



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: January 22, 2016

Jurisdiction: City of Ashland

Local file no.: PL-2015-01677

DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/21/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 42 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 002-15 {24000}
Received: 1/21/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Ashland

Local file no.: **PL 2015-01677**

Date of adoption: 1/19/16

Date sent: 1/21/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 9/1/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Maria Harris, Planning Manager

Phone: (541) 552-2045

E-mail: maria.harris@ashland.or.us

Street address: 20 East Main Street

City: Ashland

Zip: 97520-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Amend 18.2.2.030 Allowed USes, 18.2.3.150 Home Occupation, 18.2.3.190 Marijuana-Related Uses, 18.2.5.040 Accessory Buildings and Structures, 18.3.2.040 Allowed Uses (Croman Mill Zone), 18.3.3.030 Permitted Uses (Health Care Services District), 18.3.5.050 Allowed Uses (North Mountain Neighborhood Zone) and 18.6.1 Defintions of the Ashland land use ordinance relating to homegrown marijuana cultivation and marijuan-related businesses.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Oregon Health Authority, Oregon Liquour Control Commission

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. 3120

AN ORDINANCE AMENDING CHAPTERS 18.2.2, 18.2.3, 18.2.5, 18.3.2, 18.3.3, 18.3.5 AND 18.6.1 OF THE ASHLAND LAND USE ORDINANCE RELATING TO HOMEGROWN MARIJUANA CULITVATION AND MARIJUANA-RELATED BUSINESSES INCLUDING PRODUCTION, PROCESSING, RETAIL SALES, TESTING, AND WHOLESALE AND DECLARING AN EMERGENCY

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

WHEREAS, Oregon voters passed Measure 91, known as the Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act, in November 2014 which allows households with one or more persons 21 years age and older to have up to four marijuana plants at a household and process, keep, and store limited amounts of homegrown marijuana and homemade marijuana products. In addition, Measure 91 requires the Oregon Liquor Control Commission to develop and implement a licensing process for commercial marijuana facilities including processing, production, wholesale, and retail; and

WHEREAS, the Legislature passed four laws relating to medical and marijuana in the 2015 legislative session including House Bill 3400 amending the Oregon Medical Marijuana Act (OMMA) and Measure 91; and

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, under Oregon law, local governments may regulate the operation and location of certain types of uses within their jurisdiction limits except when such action has been specifically preempted by state statute; and

WHEREAS, Measure 91 allows cities and counties to adopt reasonable time, place, and manner regulations of the nuisance aspects of marijuana facilities and specifies that the authority granted

to cities and counties by Measure 91 “is in addition to, and not in lieu of, the authority granted to a city or county under its charter and the statutes and Constitution of the state;” and

WHEREAS, House Bill 3400 provides that cities may impose reasonable regulations including hours of operation, manner of operation, public’s access to, and location on five types of recreational licenses and medical marijuana grow sites, processing sites, and dispensaries; and

WHEREAS, the City Council determined it is necessary to establish rules and regulations ensuring that both safe access to marijuana and land use compatibility are maintained; and

WHEREAS, the City Council determined there has been an increase in marijuana cultivation, specifically in residential neighborhoods, because of an increase in medical marijuana grows allowed by state law; and

WHEREAS, the City Council finds that the increase in marijuana cultivation resulted in an increase in code compliance complaints regarding odor related to outdoor marijuana cultivation as well as adverse impacts related to noise from mechanical equipment and lighting related to indoor marijuana cultivation in accessory structures such as greenhouses; and

WHEREAS, the City Council determined it is necessary to establish rules and regulations for marijuana cultivation and commercial marijuana facilities, while preserving the peace, safety and general welfare of residential neighborhoods and neighboring properties; 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 October 27, 2015; 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 December 1, 2015 and December 15, 2015; 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 18.2.2 [Base Zones and Allowed Uses] of the Ashland Land Use Ordinance is hereby amended as follows:

18.2.2.030 Allowed Uses

- A. Uses Allowed in Base Zones.** Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to approval of a conditional use permit. Where Table 18.2.2.030 does not list a specific use and chapter 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040. Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited. For uses allowed in special districts CM, HC, NM, and SOU, and for regulations applying to the City's overlays zones, refer to part 18.3.
- B. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as "Permitted (P)" are allowed. Uses listed as "Permitted Subject to Special Use Standards (S)" are allowed, provided they conform to chapter 18.2.3 Special Use Standards. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020.
- C. Conditional Uses.** Uses listed as "Conditional Use Permit Required (CU)" are allowed subject to the requirements of chapter 18.5.4.
- D. Prohibited Uses.** Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use following the procedures of section 18.1.5.040 are prohibited. Prohibited uses are subject to the violations, complaints, and penalties sections in 18-1.6.080, 18-1.6.090, and 18-1.6.100.
- E. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of chapter 18.2.2, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. For regulations applying to the City's overlays zones, please refer to part 18.3.
- F. Accessory Uses.** Uses identified as "Permitted (P)" are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the land use categories in part 18.6 Definitions.
- G. Mixed-Use.** Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.
- H. Temporary Uses.** Temporary uses require a Conditional Use Permit under chapter 18.5.4; except as follows:
1. Short-Term Events. The Staff Advisor may approve through Ministerial review short-term temporary uses occurring once in a calendar year and lasting not more than 72 hours including set up and take down. Activities such as races, parades, and festivals that occur on public property (e.g., street right-of-way, parks, sidewalks, or other public grounds) require a Special Event Permit pursuant to AMC 13.03.
 2. Garage Sales. Garage sales shall have a duration of not more than two days and shall not occur more than twice within any 365-day period. Such activity shall not be accompanied by any off-premises advertisement. For the purpose of this ordinance, garage sales meeting the requirements of this subsection shall not be considered a commercial activity.

