



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/13/2011

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 022-10

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: Wednesday, April 27, 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: Sarah Sousa, 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

DATE
STAMP

APR 08 2011

LAND USE AND COMMUNITY DEVELOPMENT

For Office Use Only

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

Jurisdiction: **City of Medford**

Local file number: **DCA-10-080**

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

Date Mailed: **n/a**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 12/17/10

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".

Land Development Code Amendment to Chapter 10 Sections 10.012, 10.201, 10.202, 10.280, 10.287, 10.337, 10.735, 10.756, 10.771, 10.812, 10.817, and 10.828 for housekeeping changes necessary for code consistency.

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: **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. _____

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

Local Contact: **Sarah Sousa**

Phone: **(541) 774-2380**

Extension:

Address: **200 S. Ivy Street**

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

City: **Medford**

Zip: **97501**

E-mail Address: **sarah.sousa@cityofmedford.org**

ORDINANCE NO. 2011-32

AN ORDINANCE amending Sections 10.012, 10.201, 10.202, 10.280, 10.287, 10.337, 10.735, 10.756, 10.771, 10.812, 10.817 and 10.828 of the Medford Code pertaining to housekeeping changes necessary for code consistency.

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:

* * *

Easement, minimum access. See Section 10.430A (1), Minimum Access Easement. Also refer to Table IV-1, Medford Street Cross-Sections Dimensions.

* * *

~~Street, minimum access. A private residential street upon which a maximum of three (3) dwelling units front and take access (See Section 10.430, Residential Street System).~~

* * *

SECTION 2. Section 10.201 of the Medford Code is amended to read as follows:

10.201 Application Form.

~~Petitioners or persons requesting council initiation of a vacation shall file an application. A vacation application shall containing the following items:~~

- ~~(1) Vicinity Map drawn at a scale of 1" = 1,000' identifying the proposed area of vacation.~~
- ~~(2) Legal description of area proposed to be vacated in electronic form per the instructions of the City of Medford Planning Department.~~
- ~~(3) Assessor's maps of the proposed vacation area identifying abutting and affected properties. The assessor's maps shall identify those parcels for which consents to vacate have been acquired.~~
- (4) A letter requesting City Council initiation, or, if initiated by petition rather than by Council, consent to vacate forms completed and signed by all consenting property owners of all abutting property and of not less than two-thirds in area of the real property affected within the abutting and/or affected area as defined in ORS 271.080.**
- ~~(4) Assessor's maps of the proposed vacation area identifying abutting and affected properties. The assessor's maps shall identify those parcels for which consents to vacate have been acquired.~~
- ~~(5) Names and addresses of property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated, all abutting and/or affected property owners, including map and tax lot numbers typed on mailing labels.~~

(6) Findings prepared by the applicant or applicant's representative that address the approval criteria in Section 10.202, Vacation Criteria.

SECTION 3. Section 10.202 of the Medford Code is amended to read as follows:

10.202 Vacation Criteria.

A request to vacate shall only be favorably considered **approved** by the approving authority (City Council) when the following criteria have been addressed **met**:

(1) Compliance with the Public Facilities Element of the Comprehensive Plan, **including the Transportation System Plan.**

(2) If initiated by petition under ORS 271.080, ~~the Council shall make~~ the findings required by ORS 271.120.

(3) If initiated by the Council, ~~the applicable criteria are~~ found in ORS 271.130.

SECTION 4. Section 10.280 of the Medford Code is amended to read as follows:

10.280 Action and Decision Time; Final Plat.

* * *

Within ten (10) days after recordation of the final plat, the applicant at his own expense shall furnish to the Planning Department one (1) mylar transparency and one (1) blue line print ~~and shall furnish to the City Engineer three (3) blue line copies of the recorded plat and approved improvement plans.~~

SECTION 5. Section 10.287 of the Medford Code is amended to read as follows:

10.287 Application Form.

The application for Site Plan and Architectural Commission review shall contain the following information:

Landscape Plan: Three (3) copies of the landscape plan scaled 1" = 10' or 1" = 20' **or 1"=30'** and a reduced copy on an 8-1/2 x 11 inch sheet, that are legible, indicating the following:

(1) existing natural features **that are** on site including location and species of all existing trees, with a trunk six (6) inches in diameter or greater at four (4) feet in height above the ground, **by location and tree species,**

(2) landscaping required by this code, (e.g. frontage landscaping, parking area planter bays and bufferyards),

(3) type of covering for all ground surfaces, (e.g. bark mulch, gravel, paving, native grasses),

(4) proposed tree, shrub, and living ground cover: **locations, size, common and scientific name with genus, species and cultivar, for each proposed plant. A list indicating an alternate species for each proposed landscape plan shall be submitted on a separate 8 1/2" x 11" paged to facilitate the replacement of plants that are unavailable during construction. List shall describe for all plants one primary plant followed by one alternate (i.e. Primary plant name, Alternate plant name).**

~~a. Locations and number.~~

~~b. Common and scientific names including genus, species and cultivar. An alternate tree species list, by location, to allow flexibility during installation.~~

(5) type of automatic irrigation system to be installed, **including the manufacturer, model and location of the backflow prevention device.**

(6) ~~manufacturer, model and location of the~~ **The** backflow prevention device which shall be selected from the Medford Water Commission's list of approved **backflow prevention** devices.

