

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

**ASHLAND PLANNING COMMISSION  
STUDY SESSION  
SEPTEMBER 25, 2012  
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street
  
- II. **ANNOUNCEMENTS**
  
- III. **PUBLIC FORUM**
  
- IV. **PRESENTATION**
  - A. Grey Water Presentation by Building Official Michael Grubbs & Plumbing Inspector Rick Hackstock
  
- V. **DISCUSSION ITEMS**
  - A. Unified Land Use Code
  
  - B. Normal Avenue Neighborhood Plan Update
  
- VI. **ADJOURNMENT**

**CITY OF  
ASHLAND**



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

# Memo

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DATE: September 25, 2012  
TO: Ashland Planning Commission  
FROM: Maria Harris, Planning Manager  
RE: Unified Land Use Ordinance Project

## **SUMMARY**

The first draft of Part 1 of the unified ordinance is attached for the Planning Commission review and discussion. Also included is a discussion of the project timeline.

## **DRAFT PART 1 – INTRODUCTION AND GENERAL PROVISIONS**

QUESTIONS: Does the Planning Commission have comments on Part 1 of the unified ordinance?

COMMENTS: Part 1 covers the Introduction and General Provisions of the land use ordinance. Generally, Part 1 establishes the purpose of the ordinance, what it applies to, how it relates to the Comprehensive Plan and Zoning Map, the integration into the building permit process, and how to process questions about the meaning or intent of the ordinance language (i.e. “interpretations”). Part 1 also includes the sections on how to address uses, lots, structures and developments that do not meet current ordinance sections (i.e. “lot of record” and “non-conforming situations”).

Part 1 carries forward existing material from the current ordinance on the purpose of the ordinance and its application (Chapter 18.04 General Provisions), non-conforming situations (Chapter 18.68 General Regulations), planning approval expiration, extensions and enforcement (Chapter 18.112 Enforcement), and ordinance interpretations (Chapter 18.108 Procedures).

Part 1 is attached, as well as the Unified Ordinance Outline. The outline is included to provide the context of where Part 1 fits into the overall unified ordinance, and the highlighted portion of the outline is Part 1. Amendments to the ordinance, including content changes and new sections, are covered in comment boxes explaining changes from the current land use ordinance. An Ordinance Amendment Matrix summarizing the changes from the current land use ordinance will be handed out at the meeting.

When the project began, the intention was to attempt to first reorganize the ordinance completely and then as a next step introduce amendments. However given the volume of material and the time line, it proved unworkable to divide the work into this small of increments. For example, a new section was added in Part 1 on the land use ordinance consistency with the Comprehensive Plan (18-1.2.060, page 1-7). Not only is it more efficient when preparing the draft, but it seemed to make more sense to add this



section in the first draft so that the Planning Commission and general public could see what that might look like.

Note: The term “staff advisor” is used in Part 1 and throughout the ordinance. The staff advisor is included in the current ordinance and is the City’s Community Development Director or his or her designee. This definition, as well as others, will be included Part 6 – Definitions and Rules of Measurement.

### **Timeline**

QUESTION: Does the Planning Commission have comments on the revised project timeline?

COMMENTS: The Project Timeline is attached, and has been adjusted to add several months. This was done for several reasons. Focus group meetings have been added after the Planning Commission’s review of the first draft and the green code and procedures evaluations based on the Planning Commission input at the beginning of the project. The timeline was also adjusted in an attempt to offset the project meetings with the Transportation System Plan and Normal Neighborhood Plan activities. In addition, the City received a Code Assistance grant from the Transportation and Growth Management program for land use code expertise to assist with the revisions of the ordinance, a graphics package, a procedures and green code evaluation, and development of the final draft. As part of the grant process, the final draft of the plan is required to be completed in June 2013. Therefore, several months have been added after the final draft is completed to allow for the adoption process.

The unified ordinance project covers a large amount of complex material. In addition, the Normal Neighborhood Plan project is concurrently in process. As a result, staff would like to consider using any extra time at the regular Planning Commission meetings to cover the material, as well as occasionally scheduling extra study session meetings.

### **SUGGESTED MOTION**

N/A

### **ATTACHMENTS**

1. Title 18 – Part 1 – Introduction and General Provisions
2. Unified Ordinance Outline
3. Project Timeline



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# **TITLE 18 – PART I – INTRODUCTION AND GENERAL PROVISIONS**

- 18-1.1 Introduction
- 18-1.2 Title, Purpose, and General Administration
- 18-1.3 Lot of Record and Legal Lot Determination
- 18-1.4 Non-Conforming Situations
- 18-1.5 Ordinance Interpretations
- 18-1.6 Zoning Permit Expiration, Extension and Enforcement

## Chapter 18-1.1 — Introduction

The Staff Advisor or his or her designee administers the City of Ashland Land Use Ordinance (“this ordinance”). This ordinance regulates land use and development within the City of Ashland and is organized as follows:

**Part 18-1.** Part 18-1 describes the title, purpose, authority, organization and general administration of this ordinance. Part 18-1 also explains how city officials interpret and enforce code requirements.

**Part 18-2.** Part 18-2 contains Ashland’s zoning regulations. The City of Ashland Zoning Map, consistent with the City of Ashland Comprehensive Plan, designates zoning districts, or zones. The zoning regulations specify allowed land uses, and lot and development standards that are specific to particular land uses or zones. Before commencing a new use or development, changing an existing use or development, or applying for a building permit, the property owner should verify the City’s zoning requirements.

**Part 18-3.** Part 18-3 contains Ashland’s special zoning districts and overlay zones. The City of Ashland Zoning Map designates special districts for distinct geographic areas based on a special area plan such as the North Mountain Neighborhood (NM) and Croman Mill (CM) districts . The zoning regulations for the special districts specify allowed land uses, and lot and development standards that are specific to particular land uses or zones. The overlay zones include special regulations and standards that supplement the base zoning district and zoning regulations.

**Part 18-4.** Part 18-4 contains the City’s development design standards, formerly referred to as the site design and use standards and street design standards. It includes requirements for building design; street access; pedestrian and vehicle circulation; bicycle and automobile parking; landscaping, screening, fences and walls; outdoor lighting; adequate transportation, water, sanitary sewer, and storm drainage facilities; and utility requirements. Part 18-4 applies to all development, including land divisions and projects for which no land use application or review is required. This ordinance is supported by the design standards and specifications in the City of Ashland Engineering Design for Public Improvements manual.

**Part 18-5.** Part 18-5 contains the City’s application requirements and review procedures for land use and development decisions, including but not limited to procedures for land divisions, property line adjustments, conditional use permits, site design review, master planned developments, and variances.

**Part 18-6.** Part 18-6 contains definitions and other exhibits that the City uses in interpreting and administering this ordinance. For example, where Part 18-2 contains a general list of land uses allowed in each zone, Part 18-6 provides examples of uses that are consistent with each general category.

### Chapter 18-1.2 — Title, Purpose, and General Administration

#### Sections:

Section 18-1.2.010	Title
Section 18-1.2.020	Purpose
Section 18-1.2.030	Enactment and Effect
Section 18-1.2.040	Compliance Required
Section 18-1.2.050	Rules of Ordinance Construction
Section 18-1.2.060	Land Use Ordinance Consistency with Comprehensive Plan and Laws
Section 18-1.2.070	Land Use Ordinance and Zoning Map Implementation
Section 18-1.2.080	Building Permits
Section 18-1.2.090	Official Action

**Comment:** Section 18-1.2 carries forward Chapter 18.04 General Provisions. The current ordinance contains the first three sections – Title, Purpose, and Enactment and Effect. The following six sections are new, and provide the foundation for how the ordinance relates to the Comprehensive Plan, the Zoning Map and building permits.

#### **18-1.2.010 Title**

This ordinance shall be known as the “Land Use Ordinance” of the City.

#### **18-1.2.020 Purpose**

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

#### **18-1.2.030 Enactment and Effect**

This ordinance applies to all land uses and development in the City.

**Comment:** Section 18-1.2.030 replaces 18.04.020, which excludes land uses and development that are either permitted outright in commercial zones or have: final site review approval, preliminary partition or subdivision approval, PUD final approval, sign permit approval, or variance approval.

#### **18-1.2.040 Compliance Required**

**Comment:** Section 18-1.2.040 is new. The section is added to explain that uses, lots and structures are required to

comply with the ordinance, and who is responsible for complying with the ordinance.

- A. Compliance with Land Use Ordinance.** No structure or lot shall hereinafter be used, developed, or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or otherwise altered except as permitted by this ordinance. A lawful use of land (“use”) is one that is permitted in accordance with this ordinance, or is allowed as a legal non-conforming use, pursuant with Chapter 18-1.4, provided State or Federal law does not prohibit the use. Amendments to the Zoning Map, Comprehensive Plan Map and other official maps, amendments to the Land Use Ordinance, and annexations shall conform to applicable provisions of this ordinance.
- B. Obligation by Successor.** The requirements of this ordinance apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest.

### 18-1.2.050 Rules of Ordinance Construction

**Comment:** Section 18-1.2.050 is new. The section is added to clarify the how the ordinance works: that the ordinance includes the minimum requirements, when there are conflicting sections the higher standard applies, how tenses are used, the difference between requirements and guidelines, the role of illustrations, and the concept of severability. Subsection D is recommended because the new unified ordinance will contain both standards and guidelines; e.g., the Site Design and Use Guidelines are being incorporated into the unified ordinance and contain mandatory standards and suggested guidelines (Title 18-3).

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

**Comment:** Subsection B is currently covered in 18.112.070 Interpretation as well as throughout individual chapters.

- B. Highest Standard or Requirement Applies.** Where a requirement of this ordinance varies from another provision of this ordinance or with other applicable regulations, the highest standard or regulation shall govern.
- C. Tenses.** Words used in the present tense include the future; the singular form includes the plural; and the plural includes the singular.
- D. Requirements versus Guidelines.** Use of the word “shall,” “must,” “required,” “prohibited” or similar directive term means the ordinance provision is a requirement. Use of the word “should,” “encouraged,” “recommended,” “may,” or similar term, means the provision is a guideline. Guidelines are intended to assist City decision-making bodies where certain land use actions require the exercise of discretion.
- E. Interpreting Illustrations.** This ordinance contains illustrations and photographs, ordinance “graphics,” which are intended to serve as examples of development design that either meet or do not meet particular ordinance standards. Except where a graphic contains a specific numerical standard or uses the word “shall,” “must,” “required” or “prohibited,” strict adherence to the graphic is not required.

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## 18-1.2 – Title, Purpose, and Authority

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

### 18-1.2.060 Land Use Ordinance Consistency with Comprehensive Plan and Laws

**Comment:** Section 18-1.2.060 is new. The section is added to avoid internal conflicts within the Land Use Ordinance and clarify the relationship between the Land Use Ordinance, Comprehensive Plan, and the requirements of other jurisdictions.

- A. City of Ashland Comprehensive Plan.** This ordinance implements the City of Ashland Comprehensive Plan. Provisions of this ordinance shall be interpreted consistent with the Comprehensive Plan, including any Comprehensive Plan elements or public facility master plans adopted pursuant to the Comprehensive Plan.
- B. Compliance with Other Laws Required.** In addition to the requirements of this ordinance, all uses and development must comply with all other applicable City, State of Oregon, and Federal rules and regulations.
- C. References to Other Regulations.** All references to other City, State, and Federal rules and regulations are for informational purposes only and do not constitute a complete list of such requirements. The references do not imply any responsibility by the City for enforcement of State or Federal regulations. Where a proposal, permit, or approval is subject to both City of Ashland requirements and State or Federal requirements, the property owner is responsible for contacting the applicable agencies and complying with their rules and regulations.

### 18-1.2.070 Land Use Ordinance and Zoning Map Implementation

**Comment:** Section 18-1.2.070 is new. The section is added to explain the relationship between the Zoning Map and ordinance, to clarify the establishment of zoning boundaries, and references to the sections that deal with boundary questions or changes.

- A. Zoning of Areas to be Annexed.** Concurrent with annexation of land, the City Council, upon considering the recommendation of the Planning Commission, shall enact an ordinance applying applicable zoning designation(s) to the subject land, pursuant with Chapter 18-4.6. The Comprehensive Plan shall guide the designation of zoning for annexed areas.
- B. Land Use Ordinance and Zoning Map.** The City's Official Zoning Map ("Zoning Map"), which may be published, amended, and filed separately from this ordinance, is part of this ordinance. The zoning districts depicted on the Zoning Map correspond to the zoning districts in this ordinance. In addition, this ordinance may contain zoning regulations for special areas, (i.e., overlay zones), and for certain uses or structures that do not appear on the Zoning Map.
- C. Interpreting the Zoning Map.** Except as otherwise specified by this ordinance, the City's zoning boundaries are as designated on the Official Zoning Map, which is kept on file at City Hall. The City may

adopt and publish supplemental zoning maps where it is impractical to illustrate all regulated features on one map; examples regulated features include but are not limited to historical landmarks, floodplain corridor boundaries, local wetland inventories, and specific area plans. In addition, the City may require field verification and mapping (e.g., survey) of a regulated feature as part of a development application, where the feature is thought to exist on or adjacent to the subject property but its exact location is unknown.

- D. Boundary Lines.** Zoning district boundaries are determined pursuant to Section 18-2.1.030.
- E. Changes to Official Zoning Map.** Proposed changes to the Official Zoning Map are subject to review and approval under Chapter 18-4.6 Amendments.

### 18-1.2.080 Building Permits

**Comment:** Section 18-1.2.080 is new. This section is added to clarify the relationship between the building codes and the land use ordinance, and the review of building permits for land use ordinance compliance.

- A. Land Use Approvals and Building Permits.** The City of Ashland Building Official, pursuant with Ashland Municipal Code Title 15, administers the City’s building codes and issues building permits. The Staff Advisor administers the Land Use Ordinance, processes land use approvals, and coordinates with the Building Official on development and building projects to ensure compliance with the Land Use Ordinance.
- B. Zoning Compliance Required for Building Permits.** A building permit shall not be issued until the Staff Advisor has confirmed that all applicable Land Use Ordinance requirements are met, or appropriate conditions of approval are in place to ensure compliance.

### 18-1.2.090 Official Action

**Comment:** Section 18-1.2.090 is new. This section is added to explain who has the authority to approve land use actions, the ability of the Staff Advisor to review questions or applications to the Planning Commission and clarify the general parameters for noticing requirements.

- A. Official Action.** The City of Ashland Staff Advisor, Planning Commission, and City Council are “City Officials” vested with authority to issue permits and grant approvals in conformance with this ordinance, pursuant to Part 18-4 Application Requirements, Administrative Procedures, and Approval Criteria. City officials shall issue no permit and grant no approval for any development or use that violates or fails to comply with conditions or standards imposed to carry out this ordinance.
- B. Void Future Actions.** Any permit or approval issued or granted in conflict with the provisions of this ordinance shall be void, unless the City modifies it in conformance with this ordinance. The Staff Advisor shall determine when an approval is void and, as applicable, he or she shall refer it back to the decision body for modification to ensure compliance.
- C. Referral to Planning Commission.** In addition to those actions that require Planning Commission

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## 18-1.2 – Title, Purpose, and Authority | Compliance and Scope

approval, the Staff Advisor may refer any question or permit request to the Planning Commission, who then shall take action on the request pursuant to the applicable provisions of this ordinance. See also, Chapter 18-1.5 Ordinance Interpretations and Part 18-4 Application Requirements, Administrative Procedures, and Approval Criteria.

**D. Notices, Filing, and Validity of Actions.** The failure of any person to receive mailed notice or failure to post or file a notice, staff report, or form shall not invalidate any actions pursuant to this ordinance, provided a good faith effort was made to notify all parties entitled to such notice report, or form. See Chapter 18-4.1 General Review Procedures.

### Chapter 18-1.3 — Lot of Record and Legal Lot Determination

#### Sections:

18-1.3.010	Purpose and Intent
18-1.3.020	Criteria
18-1.3.030	Legal Lot Determination Procedure

**Comment:** This is a new Chapter, though the issues are partially addressed in Section 18.68.130 Lot Size Requirements General Exception. The new chapter is intended to address state law requirements for lots that were legally created in Jackson County, or before the City’s partition and subdivision regulations (“lots of record”). Local jurisdictions may adopt local procedures for lot of record determinations, provided they are not in conflict with ORS 92.010 to 92.190.

#### **18-1.3.010 Purpose and Intent**

**Comment:** The following provision is intended to comply with US Constitution and case law related to regulatory takings. Owners of legal lots are entitled to reasonable economic use of their property.

The purpose of Chapter 18-1.3 is to establish criteria and a process for determining when a lot of record exists for the purpose of allowing a use or development on a non-conforming lot (e.g., substandard lot that does not meet lot area, setback, or coverage regulations). The owner of lot of record shall not be denied reasonable development on a lot of record; where the underlying zone allows residential use, one single-family dwelling per lot of record is deemed reasonable use, provided applicable building codes are met. The city may also accept a legal lot determination as sufficient evidence of a hardship for in approving a variance under Chapter 18-4.7

#### **18-1.3.020 Criteria**

**Comment:** The Legislature amended the land division statute in 2009. The amendment was intended to provide for regulatory relief where the legality of a lot not created through a land division is in question. The cutoff date of January 1, 2007 is contained in the statute.

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

- A.** The plot of land was lawfully created through a subdivision or partition plat in Jackson County prior to annexation to the City of Ashland;
- B.** The plot of land was created through a deed or land sales contract recorded with Jackson County *[prior to (date) / before the City or County, as applicable, adopted planning, zoning, subdivision or partition regulations]*; or
- C.** The plot of land was created through a deed or land sales contract recorded with Jackson County prior to January 1, 2007 and the subject plot of land would have complied with the applicable planning, zoning, subdivision or partition regulations in effect at the time it was created.

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## 18-1.3 – Legal Lot Determination and Validation of Lot

### 18-1.3.030 Legal Lot Determination Procedure

**Comment:** The lot of record procedure is regulated by state statute. Local jurisdictions may adopt local procedures for lot of record determinations, provided they are not in conflict with ORS 92.010 to 92.190.

The Staff Advisor through a Ministerial procedure, shall process requests to validate a lot of record. It shall be the property owner's responsibility to demonstrate that his or her plot of land meets the lot of record criteria in Section 18-1.3.020.