3. Temporary Buildings. Temporary occupancy of a manufactured housing unit or similar structure may be permitted for a period not to exceed 90 calendar days upon the granting of a permit by the Building Official. Such occupancy may only be allowed in conjunction with construction on the site. Said permit shall not be renewable within a six-month period beginning at the first date of issuance, except with approval of the Staff Advisor.
- I. **Disclaimer.** Property owners are responsible for verifying whether a proposed use or development meets the applicable standards of this ordinance.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
A. Agricultural Uses¹										
Agriculture and Farm Use , except <u>Keeping of Bees, Livestock and Micro-Livestock, Homegrown Marijuana Cultivation, and Marijuana Production</u>	P	P	P	P	P	P	N	N	N	Animal sales, feed yards, keeping of swine, commercial compost, or similar uses not allowed
Keeping of Bees	S	S	S	S	S	S	S N	N	N	See Keeping of Livestock and Bees standards in Sec. 18.2.3.160
Keeping of Livestock	S	N	N	N	S	S	N	N	N	
Keeping of Micro-Livestock	S	S	S	S	S	S	N	N	N	
<u>Marijuana Cultivation, Homegrown</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	Sec. 18.2.3.190 See General Industrial, Marijuana Production
B. Residential Uses										
Single-Family Dwelling	P	P	P	P	P	P	S	S	N	See Single-Family standards in Sec. 18.2.5.090 Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Accessory Residential Unit	S	S	S	S	S	N	N	N	N	Sec. 18.2.3.040
Duplex Dwelling	S	P	P	P	N	N	S	S	N	Sec. 18.2.3.110 Duplex Dwelling
Manufactured Home on Individual Lot	S	S	S	S	N	N	N	N	N	Sec. 18.2.3.170 and not allowed in Historic District Overlay
Manufactured Housing Development	N	S	CU+S	N	N	N	N	N	N	Sec. 18.2.3.180
Multifamily Dwelling	N	P	P	P	N	N	S	S	N	Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings and additions in Historic

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

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
										District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
B. Residential Uses² <i>(continued)</i>										
Rental Dwelling Unit Conversion to For-Purchase Housing	N	N	S	S	N	N	N	N	N	Sec. 18.2.3.200
Home Occupation	S	S	S	S	S	S	S	S	N	Sec. 18.2.3.150
C. Group Living										
Nursing Homes, Convalescent Homes	CU	CU	CU	CU	CU	CU	N	N	N	See chapter 18.3.3 Health Care Services
Residential Care Home	P	P	P	P	P	P	N	N	N	Subject to State licensing requirements
Residential Care Facility	CU	P	P	P	CU	CU	N	N	N	Subject to State licensing requirements
Room and Boarding Facility	N	P	P	P	N	N	N	N	N	
D. Public and Institutional Uses										
Airport										See chapter 18.3.7 Airport Overlay
Cemetery, Mausoleum, Columbarium	N	N	N	N	CU	N	N	N	N	
Child Care Facility	CU	CU	CU	CU	CU	CU	P	P	P	Family Child Care Home exempt from planning application procedure pursuant to ORS 329A.440, see part 18.6 for definition Subject to State licensing requirements
Club Lodge, Fraternal Organization	CU	CU	CU	CU	CU	CU	P	CU	CU	
Community Service, includes Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Electrical Substation	N	N	N	N	N	N	CU	CU	P	
Hospitals	CU	CU	CU	CU	CU	N	N	N	N	See chapter 18.3.3 Health Care Services

² KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
D. Public and Institutional Uses <i>(continued)</i> ³										
Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Mortuary, Crematorium	N	N	N	N	CU	N	P	P	P	
Public Park, Open Space, and Recreational Facility, including playgrounds, trails, nature preserves, athletic fields, courts, swim pools, similar uses	P	P	P	P	P	P	N	N	N	
Public Parking Facility	N	N	N	N	N	N	P	N	N	
Public Works/Utilities Storage Yard; includes vehicle and equipment, maintenance, repair	N	N	N	N	N	N	N	P	P	
Recycling Depot	N	N	N	N	N	N	N	P	P	Not allowed within 200 ft of a residential zone
Religious Institution, Houses of Worship	CU	CU	CU	CU	CU	CU	CU	CU	CU	
School, Private (Kindergarten and up)	CU	CU	CU	CU	CU	CU	N	N	N	
School, Public (Kindergarten and up)	P	P	P	P	P	CU	N	N	N	
School, Private College/Trade/Technical School	N	N	N	N	N	N	N	CU	P	
Utility and Service Building, Yard and Structure, Public and Quasi-Public, excluding underground utilities and electrical substations	CU	CU	N	N	CU	CU	P	P	P	Yards not allowed in the C-1 zone
Wireless Communication Facility	CU	CU	CU	CU	CU	CU	P or CU	P or CU	P or CU	Sec.18.4.10
E. Commercial Uses										
Amusement/Entertainment, includes theater, concert hall, bowling alley, miniature golf, arcade; excluding drive-up uses	N	N	N	N	N	N	P	CU	P	
Automotive and Truck Repair, or Service; includes fueling station, car wash, tire sales and repair/replacement, painting, and other	N	N	N	N	N	N	S or CU	S or CU	P	Sec. 18.2.3.050 In C-1 zone, fuel sales and service

³ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.										limited to Freeway Overlay, see chapter 18.3.8 In E-1 zone, fuel sales requires CU permit
E. Commercial Uses (continued)⁴										
Automotive Sales and Rental, except within the Historic Interest Area; includes motorcycles, boats, RVs, and trucks	N	N	N	N	N	N	CU	CU	P	Except not allowed within Historic District Overlay
Bakery, except as classified as Food Processing	N	N	N	N	N	N	P	P	P	
Commercial Laundry, Cleaning, and Dyeing Establishment	N	N	N	N	N	N	S	S	P	Sec. 18.2.3.080
Commercial Recreation, includes country club, golf course, swimming club, and tennis club; excluding intensive uses such as driving range, race track, or amusement park	CU	CU	N	N	CU	CU	N	N	N	
Commercial Retail Sales and Services, except Outdoor Sales and Services	N	N	CU+S	N	N	N	P	S	S	In R-2 zone, uses limited to personal and professional services, except see Sec. 18.2.3.210 for retail uses allowed in Railroad Historic District In E-1 zone, Retail limited to 20,000 sq ft of gross leasable floor space per lot. In M-1 zone, uses limited to serving persons working in zone See Marijuana Retail Sales
Drive-Up Use	N	N	N	N	N	N	S	N		Per Sec. 18.2.3.100, Drive-Up uses are limited to area east of Ashland St at intersection of Ashland St/Siskiyou Blvd
Hostel	N	N	CU	CU	N	N	CU*	N	N	*In C-1 zone, requires annual Type I review for at least the first three years, after which time the Planning Commission may approve a permanent facility through the Type II procedure

