



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

05/21/2012

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 022-11

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: Thursday, May 31, 2012

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

<paa> YA



PROF **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

**DATE STAMP**

**DEPT OF**

**MAY 14 2012**

**LAND CONSERVATION AND 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-11-125**

Date of Adoption: **5/3/2012**

Date Mailed: **5/9/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 11/15/2011

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".

Consideration of a code amendment to (1) update ADA parking regulations to correspond to Statute; (2) amend noise regulations to conform to OARs; (3) clarify distinction between "major" and "minor" zoning map amendments; (4) amend residential care regulations to correspond to Statute; (5) change authority for undefined terms to most current edition of dictionary; (6) delete special provisions for "service stations"; and four other changes.

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...

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

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

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

None.

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Local Contact: **John Adam**

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

Address: **200 South Ivy Street**

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

City: **Medford, OR**

Zip: **97501-**

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

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 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. 2012-58

AN ORDINANCE amending Sections 10.012, 10.314, and 10.836 of the Medford Code pertaining to residential care homes and facilities.

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:

\* \* \*

**Residential care, training, and treatment.** The following definitions are derived from ORS 443.400 and apply to “residential facilities” and “residential homes,” which are defined below.

(1) **Residential care.** Services such as supervision; protection; assistance while bathing, dressing, grooming or eating; management of money; transportation; recreation; and the providing of room and board.

(2) **Residential training.** The systematic, planned maintenance, development or enhancement of self-care skills, social skills or independent living skills, or the planned sequence of systematic interactions, activities or structured learning situations designed to meet each resident’s specified needs in the areas of physical, social, emotional and intellectual growth.

(3) **Residential treatment.** A planned, individualized program of medical, psychological or rehabilitative procedures, experiences and activities designed to relieve or minimize mental, emotional, physical or other symptoms or social, educational or vocational disabilities resulting from or related to the mental or emotional disturbance, physical disability or alcohol or drug problem.

~~Residential care home: A licensed residential treatment, training, or adult foster home which provides residential care alone, or in conjunction with treatment or training, or a combination thereof, for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents.~~

~~Residential drug and alcohol treatment facility: A residential facility primarily engaged in providing drug and alcohol treatment for more than six individuals.~~

Residential facility:

(1) A licensed residential care, training, or treatment facility ~~which~~ **that** provides, in one or more buildings on contiguous properties, residential care alone, or in conjunction with treatment or training, or a combination thereof, for six to fifteen ~~physically disabled or socially dependent~~ individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents.

(2) A residential facility does not include residential schools, state or local correctional facilities (other than local facilities for persons enrolled in work-release programs), juvenile training schools, youth care centers operated by a county juvenile department, juvenile detention facilities, nursing homes, hospitals, any place primarily engaged in recreational activities, foster homes, any place providing care and treatment on less than a 24-hour basis, or child-caring agencies.

Residential care home: A licensed residential ~~care~~ **training or treatment, training home**, or adult foster home **licensed under ORS 443.705–825, which that** provides residential care alone, or in conjunction with treatment or training, or a combination thereof, for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents.

\* \* \*

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					MFR			Special Use or Other Code Section(s)
	00	2	4	6	10	15	20	30	
1. SINGLE-FAMILY RESIDENTIAL * * *									
(c) Residential Home (care, training, treatment) (5 or fewer residents)	P	P	P	P	P	P	P	P	
* * *									
4. ACCESSORY USES * * *									
<del>(e) Residential Care, Training, or Treatment Home (5 or fewer residents)</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	
<del>(f) (e) Garage or Yard Sale</del>	<del>Ps</del>	<del>Ps</del>	<del>Ps</del>	<del>Ps</del>	<del>Ps</del>	<del>Ps</del>	<del>Ps</del>	<del>Ps</del>	10.832
<del>(g) (f) Home Occupation</del>	<del>Ps</del>	<del>Ps</del>	<del>Ps</del>	<del>Ps</del>	<del>Ps</del>	<del>Ps</del>	<del>Ps</del>	<del>Ps</del>	8.001
5. GROUP QUARTERS * * *									
<del>(d) Residential Care, Training, or Treatment Facility (6–15 residents) Excluding Drug and</del>	<del>Ps</del> <del>Es</del>	<del>Ps</del> <del>Es</del>	<del>Ps</del> <del>Es</del>	<del>Ps</del> <del>Es</del>	<del>Ps</del> <del>Es</del>	P	P	P	10.836

Permitted Uses in Residential Zoning Districts	SFR					MFR			Special Use or Other Code Section(s)
	00	2	4	6	10	15	20	30	
<del>Alcohol Treatment Facility</del>									
(e) Residential Drug and Alcohol Treatment Facility Halfway Homes for Delinquents; Juvenile Correctional Homes, Residential Training Schools for Delinquents (6-15 residents)	X	X	X	X	X	P	P	P	

\* \* \*

SECTION 3. Section 10.836 of the Medford Code is amended to read as follows:

10.836 Residential ~~Care~~ Facility.

A Residential care facility licensed by the State ~~is may be~~ allowed within the SFR residential districts **provided, as per ORS 197.667(4), the applicant supplies the city with a copy of the entire application and supporting documentation for state licensing of the facility, except for information which is exempt from public disclosure under ORS 192.410 to 192.505.**~~as a conditional use subject to the following standards:~~

- ~~(1) — The project site shall be located on a corner lot with one of the streets being either a collector or arterial street.~~
- ~~(2) — The project shall be licensed by the Senior Services Division of the Department of Human Resources, State of Oregon.~~
- ~~(3) — Off-street parking, one (1) space shall be provided per two bedrooms and one (1) space per employee on the maximum shift. All off-street parking shall be screened from public view.~~

PASSED by the Council and signed by me in authentication of its passage this 3 day of May, 2012.

ATTEST: Glenda Wilson  
City Recorder

Ray White  
Mayor

APPROVED May 3, 2012.

Ray White  
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.

ORDINANCE NO. 2012-32

AN ORDINANCE amending Sections 10.010, 10.012, 10.031, 10.051, 10.056, 10.102, 10.166, 10.184, 10.337, 10.476, 10.809, 10.822, 10.833, 10.1510, 10.1610, 10.1710, 10.1810, combining Sections 10.752 through 10.761, and repealing Section 10.812 of the Medford Code pertaining to various regulations, definitions, permit exemptions, local appeals and approving authorities for Class C actions.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.010 of the Medford Code is amended to read as follows:

10.010 Definitions.

For the purpose of this chapter, the definitions and rules of construction set forth shall prevail, except when the context clearly requires otherwise:

\* \* \*

(10) Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used in this chapter. **Merriam-Webster's Collegiate Dictionary, 11th edition**, ~~Webster's Ninth New International Dictionary copyright 1986~~, shall be considered as providing ordinarily accepted meanings.

SECTION 2. 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:

\* \* \*

~~Service station. That part of any lot used in the normal course of business for:~~

~~(1) The retail sale of motor vehicle fuel and lubricants for delivery into the consuming vehicle on the premises.~~

~~(2) The sale and installation of motor vehicle accessories.~~

~~(3) The performance of motor tune-ups, tire patching, battery charging, and other similar minor or emergency repairs to motor vehicles.~~

~~(4) Any other sale, service, or use customarily incidental to the operation of a service station where the sale of such products or the rendering of such services, or such uses, are otherwise permitted within the zoning district when conducted in the manner prescribed by the district regulations for such sale, service or use.~~

\* \* \*

SECTION 3. Section 10.031 of the Medford Code is amended to read as follows:

10.031 Exemptions from the Development Permit Requirement.

\* \* \*

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**(9) Solar Photovoltaic/Solarvoltaic energy systems, as defined in ORS 757.360, except when located on historic landmarks or within historic districts, in which case the review authority shall be the Landmarks and Historic Preservation Commission.**

SECTION 4. Section 10.051 of the Medford Code is amended to read as follows:

10.051 Appeals

A. Any person with standing may appeal to the City Council any Type "C" or "D" decision of an approving authority (Planning Commission, Site Plan and Architectural Commission, and Planning Director) which approves conditionally, approves, or disapproves a development permit, or plan authorization, as per Section 10.102, Plan Authorizations, of this chapter, ~~or Building Permit~~ by filing a written notice together with the requisite filing fee with the city recorder, within **fourteen (14) ~~twenty one (21)~~** days after **notice of the** development permit or plan authorization approval or disapproval by the approving authority **is mailed**.

B. A person has standing if the person: (1) appeared in the initial proceedings orally or in writing; and (2) was entitled to a right of notice and hearing prior to the decision to be reviewed, or is aggrieved by the decision, or has interests adversely affected by the decision.

C. Class "E" Ministerial Decisions are final and, with the exception of Final PUD Plan applications (see **10.241(E)**), are not appealable under the Medford Land Development Code or any other provision of the Medford Code.

SECTION 5. Section 10.056 of the Medford Code is amended to read as follows:

10.056 City Council Decision

A. Upon review of the appeal, City Council may by order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review. When the City Council modifies or renders a decision that reverses a decision of the approving authority, the Council, in its resolution, shall set forth its finding and state its reasons for taking the action encompassed in the order. When the City Council elects to remand the matter back to the approving authority for such further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.

B. Action by the City Council shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The City Council shall render its decision **within the time limits allowed by State law, no later than 30 days after the filing of the appeal request.**

SECTION 6. Section 10.102 of the Medford Code is amended to read as follows:

10.102 Plan Authorizations

A plan authorization is a specific planning and development review process which sets forth specific conditions for development consistent with the policies, standards and criteria of the Comprehensive Plan and this chapter.

Plan authorizations are categorized as follows:



\* \* \*

Class C

\* \* \*

**Zoning Map Amendment, Minor (i.e., "Zone Change")**

\* \* \*

SECTION 7. Section 10.166 of the Medford Code is amended to read as follows:

10.166 Class "C", Action and Decision Time.

The approving authority shall take final action within one hundred twenty (120) days after the application is deemed complete and shall at that time approve, approve with conditions, or deny the request. The decision of the approving authority (Planning Commission, ~~or~~ Site Plan and Architectural Commission, **or Landmarks and Historic Preservation Commission**) shall be based upon the application, the evidence, comments from the referral agencies, and compliance with this chapter and the Comprehensive Plan.

