



# 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

November 14, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment  
DLCD File Number 017-08



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. This amendment was submitted without a signed ordinance.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: December 2, 2008**

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

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
John Renz, DLCD Regional Representative  
Praline MaCormack, City of Medford

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# Notice of Adoption

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



Jurisdiction: **City of Medford**

Local file number: **DCA-08-064**

Date of Adoption: **11/6/2008**

Date Mailed:

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

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

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

Amendment to the Medford Land Development Code to revise Section 10.010 as it relates to Boarding Houses, and Child Day Care Homes, and to revise Section 10.314(5)(a) as it relates to Boarding Houses, and general housekeeping (minor typo corrections) revisions to Sections 10.010, and 10.300 through 10.337.

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

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

- 1
- 2
- 3
- 4
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- 6
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- 19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

- 45-days prior to first evidentiary hearing?  Yes  No
- If no, do the statewide planning goals apply?  Yes  No
- If no, did Emergency Circumstances require immediate adoption?  Yes  No

**DLCD file No.** \_\_\_\_\_

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

Child Care Division, Oregon Employment Department

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Local Contact: **Praline McCormack, Planner II**

Phone: (541) 774-2380 Extension:

Address: **200 S. Ivy**

Fax Number: **541-774-2564**

City: **Medford**

Zip: **97501-**

E-mail Address:

**praline.mccormack@cityofmedford.org**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

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

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

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

ORDINANCE NO. 2008-227

AN ORDINANCE amending Chapter 10 of the Medford Code by amending Sections 10.012, 10.300, 10.314, and 10.337 pertaining to definitions, zoning districts, permitted uses in residential land use classification, and uses permitted in commercial and industrial zoning districts.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Section 10.012 of the Medford Code is amended to read as follows:

10.012 Definitions, Specific.

\* \* \*

~~Boarding or rooming lodging house. A dwelling, or part thereof, other than a motel or hotel, or multiple-family dwelling, where lodging, with or without meals, is provided, for compensation.~~  
**A residence containing not more than five guest rooms where rent is paid in money, goods, labor or otherwise. If a residence is not owner occupied, no more than two guest rooms shall be offered for rent. If a residence is owner occupied, no more than five guest rooms shall be offered for rent. "Rent" shall be defined in accordance with ORS 90.100(33). This definition is meant to be consistent with Oregon Structural Specialty Code Section 310.2.**

\* \* \*

~~Child day care home. A child day care facility located in a building constructed as a single-family dwelling that is certified to care for no more than 12 children at any one given time, and where care is provided by a family day care provider in the provider's home in the family living quarters.~~  
**This definition is meant to be consistent with ORS 657A.440.**

\* \* \*

Section 2. Section 10.300 of the Medford Code is amended to read as follows:

10.300 Establishment of Zoning Districts.

\* \* \*

IV. SPECIAL OVERLAY DISTRICTS

- (a) A-A Airport Approach
- (b) P-D Planned Development
- (c) C-B Central Business
- (d) E-A Exclusive Agriculture
- (e) H Historic
- (f) F Freeway

- (g) A-R Airport Radar

- (h) S-E Southeast
- (i) **I-00 Limited Industrial**

Section 3. Section 10.314 of the Medford Code is amended to read as follows:

10.314 Permitted Uses in Residential Land Use Classification.

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section
***									
4. ACCESSORY USES									
***									
(d) Child (Family) Day Care Home <b>(16 or fewer children)</b>	P	P	P	P	P	P	P	P	
	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	
***									
5. GROUP QUARTERS									
(a) Boarding/Rooming <b>Lodging House</b> <b>(1-2 guest rooms)</b>	€	€	€	€	€	P	P	P	
	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	
<b>(3-5 guest rooms)</b> <b>(owner occupied)</b>	C	C	C	C	C	P	P	P	
***									
6. NONRESIDENTIAL SPECIAL USES									
***									
(k) Wireless Communication Support Structure	CPs	CPs	CPs	CPs	CPs	CPs	CPs	CPs	10.824
***									

Section 4. Section 10.337 of the Medford Code is amended to read as follows:

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

\* \* \*

07 AGRICULTURAL SERVICES. This major group includes establishments primarily engaged in performing soil preparation services, crop services, veterinary services or other animal services, farm labor and management services and landscape and horticultural services for others on a fee or contractual basis.

	C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
* * *								
074 Veterinary Services for livestock	X	X	X	X	Ps	Ps	Ps	Ps
0742 Small Animal Clinics, Non-Livestock	C	C	Ps	Ps	Ps	Ps	Ps	Ps
075 Animal Services, Except Veterinary	X	X	X	X	Ps	Ps	Ps	Ps
-Dog Grooming	P	P	P	P	P	X	X	X
* * *								

**The special use references for Veterinary Services for livestock and Small Animal Clinics, Non-Livestock correspond with special use Section 10.814. The special use reference for Animal Services, Except Veterinary corresponds with special use Sections 10.813 and 10.829.**

\* \* \*

48 COMMUNICATION. This major group includes establishments furnishing point-to-point communication services whether by wire or radio, and whether intended to be received aurally or visually.

	C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
* * *								
481 Wireless Communication Support Structure	CPs	CPs	CPs	CPs	CPs	CPs	CPs	CPs
* * *								

**The special use references for Wireless Communication Support Structure and Wireless Communication Facilities, other than Support Structure correspond with special use Section 10.824.**

\* \* \*

58 EATING AND DRINKING PLACES. This major group includes establishments selling prepared foods and drinks for consumption on the premises; and also lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption. Restaurants, lunch counters, and drinking places operated as a subordinate service facility by other establishments are not included in this group unless they are operated as leased departments by outside operators. Thus, restaurants and lunch counters operated by hotels are classified in Services, Major Group 70; those operated by department stores in Major Group 53. Bars and restaurants owned by and operated for members of civic, social, and fraternal associations only are classified in Industry 8641. Mobile food and dairy wagons are classified in Industry 5963.

	C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
581 Eating and Drinking Places								
- with entertainment	X	X	P	P	P	X	X	X
- without entertainment	P	P	P	P	P	Ps	Ps	Ps
- with outdoor eating	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps

\* \* \*

The special use reference for establishments in the industrial zones correspond with special use section 10.822. The special use reference for establishments with outdoor eating areas corresponds with special use section 10.833. The special use reference for Temporary Food Vendors corresponds with special use section 10.857. The special use reference for Small Food Vendors corresponds with special use section 10.823

\* \* \*

72 PERSONAL SERVICES. This major group includes establishments primarily engaged in providing services generally to individuals.