## Chapter 18-1.4 — Non-Conforming Situations

### Sections:

- 18-1.4.010 Purpose and Applicability  
18-1.4.020 Non-conforming Situation Allowed to Continue

**Comment:** Chapter 18-1.4 updates Section 18.68.090 Nonconforming Uses and Structures and 18.68.130 Lot Size Requirements – General Exception. The key standards of the current ordinance—limitations on expansion, conformity after 50% damaged, the 6-month threshold for discontinuance, reactivation, alterations, and vested rights with a building permit—are carried forward. For example, the current ordinance requires owners of non-conforming residential structures destroyed in a fire to rebuild within 2 years. The revised ordinance would require submittal of building plans within 2 years of the fire.

### **18-1.4.010 Purpose and Applicability**

Chapter 18-1.4 contains standards and procedures for the continuation of uses, lots, structures, and developments that are lawfully established but do not comply with current ordinance standards (“non-conforming situations”). The chapter is intended to protect public health, safety, and general welfare, while allowing reasonable use of private property.

### **18-1.4.020 Non-conforming Situations Allowed to Continue**

Non-conforming uses, lots, structures, and developments (“non-conforming situations”) are allowed to continue subject to the limitations in subsections A-D, below.

**A. Limitations on Non-Conforming Situations.** A non-conforming situation shall not be altered (i.e., enlarged, extended, reconstructed, substituted, or structurally modified), except as follows:

**Comment:** Subsections 1 and 2 are intended to clarify when an addition to a nonconforming building is allowed with a building permit but without a planning action as currently included in Section 18.68.090.A – Subsections 1 and 4.

1. Alterations providing for greater conformity to this ordinance are allowed; building permits may be required, but no planning action is required.
2. Alterations required to comply with State or Federal law are allowed; building permits may be required, but no planning action is required.

**Comment:** The following new provisions are intended to establish clear and enforceable criteria for allowing non-conforming structures to be repaired, restored, rehabilitated and rebuilt. This is currently covered in Section 18.68.090.A – Subsections 3 and 4.

3. Repair and maintenance of a non-conforming development or structure (roof repair, restoration, rehabilitation, and similar work) are allowed; building permits may be required, but no planning action is required where the criteria in subsections a-c, below, are met:
  - a. The development or structure is not enlarged relative to lot coverage, paved or impervious area,

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## 18-1.4 – Non-Conforming Situations

roof elevation (i.e., height of any portion of a roof), parking or storage area, or setback (i.e., reduced setback).

- b. Not more than 40% of any exterior building wall and not more than 50% of the building floor area is permanently removed; where a larger alteration is proposed, approval of a Conditional Use Permit is required.
- c. Where temporary or permanent removal of a building wall or floor area is proposed, the owner shall submit with a building permit application a construction management plan for Ministerial review and approval. The Construction Management Plan shall document existing building conditions, proposed methods of construction, and proposed building plans. The Building Official may issue a stop work order where construction deviates from an approved Construction Management Plan; where a stop work order is in effect, the owner may be required obtain a Conditional Use Permit before construction resumes.

**Comment:** Subsection 4 is similar to Section 18.68.090.A.1, and clarifies that a Conditional Use Permit is required to change a nonconforming use. Subsection 4, allowing a “change from one type of non-conforming use to another,” is intended to be consistent with the standards for reactivating a non-conforming use, below, which allow for a change to an “equivalent or more restrictive” use.

4. A change from one type of non-conforming use to another non-conforming use is allowed, subject to approval of a Conditional Use Permit under Chapter 18-4.4. The Planning Commission, in addition to applying the criteria required for Conditional Use Permit, shall apply the criteria related to traffic, noise, and lighting in subsections 18-1.4.020.C.2 through 18-1.4.020.C.4.

**Comment:** Subsection 5 is similar to Section 18.68.090.A.2, and clarifies that a Conditional Use Permit is required to add on to or reconstruct a nonconforming structure is what is proposed does not meet the current requirements (e.g. setbacks, height, lot coverage). Subsection 4, allowing a “change from one type of non-conforming use to another,” is intended to be consistent with the standards for reactivating a non-conforming use, below, which allow for a change to an “equivalent or more restrictive” use.

5. A non-conforming development or structure may be enlarged, extended, reconstructed, subject to approval of a Conditional Use Permit under Chapter 18-4.4, and approval of required building permits, except that a planning action is not required for projects conforming to all of the development standards of the applicable zone. A non-conforming structure may be rebuilt pursuant to this subsection, provided in a historic district the applicant must demonstrate that restoration is not practicable.

**Comment:** Subsection 6 is similar to Section 18.68.090.A.5, with the added clarification that a replacement building due to a catastrophe has to fit within the same three-dimensional envelope.

6. A legal nonconforming structure or nonconforming use that is damaged by means beyond the owner’s control, such as fire, flood, earthquake, or similar catastrophe, to an extent of 50% or more of its replacement cost, may be restored or replaced within the original three-dimensional building envelope (i.e., relative to coverage, height, setbacks, and other dimensions of the developed area) provided the non-conformity shall not increase. Any residential structure in a zone where residential uses are allowed

that is damaged beyond 50% of its replacement cost by such catastrophe may be reconstructed at the original density, provided a Building Permit application for the reconstruction is submitted within two (2) years of the catastrophe.

**Comment:** Subsection B is adapted from the current ordinance, and replaces the existing section on discontinuance in 18.68.090.B. The wording and organization is improved, but the requirements remain the same except that additional wording is added to clarify when the period of discontinuance begins.

**B. Discontinuation or Abandonment of Non-conforming Use.** Except as provided by subsection C of this section, and pursuant to subsections 1-2, below, a non-conforming use that is discontinued for any reason other than fire or other catastrophe beyond the owner's control for a period of more than six (6) months shall be deemed abandoned and shall no longer be an allowed use.

1. After the City has deemed a non-conforming use abandoned, the use shall not be allowed to resume, in whole or in part, under the same or different ownership/management; any such activity is a violation of this ordinance.
2. For purposes of calculating six-month period, discontinuance does not include a period of active reconstruction following a fire or other catastrophe beyond the owner's control, and the Planning Commission through a Type II procedure may extend the discontinuance period in the event of special unforeseen circumstances. A use is discontinued upon the first occurrence of any one of the following:
  - a. The date when the use of land is physically vacated;
  - b. The date the use ceases to be actively involved in the sale of merchandise or the provision of services; for example, as evidenced by the removal of signs, goods/stock, or office equipment, or the disconnection of telephone or utility service;
  - c. The date of termination of any lease or contract under which the non-conforming use has occupied the land;
  - d. The date a request for final reading of water and power meters is made to the applicable utility districts; or
  - e. The date of an event similar to those listed in subsections 1-5, above, as determined by the Staff Advisor.

**Comment:** Subsection C is adapted from the current ordinance, and replaces the existing section on reactivation in 18.68.090.C. The wording and organization is improved, but the requirements remain the same except the traffic assessment is changed to looking at peak hour trips rather than vehicle trips per day.

**C. Reactivation.** An abandoned non-conforming use may be reactivated to an equivalent or more restrictive use where the Planning Commission approves a Conditional Use Permit pursuant to Chapter 18-4.4; the applicant shall have the burden of proof in demonstrating the reactivated use is equivalent to the abandoned

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## 18-1.4 – Non-Conforming Situations

use. In evaluating whether or not to permit the reactivation of a non-conforming use, the Planning Commission, in addition to applying the criteria required for Conditional Use Permit, shall apply the criteria in subsections 1-6, below:

1. Any improvements for the reactivation of a non-conforming use on the site are limited to fifty (50%) percent of the value of the structure, except where such improvements bring the subject site, development or use into closer conformity with this ordinance. Valuation shall be determined as follows:
  - a. An independent real estate appraiser licensed in the State of Oregon shall determine the value of the structure.
  - b. The value of the improvement shall be determined based upon copies of the contractor's bid for said improvements, which shall be required with the Conditional Use permit application.
  - c. Personal property necessary for the operation of the business or site improvements not included in the structure shall not be counted as improvements under this criterion.
2. The traffic generated by the proposed use, as documented by a traffic impact analysis prepared by a qualified professional, is not greater than the greatest traffic that would be generated by a permitted use. In assessing the traffic generated by the proposed use, the Planning Commission shall consider the average peak-hour number of vehicle trips per day, the hours of operation, and the types of traffic generated; i.e., truck or passenger vehicle. The Planning Commission may condition approval of the Conditional Use Permit limiting the land use so that traffic impacts are not greater than for uses permitted in the same zone.
3. The noise generated by the proposed use will comply with the Ashland Noise Ordinance, Chapter 9.08.170, and will not exceed the average ambient noise level already existing in the area, as measured pursuant to this code section.
4. There shall be no lighting of the property that would have direct illumination on adjacent uses and there shall be no reflected light from the property greater than the amount of reflected light from other permitted use in the same zone.
5. In a residential zone, the reactivation will further implement Goal VI, Policy 2, Housing Chapter of the Ashland Comprehensive Plan.
6. Nothing herein shall apply to non-conforming signs, which are governed by the provisions of Section 18-3.9 of this ordinance.

**Comment:** Subsection D is carried forward from Section 18.68.130 Lot Size Requirements – General Exception.

**D. Non-conforming Lot.** If a lot or the aggregate of contiguous lots or land parcels held in single ownership, and recorded in the office of the County Clerk at the time of passage of the ordinance codified herein, has an area or dimension that does not meet the lot size requirements of the district in which the property is located, the lot or aggregate holdings may be occupied by a use permitted outright in the district subject to

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## 18-1.4 – Non-Conforming Situations

all other requirements, provided the lot complied with all ordinances when it was recorded. See also, Chapter 18-1.3 Legal Lot Determination.

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## 18-1.5 – Ordinance Interpretations

### Chapter 18-1.5 — Ordinance Interpretations

#### Sections:

18-1.5.010	Purpose
18-1.5.020	Interpretations Authorized
18-1.5.030	Interpretation Criteria
18-1.5.040	Similar Uses
18-1.5.050	Ordinance Interpretation Procedure
18-1.5.060	Referral to Planning Commission and City Council

**Comment:** This chapter is new. It updates and clarifies Sections 18.12.050 Similar Uses and 18.108.160 Ordinance Interpretations, and provides procedures for responding to requests for written code interpretations. The new procedures are intended to clarify current procedure, but may be perceived as policy changes.

#### **18-1.5.010 Purpose**

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

**Comment:** Currently, 18.108.160 Ordinance Interpretations does not clearly indicate the procedure for an ordinance interpretation. In one section it seems to indicate the Staff Advisor has the ability to make an interpretation without a hearing, and in another section it discusses review by the Planning Commission and City Council.

#### **18-1.5.020 Interpretations Authorized**

Where the intent of this ordinance, the status of a use, or the meaning of a word or phrase is unclear, the Staff Advisor may interpret the ordinance in writing through a Ministerial or Type I procedure, as applicable, pursuant to Section 18-4.1.040 or 18-4.1.050. Alternatively, the Staff Advisory may refer the question to the Planning Commission for its written interpretation through a Type II procedure, pursuant to Section 18-4.1.060. Neither the Staff Advisor's interpretation nor the Commission's interpretation shall have the effect of amending this ordinance.

#### **18-1.5.030 Interpretation Criteria**

**Comment:** The criteria below are reworded for clarity, but are the same content as currently included in Section 18.108.160.A.

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

- A.** The interpretation is consistent with applicability policies of the Comprehensive Plan;
- B.** The interpretation is consistent with the purpose and intent of the ordinance provision that applies to the particular ordinance section, or sections, in question; and

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

**Comment:** Section 18-1.5.040 updates and clarifies Sections 18.12.050 Similar Uses. Currently, the ordinance requires the Planning Commission to analyze and determine if a use is similar to those listed in the zone, and therefore can occur in a zone. In the following revised section, the Staff Advisor may find a uses is similar to another use, and make a determination that a use is allowed or prohibited in a zone. If discretion is required for the Staff Advisor to make the determination, a Type I procedure is required unless the Staff Advisor refers the interpretation to the Planning Commission for its review.

### 18-1.5.040 Similar Uses

Where a proposed use is not specifically identified by this ordinance, or the ordinance is unclear as to whether the use is allowed in a particular zone, the Staff Advisor may find the use is similar to another use that is permitted, allowed conditionally, or prohibited in the subject zone and apply the ordinance accordingly. However, uses and activities that this ordinance specifically prohibits in the subject zone, and uses and activities that the Staff Advisor finds are similar to those that are prohibited, are not allowed. Similar use rulings that require discretion on the part of City officials shall be processed following the Type I procedure, pursuant to Section 18-4.1.050, except where the Staff Advisor refers a request for a similar use determination to the Planning Commission for its review and decision through a Type II procedure, pursuant to Section 18-4.1.060.

**Comment:** Sections 18-1.5.050 and 060 are new, and added to clarify the procedure and application required for an ordinance interpretation.

### 18-1.5.050 Ordinance Interpretation Procedure

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

- A. The Staff Advisor within thirty (30) days of the inquiry shall respond in writing to person making the inquiry indicating whether additional information or a formal application is required.
- B. Where an application for a formal interpretation is required, the Staff Advisor shall determine whether the request will be processed through a Ministerial or Type I process. Where the interpretation does not involve the exercise of discretion, the application shall be processed using the Ministerial procedure in Section 18-4.1.040; and where an interpretation requires discretion, the application shall be processed using the Type I procedure in Section 18-4.1.050. When a code interpretation using the Type I procedure is called up for review, the Commission, following the Type II procedure in Section 18-4.1.060, shall have the authority to modify the interpretation based on the criteria in subsection 18-1.5.010.A.
- C. At a minimum, an application for code interpretation shall include a letter citing the nature and reasons for the request, and, as required, a City fee. The Staff Advisor then shall review relevant background information, including but not limited to other relevant ordinance sections and previous City land use decisions.

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## 18-1.5 – Ordinance Interpretations

### **18-1.5.060 Referral to Planning Commission and City Council**

Where a code interpretation may have significant citywide policy implications, the Staff Advisor may bypass the procedure in subsection 18-1.5.010.C and refer the request directly to the Planning Commission and City Council for its legislative review in a public hearing following the Legislative procedure in Chapter 18-4.1.060.

## Chapter 18-1.6 — Zoning Permit Expiration, Extension and Enforcement

### Sections:

18-1.6.010	Zoning Permits
18-1.6.020	Duties of Officer
18-1.6.030	Permit Expiration
18-1.6.040	Permit Extension
18-1.6.050	Conditions of Approval
18-1.6.060	Revocation – Condition Violated
18-1.6.070	Revocation – Public Hearing
18-1.6.080	Violations
18-1.6.090	Complaints
18-1.6.100	Penalties

**Comment:** This chapter is carried forward from Chapter 18.112 Enforcement, edited, and reordered for a more logical flow. Two sections that were redundant with other chapters, 18.112.020 Maintenance of Minimum Requirements and 18.112.070 Interpretation, were removed. The content of the first section, 18-1.6.010, is unchanged from the current 18.112.010 Zoning Permits.

### **18-1.6.010 Zoning Permits**

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

### **18-1.6.020 Duties of Officer**

**Comment:** The following is a revision to 18.112.060 Duties of Officer. The intent is to clearly identify one city official, the Staff Advisor, with land use ordinance enforcement responsibility. Currently, the ordinance says it is the Staff Advisor or Building Officials responsibility to enforce the land use ordinance.

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

### **18-1.6.030 Permit Expiration**

**Comment:** The content of the Section 18-1.6.030 is unchanged from the current 18.112.030 Revocation – permit expiration.

Any zoning permit, or planning action granted in accordance with the terms of this ordinance shall be deemed revoked if not used within one year from date of approval, unless another time period is specified in another

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## 18-1.6 – Zoning Permits and Enforcement

section of this ordinance. Said permit shall not be deemed used until the permittee has obtained a building permit and commenced construction in compliance with permits and approvals for the project, or has commenced the permitted use of the premises in compliance with this ordinance. If an application for extension is deemed complete for processing prior to the timetable expiration date, the permit or action shall not expire by operation of this section unless the application is abandoned or not approved or denied within 90 days.

### 18-1.6.040 Permit Extension

**Comment:** The following is a revision to 18.112.035 Timetable Extension. The requirements in A-C are identical to the existing ordinance. The current section 18.112.035.B on extensions for projects that were during the recession was removed because the window for recession extensions ended January 2012.

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

- A. One time extension no longer than eighteen (18) months is allowed.
- B. The Staff Advisor shall find that a change of conditions for which the applicant was not responsible prevented the applicant from completing the development within the original time limitation.
- C. Land Use Ordinance requirements applicable to the development have not changed since the original approval. An extension may be granted, however, if requirements have changed and there is no material effect upon the original approval, and the applicant agrees to comply with any new requirements, as a condition of the extension.

### 18-1.6.050 Conditions of Approval

**Comment:** The content of the Section 18-1.6.050 is unchanged from the current 18.112.085 Conditions of Approval.

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

### 18-1.6.060 Revocation – Conditions Violated

**Comment:** The content of the Section 18-1.6.060 is unchanged from the current 18.112.040 Revocation – conditions violated.

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

connection therewith.

### **18-1.6.070 Revocation – Public Hearing**

**Comment:** The content of the Section 18-1.6.070 is unchanged from the current 18.112.050 Public Hearing.

- A. The Commission shall hold a hearing on any proposed revocation after giving written notice to the permittee and owners within two hundred (200) feet of subject property as provided in Chapter 18-4.4 Conditional Use Permits.
- B. The Commission shall render its decision within thirty (30) days after the conclusion of the hearing.
- C. In case the permittee is not satisfied with the action of the Commission, he/she may within fifteen (15) days appeal in writing to the City Council.
- D. The Council shall set a date for public hearing and shall give notice thereof in the manner provided in Chapter 18-4.4 Conditional Use Permits. Notice shall also be given to the Commission of such appeal, and a report shall be submitted setting forth the reasons for the action taken by the Commission, or it shall be represented at the hearing.
- E. The Council shall render its decision within sixty (60) days after the filing of such appeal.

### **18-1.6.080 Violations**

**Comment:** The content of the Section 18-1.6.080 is unchanged from the current 18.112.080 Violations – nuisance.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this ordinance, and any use of land, building, or premise established, conducted, operated, or maintained contrary to the provisions of this ordinance, shall be and the same is hereby declared to be unlawful and a public nuisance, and the City Attorney of the City may, or upon order of the City Council shall, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and may take such other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such buildings or prevent any person from setting up, erecting, building, maintaining, or using any such building or structure or using property contrary to the provisions of this ordinance. The remedies provided for herein shall be cumulative and not exclusive.

