



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

April 28, 2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Ashland Plan Amendment
DLCD File Number 004-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: May 12, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Amy Anderson, City of Ashland

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PROP **2**

DLCD

Notice of Adoption

**THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

In person electronic mailed

**DATE
STAMP**

DEPT OF

APR 23 2008

**LAND CONSERVATION
AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **City of Ashland**

Local file number: **2007-01283**

Date of Adoption: **4/1/2008**

Date Mailed: **4/18/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **7/25/2007**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **adopting digital format maps**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amendments to muni-code revising definitions, zoning district classifications, revisions to conditional use standards and general regulations for all zones and various other sections of the Chapter 18. Also providing for new procedures for processing applications and enforcement. Additionally, providing for corrections to and adoption of official maps, including zoning and overlay maps in digital format.

Does the Adoption differ from proposal? **Yes**, Please explain below:

There were numerous additions, subtractions and changes made by the City Attorney. Additonally, the digital format adoption of the maps was not included in the first proposal.

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **n/a**

Acres Involved: **0**

Specify Density: Previous: **n/a**

New: **n/a**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

DLCD # 004-07 (16260)

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Amy Anderson**

Phone: (541) 951-4020 Extension:

Address: **20 E. Main Street**

Fax Number: **541-552-2050**

City: **Ashland**

Zip: **97520-**

E-mail Address: **andersona@ashland.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - **ATTENTION: PLAN AMENDMENT SPECIALIST**.

ORDINANCE NO. 2951

AN ORDINANCE AMENDING CHAPTER 18 OF THE ASHLAND MUNICIPAL CODE; PROVIDING FOR REVISIONS TO DEFINITIONS AND ZONING DISTRICT CLASSIFICATIONS, PROVIDING FOR REVISIONS TO CONDITIONAL USE STANDARDS AND GENERAL REGULATIONS FOR THE FOLLOWING ZONING DISTRICTS: WOODLAND RESIDENTIAL, RURAL RESIDENTIAL, SINGLE FAMILY RESIDENTIAL, SUBURBAN RESIDENTIAL, LOW DENSITY MULTI-FAMILY RESIDENTIAL, HIGH DENSITY MULTI FAMILY RESIDENTIAL, NORTH MOUNTAIN NEIGHBORHOOD, RETAIL COMMERCIAL, EMPLOYMENT, INDUSTRIAL, HEALTH CARE SERVICES AND SOUTHERN OREGON UNIVERSITY ; PROVIDING FOR REVISIONS TO CHAPTERS FOR TREE PRESERVATION AND PROTECTION, PHYSICAL AND ENVIRONMENTAL CONSTRAINTS, GENERAL REGULATIONS, SITE DESIGN REVIEW, PARTITIONS, PERFORMANCE STANDARDS OPTION , PARKING, SIGNAGE, PROCEDURES AND ENFORCEMENT, PROVIDING ALSO FOR CORRECTIONS TO AND ADOPTION OF OFFICAL MAPS, INCLUDING ZONING AND OVERLAY MAPS IN DIGITAL FORMAT

(PA: 2007-01283).

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

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

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

WHEREAS, pursuant to ORS 227.186 the Ashland Planning Department provided written individual notice of the initial hearing of the above-described proposed changes to all property owners in the City of Ashland; and

WHEREAS, the City of Ashland Planning Commission considered the above-referenced ordinance amendments and recommended approval to the City Council on October 23, 2007; and

WHEREAS, the City Council of the City of Ashland conducted a public hearing on the above-referenced amendments on December 18, 2007 and left the record open until January 15, 2008.

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

NOW THEREFORE,

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

SECTION 1, Section 18.08.019 – Definition: Accessory Residential Unit, is added to the Ashland Municipal Code, and reads as follows:

18.08.019 Accessory Residential Unit, A second dwelling unit either attached to a single family dwelling or located on the same lot with a single family dwelling and having an independent means of access.

SECTION 2, Section 18.08.078 – Definition: **Basement**, is added to the Ashland Municipal Code, and reads as follows:

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

SECTION 3, Section 18.08.090, Boarding-room house, of the Ashland Municipal Code, is amended to read as follows:

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

SECTION 4, Section 18.08.160 – Definition: **Coverage, lot or site, of the Ashland Municipal Code, is amended to read as follows:**

18.08.160, Coverage, lot or site. Total area of all, buildings, parking areas, driveways, as well as other solid surfaces that will not allow normal water infiltration to the ground. The coverage is expressed as a percentage of such area in relation to the total gross area of the lot or site. Landscaping which does not negatively impact the natural water retention and soil characteristics of the site shall not be deemed part of the lot or site coverage.

SECTION 5, Section 18.08.256 – Definition: **Floor areas, gross habitable, is added To the Ashland Municipal Code, and reads as follows:**

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

SECTION 6, Section 18.08.257 – Definition: Floor area, gross, is added to the Ashland Municipal Code, and reads as follows:

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

SECTION 7, Section 18.08.281 – Definition: Ground floor, is added to the Ashland Municipal Code, and reads as follows:

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

SECTION 8, Section 18.08.291 – Definition: Historic District, is added to the Ashland Municipal Code, and reads as follows:

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

SECTION 9, Section 18.08.485 – Definition: Mechanical Equipment, of the Ashland Municipal Code, is amended to read as follows:

18.08.485, Mechanical equipment. Equipment or devices installed for a use appurtenant to the primary use. Such equipment shall include heating and air conditioning equipment, solar collectors, parabolic antennas, disc antenna, radio or TV receiving or transmitting antennas, and any power generating devices.

SECTION 10, Section 18.05.530 – Definition: Parking Space, of the Ashland Municipal Code, is amended to read as follows:

18.05.530, Parking Space - A space designed and designated to provide parking for a motor vehicle and in compliance with Chapter 18.92 parking standards.

SECTION 11, Section 18.08.595 – Definition: Planning Application, Planning Action, of the Ashland Municipal Code, is amended to read as follows:

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

SECTION 12, Section 18.08.601 – Definition: Porch, enclosed/unenclosed, is added to the Ashland Municipal Code, and reads as follows:

18.08.601 Porch, enclosed/unenclosed. Covered porches, exterior balconies, or other similar areas attached to a building and having dimensions of not less than six (6) feet in depth by eight (8) feet in length. "Enclosed means the porch contains wall(s) that are more than forty-two (42) inches in height measured from finished floor level, for fifty percent

(50%) or more of the porch perimeter. "Unenclosed" means the porch contains no such walls, but it may be covered.

SECTION 13, Section 18.08.602 – Definition: Porous Solid Surface, is added to the Ashland Municipal Code, and reads as follows:

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

SECTION 14, Section 18.08.616 – Definition: Reconstruct, is added to the Ashland Municipal Code, and reads as follows:

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

SECTION 15, Section 18.08.650 – Definition: Setback, of the Ashland Municipal Code, is amended to read as follows:

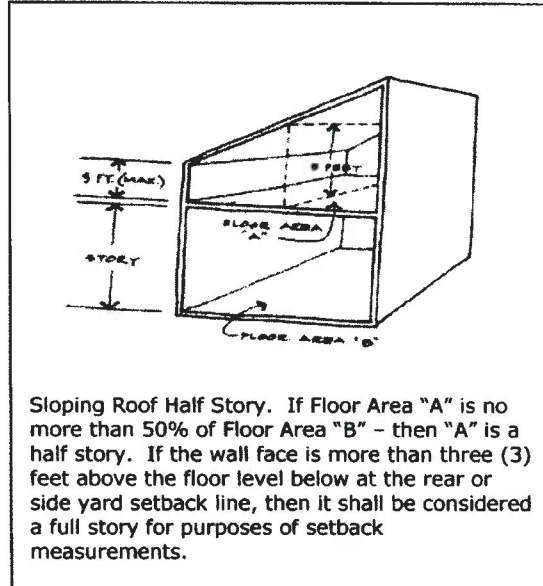
18.08.650, Setback. The horizontal perpendicular distance from a lot line to the closest part of a building or structure that is subject to a setback or yard requirement. Architectural projections may intrude into required setbacks as set forth in Section 18.68.040. When multi-story setbacks are specified, the setback for a story above the ground floor is measured horizontally from the lot line to the plane of the nearest wall of the upper story.

SECTION 16, Section 18.08.651 – Definition: Setback, Special, is added to the Ashland Municipal Code, and reads as follows:

18.08.651 Setback, Special. The distance between the center line of a street and the special base line setback from which yard measurements are made, measured horizontally and at right angles from said center line.

SECTION 17, Section 18.08.661 – Definition: Story, half, is added to the Ashland Municipal Code, and reads as follows:

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



SECTION 18, Section 18.08.662 – Definition: Story, of the Ashland Municipal Code, is added to read as follows:

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

SECTION 20, Section 18.08.750 – Definition: Structure or building, of the Ashland Municipal Code, is amended to read as follows:

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

SECTION 21, Section 18.08.795 – Definition: Traveler’s Accommodations, of the Ashland Municipal Code, is amended to read as follows:

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

SECTION 22, Section 18.08.830 – Definition: Yard, of the Ashland Municipal Code, is amended to read as follows:

18.08.830, Yard - An open space on a lot which is unobstructed by a structure

SECTION 23, Section 18.12.020, Classification of Districts, of the Ashland Municipal Code, is amended to read as follows:

18.12.020, Classification of Districts. For the purpose of this Title, the City is divided into zoning districts designated as follows:

Zoning Districts and Overlays	Map Symbol and Abbreviated Designation
Airport Overlay	A
Residential - Rural	RR
Residential - Single Family	R-1
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
Woodland Residential	WR
SOU - Southern Oregon University	
Performance Standards (P) - Overlay	P
Detail Site Review Zone	DSR
Health Care Services Zone	HC
North Mountain Neighborhood	NM
Residential Overlay	R
Freeway Sign Overlay	F

SECTION 24, Section 18.12.030, Zoning Map, of the Ashland Municipal Code, is amended to read as follows:

18.12.030, Zoning and Land Use Control Maps.

- A. The location and boundaries of the zoning districts designated in Section 18.12.020, physical and environmental constraints designated in Section 18.62.060, Detail Site Review Zone designated in Chapter 18.72 are established as shown on the map entitled "Zoning and Land Use Control Maps of the City of Ashland," dated with the effective date of the ordinance codified herein, and signed by the Mayor and City Recorder and hereafter referred to as the "Zoning and Land Use Control Maps."
- B. The signed copy of said Zoning and Land Use Control Maps shall be maintained on file in the office of the City Recorder and is made a part of this Title.

SECTION 25, Section 18.14.030, W-R, Conditional Uses, of the Ashland Municipal Code, is amended to read as follows:

18.14.030 Conditional Uses.

The following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.104, Conditional Use Permits:

- A. Churches and similar religious institutions.
- B. Public and public utility buildings, structures and uses, but not including corporation, storage or repair yards, warehouses and similar uses.
- C. Private recreational uses and facilities provided that the forested character of the area is not disturbed.
- D. Public and quasi-public halls, lodges and clubs.
- E. Schools, both public and private.
- F. Daycare centers.
- G. Homes for the elderly and nursing homes.
- H. Disc antenna for commercial use.
- I. Nonconforming use or structure changes required by Section 18.68.090.
- J. Temporary uses.
- K. Wireless Communication Facilities when attached to existing structures and authorized pursuant to Section 18.72.180.

SECTION 26, Section 18.16.030, R-R, Conditional Uses, of the Ashland Municipal Code, is amended to read as follows:

18.16.030 Conditional Uses.

The following uses and their accessory uses are permitted outright:

The following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.104, Conditional Use Permits:

- A. Churches and similar religious institutions.
- B. Hospitals, rest, nursing and convalescent homes.
- C. Parochial and private schools, including nursery schools, kindergarten, and day nurseries; business, dancing, trade technical, or similar school.
- D. Public and public utility buildings, structures and uses; but not including corporation, storage or repair yards, warehouses, and similar uses.
- E. Private recreational uses and facilities, including country clubs, golf courses, swimming clubs, and tennis clubs, but not including such intensive commercial recreational uses as a driving range, race track, or amusement park.
- F. Riding instructions and academies.
- G. Cemeteries, mausoleums, columbariums, crematoriums.
- H. Excavation and removal of sand, gravel, stone, loam, dirt, or other earth products, subject to Section 18.68.080, Commercial Excavation.
- I. Public and quasi-public halls, lodges and clubs.
- J. Accessory residential units, subject to the Type I procedure and criteria, and the following additional criteria:
 - 1. The proposal must conform with the overall maximum lot coverage and setback requirements of the underlying zone.
 - 2. The maximum number of dwelling units shall not exceed 2 per lot.

3. The maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50% of the GHFA of the primary residence on the lot, and shall not exceed 1000 sq. ft. GHFA.
 4. Additional parking shall be in conformance with the off-street Parking provisions for single-family dwellings of this Title.
 5. 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% slope.
 6. If located in the Wildfire zone, the accessory residential unit shall have a residential sprinkler system installed.
 7. The lot on which the accessory residential unit is located shall have access to an improved city street, paved to a minimum of 20' in width, with curbs, gutters, and sidewalks.
 8. No on-street parking credits shall be allowed for accessory residential units in the RR-.5 zone."
- K. Disc antenna for commercial use.
- L. Nonconforming use or structure changes required by Section 18.68.090.
- M. Temporary uses.
- N. Wireless Communication Facilities when attached to existing structures and authorized pursuant to Section 18.72.180.

SECTION 27, Section 18.16.040, R-R, General Regulations, of the Ashland Municipal Code, is amended to read as follows:

18.16.040 General Regulations

- A. Minimum lot area: Minimum lot areas in the RR zone may be one-half (½), one (1), and two and one-half (2 ½) acres, depending on the topographic nature, service availability and surrounding land uses, and other relevant characteristics of the area.
- B. Maximum lot coverage:
 1. One-half (½) acre lots (RR-.5): twenty (20%) percent maximum.
 2. One (1) acre lots (RR-1): twelve (12%) percent maximum.
 3. Two and one-half (2 ½) acre lots (RR-2.5): seven (7%) percent maximum.
- C. Minimum lot width: All lots shall be at least one hundred (100) feet in width.
- D. Lot depth: All lots shall be at least one hundred fifty (150) feet in depth. No lot depth shall be more than three (3) times its width.
- E. Minimum front yard: There shall be a front yard of at least twenty (20) feet.
- F. Minimum side yard: There shall be a minimum side yard of six feet, except ten (10) feet along the side yard facing the street on a corner lot.
- G. Minimum rear yard: There shall be a minimum rear yard of ten (10) feet plus ten (10) feet for each story in excess of one (1) story.
- H. Maximum building height: No structure shall be over thirty-five (35) feet or two and one-half (2 ½) stories in height, whichever is less. This does not include agricultural structures fifty (50) feet or more from any property line.

SECTION 28, Section 18.20.030, R-1, Conditional Uses, of the Ashland Municipal Code, is amended to read as follows:

18.20.030 Conditional Uses

The following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.104, Conditional Use Permits.

- A. Churches and similar religious institutions.

- B. Hospitals, rest, nursing or convalescent homes.
- C. Parochial and private schools, including nursery schools, kindergartens, day nurseries, business, dancing, trade, technical or similar schools.
- D. Public and public utility buildings, structures and uses. (Ord. 2121 S2, 1981)
- E. Recreational uses and facilities, including country clubs, golf courses, swimming clubs and tennis clubs; but not including such intensive commercial recreational uses as a driving range, race track or amusement park.
- F. Off-street parking lots adjoining a C or M district subject to the provisions of Chapter 18.92, Off-Street Parking.
- G. Public and quasi-public halls, lodges and clubs.
- H. Accessory residential units, subject to the Type I procedure and criteria, and the following additional criteria:
 1. The proposal must conform with the overall maximum lot coverage and setback requirements of the underlying zone.
 2. The maximum number of dwelling units shall not exceed 2 per lot.
 3. The maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50% of the GHFA of the primary residence on the lot, and shall not exceed 1000 sq. ft. GHFA.
 4. Additional parking shall be in conformance with the off-street Parking provisions for single-family dwellings of this Title.
- I. Group Homes. (Ord. 2348 S1, 1985; Ord. 2624 S1, 1991)
- J. Disc antenna for commercial use.
- K. Dwellings in the Historic District exceeding the maximum permitted floor area pursuant to Section 18.20.040.
- L. Nonconforming use or structure changes required by Section 18.68.090.
- M. Temporary uses.
- N. Wireless Communication Facilities when attached to existing structures and authorized pursuant to Section 18.72.180.

Section 29, Section 18.22.030, R-1-3.5, Conditional Uses, of the Ashland Municipal Code, is amended to read as follows:

18.22.030 Conditional Uses

- A. Churches and similar religious institutions.
- B. Hospitals, rest, nursing or convalescent homes.
- C. Parochial and private schools, including nursery schools, kindergartens, day nurseries, dancing, trade, technical or similar schools.
- D. Public and public utility buildings, structures and uses.
- E. Recreational uses and facilities, including country clubs, golf courses, swimming clubs and tennis clubs, but not including such intensive commercial recreational uses as a driving range, race track or amusement park.
- F. Public and quasi-public halls, lodges and clubs.
- G. Limited personal service establishments in the home, such as beauticians, masseurs, etc.
- H. Disc antenna for commercial use.
- I. Nonconforming use or structure changes required by Section 18.68.090.
- J. Temporary uses.
- K. Wireless Communication Facilities when attached to existing structures and authorized pursuant to Section 18.72.180.

SECTION 30 Section 18.22.040, R-1-3.5, General Regulations, of the Ashland Municipal Code, is amended to read as follows:

18.22.040 General Regulations

- A. Minimum Lot Area. The minimum lot area shall be five thousand (5,000) square feet, except that a lot three thousand five hundred (3,500) square feet or larger may be created when the lot contains an existing single-family residence which meets setback, density, and lot coverage requirements. Variances under this Section are subject to Type I procedures.
- B. Minimum Lot Width. The minimum lot width shall be fifty (50) feet.
- C. Lot Depth. All lots shall have a minimum depth of eighty (80) feet. No lot depth shall be more than two and one-half (2 ½) times its width.
- D. Standard Yard Requirements. Front yard, twenty (20) feet; side yards, six (6) feet; rear yard, ten (10) feet plus ten (10) feet for each story in excess of one (1) story. In addition, the setbacks must comply with Section 18.70 which provides for solar access. The side yard of a corner lot abutting a public street shall have a ten (10) foot setback.
- E. Special Yards--Distances Between Buildings.
 - 1. The distance between any principal building and an accessory building shall be a minimum of ten (10) feet.
 - 2. An inner court providing access to a double-row dwelling group shall be a minimum of twenty (20) feet.
 - 3. The distance between principal buildings shall be at least one-half (½) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than twelve (12) feet.
- F. Maximum Height. No structure shall be over thirty-five (35) feet or two and one-half (2 ½) stories in height, whichever is less.
- G. Maximum Coverage. Maximum lot coverage shall be fifty-five (55%) percent. (Ord. 2228, 1982)

SECTION 31, Section 18.24.030, R-2, Conditional Uses, of the Ashland Municipal Code, is amended to read as follows:

18.24.030, Conditional Uses

The following uses and their accessory uses are permitted when authorized in accordance with the chapter on conditional use permits:

- A. Churches and similar religious institutions.
- B. Parochial and private schools, business, dancing, trade, technical, or similar schools.
- C. Manufactured housing developments subject to Chapter 18.84.
- D. Public and quasi-public halls, lodges and clubs.
- E. Professional offices or clinics for an accountant, architect, attorney, dentist, designer, doctor or other practitioner of the healing arts, engineer, insurance agent or adjuster, investment or management counselor or surveyor.
- F. Hospitals, rest, nursing and convalescent homes.
- G. Limited personal service establishments in the home, such as beauticians, masseurs and the uses listed in subsection E above.