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	C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
--	-------	-----	-----	-----	-----	-----	-----	-----

\* \* \*

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
726	Funeral Service and Crematories	X	X	Ps	Ps	Ps	Ps	X	X
* * *									

The special use reference for funeral service and crematories corresponds with special use section 10.815.

\* \* \*

75 AUTO REPAIR, SERVICES, AND GARAGES. This major group includes establishments primarily engaged in furnishing automotive repair, rental, leasing and parking services to the general public. Similar facilities owned and operated by concerns for their own use and not for the general public are treated as auxiliary establishments and are not included in this group.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
* * *									
									P
753	Automotive Repair Shops	X	C	Ps	Ps	Ps	Ps	Ps	Ps
754	Automotive Services, Except Repair	X	C	Ps	Ps	Ps	Ps	Ps	Ps

The special use reference for Automotive Repair Shops and Automotive Services, Except Repair correspond to special use Section 10.812.

\* \* \*

78 MOTION PICTURES. This major group includes establishments providing and distributing motion pictures, exhibiting motion pictures, and furnishing services to the motion picture industry.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
* * *									
783	Motion Picture Theaters	X	X	Ps	Ps	Ps	X	X	X
* * *									

The special use reference for Motion Picture Theaters corresponds to special use Section

**10.818.**

\* \* \*

79 AMUSEMENT & RECREATION SERVICES. This major group includes establishments primarily engaged in providing amusement or entertainment on payment of a fee or admission charge, except motion picture theatres.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
* * *									
799	Misc. Amusement, Recreational Services	X	Ps	Ps	Ps	Ps	Ps	Ps	X

**The special use reference to Misc. Amusement, Recreational Services corresponds to special use Sections 10.813 and 10.834.**

\* \* \*

86 MEMBERSHIP ORGANIZATIONS. This major group includes organizations operating on a membership basis for the promotion of the interests of the members.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
* * *									
866	Religious Organizations	Ps	P	P	P	P	P	X	X
* * *									

**The special use reference to Religious Organizations corresponds to special use Section 10.816(2).**

PASSED by the Council and signed by me in authentication of its passage this 6 day of November, 2008.

ATTEST: /s/Karen M. Spoons  
Deputy City Recorder

/s/Gary H. Wheeler  
Mayor

APPROVED November 6, 2008.

/s/Gary H. Wheeler  
Mayor

NOTE: Matter in **bold** in an amended section is new. Matter ~~struck out~~ is existing law to be omitted. Three asterisks (\* \* \*) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.

-7-Ordinance No. \_\_\_\_\_

P:\JMP\ORDS\AMD\_10.012



City of Medford  
Agenda Item Commentary

Item No.:  
Meeting Date: November 6, 2008  
Page: 1 of 1

**SUBJECT:**

An ordinance amending the *Medford Land Development Code*, Section 10.010 and Section 10.314(5)(a) relating to Boarding Houses, and general housekeeping revisions to Sections 10.010, and 10.300 through 10.337.

**INITIATOR:**

City of Medford

**STAFF INFO. SOURCE:**

John W. Hoke, Interim Planning Director  
Praline McCormack, Planner II  
File No. DCA-08-064

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Adopt the ordinance amending the *Medford Land Development Code* Sections 10.010, 10.314(5)(a), and 10.300 through 10.337.

**BACKGROUND & KEY ISSUES:**

Currently, the *Medford Land Development Code* defines the rental of rooms in a residence as a boarding house, and requires a conditional use permit to allow the rental of rooms in a single-family residential zone. The proposed amendment refines the definition of boarding house and changes the rental of one or two rooms to a permitted use in single-family and multi-family zones. The rental of three to five rooms would continue to require a conditional use permit in a single-family residential zone, while being permitted in the multi-family zones.

The City is also proposing several small housekeeping revisions to Sections 10.010, and 10.300 through 10.337. One such revision involves child day care homes and changes the number of children allowed from 12 to 16 per a change in state law. The remainder of the housekeeping revisions are intended to correct errors and omissions. The proposal meets the approval criteria for *Land Development Code* amendments. The Planning Commission at their meeting of August 28, 2008, voted to recommend City Council approval.

**EXHIBITS:**

Staff Report to City Council dated October 24, 2008, including Exhibits A – E  
Excerpt from Minutes of the June 24, 2008, meeting of the Citizens Planning Advisory Committee  
Excerpt from Minutes of the August 28, 2008, meeting of the Planning Commission



# *CITY OF MEDFORD*

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## PLANNING DEPARTMENT

### STAFF REPORT

Date: October 24, 2008

To: City Council *jm*

Reviewed By: Suzanne Myers, Principal Planner

By: Praline McCormack, Planner II *pm*

Subject: Boarding House Code Amendment (DCA-08-064)  
City of Medford, Applicant

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#### **BACKGROUND**

##### Proposal

Consideration of an amendment to the *Medford Land Development Code* to revise Section 10.010 and Section 10.314(5(a)) relating to Boarding Houses, and general housekeeping revisions to Sections 10.010, and 10.300 through 10.337.

##### Background

Currently, the *Medford Land Development Code* defines the rental of rooms in a residence as a boarding house, and requires a conditional use permit to allow the rental of rooms in a single-family residential zone. The proposed amendment refines the definition of a boarding house and changes the rental of one to two rooms to a permitted use in single-family and multi-family zones. The rental of three to five rooms would continue to require a conditional use permit in a single-family residential zone, while being permitted in the multi-family zones. The City is also proposing several small housekeeping-type revisions to Sections 10.010, and 10.300 through 10.337. One such revision involves child day care homes and changes the number of children allowed from 12 to 16 per a change in state law. The remainder of the housekeeping revisions are intended to correct errors and omissions.

##### Format of Legislative Amendment

The attached Exhibit "A" provides the proposed code revision language. Words to be deleted are ~~struck through~~ and words to be added are **bold**.

Applicable Criteria

*Medford Land Development Code*, Major Legislative Amendments, Section 10.182  
(Exhibit "B")

Findings

Staff prepared *Findings of Fact and Conclusions of Law* (Exhibit "C") to support the proposed legislative amendment. The findings include a discussion of the proposal relative to the approval criteria for legislative amendments.

Issues/Analysis

Based on the current *Medford Land Development Code*, a Conditional Use Permit is required to rent rooms in a single-family residential zone, while room rentals are outright permitted in a multi-family zone. The conditional use permit process requires a fee, notification to surrounding properties, a public hearing, and in authorizing a conditional use permit additional conditions may be imposed. Medford's "Regulatory Barriers to Affordable Housing Task Force" requested that the City Council consider a code amendment to permit the rental of rooms in a single-family residential zone. At the May 29, 2008 Study Session (Exhibit "D"), after reviewing research presented by Staff regarding other municipalities' code language regarding boarding houses, the City Council initiated the code modification. This amendment seeks to make the definition of a boarding house clearer and allows the rental of up to two rooms in a single-family zone without a Conditional Use Permit. It further allows the rental of three to five rooms (in an owner-occupied residence) in a single-family residential zone with a Conditional Use Permit.

