



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

09/10/2013

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 001-13

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 24, 2013

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

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FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

SEP 06 2013

LAND USE DIVISION
AND DEVELOPMENT

This Form 2 must be mailed to DLCD within **20-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

Jurisdiction: **City of Ashland**

Local file number: **PA 2013-00545**

Date of Adoption: **8/20/2013**

Date Mailed: **9/3/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 4/30/2013

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".

Ashland Land Use Ordinance (ALUO) Section 18.68.140 (accessory structures in Residential Zones) was revised relating to enclosures used for keeping micro-livestock. The new standards relate to amendments to the standards for Keeping of Animals and Bees within the Health and Sanitation chapter of the Municipal code (9.08.40). Although the amendments to the Keeping of Animals section are not part of the ALUO they are provided for context regarding the change to 18.68.140.

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

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location: **A- All residential zones**

Acres Involved:

Specify Density: Previous: **NA**

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
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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. 001-13 (19826) [17598]

DLCD file No. _____

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

Local Contact: **Brandon Goldman, Senior Planner** Phone: (541) 552-2076 Extension:
Address: **20 East Main Street** Fax Number: **541-552-2050**
City: **Ashland** Zip: **97520-** E-mail Address:
brandon.goldman@ashland.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 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 3084

**AN ORDINANCE AMENDING THE HEALTH AND SANITATION
CHAPTER (9.08) AND THE GENERAL REGULATIONS CHAPTER
(18.68) OF THE ASHLAND MUNICIPAL CODE TO ESTABLISH
PROVISIONS FOR THE KEEPING OF MICRO-LIVESTOCK AND BEES
WITHIN RESIDENTIAL DISTRICTS**

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

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

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

WHEREAS, the 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; and

WHEREAS, the City Council has determined that special attention regarding the raising of micro-livestock primarily as a source of food and animal products, is required to successfully integrate urban animal keeping into residential neighborhoods in a manner that avoids negative impacts to neighbors or a nuisance to the community; and

WHEREAS, the City of Ashland Municipal Code currently contains limits on beekeeping that are impractical and do not reflect today's best practices; and

WHEREAS, the City Council finds that honeybees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed; and

WHEREAS, the Planning Commission of the City of Ashland conducted a duly advertised public hearing on the amendments to the Ashland Municipal Code and Land Use Ordinances on June 11, 2013; 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. Chapter 9.08.010 of the Health and Sanitation section of the Ashland Municipal Code is hereby amended to read as follows:

Unless the context requires otherwise, the following mean:

A. Apiary means the assembly of one or more colonies of bees at a single location.

B. Beekeeper” means a person who owns or has charge of one or more colonies of bees.

C. Colony” means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

D. Hive” means the receptacle inhabited by a colony that is manufactured for that purpose.

E. Nucleus colony” means a small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose not including surplus honey storage or harvesting.

F. Person means a natural person, firm, partnership, association, or corporation, whether acting as an individual or as the clerk, servant, employee, or agent of another:

G. Person in Charge of Property means an agent, occupant, lessee, contract purchaser, or person, other than the owner, having possession or control of the property;

H. Public Place means a building, way, place, or accommodation, whether publicly or privately owned, open and available to the general public.

SECTION 2. Chapter 9.08.040 of the Health and Sanitation section of the Ashland Municipal Code is hereby amended to read as follows:

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~~ **Micro-livestock, including chickens, domestic fowl, turkeys, rabbits, and miniature goats, 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. **The total number of all micro-livestock, including both adult and juvenile animals, that may kept or maintained on any single property shall be limited to no more than ten (10) animals on properties of 5000 square feet or less, and no more than two (2) additional animals for each one thousand (1,000) square feet of lot area in excess of five thousand (5000) square feet, up to a maximum of twenty (20) animals.**

~~2.~~ **2. Chickens and Domestic Fowl. For purposes of this chapter, "domestic fowl" means quails, pheasants, pigeons, doves, and muscovy ducks (*Cairina moschata*).**

