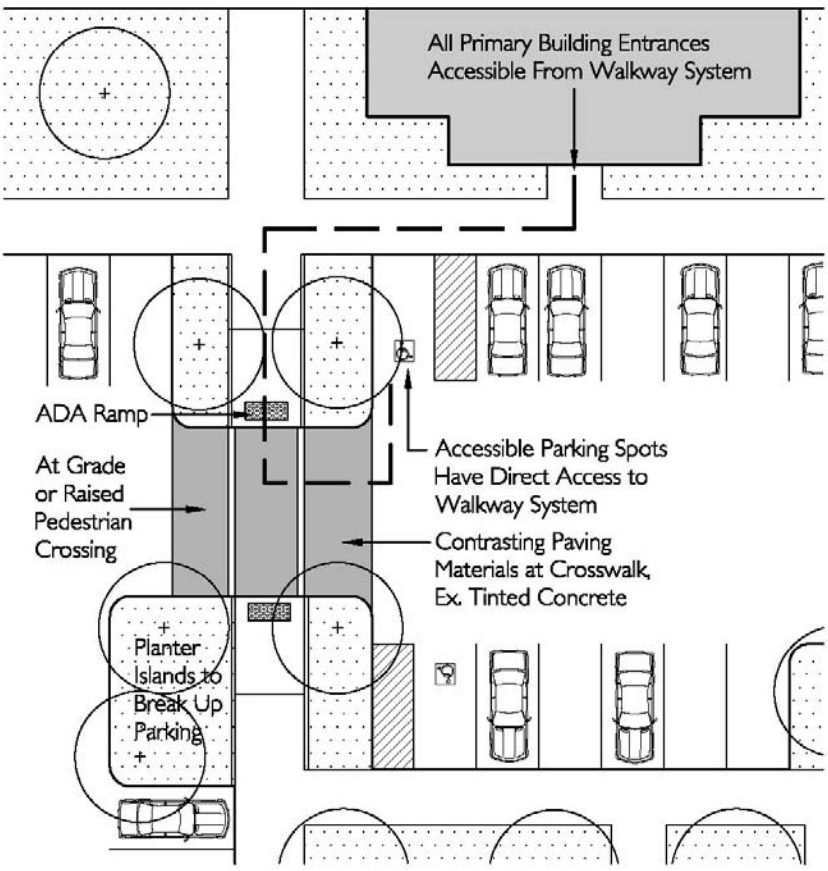


Figure 18.4.3.090.B.3.b
Pedestrian Access and Circulation Detail

4. Walkway Design and Construction. Walkways shall conform to all of the following standards in as illustrated in Figure 18.4.3.090.B.3.a and 18.4.3.090.B.3.b. For transportation improvement requirements, refer to chapter 18.4.6 Public Facilities.

   a. Vehicle/Walkway Separation. Except for crosswalks, where a walkway abuts a driveway or street, it shall be raised six inches and curbed along the edge of the driveway. Alternatively, the approval authority may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is distinguished from vehicle-maneuvering areas. Examples of alternative treatments are mountable curbs, surface treatments such as stamped concrete or reflector bumps, and using a row of decorative metal or concrete bollards to separate a walkway from a driveway.

   b. Crosswalks. Where walkways cross a parking area or driveway, clearly mark crosswalks with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

   c. Walkway Surface and Width. Walkway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, and at least five feet wide. Multi-use

paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, and at least ten feet wide, in accordance with the section 18.4.6.040 Street Design Standards.

d. Accessible routes. Walkways shall comply with applicable Americans with Disabilities Act (ADA) and State of Oregon requirements. The ends of all raised walkways, where the walkway intersects a driveway or street, shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

e. Lighting. Lighting shall comply with section 18.4.4.050.

SECTION 25. Section 18.4.4.030 [Landscaping and Screening - Landscaping, Lighting and Screening] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.4.030 Landscaping and Screening

A. General Landscape Standard. All portions of a lot not otherwise developed with buildings, accessory structures, vehicle maneuvering areas, parking, or other approved hardscapes shall be landscaped pursuant to this chapter.

B. Minimum Landscape Area and Coverage. All lots shall conform to the minimum landscape area standards of the applicable zoning district (see Table 18.2.5.030.A - C for residential zones and Table 18.2.6.030 for non-residential zones). Except as otherwise provided by this chapter, areas proposed to be covered with plant materials shall have plant coverage of not less than 50 percent coverage within one year and 90 percent coverage within five years of planting.

C. Landscape Design and Plant Selection. The landscape design and selection of plants shall be based on all of the following standards.

1. Tree and Shrub Retention. Existing healthy trees and shrubs shall be retained, pursuant to chapter 18.4.5. Consistent with chapter 18.4.5 Tree Preservation and Protection, credit may be granted toward the landscape area requirements where a project proposal includes preserving healthy vegetation that contribute(s) to the landscape design.

2. Plant Selection.

   a. Use a variety of deciduous and evergreen trees, shrubs, and ground covers.

   b. Use plants that are appropriate to the local climate, exposure, and water availability. The presence of utilities and drainage conditions shall also be considered.

   c. *Storm Water Facilities.* Use water-tolerant species where storm water retention/detention or water quality treatment facilities are proposed.

   d. *Crime Prevention and Defensible Space*. Landscape plans shall provide for crime prevention and defensible space, for example, by using low hedges and similar plants allowing natural surveillance of public and semi-public areas, and by using impenetrable hedges in areas where physical access is discouraged.

   e. *Street Trees.* Street trees shall conform to the street tree list approved by the Ashland Tree Commission. See the Ashland Recommended Street Tree Guide.

3. Water Conserving Landscaping. Commercial, industrial, non-residential, and mixed-use developments that are subject to chapter 18.5.2 Site Design Review, shall use plants that are low water use and meet the requirements of 18.4.4.030.I Water Conserving Landscaping.

4. Hillside Lands and Water Resources. Landscape plans for land located in the Hillside Lands overlay must also conform to section 18.3.10.090 Development Standards for Hillside Lands, and in the Water Resources overlay must also conform to section 18.3.11.110 Mitigation Requirements for Water Resource Protection Zones.

5. Screening

   a. Evergreen shrubs shall be used where a sight-obscuring landscape screen is required.

   b. Where a hedge is used as a screen, fire-resistant and drought tolerant evergreen shrubs shall be planted so that not less than 50 percent of the desired screening is achieved within two years and 100 percent is achieved within four years. Living groundcover in the screen strip shall be planted such that 100 percent coverage is achieved within two years.

6. Plant Sizes

   a. Trees shall be not less than two-inch caliper for street trees, and 1.5-inch caliper for other trees at the time of planting.

   b. Shrubs shall be planted from not less than one gallon containers, and where required for screening shall meet the requirements of 18.4.4.030.C.5 Screening.

D. Tree Preservation, Protection, and Removal. See chapter **18.4.5** for Tree Protection and Preservation and chapter **18.5.7** for Tree Removal Permit requirements.