At their Study Session City Council members expressed concern about impacts on residential neighborhoods in regards to safety, parking and traffic. Medford's *Municipal Code* has provisions to deal with many of the "safety" issues which could possibly arise in the boarding house context, such as the Building Code (Chapter 9), the Fire Code (Chapter 7), parking (Chapters 6 and 10), and noise and other offenses (Chapter 5). In addition, as previously mentioned, the rental of three to five rooms (in an owner-occupied residence) in a single-family residential zone will continue to require a Conditional Use Permit. Therefore, safety issues will be addressed in more detail during the processing and approval/denial of these applications. Lastly, all residential rentals will continue to require the completion of Residential Rental Registration and an annual Residential Rental License. The purpose of this registration and licensing program is to decrease the number of code violations, and to assist the city's emergency services and public safety agencies in their efforts to notify property owners about any potentially hazardous situations and prevent such situations from occurring in the future.

This code amendment also includes a change in the number of children allowed in a Child day care home, which has changed from 12 children to 16 children as per a change to state law (ORS 657A.440.4) which became effective January 1, 2006. This

state law requires the City to allow day care homes with up to 16 children as a permitted use.

Lastly, this code amendment includes minor housekeeping revisions to Sections 10.300 through 10.337 which are intended to correct errors and omissions.

Sections related to Boarding/rooming house:	Section 10.010, 10.314(5)(a)
Sections related to Child day care home:	Section 10.010, 10.314(4)(d)
Minor housekeeping revisions:	Sections 10.300, 10.308, 10.309, 10.314(6)(k), 10.337(07), 10.337(48), 10.337(58), 10.337(72), 10.337(75), 10.337(78), 10.337(79), 10.337(86)

**RECOMMENDED ACTION**

The Medford Planning Commission, at their meeting of August 28, 2008, voted to forward a favorable recommendation for DCA-08-064 as per the Staff Report dated August 19, 2008, including:

**EXHIBITS**

- "A" Proposed Legislative Amendment to Sections 10.010 and Sections 10.300 through 10.337 of the *Land Development Code* dated October 13, 2008
- "B" *Medford Land Development Code*, Major Legislative Amendments, Section 10.182
- "C" Findings of Fact and Conclusions of Law dated August 19, 2008
- "D" Minutes from the Medford City Council Study Session, May 29, 2008
- "E" Letter from the Regulatory Barriers to Affordable Housing Task Force dated April 10, 2008

**PLANNING COMMISSION AGENDA:            AUGUST 28, 2008**

**CITY COUNCIL AGENDA:                    NOVEMBER 6, 2008**

10.010 **Definitions.**

**Boarding or rooming lodging house.** ~~A dwelling, or part thereof, other than a motel or hotel, or multiple-family dwelling, where lodging, with or without meals, is provided, for compensation~~ **A residence containing not more than five guest rooms where rent is paid in money, goods, labor or otherwise. If a residence is not owner occupied, no more than two guest rooms shall be offered for rent. If a residence is owner occupied, no more than five guest rooms shall be offered for rent. "Rent" shall be defined in accordance with ORS 90.100(33). This definition is meant to be consistent with Oregon Structural Specialty Code Section 310.2.**

**Child day care home.** A child day care facility located in a building constructed as a single-family dwelling that is certified to care for no more than ~~12~~ **16** children at any one given time, and where care is provided by a family day care provider in the provider's home in the family living quarters. **This definition is meant to be consistent with ORS 657A.440.**

A-1/2  
DCA-08-64

10.300 **Establishment of Zoning Districts.**

IV. SPECIAL OVERLAY DISTRICTS

- (a) A-A Airport Approach
- (b) P-D Planned Development
- (c) C-B Central Business
- (d) E-A Exclusive Agriculture
- (e) H Historic
- (f) F Freeway
- (g) A-R Airport Radar
- (h) S-E Southeast
- (i) I-00 Limited Industrial**

10.308 **SFR-2, Single-Family Residential - 2 dwelling units per gross acre.**

The density requirements and locational characteristics of this urban residential district are a function of topographic conditions, such as slopes of over **fifteen percent (15%)**, and/or other environmental constraints, such as soils, geology, and flooding, which restrict the carrying capacity of the land. This district provides for very low density, large lot single-family detached dwellings, where such topographic conditions and environmental constraints occur.

In SFR-2, the minimum and maximum number of dwelling units (DU) permitted per gross acre, or fraction thereof, shall fall within the following range:

Minimum and Maximum Density Factor (df) . . . . . 0.8 to 2.0 DU/gross acre

[Amd. Sec. 1, Ord. No. 7037, Dec. 5, 1991; Amd. Sec. 2, Ord. No. 8207, Oct. 3, 1996.]

10.309 **SFR-4, Single-Family Residential - 4 dwelling units per gross acre.**

This urban residential district is representative of historical low density, large lot single-family development. New SFR-4 zoning should be located in areas where slopes exceed **five percent (5%)**, but are less than **fifteen percent (15%)** to prevent excessive grading.

In SFR-4, the maximum number of dwelling units (DU) permitted per gross acre, or fraction thereof, shall fall within the following range:

Minimum and Maximum Density Factor (df) . . . . . 2.5 to 4.0 DU/gross acre

[Amd. Sec. 2, Ord. No. 8207, Oct. 3, 1996.]

A-2/2  
DCA-08-64

## 10.314 Permitted Uses in Residential Land Use Classification.

**4. ACCESSORY USES**

(a) Accessory Dwelling Unit (ADU)	Ps	Ps	Ps	Ps	Ps	X	X	X	10.821
(b) Guest House	P	P	P	P	P	X	X	X	
(c) Accessory Building or Use	P	P	P	P	P	Ps	Ps	Ps	10.838
(d) Child (Family) Day Care Home	P	P	P	P	P	P	P	P	
<b>(16 or fewer children)</b>	P	P	P	P	P	P	P	P	
(e) Residential Care, Training, or Treatment Home (5 or Fewer Residents)									
(f) Garage or Yard Sale	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	10.832
(g) Home Occupation	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	10.819