* * *

SECTION 6. Section 10.337 of the Medford Code is amended to read as follows:

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

* * *

INDEX TO COMMERCIAL AND INDUSTRIAL USES

~~O. BUSINESS OFFICES USES NOT CLASSIFIED~~

* * *

~~O. BUSINESS OFFICES This major group includes offices and office functions for all other uses whether such uses are permitted, conditional, specifically prohibited, or not elsewhere classified (nec), except where the use is itself an office specifically listed as such.~~

O. USES NOT CLASSIFIED. This major group includes uses not covered in the Standard Industrial Classification (SIC) Manual, 1987 Edition.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
001	Business Offices, nec - no material or equipment storage	P	P	P	P	P	P	X	X
002	Public Parks, Recreation, and Leisure Facilities and Services	C	C	C	C	C	C	X	X

* * *

SECTION 7. Section 10.735 of the Medford Code is amended to read as follows:

10.735 Clear View of Intersecting Streets.

* * *

///

///

Table 10.735-1 Intersection Site Distance

Posted Speed Limit	Intersection Sight Distance (ft.)
20	225 115
25	280 155
30	335 200
35	390 250
40	445 305
45	500 360
50	555 425
55	610 495

* * *

SECTION 8. Section 10.756 of the Medford Code is amended to read as follows:

10.756 Octave Bands and Audible Discrete Tones.

When the Planning Director has reasonable cause to believe that the requirements of Section 10.753(a), (b), or (c) do not adequately protect the health, safety or welfare of the public as provided for in ORS Chapter 467, the Planning Department may require the noise source to meet the following standards:

(1) Octave Bands: No person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if such operation generates a median octave band sound pressure level which, as measured at an appropriate measurement point, specified in Section 10.758 (b) exceeds applicable levels specified in Table V-510 of OAR 340-35-035.

* * *

This code shall not apply to audible discrete tones having a one-third octave band sound pressure level 10 dB or more below the allowable sound pressure levels specified in Table 10 of OAR 340-35-035 for the octave band which contains such one-third octave band.

SECTION 9. Section 10.771 of the Medford Code is amended to read as follows:

10.771 Flammable Liquids.

The storage of flammable liquids in auto fueling stations shall be exempt from the quantity limitations described below and shall be in accordance with the City Fire Code.

///

///

SECTION 10. Section 10.812 of the Medford Code is amended to read as follows:

10.812 Service Stations.

In addition to other standards of this code, service stations shall comply with the provisions of this section. Service stations shall be excepted from applicable district regulations only where provisions of this section are more prohibitive. Service stations shall comply with the following development standards:

(1) Site and location.

(a) The minimum area for a service station site shall be 15,000 square feet in zones ~~C-L~~ C-N and C-S/P districts; 22,500 square feet in zones C-C, ~~C-G~~ C-R, I-L, I-G, and I-H.

(b) The maximum area for a service station site shall be 30,000 square feet in zones ~~C-L~~ C-N and C-S/P.

* * *

(e) No part of any service station building located within a C-S/P or ~~C-L~~ C-N district shall hereafter be constructed within 1,500 feet of any part of a building housing another service station, except where such other service station is an abandoned, nonconforming use or subject to removal under Section 10.812(3, ~~d~~ c). This shall not prevent remodeling of a structure already in existence.

* * *

(3) Other required conditions.

* * *

(b) No outside storage, sale, rental of boats, campers, or trailers shall be permitted on the service station premises in C-S/P, ~~C-L~~ C-N and C-C.

* * *

SECTION 11. Section 10.817 of the Medford Code is amended to read as follows:

10.817 Community Buildings, Social Halls, Lodges, Fraternal Organizations, and Clubs in an "R" District.

* * *

(3) All such uses, **except Public Parks Recreation and Leisure Facilities and Services and appurtenant buildings and structures**, shall be located on an arterial or collector street and be able to provide access without causing traffic congestion on local residential streets, and any such use shall prove that there will be no harm to adjacent existing or potential residential development due to excessive traffic generation, noise, or other circumstances.

SECTION 12. Section 10.828 of the Medford Code is amended to read as follows:

10.828 Bed and Breakfast Service.

The intent is to provide temporary travelers' accommodations and breakfast in a single family residence for a fee, on a daily or weekly room rental basis, not to exceed fourteen (14) consecutive days.

(1) Standards:

(d) ~~One~~ **Two (2)** on-premise signs may be approved by the approving agency (Planning Commission) provided that such **each** sign is compatible with residential uses and is not more than ~~five (5)~~ **six (6)** square feet in size and **not exceeding an overall height of six (6) feet.**

PASSED by the Council and signed by me in authentication of its passage this 3 day of March, 2011.