E. Street Trees. The purpose of street trees is to form a deciduous canopy over the street. The same effect is also desired in parking lots and internal circulation streets; rows of street trees should be included in these areas where feasible.

All development fronting on public or private streets shall be required to plant street trees in accordance with the following standards and chosen from the recommended list of street trees.

1. Location of Street Trees. Street trees shall be located in the designated planting strip or street tree wells between the curb and sidewalk, or behind the sidewalk in cases where a planting strip or tree wells are or will not be in place. Street trees shall include irrigation, root barriers, and generally conform to the standards established by the Community Development Department.

2. Spacing and Placement of Street Trees

   All street tree spacing may be made subject to special site conditions that may, for reasons such as safety, affect the decision. Any such proposed special condition shall be subject to the Staff Advisor's review and approval. The placement, spacing, and pruning of street trees shall meet all of the following requirements.

   a. Street trees shall be placed at the rate of one tree for every 30 feet of street frontage.

Trees shall be evenly spaced, with variations to the spacing permitted for specific site limitations, such as driveway approaches.

b. Street trees shall not be planted closer than 25 feet from the curb line of intersections of streets or alleys, and not closer than ten feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.

d. Street trees shall not be planted closer than 20 feet to light standards. Except for public safety, no new light standard location shall be positioned closer than ten feet to any existing street tree, and preferably such locations will be at least 20 feet distant.

e. Street trees shall not be planted closer than 2.5 feet from the face of the curb. Street trees shall not be planted within two feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees, or tree wells, shall be at least 25 square feet; however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Tree wells shall be covered by tree grates in accordance with City specifications.

g. Street trees planted under or near power lines shall be selected so as to not conflict with power lines at maturity.

h. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation, where approved pursuant to section 18.4.6.040 Street Design Standards, may be utilized to save existing street trees, subject to approval by the Staff Advisor.

3. Pruning. Street trees, as they grow, shall be pruned to provide at least eight feet of clearance above sidewalks and 12 feet above street roadway surfaces.

4. Replacement of Street Trees. Existing street trees removed by development projects shall be replaced by the developer with those from the street tree list approved by the Ashland Tree Commission. The replacement trees shall be of size and species similar to the trees that are approved by the Staff Advisor. See the Ashland Recommended Street Tree Guide.

F. Parking Lot Landscaping and Screening. Parking lot landscaping, including areas of vehicle maneuvering, parking, and loading, shall meet the following requirements. Single-family dwellings and accessory residential units are exempt from the requirements of subsection 18.4.4.030.F.2, below.

1. Landscaping.

a. Parking lot landscaping shall consist of a minimum of seven percent of the total parking area plus a ratio of one tree for each seven parking spaces to create a canopy effect.

b. The tree species shall be an appropriate large canopied shade tree and shall be selected from the street tree list approved by the Ashland Tree Commission to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians. See the Ashland Recommended Street Tree Guide.

c. The tree shall be planted in a landscaped area such that the tree bole is at least two

feet from any curb or paved area.

d. The landscaped area shall be distributed throughout the parking area and parking perimeter at the required ratio.

e. That portion of a required landscaped yard, buffer strip, or screening strip abutting parking stalls may be counted toward required parking lot landscaping but only for those stalls abutting landscaping as long as the tree species, living plant material coverage, and placement distribution criteria are also met. Front or exterior yard landscaping may not be substituted for the interior landscaping required for interior parking stalls.

2. Screening.

a. *Screening Abutting Property Lines.* A five foot landscaped strip shall screen parking abutting a property line. Where a buffer between zones is required, the screening shall be incorporated into the required buffer strip, and will not be an additional requirement.

b. *Screening Adjacent to Residential Building.* Where a parking area is adjacent to a residential building it shall be setback at least eight feet from the building, and shall provide a continuous hedge screen.

c. *Screening at Required Yards.*

i. Parking abutting a required landscaped front yard or exterior yard shall incorporate a sight obstructing hedge screen into the required landscaped yard.

ii. The screen shall grow to be at least 36 inches higher than the finished grade of the parking area, except within vision clearance areas, section 18.2.4.050.

iii. The screen height may be achieved by a combination of earth mounding and plant materials.

iv. Elevated parking lots shall screen both the parking and the retaining walls.

G. Other Screening Requirements. Screening is required for refuse and recycle containers, outdoor storage areas, loading and service corridors, mechanical equipment, and the City may require screening other situations, pursuant with the requirements of this ordinance.

1. Recycle and Refuse Container Screen. Recycle and refuse containers or disposal areas shall be screened ~~from view~~ by placement of a solid wood fence or masonry wall five to eight feet in height to limit the view from adjacent properties or public rights-of-way. All recycle and refuse materials shall be contained within the screened area.

2. Outdoor Storage. Outdoor storage areas shall be screened from view, except such screening is not required in the M-1 zone.

3. Loading Facilities and Service Corridors. Commercial and industrial loading facilities and service corridors shall be screened when adjacent to residential zones. Siting and design of such service areas shall reduce the adverse effects of noise, odor, and visual clutter upon adjacent residential uses.

4. Mechanical Equipment. Mechanical equipment shall be screened by placement of features at least equal in height to the equipment to limit view from public rights-of-way,

except alleys, and adjacent residentially zoned property. Mechanical equipment meeting the requirements of this section satisfy the screening requirements in 18.5.2.020.C.4.

a. *Roof-mounted Equipment.* Screening for roof-mounted equipment shall be constructed of materials used in the building's exterior construction and include features such as a parapet, wall, or other sight-blocking features. Roof-mounted solar collection devices are exempt from this requirement pursuant to subsection 18.5.2.020.C.4.

b. *Other Mechanical Equipment.* Screening for other mechanical equipment (e.g., installed at ground level) include features such as a solid wood fence, masonry wall, or hedge screen.

H. Irrigation. Irrigation systems shall be installed to ensure landscape success. If a landscape area is proposed without irrigation, a landscape professional shall certify the area can be maintained and survive without artificial irrigation. Irrigation plans are reviewed through a Ministerial process at the time of building permit submittals.

I. Water Conserving Landscaping. Water has always been a scare, valuable resource in the Western United States. In the Rogue Valley, winter rains give way to a dry season spanning five to seven months. Lack of water during the dry summer season was a major problem facing early settlers. Their creative solutions greatly altered the development of this region. Talent Irrigation District's and other district's reservoirs and many miles of reticulating canals are an engineering marvel.

Ashland's early development centered around Ashland Creek and its year-round water supply flowing from the flanks of Mt. Ashland, a mile in elevation above the town.

As the town grew, the old reservoir at the top of Granite Street and later, Reeder Reservoir were built. They remain as a testament to the town's need for more water than the quantity that flows through the City during the dry season. The reservoir collects the winter rain behind its dams, for use during the dry season. Snowfall adds to this system by slowly melting in the spring and summer, after rainfall has diminished. This recharges the groundwater that continues to flow into Ashland Creek long after the last of the snow pack has melted.