### **18-1.6.090 Complaints**

**Comment:** The content of the Section 18-1.6.090 is unchanged from the current 18.112.100 Complaints.

Complaints concerning violations to this ordinance can be initiated only as provided in Ashland Municipal Code Chapter 1.08.

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## 18-1.6 – Zoning Permits and Enforcement

### 18-1.6.100 Penalties

**Comment:** The content of the Section 18-1.6.100 is unchanged from the current 18.112.090 Penalties.

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

## Ordinance Outline

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

### **18-1 General Provisions**

18-1.1 Introduction

18-1.2 Title, Purpose and General Administration

18-1.3 Lot of Record and Legal Lot Determination

18-1.4 Non-Conforming Situations

18-1.5 Ordinance Interpretations

18-1.6 Zoning Permit Expiration, Extension and Enforcement

### **18-2 Zoning Regulations**

18-2.1 Zoning Regulations – General Provisions

18-2.2 Base Zones – Allowed Uses

18-2.3 Special Use Standards

18-2.4 General Regulations

18-2.5 Residential Zones

18-2.6 Non-Residential Zones

### **18-3 Special Districts and Overlay Zones**

18-3.1 Special District and Overlay Zone Purpose and Administration

18-3.2 Croman Mill District

18-3.3 Health Care Services District

18-3.4 North Mountain Neighborhood District

18-3.5 Southern Oregon University District

18-3.6 Airport Overlay



18-3.7 Freeway Sign Overlay

18-3.8 Performance Standards Options Overlay

18-3.9 Physical and Environmental Constraints Overlays (Floodplain Corridors, Hillside Lands, Severe Constraints, Water Resource Protection Zones, Wildfire Lands)

18-3.10 Site Development and Design Overlays (Detail Site Review, Downtown Design, Historic District, Pedestrian Place)

18-3.11 Residential Overlay

#### **18-4 Site Development and Design Standards**

18-4.1 Design Standards Administration

18-4.2 Building Placement and Orientation

18-4.3 Access and Circulation

18-4.4 Parking and Loading

18-4.5 Landscaping and Screening

18-4.6 Light and Glare

18-4.7 Public Facilities and Utilities

18-4.8 Recycling Requirements

18-4.9 Sign Regulations

18-4.10 Solar Access

18-4.11 Subdivision Design Standards

18-4.12 Grading and Excavation

18-4.13 Tree Preservation and Protection

18-4.14 Wireless Communication and Facilities and Disc Antennas

#### **18-5 Administrative Procedures**

18-5.1 General Review Procedures

18-5.2 Site Design Review



18-5.3 Land Divisions and Property Line Adjustments

18-5.4 Conditional Use Permits

18-5.5 Adjustments and Variances

18-5.6 Modifications to Approved Plans and Conditions

18-5.7 Annexations

18-5.8 Plan Amendments and Zone Changes

18-5.9 Ballot Measure 49 Claims

**18-6 Definitions and Rules of Measurements**



Unified Ordinance	2012										2013								
	Phase I					Phase 2					Adoption								
	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct
<b>Task 1</b> Project Kick-Off																			
<b>Task 2</b> Preparation of Reorganized "Unified Ordinance"																			
<b>Task 3</b> Planning Commission Review of Draft Ordinance																			
<b>Task 4</b> Focus Group Meetings																			
<b>Task 5</b> Procedures and Green Building Incentives Evaluation																			
<b>Task 6</b> Planning Commission Review of Evaluations																			
<b>Task 7</b> Focus Group Meetings																			
<b>Task 8</b> Revise Draft Ordinance and Prepare Adoption-Ready Draft																			
<b>Task 9</b> Planning Commission Study Session																			
<b>Task 10</b> Planning Commission Public Hearing City Council Public Hearing																			

**Attachment 3:** Amendment Matrix, Unified Land Use Ordinance, Part 1 – Introduction and General Provisions

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Code Amendment Category	Code Reference	Objective	Existing Standard	Proposed Amendment	Staff Recommendation/ Comments
<b>CHAPTER 18-1.2</b>					This Chapter carries forward the current Chapter 18.04 General Provisions. The first three sections are existing, and the following six sections are new.
Application of Land Use Ordinance	Unified: 18-1.2.030 Enactment and Effect (p 1-5)  Current: 18.04.020 Enactment and Effect	Establishes that ordinance applies to all land uses and development in the City.	Excludes commercial land uses that are permitted outright in the C-1 zone, and a specific list of planning approvals (i.e. Site Review, Land Divisions, Signs, Variances, Conditional Use Permits, and Zone Changes).	State that ordinance applies to all land uses and development in the City.	Current language is not clear about ongoing requirements that are not necessarily related to the specific approvals listed. For example, fences and riparian zones are required to meet the ordinance requirements, but are not included in the planning approvals listed.
Compliance with Land Use Ordinance	Unified: 18-1.2.040 Enactment and Effect (p 1-6)	Clarify what and who has to comply with ordinance.	New Section	Specifies that lots, structures and uses are required to comply with the ordinance, and the property owners are responsible for compliance.	New sections are intended to outline how the ordinance works, keeping in mind the user may not be familiar with the standards or planning process.

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Code Amendment Category	Code Reference	Objective	Existing Standard	Proposed Amendment	Staff Recommendation/ Comments
Ordinance Construction	Unified: 18-1.2.050 Rules of Ordinance Construction (p 1-6)	Communicates the specific workings of the ordinance.	New Section	Establishes that the ordinance: <ul style="list-style-type: none"> <li>• includes the minimum requirements,</li> <li>• that the highest standard applies,</li> <li>• the difference between requirements and guidelines,</li> <li>• the role of illustrations,</li> <li>• tenses, and</li> <li>• ordinance provisions are severable.</li> </ul>	New sections are intended to outline how the ordinance works, keeping in mind the user may not be familiar with the standards or planning process.
Relationship Between Ordinance and Comprehensive Plan and Other Regulations	Unified: 18-1.2.060 Land Use Ordinance Consistency with Comprehensive Plan and Laws (p 1-7)	Clarify relationship between the ordinance and the Comprehensive Plan and the rules of other jurisdictions.	New Section	<ul style="list-style-type: none"> <li>• Describes that the ordinance implements the Comprehensive Plan.</li> <li>• Establishes uses and developments are required to comply with other City, State and Federal rules.</li> <li>• Also explains that references to other regulations are for informational purposes.</li> </ul>	New sections are intended to outline how the ordinance works, keeping in mind the user may not be familiar with the standards or planning process.

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Code Amendment Category	Code Reference	Objective	Existing Standard	Proposed Amendment	Staff Recommendation/ Comments
Relationship Between Ordinance and Zoning Map	Unified: 18-1.2.070 Land Use Ordinance and Zoning Map Implementation (p 1-8)	Clarify relationship between the ordinance and the zoning map.	New Section	<ul style="list-style-type: none"> <li>Establishes zoning map is part of ordinance, and zoning districts correspond to districts in ordinance.</li> <li>Explains need for supplemental maps where it is impractical to include all information on zoning map (e.g. flood plain corridors, historic districts, wetland inventory).</li> <li>Provides cross references to sections on boundary lines and changes to zoning map.</li> </ul>	New sections are intended to outline how the ordinance works, keeping in mind the user may not be familiar with the standards or planning process.

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Code Amendment Category	Code Reference	Objective	Existing Standard	Proposed Amendment	Staff Recommendation/ Comments
Relationship Between Ordinance and Building Code	Unified: 18-1.2.080 Building Permits (p 1-8)	Clarify relationship between the ordinance and the building permit process.	New Section	<ul style="list-style-type: none"> <li>• Establishes Building Official is person responsible for administering building codes and issuing permits.</li> <li>• Clarifies that Staff Advisor administers the land use ordinance.</li> <li>• Specifies the Staff Advisor coordinates with the Building Official to ensure compliance with land use requirements.</li> <li>• Establishes that a building permit cannot be issued until Staff Advisor confirms all applicable land use ordinance requirements are met or will be met.</li> </ul>	New sections are intended to outline how the ordinance works, keeping in mind the user may not be familiar with the standards or planning process.

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Code Amendment Category	Code Reference	Objective	Existing Standard	Proposed Amendment	Staff Recommendation/ Comments
Authority to Issue Planning Approvals	Unified: 18-1.2.090 Building Permits (p 1-9)	Specify the city officials that can approve permits and approvals, how to deal with approvals conflict with code, referrals to Planning Commission, and a cross reference to the noticing requirements.	New Section	<ul style="list-style-type: none"> <li>• Describes the city officials having authority to issue perms and grant approvals.</li> <li>• Specifies permits and approvals cannot be granted if fail to comply with ordinance.</li> <li>• Specifies that if a permit or approval is issued in conflict with ordinance it is void unless modified to conform.</li> <li>• Specifies that Staff Advisory may refer any question or permit requires to the planning Commission.</li> <li>• Establishes that failure to receive a notice, staff report or form does not invalidate actions provided a good faith effort was made to notify all parties entitled to notice and reports.</li> </ul>	New sections are intended to outline how the ordinance works, keeping in mind the user may not be familiar with the standards or planning process.

Code Amendment Category	Code Reference	Objective	Existing Standard	Proposed Amendment	Staff Recommendation/ Comments
<b>CHAPTER 18-1.3</b>					This is a new Chapter intended to address state law for legal non-conforming lots (“lots of record”). The issues are currently addressed in part by Section 18.68.130 Lot Size Requirement General Exception.
<b>Criteria for Lot of Record</b>	Unified: 18-1.3.020 Criteria (p 1-10)  Current: 18.68.130 Lot Size Requirements – General Exception	Clarify what constitutes a lawfully created lot (“lot of record”) consistent with Oregon Revised Statute (ORS) 92.010 to 92.120.	States that the lot had to comply with all ordinances when it was recorded.	Establishes that a lot of record is: <ul style="list-style-type: none"> <li>• Lawfully created in Jackson County before being annexed into the City</li> <li>• Was created through a sales instrument before the City ordinances for land divisions when into effect</li> <li>• Was created through a sales instrument before January 1, 2007 and complied with the applicable zoning and land division regulations when it was created</li> </ul>	The legality of a lot that doesn’t meet current requirements occasionally comes in question. This section will provide consistency with state law, and make it clear as to what qualifies to be a “lot of record,” or a lawfully created lot.

Code Amendment Category	Code Reference	Objective	Existing Standard	Proposed Amendment	Staff Recommendation/ Comments
Legal Lot Determination Procedure	Unified: 18-1.3.030 Legal Lot Determination Procedure (p 1-11)  Current: 18.68.130 Lot Size Requirements – General Exception	Clarify procedure for making a legal lot determination.	The ordinance does not clearly state the procedure.	Establishes the procedure is ministerial, and the property owner has to demonstrate that the lot meets the criteria for a lot of record.	
CHAPTER 18-1.4					This chapter is the combination of current Section 18.68.090 Nonconforming Uses and Structures and 18.68.0130 Lot Size Requirements – General Exception. The standards and thresholds for planning approvals are carried forward.

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Code Amendment Category	Code Reference	Objective	Existing Standard	Proposed Amendment	Staff Recommendation/ Comments
<p>Building Permits for Additions to Nonconforming Buildings</p>	<p>Unified: 18-1.4.020.A – Subsections 1 and 2, Limitations on Non-Conforming Situations (p 1-12)</p> <p>Current: 18.68.090.A – Subsections 2 and 4</p>	<p>Clarify when an addition to a nonconforming building is allowed with a building permit.</p>	<p>Additions allowed when the addition meets the requirements of the zoning district (e.g. setbacks, lot coverage, etc.)</p>	<p>Building permit required when:</p> <ul style="list-style-type: none"> <li>• Alteration will make building conform more to the requirements, or</li> <li>• Alterations are required to comply with state or federal regulations.</li> </ul>	

Code Amendment Category	Code Reference	Objective	Existing Standard	Proposed Amendment	Staff Recommendation/ Comments
<p>Building and Development Alteration Standards</p>	<p>Unified: 18-1.4.020.A.3 Limitations on Non-Conforming Situations (p 1-12)</p> <p>Current: 18.68.090.A – Subsections 3 and 4</p>	<p>Establish criteria for allowing nonconforming structures to be repaired, restored, rehabilitated and rebuilt.</p>	<p>Allows restoration or rehabilitation if the building is not changed in size or shape. Allows “normal maintenance and repair.”</p>	<p>Allows repair and maintenance with a building permit if the following are met:</p> <ul style="list-style-type: none"> <li>• The structure is not enlarged relative to lot coverage, height of roof or setbacks.</li> <li>• No more than 40% of any exterior wall or more than 50% of building floor is permanently removed – where a larger alteration is proposed a Conditional Use Permit (CUP) is required.</li> <li>• Where temporary or permanent removal of a building wall or floor, a construction management plan is required.</li> </ul>	
<p>Planning Approval Required for Additions or Reconstruction Projects Not Meeting Ordinance Requirements</p>	<p>Unified: 18-1.4.020.A.5 Limitations on Non-Conforming Situations (p 1-13)</p> <p>Current: 18.68.090.A.2</p>	<p>Clarify that CUP is required for a proposed addition or reconstruction that will not meet the current zoning district requirements (e.g. setbacks, height, lot coverage).</p>	<p>CUP required for enlargement, extension, reconstruction, foot print modified if doesn’t meet requirements of the code.</p>	<p>Language added requiring reconstruction proposals in the historic district to demonstrate a restoration is not practicable.</p>	

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Code Amendment Category	Code Reference	Objective	Existing Standard	Proposed Amendment	Staff Recommendation/ Comments
Restoration or Replacement of Nonconforming Structures or Destroyed by Fire or Natural Hazard	Unified: 18-1.4.020.A.6 Limitations on Non-Conforming Situations (p 1-14)  Current: 18.68.090.A.5	Specifies that a nonconforming structure damaged by a fire or natural hazard can be rebuilt as it was with a building permit.	Can be restored if not intentionally destroyed, and damage equals 50% or more of its replacement costs. Residential structures must be rebuilt with 2 years after catastrophe.	Language added requiring replacement structure to be in the same “three-dimensional envelope,” so that the coverage, height and setbacks are the same.	
Change in a Nonconforming Use	Unified: 18-1.4.020.A.4 Limitations on Non-Conforming Situations (p 1-13)  Current: 18.68.090.A.1	Clarify that CUP is required to change a nonconforming use to another nonconforming use.	CUP required to change nonconforming use to “one of the same or a more restricted nature.” A CUP is not required if the proposed use is permitted in the zone.	Language regarding to “one of the same or a more restricted nature” is removed and replaced with requirement to address criteria under Section C Reactivation 2-4 (p1-15) that cover traffic, noise and lighting.	

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Code Amendment Category	Code Reference	Objective	Existing Standard	Proposed Amendment	Staff Recommendation/ Comments
Discontinuance of a Nonconforming Use	Unified: 18-1.4.020.B Discontinuance or Abandonment of Nonconforming Use (p 1-14)  Current: 18.68.090.B	Clarify when a nonconforming use is considered abandoned and discontinued.	If nonconforming uses ceases for six months or more, considered abandoned. Planning Commission can extend six month time period. Thereafter can only be used for permitted uses. Reconstruction after a catastrophe is not considered abandoned.	Language added in Subsection 2 to define when a period of discontinuance begins: <ul style="list-style-type: none"> <li>• land is physically vacated</li> <li>• land ceases to be actively used</li> <li>• lease or contract for use is terminated</li> <li>• final reading of water and power meters</li> <li>• date similar to above, as determined by Staff Advisor</li> </ul> Also, specified that the Planning Commission can extend the period of discontinuance beyond the normal six months through a Type II procedure – Planning Commission has this ability in current ordinance, but the type of process is not specified.	

Code Amendment Category	Code Reference	Objective	Existing Standard	Proposed Amendment	Staff Recommendation/ Comments
Reactivation of Nonconforming Use	Unified: 18-1.4.020.C Reactivation (p 1-15)  Current: 18.68.090.C	Clarify when and how an abandoned nonconforming use can be reactivated.	Can reactivate abandoned nonconforming use through the CUP and Site Review process. In addition to CUP and Site Review criteria, the following must be met: <ul style="list-style-type: none"> <li>• any improvements are less than 50% of the value of structure</li> <li>• traffic generated by proposed use would not be greater than permitted uses in zone</li> <li>• noise must be mitigated so complies with City’s noise ordinance</li> <li>• cannot directly illuminate adjacent uses</li> <li>• in residential zones, must further address Goal VI, Policy 2, Housing Chapter of Comprehensive Plan</li> <li>• doesn’t apply to nonconforming signs</li> </ul>	The criterion on traffic generation was previously based on the number of vehicle trips throughout the day – the amendment is to change this to average peak-hour number of vehicle trips per day.  Also, requirement is added for traffic assessment to be prepared by a qualified professional.	

