



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

08/21/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Ashland Plan Amendment
DLCD File Number 004-12

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: Tuesday, September 04, 2012

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Brandon Goldman, City of Ashland
Gordon Howard, DLCD Urban Planning Specialist
Josh LeBombard, DLCD Regional Representative

<paa> YA



FROM **2**

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DEPT OF

AUG 15 2012

LAND CONSERVATION AND DEVELOPMENT

DATE STAMP

For Office Use Only

Jurisdiction: **City of Ashland**

Local file number: **PL-2012-00613**

Date of Adoption: **8/7/2012**

Date Mailed: **8/10/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 5/9/2012

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Reduced the setback requirements for chicken coops from 75ft from a neighboring dwelling to 20ft. from a neighboring dwelling plus ten feet from an adjoining property.

Does the Adoption differ from proposal? No, no explanation is necessary

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

to:

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

to:

Location: **n/a**

Acres Involved:

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

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 004-12 (19340) [17133]

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

none

Local Contact: **Brandon Goldman**

Phone: (541) 552-2076 Extension:

Address: **20 E. Main Street**

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

City: **Ashland**

Zip:

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 3070

**AN ORDINANCE AMENDING THE GENERAL REGULATIONS
CHAPTER (18.68) OF THE ASHLAND LAND USE ORDINANCE TO
ESTABLISH SETBACK REQUIREMENTS FOR CHICKEN COOPS AND
CHICKEN RUNS**

Annotated to show ~~deletions~~ and **additions** to the code sections being modified. Deletions are **~~bold lined through~~** and additions are in **bold underline**.

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 City Council amended the Ashland Municipal Code and Land Use Ordinances to provide standards for the keeping of chickens and requirements for chicken coops and chicken runs on April 17th, 2012; and

WHEREAS, the City Council has determined that special attention to how chickens can be successfully integrated into residential neighborhoods is required to avoid negative impacts to neighbors or a nuisance to the community; and

WHEREAS, the City Council has determined that a minimum setback from an adjoining property line, in combination with a reduced setback from adjacent dwellings, will provide increased opportunities for the keeping of chickens; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens of the City to promote local food production and increased self sufficiency;

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the amendments to the Ashland Municipal Code and Land Use Ordinances on July 17, 2012;

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

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Municipal Code and 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.

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

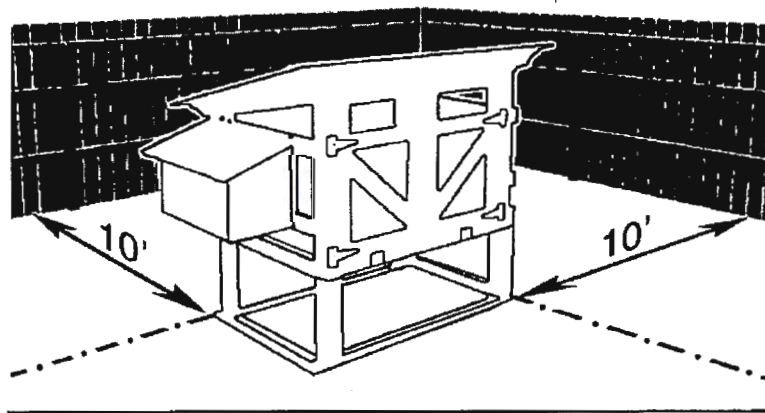
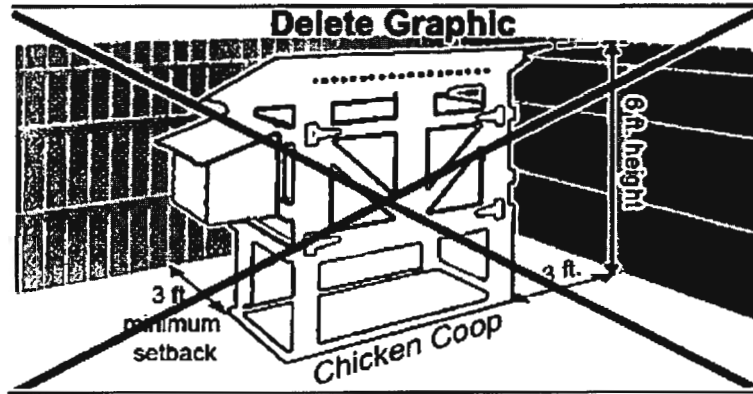
SECTION 1. The above recitations are true and correct and are incorporated herein by this reference.