Presently, Reeder reservoir's capacity is just barely sufficient to supply the City's current water demands in a severe drought. With Ashland's semi-arid climate that includes periodic multi-year droughts, a fixed reservoirs size, and growing water demands, it is clear that additional steps to insure a secure a water supply are now necessary.

There are two main ways of insuring a reliable water supply; either increase the supply by finding additional water sources or reduce the demand through water conservation strategies. The traditional supply side solutions are economically and environmentally expensive. Demand side solutions are relatively inexpensive, although they require changes in behavior and usage patterns. One of the main strategies for reducing water use are landscape designs that use less water. Ashland has adopted these guidelines in order to reduce the amount of water wasted by many standard landscaping practices.

The advantages to standards like these are that they avoid the costs of increasing the water supply, and also avoid the draconian measure of mandatory rationing. While standards limit

plant materials, the choices offered by drought tolerant plants give ample opportunity to create beautiful landscapes at no additional cost.

The goal of these guidelines is to decrease water usage while encouraging attractive landscaping. Further, standards are aimed at reducing water and demand when it is most crucial, during the dry late summer months when water reserves are low.

The following standards are intended to conserve water while encouraging attractive landscaping. Further, requirements are aimed at reducing water demand when water is most scarce, during the dry late summer months when water reserves are low.

1. Landscaping Design Standards

   a. *Landscaping Coverage*. Water conserving designs shall have plant coverage of not less than 90 percent with five years of planting, but are not required to meet the standard of 50 percent coverage within one year.

   b. *Plant Selection*. At least 90 percent of plants in the non-turf areas shall be listed as drought tolerant in the Sunset Western Garden book, City's Water-Wise Landscaping website, or be similarly well-suited for this climate of region as determined by the Staff Advisor. Up to ten percent of the plants may be of a non-drought tolerant variety or species as long as they are grouped together and are located in a separate irrigation zone.

   c. *Screening*. Plant screening hedges to attain 50 percent coverage after two years.

   d. *Mulch*. Add a minimum of two inches of mulch in non-turf areas to the soil surface after planting, with the exception of within five (5) feet of a building or deck where bark mulch and other combustible materials are not permitted per the General Fuel Modification Area standards in 18.3.10.100. Neither large nuggets nor fine bark may be used for mulch. Non-porous material shall not be placed under the mulch.

   e. *Turf and Water Areas*. Limit combined **natural** turf or water areas (i.e., pools, ponds, and fountains) to 20 percent of the landscaped areas. ~~**Turf**~~ **These** limitations do not apply to ~~**public**~~ parks, ~~**private**~~ common open space, ~~**required outdoor recreation areas,**~~ golf courses, cemeteries, and school recreation areas.

   f. *Fountains*. Design all fountains to recycle their water.

   g. *Turf Location*. **Natural Tt**urf is restricted to slopes less than ten percent grade.

   h. *Berms and Raised Beds*.

      i. No more than five percent of landscaped area of any lot or project may be berms or raised beds higher than one foot unless there is demonstrated need for sound or safety barrier. If allowed, berms must be no taller than 1/6 of their width.

      ii. All plantings on berms one foot or greater in height must be drought tolerant.

      iii. Only drip irrigation is allowed on berms more than one foot in height.

   i. *Soil Quality.* When new vegetation is planted, soils shall be amended for plant health and water absorption. Add mature compost at a rate of three cubic yards of compost per 1,000 square feet of area to be landscaped, and work soil and amendment(s) to a depth of four to six inches. This requirement may be waived for one or more of the

following circumstances.

a. The area to be landscaped is fenced off to fully protect native soil from disturbance and compaction during construction.

b. Soil tests document an organic content of a least three percent based on a representative core sample taken at a rate of one test per 20,000 square feet, based on a minimum of three core sample per test. Samples shall be taken at least 40 feet apart to a depth of six inches following attainment of rough grade.

c. The area to be landscaped will be used to capture and treat storm water runoff, and is subject to separate design standards.

J. Maintenance. All landscaping shall be maintained in good condition, or otherwise replaced by the property owner; dead plants must be replaced within 180 days of discovery. Replacement planting consistent with an approved plan does not require separate City approval.

SECTION 26. Section 18.4.5.030 [Tree Protection - Tree Preservation and Protection] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.5.030 Tree Protection

A. Tree Protection Plan. A tree protection plan shall be approved by the Staff Advisor concurrent with applications for Type I, Type II, and Type III planning actions. If tree removal is proposed, a Tree Removal Permit pursuant to chapter 18.5.7 may be required.

B. Tree Protection Plan Submission Requirements. In order to obtain approval of a tree protection plan; an applicant shall submit a plan to the City, which clearly depicts all trees to be preserved and/or removed on the site. The plan must be drawn to scale and include the following.

1. Location, species, and diameter of each tree on site and within 15 feet of the site.
2. Location of the drip line of each tree.
3. An inventory of the health and hazard of each tree on site, and recommendations for treatment for each tree.
4. Location of existing and proposed roads, water, sanitary and storm sewer, irrigation, and other utility lines/facilities and easements.
5. Location of dry wells, drain lines and soakage trenches.
6. Location of proposed and existing structures.
7. Grade change or cut and fill during or after construction.
8. Existing and proposed impervious surfaces.
9. Identification of a contact person and/or arborist who will be responsible for implementing and maintaining the approved tree protection plan.
10. Location and type of tree protection measures to be installed per section 18.4.5.030.C.

C. Tree Protection Measures Required.

1. Chain link fencing, a minimum of six feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater, and at the boundary of any **common or public** open space ~~**tracts**~~, riparian areas, or conservation easements that abut the parcel being developed.
2. The fencing shall be flush with the initial undisturbed grade.
3. Approved signs shall be attached to the chain link fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Staff Advisor for the project.
4. No construction activity shall occur within the tree protection zone, including, but not limited to dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles.
5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, concrete or dry wall excess, and construction debris or run-off.
6. No excavation, trenching, grading, root pruning, or other activity shall occur within the tree protection zone unless approved by the Staff Advisor.
7. Except as otherwise determined by the Staff Advisor, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation, or demolition work, and shall be removed only after completion of all construction activity, including landscaping and irrigation installation.

D. Inspection. The applicant shall not proceed with any construction activity, except installation of erosion control measures, until the City has inspected and approved the installation of the required tree protection measures and a building and/or grading permit has been issued by the City.

SECTION 27. Subsection 18.4.6.040.E [Street Design Standards - Public Facilities] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.6.040 Street Design Standards

E. Connectivity Standards. New and reconstructed streets, alleys, and pathways shall conform to the following connectivity standards, and the Street Dedication Map.

1. Interconnection. Streets shall be interconnected to reduce travel distance, promote the use of alternative modes, provide for efficient provision of utilities and emergency services, and provide multiple travel routes. In certain situations where the physical features of the land create severe constraints, or natural features should be preserved, exceptions may be made. Such conditions may include, but are not limited to, topography, wetlands, mature trees, creeks, drainages, and rock outcroppings. See also, subsection 18.4.6.040.I Hillside Streets and Natural Areas.

