

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
REGULAR MEETING
NOVEMBER 12, 2013
AGENDA**

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

- II. **ANNOUNCEMENTS**

- III. **CONSENT AGENDA**
 - A. **Approval of Minutes**
 - 1. October 8, 2013 Regular Meeting.
 - 2. October 22, 2013 Study Session

- IV. **PUBLIC FORUM**

- V. **TYPE II PUBLIC HEARING**
 - A. **PLANNING ACTION: 2013-01505**
 - SUBJECT PROPERTY: 31 North Mountain Avenue**
 - APPLICANT: Ayala Properties, LLC**
 - DESCRIPTION: A request for Site Review and Outline Plan approval under the Performance Standards Options Chapter 18.88 for a13 unit, 14 lot multi-family development for the property located at 31 N. Mountain Ave. A Tree Removal Permit is requested to remove 11 trees greater than six-inches in diameter at breast height on the site. The existing building has been previously approved for demolition pending approval of a replacement plan.**
 - COMPREHENSIVE PLAN DESIGNATION: High Density Multi-Family Residential; ZONING: R-3; ASSESSOR'S MAP #: 39 1E 09 AD; TAX LOT: 700.**

- VI. **DISCUSSION ITEMS**
 - A. **Unified Land Use Ordinance: Final Draft Review of Section 18-2, Zoning Regulations**

- VII. **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).

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
REGULAR MEETING
MINUTES
October 8, 2013

CALL TO ORDER

Chair Melanie Mindlin called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Troy J. Brown, Jr.
Michael Dawkins
Richard Kaplan
Melanie Mindlin
Tracy Peddicord

Staff Present:

Bill Molnar, Community Development Director
Brandon Goldman, Senior Planner
April Lucas, Administrative Supervisor

Absent Members:

Debbie Miller (*Recused due to
potential conflict of interest*)

Council Liaison:

Mike Morris

ANNOUNCEMENTS

Community Development Director Bill Molnar announced the Commission will be finishing up the Unified Land Use Ordinance and Normal Neighborhood Plan projects over the next few months, and there are also two land use hearings coming. He also stated the City Council will be discussing short term vacation rentals in single family zones and potential changes to the 200 ft. rule in multi-family zones at their November Study Session.

CONSENT AGENDA

- A. Approval of Minutes.
1. September 10, 2013 Regular Meeting.
 2. September 24, 2013 Study Session.

Commissioners Kaplan/Dawkins m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed 4-0.
[Commissioner Brown abstained]

PUBLIC FORUM

No one came forward to speak.

DISCUSSION ITEMS

- A. Normal Avenue Neighborhood Plan.

Staff Report

Senior Planner Brandon Goldman stated the final draft plan was presented at their last meeting and reviewed the Staff Memo which addressed the questions previously raised by the Commission. He noted the Transportation Commission discussed this plan at their September 26 meeting and have continued their discussions to October 24. Mr. Goldman addressed the next steps in the process and explained the Planning Commission will hear the plan again on November 26 with the public hearing scheduled for December 10; and the City Council hearing has been tentatively scheduled for January 7, 2014.

Staff was asked to comment on any items that are unique to the Normal Plan and deviate from the current standards in the land use code. Mr. Goldman responded that the dimensional regulations are unique to these zoning designations, and added the cottage development minimum outdoor recreation space could be included in the new code language if they are specific to the

Normal Plan, or could be removed and included in the Unified Code if there are opportunities to apply those standards in other zones throughout the City. Aside from those, he stated the remaining standards were intended to be consistent with the existing standards in the land use code.

Staff was asked whether any of the properties have had their permitted density decreased. Mr. Goldman clarified the area in the southwestern corner would change from suburban residential (7.2 units per acre) to single family residential (5 units per acre).

Public Input

Sue DeMarinis/145 Normal Avenue/Read aloud her prepared statement that outlined her concerns with the plan, including density, wetlands, and traffic safety. (See Exhibit A, attached)

Randy Jones/815 Alder Creek Drive, Medford/Stated he is speaking on behalf of six different property owners and explained while they would prefer to have lower density on their land they are willing to support the plan. Mr. Jones stated they are in the process of obtaining a wetland delineation and the wetlands as currently shown on the map will significantly shrink and some will disappear completely. He stated they are hoping for a wet year so they can determine the true hydrology of the site and what has been artificially charged by irrigation water. Mr. Jones stated the Cemetery Creek wetland will shrink down because there is some illegal dumping of storm water from projects to the east, and stated the local, significant wetland adjacent to the new Normal Street will disappear as it is artificially charged by sloppy irrigation. Mr. Jones stated they are fixing these things now so when the delineation happens this winter they will know exactly where the setbacks are and what can happen on their property.

John Cowell/501 Canter Lane/Stated he represents Grace Point Church and read aloud a prepared statement that addressed their concerns with the wetland delineation and the proposed density for their property. (See Exhibit B, attached)

Ray Eddington/501 Canter Lane/Stated he is also a representative of Grace Point Church and voiced his support for the statements made by Mr. Cowell.

Suzanne Marshall/369 Meadow Drive/Commented on the issue of sewage and stated this is a problem that needs attention. She stated they experience odors and have witnessed City workers vacuuming out the sewers on a monthly basis for several years. Ms. Marshall stated denser housing will exacerbate this problem and asked for assurance that the sewer system will be improved as new development occurs.

Howard Miller/160 Normal Avenue/Listed his concerns with the plan and stated currently there are two roads going across his property and a sidewalk across his front porch. Mr. Miller commented on the hydrology of the site. He stated the wetlands do indeed change and having roads too close to them is not the right way to handle this. He stated the subsurface flows are quite significant and recommended this be carefully examined. Mr. Miller voiced concern with the adjacent cottonwood trees in the wetland area that were removed today, and noted his four-acre property is used for food production and there has been no discussion of this. He concluded by stating the Normal Plan is too compact for the area and asked them to recognize the residents that are already there and will have to live with this plan.

Bryce Anderson/2092 Creek Drive/Stated he represents the Meadowbrook Park Estates Homeowners Association and read aloud a prepared statement that outlined their traffic concerns. (See Exhibit C, attached)

Marni Koopman/1790 Homes Avenue/Read aloud her prepared statement which outlined her concerns about climate change and the increased potential for floods, draught and wildfires. (See Exhibit D, attached)

Paula Skuratowicz/2124 Creek Drive/Stated she represents Ashland Meadows Homeowners Association and read aloud her prepared statement that outlined their concerns with the lack of public transportation for this area. (See Exhibit E, attached)

Brett Lutz/1700 East Main Street/Noted he provided comment to the Transportation Commission at their September 26th meeting and shared his concerns with the wetland areas. He stated his property is on a well and there are areas of this property that stay green year round due to the underground water. Mr. Lutz commented that the area that is now the bus loop used to be

a larger wetland area, but the water was diverted to a pipe under the road to a nearby stream. Additionally he voiced his concern with the proposed density for the area and raised issue with the location of the roadway on East Main.

Bob Ayers/2090 Creek Drive/Stated his primary concern is the Cemetery Creek wetland area, which is adjacent to his home, and encouraged the Commission to preserve the existing wetlands and wildlife.

Questions of Staff & Commissioner Comments

Staff was asked to clarify the relationship between the plan they are making and the property owner's ability to delineate their wetlands differently from what the plan shows. Mr. Molnar explained the maps that people have referred to were created by a very prescriptive process laid out by the State of Oregon and those areas became part of the statewide local wetlands inventory. He stated this inventory was much more detailed and contains better information than the national inventory that was done decades ago, and was intended to let property owners know where the wetlands likely are. Mr. Molnar explained at the time someone chooses to develop their property and encroach onto that area, they are required to provide a wetland delineation which is a much more detailed survey that is submitted to the State for verification, and then becomes the official wetlands boundary that our local ordinances go off of. He clarified wetland delineations are only good for a certain amount of time because wetlands change, and if there is a wetland on any part of the property the delineation is required.

Comment was made questioning the potential weakness of approving the plan with the current wetland delineations from the State.

Comment was made questioning delineating the wetlands in wet versus drought cycles. Commissioner Peddicord shared her experience with submitting wetland delineations to the State and stated they have to meet a very prescriptive criteria. She added while a delineation now would be very helpful, it might be very different 15-20 years from now when development actually occurs.

Comment was made acknowledging the residents' concerns with traffic on East Main Street, but clarifying that this is an issue for the Transportation Commission. Mr. Goldman clarified these improvements are laid out in the Transportation System Plan, but ultimately these are capital improvement projects as well as improvements that are development driven. He added in staff's conversations with RVTD they have indicated the buses will follow the people, and it will not be until this area builds out that bus service is provided.

Staff was asked whether assisted living facilities are allowed in the proposed zones. Mr. Goldman clarified currently it is not listed as a permitted or conditional use; however in our standard multi-family zones these are a conditional use. Several commissioners voiced support for allowing assisted living facilities as a conditional use and for the Normal Area zones to not be any more restrictive than similar zones throughout the City.

Mr. Molnar commented on the hydrology issue. He stated this is a difficult subject but staff has listened to the input and will return with some options for the Commission to consider. He stated he would have a hard time recommending a full delineation of the site at this point to the City Council, and noted the issues of who would pay for it and how long it would be valid. He stated they will need to determine whether to address the wetlands on a case by case basis, and regardless of the delineation are there areas they want to preserve; and if so, how are the property rights of the individual owners affected by the plan. Comment was made expressing concern with creating special conditions in terms of the wetlands and hydrology of this area and commenting that there are a lot of places in town that could be considered equally as sensitive. It was questioned how far they can really go in creating special circumstances here.

Comment was made questioning if the increased density they are allowing compensates for the allocation of open space. Mr. Goldman stated staff has not done a property by property analysis of this; however it is clear the properties in the southwest corner will have a reduction from 7.2 units per acre to 5 units per acre. He added that all of these properties are currently in the County and they are free to develop under the County's standards which differ from the City's. He noted the comment made during public testimony of trees being removed and clarified that the County has different riparian protection standards and this would have required a permit and review under the City's ordinance. He added under the County standards property owners can build a home with only building permits, and do not need to provide a wetland delineation if they show they are outside the

state's wetland inventory; whereas if they annexed into the City, this would be a requirement as well as locating their home in a way that allows for future street connectivity.

Comment was made questioning where the funds will come from to address the transportation concerns. Mr. Molnar stated staff will meet with the Public Works Department and try to determine if the East Main Street improvements will be paid for by the capital improvements plan. He added the other big ticket item will be improving the railroad crossing. Opinion was given that if the Baptist property develops they should have to pay for the street improvements rather than pushing this cost onto the neighbors.

Fire Marshall Margueritte Hickman was asked to come forward and speak to the fire access requirements. Ms. Hickman explained that if a street dead-ends this would be a concern for the Fire Department. Mr. Molnar clarified this plan shows the minimums necessary to access the property and there could be extra streets or requirements added based on the individual development proposals. He also noted this plan anticipates the future connectivity for the entire site and there could be interim requirements to facilitate fire apparatus access.

ADJOURNMENT

Meeting adjourned at 9:10 p.m.

City of Ashland 2011 Buildable Lands Inventory

The primary indicator of future residential land needs is projected population growth. The BLI, compiled by the City of Ashland, stated that the buildable lands WITHIN the City Limits could accommodate approximately 1,883 units. With an average household size of 2.03 people, 1,604 units would be needed over the next 20 years. That's 279 more units available than are needed, already WITHIN City Limits.

Outside the City Limits, yet within the UGB, approximately 970 additional units could be accommodated. The net buildable lands within the UGB could accommodate up to 5,791 new residents, which according to the City Comprehensive Plan population projection, is not expected to be reached for approximately 32 more years!

Potential growth within the UGB, as shown on the zoning densities of the Normal Ave Neighborhood Plan, is **EXCESSIVE** to the 20-year supply of needed buildable lands required by the state.

The housing types according to the Normal Ave Neighborhood Plan (Ch.18 code Amendmts-18.3.x.010) are supposed to be distributed in such a manner as to locate similar densities of development across from established neighborhoods. The area along the existing Normal Ave. has single family detached dwellings, usually with at least one or more acres/homesite. The current staff design does NOT follow development standards to preserve and promote single-dwelling neighborhood character around the existing neighborhood with a zone of NA-02 (as defined as multi-family low density) cutting a swath across the north end of Normal Ave. to the Ashland Middle School.

Buildable Land, as defined in City of Ashland's 2011 BLI, means residentially vacant, partially vacant, & re-developable land within the UGB that is NOT severely constrained by natural hazards or subject to natural resource protection measures. Residential annexations ultimately have a required 90% max. density UNLESS reduction in total # of units is necessary to accommodate significant natural features, e.g. wetlands.

The designated wetland in the Normal Ave Plan area (Wetlands #9 on the City of Ashland/DSL Local Wetlands Inventory Map) has been cut down in size. A WETLAND DELINEATION Site Map, prepared by a natural resource professional, is required for activities/uses in a Wet.Protc.Zone(Code 18.63.110).

Since the BLI doesn't require such a high density due to the available buildable lands within the City Limits, a reduction in density, adjacent to the wetlands (not thru them), possibly NA-01 single family dwellings, should be considered to accommodate (see City of Ashland Wetlands Regulations Code 18.63.070) the natural hydrologic features and ecosystem, as well as maintaining the single-family dwelling neighborhood character.

Traffic and Pedestrian Safety

Even if the Designated Wetland #9 is allowed to be manipulated and minimized for development in the Normal Ave Neighborhood Plan, there is still a very real concern regarding traffic and pedestrian safety.

If a major connector road is allowed to route the new development traffic toward the Ashland Middle School bus turnaround and subsequently feed out onto E. Main St., there will be hazardous conditions for the students and families with the increased usage. Photos were sent to commissioners showing morning and evening congestion of students, buses, & cars. There's limited visibility by an incoming blind curve with the egress to the south. To see to the west, a vehicle must pull almost into the traffic lane.

Public health, safety, and quality of life should be considered when crafting a Master Plan for an area to be annexed into the City for future development. Among the costs of growth, infrastructure needs, environmental and social costs, especially to the residents of the local neighborhood, can produce the following negative impacts:

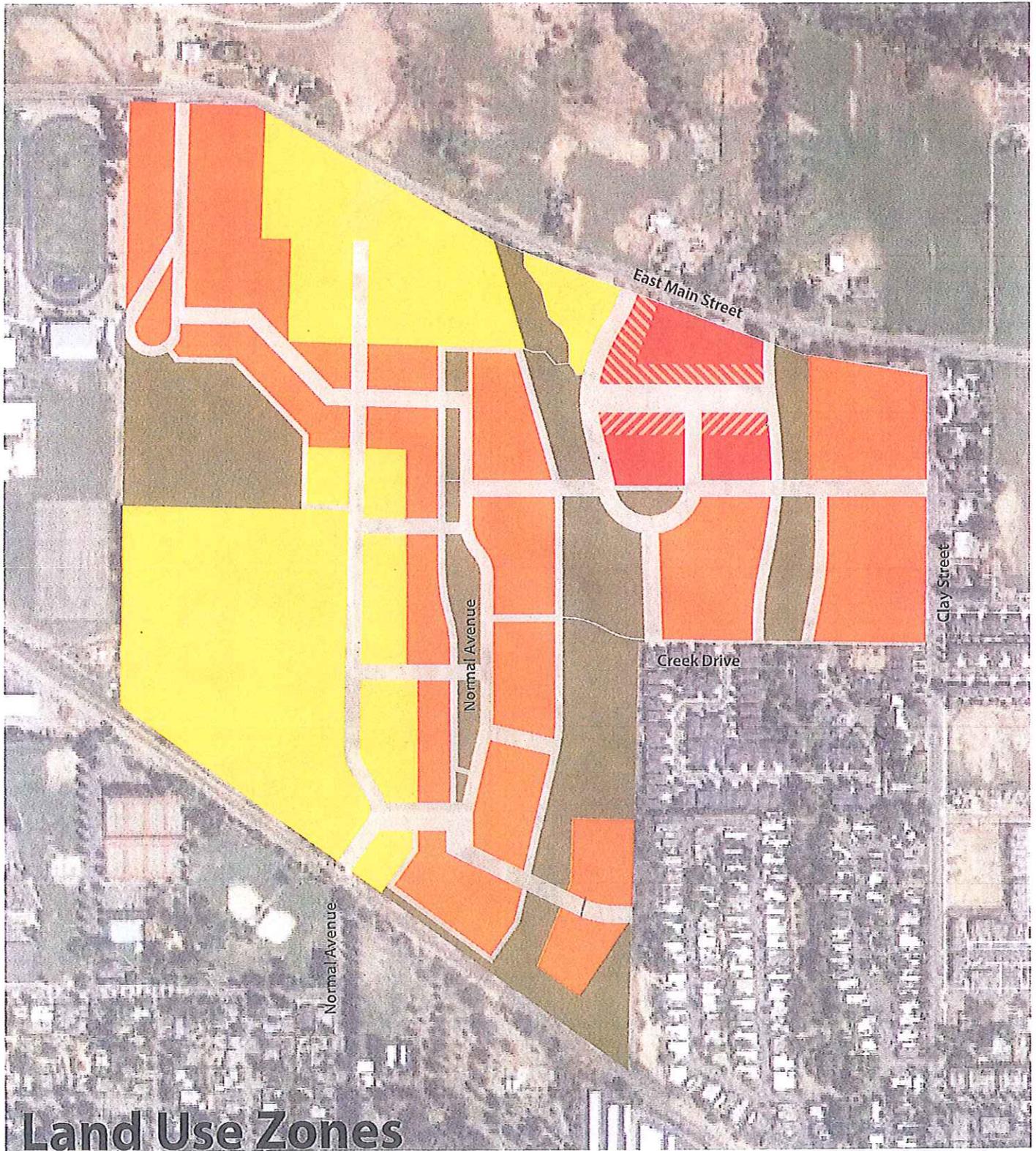
- Decreased Air Quality
- Decreased Water Quality – possible aquifer depletion
- Lost Open Space
- Lost Resource Lands : Wetlands, Agricultural Land
- Lost Visual & other amenity values
- Lost Wildlife Habitat
- Traffic congestion/dangers
- Increased noise pollution
- Increased light pollution
- Lost sense of neighborhood community

By Fodor & Assoc., 2002 "Assessmt of Statewide Growth Subsidies in Oregon"

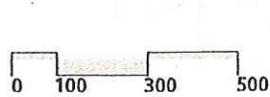
The costs of such increased housing densities should be evaluated in a **Quality of Life and Fiscal Impact Analysis**. There are hidden costs to the City's taxpayers created by such unnecessary dense growth. The adequacy of existing fire, ambulance, police, water, sewer and sewage treatment, street infrastructure, student/teacher ratios and school facilities will be tested and proportionately need to increase with such growth.

A Fiscal Impact/Cost of Community Services Analysis should **show annexation and development will pay for its own growth!** These hidden costs are not covered by the Systems Development Charges that the developers will pay. Will Ashland taxpayers be required to "subsidize" these costs of increased housing densities with new bonds, or increased property taxes? (For example, when Strawberry Lane had an uphill development that required paving the whole road and downhill residents were each charged a massive \$4140 LID tax bill).

****PLEASE ADDRESS THESE CONCERNS WHEN MAKING YOUR DECISION!**



Land Use Zones



NA-01 5 Du/ac
 NA-02: 10 Du/ac.

NA-03: 15 Du/ac.
 NA-04: Open Space
 Neighborhood Commercial Allowed

9/24/13

Water Resource Protection Zones Requirements

Stream Bank Protection Zones

Buffering Criteria (Goal 3 Requirement)
 For all flowing streams with average annual flows less than 1,000 cubic feet per second (cfs), the Stream Bank Protection Zone shall include the stream plus a riparian buffer extending 25 feet upland from the edge of bank.

Acute Criteria
 For non-flowing streams, the Stream Bank Protection Zone shall include the stream plus a riparian buffer extending 25 feet upland from the centerline of the stream.

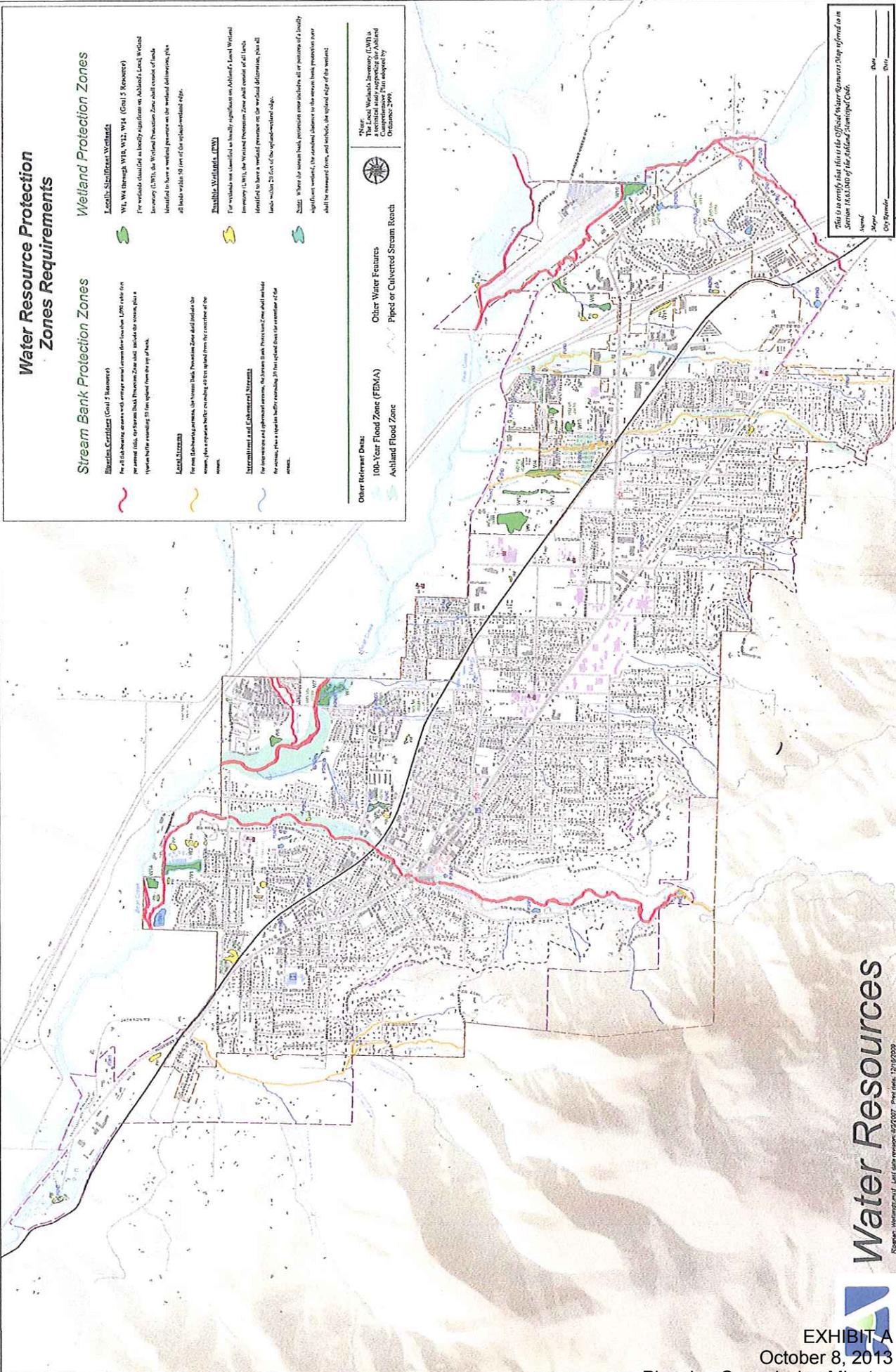
Intermittent and Ephemeral Streams
 For intermittent and ephemeral streams, the Stream Bank Protection Zone shall include the stream plus a riparian buffer extending 25 feet upland from the centerline of the stream.

Weiland Protection Zones

Length-Standard Wetlands
 Wetlands with lengths of 100 feet or more shall be classified as Weiland Protection Zones. Weiland Protection Zones shall include all lands within 50 feet of the upland-wetland edge.

Small Wetlands (SW)
 For wetlands not classified as Weiland Protection Zones, the Weiland Protection Zone shall include all lands within 25 feet of the upland-wetland edge.

Other Water Features
 Piped or Culverted Stream Reach



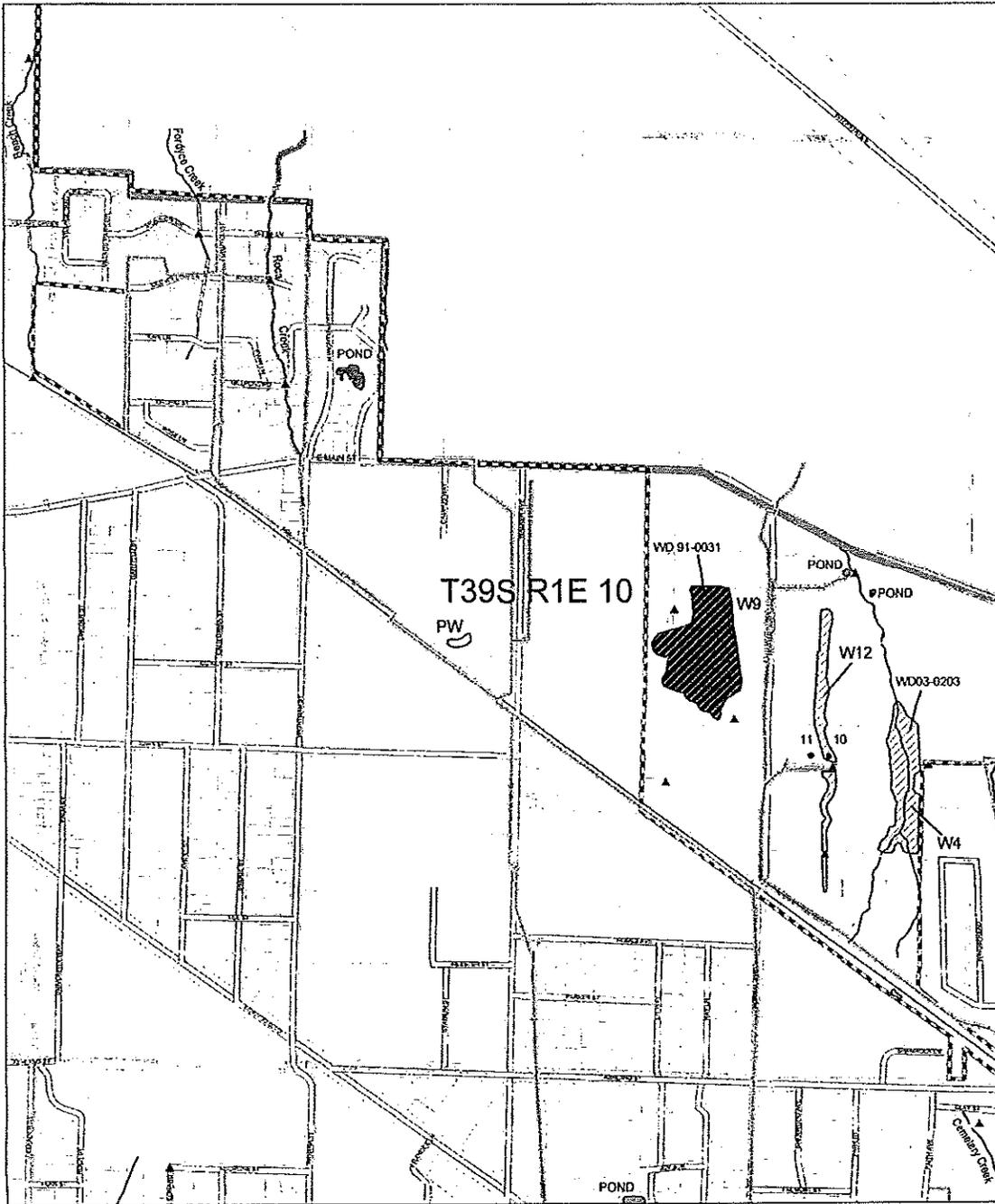
This is a copy of the Official Water Resources Map of the City of Phoenix. It is not to be used for any other purpose. The City of Phoenix is not responsible for any errors or omissions on this map. The City of Phoenix is not responsible for any damages or losses resulting from the use of this map.

Legend _____ Date _____
 Scale _____ Date _____
 City Engineer _____ Date _____

Water Resources
 Prepared: WaterResources_T_LandData.mxd 10/2/2007 Print Date: 12/1/2009



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 | Streets | W1-W14 Wetland Unit |
| Safe Harbor (50 feet) | Railroad | |
| Sample Plot | | |
| Observation Point | | |

Fishman
 Environmental Services
 a division of
SWCA
 Environmental Consultants, Inc.
 www.swca.com
 7241 NW 96 Ave, Suite 204
 Portland, OR 97209-3300
 503-234-0333

Information shown on this map is for planning purposes only and wetland information is subject to change. There may be unmanaged 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 OAR 141-020-0180 through 141-020-0240 and OAR 141-024-0000 through 141-024-0350 by SWCA, Inc.

Maps have been prepared using City of Ashland digital orthophotos. Photos are 500 k-mph. Pixel Resolution: 17 pixels. Date of Photography: Aug 2001

Projection Information
 NAD 1983 StatePlane Oregon South FIPS 5002 Feet
 Lambert Conformal Conic
 False Easting: 4281250.000000
 False Northing: 0.000000
 Central Meridian: -120.500000
 Standard Parallel 1: 42.333333
 Standard Parallel 2: 44.999999
 Longitude Of Origin: 41.666667

GIS: North American 1983
 Print Date: 12/12/09. Prepared By: R. Gueterre

Study area is contained within the Bear Creek watershed

April Lucas

From: Sue D. [suedem@charter.net]
Sent: Thursday, October 03, 2013 5:40 PM
To: april.lucas@ashland.or.us; tbrownpc@gmail.com; rpkaplan46@gmail.com; Howard Miller; sassetta@mind.net; molnarb@ashland.or.us; mike@council.ashland.or.us; tmpeddicord@gmail.com; carol@council.ashland.or.us; craig.ashland@gmail.com; davidchapman@ashlandhome.net; faughtm@ashland.or.us; graf@sou.edu; shawn@polarissurvey.com; corinne@mind.net; dyoung@jeffnet.org
Subject: Normal Ave Neighborhood Plan Concerns
Attachments: Scan0006.jpg; Scan0007.jpg; Scan0008.jpg; Scan0009.jpg

Dear Commissioners,

I am a concerned resident in the Normal Ave. neighborhood of Ashland. My concerns involve 3 categories: traffic/pedestrian safety, development density, and wetlands preservation.

Pedestrian/Traffic Safety Concerns

Vehicular circulation through the Normal Ave Plan area has shifted dramatically from the original design charrette in Oct. 2012 which showed a pedestrian/bike path connection for access to the Middle School. The current transportation Street Network shows a major Connector Road linking the original Normal Ave to the curve of the Ashland Middle School bus drop off. Attached scans #0008 (8:37am) and #0006 (6:33pm) show how busy this area is with school buses, children and families during the day. This is exactly where the Collector Road has been designed to empty all the new westward (heading to downtown) traffic from the neighborhood developments. Scan #0007 shows the **limited visibility** of the connection of the Collector Road onto E. Main St. (adjacent to an incoming curve/blindsight on E. Main).

If most of the development density was to be concentrated in the middle of the 94 acre area (as was discussed at the Charrette Process), then the design for the two new egresses onto E. Main St. (around the Baptist Church property, west of Clay St.) would serve the new residential development population adequately and without traffic **safety concerns for visibility and pedestrian/student congestion** from a Major Connector Road going through to the Ashland Middle School.

Development Density/ Land Use Zoning Concerns

The housing types within the Normal Ave Neighborhood Plan are supposed to be distributed in such a manner as to locate similar densities of development across from established neighborhoods. The area along the existing Normal Ave. has single family detached dwellings, usually with at least one or more acres/homesite. The current staff design does NOT follow development standards to preserve and promote single-dwelling neighborhood character around the **existing neighborhood** with a zone of NA-02 (as defined as multi-family low density) cutting a swath across the north end of Normal Ave. to the Ashland Middle School. Also, adjacent to the designated wetlands in the Normal Ave Plan area, the staff design has abutted an NA-02 zoning density, where a reduction in density, possibly NA-01, should be considered to accommodate the natural hydrologic features and ecosystem (see Wetlands Concerns below). If such non-compatible zoning density is allowed, it will adversely affect this established community's quality of life, increase noise level with traffic congestion/air pollution, and negatively affect the local natural habitat/environment.

The undeveloped land in the middle of the 94 acres, just west of Cemetery Creek & east of the proposed new Normal Ave., should be re-designated from NA-02 to NA-03 with multiple compact attached dwellings to easily accommodate the required 90% maximum density for the entire area to be annexed into the City. This area currently doesn't have an established neighborhood to be affected by such increased developmental impact.

Wetlands Concerns

There is a large section of the Normal Ave Neighborhood Plan that has been identified and designated by the Oregon Dept. of State Lands on their City of Ashland 2001 Local Wetlands Inventory Map (scan #0009). This 1.68 acre Designated Wetland #12 is seasonally saturated with water with no designated outlet for runoff or drainage. It provides a role in local flood control, groundwater regulation/purification, and replenishment of local aquifers for neighborhood domestic well water. Additionally, a distinct ecosystem has developed around this Wetland to support the biodiversity of the specific plants and animals that depend on it. As a neighboring resident to this natural water feature, I have observed red tail hawks, quail, doves, owls, as well as families of deer & gray fox.

The original charrette map, as well as the original Normal Neighborhood Master Plan map/Phase 2, have shown this Wetland to extend from the Ashland Middle School bus turnaround/soccer fields and behind Grace Point Church, and across almost to the existing Normal Ave. The *current* zoning map shows a shrunken down version of the Wetland, and a MAJOR Connector Road going right through the north end of the Wetland!

As City Commissioners, I would hope that you have reviewed an ***Environmental Impact Report*** on this Ashland Wetland #12 prior to allowing its boundaries to be manipulated for development and transportation plans. Has anyone requested such a report or information regarding this sensitive significant water feature? Please consider the impact of changing this Wetland Ecosystem, as well as the potential educational opportunities it could provide (especially adjacent to the Ashland Middle School) if left intact and buffered by lower density development.

I would appreciate your inclusion of my concerns in your discussions and decisions regarding the Normal Ave Neighborhood Plan.

Thank you for you time and service,

Susan DeMarinis
145 Normal Ave.
Ashland, OR 97520
suedem@charter.net



09-30-13 18:33:53

09 30 2013 18:33



10 03 2013 10 06

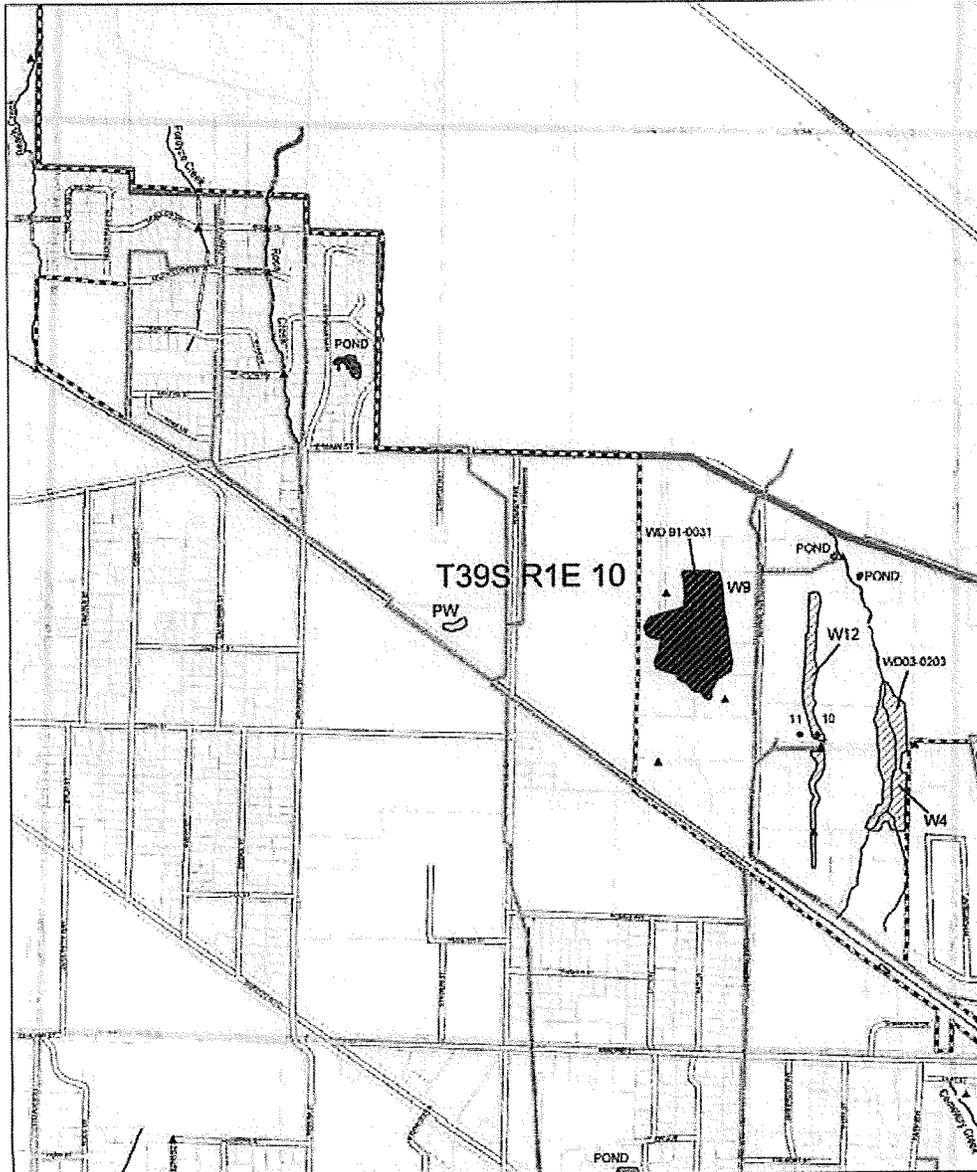
EXHIBIT A
October 8, 2013
Planning Commission Minutes



EXHIBIT A
October 8, 2013
Planning Commission Minutes



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 300 Feet (30 feet)	Streets	W1-W14 Wetland Limit
Sample Plot	Railroad	
Observation Point		

Fishman
 Environmental Services
 A Division of
SWCA
 Environmental Consultants, Inc.
 www.fishman.com
 424 First St., Suite 304
 Ashland, OR 97520-3409
 503.374.0223

Information shown on this map is for planning purposes only and no warranty or representation is made on the map. There may be unapproved wetlands subject to regulation and all wetland boundary mapping is approximate. It is the user's responsibility to verify wetland boundaries. You are advised to consult 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 OAR 600-004-000 through 004-006, 004-008 and OAR 600-009 through 004-010. This map was prepared by SWCA, Inc.

Map Date: 08/20/2013
 City of Ashland digital orthophoto
 Plan Date: 08/20/2013
 Plan Worksheet: T39S
 City of Ashland, July 2013

Production Information
 8x11 100% Scale/Plan: Oregon State FPO 3002 Post
 Layout: Continental Color
 Plates: 1/25/2013 09:00:00
 Print: 10/20/2013 09:00:00
 Central: 10/20/2013 09:00:00
 Operator: 10/20/2013 09:00:00
 Worksheet: 10/20/2013 09:00:00
 Layout: 10/20/2013 09:00:00

©2013 Fishman Environmental Services, Inc.
 Project No. 1070000, Prepared by: R. Gummer

Study area is contained within the Bear Creek watershed

Comments by John Colwell before the 10/8/2013 Ashland City Council consideration of the Normal Avenue development plan.

I represent the Ashland Grace Point Church as a member of their board of directors and have concerns and several comments regarding the designation of space proposed in this document.

1) Within this document there is a delineation of wetlands which is described as section W9 and designated as "middle school wetland". This is in fact mostly private property located on the back lot of the church's property. The full extent of this property is estimated at 5.3 acres. Most of this is not a public space but private property.

2) Section W9 is designated as a wetland based on incomplete estimates from 1) aerial photographs 2) 1967 and more recently 1980s designations by the Army Corps of Engineers. The Army Corps of Engineers designations were significantly less in extent than was estimated by Ashland staff from the aerial photographs. While we are completely in favor of retaining wetlands for their purposeful and environmental uses we are not in favor of arbitrary designations in a planning document based on incomplete or estimated data.

3) The leap from this estimated wetland designation at 5.3 acres is then made to designate open-space within this planning document. This appears to us to be a planning overreach in as much as it is derived only from staff estimates but has the effect of potentially severely limiting the use of our land.

4) In the case of this wetland designation and the outworking of open space designation we are happy to agree to use the wetlands which are designated on our property by factual means to be included in the proposed open-space designations.

5) However, without a current wetlands survey and the resulting boundary delineation that would result any designation of open space in this document is merely conjecture and ultimately might even constitute a public taking of private property rather than a cooperative document arrived at by factual and complete data.

6) If, for the purposes of this document, there is a timely need to tightly define the wetland boundaries then we feel the City of Ashland should have this study done by a private and mutually agreed-upon firm. Otherwise the designation of the open-space in this document must remain unfixed and Grace Point Church and our use of that property in the future cannot be held to standards published in this document.

7) Finally, in our last written communication we requested that some higher density space be included in the plan because our potential future intentions may include an adult care community with medical, child care and other higher density uses. We do not see these included nor have we received any explanation as to why.

Sincerely,
John Colwell
for the board of Grace Point Church.

Ray Edgington Church Board and Treasurer

Meadowbrook Park Estates Homeowners Association

Bryce C. Anderson, Board Member

October 8, 2013

Troy Brown, Jr.
Michael Dawkins
Richard Kaplan
Deborah Miller
Melanie Mindlin
Tracy Peddicord
City of Ashland Planning Commission
51 Winburn Way
Ashland, Oregon

Dear Commissioners,

As we have stated before, the Meadowbrook Park Estates, Ashland Meadows and Chautauqua Trace Homeowners Associations are in favor of the development of the property in the Normal Avenue Neighborhood Plan that lies between the western half of Creek Drive and East Main Street, known informally as the "Baptist Church property." The portion of the site behind the existing community church is both an eyesore and a fire hazard, and development would be a welcome improvement. At the same time, as indicated on pages 15 and 16 of the September 24 report, there are serious traffic problems along East Main. This narrow two-lane street has no curbs or sidewalks east of Walker Avenue other than the portion of East Main fronting the Mormon Church, no left turn lanes, and very narrow pedestrian and bicycle lanes adjacent to large drainage ditches that pose hazards to both pedestrians and bicyclists. Moreover, only the southern side of East Main is in the plan boundaries because the northern side is not within the City of Ashland Urban Growth Boundary. As a result, any improvement of East Main in the development area will result in bicyclists, as well as pedestrians running or jogging in the bicycle lanes, using the southern side of East Main for travel in both directions.

To make matters worse, if the current plan is followed, the development of the Baptist Church property will immediately result in at least two additional streets feeding into East Main, as well as an unknown amount of commercial traffic from the proposed development. The additional street traffic feeding into a two-lane road with a 40 mile per hour speed limit will present numerous additional hazards. (The attached map shows East Main, with the 40 mile per hour portion indicated in blue.) This problem will not be solved until the City of Ashland gets control of, and develops the north side of East Main, which will probably have to be done by expanding the Urban Growth Boundary, but the alternative is a crowded, unsafe street. These issues are only hinted at in the current development plan, and we submit that they should be set forth explicitly in considerably more detail.

To: City of Ashland Planning Commission
From: Meadowbrook Park Estates HOA et al.