⁴ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
E. Commercial Uses (continued)⁵										
Hotel (See also Hostel and Traveler's Accommodation)	N	N	N	N	N	N	CU	CU	P	
Kennel (See also Veterinary Clinic)	N	N	N	N	N	N	S	S	CU	No animals kept outside within 200 feet of a residential zone
Limited Retail Uses in Railroad Historic District	N	CU	CU	CU	N	N	N	N	N	Sec. 18.2.2.210 for Retail Uses Allowed in Railroad Historic District
Lumber Yard and Similar Sales of Building or Contracting Supplies, or Heavy Equipment	N	N	N	N	N	N	N	CU	P	
Medical Marijuana Dispensary-Retail Sales, includes sale of medical and recreational marijuana	N	N	N	N	N	N	S or CU	S or CU	S N	Sec. 18.2.3.190 Per Sec. 18.2.3.190, marijuana retail sales are limited to the C-1 and E-1 zones and located on a boulevard or 200 feet or more from any residential zone, see Sec 18.2.3.190
Nightclub, Bar	N	N	N	N	N	N	S	CU	P	Not allowed within the Historic District Overlay unless located in C-1-D
Office (See also Commercial Services)	N	N	CU	CU	N	N	P	P	P	
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Plant Nursery, Wholesale, except Marijuana Production	N	N	CU	CU	N	N	N	N	N	
Self-Service Storage, Commercial (Mini-Warehouse)	N	N	N	N	N	N	N	CU	P	
Traveler's Accommodation (See also Hostels and Hotels)	N	N	CU+S	CU+S	N	N	N	N	N	Sec. 18.2.3.220
Veterinary Clinic	N	N	N	N	N	N	P	P	P	
F. Industrial and Employment Uses										
Cabinet, Carpentry, and Machine Shop, and related Sales, Services, and Repairs	N	N	N	N	N	N	N	S/ or CU	P	In the E-1 zone, uses within 200 feet of a residential zone require CU permit

⁵ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Commercial Excavation and Removal of Sand, Gravel, Stone, Loam, Dirty or Other Earth Products	N	N	N	N	CU+S	N	N	N	N	Sec. 18.2.3.070
F. Industrial and Employment Uses <i>(continued)</i> ⁶										
Concrete or Asphalt Batch Plant	N	N	N	N	N	N	N	N	CU	
Dwelling for a caretaker or watchman	N	N	N	N	N	N	N	CU	CU	
Food Products Manufacture/Processing/Preserving, including canning, bottling, freezing, drying, and similar processing and preserving.	N	N	N	N	N	N	S	S	P	In the C-1 zone, manufacture or assembly of items sold is a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet In the E-1 zone, See Sec. 18.2.3.140
Manufacture, General, <u>includes Marijuana Laboratory, Processing, and Production</u>	N	N	N	N	N	N	N	P or S	P or S	<u>In E-1 and M-1 zones, marijuana laboratory, processing, and production are subject to the special use standards in Sec. 18.2.3.190</u> <u>See Marijuana Cultivation, Homegrown</u>
Manufacture, Light; excluding saw, planing or lumber mills, or molding plants.	N	N	N	N	N	N	S	P	P	Requires assembly, fabricating, or packaging of products from previously prepared materials such as cloth, plastic, paper, cotton, or wood In the C-1 zone, manufacture or assembly of items sold in a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the

⁶ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
										permitted retail outlet
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Television and Radio Broadcasting Studio	N	N	N	N	N	N	N	P	P	
Wholesale Storage and Distribution, <u>includes Marijuana Wholesale</u>	N	N	N	N	N	N	N	<u>NS</u>	<u>PS</u>	Distribution uses <u>Deliveries and shipments limited to 7AM-9PM</u> within 200 feet of an residential zone <u>limited to 9PM-7AM</u> <u>In E-1 and M-1 zones, marijuana wholesale is subject to the special use standards in Sec. 18.2.3.190</u>
F. Industrial and Employment Uses <i>(continued)</i>										
Wrecking, Demolition, and Junk Yards	N	N	N	N	N	N	N	N	CU	
G. Other Uses⁷										
Temporary Tree Sales	N	N	N	N	N	N	P	N	N	Allowed from November 1 to January 1
Temporary Use	CU, except uses lasting less than 72 hours are subject to Ministerial review, per Sec. 18.2.2.030.H									

⁷ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

SECTION 2. Chapter 18.2.3 [Special Use Standards-Home Occupation] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.3.150 Home Occupation

- A. Purpose and Intent.** The purpose of this section is to encourage those who are engaged in small commercial ventures which could not necessarily be sustained if it were necessary to lease commercial quarters or which, by the nature of the venture are appropriate in scale and impact to be operated within a residence. Home occupations are recognized for their contribution in reducing the number of vehicle trips often generated by conventional businesses. It is the intent of this chapter that home occupations not infringe upon the right of neighboring residents to enjoy the peaceful and safe occupancy of their homes.
- B. Conduct of Home Occupation – Standards.** Home occupations are permitted pursuant to the following standards. Where a home occupation use does not comply with one or more of the following requirements, the Staff Advisor may find the subject use is no longer permitted.
1. Appearance of Residence.
 - a. The home occupation shall be restricted to the dwelling unit, accessory structure, or yard area not visible from the public right-of-way and be conducted in such a manner as not to give an outward appearance of a business.
 - b. The home occupation shall not result in any structural alterations or additions to the dwelling or accessory structure that will change its primary use.
 - c. No display of products and or equipment produced or used by the home occupation may be displayed so as to be visible from outside the dwelling or accessory structure.
 2. Storage.
 - a. Outside storage, visible from the public right-of-way, or adjacent properties, is prohibited.
 - b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond that normally incidental to residential use is prohibited.
 - c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in the dwelling or accessory structure.
 3. Employees.
 - a. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one full time equivalent employee, and no more than one employee at any given time. As used in this chapter, the term "home occupation site" means the lot on which the home occupation is conducted.
 - b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work at the home.
 - c. The home occupation site shall not be routinely used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.
 4. Advertising and Signage. No signs shall be permitted on a home occupation site.

5. Automobiles, Parking, and Traffic.

- a. One commercial automobile associated with the home occupation is allowed at the home occupation site. Such automobile shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
- b. There shall be no excessive commercial vehicle deliveries from or to the home occupation site. Excessive deliveries are defined as more than three per day, during the hours of 7 a.m. to 7 p.m. There shall be no commercial vehicle deliveries during the hours of 7 p.m. to 7 a.m.
- c. There shall be no more than one client or customer's automobile at any one time and no more than eight per day at the home occupation site.

6. Clients or customers are permitted at the home occupation from 7 a.m. to 7 p.m. only.

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

- 1. Any activity that produces radio or television interference, noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state, or federal standards.
- 2. Any activity involving on-site retail sales, except as allowed in the Historic District Overlay or items that are incidental to the occupational use, such as the sale of beauty products from salons, lesson books or sheet music for music teachers, or computer software for computer consultants.
- 3. Any of the following uses, and uses with similar objectionable impacts because of automobile traffic, noise, glare, odor, dust, smoke, or vibration.
 - a. Ambulance service.
 - b. Ammunition or firearm sales.
 - c. Ammunition reloading business.
 - d. Animal hospital, veterinary services, kennels, or animal boarding.
 - e. Auto and other vehicle repair, including auto painting.
 - f. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, or large equipment on-site.
 - g. ~~Medical marijuana dispensary~~ Marijuana-related business.