2. Connectivity to Abutting Lands. Design streets to connect to existing, proposed, and planned streets adjacent to the development, unless prevented by environmental or topographical constraints or existing development patterns. Where the locations of planned streets are shown on the Street Dedication Map, the development shall implement the street(s) shown on the plan pursuant to chapter 18.4.6. Wherever a proposed development abuts vacant, redevelopable, or a future development phase, provide street stubs to allow access to logically extend the street system into the surrounding area. Provide turnarounds at street ends constructed to Uniform Fire Code standards, as the City deems applicable. Design street ends to facilitate future extension in terms of grading, width, and temporary barricades.
3. Efficient Land Use. Street layout shall permit and encourage efficient lot layout and attainment of planned densities.
4. Integration With Major Streets. Integrate neighborhood circulation systems and land development patterns with boulevards and avenues, which are designed to accommodate heavier traffic volumes. Locate and design streets to intersect as nearly as possible to a right angle.
5. Alleys. The use of the alley is recommended, where possible. Alleys can contribute positively to the form of the street and have many advantages including: alleys allow more positive streetscapes with front yards used for landscaping rather than for front yard driveways; alleys can create a positive neighborhood space where the sidewalk feels more safe and inviting for pedestrians, neighbors socializing, and children playing; when the garage is located in rear yards off the alley, interesting opportunities arise for creating inviting exterior rooms using the garage as a privacy wall and divider of space; alleys enhance the grid street network and provides midblock connections for non-motorists; alleys provide rear yard access and delivery; and provide alternative utility locations and service areas
6. Preserving Natural Features. Locate and design streets to preserve natural features to the greatest extent feasible. Whenever possible, street alignments shall follow natural contours and features so that visual and physical access to the natural feature is provided. Situate streets between natural features, such as creeks, mature trees, drainages, **common or public** open spaces, and individual parcels in order to appropriately incorporate such significant neighborhood features. The City may approve adjustments to the street design standards in order to preserve natural features, per 18.4.6.040.I Hillside Streets and Natural Areas.
7. Physical Site Constraints. In certain situations where the physical features of the land create severe constraints adjustments may be made. Such conditions may include, but are not limited to, topography, wetlands, mature trees, creeks, drainages, and rock outcroppings. See 18.4.6.040.I Hillside Streets and Natural Areas.
8. Off-Street Connections. Connect off-street pathways to the street network and use to provide pedestrian and bicycle access in situations where a street is not feasible. In cases where a street is feasible, off-street pathways shall not be permitted in lieu of a traditional street with sidewalks. However, off-street pathways are permitted in addition to traditional streets with sidewalks in any situation.

9. Walkable Neighborhoods. Size neighborhoods in walkable increments, with block lengths meeting the following requirements.

   a. The layout of streets shall not create excessive travel lengths. Block lengths shall be a maximum of 300 to 400 feet and block perimeters shall be a maximum of 1,200 to 1,600 feet.

   b. An exception to the block length standard may be permitted when one or more of the following conditions exist.

      i. Physical conditions that preclude development of a public street. In certain situations where the physical features of the land create severe constraints, or natural features should be preserved, exceptions may be made. Such conditions may include, but are not limited to, topography, wetlands, mature trees, creeks, drainages, and rock outcroppings. See 18.4.6.040.I Hillside Streets and Natural Areas.

      ii. Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, preclude a connection now or in the future considering the potential for redevelopment.

      iii. Where an existing public street or streets terminating at the boundary of the development site have a block length exceeding 600 feet, or are situated such that the extension of the street(s) into the development site would create a block length exceeding 600 feet. In such cases, the block length shall be as close to 600 feet as practical.

   c. When block lengths exceed 400 feet, use the following measures to provide connections and route options for short trips.

      i. Where extreme conditions preclude street connections, continuous nonautomotive connection shall be provided with a multi-use path. Off-street pathways shall not be used in lieu of a traditional street with sidewalks in cases where extreme conditions do not exist.

      ii. Introduce a pocket park, or plaza area with the street diverted around it.

      iii. At the mid-block point, create a short median with trees or use other traffic calming devices to slow traffic, break up street lengths, and provide pedestrian refuge.

10. Traffic Calming. Traffic calming features, such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian refuges, speed table, and or special paving may be required to slow traffic in areas with high pedestrian traffic.

SECTION 28. Subsection 18.4.6.040.G.7 [Street Design Standards - Public Facilities] of the Ashland Land Use Ordinance is hereby amended to read as follows:

G. Standards Illustrated. New and reconstructed streets, alleys and pathways shall conform

to the following design standards, as summarized in Table 18.4.6.040.F.

7. Multi-use Path

Multi-use paths are off-street facilities used primarily for walking and bicycling. These paths can be relatively short connections between neighborhoods, or longer paths adjacent to rivers, creeks, railroad tracks, and **parks and common** open space. See Figure 18.4.6.040.G.7.

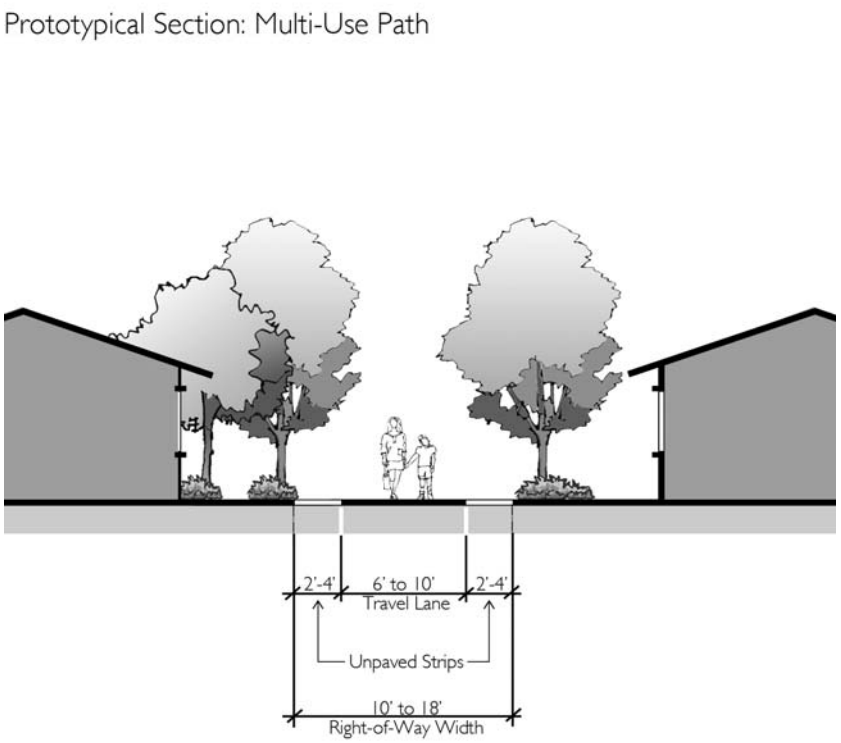


Figure 18.4.6.040.G.7
Multi-Use Path

Street Function	Provide short connections for pedestrians and bicyclists between destinations, and longer paths in situations where a similar route is not provided on the street network.
Connectivity	Enhances route options and shorten distances traveled for pedestrians and bicyclists.
Right-of-Way Width	10 ft – 18 ft
Improvement Width	6 ft – 10 ft paved with 2 ft – 4 ft gravel or planted strips on both sides