- H. Wholesale plant nurseries, including accessory structures.
- I. Retail commercial uses located in a dwelling unit within the Railroad Historic District approved by the City Council. Such business shall be no greater than six hundred (600) sq. ft. in total area, including all storage and accessory uses, and shall be operated only by the occupant of the dwelling unit uses, and the equivalent of one (1) half (½) time employee (up to twenty-five (25) hours per week). 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.
- J. (Ord. 2624 S2, 1991; deleted Ord. 2942 S2, 2007)
- K. Traveler's accommodations, subject to the following:
 - 1. That all residences used for travelers accommodation be business-owner occupied. The business-owner shall be required to reside on the property occupied by the accommodation, and occupancy shall be determined as the travelers accommodation location being the primary residence of the owner during operation of the accommodation. "Business-owner" shall be defined as a person or persons who own the property and accommodation outright; or who have entered into a lease agreement with the property owner(s) allowing for the operation of the accommodation. Such lease agreement to 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 is wholly responsible for all operations associated with the accommodation, and has actual ownership of the business. (ORD 2806 S1, 1997)
 - 2. That each accommodation unit shall have 1 off-street parking space and the owners shall have 2 parking spaces. All spaces shall be in conformance with the requirements of the Off-Street Parking section of this Title.
 - 3. That only one ground or wall sign, constructed of a non-plastic material, non-interior illuminated of 6 sq. ft. maximum size be allowed. 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 18.72.110.
 - 4. That the number of accommodation units allowed shall be determined by the following criteria:
 - a. That the total number of units, including the owner's unit, shall be determined by dividing the total square footage of the lot by 1800 sq. ft. 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 shall not exceed 9 per approved travelers' accommodation with primary lot frontage on arterial streets. The maximum number of units shall be 7 per approved travelers' accommodation with primary lot frontage on designated collector streets; or for travelers' accommodations not having primary frontage on an arterial and within 200 feet of an arterial. Street designations shall be as determined by the Ashland Comprehensive Plan. Distances shall be measured via Public Street or alley access to the site from the collector or arterial.
 - b. Excluding the business-owner's unit and the area of the structure it will occupy, there must be at least 400 sq. ft. of gross interior floor space remaining per unit.
 - 5. That the primary residence on the site 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 setbacks and lot coverage's of the underlying zone.
6. Transfer of business-ownership of a traveler's accommodation shall be subject to all requirements of this section and conformance with the criteria of this section. 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 requirements remaining in effect upon change of business-ownership. Any further modifications beyond the existing approvals shall be in conformance with all requirements of this section.
 7. 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.
 8. That the property on which the travelers' accommodation is operated is located within 200 feet of a collector or arterial street as designated in the City's Comprehensive Plan. Distances shall be measured via Public Street or alley access to the site from the collector or arterial.
- L. Hostels
 - M. Disc antenna for commercial use.
 - N. Nonconforming use or structure changes required by Section 18.68.090.
 - O. New structures and additions to existing structures within a designated Historic District which exceeds the Maximum Permitted Floor Area (MPFA), subject to the general regulations set forth in Section 18.24.040.
 - P. Temporary uses.
 - Q. Wireless Communication Facilities when attached to existing structures and authorized pursuant to Section 18.72.180.

SECTION 32, - 18.24.040 A.(1), R-2, General Regulations, Permitted Density, of the Ashland Municipal Code, is amended to read as follows:

18.24.040 General Regulations

- A. Permitted Density and Minimum Lot Dimensions.
 1. Base Densities and Minimum Lot Dimensions. The density of the development, including the density gained through bonus points, shall not exceed the density established by this section. The density shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. The minimum density shall be 80% of the calculated base density. Fractional portions of the answer shall not apply towards the total density. Base density for the R-2 zone shall be 13.5 dwelling units per acre, in addition to the following standards and exceptions:
 - a. An accessory residential unit is not required to meet density or minimum lot area requirements, provided the unit is not greater than fifty percent (50%) of the gross habitable floor area of the single family residence on the lot and does not exceed 500 square feet of gross habitable floor area.
 - b. 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.
 - c. Minimum lot area for less than 2 units shall be 5000 sq. ft. with a minimum width of 50' and minimum depth of 80'.
 - d. Minimum lot area for 2 units shall be 7,000 sq. ft. with a minimum width of 50' and a minimum depth of 80'.
 - e. Developments of 3 units or greater shall have minimum lot area in excess of 9000 sq. ft. except as determined by the base density and allowable bonus

point calculations, and shall have a minimum width of 50' and a minimum depth of 80'.

SECTION 33, 18.24.040 I.1., R-2, General Regulations, Maximum Permitted Floor Area for single family dwellings on individual lots within the Historic District, of the Ashland Municipal Code, is amended to read as follows:

18.24.040 General Regulations

- I. Maximum Permitted Floor Area for single family dwellings on individual lots within the Historic District. The maximum permitted floor area for single family primary dwellings on individual lots within an Historic District shall be determined by the following:
 1. The maximum permitted floor area shall include the total floor space of all floors (gross floor area) of the primary dwelling measured to the outside surfaces of the building, including but not limited to exterior walls, potential living spaces within the structure with at least 7' of head room and attached garages. The floor area shall not include basements, detached garages, detached accessory structures, or detached accessory residential units. Detached garages, accessory structures, or accessory residential units shall be separated from other structures by a minimum of 6', except that unenclosed breezeways or similar open structures may connect the structures.

SECTION 34, 18.24.040 J.1., R-2, General Regulations, Maximum Permitted Floor Area for multiple dwellings on a single lot and new residential construction in Performance Standards Options land divisions created within an Historic District., of the Ashland Municipal Code, is amended to read as follows:

18.24.040 General Regulations

- J. Maximum Permitted Floor Area for multiple dwellings on a single lot and new residential construction in Performance Standards Options land divisions created within an Historic District. The MPFA shall be determined by the following:
 1. The MPFA shall include the total floor space of all floors (gross floor area) of the dwelling units measured to the outside surfaces of the building(s), including but not limited to exterior walls, potential living spaces within the structure with at least 7' of head room and attached garages. The floor area shall not include basements, detached garages, detached accessory structures, or detached accessory residential units. Detached garages, accessory structures, or accessory residential units shall be separated from other structures by a minimum of 6', except that unenclosed breezeways or similar open structures may connect the structures.

SECTION 35, Section 18.28.030, R-3, Conditional Uses, of the Ashland Municipal Code, is amended to read as follows:

18.28.030 Conditional Uses

The following uses and their accessory uses are permitted when authorized in accordance with the Chapter on Conditional Use Permits:

- A. Churches and similar religious institutions.
- B. Parochial and private schools, business, dancing, trade, technical or similar schools.
- C. Manufactured housing developments, subject to Chapter 18.84.

- D. Public and quasi-public halls, lodges and clubs.
- E. Professional offices or clinics for an accountant, architect, attorney, dentist, designer, doctor, or other practitioner of the healing arts, engineer, insurance agent or adjuster, investment or management counselor or surveyor.
- F. Hospitals, rest, nursing and convalescent homes.
- G. Limited personal service establishments in the home, such as beauticians, masseurs, and the uses listed in subsection E above.
- H. Wholesale plant nurseries, including accessory structures.
- I. (Ord. 2624 S3, 1991; DELETED Ord 2942 S5; 2007)
- J. Travelers accommodations, subject to the following:
 - 1. That all residences used for travelers accommodation be business-owner occupied. The business-owner shall be required to reside on the property occupied by the accommodation, and occupancy shall be determined as the travelers' accommodation location being the primary residence of the owner during operation of the accommodation. "Business-owner" shall be defined as a person or persons who own the property and accommodation outright; or who have entered into a lease agreement with the property owner(s) allowing for the operation of the accommodation. Such lease agreement to 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 is wholly responsible for all operations associated with the accommodation, and has actual ownership of the business. (ORD 2806 S2, 1997)
 - 2. That each accommodation unit shall have 1 off-street parking space and the owners shall have 2 parking spaces. All spaces shall be in conformance with the requirements of the Off-Street Parking section of this Title.
 - 3. That only one ground or wall sign, constructed of a non-plastic material, non-interior illuminated of 6 sq. ft. maximum size be allowed. 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 18.72.110.
 - 4. That the number of accommodation units allowed shall be determined by the following criteria:
 - a. That the total number of units, including the owner's unit, shall be determined by dividing the total square footage of the lot by 1800 sq. ft. 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 shall not exceed 9 per approved traveler's accommodation with primary lot frontage on arterial streets. The maximum number of units shall be 7 per approved travelers accommodation with primary lot frontage on designated collector streets; or for traveler's accommodations not having primary frontage on an arterial and within 200 feet of an arterial. Street designations shall be as determined by the Ashland Comprehensive Plan. Distances shall be measured via public street or alley access to the site from the collector or arterial.
 - b. Excluding the business-owner's unit and the area of the structure it will occupy, there must be at least 400 sq. ft. of gross interior floor space remaining per unit.
 - 5. That the primary residence on the site 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 setbacks and lot coverage's of the underlying zone.

6. Transfer of business-ownership of a traveler's accommodation shall be subject to all requirements of this section and conformance with the criteria of this section. All travelers' 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 requirements remaining in effect upon change of business-ownership. Any further modifications beyond the existing approvals shall be in conformance with all requirements of this section.
- L. Hostels
- M. Disc antenna for commercial use.
- N. Enlargement, extension, reconstruction, substitution, structural alteration or reactivation of nonconforming uses and structures pursuant to Section 18.68.090.
- O. New structures and additions to existing structures within a designated Historic District which exceeds the Maximum Permitted Floor Area (MPFA), subject to the general regulations set forth in Section 18.28.040.
- P. Temporary uses.
- Q. Wireless Communication Facilities when attached to existing structures and authorized pursuant to Section 18.72.180.

SECTION 36, Section 18.28.040 A.1., R-3, General Regulations, Permitted Density, of the Ashland Municipal Code, is amended to read as follows:

18.28.040 General Regulations

A. Permitted Density and Minimum Lot Dimensions

1. Base Densities and Minimum Lot Dimensions. The density of the development, including the density gained through bonus points, shall not exceed the density established by this section. The density shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. The minimum density shall be 80% of the calculated base density. Fractional portions of the answer shall not apply towards the total density. Base density for the R-3 zone shall be 20.0 dwelling units per acre, in addition to the following standards and exceptions:
 - a. An accessory residential unit is not required to meet density or minimum lot area requirements provided the unit is not greater than fifty percent (50%) of the gross habitable floor area of the single family residence on the lot and does not exceed 500 square feet of gross habitable floor area.
 - b. Units, not considered as an accessory residential unit and than 500 square feet of gross habitable area shall count as 0.75 units for the purposes of density calculations.
 - c. Minimum lot area for less than two (2) units shall be 5000 sq. ft. with a minimum width of 50' and minimum depth of 80'
 - d. Minimum lot area for 2 units shall be 6,500 sq. ft. with a minimum width of 50' and a minimum depth of 80'.
 - e. Developments of 3 units or greater shall have minimum lot area in excess of 8000 sq. ft. except as determined by the base density and allowable bonus point calculations, and shall have a minimum width of 50' and a minimum depth of 80'.

SECTION 37, Section 18.28.040 I.1., R-3, General Regulations, Maximum Permitted Floor Area for single family dwellings on individual lots within the Historic District of the Ashland Municipal Code, is amended to read as follows:

I. Maximum Permitted Floor Area for single family dwellings on individual lots within the Historic District. The maximum permitted floor area for single family primary dwellings on individual lots within an Historic District shall be determined by the following:

1. The maximum permitted floor area shall include the total floor space of all floors (gross floor area) of the primary dwelling measured to the outside surfaces of the building, including but not limited to exterior walls, potential living spaces within the structure with at least 7' of head room and attached garages. The floor area shall not include basements, detached garages, detached accessory structures, or detached accessory residential units. Detached garages, accessory structures, or accessory residential units shall be separated from other structures by a minimum of 6', except that unenclosed breezeways or similar open structures may connect the structures.

SECTION 38, Section 18.28.040 J.1., R-3, General Regulations, Maximum Permitted Floor Area for multiple dwellings on a single lot and new residential construction in Performance Standards Options land divisions created within an Historic District. of the Ashland Municipal Code, is amended to read as follows:

- J. Maximum Permitted Floor Area for multiple dwellings on a single lot and new residential construction in Performance Standards Options land divisions created within an Historic District. The MPFA shall be determined by the following:
 1. The MPFA shall include the total floor space of all floors (gross floor area) of the dwelling units measured to the outside surfaces of the building(s), including but not limited to exterior walls, potential living spaces within the structure with at least 7' of head room and attached garages. The floor area shall not include basements, detached garages, detached accessory structures, or detached accessory residential units. Detached garages, accessory structures, or accessory residential units shall be separated from other structures by a minimum of 6', except that unenclosed breezeways or similar open structures may connect the structures.

SECTION 39, Section 18.30.020, NM General Regulations, of the Ashland Municipal Code, is amended to read as follows:

18.30.020 , NM General Regulations

A. Conformance with North Mountain Neighborhood Plan.

Land uses, streets, alleys and pedestrian/bicycle access ways shall be located in accordance with those shown on the North Mountain Neighborhood Plan adopted by Ordinance No. 2800.

1. Major and Minor Amendments

- a. Major amendments are those which result in any of the following:
 - (1) A change in land use.
 - (2) A change in the street layout plan that requires a street to be eliminated or to be located in such a manner as to not be consistent with the neighborhood plan.
 - (3) A change in the North Mountain Neighborhood Design Standards.
 - (4) A change in planned residential density.
 - (5) A change not specifically listed under the major and minor amendment definitions.
- b. Minor amendments are those which result in any of the following:
 - (1) Changes related to street trees, street furniture, fencing, or signage.

- (2) A change in the street layout that requires a local street, alley, easement, pedestrian/bicycle access way or utility to be shifted more than 50 feet in any direction, as long as the change maintains the connectivity established by the neighborhood plan.
2. **Major Amendment Type II Procedure.** A major amendment to the neighborhood plan shall be processed as a Type II planning action concurrently with specific development proposals. In addition to complying with the standards of this section, findings must demonstrate that:
- The proposed modification maintains the connectivity established by the neighborhood plan;
 - The proposed modification furthers the design and access concepts advocated by the neighborhood plan, including but not limited to pedestrian access, bicycle access, and de-emphasis on garages as a residential design feature;
 - The proposed modification will not adversely affect the purpose, objectives, or functioning of the neighborhood plan.
 - The proposed modification is necessary to adjust to physical constraints evident on the property, or to protect significant natural features such as trees, rock outcroppings, wetlands, or similar natural features, or to adjust to existing property lines between project boundaries.
3. **Minor Amendment Type I Procedure.** A minor amendment to the neighborhood plan may be approved as a Type I planning action concurrently with specific development proposals. The request for a minor amendment shall include findings that demonstrate that the change will not adversely affect the purpose, objectives, or functioning of the neighborhood plan.
4. Utilities shall be installed underground to the greatest extent feasible. Where possible, alleys shall be utilized for utility location, including transformers, pumping stations, etc...
- B. **Lots With Alley Access.** If the site is served by an alley, access and egress for motor vehicles shall be to and from the alley. In such cases, curb openings along the street frontage are prohibited.
- C. **Street, Alley and Pedestrian/bicycle Accessway Standards.** The standards for street, alley, and pedestrian/bicycle accessway improvements shall be as designated in the North Mountain Neighborhood Design Standards.
- D. **Minimum Density.** Proposals resulting in the creation of additional parcels or greater than three units on a single parcel shall provide for residential densities between 75 to 110 percent of the base density for a given overlay, unless reductions in the total number of units is necessary to accommodate significant natural features, topography, access limitations or similar physical constraints. (Proposals involving the development of neighborhood commercial businesses and services shall be exempt from the above requirements).
- E. **Density Transfer.** Density transfer within a project from one overlay to another may be approved if it can be shown that the proposed density transfer furthers the design and access concepts advocated by the neighborhood plan, and provides for a variety of residential unit sizes, types and architectural styles
- F. **Drive-Up Uses.** Drive-Up uses are not permitted within the North Mountain Neighborhood Plan area.
- G. **Performance Standards Overlay.** All applications involving the creation of three or more lots shall be processed under the Performance Standards Option chapter 18.88.
- H. **Fencing.** No fencing exceeding three feet in height shall be allowed in the front lot area between the structure and the street. No fencing shall be allowed in areas designated as Floodplain Corridor.

- I. **Adjustment of Lot Lines.** As part of the approval process for specific development proposals, adjustments to proposed lot lines may be approved consistent with the density standards of the neighborhood plan zoning district.

SECTION 40, Section 18.30.030, NM-C Neighborhood Central Overlay, of the Ashland Municipal Code, is amended to read as follows:

18.30.030, NM-C Neighborhood Central Overlay

- A. **Permitted Density.** The density shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. Fractional portions of the answer shall not apply towards the total density. Base density for the Neighborhood Central Overlay shall be 20 units per acre; however, units of less than 500 square feet of gross habitable area shall count as 0.75 units for the purposes of density calculations.
- B. **Off-Street Parking.** In all areas within the Neighborhood Central Overlay, all uses are not required to provide off-street parking or loading areas, except for residential uses where one space shall be provided per residential unit. All parking areas shall comply with the Off-Street Parking chapter and the Site Review chapter.
- C. **Area, Yard Requirements:** There shall be no minimum lot area, lot coverage, front yard, side yard or rear yard requirement, except as required under the Off-Street Parking Chapter or where required by the Site Review Chapter.
- D. **Solar Access:** The solar setback shall not apply in the Neighborhood Central Overlay.
- E. **Permitted Uses.** The following uses are permitted in the NM-C overlay subject to conditions limiting the hours and impact of operation;
1. Residential Uses, subject to the above density requirements.
 2. Home Occupations.
 3. Parks and Open Spaces.
 4. Agriculture.
 5. Neighborhood Oriented Retail Sales and Personal Services, with each building limited to 3,500 square feet of total floor area.
 6. Professional Offices, with each building limited to 3,500 square feet of total floor area.
 7. Restaurants.
 8. Manufacturing 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.
 9. Basic Utility Providers, such as telephone or electric providers, with each building limited to 3,500 square feet of total floor area.
 10. Community Services, with each building to 3,500 square feet of total floor area.
 11. Churches or Similar Religious Institutions, when the same such use is not located on a contiguous property, nor more than two such uses in a given Overlay.
 12. Neighborhood Clinics, with each building limited to 3,500 square feet of total floor area.
- F. **Conditional Uses.**
1. Temporary Uses.
 2. Public Parking Lots.
- G. **Lot Coverage:** Maximum lot coverage shall be seventy-five (75) percent.

SECTION 41, Section 18.30.040. C., NM-MF Neighborhood Core Overlay, Yard Requirements, of the Ashland Municipal Code, is amended to read as follows:

18.30.040, Neighborhood Core Overlay NM-MF

C. Yard Requirements

1. Front Yards. Front yard setbacks shall be a minimum of ten (10) feet and a maximum of twenty-five (25) feet, excluding garages. Front yards may be reduced to five (5) feet for unenclosed porches with a minimum depth of six (6) feet and a minimum width of eight (8) feet. Garages shall be setback a minimum of fifteen (15) feet from the front building facade and twenty (20) feet from the sidewalk. No greater than 50 percent (50%) of the total lineal building facade facing the street shall consist of garage, carport or other covered parking space.
2. Side Yards. Side yard setbacks shall be a minimum of five (5) feet for the first story, excluding half-stories and upper floor dormer space five (5) feet for each additional story, and ten (10) feet when abutting a public street. Single story, detached garages and accessory structures shall have a minimum three (3) foot side yard, except that no side yard is required for accessory buildings sharing a common wall.
3. Rear Yards. Ten feet per story, with the exception of upper floor dormer space which may be setback 15 feet. Single story, detached garages and accessory buildings, and two story accessory buildings adjacent to an alley shall have a minimum rear yard of four feet.