D. Permit Required – Application

- 1. No person shall conduct a home occupation without first obtaining a home occupation permit from the Planning Department and a valid business license as required under AMC title 6.
- 2. The home occupation permit shall include such information as is necessary to determine the location and type of business, and the manner in which it will be conducted. If the Staff Advisor finds that the proposed home occupation complies with the requirements of this chapter, the Staff Advisor shall issue a permit.
- 3. The home occupation permit is valid only to the person named on the permit and for the

business to be conducted at the location stated on the permit. The permit is not transferable to another location or to another applicant.

4. Issuance of a home occupation permit under this chapter shall not relieve the applicant from the duty and responsibility to comply with all other rules, regulations, ordinances, or other laws governing the use of the premises and structures thereon, including, but not limited to, the specialty codes defined in AMC 15.04, the fire code standards defined in AMC 15.28, or any private restrictions relative to the property.

5. The Staff Advisor may visit and inspect the site of a home occupation permitted in this chapter periodically to insure compliance with all regulations and conditions to which the permit is subject, during normal business hours, and with reasonable notice.

SECTION 3. Chapter 18.2.3 [Special Use Standards-Medical Marijuana Dispensary] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.3.190 ~~Medical Marijuana Dispensary~~ Marijuana-Related Uses.

A. Homegrown Marijuana Cultivation. Where homegrown marijuana cultivation is allowed, it shall meet all of the following requirements. See definition of homegrown marijuana cultivation in part 18-6.

- 1. Primary Residence. The resident grower must live on the property where the cultivation of homegrown marijuana is located and that same property must be the primary residence of the resident grower.**
- 2. Related Activities. Any drying, keeping, storage, or processing of homegrown marijuana shall be located inside the dwelling unit or an accessory structure and shall not be located outdoors.**
- 3. Homegrown marijuana cultivation and any related activities must meet all applicable Oregon Revised Statutes and Oregon Administrative Rules.**
- 4. Outdoor Cultivation. Up to four marijuana plants per lot for recreational marijuana or up to six marijuana plants per lot for medical marijuana are allowed to be grown outdoors in accordance with applicable Oregon Revised Statutes and Oregon Administrative Rules including the requirement to obtain and display a medical marijuana grow site registration card in ORS 475.320(2)(B)(d). Outdoor homegrown marijuana cultivation shall meet all of the following requirements.**
 - a. Locate marijuana plants so the plants are not visible from a public place, public street or any area that the general public has access (e.g., schools, playgrounds, parks, commonly-owned open space, pedestrian and bicycle paths and trails). Marijuana plants shall not be located in a front yard.**
 - b. Screen marijuana plants to limit view and access from adjacent residential properties with a solid wood fence or masonry wall. Any access points to the cultivation area must be secured at all times to prevent unauthorized access. For fence and wall design requirements, see section 18.4.4.060.**

- c. Dimensional Standards. Marijuana plants grown in outdoor cultivation areas shall meet all of the following dimensional standards including Table 18.2.4.190.c.**
- i. Locate cultivation area closer to the primary residence of the resident grower than to dwellings on adjoining properties or to dwellings in the same multifamily development.**
 - ii. Marijuana plants may be located in one cultivation area or in separate cultivation areas throughout a yard.**

Table 18.2.3.190.4.c Outdoor Cultivation Dimensional Standards for Homegrown Marijuana¹				
<u>Number of Marijuana Plants per Lot²</u>	<u>Maximum Cultivation Area Allowed per Lot³</u>	<u>Maximum Marijuana Plant Height⁴</u>	<u>Minimum Setback from Any Property Line</u>	<u>Minimum Setback from Dwellings on Adjoining Properties⁵</u>
<u>6 or fewer plants</u>	<u>50 square feet</u>	<u>10 Feet</u>	<u>10 feet</u>	<u>20 feet</u>

¹**Contiguous lots under single ownership shall be considered one lot for the purpose of calculating the dimensional standards for homegrown marijuana.**

²**Up to four plants for recreational marijuana or six plants for medical marijuana may be grown outdoors.**

³**All parts of a marijuana plants that are visible above the ground level shall be contained within the perimeter of the cultivation area. Where plants are located separately, the combined total of the individual cultivation areas shall not exceed the maximum cultivation area.**

⁴**Marijuana plants shall not exceed ten feet in height from the top of the average surrounding grade.**

⁵**Marijuana plants must also be located the setback distance from any multifamily dwelling unit within a multifamily development.**

- d. Multi-Family Development. Homegrown marijuana may be cultivated outdoors on a lot containing multi-family dwellings in conformance with the requirements of subsection 18.2.3.190.A and provided all of the following requirements are met.**
- i. The property owner provides written notification to all residents of the development and to the City that verifies the cultivation of marijuana plants will comply with the requirements of subsection 18.2.3.190.A. The written notification shall include the following information.**
 - 1. Property owner, property manager, or home owner association representative contact information including the name, address, and phone number(s).**
 - 2. Contact information for an onsite resident designated as the primary responsible party for the marijuana plants and maintenance. Contact information shall include the name, address, and phone number of the responsible party.**
 - 3. The City requirements for the outdoor cultivation of marijuana including the maximum number of plants per lot and the requirements of subsection 18.2.3.190.A.**

5. Indoor Cultivation.

- a. Building Code. Any structure, accessory structure, electrical service, plumbing, or mechanical equipment (e.g., lighting, fans, heating and cooling systems) associated with marijuana cultivation shall satisfy the Building Code requirements and obtain all required building permits prior to installation. See section 18.2.5.040 Accessory Buildings and Structures.**
- b. Light and Glare. Shield lighting systems and use window coverings to confine light and glare from light systems associated with indoor cultivation to the interior of the structure.**
- c. No dwelling unit shall be used primarily as a place to cultivate marijuana. Vacant or uninhabited dwelling units shall not be used for marijuana cultivation.**

B. Marijuana-Related Businesses.

- 1. Marijuana-related businesses may require Site Design Review under chapter 18.5.2 or a Conditional Use Permit under chapter 18.5.4. See Table 18.2.2.030 – Uses Allowed by Zone for zones where marijuana-related businesses are allowed. See definition of marijuana-related businesses in part 18.6. Marijuana-related businesses shall meet all of the following requirements.**
 - a. The business must be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle. Outdoor marijuana production, cultivation, and storage of merchandise, raw materials, or other material associated with the business are prohibited.**
 - b. Any modifications to the subject site or exterior of a building housing the business must be consistent with the Site Design Use Standards, and obtain Site Design Review approval if required by section 18.5.2.020. Security bars or grates on windows and doors are prohibited.**
 - c. The business must provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the business' exterior refuse containers.**
 - d. Light and Glare. Shield lighting systems and use window coverings to confine light and glare from light systems associated with indoor cultivation so as to confine light and glare to the interior of the structure. Grow light systems within a greenhouse are prohibited.**
 - e. Building Code. Any structure, accessory structure, electrical service, plumbing, or mechanical equipment (e.g., lighting, fans, heating and cooling systems) associated with a business shall satisfy the Building Code requirements and obtain all required building permits prior to installation.**
 - f. Methodology for Measuring Separation Requirements. The following methodology shall be used for marijuana related- businesses that are required to be separated by a specific distance (i.e., marijuana production facility, marijuana wholesale facility, marijuana retail outlet). For the purposes of determining the distance between a**

marijuana related-business and another marijuana-related business, “within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of an approved marijuana related- business to the closest point anywhere on the premises of a proposed marijuana-related business of the same type. If any portion of the premises of a proposed marijuana related-business is within 1,000 feet of an approved marijuana related business of the same type, it may not be approved. For the purpose of this section, premises is all public and private enclosed areas within a building at the location that are used in the business operation, including offices, kitchens, rest rooms, and storerooms.