ATTEST: Glenda Wilson
City Recorder

[Signature]
Mayor

APPROVED: March 3, 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.



City of Medford
Agenda Item Commentary

Item No.:
Meeting Date: March 3, 2011
Page: 1 of 1

SUBJECT:

An ordinance amending Chapter 10 of the Medford Municipal Code by amending Sections 10.012, 10.201, 10.202, 10.280, 10.287, 10.337, 10.735, 10.756, 10.771, 10.812, 10.817, and 10.828 relating to housekeeping changes necessary for code consistency. (Land Use, Legislative)

INITIATOR:

City of Medford

STAFF INFO. SOURCE:

James E. Huber, A.I.C.P., Planning Director
Sarah Sousa, Planner III
File No. DCA-10-080

FISCAL IMPACT/SOURCE:

N/A

RECOMMENDATION:

Approve the ordinance.

VISION STATEMENT/COUNCIL GOAL:

This action furthers the Council's goal to manage growth by working within the State of Oregon Land Use Planning Program. Goal 1 of the State Land Use Planning Program is citizen involvement. As the City strives to provide the most up-to-date information to its citizens, this amendment is also in compliance with the City's Mission Statement, "Continuous Improvement – Customer Service" because it corrects information within the Land Development Code.

BACKGROUND & KEY ISSUES:

This code amendment derives from a list of corrections requested by Planning and other city department staff to Chapter 10 of the Medford Municipal Code. The changes are minor in nature and consist generally of providing additional information for greater clarification or deleting references to no longer pertinent data.

EXHIBITS:

Staff Report dated February 14, 2011, including Exhibit A
Excerpt from Draft Planning Commission Minutes from the meeting of February 10, 2011



CITY OF MEDFORD

PLANNING

STAFF REPORT

Date: February 14, 2011
To: City Council
From: Sarah Sousa, Planner III
Reviewer: Kelly Akin, Senior Planner
Subject: Ten Housekeeping Code Amendments (DCA-10-080)

BACKGROUND

Proposal: Amend Chapter 10, Sections 10.012, 10.201, 10.202, 10.280, 10.287, 10.337, 10.735, 10.756, 10.771, 10.812, 10.817, and 10.828 of the Municipal Code to make housekeeping changes necessary for code consistency.

History: This code amendment derives from a list of corrections requested from Planning and other city department staff. The changes are minor in nature and consist generally of providing additional information for greater clarification or deleting references to no longer pertinent or valid data.

Authority: The Planning Commission is authorized to recommend and the City Council to approve amendments to Chapter 10 of the Municipal Code under Sections 10.102, 10.110, 10.111, and 10.122.

PURPOSE

The following section gives a description of the ten proposed amendments followed by a reason for each.

1. Minimum Access Easement Definition Correction

The standards for a "minimum access street" have been replaced by a "minimum access easement" as part of the Street Standards Code Amendment (DCA-09-038) adopted in September 2009. This definition of "minimum access street" is proposed to be modified to reference the correct term of "minimum access easement."

2. Street Vacation Application & Criteria Clarification

This proposed modification clarifies that consent to vacate forms are not necessary to be filled out by adjoining property owners when a street vacation is initiated by the City Council. It is only in cases when a street vacation is not initiated by the City Council that

consent forms from adjoining property owners are required for the application submittal. In addition, compliance with the Transportation System Plan, adopted into the Medford Comprehensive Plan in 2003, has been added to the list of Vacation Criteria.

3. Correction of Final Plat Submittal Requirements

The current text of final plat submittals requires three copies of the recorded final plat to be submitted to the City Engineer. This requirement is proposed for deletion because three copies are not necessary as a copy is routed to the Public Works Department – Engineering Division through internal department routing.

4. Clarification of SPAC Application Submittal Requirements for Landscape Plans

The Parks Department has requested a few changes to the submittal requirements for landscape plans associated with Site Plan & Architectural Commission applications. The language now clarifies that the scientific name with genus, species, and cultivar is required for each plant as well as an alternate species list. In addition, text is being added to correct the name of the Medford Water Commission's list related to approved backflow prevention devices.

5. Addition to Uses Permitted in Commercial & Industrial Zoning Districts & Exemption of Public Parks from locational requirements within the Residential Zones

Medford Land Development Code Section 10.337 does not specifically identify public parks as uses permitted in the commercial and industrial zones. This amendment would clarify which commercial and industrial zones allow them via the conditional use permit process.

Medford Land Development Code Section 10.817, which specifies special requirements for community facilities such as public parks within residential zones, is now being modified to exempt public park facilities from the requirement of having to be located on a collector or arterial street.

6. Correction of Clear View Distance Table

The city Engineering Division of the Public Works Department has determined that the intersection sight distances in the table within the Clear View of Intersecting Streets section of the Medford Land Development Code are almost impossible to achieve in an urban setting. They have provided updated, realistic intersection sight distances for adoption.