SECTION 42, Section 18.30.050.C. and F, NM-R-1-5 Neighborhood General Overlay, Yard Requirements, and Lot Coverage of the Ashland Municipal Code, is amended to read as follows:

18.30.050, Neighborhood General Overlay NM-R-1-5

C. Yard Requirements

1. Front Yards. Front yard setbacks shall be a minimum of ten (10) feet and a maximum of twenty-five (25) feet, excluding garages. Front yards may be reduced to five (5) feet for unenclosed porches with a minimum depth of six (6) feet and a minimum width of eight (8) feet. Garages shall be setback a minimum of fifteen (15) feet from the front building facade and twenty (20) feet from the sidewalk. No greater than 50 percent (50%) of the total lineal building facade facing the street shall consist of garage, carport or other covered parking space.
2. Side Yards. Side yard setbacks shall be a minimum of five (5) feet for the first story, excluding half-stories and upper floor dormer space five (5) feet for each additional story, and ten (10) feet when abutting a public street. Single story, detached garages and accessory structures shall have a minimum three (3) foot side yard, except that no side yard is required for accessory buildings sharing a common wall.
3. Rear Yards. Ten feet per story, with the exception of upper floor dormer space which may be setback 15 feet. Single story, detached garages and accessory buildings, and two story accessory buildings adjacent to an alley shall have a minimum rear yard of four feet.

D. Permitted Uses.

1. Residential Uses, subject to the above density requirements.
2. Home Occupations.

3. Parks and Open Spaces.
4. Agriculture.

E. Special Permitted Uses.

1. Accessory Residential Units, subject to the following requirements:
 - a. The proposal must comply with lot coverage and setback requirements of the underlying zone.
 - b. That the maximum number of dwellings not exceed two per lot.
 - c. That the maximum gross habitable floor area (GHFA) of the accessory residential unit not exceed 50% of the GHFA of the primary residence on the lot, and shall not exceed 750 sq. ft. GHFA. Second story accessory residential units constructed above a detached accessory building shall not exceed 500 sq. ft. GHFA.
 - d. Additional parking shall be in conformance with the Off-Street Parking provisions for single-family dwellings of this title.
2. Community Services, with each building limited to 2,500 square feet of total floor area.

F. Lot Coverage: Maximum lot coverage shall be fifty percent (50%).

SECTION 43, Section 18.30.060.C.and G, NM-R-1-7.5 Neighborhood Edge Overlay, Yard Requirements and Lot Coverage, of the Ashland Municipal Code, is amended to read as follows:

18.30.060, Neighborhood Edge Overlay NM-R-1-7.5

C. Yard Requirements

1. Front Yards. Front yard setbacks shall be a minimum of ten (10) feet and a maximum of twenty-five (25) feet, excluding garages. Front yards may be reduced to five (5) feet for unenclosed porches with a minimum depth of six (6) feet and a minimum width of eight (8) feet. Garages shall be setback a minimum of fifteen (15) feet from the front building facade and twenty (20) feet from the sidewalk. No greater than 50 percent (50%) of the total lineal building facade facing the street shall consist of garage, carport or other covered parking space.
2. Side Yards. Side yard setbacks shall be a minimum of five (5) feet for the first story, excluding half-stories and upper floor dormer space, five (5) feet for each additional story, and ten (10) feet when abutting a public street. Single story, detached garages and accessory structures shall have a minimum three (3) foot side yard, except that no side yard is required for accessory buildings sharing a common wall.
3. Rear Yards. Ten feet per story, with the exception of upper floor dormer space which may be setback 15 feet. Single story, detached garages and accessory buildings, and two story accessory buildings adjacent to an alley shall have a minimum rear yard of four feet.

D. Permitted Uses.

1. Residential Uses, subject to the above density calculations.
2. Home Occupations.
3. Parks and Open Spaces.
4. Agriculture

E. Special Permitted Uses.

1. Accessory Residential Units, subject to Site Review approval under a Type I Procedure and the following requirements:
 - a. The proposal must comply with lot coverage and setback requirements of the underlying zone.
 - b. That the maximum number of dwellings not exceed two per lot.
 - c. That the maximum gross habitable floor area (GHFA) of the accessory residential unit not exceed 50% of the GHFA of the primary residence on the lot, and shall not exceed 750 sq. ft. GHFA. Second story accessory residential units constructed above a detached accessory building shall not exceed 500 sq. ft. GHFA.
 - d. Additional parking shall be in conformance with the Off-Street Parking provisions for single-family dwellings of this title.
- F. Floodplain Corridor
1. Developments including lands within the identified floodplain corridor, including street development, shall comply with the following requirements:
 - a. A hydrologic study prepared by a geotechnical expert shall be submitted concurrently with specific development proposals indicating the impact of the development on the floodplain corridor, and all efforts to be taken to mitigate negative impacts from flooding in the area of the floodplain corridor and areas of historic flooding.
 - b. The design of Greenway Drive, as indicated on the neighborhood plan, shall incorporate flood protection measures, as determined by a geotechnical expert, in the overall design of the new street. Such protection measures shall address flooding in the floodplain corridor and in areas of historic flooding.
 - c. A grading plan for the overall development, indicating grade relationships between the development and the floodplain corridor, shall be included with the specific development proposal. A statement shall be included, prepared by a geotechnical expert or licensed surveyor, indicating that the finish grade for all buildable areas outside of the floodplain corridor shall be at or above the Ashland floodplain corridor elevations indicated on the officially adopted city maps.
- G. Lot Coverage: Maximum lot coverage shall be forty-five percent (45%).

SECTION 44, 18.32.025.D., C-1, Retail Commercial District, Special Permitted Uses, Residential Uses, of the Ashland Municipal Code, is amended to read as follows:

18.32.025 Special Permitted Uses

D. Residential uses.

1. At least 65% of the total gross floor area of the ground floor, or at least 50% of the total lot area if there are multiple buildings shall be designated for permitted or special permitted uses, excluding residential.
2. Residential densities shall not exceed 30 dwelling units per acre in the C-1 District, and 60 dwelling units per acre in the C-1-D District. 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 C-1 or C-1-D District.
4. Off-street parking shall not be required for residential uses in the C-1-D District.
5. If the number of residential units exceeds 10, then at least 10% of the residential units shall be affordable for moderate income persons in accord with the standards established by resolution of the Ashland City Council through

procedures contained in the resolution. The number of units required to be affordable shall be rounded down to the nearest whole unit.

SECTION 45, 18.32.025.E., C-1, Retail Commercial District, Special Permitted Uses, Drive Up uses, of the Ashland Municipal Code, is amended to read as follows:

18.32.025 Special Permitted Uses

E. Drive-up uses as defined and regulated as follows:

1. Drive-up uses may be approved in the C-1 District only, and only in the area east of a line drawn perpendicular to Ashland Street at the intersection of Ashland Street and Siskiyou Boulevard.
2. Drive-up uses are prohibited in Ashland's Historic Interest Area as defined in the Comprehensive Plan.
3. Drive-up uses are subject to the following criteria:
 - a. 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.
 - b. 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.
 - c. A means of egress for vehicular customers who wish to leave the waiting line shall be provided.
 - d. 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.
 - e. The drive-up shall be designed to provide as much natural ventilation as possible to eliminate the buildup of exhaust gases.
 - f. Sufficient stacking area shall be provided to ensure that public rights-of-way are not obstructed.
 - g. 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.
 - h. The number of drive-up uses shall not exceed the 12 in existence on July 1, 1984. 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 1 per location, even if the transferred use had greater than one stall.

SECTION 46, 18.32.030, C-1, Retail Commercial District Conditional Uses, of the Ashland Municipal Code, Is amended to read as follows:

18.32.030 Conditional Uses.

The following uses and their accessory uses are permitted when authorized in accordance with the chapter on Conditional Use Permits:

- A. Electrical substations.
- B. Automobile fuel sales, and automobile and truck repair facilities, except as allowed as a special permitted use in 18.32.025.
- C. New and used car sales, boat, trailer, and recreational vehicles sales and storage areas, except within the Historic Interest Area as defined in the Comprehensive Plan.
- D. Hotels and motels.
- E. Temporary uses.

- F. Outdoor storage of commodities associated with a permitted, special permitted or conditional use.
- G. Hostels, provided that the facility be subject to an annual Type I review for at least the first three years, after which time the Planning Commission may approve, under a Type II procedure, a permanent permit for the facility.
- H. Building material sales yards, but not including concrete or asphalt batch or mixing plants.
- I. Churches or similar religious institutions.
- J. Wireless Communication Facilities not permitted outright and authorized pursuant to Section 18.72.180.
- K. Structures which are greater than forty (40) feet in height, but less than fifty-five (55) feet, in the "D" Downtown Overlay District.

SECTION 47, 18.40.020, E-1, Employment District, Permitted Uses, of the Ashland Municipal Code, is amended to read as follows:

18.40.020 Permitted Uses.

The following uses and their accessory uses are permitted outright, subject to the requirements of Chapter 18.72, Site Design and Use Standards:

- A. Professional, financial, and business and medical offices, and personal service establishments.
- B. Stores, shops and offices supplying commodities or performing services, except that retail uses shall be limited to no greater than 20,000 sq. ft. of gross leasable floor space per lot.
- C. Restaurants. (Ord 2812, S4 1998)
- D. Electrical, furniture, plumbing shop, printing, publishing, lithography or upholstery.
- E. Light manufacturing, assembly, fabricating, or packaging of products from previously prepared materials, such as cloth, plastic, wood (not including saw, planing, or lumber mills or molding plants), paper, cotton, precious or semi-precious metals or stone.
- F. Manufacture of electric, electronic, or optical instruments and devices.
- G. Administrative or research establishments.
- H. Motion picture, television, or radio broadcasting studios operating at an established or fixed location.
- I. Mortuaries and crematoriums.
- J. Building material sales yards, but not including concrete or asphalt batch or mixing plants.
- K. Kennels and veterinary clinics, with all animals housed within structures.
- L. Bakeries
- M. Public and quasi-public utility and service buildings and yards, structures, and public parking lots, but excluding electrical substations.
- N. Manufacture of pharmaceutical and similar items.
- O. Wireless Communication Facilities permitted outright pursuant to Section 18.72.180.

SECTION 48, 18.40.030.E., E-1, Employment District, Special Permitted Uses, Residential Uses, of the Ashland Municipal Code, is amended to read as follows:

18.40.030, Special Permitted Uses

- E. Residential uses.

1. At least 65% of the total gross floor area of the ground floor, or at least 50% of the total lot area if there are multiple buildings shall be designated for permitted or special permitted uses, excluding residential.
2. Residential densities shall not exceed 15 dwelling units per acre. 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 E-1 District.
4. Residential uses shall only be located in those areas indicated as R-Overlay within the E-1 District, and shown on the official zoning map.
5. If the number of residential units exceed 10, then at least 10% of the residential units shall be affordable for moderate income persons in accord with the standards established by resolution of the Ashland City Council through procedures contained in the resolution. The number of units required to be affordable shall be rounded down to the nearest whole unit.

SECTION 49, 18.40.040, E-1, Employment District, Conditional Uses, of the Ashland Municipal Code, is amended to read as follows:

18.40.040 Conditional Uses

The following uses and their accessory uses are permitted when authorized in accordance with the chapter on Conditional Use Permits:

- A. Electrical substations.
- B. Mini-warehouses and similar storage areas.
- C. Contractor equipment storage yards or storage and rental of equipment commonly used by a contractor.
- D. Automobile fuel sales.
- E. New and used car sales, boat, trailer and recreational vehicles sales and storage areas, provided that the use is not located within the Historic Interest Area as defined in the Comprehensive Plan.
- F. Hotels and motels.
- G. Any use which involves outside storage of merchandise, raw materials, or other material associated with the primary use on the site.
- H. Private college, trade school, technical school, or similar school.
- I. Cabinet, carpentry, machine, and heating shops, if such uses are located less than or equal to 200' from the nearest residential district.
- J. Cold storage plants, if such uses are located less than or equal to 200' from the nearest residential district.
- K. Automotive body repair and painting, including paint booths.
 1. The use shall not be located within 200' of the nearest residentially zoned property.
 2. 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.
 3. The use shall comply with all requirements of the Oregon Department of Environmental Quality.
- L. Churches and similar religious institutions
- M. Nightclubs and Bars.
- N. Theaters (excluding drive-in) and similar entertainment uses.
- O. Temporary uses.

- P. Wireless Communication Facilities not permitted outright and authorized pursuant to Section 18.72.180.

SECTION 50, 18.52.030, M-1, Industrial District, Conditional Uses, of the Ashland Municipal Code, is amended to read as follows:

18.52.030 Conditional Uses.

The following uses and their accessory uses are permitted when authorized in accordance with the chapter on Conditional Use Permits:

- A. Junkyard and auto wrecking yards.
- B. Kennels and veterinary clinics.
- C. Banks, restaurants or other convenience establishments designed to serve persons working in the zone only.
- D. Concrete or asphalt batch or mixing plants.
- E. Temporary uses.
- F.. Wireless Communication Facilities not permitted outright and authorized pursuant to Section 18.72.180.

SECTION 51, 18.54.030, HC, Health Care Services Zone, Conditional Uses, of the Ashland Municipal Code, is amended to read as follows:

18.54.030 Conditional Uses

The following uses and their accessory uses are permitted when authorized in accordance with the Chapter on Conditional Use Permits:

- A. Limited personal service providers in the home, such as beauticians and masseurs.
- B. Travelers' accommodations, subject to the requirements of the R-2 zone.
- C. Professional offices for an accountant, architect, attorney, designer, engineer, insurance agent or adjuster, investment or management counselor or surveyor.
- D. Any medically-related use, located on City-owned property, that is not specifically allowed by the Ashland Community Hospital Master Facility Plan.
- E. Wireless Communication Facilities authorized pursuant to Section 18.72.180.

SECTION 52, 18.61.020.A., Tree Preservation and Protection, , Definitions, of the Ashland Municipal Code, is amended to read as follows:

18.61.020 Definitions.

- A. Arborist means a person licensed by the State of Oregon State Landscape Contractors Board or Construction Contractors Board_who is certified as an arborist from the International Society of Arboriculture or American Society of Consulting Arborists.

SECTION 53, 18.61.020.E., Tree Preservation and Protection, Definitions, of the Ashland Municipal Code, is amended to read as follows:

18.61.020 Definitions.

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

SECTION 54, 18.61.035, Tree Preservation and Protection, Exempt Tree Removal Activities, of the Ashland Municipal Code, is amended to read as follows:

18.61.035 Exempt Tree Removal Activities.

The following activities are exempt from the requirement for tree removal permits:

- A. Those activities associated with the establishment or alteration of any public park under the Ashland Parks and Recreation Commission. However, the Ashland Parks and Recreation Department shall provide an annual plan in January to the Tree Commission outlining proposed tree removal and topping activities, and reporting on tree removal and topping activities that were carried out in the previous year.
- B. Removal of trees in single family residential zones on lots occupied only by a single family detached dwelling and associated accessory structures, except as otherwise regulated by the Physical and Environmental Constraints ordinance (18.62).
- C. Removal of trees in multi-family residential zones on lots occupied only by a single family detached dwelling and associated accessory structures, except as otherwise regulated by the Physical and Environmental Constraints ordinance (18.62).
- D. Removal of trees less than 6" DBH in any zone, excluding those trees located within the public right of way or required as conditions of approval with landscape improvements for planning actions.
- E. Removal of trees less than 18" DBH on any public school lands, Southern Oregon University, and other public land, excluding Heritage trees
- F. Removal of trees within the Wildfire Lands area of the City, as defined on adopted maps, for the purposes of wildfire fuel management, and in accord with the requirements of the Physical and Environmental Constraints Chapter- 18.62.
- G. Removal of dead trees.
- H. Those activities associated with tree trimming for safety reasons, as mandated by the Oregon Public Utilities Commission, by the City's Electric and Telecommunication Utility. However, the Utility shall provide an annual plan to the Tree Commission outlining tree trimming activities and reporting on tree trimming activities that were carried out in the previous year. Tree trimming shall be done, at a minimum, by a Journeyman Tree Trimmer, as defined by the Utility, and will be done in conformance and to comply with OPUC regulations.
- I. Removal of street trees within the public right-of-way subject to street tree removal permits in AMC 13.16.

SECTION 55, 18.61.042.B., Tree Preservation and Protection, Approval and Permit Required, Verification Permit, of the Ashland Municipal Code, is amended to read as follows:

18.61.042, Approval and Permit Required

B. TREE REMOVAL - VERIFICATION PERMIT:

1. If a site has received development approval through a planning action consistent with the standards of this chapter, then a Verification Permit shall be required for those trees approved for removal through that process. To obtain a verification permit, an applicant must clearly identify on the property the trees to be removed by tying pink tagging tape around each tree and submitting a site plan indicating the location of the requested trees. Vegetation 4" to 6" DBH that is to be removed shall also be marked with pink tagging tape. The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application. The Staff Advisor will then verify that the requested trees match the site plan approved with the planning action. The City shall require the applicant to mitigate for the removal of each tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the original development permit.
2. Verification permits shall be required prior to the issuance of an excavation permit or building permit and prior to any site disturbance and/or storage of materials on the subject property.

SECTION 56, 18.61.042.D., Tree Preservation and Protection, Approval and Permit Required, Tree Removal, staff Permit, of the Ashland Municipal Code, is amended to read as follows:

D. TREE REMOVAL - PERMIT:

1. Tree Removal- Permits are required for the following activities:
 - a. Removal of trees greater than 6" DBH on any private lands zoned C-I, E-I, M-I, or HC.
 - b. Removal of trees greater than 6" DBH on multi-family residentially zoned lots (R-2, R-3, and R-1-3.5) not occupied solely by a single family detached dwelling.
 - c. Removal of significant trees on vacant property zoned for residential purposes including but not limited to R-I, RR, WR, and NM zones.
 - d. Removal of significant trees on lands zoned SOU, on lands under the control of the Ashland School District, or on lands under the control of the City of Ashland.
2. Applications for Tree Removal - Permits shall be reviewed and approved by the Staff Advisor pursuant to AMC 18.61.080 (Approval Criteria) and 18.108.040 (Type I Procedure). If the tree removal is part of another planning action involving development activities, the tree removal application, if timely filed, shall be processed concurrently with the other planning action.

SECTION 57, 18.61.050.A., Tree Preservation and Protection, Plans Required, of the Ashland Municipal Code, is amended to read as follows:

18.61.050 Submittal Requirements.

- A. An application for all Tree Removal and Tree Topping Permits shall include:
 - a. Plans drawn to scale containing the number, size, species and location of the trees proposed to be removed or topped on a site plan of the property.
 - b. The anticipated date of removal or topping.
 - c. A statement of the reason for removal or topping.

- d. Information concerning proposed landscaping or planting of new trees to replace the trees to be removed, and
- e. Evidence that the trees proposed for removal or topping have been clearly identified on the property for visual inspection.
- f. A Tree Protection Plan that includes trees located on the subject site that are not proposed for removal, and any off-site trees where drip lines extend into proposed landscaped areas on the subject site. Such plans shall conform to the protection requirements under Section 18.61.200.
- g. Any other information reasonably required by the City.

