



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

September 5, 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 013-08

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.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 17, 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 McCormack, City of Medford

<paa> ya/

Notice of Adoption

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

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF

AUG 29 2008

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Medford**

Local file number: **DCA-08-040**

Date of Adoption: **8/21/2008**

Date Mailed: **8/25/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **7/2/08**

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Amendment to the Medford Land Development Code to delete Section 10.819 relating to Home Occupations (under separate amendment process to be added to Chapter 8), and amending Section 10.314(4)(g) relating to Home Occupations.

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 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

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 # 013-08(16989)

DLCD file No. _____

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

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

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. 2008-173

AN ORDINANCE amending Chapter 10 of the Medford Code by amending Section 10.314 and repealing Section 10.819 pertaining to home occupations.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Section 10.314 of the Medford Code is amended to read as follows:

* * *

	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									
(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	
(e) Residential Care, Training, or Treatment Home (5 or Fewer Residents)	P	P	P	P	P	P	P	P	
(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 8.001

* * *

Section 2. Section 10.819 of the Medford Code is hereby repealed:

~~10.819 Home Occupation.~~

~~(1) Purpose and Scope. The intention of the home occupation permit for residential zones is to provide for a limited service-oriented business activity which is conducted in such a manner that the residential character of the building and the neighborhood is preserved. It is intended that granting this privilege would be the exception rather than the rule relative to the variety of activities~~

requesting a permit. The permit shall not be transferable and the privileges it grants shall be limited to the person named in it and to the location and activity for which it was issued.

~~(2) Permit Required. The Planning Director, or his designate, shall issue a home occupation permit if, and only if, he finds that all of the following criteria are, and will be, met by the individual applicant. The permit may include conditions setting an expiration date, requiring periodic review and renewal, requiring the applicant to sign an acknowledgment of the conditions, or other conditions specifically dealing with the property use involved, where such conditions are found to be reasonably necessary to maintain the criteria herein mentioned.~~

~~(3) Criteria. The proposal must conform to the following standards and criteria:~~

~~(a) The activity must be conducted entirely within the dwelling in question or accessory buildings.~~

~~(b) The activity must be conducted only by persons lawfully residing in the dwelling in accordance with the limitations of the zoning district.~~

~~(c) The outward residential appearance of all buildings must be preserved.~~

~~(d) A maximum of 15 percent of the total floor area of the individual dwelling unit and any accessory buildings may be utilized for the home occupation, including storage. Floor area means the sum of the gross floor area for each of the building's stories measured from the exterior limits of the faces of the structure. The floor area of a building includes attic floor area only if the attic floor area meets the Uniform Building Code standards for habitable floor area.~~

~~(e) Goods held for sale in the ordinary course of business shall not be delivered to a customer on the residential premises of the permit holder or the adjacent street.~~

~~(f) Inventory stored on the residential premises shall not include flammable liquids, fireworks, explosives or any "hazardous materials" as defined in the Uniform Fire Code adopted by the City.~~

~~(g) No sign may be displayed on the residential premises in connection with the home occupation.~~

~~(h) Total residential and business motor vehicle traffic to and from the premises shall not exceed an average of 15 trips per day during any five-day period beginning at midnight Sunday and ending at midnight the following Friday. Each departure from and each arrival at the premises shall be counted as a separate trip.~~

~~If the permit is granted, the foregoing shall be deemed conditions of the permit.~~

~~(4) Revocation. The permit may be revoked by the Planning Director for violation of any conditions above imposed or authorized, but the director before revoking a permit shall give the permittee reasonable notice and an opportunity to be heard.~~

~~(5) Appeal. Any applicant or affected or concerned property owner has the right to appeal the decision of the director or his designate, to the Planning Commission, in the manner provided by Section 10.051, Appeals.~~

~~(6) Existing Uses. Persons engaged in home occupations lawfully in existence on residentially-owned premises on the effective date of this amendment may continue to thus operate but shall be required to secure a permit hereunder, and any such activity, use, or accessory sign, device or structure, or part thereof, which does not conform to this section shall not be permitted to expand or enlarge and shall be removed or terminated upon (1) change of use or ownership of the premises; or (2) written complaint of adjacent property owners, after due notice and hearing, if the director finds~~

~~that the interference with the use and enjoyment of the neighboring premises is such as to defeat the purposes of the zoning ordinance.~~

PASSED by the Council and signed by me in authentication of its passage this 21 day of August, 2008.

ATTEST: /s/Glenda Owens
 City Recorder

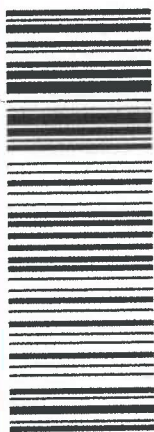
/s/Gary H. Wheeler
 Mayor

APPROVED August 21, 2008.

/s/Gary H. Wheeler
 Mayor

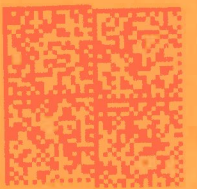
NOTE: Matter in **bold** in an amended section is new. Matter ~~struck-out~~ is existing law to be omitted. Three asterisks (* * *) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity .

CELTIC MAIL™



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CITY OF MEDFORD
PLANNING DEPARTMENT
200 SOUTH IVY STREET
MEDFORD, OR 97501



Hasler

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08/27/2008

Mailed From 97501

US POSTAGE

RETURN RECEIPT
REQUESTED

PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION
AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540