**5. GROUP QUARTERS**

(a) Boarding/Rooming <b>Lodging House</b> <b>(1-2 guest rooms)</b>	€	€	€	€	€	P	P	P	
<b>(3-5 guest rooms)</b> <b>(owner occupied)</b>	P	P	P	P	P	P	P	P	
	C	C	C	C	C	P	P	P	
(b) Retirement or Congregate Living Facility	X	X	X	X	X	Ps	Ps	Ps	10.838
(c) Nursing Home/Long Term Care Facility	X	X	X	X	X	P	P	P	
(d) Residential Care, Training, or Treatment Facility (6 to 15 Residents) Excluding Drug and Alcohol Treatment Facility	Cs	Cs	Cs	Cs	Cs	P	P	P	10.836
(e) Residential Drug and Alcohol Treatment Facility Halfway Homes for Delinquents; Juvenile Correctional Homes, Residential Training Schools for Delinquents (6 to 15 Residents)	X	X	X	X	X	P	P	P	
(f) Residential Drug and Alcohol Treatment Facility (16 or More Residents)	X	X	X	X	X	C	C	C	

**6. NONRESIDENTIAL  
SPECIAL USES**

(a) Bed and Breakfast Inn	X	X	Cs	Cs	Cs	Ps	Ps	Ps	10.828
(b) Child Day Care Center	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	10.811
(c) Institutional Uses (Schools, Churches, Government Facilities - Excluding Storage or Repair Yards or Warehouses, Cemeteries, etc.)	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	10.815-817
(d) Community Services Facilities (Parks, Recreation, etc.)	C	C	C	C	C	C	C	C	10.817
(e) Transit, Pedestrian, or Bicycle Facilities	P	P	P	P	P	P	P	P	10.747-810
(f) Utility Distribution Systems	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	10.830
(g) Agriculture, Livestock, Farm, or Ranch	EA	EA	EA	EA	EA	EA	EA	EA	10.360-361
(h) Riding Stable or Paddock (Private)	EA	EA	EA	EA	EA	EA	EA	EA	10.829
(i) Temporary Contractor Office	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	10.849
(j) Temporary Real Estate Office	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	10.850
(k) Wireless Communication Support Structure	CPs	CPs	CPs	CPs	CPs	CPs	CPs	CPs	10.824
(l) Wireless Communication Facilities, other than Support Structure	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	10.824

**10.337 Uses Permitted in Commercial and Industrial Zoning Districts.**

**07 AGRICULTURAL SERVICES.** This major group includes establishments primarily engaged in performing soil preparation services, crop services, veterinary services or other animal services, farm labor and management services and landscape and horticultural services for others on a fee or contractual basis.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
071	Soil Preparation Services	X	X	X	X	P	P	P	P
072	Crop Services	X	X	X	X	P	P	P	P
074	Veterinary Services for livestock	X	X	X	X	Ps	Ps	Ps	Ps
0742	Small Animal Clinics, Non-Livestock	C	C	Ps	Ps	Ps	Ps	Ps	Ps
075	Animal Services, Except Veterinary	X	X	X	X	Ps	Ps	Ps	Ps
	-Dog Grooming	P	P	P	P	P	X	X	X
076	Farm Labor and Management Services	X	X	X	X	P	P	P	P
078	Landscape and Horticultural Services	X	X	X	X	P	P	P	P

**The special use references for Veterinary Services for livestock and Small Animal Clinics, Non-Livestock correspond with special use Section 10.814. The special use reference for Animal Services, Except Veterinary corresponds with special use Sections 10.813 and 10.829.**

- 48 COMMUNICATION.** This major group includes establishments furnishing point-to-point communication services whether by wire or radio, and whether intended to be received aurally or visually.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
<b>481</b>	Telephone Communication	X	X	P	P	P	P	P	P
	Wireless Communication Support Structure	CPs	CPs	CPs	CPs	CPs	CPs	CPs	CPs
	Wireless Communication Facilities, other than Support Structure	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps
<b>482</b>	Telegraph Communication	X	X	P	P	P	P	P	P
<b>483</b>	Radio and Television Broadcasting Stations	X	X	X	P	P	P	P	P
<b>484</b>	Cable and Other Pay TV Stations	X	X	X	P	P	P	P	P
<b>489</b>	Communication Services, nec	X	X	X	P	P	P	P	P

**The special use references for Wireless Communication Support Structure and Wireless Communication Facilities, other than Support Structure correspond with special use Section 10.824.**

**58 EATING AND DRINKING PLACES.** This major group includes establishments selling prepared foods and drinks for consumption on the premises; and also lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption. Restaurants, lunch counters, and drinking places operated as a subordinate service facility by other establishments are not included in this group unless they are operated as leased departments by outside operators. Thus, restaurants and lunch counters operated by hotels are classified in Services, Major Group 70; those operated by department stores in Major Group 53. Bars and restaurants owned by and operated for members of civic, social, and fraternal associations only are classified in Industry 8641. Mobile food and dairy wagons are classified in Industry 5963.

	C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
<b>581</b> Eating and Drinking Places								
- with entertainment	X	X	P	P	P	X	X	X
- without entertainment	P	P	P	P	P	Ps	Ps	Ps
- with outdoor eating	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps
Temporary Food Vendors	Ps	Ps	Ps	Ps	Ps	Ps	Ps	X
Small Food Vendors	Ps	Ps	Ps	Ps	Ps	Ps	Ps	X

The special use reference for establishments in the industrial zones correspond with special use section 10.822. The special use reference for establishments with outdoor eating areas corresponds with special use section 10.833. The special use reference for Temporary Food Vendors corresponds with special use section 10.857. The special use reference for Small Food Vendors corresponds with special use section 10.823.

**72 PERSONAL SERVICES.** This major group includes establishments primarily engaged in providing services generally to individuals.

		<b>C-S/P</b>	<b>C-N</b>	<b>C-C</b>	<b>C-R</b>	<b>C-H</b>	<b>I-L</b>	<b>I-G</b>	<b>I-H</b>
<b>721</b>	Laundry, Cleaning, & Garment Services	P	P	P	P	P	X	X	X
<b>722</b>	Photographic Studios, Portrait	P	P	P	P	P	X	X	X
<b>723</b>	Beauty Shops	P	P	P	P	P	X	X	X
<b>724</b>	Barber Shops	P	P	P	P	P	X	X	X
<b>725</b>	Shoe Repair Shops and Shoeshine Parlors	P	P	P	P	P	X	X	X
<b>726</b>	Funeral Service and Crematories	X	X	Ps	Ps	Ps	Ps	X	X
<b>729</b>	Misc. Personal Services	P	P	P	P	P	X	X	X

The special use reference for funeral service and crematories corresponds with special use section 10.815.