Curb and Gutter not required

SECTION 29. Subsection 18.4.6.040.I [Street Design Standards - Public Facilities] of the Ashland Land Use Ordinance is hereby amended to read as follows:

I. Hillside Streets and Natural Areas. Streets constructed in hillside lands or natural resource areas (e.g., creeks, rock outcroppings, drainages, wetlands) should minimize negative impacts and use minimal cut and fill slopes. Generally, the range of street types provided in 18.4.6.040.G make it possible to construct or improve streets in accordance with the design standards. However, street design may be adjusted in hillside lands and natural resource areas using the Exceptions to Street Standards process in 18.4.6.020.B.1. In addition to the approval criteria for an Exception to Street Standards, the following standards must be met.

1. Approval of Streets in Hillside Lands and Natural Areas. Approval of a street in a hillside lands or natural areas shall conform to chapter 18.3.10, Physical and Environmental Constraints, and the following provisions.

   a. *Clear Travel Lane*. New streets shall provide a 20-foot clear travel lane area in areas designated Hillside Lands.

   b. *On-Street Parking*. Ample on-street or bay parking shall be provided at the foot of steep hills, especially those prone to snow or ice buildup.

   c. Streets shall be located in a manner that preserves natural features to the greatest extent feasible.

   e. Whenever possible, street alignments shall follow natural contours and features so that visual and physical access to the natural feature is possible.

   f. Streets shall be situated between natural features, such as creeks, mature trees, drainages, **common or public** open spaces, and individual parcels in order to appropriately incorporate such significant neighborhood features.

2. Dead End Streets. Dead-end streets may be permitted in areas where topography, wetland, creeks, or other physical features preclude street connections. Only neighborhood streets may be dead end roads. No dead end street shall exceed 500 feet in length, not including the turnaround.

SECTION 30 Section 18.5.2.040 [Application Submission Requirements - Site Design Review] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.5.2.040 Application Submission Requirements

The following information is required for Site Design Review application submittal, except where the Staff Advisor determines that some information is not pertinent and therefore is not required.

A. General Submission Requirements. Information required for Type I or Type II review, as applicable (see sections 18.5.1.050 and 18.5.1.060), including but not limited to a written

statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.

B. Site Design Review Information. In addition to the general information required for Site Design Review, the applicant shall provide the following information.

1. Basic Plan Information. Plans and drawings shall include the project name, date, north arrow, scale, and names and addresses of all persons listed as owners of the subject property on the most recently recorded deed. The scale of site and landscaping plans shall be at least one inch equals 50 feet or larger, and of building elevations one inch equals ten feet or larger.
2. Site Analysis Map. The site analysis map shall contain the following information.
    a. Vicinity map.
    b. The property boundaries, dimensions, and area of the site shall be identified.
    c. Topographic contour lines at 5-foot intervals or less, except where the Staff Advisor determines that larger intervals will be adequate for steeper slopes.
    e. Zone designation of the and adjacent to the proposed development, including lands subject to overlay zones including but not limited to lands subject to Detail Site Review, Downtown Design Standards, Historic District, Pedestrian Place, Physical and Environmental Constraints, and Water Resource Protection Zones overlays (see part 18.3 Special Districts and Overlays).
    f. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site.
    g. The location and size of all public and private utilities, on and adjacent to the subject site, including:
        i. Water lines;
        ii. Sewer lines, manholes and cleanouts;
        iii. Storm drainage and catch basins; and
        iv. Fire hydrants.
    h. Site features, including existing structures, pavement, drainage ways, rock outcroppings, areas having unique views, and streams, wetlands, drainage ways, canals and ditches.
    i. The location, size, and species of trees six inches DBH or greater, including trees located on the subject site and trees located off-site that have drip lines extending into the subject site.
3. Proposed Site Plan. The site plan shall contain the following information.
    a. The proposed development site, including boundaries, dimensions, and gross area.
    b. Features identified on the existing site analysis maps that are proposed to remain on the site.
    c. Features identified on the existing site map, if any, which are proposed to be

removed or modified by the development.

d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements.

e. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements, including:

i. Connection to the City water system and meter locations;

ii. Connection to the City sewer system;

iii. Connection to the City electric utility system and meter locations;

iv. New and/or replaced fire hydrants and vault locations;

v. The proposed method of drainage of the site; and

vi. The opportunity-to-recycle site and solid waste receptacle, including proposed screening.

f. Location of drainage ways and public utility easements in and adjacent to the proposed development.

g. Setback dimensions for all existing and proposed structures.

h. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access.

i. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls), including accessible parking by building code.

j. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails.

k. ~~**Outdoor recreation**~~**Common open** spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.

l. Location of outdoor lighting.

m. Location of mail boxes, if known.

n. Locations of bus stops and other public or private transportation facilities.

o. Locations, sizes, and types of signs.

4. Architectural drawings. Architectural drawings, as applicable.

a. Exterior elevations of all proposed buildings, drawn to a scale of one inch equals ten feet or greater; such plans shall indicate the material, color, texture, shape, and design features of the building, and include mechanical devices not fully enclosed in the building.

b. Exterior elevations of other proposed structures, including fences, retaining walls, accessory buildings, and similar structures.

c. The elevations and locations of all proposed signs for the development.

d. For non-residential developments proposed on properties located in a Historic

District, section drawings including exterior walls, windows, projections, and other features, as applicable, and drawings of architectural details (e.g., column width, cornice and base, relief and projection, etc.) drawn to a scale ¾ of an inch equals one foot or larger.

5. Preliminary Grading and Drainage Plan. A preliminary grading and drainage plan prepared by an engineer shall be submitted with the application for Site Design Review where a development site is ½ of an acre or larger as deemed necessary by the Staff Advisor. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed, and temporary and permanent erosion control measures. Surface water detention and treatment plans may also be required, in accordance with chapter 18.4.6 Public Facilities.

6. Erosion Control Plan. An erosion control plan addressing temporary and permanent erosion control measures, which shall include plantings where cuts or fills (including berms), swales, storm water detention facilities, and similar grading is proposed. Erosion control plans in Hillside Lands shall also conform to section 18.3.10.090 Development Standards for Hillside Lands.