SECTION 58, 18.61.080.B., Tree Preservation and Protection, Criteria for Issuance of Tree Removal Staff Permit, of the Ashland Municipal Code, is amended to read as follows:

18.61.080 Criteria for Issuance of Tree Removal 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.

- 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.

SECTION 59, 18.61.084, Tree Preservation and Protection, Mitigation Required, of the Ashland Municipal Code, is amended to read as follows:

18.61.084, Mitigation Required

An applicant shall be required to provide mitigation for any tree approved for removal. The mitigation requirement shall be satisfied by one or more of the following:

- A. Replanting on site. The applicant shall plant either a minimum 1 ½-inch caliper healthy and well-branched deciduous tree or a 5-6 foot tall evergreen tree for each tree removed. The replanted tree shall be of a species that will eventually equal or exceed the removed tree in size if appropriate for the new location. Larger trees may be required where the mitigation is intended, in part, to replace a visual screen between land uses. "Suitable" species means the tree's growth habits and environmental requirements are conducive to the site, given the existing topography, soils, other vegetation, exposure to wind and sun, nearby structures, overhead wires, etc. The tree shall be planted and maintained according to the specifications in the City Tree Planting and Maintenance Guidelines as approved by the City Council.
- B. Replanting off site. If in the City's determination there is insufficient available space on the subject property, the replanting required in subsection A shall occur on other property in the applicant's ownership or control within the City, in an open space tract that is part of the same subdivision, or in a City owned or dedicated open space or park. Such mitigation planting is subject to the approval of the authorized property owners. If planting on City owned or dedicated property, the City may specify the species and size of the tree. Nothing in this section shall be construed as an obligation of the City to allow trees to be planted on City owned or dedicated property.
- C. Payment in lieu of planting. If in the City's determination no feasible alternative exists to plant the required mitigation, the applicant shall pay into the tree account an amount as established by resolution of the City Council.
- D. An approved mitigation plan shall be fully implemented within one year of a tree being removed unless otherwise set forth in a tree removal application and approved in the tree removal permit.

SECTION 60, 18.61.092, Tree Preservation and Protection, Expiration of Tree Removal Permits, of the Ashland Municipal Code, is amended to read as follows:

18.61.092, Expiration of Tree Removal Permits

Tree removal permits shall remain valid for a period of one year from the date of issuance or date of final decision by a hearing body, if applicable. A 30 day extension shall be automatically granted by the Staff Advisor if requested in writing before the expiration of the permit. Permits that have lapsed are void. Trees removed after a tree removal permit has expired shall be considered a violation of this Chapter.

SECTION 61, 18.62.040.H., Physical and Environmental Constraints, Approval and Permit Required, Plans Required of the Ashland Municipal Code, is amended to read as follows:

18.62.040 Approval and Permit Required.

H. Plans Required. The following plans shall be required for any development requiring a Physical Constraints Review:

1. The plans shall contain the following:
 - a. Project name.
 - b. Vicinity map.
 - c. Scale (the scale shall be at least one inch equals 50 feet or larger) utilizing the largest scale that fits on 22" x 34" paper. Multiple plans or layers shall be prepared at the same scale, excluding detail drawings. The Staff Advisor may authorize different scales and plan sheet sizes for projects, provided the plans provide sufficient information to clearly identify and evaluate the application request.
 - d. North arrow.
 - e. Date.
 - f. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development.
 - g. Lot layout with dimensions for all lot lines.
 - h. Location and use of all proposed and existing buildings, fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.
 - i. Location and size of all public utilities affected by the proposed development.
 - j. Location of drainage ways or public utility easements in and adjacent to the proposed development. Location of all other easements.
 - k. topographic map of the site at a contour interval of not less than two feet nor greater than five feet. The topographic map shall also include a slope analysis, indicating buildable areas, as shown in the graphic.
 - l. Location of all parking areas and spaces, ingress and egress on the site, and on-site circulation.
 - m. Accurate locations of all existing natural features including, but not limited to, all trees as required in 18.62.080.D.1, including those of a caliper equal to or greater than six inches d.b.h., native shrub masses with a diameter of ten feet or greater, natural drainage, swales, wetlands, ponds, springs, or creeks on the site, and outcroppings of rocks, boulders, etc. Natural features on adjacent properties potentially impacted by the proposed development shall also be included, such as trees with driplines extending across property lines. In forested areas, it is necessary to identify only those trees which will be affected or removed by the proposed development. Indicate any contemplated modifications to a natural feature.
 - n. The proposed method of erosion control, water runoff control, and tree protection for the development as required by this chapter.
 - o. Building envelopes for all existing and proposed new parcels that contain only buildable area, as defined by this Chapter.
 - p. Location of all irrigation canals and major irrigation lines.
 - q. Location of all areas of land disturbance, including cuts, fills, driveways, building sites, and other construction areas. Indicate total area of disturbance, total percentage of project site proposed for disturbance, and maximum depths and heights of cuts and fill.
 - r. Location for storage or disposal of all excess materials resulting from cuts associated with the proposed development.
 - s. Applicant name, firm preparing plans, person responsible for plan preparation, and plan preparation dates shall be indicated on all plans.

- t. Proposed timeline for development based on estimated date of approval, including completion dates for specific tasks.
2. Additional plans and studies as required in Sections 18.62.070, 18.62.080, 18.62.090 and 18.62.100 of this Chapter.

SECTION 62, 18.62.050.A., Physical and Environmental Constraints, Land Classifications, Flood plain Corridor Lands, of the Ashland Municipal Code, is amended to read as follows:

18.62.050 Land Classifications.

The following factors shall be used to determine the classifications of various lands and their constraints to building and development on them:

- A. Flood plain Corridor Lands - Lands with potential stream flow and flood hazard.
The following lands are classified as Flood plain Corridor lands:
 1. All land contained within the 100 year Flood plain as defined by the Federal Flood Insurance Program and in maps adopted by Chapter 15.10 of the Ashland Municipal Code.
 2. All land within the area defined as Flood plain Corridor land in maps adopted by the Council as provided for in section 18.62.060.
 3. All lands which have physical or historical evidence of flooding in the historical past.
 4. All areas within 20 feet (horizontal distance) of any creek designated for Riparian Preservation in 18.62.050.B and depicted as such on maps adopted by the Council as provided for in section 18.62.060.
 5. All areas within ten feet (horizontal distance) of any drainage channel depicted on maps adopted by the Council but not designated as Riparian Preservation.

SECTION 63, 18.62.070. A. , Physical and Environmental Constraints, Development Standards for Flood Plain Corridor Lands, Standards for Fill, of the Ashland Municipal Code, is amended to read as follows:

18.62.070 Development Standards for Flood plain Corridor Lands.

For all land use actions which could result in development of the Flood plain Corridor, the following is required in addition to any requirements of Chapter 15.10:

- A. Standards for fill in Flood plain Corridor lands:
 1. Fill shall be designed as required by the International Building Code and International Residential Code, where applicable.
 2. The toe of the fill shall be kept at least ten feet outside of floodway channels, as defined in section 15.10, and the fill shall not exceed the angle of repose of the material used for fill.
 3. The amount of fill in the Flood plain Corridor shall be kept to a minimum. Fill and other material imported from off the lot that could displace floodwater shall be limited to the following:
 - a. Poured concrete and other materials necessary to build permitted structures on the lot.
 - b. Aggregate base and paving materials, and fill associated with approved public and private street and driveway construction.

- c. Plants and other landscaping and agricultural material.
 - d. A total of 50 cubic yards of other imported fill material.
 - e. The above limits on fill shall be measured from April 1989, and shall not exceed the above amounts. These amounts are the maximum cumulative fill that can be imported onto the site, regardless of the number of permits issued.
4. If additional fill is necessary beyond the permitted amounts in (3) above, then fill materials must be obtained on the lot from cutting or excavation only to the extent necessary to create an elevated site for permitted development. All additional fill material shall be obtained from the portion of the lot in the Flood plain Corridor.
 5. Adequate drainage shall be provided for the stability of the fill.
 6. Fill to raise elevations for a building site shall be located as close to the outside edge of the Flood plain Corridor as feasible.

SECTION 64, 18.62.070.G., Physical and Environmental Constraints, Development Standards for Flood Plain Corridor Lands, of the Ashland Municipal Code, is amended to read as follows:

18.62.070 Development Standards for Flood plain Corridor Lands.

For all land use actions which could result in development of the Flood plain Corridor, the following is required in addition to any requirements of Chapter 15.10:

- G. New non-residential uses may be located on that portion of Flood plain Corridor lands that equal to or above the flood elevations on the official maps adopted in section 18.62.060. Second story construction may be cantilevered or supported by pillars that will have minimal impact on the flow of floodwaters over the Flood plain corridor for a distance of 20 feet if it does not impact riparian vegetation, and the clearance from finished grade is at least ten feet in height, and will have minimal impact on the flow of floodwaters. The finished floor elevation may not be more than two feet below the flood corridor elevations.

SECTION 65, 18.62.080.B.1., Physical and Environmental Constraints, Development Standards for Hillside Lands, Hillside Grading and Erosion Control, of the Ashland Municipal Code, is amended to read as follows:

18.62.080 Development Standards for Hillside Lands.

- B. Hillside Grading and Erosion Control. All development on lands classified as hillside shall provide plans conforming with the following items:
 1. All grading, retaining wall design, drainage, and erosion control plans for development on Hillside Lands shall be designed by a geotechnical expert. All cuts, grading or fills shall conform to the International Building Code and be consistent with the provisions of this Title. Erosion control measures on the development site shall be required to minimize the solids in runoff from disturbed areas.

SECTION 66, 18.62.080.D.4., Physical and Environmental Constraints, Development Standards for Hillside Lands, Tree Conservation, Protection and

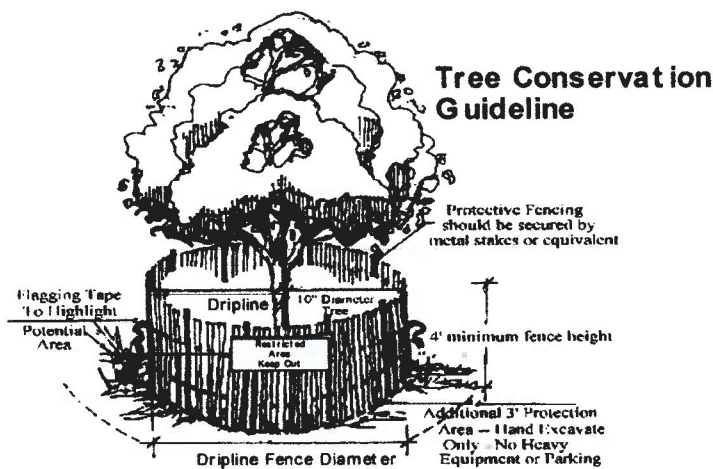
Removal, Tree Protection, of the Ashland Municipal Code, is amended to read as follows:

18.62.080 Development Standards for Hillside Lands.

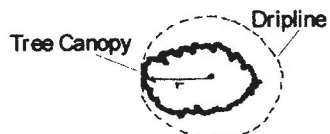
D. Tree Conservation, Protection and Removal. All development on Hillside Lands shall conform to the following requirements:

4. Tree Protection. On all properties where trees are required to be preserved during the course of development, the developer shall follow the following tree protection standards:

- a. All trees designated for conservation shall be clearly marked on the project site. Prior to the start of any clearing, stripping, stockpiling, trenching, grading, compaction, paving or change in ground elevation, the applicant shall install fencing at the drip line of all trees to be preserved adjacent to or in the area to be altered. Temporary fencing shall be established at the perimeter of the dripline. Prior to grading or issuance of any permits, the fences may be inspected and their location approved by the Staff Advisor. (see 18.61.200)



- b. Construction site activities, including but not limited to parking, material storage, soil compaction and concrete washout, shall be arranged so as to prevent disturbances within tree protection areas.



To provide minimum protection to the root area, take the greatest radius from trunk to dripline and create a regular circle, using the longest radius, rather than to follow an irregular, above ground, existing tree dripline.

- c. No grading, stripping, compaction, or significant change in ground elevation shall be permitted within the drip line of trees designated for conservation unless indicated on the grading plans, as approved by the City, and landscape professional. If grading or construction is approved within the dripline, a landscape professional may be required to be present during grading operations, and shall have authority to require protective measures to protect the roots.
- d. Changes in soil hydrology and site drainage within tree protection areas shall be minimized. Excessive site run-off shall be directed to appropriate storm drain facilities and away from trees designated for conservation.
- e. Should encroachment into a tree protection area occur which causes irreparable damage, as determined by a landscape professional, to trees, the project plan shall be revised to compensate for the loss. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of this chapter.

SECTION 67, 18.64, SO, Southern Oregon State College District, of the Ashland Municipal Code, is amended to read as follows:

**CHAPTER 18.64, SO, SOUTHERN OREGON UNIVERSITY
SECTION 68, 18.64.010, SO, Southern Oregon State College District, Purpose, of the Ashland Municipal Code, is amended to read as follows:**

18.64.010 Purpose.

This district is designed to provide for the unique needs of SOU as a State educational institution functioning within the planning framework of the City. 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 Southern Oregon University and located within the SOU boundary, as shown on the SOU Comprehensive Plan, adopted by SOU and approved by the City.

SECTION 69, 18.64.020, Southern Oregon State College District, Permitted Uses, of the Ashland Municipal Code, is amended to read as follows:

18.64.020 Permitted Uses.

- A. Uses permitted outright are all those which are directly related to the educational functions of SOU, provided that such uses are indicated and located in conformance with the adopted and City approved SOU Comprehensive Plan, and are greater than fifty (50) feet from privately owned property.
- B. Wireless Communication Facilities authorized pursuant to Section 18.72.180.

SECTION 70, 18.64.030, Southern Oregon State College District, Conditional Uses, of the Ashland Municipal Code, is amended to read as follows:

18.64.030 Conditional Uses.

- A. Any use, site design, or construction or alteration of same not agreed upon in advance by the City and SOU in the SOU Plan.

- B. Any use, site design, or construction within fifty (50) feet of privately-owned property.
- C. Any construction over forty (40) feet in height.
- D. Wireless Communication Facilities not permitted outright and authorized pursuant to Section 18.72.180.

SECTION 71, 18.64.040, Southern Oregon State College District, General Regulations, of the Ashland Municipal Code, is amended to read as follows:

18.64.040 General Regulations.

This Chapter, together with the Site Review, Sign and Off-Street Parking Chapters of this Title, are the only portions of the Title to be effective within the SOU zone, except for areas within fifty (50) feet of privately-owned land, which are subject to the Chapter on Conditional Use Permits. In addition, the creation or vacation of public streets or public ways shall be subject to mutual agreement between the City and SOU and all other applicable laws.

SECTION 72, 18.68.040, General Regulations, Yard Measurements, of the Ashland Municipal Code, is amended to read as follows:

18.68.040, Yard Requirements.

All yard measurements to and between buildings or structures or for the purpose of computing coverage or similar requirements shall be made to the building or nearest projection. Architectural projections may intrude eighteen (18) inches into required yards.

SECTION 73, 18.68.090, General Regulations, Nonconforming Uses and Structures, of the Ashland Municipal Code, is amended to read as follows:

18.68.090, Nonconforming Uses and Structures

- A. A non-conforming use or structure may not be enlarged, extended, reconstructed, substituted, or structurally altered, except as follows:
 - 1. When authorized in accordance with the same procedure as provided in Conditional Use Chapter 18.104 and the criteria of Section 18.104.050(B and C), a nonconforming use may be changed to one of the same or a more restricted nature, except that a Conditional Use Permit need not be obtained when the use is changed to a permitted use within the zoning district.
 - 2. When authorized in accordance with the same procedure as provided in Conditional Use Chapter 18.104 and the criteria of Section 18.104.050(B and C), a nonconforming structure may be enlarged, extended, reconstructed or the footprint modified, except that a Conditional Use Permit need not be obtained when the addition or extension meets all requirements of this Title.
 - 3. A non-conforming structure may be restored or rehabilitated if it is not changed in size or shape, provided that the use of the structure is not changed except in conformance with the procedures of Section 18.68.090.A.1 above.
 - 4. Nothing in this section shall be deemed to prevent the normal maintenance and repair of a non-conforming structure or its restoration to a safe condition when declared to be unsafe by any official charged with protecting public safety.
 - 5. A legal nonconforming structure or nonconforming use that is damaged to an extent of 50% or more of its replacement cost may be restored only if the

damage was not intentionally caused by the property owner and the nonconformity is not increased. Any residential structure(s), including multiple-family, in a residential zone damaged beyond 50% of its replacement cost by a catastrophe, such as fire that is not intentionally caused by the owner, may be reconstructed at the original density provided the reconstruction is commenced within 2 years after the catastrophe.

- B. Discontinuance.** If the nonconforming use of a building structure or premises ceases for a period of six (6) months or more, said use shall be considered abandoned; and said building, structure, or premises shall thereafter be used only for uses permitted in the district in which it is located. Discontinuance shall not include a period of active reconstruction following a fire or other result of natural hazard; and the Planning Commission may extend the discontinuance period in the event of special unique unforeseen circumstances.
- C. Reactivation.** A non-conforming use, which has been abandoned for a period of more than six (6) months, may be reactivated to an equivalent or more restricted use through the Conditional Use and Site Review process. In evaluating whether or not to permit the reactivation of a non-conforming use, the Planning Commission, in addition to using the criteria required for a Conditional Use Permit and Site Review, shall also use the following additional criteria:
1. That any improvements for the reactivation of the non-conforming use on the site shall be less than fifty (50%) percent of the value of the structure. The value of the structure shall be determined by an independent real estate appraiser licensed in the State of Oregon. The value of the improvement shall be determined based upon copies of the contractor's bid for said improvements, which shall be required with the Conditional Use permit application. Personal property necessary for the operation of the business or site improvements not included in the structure shall not be counted as improvements under this criterion.
 2. An assessment that the traffic generated by the proposed use would not be greater than permitted uses on the site. In assessing the traffic generated by the proposed use, the Planning Commission shall consider the number of vehicle trips per day, the hours of operation, and the types of traffic generated; i.e., truck or passenger vehicle. The Planning Commission shall modify the Conditional Use Permit so that the operation of the non-conforming use is limited to the same traffic impact as permitted uses in the same zone.
 3. That the noise generated by the proposal will be mitigated so that it complies with the Ashland Noise Ordinance, Chapter 9.08.170, and also that it does not exceed the average ambient noise level already existing in the area, as measured by this standard.
 4. That there will be no lighting of the property which would have direct illumination on adjacent uses and that there would be no reflected light from the property greater than the amount of reflected light from any permitted use in that same zone.
 5. In a residential zone the findings must further address that such reactivation will further implement Goal VI, Policy 2, Housing Chapter of the Ashland Comprehensive Plan.
 6. Nothing herein shall apply to non-conforming signs, which are governed by the provisions of Section 18.96.150 of this Code.
- D. Building or structure:** Nothing contained in this Title shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued and construction has commenced prior to the adoption of the ordinance codified herein and subsequent amendments thereto,

except that if the designated use will be nonconforming, it shall, for the purpose of subsection (B) of this Section, be a discontinued use if not in operation within two (2) years of the date of issuance of the building permit.

SECTION 74, 18.68.110, General Regulations, Front Yard – General Exception, of the Ashland Municipal Code, is amended to read as follows:

18.68.110, Front Yard—General Exception

- A. 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 setback for the district, the front yard for the lot need not exceed the average yard of the abutting structures.
- B. If there is a dwelling or accessory building on one (1) 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 ($\frac{1}{2}$) way between the depth of the abutting lot and the required front yard depth.
- C. The front yard may be reduced to ten (10) feet on hillside lots where the terrain has an average steepness equal to, or exceeding a one (1) foot rise or fall in four (4) feet of horizontal distance within the entire required yard, said vertical rise or fall to be measured from the natural ground level at the property line.

