



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

06/24/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment
DLCD File Number 002-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, July 09, 2013

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

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

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: John Adam, City of Medford
Gordon Howard, DLCD Urban Planning Specialist
Josh LeBombard, DLCD Regional Representative

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FORM 2

DLCD

Notice of Adoption

☐ in person ☐ electronic ☐ mailed

DEPT OF

JUN 20 2013

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Medford**

Local file number: **DCA 13-026**

Date of Adoption: **6/6/2013**

Date Mailed: **6/11/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 3/11/2013

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Code amendment to define "canine day care," and create a means for prospective business owners to obtain a reduction of the required 200-foot setback if they can demonstrate, to the satisfaction of the Planning Commission in a conditional use permit review, that they can mitigate the noise and other negative externalities.

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

There's an extra 'i' in explanation.

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...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

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

None.

Local Contact: **John Adam**

Phone: **(541) 774-2399** Extension:

Address: **200 S. Ivy Street**

Fax Number: **541-618-1708**

City: **Medford, OR**

Zip: **97501-**

E-mail Address: **john.adam@cityofmedford.org**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

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

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

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

ORDINANCE NO. 2013-82

AN ORDINANCE amending Sections 10.012, 10.314, 10.337, and 10.813, and repealing Section 10.829 of the Medford Code pertaining to canine daycare setbacks.

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.

When used in this chapter, the following terms shall have the meanings as herein ascribed:

* * *

Daycare, Canine. A facility that looks after other people's dogs for individual periods of less than twenty-four hours each. Facility activities may include feeding, cleaning, training, play, and exercise. Activities do not include lodging, animal sales, breeding services, or veterinary care.

* * *

SECTION 2. 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(s)
* * *									
6. NONRESIDENTIAL SPECIAL USES									
* * *									
(h) Riding Stable or Paddock (Private)	EA	EA	EA	EA	EA	EA	EA	EA	10.829 813
* * *									

* * *

SECTION 3. 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. * * *

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
* * *									
075	Animal Services, Except Veterinary	X	X	X	X	Ps/C	Ps/C	Ps/C	Ps/C

* * *

The Special use section references for:

~~Veterinary Services for livestock and Small Animal Clinics, Non-Livestock Classifications 074 and 0742: correspond with special use Section see 10.814.~~

~~The special use reference for Animal Services, Except Veterinary Classification 075: corresponds with special use Sections see 10.813. and 10.829.~~

* * *

SECTION 4. Section 10.813 of the Medford Code is amended to read as follows:

10.813 Agricultural Services and Animal Services.

A. Kennels, Canine Daycares, Riding Academies, and Public Stables.

(1) ~~All buildings and outdoor portions of Kkennels, canine daycares, riding academies, and public stables shall be located not less than two hundred (200) feet from any property line, shall provide automobile and truck ingress and egress, and shall also provide parking and loading spaces, so designed as to minimize traffic hazards and congestion. Applicants shall show that Oodor, dust, noise, and drainage shall not constitute a nuisance, hazard, or health problem to adjoining property or uses.~~

(2) A kennel or canine daycare may petition to reduce the setback requirement via the conditional use permit process in Sections 10.246-10.250, but, in no case, shall the setback be reduced to less than fifty (50) feet. Among the conditions allowed under Section 10.248(2), the approving authority should particularly consider the manner and hours of operation, mitigation of noise and odor, and fencing.

B. Stables and Paddocks, Private.

The minimum lot area shall be one (1) acre per horse (includes ponies, mules, donkeys, and other animals used for riding). The following minimum setbacks shall be provided:

(1) Stables, corrals, pastures, exercise areas, feed, and bedding shall be located fifty (50) feet from any property line or street and one hundred (100) feet from any adjacent residence or swimming pool, in order to minimize odor and nuisance problems.

(2) Manure shall not be stored or accumulated on land that is within one hundred (100) feet of a property line.

(3) Corrals, exercise areas, and manure piles are prohibited in areas with slopes greater than ten (10) percent.

SECTION 5. Section 10.829 of the Medford Code is repealed as follows:

10.829—Stables and Paddocks, Private.

~~The minimum lot area shall be one (1) acre per horse (includes ponies, mules, donkeys, and other animals used for riding). The following minimum setbacks shall be provided:~~

- (1) ~~Stables, corrals, pastures, exercise areas, feed, and bedding shall be located fifty feet from any property line or street and one hundred feet from any adjacent residence or swimming pool, in order to minimize odor and nuisance problems.~~
- (2) ~~Manure piles shall not be stored or accumulated on land that is within one hundred feet of a property line.~~
- (3) ~~Corrals, exercise areas, manure piles are prohibited in areas with slopes greater than ten (10) percent.~~

PASSED by the Council and signed by me in authentication of its passage this 6 day of June, 2013.

ATTEST: Shunda Wilson
City Recorder

APPROVED June 6, 2013.

[Signature]
Mayor

[Signature]
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.

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EET
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RETURN RECEIPT
REQUESTED

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



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JUN 20 2013

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