7. Landscape and Irrigation Plans.

   a. Landscape and irrigations plans shall include the following information.

      i. The location, size, and species of the existing and proposed plant materials, and any other pertinent features of the proposed landscaping and plantings.

      ii. A tree protection and removal plan consistent with chapter 18.4.5 for sites with trees that are to be retained, protected, and removed.

      iii. At time of building permit submittals, an irrigation plan including a layout of irrigation facilities.

   b. When water conserving landscaping is required pursuant to section 18.4.4.030, the landscape plan shall contain the following additional information.

      i. Information from proposed site plan.

      ii. Landscape contact person, including address and telephone number.

      iii. Identification of cut and fill areas.

      iv. Location of underground utilities and all transformer and utility meter locations.

      v. Slopes exceeding ten percent and grade changes in root zones of plants to be retained on site.

      vi. Inventory of existing plant materials on site identifying that will remain and will be removed.

      vii. Composite plant list including quantity, size, botanical name, common name, variety, and spacing requirements of all proposed plant material.

      viii. Mulch areas labeled according to material and depth.

ix. Shrub and tree planting and staking detail.

x. Root barrier design, installation specifications, and details.

xii. Design and installation specifications of any proposed tree grates.

c. When water conserving landscaping is required pursuant to section 18.4.4.030, the irrigation plan included with the building permit submittals shall contain the following additional information.

i. Information from proposed site plan.

ii. Irrigation contact person, including address and telephone number.

iii. For lots with a landscaped area greater than 5,000 square feet, a grading plan and topographic map showing contour intervals of five feet or less.

iv. Identification of water source and point of connection including static and operating pressure.

v. If Talent Irrigation District (TID) is used, list the size and type of filtration method.

vi. Area of irrigated space in square feet.

vii. Size, type, brand, and location of backflow device, as well as make, model, precipitation rate, and location of sprinkler heads.

viii. Layout of drip system showing type of emitter and its outputs, as well as type of filtration used.

ix. Piping description including size schedule or class, type of mounting used between piping and sprinkler heard, depth of proposed trenching, and provisions for winterization.

x. Size, type, brand, and location of control valves ad sprinkler controllers.

xi. Size, type, depth, and location of materials for under paving sleeves.

xii. Type and location of pressure regulator.

xiii. Type and location of rain sensor.

xiv. Monthly irrigation schedule for the plant establishment period (6 – 12 months) and for the first year thereafter.

xv. Water schedule for each zone from the plan.

8. Narrative**.** Letter or narrative report documenting compliance with the applicable approval criteria contained in section 18.5.2.050. Specifically, the narrative shall contain the following.

a. For commercial and industrial developments:

i. The square footage contained in the area proposed to be developed.

ii. The percentage of the lot covered by structures.

iii. The percentage of the lot covered by other impervious surfaces.

iv. The total number of parking spaces.

v. The total square footage of all landscaped areas.

b. For residential developments:

i. The total square footage in the development.

ii. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, e.g., ten one-bedroom, 25 two-bedroom, etc).

iii. Percentage of lot coverage by structures; streets, roads, or drives; public use areas, common ~~area/private recreation~~ and private open space ~~areas~~, landscaping, and parking areas.

SECTION 31. Section 18.5.3.020 [Applicability and General Requirements - Land Divisions and Property Line Adjustments] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.5.3.020 Applicability and General Requirements

A. Applicability. The requirements for partitions and subdivisions apply, as follows.

1. Subdivisions are the creation of four or more lots from one parent lot, parcel, or tract, within one calendar year.
2. Partitions are the creation of three or fewer lots from one parent lot, parcel, or tract, each having frontage on a public street, within one calendar year. (Note: Partitions of three lots with access via a private drive are allowed under chapter 18.3.9 Performance Standards Option.)
3. Property line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots.
4. For properties located in the Performance Standards Overlay, all land divisions, other than partitions and development of individual dwelling units, shall be processed under chapter 18.3.9 Performance Standards Option. Properties not located in the Performance Standards Overlay but meeting the requirements of section 18.3.9.030, may be processed under chapter 18.3.9 Performance Standards Option. Except as modified by chapter 18.3.9, the provisions of chapter 18.5.3 apply to development applications processed under the Performance Standards Option.

B. Land Survey. Before any action is taken pursuant to this ordinance that would cause adjustments or realignment of property lines, required yard areas, or setbacks, the exact lot lines shall be validated by location of official survey pins or by a survey performed by a licensed surveyor.

C. Subdivision and Partition Approval Through Two-Step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation.

1. The preliminary plat must be approved before the final plat can be submitted for review.
2. The final plat must demonstrate compliance with all conditions of approval of the

preliminary plat.

D. Compliance With Oregon Revised Statutes (ORS) chapter 92. All subdivision and partitions shall conform to state regulations in Oregon Revised Statute (ORS) chapter 92, Subdivisions and Partitions.

E. Future Re-Division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the lots shall be of such size, shape, and orientation as to facilitate future re-division and extension of streets and utilities. The approval authority may require a development plan indicating how further division of oversized lots and extension of planned public facilities to adjacent parcels can occur in the future. If the Planning Commission determines that an area or tract of land has been or is in the process of being divided into four or more lots, the Commission can require full compliance with all subdivision regulations.

F. Minor Amendments. The following minor amendments to subdivisions and partitions are subject to Ministerial review in Chapter 18.5.1.040. Changes to an approved plan or condition of approval that do not meet the thresholds for a minor amendment, below, are subject to Chapter 18.5.6 Modifications to Approved Planning Actions.

1. A change that does increase the number of lots or parcels created by the subdivision.
2. A change that does not enlarge the boundaries of subdivided or partitioned area.
3. A change that does not alter the general location or amount of land devoted to a specific land use.
4. A changes that makes only minor shifting of the established lines, location, or size of buildings or building envelopes, proposed public or private streets, pedestrian ways, utility easement, or parks and ~~**other**~~ **common** ~~**public**~~ open spaces.

SECTION 32. Section 18.5.3.030 [Preliminary Plat Approval Process - Land Divisions and Property Line Adjustments] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.5.3.030 Preliminary Plat Approval Process

A. Review of Preliminary Plat.

1. Partitions. Preliminary plats for partitions, including flag lot partitions, are reviewed through the Type I procedure under section 18.5.1.050.
2. Subdivisions. Preliminary plats for subdivisions are subject to the approval criteria in section 18.5.3.050 and are reviewed through the Type II procedure, pursuant to chapter 18.5.1.060.

B. Modifications. The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in chapter 18.5.6 Modifications to Approved Planning Actions. See also, subsection 18.5.3.020.G Minor Amendments.

C. Phased Subdivision. The Planning Commission may approve plans for phasing a subdivision, and changes to approved phasing plans, provided applicant's proposal meets all of the following criteria.

1. The proposed phasing schedule shall be reviewed with the preliminary subdivision plat application.
2. Commission approval is required for modifications to phasing plans.
3. The required improvements (i.e., utilities, streets) for the first subdivision phase shall be installed or bonded for within 18 months of the approval of the preliminary plat, except when an extension of the preliminary plat is granted pursuant to section 18.1.6.040.
4. Public facilities and ~~**private**~~**common** open spaces shall be constructed in conjunction with or prior to each phase.
5. The final plat for the first phase shall be approved within 18 months of the approval of the preliminary plat, except when extension of the preliminary plat is granted pursuant to section 18.1.6.040.