SECTION 75, 18.68.140, General Regulations, Accessory Buildings and Structures, of the Ashland Municipal Code, is amended to read as follows:

18.68.140 Accessory Buildings, Structures and Mechanical Equipment.

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

- A. A greenhouse or hothouse may be maintained accessory to a dwelling in an R district.
- B. A guest house may be maintained accessory to a single-family dwelling provided there are no kitchen cooking facilities in the guest house.
- C. 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, no taller than allowed fence heights, may be located within required side or rear yards, provided such installation and operation is consistent with other provisions of this Title or the Ashland Municipal Code, including but not limited to noise attenuation. Any installation of mechanical equipment shall require a building permit.
- D. Regardless of the side and rear yard requirements of the district, in a residential district, a side or rear yard may be reduced to three (3) feet for an accessory structure erected more than fifty (50) feet from any street, other than alleys, provided the structure is detached and separated from other buildings and structures by ten (10) feet or more, and is no more than fifteen (15) feet in height. Any conversion of such accessory structure to an accessory residential unit shall conform to other requirements of this Title for accessory residential units, including any required planning action and/or site review.

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

18.68.160 Driveway Grades.

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

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

Chapter 18.72 SITE DESIGN REVIEW

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

18.72.030 Applicability

Site design standards shall apply to all zones of the city as outlined below.

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

1. Commercial, Industrial, Non-Residential and Mixed uses:
 - a. All new structures, additions or expansions in C-1, E-1, HC and M zones.
 - b. All new non-residential structures or additions (e.g. public buildings, schools, churches, etc.).
 - c. Expansion of impervious surface area in excess of 10% of the area of the site or 1,000 square feet, whichever is less.
 - d. Expansion of parking lots, relocation of parking spaces on a site, or other changes which affect circulation.
 - e. Any change of occupancy from a less intensive to a more intensive occupancy, as defined in the City building code, or any change in use which requires a greater number of parking spaces.
 - f. Any change in use of a lot from one general use category to another general use category, e.g., from residential to commercial, as defined by the zoning regulations of this Code.
 - g. Any exterior change to a structure which requires a building permit and is listed on the National Register of Historic Places or to a contributing property within an Historic District on the National Register of Historic Places.
 - h. Mechanical equipment not otherwise exempt from site design review per Section 18.72.030(B).
2. Residential uses:
 - a. Two or more residential units on a single lot.
 - b. Construction of attached single-family housing (e.g. town homes, condominiums, row houses, etc.) in all zoning districts.
 - c. Residential development when off-street parking or landscaping, in conjunction with an approved Performance Standards Subdivision required

- by ordinance and not located within the boundaries of the individual unit parcel (e.g. shared parking).
 - d Any exterior change to a structure which requires a building permit and is individually listed on the National Register of Historic Places.
 - e. Mechanical equipment not otherwise exempt from site design review per Section 18.72.030(B).
- B. Exemptions. The following development is exempt from Site Design Review application and procedure requirements provided that the development complies with applicable standards as set forth by this Chapter.
1. Detached single family dwellings and associated accessory structures and uses.
 2. Land divisions regulated by the following chapters: Partitioning (18.76), Subdivisions (18.80), Manufactured Housing (18.84) and Performance Standards (18.88).
 3. The following mechanical equipment:
 - a. Private, non-commercial radio and television antennas not exceeding a height of seventy (70) feet above grade or thirty (30) feet above an existing structure, whichever height is greater and provided no part of such antenna shall be within the yards required by this Title. A building permit shall be required for any antenna mast, or tower over fifty (50) feet above grade or thirty (30) feet above an existing structure when the same is constructed on the roof of the structure.
 - b. Not more than three (3) parabolic disc antennas, each under one (1) meter in diameter, on any one lot or dwelling unit.
 - c. Roof-mounted solar collection devices in all zoning districts, with the exception of Employment and Commercial zoned properties located within designated historic districts. The devices shall comply with solar setback standards described in 18.70 and height requirements of the respective zoning district.
 - d. Installation of mechanical equipment not exempted by (a, b, c) above or (e) below, and which is not visible from a public right-of-way or adjacent residentially zoned property and consistent with other provisions of this Title, including solar access, noise, and setback requirements of Section 18.68.140(c).
 - e. Routine maintenance and replacement of existing mechanical equipment in all zones.

SECTION 79, 18.72.040, Approval Process, of the Ashland Municipal Code, is amended to read as follows:

18.72.040, Approval Process.

Development subject to site design review shall be reviewed in accordance with the procedures set forth in Chapter 18.108.

SECTION 80, 18.72.050, Site Design and Use Standards, Detail Site Review Zone, of the Ashland Municipal Code, is amended to read as follows:

18.72.050 Detail Site Review Zone.

- A. The Detail Site Review Zone is that area defined in the Site Design Standards adopted pursuant to Section 18.72.080.

- B. Any development in the Detail Site Review Zone as defined in the Site Review Standards adopted pursuant to this chapter, which exceeds 10,000 square feet or is longer than 100 feet in length or width, shall be reviewed according to the Type 2 procedure.
- C. Outside the Downtown Design Standards Zone, new buildings or expansions of existing buildings in the Detail Site Review Zone shall conform to the following standards:
 - 1. Buildings sharing a common wall or having walls touching at or above grade shall be considered as one building.
 - 2. Buildings shall not exceed a building footprint area of 45,000 square feet as measured outside the exterior walls and including all interior courtyards. For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.
 - 3. Buildings shall not exceed a gross floor area of 45,000 square feet, including all interior floor space, roof top parking, and outdoor retail and storage areas, with the following exception:

Automobile parking areas located within the building footprint and in the basement shall not count toward the total gross floor area.
 - 4. Buildings shall not exceed a combined contiguous building length of 300 feet.

Inside the Downtown Design Standards Zone, new buildings or expansions of existing buildings shall not exceed a building footprint area of 45,000 sq. ft. or a gross floor area of 45,000 sq. ft., including roof top parking, with the following exception:

Automobile parking areas located within the building footprint and in the basement shall not count toward the total gross floor area.

SECTION 81, 18.72.060, Site Design and Use Standards, Plans Required, of the Ashland Municipal Code, is amended to read as follows:

18.72.060, Plans Required

The following submittals shall be required in order to determine the project's compliance with this Chapter:

A site plan containing the following:

- A. Project name.
- B. Vicinity map.
- C. Scale (the scale shall be at least one (1) inch equals fifty (50) feet or larger. The Staff Advisor may authorize different scales and plan sheet sizes for projects, provided the plans provide sufficient information to clearly identify and evaluate the application request.
- D. North arrow.
- E. Date.
- F. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development.
- G. Lot layout with dimensions for all lot lines.
- H. Zoning designations of the proposed development.

- I. Zoning designations adjacent to the proposed development.
- J. Location and use of all proposed and existing buildings, fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.
- K. Location and size of all public utilities in and adjacent to the proposed development with the locations shown of:
 - 1. Water lines and meter sizes.
 - 2. Sewers, manholes and cleanouts.
 - 3. Storm drainage and catch basins.
 - 4. Opportunity-to-recycle site and solid waste receptacle, including proposed screening.
- L. The proposed location of:
 - 1. Connection to the City water system.
 - 2. Connection to the City sewer system.
 - 3. Connection to the City electric utility system.
 - 4. The proposed method of drainage of the site.
- M. Location of drainage ways or public utility easements in and adjacent to the proposed development.
- N. Location, size and use of all contemplated and existing public areas within the proposed development.
- O. All fire hydrants proposed to be located near the site and all fire hydrants proposed to be located within the site.
- P. A topographic map of the site at a contour interval of at least five (5) feet.
- Q. Location of all parking areas and all parking spaces, ingress and egress on the site, and on-site circulation.
- R. Use designations for all areas not covered by building.
- S. Locations of all existing natural features including, but not limited to, any existing trees of a caliber greater than six inches diameter at breast height, except in forested areas, and any natural drainage ways or creeks existing on the site, and any outcroppings of rocks, boulders, etc. Indicate any contemplated modifications to a natural feature.
- T. A landscape plan showing the location, type and variety, size and any other pertinent features of the proposed landscaping and plantings. At time of installation, such plans shall include a layout of irrigation facilities and ensure the plantings will continue to grow.
- U. The elevations and locations of all proposed signs for the development.
- V. For non-residential developments proposed on properties located in a Historic District, an exterior wall section, window section and drawings of architectural details (e.g. column width, cornice and base detail, relief and projection, etc.) drawn to a scale of three-fourths (3/4) of an inch equals one (1) foot or larger.
- W. Exterior elevations of all buildings to be proposed on the site. Such plans shall indicate the material, color, texture, shape and other design features of the building, including all mechanical devices. Elevations shall be submitted drawn to scale of one inch equals ten feet or greater.
- X. A written summary showing the following:
 - 1. For commercial and industrial developments:
 - a. The square footage contained in the area proposed to be developed.
 - b. The percentage of the lot covered by structures.
 - c. The percentage of the lot covered by other impervious surfaces.
 - d. The total number of parking spaces.
 - e. The total square footage of all landscaped areas.
 - 2. For residential developments:
 - a. The total square footage in the development.

- b. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, e.g., ten one-bedroom, 25 two-bedroom, etc).
- c. Percentage of lot coverage by:
 - i. Structures.
 - ii. Streets and roads.
 - iii. Recreation areas.
 - iv. Landscaping.
 - v. Parking areas.
- 3. For all developments, the following shall also be required: The method and type of energy proposed to be used for heating, cooling and lighting of the building, and the approximate annual amount of energy used per each source and the methods used to make the approximation.

SECTION 82, 18.72.080, Site Design and Use Standards, Site Design Standards, of the Ashland Municipal Code, is amended to read as follows:

18.72.080 Site Design Standards.

- A. The Council may adopt standards by ordinance for site design and use. These standards may contain:
 - 1. Additional approval criteria for developments affected by this Chapter.
 - 2. Information and recommendations regarding project and unit design and layout, landscaping, energy use and conservation, and other considerations regarding the site design.
 - 3. Interpretations of the intent and purpose of this Chapter applied to specific examples.
 - 4. Other information or educational materials the Council deems advisable.
- B. Before the Council may adopt or amend the guidelines, a public hearing must be held by the Planning Commission and a recommendation and summary of the hearing forwarded to the Council for its consideration.
- C. The Site Design and Use Standards adopted by Ordinance No's. 2690, 2800, 2825 and 2900, shall be applied as follows:
 - 1. The Multi-family Residential Development Standards in Section II.B. shall be applied to the construction of attached single-family housing (e.g. town homes, condominiums, row houses, etc.).
 - 2. The Commercial, Employment, and Industrial Development standards in Section II.C. Shall be applied to non-residential development (e.g. public buildings, schools, etc.).

SECTION 83, 18.72.105, Site Design and Use Standards, Expiration of Site Design Review Approval, of the Ashland Municipal Code, is added and reads as follows:

18.72.105 Expiration of Site Design Review Approval,

Site design review approval granted under this Chapter shall expire if no building permit or public improvement plan for the project has been approved by the City within twelve (12) months of site design review approval.

SECTION 84, 18.72.120, Site Design and Use Standards, Controlled Access, of the Ashland Municipal Code, is amended to read as follows:

18.72.120 Controlled access.

- A. Any partitioning or subdivision of property located in an R-2, R-3, C-1, E-1 or M-1 zone shall meet the controlled access standards set forth in section (B) below. If applicable, cross access easements shall be required so that access to all properties created by the land division can be made from one or more points.
- B. Street and driveway access points in an R-2, R-3, C-1, E-1 or M-1 zone shall be limited to the following:
 - 1. Distance between driveways.
 - On arterial streets - 100 feet;
 - on collector streets - 75 feet;
 - on residential streets - 50 feet.
 - 2. Distance from intersections.
 - On arterial streets - 100 feet;
 - on collector streets - 50 feet;
 - on residential streets - 35 feet.
- C. Access Requirements for Multi-family Developments.
 - 1. All multi-family developments which will have automobile trip generation in excess of 250 vehicle trips per day shall provide at least two driveway access points to the development. Trip generation shall be determined by the methods established by the Institute of Transportation Engineers.
 - 2. Creating an obstructed street, as defined in 18.88.020.G, is prohibited.

SECTION 85, 18.72.170. Site Design and Use Standards, Development Standards for Disc Antennas, of the Ashland Municipal Code, is amended to read as follows:

18.72.170 Development Standards for Disc Antennas

- A. Building Permit Required. All disc antennas shall be subject to review and approval of the building official where required by the Building Code.
- B. Development Standards. All disc antennas shall be located, designed, constructed, treated and maintained in accordance with the following standards:
 - 1. Antennas shall be installed and maintained in compliance with the requirements of the Building Code.
 - 2. Disc antennas exceeding one (1) meter in diameter shall not be permitted on the roof, except where there is no other location on the lot which provides access to receiving or transmitting signals. In no case shall any part of any antenna be located more than ten feet above the apex of the roof surface. Antennas mounted on the roof shall be located in the least visible location as viewed from adjacent right-of-ways, and residential structures in residential zones.
 - 3. No more than one disc antenna shall be permitted on each tract of land.
 - 4. Ground mounted disc antennas shall be erected or maintained to the rear of the main building, except in those instances when the subject property is cul-de-sac or corner lot where the side yard is larger than the rear yard, in which case the antenna may be located in the side yard. Antennas shall not be located in any required setback area. No portion of an antenna array shall extend beyond the property lines or into any front yard area. Guy wires shall not be anchored within any front yard area but may be attached to the building.
 - 5. Antennas may be ground-mounted, free standing, or supported by guy wires, buildings, or other structures in compliance with the manufacturer's structural specifications. Ground-mounted antennas shall be any antenna with its base

- mounted directly in the ground, even if such antenna is supported or attached to the wall of a building.
6. The antenna, including guy wires, supporting structures and accessory equipment, shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets. Antennas shall be screened through the addition of architectural features and/or landscaping that harmonize with the elements and characteristics of the property. The materials used in constructing the antenna shall not be unnecessarily bright, shiny, garish, or reflective. Whenever possible, disc antennas shall be constructed out of mesh material and painted a color that will blend with the background.
 7. Antennas shall meet all manufacturers' specifications. The mast or tower shall be non-combustible. Corrosive hardware, such as brackets, turnbuckles, clips and similar type equipment if used, shall be protected by plating or otherwise to guard against corrosion.
 8. Every antenna must be adequately grounded, for protection against a direct strike of lightning, with an adequate ground wire. Ground wires shall be of the type approved by the latest edition of the Electrical Code for grounding masts and lightning arrestors and shall be installed in a mechanical manner, with as few bends as possible, maintaining a clearance of at least two inches from combustible materials. Lightning arrestors shall be used that are approved as safe by the Underwriters' Laboratories, Inc., and both sides of the line must be adequately protected with proper arrestors to remove static charges accumulated on the line. When lead-in conductors of polyethylene ribbon-type are used, lightning arrestors must be installed in each conductor. When coaxial cable or shielded twin lead is used for lead-in, suitable protection may be provided without lightning arrestors by grounding the exterior metal sheath.
 9. Antennas may contain no sign or graphic design as defined in the Ashland Sign Code, even if the sign is permitted on the property.

SECTION 86, 18.72.180, Site Design and Use Standards, Development Standards for Wireless Communication Facilities, of the Ashland Municipal Code, is amended to read as follows:

18.72.180 Development Standards for Wireless Communication Facilities.

- A. **Purpose and Intent** - The purpose of this section is to establish standards that regulate the placement, appearance and impact of wireless communication facilities, while providing residents with the ability to access and adequately utilize the services that these facilities support.

Because of the physical characteristics of wireless communication facilities, the impact imposed by these facilities affect not only the neighboring residents, but the community as a whole.

The standards are intended to ensure that the visual and aesthetic impacts of wireless communication facilities are mitigated to the greatest extent possible, especially in or near residential areas.

- B. **Submittals** - In addition to the submittals required in section 18.72.060, the following items shall be provided as part of the application for a wireless communication facility.
1. A photo of each of the major components of a similar installation, including a photo montage of the overall facility as proposed.

2. Exterior elevations of the proposed wireless communication facility (min 1"=10').
 3. A set of manufacturer's specifications of the support structure, antennas, and accessory buildings with a listing of materials being proposed including colors of the exterior materials.
 4. A site plan indicating all structures, land uses and zoning designation within 150 feet of the site boundaries, or 300 feet if the height of the structure is greater than 80 feet.
 5. A map showing existing wireless communication facility sites operated by the applicant within a 5 mile radius of the proposed site.
 6. A collocation feasibility study that adequately indicates collocation efforts were made and states the reasons collocation can or cannot occur.
 7. A copy of the lease agreement for the proposed site showing that the agreement does not preclude collocation.
 8. Documentation detailing the general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.
 9. Any other documentation the applicant feels is relevant to comply with the applicable design standards.
 10. Documentation that the applicant has held a local community meeting to inform members of the surrounding area of the proposed wireless communication facility. Documentation to include:
 - a. a copy of the mailing list to properties within 300' of the proposed facility.
 - b. a copy of the notice of community meeting, mailed one week prior to the meeting.
 - c. a copy of the newspaper ad placed in a local paper one week prior to the meeting.
 - d. a summary of issues raised during the meeting.
- C. **Design Standards** - All wireless communication facilities shall be located, designed, constructed, treated and maintained in accordance with the following standards:
1. **General Provisions**
 - a. All facilities shall be installed and maintained in compliance with the requirements of the Building Code. At the time of building permit application, written statements from the Federal Aviation Administration (FAA), the Aeronautics Section of the Oregon Department of Transportation, and the Federal Communication Commission that the proposed wireless communication facility complies with regulations administered by that agency, or that the facility is exempt from regulation.
 - b. All associated transmittal equipment must be housed in a building, above or below ground level, which must be designed and landscaped to achieve minimal visual impact with the surrounding environment.
 - c. Wireless communication facilities shall be exempted from height limitations imposed in each zoning district.
 - d. WCF shall be installed at the minimum height and mass necessary for its intended use. A submittal verifying the proposed height and mass shall be prepared by a licensed engineer.
 - e. Signage for wireless communication facilities shall consist of a maximum of two non-illuminated signs, with a maximum of two square feet each stating the name of the facility operator and a contact phone number.
 - f. Applicant is required to remove all equipment and structures from the site and return the site to its original condition, or condition as approved by the Staff Advisor, if the facility is abandoned for a period greater than six months. Removal and restoration must occur within 90 days of the end of the six month period.

2. Preferred Designs

- a. Where possible, the use of existing WCF sites for new installations shall be encouraged. Collocation of new facilities on existing facilities shall be the preferred option.
- b. If (a) above is not feasible, WCF shall be attached to pre-existing structures, when feasible.
- c. If (a) or (b) above are not feasible, alternative structures shall be used with design features that conceal, camouflage or mitigate the visual impacts created by the proposed WCF.
- d. If (a), (b), or (c) listed above are not feasible, a monopole design shall be used with the attached antennas positioned in a vertical manner to lessens the visual impact compared to the antennas in a platform design. Platform designs shall be used only if it is shown that the use of an alternate attached antenna design is not feasible.
- e. Lattice towers are prohibited as freestanding wireless communication support structures.