SECTION 2 AMC Chapter 18.68.140 [Accessory Buildings and Structures] is hereby amended to read as follows:

18.68.140 Accessory Buildings and Structures

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. A chicken coop and a chicken run may be maintained accessory to a single family dwelling in a residential district provided the following conditions are met:
 - 1) No more than five (5) chickens shall be kept or maintained on properties of less than five thousand (5000) square feet in area;
 - 2) No more than one (1) chicken for each one thousand (1,000) square feet of lot area, up to a maximum of twenty (20) chickens, shall be kept or maintained on properties greater than five thousand (5000) square feet in area,
 - 3) No roosters shall be kept on the property at any time.
 - 4) Chicken coops and chicken runs shall be constructed as follows:
 - a) they shall ~~not be located in a required front yard. be located within a side or rear yard only, and shall be at least seventy five (75) feet from dwellings on adjoining properties.~~
 - b) they shall be setback a minimum of ten (10) feet from abutting properties.**
 - c) they shall be at least twenty (20) feet from dwellings on adjoining properties.**
 - ~~b d)~~ structures shall not exceed six (6) feet in height.
 - ~~e e)~~ chicken coops shall not exceed forty (40) square feet in area, or four (4) square feet per chicken, whichever is greater.
 - ~~d f)~~ chicken runs, as enclosed outdoor structures, shall not exceed one hundred (100) square feet in area, or ten (10) square feet per chicken, whichever is greater.



- 4-5) The keeping of chickens, and the maintenance of their environment, shall be in accordance with Keeping of Animals chapter of the Ashland Municipal Code (Ch. 9.08.040).

D. 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.

E. Rain-barrels 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, and as follows:

- 1) Rain barrels shall not exceed six (6) feet in height; and
- 2) Rain barrels shall be located so that a minimum clear width of three (3) feet is provided and maintained between the barrel and property line; and
- 3) Rain barrels shall be secured and installed on a sturdy and level foundation, or platform, designed to support the rain barrel's full weight; and

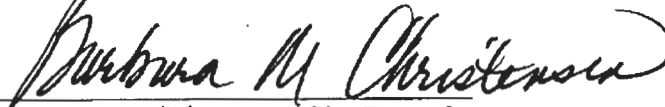
- 4) Every attempt shall be made to place rain barrels so that they are screened from view of adjacent properties and public streets.

F. 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.

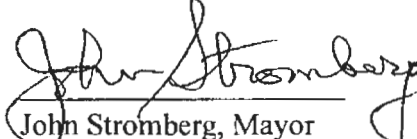
SECTION 3. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 4. Codification. Provisions of this Ordinance shall be incorporated in the City 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, provided however that any Whereas clauses and boilerplate provisions, and text descriptions of amendments (i.e. Sections 1, 5-6) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

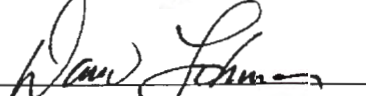
The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 17 day of July, 2012, and duly PASSED and ADOPTED this 7 day of August, 2012.


Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 8 day of August, 2012.


John Stromberg, Mayor

Reviewed as to form:


David Lohman, City Attorney

ORDINANCE NO. 3071

AN ORDINANCE ESTABLISHING PROVISIONS WITHIN THE HEALTH AND SANITATION CHAPTER (9.08) OF THE ASHLAND MUNICIPAL CODE FOR THE KEEPING OF CHICKENS WITHIN RESIDENTIAL DISTRICTS

Annotated to show ~~deletions~~ and **additions** to the code sections being modified. Deletions are **~~bold lined through~~** and additions are in **bold underline**.

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, Section 9.08.040 of the Municipal Code regulates the keeping of animals within the City;

WHEREAS, the City Council has determined that special attention to how chickens can be successfully integrated into residential neighborhoods is required to avoid negative impacts to neighbors or a nuisance to the community; and

WHEREAS, The current Municipal Code makes it unlawful to keep chickens and other poultry within 75 feet of another dwelling;

WHEREAS, the City Council amended the Ashland Municipal Code Health and Sanitation Chapter 9.08 establishing new standards for the keeping of chickens on April 17, 2012; and

WHEREAS, the City Council has determined that a minimum setback from an adjoining property line, in combination with a reduced setback from adjacent dwellings, will provide increased opportunities for the keeping of chickens; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the amendments to the Ashland Municipal Code and Land Use Ordinances on July 17, 2012; and

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

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary

to amend the Ashland Municipal Code and Land Use Ordinance in the manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the comprehensive plan and that such amendments are fully supported by the record of this proceeding.