October 8, 2013
Page 2

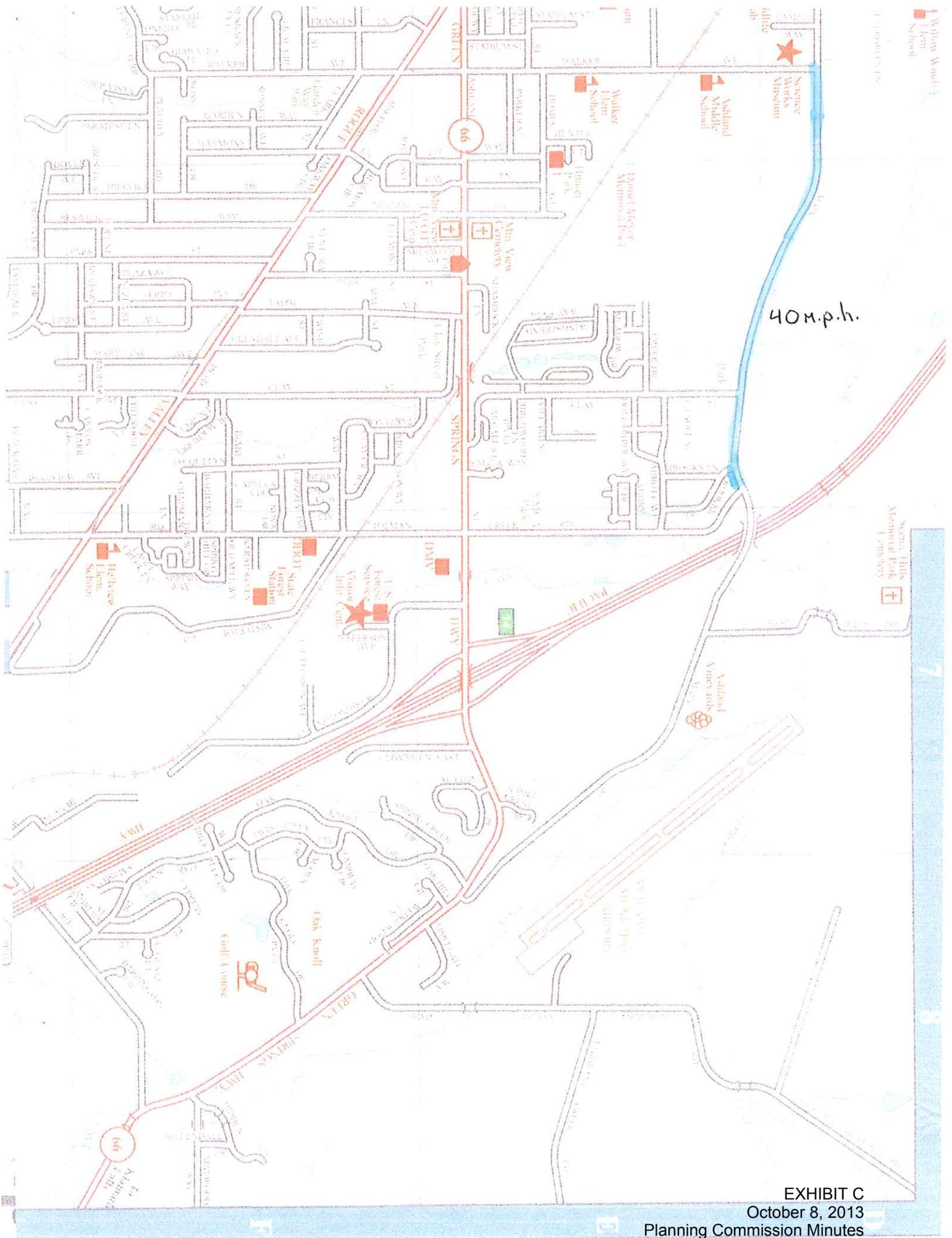
We would note again that the above comments are focused mainly on that portion of the plan covering the Baptist Church property, because this portion is likely to be the first developed, and to have the most immediate impact on the three homeowners associations affected by such development. There may well be other serious concerns regarding that portion of the plan covering the Normal Avenue extension, such as wetlands preservation, storm water dispersion and the like, but we will leave any comment on these aspects of the plan to the homeowners immediately affected by them.

Thank you for your consideration of these items and your work on the plan.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bryce C. Anderson", with a long, sweeping flourish extending to the right.

Bryce C. Anderson
Meadowbrook Park Estates HOA



40 m.p.h.

When Work
When School
When

EXHIBIT C

October 8, 2013

Planning Commission Minutes

8 October 2013

Dear Ashland Planning Commission

I am providing written and verbal comments today about the proposed Normal Avenue development. I want to first mention that I fully support infill to prevent sprawl. I applaud the Planning Commission's diligence in meeting the city of Ashland's goals to provide affordable housing for residents while honoring the city boundaries.

I am concerned about the proposed construction of so many units in such a delicate and vulnerable area, however, and feel that just because the property is within city limits does not automatically make it a desirable place to build.

My job is to help cities prepare for the impacts of climate change. I have worked for the communities of San Luis Obispo, Fresno, Missoula and Fort Collins, Colorado. I am currently helping Fort Collins city planners, just like yourselves, identify where residents are most vulnerable to climate change impacts and develop strategies to reduce their vulnerability. Fort Collins has had 2 recent wake-up calls to the impacts of climate change – the first was when school was cancelled city-wide due to heat (rather than snow) and the second was the devastating 1000-year floods they experienced just a month ago.

Climate change is expected to lead to more extreme events – more heat waves, droughts, catastrophic wildfires, and floods. I have looked closely at the models for southern Oregon and there is a clear signal of increasing potential for large winter storms for this area.

With this new knowledge of increasing flood risk related to climate change, it is no longer responsible to build in areas where we once considered building. We need to reduce the risk to people in flood zones. Unfortunately, the people most at risk during floods are usually those with the lowest incomes and least ability to respond or bounce back.

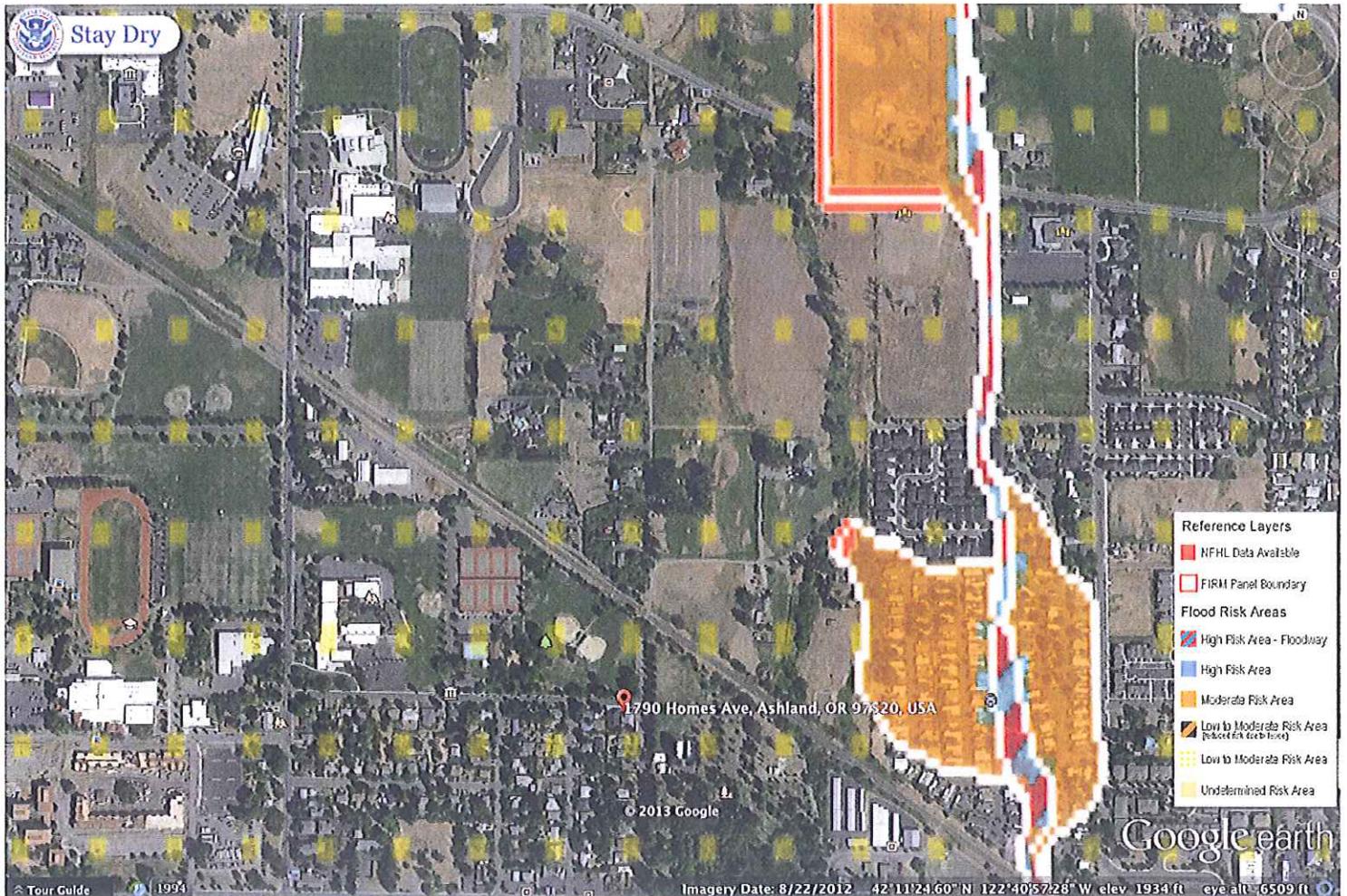
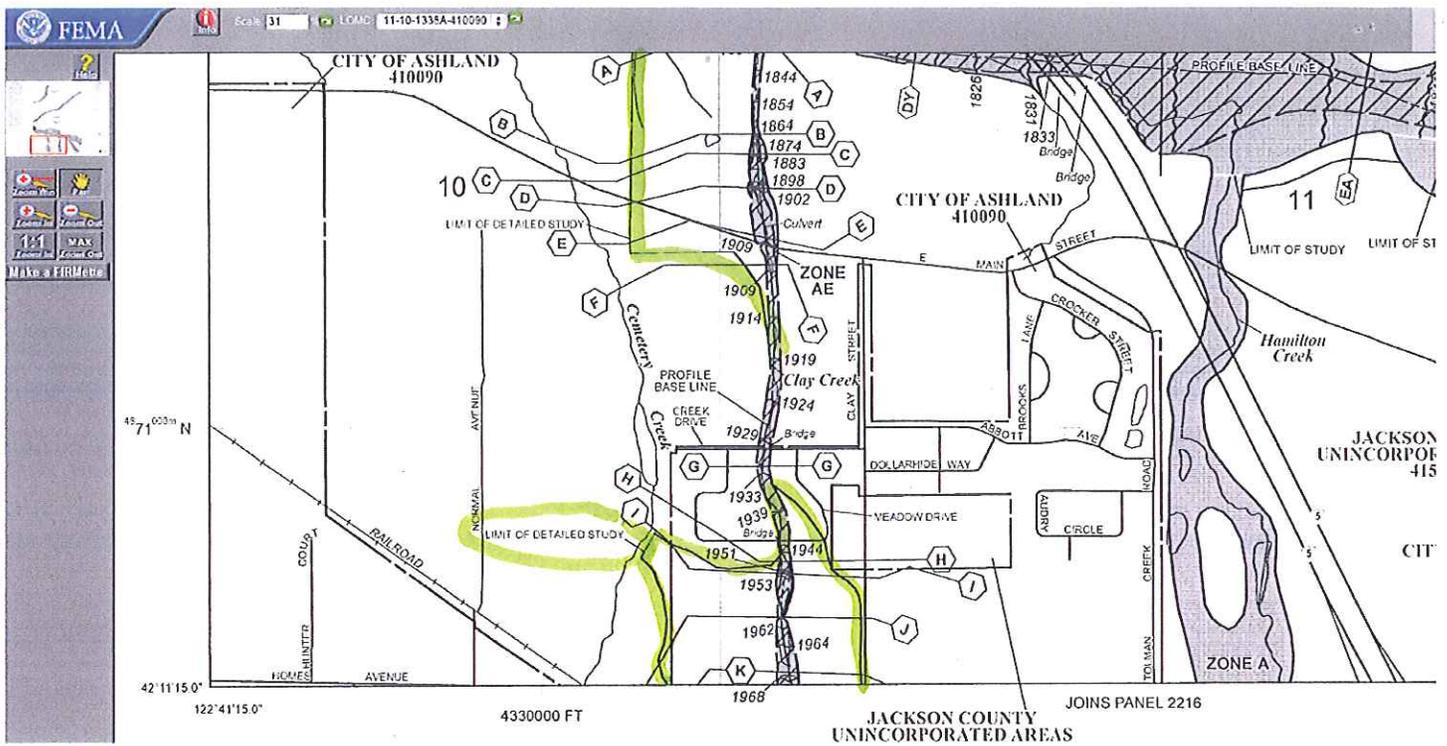
I looked at the FEMA flood maps for the Normal Ave. planned development, which is immediately next to the Clay St. development. The Clay St. development is mostly in a Moderate Risk area for flooding, which FEMA defines as between the 100-year and 500-year flood risk zones. Parts of it (especially the trailer park) are in the High risk area as well, which is within the 100-year floodway. The Normal Ave. development area was not studied by FEMA, but is adjacent to it and has similar features, including streams and wetlands that are of similar size and volume of water.

This shows that the area is currently at risk, but we need to remember that climate change presents us with even greater risk to consider. Climate change is expected to increase substantially in the coming decades, with greater and greater risk of floods, drought, and wildfire. Planning for resilient communities means thinking ahead and keeping people out of hazardous areas now, to reduce their vulnerabilities during future disasters.

While I support infill, I cannot support this project. The area is perfect for a park with natural vegetation and trails that can be used by the schools nearby and local kids.

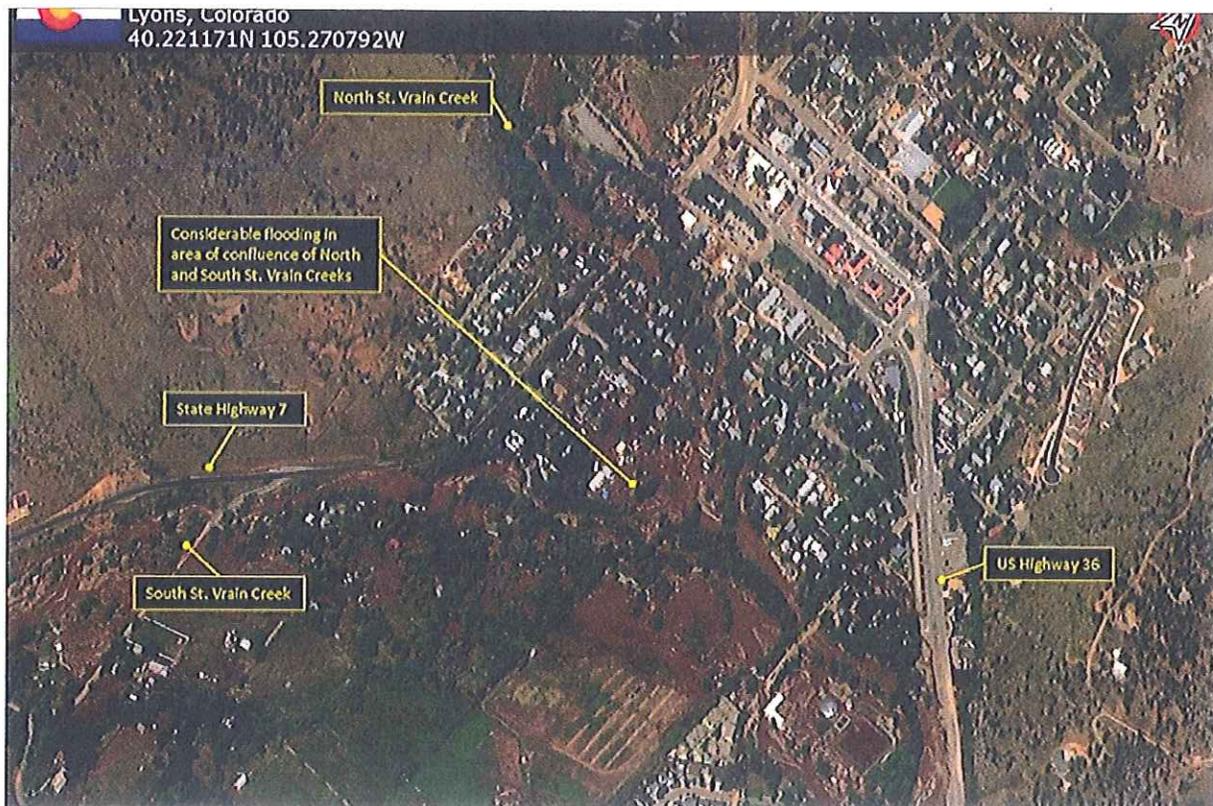
Thank you,
Marni Koopman, Climate Change Scientist
Ashland Resident (1790 Homes Ave.)

3 attachments: (1) Excerpts from the Climate Resilient Communities Primer, (2) FEMA Maps of the proposed Normal Ave. development area, and (3) pictures of Colorado floods



Figures 1 and 2. These maps are from the FEMA Flood Hazard mapping website (msc.fema.gov). The top map shows the boundaries of the area where FEMA completed their detailed study. The bottom map shows that the areas that were studied all showed up as high and moderate risk for flooding. The areas that were outside the study boundary were not classified. These maps were accessed 10-7-2013. Of note is that fact that the Clay St. development is at moderate to high risk, and is similar to the proposed Normal St. development. FEMA defines moderate risk as "between the limits of 100-year and 500-year floods."

EXHIBIT D
 October 8, 2013
 Planning Commission Minutes



Figures 3 and 4. Areas of Lyons Colorado where homes built near local creeks were flooded in September, 2013.

**Ashland Meadows
Homeowners Associations**

Paula Skuratowicz, President
October 8, 2013

Troy Brown Jr
Michael Dawkins
Richard Kaplan
Debra Miller
Melanie Mindlin
Bill Molnar
Michael Morris
Tracy Peddicord

Re: Normal Avenue Plan

Dear Commissioners,

Thank you for the considerable progress that has been made in addressing a number of the issues raised by our neighborhoods. One of our remaining major concerns is the decision indicated in the final draft to postpone the public transportation consideration to some point in the future.

We find it irresponsible to talk about decreasing our reliance on the use of automobiles without also addressing the issues of inadequate public transportation in our area. It is noted in the plan that the existing transit route alignment makes the distance to our closest bus stops greater than what is considered a reasonable walking distance of one quarter mile. This is made worse by the fact that our closest bus stops are at Albertson's and Bi-Mart and the stops at Albertson's are infrequent except for in the early morning and late afternoon. Moreover, the bus line does not go up East Main as it had in the past. This makes transportation by bus particularly difficult for working parents and the elderly.

We already know that the development of the Baptist Church property will approximately double the population in the immediate area. This means that unless there are substantial changes in both the number of stops and the route of the bus service, people in the new development will be forced into using automobiles. It is very clear these changes need to occur at the time of development, not at some future time. That is just passing the buck for someone else to address the problem.

This issue of public transportation is further complicated by the prospect that the Baptist Church property may well be the only property developed for quite a while. Unfortunately, most of the connecting roads and pathways may not be constructed until years later when other areas of the Normal Neighborhood are developed. This further increases the need for increased and closer access to bus transit to be available at the beginning of the project not at some unknown future time. In the High Density Housing and Transportation White Paper prepared in 2011 for the City of Ashland's Planning and Transportation Commission, it was stated that "residential units are the most important land use factor in increasing ridership." Generally agreed on densities for transit service as applied to our zoning would require 1 bus per hour for low density land use, 1 bus every 30 minutes for medium, and 1 bus every 10 minutes for high density use. This definitely applies to the Baptist Church property.

(over)

To: City of Ashland Planning Commission
From: Ashland Meadows HOA

October 8, 2013
Page 2

I have personally had experience with this problem. One holiday season I worked at a temporary job in Medford and rode on the early #10 bus. After my first day at work, I realized the cold and distance to walk to the bus stop made it too difficult for me. My husband ended up driving me every morning to the Safeway stop-which had the additional advantage of a covered place to sit while waiting for the bus. Without a person with access to a car dropping me off, I would never have been able to continue working. If there was a bus stop on East Main, I could have easily walked without the necessity of using a car.

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
STUDY SESSION
MINUTES
October 22, 2013

CALL TO ORDER

Chair Melanie Mindlin called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Troy J. Brown, Jr.
Michael Dawkins
Richard Kaplan
Debbie Miller
Melanie Mindlin
Tracy Peddicord

Staff Present:

Bill Molnar, Community Development Director
Maria Harris, Planning Manager
April Lucas, Administrative Supervisor

Absent Members:

None

Council Liaison:

Mike Morris, absent

ANNOUNCEMENTS

Community Development Director Bill Molnar reminded the group of the upcoming meeting dates. He noted November 26, 2013 will be a Special Meeting and stated the December 24, 2013 meeting has been cancelled. He also asked that the Commission start thinking about when they would like to present their update to the City Council.

PUBLIC FORUM

No one came forward to speak.

DISCUSSION ITEMS

A. Unified Land Use Ordinance – Final Draft Review

Planning Manager Maria Harris provided an overview of the process to date and explained staff is finishing up their work on the final draft. She explained tonight they will be reviewing sections 18-1 and 18-3 and provided an overview of the proposed changes.

18-1: Introduction and General Provisions

- ***Nonconforming Situations:*** Chapter is reorganized according to the four types of nonconforming situations (uses, structures, developments and lots)
- ***Expansion of Nonconforming Use:*** A clause has been added that allows a structure that houses a nonconforming use to be expanded up to 50% of the building square footage.
- ***Discontinuation of Nonconforming Use:*** The existing standard has been revised to state if a nonconforming use is discontinued for more than 12 months it is considered abandoned and no longer allowed.
- ***Nonconforming Garages and Sheds:*** Language has been added that allows garages and sheds to be rebuilt with just a building permit as long as the three dimensional shape, footprint, and use do not change.
- ***Destruction of Nonconforming Structure:*** This amendment allows a nonconforming structure destroyed by a catastrophe to be restored or reconstructed provided the nonconformity does not increase.
- ***Nonconforming Developments:*** The existing standard applies to nonresidential development whereas the proposed amendment would apply to residential and nonresidential developments.

Mr. Molnar clarified if the nonconformity encroaches into the public right of way, the property owner would not be allowed to rebuild in its current location.

- **Planning Approval Expiration:** The approval timeline has been extended to 18 months.
- **Planning Approval Extension:** This provision has been increased from 18 months to 2 years.
- **Revocation Public Hearing:** This amendment revises the references to Type II planning action noticing and process which requires a public hearing.
- **Violations of Land Use Ordinance:** Language has been edited for clarity.

18-3: Special Districts and Overlay Zones

- **Croman Mill Major Amendment for Zone Change:** Amended the standard to require a major amendment in order to change zoning in the Croman Mill District.
- **Croman Mill Potable Water Standard:** Created a more measurable standard by adding “50% of baseline” and inserted a definition of baseline into section 18-6.
- **North Mountain Allowable Lot Coverage in Neighborhood Central Zone:** Increased maximum lot coverage to 85% to be more consistent with C-1 and E-1 zones.
- **Nonresidential Land Divisions in Performance Standards Options (PSO) Subdivisions:** Added clarification that PSOs can be used to subdivide land in nonresidential zones.
- **Affordable Housing Density Bonus in Performance Standards Options Subdivisions:** Amended standard to allow a density bonus of two market units (up to a maximum of 35%) for every affordable unit provided.
- **Cottage Housing Density Bonus in Performance Standards Options Subdivisions:** Added language that states in the R-1 zone, two cottage housing units are allowed in place of each single-family unit allowed by base density.
- **Previously Approved Building Envelopes and Driveways in Water Resource Protection Zones:** This provision expired on January 15, 2013 and therefore has been removed.
- **Purpose of Residential Overlay:** Added a purpose statement explaining the intent of the overlay is to encourage a concentration and mix of business and housing to provide a variety of housing types; support resource and energy conservation; and promote walking, bicycling, and transit use.
- **Residential Uses in Multiple Buildings Residential Overlay:** Amended standard to state if there are multiple buildings on a site, at least 50% of the total lot area (including accessory uses such as parking, landscaping and public space) shall be designated for nonresidential permitted uses.

Commission Discussion

The Commission issued the following statements and suggestions to staff regarding the proposed amendments:

- A correction was noted to page 3-47. The last sentence of 18-3.5.020(A) should read: “It can be applied to all areas now or hereinafter owned by the State of Oregon acting by and through the State Board of Higher Education and SOU and located within the SOU boundary...”
- A correction was noted to page 3-4. The header at the top of the page should read: “Title 18 – Part 3 – Special Districts and Overlay Zones”
- Comment was made regarding the amendment to 18-3.8.020 which allows the performance standards option to divide residential and non-residential zoned land and suggestion was made for staff to consider allowing this option throughout the City.
- Comment was made questioning why shifting a road up to 50 ft. in the North Mountain neighborhood is a minor amendment, but in the Croman Mill district it is 25 ft.; Why isn’t this consistent? Mr. Molnar clarified the Croman plan was more detailed than the North Mountain plan and stated the Croman site is fairly constrained with the railroad on one side and the creek on the other; therefore some of the block lengths were pretty much set.
- Comment was made that items 4 and 6a on page 3-25 are worded awkwardly and suggesting staff revisit these.
- Comment was made that in order for cottage housing to work there will need to be separate parking standards in the performance standards section.

Ms. Harris thanked the Commission for their input and clarified the final draft will come back in sections over the next few meetings. She noted the final version will be a “clean copy” and recommended the commissioners hang onto these materials if

they want a marked copy for their discussions. She added the Unified Code is currently scheduled to be presented to the City Council for final approval in December.

ADJOURNMENT

Meeting adjourned at 8:00 p.m.

**TYPE II
PUBLIC HEARING**

**PA-2013-01505
31 North Mountain**



PLANNING ACTION: 2013-01505 **CORRECTED NOTICE**

SUBJECT PROPERTY: 31 N Mountain

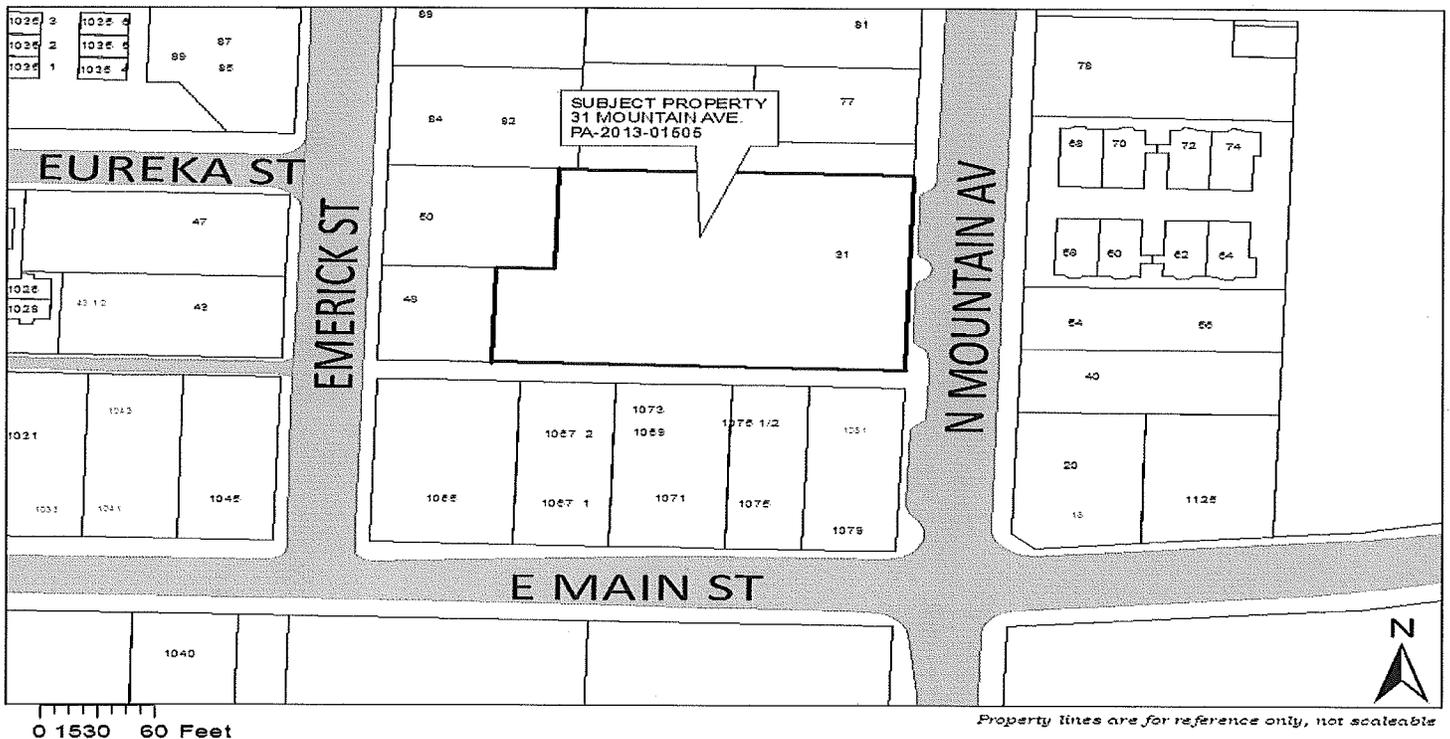
OWNER/APPLICANT: Ayala Properties, LLC

DESCRIPTION: A request for Site Review and Outline Plan approval under the Performance Standards Options Chapter 18.88 for a 13 unit, 14 lot multi-family development for the property located at 31 N. Mountain Ave. A Tree Removal Permit is requested to remove 11 trees greater than six-inches in diameter at breast height on the site. The existing building has been previously approved for demolition pending approval of a replacement plan.

COMPREHENSIVE PLAN DESIGNATION: High Density Multi-Family Residential; **ZONING:** R-3; **ASSESSOR'S MAP #:** 39 1E 09 AD; **TAX LOT:** 700.

NOTE: The Ashland Tree Commission will also review this Planning Action on **Thursday November 7, 2013 at 6:00 p.m.** in the Community Development and Engineering Services building (Lithia Room) located at 51 Winburn Way.

ASHLAND PLANNING COMMISSION MEETING: November 12, 2013 at 7:00 PM, Ashland Civic Center



SITE DESIGN AND USE STANDARDS

18.72.070 Criteria for Approval

The following criteria shall be used to approve or deny an application:

- A. All applicable City ordinances have been met or will be met by the proposed development.
- B. All requirements of the Site Review Chapter have been met or will be met.
- C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.
- D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options.

OUTLINE PLAN APPROVAL

18.88.030.A.4 Criteria for Approval

The Planning Commission shall approve the outline plan when it finds the following criteria have been met:

- a. That the development meets all applicable ordinance requirements of the City of Ashland.
- b. That adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.
- c. That the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.
- d. That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.
- e. That there are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.
- f. That the proposed density meets the base and bonus density standards established under this Chapter.
- g. The development complies with the Street Standards.

(ORD 2836, 1999)

TREE REMOVAL

18.61.080 Criteria for Issuance of Tree Removal - Staff Permit

An applicant for a Tree Removal Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

- A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.
 1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
 2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.
- B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:
 1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards, including but not limited to applicable Site Design and Use Standards and Physical and Environmental Constraints. The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and
 2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and
 3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.
 4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

(ORD 2951, 2008; ORD 2883, 2002)

**ASHLAND PLANNING DEPARTMENT
STAFF REPORT
November 12, 2013**

PLANNING ACTION: 2013-01505

APPLICANT: Alaya Properties LLC.

LOCATION: 31 N. Mountain Ave.

ZONE DESIGNATION: R-3

COMPREHENSIVE PLAN DESIGNATION: High Density Residential

APPLICATION DEEMED COMPLETE: October 28, 2013

120-DAY TIME LIMIT: February 26, 2014

ORDINANCE REFERENCE: 18.28 High Density Multi-Family Residential District
18.56 Pedestrian Places Overlay zone
18.61 Tree Preservation and Protection
18.72 Site Design and Use Standards
18.88 Performance Standards Options

REQUEST: Request for an Outline Plan approval under the Performance Standards Option Chapter 18.88 for a 13-unit, 14-lot multi-family development for the property located at 31 N. Mountain Ave. A Tree Removal Permit is requested to remove 11 trees on the site.

I. Relevant Facts

A. Background - History of Application

In April 2006, the Planning Commission granted approval for Site Review and Outline Plan for an 11-unit, 11-lot multi-family development, including approval to remove four trees on site. (PA-2006-00278)

In December 2006, the Final Plan approval for the 11-unit, 11-lot subdivision was approved. (PA-2006-02025)

In November 2007, a 12-month extension of the previous approval was approved. (PA-2007-01679)

In November 2008, an 18-month extension of the previous approvals was approved. (PA-2008-01849)

In May 2010, a 12-month “recession” extension of the previous approvals was approved.

In December 2011, the Ashland City Council adopted the Pedestrian Places Overlay Zone (AMC 18.56) and the subject property and others in the immediate vicinity were incorporated into that zone.

There are no other planning actions of record for this site.

B. Detailed Description of the Site and Proposal

The project site is located on the west side of N. Mountain Ave., north of the intersection of N. Mountain Ave. and E. Main St. The parcel is 30,900 square feet in size. A public alley right-of-way which links N. Mountain Ave. and Emerick St. is adjacent to the southern boundary of the site. The alley is partially improved with asphalt. A vacant single-family residence is located on the property.

The site is moderately sloped with a downhill slope to the north of approximately four percent. The application includes a tree inventory which identifies eleven trees six inches diameter at breast height (dbh) on site, on the adjacent property and in the public right-of-ways. Ten of the trees are proposed for removal, nine on the property and one in the public right-of-way for Mountain Avenue.

The subject parcel as well as the surrounding properties and neighborhood are located in the R-3 High Density Multi-Family Residential district. The subject parcel, those to the south and directly across N. Mountain Ave. are also in the Pedestrian Places overlay zone. The surrounding area contains single-family and multi-family housing. A massage school is located to the south of the site, at the northwest corner of the intersection of E. Main St. and N. Mountain Ave.

1. Outline Plan Approval for Performance Standards Options Subdivision

The applicant is requesting Outline Plan approval to subdivide the property for the development of 13 residential units on individual lots and one common parcel. The units are proposed in a town home format with three building groups. A single-vehicle garage is attached to each unit. The proposal is to access the development by way of the existing alley to the south of the site. Additionally, an L-shaped driveway would be installed to access the interior of the site. Building 1 fronts on N. Mountain, Building 2 is adjacent to the alley and Building 3 is internal of the site. A common open space is proposed in the southeastern corner of the site and between Buildings 2 and 3. A pedestrian walkway is proposed around the driveway and to the units, linking the interior of the site to a proposed public sidewalk on N. Mountain Ave.

a) Public Facilities

Existing and proposed public facilities have been identified on the site plan and discussed in a narrative. Existing and proposed upgrades include:

- The proposed units will be served by the six-inch water line in N. Mountain Ave. A six-inch water line will be installed from the hydrant just south of the alley intersection to serve the property.
- A sanitary sewer line will be installed in the interior of the site and connected to the existing line in N. Mountain Ave.
- A new storm drain line will be installed in the alley and connected to the existing public storm drain system that is in Emerick Street.
- Electric service is available from N. Mountain Ave. and transformers to service the new development are proposed. One, adjacent to Building 3 and two adjacent to Building 1. A street light will be installed at the intersection of the alley and N. Mountain.
- The application indicates that the alley will be improved from the intersection of N. Mountain Ave. for the full length of the property frontage. For the first 86 feet a five-foot sidewalk is proposed adjacent to the alley leading to the internal driveway.
- The frontage of the property on N. Mountain Ave. would be improved with parkrow, sidewalk and a three-vehicle parking bay.

2. Site Review Approval

The application includes a request for Site Review approval of the proposed 13 unit multi-family development. The units are attached two-story town homes, and are grouped in three buildings. Building 1 faces N Mountain Ave. and includes five units, Building 2 faces the interior of the site with alley loaded garages and includes five units, and Building 3 faces the interior of the site and includes three units. Eight of the units are three-bedroom units and five of the units are two bedroom units. The units include 1,284 to 1,048 square feet of living space. Each unit will have an attached garage; the garages are 241 or 263 square feet.

The architectural style of the proposed units is contemporary. The street facing units in Building 1 are oriented toward N. Mountain Ave. and include a front patio and front door facing the street. The exterior building materials on Building 1 include horizontal siding, split-face masonry veneer, wood and steel trellises, vinyl windows with wood trim, varying door and sidelight designs and composition roofing. Building 2 (adjacent to the alley) has alley facing garages with wood garage doors, horizontal siding and corrugated metal siding. Though

all of the buildings is proposed to have a second story, the pitch of the roof and the design give the appearance from N. Mountain that the structures are one and one-half story. As proposed, the buildings meet the solar setback requirements.

Each of the units has a porch / patio area, and low walls are proposed to define these outdoor living areas to provide increased privacy. In order for the permitted reduced setback for unenclosed porches in the front yard to be utilized the porch walls must be less than 42-inches in height. A condition to this effect has been added. A landscape plan is included in the application that addresses the open spaces and common areas. An irrigation plan addressing the proposed landscaping plan will need to be submitted for review and approval with the Final Plan submission; a condition to this effect has been added.

3. Tree Removal Permit

The application includes a Tree Protection and Removal Plan as required in Chapter 18.61 that delineates trees on the property and in the adjacent rights-of-way six inches diameter at breast height (dbh) and greater

A total of ten trees are proposed for removal in conjunction of the project with nine being located on the site and one located in the N. Mountain Ave. public right-of-way (ROW). The trees proposed for removal include one Blue Spruce (*Picea pungens*) located in the N. Mountain Ave. ROW in the location of the proposed sidewalk, two Hollywood Junipers (*Juniperus torulosa*) located directly adjacent to the existing structure, one Cherry (*Prunus* spp.) tree located directly adjacent to the alley where the new units will be accessed and six Black Cottonwoods (*Populus trichocarpa*) sizes ranging from six-inches in diameter at breast height DBH to 16-inches DBH. All of the Black Cottonwoods are located on the west property line.

II. Project Impact

The project requires a subdivision approval since it involves the creation of 13 residential lots. Site Review approval is required for the application because it is a multi-family development. Finally, a Tree Removal Permit is required to remove trees which are six inches diameter at breast height and greater. The application is required to be reviewed under the "Type II" process with a public hearing because it includes a request for Outline Plan approval of a subdivision.

A. Outline Plan for Performance Standards Options Subdivision

In Staff's review of the proposal, the application appears to meet the approval criteria for Outline Plan approval. Chapter 18.88, Performance Standards Options, allows a flexible lot layout and design approach. To this end, the base density of the project is based on

the total site area. While perimeter and front yard setbacks must conform to the requirements of the zoning district, the lot sizes and interior site setbacks can vary in size.

The site has a base density of 14 units. The application is in conformance with the base density since 13 units are proposed. In addition, the proposal satisfies the requirement from Chapter 18.28 that the site be developed at a minimum density requirement of 80 percent of the base density. The adjacent parcels to the north of the site are fully developed with single-family homes. The proposed subdivision will not prevent adjacent land from being developed in accordance with the R-3 zoning district, Ashland Land Use Ordinance and Ashland Comprehensive Plan.

The site plan (Sheet A-6 & A-12) delineates the proposed building envelopes, setbacks, open spaces and driveway locations. The application meets the standard and special yard setbacks requirements of Chapter 18.88. The solar setbacks are addressed in the solar diagram (Sheet A-8) included in the application. The units at the perimeter of the project, Building 3 and Unit 1.B in Building 1, meet Solar Setback Standard A. The proposed buildings range from 22.5 to 24.5 feet in height which is below the maximum of 35 feet for the R-3 zoning district. The maximum lot coverage permitted in the R-3 zoning district is 75 percent. As proposed the plan covers 75 percent of the site is covered with impervious surfaces including building, driveways, walkways and patios.

The Performance Standards options require that all developments of ten units or greater provide a minimum of five percent of the total lot area as open space or common area designated for the use of the members of the homeowners association. The open space area may be used for passive or active recreation. The Site Review standards require eight percent of the total site area to be devoted to functional outdoor recreation space. The courtyard area is for passive use. The application shows a landscaped courtyard between Buildings 2 and 3 with stamped concrete “gathering areas” and a five-foot sidewalk. The applicant is also providing a small lawn area to the south of Building 1 and intends to provide a dog waste bag dispenser. The total area provided by the common open space and private patio areas exceeds five percent of the total lot area. There are no amenities such as benches shown in the common areas which could be used to enhance the functionality of the common areas.

Staff Concern: The outline plan does not demonstrate what common area amenities will be provided.

The Outline Plan approval criteria require significant natural features to be included in the open space, common areas and unbuildable areas. The subject property lacks significant natural features. The natural features of the site are the multi-stemmed Black Cottonwoods and the Blue Spruce in the N. Mountain ROW. The trees are proposed for removal. The application includes a tree inventory prepared by the project landscape architect. The request for removal notes a large portion of the tree protection zone is impacted by the proposed construction for Building 2 and 3 and the public infrastructure improvements along N. Mountain Ave. Additionally, the species is identified as present

a future hazard because Black Cottonwoods are subject to wind throw and trunk failure. The Tree Commission has not reviewed the application at the time of writing.

Twenty-five off-street parking spaces are required for the development, and 25 are provided with each of the 13 units having an attached single-vehicle garage and surface pad parking throughout the development. Common bicycle parking facilities are not required for residential units that include a garage. The applicant's findings state that bike hangers will be installed in each garage.

Chapter 18.92, Off-Street Parking, requires driveways accessing seven or more parking spaces to include adequate aisles or turn-around areas so that drivers may pull out of the driveway in a forward manner. The plans demonstrate that the maneuvering area is met with the driveway and sidewalk area.

Existing public facilities and utilities are in place to service the project, and have been identified on the preliminary utility plan and grading plan. Water, sanitary sewer and electric services are available from N. Mountain Ave. and have the capacity to serve the proposed development. The existing storm drain line in N. Mountain Ave. is inadequate to serve the project, and a new line will be installed wither in N. Mountain or in the alley and directed towards Emerick Street to connect to the existing systems. The applicant is working with eh Public Works department to determine the best route for this project and future development in the vicinity.

Paved access is provided by N. Mountain Ave. and the public alley to the south of the site. N. Mountain Avenue is classified as an Avenue (major collector). N. Mountain Ave. is identified as a major pedestrian and bicycle corridor in the Ashland Transportation System Plan because the street provides access to the arterial street system including E. Main St. and Siskiyou Boulevard as well as providing direct access to the High School, Southern Oregon University, the Central Ashland Bike Path and N. Mountain Park. The curb-to-curb width of N. Mountain Ave. meets the Ashland Street Standards. However, the sidewalk corridor along the street is not continuous on both sides of the street and lacks a park row between the sidewalk and the curb in many locations. A public sidewalk is proposed along the full frontage on N. Mountain Ave. As discussed below, a short park row between the sidewalk and curb is proposed and the northern most portions will not have a park row because a parking bay is proposed between the sidewalk and existing curb line.

Three on-street parking spaces are proposed adjacent to the property frontage in a parking bay. The application materials show one long parking bay with three spaces on the site plan (Sheet A-6). The proposed parking bay is 66 feet in length. While the on-street parking spaces are not required, Staff believes the advantage of the bay is that it will provide guest parking in close proximity to the site. On-street parking in a curbside format is in place to the north of the property and on-street parking in bays is in place to the south of the property.

Currently, on-street parking is not permitted adjacent to the property frontage on N. Mountain Ave. because the transition to the three-lane intersection begins in front of the property. As a result, parking adjacent to the subject site must be accommodated in a bay outside of the existing curb line of the N. Mountain Ave. The disadvantage of having a parking bay in this location is that the park row is reduced which is the buffer for pedestrians from traffic. Additionally, street trees in parkrows provide traffic calming benefits. Generally, the placement and length of parking bays is balanced with providing a buffer to pedestrians and the availability of parking nearby.

A Traffic Impact Analysis (TIA) was not required for the project. A TIA was prepared for the previous project and it indicated that the intersections surrounding the site including N. Mountain Ave. and E. Main St. and N. Mountain Ave. and B St. will continue to operate at acceptable levels with build out of the previously approved project.

The public alley to the south of the site is partially improved both in terms of width and length. The alley right-of-way is 15 feet in width and is in place through the block from N. Mountain Ave. to Emerick St. The city standard for an alley is a 16-foot wide right-of-way with a 12-foot wide driving surface. An additional foot of right-of-way will need to be dedicated along the southern property boundary. In addition, the application states a willingness to pave the alley to 15-feet wide through the property.

1. Alley Width at Eastern End

The eastern end of the alley for a length of approximately 80 feet appears to be reduced in available width by existing parking on the north side of the alley. The parking at the rear of the building located at 1081 E. Main St. partially intrudes into the public alley right-of-way. The property located at 1081 E. Main St. is the parcel located at the northwest corner of the intersection of E. Main St. and N. Mountain Ave. and is located to the south and on the opposite of the alley from the subject property. The site received a Conditional Use Permit and Site Review approval in December 2002 to convert the building to a mixed-use structure including an art school and a residential unit (PA 2002-152).

The application for the conversion included a site plan which delineated three diagonal parking spaces at the rear of the building which were located outside of the public alley right-of-way. However, the current conditions are four spaces at the rear of the building encroach into the alley approximately three feet. For the current proposal to meet the minimum alley width standards, the extent of the intrusion will have to be determined and the existing diagonal parking spaces reconfigured or a greater dedication additional alley right-of-way on the northern alley boundary. This is an active compliance issue between the City and the owner of 1081 E Main Street.

B. Site Review

In Staff's review of the proposal, the application meets the approval criteria for Site Review approval. The application is subject to the Multi-Family Residential Development Standards portion of the Site Design and Use standards. The approval criteria for Site Review of a multi-family development overlap significantly with the approval criteria for Outline Plan approval as discussed above.

Building 1 is facing N. Mountain Ave. and has been designed with the primary orientation to the street. Each of the four units has the front door with a front porch entry facing N. Mountain Ave. The site improvements include a sidewalk connecting the front door to the public sidewalk to be installed on N. Mountain Ave. The building architecture is a contemporary townhouse style, and the units are slightly varied in roof form, door and trim details and exterior building materials to distinguish between the four units. The exterior building materials include hardi-board siding, split face block walls, and composition shingle roofing.