Code Amendment Category	Code Reference	Objective	Existing Standard	Proposed Amendment	Staff Recommendation/ Comments
<b>CHAPTER 18-1.5</b>					This chapter is the combination of current Section 18.12.050 Similar Uses and Section 18.108160 Ordinance Interpretations.
Similar Uses	Unified: 18-1.5.040 Similar Uses (p 1-18)  Current: 18.12.050	Establish procedure for a determining if a use is similar to those allowed in the zone when a use is not listed in the given zone.	Planning Commission makes the determination.	<ul style="list-style-type: none"> <li>• Administrative Review that can be appealed to Planning Commission for a public hearing (Type I)</li> <li>• Staff Advisor can refer request to Planning Commission</li> </ul>	
Ordinance Interpretation Procedure	Unified: 18-1.5.050 Ordinance Interpretation Procedure (p 1-18)  Current: 18.108.160	Clarify procedure for ordinance interpretation.	Staff Advisor may interpret, or refer to the Planning Commission. Interpretations are to be forwarded to Planning Commission and City Council. Procedure is not specified.	<ul style="list-style-type: none"> <li>• Ministerial if no discretion exercised</li> <li>• Administrative Review that can be appealed to Planning Commission for public hearing (Type I)</li> </ul>	
Referral to Planning Commission and City Council	Unified: 18-1.5.060 Referral to Planning Commission and City Council (p 1-19)  Current: 18.108.160	Make clear that Staff Advisor can bypass procedure and schedule hearings at Planning Commission and Council when significant issue.	When interpretation is of “general public interest”, copies shall be made for the public.	<ul style="list-style-type: none"> <li>• When code interpretation has citywide policy implications, Staff Advisor may refer to Planning Commission and Council</li> </ul>	

Code Amendment Category	Code Reference	Objective	Existing Standard	Proposed Amendment	Staff Recommendation/ Comments
CHAPTER 18-1.5					This chapter is the current Chapter 18.122 Enforcement. It is largely the same, but reordered for a more logical flow.
Land Use Ordinance Enforcement Responsibility	Unified: 18-1.6.020 Duties of Officer (p 1-20)  Current: 18.112.060	Identify one city official with land use ordinance enforcement responsibility.	Staff Advisor or Building Official responsible to enforce land use.	<ul style="list-style-type: none"> <li>• Staff Advisor, in consultation with the Building Official and City Engineer, responsible for enforcing the provisions of the land use ordinance</li> </ul>	
Permit Extension	Unified: 18-1.6.040 Permit Extension (p 1-21)  Current: 18.112.060	Clarify when land use approvals can be extended.	Identical to existing ordinance <u>except</u> extensions for project that were delayed during the recession is removed. The recession extension was removed because the window for extensions is over.	<ul style="list-style-type: none"> <li>• Recession extension removed because no longer applicable.</li> </ul>	

# Memo

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DATE: 9/25/2011  
TO: Planning Commission  
FROM: Brandon Goldman, Senior Planner  
RE: Normal Avenue Plan Summary of Existing Conditions

## Purpose

As an initial step in informing the plan development for the Normal Avenue Neighborhood the City has prepared an executive summary of existing conditions which has been provided to Parametrix Inc (the design consultants). This summary is intended to provide background information for consideration throughout the planning process including:

- An evaluation of the Project Area in relation to schools, commercial business districts, commercial and civic attractors, and adjacent residential development
- An evaluation of the Project Area buildable lands and existing comprehensive plan designations;
- An inventory and of existing natural areas including wetlands, riparian areas, and floodplains;
- An evaluation of the existing road classifications and transit availability as they relate to the Project Area;
- Existing Traffic Counts at intersections that would be impacted by future development in the plan area; and
- Comments and summary results obtained from the resident survey completed in July 2012.

This information is being presented to the Planning Commission at this study session is for discussion purposes only as no Commission action is requested at this time.

## Upcoming Meetings

**October 23 and 25th @ 7:00-9:00 pm - Ashland Middle School Commons.**

The City of Ashland and Parametrix Inc. are hosting a two part public workshop, or '*design charrette*', to help create a concept plan for the area that accommodates future housing needs, provides for a system of greenways, protects existing stream corridors and natural wetlands, and enhances opportunities for safe walking and bicycle routes while providing convenient access to future bus service. The plan developed during these meetings will serve as a road map to help guide changes within the area in a manner that supports longstanding community goals and values.

## Attached:

Normal Ave. Neighborhood Plan Executive Summary of Existing Conditions

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# Normal Avenue Neighborhood Plan

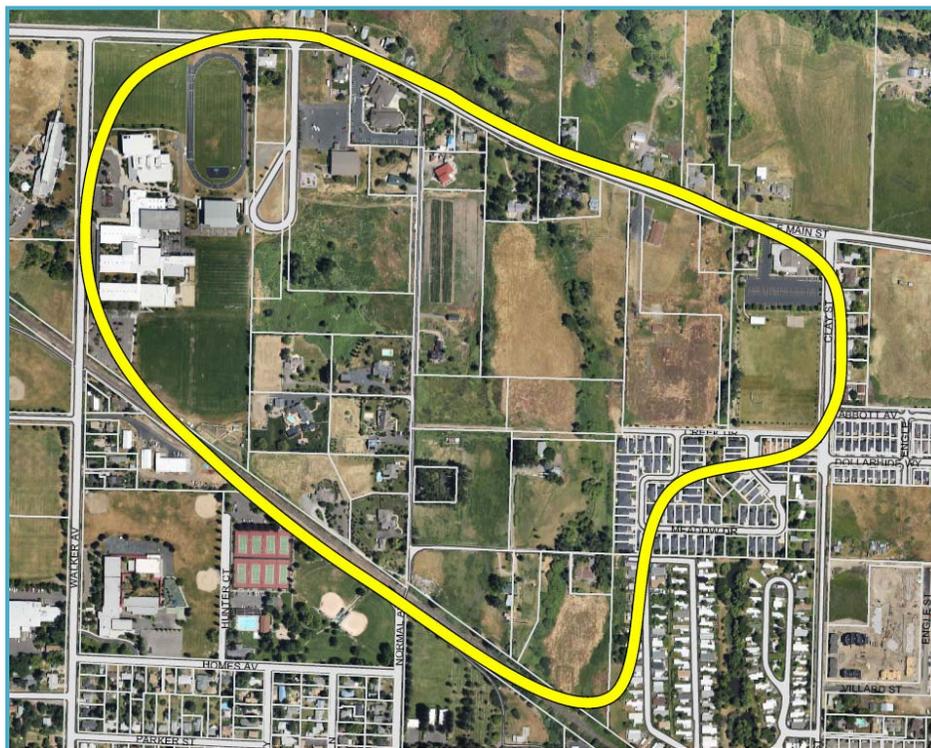
## Executive Summary of Existing Conditions

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### General Project Area Description

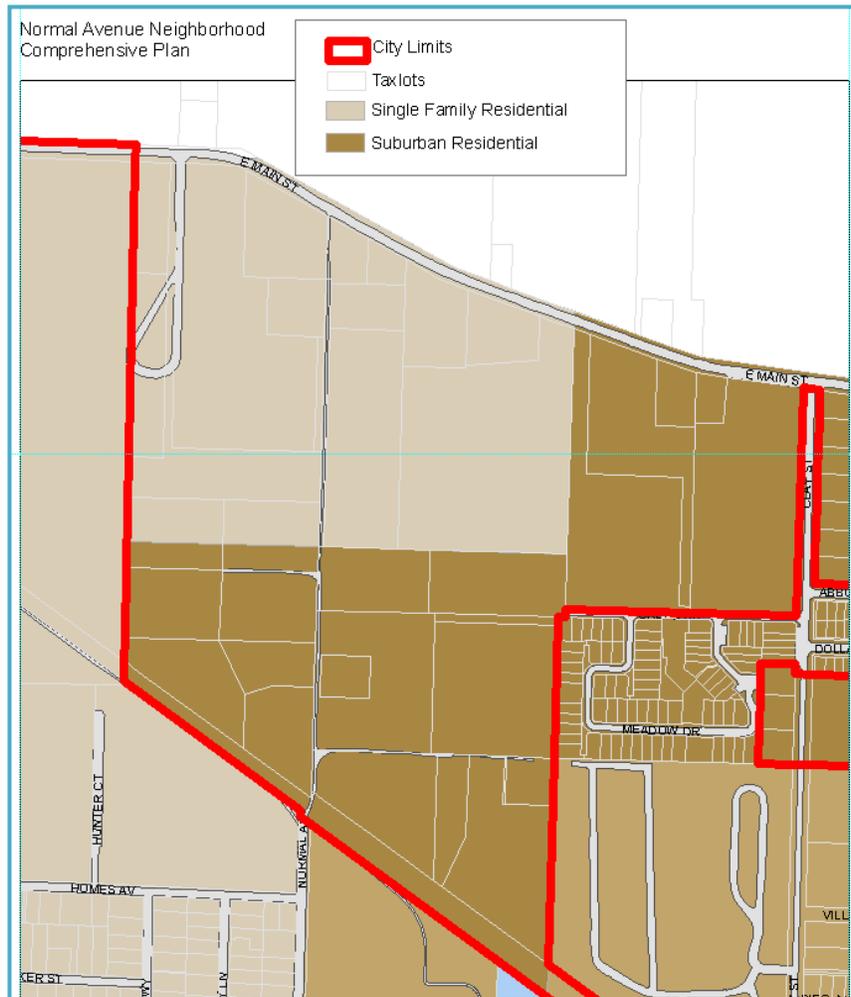
The Normal Avenue neighborhood is situated between East Main Street to the north and the railroad tracks to the south, Clay Street to the east and the Ashland Middle School to the west. Currently, the 94 acre area has a mix of Comprehensive Plan designations including single family residential and suburban residential, and is presently outside the City of Ashland (City) city limits but within the City Urban Growth Boundary (UGB).

This area constitutes the largest remaining area of residentially designated land that is suitable for medium- to high-density development which remains largely vacant or redevelopable. The plan area contains 35 properties ranging in size between 0.38 acres up to 9.96 acres. There are 26 property owners within the plan area with a number owning multiple parcels. Residential development in the plan area has historically been low density - rural residential large lot single family homes - consistent with Jackson County (County) zoning standards. Single family homes on large (up to 2 acre) lots are predominately located along East Main St, or in the south west corner of the plan area adjacent to Normal Ave.



## Comprehensive Plan

The Normal Avenue Neighborhood Plan Area is within the Urban Growth Boundary yet presently outside the Ashland City Limits. The City of Ashland Comprehensive Plan anticipates the future urbanization of this area to ensure an orderly transition of land from rural to urban uses. The City of Ashland has an established goal to maintain a compact urban form (Comprehensive Plan Goal 12.09) and to ensure the orderly and sequential development of land in the City Limits. To this end the Comprehensive Plan designations within the Normal Avenue Neighborhood Plan Area include approximately 41 acres of land reserved for *Single Family Residential* (SFR) and approximately 50 acres of *Suburban Residential* lands. The housing density expected for the SFR lands would range from 4.5 to six units per acre on average. Suburban residential lands typically accommodate attached housing options with densities between 7.2 and nine units per acre.



## Existing Development

Existing developments within the plan area include 21 Single family homes on individual lots and four religious institutions. Actively farmed properties include approximately seven acres with the remainder of the vacant lands kept largely in a natural state.

The Ashland Middle School on Walker Avenue bounds the entire west side of the Plan area. This school provides 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> grade education for the Ashland School District. This school's bus turn-around and student drop off is located within the plan area. Outside of the plan area, but in close proximity, is Ashland Walker Elementary School, which is located at the intersection of Walker Ave. and Homes Ave.

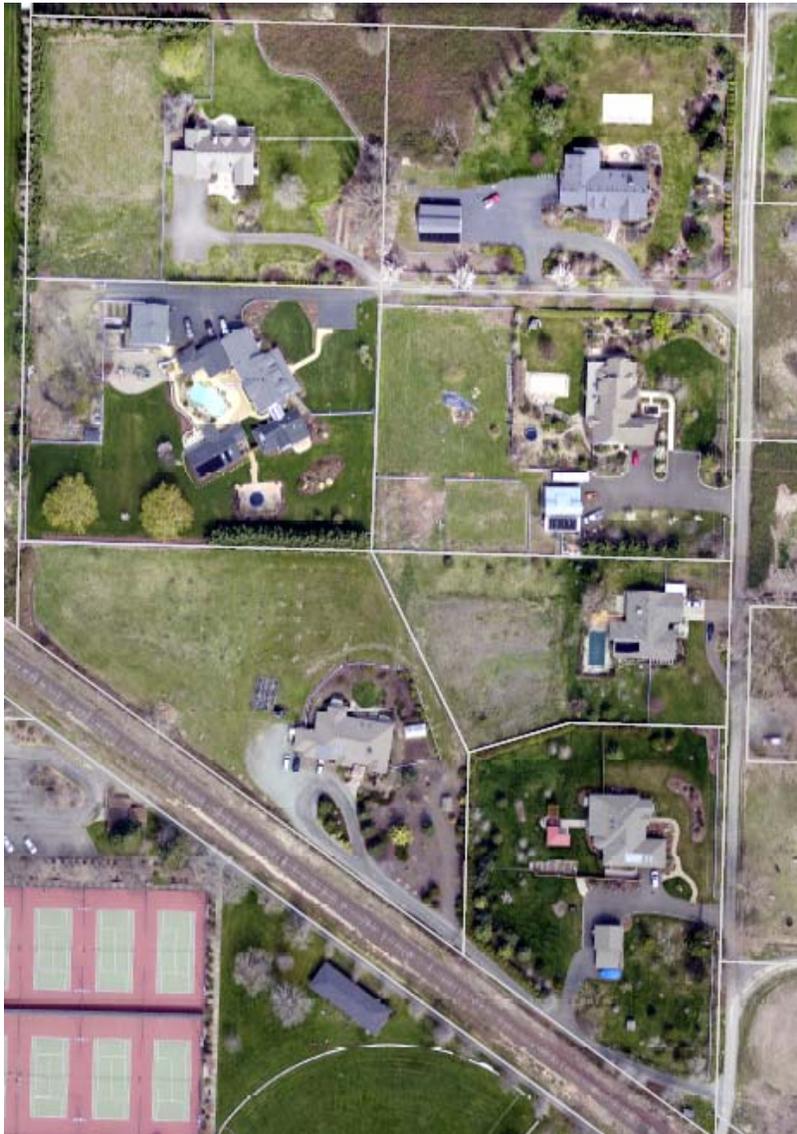
Vehicular access to the interior of plan area is presently served by Normal Avenue which is a dirt road that has been developed across numerous private properties. Mutual access easements have been recorded for a number of property owners utilizing this road, although it appears there are at least two properties along the northern section of Normal Avenue that have no existing easements in place to permit access through the southern portion of the road. The City of Ashland was deeded ownership of a sliver of land encompassing the center section of this unimproved road. The remainder of the developed properties in the plan area are primarily accessed directly from East Main Street. The section of East Main Street forming the northern boundary of the plan area is presently under Jackson County jurisdiction and is improved to county standards with two lanes, bike lanes, and open storm drain ditches.

The existing developments maintain independent septic systems with the exception of the Temple Emek Shalom (photo right). In April of 1999 the City Council granted permission to connect the then proposed temple building at 1800 East Main Street to the Ashland city sewer system. To enable this connection the Temple Emek Shalom extended the sewer line 300' from the City limits to their property and dedicated this improvement to the City. All properties within the plan area use wells for their water needs.



The most significant development in the plan area in recent years has been the incremental build-out of a seven lot subdivision of properties ranging in size from 1.4 to 2.08 acres. These lots were created under county standards and have largely limited the urban development potential of this portion of the plan area as envisioned in the comprehensive plan.

The area shown in the aerial photo below was originally designated as Suburban Residential in the Ashland Comprehensive plan. This designation would have accommodated approximately 97 dwellings on the parent 13.5 acre parcel if it had been annexed and developed according to City standards. The now existing configuration of these lots, their accesses, septic field easements, and building placements collectively function to limit future development potential for anything other than an additional accessory residential units on each existing parcel.



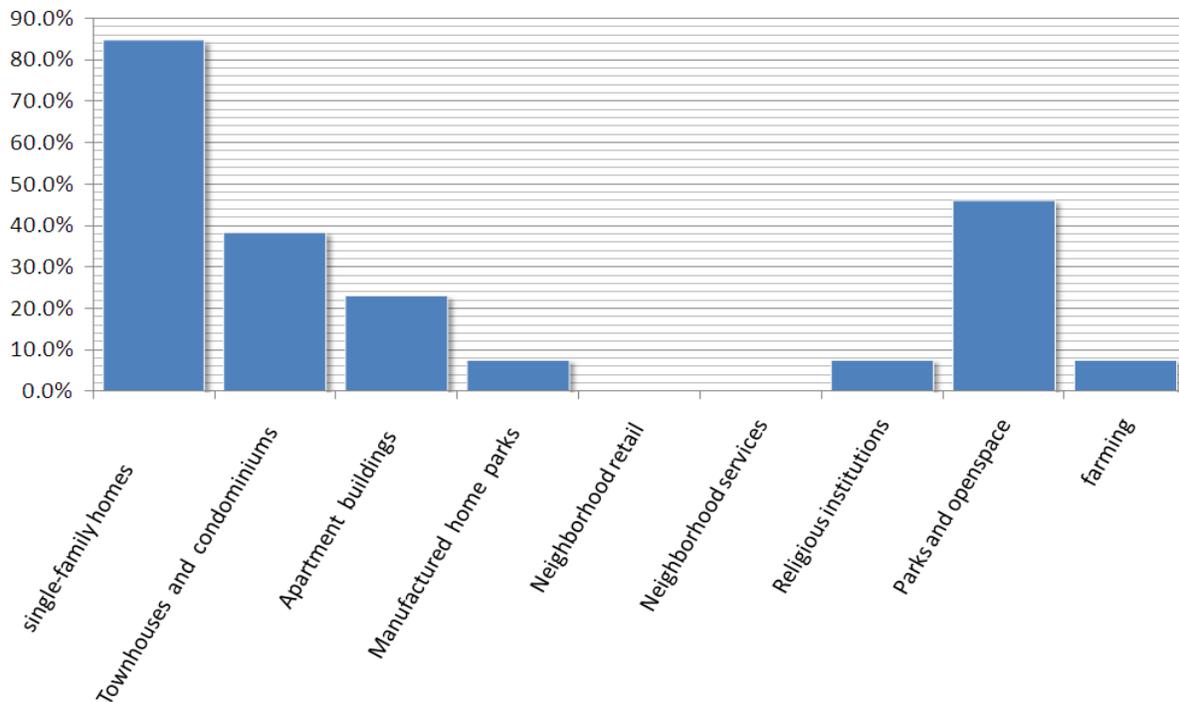
## **Resident Questionnaire**

As part of the City's efforts to better understand the project area, neighborhood values, and general neighborhood demographics a detailed questionnaire was mailed to all 26 property owners within the plan area. Half of the recipients completed the questionnaire (50% response rate). All of the respondents felt the neighborhood living environment was already good or excellent demonstrating satisfaction with existing conditions.