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

SECTION 1. The above recitations are true and correct and are incorporated herein by this reference.

SECTION 2. The purpose of these ordinance amendments is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep chickens in residential zones while amending the standards and requirements to ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

SECTION 3. AMC Chapter 9.08.040 [*Health and Sanitation: Keeping of Animals*] is hereby amended to read as follows:

9.08.040 Keeping of Animals

A. Except as otherwise permitted by ordinance, no person shall keep or maintain more than three (3) dogs over the age of three (3) months on any one (1) parcel or tract of land.

B. No person shall keep or maintain swine. Notwithstanding the preceding sentence or the provisions of section 18.20.020, keeping or maintaining swine commonly referred to as Miniature Vietnamese, Chinese, or Oriental pot-bellied pigs (*sus scrofa vittatus*) is allowed, subject to the following:

1. Such pigs shall not exceed a maximum height of 18 inches at the shoulder or weigh more than 95 pounds.
2. No more than one such pig shall be kept at any one parcel or tract of land.
3. Such pigs shall:
 - a. Be confined by fence, leash or obedience training to the property of the person keeping or maintaining them or to the property of another if such other person has given express permission;
 - b. Be confined to a car or truck when off property where otherwise confined; or
 - c. Be on leash not longer than six feet in length.
4. Such pigs shall be kept in accordance with the standards of minimum care for domestic animals as set forth in ORS 167.310.
5. Notwithstanding any of the above, no such pig shall be allowed in any park.

C. No person shall keep or maintain poultry within seventy-five (75) feet of another dwelling, except that chickens may be kept or maintained **even within said seventy-five (75) foot buffer zone** provided each of the following requirements is continuously met **inside the buffer zone**:

1. No more than five (5) chickens shall be kept or maintained on properties of less than five thousand (5000) square feet in area;

2. No more than one (1) chicken for each one thousand (1,000) square feet of lot area, up to a maximum of twenty (20) chickens, shall be kept or maintained on properties greater than five thousand (5000) square feet in area,
3. No chickens shall be allowed on properties containing multi-family complexes, including duplexes;
4. In residential zones chickens shall be kept for personal use only, and not for the commercial exchange of goods or commodities with the exception of the sale of surplus eggs directly to the end consumer.
5. No roosters shall be allowed;
6. Chickens must be secured at all times and located at least ~~seventy-five~~ twenty (20) feet ~~(75')~~ from dwellings on adjoining properties:
 - a. During non-daylight hours a secure chicken coop shall be provided to protect chickens from predators;
 - b. ~~During daylight hours~~, Chickens shall be located in a chicken run that meets the requirements of AMC 18.68.140(C)(~~2 4~~) or in a securely fenced **backyard area at least ten (10) feet from neighboring properties**;
7. To protect public health, the areas in which chickens are kept must be maintained in compliance with AMC 9.08.060 and the following requirements:
 - a. Chicken feed must be kept in rodent- and raccoon-proof containers;
 - b. Chicken manure must be collected, stored, and removed from the property on a regular basis in accordance with the following requirements:
 - i. All stored manure shall be within a non-combustible, air-tight, container and located in accordance with the Oregon Fire Code relating to the outdoor storage of combustibles;
 - ii. No more than one 20-gallon container of manure shall be stored on any one property housing chickens; and
 - iii. All manure not used for composting or fertilizing shall be removed;
8. Chicken coops and runs shall be built in compliance with AMC 18.68.140(C)(~~2 4~~) and with all applicable building and zoning codes;
9. The requirements of AMC 18.20.020(D) regarding the keeping of livestock shall not apply to the keeping of chickens or the buildings and structures that house chickens.
10. Noise resulting from the keeping or maintaining of chickens must not exceed the limitations set forth in AMC 9.08.170.

D. No person shall keep or maintain rabbits within one hundred (100) feet of another dwelling or within seventy-five (75) feet of a street or sidewalk.

E. No person shall keep or maintain a bee hive, bees, apiary, comb, or container of any kind or character wherein bees are hived, within one hundred fifty (150) feet of another dwelling or within one hundred fifty (150) feet of a street or sidewalk.