7. Correction to Noise Ordinance

The Medford Land Development Code does not provide the location for tables referenced in Section 10.756 related to noise. The Oregon Administrative Rule (OAR) section, which includes the tables, is now proposed to be referenced for clarification.

8. Correction to Flammable Liquids Section

The Medford Land Development Code does not describe the “quantity limitations” as stated in the text in Section 10.771. Therefore, that phrase is proposed for deletion.

9. Correction to Service Station Section

The current wording within the Service Station Section of the Medford Land Development Code refers to the C-L and C-G zones which no longer exist. The proposal includes the corrections as follows: C-L zone is now C-N and the C-G zone is now C-R. Also, subsection (1)(e) is proposed to be corrected from referencing Section 10.812(3)(d), which does not exist, to referencing Section 10.812 (3)(c).

10. Clarification of Signage for Bed & Breakfast Facilities

A Bed and Breakfast is permitted in the SFR 4, 6, 10 and MFR 15, 20, 30 zones, although the code provisions regulating signage for a Bed and Breakfast are more stringent than those regulating signs for other uses in those same zones. This amendment makes the sign code provisions in Section 10.828 (1)(d) the same as the sign code provisions in Section 10.1022 (5).

ANALYSIS

Criteria

10.184 Class “A” Amendment Criteria

- (2) Land Development Code Amendment
The Planning Commission shall base its recommendation, and the City Council its decision, on the following criteria:
- (a) Explanation of the public benefit of the amendment.
 - (b) The justification for the amendment with respect to the following factors:
 - (1) Conformity with applicable Statewide Planning Goals and Guidelines.
 - (2) Conformity with Goals and Policies of the Comprehensive Plan considered relevant to the decision.
 - (3) Comments from applicable referral agencies regarding applicable statutes or regulations.
 - (4) Public comments.
 - (5) Applicable governmental agreements.

10.184 (2)(a) Public Benefit

This amendment provides a benefit to the public in that it makes changes necessary for greater clarification of the Medford Land Development Code. The deletions will eliminate confusion regarding dated and obsolete information and the additions will make for a better understanding of requirements. This amendment will help to provide the public with accurate and clear information.

10.184 (2)(b) Justification

(1) The following demonstrates conformity with the applicable Statewide Planning Goals:

1. Citizen Participation: The amendment complies with Goal 1 in that information was provided to the public via the city's website and to the Citizens Planning Advisory Committee. Notices of public hearings have been published in the local newspaper and the meeting agendas have been posted.
2. Land Use Planning: The amendment complies with Goal 2 through compliance with the procedural requirements of the Land Development Code. The amendment will be reviewed by the Planning Commission and the City Council through hearing processes that are laid out in the Land Development Code.

This amendment does not apply to Statewide Planning Goals 3-19.

- (2) Upon investigation, it has been determined that there are no Comprehensive Plan goals and policies relevant to the amendment.
- (3) No comments have been received from applicable referral agencies.
- (4) Hearing notices have been published in the local newspaper, meeting agendas have been posted on the city's website, and the Citizens Planning Advisory Committee has received a copy of the draft; however, no public comments have been received.
- (5) No applicable governmental agreements apply.

RECOMMENDED ACTION

The Planning Commission, at the meeting of February 10, 2011, voted to recommend that the City Council adopt the ordinance for DCA-10-080 per the staff report dated February 14, 2011, including Exhibit A.

EXHIBITS

A Proposed Code Amendment

CITY COUNCIL AGENDA:

MARCH 3, 2011

Top 10 Housekeeping Amendments (DCA-10-080)

2/14/11

LEGEND: language to be deleted = ~~strikethrough~~
language to be added = **bold**

1. MINIMUM ACCESS EASEMENT DEFINITION CORRECTION

Section 10.012 Definitions, Specific

~~Street, minimum access. A private residential street upon which a maximum of three (3) dwelling units front and take access (See Section 10.430, Residential Street System).~~

Easement, minimum access. See Section 10.430A (1), Minimum Access Easement. Also refer to Table IV-1, Medford Street Cross-Sections Dimensions.

2. STREET VACATION APPLICATION & CRITERIA CLARIFICATION

Section 10.201 Application Form

~~Petitioners or persons requesting council initiation of a vacation shall file an application. A vacation application shall~~ **containing** the following items:

- (1) Vicinity Map drawn at a scale of 1" = 1,000' identifying the proposed area of vacation.
 - (2) Legal description of area proposed to be vacated in electronic form per the instructions of the City of Medford Planning Department.
 - (3) ~~Assessor's maps of the proposed vacation area identifying abutting and affected properties. The assessor's maps shall identify those parcels for which consents to vacate have been acquired.~~
 - (4) ~~A letter requesting City Council initiation, or, if initiated by petition rather than by Council, c~~**Consent to vacate forms completed and signed by all consenting property owners of all abutting property and of not less than two-thirds in area of the real property affected within the abutting and/or affected area, as defined in ORS 271.080.**
 - (4) **Assessor's maps of the proposed vacation area identifying abutting and affected properties. The assessor's maps shall identify those parcels for which consents to vacate have been acquired.**
 - (5) **Names and addresses of property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated, all abutting and/or affected property owners, including map and tax lot numbers typed on mailing labels.**
 - (6) ~~Findings prepared by the applicant or applicant's representative that address the approval criteria in Section 10.202, Vacation Criteria.~~
- [Amd. Sec. 27, Ord. No. 7659, June 2, 1994; Amd. Sec. 10, Ord. No. 2008-236, Nov. 20, 2008.]