g. The property owner shall record a declaration which waives any claim or right to hold the City liable for damages they or a tenant may suffer from state or federal enforcement actions for activities the City permits as a result of its approval of the proposed use or development once such approval is granted. Furthermore, the owner and tenant agrees not to unreasonably disobey the City’s order to halt or suspend business if state or federal authorities order or otherwise subject the City to enforcement to comply with laws in contradiction to the continued operations of the business as permitted under section 18.2.3.190.

h. A marijuana-related business must obtain an approved license or registration from the State of Oregon and meet all applicable Oregon Revised Statutes and Oregon Administrative Rules.

2. Marijuana Laboratories, Processing, Production, and Wholesale. In addition to the standards described in subsection 18.2.3.190.B.1, above, marijuana laboratories, processing, production, and wholesale shall meet the following requirements as applicable. See definition of marijuana processing and production in part 18.6.

a. Marijuana laboratories, processing, production, and wholesale shall be located 200 feet or more from residential zones.

b. Marijuana Production.

i. Marijuana production shall be limited to 5,000 square feet of gross leasable floor area per lot.

ii. A marijuana production facility shall be located more than 1,000 feet from another marijuana production facility. See subsection 18.2.3.190.B.1.f for methodology for measuring the required distance between marijuana related-businesses.

c. Marijuana Wholesale. A marijuana wholesale facility shall be located more than 1,000 feet from another marijuana wholesale facility. See subsection 18.2.3.190.B.1.f for methodology for measuring the required distance between marijuana related-businesses.

3. Marijuana Retail Sales. In addition to the standards described above in subsection 18.2.3.190.B.1, marijuana retail sales shall meet the following requirements. See definition of marijuana retail sales in part 18.6.

~~A. Boulevard Location. Medical marijuana dispensaries are permitted subject to all of the following design standards.~~

- ~~1. The dispensary must be located on a property with a boundary line adjacent to a boulevard, except that dispensaries are not permitted in the Downtown Design Standards zone.~~
- ~~2. The dispensary must be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle. Outdoor storage of merchandise, raw materials, or other material associated with the dispensary is prohibited.~~
- ~~3. Any modifications to the subject site or exterior of a building housing the dispensary must be consistent with the Site Design Use Standards, and obtain Site Review approval if required by section 18.5.2.020. Security bars or grates on windows and doors are prohibited.~~
- ~~4. The dispensary establishment must not have a drive-up use.~~
- ~~5. The dispensary must provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the dispensary's exterior refuse containers.~~
- ~~6. The dispensary is registered with the Oregon Health Authority under the state of Oregon's medical marijuana facility registration system under ORS 475.300—ORS 475.346, and meets the requirements of OAR Chapter 333 Division 8 Medical Marijuana Facilities.~~

~~B. Other Locations. Medical marijuana dispensaries, except as allowed in section 18.2.3.190.A, are subject to a Conditional Use Permit under chapter 18.5.4 and shall meet all of the following requirements.~~

- ~~1. The dispensary must be located 200 feet or more from a residential zone, except that dispensaries are not permitted in the Downtown Design Standards zone.~~
- ~~2. The dispensary must be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle. Outdoor storage of merchandise, raw materials, or other material associated with the dispensary is prohibited.~~
- ~~3. Any modifications to the subject site or exterior of a building housing the dispensary must be consistent with the Site Design Use Standards, and obtain Site Review approval if required by section 18.5.2.020. Security bars or grates on windows and doors are prohibited.~~
- ~~4. The dispensary must not have a drive-up use.~~
- ~~5. The dispensary must provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the dispensary's exterior refuse containers.~~
- ~~6. The dispensary is registered with the Oregon Health Authority under the state of Oregon's medical marijuana facility registration system under ORS 475.300—ORS 475.346, and meets the requirements of OAR Chapter 333 Division 8 Medical~~

Marijuana Facilities.

a. Location.

- i. Marijuana retail sales are allowed if located on a property with a boundary line adjacent to a boulevard.**
- ii. Marijuana retail sales, except as allowed above in subsection 18.2.3.190.B.3.a.i, must be located 200 feet or more from a residential zone and are subject to a Conditional Use Permit under chapter 18.5.4.**
- iii. Marijuana retail sales are not permitted in the Downtown Design Standards Zones.**
- iv. A marijuana retail sales outlet shall be located more than 1,000 feet from another marijuana retail sales outlet. Medical and recreational marijuana retail sales do not need to be separated by 1,000 feet if located together in one building if the configuration meets all applicable Oregon Revised Statutes and Oregon Administrative Rules. No more than two registrations or licenses issued by the State of Oregon (e.g., a medical dispensary registration and a recreational sales license) may be located in one building. See subsection 18.2.3.190.B.1.f for methodology for measuring the required distance between marijuana related-businesses.**

b. Drive-up Use. The marijuana retail sales outlet must not include a drive-up use.

SECTION 4. Chapter 18.2.5 [Standards for Residential Zones] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.5.040 Accessory Buildings and Structures

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

- A. Setback Yard Exceptions.** See subsection 18.2.5.060.B.2.
- B. Guesthouse.** A guesthouse may be maintained accessory to a single-family dwelling provided there are no kitchen cooking facilities in the guesthouse.
- C. Greenhouse or Hothouse.** A greenhouse or hothouse may be maintained accessory to a dwelling in a residential zone. **See section 18.2.3.190 for homegrown marijuana cultivation and production requirements.**
- D. Livestock Structures.** Except as provided for micro-livestock in subsection 18.2.5.040.E, below, barns, stables, and other structures shall be located a minimum of 50 feet from any property line, and structures housing large livestock shall be more than 100 feet from dwellings on adjoining properties.
- E. Micro-Livestock Enclosure.** An enclosure housing micro-livestock may be maintained in a residential district, pursuant to section 18.2.3.160. Enclosures shall be constructed as follows:
 - 1. The structure shall not be located in a required front yard.