**75 AUTO REPAIR, SERVICES, AND GARAGES.** This major group includes establishments primarily engaged in furnishing automotive repair, rental, leasing and parking services to the general public. Similar facilities owned and operated by concerns for their own use and not for the general public are treated as auxiliary establishments and are not included in this group.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
<b>751</b>	Automotive Rentals, Without Drivers	X	X	P	P	P	P	X	X
<b>752</b>	Automobile Parking	P	X	P	P	P	P	P	P
<b>753</b>	Automotive Repair Shops	X	C	Ps	Ps	Ps	Ps	Ps	Ps
<b>754</b>	Automotive Services, Except Repair	X	C	Ps	Ps	Ps	Ps	Ps	Ps

**The special use reference for Automotive Repair Shops and Automotive Services, Except Repair correspond to special use Section 10.812.**

**78 MOTION PICTURES.** This major group includes establishments providing and distributing motion pictures, exhibiting motion pictures, and furnishing services to the motion picture industry.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
<b>781</b>	Motion Picture Production & Services	X	X	P	P	P	P	P	P
<b>782</b>	Motion Picture Distribution and Services	X	X	P	P	P	P	P	P
<b>783</b>	Motion Picture Theaters	X	X	Ps	Ps	Ps	X	X	X
<b>784</b>	Video Tape Rental	P	P	P	P	P	X	X	X

**The special use reference for Motion Picture Theaters corresponds to special use Section 10.818.**

- 79 AMUSEMENT & RECREATION SERVICES.** This major group includes establishments primarily engaged in providing amusement or entertainment on payment of a fee or admission charge, except motion picture theatres.

		<b>C-S/P</b>	<b>C-N</b>	<b>C-C</b>	<b>C-R</b>	<b>C-H</b>	<b>I-L</b>	<b>I-G</b>	<b>I-H</b>
<b>791</b>	Dance Halls, Studios, and Schools	X	P	P	P	P	X	X	X
<b>792</b>	Producers, Orchestras, Entertainers	X	X	P	P	P	X	X	X
<b>793</b>	Bowling Centers	X	X	P	P	P	X	X	X
<b>794</b>	Commercial Sports	X	X	P	P	P	P	P	C
<b>799</b>	Misc. Amusement, Recreational Services	X	Ps	Ps	Ps	Ps	Ps	Ps	X

**The special use reference to Misc. Amusement, Recreational Services corresponds to special use Sections 10.813 and 10.834.**

**86 MEMBERSHIP ORGANIZATIONS.** This major group includes organizations operating on a membership basis for the promotion of the interests of the members.

		<b>C-S/P</b>	<b>C-N</b>	<b>C-C</b>	<b>C-R</b>	<b>C-H</b>	<b>I-L</b>	<b>I-G</b>	<b>I-H</b>
<b>861</b>	Business Associations	P	P	P	P	P	P	X	X
<b>862</b>	Professional Membership Organizations	P	P	P	P	P	P	X	X
<b>863</b>	Labor Organizations	P	P	P	P	P	P	X	X
<b>864</b>	Civic, Social, and Fraternal Associations	P	P	P	P	P	P	X	X
<b>865</b>	Political Organizations	P	P	P	P	P	P	X	X
<b>866</b>	Religious Organizations	Ps	P	P	P	P	P	X	X
<b>869</b>	Membership Organizations, nec	P	P	P	P	P	P	X	X

**The special use reference to Religious Organizations corresponds to special use Section 10.816(2).**



# City of Medford

DCA-08-064

## Exhibit B

For Class 'A' Major Legislative Amendments, Medford *Land Development Code* Section 10.182, Application Form, requires findings that address the following:

- (1) Identification of all applicable Statewide Planning Goals.
- (2) Identification and explanation of the goals and policies of the Comprehensive Plan considered relevant to the decision.
- (3) Statement of the facts relied upon in rendering the decision, if any.
- (4) Explanation of the justification of the decision based on the criteria, standards, and facts.

CITY OF MEDFORD  
EXHIBIT # B  
FILE # DCA-08-64

BEFORE THE PLANNING COMMISSION  
AND CITY COUNCIL  
FOR THE CITY OF MEDFORD  
JACKSON COUNTY, OREGON

IN THE MATTER OF AMENDING )  
SECTIONS 10.010, 10.314, AND 10.300 )  
THROUGH 10.337 OF THE *MEDFORD* )  
*LAND DEVELOPMENT CODE*, RELATING )  
TO BOARDING HOUSES, CHILD DAY )  
CARE HOMES AND GENERAL )  
HOUSEKEEPING REVISIONS )

FINDINGS OF FACT  
CONCLUSIONS OF LAW  
File No. DCA-08-064  
Exhibit 'C'  
August 19, 2008

City of Medford, Applicant

**PROCEDURAL BACKGROUND**

Amendment of the *Medford Land Development Code* is categorized as a procedural Class 'A' legislative action by the *Medford Land Development Code*. Sections 10.180 through 10.184 provide the process and standards for such amendments.

**RELEVANT SUBSTANTIVE CRITERIA**

For Class 'A' Major Amendments, *Medford Land Development Code* Section 10.182, "Application Form", requires the following information to be prepared by the City:

- (1) Identification of all applicable Statewide Planning Goals.
- (2) Identification and explanation of the goals and policies of the *Comprehensive Plan* considered relevant to the decision.
- (3) Statement of the facts relied upon in rendering the decision, if any.
- (4) Explanation of the justification of the decision based on the criteria, standards, and facts.

**COMPLIANCE WITH STATEWIDE PLANNING GOALS**

**Applicable Statewide Planning Goals:**

- GOAL NO. 1: Citizen Involvement**
- GOAL NO. 2: Land Use Planning**
- GOAL NO. 10: Housing**

Upon investigation, it has been determined that Statewide Planning Goals 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, and 14 are not applicable to this action. Goals 15, 16, 17, 18, and 19 are not applicable in Medford as these pertain to the Willamette River Greenway and ocean-related resources.

***GOAL 1: CITIZEN INVOLVEMENT - To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.***

#### **FINDINGS OF FACT**

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which a cross-section of citizens will be involved in the land use planning process, including participation in identifying public goals, developing policy guidelines, and evaluating alternatives in the revision of the *Comprehensive Plan*, and in the inventorying, mapping, and analysis necessary to develop the plan content and implementation strategies. They must also be given the opportunity to participate in the development, adoption, and application of legislation to carry out a comprehensive plan. Goal 1 requires providing an opportunity to review proposed amendments prior to the public hearing, and any recommendations must be retained and receive a response from policy-makers. The rationale used to reach land use policy decisions must be available in the written record.

The City of Medford has an established citizen involvement program consistent with Goal 1 that includes review of proposed legislative *Land Development Code* amendments by the Citizens Planning Advisory Committee, the Planning Commission, and the City Council in study sessions, regular meetings, and public hearings. Affected agencies and interested persons are also invited to review and comment on such proposals, and meeting and hearing notices are published in the local newspaper. This process has been adhered to in the development of the proposed amendments.