CITY OF MEDFORD

EXHIBIT A

TOP 10 DCA-10-080

Section 10.202 Vacation Criteria

A request to vacate shall only be favorably ~~considered~~ **approved** by the approving authority (City Council) when the following criteria have been addressed **met**:

(1) Compliance with the Public Facilities Element of the Comprehensive Plan, **including the Transportation System Plan.**

(2) If initiated by petition under ORS 271.080, ~~the Council shall make~~ the findings required by ORS 271.120.

(3) If initiated by the Council, ~~the~~ applicable criteria ~~are~~ found in ORS 271.130.

[Amd. Sec. 28, Ord. No. 7659, June 2, 1994.]

3. CORRECTION OF FINAL PLAT SUBMITTAL REQUIREMENTS

Section 10.280 Action and Decision Time: Final Plat

The approving authority (Planning Director) shall within a period of not more than twenty-five (25) working days after filing with the Planning Department, approve or disapprove the final plat and acknowledge compliance with all conditions of the tentative plat. If the final plat does not conform with all local code requirements applicable at the time of approval of the tentative plat and all rulings made there under, the approving authority (Planning Director) may disapprove said plat, or approve it; said approval to become unconditional at such time as said plat is made to comply with the approved tentative plat and such code requirements.

Upon disapproval of any final plat, the approving authority (Planning Director) shall return said plat to the applicant together with a written statement setting forth the reasons for such disapproval.

Upon approval by the approving authority (Planning Director) becoming unconditional, the Planning Director shall sign and have affixed the city seal to the approving authority certificate attached to said plat.

No land division will be recognized as complete until final plat is unconditionally approved by the approving authority (Planning Director) and no title to or interest in any property described in any offer of dedication on the final plat which is accepted by the approving authority (Planning Director) shall pass until recordation of said plat.

Within ten (10) days after recordation of the final plat, the applicant at his own expense shall furnish to the Planning Department one (1) mylar transparency and one (1) blue line print ~~and shall furnish to the City Engineer three (3) blue line copies of the recorded plat and approved improvement plans.~~

[Amd. Sec. 13, Ord. No. 6265, Dec. 15, 1988.]

4. CLARIFICATION OF SPAC APPLICATION SUBMITTAL REQUIREMENTS FOR LANDSCAPE PLANS

Section 10.287 Application Form

The application for Site Plan and Architectural Commission review shall contain the following information:

Landscape Plan: Three (3) copies of the landscape plan scaled 1" = 10' or 1" = 20' or 1"=30' and a reduced copy on an 8-1/2 x 11 inch sheet, that are legible, indicating the following:

(1) existing natural features **that are** on site including ~~location and species~~ of all existing trees, with a trunk six (6) inches in diameter or greater at four (4) feet in height above the ground, **by location and tree species,**

(2) landscaping required by this code, (e.g. frontage landscaping, parking area planter bays and bufferyards),

(3) type of covering for all ground surfaces, (e.g. bark mulch, gravel, paving, native grasses),

(4) proposed tree, shrub, and living ground cover: **locations, size, common and scientific name with genus, species and cultivar, for each proposed plant. A list indicating an alternate species for each proposed landscape plan shall be submitted on a separate 8 1/2" x 11" paged to facilitate the replacement of plants that are unavailable during construction. List shall describe for all plants one primary plant followed by one alternate (i.e. Primary plant name, Alternate plant name).**

~~(a) Locations and number.~~

~~(b) Common and scientific names including genus, species and cultivar. An alternate tree species list, by location, to allow flexibility during installation.~~

(5) type of automatic irrigation system to be installed, **including the manufacturer, model and location of the backflow prevention device.**

~~(6) manufacturer, model and location of the~~ **The backflow prevention device which shall be selected from the Medford Water Commission's list of approved backflow prevention devices.** Revisions to the landscape plan during installation may be allowed to accommodate the artistic nature of the plan or to allow replacement of plants that are unavailable. Replacement species shall be taken only from the alternate plant species identified on the plan approved by the Site Plan and Architectural Commission. The overall character of the landscape plan shall be maintained. The quantity of shrubs may be adjusted in response to planting size or species type, but shall not be reduced in number by more than ten percent (10%). In no case shall the quantity of shrubs be reduced below the minimum number required by the code or less than is necessary to cover eighty-five percent (85%) of the planter area within eight (8) years as specified in Section 10.780(1).