3. Landscaping. The following standards apply to all WCF with any primary or accessory equipment located on the ground and visible from a residential use or the public right-of-way

- a. Vegetation and materials shall be selected and sited to produce a drought resistant landscaped area.
- b. The perimeter of the WCF shall be enclosed with a security fence or wall. Such barriers shall be landscaped in a manner that provides a natural sight obscuring screen around the barrier to a minimum height of six feet.
- c. The outer perimeter of the WCF shall have a 10 foot landscaped buffer zone.
- d. The landscaped area shall be irrigated and maintained to provide for proper growth and health of the vegetation.
- e. One tree shall be required per 20 feet of the landscape buffer zone to provide a continuous canopy around the perimeter of the WCF. Each tree shall have a caliper of 2 inches, measured at breast height, at the time of planting.

4. Visual Impacts

- a. Antennas, if attached to a pre-existing or alternative structure shall be integrated into the existing building architecturally and, to the greatest extent possible, shall not exceed the height of the pre-existing or alternative structure.
- b. Wireless communication facilities shall be located in the area of minimal visual impact within the site which will allow the facility to function consistent with its purpose.
- c. Antennas, if attached to a pre-existing or alternative structure shall have a non-reflective finish and color that blends with the color and design of the structure to which it is attached.
- d. WCF, in any zone, must be set back from any residential zone a distance equal to twice its overall height. The setback requirement may be reduced if, as determined by the Hearing Authority, it can be demonstrated through findings of fact that increased mitigation of visual impact can be achieved within of the setback area. Underground accessory equipment is not subject to the setback requirement.
- e. Exterior lighting for a WCF is permitted only when required by a federal or state authority.
- f. All wireless communication support structures must have a non-reflective finish and color that will mitigate visual impact, unless otherwise required by other government agencies.

- g. Should it be deemed necessary by the Hearing Authority for the mitigation of visual impact of the WCF, additional design measures may be required. These may include, but are not limited to: additional camouflage materials and designs, facades, specific colors and materials, masking, shielding techniques.

5. Collocation standards

- a. Each addition of an antenna to an existing WCF requires a building permit, unless the additional antenna increases the height of the facility more than ten feet.
- b. Addition of antennas to an existing WCF that increases the overall height of the facility more than ten feet is subject to a site review."(ORD 2802, S3 1997)

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

Zoning Designations	Attached to Existing Structures	Alternative Structures	Freestanding Support Structures
Residential Zones ⁽¹⁾	CUP	Prohibited	Prohibited
C-1	CUP	CUP	Prohibited
C-1-D (Downtown) ⁽²⁾	CUP	Prohibited	Prohibited
C-1 - Freeway overlay	Site Review	Site Review	CUP
E-1	Site Review	Site Review	CUP
M-1	Site Review	Site Review	CUP
SOU	Site Review	CUP	CUP
NM (North Mountain)	Prohibited	Prohibited	Prohibited
Historic District ⁽²⁾	CUP	Prohibited	Prohibited
A-1 (Airport Overlay)	CUP	CUP	CUP
HC (Health Care)	CUP	Prohibited	Prohibited

SECTION 88, 18.76.050, Partitions, Preliminary Approval by the Planning Commission, of the Ashland Municipal Code, is amended to read as follows:

18.76.050, Preliminary Approval

An application for a preliminary partition shall be approved when the following conditions exist:

- A. The future use for urban purposes of the remainder of the tract will not be impeded.

- B. The development of the remainder of any adjoining land or access thereto will not be impeded.
- C. The tract of land has not been partitioned for 12 months.
- D. The partitioning is not in conflict with any law, ordinance or resolution applicable to the land.
- E. The partitioning is in accordance with the design and street standards contained in the Chapter 18.88, Performance Standards Options. (Ord 2836 S8, 1999)
- F. When there exist adequate public facilities, or proof that such facilities can be provided, as determined by the Public Works Director and specified by City documents, for water, sanitary sewers, storm sewer, and electricity.
- G. When there exists a 20-foot wide access along the entire street frontage of the parcel to the nearest fully improved collector or arterial street, as designated in the Comprehensive Plan. Such access shall be improved with an asphaltic concrete pavement designed for the use of the proposed street. The minimum width of the street shall be 20-feet with all work done under permit of the Public Works Department.
 - 1. The Public Works Director may allow an unpaved street for access for a minor land partition when all of the following conditions exist:
 - a. The unpaved street is at least 20-feet wide to the nearest fully improved collector or arterial street.
 - b. The centerline grade on any portion of the unpaved street does not exceed ten percent.
 - 2. Should the partition be on an unpaved street and paving is not required, the applicant shall agree to participate in the costs and to waive the rights of the owner of the subject property to remonstrate both with respect to the owners agreeing to participate in the cost of full street improvements and to not remonstrate to the formation of a local improvement district to cover such improvements and costs thereof. Full street improvements shall include paving, curb, gutter, sidewalks and the undergrounding of utilities. This requirement shall be precedent to the signing of the final survey plat, and if the owner declines to so agree, then the application shall be denied.
- H. Where an alley exists adjacent to the partition, access may be required to be provided from the alley and prohibited from the street.

SECTION 89, 18.76.060, Partitions, Preliminary Approval of Flag Partitions, of the Ashland Municipal Code, is amended to read as follows:

18.76.060, Preliminary Approval of Flag Partitions

Partitions involving the creation of flag lots shall be approved by the Planning Commission if the following conditions are satisfied:

- A. Conditions of the previous section have been met.
- B. Except as provided in subsection 18.76.060.K, the flag drive for one flag lot shall have a minimum width of 15 feet, and a 12 foot paved driving surface. For drives serving two lots, the flag drive shall be 20 feet wide, with 15 feet of driving surface to the back of the first lot, and 12 feet, respectively, for the rear lot. Drives shared by adjacent properties shall have a width of 20 feet, with a 15 foot paved driving surface.

Flag drives shall be constructed so as to prevent surface drainage from flowing over sidewalks or other public ways. Flag drives shall be in the same ownership as the flag lots served. Where two or more lots are served by the

same flag drive, the flag drive shall be owned by one of the lots and an easement for access shall be granted to the other lot or lots. There shall be no parking 10 feet on either side of the flag drive entrance.

Flag drive grades shall not exceed a maximum grade of 15%. Variances may be granted for flag drives for grades in excess of 15% but no greater than 18% for no more than 200'. Such variances shall be required to meet all of the criteria for approval as found in 18.100.

Flag drives serving structures greater than 24 feet in height, as defined in 18.08.290, shall provide a Fire Work Area of 20 feet by 40 feet within 50 feet of the structure. The Fire Work Area requirement shall be waived if the structure served by the drive has an approved automatic sprinkler system installed.

Flag drives and fire work areas shall be deemed Fire Apparatus Access Roads under the Oregon Fire Code and subject to all requirements thereof.

When required by the Oregon Fire Code, flag drives greater than 150 feet in length shall provide a turnaround as defined in the Performance Standards Guidelines in 18.88.090. The Staff Advisor, in coordination with the Fire Code Official, may extend the distance of the turnaround requirement up to a maximum of 250 feet in length as allowed by Oregon Fire Code access exemptions.

- C. Each flag lot has at least three parking spaces situated in such a manner as to eliminate the necessity for backing out.
- D. Curb cuts have been minimized, where possible, through the use of common driveways.
- E. Both sides of the flag drive have been screened with a site-obscuring fence, wall or evergreen hedge to a height of from four to six feet, except in the front yard setback area where, starting five feet from the property line, the height shall be from 30 to 42 inches in the remaining setback area. Such fence or landscaping shall be placed at the extreme outside of the flag drive in order to ensure adequate fire access.
- F. The applicant has executed and filed with the Planning Department an agreement between applicant and the city for paving and screening of the flag drive. Such an agreement shall specify the period within which the applicant, or agent for applicant, or contractor shall complete the paving to standards as specified by the Director of Public Works and screening as required by this section, and providing that if applicant should fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the applicant. An agreement shall also provide for the maintenance of the paving and screening to standards as indicated in this section and the assurance that such maintenance shall be continued.
- G. A site plan has been approved by the Planning Commission. The site plan shall be approved provided the regulations of the zoning and subdivision titles are satisfied. Such a site plan shall contain the map requirements listed in Section 18.76.050 and the following information:
 - 1. The location of driveways, turnarounds parking spaces and useable yard areas.
 - 2. The location and type of screening.
 - 3. For site plans of a flag lot, the building envelope shall be identified.

- H. No more than two lots are served by the flag drive.
- I. For the purpose of meeting the minimum lot area requirement, the lot area, exclusive of the flag drive area, must meet the minimum square footage requirements of the zoning district.
- J. Flag lots shall be required to provide a useable yard area that has a minimal dimension of 20 feet wide by 20 feet deep. As used in this chapter, the term "useable yard area" means a private yard area which is unobstructed by a structure or automobile from the ground upward.
- K. Flag lots adjacent to an alley shall meet all of the requirements of this section, except that:
 - 1. Vehicle access shall be from the alley only where required as a condition of approval;
 - 2. No screening and paving requirements shall be required for the flagpole;
 - 3. A four foot pedestrian path shall be installed within the flag pole, improved and maintained with either a concrete, asphalt, brick, or paver block surface from the street to the buildable area of the flag lot;
 - 4. The flag pole width shall be no less than eight feet wide and the entrance of the pole at the street shall be identified by the address of the flag lot clearly visible from the street on a 4" X 4" post 3½ feet high. The post shall be painted white with black numbers 3 inches high running vertically down the front of the post. For flagpoles serving two or more dwellings, the addresses of such dwellings shall be on a two feet by three feet white sign clearly visible from the street with three inch black numbers.

SECTION 90, 18.76.075, Partitions, Expiration of Preliminary Partition Plan, of the Ashland Municipal Code, is added and reads as follows:

18.76.075, Expiration of Preliminary Partition Plan.

Preliminary partition plans approved under this Chapter shall expire if a final partition plat has not been approved by the City within eighteen (18) months of preliminary plan approval.

SECTION 91, 18.88.050.E., Performance Standards Options, Street Standards, Street Grade, of the Ashland Municipal Code, is amended to read as follows:

18.88.050 Street Standards.

- E. **Street Grade.** Street grades measured at the street centerline for dedicated streets and flag drives shall be as follows:
 - 1. Street and private drive grades in Performance Standards Developments shall not exceed a maximum grade of 15%. No variance may be granted to this section for public streets. Variances may be granted for private drives for grades in excess of 15% but not greater than 18% for no more than 200'. Such variances shall be required to meet all of the criteria for approval as found in 18.100.

Private drives serving structures greater than 24' in height, as defined in 18.08.290, shall provide a Fire Work Area of 20' by 40' within 50' of the structure. The Fire Work Area requirement shall be waived if the structure served by the drive has an approved automatic sprinkler system installed.

Private drives and work areas shall be deemed Fire Lanes and subject to all requirements thereof.

When required by the Oregon Fire Code, private drives greater than 150 feet in length shall provide a turnaround as defined in the Performance Standards Guidelines as provided in 18.88.090. The Staff Advisor, in coordination with the Fire Code Official, may extend the distance of the turnaround requirement up to a maximum of 250 feet in length as allowed by Oregon Fire Code access exemptions.

SECTION 92, 18.92.070, Off-Street Parking, Automobile Parking Design Requirements, of the Ashland Municipal Code, is amended to read as follows:

18.92.070 Automobile Parking Design Requirements

- A. **Size and Access.** All required parking areas shall be designed in accordance with the parking layout chart at the end of this Chapter. Parking spaces shall be a minimum of 9 x 18 feet, except that 50% of the spaces may be compact spaces in accord with 18.92.050. Parking spaces shall have a back-up maneuvering space no less than twenty-two (22) feet except where parking is angled, and which does not necessitate moving of other vehicles.
- B. **Driveways and Turn-Arounds.** Driveways and turn-arounds providing access to parking areas shall conform to the following provisions:
1. A driveway for a single dwelling shall have a minimum width of nine feet, and a shared driveway serving two units shall have a width of 12 feet.
 2. Parking areas of more than seven parking spaces per lot shall be provided with adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner.
 3. Parking areas of more than seven parking spaces shall be served by a driveway 20 feet in width and constructed to facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. Parking areas of seven spaces or less shall be served by a driveway 12 feet in width.
 4. Shared Use of Driveways and Curb Cuts.
 - a. Developments subject to a planning action or divisions of property, either by minor land partition or subdivision, shall minimize the number of driveway intersections with streets by the use of shared driveways with adjoining lots where feasible. In no case shall driveways be closer than 24 feet as measured from the bottom of the existing or proposed apron wings of the driveway approach.
 - b. Plans for property being partitioned or subdivided or for multi-family developments shall indicate how driveway intersections with streets have been minimized through the use of shared driveways and shall indicate all necessary access easements.
 - c. Developments subject to a planning action shall remove all curb cuts and driveway approaches not shown to be necessary for existing improvements or the proposed development. Cuts and approaches shall be replaced with standard curb, gutter or sidewalk as appropriate. All replacement shall be done under permit of the Engineering Division.
- C. **Vertical Clearances.** Driveways, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13'6" for their entire length and width.
- D. **Vision Clearance.** No obstructions may be placed in the vision clearance area except as set forth in Section 18.68.020
- E. **Development and Maintenance.** The development and maintenance as provided below, shall apply in all cases, except single-family dwellings.

1. **Paving.** All required parking areas, aisles, turn-arounds and driveways shall be paved with concrete, asphaltic or comparable surfacing, constructed to standards on file in the office of the City Engineer.
2. **Drainage.** All required parking areas, aisles and turn-arounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.
3. **Driveway approaches.** Approaches shall be paved with concrete surfacing constructed to standards on file in the office of the City Engineer.
4. **Marking.** Parking lots of more than seven spaces shall have all spaces permanently and clearly marked.
5. **Wheel stops.** Wheel stops shall be a minimum of four inches in height and width and six feet in length. They shall be firmly attached to the ground and so constructed as to withstand normal wear. Wheel stops shall be provided where appropriate for all spaces abutting property lines, buildings, landscaping, and no vehicle shall overhang a public right-of-way.
6. **Walls and Hedges.**
 - a. Where parking abuts upon a street, a decorative masonry wall or evergreen hedge screen of 30-42 inches in height and a minimum of 12" in width shall be established parallel to and not nearer than two feet from the right-of-way line. Screen planting shall be of such size and number to provide the required screening within 12 months after installation. The area between the wall or hedge and street line shall be landscaped. All vegetation shall be adequately maintained by a permanent irrigation system, and said wall or hedge shall be maintained in good condition. The required wall or screening shall be designed to allow for free access to the site and sidewalk by pedestrians.
 - b. In all zones, except single-family zones, where parking facilities or driveways are located adjacent to residential or agricultural zones, school yards, or like institutions, a sight-obscuring fence, wall, or evergreen hedge not less than five feet, nor more than six feet high shall be provided on the property line as measured from the high grade side. Said wall, fence or hedge shall be reduced to 30 inches within required setback area, or within 10 feet of street property lines, and shall be maintained in good condition. Screen plantings shall be of such size and number to provide the required screening within 12 months after installation. Adequate provisions shall be made to protect walls, fences or plant materials from being damaged by vehicles using said parking areas.
7. **Landscaping.** In all zones, all parking facilities shall include landscaping to cover not less than 7% of the area devoted to outdoor parking facilities, including the landscaping required in subdivision 6(a) above. Said landscaping shall be uniformly distributed throughout the parking area, be provided with irrigation facilities and protective curbs or raised wood headers. It may consist of trees, plus shrubs, ground cover or related material. A minimum of one tree per seven parking spaces is required.
8. Lighting of parking areas within 100 feet of property in residential zones shall be directed into or on the site and away from property lines such that the light element shall not be directly visible from abutting residential property.

SECTION 93, 18.96.070, Sign Regulations, Residential sign Regulations, of the Ashland Municipal Code, is amended to read as follows:

18.96.070 Residential and North Mountain Sign Regulations.

Signs in the residential (R) and North Mountain (NM) districts shall conform to the following regulations:

A. Special Provisions:

1. No sign or portion thereof shall extend beyond any property line of the premises on which such sign is located.
2. Internally illuminated signs shall not be permitted.
3. Nothing contained herein shall be construed as permitting any type of sign in conjunction with a commercial use allowed as a home occupation, as no signs are allowed in conjunction with a home occupation. Signs in residential areas are only permitted in conjunction with a Conditional Use.

B. Type of Signs Permitted

1. **Neighborhood identification signs.** One sign shall be permitted at each entry point to residential developments not exceeding an area of six square feet per sign with lettering not over nine inches in height, located not over three feet above grade.
2. **Conditional Uses.** Uses authorized in accordance with the Chapter on Conditional Use Permits may be permitted one ground sign not exceeding an overall height of five feet and an area of fifteen square feet, set back at least ten feet from property lines; or one wall sign in lieu of a ground sign. Such signs shall be approved in conjunction with the issuance of such conditional use permit. Said signs shall not use plastic as part of the exterior visual effect and shall not be internally illuminated.
3. Retail commercial uses allowed as a conditional use in the Railroad District and traveler's accommodations in residential zones shall be allowed one wall sign or one ground sign which meets the following criteria:
 - a. The total size of the sign is limited to six square feet.
 - b. The maximum height of any ground sign is to be three feet above grade.
 - c. The sign must be constructed of wood and cannot be internally illuminated.
4. **North Mountain Signs.** Signs for approved non-residential uses within the NM-R15, NM-C and NM Civic zones shall be permitted one ground sign not exceeding an overall height of five feet and an area of fifteen square feet, set back at least ten feet from property lines; or one wall or awning sign in lieu of a ground sign. Said signs shall not use plastic as part of the exterior visual effect and shall not be internally illuminated.

SECTION 94, 18.96.150, Sign Regulations, Governmental Signs, of the Ashland Municipal Code, is amended to read as follows:

18.96.150 Governmental Signs.

Governmental agencies may apply for a Conditional Use to place a sign that does not conform to this Code when it is determined that, in addition to the criteria for a conditional use, the sign is necessary to further that agency's public purpose.

SECTION 95, 18.108.015, Procedures, Pre-Application Conference, of the Ashland Municipal Code, is amended to read as follows:

18.108.015, Pre-Application Conference. An applicant shall request a pre-application conference prior to submitting an application for a Type I, II or III planning action or an Expedited Land Division. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the Land Use Ordinance, provide for an exchange of information regarding applicable

elements of the comprehensive plan and development requirements and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development. The Staff advisor is authorized to waive pre-application conference requirements and to create procedures which allow for electronic or other alternative forms of conferences.

SECTION 96, 18.108.017, Procedures, Applications, of the Ashland Municipal Code, is amended to read as follows:

18.108.017 Applications.

- A. In order to initiate a planning action, a complete application shall be submitted to the Planning Department as set forth below.
 - 1. Complete applications shall include:
 - a. All of the required information for the specific action requested,
 - b. Written findings of fact,
 - c. Complete and signed application form. The application must be signed by one or more property owners of the property for which the planning action is requested, or their authorized agents. The application shall not be considered complete unless it is accompanied by the appropriate application fee.
 - 2. Incomplete applications are subject to delay in accordance with ORS 227.178. The City will inform the applicant of deficiencies within 30 days of application. The applicant then has 31 days in which to provide a complete application. The City will begin the appropriate application procedure when the application is deemed complete, or at the end of the 31 day period.
 - 3. The Staff Advisor is authorized to set standards and procedures for application submittal requirements, including the number and type of applications required (e.g. hard and/or electronic copies), size and format of applications (e.g. paper size and electronic format), and dates when applications can be received. The Staff Advisor shall make the requirements for application submittals readily available to the public to review.
- B. All applicants for Types I, II and III planning actions shall have completed a pre-application conference for the project within a 6-month time period preceding the filing of the application. This requirement may be waived by the Staff Advisor if in the Staff Advisor's opinion the information to be gathered in a pre-application conference already exists in the final application.