The application includes a landscape plan that addresses the open space, other common areas and the private yard landscaping. Street trees are shown in the park row which extends from the alley to the parking bay, 66-feet. The Multi-Family Residential Standards require an area equal to at least eight percent of the lot area to be dedicated to open space for the recreational use by tenants of the development. Common areas and private yard areas including patios and decks are eligible for open space areas. As stated above a common, landscaped courtyard is proposed between Buildings 2 and 3 with stamped concrete gathering areas and a five-foot sidewalk. The applicant is also providing a small lawn area to the south of Building 1 and intends to provide a dog waste bag dispenser. Additionally, private patios areas are provided for each unit. The total area provided by the common open space and private yard areas exceeds eight percent of the total lot area.

C. Tree Removal Permit

Chapter 18.61 of the Ashland Land Use Ordinance (ALUO), Tree Preservation and Protection, requires a Tree Removal Permit for the nine site trees and one tree in the ROW designated for removal because the trees are six inches dbh and greater. The trees proposed for removal include one Blue Spruce (*Picea pungens*) located in the N. Mountain Ave. ROW in the location of the proposed sidewalk, two Hollywood Junipers (*Juniperus torulosa*) located directly adjacent to the existing structure, one Cherry (*Prunus spp.*) tree located directly adjacent to the alley where the new units will be accessed and six Black Cottonwoods (*Populus trichocarpa*) sizes ranging from six-inches in diameter at breast height DBH to 16-inches DBH. All of the Black Cottonwoods are located on the west property line.

The application appears to meet the approval criteria for the removal of non-hazard trees. All of the trees have tree protection zones that area impacted by building envelopes, the parking pad locations and the public sidewalk. The removal of the cottonwood trees does not appear to have an impact on soil stability, flow of surface waters, protection of

adjacent trees or windbreaks and the removal does not have a significant impact on the species diversity within 200 feet of the property. The trees identified for removal are rated in poor and fair condition and are necessary to meet the density proposed and building placement as envisioned in the Site Design and Use Standards.

According to the applicants findings the removal of the sites trees are consistent with the 2006 approval and that at that time the trees were found to be in poor or fair condition. The Blue Spruce is a large, visible tree but its location proves difficult to meet the street standards, provide the parking bay and to provide a sidewalk that meets City standards. The tree is in line with where the sidewalk is proposed. The sidewalk could go around the tree but then the provision of the parking bay would be reduced or eliminated. The curb cannot be moved further out into the N. Mountain Street ROW as the right hand turn lane begins just to the north of the location of the tree. Additionally, the tree has a slight lean toward N. Mountain. Staff finds that the location of this tree presents a challenge to meeting the other standards for the property to be used in accordance with the permitted density in the zone. The applicant has proposed to mitigate the removal of the trees on the site with the planting of 14 new trees. The Tree Commission had not reviewed the proposal at the time of writing.

III. Procedural - Required Burden of Proof

The criteria for Outline Plan approval are described in 18.88.030.A as follows:

- a. That the development meets all applicable ordinance requirements of the City of Ashland.
- b. That adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.
- c. That the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.
- d. That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.
- e. That there are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.
- f. That the proposed density meets the base and bonus density standards established under this Chapter.

- g. The development complies with the Street Standards.

The criteria for Site Review approval are described in 18.72.070 as follows:

The following criteria shall be used to approve or deny an application:

- A. All applicable City ordinances have been met or will be met by the proposed development.
- B. All requirements of the Site Review Chapter have been met or will be met.
- C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.
- D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options.

The criteria for Issuance of Tree Removal are described in 18.61.080 as follows:

An applicant for a Tree Removal-Staff Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

- A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.
 - 1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
 - 2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.
- B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:
 - 1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the

development to be staked to allow for accurate verification of the permit application; and

2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and
3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.

The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.

4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

IV. Conclusions and Recommendations

In Staff's opinion, the proposal is consistent with the approval criteria for Outline Plan of a Performance Standards Options subdivision and Site Review for a multi-family development. In addition, the request to remove ten trees six inches (dbh) and greater appears to meet the approval criteria for a Tree Removal Permit.

Staff has identified minor issues related to the approval criteria and design standards applicable to the project but they all appear to be resolvable at Final Plan approval. The only outstanding issue is if common area amenities should be provided to encourage the use of the space by the tenants.

Staff recommends approval of the application with the following conditions attached.

- 1) That all proposals of the applicant are conditions of approval unless otherwise modified here.
- 2) That all easements for sewer, water, electric and streets shall be indicated on the final survey plat as required by the City of Ashland.
- 3) That a utility plan for the project shall be submitted with the Final Plan application. The utility plan shall include the location of connections to all public facilities in and adjacent to the development, including the locations of water lines and meter sizes, fire hydrants, sewer mains and services, manholes and clean-

outs, storm drainage pipes and catch basins. Any required private or public utility easements shall be delineated on the utility plan.

- 4) That the storm drainage plan including the design of off-site storm drain system improvements shall be submitted with the Final Plan application. The permanent maintenance of on-site storm water detention systems must be addressed through the obligations of the Homeowners' Association and approved by the Public Works Department and Building Division.
- 5) That the applicant shall submit an electric distribution plan with the Final Plan application including load calculations and locations of all primary and secondary services including transformers, cabinets, meters and all other necessary equipment. This plan shall be reviewed and approved by the Electric Department prior to submission of the Final Plan application. Transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department. The electric line servicing the site shall be installed underground and the existing pole on the N. Mountain Ave. frontage with adjacent services shall be relocated as required by Ashland Electric Department.
- 6) That the required pedestrian-scaled streetlight shall be installed at the intersection of the alley and the subject property consistent of the City of Ashland's residential streetlight standard, and shall be included in the utility plan and engineered construction drawings for the street improvements.
- 7) The preliminary engineering for proposed street and alley improvements shall be provided at Final Plan application. Street and alley improvements shall be consistent with City of Ashland Street Local Street Standards. The alley shall be improved to 15-feet in width from N. Mountain Ave. to the applicant's property line.
- 8) The stamped concrete shown at the intersection of the alley and N. Mountain Avenue shall be reduced to ten feet in width.
- 9) That the Final Plan application shall delineate vision clearance areas at the intersections of the street and alley and the alley and driveway. Structures, fences, retaining walls, signs and vegetation in excess of two and one-half feet in height shall not be placed in the vision clearance areas. The site plan and building envelopes shall be modified accordingly on the Final Plan submittals.
- 10) Subdivision infrastructure improvements, including but not limited to utilities, sidewalk installation, alley improvement, driveway, pedestrian paths, landscaping and irrigation shall be installed or a bond posted for the full cost of construction prior to signature of the final survey plat. If a bond is posted for common area and open space improvements, the common area and open space improvements including but not limited to landscaping, irrigation and pathway improvements

shall be installed in accordance with the approved plan prior to the issuance of the fifth building permit (halfway through project build out). The project landscape architect shall inspect the common area and open space improvements for conformance with the approved plan, and shall submit a final report on the inspection and items addressed to the Ashland Planning Division. The applicant shall schedule a final inspection including the project landscape architect with the Ashland Planning Division of the common areas and open spaces prior to issuance of the fifth building permit.

- 11) That the recommendations of the Ashland Tree Commission, with final approval by the Staff Advisor, shall be incorporated into the Landscape Plan and Tree Protection and Removal Plan.
- 12) That nine trees shall be planted in the common space, open space or private yard areas in accordance with 18.61.084 as mitigation for the removal of the nine trees on site. The landscaping plan provided at the time of the Final Plan application shall include and identify the mitigation trees.
- 13) That street trees, located one per 30 feet of street frontage, shall be installed in the parkrow along the N. Mountain Ave. as part of the subdivision infrastructure improvements. Street trees shall be chosen from the Recommended Street Tree List and shall be installed in accordance with the specifications noted in the Recommended Street Tree List. The street trees shall be irrigated.
- 14) That a Verification Permit in accordance with 18.61.042.B shall be applied for and approved by the Ashland Planning Division prior to removal of the four trees on site and prior to site work, storage of materials and/or the issuance of an excavation or building permit. The Verification Permit is to inspect the trees to be removed and the installation of the tree protection fencing. The tree protection for the trees to be preserved shall be installed according to the approved Tree Protection Plan prior to site work or storage of materials. Tree protection fencing shall be chain link fencing a minimum of six feet tall and installed in accordance with 18.61.200.B.
- 15) That an irrigation plan shall be submitted for review and approval with the Final Plan application submittals.
- 16) That a draft copy of the CC&R's for the Homeowners Association is provided at the time of Final Plan application. CC&R's shall describe responsibility for the maintenance of all common area and open space improvements, driveway and parking maintenance, parkrows and street trees. The CC&R's shall include language restricting parking to garages on site, and include language specifying parking in the driveway is prohibited.
- 18) That the plans submitted for the building permit shall be in substantial

conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify this Site Review approval shall be submitted and approved prior to issuance of a building permit.

- 19) That exterior building colors shall not be very bright primary or neon-type paint colors in accordance with the Multi-Family Residential Development Standards. Exterior building colors shall be specified on the Final Plan submittals.
- 20) The setback requirements of 18.88.070 shall be met and identified on the building permit submittals including but not limited to the required width between buildings as described in 18.88.070.D.
- 21) That Building 1 and Building 3 shall meet Solar Setback A in accordance with Chapter 18.70 of the Ashland Land Use Ordinance. Solar setback calculations shall be submitted with each building permit and include the required setback with the formula calculations and an elevation or cross-section clearly identifying the height of the solar producing point from natural grade.
- 22) That the walls of the porches along N. Mountain Avenue shall be no taller than 42-inches and the porches shall meet the definition of a front porch from AMC 18.08.601 in order to have less than a 15-foot front yard setback.
- 23) Lot coverage calculations including all impervious surfaces shall be submitted with the building permits. Impervious driveway and parking areas shall be counted as pervious surfaces for the purpose of lot coverage calculations.
- 23) That the exterior building colors and materials including window and door types shall be identified on the building permit submittals for review and approval of the Staff Advisor.
- 24) That exterior lighting shall be shown on the building permit submittals and appropriately shrouded so there is no direct illumination of surrounding properties.
- 25) That the alley shall meet fire apparatus access road requirements, and shall be paved prior to issuance of the certificate of occupancy.
- 26) That hanging bike racks shall be installed in the garages for each unit prior to the issuance of the certificate of occupancy.

RIDGEVIEW PLACE TOWNHOMES

**PROJECT DESCRIPTION AND FINDINGS OF FACT
FOR A 13 UNIT OUTLINE PLAN SUBDIVISION
FOR THE PROPERTY LOCATED AT 31 NORTH MOUNTAIN AVENUE**



SUBMITTED TO

**CITY OF ASHLAND PLANNING DEPARTMENT
ASHLAND, OREGON**

SUBMITTED BY

**URBAN DEVELOPMENT SERVICES, LLC
485 W. NEVADA STREET
ASHLAND, OREGON**

OCTOBER 29TH, 2013

OCT 29 2013

I. PROJECT INFORMATION:

PROJECT NAME: "Ridgeview Place Townhomes"

PLANNING ACTION: A request for a Site Review and Outline Plan Permit for a 13 unit / 14 lot subdivision. The housing will be attached multi-family townhomes on individual parcels with a mixture of unit sizes.

PROPERTY ADDRESS: 31 North Mountain Avenue

LEGAL DESCRIPTION: 391E 09AD, Tax Lot 700

COMPREHENIVE PLAN DESIGNATION: Multi-Family Residential District

ZONING DESIGNATION: R-3, High Density Multi-Family Residential District (20 units per acre)

ZONING OVERLAYS: Pedestrian Places

LOT SIZE: .71 Acres (30,843 Square Feet)

BASE DENSITY: 14.2 Dwelling Units (20 X .71)

MINIMUM - MAXIMUM DENSITY REQUIRED (PROPOSED): 11 - 14 units (13)

PARKING SPACES REQUIRED (PROPOSED): 25 (25) – not including three "new" on-street spaces

APPLICANT:
Ayala Properties, LLC
132 W. Main Street, Suite 201
Medford, Oregon 97501

ARCHITECT
Gary Collins, AIA
PO Box 262
Jacksonville, OR 97530

LAND USE PLANNING:
Urban Development Services, LLC
485 W. Nevada Street
Ashland, OR 97520

CIVIL ENGINEER:
Thornton Engineering
PO Box 476
Jacksonville, OR 97530

DESIGNER:
Lindemann Design
550 W. Nevada Street
Ashland, OR 97520

LANDSCAPE ARCHITECT/ARBORIST:
Laurie Sager & Associates
700 Mistletoe Road, St. 201
Ashland, Oregon 97520

SURVEYOR:
Polaris Land Survey
P.O. Box 459
Ashland, Oregon 97520

ATTORNEY OF RECORD:
Alan Harper, Attorney at Law
130 "A" Street
Ashland, Oregon 97520

SITE DESCRIPTION: The site is located on the west side of North Mountain Avenue approximately 150 feet north of East Main Street and is 30,900 square feet in area. The site has approximately 155 feet of frontage on North Mountain Avenue. The site is located adjacent to a commercial building to the south used as the Ashland Arts Institute, as well as additional multi-family housing. To the north are both single family and multi-family dwellings. The remainder of the neighborhood is a combination of single family and multi-family. The zoning in the neighborhood is a combination of both R2 and R3, medium density and high density multi-family housing.

The site's southern boundary abuts a public alley that connects North Mountain Avenue to Emerick Street providing vehicular access to the properties fronting E. Main Street as well as a secondary transportation link to Downtown Ashland. The site is nearly level with an average slope of less than 5%. There is an existing single family residence located on the site which will be removed as part of a separate application once the project's Building Permits are applied for in compliance with Chapter 15 of Ashland Municipal Code. The structure is in poor condition and was already approved to be removed with a previous Demolition Permit application in 2006. The structure was built in approximately 1938, contains 890 (+/-) square feet and doesn't appear to have been occupied for a number of years. The applicants have agreed to allow the Ashland Fire Department to remove the old structure as part of a "burn-to-learn" opportunity which allows fire crews to practice their fire fighting techniques in a controlled environment.

The proposal includes a request to remove the site's remaining tree, a Colorado Spruce, located between the old house and Mountain Avenue. According to two Arborists, the tree is in an unhealthy state, heaving and leaning in a precarious manner towards the street. Its removal was previously permitted in the prior application as it was deemed a hazard, but like the old house, it remained as building permits were never applied for due to poor economic conditions. Nevertheless, findings are attached which detail the removal of the tree.

PROPERTY HISTORY: In June of 2006 the Planning Commission adopted Findings, Conclusions & Orders for Planning Action 2006-00278, a request for a Site Review Permit and Outline Plan Approval under the Performance Standards Options Chapter 18.88 for an 11-unit, 11-lot multi-family development, including the removal of four trees (one of which still remains). In November of 2006, the Planning Staff adopted Findings and Orders for Planning Action 2006-02025 for the project's Final Plan.

In 2011, the City Council included the subject property, as well as other properties within the general vicinity of the North Mountain & East Main intersection, with the Pedestrian Places Overlay Zone.

PROJECT DESCRIPTION: The proposal is for a 13-unit planned community. The units are divided between three groups of buildings as identified on various site or landscape plans. The buildings contain five, five and three units, respectively, with a mixture of two and three bedroom floor plans. The project is similar to the 2006 application that was approved and never built, but in

the project team's opinion significantly improved in architectural appearance, material treatment, common and private recreational space and pedestrian circulation. Overall, the applicants have attempted to improve upon the original application which, according to the minutes, was not universally appreciated by the then Planning Commission, but nonetheless obviously met City design standards and criteria.

Site Design: In accordance with the City's adopted Site Design & Use Standards as well as the recently adopted Pedestrian Places Overlay, the proposal attempts to be respectful of the North Mountain Avenue streetscape by orientating a portion of the units along the street, with direct pedestrian connectivity and vehicular access from the back, directly off an existing alley. Slightly elevated patios, deep roof overhangs, articulated facades, landscaping and added street trees within newly planted planting bays are intended to enhance the pedestrian vibe along the street and provide the project residents a positive semi-private outdoor experience.

The rear units are in two buildings, one that sits along the alley's southern edge with vehicular access from the alley and the other building opposite to the north with its vehicular access from the north side. A common landscape court yard is proposed between the buildings which includes both common and private recreational space accessed by paths from various directions. The landscaping plans identify various trees and planting throughout the property and along the street's edge as well as two possible retention areas for the project's storm water.

Besides the new sidewalk and street trees proposed along the North Mountain Avenue frontage, an in-laid concrete surface treatment (or similar treatment) is proposed not only connecting the sidewalk along North Mountain Avenue (across alley's entrance), but the treatment is also then extended into the alley for an improved entrance presentation. The improvements are not required, but we're taken from cues from the conceptual plans related to the Pedestrian Places Overlay discussions. The surface treatment adds significantly to the project's cost, but its inclusion is intended to enhance the site's appearance into the neighborhood, promote pedestrian mobility, and minimize the negative appearance of expansive asphalt areas. The treatment is also intended within the site along the private driveway. Note: If it is determined by the City's Public Works and Engineering Department the extensive use of the concrete in-laid treatment in the alley is not appropriate, a reduced version could easily be applied and accomplish similar results.

Density: The property is .71 acres, zoned High Density Multi-Family Residential with a base density of 20 units to the acre and a required range of density from 11 to 14 dwelling units. The application is for 13 dwelling units consisting of a mixture of eight three-bedroom units and five two-bedroom units.

Architecture: The architectural solution for the project is a creative response to the site's character, the regulatory prescriptions, and the marketplace anticipated by its developer. As is often the case, constraints in themselves can reveal opportunities which might not otherwise be explored, as they have here. The plans incorporate not only very livable and interesting relationships and ample room sizes, but

features such as clerestory windows necessitated by the vertical incursion of the winter solstice solar plane in order to get more light into stair, interior spaces, and upper story circulation and laundry space. This internal condition also virtually demands high ceilings in the living-dining areas, which are echoed on the exterior by a single-story frontage with reduced mass facing the central court. Additionally, the master bedrooms and some baths have clipped plates which increase the interest of the interiors a la some older styles of homes deliberately designed with steep roofs and dormers used to exploit what might otherwise been attic space.

Many late-Victorian homes purposefully included oriels, bay windows, turrets, and inglenooks employed both to modulate the exteriors, but also to create “cozy” spaces for family life; the combined study and laundry area in Unit A are a case in point. The project’s moderate density and overall character are not emblematic of an urban core, but do respond to the site’s locale in use of materials, but also its proximity to a variety of local recreational, cultural, and commercial venues accessible to pedestrians. This is an intimate enclave of fairly sophisticated contemporary townhomes that respond to mature family lifestyles and buyers looking for an alternative to single-family imagery and maintenance. It provides for a lifestyle geared to opportunities for activity across the entire community rather than one focused on a back yard. As such, it represents an appropriate response to its neighborhood and community environments.

Parking: Parking is based on the number of residential units and the number of bedrooms, per Chapter 18.92.030 A.2. A total of 13 units are proposed, five of which are 2-bedrooms and eight 3-bedroom for a total parking demand of 24.75 (25) parking spaces. The proposal includes 25 on-site parking spaces, plus an additional three parking spaces along North Mountain Avenue within a parking bay. The on-street spaces would be surfaced with concrete, similar to the parking bays in front of the Riverwalk Subdivision along North Mountain Avenue, across from North Mountain Park.

Note: It should be explained that with the 2006 application, the then applicants had requested *two* 2-parking space bays along the frontage of North Mountain Avenue, but due to concerns over the loss of green space and tree canopy within the street’s proposed planting bay, the Planning Commission eliminated one of the 2-parking space bays. According to the minutes and the Planner’s recollection, there were a couple of Commissioners that expressed concern about this area’s parking, but nevertheless added the condition removing one of the bays. With the current application, the applicants are proposing a slight amendment which is to consider a single 3-parking space bay. The applicants are proposing the added space, based on their evaluation of the neighborhood’s dense housing and limited parking as well as the fact the immediate neighbor’s to the south (Ashland Massage Institute) are in violation of their parking requirements where their parking spaces off the alley significantly encroach into the alley right-of-way. The City is in the middle of correcting this violation, but the end result will be a loss of parking spaces for the area, thus additional demand for public spaces within this area’s immediate vicinity. By adding the additional on-street public space, it would remain available for public use and still leave adequate green space and tree canopy.

Bike Parking: All bike parking is intended to be within each residential unit's garage. Considering this project is for attached townhomes and will be developed and constructed as a Planned Unit Development, each garage will be constructed with the inclusion of hanging bike racks to accommodate a minimum of two bikes spaces per AMC 18.92.060 B.

Solar: Because the property is zoned high-density residential and included within the Pedestrian Places Overlay, the application complies with the City's Solar Access requirements, AMC 18.70. The recently adopted Pedestrian Places Overlay recognized that with high-density housing separation between buildings or groups of attached units is critical to the livability and appearance and thus included code allowing units *within* a project to be exempt from standard solar access provisions which can be rigid, which in-turn can force high-density housing to be less creative and less desirable. In fact, the best illustration of this point was this particular site's 2006 application where the two rear buildings were separated by an expansive driveway forcing a less desirable outcome. However, with the Pedestrian Overlay Zone's exception language, AMC 18.56.040 E.1., it has provided the project Architect and Designer the ability to instead create an internal court yard between the units and thus improve the overall livability of the property. It should also be noted the building facing North Mountain Avenue also meets the Solar Access standards as its shadow will only cast onto the adjacent property's flag driveway per AMC 18.70.020 D.

Pedestrian Places Overlay: The adoption of the Pedestrian Places Overlay has made a positive influence on the design of this application. Not only has it allowed more creative architecture, it has influenced the design considerations to the alley that would otherwise be 20' with limited appearance or character. The applicants have taken cues from the conceptual plans included in the Pedestrian Overlay proposal which illustrated the importance of pedestrian mobility by identifying the alley as a pedestrian corridor leading to Downtown Ashland and connecting sidewalks when they cross alleys. In this instance, the applicants not only identify an "in-laid" concrete surface (or similar treatment) across the alley, they also propose to complete this treatment within a larger portion of the alley for a positive influence on the alley's appearance, vehicle speeds and pedestrian mobility.

Utilities: All of the site's utilities will extend to and from North Mountain Avenue. Based on discussions with the various service providers, there is adequate capacity to serve the development accepts for storm water as there are no storm water lines within the North Mountain Avenue right-of-way and the water's only means of flow is on the surface channeled by the streets curbs. However, the applicants are working with the City of Ashland's Engineering Department in the preparations to not only add a storm water line for the site's benefit, but to also increase its size for general public use. This joint effort may also include a significant extension of the subject line up the alley and over to "8th" Street, which the applicant's Engineer has already completed civil drawings for. All other utilities will extend through the property from the alley or along the north side of the development. At the time of the Final Plan, specific Engineered Civil Drawings will be submitted identifying specific utility information, but at this early juncture the two power poles in front of the property and overhead power lines will be removed with service extended underground

and a new above ground transformer located within the vicinity of Unit 13-A.

Recreational Space: Approximately 17% common and private recreational space is available for the project residents, which includes individual private patio or porch spaces as well as the common court yard area between the two rear buildings. Although the project is multi-family and dense, the recreational spaces are well thought-out and provide dual purpose by articulating the building's architecture, enhancing the public right-of-way and adding human scale to this section of North Mountain Avenue. Note: Although not identified on planting plan, the landscape area next to alley's entrance is intended to include a doggie bag dispensary as the team contends such provisions are critically important to urban living and needs of residents.

Final Plan: In accordance with the Performance Standards Options code, the project will be processed as a Type II application with public notice and a Planning Commission hearing. It will also include Final Plan phase that will include documents/plans identifying the project's preliminary Survey Plat, Civil Engineering for final grading and utilities and Conditions, Covenants and Restrictions (CC&R's) for the eventual Homeowner Association.

II. FINDINGS OF FACT:

The following information has been provided by the applicants to help the Planning Staff, Planning Commission and neighbors better understand the proposed project. In addition, the required *findings of fact* have been provided to ensure the proposed project meets the requirements and procedures outlined in the Ashland Municipal Code (AMC) pertaining to the Performance Subdivision requirements in Chapter 18.88 and Site Review Chapter 18.72.

*For clarity reasons, the following documentation has been formatted in "outline" form with the City's approval criteria noted in **BOLD** font and the applicant's response in regular font. Also, there are a number of responses that are repeated in order to ensure that the findings of fact are complete.*

Section 18.88.030 A. Outline Plan for Performance Standards Options Subdivision

The Planning Commission shall approve the outline plan when it finds the following criteria have been met:

A. That the development meets all applicable ordinance requirements of the City of Ashland.

The proposed development meets all applicable City ordinances and design standards of the City of Ashland. The applicants are not requesting any exceptions or Variances with the proposal.

B. That adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.

All of the site's utilities will extend to and from North Mountain Avenue. Based on discussions with the various service providers, there is adequate capacity to serve the development accepts for storm water as there are no storm water lines within the North Mountain Avenue right-of-way and the water's only means of flow is on the surface channeled by the streets curbs. However, the applicants are working with the City of Ashland's Engineering Department in the preparations to not only add a storm water line for the site's benefit, but to also increase its size for general public use. This joint effort may also include a significant extension of the subject line up the alley and over to "8th" Street, which the applicant's Engineer has already completed civil drawings for. All other utilities will extend through the property from the alley or along the north side of the development. At the time of the Final Plan, specific Engineered Civil Drawings will be submitted identifying specific utility information, but at this early juncture the two power poles in front of the property and overhead power lines will be removed with service extended underground and a new above ground transformer located within the vicinity of Unit 13-A.

C. That the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.

The property is essentially bare with no natural features other than a couple of Poplar trees around the perimeter of the property and the Colorado Spruce along Mountain Avenue. The trees were previously proposed to be removed and are again proposed to be removed based on their health, condition and impact on the intended layout of the project. A Tree Removal Permit and its conclusions are included with the application request.

D. That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.

The development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.

E. That there are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.

At the time of Final Plan, Conditions, Covenants and Restrictions (CC&R's) will be drafted by the project's Land Use Attorney for review and approval by the City. The documents will address the project's common areas in order to provide adequate provisions for maintenance.

F. That the proposed density meets the base and bonus density standards established under this Chapter.

The property is .71 acres, zoned R-3 (High Density Multi-Family Residential) with a base density of 20 units to the acre and a required range of density from 11 to 14 dwelling units (80% to 100% of base density). The application is for 13 dwelling units consisting of a mixture of eight three-bedroom units and five two-bedroom units.

G. The development complies with the Street Standards.

The application complies with the City's adopted Street Standards, February 2, 1999, with 6' sidewalks, 7' park rows, 6" curbs and 7' parking bays. The applicant is also proposing to construct the street's parking bay with a concrete surface material to delineate the space and improve the streetscape appearance (see asphalt parking bays directly to the south and particular their ware). As with the project's entire pedestrian pathways, cues were taken from the concept plans associated with the Pedestrian Overlay Zone's documents.

Section 18.88.030 A3.k. Written Statement for Outline Plan Subdivisions

k. A written statement which will contain an explanation of:

i. The character of the proposed development and the manner in which it has been designed to take advantage of the Performance Standards Concept.

The proposal has been designed in accordance with the purpose statement of the Performance Standards Options subdivision, as well as many recent policies and codes adopted to address Ashland's land use building inventory needs, housing needs, efficient use of the land and be aesthetically pleasing with the intent to provide an improved quality of life when compared to conventional zoning developments.

ii. The proposed manner of financing.

The proposed manner of financing will occur through conventional loans and personal investment capital.

iii. The present ownership of all the land included within the development.

See attached application information.

iv. The method proposed to maintain common open areas, buildings and private thoroughfares.

The method proposed to maintain common open areas, buildings and private thoroughfares will be via a Home Owners Association, including the incorporation of private restrictions and maintenance provisions (CC&R's), all of which will be included at the time of the Final Plat.

v. The proposed time schedule of the development.

The general time schedule of the development will likely occur in the spring of 2014 and be completed towards the end of the summer.

vi. The findings of the applicant showing that the development meets the criteria set forth in this Ordinance and the Ashland Comprehensive Plan.

As noted herein, the proposal complies with the City's Land Use Ordinance and Comprehensive Plan. No exceptions or variances are proposed with this application. The applicant's have gone to significant lengths to address not only the adopted standards, but conceptual elements noted within the Pedestrian Places Overlay. As such, the proposal complies with the City's development standards and pertinent development criteria.

Section 18.72.070 Site Review Approval Criteria:

A. All applicable City Ordinances have been met or will be met by the proposed development.

To the applicant's knowledge all City regulations are or will be complied with. The applicants are not requesting any exceptions or variances.

B. All requirements of the Site Review Chapter have been met or will be met.

As noted below, all requirements listed in the Site Review Chapter (18.72) have or will be complied with. Specifically, the landscaping will be irrigated and maintained, and light and glare concerns will be addressed with down lighting and screening where necessary.

C. The development complies with the Site Design Standards adopted by the City Council for implementation of this Chapter.

The applicants contend all of the standards noted within the Site Design Standards are or will be complied with. Specifically Site Design & Use Standards, II-B for *Multi-Family Residential* development are to address:

Site Design & Use Standards, II-B for Multi-Family Residential

II-B-1 Orientation:

II-B-1a) Residential buildings shall have their primary orientation towards the street when they are within 20 to 30 feet from the street.

The project is designed to have an attractive street elevation along the North Mountain Avenue frontage with the garages placed behind the buildings.

II-B-1b) Buildings shall be setback from the street according to the ordinance requirements which is usually 20 feet.

The project complies as Section 18. 56.040 D.3.a. requires a setback that is closer than the 20' called out herein in order to address the purpose of the Pedestrian Places Overlay.

II-B-1c) Buildings shall be accessed from the street and the sidewalk. The parking areas shall not be located between buildings and the street.

All of the site's units are accessed from the public sidewalks or internally via private sidewalk connections. No parking is proposed between the buildings and North Mountain Avenue.

II-B-2a) Streetscape: One street tree for each 30 feet of frontage, chosen from the street tree list, shall be placed on that portion of the development paralleling the street. Where the size of the project dictates and interior circulation street pattern, a similar streetscape with street trees is required.

Street trees are detailed on the landscape plan to meet this requirement.

II-B-2b) Front yard landscaping shall be similar to those found in residential neighborhoods, with appropriate changes to decrease water use.

The proposed application meets the Site Design Standards, Section II-B-2b. The applicant's landscape plan has been designed keeping in mind the project is for a multi-family residential building complex and that water usage should be limited. The proposed planting species are similar to what would be found in other multi-family neighborhoods around the community.

II-B-3) Landscaping

II-B-3a) Landscaping shall be designed so that 50% coverage occurs within one year of installation and 90% landscaping coverage occurs within 5 years.

The proposed application meets the Site Design Standards, Section II-B-3a. The landscape plan has been designed to meet a 50% "spreading" coverage after the first year and 90% "spreading" coverage prior to the development's 5th year. The landscaping plan was designed by a local landscape professional knowledgeable of the various plant and tree specifications for the Southern Oregon climate.

II-B-3b) Landscaping design shall include a variety of deciduous and evergreen trees and shrubs and flowering plant species well adapted to the local climate.

The proposed application meets the Site Design Standards, Section II-B-3b. The landscaping plan incorporates a variety of deciduous shrubs, flowering plant species and drought tolerant ground cover for Southern Oregon. The landscaping plan was designed by a local landscape professional knowledgeable of the various plant and tree specifications for this area.

II-B-3c) As many existing healthy trees on the site shall be saved as is reasonably feasible.

Please see the attached Tree Protection Plan. There are no significant trees on the site that are healthy.

II-B-3d) Buildings adjacent to streets shall be buffered by landscaped areas of at least 10 feet in width.

The proposed application meets the Site Design Standards, Section II-B-3d. The buildings will sit proudly along North Mountain Avenue and the new street trees with porches and landscaping between the buildings and the public sidewalk as illustrated on the landscaping plan and site plans.

II-B-3e) Parking areas shall be shaded by large canopied deciduous trees and shall be adequately screened and buffered from adjacent uses.

All of the site's parking is either screened or adequately mitigated from the rights-of-way and adjacent property lines.

II-B-3f) Irrigation systems shall be installed to assure landscaping successes. Refer to Parking Lot Landscaping and Screening Standards for more detail.

The proposed application will meet the Site Design Standards, Section II-B-3f as an irrigation system will be installed at the time the landscaping is installed. The landscaping and the irrigation system will be installed by a professional landscape company.

II-B-4) Open Space

II-B-4a) An area equal to at least 8% of the lot area shall be dedicated to open space for recreation for use by the tenants of the development.

The proposed application meets the Site Design Standards, Section II-B-4a. The applicant proposes roughly 12% of the site as recreational space to be used by the tenants. These

spaces include each unit's porch/patio spaces as well as the central courtyard between the two rear buildings.

II-B-4b) Areas covered by shrubs, bark mulch and other ground covers which do not provide a suitable surface for human use may not be counted toward this requirement.

The above standard is intended to preclude areas that typically do not promote space for outdoor activities or social gatherings. Such activities typically include parking lot landscaping, vehicular access corridors, etc. The project's Landscape Architect has designed the recreational space so that shrubs, bark and similar ground covers are not included in the calculation.

II-B-4c) Decks, patios, and similar areas are eligible for open space criteria. Play areas for children are required for projects of greater than 20 units that are designed to include families.

The proposed application meets the Site Design Standards, Section II-B-4c.

II-B-5) Natural Climate Control: Utilize deciduous trees with early leaf drop and low bare branch densities on the south sides of buildings which are occupied and have glazing for summer shade and warmth.

The proposed application meets the Site Design Standards, Section II-B-5. The landscaping plan was designed by a local landscape professional knowledgeable of the various plant and tree specifications for this area. New plantings include deciduous trees that provide for early leaf drop for full winter solar access and summer shading.

II-B-6) Building Materials: Building materials and paint colors should be compatible with the surrounding area. Very bright primary or neon-type paint colors which attract attention to the building or use are unacceptable.

No bright or neon-type paint colors will be used on the building. The proposed material and colors will be earth tone colors consistent with building materials and colors often found on residential buildings.

D. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property. All improvements in the street right-of-way shall comply with the Street Standards in Chapter 18.88, Performance Standards Options.

All of the site's utilities will extend to and from North Mountain Avenue. Based on discussions with the various service providers, there is adequate capacity to serve the development accepts for

storm water as there are no storm water lines within the North Mountain Avenue right-of-way and the water's only means of flow is on the surface channeled by the streets curbs. However, the applicants are working with the City of Ashland's Engineering Department in the preparations to not only add a storm water line for the site's benefit, but to also increase its size for general public use. This joint effort may also include a significant extension of the subject line up the alley and over to "8th" Street, which the applicant's Engineer has already completed civil drawings for. All other utilities will extend through the property from the alley or along the north side of the development. At the time of the Final Plan, specific Engineered Civil Drawings will be submitted identifying specific utility information, but at this early juncture the two power poles in front of the property and overhead power lines will be removed with service extended underground and a new above ground transformer located within the vicinity of Unit 13-A.

Section 18.56.040 PP Pedestrian Place Overlay Standards:

A. Purpose of Pedestrian Place Overlay. The Pedestrian Place Overlay is intended to direct and encourage development of small walkable nodes that provide concentrations of gathering places, housing, businesses and pedestrian amenities situated and designed in a way to encourage more walking, bicycling and transit use.

As stated, there were two primary components driving the planning of the proposed development, one was to improve upon the 2006 application and the other was to glean elements of the Pedestrian Places Concept plans and purpose statement. In this regard, the applicants believe the project meets the intent of the Overlay Zone, complies with the density standards for multi-family development and all other City development standards.

B. Applicability.

1. Location. The Pedestrian Place Overlay applies to all property where PP is indicated on the Ashland Zoning Map.

2. Planning Actions. The Pedestrian Place Overlay requirements apply to proposed development located in the Pedestrian Place Overlay that requires a planning application approval, and involves development of new structures or additions other than single-family dwellings and associated accessory structures and uses.

3. Other Sections of the Land Use Ordinance. The provisions of the Pedestrian Place Overlay supplement those of the applicable base zoning district and applicable Chapter 18 requirements. Where the provisions of this Chapter conflict with comparable standards described in any other ordinance or regulation, the provisions of the Pedestrian Place Overlay shall apply.

The subject property is within the Pedestrian Places Overlay zone as depicted on the City's official; zoning maps adopted by the City Council.

C. Pedestrian Place Concept Plans. Concept plans (i.e. site plan, development summary and building illustrations) are for the purpose of providing an example of development that conforms to the standards, and do not constitute independent approval criteria. Concept plans are attached to the end of this chapter.

The applicants understand the Pedestrian Place Concept Plans are “conceptual” and are for the purpose of providing examples for property owners and design professionals to glean elements of the plans that could be incorporated into a proposed project. That said, the applicants believe the proposal incorporates various elements into the proposal that address the intent and spirit of the Concept Plans.

D. Residential Zoning Districts within Pedestrian Place Overlay.

1. Special Permitted Uses. In addition to the permitted uses in the base residential zoning district, the following uses and their accessory uses are permitted outright subject to the requirements of this section and the requirement of Chapter 18.72, Site Design and Use Standards.

- a. Professional, financial, business and medical offices, and personal service establishments.
- b. Stores, shops and offices supplying commodities or performing services.
- c. Restaurants.

The proposal is for 13 residential units; an outright permitted use under AMC 18.28.020 B., and complies with the base density standards, including the minimum and maximum density standards.

2. Limitations.

- a. The maximum gross floor area occupied by a special permitted use shall be 2,500 square feet.
- b. Special permitted uses shall be allowed in a building or in a group of buildings including a mixture of businesses and housing. At least 50% of the total gross floor area of a building or of multiple buildings shall be designated for housing.
- c. The development shall meet the minimum housing density requirements of the base zoning district.

The proposal includes only uses as permitted outright and no special permitted uses are proposed herein.

3. Development Standards.

- a. A building shall be setback not more than five feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas, or for a required public utility easement.

b. Developments shall have a minimum Floor Area Ratio (FAR) of .50. Plazas and pedestrian areas shall count as floor area for the purposes of meeting the minimum FAR. Projects including existing buildings or vacant parcels of a half an acre or greater in size shall achieve the required minimum FAR, or provide a shadow plan (contact Planning department for graphic) that demonstrates how development may be intensified over time to meet the required minimum FAR.

The units along the front of the North Mountain Avenue are setback from the future sidewalk as close as reasonably possible and as realistically reasonable for the comfort of the eventual tenants. The applicant's will be discussing the necessary easements with the various public utility providers as their general policy is to incorporate a 10' public utility easement along the frontages of properties, but that standard generally conflicts with the above standard. Nevertheless, there is ample room and capacity to accommodate such services in a utility corridor that straddles the open space areas in front of the units and the public sidewalk which is within the public right-of-way. With this effort, the applicants contend the development complies with standard 3.a.

As identified on the project's site plan, the development proposal complies with the minimum .50 Floor Area Ratio (FAR) standard as the lot area is .71 acres and with an FAR of .61

4. Mixed-Use Buildings in Residential Zones. Mixed-use buildings in a residential base zoning district require Site Review approval in accordance with Chapter 18.72, and are subject to the requirements of Chapter 18.72 and the following Site Design and Use Standards.

a. Basic Site Review Standards for Commercial Development (section II-C-1)

b. Parking Lot Landscaping and Screening Standards (section D)

c. Street Tree Standards (section E)

d. Exception to the Site Design and Use Standards, 18.72.090

The proposal does not include any traditional mixed-use buildings or units.

E. Development Standards. In addition to the requirements of the base zoning district, the following standards shall apply.

1. Building Setbacks. The solar access setback in Chapter 18.70 Solar Access applies only to those lots abutting a residential zone to the north.

2. Plazas and Landscaping Ratio. Outdoor seating areas, plazas and other useable paved surfaces may be applied toward meeting the landscaping area requirements in Section 18.72.110, but shall not constitute more than 50% of the required area.

As noted previously, the proposal in the opinion of the applicants is significantly improved from the 2006 version. Not only has the Pedestrian Places Overlay standards allowed more creative architecture, it

has influenced the design considerations to the alley that would otherwise be 20' with limited appearance or character. The applicants have also taken cues from the conceptual plans included in the Pedestrian Overlay proposal which illustrated the importance of pedestrian mobility by identifying the alley as a pedestrian corridor leading to Downtown Ashland and connecting sidewalks when they cross alleys. In this instance, the applicants not only identify an "in-laid" concrete surface (or similar treatment) across the alley, they also propose to complete it within a portion of the alley to create positive influence on the alley's appearance, vehicle speeds and pedestrian mobility.

Section 18.61.080 Criteria for Issuance of Tree Removal - Staff Permit:

An applicant for a Tree Removal Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.

1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.

The attached Tree Removal Plan, from Laurie Sager & Associates, identifies the site's trees and which trees are proposed to be removed with the application. There are a total of 11 trees identified, one off-site and 10 on-site. All of the on-site trees are proposed to be removed based on either their unhealthy condition or hazardous type when located within close proximity to residential housing which can have an accelerated declining condition based on new construction which will impact their root zones due to proximity, compaction or severing of feeder roots. In this instance, the applicants contend and the project Arborist agrees, the trees to be removed present a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning. Finally, as found by the Planning Commission in the 2006 application (PA 2006-00278), the Planning and Tree Commission found the site's subject trees to be in fair to poor condition (also described in a report from Tom Myers, a second Arborist) and thus approved of their removal.

2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

The applicant understands the above mitigating standard, but is also replanting on-site 14 new trees, appropriate for the site's urban density in comparison to the existing tree's health conditions or type.

B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:

1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards, including but not limited to applicable Site Design and Use Standards and Physical and Environmental Constraints. The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and

The vast majority of the trees to be removed are based upon their hazardous type or current health condition. The trees that are not deemed hazardous are located within the planned footprints or access locations of the project. Further, the subject trees, three total, have not been cared for and have been neglected for many years.

2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and

Removal of the three trees will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks as the site will be fully landscaped once completed and no adjacent trees exist that would be impacted by their loss.

3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.

Removal of the three trees will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks as the site will be fully landscaped once completed and no adjacent trees exist that would be impacted by their loss.

The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.

4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit

The applicant understands the above mitigating standard, but is also replanting on-site 14 new trees, appropriate for the site's urban density in comparison to the existing tree's health conditions or type.

Site Design & Use Standards, II-D Parking Lot Landscaping and Screening Standards

II-D-1 Screening at Required Yards

- 1. Parking abutting a required landscaped front yard or exterior yard shall incorporate a sight obstructing hedge screen into the required landscaped yard.**
- 2. The screen shall grow to be at least 36 inches higher than the finished grade of the parking area, except for required vision clearance areas.**
- 3. The screen height may be achieved by a combination of earth mounding and plant materials.**
- 4. Elevated parking lots shall screen both the parking and the retaining walls.**

Application complies with the above standards. In reality, the proposal does not include any parking areas with parking spaces greater than two in any one location and thus, is not a parking lot. However, the landscape plans were developed by a professional Landscape Architect who specializes in Southern Oregon and has extensive experience with this standard.

II-D-2 Screening Abutting Property Lines

Parking abutting a property line shall be screened by a 5 foot landscaped strip. Where a buffer between zones is required, the screening shall be incorporated into the required buffer strip, and will not be an additional requirement.

II-D-3 Landscape Standards

- 1. Parking lot landscaping shall consist of a minimum of 7% of the total parking area plus a ratio of 1 tree for each 7 parking spaces to create a canopy effect.**
- 2. The tree species shall be an appropriate large canopied shade tree and shall be selected from the street tree list to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians.**
- 3. The tree shall be planted in a landscaped area such that the tree bole is at least 2 feet from any curb or paved area.**
- 4. The landscaped area shall be planted with shrubs and/or living ground cover to assure 50% coverage within 1 year and 90% within 5 years.**
- 5. The landscaped area shall be distributed throughout the parking area and parking perimeter at the required ratio.**
- 6. That portion of a required landscaped yard, buffer strip or screening strip abutting parking stalls may be counted toward required parking lot landscaping but only for those stalls abutting landscaping as long as the tree species, living plant material coverage and placement distribution**

criteria are also met. Front or exterior yard landscaping may not be substituted for the interior landscaping required for interior parking stalls.

See attached landscape plans, but the application complies with the above standards.

II-D-4 Residential Screening

Parking areas adjacent to residential dwellings shall be setback at least 8 feet from the building, and shall provide a continuous hedge screen.

The application complies with this standard as there are no parking areas other than individual parking spaces for each unit and guest parking.

II-D-5 Hedge Screening

The required hedge screen shall be installed as follows:

1. Evergreen shrubs shall be planted so that 50% of the desired screening is achieved within 2 years and 100% within 4 years.

All landscaping is intended to grow so that 50% of the desired screening is achieved within 2 years and 100% within 4 years if not sooner.

II-D-6 Other Screening

Other Screening and buffering shall be provided as follows:

Refuse Container Screen: Refuse containers or disposal areas shall be screened from view by placement of a solid wood fence or masonry wall from five to eight feet in height. All refuse materials shall be contained within the refuse area.

Not applicable as no refuse containers are proposed with the development.

Service Corridor Screen: When adjacent to residential uses, commercial and industrial service corridors shall be screened. Siting and design of such service areas shall reduce the adverse effects of noise, odor and visual clutter upon adjacent residential uses.

Not applicable

Light and Glare Screen: Artificial lighting shall be so arranged and constructed as to not produce direct glare on adjacent residential properties or streets.