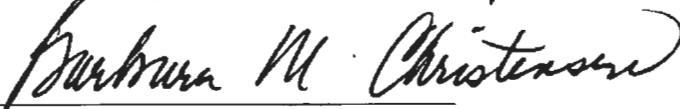
F. No person shall keep or maintain a stable within one hundred (100) feet of another dwelling.

- G. Where the conditions imposed by subsections (B) to (F) of this section differ from those imposed by another ordinance, the provision which is more restrictive shall control.
- H. The applicable minimum care requirements of ORS 167.310 shall apply to all animals identified in this section.
- I. Keeping of animals is a Class III violation.

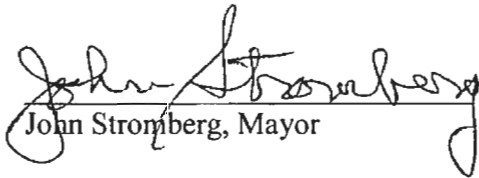
SECTION 4. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 5. Codification. Provisions of this Ordinance shall be incorporated in the City 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, provided however that any Whereas clauses and boilerplate provisions, and text descriptions of amendments (i.e. Sections 1-2, 5-6) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

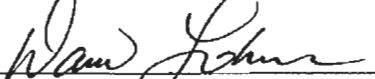
The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 17 day of July, 2012, and duly PASSED and ADOPTED this 7 day of August, 2012.


Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 8 day of August, 2012.


John Stromberg, Mayor

Reviewed as to form:


David Lohman, City Attorney

ORDINANCE NO. 3070

**AN ORDINANCE AMENDING THE GENERAL REGULATIONS
CHAPTER (18.68) OF THE ASHLAND LAND USE ORDINANCE TO
ESTABLISH SETBACK REQUIREMENTS FOR CHICKEN COOPS AND
CHICKEN RUNS**

Annotated to show ~~deletions~~ and **additions** to the code sections being modified. Deletions are **bold lined through** and additions are in **bold underline**.

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

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WHEREAS, the City Council amended the Ashland Municipal Code and Land Use Ordinances to provide standards for the keeping of chickens and requirements for chicken coops and chicken runs on April 17th, 2012; and

WHEREAS, the City Council has determined that special attention to how chickens can be successfully integrated into residential neighborhoods is required to avoid negative impacts to neighbors or a nuisance to the community; and

WHEREAS, the City Council has determined that a minimum setback from an adjoining property line, in combination with a reduced setback from adjacent dwellings, will provide increased opportunities for the keeping of chickens; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens of the City to promote local food production and increased self sufficiency;

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the amendments to the Ashland Municipal Code and Land Use Ordinances on July 17, 2012;

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

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Municipal Code and 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.

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

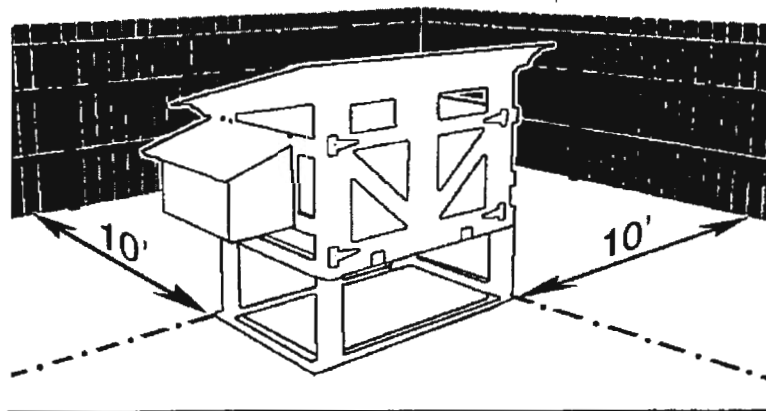
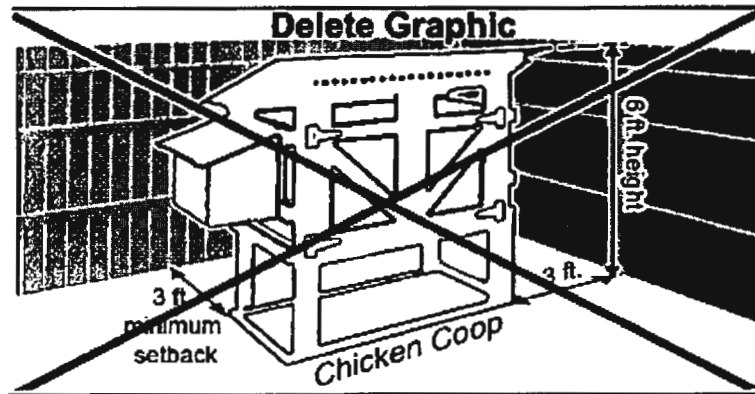
SECTION 1. The above recitations are true and correct and are incorporated herein by this reference.