SECTION 97, 18.108.020, Procedures, Types of Procedures, of the Ashland Municipal Code, is amended to read as follows:

18.108.020 Types of Procedures.

There are three general types of procedures: 1) ministerial actions; 2) planning actions, and 3) legislative amendments. When a project proposal involves more than one application and more than one type of procedure, the applications shall be reviewed together by the same decision body and follow the highest level procedure applying to any one of the applications.

- A. Ministerial Actions. The Staff Advisor shall have the authority to review and approve or deny the following matters which shall be ministerial actions:
 - 1. Final subdivision plat approval. (18.80.050)
 - 2. Final partition map approval. (18.76.120)
 - 4. Minor amendments to subdivisions and partitions.

5. Boundary line adjustments. (18.76.140)
 6. Zoning permits. (18.112.010)
 7. Sign permits. (18.96.050)
 8. Home occupation permits. (18.94.130)
 9. Extension of time limits for approved planning actions (18.112.030).
 10. Mechanical equipment exempt from Site Review.
 11. Conversion of existing multi-family dwelling units into for-purchase housing.
- B. Planning Actions. All planning actions shall be subject to processing by one of the four following procedures:
1. Type I Procedure
 2. Type II Procedure
 3. Type III Procedure
 4. Expedited Land Divisions
- C. Legislative Amendments. Legislative amendments shall be subject to the procedures established in section 18.108.170.

SECTION 98, 18.108.025, Procedures, Consolidated Review Procedures, of the Ashland Municipal Code, is added and reads as follows:

18.108.025 Consolidated Review Procedures.

An applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 227.178. The consolidated procedure shall follow the most restrictive procedure in the development project.

SECTION 99, 18.108.030, Procedures, Expedited Land Divisions – Staff Permits, of the Ashland Municipal Code, is amended to read as follows:

18.108.030, Expedited Land Divisions.

- A. Applicability.
1. An expedited land division is an action that:
 - a. Includes land that is zoned for residential uses.
 - b. Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.
 - c. Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated for full or partial protection of natural features that protect open spaces, physical and environmental constraints per Chapter 18.62, riparian corridors, wetlands, designated historic districts or structures.
 - d. Meets minimum standards in the Street Standards Handbook and Section 18.88.050.
 - e. Creates enough lots or parcels to allow building residential units at 80 percent (80%) or more of the maximum net density permitted by the zoning designation of the site.
 2. A land division that creates three or fewer parcels under ORS 92.010 and ALUO 18.76.
 3. An expedited land division as described in this section is not a land use decision or a limited land use decision under ORS 197.015 or a permit under ORS 227.160.

4. All requirements outlined in Chapter 18.76 apply to expedited land divisions except for those provisions modified within this section.
- B. Procedure and Notice Requirements.
1. Application Completeness.
 - a. If the application for expedited land division is incomplete, the Staff Advisor shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.
 - b. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
 2. The city shall provide written notice of the receipt of the completed application for an expedited land division to any state agency, local government or special district responsible for providing public facilities or services to the development and to owners of property within 100 feet of the entire contiguous site for which the application is made. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under ORS 197.375, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community planning organization recognized by the governing body and whose boundaries include the site.
 3. The notice required under subsection (2) of this section shall:
 - a. State:
 - i. The deadline for submitting written comments;
 - ii. That issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period; and
 - iii. That issues must be raised with sufficient specificity to enable the local government to respond to the issue.
 - b. Set forth, by commonly used citation, the applicable criteria for the decision.
 - c. Set forth the street address or other easily understood geographical reference to the subject property.
 - d. State the place, date and time that comments are due.
 - e. State a time and place where copies of all evidence submitted by the applicant will be available for review.
 - f. Include the name and telephone number of a local government contact person.
 - g. Briefly summarize the local decision-making process for the expedited land division decision being made.
 4. After notice under subsections (2) and (3) of this section, the city shall:
 - a. Provide a 14-day period for submission of written comments prior to the decision.
 - b. Make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the substantive requirements of the local government's land use regulations. An approval may include conditions to ensure that the application meets

the applicable land use regulations. For applications subject to this section, the city:

- i. Shall not hold a hearing on the application; and
 - ii. Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the local government's basis for the determination.
- c. Provide notice of the decision to the applicant and to those who received notice under subsection (2) of this section within 63 days of the date of a completed application. The notice of decision shall include:
- i. The summary statement described in paragraph (b)(ii) of this subsection; and
 - ii. An explanation of appeal rights under ORS 197.375

C. Appeals

1. An appeal of a decision made under ORS 197.360 and 197.365 shall be made as follows:
 - a. An appeal must be filed with the local government within 14 days of mailing of the notice of the decision under ORS 197.365 (4), and shall be accompanied by a \$300 deposit for costs.
 - b. A decision may be appealed by:
 - i. The applicant; or
 - ii. Any person or organization who files written comments in the time period established under ORS 197.365.
 - c. An appeal shall be based solely on allegations:
 - i. Of violation of the substantive provisions of the applicable land use regulations;
 - ii. Of unconstitutionality of the decision;
 - iii. That the application is not eligible for review under ORS 197.360 to 197.380 and should be reviewed as a land use decision or limited land use decision; or
 - iv. That the parties' substantive rights have been substantially prejudiced by an error in procedure by the local government.
2. The city shall appoint a referee to decide the appeal of a decision made under ORS 197.360 and 197.365. The referee shall not be an employee or official of the local government. The City Administrator is authorized to hire, under contract on an as needed basis, a referee to decide such appeals. If the city has designated a hearings officer under ORS 227.165, the City Administrator may designate the hearings officer as the referee for appeals of a decision made under ORS 197.360 and 197.365.
3. Within seven days of being appointed to decide the appeal, the referee shall notify the applicant, the local government, the appellant if other than the applicant, any person or organization entitled to notice under ORS 197.365 (2) that provided written comments to the local government and all providers of public facilities and services entitled to notice under ORS 197.365 (2) and advise them of the manner in which they may participate in the appeal. A person or organization that provided written comments to the local government but did not file an appeal under subsection (1) of this section may participate only with respect to the issues raised in the written comments submitted by that person or organization. The referee may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and argument. The referee shall provide the local government an opportunity to explain its decision, but

is not limited to reviewing the local government decision and may consider information not presented to the local government.

4. Referee Decision.
 - a. The referee shall apply the substantive requirements of the local government's land use regulations and ORS 197.360. If the referee determines that the application does not qualify as an expedited land division as described in ORS 197.360, the referee shall remand the application for consideration as a land use decision or limited land use decision. In all other cases, the referee shall seek to identify means by which the application can satisfy the applicable requirements.
 - b. The referee may not reduce the density of the land division application. The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure that the application satisfies the land use regulations, within 42 days of the filing of an appeal. The referee may not remand the application to the local government for any reason other than as set forth in this subsection.
- 5 Unless the governing body of the local government finds exigent circumstances, a referee who fails to issue a written decision within 42 days of the filing of an appeal shall receive no compensation for service as referee in the appeal.
6. Notwithstanding any other provision of law, the referee shall order the city to refund the deposit for costs to an appellant who materially improves his or her position from the decision of the local government. The referee shall assess the cost of the appeal in excess of the deposit for costs, up to a maximum of \$500, including the deposit paid under subsection (1) of this section, against an appellant who does not materially improve his or her position from the decision of the local government. The local government shall pay the portion of the costs of the appeal not assessed against the appellant. The costs of the appeal include the compensation paid the referee and costs incurred by the local government, but not the costs of other parties.
- D. Effective Date of Decision. Unless appealed within 14 days of mailing a notice of decision, the Staff Advisor decision becomes final on the 15th day. Appeals shall be considered as set forth in ALUO 18.108.030(C) and ORS 197.375.

SECTION 100, 18.108.040, Procedures, Type I Procedure, of the Ashland Municipal Code, is amended to read as follows:

18.108.040 Type I Procedure.

- A. Actions Included. The following planning actions shall be subject to the Type I Procedure:
 1. Site Design Review. The following developments that are subject to the Site Design Review Standards outlined in 18.72 shall follow the Type I permit procedures.
 - a. Downtown Design Standards Zone. Any development which is less than 2,500 square feet or ten percent of the building's square footage, whichever is less.
 - b. Detail Site Review. Any development in the Detail Site Review Zone, as defined in the Site Review Standards adopted pursuant Chapter 18.72, which is less than 10,000 square feet in gross floor area.
 - c. Commercial, Industrial and Non-residential Uses
 - i. All new structures, additions or expansions in C-1, E-1, HC and M zones, not within the Downtown Design Standards zone, that do not require new

- building area in excess of 20% of an existing building's square footage or 10,000 square feet of gross floor area, whichever is less.
 - ii. Expansion of impervious surface area in excess of 10% of the area of the site or 1,000 square feet, whichever is less
 - iii. Expansion of parking lots, relocation of parking spaces on a site, or other changes which alters circulation affecting adjacent property or public right-of-way.
 - iv. Any change of occupancy from a less intensive to a more intensive occupancy, as defined in the City building code, or any change in use which requires a greater number of parking spaces.
 - v. Any change in use of a lot from one general use category to another general use category, e.g., from residential to commercial, as defined by the zoning regulations of this Code.
 - vi. Any exterior change to a structure which requires a building permit and is listed on the National Register of Historic Places or to a contributing property within an Historic District on the National Register of Historic Places.
- d. Residential
- i. Two or more residential units on a single lot.
 - ii. All new structures or additions less than 10,000 square feet of gross floor area, other than single-family homes or accessory uses on individual lots
 - iii. Construction of attached single-family housing (e.g. town homes, condominiums, row houses, etc.) in all zoning districts.
 - iv. Off-street parking or landscaping, in conjunction with an approved Performance Standards Subdivision required by ordinance and not located within the boundaries of the individual unit parcel (e.g. shared parking).
 - v. Any exterior change to a structure which requires a building permit and is listed on the National Register of Historic Places.
2. Miscellaneous Actions.
- a. Amendment or modification to conditions of approval for Type I planning actions.
 - b. Amendment or modification to conditions of approval for Type II actions where the modification involves only changes to tree removal and/or building envelopes for planning actions.
 - c. Physical and Environmental Constraints Review permits as allowed in Chapter 18.62.
 - d. Tree removal permits as required by Section 18.61.042(D).
3. Conditional Use Permits. The following conditional use permits are subject to Type I review procedures:
- a. Conditional use permits involving existing structures or additions to existing structures, and not involving more than three (3) residential dwelling units
 - b. Temporary uses.
 - c. Enlargement, expansion, etc. of nonconforming structures in accordance with 18.68.090(2).
 - d. Government signs per Section 18.96.150.
 - e. The following uses in Residential zones:
 - i. Accessory residential units
 - ii. Daycare centers.
 - iii. Public and public utility buildings, structures and uses less than 2,500 square feet in building footprint and disturbs less than 7,500 square feet of land.
 - iv. Structures in excess of 35 feet in R-3 zone.

- v. All new structures, additions or expansions that exceed MPFA in historic district up to 25%, but the addition is no larger than 300 s.f. or 10% of the existing floor area, whichever is less.
- vi. Hostels.
- vii. Public Parking Lots in the NM-C zone.
- viii. Community Services in the NM-R15 zone.
- f. The following uses in Commercial or Industrial zones:
 - i. Electrical substations
 - ii. Outdoor storage of commodities.
- g. The following uses in the Health Care Services Zone:
 - i. Limited personal service providers in the home, such as beauticians and masseurs.
 - ii. Professional offices for an accountant, architect, attorney, designer, engineer, insurance agent or adjuster, investment or management counselor or surveyor.
 - iii. Any medically-related use, located on City-owned property that is not specifically allowed by the Ashland Community Hospital Master Facility Plan.
- h. Conditional uses in the Southern Oregon University District.
- 4. Variances for:
 - a. Sign placement.
 - b. Non-conforming signs, when bringing them into conformance as described in section 18.96.130.D.
 - c. Up to 50% reduction of standard yard requirements.
 - d. Parking in setback areas.
 - e. Up to 10% reduction in the number of required parking spaces.
 - f. Up to 10% reduction in the required minimum lot area.
 - g. Up to 10% increase in the maximum lot coverage percentage.
 - h. Up to 20% reduction in lot width or lot depth requirements.
 - i. Up to 50% reduction for parking requirements in Ashland's Historic District as described in section 18.92.055.
 - j. Up to 10% variance on height, width, depth, length or other dimension not otherwise listed in this section.
 - k. Site Design and Use Standards as provided in section 18.72.090.
- 5. Partitions and Land Divisions.
 - a. Partitions which require no variances or only variances subject to Type I procedures.
 - b. Creation of a private way, as allowed in section 18.80.030.B.
 - c. Final Plan Approval for Performance Standards Subdivisions.
- 6. Any other planning action designated as subject to the Type I Procedure.
- 7. Prior to the Staff Advisor providing notice of application and making a decision, applicants or the Staff Advisor may request planning actions subject to a Type I procedure be heard by the Commission or Hearings Board. In such case, the Staff Advisor shall not make a decision and shall schedule a hearing before the Commission or Hearings Board to be heard as provided in section 18.108.050.
- B. Notice of Application.
 - 1. Within 10 days of the city's determination that an application is complete, but no less than 20 days before the Staff Advisor makes a decision, written notice of the application shall be mailed to all of the following:
 - a. Applicant.
 - b. Owners of the subject property.
 - c. Owners of properties located within 200 feet of the perimeter of the subject property.

- d. Neighborhood group or community organization officially recognized by the city council that includes the area of the subject property.
 - e. For final partitions, final subdivisions, and final Outline Plans, to interested parties of record from the tentative decision.
 - f. For modification applications, to persons who requested notice of the original application that is being modified.
2. The written notice shall include all of the following:
 - a. The street address or other easily understood geographical reference to the subject property.
 - b. The applicable criteria for the decision, listed by commonly used citation.
 - c. The place, date, and time that comments are due.
 - d. A statement that copies of all evidence relied upon by the applicant are available for review, and can be obtained at cost.
 - e. A statement that issues that may provide the basis for an appeal to the Land Use Board of Appeals must be raised in writing and with sufficient specificity to enable the decision maker to respond to the issue.
 - f. The name and phone number of a city contact person.
 - g. A brief summary of the local decision making process for the decision being made.
 3. Posted Notice. A notice shall be posted on the subject property in such a manner as to be clearly visible from a public right-of-way. Posting shall occur no later than the date of mailing notice of application.
 4. Notices shall allow a 14-day period for the submission of written comments, starting from the date of mailing. All comments must be received by the city within that 14-day period.
- C. Decision. Within 45 days of the city's determination that an application is complete, unless the applicant agrees to a longer time period, the Staff Advisor shall approve, conditionally approve, or deny a Type I application.
- D. Notice of Decision.
1. Within 5 days after the Staff Advisor renders a decision, the city shall mail notice of the decision to the following:
 - a. Applicant.
 - b. Owner and occupants of the subject property.
 - c. Neighborhood group or community organization officially recognized by the city that includes the area of the subject property.
 - d. Any group or individual who submitted written comments during the comment period.
 - e. Those groups or individuals who requested notice of the decision.
 - f. Property owners and occupants of property located within 200 feet of the perimeter of the subject property.
 2. The notice shall include all of the following:
 - a. A description of the nature of the decision of the Staff Advisor.
 - b. An explanation of the nature of the application and the proposed use or uses which could be authorized.
 - c. The street address or other easily understood geographical reference to the subject property.
 - d. The name of a city representative to contact and the telephone number where additional information may be obtained.
 - e. A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

- f. A statement that any person who was mailed a written notice of the Staff Advisor's decision may request reconsideration or appeal as provided in ALUO 18.108.070(B)(2).
 - g. A statement that the Staff Advisor's decision will not become final until the period for filing a local appeal has expired.
 - h. An explanation that a person who is mailed written notice of the Staff Advisor's decision cannot appeal directly to LUBA.
3. Unless the decision is reconsidered or appealed according to the procedures in ALUO 18.108.070(B) (2), the Staff Advisor's decision is effective on the 13th day after notice of the decision is mailed.

SECTION 101, 18.108.050, Procedures, Type II Procedure, of the Ashland Municipal Code, is amended to read as follows:

18.108.050 Type II Procedure.

- A. Actions Included. The following planning actions shall be subject to the Type II Procedure:
 - 1. All Conditional Use Permits not subject to a Type I procedure.
 - 2. All variances not subject to the Type I procedure.
 - 3. Outline Plan for subdivisions under the Performance Standard Options (AMC Chapter 18.88).
 - 4. Preliminary Plat for subdivisions under the standard subdivision code (AMC Chapter 18.80).
 - 5. Final Plan approval for all subdivision requests under the Performance Standard Options not requiring Outline Plan approval.
 - 6. Any appeal of a Staff Advisor decision, including a Type I Planning Action or Interpretation of the Ashland Land Use Code.
 - 7. Any other planning action not designated as subject to the Type I or Type III Procedure.
- B. Time Limits, Notice and Hearing Requirements. Applications subject to the Type II Procedure shall be processed as follows:
 - 1. The Staff Advisor, acting under the authority of ORS 227.165, may hold an initial evidentiary hearing on Type II applications once they are deemed complete. The Staff Advisor shall transmit copies of the record developed at the hearing to the Commission for additional public hearing, deliberation and decision. The Staff Advisor is not authorized to make decisions on Type II applications.
 - 2. Complete applications shall be heard at a regularly scheduled Commission meeting which is held at least 30 days after the submission of the complete application.
 - 3. Notice of the hearing mailed as provided in section 18.108.080.
 - 4. Public hearing(s) shall be held before the Commission and/or Staff Advisor in accord with the requirements of section 18.108.100.

SECTION 102, 18.108.060, Procedures, Type III Procedures, of the Ashland Municipal Code, is amended to read as follows:

18.108.060, Type III Procedures

- A. The following planning actions shall be subject to the Type III Procedure:
 - 1. Zone Changes or Amendments to the Zoning Map or other official maps, except for legislative amendments.
 - 2. Comprehensive Plan Map Changes or changes to other official maps, except for legislative amendments.

3. Annexations.
 4. Urban Growth Boundary Amendments
- B. Standards for Type III Planning Actions.
1. Zone changes, zoning map amendments and comprehensive plan map changes subject to the Type III procedure as described in subsection A of this section may be approved if in compliance with the comprehensive plan and the application demonstrates that:
 - a. The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan; or
 - b. A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances; or
 - c. Circumstances relating to the general public welfare exist that require such an action; or
 - d. Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide one of the following:
 1. 35% of the base density to qualifying buyers or renters with incomes at or below 120% of median income; or
 2. 25% of the base density to qualifying buyers or renters with incomes at or below 100% of median income; or
 3. 20% of the base density to qualifying buyers or renters with incomes at or below 80% of median income; or
 4. 15% of the base density to qualifying buyers or renters with incomes at or below 60% of median income; or
 5. Title to a sufficient amount of buildable land for development is transferred to a non-profit (IRC 501(3)(c)) affordable housing developer or comparable Development Corporation for the purpose of complying with subsection 2 above. The land shall be located within the project and all needed public facilities shall be extended to the area or areas proposed for transfer. Ownership of the land shall be transferred to the affordable housing developer or Development Corporation prior to commencement of the project; or
 - e. Increases in residential zoning density of four units or greater on commercial, employment or industrial zoned lands (i.e. Residential Overlay), will not negatively impact the City of Ashland's commercial and industrial land supply as required in the Comprehensive Plan, and will provide one of the following:
 1. 35% of the base density to qualifying buyers or renters with incomes at or below 120% of median income; or
 2. 25% of the base density to qualifying buyers or renters with incomes at or below 100% of median income; or
 3. 20% of the base density to qualifying buyers or renters with incomes at or below 80% of median income; or
 4. 15% of the base density to qualifying buyers or renters with incomes at or below 60% of median income; or
 5. Title to a sufficient amount of buildable land for development is transferred to a non-profit (IRC 501(3)(c)) affordable housing developer or comparable Development Corporation for the purpose of complying with subsection 2 above. The land shall be located within the project and all needed public facilities shall be extended to the area or areas proposed for dedication. Ownership of the land and/or air space shall be transferred

to the affordable housing developer or Development Corporation prior to commencement of the project.