Lighting will be designed so as not to produce direct glare in adjacent residential properties or streets.

Street trees shall be located behind the sidewalk except in cases where there is a designated planting strip in the right-of-way, or the sidewalk is greater than 8 feet wide. Street trees shall include irrigation, root barriers, and generally conform to the standards established by the Department of Community Development.

Application generally complies with this standard with the street trees being planted between the sidewalk and the street.

II-E-2 Spacing, Placement, and Pruning of Street Trees

All tree spacing may be made subject to special site conditions which may, for reasons such as safety, affect the decision. Any such proposed special condition shall be subject to the Staff Advisor's review and approval. The placement, spacing, and pruning of street trees shall be as follow:

1. Street trees shall be placed at the rate of one tree for every 30 feet of street frontage. Trees shall be evenly spaced, with variations to the spacing permitted for specific site limitations, such as driveway approaches.

Application complies with the above standard.

2. Trees shall not be planted closer than 25 feet from the curb line of intersections of streets or alleys, and not closer than 10 feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.

Application complies with the above standard.

3. Street trees shall not be planted closer than 20 feet to light standards. Except for public safety no new light standard location shall be positioned closer than 10 feet to any existing street tree, and preferably such locations will be at least 20 feet distant.

Application complies with the above standard.

4. Trees shall not be planted closer than 2 ½ feet from the face of the curb except at intersections where it shall be 5 feet from the curb, in a curb return area.

Application complies with the above standard.

5. Where there are overhead power lines, tree species are to be chosen that will not interfere with those lines.

The appropriate street trees were chosen from the Street Tree List for the environment along North Mountain Avenue. All overhead lines are to be undergrounded.

6. Trees shall not be planted within 2 feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees, or tree wells, shall be at least 25 square feet; however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Tree wells shall be covered by tree grates in accordance with city specifications.

Application complies with the above standard.

7. Trees, as they grow, shall be pruned to provide at least 8 feet of clearance above sidewalks and 12 feet above street roadway surfaces.

Application complies or will be able to comply with the above standard.

8. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the Staff Advisor.

Not Applicable

II-E-3 Replacement of Street Trees

Existing street trees removed by development projects shall be replaced by the developer with those from the approved street tree list. The replacement trees shall be of size and species similar to the trees that are approved by the Staff Advisor.

The application meets this standard as the site's trees are being replaced along the street and within the proposal.

II-E-4 Recommended Street Trees

Street trees shall conform to the street tree list approved by the Ashland Tree Commission.

The proposed street trees were chosen from the Street Tree List.

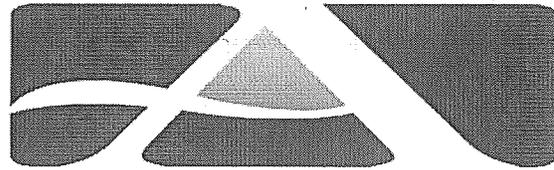
Site Design & Use Standards, Section III, Water Conserving Landscaping Guidelines and Policies

The proposed landscaping plan was design in accordance with the City's Water Conserving and Landscaping Guidelines and Policies. The proposal includes a number of conservation efforts incorporated herein that address Section III of the Site Design and Use Standards, which include: limited turf area, drought tolerant plants, two-inch mulching, timed irrigation system, drip irrigation system, no water features and maintenance provisions of the irrigation system and landscaping within the projects

CC&R's.

System Wide Access

Hepford Thomas 054608-001 - 814 Park St



User: cunningd

Printed: 11/01/2013 - 3:12 PM

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RECEIVED

OCT 29 2013

City of Ashland

"RIDGEVIEW PLACE" P.U.D. PROPOSAL

PROJECT LOCATED AT
31 N. MOUNTAIN AVE.,
ASHLAND, OREGON

CLIENT: MEADOWBROOK TOWNHOMES LLC
PROJECT #1308 | CREATED 09-30-2013
VERSION 1.6, MODIFIED 10-28-2013
SCALE: NA

ARTIST'S CONCEPT: BUILDING 1 PERSPECTIVE

SHEET
A-0

LEGEND

UTILITIES:

SEWER 

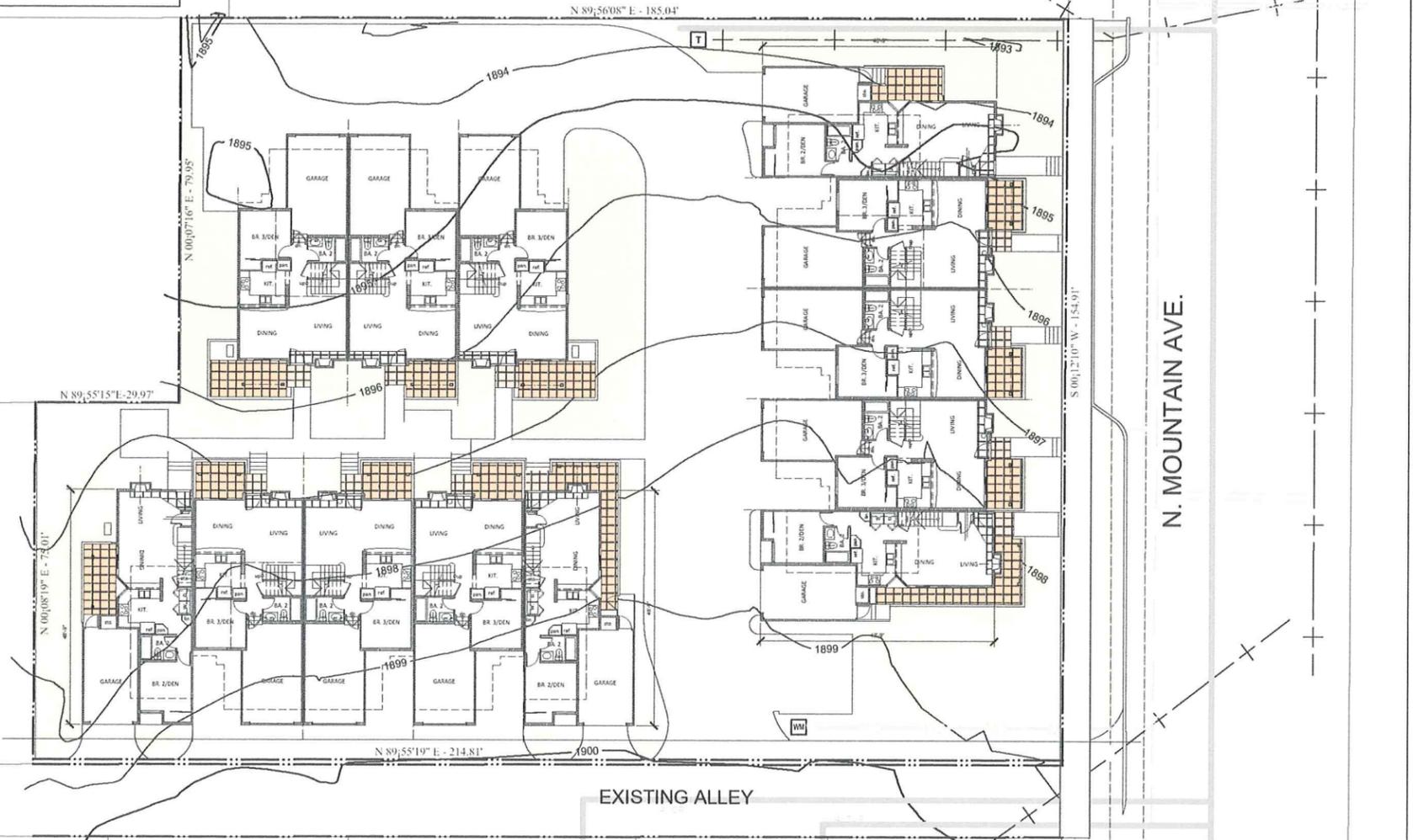
WATER 

POWER 

PHONE 

SITE & ZONING NOTES:

1. LEGAL DESCRIPTION: 39 1E 09 AD, TAX LOT 700
2. ZONING: R-3, HIGH DENSITY MULTI-FAMILY RESIDENTIAL
3. COMPREHENSIVE PLAN: MULTI-FAMILY RESIDENTIAL
4. OVERLAY ZONE: PEDESTRIAN PLACES
5. LOT AREA: 30,885.655 SQ. FT. (0.709 ACRE)
6. BASE DENSITY: 20 UNITS PER ACRE
7. SITE MAX DENSITY CALCULATION: 20 X 0.709 = 14 UNITS



N. MOUNTAIN AVE.

EXISTING ALLEY

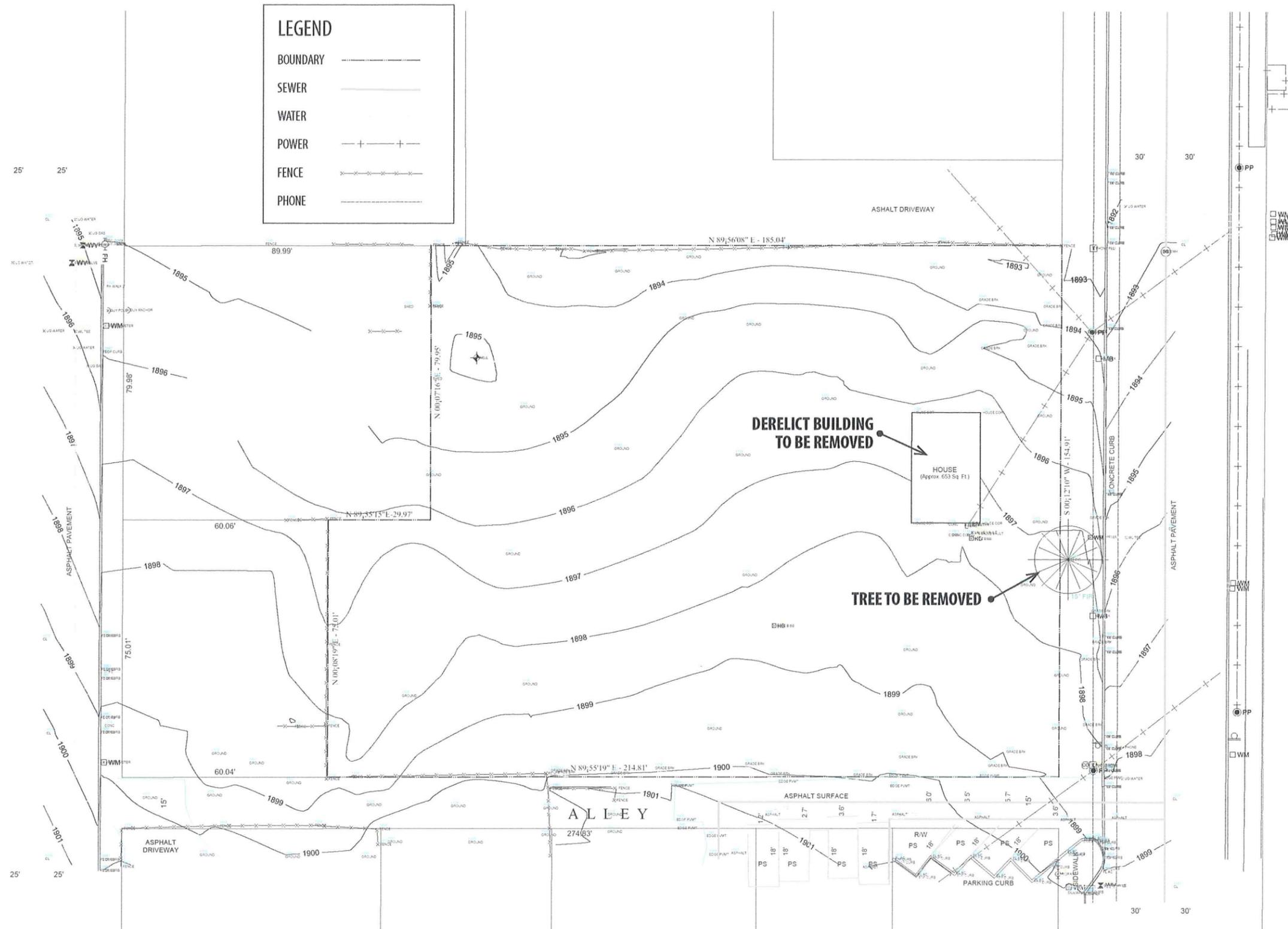


FIRE HYDRANT

SHEET INDEX

A-0	PERSPECTIVE VIEW
A-1	SITE OVERVIEW
A-2	EXISTING SITE CULTURE
A-3	SITE CONTEXT, 1 OF 2
A-4	SITE CONTEXT, 2 OF 2
A-5	VICINITY MAPS & AREA CULTURE
A-6	CONCEPTUAL SITE PLAN
A-7	BUILDING COMPOSITES
A-8	UNIT FLOOR PLANS & SITE SECTIONS
A-9	ELEVATIONS: BLDG. 1
A-10	ELEVATIONS: BLDG. 2
A-11	ELEVATIONS: BLDG. 3
A-12	CONCEPTUAL SITE PLAN - ENLARGED

OCT 29 2013



LEGEND	
BOUNDARY	---
SEWER	---
WATER	---
POWER	---+---
FENCE	---x---
PHONE	---

THIS DATA SOURCED FROM POLARIS LAND SURVEYING LLC, PROJECT NO. 152-04, JANUARY 26, 2006 | SCALE: 1 IN. = 32 FT.



OCT 29 2013



PHOTO TAKEN FROM 12-FEET ABOVE GRADE



↑
ALLEY CONNECTING
MOUNTAIN TO EMERICK

THE SITE
180-DEGREE SOUTHERLY PANORAMA

OCT 29 2013

PARTIAL VIEWS OF THE SISKIYOU RANGE

PARTIAL VIEWS OF THE CASCADE RANGE

GRIZZLY PEAK

MOUNTAIN AVE.

PARTIAL VIEWS OF THE CASCADE RANGE

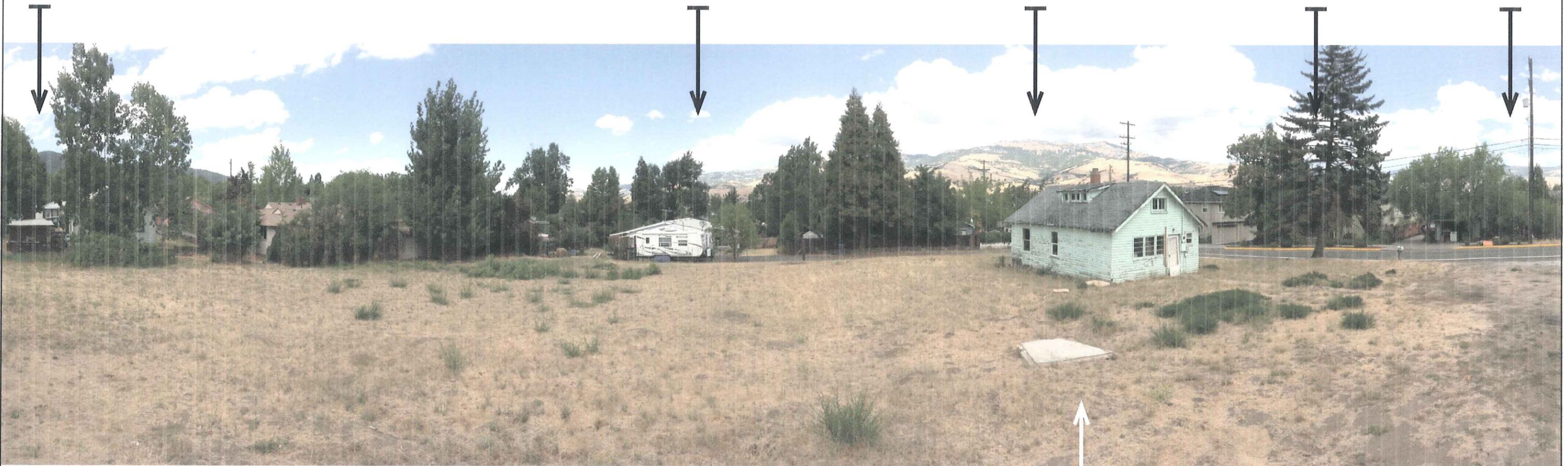
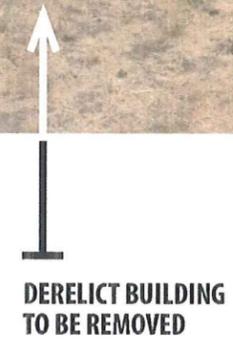
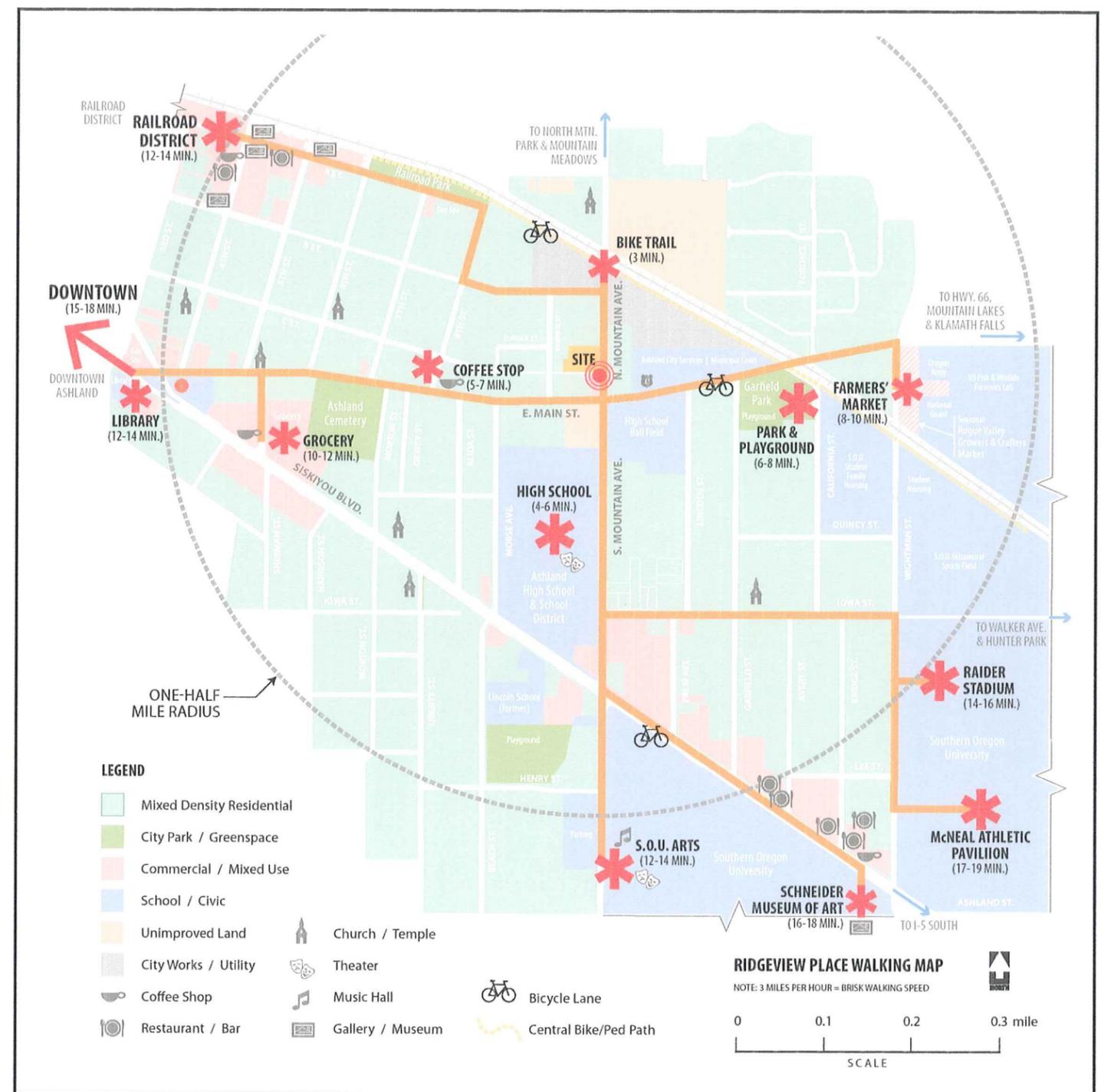


PHOTO TAKEN FROM 12-FEET ABOVE GRADE



THE SITE
180-DEGREE NORTHERLY PANORAMA

OCT 29 2013



NEIGHBORHOOD CONTEXT & SITE ACCESS

COMMUNITY MAP & PEDESTRIAN WALKING TIMES

OCT 29 2013

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CLIENT: MEADOWBROOK TOWNHOMES LLC
PROJECT #1308 | CREATED 09-30-2013
VERSION 1.6, MODIFIED 10-28-2013
SCALE: As noted on maps

**VICINITY MAPS
& AREA CULTURE**

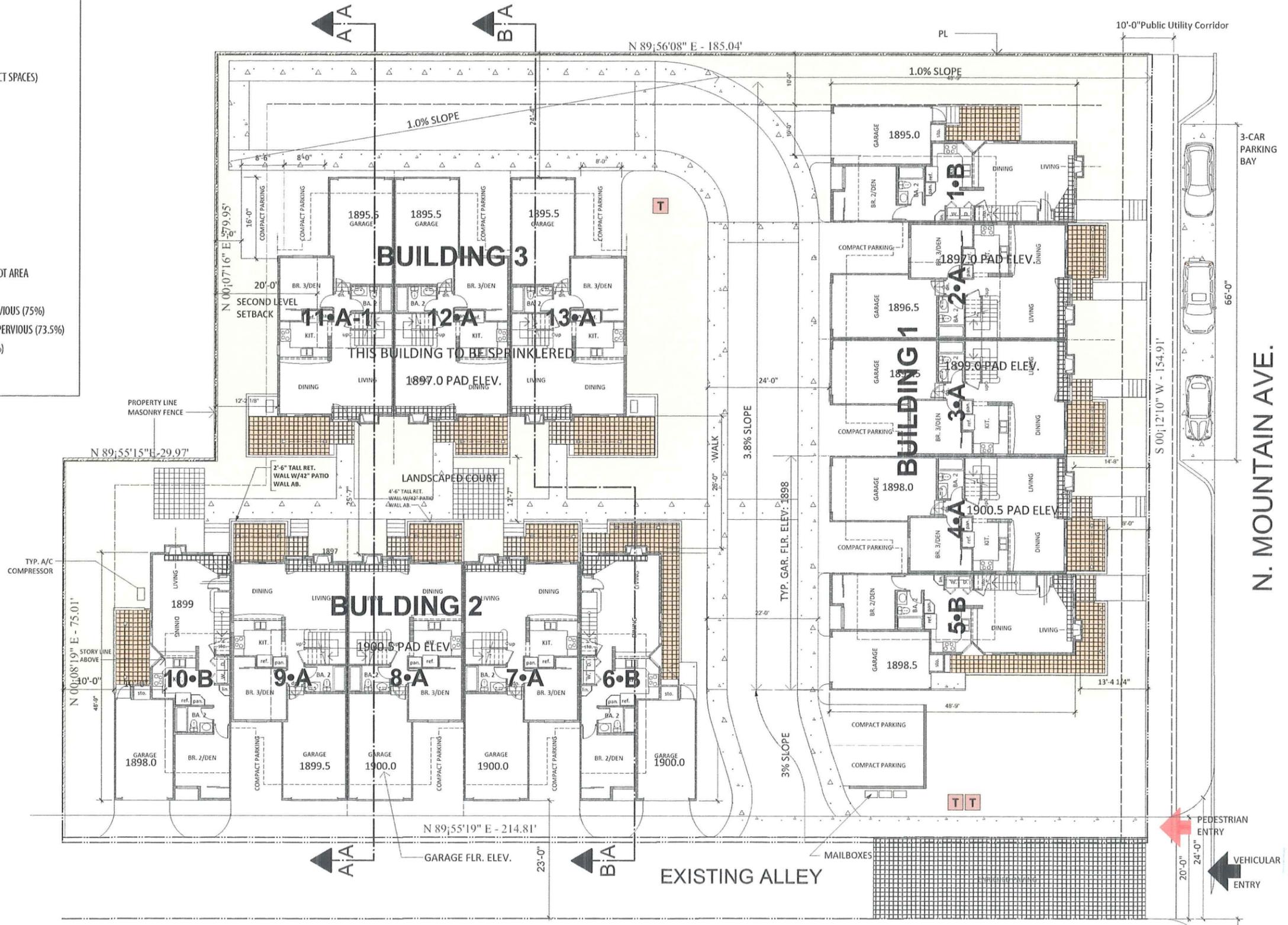
SHEET
A-5

NOTES:

1. PROPOSED UNIT DENSITY: 13 UNITS (14 MAX ALLOWED)
2. BEDROOM COUNTS:
EIGHT (8) 3-BEDROOM UNITS
FIVE (5) 2-BEDROOM UNITS
TOTAL FOR P.U.D.: 34 BEDROOMS
3. REQUIRED PARKING SPACES: 25
4. ON SITE PARKING SPACES: 25
13 FULL SIZE SPACES (IN GARAGES)
12 COMPACT SPACES (48% OPEN COMPACT SPACES)
5. UNITS SQUARE FOOTAGE:
3-BEDROOM UNIT TYPE A (8 UNITS)
1,284 HEATED SPACE
263 GARAGE SPACE
1,547 TOTAL FLOOR SPACE

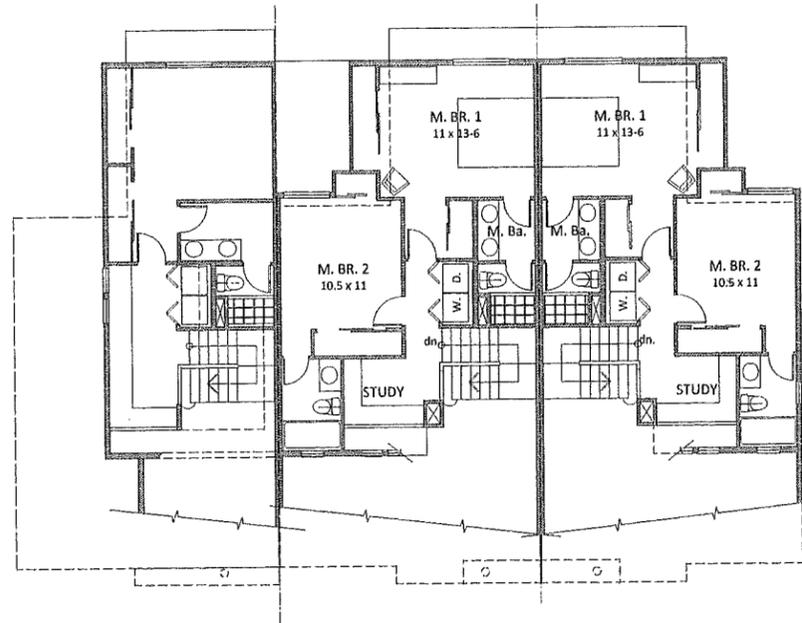
2-BEDROOM UNIT TYPE A-1 (1 UNIT)
1,095 HEATED SPACE
263 GARAGE SPACE
1,358 TOTAL FLOOR SPACE

2-BEDROOM UNIT TYPE B (4 UNITS)
1,048 HEATED SPACE
241 GARAGE SPACE
1,289 TOTAL FLOOR SPACE
6. P.U.D. FLOOR AREA RATIO: 61.6% OF LOT AREA
7. LOT AREA: 30,671 SF
8. LOT COVERAGE MAX: 23,003 SF IMPERVIOUS (75%)
9. ACTUAL LOT COVERAGE: 22,551 SF IMPERVIOUS (73.5%)
10. COMMON OPEN SPACE: 1,797 SF (5.9%)
11. RECREATION AREA: 3,547 SF (11.6%)

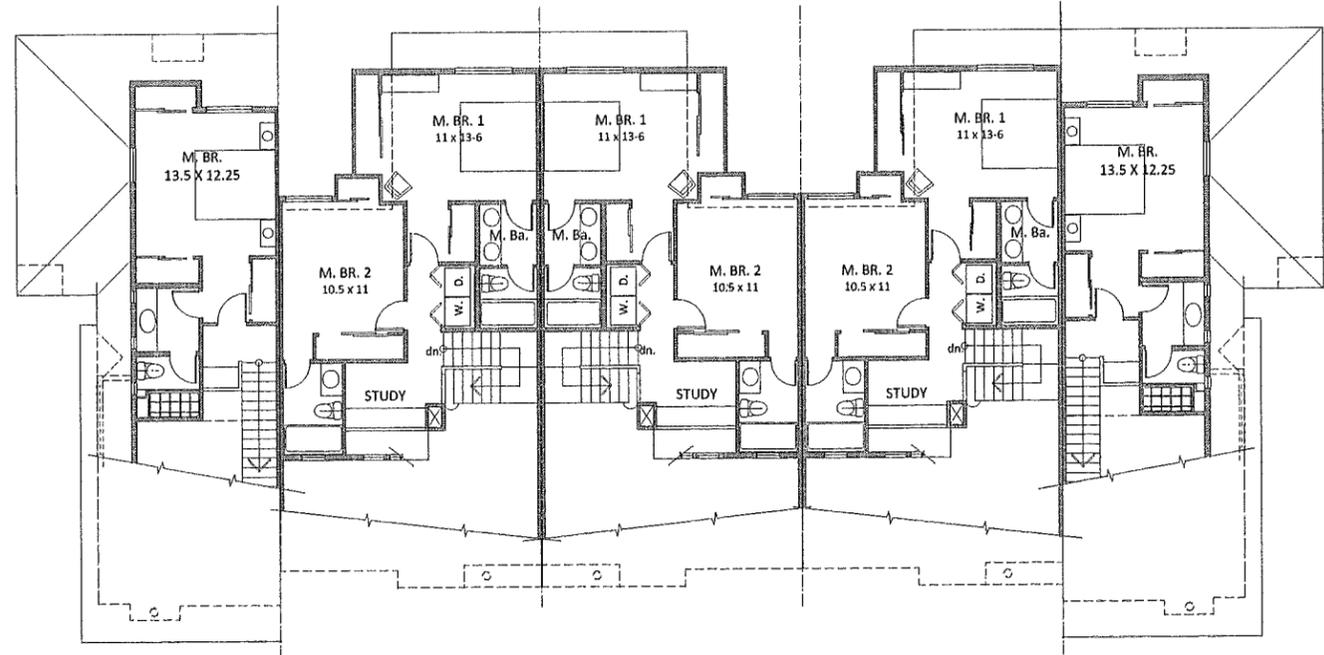


OCT 29 2013

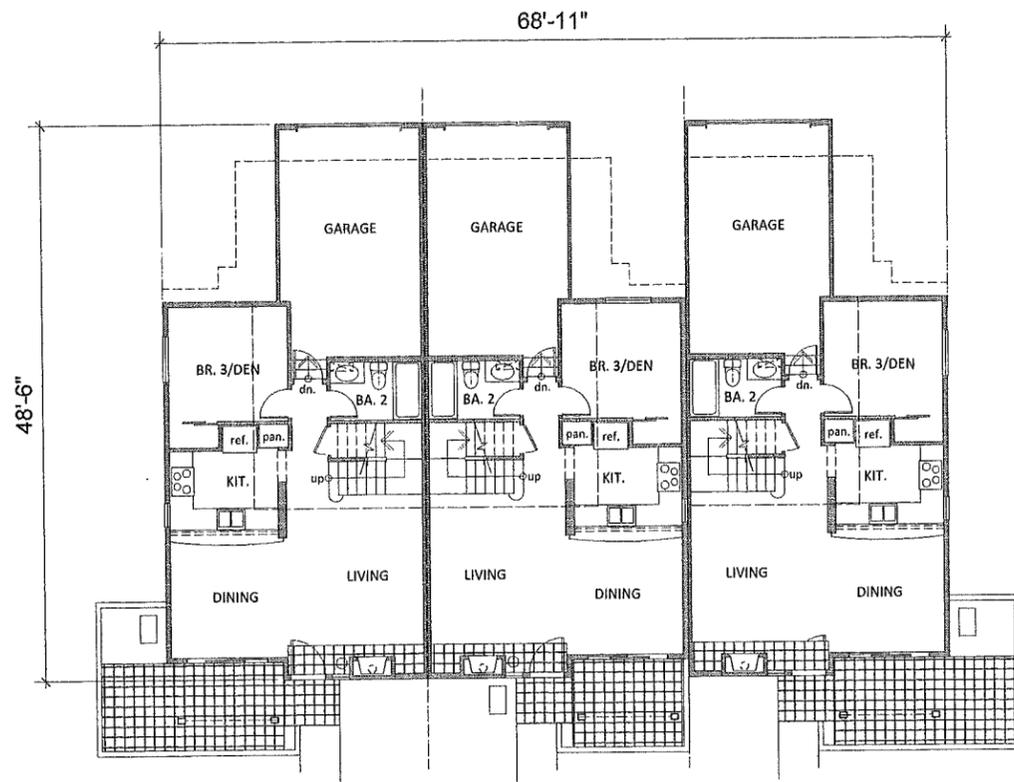




SECOND LEVEL

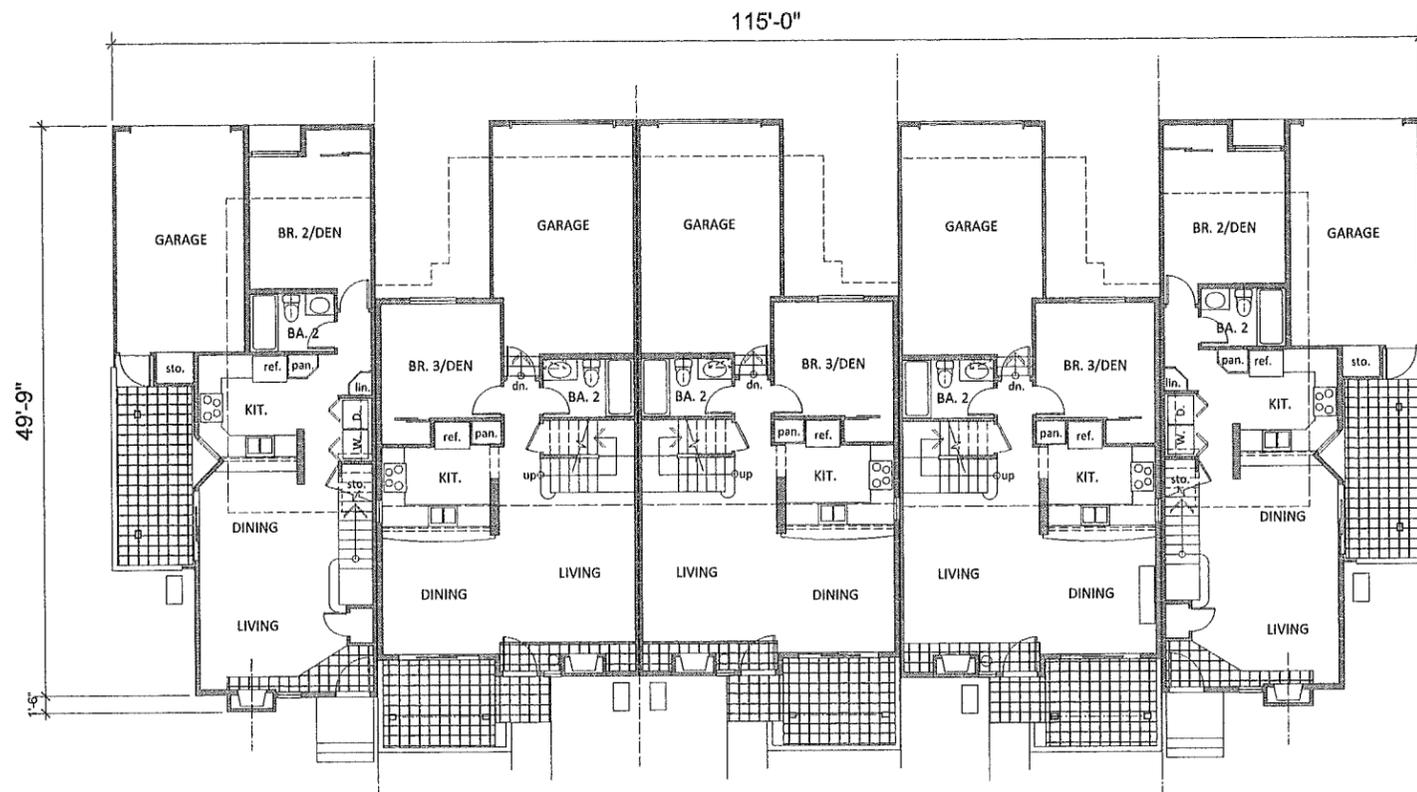


SECOND LEVEL



FIRST LEVEL

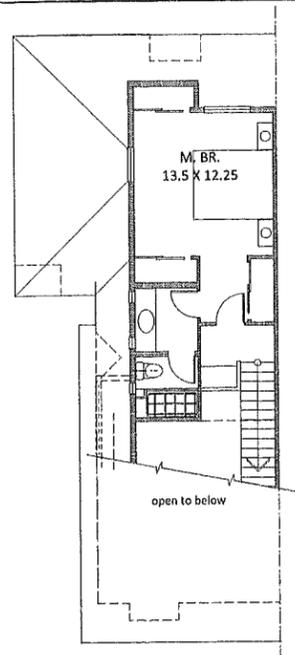
BUILDING 3 COMPOSITE PLANS



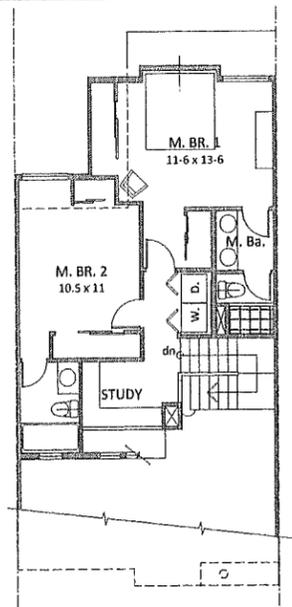
FIRST LEVEL

BUILDING 1 COMPOSITE PLANS
Bldg 2, similar

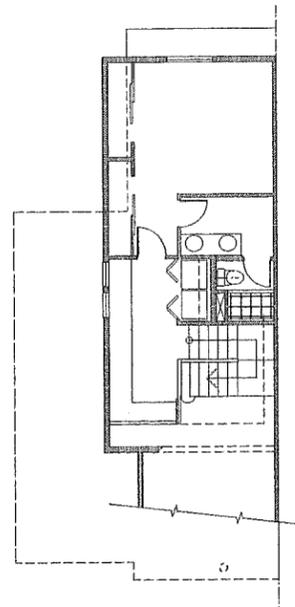
OCT 29 2013



UNIT PLAN B - SECOND FLOOR

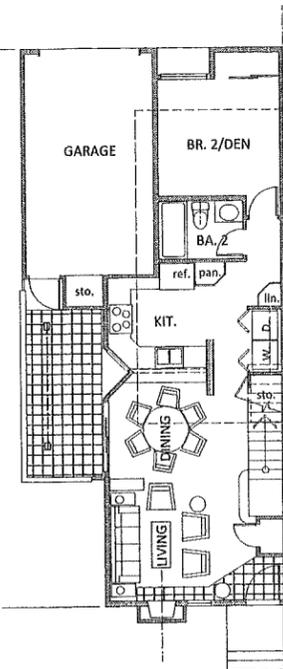


UNIT PLAN A - SECOND FLOOR

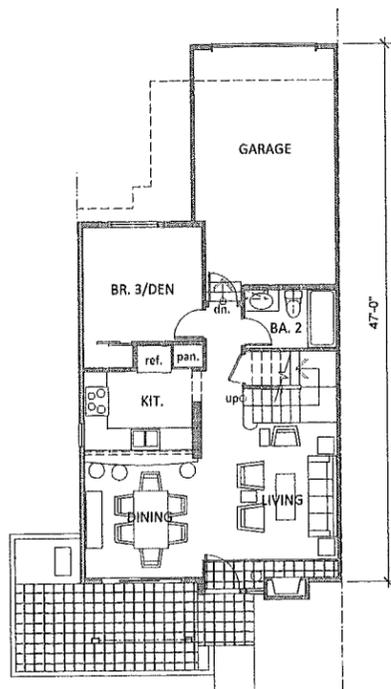


UNIT PLAN A-1 - SECOND FLOOR

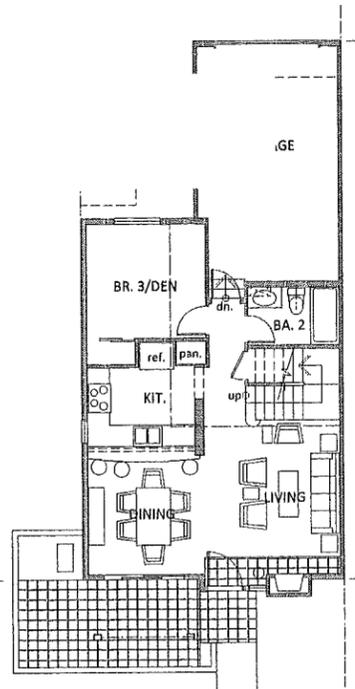
SECOND LEVEL



UNIT PLAN B - FIRST FLOOR

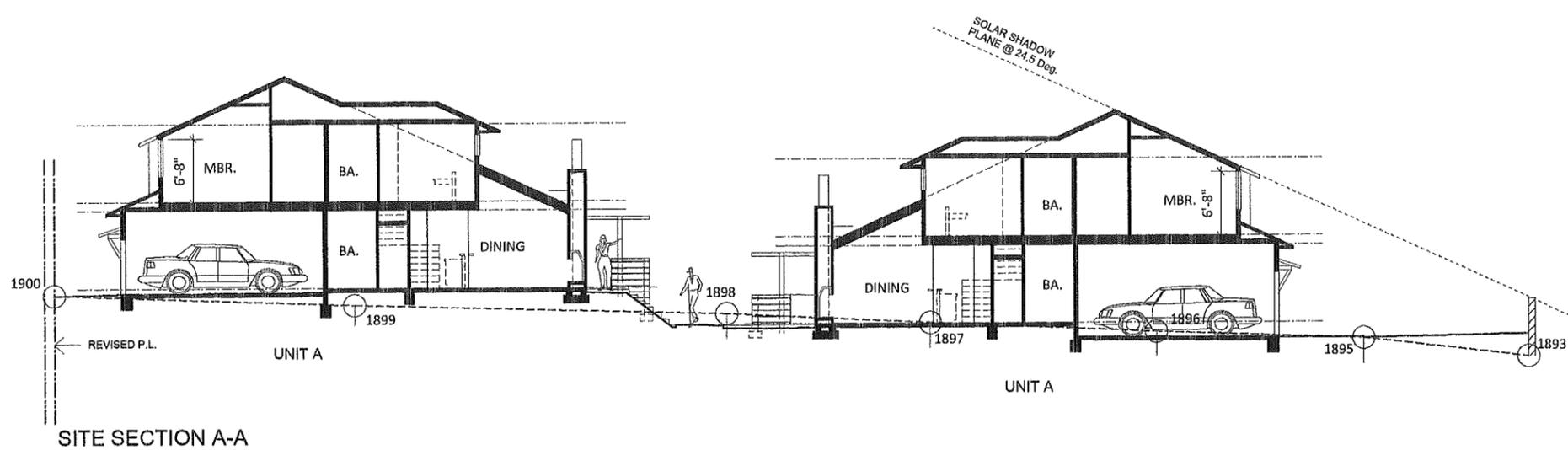


UNIT PLAN A - FIRST FLOOR

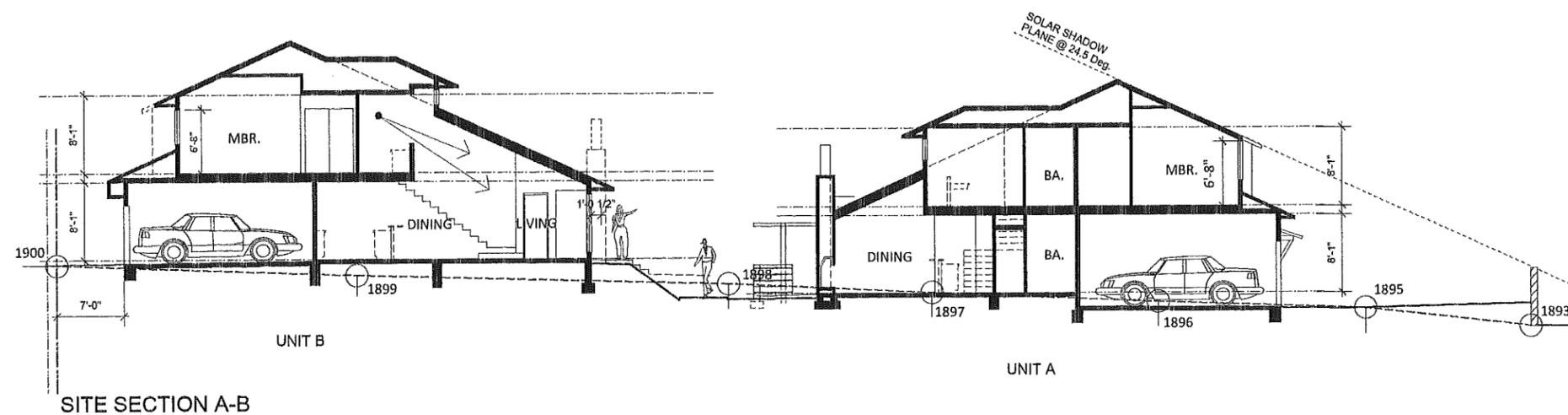


UNIT PLAN A-1 - FIRST FLOOR

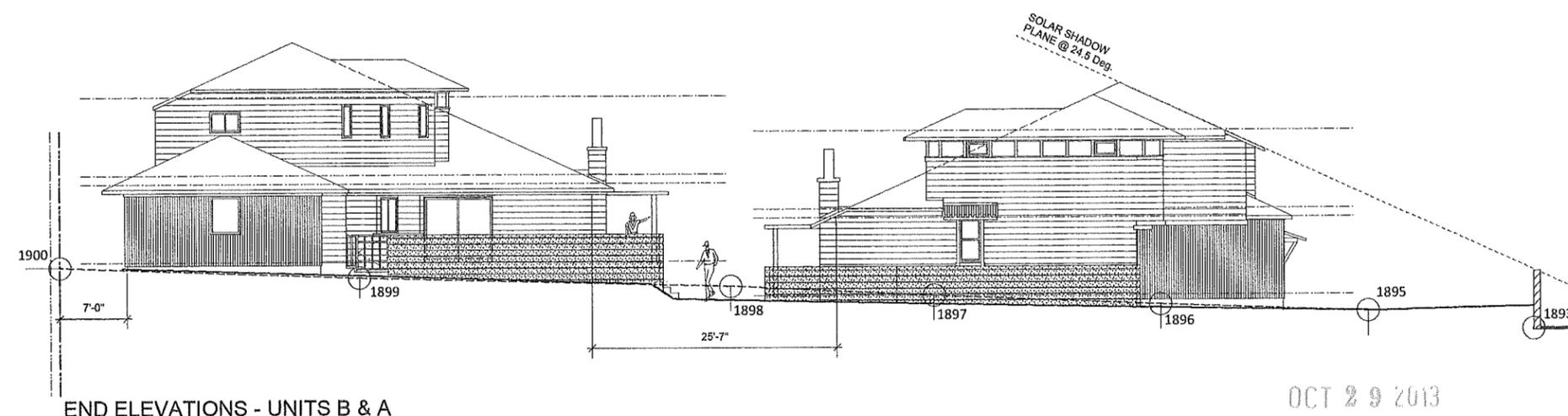
FIRST LEVEL



SITE SECTION A-A



SITE SECTION A-B



END ELEVATIONS - UNITS B & A

OCT 29 2013



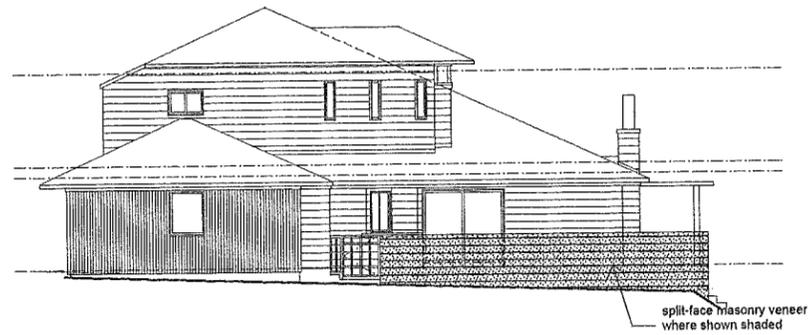
"RIDGEVIEW PLACE" P.U.D. PROPOSAL

PROJECT LOCATED AT
31 N. MOUNTAIN AVE.,
ASHLAND, OREGON

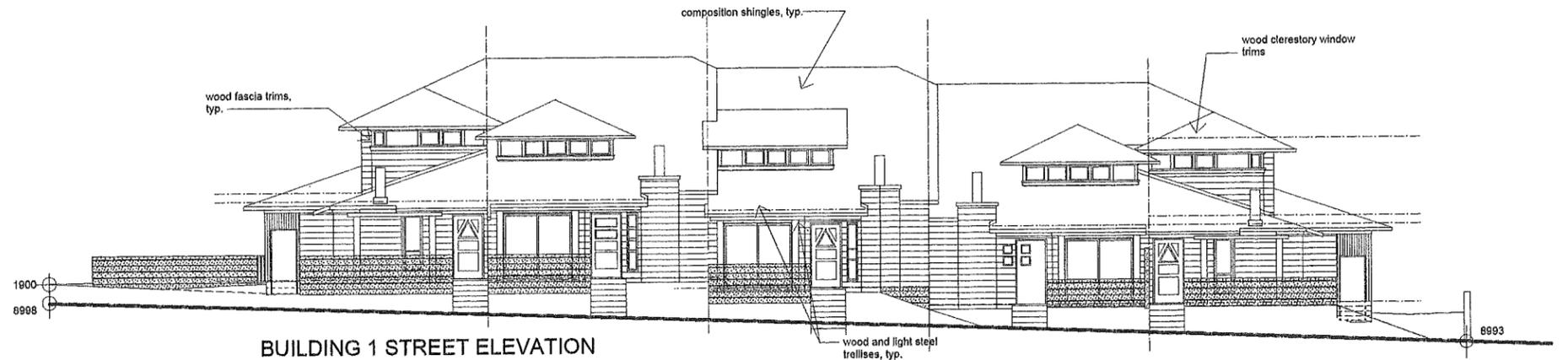
CLIENT: MEADOWBROOK TOWNHOMES LLC
PROJECT #1308 | CREATED 09-30-2013
VERSION 1.6, MODIFIED 10-28-2013
SHEET SIZE: 11X17 | SCALE: 1/16 IN. = 1 FT.