2. The structures shall be setback a minimum of ten feet from abutting properties as illustrated in Figure 18.2.5.040.E.2.
3. The structures shall be at least 20 feet from dwellings on adjoining properties. Within a multifamily complex, structures must also be located at least 20 feet from any dwelling within the complex.
4. The structures shall not exceed six feet in height.
5. Chicken coops and rabbit hutches shall not exceed 40 square feet in area, or four square feet per animal, whichever is greater.
6. Chicken and rabbit runs, as enclosed outdoor structures, shall not exceed 100 square feet in area, or ten square feet per animal, whichever is greater.

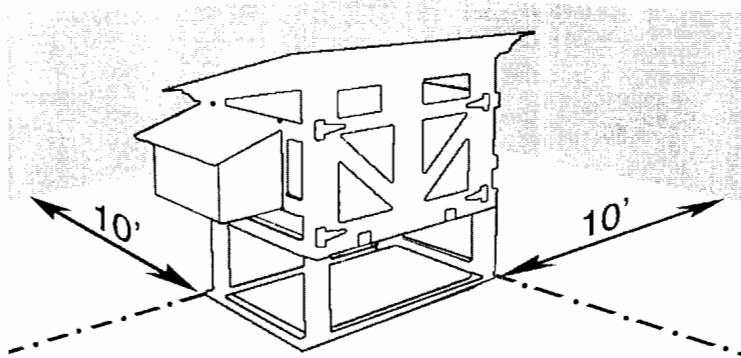


Figure 18.2.5.040.E.2
Micro-Livestock Enclosure/Minimum Setback to Property Line

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

1. Rain barrels shall not exceed six feet in height.
2. Rain barrels shall be located so that a minimum clear width of three feet is provided and maintained between the barrel and property line.
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.
4. Every attempt shall be made to place rain barrels so that they are screened from view of adjacent properties and public streets.

SECTION 5 Chapter 18.3.2 [Croman Mill District] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.2.040 Allowed Uses

- A. Uses Allowed in Croman Mill Zones.** Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.2.040 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.
- B. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. For regulations applying to the City's overlays zones, please refer to part 18.3.
- C. Mixed-Use.** Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

Table 18.3.2.040 – Croman Mill District Uses Allowed by Zone ⁸					
	Croman Mill District Zones ⁹				
	NC	MU	OE	CI	OS
A. Residential					
Residential Uses	S	S	N	N	N
<u>Agricultural Uses, except Keeping of Livestock</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Keeping of Bees, Micro-Livestock and Livestock</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Marijuana Cultivation, Homegrown</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>
Temporary Employee Housing	N	N	S	S	N
B. Commercial					
Stores, restaurants, and shops less than 3,000 sq. ft., excluding fuel sales, automobile sales and repair	P	N	N	N	N
Limited stores, restaurants, and shops, excluding fuel sales, automobile sales, and repair, <u>including marijuana retail sales</u>	N	S	S	S	N
Professional, financial, business, and medical offices	N	P	P	S	N
Administrative or research and development establishments	N	P	P	P	N
Child or day care centers	P	S	S	S	N
Fitness, recreations sports, gym or athletic club	P	N	N	N	N
Ancillary employee services (e.g., cafeteria, fitness area)	N	S	S	S	N

⁸Key: P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

⁹ Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

Table 18.3.2.040 – Croman Mill District Uses Allowed by Zone ⁸					
	Croman Mill District Zones ⁹				
	NC	MU	OE	CI	OS
Kennels (indoor) and veterinary clinics	N	N	S	S	N
Motion picture, television or radio broadcasting studios	N	P	P	P	N
Temporary uses	C	C	C	C	C
C. Industrial					
Manufacturing, assembly, fabrication or packaging including manufacturing of food products	N	P	S	P	N
Limited manufacturing affiliated with a retail use	S	N	N	N	N
<u>Marijuana laboratory, processing, and production</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>
Rail freight loading dock facilities	N	N	N	P	N
Rail or rapid transit passenger facilities	P	P	P	P	N
Warehouse and similar storage facilities, <u>including marijuana wholesale</u>	N	S	S	S	N
Limited outdoor storage	N	S	S	S	N
Wireless communication facilities attached to an existing structure pursuant to <u>Sec. 18.72.180</u>	C	C	P	P	N
Freestanding wireless communication support structures pursuant to <u>Sec. 18.72.180</u>	C	C	C	C	N
D. Public and Institutional					
Public service or community buildings with office or space used directly by the public	P	C	C	C	P
Public service or community buildings without office or space used directly by the public	C	C	C	C	C
Public and quasi public utility facilities enclosed in a building	S	S	S	S	S
Oregon Department of Transportation (ODOT) maintenance facility and yard	S	N	N	N	N
Private school, college, trade school, technical school or similar school	C	C	C	C	N
Electrical substations	N	N	C	C	N

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

²Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

D. Special Permitted Uses Use Standards. The following uses and their accessory uses are special permitted uses as listed in the Land Use Table and are subject to the requirements of this section. The uses listed as “Permitted with Special Use Standards (S)” in Table 18.3.2.040, above, are allowed provided they conform to the requirements of this section and the requirements of chapter 18.5.2 Site Design Review.

1. Residential Uses. Residential uses provided all of the following standards are met.

- a. The ground floor area shall be designated for permitted or special permitted uses, excluding residential.
- b. Residential densities shall not exceed the densities in section Dimensional Regulations. For the purposes of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.
- c. Residential uses shall execute a hold harmless covenant and agreement stating they shall not protest impacts from commercial and industrial uses within the district.

2. Marijuana Cultivation, Homegrown. Subject to the standards in subsection 18.2.3.190.A.

23. Temporary Employee Housing. Residential units for use by persons employed within the facility and their families when all of the following standards are met.

- a. Employee housing densities shall not exceed two units per acre. For the purposes of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.
- b. The employee housing shall be in conjunction with a permitted or special permitted use on the property.
- c. Units shall be restricted by covenant to be occupied by persons employed by a business operating on the property.

Stores, restaurants, and shops less than 3,000 sq. ft., excluding fuel sales, automobile sales and repair, **including marijuana retail sales**

34. Limited Commercial Services and Retail. Stores, restaurants, shops, child/day care facilities, and ancillary employee services, when all of the following standards are met.