Applicants are encouraged to develop their landscape plans consistent with the *City of Medford Landscape Guidelines*.

Building Construction: Seventeen (17) copies of a site plan and three (3) sets of the architectural plans clearly and legibly drawn to scale, with directional labels and indicating with full dimensions the following information:

(1) Site Plan:

- (a) Lot dimensions.
- (b) All proposed and existing buildings and structures: location, size, height, proposed use.
- (c) Public and private yards and open space between buildings.
- (d) Walls and fences: location, height and material.
- (e) Existing and proposed off-street parking: location, number, type and dimensions of spaces, parking area, internal circulation pattern.
- (f) Access: pedestrian, vehicular, service, points of ingress and egress.
- (g) Loading: location, dimension, number of spaces, type of space (A or B), internal circulation.
- (h) Lighting: location and general nature, hooding devices.
- (i) Street dedication and improvements.
- (j) Drainage plan.
- (k) Location of existing public improvements including streets, curbs, sidewalks, street trees, utility poles, light fixtures, traffic signs and signals, and such other data as may be required to permit the Site Plan and Architectural Commission to make the required findings.
- (l) Location and screening of mechanical equipment.
- (m) Location and screening of outdoor trash bins.

(2) Architectural Plans:

- (a) Roof plan.
- (b) Floor plan.
- (c) Architectural elevations.

(d) Materials and Colors.

(3) A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) and 10.729(B).

[Amd. Sec. 1, Ord. No. 7786, Dec. 15, 1994; Amd. Sec. 2, Ord. No. 1998-75, Apr. 16, 1998; Amd. Sec. 18, Ord. No. 2008-236, Nov. 20, 2008; Amd. Sec. 5, Ord. No. 2009-240, Nov. 5, 2009.]

5. ADDITION TO USES NOT CLASSIFIED TABLE & EXEMPTION OF PUBLIC PARKS FROM LOCATIONAL REQUIREMENTS WITHIN THE RESIDENTIAL ZONES

Section 10.337 Uses Permitted in Commercial and Industrial Zoning Districts

INDEX TO COMMERCIAL AND INDUSTRIAL USES

~~O. BUSINESS OFFICES USES NOT CLASSIFIED~~

~~O. BUSINESS OFFICES~~ This major group includes offices and office functions for all other uses whether such uses are permitted, conditional, specifically prohibited, or not elsewhere classified (nec), except where the use is itself an office specifically listed as such.

O. USES NOT CLASSIFIED. This major group includes uses not covered in the Standard Industrial Classification (SIC) Manual, 1987 Edition.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
001	Business Offices, nec – no material or equipment storage	P	P	P	P	P	P	X	X
002	Public Parks, Recreation, and Leisure Facilities and Services	C	C	C	C	C	C	X	X

10.817 Community Buildings, Social Halls, Lodges, Fraternal Organizations, and Clubs in an "R" District.

(1) All buildings shall be set back a minimum of thirty (30) feet from the side and rear property lines. All setbacks shall be landscaped as required to buffer adjacent properties.

(2) There shall be no external signage, advertising or other evidence of any incidental commercial activities taking place within the building.

(3) All such uses, **except Public Parks Recreation and Leisure Facilities and Services and appurtenant buildings and structures**, shall be located on an arterial or collector street and be able to provide access without causing traffic congestion on local residential streets, and any such use shall prove that there will be no harm to adjacent existing or potential residential development due to excessive traffic generation, noise, or other circumstances.

6. CORRECTION OF CLEAR VIEW DISTANCE TABLE

Section 10.735 Clear View of Intersecting Streets

Table 10.735-1 Intersection Site Distance

Posted Speed Limit	Intersection Sight Distance (ft.)
20	225 115
25	280 155
30	335 200
35	390 250
40	445 305
45	500 360
50	555 425
55	610 495

7. CORRECTION TO NOISE ORDINANCE

Section 10.756 Octave Bands and Audible Discrete Tones

When the Planning Director has reasonable cause to believe that the requirements of Section 10.753(a), (b), or (c) do not adequately protect the health, safety or welfare of the public as provided for in ORS Chapter 467, the Planning Department may require the noise source to meet the following standards:

(1) Octave Bands: No person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if such operation generates a median octave band sound pressure level which, as measured at an appropriate measurement point, specified in Section 10.758 (b) exceeds applicable levels specified in **Table V-510 of OAR 340-35-035**.

(2) One-third Octave Bands: No person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if such operation generates a median one-third octave band sound pressure level which, as measured at an appropriate measurement point, specified in Section 10.758(b) and in a one-third octave band at a preferred frequency, exceeds the arithmetic average of the median sound pressure levels of the two adjacent one-third octave bands by: (a) 5 dB for such one-third octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or:

(b) 8 dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or:

(c) 15 dB for such one-third octave band with a center frequency from 25 Hertz to 125

Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band.