TYPICAL FLOOR PLANS
& SITE SECTIONS

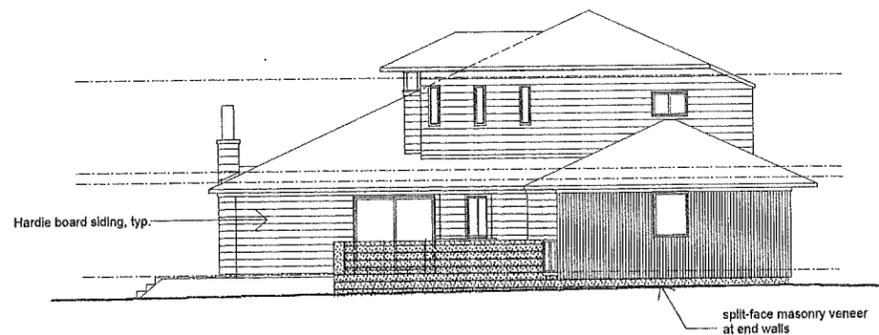
SHEET
A-8



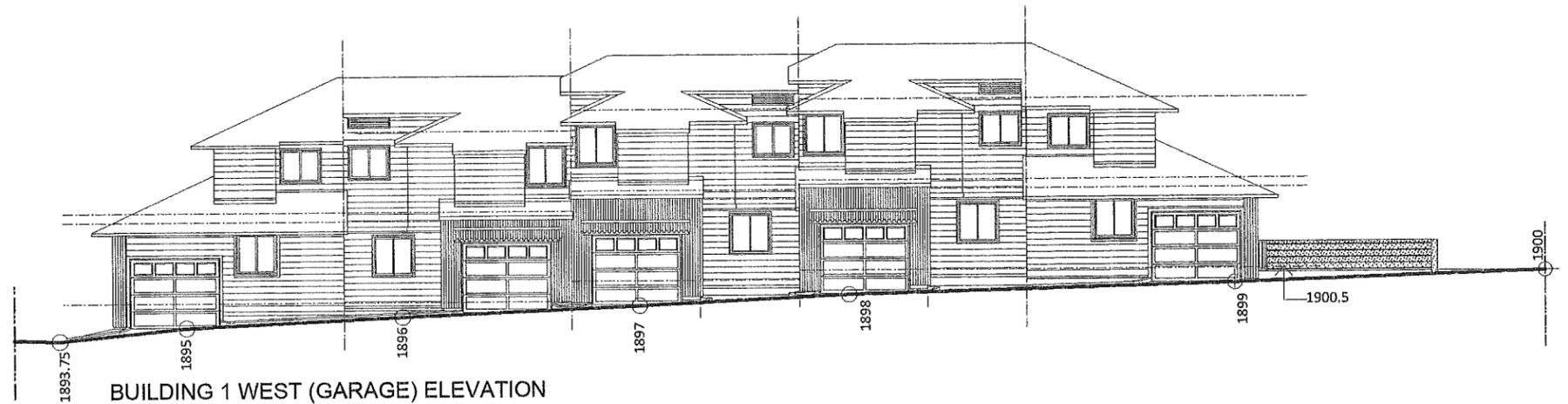
BUILDING 1 SOUTH ELEVATION (TO ALLEY)



BUILDING 1 STREET ELEVATION

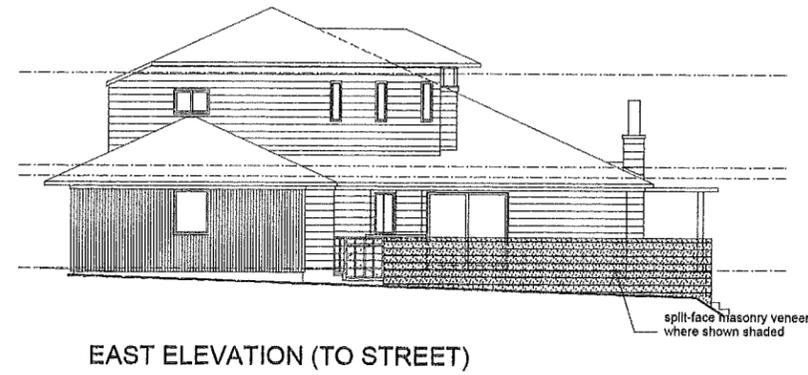


BUILDING 1 NORTH ELEVATION

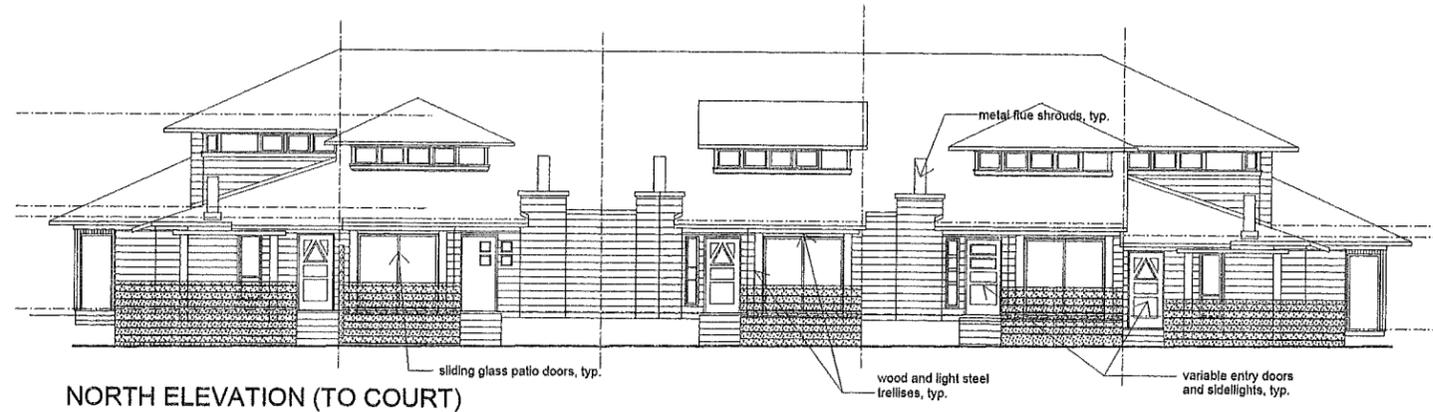


BUILDING 1 WEST (GARAGE) ELEVATION

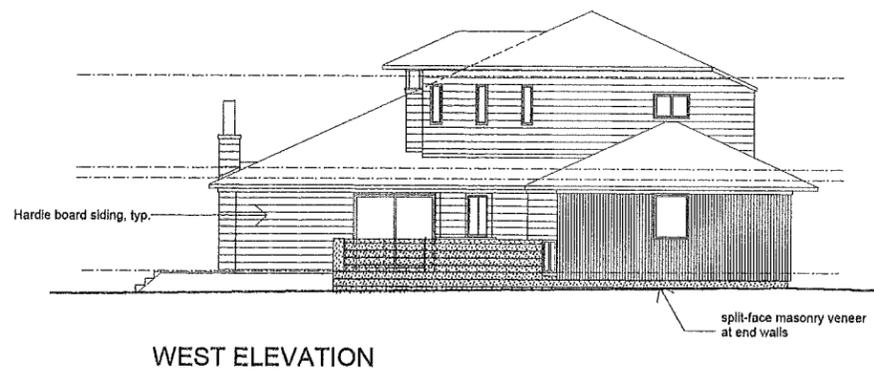
OCT 29 2013



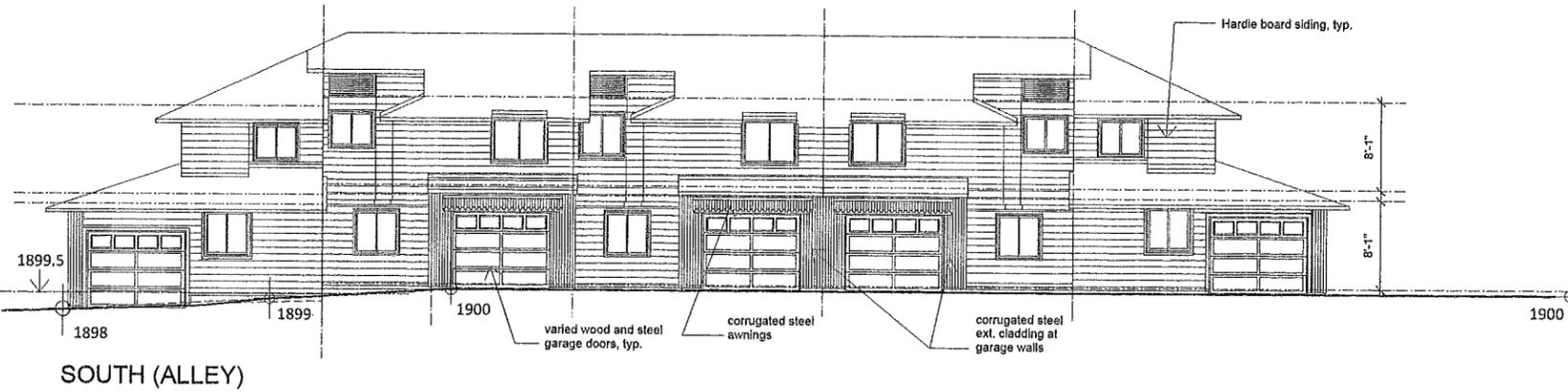
EAST ELEVATION (TO STREET)



NORTH ELEVATION (TO COURT)

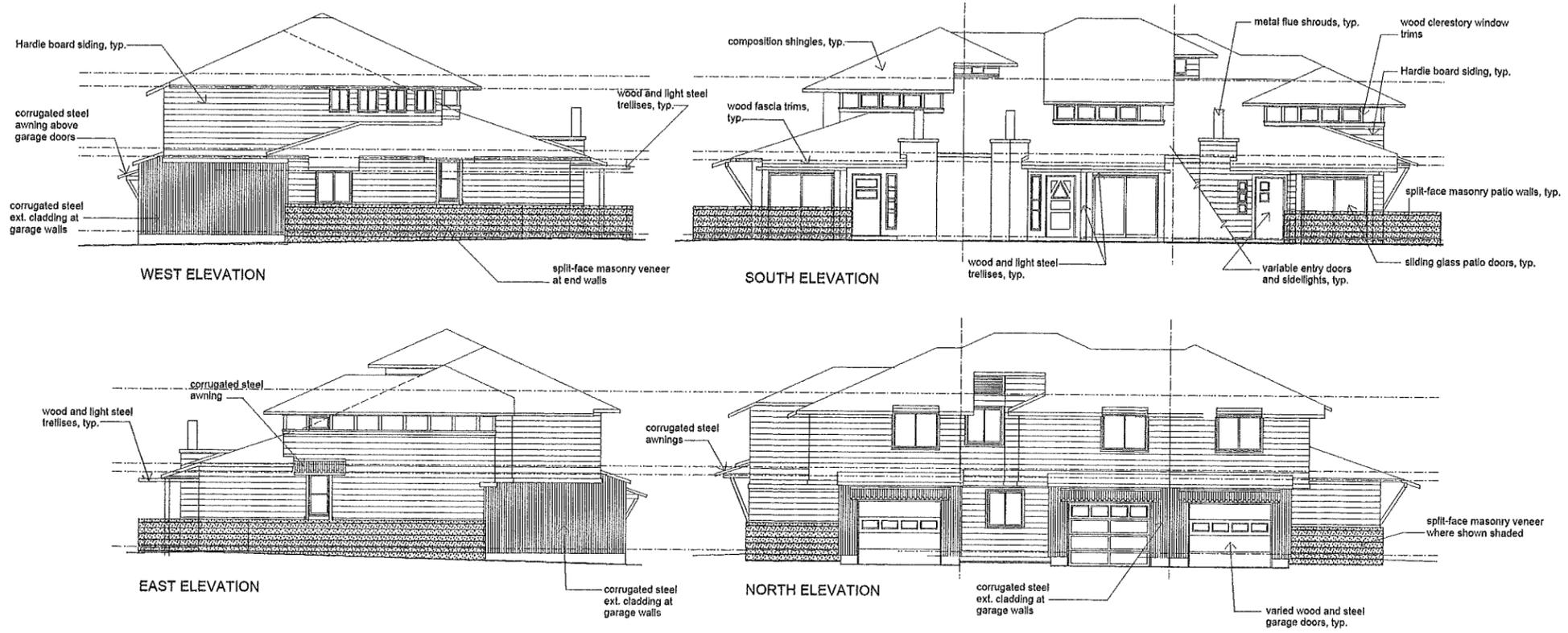


WEST ELEVATION

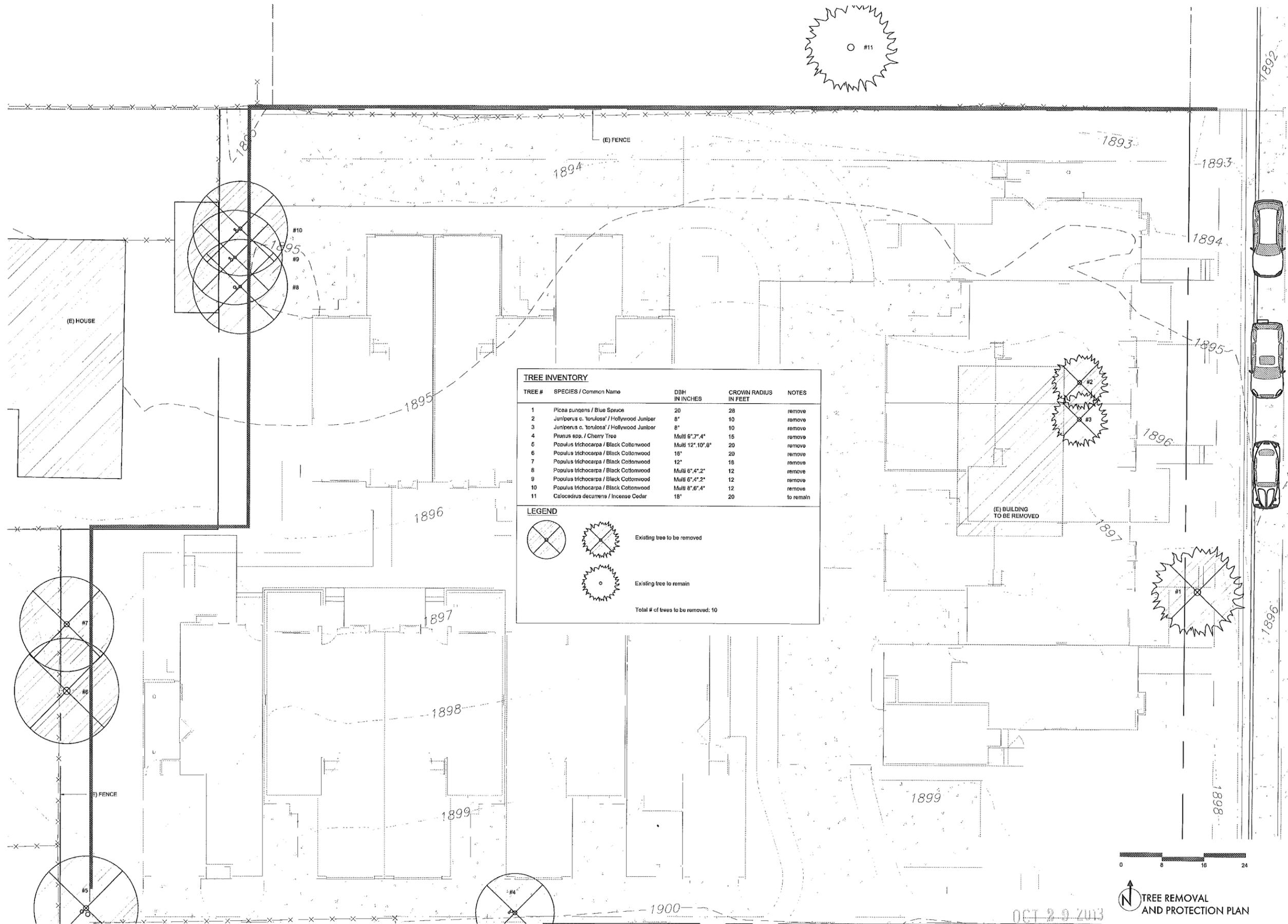


SOUTH (ALLEY)

OCT 29 2013



OCT 29 2013



TREE INVENTORY

TREE #	SPECIES / Common Name	DBH IN INCHES	CROWN RADIUS IN FEET	NOTES
1	<i>Picea pungens</i> / Blue Spruce	20"	28'	remove
2	<i>Juniperus c. 'torulosa'</i> / Hollywood Juniper	8"	10'	remove
3	<i>Juniperus c. 'torulosa'</i> / Hollywood Juniper	8"	10'	remove
4	<i>Prunus</i> spp. / Cherry Tree	Multi 8", 7", 4"	15'	remove
5	<i>Populus trichocarpa</i> / Black Cottonwood	Multi 12", 10", 8"	20'	remove
6	<i>Populus trichocarpa</i> / Black Cottonwood	18"	20'	remove
7	<i>Populus trichocarpa</i> / Black Cottonwood	12"	18'	remove
8	<i>Populus trichocarpa</i> / Black Cottonwood	Multi 6", 4", 2"	12'	remove
9	<i>Populus trichocarpa</i> / Black Cottonwood	Multi 6", 4", 2"	12'	remove
10	<i>Populus trichocarpa</i> / Black Cottonwood	Multi 8", 6", 4"	12'	remove
11	<i>Calocedrus decurrens</i> / Incease Cedar	18"	20'	to remain

LEGEND

 Existing tree to be removed
 Existing tree to remain
 Existing tree to remain

Total # of trees to be removed: 10

Laurie Sager
 and Associates Landscape Architects Inc
 700 Mistletoe Road, Suite 201
 Ashland, Oregon 97520



Revision Date:
 October 29, 2013

Drawn By:
 11X17 Scale: 1" = 16'-0"
 24X36 Scale: 1" = 8'-0"

Ridgeview Place
 31 N. Mountain Avenue
 Ashland, Oregon

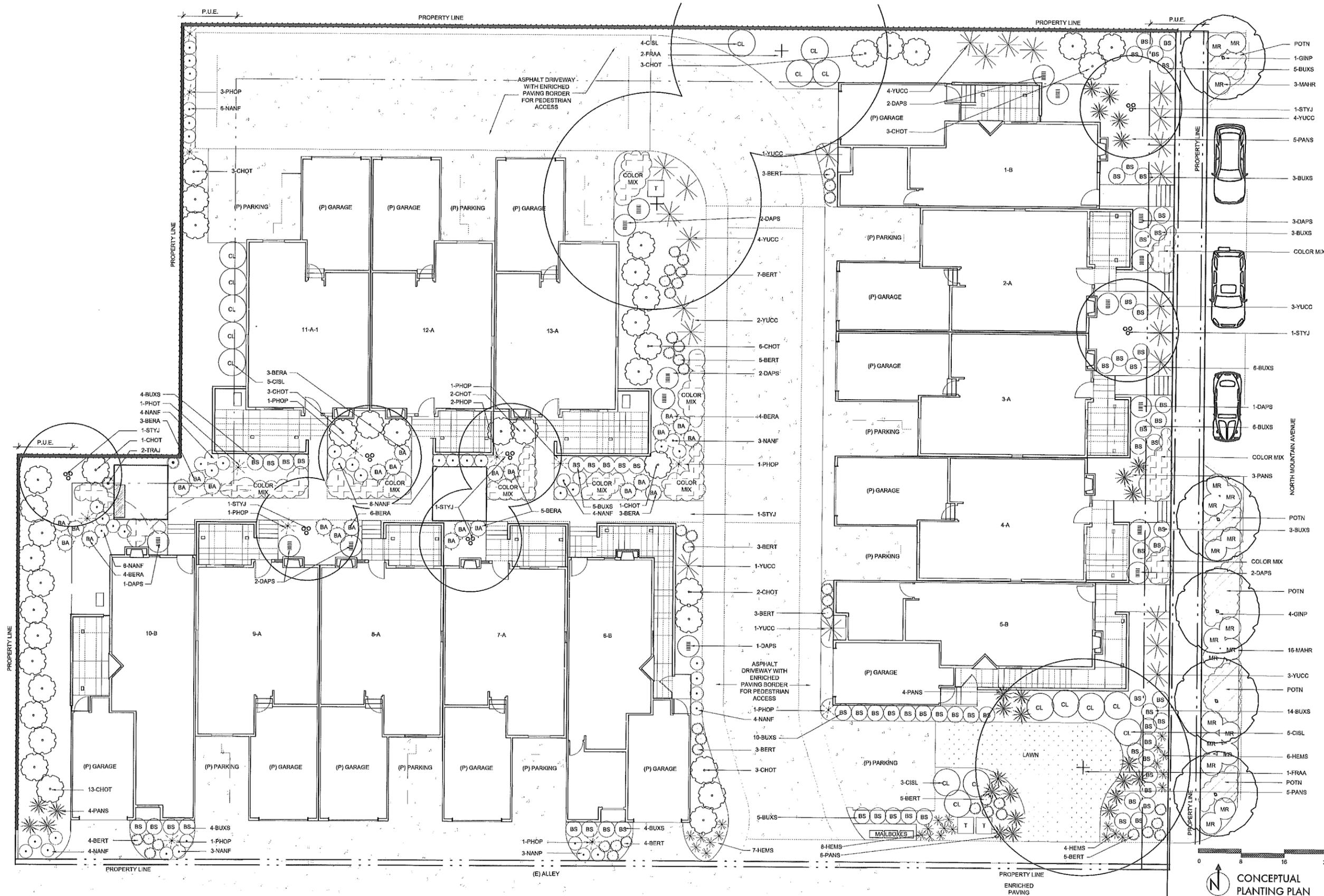
October 8, 2013

L-1.0



N TREE REMOVAL AND PROTECTION PLAN

OCT 29 2013



Laurie Sager
 and Associates Landscape Architects Inc
 700 Mistletoe Road, Suite 201
 Ashland, Oregon 97520



Revision Date:
 October 29, 2013

Drawn By:
 11x17 Scale: 1" = 16'-0"
 24x36 Scale: 1" = 8'-0"

Ridgeview Place
 31 North Mountain Avenue
 Ashland, Oregon

October 8, 2013

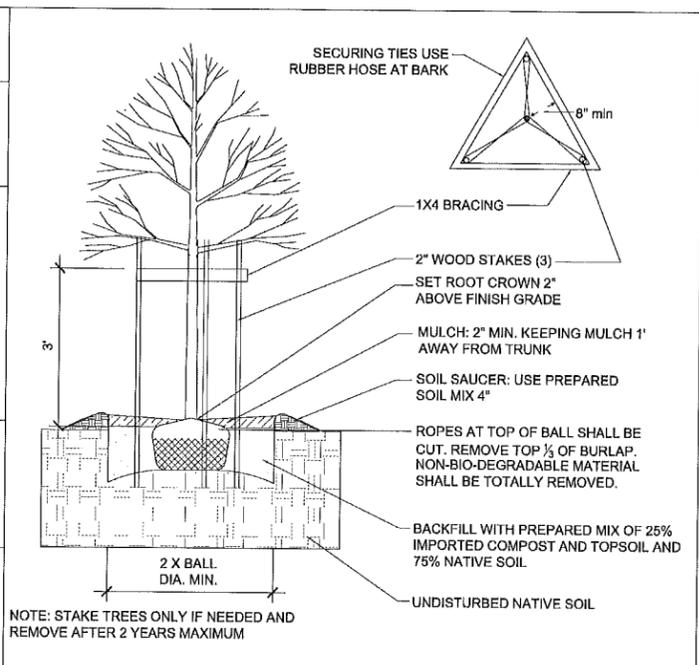
L-2.0

CONCEPTUAL
 PLANTING PLAN

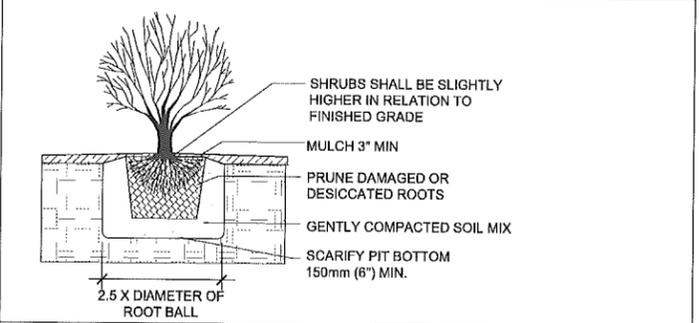
PLANT LEGEND				
CATEGORY	SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE
TREES	FRAA	FRAXINUS A. 'AUTUMN PURPLE'	AUTUMN PURPLE ASH	1.75"
	GINP	GINKGO B. 'PRINCETON SENTRY'	PRINCETON SENTRY GINKGO	1.75"
	STYJ	STYRAX JAPONICUS	JAPANESE SNOWBELL	1.75"
SHRUBS, PERENNIALS AND GRASSES	BERA	BERBERIS T. 'AUREA'	GOLDEN JAPANESE BARBERRY	1 GAL
	BERT	BERBERIS T. 'ADMIRATION'	ADMIRATION JAPANESE BARBERRY	1 GAL
	BUXS	BUXUS S. SUFFRUTICOSA	DWARF ENGLISH BOXWOOD	1 GAL
	CHOT	CHOISYA TERNATA	MEXICAN ORANGE	3 GAL
	CISL	CISTUS LADANIFER	CRIMSON SPOT ROCKROSE	1 GAL
	DAPS	DAPHNE T. 'SUMMER ICE'	SUMMER ICE DAPHNE	2 GAL
	HEMS	HEMEROCALLIS 'STELLA DE ORO'	STELLA DE ORO DAY LILY	1 GAL
	MAHR	MAHONIA REPENS	CREEPING MAHONIA	1 GAL
	NANF	NANDINA D. 'FIREPOWER'	FIREPOWER HEAVENLY BAMBOO	1 GAL
	PANS	PANICUM V. 'SHENANDOAH'	SHENANDOAH SWITCH GRASS	1 GAL
	PHOP	PHORMIUM 'PLATT'S BLACK'	PLATT'S BLACK NEW ZEALAND FLAX	1 GAL
	TRAJ	TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	1 GAL VINE
	YUCC	YUCCA F. 'COLOR GUARD'	COLOR GUARD ADAM'S NEEDLE	1 GAL
	MIXES/ GROUND COVER		POTENTILLA N. 'NANA'	ALPINE CINQUEFOIL
		COREOPSIS 'ZAGREB', SANTOLINA VIRENS, HEMEROCALLIS 'STELLA DE ORO'		1 GAL @ 2' O.C.

NOTES

1. PLACE 12" COMPOST/TOPSOIL BLEND IN ALL TREE AND SHRUB PLANTING AREAS. TOPSOIL PLUS BLEND AVAILABLE FROM HILTON LANDSCAPE SUPPLY.
2. INSTALL SOIL BLEND IN 6" LIFTS AND TILL THOROUGHLY TO BLEND W/ EXISTING SOIL.
3. PLANT ALL TREES AND SHRUBS PER DETAIL 1 & 2; LA SHALL APPROVE ALL PLANT LAYOUT PRIOR TO INSTALLATION.
4. MULCH PLANTING AREAS AFTER INSTALLATION OF PLANT MATERIAL WITH 3" OF DARK MULTIBARK, OR EQUAL.
5. APPLY DEER SPRAY TO ALL NEW PLANTS PRIOR TO AND FOLLOWING INSTALLATION.
6. PROVIDE AUTOMATED IRRIGATION TO ALL PROPOSED PLANTING AREAS.



1 TREE PLANTING DETAIL



2 SHRUB PLANTING DETAIL

Laurie Sager
 AND ASSOCIATES LANDSCAPE ARCHITECTS INC
 700 MISTLETOE ROAD, SUITE 201
 ASHLAND, OREGON 97520

Revision Date:
 October 29, 2013

Drawn By:

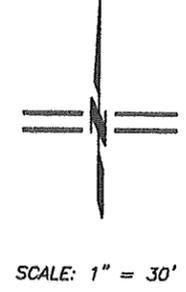
RIDGEVIEW PLACE
 31 NORTH MOUNTAIN AVENUE
 ASHLAND, OREGON

October 8, 2013

OCT 29 2013

PRELIMINARY MAP RIDGEVIEW PLACE A PLANNED UNIT DEVELOPMENT

LOCATED AT
31 NORTH MOUNTAIN AVENUE
ASHLAND, OREGON
LYING SITUATE WITHIN
NORTHEAST QUARTER OF SECTION 9,
TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
CITY OF ASHLAND, JACKSON COUNTY, OREGON
FOR
LAZARO AYALA FAMILY TRUST
132 West Main Street, Suite 202
Medford, Oregon 97501



SURVEY NOTES

1. THE BASIS OF VERTICAL CONTROL FOR THIS SURVEY IS A CITY OF ASHLAND BRASS DISK IN THE TOP OF THE CONCRETE CURB LOCATED AT THE NORTHWEST CORNER OF NORTH MOUNTAIN AVENUE & EAST MAIN STREET. BENCHMARK ELEVATION = 1903.48' BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929, ADJUSTED IN 1956 (NGVD 29/56).
2. EXPOSED UTILITIES SHOWN HEREON WERE FIELD LOCATED IN THE PERFORMANCE OF THIS SURVEY IN 2004. BURIED UTILITY LOCATIONS WERE DETERMINED BY UTILIZING A COMBINATION OF FIELD SURVEYED PAINT MARKS AND "AS-BUILT" RECORD DRAWINGS FURNISHED BY THE RESPECTIVE UTILITY COMPANY REPRESENTATIVES, ARE APPROXIMATE AND SHOWN HEREON FOR GRAPHIC PURPOSES ONLY. FIELD VERIFICATION OF ALL BURIED UTILITIES MUST BE PERFORMED PRIOR TO ANY EXCAVATION OR CONSTRUCTION ACTIVITIES.

LEGEND

- BRASS CAP SURVEY MONUMENT FOUND
- ⊙ CITY OF ASHLAND BENCHMARK
- ▲ SURVEY CONTROL POINT, AS DESCRIBED
- 5/8" IRON PIN MONUMENT FOUND
- PROPERTY BOUNDARY LINE
- - - NEW LOT LINE
- BOUNDARY LINE
- - - CENTERLINE
- - - EASEMENT LINE
- x - x - x - x - FENCELINE
- - - SEWER LINE
- - - WATER LINE
- - - BURIED NATURAL GAS LINE
- - - BURIED PHONE LINE
- - - BURIED FIBER OPTIC LINE
- - - OVERHEAD POWER LINE
- - - CONTOUR LINE
- - - GUY ANCHOR
- ⊙ PF POWER POLE
- ⊙ WM WATER METER
- x WV WATER VALVE
- ⊙ FH FIRE HYDRANT
- ⊙ WELL
- ⊙ EM ELECTRIC METER
- ⊙ SS SANITARY SEWER MANHOLE
- ⊙ P PHONE PEDESTAL
- ⊙ GV GAS VALVE
- ☼ CONIFER TREE (AS DESCRIBED)
- ☼ DECIDUOUS TREE (AS DESCRIBED)
- ▨ ASPHALT SURFACE
- ▨ EXISTING BUILDING
- ▨ PROPOSED TOWNHOME
- ▨ PROPOSED PORCH
- ▨ PROPOSED ACCESS EASEMENT
- ▨ PROPOSED COMMON PROPERTY AREA

REGISTERED
PROFESSIONAL
LAND SURVEYOR

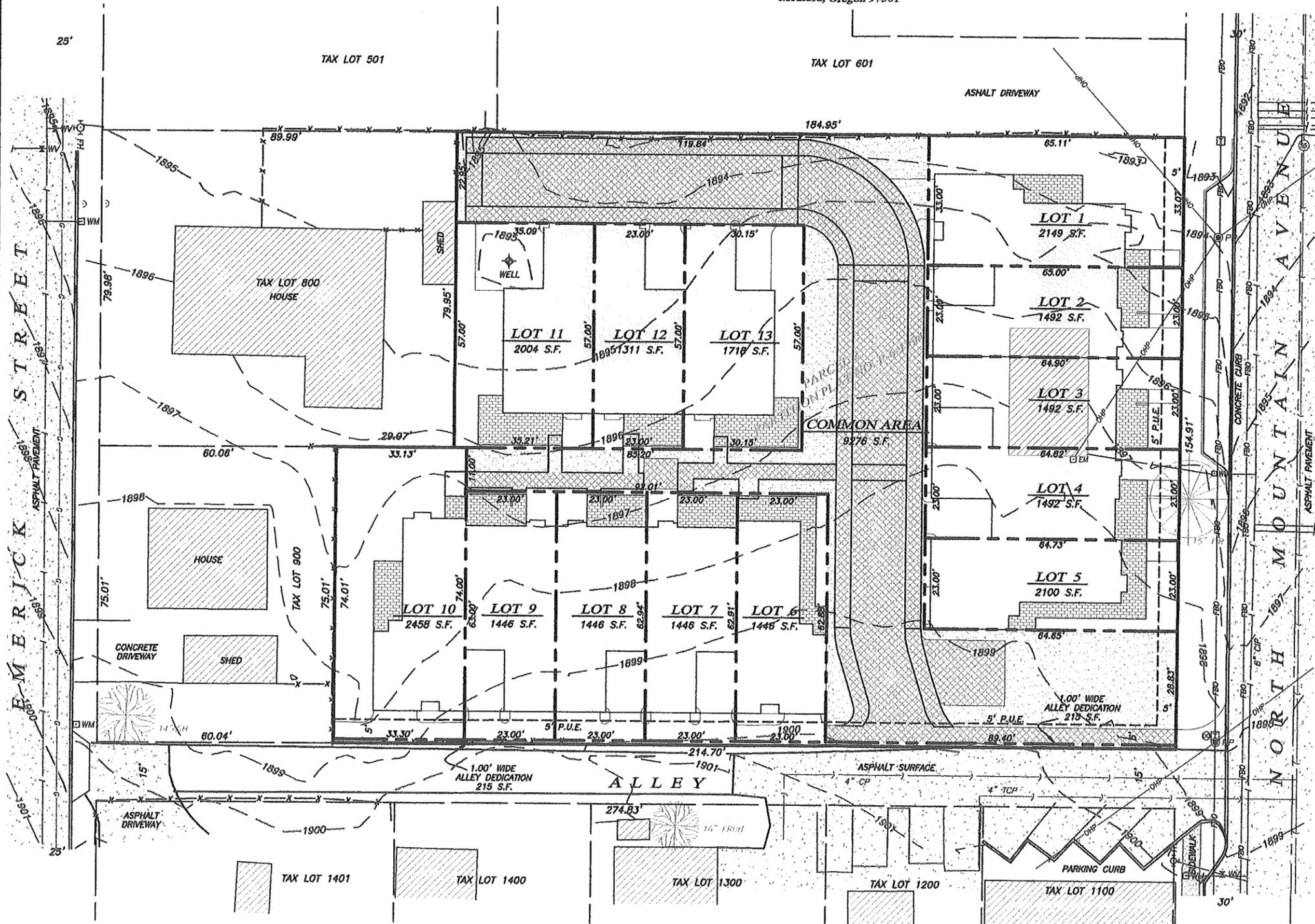
Shawn Kampmann

OREGON
JULY 14, 1989
SHAWN KAMPMANN
2883 LS

RENEWAL DATE: 6/30/2015

SURVEYED BY:
POLARIS LAND SURVEYING LLC
P.O. BOX 459
ASHLAND, OREGON 97520
(541) 482-5009

DATE: OCTOBER 28, 2013
PROJECT NO. 152-04



Assessor's Map No. 39 1E 09 AD, Tax Lot 700

DISCUSSION ITEM

Unified Land Use Ordinance Section 18-2: Zoning Regulations

Memo

DATE: November 12, 2013

TO: Ashland Planning Commission

FROM: Maria Harris, Planning Manager

RE: Unified Land Use Ordinance (ULUO)
Pre-adoption process review – Part 2

SUMMARY

The revised draft of the ULUO is scheduled for Planning Commission review prior to beginning the formal adoption process so that Commission has an opportunity to review and discuss the edits made since the Commission's review of the previous draft.

BACKGROUND

Attached is Part 2 Zoning Regulations of the ULUO, and a matrix covering the substantive changes. The more significant changes since the last draft are the addition of section 18-2.3.090 Cottage Housing, and in Table 18-2.5.030.A a new exemption for pervious paving, a new half story setback, and amendments to building separation and alley setbacks.

The Commission has received a previous version of the matrix. **New or revised amendments are highlighted in yellow** in the matrix.

The changes to the current ordinance are detailed in the attached draft ULUO. The **edits that were presented in the first draft continue to be highlighted in gray**, and the **new and latest edits that were added after the Commission's review of the first draft are highlighted in yellow**. Comment boxes are retained throughout the document, and include notations about changes.

A set of new graphics will be added to the ULUO, and included for the Commission review at an upcoming meeting. There are numerous existing graphics in the current code. All graphics will be inserted into the final draft for the adoption process.

ATTACHMENTS

1. Amendment Matrix
2. Title 18 – Part 2 – Zoning Regulations



18-2 Zoning Regulations				
Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
Temporary uses	Unified: 18-2.2.030(H) Existing: 18.08.800 18.84.080.C	<ul style="list-style-type: none"> Temporary use requires conditional use permit in all residential and commercial zoning districts. A manufactured housing unit may be occupied during construction in conjunction with the applicant's residence for up to 90 days, unless longer period approved by Staff Advisor. 	<ul style="list-style-type: none"> A conditional use permit continues to be required for most short-term, seasonal or intermittent uses. Short-term activities occurring only once in a calendar year and 72 hours or less including set up and clean up may be approved by Staff Advisor through a Ministerial review. A manufactured housing unit or similar structure may be used in conjunction with construction on a site. 	<ul style="list-style-type: none"> The time and resources required for a conditional use permit can be cost prohibitive for weekend and holiday events and celebrations. Amendments to use of temporary building section adds ability to use other types of temporary structures like RV's, and allows temporary structure in conjunction with any type of construction project to allow for buildings like a job trailer.
Keeping of bees and micro-livestock	Unified: Table 18-2.2.030 18-2.3.160 Existing: AMC 9.08	Standards allow keeping of bees and micro-livestock in residential districts under certain requirements.	The uses and standards are not changed.	This item is simply moving the recently adopted provisions for bees and micro-livestock (ORD 3084) from the health and sanitation section of the municipal code to the land use

18-2 Zoning Regulations				
Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
				ordinances. Currently, agricultural uses and keeping of livestock are allowed uses under certain conditions in residential zones. Moving the additional bee and micro-livestock provisions is simply an effort to have all of the information pertaining to agricultural and livestock uses located in one section of the code.
Accessory residential units (ARU's)	Unified: Table 18-2.2.030 18-2.3.040 Existing: 18.16.030.J 18.20.030.H 18.24.040.A.1.a 18.28.040.A.1.a	<ul style="list-style-type: none"> • Conditional use in rural residential (RR) and single-family residential (R-1) zones requiring conditional use permit. • Special permitted use in multi-family zones (R-2 and R-3) requiring site review approval. • Parking and driveways are required to be paved. 	<ul style="list-style-type: none"> • Make special permitted use in all residential zones, and require site review approval. • Exempts parking and driveways from the paving requirements. 	<ul style="list-style-type: none"> • Amendment from conditional use to special permitted use made per Planning Commission input on Policy Issues and Recommendations from the 2006 Land Use Ordinance Review. This change has been discussed by the Planning and Housing commissions as an infill and affordable housing strategy.

