



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

04/06/2011

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 002-11

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, April 19, 2011

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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: Praline McCormack, City of Medford
Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

<paa> YA/



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DLCD

MAR 31 2011

LAND CONSERVATION AND DEVELOPMENT

This Form 2 must be mailed to DLCD within **5-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

For Office Use Only

Jurisdiction: **City of Medford**

Local file number: **DCA-11-003**

Date of Adoption: **3/17/11**

Date Mailed: **March 28, 2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 1/13/11

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".

Class "A" legislative amendment of the *Medford Land Development Code* to revise Sections 10.337, 10.848, and 10.857(2) to allow the sale of live crab in all commercial and industrial zones for a maximum of 45 days per year, as well as minor housekeeping revisions regarding Christmas tree sales.

Does the Adoption differ from proposal? Yes, Please explain below:

At the request of the Public Works Department changes were made to Section 10.848(1), (3) and added (4). New revisions were included to Section 10.857(2) to be consistent with the changes made to Section 10.848. Also, found to be applicable to Statewide Planning Goal 9 as the amendment provides opportunities for economic development and the amendment encourages local trade.

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **City-wide**

Acres Involved:

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 file No. 002-11 (18682) [16583]

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

Local Contact: **Praline McCormack, Planner II** Phone: **(541) 774-2380** Extension: **2397**
Address: **200 S. Ivy Street, 2nd Floor** Fax Number: **541-774-2564**
City: **Medford** Zip: **97501** E-mail Address: **praline.mccormack@cityofmedford.org**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 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) of 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. 2011-53

AN ORDINANCE amending Sections 10.337, 10.848, and 10.857 of the Medford Code pertaining to the sale of live crab by outdoor vendors and Christmas tree sales.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.337 of the Medford Code is amended to read as follows:

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

* * *

"P" = Permitted Uses.

"C" = Conditional uses - permitted subject to the approval of a Conditional Use Permit.

"X" = Uses specifically prohibited.

"*" = Permitted when within an EA overlay district.

"s" = Special Use.*

nec = not elsewhere classified

*(See Article V, Section 10.810, Special Use Regulations.)

* * *

52 BUILDING MATERIALS & GARDEN SUPPLIES. This major group includes establishments primarily engaged in the selling of lumber and other building materials. It includes lumber and other building materials dealers selling to the general public, even if sales to contractors account for a larger portion of total sales. Establishments primarily selling plumbing, heating and air conditioning equipment and electrical supplies are classified in the Wholesale Trade Group.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
521	Lumber and other Building Materials	X	P	P	P	P	X	X	X
523	Paint, Glass, and Wallpaper Stores	X	P	P	P	P	P	X	X
525	Hardware Stores	X	P	P	P	P	X	X	X
526	Retail Nurseries and Garden Stores	X	P	P	P	P	X	X	X
5261	Christmas Tree Sales	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps
527	Mobile Home Dealers	X	X	X	X	P	C	X	X

The special use reference for the sale of Christmas trees corresponds with Temporary Use Section 10.848.

* * *

54 FOOD STORES. This major group includes retail stores primarily engaged in selling food for home preparation and consumption.

	C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
541 Grocery Stores								
- in excess of 25,000 sq. ft. of gross floor area	X	X	P	P	P	X	X	X
- less than or equal to 25,000 sq. ft. of gross floor area	X	P	P	P	P	X	X	X
542 Meat Markets and Freezer Provisioners	X	P	P	P	P	X	X	X
5421 Live Crab Sales	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps
543 Fruit Stores and Vegetable Markets	X	P	P	P	P	X	X	X
544 Candy, Nut, and Confectionery Stores	X	P	P	P	P	X	X	X
545 Dairy Products Stores	X	P	P	P	P	X	X	X
546 Retail Bakeries	P	P	P	P	P	X	X	X
549 Misc. Food Stores	X	P	P	P	P	X	X	X

The special use reference for the sale of live crab corresponds with Temporary Use Section 10.848.

* * *

SECTION 2. Section 10.848 of the Medford Code is amended to read as follows:

10.848 Christmas Tree and Live Crab Sales.

(1) Permitted in any commercial or industrial district **on private property and not within the public right-of-way.**

(2) Maximum length of permit for display and open-lot sales shall be forty-five (45) days **in**

any calendar year.

(3) See Section 10.857(2) regarding the temporary use of a movable structure or vehicle.

(4) Discharges resulting from activities associated with the sale of live crab shall not be allowed to flow into the storm drain system, but shall be directed into the sanitary sewer system in accordance with City and State standards.

SECTION 3. Section 10.857 of the Medford Code is amended to read as follows:

10.857 Temporary Use of Movable Structures and Vehicles.

The following temporary uses of movable structures or vehicles are allowed:

* * *

(2) Those lawfully in use on licensed Christmas tree lots, **or for licensed live crab sales**, if they are entirely self contained or there are lawful sanitary facilities on the lot available to the occupants. The period of such use shall not exceed forty-five (45) ~~consecutive~~ **days in any calendar year** and shall be limited to one for each licensed lot; or

* * *

PASSED by the Council and signed by me in authentication of its passage this 17 day of March, 2011.

ATTEST: Glenda Wilson
City Recorder

[Signature]
Mayor

APPROVED March 17, 2011.

[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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03/29/2011

Mailed from 97501

US POSTAGE

DEPT OF

MAR 31 2011

**LAND CONSERVATION
AND DEVELOPMENT**

ATTN: Plan Amendment Specialist
Dept. of Land Conser. & Develop.
635 Capitol St. NE, Ste. 150
Salem, Or 97301-2540

RETURN RECEIPT
REQUESTED