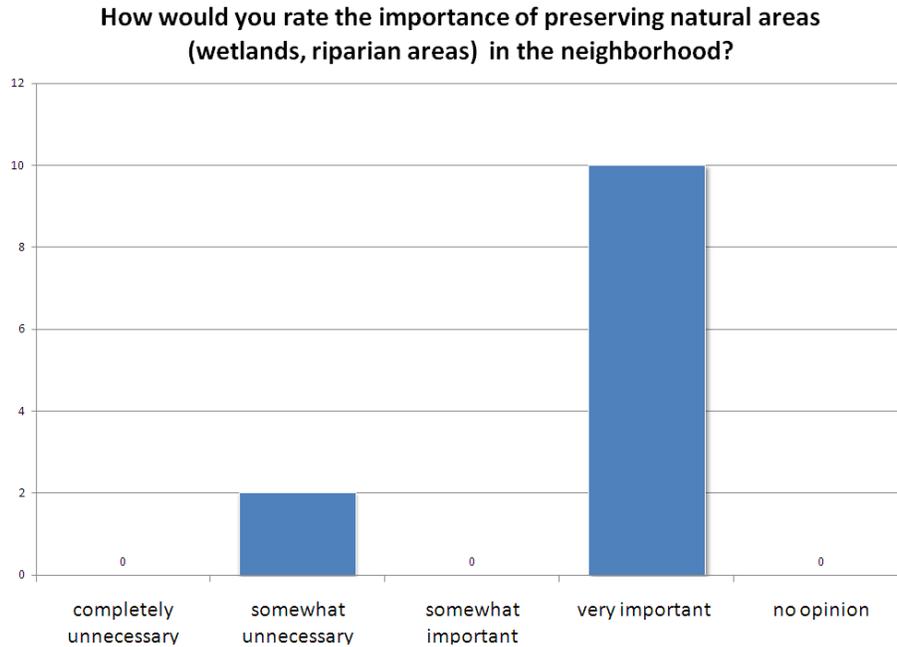
The questionnaire addressed questions regarding housing , natural areas, sustainability, and infrastructure. The full questionnaire results and comment sheets are provided as an attachment to this summary, but some key highlights are as follows

In evaluating future development potential the majority of respondents were favorable to single family detached housing with no respondents favoring the inclusion of neighborhood serving retail or commercial services within the plan area.

**As the area develops in the future which of the following land uses should be encouraged in the neighborhood?**

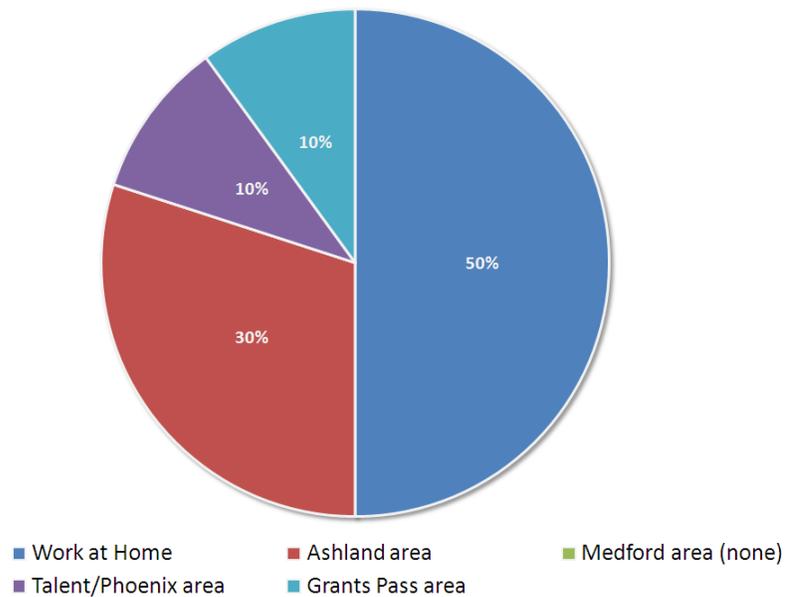


The vast majority of respondents indicated that the preservation of natural areas was very important in planning for future development.



Only two households of the 13 questioned have children present in the household. The number of retired persons in the households accounted for 31% of all residents, and the number of employed people accounted for only 62% of working age adults. Of these working adults half work from home as indicated in the chart below.

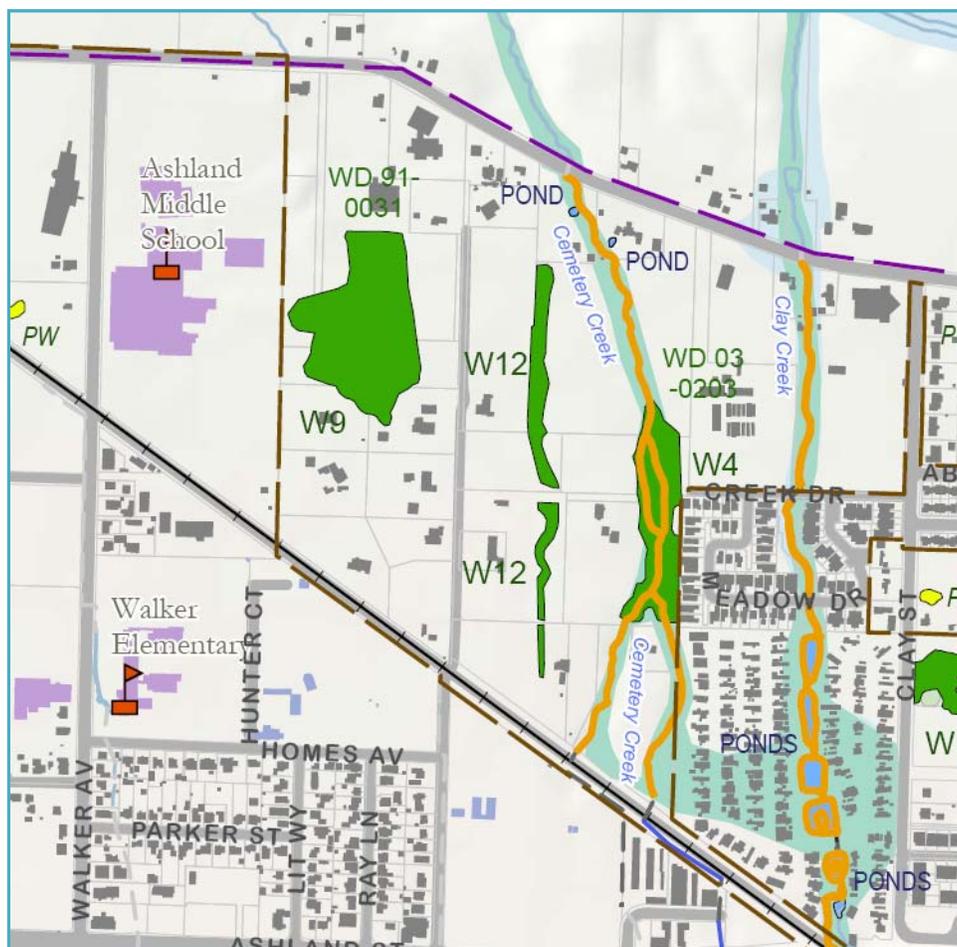
**Place of work for employed adults in neighborhood**



## Wetland and Riparian Resources

In February of 2007 the City of Ashland Local Wetlands Inventory and Assessment and Riparian Corridors was completed by SWCA Environmental Consultants (Fishman/SWCA). The study area included the Ashland city limits and urban growth boundary and included an assessment of three wetlands (W4, W9, and W12) that are located within the Normal Avenue neighborhood plan area. These three wetlands total 10.92 acres in area collectively constitute approximately 38% of all the significant wetlands within Ashland's entire urban growth boundary.

Locally significant wetlands were identified using the Oregon Freshwater Wetland Assessment Method (OFWAM). Significance was determined based on a wetland's ability to provide high function in one or more of the following categories: wildlife habitat, fish habitat, water quality or hydrologic control, or the wetland's ability to provide medium water quality function if located within 0.25 mile of a DEQ water quality listed stream.



City of Ashland Water Resources Protection Zones and Local Wetland Inventory Map (Ord 2999)

The largest of the three wetlands within the plan area is a 5.38 wetland (W9) located along the western boundary of the plan area adjacent to Ashland Middle School. This wetland does not contain a surface water connection to a stream and is therefore determined to be isolated. This specific wetland is the largest wetland within the plan area as well as the City of Ashland as a whole.

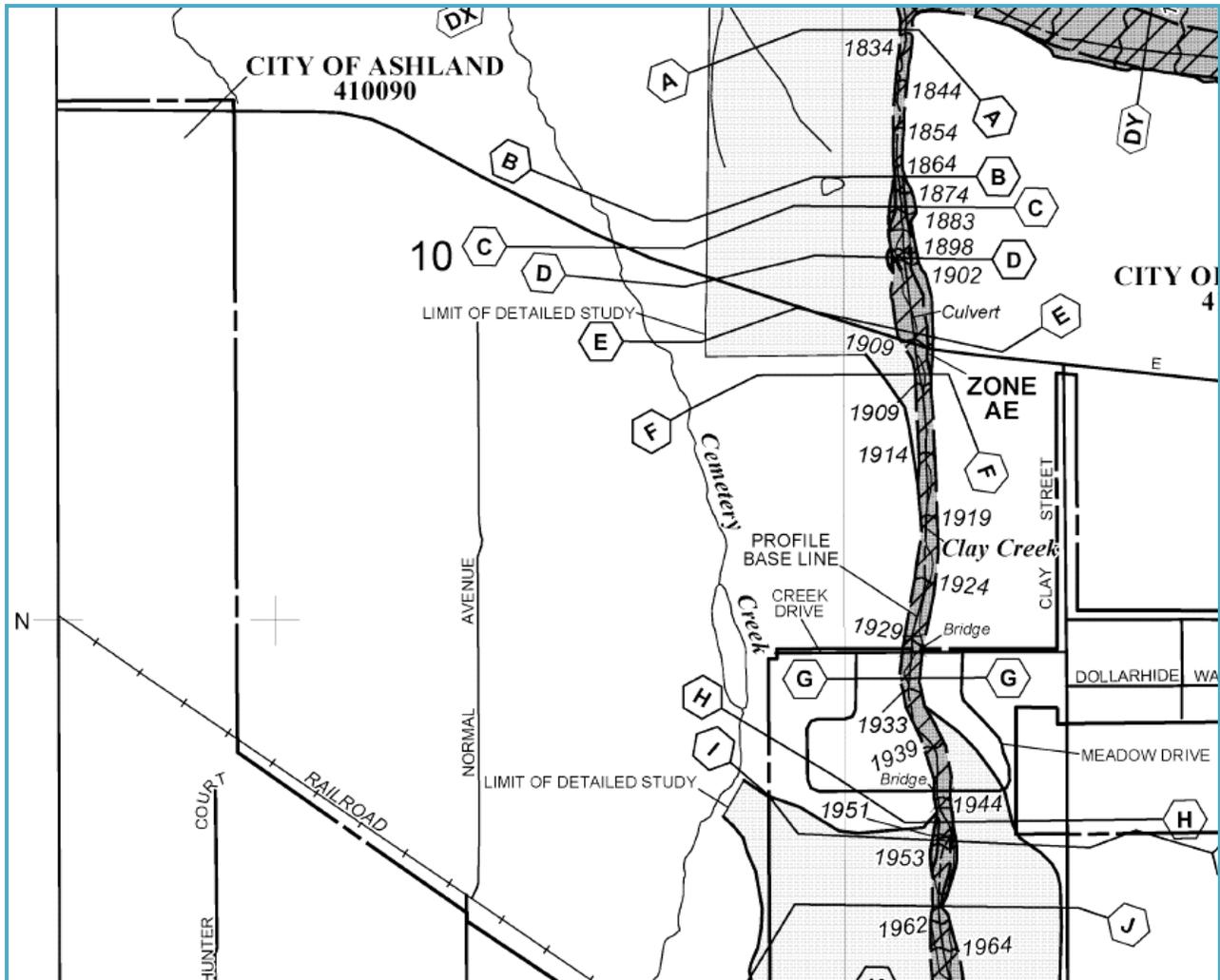
The 3.86 acre wetland associated with Cemetery Creek (W4) is closely bordered by residential development along its east edge (Ashland Meadow Village Subdivision). At the terminus of Creek Drive in this vicinity a wetland fill violation occurred and thus the Division of State Lands conducted a wetland determination in 2003 (DSL WD 03-0203).

The 1.68 acre wetland (W12) traverses a number of properties (391E10D201,203,204,300 &700) and originates in part in a horse pasture north of the railroad tracks and East of Normal Avenue. This wetland does not include a stream lake or pond although evidence of ponding in high water periods is evident. Along the northern portion of this wetland a number of black cottonwood trees are present.

The study further identified two creeks within the plan area including Cemetery Creek and Clay Creek. Cemetery Creek originates north of Siskiyou Blvd. North of the railroad tracks the creek is forked and generally ranges from 1-5 feet. Wide. In the plan area the creek is bordered by agricultural fields until it is channelized through a landscaped yard where it is bordered by mowed lawns (391E10D2400). Noted previously this creek corridor also contains emergent wetlands (W4) within the plan area. Cemetery Creek is classified as a *Local Stream* and is subject to the streambank protection zone requirements set forth in the Ashland Land Use Ordinance (18.63.050 A). For such non fish-bearing streams, the Stream Bank Protection Zone shall include the stream, plus a riparian buffer extending 40 feet upland from the centerline of the stream. This creek corridor is additionally designated as within Ashland's Floodplain corridor lands as provided for in ALUO 18.62.060, however the FEMA 100 year flood plain does not include this creek section

Clay Creek originates within the steep hills south of the City of Ashland. In the immediate vicinity of the plan area Clay Creek bisects Wingspread Mobile Home Park and traverses through a series of ponds until entering Meadowbrook Park Estates. Within this subdivision the natural vegetation along Clay Creek was removed and the creek was channelized within mowed lawns and now contains side slopes of rip-rap and slopes covered with bark dust. North of Meadowbrook Park Estates the creek is more natural although some clearing has occurred within the riparian buffer. Clay Creek is designated *Local Stream* requiring a stream bank protection zone of a minimum of 40ft

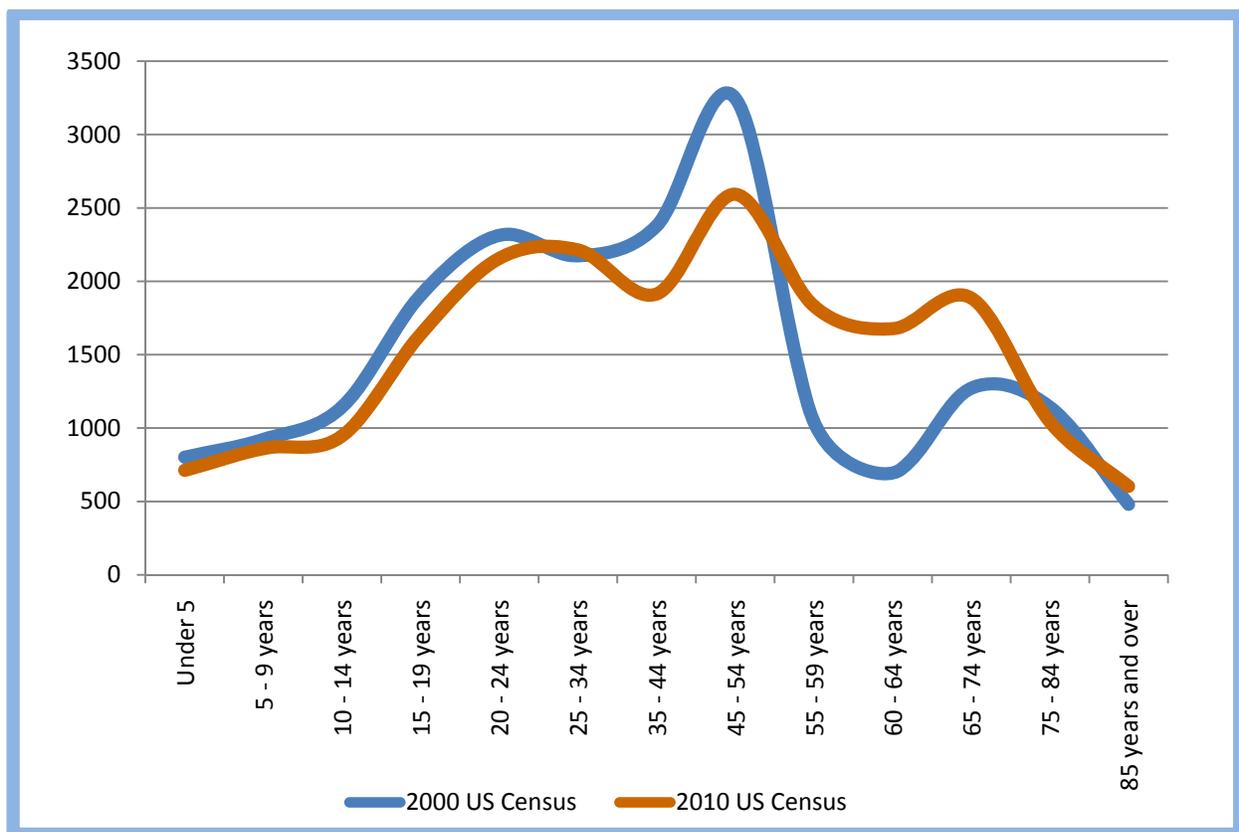
from the centerline of the creek. Further the FEMA 100 year floodplain includes this creek section as shown in the Flood Insurance Rate Maps for Jackson County, Oregon (Panel 2208 of 2327, Map #41029C2208F, effective May 32011)



**Flood Insurance Rate Maps** for Jackson County, Oregon (Panel 2208 of 2327, Map #41029C2208F, effective May 32011)

## Population Growth and Household Demographics

The primary indicator of future residential land needs is the projected population growth. In combination with changes in the number of people per household, and the assumed vacancy rates for housing units, these factors can predict the number of total housing units needed. The City of Ashland has grown in population from 16,234 in 1990 to 20,078 in 2010 according to the US Census. This 0.79% historical growth rate is largely consistent with the City's Comprehensive Plan and Jackson County's population estimate for the City of Ashland that predicts the population will continue to grow at an average annual rate of approximately 0.75% between 2005 and 2060.



**Ashland Persons per Age Cohort 2000-2010**

The trend of an aging citizenry illustrated by the chart above is expected to persist into the future as the largest population growth has been, and will continue to be, in the age groups represented by the large baby boom cohort. This group which was in their 40's and 50's in 2000, and their 50's and 60's in 2010, (where those groups saw increases of 110% and 85% respectively), will be in their 70's and 80's by 2020. Overall the forecast for the State of Oregon (*Source: OREGON'S DEMOGRAPHIC TRENDS February 2010, State Office of Economic Analysis*) anticipates there will be 53% more elderly in 2020 than in 2010. Given

Ashland's desirability as retirement destination such trending indicates Ashland will likely see a continuation of this trend.

## **Household Size**

Household size within the City of Ashland has been decreasing slowly over the past two decades. Currently the average household size is estimated to be 2.08 persons per unit for owner-occupied households and 2.06 for renter households. These averages are well below the approximate 2.47 people per household (pph) for the State of Oregon as a whole. This difference in people per household can be attributed to the large number of single person households within Ashland (37.7%). Roughly a third of these single occupant households are individuals 65 and over. A large senior and student population understandably increases the number of small households given these populations typically do not have children present in their homes.