18-2 Zoning Regulations				
Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
Duplex	Unified: Table 18-2.2.030 18-2.3.110 Existing: 18.20.020.B	In the R-1-5, R-1-7.5 and R-1-10 zones, duplexes are allowed on vacant corner lots created by partition after 1979. Duplexes are allowed in the R-1-3.5, R-2 and R-3 zones as a permitted use.	<ul style="list-style-type: none"> Allows duplexes on corner lots in the single-family residential (R-1) zones in developments using the Performance Standards Option in 18-3.8. Duplexes remain a permitted use in the R-1-3.5, R-2 and R-3 zones. 	Duplexes are defined as two residential units on one lot sharing a common wall, floor and/or ceiling. Generally, a duplex is considered a type of multi-family unit. In contrast, single-family housing can be attached, but is located on separate lots.
Cottage housing	Unified: Table 18-2.2.030 18-2.3.090 18-3.8.050.B.5 Existing: N/A	Item is not addressed in code.	In the single-family residential (R-1) zones, subdivisions done under the Performance Standards Option (chapter 18-3.8) can develop two cottage units in place of each single-family unit allowed by the base district if the development meets a set of cottage housing standards in 18-2.3.090. Some of the key standards are: <ul style="list-style-type: none"> Developments must include a minimum of 4 and a maximum of 16 cottages, and be 	Cottage housing developments are a group of small cottages oriented around an open space with consolidated parking. Amendment made per Planning Commission discussion of the green development evaluation. The evaluation recommended adopting a cottage housing ordinance as a tool for encouraging compatible infill development in existing areas to conserve land and

18-2 Zoning Regulations				
Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			<p>at least 1,000 feet from any other cottage housing developments.</p> <ul style="list-style-type: none"> • Maximum gross floor area for a cottage is 800 square feet. • Maximum building height is 25 feet to the ridge of the roof. • Up to two cottages can be attached. • Lot coverage must meet that of the underlying zone. 	promote walkability and transportation efficiency.
Home occupation	<p>Unified: Table 18-2.2.030 18-2.3.150</p> <p>Existing: Chapter 18.94</p>	Home occupations are permitted in all residential zones.	Also allow home occupations in the commercial and employment zones (C-1, C-1-D and E-1) in conjunction with a residential unit.	
Club lodge and fraternal organization	Unified: Table 18-2.2.030	Conditional use in all of the residential zones. Issue is not clearly addressed in code for the commercial and employment zones.	Allows club lodges and fraternal organizations as permitted use in the commercial (C-1 and C-1-D) zones, and as a conditional use in the	Amendment made per Planning Commission discussion.

18-2 Zoning Regulations				
Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			employment and industrial (E-1 and M-1) zones.	
Private daycare or kindergarten	Unified: Table 18-2.2.030	Conditional use in all of the residential zones. Issue is not addressed in code for the commercial and employment zones.	Allows private daycare or kindergartens as permitted use commercial, employment and industrial zones (C-1, C-1-D, E-1 and M-1).	Amendment made per Planning Commission discussion.
Dwelling or caretaker or watchman	Unified: Table 18-2.2.030 Existing: N/A	Issue is not addressed in code.	Allows one dwelling for a caretaker or watchman in the employment and industrial zones (E-1 and M-1).	There are some portions of the employment and industrial zones where residential units are not permitted. This has occasionally come up, and is included in the state model code.
Residential uses in multiple buildings in commercial zones (C-1 and C-1-D)	Unified: Table 18-2.6.030 18-2.3.120 Existing: 18.32.025.D 18.56.050.A	If there are multiple buildings being developed, at least 50% of the total lot area shall be designated for non-residential permitted uses.	If there are multiple buildings on a site, at least 50% of the total lot area, including accessory uses such a parking landscaping and public space, shall be designated for non-residential permitted uses.	This amendment is identical to the revised language for multiple buildings in the employment (E-1) zone in 18-3.12.C. Amendment made per Planning Commission input on Policy Issues and Recommendations from the 2006 Land Use Ordinance Review.
Manufactured homes on	Unified:	Requires manufactured	• Requirement to build	ORS 197.307(8) includes

18-2 Zoning Regulations				
Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
individual lot	18-2.3.170 Existing: 18.20.020.H	homes on individual lots to meet 10 standards intended for compatibility with surrounding residential neighborhoods (e.g. size, roof pitch building materials, foundation skirt)	<p>a separate garage or shed is deleted. While single-family homes are required to provide off-street parking spaces, there is not a requirement to build a garage, carport or similar structure.</p> <ul style="list-style-type: none"> • Width requirement of 28 feet is deleted because it is not consistent with ORS placement standards. • Requirement to locate on slopes 10% or less is deleted because it is not consistent with ORS placement standards. • Language prescribing wood or wood product siding is deleted because it is not consistent with ORS placement standards. Replaced with requirement to use similar or superior exterior siding and 	placement standards for manufactured homes on individual lots that local governments can adopt for consistency with ORS 197.314. While the City's standards are mostly consistent with the placement standards, the Housing Commission and Planning Commission suggested amending several items so the standards are similar to those for single-family homes.

18-2 Zoning Regulations				
Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			roof material as used on nearby residences.	
Manufactured housing developments	Unified: 18-2.3.180 Existing: 18.84	<ul style="list-style-type: none"> Interior side and rear yards required to be minimum of 6 feet, with a separation of at least 12 feet between units. 20 feet required form any street or exterior property line. 	<ul style="list-style-type: none"> Interior side and rear yards required to be a minimum of 5 feet required, with a separation of at least 10 feet between units. Same setbacks as required in the parent zone for exterior boundaries. 	<ul style="list-style-type: none"> Interior side and rear yards changed for consistency with ORS 446.100. Setback to exterior boundaries is amended for consistency with subdivision requirements.
Manufactured home park – play area	18-2.3-180.D.13 Existing: N/A	Issue is not addressed in code.	If the park is not limited to adults, a play area for children less than 14 years of age a minimum of 2,500 square feet in size or 100 square feet of play area per unit, whichever is greater, is required.	Added for consistency with ORS 446.095.
Traveler’s accommodation in multi-family (R-2 and R-3) zones - legal nonconforming uses	Unified: 18-2.3.210 Existing: 18.24.030.K 18.28.030.J	Standards include a provision that allows travelers accommodations legally established prior to the adoption of the original ordinance to remain in place.	Section deleted because this issue is addressed in 18-1.4.020 Nonconforming uses.	
Vision clearance requirements in the downtown commercial (C-1-	Unified: 18-2.6.070	Development in the commercial, employment and croman mill (C-1, E-1	C-1-D is added to list of commercial and employment zones	

18-2 Zoning Regulations				
Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
D) zone	Existing: 18.68.020.B	and CM) zones are exempt from the vision clearance requirements.	exempted from vision clearance requirements.	
Minimum lot size for corner lots in the R-1-5 zone (single-family)	Unified: Table 18-2.5.030.A Existing: 18.20.040.A	Minimum lot size for a corner lot is 6,000 square feet, and 60 feet in width.	Minimum lot area and width is the same for interior and corner lots, 5,000 square feet and 50 feet in width, in the R-1-5 zone.	Amendment made per Planning Commission input on Policy Issues and Recommendations from the 2006 Land Use Ordinance Review.
Front porch setback	Unified: Table 18-2.5.030.A Existing: 18.20.040.D 18.24.040.D 18.28.040.D	<ul style="list-style-type: none"> 8 feet is required between an unenclosed porch and front property line in the single-family residential (R-1) zones. Outside Historic District: 10 feet is required between an unenclosed porch and front property line in the multi-family (R-2 and R-3) zones. 	8 feet, or width of existing public utility easement whichever is greater, is required between an unenclosed porch and front property line in R-1, R-2 and R-3 zones outside Historic District	Amendment made per Planning Commission input on Policy Issues and Recommendations from the 2006 Land Use Ordinance Review.
Half-story rear yard setback	Unified: Table 18-2.5.030.A Existing: 18.08.61	A half story is considered a story for the purposes of the rear yard setback, which is 10 feet per story.	Require 5 feet per half story.	This amendment would allow a 1½ story building to be setback 15 from the rear property line rather than 20 feet as currently required.
Building separation/distance	Unified: Table 18-2.5.030.A	In the R-1-3.5, R-2 and R-3 zones:	For all residential zones: <ul style="list-style-type: none"> Minimum separation 	Amendment provides consistency between

18-2 Zoning Regulations				
Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
between buildings	Existing: 18.22.040.E 18.24.040.E 18.28.040.E 18.88.070	<ul style="list-style-type: none"> • 10 feet required between principal building and accessory building. • 50% of the sum of both buildings or 12 feet, whichever is greater, required between principal buildings. • 20 feet required between principal buildings accessed by shared court. <p>In the R-1-5, R-1-7.5, R-1-10, RR and WR zones there is no requirement for building separation unless created as part of development using the Performance Standards Options.</p>	<p>between principal buildings equals half the height of the tallest building, where height is measured at the two closest exterior walls and the maximum required separation is 12 feet.</p> <ul style="list-style-type: none"> • Accessory building minimum separation governed by Building Code. 	<p>zones, as well as more flexibility in building placement in the R-1-3.5, R-2 and R-3 zones. The existing distance between buildings setback is a potential barrier (i.e. Variance application) to developments using separate buildings, such as cottage housing.</p>
Pervious pavement exemption from lot coverage	Unified: Table 18-2.5.30.A Existing: 18.08.160	<p>Lot coverage includes everything except landscaping. Buildings, parking areas, driveways and other solid surfaces that do not allow normal water infiltration to the ground are included in the lot coverage. Single and multi-family residential</p>	<p>Exempts 200 square feet or 5% of the permitted lot coverage, whichever is greater, developed in a pervious paving system that allows storm water infiltration.</p>	<p>Amendment made per Planning Commission input on Policy Issues and Recommendations from the 2006 Land Use Ordinance Review.</p>

18-2 Zoning Regulations				
Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
		zones include a maximum percentage of a site that can be covered, which ranges from 7% to 75%.		
Side and rear yard exceptions in residential zones – alleys and accessory buildings	Unified: 18-2.5060 Existing: 18.30.040.C 18.30.050.C 18.30.060.C 18.68.110	<ul style="list-style-type: none"> In the North Mountain Neighborhood single and multi-family zones, one-story detached accessory buildings can be 3 feet from the side yard, and one and two-story detached accessory buildings can be 4 feet from a rear property line adjacent to an alley. For all residential zones, accessory buildings that are more than 50 feet from a public street other than an alley, a maximum of 15 feet in height and at least 10 feet from other buildings, can reduce the side and rear yards to 3 feet. 	<ul style="list-style-type: none"> Alley setbacks – accessory buildings and residential units that are a maximum of 15 feet in height and not attached to any other buildings, can reduce side and rear yards adjacent to an alley to 4 feet. Back-up space of 22 feet must be provided as measured from the garage door to the opposite of the alley. Provision does not apply to the primary residence. Accessory buildings not adjacent to an alley - accessory buildings that are located more than 50 feet from a public street, a maximum of 15 feet in height and not attached to any 	Amendment made per Planning Commission discussion of comments from public meetings. The suggestion to allow reduced setbacks on alleys, specifically to allow new structures to be compatible with existing historic development patterns, was made at the Open House meeting in June 2013.

18-2 Zoning Regulations				
Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			other buildings, can reduce side and rear yards to 3 feet.	
Base densities and minimum lot dimensions in multi-family residential (R-2 and R-3) zones	Unified: 18-2.5.080 Existing: 18.24.040.A 18.28.040.A	<p>For the R-2 zone:</p> <ul style="list-style-type: none"> • Base density for the R-2 zone is 13.5 units per acre. • Minimum lot area for less than two units is 5,000 square feet. • Minimum lot area for two units is 7,000 square feet. • Developments of three units or greater shall have minimum lot area in excess of 9,000 square feet except as determined by the base density and allowable bonus point calculations. <p>For the R-3 zone:</p> <ul style="list-style-type: none"> • Base density for the R-3 zone is 20 units per acre. • Minimum lot area for less than two units is 5,000 square feet. • Minimum lot area for 	<p>For the R-2 zone:</p> <ul style="list-style-type: none"> • Minimum lot area for <u>one unit</u> is 5,000 square feet, <u>except as allowed in section 18-2.3.040 for accessory residential units.</u> • Minimum lot area for two units is 7,000 square feet. • Minimum lot area for three units is 9,000 square feet, <u>except that the residential density bonus may be used to increase density of lots greater than 8,000 square feet up to three units.</u> • <u>For more than three units,</u> the base density shall be 13.5 dwelling units per acre, and the permitted density shall be increased by the percentage gained through the residential density 	The edits are made for clarity, and are not intended to change the substance of the existing standards. Before the 2008 code amendments, the ordinance said that the minimum lot area for <u>one unit</u> in the R-2 and R-3 zones shall be 5,000 square feet. In the 2008 amendments, “one” was changed to “less than two” for 5,000 square foot lots to address the new provision at that time of allowing accessory residential units in the R-2 and R-3 zones. However, the “less than two units” language has tended to cause confusion.

18-2 Zoning Regulations				
Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
		<p>two units is 6,500 square feet.</p> <ul style="list-style-type: none"> • Developments of three units or greater shall have minimum lot area in excess of 8,000 square feet except as determined by the base density and allowable bonus point calculations. 	<p>bonus.</p> <p>For the R-3 zone:</p> <ul style="list-style-type: none"> • Minimum lot area for <u>one unit</u> is 5,000 square feet, <u>except as allowed in section 18-2.3.040 for accessory residential units.</u> • Minimum lot area for two units is 6,500 square feet. • Minimum lot area for three units is 8,000 square feet. • <u>For more than three units</u>, the base density shall be 20 dwelling units per acre, and the permitted density shall be increased by the percentage gained through the residential density bonus. 	
Density bonus	<p>Unified: 18-2.5.080.F.2</p> <p>Existing: 18.24.040.B.2 18.28.040.B.2</p>	<ul style="list-style-type: none"> • In multi-family (R-2 and R-3) zones, total density bonus allowed is 40%. • In developments using the Performance Standards Option 	<p>In R-2 and R-3 zones and developments using the Performance Standards Option, total density bonus allowed is <u>60%</u>.</p>	

18-2 Zoning Regulations				
Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
	18.88.040.B.2	(subdivisions), total density bonus allowed is 60%.		
Affordable housing density bonus	Unified: 18-2.5.080.F.3.d Existing: 18.24.040.B.3.d 18.28.040.B.3.d 18.88.040.B.3.d	<ul style="list-style-type: none"> In multi-family residential (R-2 and R-3) zones, for every percent of units that are affordable, an equivalent percentage of density bonus is allowed up to a maximum <u>25%</u> bonus. In developments using the Performance Standards Option (subdivisions), for every percent of units that are affordable, an equivalent percentage of density bonus is allowed up to a maximum <u>35%</u> bonus. 	<p>In R-2 and R-3 zones and developments using the Performance Standards Option:</p> <ul style="list-style-type: none"> For every affordable unit provided, a density bonus of two market rate units is allowed. the maximum bonus for affordable housing is <u>35%</u>. 	Amendment made per Planning Commission input on Policy Issues and Recommendations from the 2006 Land Use Ordinance Review.
Setbacks in commercial and employment (C-1, C-1-D and E-1) zones to adjacent residential zones	Unified: Table 18-2.6.030 Existing: 18.32.040 18.40.050	<ul style="list-style-type: none"> In the C-1 and C-1-D zones, setback shall be 10 feet per story for rear yards and 10 feet for side yards where abutting a residential zone. In the E-1 zone, setback shall be 10 feet per 	In C-1, C-1-D and E-1 zones, 5 feet per story is required for side and rear yards abutting a residential zone	Amendment made per Planning Commission input on Policy Issues and Recommendations from the 2006 Land Use Ordinance Review.

18-2 Zoning Regulations				
Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
		story for side and rear yards where abutting a residential zone.		
Building height in the commercial (C-1 and C-1-D) zones	Unified: Table 18-2.6.030 Existing: 18.32.040.B	40 feet is the maximum building height, except for buildings up to 55 feet may be permitted as a conditional use in the C-1-D (downtown).	<ul style="list-style-type: none"> Provision added allowing structures greater than 40 feet and less than 55 feet in the C-1 and C-1-D zones where building is located more than 100 feet from a residential zone. In the 100 foot buffer area in the C-1-D zone, structures greater than 40 feet but less than 55 feet are permitted with a conditional use permit. 	Amendment made per Planning Commission input on Policy Issues and Recommendations from the 2006 Land Use Ordinance Review.
Commercial (C-1) zone exemption from solar setback	Unified: 18-2.6.030 (p 2-63) Existing: 18.32.050.C 18.53.050	Properties in the downtown and croman mill (C-1-D and CM) zones are exempt from the solar setback requirements.	Provision added exempting C-1 zone from solar setback requirements, except for buildings within 100 feet of a residential zone.	Amendment made per Planning Commission input on Policy Issues and Recommendations from the 2006 Land Use Ordinance Review.

TITLE 18 – PART 2 – ZONING REGULATIONS	3
Chapter 18-2.1 – Zoning Regulations - General Provisions	4
18-2.1.010 Purpose	4
18-2.1.020 Zoning Map and Classification of Zones	4
18-2.1.030 Determination of Zoning Boundaries	6
18-2.1.040 Applicability of Zoning Regulations	7
Chapter 18-2.2 – Base Zones - Allowed Uses	8
18-2.2.010 Purpose	8
18-2.2.020 Applicability	8
18-2.2.030 Allowed Uses	8
Chapter 18-2.3 – Special Use Standards	18
18-2.3.010 Purpose	18
18-2.3.020 Applicability	18
18-2.3.030 Review Process	19
18-2.3.040 Accessory Residential Unit	19
18-2.3.050 Automobile and Truck Repair Facility	20
18-2.3.060 Bottling Plant, Cold Storage Facility, Creamery	20
18-2.4.070 Commercial Excavation – Removal of Earth Products	21
18-2.3.080 Commercial Laundry, Dry-cleaning, Dyeing, and Similar Uses	21
18-2.3.090 Cottage Housing	22
18-2.3.100 Drive-Up Use	27
18-2.3.110 Duplex Dwelling Standards	29
18-2.3.120 Dwelling in Historic District Overlay	29
18-2.3.130 Dwelling in Non-Residential Zone	29
18-2.3.140 Food Products Manufacture	30
18-2.3.150 Home Occupation	31
18-2.3.160 Keeping of Livestock and Bees	33
18-2.3.170 Manufactured Home on Individual Lot	37
18-2.3.180 Manufactured Housing Developments	39
18-2.3.190 Multiple-Family Rental Unit Conversion to For-Purchase Units	43
18-2.3.200 Retail Uses Allowed in Railroad Historic District	45
18-2.3.210 Traveler’s Accommodations in R-2 and R-3 Zones	45
Chapter 18-2.4 – General Regulations for Base Zones	48
18-2.4.010 Access – Minimum Street Frontage	48
18-2.4.020 Accessory Structures and Mechanical Equipment	48
18-2.4.030 Arterial Street Setback	48
18-2.4.040 Vision Clearance Area	49
18-2.4.050 Yard Requirements and General Exceptions	49
Chapter 18-2.5 Standards for Residential Zones	50
18-2.5.010 Purpose	50
18-2.5.020 Applicability	50
18-2.5.030 Unified Standards for Residential Zones	50
18-2.5.040 Accessory Buildings and Structures	57
18-2.5.050 Affordable Housing Standards	58
18-2.5.060 Yard Exceptions	61
18-2.5.070 Maximum Permitted Residential Floor Area in Historic District	62

18-2.5.080	Residential Density Calculation in R-2 and R-3 Zones	64
18-2.5.090	Standards for Single-Family Dwellings	67
Chapter 18-2.6	Standards for Non-Residential Zones	69
18-2.6.010	Purpose	69
18-2.6.020	Applicability	69
18-2.6.030	Unified Standards for Non-Residential Zones	69

TITLE 18 – PART 2 – ZONING REGULATIONS

Chapters:

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

Comments: Part 18-2 reorganizes Ashland's existing zoning districts. Special districts (CM, HC, NM and SOU) and overlay zones are contained in 18-3.

18-2.1 – Zoning Regulations – General Provisions

Chapter 18-2.1 – Zoning Regulations - General Provisions

Sections:

- 18-2.1.010 Purpose
- 18-2.1.020 Zoning Map and Classification of Zones
- 18-2.1.030 Determination of Zoning District Boundaries
- 18-2.1.040 Applicability of Zoning Regulations

Comment: Chapter 18-2.1 carries forward the current ordinance Chapter 18.12 Districts and Zoning Map. The chapter establishes the zoning districts in accordance with the Ashland Comprehensive Plan.

18-2.1.010 Purpose

Comment: Section 18-2.1.010 is new language establishing the connection between the zoning districts and the Ashland Comprehensive Plan, and the allowed land uses according to the zoning district.

Chapter 18-2.1 establishes zoning districts pursuant to the City of Ashland Comprehensive Plan. Every parcel, lot, and tract of land within the City of Ashland is designated with a zoning district. The use of land is limited to the uses allowed by the applicable zoning district.

18-2.1.020 Zoning Map and Classification of Zones

Comment: Section 18-2.1.020 is covered in 18.12.020. Classification of Districts. The wording and table are improved, but the content is the same as the current ordinance.

18-2.1 – Zoning Regulations – General Provisions

For the purpose of this ordinance, the City is divided into zones designated and depicted on the City of Ashland Zoning Map, pursuant to the City of Ashland Comprehensive Plan Map, and summarized in Table 18-2.1.020.

Table 18-2.1.020	
Base Zones	Overlay Zones
Residential – Rural (RR)	Airport Overlay
	Detail Site Review Overlay
Woodland Residential (WR)	Downtown Design Standards Overlay
Residential - Single-family (R-1 and R-1-3.5)	Freeway Sign Overlay
Residential - Low Density Multiple Family (R-2)	Historic District Overlay
Residential - High Density Multiple Family (R-3)	Pedestrian Place Overlay
Commercial (C-1)	Performance Standards Options Overlay
Commercial – Downtown (C-1-D)	Physical and Environmental Constraints Overlay
Employment (E-1)	-Hillside Lands
	-Floodplain Corridor Lands
Industrial (M-1)	-Severe Constraints Lands
	-Water Resources
Special Districts	-Wildfire Lands
Croman Mill District Zone (CM)	
	Residential Overlay
Health Care Services Zone (HC)	
North Mountain Neighborhood (NM)	
Southern Oregon University (SOU)	

18-2.1 – Zoning Regulations – General Provisions

18-2.1.030 Determination of Zoning Boundaries

Comment: Section 18-2.1.030 updates and clarifies 18.12.040 District Boundaries.

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

- A. Rights-of-way.** Boundaries that approximately follow the centerlines of a street, highway, alley, bridge, railroad, or other right-of-way shall be construed to follow such centerlines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a zoning boundary, the vacated lands within the former right-of-way shall be allocated proportionately to the abutting zones.
- B. Parcel, lot, tract.** Where a zoning boundary splits a lot into two zones and the minimum width or depth of a divided area is 20 feet or less, the entire lot shall be placed in the zone that accounts for the greater area of the lot by the adjustment of the zoning boundary. Where a zoning boundary splits a lot into two zones and the minimum width and depth of both divided areas is greater than 20 feet, the lot shall have split zoning with lot area designated proportionately to each zone.
- C. Jurisdiction boundary.** Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary; and
- D. Natural features.** Boundaries indicated as approximately following the centerlines of a river or stream, or a topographic contour, or similar feature not corresponding to any feature listed in subsection A-C, above, shall be construed as following such feature.

18-2.1 – Zoning Regulations – General Provisions

18-2.1.040 Applicability of Zoning Regulations

Comment: Section 18-2.1.040 is new, and is intended to provide the reader with a roadmap to the zoning standards that apply to a property given the location in the zoning district, special district, and overlay zones.

Part 18-2 applies to properties with base zone, special district, and overlay zone designations, as follows:

Table 18-2.1.040: Applicability of Standards to Zones, Plan Districts and Overlays	
<i>Designation</i>	<i>Applicability</i>
<u>Base Zones</u> Residential – Rural (RR) Woodland Residential (WR) Residential - Single-family (R-1 and R-1-3.5) Residential - Low Density Multiple Family (R-2) Residential - High Density Multiple Family (R-3) Commercial (C-1) Commercial – Downtown (C-1-D) Employment (E-1) Industrial (M-1)	Chapter 18-2 Applies Directly Chapter 18-2 Applies Directly
<u>Special Districts</u> Croman Mill District Zone (CM) Health Care Services Zone (HC) North Mountain Neighborhood (NM) Southern Oregon University (SOU)	CM District Replaces chapter 18-2 NM District Replaces chapter 18-2
<u>Overlay Zones</u> Airport Detail Site Review Downtown Design Standards Freeway Sign Historic Pedestrian Place Performance Standards Options Physical and Environmental Constraints Residential	Overlay Modifies chapter 18-2 Overlay Modifies chapter 18-2

18-2.2 – Base Zones - Allowed Uses

Chapter 18-2.2 – Base Zones - Allowed Uses

Sections:

- 18-2.2.010 Purpose
- 18-2.2.020 Applicability
- 18-2.2.030 Allowed Uses

Comments: The following five chapters – 18-2.2 through 18-2.6- consolidate and reformat the material from the existing nine chapters on the residential and employment zones. The intent is to cover the same material for a variety of zones (e.g. the uses allowed in districts, or the dimensional standards such as setbacks, lot coverage and height in the residential districts) in one chapter, rather than having it decentralized in the individual zoning district chapters.

The nine base residential and commercial zones from the current ordinance covered by 18-2.2 through 18-2.6 are as follows.

- Chapter 18.14 W-R Woodland Residential District
- Chapter 18.16 R-R Rural Residential District
- Chapter 18.20 R-1 Single-Family Residential District
- Chapter 18.22 R-1-3.5 Suburban Residential District
- Chapter 18.24 R-2 Low Density Multiple-Family Residential District
- Chapter 18.28 R-3 High Density Multiple-Family Residential District
- Chapter 18.32 C-1 Retail Commercial District
- Chapter 18.40 E-1 Employment District
- Chapter 18.52 M-1 Industrial District

This chapter consolidates the lists of allowed uses from the residential and employment zones into one table. The special use standards are contained in chapter 18-2.3

18-2.2.010 Purpose

Chapter 18-2.2 regulates allowed land uses pursuant to the City of Ashland Comprehensive Plan and the purposes of this ordinance, per chapter 18-1.2.020.

18-2.2.020 Applicability

All uses of land in the City of Ashland are subject to the regulations of chapter 18-2.2. Certain types of land uses are also subject to the Special Use regulations in chapter 18-2.3, and some properties are subject to the overlay zone regulations contained in 18-2.20 through 18-2.29, as applicable.

18-2.2.030 Allowed Uses

Comments: Three types of land use designations are provided: “P” means the use is permitted; “S” means the use is permitted with Special Use Standards (Chapter 18-2.3); “CU” means the use is allowed, subject to approval of a Conditional Use Permit (Chapter 18-5.4). “N” indicates the use is prohibited in the zone.

A. Uses Allowed in Base Zones. Allowed uses include those that are permitted, those that are

permitted subject to special use standards, and those that are allowed subject to approval of a conditional use permit. Where Table 18-2.2.030 does not list a specific use and chapter 18-6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18-1.5.040 Similar Uses. Uses not listed in Table 18-2.2.030 and not found to be similar to an allowed use are prohibited. For uses allowed in special districts CM, HC, NM, and SOU, and for regulations applying to the City's overlays zones, please refer to Part 18-3.

- B. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as “Permitted (P)” are allowed. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to chapter 18-2.3 Special Use Standards. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of Part 18-5. See section 18-5.1.020 Determination of Review Procedure.
- C. Conditional Uses.** Uses listed as “Conditional Use Permit Required (CU)” are allowed subject to the requirements of chapter 18-5.4 Conditional Use Permits.
- D. Prohibited Uses.** Uses not listed in Table 18-2.2.030 and not found to be similar to an allowed use following the procedures of section 18-1.5.040 Similar Uses are prohibited.
- E. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of chapter 18-2.2, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. For regulations applying to the City's overlays zones, please refer to Part 18-3.
- F. Accessory Uses.** Uses identified as “Permitted (P)” are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the land use categories in Part 18.6 Definitions.
- G. Mixed-Use.** Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

Comment: The following section addresses temporary uses. The existing ordinance requires a conditional use permit for temporary uses in the residential and employment zoning districts. The temporary use applies to a wide variety of activities including food carts and outdoor uses (e.g. farmers market).

Staff suggests an amendment allowing short-term events (72 hours or less) through the Ministerial process rather than requiring a conditional use permit. Short-term events are typically performances or celebrations (e.g. the circus, a beer garden on July 4th), and the expense and time commitment involved in obtaining a conditional use permit tends to be cost prohibitive. The intent of using the Ministerial review is to encourage event sponsors to obtain a permit so that access and safety issues are reviewed by the appropriate city departments and state agencies.

H. Temporary Uses. Temporary uses require a Conditional Use Permit under chapter 18-5.4; **except as follows:**

1. **Short-Term Events.** The Staff Advisor may approve through Ministerial review short-term temporary uses **occurring only once in a calendar year** and lasting not more than 72 hours including set up and take down. Activities such as races, parades, and festivals that occur on

18-2.2 – Base Zones - Allowed Uses

public property (e.g. street right-of-way, parks, sidewalks or other public grounds) require a Special Event Permits under AMC 12.03.

Comment: Subsection 2 carries forward 18.84.080.C. Edits are made allowing a “similar structure” to a manufactured housing unit because RV’s are occasionally used. Also, the limitation of having to be in conjunction with building one’s residence is deleted because temporary buildings and job trailers are often used in public projects, subdivisions and commercial developments during construction. For example, temporary classrooms were used during the construction project at Bellview Elementary School.

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

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

Comment: The following table simplifies the lists of allowed land uses in the existing regulations. The current ordinance regulates uses in nine residential and employment zones (Chapters 18.14 through 18.52). Each chapter lists allowed uses in the zone, including those that are permitted outright, permitted with special standards, or allowed conditionally (conditional use permit). The lists are repeated in each chapter and are often redundant. This makes the ordinance difficult to read and prone to internal conflicts. As a result, the existing lists of uses are consolidated into tables, which should help streamline the ordinance, resolve conflicts, and make the document easier to read.

The following approach was used in preparing Table 18-2.2.030:

- Where the current ordinance clearly describes a use as Permitted (P) or Permitted Conditionally (CU), those designations are carried forward into the tables.
- Where the current ordinance is silent on whether a use is allowed but it clearly designates a similar use as Permitted or Permitted Conditionally, the subject use is designated the same as the similar use. For example, “homes for the elderly and nursing homes” are allowed in the W-R Woodland Residential zone, and “rest, nursing and convalescent homes are allowed in the R-1 Single-Family Residential zone. The two were consolidated under the new “residential care facility” use.
- Where the current ordinance identifies a use as Permitted (P) but it prescribes specific standards for the use (e.g., setback from a residential zone, hours of operation for home occupations, etc.), the use is designated as a Special Use (S), or the standards are incorporated into the table. Special use standards are listed in chapter 18-2.3.

General development standards, such as those for lot area, setbacks, height, coverage, and single-family and duplex buildings, are contained in 18-2.4.

18-2.2 – Base Zones - Allowed Uses

Table 18-2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
A. Agricultural Uses¹										
Agriculture and Farm Use, except Livestock	P	P	P	P	P	P	N	N	N	Animal sales, feed yards, keeping of swine, commercial compost, or similar uses not allowed See Keeping of Livestock standards in Sec. 18-2.3.160
Keeping of Bees	S	S	S	S	S	S	S	N	N	
Keeping of Micro-livestock	S	S	S	S	S	S	N	N	N	
Keeping of Livestock	S	N	N	N	S	S	N	N	N	
B. Household Living Uses										
Single-Family Dwelling	P	P	P	P	P	P	S	S	N	See Single-Family standards in Sec. 18-2.5.050 Dwellings and additions in Historic District Overlay may require CU permit, see Sec. 18-2.5.080
Accessory Residential Unit										
The change from CU to S is per the 2006 LUO Evaluation and PC input.	S	S	S	S	S	N	N	N	N	Sec. 18-2.3.040
Cottage Housing	S	S	P	P	N	N	N	N	N	See Cottage Housing standards in Sec. 18-2.3.090
Duplex Dwelling	S	P	P	P	N	N	S	S	N	Sec. 18-2.3.110 Duplex Dwelling
Dwelling with Personal or Professional Service Exceeding Home Occupation Threshold	N	CU+S	CU+S	CU+S	N	N	S	N	N	Sec. 18-2.3.120 for Railroad Historic District
Manufactured Home on Individual Lot	S	S	S	S	N	N	N	N	N	Sec. 18-2.3.170 and not allowed in Historic District Overlay
Manufactured Housing Development	N	S	CU+S	N	N	N	N	N	N	Sec. 18-2.3.180
Multifamily Dwelling	N	P	P	P	N	N	S	S	N	Sec. 18-2.3.130 for C-1 zone and E-1 zone Dwellings and additions in Historic District Overlay may require CU permit,

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

18-2.2 – Base Zones - Allowed Uses

Table 18-2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
										see Sec. 18-2.5.080
Rental Dwelling Unit Conversion to For-Purchase Housing	N	N	S	S	N	N	N	N	N	Sec. 18-2.3.190
Home Occupation	S	S	S	S	S	S	S	S	N	Sec. 18-2.3.150
C. Group Living²										
Boarding/Rooming House	N	P	P	P	N	N	N	N	N	
Residential Care Home Permitted per ORS 197.665 and 197.670, and Federal Fair Housing Amendments Act (FHAA) of 1988 (42 U.S.C. § 3615).	P	P	P	P	P	P	N	N	N	Subject to State licensing requirements
Residential Care Facility Use currently described as “rest, nursing and convalescent home” and requires a CUP in all residential zones. ORS 197.667 requires that cities permit residential facilities in zones where multifamily is permitted.	CU	P	P	P	CU	CU	N	N	N	Subject to State licensing requirements
D. Public and Institutional Uses										
Airport										See chapter 18-3.6 Airport Overlay
Public Parking Facility	N	N	N	N	N	N	P	N	N	
Cemetery, Mausoleum, Columbarium	N	N	N	N	CU	N	N	N	N	
Club Lodge, Fraternal Organization	CU	CU	CU	CU	CU	CU	P	CU	CU	Use added to commercial and employment zones per PC direction.
Community Service, includes Governmental Offices and Emergency Services (e.g. Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Electrical Substation	N	N	N	N	N	N	CU	CU	P	

² KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required.

18-2.2 – Base Zones - Allowed Uses

Table 18-2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Hospital, includes Acute Care Center	CU	CU	CU	CU	CU	N	N	N	N	
Mortuary, Crematorium	N	N	N	N	CU	N	P	P	P	
D. Public and Institutional Uses <i>(continued)</i> ³										
Public Park, Open Space, and Recreational Facility, including playgrounds, trails, nature preserves, athletic fields, courts, swim pools, similar uses	P	P	P	P	P	P	N	N	N	
Public Works/Utilities Storage Yard; includes vehicle and equipment, maintenance, repair	N	N	N	N	N	N	N	P	P	
Recycling Depot	N	N	N	N	N	N	N	P	P	Not allowed within 200 ft of an R zone
Religious Institution, Houses of Worship	CU	CU	CU	CU	CU	CU	CU	CU	CU	
School, Private (Daycare, Nursery or Kindergarten)	CU	CU	CU	CU	CU	CU	P	P	P	Subject to State licensing requirements Use added to commercial and employment zones per PC direction.
School, Private (Kindergarten and up)	CU	CU	CU	CU	CU	CU	N	N	N	
School, Public (Kindergarten and up)	P	P	P	P	P	CU	N	N	N	
School, Private College/Trade/Technical School	N	N	N	N	N	N	N	CU	P	
Utility and Service Building, Yard and Structure, Public and Quasi-Public, excluding underground utilities and electrical substations	N	N	N	N	N	N	P	P	P	Yards not allowed in the C-1 zone
Wireless Communication Facility	CU	CU	CU	CU	CU	CU	P/ CU	P/ CU	P/ CU	Sec.18-4.14
E. Commercial Uses										
Amusement/Entertainment, includes theater,	N	N	N	N	N	N	P	CU	P	See 18-4.5 Screening requirements

³ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required.

18-2.2 – Base Zones - Allowed Uses

Table 18-2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
concert hall, bowling alley, miniature golf, arcade; excluding drive-up uses										
E. Commercial Uses (continued) ⁴										
Automotive and Truck Repair, or Service; includes fueling station, car wash, tire sales and repair/replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	N	N	N	N	N	N	S	S or CU	P	Sec. 18-2.3.050 In C-1 zone, fuel sales and service limited to Freeway Overlay, see chapter 18-3.7 In E-1 zone, fuel sales requires CU permit
Automotive Sales and Rental, except within the Historic Interest Area; includes motorcycles, boats, RVs, and trucks	N	N	N	N	N	N	CU	CU	P	Except not allowed within Historic District Overlay
Bakery, except as classified as Food Processing	N	N	N	N	N	N	P	P	P	
Commercial Laundry, Cleaning and Dyeing Establishment	N	N	N	N	N	N	S	S	P	Sec. 18-2.3.080
Commercial Recreation, includes country club, golf course, swimming club and tennis club; excluding intensive uses such as driving range, race track or amusement park	CU	CU	N	N	CU	CU	N	N	N	See 18-4.5 Screening requirements
Commercial Retail Sales and Services, except Outdoor Sales and Services	N	N	CU+S	N	N	N	P	S	S	*In R-2 zone, uses limited to personal and professional services, except see Sec. 18-2.3.120 for retail uses allowed in Railroad Historic District *In E-1 zone, Retail limited to 20,000 sq ft of gross leasable floor space per lot. *In M-1 zone, uses limited to serving persons working in zone
Drive-Up Use	N	N	N	N	N	N	S	N		Per Sec. 18-2.3.100, Drive-Up uses are limited to area east of Ashland St at

⁴ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required.

18-2.2 – Base Zones - Allowed Uses

Table 18-2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
										intersection of Ashland St/Siskiyou Blvd
E. Commercial Uses (continued)⁵										
Hostel	N	N	CU	CU	N	N	CU*	N	N	*In C-1 zone, requires annual Type I review for at least the first three years, after which time the Planning Commission may approve a permanent facility through the Type II procedure
Hotel (See also Hostel and Traveler's Accommodation)	N	N	N	N	N	N	CU	CU	P	
Kennel (See also Veterinary Clinic)	N	N	N	N	N	N	S	S	CU	No animals kept outside within 200 feet of an R zone
Lumber Yard and Similar Sales of Building or Contracting Supplies, or Heavy Equipment	N	N	N	N	N	N	N	CU	P	
Nightclub, Bar	N	N	N	N	N	N	S	CU	P	Not allowed within the Historic District Overlay unless located in C-1-D
Office (See also Commercial Services)	N	N	CU	CU	N	N	P	P	P	
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Plant Nursery, Wholesale	N	N	CU	CU	N	N	N	N	N	
Self-Service Storage, Commercial (Mini-Warehouse)	N	N	N	N	N	N	N	CU	P	
Traveler's Accommodation (See also Hostels and Hotels)	N	N	CU+S	CU+S	N	N	N	N	N	Sec. 18-2.3.210
Veterinary Clinic	N	N	N	N	N	N	P	P	P	
F. Industrial and Employment Uses										
Commercial Laundry, Cleaning and Dyeing Establishment	N	N	N	N	N	N	S	S	P	Sec. 18-2.3.080
Cabinet, Carpentry and Machine Shop, and	N	N	N	N	N	N	N	S/	P	In the E-1 zone, uses within 200 feet

⁵ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required.

18-2.2 – Base Zones - Allowed Uses

Table 18-2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
related Sales, Services and Repairs								CU		of an R zone require CU permit
Commercial Excavation and Removal of Sand, Gravel, Stone, Loam, Dirty or Other Earth Products	N	N	N	N	CU+S	N	N	N	N	Sec. 18-2.3.070
F. Industrial and Employment Uses <i>(continued)</i> ⁶										
Concrete or Asphalt Batch Plant	N	N	N	N	N	N	N	N	CU	
Dwelling for a caretaker or watchman	N	N	N	N	N	N	N	CU	CU	Staff recommends allowing a residential unit for a person on site per the state model code.
Food Products Manufacture/Processing/Preserving, including canning, bottling, freezing, drying, and similar processing and preserving.	N	N	N	N	N	N	S	S	P	In the C-1 zone, manufacture or assembly of items sold in a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet In the E-1 zone, See Sec. 18-2.3.140
Manufacture, General	N	N	N	N	N	N	N	P	P	
Manufacture, Light; excluding saw, planing or lumber mills, or molding plants.	N	N	N	N	N	N	S	P	P	Requires assembly, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, cotton or wood In the C-1 zone, manufacture or assembly of items sold in a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet

⁶ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required.

18-2.2 – Base Zones - Allowed Uses

Table 18-2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Television and Radio Broadcasting Studio	N	N	N	N	N	N	N	P	P	
Wholesale Storage and Distribution	N	N	N	N	N	N	N	N	P	Distribution uses within 200 feet of an R zone limited to 9PM-7AM
Wrecking, Demolition, and Junk Yards	N	N	N	N	N	N	N	N	CU	
G. Other Uses⁷										
Temporary Tree Sales	N	N	N	N	N	N	P	N	N	Allowed from November 1 to January 1
Temporary Use	CU, except uses lasting less than 72 hours are subject to Ministerial review, per Sec. 18-2.2.030.H									

⁷ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required.

18-2.3 – Special Use Standards

Chapter 18-2.3 – Special Use Standards

Sections:

- 18-2.3.010 Purpose
- 18-2.3.020 Applicability
- 18-2.3.030 Review Process
- 18-2.3.040 Accessory Residential Unit
- 18-2.3.050 Automobile and Truck Repair Facility
- 18-2.3.060 Bottling Plants, Cold Storage, and Creamery
- 18-2.3.070 Commercial Excavation – Removal of Earth Products
- 18-2.3.080 Commercial Laundry, Dry-cleaning, and Dyeing
- 18-2.3.090 Cottage Housing
- 18-2.3.100 Drive-Up Use
- 18-2.3.110 Duplex Dwelling
- 18-2.3.120 Dwelling in Historic District Overlay
- 18-2.3.130 Dwelling in Non-Residential Zones
- 18-2.3.140 Food Products Manufacture
- 18-2.3.150 Home Occupation
- 18-2.3.160 Keeping of Livestock
- 18-2.3.170 Manufactured Home on Individual Lot
- 18-2.3.180 Manufactured Housing Development
- 18-2.3.190 Multiple-Family Rental Dwelling Unit Conversion to For-Purchase Housing
- 18-2.3.200 Retail Uses in Railroad Historic District
- 18-2.3.210 Traveler’s Accommodations in R-2 and R-3 Zones

Comment: Except as noted in the comments following individual code sections, this chapter consolidates the “special permitted use” standards in the existing base residential and commercial zones, per chapters 18.14 through 18.52. The wording and organization is improved, but the requirements remain the same except if specifically noted.

Where uses listed here also require a conditional use permit (CUP), the table in chapter 18-2.2 designates the use CU+S or otherwise indicates that a CUP is required in the far right column. Special use standards/limitations for special districts and overlay zones are contained in Part 18-3.

18-2.3.010 Purpose

Special uses included in chapter 18-2.3 are uses, which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same zone.

18-2.3.020 Applicability

Chapter 18-2.3 supplements the other requirements of this ordinance. Uses designated as special uses (“S”) in Table 18-2.2.030, and uses the City determines to be similar to such uses, are subject to chapter 18-2.3. Some special use standards are contained in Table 18-2.2.030,

and others have a corresponding section in this chapter. Where standards differ between chapters 18-2.2 and 18-2.3, chapter 18-2.3 applies.

18-2.3.030 Review Process

The Staff Advisor or Planning Commission applies the standards of chapter 18-2.3 through the applicable review process (i.e. Ministerial Review, Type I review, or Type II review). Site Review pursuant to chapter 18-5.2, or a Conditional Use Permit pursuant to chapter 18-5.4 may be required for some uses.

18-2.3.040 Accessory Residential Unit

Comment: The proposed amendment changes the type of approval required for an accessory residential unit (ARU) in the single-family residential zones from a conditional use permit (CUP) to a site review approval per the Planning Commission's input on the Policy Issues and Recommendations from the 2006 Land Use Ordinance Review. In the current ordinance, an ARU requires a CUP in the single-family residential zones (R-1 and RR), but does not require CUP in the multi-family zones (R-2 and R-3). The approval process remains a Type I procedure (administrative decision with notice). Minor edits to the special use standards are proposed, and are noted below.

Where accessory residential units are allowed, they are subject to Site Review under chapter 18-5.2, are not required to meet the density or minimum lot area requirements, and shall meet all of the following requirements.

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

1. The maximum gross habitable floor area (GHFA) of the accessory residential unit shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 1,000 square feet GHFA.

Comment: Clarification is added regarding one accessory residential unit (ARU) per lot.

Staff recommends an exemption from paving parking spaces and driveways for ARUs. The original intent of the ARU provision is for the unit to provide small housing units that supplement affordable housing and blend into single-family residential neighborhoods. Paving of established parking and access for the addition of an ARU can be cost prohibitive for the applicant and disruptive to the site and surrounding neighborhood character.

2. One accessory residential unit is allowed per lot, and the maximum number of dwelling units shall not exceed two per lot.
3. The proposal shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.
4. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18-4.3.040. Parking spaces, turn-arounds and driveways are exempt from the paving requirements in section 18-4.4.080.E.1.