This code shall not apply to audible discrete tones having a one-third octave band sound pressure level 10 dB or more below the allowable sound pressure levels specified in Table 10 of **OAR 340-35-035** for the octave band which contains such one-third octave band.

8. CORRECTION TO FLAMMABLE LIQUIDS SECTION

Section 10.771 Flammable Liquids

The storage of flammable liquids in auto fueling stations ~~shall be exempt from the quantity limitations described below~~ and shall be in accordance with the City Fire Code.

9. CORRECTION TO SERVICE STATION SECTION

Section 10.812 Service Stations

In addition to other standards of this code, service stations shall comply with the provisions of this section. Service stations shall be excepted from applicable district regulations only where provisions of this section are more prohibitive. Service stations shall comply with the following development standards:

(1) Site and location.

(a) The minimum area for a service station site shall be 15,000 square feet in zones ~~C-L~~ C-N and C-S/P districts; 22,500 square feet in zones C-C, ~~C-G~~ C-R, I-L, I-G, and I-H.

(b) The maximum area for a service station site shall be 30,000 square feet in zones ~~C-L~~ C-N and C-S/P.

(c) The minimum street frontage for a service station site on a corner lot shall be 150 feet.

(d) The minimum street frontage for a service station site on an interior lot shall be 200 feet.

(e) No part of any service station building located within a C-S/P or ~~C-L~~ C-N district shall hereafter be constructed within 1,500 feet of any part of a building housing another service station, except where such other service station is an abandoned, nonconforming use or subject to removal under Section 10.812(3, ~~d~~ c). This shall not prevent remodeling of a structure already in existence.

(2) Exterior Lighting.

(a) Freestanding lighting fixtures shall not exceed a height of 20 feet in the commercial districts; and not more than one fixture shall be permitted for each driveway approach.

(b) All lighting shall be of such illumination, direction, color, and intensity as not to create a nuisance on adjacent property or to create a traffic hazard.

(c) Lighting fixtures on station sites abutting property in the residential district shall be shielded as to reflect light away from residentially zoned areas.

(3) Other required conditions.

(a) Sales and storage and display of merchandise shall be conducted within a building except for gasoline, oil, and windshield wiper blades and other accessories of like size.

(b) No outside storage, sale, rental of boats, campers, or trailers shall be permitted on the service station premises in C- S/P, ~~C-N~~ and C-C.

(c) Abandoned station premises shall be maintained in a safe and businesslike manner and shall not be allowed to deteriorate and become a nuisance or safety hazard. After the effective date of this amendment, whenever a service station ceases operation as such for a continuous period of more than two years, the building shall be removed by the owner or other person in control of the property; the occupancy of premises for less than 30 days shall not be deemed to interrupt the two-year vacancy unless such occupancy is accompanied by actual operation of a service station with normal and adequate inventories of gasoline and oil.

10. CLARIFICATION OF SIGNAGE FOR BED & BREAKFAST FACILITIES

Section 10.828 Bed and Breakfast Service

The intent is to provide temporary travelers' accommodations and breakfast in a single family residence for a fee, on a daily or weekly room rental basis, not to exceed fourteen (14) consecutive days.

(1) Standards.

(a) Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.

(b) Off street parking shall be provided. The front yard shall not be for off-street parking for temporary guests unless the parking area is screened, not visible from the street, and found to be compatible with the neighborhood.

(c) The number of guests shall generally be limited to six persons at any one time, except where sanitation facilities and neighborhood standards would otherwise allow more.

Health and sanitation facilities shall be inspected annually by Jackson County.

(d) ~~One~~ **Two (2)** on-premise signs may be approved by the approving agency (Planning Commission) provided that such **each** sign is compatible with residential uses and is not more than ~~five (5)~~ **six (6)** square feet in size **and not exceeding an overall height of six (6) feet.**

(e) All necessary state and county permits, certifications, or requirements shall be obtained as a condition of approval of a bed and breakfast service.



MINUTES
Planning Commission Meeting
February 10, 2011

The regular meeting of the Medford Planning Commission was called to order at 5:30 p.m. in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners

Norman Nelson, Chair
Tim Jackle, Vice Chair
Brita Entenmann
Bill Christie
Daniel L. Bunn
Jerry Shean, Excused Absence

David McFadden
Robert Tull
Allen Potter

Staff

Kelly Akin, Senior Planner
Lori Cooper, Deputy City Attorney
Larry Beskow, City Engineer
Sarah Sousa, Planner III
Kristy Grieve, Recording Secretary
Jim Huber, Planning Director

10. Roll Call

10.1 Election of Officers

Commissioner Tull nominated Commissioner Nelson for Chair. Commissioner Jackle seconded.
Voice Vote: Motion passed, 8 - 0

Commissioner Potter nominated Commissioner Jackle for Vice Chair. Commissioner Nelson seconded.
Voice Vote: Motion passed, 8 - 0