SECTION 33. Section 18.5.3.040 [Preliminary Plat Submission - Land Divisions and Property Line Adjustments] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.5.3.040 Preliminary Plat Submissions

Applications for Preliminary Plat approval shall contain all of the following information.

A. General Submission Requirements.

1. Partitions. Information required for a Type I review (see section 18.5.1.050), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.
2. Subdivisions. Information required for a Type II review, (see section 18.5.1.060), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.

B. Preliminary Plat Information. In addition to the general information described in subsection A, above, and any information required pursuant to chapter 18.3.9 Performance Standards Option, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information, in quantities determined by Staff Advisor.

1. General information
   a. Name of subdivision (partitions are named by year and file number). This name shall not duplicate the name of another land division in the City or vicinity.
   b. Date, north arrow, and scale of drawing.
   c. Location of the development sufficient to define its location in the City, boundaries.
   d. Zoning of parcel to be divided, including any overlay zones.

e. A title block specifying “minor or major partition” and including the partition number, City of Ashland, the names, addresses, and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey.

f. Identification of the drawing as a “preliminary plat”.

2. Existing Conditions. Except where the Staff Advisor deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on existing conditions of the site.

a. *Streets*. Location, name, and present width of all streets, alleys, and rights-of-way on and abutting the site.

b. *Easements.* Width, location, and purpose of all existing easements of record on and abutting the site;

c. *Utilities.* Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;

d. *Topography and Natural Features*. A topographic map showing contour intervals of five feet or less and the location of any physical constrained lands, pursuant to chapter 18.3.10, and any natural features, such as rock outcroppings, wetlands, streams, wooded areas, and isolated preservable trees.

e. The Base Flood Elevation, Floodplain Corridor Elevation, and Floodplain Boundary, per the Ashland Floodplain Corridor Maps, as applicable.

f. North arrow and scale.

3. Proposed Development. Except where the Staff Advisor deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on the proposed development.

a. Proposed lots, streets, tracts, **common** open space, and park land (if any); location, names, right-of-way dimensions.

b. Location, width, and purpose of all proposed easements;

c. Approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and private tracts (e.g., ~~**private**~~**common** open space, common area, or street).

d. Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as **common** open space ~~**for the purpose of surface water management, recreation, or other use**~~.

e. Proposed public street improvements, pursuant to chapter 18.4.6.

f. Preliminary design for extending City water and sewer service to each lot, pursuant to chapter 18.4.6.

g. Proposed method of storm water drainage and treatment, if required, pursuant to chapter 18.4.6.

h. The approximate location and identity of other facilities, including the locations of electric, fire hydrants, streetlights, and utilities, as applicable.

i. Evidence of compliance with applicable overlay zones.

SECTION 34. Section 18.5.7.020 [Applicability and Review Procedure - Tree Removal Permits] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.5.7.020 Applicability and Review Procedure

All tree removal and topping activities shall be carried out in accordance with the requirements of this chapter and as applicable, the provisions of part 18.3 Special Districts and Overlay Zones, and chapter 18.4.4 Landscaping, Lighting, and Screening.

If tree removal is part of another planning action involving development activities, the tree removal application, if timely filed, shall be processed concurrently with the other planning action. Applications for Tree Removal Permits are reviewed as follows.

A. Ministerial Action. The following Tree Removal Permits are subject to the Ministerial procedure in section 18.5.1.040.

1. Emergency Tree Removal Permit.

B. Type I Reviews. The following Tree Removal Permits are subject to the Type I review in section 18.5.1.050. This section applies to removal of trees that are a hazard or are not a hazard.

1. Removal of trees greater than six-inches DBH on private lands zoned C-I, E-I, M-I, CM, or HC.
2. Removal of trees greater than six-inches DBH on lots zoned R-2, R-3, and R-1-3.5 that are not occupied solely by a single family detached dwelling.
3. Removal of significant trees, as defined in part 18.6, on vacant property zoned for residential purposes including but not limited to R-I, RR, WR, and NM zones.
4. Removal of significant trees as defined in part 18.6, on lands zoned SOU, on lands under the control of the Ashland School District, or on lands under the control of the City.
5. Tree Topping Permit.

C. Exempt From Tree Removal Permit. The following activities are exempt from the requirement for a tree removal permit in 18.5.7.020.A, subsections A. and B, above.

1. Those activities associated with the establishment or alteration of any ~~**public**~~ park under the Ashland Parks and Recreation Commission. However, the Parks and Recreation Department shall provide an annual plan in January to the Tree Commission outlining proposed tree removal and topping activities, and reporting on tree removal and topping activities that were carried out in the previous year.
2. Removal of trees in single family residential zones on lots occupied only by a single family detached dwelling and associated accessory structures where the property is less than twice the minimum lot size or otherwise ineligible to be partitioned or subdivided,

except as otherwise regulated by chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.

3. Removal of trees in multi-family residential and health care zones on lots occupied only by a single family detached dwelling and associated accessory structures where the property cannot be further developed with additional dwelling units other than an accessory residential unit, except as otherwise regulated by chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.
4. Removal of trees less than six-inches DBH in any zone, excluding those trees located within the public right of way or required as conditions of approval with landscape improvements for planning actions.
5. Removal of trees less than 18 caliper inches in diameter at breast height (DBH) on any public school lands, Southern Oregon University, and other public land, excluding Heritage trees.
6. Removal of trees within the Wildfire Lands area of the City, as defined on adopted maps, for the purposes of wildfire fuel management, consistent with the fuel modification area standards in 18.3.10.100, and in accord with the requirements of chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.
7. Removal of dead trees.
8. Those activities associated with tree trimming for safety reasons, as mandated by the Oregon Public Utilities Commission, by the City's Electric and Telecommunication Utility. However, the Utility shall provide an annual plan to the Tree Commission outlining tree trimming activities and reporting on tree trimming activities that were carried out in the previous year. Tree trimming shall be done, at a minimum, by a Journeyman Tree Trimmer, as defined by the Utility, and will be done in conformance and to comply with OPUC regulations.
9. Removal of street trees within the public right-of-way subject to street tree removal permits in AMC 13.16.
10. Those activities associated with tree trimming or removal at the Airport, within the Airport (A) overlay zone for safety reasons, as mandated by the Federal Aviation Administration. The Public Works Department shall provide an annual report to the Tree Commission outlining tree trimming activities and reporting on tree trimming activities that were carried out in the previous year.

D. Other Requirements.

1. Flood Plain, Hillsides, and Wildfire. Tree removal in the Physical and Environmental Constraints Overlay (i.e., areas identified as Flood Plain Corridor Land, Hillside Lands, Wildfire Lands and Severe Constraint Lands) must also comply with the provisions of chapter 18.3.10 Physical and Environmental Constrains Overlay.
2. Water Resources. Tree removal in regulated riparian areas and wetlands must also comply with the provisions of chapter 18.3.11 Water Resources Protection Zones.