B. RR Zone. In addition to the standards in section 18-2.3.040.A, accessory residential units in the RR zone shall meet the following requirements:

18-2.3 – Special Use Standards

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

C. R-2 and R-3 Zones. Accessory residential units in the R-2 and R-3 zones shall meet the standards in section 18-2.3.040.A, except that the maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 500 square feet GHFA.

18-2.3.050 Automobile and Truck Repair Facility

Comment: The following carries forward existing regulations in the E-1 zone, under 18.40.030.I Special Permitted Uses, and 18.40.040.K Conditional Uses (auto body and paint). In the C-1 zone, the auto and truck repair is limited to the Freeway Overlay.

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

- A. All cars and trucks associated with an automobile or truck repair facility shall be screened from view from the public right-of-way by a total sight-obscuring fence.
- B. Automobile or truck repair facilities of three service bays or larger shall not be located within 200 feet of a residential zone.
- C. Auto body repair and/or painting shall not be located within 200 feet of a residential zone.
- D. Where a use includes auto body repair and/or painting, all objectionable odors associated with the use shall be confined to the lot, to the greatest extent feasible. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.
- E. The use shall comply with all requirements of the Oregon Department of Environmental Quality.

18-2.3.060 Bottling Plant, Cold Storage Facility, Creamery

Comment: This carries forward the existing Special Permitted Use language in 18.40.030.A.

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

18-2.3 – Special Use Standards

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

Comment: This carries forward the existing Commercial Excavation section in 18.68.080.

18-2.3.070 Commercial Excavation – Removal of Earth Products

In addition to complying with the requirements of chapter 18-4.12 Grading and Excavation, commercial excavation and removal of earth products are subject to all of the following requirements:

- A. Before a Conditional Use Permit for the commercial excavation and removal of earth products can be granted, plans and specifications showing the location of premises, grading plan, existing and proposed drainage, proposed truck access, and details of re-grading and re-vegetation of the site shall be submitted to, and approved by, the Planning Commission.
- B. Any deviation from plans approved by the Planning Commission serves as grounds to revoke the Conditional Use Permit.
- C. In reviewing the application, the Planning Commission may consider the most appropriate use of the land, distances from property lines, the protection of pedestrians and vehicles, the prevention of the collection and stagnation of water at all stages of the operation, and the rehabilitation of the land upon termination of operation.
- D. The City may require a bond to ensure performance.
- E. Any expansion of a nonconforming commercial excavation shall require a Conditional Use Permit. An expansion is defined as removal of additional undisturbed topsoil or vegetation or otherwise enlarging the area that had been mined, commonly referred to as the quarry face or active quarry area.

18-2.3.080 Commercial Laundry, Dry-cleaning, Dyeing, and Similar Uses

Comment: This carries forward the existing Special Permitted Use language in 18.40.030.A.

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

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

18-2.3 – Special Use Standards

Quality.

Comment: The cottage housing section is added per the Planning Commission discussion of the green development evaluation. The green development evaluation recommended adopting a cottage housing ordinance as a tool for encouraging development in existing areas to conserve land and promoting walkability and transportation efficiency.

18-2.3.090 Cottage Housing

A. Purpose and Intent.

1. Support the local and regional growth management goal of more efficient use of city residential land;
2. Support development of diverse housing types by providing an alternative type of housing for small households as part of the City’s housing strategy and Comprehensive Plan which encourages affordability, innovation, and variety in housing design and site development; and a variety of housing choices to meet the needs of a population diverse in age, income, household composition and individual needs
3. Provide opportunities for high quality infill development;
4. The cottage housing development design standards contained in this section are intended to create a small community of cottages oriented around open space that is pedestrian-oriented and minimizes the visibility of off-street parking;
5. The cottage housing development design standards are intended to maintain traditional cottage amenities and proportions and ensure that cottage housing developments contribute to the overall community character; and
6. Cottage housing may allow higher residential density than is normally allowed in the underlying zone district. This increased density is possible with smaller than average home sizes, clustered parking, and site design standards that promote compatible infill development.

B. Applicability or Approval Process.

1. Cottage housing developments are allowed within the R-1 zones subject to review through chapter 18-3.8 Performance Standards Option.
2. Cottage housing developments are allowed within the R-2 and R-3 zones subject to the applicable provisions of the underlying zone and Site Review under chapter 18-5.2. Cottage housing developments in the R-2 and R-3 zones are not subject to the cottage housing density bonus in chapter 18-3.8 Performance Standards Options and the standards of this section.
3. Except for residential density, the Planning Commission may grant variances to this section through a Type II review procedure, pursuant to chapter 18-5.5.

C. Residential Density.

1. In the R-1 zones, two cottage house units shall be allowed in place of each single-family home allowed by the base density of the district where a density bonus is approved under section 18-3.8.050.B.5.
2. All residential units in a cottage housing development count towards the maximum permitted density.
3. Cottage housing developments shall include a minimum of four units and a maximum of 16 units, pursuant to the density standards of this section and subject to approval under section 18-3.8.050.

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

1. Common Buildings. Up to 25 percent of the required common open space, but no greater than 1,500 square feet, may be utilized for a community building built for the sole use of the cottage housing residents. Common building shall not be attached to individual cottages or other structures. Consolidated carports or garage structures are not subject to the area limitations of this section.
2. Nonconforming Dwelling Units. On a lot to be used for a cottage housing development, an existing single-family residential structure, which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.
3. Accessory Residential Units. New accessory residential units (ARUs) are not permitted in cottage housing developments, except that an existing attached or detached ARU that is accessory to an existing nonconforming single-family structure may be counted as a cottage unit if the property is developed subject to the provisions of this chapter.

E. Spacing. Cottage housing developments shall be separated from each other by a minimum of 1,000 feet.

F. Building and Site Design

1. Maximum Floor Area. Residences in cottage housing developments are primarily intended for small households. Maintaining the maximum square footage of residences in cottage housing developments is necessary to prevent overbuilding of the site and to not exceed available off-street parking. The gross floor area of each cottage unit shall not exceed 800 square feet. For the purpose of this section, gross floor area excludes any space where the floor to ceiling height is less than seven feet.
2. Height. Structures in cottage housing developments shall be designed to be single story, one and one-half story, or single story plus a loft. Building height of all structures shall not exceed 18 feet. The highest point of a pitched roof may extend up to 25 feet at the ridge of the roof.
3. Setbacks. Setbacks along the perimeter of the development shall have the same setbacks as required in the zoning district. See Table 18-2.5.030.A
4. Building Separation. Up to two cottages may be attached. All buildings within a cottage

18-2.3 – Special Use Standards

housing development shall maintain a minimum separation of ten feet measured from the nearest point of the exterior walls. Accessory buildings (parking or multipurpose room) shall comply with building code requirements for separation from non-residential structures.

5. Lot Coverage. Lot coverage shall meet the requirements of the underlying zone. See Table 2.5.030.A.
6. Covered Usable Main Entry Porches. All residences in cottage housing developments shall include a covered main entry porch to create a private outdoor space protected from the weather and provide a transition from the interior private residential space to the semi-private outdoor space.
 - a. Covered porches shall be usable in both design and dimension. Cottage homes shall have a covered main entry porch with a floor area measuring at least 64 square feet in size.
 - b. The floor of the covered main entry porch shall have minimum dimensions of not less than six feet in depth and eight feet in width.
7. Exterior Trims and Eaves. Cottage housing development structures shall be provided with substantial exterior trim elements consistent with traditional cottage design and small home craftsmanship. Roofs in cottage housing developments shall have eaves to recognize traditional cottage design traits to efficiently shed rain, and provide sun and rain protection.
 - a. All windows and doors shall provide trim with a minimum width of three and one-half inches for all cottage housing development structures.
 - b. Eaves of at least 12 inches shall be provided on all cottage structures on at least two sides of each building. Where buildings are not square (one set of exterior parallel walls are longer than the other), the eaves shall be provided on the parallel walls that are the longest.
8. Street Facing Facades.
 - a. The street facing facades of cottages in a cottage housing development must contribute to the neighborhood by including attractive design details such as windows, changes in materials, and views of front doors or porches.
 - b. The main entries of cottages visible from the adjacent streets shall provide a visual pedestrian connection with the surrounding neighborhood.
 - c. All cottages adjacent to the street shall have their primary orientation to the street and street facing facades that avoid blank walls. Cottages adjacent to the street shall include the following:
 - i. Changes in exterior siding material and paint color;
 - ii. Windows which may include bay windows; and
 - iii. Offsets in the street facing facade with a depth measuring at least one foot.

9. **Access, Circulation, and Off-Street Parking Requirements.** Notwithstanding the provisions of chapter 18-4.3 Parking, Access, and Circulation, cottage housing developments shall conform to the following requirements:
- a. Pedestrian access shall be provided to all cottages from the street and sidewalk, and shall meet the pedestrian access and circulation standards of 18-4.3.090.
 - b. Except for those street connections identified on the Street Dedication Map or determined to be essential for the function of the transportation system, the Planning Commission may reduce or waive the requirement to dedicated and construct a public street in chapter 18-5.3 where a cottage housing development meets the connectivity and block length standards in section 18-4.6.030 by providing public access for pedestrians and bicyclists by an alley or multi-use path connecting the public street to adjoining properties.
 - c. Driveways and parking areas shall meet the vehicle area design standards of section 18-4.3.080.
 - d. Parking shall be located on the cottage housing development property.
 - e. Parking areas shall not be located between the buildings and the street, and shall be located and designed to be less visible from frontage streets than the cottages themselves.
 - f. Parking areas shall be landscaped to screen parking from adjacent properties and street rights of way and shall meet applicable landscape standards of chapter 18-4.4.
 - g. **Parking Ratios:**
 - Cottage Floor Area of 800 sq. ft. or less: 1.25 parking spaces per unit
 - Existing nonconforming single family residence: 2 parking spaces per unit
 - h. Off-street parking may be located in or under a non-cottage parking structure (such as a single or multi-auto carport or garage), but such structures shall not be attached to individual cottages. Uncovered parking is also permitted; provided that off street parking is screened from direct street view from all abutting street faces one or more street faces. Solid board fencing shall not be allowed as an architectural screen.
 - i. Cottage housing developments are exempt from the on-street parking requirements of section 18-3.8.060.
10. **Exterior lighting and heating/cooling equipment noise.** Cottage housing developments to be designed to minimize light impacts both within the development and to adjacent properties. Where provided, exterior lighting shall be mounted as low as possible, pointed downward, and the light source shall be shielded from direct observation from above, adjacent properties, and public rights of way.
11. **Fences.** Notwithstanding the provisions of section 18-4.4.040 Fences and Walls, fence height is limited to three feet adjacent to the common open space and to four feet in other interior areas within the development. Fences in the front and side yards abutting a public street, and on the perimeter of the development shall meet the fence standards of section 18-4.4.040. Chain link fences are prohibited.

18-2.3 – Special Use Standards

G. Common Open Space. Open space that is commonly owned by all members of a cottage housing development is an important feature of any site design. It is intended that the open space be adequately sized and centrally located with individual cottage entrances oriented toward the open space. The common open space shall meet all of the following standards:

1. For the purpose of cottage housing, "common open space" shall be the central space that may be used by all occupants of the cottage complex surrounded by grouped cottages.
2. Common open space shall be for recreational use by residents of the development, and provide a suitable surface for human use. Physically constrained areas such as wetlands or steep slopes cannot be counted towards the common open space requirement.
3. A minimum of 20 percent of the total lot area is required as common open space. Common open space shall have no dimension that is less than 20 feet.
4. At least 50 percent of the cottage units shall abut a common open space.
5. All of the cottage units shall be within 60 feet walking distance measured from the nearest entrance of the cottage along the shortest safe walking route to the nearest point of the common open space. The common open space shall not be across a street or parking area.
6. Common open space shall be a contiguous area located in front or behind the cottages.
7. The common open space shall have cottages abutting at least two sides grouped around the common open space.
8. The common open space shall be distinguished from the private open space with a walkway, fencing, landscaping, berm or similar method to provide a visual boundary around the perimeter of the common area.
9. Parking areas, yard setbacks, spaces between buildings, areas under power lines, and private open space and driveways do not qualify as common open space.



H. Private Open Space. Each residential unit in a cottage housing development shall have a private open space (i.e. private yard area). The private open space shall be separate from the common open space to create a sense of privacy and shall be oriented to take advantage of solar orientation and other natural features. The private open space shall be separated from the common open space with a small hedge, picket fence or other similar visual separation to create a sense of separate ownership.

1. Each cottage unit shall be provided with a minimum of 300 square feet of usable private open space.
2. No dimension of the private open space shall be less than 15 feet.

i. Storm Water and Low-Impact Development.

1. Cottage housing developments shall be designed to take advantage of open space and landscaped features to utilize storm water low impact development techniques including natural filtration and on-site infiltration of storm water.
2. Low impact development techniques for storm water management shall be used wherever possible. Such techniques may include the use of pervious pavers in parking areas and for walkways, directing roof drains and parking lot runoff to landscape beds, green or living roofs, and the use of rain barrels.
3. Cottages shall be located to maximize natural storm water functions. In this zone, cottages shall be grouped and parking areas shall be located to preserve as much contiguous, permanently undeveloped open space and native vegetation as possible.

j. Restrictions.

1. The total square footage of a cottage dwelling may not be increased. A deed restriction shall be placed on the property notifying future property owners that any increase in the gross floor area is prohibited.
2. Appropriate documentation of condominiums shall be provided and recorded with the Jackson County a copy provided to the City of Ashland Community Development Department.

18-2.3.100 Drive-Up Use

Comment: This carries forward the existing Special Permitted Use language in 18.32.25.E.

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

- A. Drive-up uses are allowed only in the C-1 zone, and they are limited to the area east of a line drawn perpendicular to Ashland Street at the intersection of Ashland Street and Siskiyou Boulevard. The number of drive-up uses shall not exceed the 12 in existence on July 1, 1984.
- B. Drive-up uses are subject to the following standards:
 1. The average waiting time in line for each vehicle shall not exceed five minutes. Failure to maintain this average waiting time may be grounds for revocation of the approval.

18-2.3 – Special Use Standards

2. All facilities providing drive-up service shall provide at least two designated parking spaces immediately beyond the service window or provide other satisfactory methods to allow customers requiring excessive waiting time to receive service while parked.
 3. A means of egress for vehicular customers who wish to leave the waiting line shall be provided.
 4. The grade of the stacking area to the drive-up shall either be flat or downhill to eliminate excessive fuel consumption and exhaust during the wait in line.
 5. The drive-up shall be designed to provide as much natural ventilation as possible to eliminate the buildup of exhaust gases.
 6. Sufficient stacking area shall be provided to ensure that public rights-of-way are not obstructed.
 7. The sound level of communications systems shall not exceed 55 decibels at the property line and shall otherwise comply with the Ashland Municipal Code regarding sound levels.
 8. Drive-up uses may be transferred to another location in accord with all requirements of this section. The number of drive-up window stalls shall not exceed one per location, even if the transferred use had greater than one stall.
 9. A ministerial Drive-Up Transfer permit shall be obtained for the transfer of any drive-up uses when such transfer is not associated with a Site Review or Conditional Use Permit application in order to document transfer of the use.
 10. Drive-up uses discontinued without a Drive-Up Transfer permit shall be deemed to have expired after being unused for six months. Discontinuation of a drive-up use is considered to have occurred when the Staff Advisor documents the drive-up use as having ceased on site through a planning application review, or upon on-site verification.
 11. All components of a drive-up use shall be removed within 60 days of discontinuation of the use through abandonment, transfer, relocation or redevelopment.
- C. Drive-up uses are prohibited in the Historic District Overlay except that the four existing nonconforming financial institution drive-up uses in operation in the Historic District Overlay as of August 7, 2012 may redevelop or relocate within the C-1 and C-1-D zones in the Historic District Overlay subject to the following additional requirements:
1. Relocation or redevelopment of a drive-up use within the C-1 or C-1-D zones in the Historic District Overlay shall be subject to a Type II Site Review procedure.
 2. Relocated or redeveloped drive-up uses shall be placed on a secondary building elevation, and accessed for an alley or driveway.
 3. Driveways serving relocated or redeveloped drive-up uses shall not enter from or exit to a higher order street frontage or through a primary building elevation. Driveways or queuing lanes shall not be placed between a building and the right-of-way other than an alley.
 4. No demolition of or exterior change to a building considered to be a historic resource shall be permitted to accommodate the relocation or redevelopment of a drive-up use.

18-2.3 – Special Use Standards

5. Regardless of the number of drive-up windows/lanes in use in the current location, with a relocation or remodel the number of windows/lanes shall be reduced to one.

18-2.3.110 Duplex Dwelling Standards

Comment: Staff recommends deleting the current provision for duplexes in the R-1 zones in 18.20.020.B. The stipulations limit duplexes to vacant corner lots created after 1979 by a partition, which is a difficult standard to understand and administer. Instead, staff recommends allowing duplexes in the R-1 zones as part of a new development under the Performance Standards Options (chapter 18-3.8). A duplex is defined as two residential units on one lot sharing a common wall, floor and/or ceiling.

~~Duplex on corner lots, provided that no two such uses shall be contiguous, except that this provision shall not apply to any area which has been developed or is part of an existing subdivision or established platted neighborhood at the time of enactment of this ordinance. Such structures shall be subject to provisions of the Site Review Chapter.~~

Duplex dwellings are allowed on corner lots within the R-1-3.5, R-1-5, R-1-7.5 and R-1-10 zones in developments using the Performance Standards Option under chapter 18-3.8.

18-2.3.120 Dwelling in Historic District Overlay

Comment: This section combines existing use restrictions related to dwellings in Historic District Overlay.

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

- A. Manufactured homes are prohibited.
- B. Dwellings shall conform to the maximum permitted floor area standards of section 18-2.5.080, except that dwellings exceeding the maximum permitted floor area are allowed subject to approval of a Conditional Use Permit under chapter 18-5.4.
- C. Notwithstanding the height standards of the R-1 zone, structures within the Historic Overlay shall not exceed a height of 30 feet.
- D. Retail commercial uses are allowed to locate in a dwelling unit within the Railroad Historic Overlay, subject to Conditional Use Permit review and approval by City Council through the Type III procedure. Such business shall be no greater than 600 square feet in total area, including all storage and accessory uses, and shall be operated only by the occupant of the dwelling unit uses, and not more than the equivalent of one and one-half time employee. Such use shall be designed to serve primarily pedestrian traffic, and shall be located on a street having a fully improved sidewalk on at least the side occupied by the business. The street shall be a fully improved street of residential City standards or greater. For purposes of this section, a half-time employee may work up to 25 hours per week.

18-2.3.130 Dwelling in Non-Residential Zone

Comment: The following carries forward and consolidates the use standards that are currently in 18.32.025.D (C-1 Special Uses), 18.40.040.E (E-1 Special Uses), and 18.56.050 (R-Overlay). By creating

18-2.3 – Special Use Standards

a separate section for dwellings in non-residential zones, the regulations are easier to locate (Table 18-2.2.030 references them) and can more easily be amended in the future, especially if the City wants to allow residential uses with special requirements in other zones. The standards are also revised for clarity and consistency.

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

- A. Dwellings in the E-1 zone are limited to the R-overlay zone.
- B. Dwellings in the E-1 and C-1 zones shall meet all of the following standards:
 - 1. Where allowed, ground floor residential uses shall occupy not more than 35 percent of the gross floor area of the ground floor area per building. Where more than one building is located on a site, not more than 50 percent of the total lot area, including accessory uses such as parking, landscaping and public space shall be designated for residential uses. The remaining square footage in a single or multiple buildings shall be designated for permitted or special uses.
 - 2. Residential densities shall not exceed 15 dwelling units per acre in the E-1 zone, 30 dwelling units per acre in the C-1 zone and 60 dwelling units per acre in the C-1-D zone. For the purpose of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.
 - 3. Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the underlying zone.
 - 4. Off-street parking is not required for residential uses in the C-1-D zone.
 - 5. Where the number of residential units exceeds ten, at least ten percent of the residential units shall be affordable for moderate-income persons in accord with the standards of section 2.5.070 Affordable Housing Standards. The number of units required to be affordable shall be rounded down to the nearest whole unit.

18-2.3.140 Food Products Manufacture

Comment: This section carries forward 18.40.030.G Special Permitted Uses.

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

- A. The use shall not include the rendering of fats or oils.
- B. Where the use is located within 200 feet of a residential zone, it shall meet all of the following requirements:
 - 1. All objectionable odors associated with the use shall be confined to the lot upon which the use is located, to the greatest extent feasible. For the purposes of this provision, the standard for judging “objectionable odors” shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected. Odors that are in

violation of this section include but are not limited to the following:

- a. Odors from solvents, chemicals or toxic substances.
 - b. Odors from fermenting food products.
 - c. Odors from decaying organic substances or human or animal waste.
2. Mechanical equipment shall be located on the roof or the side of a building with the least exposure to residential zones. Provided, however, that it may be located at any other location on or within the structure or lot where the noise emanating from the equipment is no louder, as measured from the nearest residential zone, than if located on the side of the building with least exposure to residential zones. Mechanical equipment shall be fully screened and buffered.

18-2.3.150 Home Occupation

Comment: The following carries forward and edits for clarity the home occupation regulations in 18.94.

Section A currently includes the following sentence, “large-impact commercial operations, which would ordinarily be conducted in a commercial or employment district shall continue to be conducted in those districts and not as a home occupation.” This sentence has been removed because the home occupation standards prohibit such operations by design.

Staff recommends removing the limitation to residential zones to allow home occupations in residential units located in non-residential zones.

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

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

1. Appearance of Residence.
 - a. The home occupation shall be restricted to the dwelling unit, accessory structure, or yard area not visible from the public right-of-way and be conducted in such a manner as not to give an outward appearance of a business.
 - b. The home occupation shall not result in any structural alterations or additions to the dwelling or accessory structure that will change its primary use.
 - c. No display of products and or equipment produced or used by the home occupation may be displayed so as to be visible from outside the dwelling or accessory

18-2.3 – Special Use Standards

structure.

2. Storage.
 - a. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited.
 - b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond that normally incidental to residential use is prohibited.
 - c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in the dwelling or accessory structure.
3. Employees.
 - a. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one full time equivalent employee, and no more than one employee at any given time. As used in this chapter, the term "home occupation site" means the lot on which the home occupation is conducted.
 - b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work at the home.
 - c. The home occupation site shall not be routinely used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.
4. Advertising and Signage. No signs shall be permitted on a home occupation site.
5. Automobiles, parking and traffic.
 - a. One commercial automobile associated with the home occupation is allowed at the home occupation site. Such automobile shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
 - b. There shall be no excessive commercial vehicle deliveries from or to the home occupation site. Excessive deliveries are defined as more than three per day, during the hours of 7 a.m. to 7 p.m. There shall be no commercial vehicle deliveries during the hours of 7 p.m. to 7 a.m.
 - c. There shall be no more than one client or customer's automobile at any one time and no more than eight per day at the home occupation site.
6. Clients or customers are permitted at the home occupation from 7 a.m. to 7 p.m. only.

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

1. Any activity that produces radio or television interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards.
2. Any activity involving on-site retail sales, except as allowed in the Historic District

Overlay or items that are incidental to the occupational use, such as the sale of beauty products from salons, lesson books or sheet music for music teachers, or computer software for computer consultants.

3. Any of the following uses, and uses with similar objectionable impacts because of automobile traffic, noise, glare, odor, dust, smoke or vibration:
 - a. Ambulance service;
 - b. Ammunition or firearm sales;
 - c. Ammunition reloading business;
 - d. Animal hospital, veterinary services, kennels or animal boarding;
 - e. Auto and other vehicle repair, including auto painting; and
 - f. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles or large equipment on-site.

D. Permit Required – Application

1. No person shall conduct a home occupation without first obtaining a home occupation permit from the Planning Department and a valid business license as required under AMC title 6.
2. The home occupation permit shall include such information as is necessary to determine the location and type of business, and the manner in which it will be conducted. If the Staff Advisor finds that the proposed home occupation complies with the requirements of this chapter, the Staff Advisor shall issue a permit.
3. The home occupation permit is valid only to the person named on the permit and for the business to be conducted at the location stated on the permit. The permit is not transferable to another location or to another applicant.
4. Issuance of a home occupation permit under this chapter shall not relieve the applicant from the duty and responsibility to comply with all other rules, regulations, ordinances or other laws governing the use of the premises and structures thereon, including, but not limited to, the specialty codes defined in AMC 15.04, the fire code standards defined in AMC 15.28, or any private restrictions relative to the property.
5. The Staff Advisor or designee may visit and inspect the site of a home occupation permitted in this chapter periodically to insure compliance with all regulations and conditions to which the permit is subject, during normal business hours, and with reasonable notice.

18-2.3.160 Keeping of Livestock and Bees

Comment: This section carries forward 18.20.20, as well as the recent code amendments regarding bees and micro-livestock.

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

18-2.3 – Special Use Standards

- A. Lot Size.** No livestock shall be kept on any lot less than one acre in area, except as provided for micro-livestock by subsection E below.
- B. Structures.** Livestock enclosures and structures, including barns, stables, chicken coops and runs, rabbit hutches, goat barns and other structures, shall be in compliance with 18-2.4.020 Accessory Structures, this ordinance and with all applicable building codes.
- C. Number of Livestock.** Not more than two head of livestock over the age of six months may be maintained per acre, except as provided for micro-livestock by subsection E below.
- D. Swine.** The keeping of swine is prohibited, except as provided for in AMC 9.08.040.
- E. Micro-livestock.** Micro-livestock, including chickens, domestic fowl, turkeys, rabbits and miniature goats may be kept or maintained provided each of the following requirements is continuously met:
 - 1. **Total Number.** The total number of all micro-livestock, including both adult and juvenile animals, that may be kept or maintained on any single property shall be limited to no more than ten animals on properties of 5,000 square feet or less, and no more than two additional animals for each 1,000 square feet of lot area in excess of 5,000 square feet, up to a maximum of 20 animals.
 - 2. **Age of livestock.** For the purposes of this section, “adult” means over six months of age, and “juvenile” means six months of age and under.
 - 3. **Chickens and Domestic Fowl.** For purposes of this section, “domestic fowl” means quails, pheasants, pigeons, doves, and Muscovy ducks (*Cairina moschata*).
 - a. No more than five adult chickens or domestic fowl and five juvenile chickens or domestic fowl shall be kept or maintained on properties of 5,000 square feet or less.
 - b. No more than one adult chicken or domestic fowl and one juvenile chicken or domestic fowl for each 1,000 square feet of lot area shall be kept or maintained on properties greater than 5,000 square feet.
 - c. No more than two adult turkeys and two juvenile turkeys shall be kept or maintained on properties less than one acre.
 - d. Rooster, geese and peacocks are prohibited.
 - 3. **Rabbits.** No more than six adult rabbits shall be kept or maintained on properties of less than one acre.
 - a. Nursing offspring born to permitted adult rabbits may be kept until such animals are weaned.
 - b. Rabbits shall be kept in a hutch or fenced enclosure.
 - 4. **Miniature Goats.** For purposes of this chapter “miniature goats” are those goats commonly known as pygmy, dwarf and miniature goats weighing less than 95 pounds at full size, and shall be limited as follows:
 - a. No more than two adult miniature goats shall be kept or maintained on properties of less than one acre.

- b. Nursing offspring born to permitted adult miniature goats may be kept until such animals are weaned.
 - c. Solitary miniature goats are prohibited.
 - d. Male miniature goats shall be neutered.
5. Secure Enclosure. Micro-livestock must be secured at all times. A secure enclosure shall be provided to protect micro-livestock from predators and to provide shelter from the weather.
6. Maintenance. The areas in which micro-livestock are kept must be maintained to protect public health in compliance with AMC 9.08.060 and the following requirements:
- a. Animal feed must be kept in rodent and raccoon-proof containers;
 - b. Animal manure must be collected, stored, and removed from the property on a regular basis in accordance with the following requirements:
 - i. All stored manure shall be within a non-combustible, air-tight container and located in accordance with the Oregon Fire Code relating to the outdoor storage of combustibles;
 - ii. No more than one 20-gallon container of manure shall be stored on any one property housing micro-livestock; and
 - iii. All manure not used for composting or fertilizing shall be removed.
7. Noise. Noise resulting from the keeping or maintaining of micro-livestock must not exceed the limits set forth in AMC 9.08.170.
8. Multi-family Development. Micro-livestock are allowed on properties containing multi-family complexes, including duplexes provided the following are continuously met:
- a. The property owner or designated property manager has provided written notification to all residents of the multi-family complex and to the City, verifying the keeping of animals on the property will comply with the requirements of this chapter. Written notification shall include the following:
 - i. Property owner, property manager or home owner association representative contact information including the name address and phone number(s).
 - ii. Twenty-four-hour emergency contact information for an onsite resident designated as the primary responsible party for the animal area and maintenance. Contact information shall include the name, address and phone number of the responsible party.
 - iii. The City requirements of the keeping of micro-livestock including the maximum number and type of animals permitted on the subject property and maintenance requirements per this chapter.
 - b. The area in which micro-livestock are kept shall be continuously maintained regardless of any change of building tenancy or property ownership.
9. Sale of Goods. In residential zones, micro-livestock shall be kept primarily for personal

18-2.3 – Special Use Standards

use. Sale of surplus eggs, honey or similar animal products produced by on-premises micro-livestock is permitted in compliance with applicable licensing and inspection requirements of the Oregon Department of Agriculture.

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

1. Registration with the city is required to keep beehives within the city limits and the Director of Community Development shall provide a beekeeping registration process.
2. No more than three bee colonies shall be kept or maintained on properties of less than one acre.
3. No more than five bee colonies shall be kept or maintained on properties of one acre or greater.
4. Bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
5. For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same property, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth ten-frame hive body.
6. In each instance where a colony is kept less than 25 feet from a property line, a flyway barrier at least six feet in height shall be maintained parallel to the property line for a minimum of ten feet in either direction of the hive. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that bees will fly over rather than through the material to reach the colony.
7. A constant supply of fresh water shall be provided for the colonies on site within 15 feet of each hive.
8. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the property. Such materials once removed from the site shall be handled and stored in sealed containers or placed within a building or other insect proof container.
9. If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall be permitted to temporarily house the swarm on the property for no more than 30 days from the date acquired.
10. The sale of surplus honey or bee's wax produced on site shall be permitted on the property where the keeping of bees is permitted.
11. Africanized bees are prohibited.

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

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

18-2.3.170 Manufactured Home on Individual Lot

Comment: The following consolidates and replaces the regulations for manufactured homes on individual lots in 18.20.20.H based on the provisions in ORS 197.314 Required Siting of Manufactured Dwellings. Oregon Revised Statutes (ORS) require that local regulations permit manufactured dwellings in zones where single-family dwellings are permitted. The statutes also include placement standards that local governments may adopt to satisfy the ORS requirements [ORS 197.307(8)]. Any standards differing from the ORS placement standards require that land use regulations for manufactured homes must not exceed those applied to single-family dwellings.

The standards in the current ordinance that are consistent with the placement standards in the ORS have been retained. The item that does not conform to the placement standards in the current ordinance was Section 18.20.020.H.1, and it has been deleted. Section H required that manufacture homes not be located on slopes over ten percent. Single-family homes in Ashland are subject to the hillside land standards which require homes be located on slopes 35 percent and less, with a planning approval required for structures on slopes 25 percent and greater. Manufactured homes would be subject to the same hillside requirements given the removal of this section.

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

Comment: Section A Floor Area above is similar to the current ordinance requirement and is consistent with the ORS placement standards. The requirement that the manufactured home is 28 feet in width has been deleted, as it is not consistent with the ORS placement standards.

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

Comment: Section B Roof is the same requirement as in the current ordinance, and is consistent with the ORS placement standards.

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

Comment: The current ordinance prescribes wood or wood product siding and composition roofing, and prohibits metal siding or roofing in Section 18.20.020.H.4. This language is not consistent with the statutes, and is replaced in Section C below with the approved language from the ORS placement standards.

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

Comment: The current ordinance requires a garage or storage building at least 14 x 20 feet in size, and constructed of similar materials as the manufactured home in Section 18.20.020.H.5. This language is consistent with the ORS placement standards.

18-2.3 – Special Use Standards

However, staff recommends deleting the requirement. The Housing Commission and SOU student group that studied manufactured housing suggested deleting this requirement. The affordability that is gained by a manufactured home seems to be decreased or eliminated if a garage or storage building is required to be provided, especially if the accessory building is stick built and not available in a manufactured form. Also, while single-family homes are required to provide off-street parking spaces, a single-family home is not required to provide a garage, carport or similar structure.

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

Comment: Section E Thermal Envelope is similar to the current ordinance requirement and is the same as the ORS placement standards. The second sentence has been added to clarify what standards that are equivalent to the State Building Code for a single-family home.

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

Comment: Section F Placement is similar to the current ordinance, and the ORS placement standards. However, the measurement above grade has been modified to refer to building code requirements.

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

G. Floodplain. Manufactured homes shall comply with chapter 18-3.9 Physical and Environmental Constraints

Comment: Sections H – L, Foundation Skirt, Design Features, and Prohibited, are the same as the current ordinance, and consistent with the ORS requirements.

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

I. Design Features. The manufactured home shall incorporate at least two of the single-family design features in section 18-2.5.050.

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

18-2.3.180 Manufactured Housing Developments

Comment: This section carries forward chapter 18.84. This section refers to 18-3.8 Performance Standards Option for applicable review procedures because the procedure for manufactured housing developments is the same in the current ordinance as those for Performance Standards Option. The definitions are relocated to Part 18-6.

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

B. General Provisions.

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

C. Procedure for Approval. The procedure for approving a manufactured home development is the same as for the Performance Standards Option (Outline Plan and Final Plan), pursuant to chapter 18-3.8.

D. Manufactured Housing Development Design Standards.

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

18-2.3 – Special Use Standards

entire project site.

Comment: ORS 446.100 requires a minimum of five feet from a property boundary line to a manufactured dwelling, and a minimum of 10 feet of space between manufactured dwellings, unless the building code allows the units to be placed closer together.

Staff suggests the following changes to the setbacks:

- For exterior setbacks, use the same approach as allowed in Performance Standards Subdivisions which is “Setbacks along the perimeter of the development shall have the same setbacks as required in the parent zone.”
- Retain the 10-foot front yard setback requirement as it is less than would be required in the R-1-3.5 or R-2 zoning district.
- Reduce the interior side and rear setbacks to five feet, or less if allowed by state building code so that the requirement is consistent with the ORS requirements.

5. Setbacks.
 - a. Exterior Setbacks. Manufactured housing sites along the exterior boundary of the court shall have the same setbacks as required in the parent zone, and no less than a minimum of five feet from a property boundary line.
 - b. Interior Front Yard Setbacks. There shall be a front yard on each manufactured home lot or space of at least ten feet.
 - c. Interior Side and Rear Yard Setbacks. There shall be side or rear yards of at least five feet. There shall be a minimum separation of ten feet between manufactured housing units.
6. Street Standards. Public streets shall comply with the design standards contained in chapter 18-4.7. Private streets shall be a minimum of 20 feet in width, and constructed to the same standards as specified for an alley. A private street may be a dead-end street no more than 300 feet in depth from a higher order road. Adequate turn-around shall be provided according to standards established by the Planning Commission.
7. Sidewalk Standards. Every manufactured housing development shall have a permanent pedestrian walkway at least 48 inches wide connecting all manufactured housing units to public or private streets, common open spaces, recreational areas and commonly-owned buildings and facilities.
8. Off-Street Parking Standards. Each manufactured housing unit shall be provided with one off-street parking space on each manufactured housing site, setback 20 feet from the street. In addition, guest parking facilities of one parking space for each manufactured housing site shall also be provided on the project site, within 200 feet of the units they are intended to serve, either adjacent to the road or in a off street parking lot. Parking space construction, size, landscaping and design requirements shall be according to chapter 18-4.4 Parking and Loading, and chapter 18-4.5 Landscaping and Screening.
9. Utilities. Provisions for electric, water and sanitary service shall be made in accordance with established City procedures and law, including number, size, quality and location of

fixtures, connections and facilities. Telephone and electric lines shall be placed underground.

10. Landscaping.

- a. All areas of the development not occupied by paved roadways, pathways, parking areas, or not occupied by other facilities shall be landscaped. Areas that contain significant natural vegetation may be left in a natural state, if approved on the final landscaping plans.
- b. Manufactured housing developments located in an R-1-3.5 zone shall have 45 percent of the entire site landscaped. Developments located in the R-2 zone shall have 35 percent of the entire site landscaped.

11. Fencing. Fencing shall comply with all fencing requirements as per chapter 18-2.5.060.

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

Comment: ORS 446.095 requires a play area to be provided if the park is not an all-adult park. This language is added in Section 13 below.

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

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

1. Manufactured housing units shall be a minimum of 650 square feet in size.
2. Manufactured housing units shall be at least 12 feet wide.
3. Manufactured housing units shall have the Oregon Department of Commerce "insignia of Compliance." The Building Official shall inspect the manufactured housing unit and occupancy shall be approved only if the Building Official has determined that the manufactured housing unit has a valid insignia of compliance and has not deteriorated beyond an acceptable level of compliance.
4. Manufactured housing units shall be placed on permanent foundations, with wheels and hitches removed, be fully skirted or bermed, and shall have no uncovered open spaces except for vents of sufficient strength to support the loads imposed by the manufactured housing unit, based on accepted engineering design standards, as approved by the Building Official.
5. Manufactured housing units shall be provided with City water, sewer, electricity, telephone and storm drainage, with easements dedicated where necessary.
6. Manufactured housing units shall comply with the thermal envelope requirements for heat loss required by the building code for single-family detached homes.
7. Manufactured housing units shall have a deck or patio area adjacent to the home. The

18-2.3 – Special Use Standards

deck or patio shall be constructed of a permanent material and shall be at least 80 square feet in size, with a minimum width of eight feet in its least dimension.

- 8. Each manufactured housing unit shall have a one parking space located on or adjacent to the unit space. The parking space shall be setback at least 20 feet from the street.
- 9. Notwithstanding the above, any manufactured home legally located within the Ashland Urban Growth Boundary prior to July 1, 1990 may be relocated to an approved manufactured home development, subject to a fire and life safety inspection by the Building Official.

F. Storage and Temporary Occupancy of Manufactured Homes.

- 1. A no-charge permit from the Staff Advisor is required for the storage of any manufactured housing unit on the home premises of the owner for any length of time when not used for living purposes; provided, however, that all units so stored shall abide by the yard requirements for accessory buildings in this chapter.
- 2. No manufactured housing unit shall be stored on a public street except for temporary maneuvering purposes.
- 3. For temporary occupancy of a manufactured housing unit, see section 18-2.2.030.H.2.

G. Nonconforming Manufactured Housing Developments. Notwithstanding the provisions of chapter 18-1.4 Nonconforming Situations, manufactured housing development and an individual manufactured housing unit utilized for living purposes on the effective date of this ordinance or of amendments thereto, which do not conform to the regulations of this chapter, shall be deemed to be nonconforming and may be continued, subject to the following regulations:

- 1. Routine maintenance and repairs may be performed within the manufactured housing development or upon individual manufactured housing units.
- 2. No nonconforming manufactured housing development shall be enlarged, remodeled or modernized except in conformance with all requirements of this chapter, except that an area of less than two acres for a development to be enlarged, remodeled or modernized may be approved through the conditional use permit procedure contained in this ordinance.
- 3. No manufactured housing unit shall be located on the site of, or substituted for, a nonconforming manufactured housing unit, the use of which has been discontinued, except within a manufactured housing development holding a certificate of sanitation issued by the Board of Health, State of Oregon, issued prior to the effective date of this chapter. Relocation of existing units within the Ashland Urban Growth Boundary is exempted as provided in section 18-2.3.180.E.9.
- 4. If a nonconforming manufactured housing development holding a certificate of sanitation issued by the Board of Health, State of Oregon, ceases operation for a period of six months or more, said development shall be considered abandoned and shall be reinstated only in conformance with the requirements of this chapter.

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

18-2.3.190 Multiple-Family Rental Unit Conversion to For-Purchase Units

Comment: The following regulations, carried forward from 18.24.040.L and 18.28.040.L in the R-2 and R-3 multiple-family zone chapters have been edited for clarity and readability.

- A. Section 18-2.3.190 applies to existing multiple-family rental units, which for the purpose of this section, are defined as dwelling units designed to house multiple households within one or more structures on a single property that were constructed and occupied prior to November 3, 2007 (Ord. 2942).
- B. Multi-family rental units constructed after November 3, 2007 are not subject to the provisions of this section.
- C. Conversion of existing multiple-family dwelling rental units into for-purchase units, including the demolition of existing multiple-family dwelling rental units, is subject to the following:
 - 1. Existing multiple-family dwelling structures may be converted from rental units to for-purchase housing, where all or only a portion of the structure is converted, as set forth in Table 18-2.3.190(1), provided the existing structure meets the following regulations of the applicable zone: permitted density, yard requirements, maximum height, maximum lot coverage, outdoor recreation space, maximum permitted floor area, waste enclosures, parking and bike storage.

Table 18-2.3.190 (1): Conversion of Multiple-Family Rental Units to For-Purchase Units				
Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Sec. 18-2.5.060)	Market Rate Rentals	Affordable Rentals (per Sec. 18-2.5.060)
2-4	100%	0%	0%	0%
5-12	75%	0%	25%	0%
13-24	50%	0%	50%	0%
25-48	25%	0%	75%	0%
49+	0%	0%	100%	0%

- 2. Where an existing multiple-family dwelling structure does not meet the regulations of the applicable zone, as listed in subsection 18-2.3.190.C(1), rental units may be converted to for-purchase units, as set forth in Table 18-2.3.190(2) and the standards below:
 - a. Conversion of an existing multiple-family structures to for-purchase housing shall comply with the following general regulations and the site design and use standards of applicable zone: number of bike and automobile parking spaces, trash and recycling enclosures.

18-2.3 – Special Use Standards

- b. Conversion of existing multiple-family structures to for-purchase housing shall demonstrate that there are adequate public facilities and public services available to serve the development, including but not limited to water, sewer, electric, fire protection, and storm drainage.
- c. Conversion of existing multiple-family structures to for-purchase housing shall improve the street frontage to meet adopted the applicable design standards of this ordinance, including landscaping, sidewalks and street trees, pursuant to Part 18-4.

Table 18-2.3.190(2): Conversion of Nonconforming Multifamily Dwelling Rental Units to For-Purchase Units

Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Sec. 18-2.5.060)	Market Rate Rentals	Affordable Rentals (per Sec. 18-2.5.060)
2-4	75%	25%	0%	0%
5-12	56.25%	0%	25%	18.75%
13-24	37.50%	0%	50%	12.50%
25-48	18.75%	0%	75%	6.25%
48+	0.00%	0%	100%	0%

- 3. As an incentive to provide affordable rental housing units above minimum requirements in projects of five or more units, an applicant shall be granted an equal percentage of for-purchase ownership units per Table 18-2.3.190(3).

Table 18-2.3.190(3): For-Purchase Unit Bonus Where Affordable Units Exceed Minimum

Number of Dwelling Units on Tax Lot	Market Rate Ownership	Affordable Ownership (per Sec. 18-2.5.060)	Market Rate Rentals	Affordable Rentals (per Sec. 18-2.5.060)
2-4	na	na	na	na
5-12	68.75%	na	0%	31.25%
13-24	62.50%	na	0%	37.50%
25-48	56.25%	na	0%	43.75%
48+	50.00%	na	0%	50.00%

- 4. Units designated as market rate or affordable rental units shall be retained as one condominium tract under one ownership. This remaining rental tract shall be restricted from further consideration of conversion to for-purchase housing.
- 5. Affordable Housing Units provided under 18-2.3.190.C.2 and 18-2.3.190.C.3 shall meet the following affordability standards:
 - a. Affordable Rental Units shall be affordable for rent by households earning at or below 60 percent of the AMI in accordance with the standards established by section

18-2.5.070 (Resolution 2006-13).

- b. Affordable Ownership Units shall be affordable for purchase by households earning at or below 80 percent of the AMI in accordance with the standards established by section 18-2.5.070 (Resolution 2006-13).
6. Prior to offering any units for sale the developer must comply with AMC 15.104.
7. Conversion of existing rental units into for-purchase housing shall comply with AMC 10.115.

18-2.3.200 Retail Uses Allowed in Railroad Historic District

Comment: The following is carried forward from 18.24.030.I, and are edited for clarity.

Retail commercial uses located in a dwelling unit within the Railroad Historic District are subject to all of the following requirements:

- A. The business shall be no greater than 600 square feet in total area, including all storage and accessory uses.
- B. The business shall be operated only by the occupant of the dwelling unit and not more than one half full-time equivalent employee (up to 25 hours per week).
- C. Uses are limited to those designed to serve primarily pedestrian traffic.
- D. The use shall be located only a street having fully improved sidewalk on at least the side occupied by the business. The abutting street must be fully improved pursuant to residential City standards or greater.

18-2.3.210 Traveler's Accommodations in R-2 and R-3 Zones

Comment: This section has been updated to reflect the recently adopted amendments. The requirements are reordered and revised for clarity. Subsection L is deleted because legal nonconforming traveler's accommodations are provided for under 18-1.4 Nonconforming Situations.