20. Consent Calendar/Written Communications.

20.1 ZC-10-078 Final Order of approval for a change of zone from SFR-00/EA (Single-Family Residential, one dwelling unit per parcel/Exclusive Agricultural Overlay) to SFR-10 (Single-Family Residential, ten dwelling units per acre) on a 65.27 acre parcel at the north terminus of Cheltenham Way (Delta Waters Properties, LLC, Applicant; CSA Planning, Agent)

20.2 CUP-10-093 Final Order of approval for a conditional use permit to allow, within the Larson Creek Corridor, the replacement of a box culvert with a new concrete bridge over Larson Creek on North Phoenix Road approximately 1700 feet south of Barnett within a SFR-4 (Single Family Residential – 4 units per acre) and SFR-10/SE (Single Family Residential – 10 units per acre / Southeast Overlay) zoning district. City of Medford, Applicant

Motion: Approve the consent calendar as submitted,

Moved by: Commissioner Potter Seconded by: Commissioner Jackle

Voice Vote: Motion passed, 5 – 0 – 3, with Commissioners Tull, Bunn, and Christie abstaining.

30. **Minutes.** None

40. **Oral and Written Requests and Communications.** None

50. **Public Hearings.**

Old Business

50.1 DCA-10-080 Consideration of a proposed Class "A" (Major) legislative amendment of the Medford Land Development Code to revise Sections 10.012, 10.201, 10.280, 10.287, 10.337, 10.735, 10.756, 10.771, 10.812, and 10.828 relating to housekeeping changes necessary for code consistency. City of Medford, Applicant.

Sarah Sousa, Planner III, gave a Staff Report. Staff recommended that the Planning Commission forward a favorable recommendation to the City Council for DCA-10-080.

The public hearing was opened and the following testimony was given:

- a) Craig Stone, CSA Planning, 4497 Brownridge Terrace, Suite 101, Medford, OR 97504. Mr. Stone spoke on behalf of the Medford Parks Commission. He asked that it be put on record that he was in support of the change for the conditional use permit requirement for parks in commercial/industrial zones. Mr. Stone also spoke about the table that lists permitted uses in residential zones under Section 10.314 - Nonresidential Special Uses. He noted that it references Code Section 10.817. Mr. Stone read from Code Section 10.817(3). He indicated that this produces excessive standards to be met on top of the Conditional Use Permit standard. He feels that the term used of "no harm" is an absolute standard that could not be met. He asked that the Commission remove the reference to section to 10.817 in section 10.314 for parks in residential zones.

Chair Nelson asked staff to show the table Mr. Stone was referring to. Commissioner McFadden suggested instead of putting parks under community services, create a new subsection for it. Commissioner Nelson suggested deleting Item 5 from the application and address it as a specific issue. Commissioner Jackle responded that the reference to section 10.817 should be taken out. Ms. Cooper read the definition of community services in the code and noted that it does not specifically say parks, but that it could refer to parks. Commissioner Nelson asked if Section 10.817 was needed at all.

Ms. Akin indicated that she agreed with the proposed language, but feels it is beyond the scope of the amendment. Staff preferred that the item be continued for further work.

Mr. Stone indicated there were several suggested alternatives that he would agree to. One alternative was the language he suggested in his memo, contained herewithin. Another alternative was striking the reference to Section 10.817 in the table "Permitted Uses in Residential Zoning Districts" in Section 10.314 of the Land Development Code.

The public hearing was closed.

Minimum access easements were discussed.

Motion: Direct staff to forward a favorable recommendation for adoption of DCA-10-080 per the Staff Report dated February 3, 2011, including Exhibit A, and accept Mr. Stone's changing of 10.817 to use the suggested language he provided, which is as follows:

10.817(3) All such uses, except Public Parks, Recreation, and Leisure Facilities and Services and appurtenant buildings and structures, shall be located on an arterial or collector street and be able to provide access without causing traffic congestion on local residential streets, and any such use shall prove that there will be no harm to adjacent existing or potential residential development due to excessive traffic generation, noise, or other circumstances.

Moved by: Commissioner McFadden Seconded by: Commissioner Jackle

Roll Call Vote: Motion passed, 6 – 0 – 2, with Commissioners Christie and Bunn abstaining.

60. Report of Citizens Planning Advisory Committee.

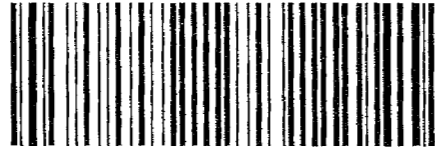
60.1 Commissioner McFadden reported that at the February 8, 2011, meeting, CPAC discussed notification. Commissioner Potter asked that due to his work schedule, someone to be appointed in his place.

70. Report of the Site Plan and Architectural Commission.

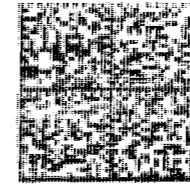
Commissioner Entenmann reported that at the last meeting SPAC approved construction of an aircraft hanger and ambulance maintenance building for Mercy Flights.

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