SECTION 35. Section 18.5.7.050 [Mitigation Required - Tree Removal Permits] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.5.7.050 Mitigation Required

One or more of the following shall satisfy the mitigation requirement.

A. Replanting On-Site. The applicant shall plant either a minimum 1 ½-inch caliper healthy and well-branched deciduous tree or a five to six-foot tall evergreen tree for each tree removed. The replanted tree shall be of a species that will eventually equal or exceed the removed tree in size if appropriate for the new location. Larger trees may be required where the mitigation is intended, in part, to replace a visual screen between land uses. Suitable species means the tree' s growth habits and environmental requirements are conducive to the site, given existing topography, soils, other vegetation, exposure to wind and sun, nearby structures, overhead wires, etc. The tree shall be planted and maintained per the specifications of the Recommended Street Tree Guide.

B. Replanting Off-Site. If in the City's determination there is insufficient available space on the subject property, the replanting required in section 18.5.7.050.A, above, shall occur on other property in the applicant's ownership or control within the City, in a~~n~~ **common** open space tract that is part of the same subdivision, or in a City owned or dedicated **public** open space or park. Such mitigation planting is subject to the approval of the authorized property owners. If planting on City owned or dedicated property, the City may specify the species and size of the tree. Nothing in this section shall be construed as an obligation of the City to allow trees to be planted on City owned or dedicated property.

C. Payment In-Lieu of Planting. If in the City's determination no feasible alternative exists to plant the required mitigation, the applicant shall pay into the tree account an amount as established by resolution of the City Council.

D. Mitigation Plan. An approved mitigation plan shall be fully implemented within one year of a tree being removed unless otherwise set forth in a tree removal application and approved in the tree removal permits.

SECTION 36. Section 18.5.7.090 [Enforcement and Penalties - Tree Removal Permits] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.5.7.090 Enforcement and Penalties

In addition to taking enforcement action and assessing penalties for violations of this code, as authorized by chapter 18.1.6 Zoning Permit Expiration, Extension, and Enforcement, the City may take the following mitigation actions where there is a violation of this chapter:

A. Arborist Report and Required Treatment. Upon request by the City, a person who violates any provision of this chapter shall submit a report prepared by an arborist to evaluate the damage to a tree and/or make recommendations to remedy the violation. The City upon evaluating these recommendations, may, at the City's discretion, require that the recommended measures be implemented.

B. Restoration Fee. In addition to any fine and enforcement fee, the court may impose a restoration fee as restitution to the City for restoring the tree. This fee may be imposed upon any person who violates any provision of this chapter or who violates any permit or condition of any permit.

1. The fee shall be paid into the City's Tree Account and shall be a standard fee per caliper inch for the total number of caliper inches of the tree damaged or removed in violation of this chapter. The standard fee shall be in an amount as established by resolution of the City Council.
2. The court may require the person to pay into the City's Tree Account an increased fee per caliper inch or pay for the value of the tree, whichever is greater, if any of the following apply.
    a. The person has committed a previous violation of a provision of this chapter.
    b. Tree protection measures as required by this chapter were not installed or maintained.
    c. The tree removed or damaged was:
        i. 18 caliper inches in diameter or greater;
        ii. a designated Heritage Tree;
        iii expressly protected or required to be preserved as a condition of approval of a development permit pursuant to this ordinance; or
        iv. located on public right of way, City owned or dedicated property, a **common** ~~**public or private**~~ open space area or conservation easement.
3. The value of a tree under this section shall be determined by an arborist in accordance with the methods set forth in the Guide for Plant Appraisal, an official publication of the International Society of Arboriculture.

C. Fine. The removal of a tree in violation of this chapter, in violation of a permit or any condition of a permit issued under this chapter shall be a separate offense for each tree.

D. Cumulative Remedies. The rights, remedies, and penalties provided in this chapter are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the City under any other provision of law.

SECTION 37. Codification. In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within such limitations, may:

(a) Renumber sections and parts of sections of the ordinance;

(b) Rearrange sections;

(c) Change reference numbers to agree with renumbered chapters, sections or other parts;

(d) Delete references to repealed sections;

(e) Substitute the proper subsection, section, or chapter numbers;

(f) Change capitalization and spelling for the purpose of uniformity;

(g) Add headings for purposes of grouping like sections together for ease of reference; and

(h) Correct manifest clerical, grammatical, or typographical errors.

SECTION 38. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____day of _____, 2020, and duly PASSED and ADOPTED this ____ day of _____, 2020.

_____
Melissa Huhtala, City Recorder

SIGNED and APPROVED this ___ day of _____, 2020.

_____
John Stromberg, Mayor

Reviewed as to form:

_____
David H. Lohman, City Attorney

ELECTRONIC PUBLIC HEARING NOTICE

On April 28, 2020, the Ashland Planning Commission will hold an electronic public hearing regarding proposed land use ordinance amendments to Title 18 Land Use in the Ashland Municipal Code related to the open space requirements for multifamily and single-family residential development. The Planning Commission will review the ordinance amendments and make a recommendation to the Ashland City Council. After the Planning Commission holds a public hearing and makes a recommendation, the City Council will also hold a public hearing at a future date that is to be determined. The City Council makes the final decision on any land use ordinance amendment.

The electronic public hearing will be held at 7:00 p.m. on April 28, 2020. Information about how to connect by computer or telephone to the meeting will be posted on the City of Ashland Meetings and Event Calendar located here http://www.ashland.or.us/4-28-2020PlanningCommission .

The proposed ordinance amendments are available for review online at http://www.ashland.or.us/openspace. Copies of the ordinance and file information are available for purchase if requested. For additional information concerning these ordinance amendments, email maria.harris@ashland.or.us or call the Ashland Planning Division at (541) 488-5305.

Written and oral public testimony regarding this matter will be accepted for the public hearing before the Planning Commission on April 28, 2020.

Written testimony is encouraged and will be accepted via email sent to planning@ashland.or.us . Written testimony must be submitted before Tuesday, April 28 at 10 a.m. Written testimony submitted by the deadline will be available to the Planning Commission before the meeting and will be included in the meetings minutes. Failure to raise an issue in writing or in person prior to the close of the public hearing with sufficient specificity to provide the reviewing bodies opportunity to respond to the issue may preclude your opportunity for appeal on that issue.

Oral testimony will be taken during the electronic public hearing. If you wish to provide oral testimony during the electronic meeting, please contact Dana Smith at dana.smith@ashland.or.us or (541) 552-2072 by April 28 at 3:00 p.m. In order to provide testimony at the public hearing, please provide Dana Smith the following information: 1) make the subject line of the email “4/28/2020 Public Hearing Speaking Request”, or if calling by telephone clearly state this in your voicemail message, 2) state your name, 3) the agenda item on which you wish to speak on, 4) specify if you will be participating by computer or telephone, and 5) the name you will use if participating by computer or the telephone number you will use if participating by telephone.

By the order of Bill Molnar, Community Development Director

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at (541) 488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title I).

April 17, 2020