The draft document was made available for review by the public (via the internet), affected agencies, departments, and interested persons. The Citizen's Planning Advisory Committee (CPAC) reviewed the amendment at a regular meeting on June 24, 2008. The Planning Commission reviewed the amendment at a regular meeting on August 28, 2008, making a recommendation to the City Council, and the City Council conducted an appropriately noticed legislative public hearing on the proposal on November 6, 2008. The amendment does not place new limitations on permitted uses, and is therefore not subject to Measure 56 noticing requirements.

#### **CONCLUSIONS OF LAW**

The process used by the City of Medford to facilitate and integrate citizen involvement in this proposal is consistent with the City's acknowledged *Comprehensive Plan* and Statewide Planning Goal 1.

***GOAL 2: LAND USE PLANNING - To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.***

#### **FINDINGS OF FACT**

Goal 2 and its implementing *Oregon Administrative Rules* (OAR) and *Oregon Revised Statutes* (ORS) require City land use actions to be consistent with the adopted *Comprehensive Plan*, which must include identification of issues and problems, inventories, and other factual

information for each applicable Statewide Planning Goal, and evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. Comprehensive Plans must state how the Statewide Planning Goals are to be achieved. The plan must contain specific implementation strategies that are consistent with and adequate to carry out the plan, and which are coordinated with the plans of other affected governmental units. Implementation strategies can be management strategies such as ordinances, regulations and project plans, and/or site or area-specific strategies such as development permits, construction permits, public facility construction, or provision of services. Comprehensive plans and implementation ordinances must be reviewed and revised on a periodic cycle to take into account changing public policies and circumstances. "Major" (legislative) revisions occur when changes are proposed that affect a large area or many different property ownerships or the entire City.

The proposal affects the City's land use planning process in a minor way relative to boarding houses. It is an attempt to make the process of permitting the rental of rooms in single-family residences more permissive, and clearer. Currently, the *Land Development Code* defines the rental of rooms in a residence as a boarding house, and requires a conditional use permit to allow the rental of rooms in a single-family residential zone. The proposed amendment refines the definition of a boarding house and changes the rental of one to two rooms to a permitted use in single-family and multi-family zones. It further allows the rental of three to five rooms (in an owner-occupied residence) in a single-family residential zone with a conditional use permit. This proposal is also intended to make the number of children allowed in a Child day care home consistent with state law. Lastly, the proposed amendment includes minor housekeeping revisions intended to correct errors and omissions.

#### **CONCLUSIONS OF LAW**

The City's efforts in this proposal are to assure that *Land Development Code* provisions remain to properly implement the adopted policies of the acknowledged Medford *Comprehensive Plan* and the Statewide Planning Goals. The changes proposed by the City of Medford are consistent with Statewide Planning Goal 2.

***GOAL 10: HOUSING - To provide for the housing needs of citizens of the state.***

#### **FINDINGS OF FACT**

Goal 10 specifies that each city must plan for and accommodate needed housing types. Needed housing types include attached and detached single-family, multi-family, and manufactured homes. Plan provisions to meet housing needs must not exceed the carrying capacity of the air, land, and water resources of the planning area. Goal 10 requires an increase in population densities in urban areas while taking into consideration the ESEE (environmental, social, economic, and energy) consequences of the proposed densities.

This amendment assists in increasing residential density in the City by promoting the use of room rentals in single-family residences and meets a need for affordable housing options.

### CONCLUSIONS OF LAW

The City's efforts in this proposal to develop strategies that carry out the adopted policies of the acknowledged *Comprehensive Plan* related to increasing residential density by promoting the use of room rentals in single-family residences is in compliance with and needed to comply with Statewide Planning Goal 10.

### COMPLIANCE WITH THE CITY OF MEDFORD *COMPREHENSIVE PLAN*

Applicable *Medford Comprehensive Plan* Goals, Policies, and Implementation Strategies:

#### Housing Element

**Goal 4:** To provide equal opportunity for safe, decent, sanitary, and affordable housing for all residents of the City of Medford, regardless of age, race, color, religion, mental or physical disability, sex, sexual orientation, marital or family status, or national origin, in conformance with the federal Fair Housing Act of 1988 and the Americans with Disabilities Act of 1990.

**Policy 4-B:** The City of Medford's approval standards, special conditions, and procedures regulating the development of needed housing shall be clear and objective, and shall not have the effect of discouraging needed housing through unreasonable cost or delay.

**Goal 5:** To ensure opportunity for the provision of adequate housing units in a quality living environment, at types and densities that are commensurate with the financial capabilities of all present and future residents of the City of Medford.

**Policy 5-A:** The City of Medford shall continue to assess the housing needs of all residents to determine priorities and to formulate specific strategies and activities to meet that need. Such assessments shall be regularly reported to decision makers to assure that the recommendations are considered for implementation.

**Implementation 5-A(2):** Establish a housing advisory committee made up of persons representing various organizations and interest groups concerned with housing in the City of Medford.

**Policy 5-B:** The City of Medford shall continue to assist regional housing agencies, nonprofit organizations, private developers, and other entities in their efforts to provide affordable housing for renters and homeowners, and the homeless.

**Policy 5-C:** To provide greater flexibility and economy of land use, the City of Medford Land Development Code shall provide opportunities for alternative housing types and patterns, planned developments, mixed uses, and other innovations that reduce development costs and increase density.

Applicable Oregon Administrative Rules (OARs):

**660-008-0015 - Clear and Objective Approval Standards Required**

Local approval standards, special conditions and procedures regulating the development of needed housing must be clear and objective, and must not have the effect, either of themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

#### **FINDINGS OF FACT**

The proposed *Land Development Code* amendments implement policies and strategies adopted in the *Comprehensive Plan* that assure affordable housing options, such as room rentals in residences in single-family zones, can be allowed without burdensome procedures and costs, and that such process is as clear as possible. The proposal is intended to assure that the rental of rooms in residences occurs in the most effective and efficient manner possible, while producing an outcome that reflects the needs of the community, and also meets the goals, policies and implementation strategies of the *Medford Comprehensive Plan*.

#### **CONCLUSIONS OF LAW**

The City's efforts in this proposal to carry out the adopted policies and strategies of the acknowledged *Comprehensive Plan* related to the rental of rooms in residences are consistent with and necessary to comply with the above-noted *Comprehensive Plan* Goals, Policies, and Implementation Strategies.

#### **SUMMARY**

The proposed *Land Development Code* amendment can be found to be consistent with the Goals and Policies of the *Comprehensive Plan* by continuing the City's efforts to provide affordable housing options in the most effective and efficient manner possible. The amendment also can be found to be consistent with the requirements of the Statewide Planning Goals, including that of adequate public input opportunities, by properly implementing the *Comprehensive Plan*; and to overcome the demonstrable ineffectiveness of current procedures to achieve these goals.