- a. In the CI, MU, and OE zones, a maximum of 15 percent of the gross floor area in a building may be used for any or a combination of the following special permitted uses when the standards in this section are met: limited stores, restaurants, and shops; child or day care facilities; and ancillary employee services.
- b. *Limited Stores, Restaurants and Shops.* In the MU zone, the floor area shall be limited to retail uses in conjunction with a permitted use.
- c. *Child or Day Care Facilities.* Primary program activities are integrated into the interior of the building.
- d. *Ancillary Employee Services.* Developments may include ancillary employee services such as cafeterias, fitness areas, or other supportive services generally intended to support the needs of employees when the following standards are met.
 - i. The use is integrated into the interior of the building.
 - ii. The ancillary employee services shall be in conjunction with a permitted or special permitted use on the property.

e. *Marijuana Retail Sales.* Marijuana retail sales are subject to the standards a-d in subsection 18.3.2.040.D.4, above, and the standards for marijuana-related businesses in subsection 18.2.3.190.B.

45. Professional, Financial, Business and Medical Offices in CI Zone. Developments in the CI zone may include ancillary office uses to support the operations of a permitted use on-site provided the maximum floor area dedicated for office uses shall not exceed 50 percent of the ground floor area.

56. Kennels. Kennels when all of the following standards are met.

- a. Kennels shall be located at least 200 feet from the nearest residential dwelling.
- b. All animals shall be boarded within a building at all times.
- c. No noise or odor shall emanate outside the walls of the building used as a kennel.
- d. A disposal management plan shall be provided demonstrating all animal waste will be disposed of in a sanitary manner.

67. Manufacture, Assembly, Fabrication, and Packaging in OE Zone. Developments in the OE zone may include ancillary manufacturing, assembly, fabrication, and packaging uses to support the operations of a permitted or special permitted use on-site when all of the following standards are met.

- a. The maximum floor area dedicated to manufacturing, assembly, fabrication, and packaging shall be 50 percent of the ground floor area.
- b. No outside space shall be used for the manufacturing, assembly, fabrication, and packaging processes.

78. Limited Manufacturing Affiliated with a Retail Use. Manufacturing, assembly, fabrication, or packaging contiguous to and associated with a retail space, provided the maximum floor area dedicated to manufacturing occupies 1,000 square feet, or ten percent of ground floor area, whichever is less.

9. Marijuana Laboratory, Processing, and Production.

a. Marijuana laboratory, processing, and production are subject to the standards for marijuana-related businesses in subsection 18.2.3.190.B.

b. In the OE zone, marijuana laboratory, processing, and production are subject to subsection 18.3.2.040.D.7, above.

810. Warehouse and Similar Storage Facilities. Warehouse and similar storage facilities when all of the following standards are met.

- a. The maximum floor area dedicated for use as warehouse or similar storage uses in the OE and MU zones shall be 50 percent of the ground floor area.
- b. Warehouse and storage facilities shall be provided only in conjunction with, and for the exclusive use by, a permitted or special permitted use on the property.
- c. Self-service mini-warehouses are prohibited.
- d. No outside space shall be used for storage, unless approved as a limited outdoor storage area.

e. Marijuana Wholesale. Marijuana wholesale storage is subject to the standards a-d in subsection 18.3.2.040.D.10, above, and the standards for marijuana-related businesses in subsection 18.2.3.190.B.

911. Limited Outdoor Storage. Limited outdoor storage associated with a permitted or special permitted use when all of the following standards are met.

- a. The maximum area dedicated to outdoor storage shall be 1,000 sq. ft. in the OE and MU zone; and 2,500 sq. ft. in the CI zone, or 50 percent of the ground floor area of the building housing the associated permitted or special permitted use, whichever is greater.
- b. The outdoor storage shall be located behind or on the side of buildings, and shall be located so the outdoor storage is the least visible from the street that is reasonable given the layout of the site.
- c. The outdoor storage shall be screened from view by placement of a solid wood or metal fence, or a masonry wall from five to eight feet in height.
- d. The associated permitted use shall obtain a minimum of 50 percent of the employment density targets for the Croman Mill District.

1012. Public and Quasi-Public Utility Service Buildings. Public and quasi-public utility service buildings when all of the following standards are met.

- a. Facilities and structures that are accessory to a public park in the OS zone, including but not limited to maintenance equipment storage, enclosed picnic facilities, and restrooms.
- b. Public and quasi-public utility service building relating to receiving and transmitting antennas and communication towers are subject to the applicable provisions of 18.4.10.
- c. Public and quasi-public utility service building shall demonstrate all of the following.
 - i. The need for the facility, present or future; and how the facility fits into the utility's master plan.
 - ii. The facility utilizes the minimum area required for the present and anticipated expansion.
 - iii. Compatibility of the facility with existing surrounding uses and uses allowed by the plan designation.

1113. Oregon Department of Transportation Maintenance Facility and Storage Yard. For the Oregon Department of Transportation Ashland maintenance facility and storage yard located on property within the NC zone, all the following shall apply.

- a. Buildings may be enlarged or replaced subject to Basic Site Review Standards.
- b. Are exempt from the Dimensional Regulations per 18.3.2.050 with the exception of minimum side and rear yard setbacks abutting a residential district and maximum height.
- c. Are exempt from the requirements of part 18.4 Site Development and Design Standards, and the requirements of 18.3.2.060 Croman Mill District Site Development and Design Standards.

SECTION 6 Chapter 18.3.3 [Health Care Service District] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.3.030 Permitted Uses

The following uses and their accessory uses are permitted outright.

- A. Residential **and agricultural** uses, subject to the requirements of the R-2 zone.
- B. Home occupations.
- C. Offices or clinics for a dentist or doctor or allied health care providers, including, but not limited to, nurse practitioner, midwives, dietitians, psychologists, opticians, physical and occupational therapists, substance abuse counselors, chiropractors, and wellness centers, including nutritional counseling, health maintenance, and rehabilitation services.
- D. Ambulance and paramedic service.
- E. Medical laboratories.
- F. Sales or rentals of durable medical goods.
- G. Congregate care facilities, assisted living facilities, residential care facilities, and nursing homes.
- H. Any use, located on City owned property, that is specifically allowed by the Ashland Community Hospital Master Facility Plan adopted by the City by ordinance.