SECTION 2 AMC Chapter 18.68.140 [Accessory Buildings and Structures] is hereby amended to read as follows:

18.68.140 Accessory Buildings and Structures

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. A chicken coop and a chicken run may be maintained accessory to a single family dwelling in a residential district provided the following conditions are met:
 - 1) No more than five (5) chickens shall be kept or maintained on properties of less than five thousand (5000) square feet in area;
 - 2) No more than one (1) chicken for each one thousand (1,000) square feet of lot area, up to a maximum of twenty (20) chickens, shall be kept or maintained on properties greater than five thousand (5000) square feet in area,
 - 3) No roosters shall be kept on the property at any time.
 - 4) Chicken coops and chicken runs shall be constructed as follows:
 - a) they shall ~~not be located in a required front yard. be located within a side or rear yard only, and shall be at least seventy five (75) feet from dwellings on adjoining properties.~~
 - b) they shall be setback a minimum of ten (10) feet from abutting properties.**
 - c) they shall be at least twenty (20) feet from dwellings on adjoining properties.**
 - d)** structures shall not exceed six (6) feet in height.
 - ~~e- e)~~ chicken coops shall not exceed forty (40) square feet in area, or four (4) square feet per chicken, whichever is greater.
 - d f)** chicken runs, as enclosed outdoor structures, shall not exceed one hundred (100) square feet in area, or ten (10) square feet per chicken, whichever is greater.



- 4-5) The keeping of chickens, and the maintenance of their environment, shall be in accordance with Keeping of Animals chapter of the Ashland Municipal Code (Ch. 9.08.040).

D. 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.

E. Rain barrels 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, and as follows:

- 1) Rain barrels shall not exceed six (6) feet in height; and
- 2) Rain barrels shall be located so that a minimum clear width of three (3) feet is provided and maintained between the barrel and property line; and
- 3) Rain barrels shall be secured and installed on a sturdy and level foundation, or platform, designed to support the rain barrel's full weight; and

- 4) Every attempt shall be made to place rain barrels so that they are screened from view of adjacent properties and public streets.

F. 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.

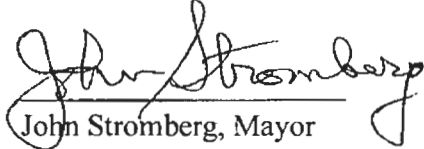
SECTION 3. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 4. Codification. Provisions of this Ordinance shall be incorporated in the City 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, provided however that any Whereas clauses and boilerplate provisions, and text descriptions of amendments (i.e. Sections 1, 5-6) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

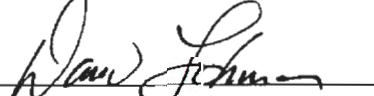
The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 17 day of July, 2012, and duly PASSED and ADOPTED this 7 day of August, 2012.


Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 8 day of August, 2012.


John Stromberg, Mayor

Reviewed as to form:


David Lohman, City Attorney

Council Communication

July 17, 2012, Business Meeting

First Reading of two ordinances amending the setback requirements for the keeping of chickens.

FROM:

Brandon Goldman, Senior Planner, Brandon.Goldman@ashland.or.us

SUMMARY

Presently chickens must be kept a minimum of 75 feet from adjoining dwellings within the City of Ashland. The ordinance amendments propose to reduce the distance between chickens and adjacent dwellings from the existing 75 foot requirement, to twenty feet (20'), and establish a new requirement that chickens, and the structures that house them, can be no closer than ten feet (10') from an adjoining property line.

BACKGROUND AND POLICY IMPLICATIONS:

The City Council held a public hearing on April 17, 2012, and approved three ordinances adopting several new "Green Code" amendments, including new provisions for the Keeping of Chickens. During deliberations the Council amended the final ordinances to maintain a pre-existing requirement that chickens be kept a minimum of 75 feet from adjoining dwellings. In consideration of this specific change the Mayor exercised his veto for the ordinances. This veto was ultimately not upheld by the City Council on May 1st and as such the prior ordinance amendments went into effect on May 17th of this year. In their discussions the Council directed Staff to return with new ordinance language specifically addressing the setback requirements for chickens and the structures that house them.