Medford City Council Study Session  
May 29, 2008

The meeting was called to order in Room 151 of the Lausmann Annex with the following councilmembers present.

Mayor Gary Wheeler; Councilmembers Al Densmore, Ben Truwe, Greg Jones, Bob Strosser, Jim Kuntz, Jason Anderson and John Statler.

1. Board Houses and Room Rentals: Michael Dyal noted this topic is being brought forward as council directed based on a request from the Regulatory Barriers to Affordable Housing Task Force. Bianca Petrou, Assistant Planning Director addressed the council and provided an overview of the request from the task force. Based on review of current Medford Code she stated that a conditional use permit is required to rent rooms in a single family residential zone. This allows for notification to surrounding properties, a public hearing is held and additional conditions may be applied. The options to allow for the rental of rooms in SFR zones would require the modification to the existing code language. Staff is looking for direction from council on what modifications should be brought forward.

Ms. Petrou presented three options for council consideration:

1. Retain the existing requirement as it is.
2. Allow the rental of bedrooms in ALL single-family residential zones without a conditional use permit as proposed by the Task Force.
3. Change the definition of a boarding house, but retain it as a conditional use in ALL single family residential zones.

Ms. Petrou also presented a handout that detailed other municipalities' code language in regards to this issue. She noted that some of these allowed for a limited number of bedrooms to be rented without a conditional use permit and one city only allowed if the single family residence was owner occupied.

Councilmembers expressed concern about impacts on residential neighborhoods in regards to parking and traffic.

Council requested that staff bring forward code modifications to allow for bedroom rentals up to two (2) without a conditional use permit and with owner occupation of the residence. Council requested that the code address the stand point of safety and legal "rental" definition. Staff will bring back draft language.

2. Parks & Recreation Update: Parks & Recreation Director Brian Sjothun provided an update to the council on activities and accomplishments of the department. He addressed statewide comparisons, his management philosophy and current and future projects. .

Some of the highlights and statistics presented included:

Medford employees per 1,000 Residents is .45 versus state average of .72 (state average does not include Building Maintenance)

Medford Acres & Trails per 1,000 Residents is 33.81 acres versus state average of 16.17 acres

Medford net annual cost per capita is \$39.95 versus state average of \$71.74

Medford is offering over 100 new recreation programs resulting in a 150% increase in recreation revenue

The meeting adjourned 1:02 p.m.

Glenda Owens  
City Recorder



OFFICE OF  
THE CITY MANAGER

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April 10, 2008

Dear Mayor and City Council:

The Regulatory Barriers to Affordable Housing Task Force was asked to review the issue of room rentals in single family homes. This issue developed due to a concern brought before the City by developer Bill Earl regarding property previously owned by him at 120 S. Columbus. This particular property contained a single family dwelling as well as four rooms that were being rented out. The issue revolved around whether a property owner has the right to rent out rooms in a single family home or should be made to apply for a conditional use permit as per the Municipal Code.

After much study of this issue, the Task Force determined that the City ordinance is clearly a barrier to affordable housing in the City of Medford. The members of the task force resolved to bring this issue forward immediately to Council rather than waiting to address it with the rest of the Task Force's report to Council, which is due to be brought forward later this spring.

Currently, the City Municipal Code regulates room rentals in single family homes only as it pertains to boarding houses. The City defines a boarding or room house as "a dwelling, or part thereof, other than a motel or hotel, or multiple family dwelling, where lodging with or without meals, is provided for compensation. In all single family residential zones, this is permitted by conditional use only. There is no other definition related to the rental of rooms in a single family home.

There are innumerable houses within the City that are being rented out in their entirety or rooms in the house being rented out individually. The classified section in the Mail Tribune alone attests to this fact. However, according to the Municipal Code, this is an illegal use unless the property owner applied for and was approved with a conditional use permit. This code makes all of these landlords violators.

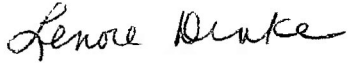
The Regulatory Barriers Task Force recommends that Council direct Staff to make the appropriate changes in the language of the City Code by adding this sentence: "In all single family residential zoning districts with the City of Medford, a property owner shall be allowed to rent up to 6 bedrooms in a single family residence, notwithstanding the permitted uses outlined in 10.314."

CITY OF MEDFORD  
EXHIBIT # **E**  
FILE # **DCA-08-64**

A rented room is often the only affordable housing available to many lower income citizens. The current local codes and definition regarding the right to rent a room and what constitutes a boarding house were drafted with good intentions by past generations. They need to be updated in keeping with our City's changing demographics and needs.

Thank you for your consideration of this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Lenore Drake".

Lenore Drake, Chair  
Regulatory Barriers to Affordable Housing Task Force

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**CITY OF MEDFORD  
CITIZENS' PLANNING ADVISORY COMMITTEE**

**6:30 P.M., June 24, 2008  
City Hall Room 340**

**AGENDA**

**1. APPROVAL OF MINUTES**

Minutes from the meeting of June 10, 2008.

**2. REPORTS**

- 2.1 Staff**
- 2.2 City Council**  
June 26 Study Session: Regional Problem-Solving Participants'  
Agreement (Huttl); Safe Sidewalks Priorities (Crebbin)
- 2.3 Commissions**  
July 10: Housing Needs Analysis (Moore)
- 2.4 Committees and Subcommittees**  
2.4.1 Comprehensive Plan Subcommittee
- 2.5 Special Reports**

**3. OLD BUSINESS**

- 3.1 Review of Notification Amendment Proposal...Rooney**
- 3.2 Comments on draft Economic Element**
- 3.3 Other**

**4. NEW BUSINESS**

- 4.1 Announcements**
- 4.2 PUD-08-029 Coker Butte Center**
- 4.3 LDS-08-035 Saddle Ridge, E-08-053**
- 4.4 CP-08-051 Haynes**
- \* 4.5 DCA-08-064 Boarding Houses**
- 4.5 Other**

**5. GENERAL DISCUSSION**

- 5.1 Other**

**6. ADJOURNMENT**

**MEETING MINUTES**  
**CITY OF MEDFORD**  
**CITIZENS' PLANNING ADVISORY COMMITTEE**  
**TUESDAY, June 24, 2008**

The regular meeting of the Citizens' Planning Advisory Committee was called to order by Chairperson Curtis Folsom at 6:35 p.m. in Room 340, Medford City Hall.