## **Owner and renter occupied housing**

The 2010 Census showed 51% of Ashland households own their homes and 49% are in renter occupied housing. Ashland has a lower percentage of homeowners and a higher percentage of renters than Jackson County with a 63.3% ownership rate, the State of Oregon with a 63.8% ownership rate or the Nation as a whole with at 66.6% homeownership rate. The 2000 Census data showed 52.3% of housing units in Ashland were owner occupied and 47.7% of units were renter occupied. This regional rental/owners disparity could be affected by the presence of the University which increases the student age population that is typically in the market for rental housing, but also shows a greater demand for rental units relative to the rest of the region.

There are 4,856 owner-occupied dwelling units in Ashland occupied by approximately 10,210 individuals. The average household size for owner-occupied dwelling units is 2.10 people per unit.

There are 4553 renter-occupied dwelling units in Ashland occupied by approximately 8,907 individuals. The average household size for renter-occupied dwelling units is 1.96 people per units, slightly less than the household size of the average owner occupied unit.

The 2007 rental needs analyses conducted property interviews with five property managers and from that information and the information gathered from a needs analysis conducted concurrently, This study concluded that the greatest need in Ashland at that time was for the development of more studio apartments followed by a need for a relatively modest number of one bedroom and three bedroom units. The analysis also

showed that there was an oversupply of two-bedroom rental units. The following table is from that report and illustrates their findings.

**City of Ashland Rental Housing Need by Unit Type**

Type	Demand	Supply	Net Need
<b>Studio</b>	1,039	392	647
<b>1 Bedroom</b>	1,290	1,188	102
<b>2 Bedroom</b>	872	1,676	(804)
<b>3+ Bedroom</b>	900	846	54
<b>Total</b>	4,102	4,102	0

Source: US Census and City of Ashland 2007 Rental Needs Analysis - Ferrarini & Associates

### **Buildable Lands Inventory**

In November 2011 the City of Ashland completed a Buildable Lands Inventory I which comprehensively evaluated the supply of available residential and commercial land within the City’s urban growth boundary.

The BLI update was completed using the City’s geographic information system (GIS). A taxlot-level database containing all tax-lot records within Ashland’s Urban Growth Boundary was assembled by using Jackson County GIS and Assessor data, City of Ashland Building Permit data, and the GIS data from prior Buildable Lands Inventories completed by the City. Each record included such data as property size, ownership, zoning, Comprehensive Plan designation, real market value, and development type.

The data was then supplemented by examining Jackson County’s June 2010 aerial photograph and City of Ashland building permit data to ensure that current development activity was captured in the inventory. Based on the type and extent of development on each taxlot a current development status was assigned to each parcel (e.g. vacant, partially vacant or redevelopable). Staff was then able to refine this assessment further by evaluating site specific constraints to future development including the presence of floodplains, steep slopes, and any preexisting development on site, to determine the percentage of each site that currently retains development potential. By determining the amount of net developable land on a given lot Staff was able to estimate the number of dwelling units that could be accommodated on each developable property. For the purposes of estimating dwelling unit potential Staff assumed that all buildable lands would develop according to the densities specified for the existing underlying zone (within the City limits), or comprehensive plan designation (outside the City Limits yet within the UGB).

Through these methods the BLI database quantifies the amount of vacant residential and commercial lands available. Additionally, the potential number of dwelling units that could be provided on available lands is quantified for all tax lots within the existing UGB

by zoning and Comprehensive Plan designation. This BLI database allows the City to readily quantify the availability of land within the Normal Avenue Neighborhood Plan area. In gross acreage there are 15 lots totaling 41 acres of land within the plan area that are designated for Single Family Residential Land. At four and a half (4.5) units per acre these lands would accommodate up to 184 units. The twenty parcels designated as suburban residential total 50 gross acres which could accommodate up to 360 dwellings. However, in consideration of reductions in buildable land due to the presence of floodplains, wetlands, existing developments, and future right of way dedications the map below shows the “Net” buildable acres for each taxlot within the plan area.

The City of Ashland land use ordinances allow the transfer of development rights to essentially cluster housing to protect designated water protection zones. In consideration of this potential the density of development would be calculated based on gross acreage rather than net acreage.

For the purposes of estimating future dwelling units the City has included in the BLI database an evaluation of dwelling unit potential that could be reasonably be accommodated on each individual lot. In cases where existing development patterns limit future development consistent with the comprehensive plan designation, the adjusted number of dwelling units allows the City to account for this disparity. This reduction of dwelling unit capacity is the case in the south west corner of the plan area where seven large lots were developed under county standards and although they have significant land area, issues of access and existing building placements limit future development significantly in this area. Adjusting for such existing development each of these properties would have the opportunity to add single accessory residential units if annexed, but could not realize the maximum potential of the Suburban Residential Comprehensive Plan designation.

Using the adjusted dwelling unit assessments in the BLI , the entire Normal Plan area would likely accommodate 115 units in the SFR designation, and 231 units in the suburban residential area for a combined total of approximately 346 units. This total is significantly less that the gross acreage unit capacity of the plan area which is calculated to be 544 dwelling units. As only 21 single family homes presently exist in the plan area this constitutes an unused capacity of 523 units.



## Transportation

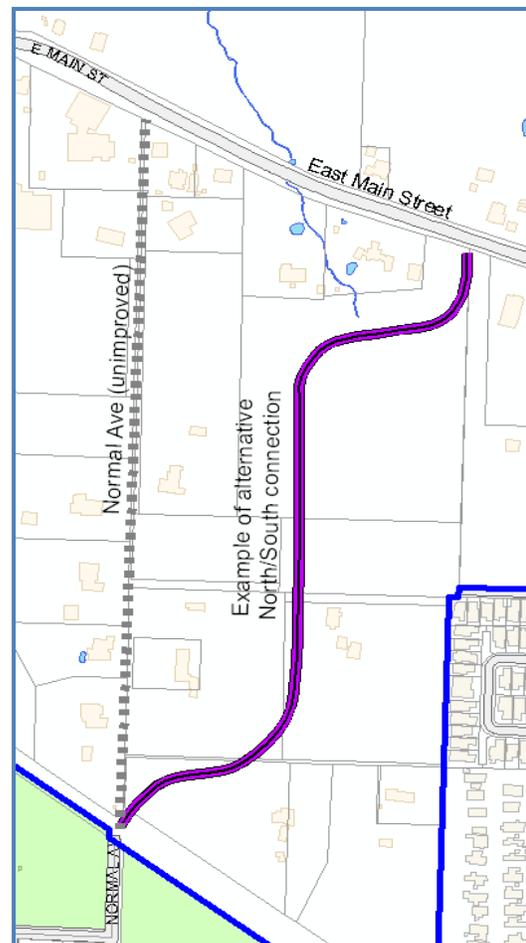
This project will implement components of the Ashland Transportation System Plan (TSP) for reducing exclusive vehicular orientation and creating greater accommodation for pedestrians, bicyclists, and transit in the Normal Avenue neighborhood. An updated TSP is currently being reviewed by the City of Ashland Planning and Transportation Commission with expected adoption by the end of the year.

The integrated land use and transportation plan will provide a circulation plan identifying new local streets, bike and pedestrian paths, transit route opportunities, and consolidated access points to the adjacent major arterial street (East Main Street). The project will seek to implement policies of the City's TSP while integrating compact high intensity land uses and transit oriented development. It is anticipated that through the use of interconnected local order streets, multi-modal paths, and housing densities sufficient to support local transit that the plan area can develop in a manner that reduces the reliance on automobiles as a primary mode of transportation.

### **Normal Avenue Extension**

The existing and proposed TSPs both identify the unimproved section of Normal Avenue as a future "avenue" or "major arterial" connection. The intent of this designation is to plan for a north/south connection through the project area from the rail road crossing at Normal Avenue to East Main Street.

In consideration of the fact that the bulk of readily developable land that would be serviced by a north/south neighborhood collector exists within the eastern half of the plan area it may be prudent to evaluate the opportunity to meander this main corridor to the east through the opportunities analysis of this planning effort. Further the area at the terminus of the existing Normal Avenue, along East Main Street, is largely developed, thereby reducing the potential that Normal Avenue would be improved in this area as part of developer driven activities.

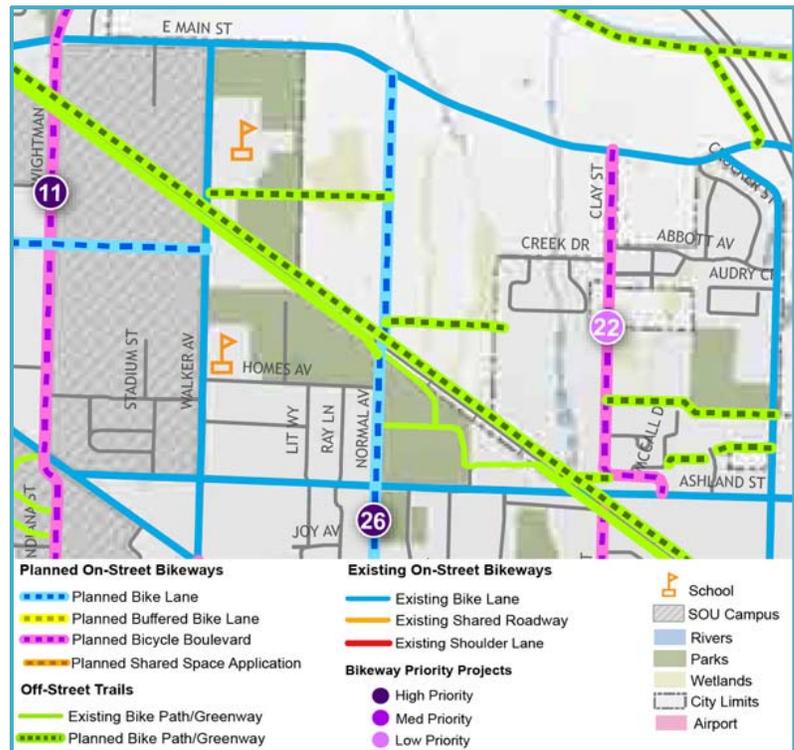


## Bike Network

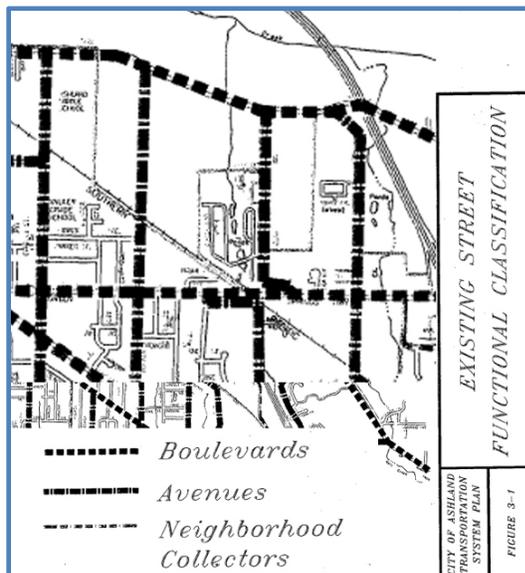
The Ashland Central Bike path is presently improved along the southern boundary of the plan area adjacent to the Rail Road tracks.

Within the plan area the existing and Draft TSP both identify future bike lanes and paths necessary to accommodate multi-modal transportation through this area. The map to the right is excerpted from the draft TSP which shows a needed bike lane running from the central bike path along the railroad tracks north to connect to East Main St. It is important to note that these mapped

locations are intended to denote system wide connections, and that the precise location of such future facilities is to be determined by future development proposals.



## Street Classifications in the proximity of the plan area



The 1998 Transportation System Plan identified East Main and Ashland Streets as Boulevards and Walker Ave., Normal Ave, Clay St. and Tolman Creek Road as Avenues. The draft 2011-12 TSP maintains these classifications.

**Railroad Crossing- Normal Avenue crossing:** currently an uncontrolled rail crossing provides access to the existing dirt road section north of the tracks. As noted previously this road is identified for improvement in the CIP/STIP . The previous TSP identifies the need for new railroad crossing arms and signals for this location.

The FHWA's *Guidance on Traffic Control Devices at Highway – Rail Grade Crossings* (2007) recommends that grade separation be first considered for any new rail crossing and that “generally new grade crossings should not be permitted unless no other viable alternatives exist and, even in those instances, consideration should be given to closing one or more existing crossings”. To enlarge the existing rail crossing to accommodate increased traffic associated with the build out of the plan area the City would pursue a permit to alter the multi-use path and vehicular roadway crossing. It is the City's understanding that such applications must be made by the railroad company or the public roadway authority. The permitting for a crossing begins with a safety application. The application covers new construction or alteration of existing at grade and grade separated crossings. Upon submittal of the application, the ODOT Rail section reviews the application and draws up a crossing order. An order grants legal authority to construct or alter a public crossing.

At a system level, a one-for-one replacement policy in place which requires an existing crossing to be closed in order to open a new crossing. In review of this general policy the Ashland Transportation Commission and Planning Commission were not amenable to the closure of existing crossing to enable the alteration Normal Avenue crossing , but rather the commissions have expressed interest in obtaining an order allowing improvements to the existing Normal Avenue crossing.

**Rogue Valley Transportation District (RVTD).** Transit is currently available along Ashland Street to the south of the project area. The City's draft TSP has not identified East Main Street, along the north side of the project area, as a future bus route location. The new route identified in the draft TSP aims to provide a frequency of service that could not be accomplished by extending the loop to include East Main Street from Walker Ave. to Tolman Creek Rd. With the development of the project area the expected housing density would support transit, and thus re-evaluating the transit loops at that future date may be advised to better address the transit needs of the residents of the Normal Ave. Neighborhood.

**Traffic Counts.** To establish the existing conditions relating to vehicular volume in relation to this planning effort the Oregon Department of Transportation has completed traffic counts at various intersections in the vicinity of the plan area between September 2011 and April 2012 as shown in the diagrams in the appendix. Further traffic counts as provided for in the scope of work for this project will be provided by ODOT separate from this executive summary.

## Appendix

- Traffic Counts
- Local Wetlands Inventory summary sheets
- Resident Questionnaire Comment Sheets
- Questionnaire results table
- Assessors plat map
- Detailed 2012 Aerial Photographs of the Plan area

# Ashland Street @ Normal Avenue

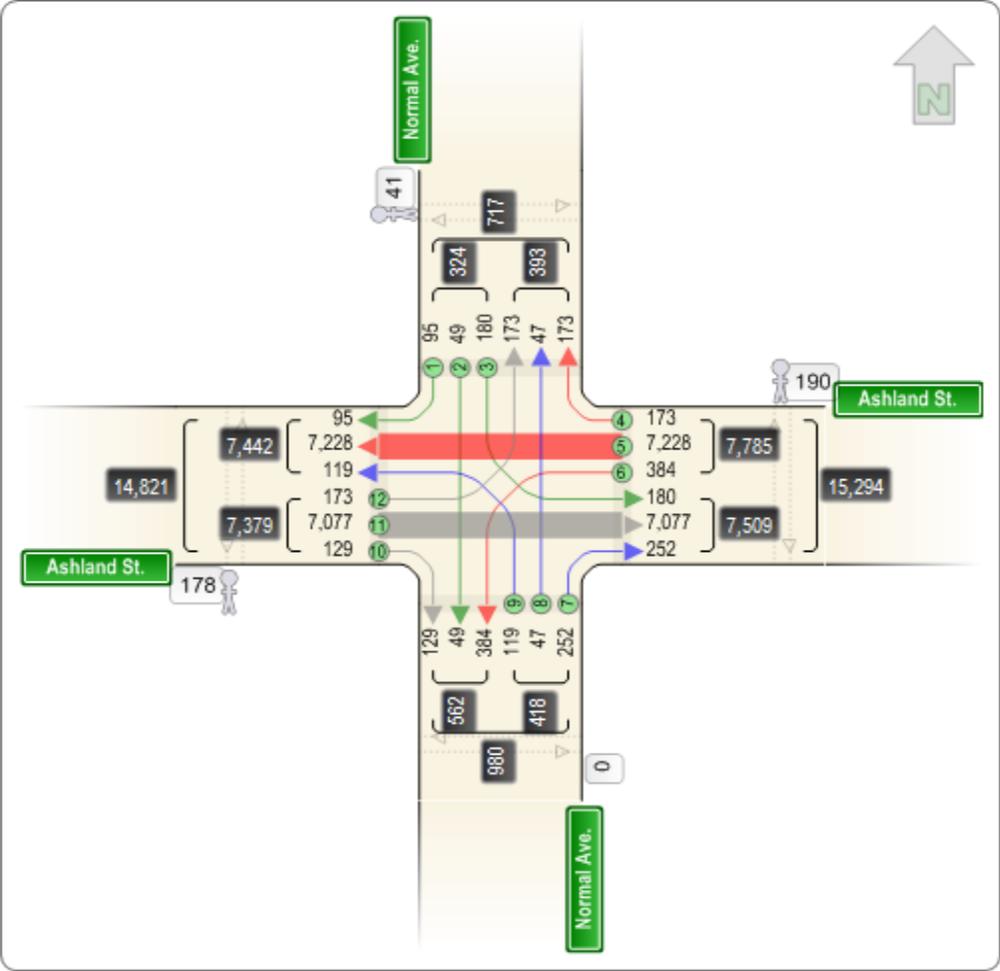
**Transportation Development Division  
Transportation System Monitoring Unit  
Vehicular Volume**

<b>Time settings</b>	<b>Source</b>
Date: 9/26/2011	Site Number: 15082011
Hours: 6:00 AM-10:00 PM	Street Number: 8059
Weather: Clear	Vehicle Type: Vehicles
	Crossing Flow: Pedestrians

**Source Description**  
Location Description: Ashland St. @ Normal Ave

bicyclists with helmets =  
north leg = 12  
east leg = 58  
south leg = 18  
west leg = 44