Where traveler's accommodations are allowed, they require a Conditional Permit under chapter 18-5.4, are subject to Site Review under chapter 18-5.2, and shall meet all of the following requirements:

- A. The property on which the traveler's accommodation is operated is located within 200 feet of a boulevard, avenue, or neighborhood collector as identified on the Street Dedication Map in the Ashland Comprehensive Plan. Distances to the property from a boulevard, avenue or neighborhood collector shall be measured via a public street or public alley to a lot line.
- B. The primary residence containing the traveler's accommodation must be at least 20 years old. The primary residence may be altered and adapted for traveler's accommodation use, including expansion of floor area. Additional structures may be allowed to accommodate additional units, but must be in conformance with all setback and lot coverage standards of the underlying zone.

18-2.3 – Special Use Standards

- C. During operation of a traveler's accommodation, the property on which the traveler's accommodation is sited must be the primary residence of the business-owner. "Business-owner" is defined for the purposes of this section as a person or persons who own the subject property and accommodation; or who have entered into a lease agreement with the property owner(s) allowing for the operation of the accommodation. Where the business owner is someone other than the property owner, such lease agreement must specifically state that the property owner is not involved in the day-to-day operation or financial management of the accommodation, and that the business-owner has actual ownership of the business and is wholly responsible for all operations associated with the accommodation.
- D. A minimum of one off-street parking space is required for each traveler's accommodation unit, and two off-street parking spaces for the business-owner's unit. All parking spaces shall be in conformance with chapter 18-4.4 Parking and Loading.
- E. Signage is limited to one ground or wall sign constructed of a non-plastic material, non-interior illuminated, and a maximum of six square feet total surface area. Any exterior illumination of signage shall be installed such that it does not directly illuminate any residential structures adjacent or nearby the traveler's accommodation in violation of chapter 18-4.6.
- F. The number of traveler's accommodation units allowed shall be determined by the following criteria:
 - 1. The total number of units, including the business-owner's unit, shall be determined by dividing the lot area by 1,800 square feet. Contiguous lots under the same ownership may be combined to increase lot area and the number of units, but not in excess of the maximum established by this ordinance. The maximum number of accommodation units allowed shall be nine for properties with primary lot frontage on boulevard streets. The maximum number of units shall be seven for properties without primary lot frontage on a boulevard, but within 200 feet of a boulevard, avenue or neighborhood collector as identified on the Street Dedication Map in the Ashland Comprehensive Plan. Distances to the property from a boulevard, avenue or neighborhood collector shall be measured via a public street or public alley to a lot line.
 - 2. Excluding the business-owner's unit and the area of the structure it will occupy, there must be at least 400 square feet of gross interior floor space remaining per unit.
- G. Traveler's accommodations must meet all applicable building, fire and related safety codes at all times and must be inspected by the fire department before occupancy following approval of a Conditional Use Permit and periodically thereafter pursuant to AMC 15.28.
- H. An annual inspection by the Jackson County Health Department shall be conducted as required by the laws of Jackson County or the State of Oregon.
- I. The business-owner must maintain a city business license and pay all transient occupancy tax in accordance with AMC 4.24 and AMC 6.04 as required.
- J. Advertising for any traveler's accommodation must include the City of Ashland planning action number assigned to the land use approval.

18-2.3 – Special Use Standards

- K. Offering the availability of residential property for uses as a traveler's accommodation without a valid Conditional use Permit approval, current business license and Transient Occupancy Tax registration is prohibited and shall be subject to enforcement procedures.
- ~~L. All previous approvals, conditions and requirements remaining in effect upon change of business ownership. All traveler's accommodations receiving their initial approvals prior to the effective date of this ordinance shall be considered as approved, conforming uses, with all previous approvals, conditions and requirement remaining in effect upon change of business ownership.~~
- L. Any further modifications to a traveler's accommodations, beyond the existing approval(s), shall be in conformance with all current requirements of this ordinance.

18-2.4 – General Regulations for Base Zones

Chapter 18-2.4 – General Regulations for Base Zones

Sections:

- 18-2.4.010 Access – Minimum Street Frontage
- 18-2.4.020 Accessory Structures and Mechanical Equipment
- 18-2.4.030 Arterial Street Setback
- 18-2.4.040 Vision Clearance Area
- 18-2.4.050 Yard Exceptions and Requirements

Comment: This chapter updates and reorganizes Chapter 18.68 General Regulations for readability. Some provisions of the existing Chapter 18.68 are located in other chapters of the Unified Code. For example, the exception to front yard setbacks for residential uses is contained in 18.2.5 Standards for Residential Zones; the exception to minimum lot size standards is contained in 18-1.4 Non-conforming Situations; and the requirement that property owners not remonstrate against/consent to participate in costs of improvements is in 18-4.7 Public Facilities.

18-2.4.010 Access – Minimum Street Frontage

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

18-2.4.020 Accessory Structures and Mechanical Equipment

Comment: The following carries forward 18.68.140.

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

18-2.4.030 Arterial Street Setback

The setback from an arterial street shall be not less than 20 feet, or the width required to install sidewalk and park row improvements, consistent with the street standards in chapter 18-4.7, whichever is less.

18-2.4 – General Regulations for Base Zones

18-2.4.040 Vision Clearance Area

Comments: In subsection B below, C-1-D is included in the zones exempted from the vision clearance requirement, but the current ordinance in Section 18.68.020.B does not list the zone. The current ordinance in places describes the C-1-D zone, which is the downtown area, as an “overlay” of the larger C-1 zone. However, the Comprehensive Plan and Zoning maps show the C-1-D area as a zone in itself. Consequently, the draft unified ordinance treats the C-1-D area as a zone in itself, and the inconsistencies in the language are corrected so that the C-1-D is consistently listed or identified, rather than assuming it is a subset of the C-1 zone.

Vision clearance areas shall be provided with the following distances establishing the size of the vision clearance area:

- A. In any residential zone, the minimum distance shall be 25 feet or, at intersections including an alley, ten feet.
- B. In all other zones except the C-1, C-1-D, E-1, and CM zones, the minimum distance shall be 15 feet or, at intersections, including an alley, ten 10 feet. When the angle of intersection between streets, other than an alley, is less than 30 degrees, the distance shall be 25 feet.
- C. The vision clearance area shall contain no plantings, fences, walls, structures, or temporary or permanent obstructions exceeding two and one-half feet in height, measured from the top of the curb, except that street trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.
- D. The vision clearance standards established by this section are not subject to the Variance section of this title.

18-2.4.050 Yard Requirements and General Exceptions

Comment: This section carries forward the regulations of 18.68.040 and incorporates the recent amendment related to eaves and awnings. The term “encroach” replaces the existing term “intrude.”

Subsection C below is carried forward from the existing definition of a structure in 18.08.750. The standard is unchanged, and was inadvertently omitted from the previous draft.

- A. In addition to the requirements of chapters 18-2.5 and 18-2.6, yard requirements shall conform to the Solar Access standards of chapter 18-4.10.
- B. Eaves and awnings may encroach three feet into required yards; all other architectural projections may encroach 18 inches into required yards.
- C. The following general exceptions are allowed for structures that are 30 inches in height or less, including entry stairs, uncovered porches, patios and similar structures:
 - 1. The structures are exempt from the side and rear yard setback requirements.
 - 2. The front and side yards abutting a public street may be reduced by half.

18-2.5 – Standards for Residential Zones

Chapter 18-2.5 Standards for Residential Zones

18-2.5.010	Purpose
18-2.5.020	Applicability
18-2.5.030	Unified Standards for Residential Zones
18-2.5.040	Accessory Buildings and Structures
18-2.5.050	Affordable Housing Standards
18-2.5.060	Yard Exceptions
18-2.5.070	Maximum Permitted Residential Floor Area in Historic District
18-2.5.080	Residential Density Calculation in R-2 and R-3 Zones
18-2.5.090	Standards for Single-Family Dwellings

Comments: This chapter consolidates regulations in chapters 18.14 through 18.28, in order to avoid duplication and to make the ordinance easier to use. Standards for special districts (NM, and CM) and the city's overlay zones are contained in Part 18-3.

18-2.5.010 Purpose

Chapter 18-2.5 sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development, for Ashland's base residential zones, pursuant to the City of Ashland Comprehensive Plan and the purposes of this ordinance.

18-2.5.020 Applicability

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

18-2.5.030 Unified Standards for Residential Zones

Comments: The following carries forward and consolidates the existing quantitative standards (dimensions) from the Residential zones (18.14 through 18.28), and the applicable landscape area regulations of 18.72.110.

A. Standards for Urban Residential Zones. Table 18-2.5.030.A contains standards for the R-1, R-1-3.5, R-2, and R-3 zones. Standards for the RR and WR zones are contained in subsections 18-2.5.030.B and 18-2.5.030.C.

18-2.5 – Standards for Residential Zones

Comment: Per the Planning Commission's input on the Policy Issues and Recommendations from the 2006 Land Use Ordinance Review, this draft includes the following changes: 1) removes the R-1-5 minimum corner lot area (6,000 sf) and the minimum width for a corner lot of 60 feet; 2) consistently makes the front porch setback 8 feet in the residential zones (10 feet was shown in the previous draft), and 3) adds a new provision allowing 200 square feet or 5 percent of the permitted lot coverage to be developed in a pervious paving system that allows storm water infiltration. In the previous draft, reduced lot depths were suggested, but have been reverted to the current standard of a minimum of 80 feet.

Alley Setback: The amendment allowing reduced alley setbacks is new, per the Planning Commission discussion of the comments from the public meetings. In the existing code, the North Mountain Neighborhood zone allows a minimum of 3 feet for side yards for one-story detached garages and accessory buildings whether on an alley or not, and 4 feet for rear yards for one and two-story accessory buildings adjacent to an alley. The existing code also allows one-story accessory structures that are at least 50 feet from a public street and separated from other structures by at least 10 feet to reduce the side and rear yard setback to 3 feet, whether on an alley or not. For all other situations in residential zones, the standard is 10 feet for side yards on a street, 6 feet for all other side yards, and 10 feet per story for rear yards.

Changes are suggested in two places – in 18-2.5.060 and 18-2.5.040. Section 18-2.5.060 is new, and allows 4 feet for side and rear yards for detached structures adjacent to alleys, not including the primary residence. While rear yards abutting alleys are more common, side yards adjacent to alleys do occur, especially in the historic districts. Section 18-2.5.040 is an existing provision of the code pertaining to accessory structures, and edits are suggested consistency with the new provision and amendments to building separation. Finally, an error was included in the previous draft pertaining to side yards on alleys – this was listed as 10 feet, but it is 6 feet in the existing code per the definition of a corner lot which excludes those lots adjacent to alleys (18.08.370).

Half Story Setback: Currently, a half story is defined as being 50 percent of the of the floor area below, and most of the residential zones allow building heights of two and a half stories or 35 feet. The existing rear yard setback is 10 feet per story for most of the residential zones, although the North Mountain Neighborhood zone uses 5 feet for dormer spaces. Staff suggests considering a 5-foot setback for half stories in the residential zones. This issue regularly comes up with homes and accessory structures that are 1½ stories in height. The amendment would allow a 1½ story structure to be 15 feet from the rear property line rather than 20 feet (unless exempted by the new reduced alley setback provision).

Building Separation/Distance Between Buildings: The existing ordinance requires 10 to 20 feet between buildings in the R-1-3.5, R-2 and R-3 zones, but does not include building separation requirements in the WR, RR, R-1-10, R-1-7.5 or R-1-5 zones. An amendment is suggested which would replace the previous “distance between buildings” with a separation requirement for principal buildings of half the height of the tallest building and no more than 12 feet, where height is measured at the two closest walls. Accessory buildings would be exempt from this provision and simply subject to Building Code requirements. This is the same standard used in the Performance Standards Options chapter. Staff believes the change will provide consistency between zones, and more flexibility in building placement in the R-1-3.5, R-2 and R-3 zones which is important in alternative housing developments such as cottage housing.

18-2.5 – Standards for Residential Zones

Table 18-2.5.030.A – Standards for Urban Residential Zones

(Except as modified under chapter 18-5.7 Exceptions and Variances or chapter 18-3.8 Performance Standards Option.)

Standard	R-1				R-2	R-3
	R-1-10	R-1-7.5	R-1-5	R-1-3.5		
Residential Density (dwelling units/acre) - Minimum - Maximum See also, Sec. 18-2.5.070, for R-2 and R-3 zones.	NA Per Min. Lot Area	See density standards in Sec. 18-2.5.060				
Lot Area – Minimum (square feet) - Lot	10,000 sf	7,500 sf	5,000 sf	5,000 sf*	See density standards in Sec. 18-2.5.060	
*Exception providing for minimum lot area of 3,500 sf in R-1-3.5 zone applies only where the lot contains an existing single-family dwelling that meets setback, density, and lot coverage standards; variances under this section are subject to Type I procedure. See also, 18-2.5.060 General Exceptions.						
Lot Width - Minimum (feet)	75 ft**	65 ft**	50 ft**	50 ft**	50 ft	50 ft
**Width shall not exceed depth.						
Lot Depth (feet) - Minimum - Maximum* *Does not apply to Partitions	80 ft 150 ft	80 ft 150 ft	80 ft 150 ft	80 ft 250% of width	80 ft 250% of width	80 ft 250% of width
Standard Yards – Minimum (feet)*						
- Front – Standard, except:	15 ft	15 ft	15 ft	15 ft	15 ft	15 ft
- Front – Unenclosed Porch**	8 ft	8 ft	8 ft	8 ft was 20 ft	8 ft was 10 ft	8 ft was 10 ft
- Front – Garage Opening	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft
- Side – Standard	6 ft	6 ft	6 ft	6 ft	6 ft	6 ft
- Side – Corner Lot Adjacent to Street/ Alley Side***	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
- Rear – Single-Story Building	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
- Rear – Multi-Story Building	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 ft per Half Story	10 ft per Bldg Story, 5 feet per Half Story	10 ft per Bldg Story, 5 feet per Half Story	10 ft per Bldg Story, 5 feet per Half Story

18-2.5 – Standards for Residential Zones

Table 18-2.5.030.A – Standards for Urban Residential Zones

(Except as modified under chapter 18-5.7 Exceptions and Variances or chapter 18-3.8 Performance Standards Option.)

Standard	R-1				R-2	R-3
	R-1-10	R-1-7.5	R-1-5	R-1-3.5		
<p>*See 18-2.4.040 and 18-2.5.060 for yard exceptions, and 18-2.5.040 for accessory structure setback exceptions. Additional setbacks may be required to avoid easement encroachments, and to comply with Solar Access requirements in Section 18-4.8.</p> <p>** For setback, or the width of any existing public utility easement, whichever is greater. An unenclosed porch must be no less than six feet in depth and eight feet in length, see 18-6.1.030 for definition of porch. In the Historic District Overlay unenclosed porch provisions do not apply, and the minimum Front Yard is 20 ft. See also, section 18-2.5.040 General Exceptions.</p> <p>*** Does not apply to a side yard adjacent to an alley.</p>						
Distance Between Buildings [On Same Site]	NA	NA	NA	10 ft	10 ft	10 ft
— Between Principal Building and Accessory Building	NA	NA	NA	20 ft	20 ft	20 ft
— Between Principal Buildings Accessed by Shared Court	NA	NA	NA	50% sum both bldgs, or 12 ft, whichever is greater	50% sum both bldgs, or 12 ft, whichever is greater	50% sum both bldgs, or 12 ft, whichever is greater
Between Other Principal Buildings * Additional setbacks may be required to comply with Solar Access requirements (Section 18.48).						
Building Separation	<p>Except as otherwise required by building code, the minimum separation between principal buildings equals half of the height of the tallest building, where height is measured at the two closest exterior walls, and the maximum required separation is 12 feet.</p> <p>Accessory structures are exempt from this requirement. Applicable building code provisions dictate the minimum separation between an accessory structure and other structures.</p>					
Building Height – Maximum (feet)	35 ft or 2 ½ stories, whichever is less, except structures within Historic District Overlay shall not exceed 30 ft.					35 ft or 2 ½ stories, except up to 50 ft with CU permit approval.
*Lot Coverage – Maximum (% of lot area) *An additional 200 sq. ft. or 5% of the permitted lot coverage, whichever is greater, may be developed in an approved, pervious paving system that allows storm water infiltration.	40%	45%	50%	55%	65%	75%

18-2.5 – Standards for Residential Zones

Table 18-2.5.030.A – Standards for Urban Residential Zones

(Except as modified under chapter 18-5.7 Exceptions and Variances or chapter 18-3.8 Performance Standards Option.)

Standard	R-1				R-2	R-3
	R-1-10	R-1-7.5	R-1-5	R-1-3.5		
Landscape Area – Minimum (% of developed lot area)	60%	55%	50%	45%	35%	25%
Outdoor Recreation Space - Minimum (% of site area)**						
**See 18-3.8 for additional open space requirements in Performance Standard Options developments.	NA	NA	NA	NA	8%	8%

18-2.5 – Standards for Residential Zones

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

Comment: The following standards are carried forward from chapter 18-14.

Table 18-2.5.030.B – Standards for Woodland Residential (WR) Zone (Except as modified under chapter 18-5.7 Exceptions and Variances or chapter 18-3.8 Performance Standards Option.)			
	Slope	Min. Lot Size	DU/Acre
Minimum Lot Area and Maximum Density <i>Limits on density transfer.</i> All developments, with the exception of partitioning, must be developed under the Performance Standards Option, chapter 18-3.8. Not more than 25% percent of the density allowed in a Woodland Residential zone may be transferred to a higher density zone in a Performance Standard Options development.	Less than 40%	2.0	.5
	40 to 50%	2.5	.4
	50 to 60%	5.0	.2
	Over 60%	10.0	.1
	Outside UGB	20.0	.05
Lot Coverage – Maximum (% of lot area)	7%		
Lot Width - Minimum (feet)	100 ft		
Lot Depth - Minimum and Maximum (feet)	150 ft		
Standard Yards* – Minimum (feet) - Front – Standard - Side – Standard, except: - Side – Corner-Street/Alley Side - Rear – Single-Story Building - Rear – Multi-Story Building	20 ft 6 ft 10 ft 10 ft 10 ft per Bldg Story		
*Additional setbacks may be required as to avoid easement encroachments, and to comply with Solar Access requirements. See also 18-2.4.050 and 18-2.5.060 for yard exceptions.			
Maximum Building Height	35 ft or 2 ½ stories, whichever is less.		

18-2.5 – Standards for Residential Zones

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

Comment: The following standards are carried forward from chapters 18-14 and 18.68.110 Front Yard – General Exceptions and 18.68.130 Lot Size Requirements – General Exceptions.

Table 18-2.5.030.C – Standards for Rural Residential (RR) Zone (Except as modified under chapter 18-5.7 Exceptions and Variances or chapter 18-3.8 Performance Standards Option.)		
Minimum Lot Area and Maximum Density See also 18-2.50.60 Residential Density Computation.	Zone	Min. Lot Size*
	RR-.5	0.5 acre
	RR-1	1 acre
	RR-2.5	2.5 acres
* The minimum lot size depends on the topographic nature, service availability, surrounding land uses and other relevant characteristics of the area.		
Maximum Lot Coverage	Lot Type	Lot Coverage
	RR-.5	20%
	RR-1	12%
	RR-2.5	7%
Lot Width - Minimum (feet)	100 ft	
Lot Depth - Minimum and Maximum (feet)	150 ft and not more than 300% of width	
Standard Yards* – Minimum (feet)		
- Front – Standard	20 ft	
- Side – Standard, except:	6 ft	
- Side – Corner-Street/Alley Side	10 ft	
- Rear – Single-Story Building	10 ft	
- Rear – Multi-Story Building	10 ft per Bldg Story	
*Additional setbacks may be required as to avoid easement encroachments, and to comply with Solar Access requirements. See also 18-2.4.050 and 18-2.5.060 for yard exceptions.		
Maximum Building Height	35 ft or 2 ½ stories, whichever is less; except the height of agricultural structures is not limited, when the structure is placed fifty (50) feet or more from all property lines.	

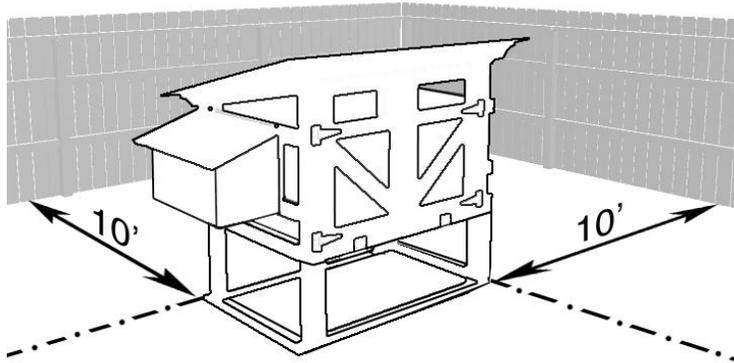
Comment: The following carries forward 18.68.140, and incorporates recent micro-livestock enclosure amendments.

18-2.5.040 Accessory Buildings and Structures

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

- A. Setback Yard Exceptions.** See subsection 18-2.5.060.B.2.
- B. Guesthouse.** A guesthouse may be maintained accessory to a single-family dwelling provided there are no kitchen cooking facilities in the guesthouse.
- C. Greenhouse or Hothouse.** A greenhouse or hothouse may be maintained accessory to a dwelling in a residential zone.
- D. Livestock Structures.** Except as provided for micro-livestock in subsection E below, barns, stables and other structures shall be located a minimum of 50 feet from any property line, and structures housing large livestock shall be more than 100 feet from dwellings on adjoining properties.
- E. Micro-livestock Enclosure.** An enclosure housing micro-livestock may be maintained in a residential district, pursuant to section 18-2.3.160 Keeping of Livestock. Enclosures shall be constructed as follows:
 - 1. The structure shall not be located in a required front yard.
 - 2. The structures shall be setback a minimum of ten feet from abutting properties.
 - 3. The structures shall be at least 20 feet from dwellings on adjoining properties. Within a multifamily complex, structures must also be located at least 20 feet from any dwelling within the complex.
 - 4. The structures shall not exceed six feet in height.
 - 5. Chicken coops and rabbit hutches shall not exceed 40 square feet in area, or four square feet per animal, whichever is greater.
 - 6. Chicken and rabbit runs, as enclosed outdoor structures, shall not exceed 100 square feet in area, or ten square feet per animal, whichever is greater.

18-2.5 – Standards for Residential Zones



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

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

18-2.5.050 Affordable Housing Standards

Comment: The following text is from ordinance subsections 18.24.041 and 18.28.041. This draft incorporates the requirements of Resolution 2006-13 Affordable Housing without making substantive changes.

A. General Eligibility – Rental and Purchased Housing.

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

18-2.5 – Standards for Residential Zones

households, consistent with subsection A.1 and A.2, above, shall be eligible for a System Development Charge, Engineering Service, and Community Development Fee deferral or waiver without obtaining approval from the Ashland City Council.

- 4 Affordable Housing Units covered under this section can only be sold or rented to occupant households from the same income category as the original purchasers or renters for a period of not less than 30 years, or as required through the condition of approval for a unit required to be affordable through a land use approval.
- 5 System Development Charges, Engineering Services, and Community Development Fees may be deferred or waived when units are sold or rented to low-income persons. For purposes of this subsection, "low-income persons" means:
 - a. With regard to rental housing, persons with an income at or below 60 percent of the area median income (AMI) as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development; and
 - b. With regard to home ownership housing and lease to purchase home ownership housing, persons with an income at or below 80 percent of the AMI as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.

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

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

Table 18-2.5.070.B - Rent Charges for Affordable Rental Housing	
<i>Unit Type</i>	<i>Maximum Rent Charges</i>
Studio Apartment	23% of the average of 1 & 2 person qualifying monthly incomes
1 Bedroom	23% of the average of 2 & 3 person qualifying monthly incomes
2 Bedroom	23% of the average of 3, 4, & 5 person qualifying monthly incomes
3 Bedroom	23% of the average of 4, 5, 6, & 7 person qualifying monthly incomes
4 Bedroom	23% of the average of 5, 6, 7, & 8 person qualifying monthly incomes

18-2.5 – Standards for Residential Zones

- a. The City's Department of Community Development shall maintain a table of maximum rent levels permitted pursuant to the formulas of Table 18-2.5.070.B and shall annually update the table in May of each year.
2. Area Median Income – 60 percent or lower. The rent charged for such affordable rental housing benefiting households earning 60 percent AMI or less, including any home-owners association or maintenance fees, shall comply with the maximum rents established by the State of Oregon HOME Program based on the target income qualification as adjusted annually by the Department of Housing and Urban Development for the Medford-Ashland Metropolitan Service Area. The HOME program indexed allowable rents are adjusted annually by the State of Oregon Housing and Community Services Department (OHCS).
3. Owner's Obligation. The owner of the affordable rental housing shall sign a 30-year agreement, or longer depending on the period of affordability established through this ordinance, with the City that guarantees these rent levels will not be exceeded and that the owner will rent only to households meeting the income limits. The agreement shall bind subsequent owners who purchase the rental housing during the established period of affordability. The agreement shall also require the owner to allow the unit to be rented to HUD Section 8 qualified applicants and agree to accept rent vouchers for all of the affordable units when applicable. The City shall file the agreement for recordation in the County Clerk deed records, Jackson County, Oregon.

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

C. Purchased Houses – Qualifying. Units designated for affordable housing available for purchase in developments which have qualified for density bonuses annexation, zone change, condominium conversion, or other land use approval under this ordinance must satisfy the criteria in subsections 18-2.5.070.C.1 and 18-2.5.070.C.2, below:

1. They shall only be sold to occupant households whose:
 - a. Annual income is consistent with the target income identified in the planning approval for the development. Incomes shall be qualified at the applicable 60%, 80%, 100% or 120% median income levels for households based on number of people per household as adjusted annually by the Department of Housing and Urban Development for the Medford-Ashland Metropolitan Service Area.
 - b. The maximum monthly payment for a covered unit shall be established to not exceed the affordability limits, established in the paragraph above, and pursuant to the occupancy number indicated in Table 18-2.5.070.C.

18-2.5 – Standards for Residential Zones

Table 18-2.5.070.C - Occupancy Basis for Affordable Rental Housing		
Unit Type		Occupancy
Studio	=	1 person household income for the designated income level
1 Bedroom	=	2 person household income for the designated income level
2 Bedroom	=	4 person household income for the designated income level
3 Bedroom	=	6 person household income for the designated income level
4 Bedroom	=	7 person household income for the designated income level
Households with a greater or lesser number of occupants shall remain eligible for covered units but the sale price shall not be adjusted due to household size above the limits established above.		

- b. Net assets, excluding pension plans and IRA's and excluding the down payment and closing costs, do not exceed \$20,000 for a household or \$130,000 if one household member is 65 years or older.
 - c. Mortgage payment does not exceed more than 30 percent of the monthly income for the target income level indicated in subsection C.1(a), above on total housing costs which includes principal, interest, taxes, insurance, and any homeowners or regular maintenance fees.
 - d. The maximum monthly payment for a covered unit shall be calculated by utilizing the interest rate for the Oregon Bond Loan Rate Advantage as updated by the State of Oregon Housing and Community Services Department.
2. They shall remain affordable as follows:
- a. The purchasers of the affordable housing units shall agree to the City of Ashland Affordable Housing Resale Restriction Agreement establishing a period of affordability of not less than 30 years. In no event will a purchaser be required to sell the unit subject to the aforementioned Agreement for less than his or her original purchase price, plus any applicable closing costs and realtor fees.
 - b. For housing financed by Farmer's Home Administration (FmHA), the affordability shall be assured by the FmHA's recapture provisions FmHA which require sellers to repay FmHA for all the subsidies accrued during the period the sellers resided in the housing unit.

18-2.5.060 Yard Exceptions

Comment: This section carries forward 18.68.110 Front Yard – General Exception and 18.68.130 Lot Size – General Exceptions.

A. Front Yard Exceptions.

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

18-2.5 – Standards for Residential Zones

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

2. If there is a dwelling or accessory building on one abutting lot with a front yard of less than the required depth for the district, the front yard need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.
3. The front yard may be reduced to ten feet on hillside lots where the terrain has an average steepness equal to or exceeding a one foot rise or fall in four feet of horizontal distance within the entire required yard; vertical rise or fall is measured from the natural ground level at the property. See also section 18-3.9.070.E.

B. Side and Rear Yard Exceptions.

Comment: Section 1 is new and allows reduced alley setbacks per the Planning Commission discussion of the comments from the public meetings. The suggestion was made at the Open House meeting in June 2013 to allow reduced alley setbacks, specifically to allow new structures to be compatible with existing historic development patterns. In staff's research and review of other cities' codes, reduced alley setbacks are common and tend to range between 4 and 5 feet. For example, Eugene, Corvallis and Portland allow reduced alley setbacks. In Ashland, the North Mountain Neighborhood zone allows a minimum of 3 feet for side yards for one-story detached garages and accessory buildings whether on an alley or not, and 4 feet for rear yards for one and two-story accessory buildings adjacent to an alley.

Section 2 is existing and carried forward from 18.68.140. Edits are made for consistency with section 1 and the amended building separation standard in Table 18-2.5.030.A.

1. **Alley Setbacks.** The minimum side or rear yard may be reduced to four feet for garages, accessory buildings and residential units adjacent to an alley provided the building is not attached to any other building and is not more than 15 feet in height. A minimum 22-foot back up dimension shall be provided and maintained for any parking backing into the alley. The backup dimension is measured from the parking or garage door to the opposite side of the alley. The reduced side or rear yard provision does not apply to the primary residence.
2. **Accessory Buildings.** Except for accessory buildings adjacent to an alley, the minimum side or rear yard may be reduced to three feet for an accessory buildings erected more than 50 feet from any street, other than alleys, provided the building is not attached to any other buildings, is separated from other buildings and structures by not less than ten feet, and is not more than 15 feet in height. Any conversion of such accessory structure to an accessory residential unit shall conform to section 18-2.3.040 Accessory Residential Units.

18-2.5.070 Maximum Permitted Residential Floor Area in Historic District

Comment: The following carries forward and consolidates repetitive text from 18.20, 18.24 and 18.28. Code users are referred to this section when they read the residential development standards in Table 2.5.030.A.

A. Purpose. Section 18-2.5.080 regulates floor area of dwellings to promote compatible building volume and scale in the Historic District.

18-2.5 – Standards for Residential Zones

- B. Applicability.** Within the Historic District Overlay, new structures and additions shall conform to the maximum permitted floor area standards of this section, except as provided by 18-2.5.080.C.
- C. Increases in Allowable MPFA.** A Conditional Use Permit under chapter 18-5.4 is required to exceed the MPFA standards of subsections 18-2.5.080.F-G. In addition to the approval criteria for a Conditional Use Permit, the criteria for Historic District Design Standards approval must be met. In no case shall the permitted floor area exceed 25 percent of the MPFA.
- D. Maximum Permitted Floor Area.** For purposes of this section, maximum permitted floor area (MPFA) means the gross floor area of the primary dwelling, including but not limited to potential living spaces within the structure with at least seven feet of head room and attached garages, except as provided by subsection 18-2.5.080.E, below.
- E. Exceptions.** Basements, detached garages, detached accessory structures and detached accessory residential units are not counted in the gross floor area for the MPFA calculation if separated from the primary dwelling by six feet or more. Similarly, unenclosed breezeways and similar open structures connecting an exempt detached structure to the primary dwelling are not counted in the MPFA calculation.
- F. Calculation and Standards.** Except as modified by subsection 18-2.5.080.G for multiple dwellings on a lot and residential subdivisions proposed under the performance standards option, the following formula shall be used to calculate the MPFA for single family dwellings, provided however, that regardless of lot size, the MPFA shall not exceed 3,249 square feet:

$$\text{Lot area} \times \text{Adj. Factor [from Table 18-2.5.080(E)]} = \text{Adjusted lot area} \times 0.38 \text{ FAR} = \text{MPFA}$$

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

- G. Multiple Dwellings and Residential Performance Standards Option.** Where multiple dwellings are proposed on a single lot, or where a residential subdivision is proposed under the Performance Standards Option of chapter 18-3.8, the MPFA shall be determined using the following formula:

$$\text{Lot area} \times \text{Adj. Factor [from Table 18-2.5.080(E)]} = \text{Adjusted lot area} \times \text{Graduated FAR [from Table 18-2.5.080(F)]} = \text{MPFA}$$

18-2.5 – Standards for Residential Zones

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

18-2.5.080 Residential Density Calculation in R-2 and R-3 Zones

Comment: This section carries forward and consolidates the density standards in subsections 18.24.040.A and 18.28.040.A.

A. Density Standard. Except density gained through bonus points under section 18-2.5.080 or chapter 18-3.8 Performance Standards Option, development density in the R-2 and R-3 zones shall not exceed the densities established by this section.

Comment: The existing ordinance contains minimum lot sizes for 1, 2 and 3 units in the R-2 and R-3 zones. As a result, that qualification is added to subsection 1. In addition, the language regarding accessory units in section 2 has caused confusion in the past, and was deleted. Staff believes the existing language in section 3 addresses the same issue.

B. Density Calculation.

1. Except as specified in the minimum lot area dimensions below, the density in R-2 and R-3 zones shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public, and subject to the exceptions below. Fractional portions of the answer shall not apply towards the total density.
2. Units not considered as an accessory residential unit and less than 500 square feet of gross habitable area shall count as 0.75 units for the purposes of density calculations.
3. Accessory residential units are not required to meet the density or minimum lot area requirements of this section. See section 18-2.3.040 for accessory residential unit standards.

C. Minimum Density.

1. The minimum density shall be 80 percent of the calculated base density.
2. Exceptions to minimum density standards. The following lots are totally or partially exempt from minimum density standards.
 - a. Lots less than 10,000 sq. ft. in existence prior to the effective date of this ordinance.
 - b. Lots located within any Historic District designated within the Ashland Municipal Code.
 - c. Lots with existing, or proposed, conditional uses may be exempt for that portion of the property that is subject to the conditional use for calculations of the minimum base density standard.
 - d. Where a lot is occupied by a single-family residence January 9, 2005 (ORD 2914), the single-family residence may be enlarged or reconstructed without being subject to the

18-2.5 – Standards for Residential Zones

minimum base density standard.

- e. In the event that a fire or natural hazard destroys a single-family residence, such residence may be replaced without being subject to the minimum base density standard.
- f. Where floodplains, streams, land drainages, wetlands, and or steep slopes exist upon the lot an exception to minimum density requirements may be obtained to better meet the standards of chapter 18-3.9 Physical and Environmental Constraints.
- g. A lot that is nonconforming in minimum density may not move further out of conformance with the minimum density standard. However, units may be added to the lot which bring the lot closer to conformance without coming all the way into conformance provided it is demonstrated that the minimum density will not be precluded.

Comment: The existing ordinance contains minimum lot sizes for 1, 2 and 3 units. The existing wording in this section is confusing and has been edited for clarity.

5,000 square foot lots: Before the 2008 code amendments, the ordinance read “minimum lot area for one unit shall be 5,000 square feet.” In 2008, “one” was changed to “less than two” units to address the accessory residential unit provision that was added at the same time. However, this language has resulted in confusion to applicants and staff. As a result, an amendment is suggested which changes the number of units back to one and provides an exception for accessory residential units.

D. Base Densities and Minimum Lot Dimensions.

1. **R-2 Zone.** Base density for the R-2 zone shall be 13.5 dwelling units per acre, in addition to meet the following standards:
 - a. Minimum lot area for ~~less than two~~ one units shall be 5,000 square feet, except as allowed in section 18-2.3.040 for accessory residential units.
 - b. Minimum lot area for two units shall be 7,000 square feet.
 - c. ~~Developments of~~ Minimum lot area for three units or greater shall have minimum lot area in excess of be 9,000 square feet, except that ~~as determined by the base density and allowable bonus point calculations~~ the residential density bonus in subsection F may be used to increase density of lots greater than 8,000 square feet up to three units.
 - d. For more than three units, the base density shall be 13.5 dwelling units per acre. The permitted base density shall be increased by the percentage gained through the residential density bonus is subsection F.
2. **R-3 Zone.** Base density for the R-3 zone shall be 20.0 dwelling units per acre, in addition to the meet the following standards:
 - a. Minimum lot area for ~~less than two~~ one units shall be 5,000 square feet, except as allowed in section 18-2.3.040 for accessory residential units.
 - b. Minimum lot area for two units shall be 6,500 square feet.
 - c. ~~Developments of~~ Minimum lot area for three units or greater shall be have minimum lot area in excess of be 8000 square feet. except as determined by the base density and allowable bonus point calculations.

18-2.5 – Standards for Residential Zones

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

E. Exceptions. An accessory residential unit is not required to meet density or minimum lot area requirements per section 18-2.3.040.

Comment: This section carries forward and consolidates the density bonus provisions currently contained in the R-2 and R-3 zones, per subsections 18.24.040.B and 18.28.040.B. The maximum bonus is amended from 40% to 60% to match chapter 18-3.8 Performance Standards Option.

F. Residential Density Bonus.

1. Density Bonus Points Authorized. Except as allowed under chapter 18-3.8 Performance Standards Option, the permitted base density shall be increased only pursuant to this section.
2. Maximum Bonus Points. The maximum bonus permitted shall be **60 percent.**
3. Bonus Point Criteria. The following bonuses shall be awarded:
 - a. Conservation housing, maximum 15 percent bonus. One hundred percent of the homes or residential units approved for development, after bonus point calculations, shall meet the minimum requirements for certification as an Earth Advantage home, as approved by the Ashland Conservation Division under the City's Earth Advantage program as adopted by resolution 2006-6.
 - b. Provision of outdoor recreation space above minimum requirement established by this ordinance, maximum 10 percent bonus. The purpose of the density bonus for outdoor recreational space is to permit areas that could otherwise be developed as a recreational amenity. It is not the purpose of this provision to permit density bonuses for incidental open spaces that have no realistic use by project residents on a day-to-day basis. One percent increased density bonus for each percent of the project dedicated to outdoor recreation space beyond the minimum requirement of this ordinance.
 - c. Provision of major recreational facilities, maximum 10 percent bonus. Density bonus points shall be awarded for the provision of major recreational facilities, such as tennis courts, swimming pools, playgrounds, or similar facilities. For each one percent of the total project cost devoted to recreational facilities, a six percent density bonus shall be awarded to a maximum of ten percent. Total project cost shall be defined as the estimated sale price or value of each residential unit times the total number of units in the project. Estimated value shall include the total market value for the structure and land. A qualified architect or engineer using current costs of recreational facilities shall estimate the cost of the recreational facility for City review and approval.

Comment: The affordable housing incentive is revised to provide two market rate units for every affordable unit, per the Planning Commission input on the Policy Issues and Recommendations from the 2006 Land Use Ordinance Review. The current bonus is an equivalent increase in density as the percentage of affordable units provided. The amendment was included in the previous draft, but the language was edited for clarity. Also, the

18-2.5 – Standards for Residential Zones

maximum bonus is increased from 25 to 35 percent for consistency with chapter 18-3.8 Performance Standards Option.

A density bonus for cottage housing is added per the Planning Commission discussion and recommendations of the green development evaluation. The standards for cottage housing are in section 18-2.3.090.

The affordable housing and cottage housing provisions are identical to those in chapter 18-3.8 Performance Standards Option.

- d. Affordable housing, maximum 35 percent bonus. Developments shall receive a density bonus of two units for each affordable housing unit provided. Affordable housing bonus shall be for residential units that are guaranteed affordable in accord with the standards of section 18-2.5.070.
- e. Cottage Housing. In the R-1 zone, developments meeting the standards of section 18-2.3.090 Cottage Housing shall receive a density bonus of two cottage housing units for each single-family home allowed by the base density of the district. The maximum cottage housing density bonus is established by the standards in section 18-2.3.090 and is exempt from the maximum bonus in section 18-2.5.080.F.

18-2.5.090 Standards for Single-Family Dwellings

Comment: This section carries forward and consolidates standards for single-family dwellings, which repeats in the R-1, R-2 and R-3 zones. R-1-3.5 was added to the list of zones where the standards are applicable – staff believes it was likely an oversight originally.

- A. The following standards apply to new single-family dwellings constructed in the R-1, R-1-3.5, R-2, and R-3 zones; the standards do not apply to dwellings in the R-1-3.5, WR or RR zones.
- B. Single-family dwellings subject to this section shall utilize at least two of the following design features to provide visual relief along the front of the residence:
 - 1. Dormers
 - 2. Gables
 - 3. Recessed entries
 - 4. Covered porch entries
 - 5. Cupolas
 - 6. Pillars or posts
 - 7. Bay window (min. 12" projection)
 - 8. Eaves (min. 6" projection)
 - 9. Off-sets in building face or roof (min. 16")

18-2.5 – Standards for Residential Zones

Chapter 18-2.6 Standards for Non-Residential Zones

- 18-2.6.010 Purpose
- 18-2.6.020 Applicability
- 18-2.6.030 Unified Standards for Non-Residential Zones

Comments: This chapter consolidates the C-1, C-1-D, E-1 and M-1 base zone regulations, per chapters 18.32, 18.40, and 18.52, in order to make the code easier to use and to avoid internal conflicts. Standards for special districts (CM, HC, NM and SOU) and the city's overlay zones are contained in Part 18-3.

18-2.6.010 Purpose

Chapter 18-2.6 sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development, for Ashland's base employment zones, pursuant to the City of Ashland Comprehensive Plan and the purposes of this ordinance.

18-2.6.020 Applicability

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

18-2.6.030 Unified Standards for Non-Residential Zones

Comments: The following carries forward and consolidates the existing quantitative standards (dimensions and surface areas) from the C-1, C-1-D, E-1 and M-1 zones, and the applicable landscape area regulations of 18.72.110.

The following revisions are per the Planning Commission's input on the Policy Issues and Recommendations from the 2006 Land Use Ordinance Review.

- **Maximum Building Height in Commercial Zones:** Currently, height is limited to 40 feet, except where a conditional use permit is approved for a height of 40 to 55 feet in the C-1-D zone. The proposed revision allows buildings up to 55 feet in height in the C-1 and C-1-D zones if the building is located more than 100 feet from a residential zone.
- **Exemption from Solar Setbacks in C-1 Zone:** Currently, 18.32.050 exempts buildings in the C-1-D and CM zones. The proposed revision is to exempt buildings in the C-1 zone from solar setbacks if the building is more than 100 feet from a residential zone.
- **C-1 and E-1 Side and Rear Yard Setbacks to Residential Zones:** Currently: 1) in the C-1 zone, 10 feet is required for side yards and 10 feet per story is required for rear yards, where abutting a residential zone, and 2) in the E-1 zone, 10 feet per story for side and rear yards is required where abutting a residential zone. The proposed amendment is in the C-1 and E-1 zones, 5 feet per story for side and rear yards where abutting a residential zone.

Staff recommends deleting the 20-foot front yard requirement for the M-1 (industrial) zone for consistency with the commercial and employment zones. The required 20-foot buffer between new development in the M-1 zone and residential zones remains in place. In addition, the Site Review standards require a 10-foot wide landscape area between buildings and the street, and outdoor storage and loading facilities to be screened and buffered when adjacent to streets and residential zones.

18-2.6 – Standards for Non-Residential Zones

Table 18-2.6.030 – Standards for Non-Residential Zones (Except as modified under chapter 18-5.7 Adjustments and Variances or chapter 18-3.8 Performance Standards Option.)				
Standard	C-1	C-1-D	E-1	M-1
Residential Density (dwelling units/acre)	30 du/ac	60 du/ac	15 du/ac	NA
*where allowed per 18-2.3.120; or, within E-1 zone, per R-Overlay.				
Lot Area, Width, Depth Lot Coverage	There is no minimum lot area, width or depth, or maximum lot coverage; or minimum front, side or rear yard, except as required to comply with the overlay zone provisions of Part 18-3, the site development and design standards of Part 18-4, or the conditional use approval, pursuant to chapter 18-5.4.			
Setback Yards (feet)	<p>There is no minimum front, side or rear yard required, except where buildings on the subject site abut an R zone, in which case a side and rear yard of not less than 5 ft ^{was 10 ft} per story is required.</p> <p>Except for properties buildings abutting within 100 feet of a R zone, the solar setback standards of chapter 18-4.10 do not apply to structures in the C-1 zone.</p> <p>The solar setback standards of chapter 18-4.10 do not apply to structures in the C-1-D zone.</p> <p>See also 18-2.4.030 Arterial Street Setback and 18-2.4.040 General Exceptions – Front and Side Yards.</p>		<p>The minimum front yard is 20 ft.</p> <p>There is no minimum front, side or rear yard, except 20 ft where adjoining an R zone.</p>	
Building Height – Maximum (feet)	<p>40 ft, except structures greater than 40 ft and less than 55 ft are permitted in C-1 and C-1-D zone where located more than 100 feet from a R zone. ^{was 40 ft}</p> <p>Structures greater than 40 ft and less than 55 ft are allowed in the 100 foot buffer area, with approval of a Conditional Use Permit in the C-1-D zone.</p>		40 ft	
Landscape Area – Minimum (% of developed lot area)	15%	None, except parking areas and service stations shall meet the standards of chapter 18-4.4 Parking and Loading, and 18-4.5 Landscaping and Screening.	15%	10%