SECTION 7 Chapter 18.3.5 [North Mountain Neighborhood District] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.5.050 Allowed Uses

- A. **Uses Allowed in North Mountain Neighborhood Zones.** Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.5.050 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.
- C. **Uses Regulated by Overlay Zones.** Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. For regulations applying to the City's overlays zones, please refer to part 18.3.
- C. **Mixed-Use.** Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

Table 18.3.5.050 – North Mountain Neighborhood Uses Allowed by Zone ¹⁰					
	North Mountain Neighborhood Zones ¹¹				
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C	NM-Civic
A. Residential					
Residential Uses, subject to density requirements in Table 18.3.5.050	P	P	P	P	N
Accessory Residential Units	S	S	N	P	N
Agricultural Uses	P	P	P	P	S
Home Occupations	P	P	P	P	N
<u>Agricultural Uses, except Keeping of Livestock</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>
<u>Keeping of Micro-Livestock and Bees</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>S</u>
<u>Keeping of Livestock</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Marijuana Cultivation, Homegrown</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>
B. Public and Institutional Uses					
Community Services	N	S	N	S	P
Parks and Open Spaces	P	P	P	P	P
Public Parking Lots	N	N	N	CU	N
Religious Institution, Houses of Worship	N	N	N	S	N
Utility and Service Building, Public and Quasi-Public, excluding outdoor storage and electrical substations	N	N	N	S	N
B. Commercial					
Neighborhood Clinics	N	N	N	<u>PS</u>	N
Neighborhood Oriented Retail Sales, and Services, and Restaurants	N	N	N	<u>PS</u>	N
Offices, Professional	N	N	N	<u>PS</u>	N
Restaurants	N	N	N	P	N
Temporary uses	N	N	N	CU	N
C. Industrial					
Manufacturing, Light	N	N	N	S	N

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

² Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

D. Special Permitted Uses Use Standards. The following uses and their accessory uses are special permitted uses as listed in the Land Use Table and are subject to the requirements of this section. The uses listed as “Permitted with Special Use Standards (S)” in Table 18.3.5.050, above, are allowed provided they conform to the requirements of this section and the requirements of chapter 18.5.2 Site Design Review.

1. Accessory Residential Units.

- a. Accessory residential units are not subject to the density requirements of the zone and are not included in the base density calculations.

¹⁰ Key: P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

¹¹ Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

- b. One accessory residential unit is allowed per lot, and the maximum number of dwelling units must not exceed two per lot.
 - c. The proposal must comply with the lot coverage and setback requirements of the underlying zone.
 - d. The maximum gross habitable floor area (GHFA) of the accessory residential unit must not exceed 50 percent of the GHFA of the primary residence on the lot, and must not exceed 750 square feet GHFA, except that second story accessory residential units constructed above a detached accessory building must not exceed 500 square feet GHFA.
 - e. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.040.
2. Agricultural Uses.
- a.—In the NM-Civic zone, agriculture may include community garden space.
3. **Keeping of Micro-Livestock and Bees. Subject to the standards in section 18.2.3.160.**
4. **Marijuana Cultivation, Homegrown. Subject to the standards in subsection 18.2.3.190.A.**
3. Community Services.
- a. In the NM-R-1-5 zone, each building may be up to a maximum of 2,500 square feet of gross floor area.
 - b. In the NM-C zone, each building may be up to a maximum of 3,500 square feet of gross floor area.
4. Manufacturing, Light.
- a. The light manufacturing use shall occupy 600 square feet or less.
 - b. The light manufacturing use shall be contiguous to the permitted retail outlet that operates in conjunction with and sells the manufactured items produced by the light manufacturing use.
5. Neighborhood Clinics. Each building may be up to a maximum of 3,500 square feet of gross floor area.
6. Neighborhood Oriented Retail Sales, ~~and~~ Services, and Restaurants. Each building may be up to a maximum of 3,500 square feet of gross floor area.
7. Offices, Professional. Each building may be up to a maximum of 3,500 square feet of gross floor area.
8. Religious Institution, Houses of Worship. The same use cannot be located on a contiguous property, and there must be no more than two such uses in a given zone.
9. Utility and Service Building, Public and Quasi-Public. Each building may be up to a maximum of 3,500 square feet of gross floor area

SECTION 8 Chapter 18.6.1 [Definitions] of the Ashland Land Use Ordinance is hereby amended to read as follows:

Greenhouse. A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of fragile or out-of-season plants for personal enjoyment or for subsequent sale.

Homegrown Marijuana. Marijuana plants planted, cultivated, grown, and harvested by a person 21 years of age or older for personal consumption, whether for medical or non-medical purposes, or for a medical marijuana card holder. Medical marijuana grow sites located in residential zones shall be considered homegrown marijuana for the purpose of this ordinance.

Homegrown Marijuana Cultivation. The cultivation of homegrown marijuana and related activities such as processing, keeping, or storage of homegrown marijuana.

- **Cultivation Area.** The area within which marijuana plants are grown on a lot. The cultivation area is the total of the individual areas of the marijuana plants at maturity. The individual area of a marijuana plant is calculated based on an imaginary vertical line extending downward from the outermost tips of the marijuana plants branches to the ground.
- **Resident Grower.** An individual engaged in the cultivation of homegrown marijuana for personal consumption, whether for medical or non-medical purposes, or for a medical marijuana card holder.

Marijuana. The plant Cannabis, family Cannabaceae, or any part or seed of the plant. It does not include industrial hemp.

- **Medical Marijuana.** Marijuana used to mitigate the symptoms or effects of a medical condition and regulated by the Oregon Medical Marijuana Act (ORS 475.300 – ORS 475.346). Grown and sold by registered persons and facilities with the Oregon Health Authority (OHA).
- **Recreational Marijuana.** Marijuana used for personal consumption by a person 21 years of age or older.

Marijuana Plant. Immature and mature plants of the plant Cannabis family Moraceae.

Marijuana-Related Businesses. Marijuana-related businesses licensed by the Oregon Liquor Control Commission (OLCC) or registered by the Oregon Health Authority (OHA). Marijuana-related businesses are organized into the following categories.

- Laboratory. A laboratory that tests marijuana and marijuana items.
 - Processing. Processing, compounding, or conversion of marijuana into cannabinoid products, concentrates, or extracts.
 - Production. Planting, cultivating, growing, harvesting, or drying marijuana. Medical marijuana grow sites located in non-residential zones that do not meet the definition of Homegrown Marijuana shall be considered production for the purpose of this ordinance.
 - Retail. A business that sells marijuana and marijuana products to the consumer.
 - Wholesale. An operation that handles and distributes marijuana and marijuana products for the purpose of resale.
- ~~— Medical Marijuana Dispensary. Any facility registered by the Oregon Health Authority under ORS 475.300 to 475.346 that dispense marijuana pursuant to ORS 475.314.~~

SECTION 9. Savings. Notwithstanding this amendment/ repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinances(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 10. 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 11. 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 6-7) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

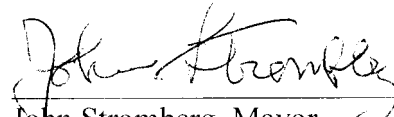
SECTION 12. Emergency.

This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

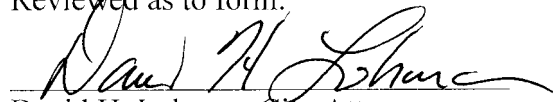
The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2016, and duly PASSED and ADOPTED this _____ day of _____, 2016.

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 19 day of January, 2016.


John Stromberg, Mayor

Reviewed as to form:


David H. Lohman, City Attorney