To address the setback requirement two separate sections of the Ashland Municipal Code need to be amended.

The AMC *Health and Sanitation* Chapter subsection on the *Keeping of Animals* (9.08.040) currently precludes any poultry from being located within 75 feet of another dwelling. Given the relatively small lot sizes of the typical single family property in Ashland this provision alone limits the ability of the majority of residents from raising chickens for food production.

The second code provision to be amended is found within the Land Use Code concerning *Accessory Structures and Buildings* (Ch. 18.68.140). Amending the *Accessory Buildings and Structures* subsection is necessary to provide clear standards for the minimum distance between chicken enclosures (coops and runs) and property lines as well as the distance from adjacent dwellings.

FISCAL IMPLICATIONS:

N/A



STAFF RECOMMENDATION AND REQUESTED ACTION:

In evaluating the 10 foot setback from an adjoining property line, in combination with a reduced setback from adjacent dwellings, it is evident that such amendments would provide increased opportunities for the keeping of chickens upon Ashland's single family properties.

Staff recommends Council approve First Reading of the ordinances as amended.

SUGGESTED MOTION:

To independently address each of the two ordinances presented for consideration, the City Council must make two separate motions.

1. I move to approve the first reading of an ordinances titled, An Ordinance Amending the General Regulations Chapter (18.68) of The Ashland Land Use Ordinance To Establish Setback Requirements for Chicken Coops and Chicken Runs, and schedule the second reading for August 21, 2012.
2. I move to approve the first reading of an ordinance titled, An Ordinance Establishing Provisions within the Health and Sanitation Chapter (9.08) Of The Ashland Municipal Code for the Keeping of Chickens within Residential Districts and schedule second reading for August 21, 2012.

ATTACHMENTS:

- Ordinance amending the General Regulations Chapter (18.68) of the ALUO
- Ordinance amending the Health and Sanitation Chapter (9.08) of the Ashland Municipal Code



Council Communication

August 7, 2012, Business Meeting

Second Reading of two ordinances amending the setback requirements for the keeping of chickens.

FROM:

Brandon Goldman, Senior Planner, Brandon.Goldman@ashland.or.us

SUMMARY

Presently chickens must be kept a minimum of 75 feet from adjoining dwellings within the City of Ashland. The ordinance amendments propose to reduce the distance between chickens and adjacent dwellings from the existing 75 foot requirement, to twenty feet (20'), and establish a new requirement that chickens, and the structures that house them, can be no closer than ten feet (10') from an adjoining property line.

BACKGROUND AND POLICY IMPLICATIONS:

The City Council held a public hearing on July 17, 2012, and approved first reading of the proposed ordinance amendments reducing the distance between chickens and adjacent dwellings from the existing 75 foot requirement, to twenty feet (20'), and establishing a new requirement that chickens, and the structures that house them, can be no closer than ten feet (10') from an adjoining property line.

The City council further motioned to correct minor scrivener's errors within AMC *Health and Sanitation* Chapter subsection on the *Keeping of Animals* (9.08.040) to accurately reference the standards pertaining to chicken coops and chicken runs. These corrections are included in the ordinances presented to the City Council for second reading.

FISCAL IMPLICATIONS:

N/A

STAFF RECOMMENDATION AND REQUESTED ACTION:

Staff recommends Council approve Second Reading of the ordinances.

SUGGESTED MOTION:

To independently address each of the two ordinances presented for consideration, the City Council must make two separate motions.

1. I move to approve the second reading of an ordinances titled, An Ordinance Amending the General Regulations Chapter (18.68) of The Ashland Land Use Ordinance To Establish Setback Requirements for Chicken Coops and Chicken Runs.



2. I move to approve the second reading of an ordinance titled, An Ordinance Establishing Provisions within the Health and Sanitation Chapter (9.08) Of The Ashland Municipal Code for the Keeping of Chickens within Residential Districts.

ATTACHMENTS:

- Ordinance amending the General Regulations Chapter (18.68) of the ALUO
- Ordinance amending the Health and Sanitation Chapter (9.08) of the Ashland Municipal Code
- Letter from Donald Kay dated 7/23/2012





DEPT OF

AUG 15 2012

LAND CONSERVATION
AND DEVELOPMENT

CITY HALL
20 EAST MAIN STREET
ASHLAND, OR 97520

CITY OF
ASHLAND

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