- a. **No more than five (5) adult chickens or domestic fowl (over six months of age) and five (5) juvenile chickens or domestic fowl (less than 6 months of age) shall be kept or maintained on properties of less than five thousand (5000) square feet or less in area;**
- ~~2.b.~~ **No more than one (1) adult chicken or domestic fowl (over six months of age) and one (1) juvenile chickens or domestic fowl (less than 6 months of age) 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,**
- c. **No more than two (2) adult turkeys (over 6 months of age), and two (2) juvenile turkeys (less than 6 months of age) shall be kept or maintained on properties of less than one acre.**
- d. **Roosters, geese, and peacocks are prohibited.**

3. Rabbits. No more than six (6) adult rabbits (over six months of age) shall be kept or maintained on properties of less than one acre.

- a. **Nursing offspring born to permitted adult rabbits may be kept until such animals are weaned.**
- b. **Rabbits shall be kept in a hutch or fenced enclosure.**

4. Miniature Goats. For purposes of this chapter “miniature goats” are those goats commonly known as pygmy, dwarf, and miniature goats weighing less than 95lbs at full size.

- a. No more than two (2) adult miniature goats over six months of age shall be kept or maintained on properties of less than one acre.
- b. Nursing offspring born to permitted adult miniature goats may be kept until such animals are weaned.
- c. Solitary miniature goats are not permitted.
- d. Male miniature goats shall be neutered.

~~3.~~ **5. No chickens** Micro-livestock shall be allowed on properties containing multi-family complexes, including duplexes provided the following are continuously met:

- a. The property owner, or designated property manager, has provided written notification to all residents of the multi-family complex, and to the City, verifying the keeping of animals on the property will comply with the requirements of this chapter. Written notification shall include the following:
 - i. Property owner, property manager, or Home Owner Association representative contact information, including the name, address and phone number(s).
 - ii. 24 hour emergency contact information for an onsite resident designated as the primary responsible party for animal care and maintenance. Contact information shall include the name, address and phone number of the responsible party.
 - iii. The City requirements for the keeping of micro-livestock including the maximum number and type of animals permitted on the subject property and maintenance requirements per this chapter.
- b. Micro-livestock must be secured at all times and located at least twenty (20) feet from any dwelling within the multifamily complex or dwellings on adjoining properties.
- c. The area in which micro livestock are kept shall be continuously maintained regardless of any change of building tenancy or property ownership.
- d. The construction of accessory buildings and structures for the purpose of housing micro-livestock upon multi-family zoned properties occupied by two (2) or more residential units is subject to site design review standards outlined in Chapter 18.72 of this code.

~~4.~~ **6.** In residential zones ~~chickens~~ micro-livestock shall be kept primarily 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. Sale of surplus eggs, honey or similar animal products produced by on-premises micro-livestock is permitted in compliance with applicable licensing and inspection requirements of the Oregon Department of Agriculture.

~~5.~~ No roosters shall be allowed;

~~6.~~ **7.** Chickens Micro-livestock must be secured at all times and located at least twenty (20) feet from dwellings on adjoining properties:

- a. ~~During non-daylight hours a~~ A secure chicken coop enclosure shall be provided to protect ~~chickens~~ micro-livestock from predators and to provide shelter from the weather;
- b. ~~Chickens~~ Micro-livestock enclosures shall ~~be located in a chicken run that meets~~ meet the requirements of AMC 18.68.140(C)(4) ~~or in a securely fenced area~~ and shall be located at least ten (10) feet from neighboring properties;

~~7. 8.~~ To protect public health, the areas in which ~~chickens~~ micro-livestock are kept must be maintained in compliance with AMC 9.08.060 and the following requirements:

- a. ~~Chicken~~ Animal feed must be kept in rodent- and raccoon-proof containers;
- b. ~~Chicken~~ Animal manure must be collected, stored, and removed from the property on a regular basis in accordance with the following requirements:
 - i. All stored manure shall be within a non-combustible, air-tight, container and located in accordance with the Oregon Fire Code relating to the outdoor storage of combustibles;
 - ii. No more than one 20-gallon container of manure shall be stored on any one property housing ~~chickens~~ micro-livestock; and
 - iii. All manure not used for composting or fertilizing shall be removed;

~~8. 9.~~ Micro-livestock enclosures, including ~~chicken coops and runs,~~ rabbit hutches, and goat barns shall be built in compliance with AMC 18.68.140(C)(4) and with all applicable building and zoning codes;

~~9. 10.~~ The requirements of AMC 18.20.020(D) regarding of the keeping of livestock shall not apply to the keeping of ~~chickens~~ micro-livestock or the buildings and structures that house ~~chickens~~ micro-livestock

~~10. 11.~~ Noise resulting from the keeping or maintaining of ~~chickens~~ micro-livestock 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.~~

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

1. Registration with the city is required to keep beehives within the city limits and the Director of Community Development shall provide a beekeeping registration process.

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

F. No person shall keep or maintain a stable housing large livestock 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 3 Chapter 18.68.140 of the Ashland Land Use Ordinance 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. ~~An enclosure housing micro-livestock. 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) 1) Enclosures housing micro-livestock. Chicken coops and chicken runs shall be constructed as follows:~~

~~a) they shall not be located in a required front yard.~~

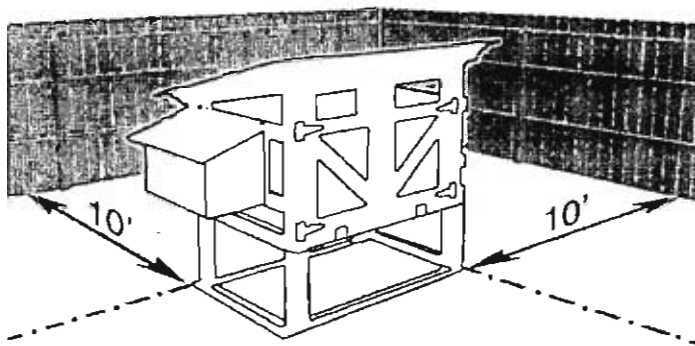
~~b) they shall be setback a minimum of ten (10) feet from abutting properties.~~

~~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) chicken coops **and rabbit hutches** shall not exceed forty (40) square feet in area, or four (4) square feet per **chicken animal**, whichever is greater.~~

~~f) chicken **and rabbit runs**, as enclosed outdoor structures, shall not exceed one hundred (100) square feet in area, or ten (10) square feet per **chicken animal**, whichever is greater.~~

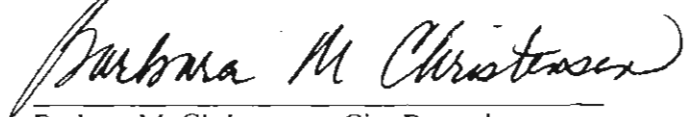


→ 2) The keeping of chickens, micro-livestock and the maintenance of their environment, shall be in accordance with Keeping of Animals chapter of the Ashland Municipal Code (Ch. 9.08.040).

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.

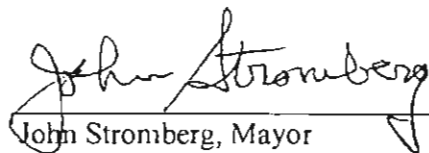
SECTION 5. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 1, 4 and 5) 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 6 day of August, 2013, and duly PASSED and ADOPTED this 20 day of August, 2013.



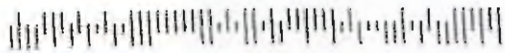
Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 20 day of Aug, 2013.


John Stromberg, Mayor

Reviewed as to form:


David H. Lotman, City Attorney



CITY HALL
COMMUNITY DEVELOPMENT
20 EAST MAIN STREET
ASHLAND OR 97520

CITY OF
ASHLAND

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



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