The total number of affordable units described in sections D or E shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years.

Sections D and E do not apply to council initiated actions.

C. Type III Procedure.

1. Applications subject to the Type III Procedure shall be processed as follows:
 - a. Complete applications shall be heard at the first regularly scheduled Commission meeting which is held at least 45 days after the submission of the application.
 - b. Notice of the hearing shall be mailed as provided in section 18.108.080.
 - c. A public hearing shall be held before the Commission as provided in 18.108.100.
2. The Commission shall make a report of its findings and recommendations on the proposed action. Such report shall be forwarded to the City Council within 45 days of the public hearing.
 - a. Upon receipt of the report, or within 60 days of the Commission hearing, the Council shall hold a public hearing as provided in 18.108.100. Public notice of such hearing shall be sent as provided in section 18.108.080.
 - b. The Council may approve, approve with conditions, or deny the application.

SECTION 103, 18.108.070, Procedures, Effective Date of Decision and Appeals, of the Ashland Municipal Code, is amended to read as follows:

18.108.070, Effective Date of Decision and Appeals.

- A. Ministerial actions are effective on the date of the decision of the Staff Advisor and are not subject to appeal.
- B. Actions subject to appeal:
 1. **Expedited Land Divisions.** Unless appealed within 14 days of mailing a notice of decision, the Staff Advisor decision becomes final on the 15th day. Appeals shall be considered as set forth in ALUO 18.108.030(C) and ORS 197.375
 2. **Type I Planning Actions.**
 - a. **Effective Date of Decision.** The final decision of the City for planning actions resulting from the Type I Planning Procedure shall be the Staff Advisor decision, effective on the 13th day after notice of the decision is mailed unless reconsideration of the action is approved by the Staff Advisor or appealed to the Commission as provided in section 18.108.070(B)(2)(c).
 - b. **Reconsideration.** The Staff Advisor may reconsider Type I planning actions as set forth below.
 - i. Any party entitled to notice of the planning action, or any City Agency may request reconsideration of the action after the decision has been made by providing evidence to the Staff Advisor that a factual error occurred through no fault of the party asking for reconsideration, which in the opinion of the staff advisor, might affect the decision. Reconsideration requests are limited to factual errors and not the failure of an issue to be raised by letter or evidence during the opportunity to provide public input

on the application sufficient to afford the Staff Advisor an opportunity to respond to the issue prior to making a decision.

- ii. Reconsideration requests shall be received within five (5) days of mailing. The Staff Advisor shall decide within three (3) days whether to reconsider the matter.
- iii. If the Planning Staff Advisor is satisfied that an error occurred crucial to the decision, the Staff Advisor shall withdraw the decision for purposes of reconsideration. The Staff Advisor shall decide within ten (10) days to affirm, modify, or reverse the original decision. The Staff Advisor shall send notice of the reconsideration decision to affirm, modify, or reverse to any party entitled to notice of the planning action.
- iv. If the Staff Advisor is not satisfied that an error occurred crucial to the decision, the Staff Advisor shall deny the reconsideration request. Notice of denial shall be sent to those parties that requested reconsideration.

c. **Appeal.**

i. Within twelve (12) days of the date of the mailing of the Staff Advisor's final decision, including any approved reconsideration request, the decision may be appealed to the Planning Commission by any party entitled to receive notice of the planning action. The appeal shall be submitted to the Planning Commission Secretary on a form approved by the City Administrator, be accompanied by a fee established pursuant to City Council action, and be received by the city no later than 4:30 p.m. on the 12th day after the notice of decision is mailed.

ii. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee required in this section shall not apply to appeals made by neighborhood or community organizations recognized by the city and whose boundaries include the site.

iii. The appeal shall be considered at the next regular Planning Commission or Hearings Board meeting. The appeal shall be a de novo hearing and shall be considered the initial evidentiary hearing required under ALUO 18.108.050 and ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals. The Planning Commission or Hearings Board decision on appeal shall be effective 13 days after the findings adopted by the Commission or Board are signed by the Chair of the Commission or Board and mailed to the parties.

iv. The appeal requirements of this section must be fully met or the appeal will be considered by the city as a jurisdictional defect and will not be heard or considered.

- d. **Final Decision of City.** The decision of the Commission shall be the final decision of the City on appeals heard by the Commission on Type I Planning actions, effective the day the findings adopted by the Commission are signed by the Chair and mailed to the parties.

3. **Type II Planning Actions.**

- a. **Effective Date of Decision.** The decision of the Commission is the final decision of the City resulting from the Type II Planning Procedure, effective ~~13~~ days after the findings adopted by the Commission are signed by the Chair of the Commission and mailed to the parties, unless reconsideration of the action is authorized as provided in Section (b) below or appealed to the Council as provided in section 18.108.110.A.

b. Reconsideration.

- i. The Staff Advisor on his/her own motion, or any party entitled to notice of the planning action may request reconsideration of the action after the Planning Commission final decision has been made by providing evidence to the Staff Advisor addressing one or more of the following: (1) new evidence material to the decision exists which was unavailable, through no fault of the requesting party, when the record of the proceeding was open; (2) a factual error occurred through no fault of the requesting party which is relevant to an approval criterion and material to the decision; (3) a procedural error occurred, through no fault of the requesting party, that prejudiced the requesting party's substantial rights and remanding the matter will correct the error. Reconsideration requests are limited to errors identified above and not the failure of an issue to be raised by letter or evidence during the opportunity to provide public input on the application sufficient to afford the Staff Advisor an opportunity to respond to the issue prior to making a decision.
 - ii. Reconsideration requests shall be received within seven (7) days of mailing. The Staff Advisor shall promptly decide whether to reconsider the matter.
 - iii. If the Staff Advisor is satisfied that an error occurred as identified above and is crucial to the decision, the Staff Advisor shall schedule reconsideration with notice to participants of the matter before the Planning Commission. Reconsideration shall be scheduled before the Planning Commission at the next regularly scheduled meeting. Reconsideration shall be limited to the portion of the decision affected by the alleged errors identified in paragraph 3.b.i above.
 - iv. The Planning Commission shall decide to affirm, modify, or reverse the original decision. The Planning Commission Secretary shall send notice of the reconsideration decision to any party entitled to notice of the planning action.
- c. **Final Decision of City.** Unless the decision is remanded to the Planning Commission, the decision of the City Council shall be the final decision of the City on appeals heard by the Council, on Type II Planning actions effective the day the findings adopted by the Council are signed by the Mayor and mailed to the parties.
4. **Type III Planning Actions.** For planning actions described in section 18.108.060.A.1 thru 4, the decision of the Council shall be the final decision of the City, effective the day the findings adopted by the Council are signed by the Mayor and mailed to the parties.
 5. The City Council may call up any planning action for a decision upon motion and majority vote, provided such vote takes place in the required appeal period. Unless the planning action is appealed and a public hearing is required, the City Council review of the Planning Action is limited to the record and public testimony is not allowed. The City Council may affirm, modify or reverse the decision of the Planning Commission, or may remand the decision to the Planning Commission for additional consideration if sufficient time is permitted for making a final decision of the city. The City Council shall make findings and conclusions and cause copies of a final order to be sent to all parties of the planning action.
- C. No building or zoning permit shall be issued for any action under this Title until the decision is final, as defined in this section.

SECTION 104, 18.108.080, Procedures, Public Notice, of the Ashland Municipal Code, is amended to read as follows:

18.108.080, Public Hearing Notice.

Public notice for hearings before the Staff Advisor, Hearings Board or Commission for planning actions shall be given as follows:

- A. Notices shall be mailed at least 10 days prior to the hearing to:
 1. The applicant or authorized agent,
 2. The subject property owner, and
 3. All owners of record of property on the most recent property tax assessment roll within 200 feet of the subject property.
- B. Mailed notices shall contain the following information, provided, however, that notices for hearings before the Council shall not contain the statements specified in paragraphs 8 and 9:
 1. Explanation of the nature of the application and the proposed use or uses which could be authorized.
 2. List of the applicable criteria from the ordinance and the plan that apply to the application at issue.
 3. The street address or other easily understood geographical reference to the subject property.
 4. The name of a local government representative to contact and the telephone number where additional information may be obtained.
 5. A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
 6. The date, time and location of the hearing or of the meeting, if no hearing is involved.
 7. A statement that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.
 8. A statement that if additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing.
 9. A statement that unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing.
- C. Posted Notice.-A notice, as described in this subsection, shall be posted on the subject property by the city in such a manner as to be clearly visible from a public right-of-way at least 10 days prior. Failure by the city to post a notice, or post in clear view from a public right-of-way shall be considered an incomplete application. The city shall certify, for the record of the hearing, that the posting was accomplished. The failure of the posted notice to remain on the property shall not invalidate the proceedings. The posted notice shall only contain the following information: planning action number, brief description of the proposal, phone number and address for contact at Ashland Planning Department.
- D. Additional Requirements for Type II and III Public Notice. In addition to the notice specified in section 18.108.080.A, B and C, notice for Type II and III procedures shall be published in a newspaper of general circulation in the City at least 10 days prior to the date of the hearing before the Commission.
- E. The failure of a property owner to receive notice as provided in this section shall not invalidate such proceedings if the City can demonstrate by affidavit that such notice was mailed. The failure to receive notice shall not invalidate the decision

after the action is final if a good faith attempt was made to notify all persons entitled to receive notice.

F.. Whenever it is demonstrated to the Staff Advisor that:

1. The city did not mail the notice required in § 18.108.;
2. Such error adversely affected and prejudiced a person's substantial rights; and
3. Such person notified the Staff Advisor within 21 days of when the person knew or should have known of the decision, the Staff Advisor shall schedule a hearing for the next regular Commission or Hearings Board meeting allowing adequate time to comply with the notice requirements of section 18.108.080. The public hearing shall be conducted as provided in § 18.108.100.

If a hearing is conducted under this section, the decision of the Commission or Hearings Board shall supersede the previous decision.

G. Whenever it is demonstrated to the Staff Advisor that:

1. The city did not comply with the notice requirements in § 18.108.080.A through E;
2. Such error adversely affected and prejudiced a person's substantial rights; and
3. Such person notified the Staff Advisor within 21 days of when the person knew or should have known of the decision, the Staff Advisor shall schedule a hearing before the Board, Commission or Council that heard or would have heard the matter involving the defective notice.
 - a. The Staff Advisor shall notify by mail all persons who previously appeared in the matter and all persons who were entitled to mailed notice but were not mailed such notice.
 - b. The hearing shall be conducted as provided in § 18.108.100 if it is a hearing before the Board or Commission, except that the record of the previous hearing shall be reviewed and considered by the Board or Commission. If it is an appeal before the Council, the Council may hear such matters as are permitted in § 18.108.110.

A decision made after the hearing shall supersede the previous decision.

H. Notwithstanding the period specified in subsections F.3 and G.3 of this section, the period for a hearing or appeal shall not exceed three years after the date of the initial decision.

SECTION 105, 18.108.110, Procedures, Appeal to Council, of the Ashland Municipal Code, is amended to read as follows:

18.108.110, Appeal to Council.

- A. Appeals of Type II decisions -shall be initiated by a notice of appeal filed with the City Administrator. The standard Appeal Fee shall be required as part of the notice. All the appeal requirements of Section 18.108.110, including the appeal fee, must be fully met or the appeal will be considered by the city as jurisdictionally defective and will not be heard or considered.
1. The appeal shall be filed prior to the effective date of the decision of the Commission.

2. The notice shall include the appellant's name, address, a reference to the decision sought to be reviewed, a statement as to how the appellant qualifies as a party, the date of the decision being appealed, and a clear and distinct identification of the specific grounds for which the decision should be reversed or modified, based on identified applicable criteria or procedural irregularity.
3. The notice of appeal, together with notice of the date, time and place to consider the appeal by the Council shall be mailed to the parties at least 20 days prior to the meeting.
4. A. Except upon the election to re-open the record as set forth in subparagraph 4.B. below, the review of a decision of the Planning Commission by the City Council shall be confined to the record of the proceeding before the Planning Commission. The record shall consist of the application and all materials submitted with it; documentary evidence, exhibits and materials submitted during the hearing or at other times when the record before the Planning Commission was open; recorded testimony; (including DVDs when available), the executed decision of the Planning Commission, including the findings and conclusions. In addition, for purposes of City Council review, the notice of appeal and the written arguments submitted by the parties to the appeal, and the oral arguments, if any, shall become part of the record of the appeal proceeding

B. The Council may reopen the record and consider new evidence on a limited basis, if such a request to reopen the record is made to the City Administrator together with the filing of the notice of appeal and the City Administrator determines prior to the City Council appeal hearing that the requesting party has demonstrated:

- (a.) That the Planning Commission committed a procedural error, through no fault of the requesting party, that prejudiced the requesting party's substantial rights and that reopening the record before the Council is the only means of correcting the error; or
- (b.) That a factual error occurred before the Planning Commission through no fault of the requesting party which is relevant to an approval criterion and material to the decision; or
- (c.) That new evidence material to the decision on appeal exists which was unavailable, through no fault of the requesting party, when the record of the proceeding was open, and during the period when the requesting party could have requested reconsideration. A requesting party may only qualify for this exception if he or she demonstrates that the new evidence is relevant to an approval criterion and material to the decision. This exception shall be strictly construed by the Council in order to ensure that only relevant evidence and testimony is submitted to the hearing body.

Re-opening the record for purposes of this section means the submission of additional written testimony and evidence, not oral testimony or presentation of evidence before the City Council.

C. Oral argument on the appeal shall be permitted before the Council. Oral argument shall be limited to ten (10) minutes for the applicant, ten (10) for the appellant, if different, and five (5) minutes for any other Party who participated

below. A party shall not be permitted oral argument if written arguments have not been timely submitted. Written arguments shall be submitted no less than ten (10) days prior to the Council consideration of the appeal. Written and oral arguments on the appeal shall be limited to those issues clearly and distinctly set forth in the Notice of Appeal; similarly, oral argument shall be confined to the substance of the written argument.

D. Upon review, and except when limited reopening of the record is allowed, the City Council shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the Planning Commission, or to determining if errors in law were committed by the Commission. Review shall in any event be limited to those issues clearly and distinctly set forth in the notice of appeal. No issue may be raised on appeal to the Council that was not raised before the Planning Commission with sufficient specificity to enable the Commission and the parties to respond.

5. The Council may affirm, reverse, modify or remand the decision and may approve or deny the request, or grant approval with conditions. The Council shall make findings and conclusions, and make a decision based on the record before it as justification for its action. The Council shall cause copies of a final order to be sent to all parties participating in the appeal. Upon recommendation of the Administrator, the Council may elect to summarily remand the matter to the Planning Commission. If the City Council elects to remand a decision to the Planning Commission, either summarily or otherwise, the Planning Commission decision shall be the final decision of the City, unless the Council calls the matter up pursuant to Section 18.108.070.B.5.

- B. Appeals may only be filed by parties to the planning action. "Parties" shall be defined as the following:
1. The applicant.
 2. Persons who participated in the public hearing, either orally or in writing. Failure to participate in the public hearing, either orally or in writing, precludes the right of appeal to the Council.
 3. Persons who were entitled to receive notice of the action but did not receive notice due to error.

SECTION 106, 18.112.030, Enforcement, Revocation – Permit Expiration, of the Ashland Municipal Code, is amended to read as follows:

18.112.030, Revocation - permit expiration.

Any zoning permit, or planning action granted in accordance with the terms of this Title shall be deemed revoked if not used within one year from date of approval, unless another time period is specified in another section of this Title. Said permit shall not be deemed used until the permittee has actually obtained a building permit, and commenced construction thereunder, or has actually commenced the permitted use of the premises. The Staff Advisor may grant an extension the approval under the following conditions:

1. One time extension no longer than eighteen (18) months is allowed.
2. The Staff Advisor shall find that a change of conditions for which the applicant was not responsible prevented the applicant from completed the development within the original time limitation.

3. Land Use Ordinance requirements applicable to the development have not changed since the original approval. An extension may be granted, however, if requirements have changed and the applicant agrees to comply with any such changes.

SECTION 107, 18.112.040, Enforcement, Revocation – conditions violated, of the Ashland Municipal Code, is amended to read as follows:

18.112.040 Revocation - conditions violated.

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

SECTION 108, Digital Maps. The following Official Maps in electronic format, attached hereto and made a part hereof by this reference, are officially adopted by the City of Ashland:

1. Airport Overlay Zone
2. Site design Zones
3. Detailed Site Review Zone
4. Downtown Design Standards – Overlay
5. Hillside Lands
6. Historic Districts
7. North Mountain Zone
8. Physical and Environmental Constraints Maps
9. Floodplain Corridor Lands
10. Riparian Preservation Lands
11. Hillside Lands
12. Wildfire Lands
13. Severe Constraints Lands
14. Performance Standards Overlay
15. Residential Overlay
16. Zoning Map

SECTION 109, Severability.

If any section, provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other sections, provisions, clauses or paragraphs of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 110 Savings Clause.

Notwithstanding this amendment, the City ordinances in existence at the time any land use action was legally deemed commenced, shall remain valid and in full force and effect for purposes of all applications, cases and actions filed or commenced during the times said ordinance(s) or portions thereof were operative.

SECTION 111, Codification.

Provisions of this Ordinance shall be incorporated in the Ashland Municipal Code and the word "ordinance" may be changed to "code", "article", "section", or another word, and the sections of this Ordinance may be renumbered, or re-lettered, and typographical errors and cross-reference corrections, corrected by the City Recorder, provided however that Sections 109, thru 119, unincorporated Whereas clauses and boilerplate provisions need not be codified.

SECTION 112, Delayed Effective Date.

In accordance with Article 10, Section 3 of the Ashland Charter, the Council deems it advisable to delay the effective date of this ordinance. Accordingly this ordinance shall be effective on July 1, 2008.

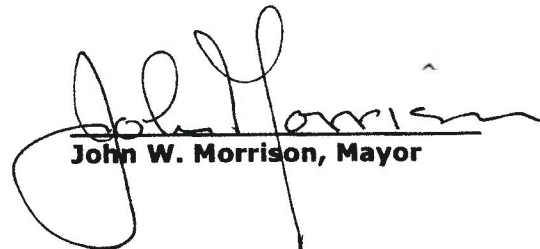
SECTION 113, Ordinance Review.

This Ordinance shall be reviewed by the City Council three (3) years of the effective date of this ordinance.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 17 day of March, 2008, and duly PASSED and ADOPTED this 1 day of April, 2008


Barbara Christensen, City Recorder

SIGNED and APPROVED this 2 day of April, 2008.

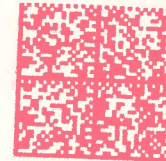

John W. Morrison, Mayor

Reviewed as to form: 
Richard Appicello, City Attorney

CITY HALL
20 EAST MAIN STREET
ASHLAND, OR 97520

CITY OF
ASHLAND

Attn: Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540



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