County: Jackson  
City: Ashland



## East Main at Tolman Creek Rd.

### Transportation Development Division Transportation System Monitoring Unit Vehicular Volume

#### Time settings

Date: 4/4/2012  
Hours: 6:00 AM-10:00 PM  
Weather: Cloudy

#### Source

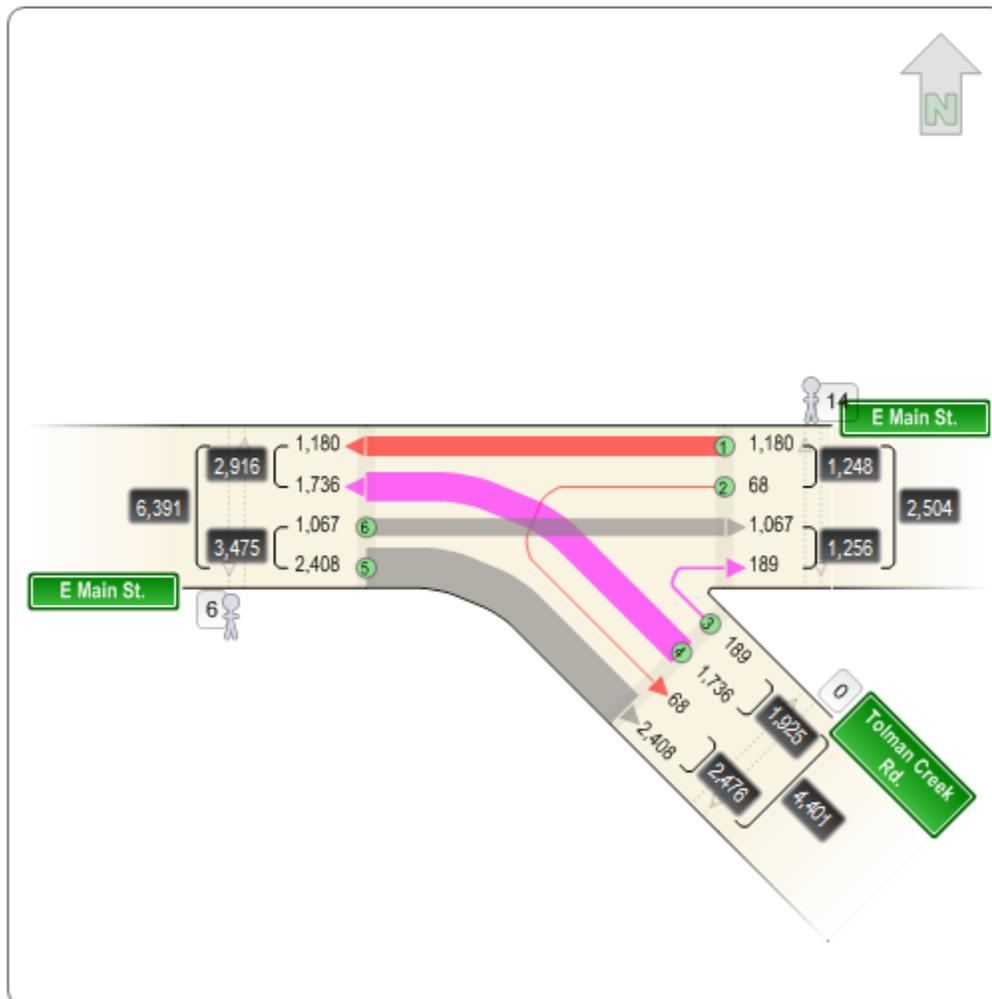
Site Number: 15012012  
Street Number: 3758  
Vehicle Type: Vehicles  
Crossing Flow: Pedestrians

#### Source Description

Location Description: E Main St. @ Tolman Creek Rd.

bicyclists with helmets =  
west leg = 10  
east leg = 10  
volume only when dark

County: Jackson  
City: Ashland



## Ashland Street @ East Main Street and Oak Knoll Drive

### Transportation Development Division Transportation System Monitoring Unit Vehicular Volume

#### Time settings

Date: 9/27/2011  
Hours: 6:00 AM-10:00 PM  
Weather: Clear

#### Source

Site Number: 15132011  
Mile Point: 1.76  
Street Number: 021  
Vehicle Type: Vehicles  
Crossing Flow: Pedestrians

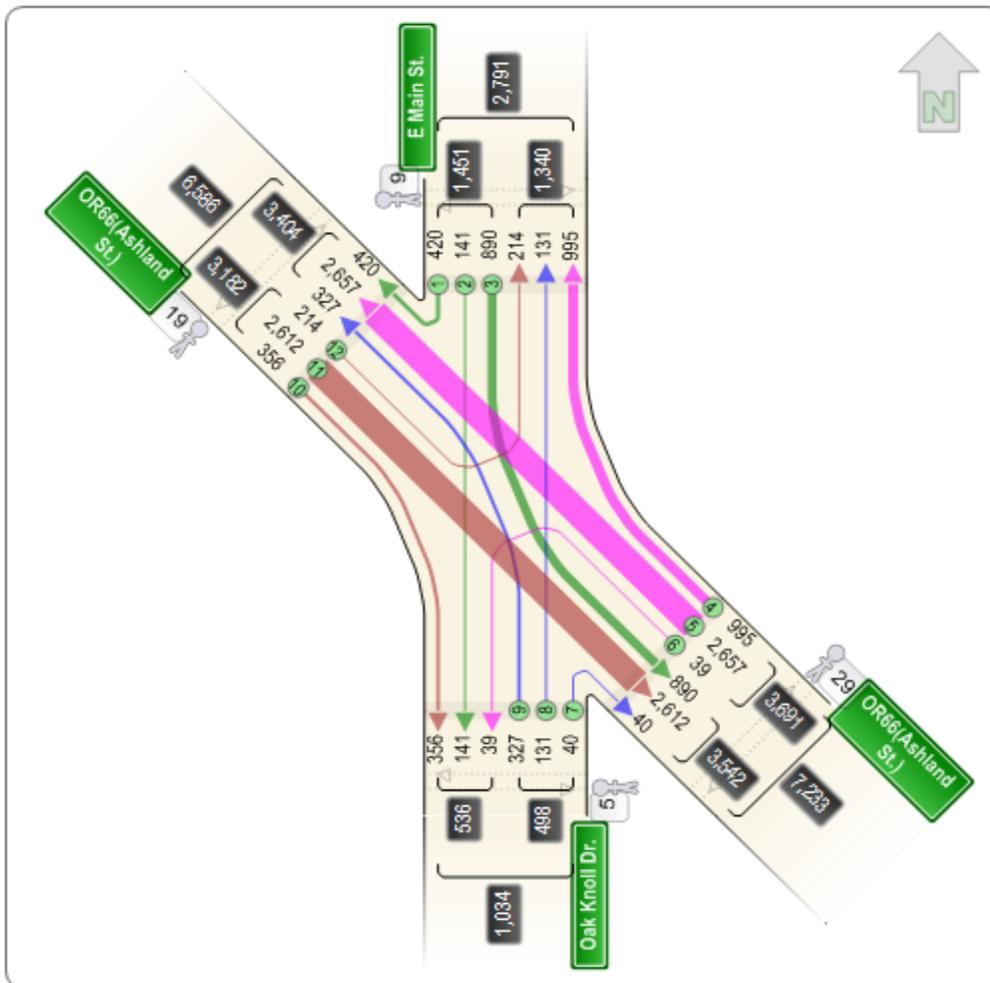
#### Source Description

Location Description: OR66(Ashland St.) @ E Main St. & Oak Knoll Dr.

off set intersection

site 1603 = west leg

County: Jackson  
City: Ashland



## East Main St. @ Clay Street

### Transportation Development Division Transportation System Monitoring Unit Vehicular Volume

#### Time settings

Date: 4/4/2012  
Hours: 6:00 AM-10:00 PM  
Weather: Cloudy

#### Source

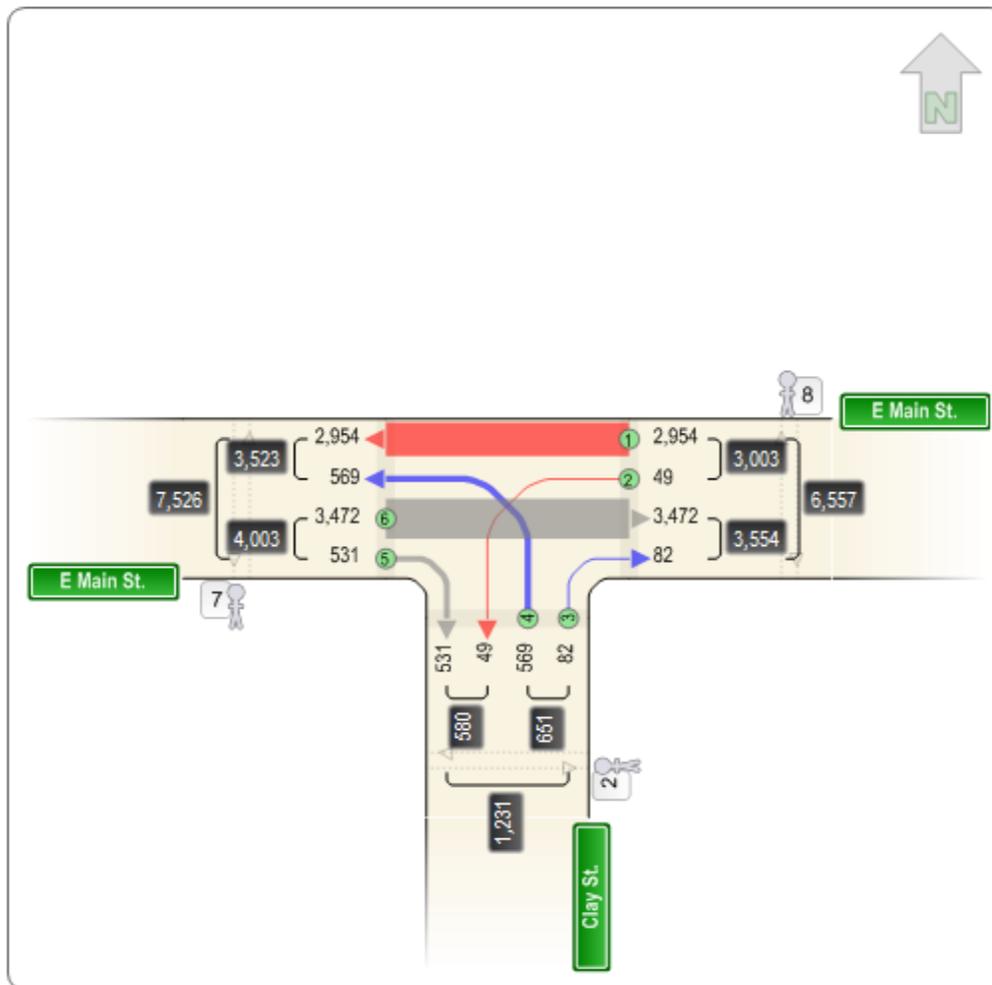
Site Number: 15022012  
Street Number: 3758  
Vehicle Type: Vehicles  
Crossing Flow: Pedestrians

#### Source Description

Location Description: E Main St. @ Clay St.  
expanded 6-10A 2-7P

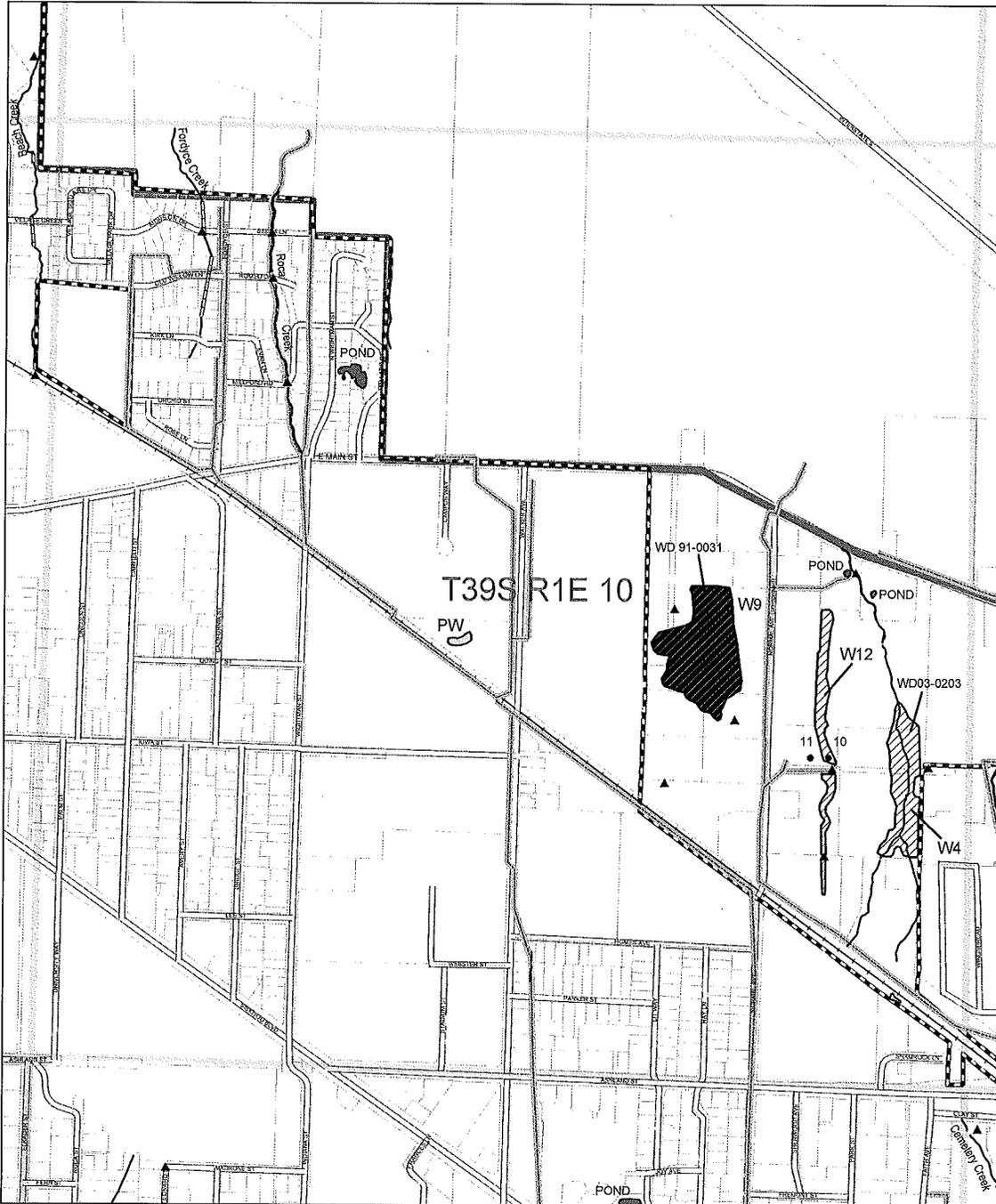
bicyclists with helmets  
east leg = 8  
west leg = 8

County: Jackson  
City: Ashland





City of Ashland  
**Local Wetlands Inventory**  
**T39S R1E 10**



**Legend**

- |   |                       |  |
|---|-----------------------|--|
| Wetlands, field verified                | Taxlots               | Streams, intermittent drainages, and ditches |
| Wetlands, not field verified            | Urban Growth Boundary | Laterals                                     |
| Possible Wetlands                       | City Limits           | Talent Irrigation District Canal             |
| Pond                                    | Sections              | Culverted Streams                            |
| Riparian Corridor Safe Harbor (50 feet) | Streets               | <b>W1-W14 Wetland Unit</b>                   |
| Sample Plot                             | Railroad              |  |
| Observation Point                       |                       |  |

**Fishman**  
 Environmental Services  
 A DIVISION OF  
**SWCA**  
 Environmental Consultants, Inc.  
 www.swca.com  
 4341 NW 6th Ave, Suite 304  
 Portland, OR 97209-3600  
 503.224.0323

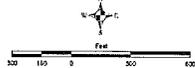
Information shown on this map is for planning purposes only and wetland information is subject to change. There may be unmappped wetlands subject to regulation and all wetland boundary mapping is approximate. In all cases, actual field conditions determine wetland boundaries. You are advised to contact the Oregon Department of State Lands and the U.S. Army Corps of Engineers with any regulatory questions.

The local wetlands inventory has been prepared in accordance with CAR 141-585-0180 through 141-065-0340 and CAR 141-585-0300 through 141-065-0350 by SWCA, Inc.

Maps have been prepared using City of Ashland digital orthophotos. Photos are S10 format. Pixel Resolution: 1 pixel. Date of Photography: July 2001.

Projection Information:  
 NAD 1983 StatePlane Oregon South FIPS 3602 Feet  
 Lambert Conformal Conic  
 False Easting 4921250.000000  
 False Northing 0.000000  
 Central Meridian -120.500000  
 Standard Parallel 1: 42.333333  
 Standard Parallel 2: 44.000000  
 Latitude Of Origin 41.866667

GCS North American 1983  
 Proj4 dsid: 121208; Prepared By: R. Gutierrez



Study area is contained within the Bear Creek watershed

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment  
Wetland Summary Sheet

**Site: Wetland 4**

Site Code: **W4**

Location: Cemetery Creek, north of railroad, south of Main Street

Township **39S** Range **1E** Section **10** Quarter **SE**

Tax Map Tax lot(s) 391E10D 201; 391E10DA 3200, 3500 & 3600

DSL #: WD 03-0203 (east side of tax lot 3600 only)

Approximate size (acres): 3.86

Cowardin classification: PEM

HGM classification: Riverine Flow-Through

Hydrologic basin: Cemetery Creek

Soil type(s): Kubli

Sample Plot Number(s): none (no permission to access)

Field verification date(s): 6/3/03

Dominant Plant Species (Common Names):

Trees:

Shrubs: Pacific willow, weeping willow

Herbs: reed canarygrass, cattail

Other:

Primary hydrology source:

(including hydrology source and use of artificially created wetlands; any potential non-jurisdictional status)

Cemetery Creek, also stormwater input from adjacent residential development to east noted

OFWAM Summary:

<u>Function</u>	<u>Rating</u>	<u>Rationale</u>
Wildlife Habitat:	Medium	1 Cowardin class, no woody veg., <0.5 acre open water
Fish Habitat:	Medium	low shading and cover, adjacent land use is agriculture
Water Quality:	High	evidence of ponding, high veg. cover, adjacent land use is agriculture
Hydrologic Control:	Medium	outside floodplain, unrestricted outlet, upstream land use is developed

Determination of Goal 5 Locally Significant Wetland: Significant

Description of the wetland, including topographic position, land uses, alterations, and the basis for the wetland boundary determination:

This wetland unit is associated with Cemetery Creek. Vegetation is dominated by reed canarygrass (invasive) and cattail, with areas of Pacific willow and weeping willow shrubs. Himalayan blackberry and white poplar shrubs were also noted in areas. A few black cottonwood trees are also present along the stream. The wetland is closely bordered by residential development along its east edge. The western wetland boundary is defined by a change to upland grasses. A wetland fill violation occurred at the west end of Creek Drive, and an on-site wetland determination was conducted by the Division of State Lands in April 2003 (DSL WD 03-0203).