**ROLL CALL**

Members, officials, staff and guests in attendance were:

Curtis Folsom, Chairperson	Jim Howe, member
Gerald Anderson, member	Scott Alexander, member
Bruce Bauer, member	Joel Marks, member
Royal Blake, member	Ben Truwe, member
Karen Blair, member	Kathy Helmer, Planner

**1.0 APPROVAL OF MINUTES – Meeting of June 10, 2008.**

The minutes were approved as written.

**2.0 REPORTS**

**2.1 Staff**

Kathy Helmer provided CPAC with one full and updated copy of the Comprehensive Plan for use by that subcommittee. Gerald Anderson will keep the copy with him.

**2.2 City Council**

Councilor Ben Truwe shared information on the June 26 Study Session. Sidewalk priorities will be revisited in view of what occurred with the last set of projects. Jim Howe suggested that alternative sidewalk designs might be acceptable to homeowners in older neighborhoods and provide for schoolchildren's safety. Jim decided that he would go to the Bicycle and Pedestrian Committee to discuss the idea of forming a group to work with the city and neighbors to look at alternative designs that might work for everyone. Ben Truwe suggested that he go to an upcoming Study Session.

Ben said the session topic on RPS has to do with the change in direction received from DLCDD.

**2.3 Commissions**

The July 10 study session on the Housing Needs Analysis (HNA), noted on the agenda, is actually a City Council session, not one of the Planning Commission.

Gerald Anderson noted that the HNA contains lots of data and that is not really how plans look; a plan is based on data, but you proceed with a plan.

**2.4 Committees and Subcommittees**

2.4.1 Gerald Anderson said that the Comprehensive Plan has lots of information in it that has nothing to do with Planning. It's just data. The section on Goals, Policies and Implementation strategies is a plan. He would like to see the Goals, Policies and Implementation section be called the Comprehensive Plan. It could refer to the other

documents that contain all the data; they could be easily available to the public, either as attached appendices or otherwise available documents. Scott Alexander mentioned that the group had talked about the subcommittee developing a format template to present to the Planning Commission and Council. A lexicon or glossary could also be helpful. There might also be an introduction to each section of goals. There was extensive discussion about the process to date

It was decided that Gerry and Curtis would develop a draft statement of the proposal to be shared with CPAC members. Then it would be sent by Curtis to Suzanne Myers and Kathy Helmer for comments. It would be sent on to other city bodies after review and discussion with staff.

**2.5 Special Reports:** There were none.

**3.0 OLD BUSINESS**

**3.1 Review of Notification Amendment Proposal...Rooney.**

This was tabled, due to Barbara Rooney's absence.

**3.2 Comments on Draft Economic Element**

This was tabled to the next meeting.

**4.0 NEW BUSINESS**

**4.1 Announcements**

There were no announcements.

\* **4.2 – 4.5 Items for consideration by Planning Commission**

Staff reports for these items had been emailed to members. No special concerns were identified.

**5.0 GENERAL DISCUSSION**

**5.1 Other**

No additional items were discussed.

**6.0 ADJOURNMENT**

The meeting was adjourned at 8:30 PM.

Submitted by

Kathy Helmer, Planner IV

## MINUTES - Planning Commission Meeting

August 28, 2008

- 20.9 LDS-06-174 Consideration of a request for a second one-year time extension of the tentative plat approval for Glenhill Park, a 42-lot single-family residential subdivision on a 4.26 acre site located at the southern terminus of Arrowhead Drive and the western terminus of Dragon Tail Place, approximately 515 feet east of Crater Lake Avenue, within an MFR-15 (Multi-Family Residential - 15 units per acre) zoning district. Icon Development, Applicant (Bruce Abeloe, Agent)
- 20.10 LDS-06-170 Consideration of a request for a second one-year time extension of the tentative plat for Bosc View East, a 16-lot subdivision on a 3.04 acre parcel located on the north side of Hondeleau Lane, approximately 470 feet east of Springbrook Road, within an SFR-6 (Single-Family Residential - 6 units per acre) zoning district. Dan Mahar, Pacific Trend, Applicant (Neathamer Surveying, Agent)
- 20.11 LDP-06-218 Consideration of a request for a second extension of time of tentative plat approval for a 3-lot partition of a 0.71 acre parcel located on the north side of Hillcrest Road, approximately 170 feet east of Highcrest Drive, at the intersection of Stardust Way and Moon Terrace, within an SFR-4 (Single-Family Residential - 4 units per acre) zoning district. Dr. and Mrs. Alex, Applicant
- 20.12 PUD-07-078 Consideration of a request for termination of the Preliminary PUD Plan approval for a mixed-use development on two parcels totaling approximately 6.91 acres located on the northwest corner of the intersection of Crater Lake Avenue and Skypark Drive within the MFR-15 (Multi-Family Residential- 15 units per acre) and I-L (Light Industrial) zoning districts. Windy Creek, Applicant (CSA Planning, Agent)
- 20.13 **DCA-08-064** Consideration of amendment to Medford Land Development Code to revise Section 10.010 and Section 10.314(5)(a) relating to Boarding Houses, and general housekeeping revisions to Sections 10.010, and 10.300 through 10.337. City of Medford, Applicant

Motion: Approve Consent Calendar Items 20.1 through 20.4, 20.6, and 20.8 through 20.13

Moved by: Commissioner Nelson Seconded by: Commissioner Potter

Voice Vote: Motion passed, 5 – 0 – 3. Commissioners Jackle, Tull and Cabler abstained.

### The following items were pulled off the consent calendar for discussion:

- 20.5 PUD-07-271/ ZC-07-273/ LDS-07-274 Final Order of approval for Preliminary PUD Plan approval, including tentative plat for Skyland Village, a residential planned unit development including 28-detached single family dwelling lots with open space and a private street and a zone change from SR 2.5 (Single Residential - 2.5 acre minimum) to SFR-10 (Single Family Residential - 10 dwelling units per gross acre) on three parcels totaling 3.91-acres located north of McAndrews Road and west of Western Avenue, within an SFR-10 and an SR-2.5 zoning districts. Kokanee Investments LLC, Applicant (Gregg Adams, Agent)

Motion: Direct staff to prepare a final order for denial of PUD-07-271/ ZC-07-273/ LDS-07-274 as per the staff report dated July 30, 2008 including Exhibits "A" through "Q" and the findings presented in original staff report.

Moved by: Commissioner Nelson. Motion died due to not receiving a second.

Motion: Approve Consent Calendar Items 20.5

Moved by: Commissioner Shean Seconded by: Commissioner Potter

Commissioner Nelson indicated that he would be voting against PUD-07-271/ ZC-07-273/ LDS-07-274 because it does not meet code requirements and criteria of the PUD Process. He noted that a lot of thought went into the process before Staff recommended the denial, and the Commission should pay attention to that.