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment  
Wetland Summary Sheet

**Site: Wetland 9**

Site Code: **W9**

Location: North of railroad, south of East Main Street, west of Cemetery Creek

Township **39S** Range **1E** Section **10** Quarter **NE & SE**

Tax Map Tax lot(s) 391E10D 903, 909, 910, 913 & 1000

DSL #: WD 91-0031

Approximate size (acres): 5.38

Cowardin classification: PEM

HGM classification: Slope Valley

Hydrologic basin: Isolated

Soil type(s): Kubli

Sample Plot Number(s): none (difficult access)

Field verification date(s): 6/25/03 (off-site)

Dominant Plant Species (Common Names):

Trees:

Shrubs: Himalayan blackberry is around the perimeter

Herbs: (from 1991 delineation) fine grass, cattail, soft rush, creeping buttercup, common velvetgrass

Other:

Primary hydrology source:

(including hydrology source and use of artificially created wetlands; any potential non-jurisdictional status)

Precipitation, apparently spring-fed

OFWAM Summary:

<u>Function</u>	<u>Rating</u>	<u>Rationale</u>
Wildlife Habitat:	Medium	1 Cowardin class, <0.5 acre open water, isolated
Fish Habitat:	Low	wetland does not include a stream, lake or pond
Water Quality:	High	evidence of ponding, high veg. cover, adjacent land use is developed
Hydrologic Control:	High	evidence of ponding, outlet restricted, upstream land use is developed

Determination of Goal 5 Locally Significant Wetland: Significant

Description of the wetland, including topographic position, land uses, alterations, and the basis for the wetland boundary determination:

This wetland was difficult to view from off-site due to the presence of berms bordering much of the site and the lack of viewing points from adjacent roads. The south portion of the wetland was partially viewed from a permission to access parcel on Normal Street and was observed to be surrounded by dense blackberry with a few a few willow and black cottonwood. A portion of this wetland was delineated in 1991 (DSL WD 91-0031). Wetland vegetation on the wetland data sheets included a fine grass, cattail, soft rush, creeping buttercup, common velvetgrass and Himalayan blackberry.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment  
Wetland Summary Sheet

**Site: Wetland 12**

Site Code: **W12**

Location: West of Cemetery Creek, north of railroad, south of East Main Street

Township **39S** Range **1E** Section **10** Quarter **NE & SE**

Tax Map Tax lot(s) 391E10D 201, 203, 204, 300 & 700

DSL #: none

Approximate size (acres): 1.68

Cowardin classification: PEM

HGM classification: Slope Valley

Hydrologic basin: Cemetery Creek

Soil type(s): Kubli

Sample Plot Number(s): 10 & 11

Field verification date(s): 6/5/03

Dominant Plant Species (Common Names):

Trees:

Shrubs:

Herbs: cattail, meadow foxtail, water foxtail and soft rush

Other:

Primary hydrology source:

(including hydrology source and use of artificially created wetlands; any potential non-jurisdictional status)

Precipitation & TID

OFWAM Summary:

<u>Function</u>	<u>Rating</u>	<u>Rationale</u>
Wildlife Habitat:	Medium	1 Cowardin class, no woody vegetation, <0.5 acre open water
Fish Habitat:	Low	wetland does not include a stream, lake or pond
Water Quality:	High	evidence of ponding, high veg. cover, adjacent land use is agriculture
Hydrologic Control:	Medium	outside floodplain, unrestricted outlet, upstream land use is developed

Determination of Goal 5 Locally Significant Wetland: Significant

Description of the wetland, including topographic position, land uses, alterations, and the basis for the wetland boundary determination:

This wetland swale originates in a horse pasture north of the railroad tracks and is located approximately 400 feet west of Cemetery Creek. The wetland is dominated by cattail, meadow foxtail, water foxtail and soft rush. Lesser amounts of western buttercup, forget-me-not, common velvetgrass, spreading rush and creeping spikerush were also present, with a few black cottonwood trees also present in the northern portion. Adjacent uplands contain Mediterranean barley, ryebrome, tall fescue, yellow clover and mayweed chamomile.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment  
Riparian Summary Sheet

**Site: Cemetery Creek**

Township 39S Range 1E Sections 10 & 14

Sample Plot Number(s): none

Field verification date(s): 6/3/03, 6/5/03, 6/25/03

Dominant Plant Species (Common Names):

Trees:

Weeping willow, Pacific willow, black cottonwood

Shrubs:

Himalayan blackberry, sandbar willow, Pacific willow, choke cherry

Herbs:

Cattail, meadow foxtail, water foxtail, reed canarygrass, creeping buttercup, small-fruited bulrush, western buttercup, creeping spikerush, forget-me-not, velvetgrass

Other:

Description:

The headwaters of Cemetery Creek originate north of Siskiyou Boulevard. The stream channel is approximately 10 feet wide at the Clay Street Park with a narrow fringe of cattail, creeping buttercup and bittersweet nightshade. The riparian area contained Himalayan blackberry, sandbar willow, Pacific willow, choke cherry and black cottonwood. Adjacent uplands consisted of Himalayan blackberry, and mowed lawn (park) with a few pine and ornamental maple trees.

The stream channel is forked to the north of the railroad tracks. Emergent wetlands are associated with Cemetery Creek along this downstream section and were mapped as wetland unit 4. A wetland fill violation has been reported at the west end of Creek Drive (DSL WD 03-0203). Cemetery Creek generally ranges from 1 to 5 feet wide and is bordered by agricultural fields. The downstream portion is channelized through a landscaped yard where it is bordered by mowed lawn, the escaped ornamental periwinkle (*Vinca* species) and a few Piper's willow and weeping willow. Three small landscaped ponds are present adjacent to the stream.

City of Ashland Local Wetland and Riparian Corridor Inventory and Assessment  
Riparian Summary Sheet

**Site: Clay Creek**

Township 39S Range 1E Sections 11 & 14

Sample Plot Number(s): none

Field verification date(s): 6/3/03, 6/25/03

Dominant Plant Species (Common Names):

Trees:

white alder, Pacific willow, weeping willow, black cottonwood, black locust

Shrubs:

white alder, Pacific willow, Himalayan blackberry, Japanese knotweed, tree of heaven

Herbs:

Mannagrass, American speedwell, reed canarygrass, cattail, soft rush, sawbeak sedge, waterweed, monkey-flower, forget-me-not, English ivy

Other:

Description:

Clay Creek is labeled on the USGS and NWI maps as Hamilton Creek (Hamilton Creek the next stream east of Clay Creek). The headwaters of Clay Creek are located outside the study area in the steep hillside south of Ashland. The upstream section of Clay Creek, south of Ashland Street, is channelized through residential development and is generally 5 feet wide. A narrow wetland fringe of reed canarygrass, cattail, and soft rush is present along the stream channel, and riparian vegetation consists of Himalayan blackberry, white alder, Pacific willow, weeping willow, and black cottonwood. Invasive species including English ivy and Japanese knotweed were noted adjacent to Siskiyou Boulevard. Adjacent uplands contain tall fescue, orchard grass, Mediterranean barley, tall oatgrass, hairy vetch, Himalayan blackberry, snowberry, Oregon white oak, California black oak, ponderosa pine, and madrone.

Downstream of Ashland Street, six on-line ponds are present on Clay Creek in the Wingspread Mobile Home Park. These ponds are characterized as open water ponds, some of which have a narrow fringe of cattail or contain a small island with a few willow. The ponds are connected by concrete spillways and are bordered by mowed lawn.

Much of the riparian vegetation along Clay Creek was removed in the Meadowbrook Park Estates and the side slopes adjacent to the stream are covered with bark dust. Downstream of this subdivision, the riparian corridor is more natural, although some clearing has occurred at the top of slope within the riparian buffer, and contains Pacific willow and black cottonwood on the side slopes and mannagrass, American speedwell, sawbeak sedge and waterweed (*Elodea* species) in and along the stream channel.

# Comments from Normal Neighborhood Resident Questionnaire

## **Respondent #1**

### **Most significant changes:**

- 2 new houses have been developed and the area has been landscaped into two secluded properties at the end of normal avenue.

### **Best things:**

- We purchased the property because of its location, dead end street, quiet, safe for children with no passing traffic.

### **Worst Things:**

- The potential threat to the lifestyle and calm stress free life.

### **Most important outcomes:**

That the quiet safe traffic free dead end street will become a huge thoroughfare devaluing property and risking children safety, and disturbing natural habitats and ecosystems.

### **Comments regarding land use**

None

### **Comments on specific natural assets that should be taken into account:**

Wetlands, natural habitat to Redtail Hawk, deer, killdeer, fox.

### **Comments regarding greenways, openspace and natural areas.**

None

### **Comments regarding transportation:**

None

### **Comments regarding infrastructure:**

We are satisfied, if not delighted, with the current infrastructure and can think of no change that would be of benefit. Indeed, all changes proposed in the plan would be seen as detrimental.

### **Comments regarding sustainability;**

None

# Comments from Normal Neighborhood Resident Questionnaire

## **Respondent #2**

### **Most significant changes:**

- A murder at the end of our road
- Jackson County Fuel Commission moved away.

### **Best things:**

- Quiet
- No traffic driving by

### **Worst Things:**

- City of Ashland property not maintained for weed abatement

### **Most important outcomes:**

Not to have a through street to East Main Street!!

### **Comments regarding land use**

None

### **Comments on specific natural assets that should be taken into account:**

Wetlands, creeks

### **Comments regarding greenways, openspace and natural areas.**

None

### **Comments regarding transportation:**

None

### **Comments regarding infrastructure:**

None

### **Comments regarding sustainability;**

None

# Comments from Normal Neighborhood Resident Questionnaire

## **Respondent #3**

### **Most significant changes:**

- none

### **Best things:**

- bucolic, quiet, great neighborhood
- horses, llamas, chickens, living on a tree line
- street, little traffic, safe

### **Worst Things:**

- absolutely none

### **Most important outcomes:**

Leave Normal Avenue untouched! No widening of road, no extension to East Main St.  
Potential loss of home value and quality of life should the immediate area be developed.

### **Comments regarding land use**

Leave Normal Avenue alone! Ensure that development East of Normal uses East Main for egress (or Clay) but NOT Normal.

### **Comments on specific natural assets that should be taken into account:**

Leave Normal Alone – Develop your plan leaving Normal untouched.

### **Comments regarding greenways, openspace and natural areas.**

None

### **Comments regarding transportation:**

None

### **Comments regarding infrastructure:**

Everything is working just fine – please leave it that way.

### **Comments regarding sustainability;**

Your Questions assume this plan will go forward and we are absolutely opposed to developing this area.

# Comments from Normal Neighborhood Resident Questionnaire

## **Respondent #4**

**Most significant changes:** More houses nearby and to the east

**Best things:** Good soil for food production and lots large enough to utilize it; Proximity to bike path; True “small town” feel

**Worst Things:** None

**Most important outcomes:** Retaining the character of the neighborhood; Retaining soil for food production and open space where wetlands and small creeks thrive habitat healthy

**Comments regarding land use:** This is an optimal place to put sustainability principals into practice. Green space community or owner gardens, habitat preservation and soil conservation should be important goals. The Comp Plan and RPS encourage higher densities at the cities core, less at the perimeters. Already the area north of Ashland Street has many acres of R-2, multifamily housing (mostly on good soil) which does not fit the plan. The remaining parcels should fit the Plan.

**Comments on specific natural assets that should be taken into account:** The wetlands are very important as is the health of the small streams that help feed them. Mitigating losses never equals protecting the original. The views of both the coastal Siskiyou and Cascade foothills are priceless.

**Comments regarding greenways, openspace and natural areas.** Again, at the edge of town, containing the largest wetland remaining and best soil in town, this acreage should be planned to protect those values rather than densely building over the lands.

**Comments regarding transportation:** Ashland Street RVTD route is very handy, bikeway a block away, area is flat for walking.

### **Comments regarding infrastructure:**

This is a place people enjoy walking on unpaved as well as asphalted part. The semi rural nature is a positive feature that attracts city residents. Normal meets E. Main at a curve, when access was available everyone approached the street with caution. It is not a good place for a major connection.

**Comments regarding sustainability;** As other parts of the City infill is high densities with accessory units, multi-family housing etc. I see this area as providing a respite to urbanization reflecting small town charchter with flowers and decoration, food for seasonal menus, and visual pleasure viewing green rather than asphalt and concrete. If Ashland decides to grow using large cities as its model, it will be a far different place tyhan if it adopts a successful small town pattern.

# Comments from Normal Neighborhood Resident Questionnaire

## **Respondent # 5**

### **Most significant changes:**

Increased traffic

### **Best things:**

It is outside City Limits

Close to town but rural

### **Worst Things:**

40mph speed limit on East main Street.

### **Most important outcomes:**

That it is forward looking

### **Comments regarding land use**

None

### **Comments on specific natural assets that should be taken into account:**

None

### **Comments regarding greenways, openspace and natural areas.**

None

### **Comments regarding transportation:**

None

### **Comments regarding infrastructure:**

None

### **Comments regarding sustainability;**

None

# Comments from Normal Neighborhood Resident Questionnaire

## **Respondent # 6 ( note- identical and completed by the same individual as Respondent #7)**

**Most significant changes:** More people: more traffic

**Best things:** It is mostly quiet; neighbors strive to keep it as it is; good neighbors

**Worst Things:** Being close to city wanting to make changes

**Most important outcomes:** Too much interference with life as it is; too much traffic and change traffic on E. Main has already increased.

### **Comments regarding land use**

None

### **Comments on specific natural assets that should be taken into account:**

Leave it as it is.

### **Comments regarding greenways, openspace and natural areas.**

None

### **Comments regarding transportation:**

None

### **Comments regarding infrastructure:**

None

### **Comments regarding sustainability;**

None

# Comments from Normal Neighborhood Resident Questionnaire

## **Respondent #7 ( note- identical and completed by the same individual as Respondent #6)**

**Most significant changes:** More people: more traffic

**Best things:** It is mostly quiet; neighbors strive to keep it as it is; good neighbors

**Worst Things:** Being close to city wanting to make changes

**Most important outcomes:** Too much interference with life as it is; too much traffic and change traffic on E. Main has already increased.

### **Comments regarding land use**

None

### **Comments on specific natural assets that should be taken into account:**

Leave it as it is.

### **Comments regarding greenways, openspace and natural areas.**

None

### **Comments regarding transportation:**

None

### **Comments regarding infrastructure:**

None

### **Comments regarding sustainability;**

None

# Comments from Normal Neighborhood Resident Questionnaire

## **Respondent #8**

**Most significant changes: The ranchettes**

**Best things:**

N/A

**Worst Things:**

N/A

**Most important outcomes:**

An equitable plan

Affordable housing grouped rather than interspersed.

**Comments regarding land use**

None

**Comments on specific natural assets that should be taken into account:**

Yes, the creeks, My property [circled] has some wetlands seasonally only. The continuation of that line should not be vital to the planning.

**Comments regarding greenways, openspace and natural areas.**

None

**Comments regarding transportation:**

None

**Comments regarding infrastructure:**

I'm not a fan of rural sidewalks but I like walking paths.

**Comments regarding sustainability;**

None

# Comments from Normal Neighborhood Resident Questionnaire

## **Respondent #9**

### **Most significant changes:**

None

### **Best things:**

Each property is between 1-3 acres.

### **Worst Things:**

Septic and well maintenance

### **Most important outcomes:**

Leave my property intact

### **Comments regarding land use**

None

### **Comments on specific natural assets that should be taken into account:**

None

### **Comments regarding greenways, openspace and natural areas.**

None

### **Comments regarding transportation:**

None

### **Comments regarding infrastructure:**

None

### **Comments regarding sustainability;**

None

# Comments from Normal Neighborhood Resident Questionnaire

## **Respondent #10**

### **Most significant changes:**

Railroad stopped coming through  
More housing built in area  
More traffic

### **Best things:**

Close to town; close to schools

### **Worst Things:**

NA

### **Most important outcomes:**

An opportunity to bring new families into Ashland

### **Comments regarding land use**

None

### **Comments on specific natural assets that should be taken into account:**

Yes

### **Comments regarding greenways, openspace and natural areas.**

None

### **Comments regarding transportation:**

None

### **Comments regarding infrastructure:**

None

### **Comments regarding sustainability;**

None

# Comments from Normal Neighborhood Resident Questionnaire

## **Respondent #11**

### **Most significant changes:**

Increase of residents

### **Best things:**

Privacy

### **Worst Things:**

None

### **Most important outcomes:**

Respect in keeping the integrity of the homes currently in the area.

Move Normal Avenue onto development properties.

### **Comments regarding land use**

None

### **Comments on specific natural assets that should be taken into account:**

Wetland ordinance is very restrictive, will take at least 1/3 of my property and make it unusable.

Not allowing mechanical mowing and brush/black berries is unworkable

### **Comments regarding greenways, openspace and natural areas.**

Paths take away the privacy of homes along greenways.

### **Comments regarding transportation:**

Bike path is useful and nice to walk on.

### **Comments regarding infrastructure:**

None

### **Comments regarding sustainability;**

none

# Comments from Normal Neighborhood Resident Questionnaire

## **Respondent #12**

### **Most significant changes:**

An owner backhoed the creek

### **Best things:**

Park-like living

Close to city limits

### **Worst Things:**

East Main St. speed limit is 40

Not having sidewalks

City utilities

### **Most important outcomes:**

None

### **Comments regarding land use**

None

### **Comments on specific natural assets that should be taken into account:**

None

### **Comments regarding greenways, openspace and natural areas.**

### **Comments regarding transportation:**

Would like E Main speed limits reduced to Clay Street.

### **Comments regarding infrastructure:**

None

### **Comments regarding sustainability;**

None

# Comments from Normal Neighborhood Resident Questionnaire

## **Respondent #13**

### **Most significant changes:**

More traffic on Normal Ave.

More housing

### **Best things:**

Country style living

Close to shopping schools

### **Worst Things:**

N/A

### **Most important outcomes:**

Allow more young people to experience Ashland.

Affordable Housing!

### **Comments regarding land use**

I believe the City requires the 1<sup>st</sup> 3. [single family, townhomes, apartments]

### **Comments on specific natural assets that should be taken into account:**

All

### **Comments regarding greenways, openspace and natural areas.**

None

### **Comments regarding transportation:**

None

### **Comments regarding infrastructure:**

None

### **Comments regarding sustainability;**

None