\* \* \*

SECTION 8. Section 10.184 of the Medford Code is amended to read as follows:

10.184 Class "A" Amendment Criteria.

\* \* \*

(3) ~~Major~~ Zoning Map Amendment, **Major**. The Planning Commission shall base its recommendation and the City Council its decision on the same criteria as in subsection (2), preceding.

SECTION 9. Section 10.337 of the Medford Code is amended to read as follows:

10.337 Uses Permitted in Commercial and Industrial Zoning Districts

\* \* \*

55 **AUTOMOTIVE DEALERS & STATIONS.**

This major group includes retail dealers selling new and used automobiles, boats, recreational and utility trailers, and motorcycles including those selling new automobile parts and accessories; and gasoline service stations.

	C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
* * *								
554 <b>Fueling Stations (including Gasoline Service Stations)</b>	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps

\* \* \*

///

SECTION 10. Section 10.746 of the Medford Code is amended to read as follows:

10.746 General Design Requirements for Parking.

With the exception of storage of trailered items and recreational vehicles at single-family residences, all parking, loading, driveway, and vehicle maneuvering areas shall be paved, including, but not limited to, wheeled-vehicle sales lots, truck trailer parking areas, and on-site single-family residential driveways etc., to the following minimum design requirements:

\* \* \*

**(8) ~~Disabled Person Parking.~~ Accessible Parking Space Requirements. The following rates and design regulations are derived from ORS 447.233.**

~~Disabled person parking spaces shall be provided at the following rate: One (1) space for parking areas from 6–25 spaces. Two (2) spaces for parking areas from 26–50 spaces. One (1) additional space for each additional 100 spaces. The disabled person parking symbol shall be painted on the parking space and a disabled person parking sign shall be placed in front of each space.~~

~~Disabled person parking spaces shall be a minimum of nine (9) feet wide and shall have an adjacent access aisle a minimum of six (6) feet in width located on the passenger side of the parking space, except that two (2) adjacent parking spaces may share an aisle. The access aisle shall abut pedestrian access to the building and there shall be no ramps within the aisle or parking spaces.~~

**(a) The number of accessible parking spaces shall be provided at these rates:**

Total Parking In Lot	Required Minimum Number of Accessible Spaces	Required Minimum Number of Van-Accessible Spaces	Required Minimum Number of Spaces marked "Wheelchair User Only"
1–25	1	1	–
26–50	2	1	–
51–75	3	1	–
76–100	4	1	–
101–150	5	–	1
151–200	6	–	1
201–300	7	–	1
301–400	8	–	1
401–500	9	–	2
501–1,000	2% of total parking	–	1 per 8 accessible spaces or portion thereof
>1,000	20 spaces plus 1 for each set of 100 spaces over 1,000	–	1 per 8 accessible spaces or portion thereof

**(b) In addition, one in every eight accessible spaces, but not fewer than one, shall be van accessible. Where five or more parking spaces are designated accessible, any space that is**

designated as van accessible shall be reserved for wheelchair users. A van-accessible parking space shall be at least nine feet wide and shall have an adjacent access aisle that is at least eight feet wide.

(c) Accessible parking spaces shall be at least nine feet wide and shall have an adjacent access aisle that is at least six feet wide.

(d) The access aisle shall be located on the passenger side of the parking space except that two adjacent accessible parking spaces may share a common access aisle.

(e) A sign shall be posted for each accessible parking space. The sign shall be clearly visible to a person parking in the space, shall be marked with the International Symbol of Access and shall indicate that the spaces are reserved for persons with disabled person parking permits. A van-accessible parking space shall have an additional sign marked "Van Accessible" mounted below the sign. A van-accessible parking space reserved for wheelchair users shall have a sign that includes the words "Wheelchair User Only."

(f) Accessible parking spaces and signs shall be designed in compliance with the standards set forth by the Oregon Transportation Commission in consultation with the Oregon Disabilities Commission.

(g) No ramp or obstacle may extend into the parking space or the aisle, and curb cuts and ramps may not be situated in such a way that they could be blocked by a legally parked vehicle.

(h) Accessible parking spaces shall be located on the shortest practical accessible route to an accessible building entry. In facilities with multiple accessible building entries with adjacent parking, accessible parking spaces shall be dispersed and located near accessible entries.

(i) Parking spaces required by this section shall be maintained so as to meet the requirements of this section at all times and to meet the standards established by the state building code.

\* \* \*

SECTION 11. Sections 10.752 through 10.761 of the Medford Code are combined to read as follows:

#### **10.752 Noise Standards and Regulations for Commercial and Industrial Sources**

##### **A. ~~10.752~~ Existing Noise Sources.**

No person owning or controlling an existing industrial or commercial noise source shall cause or permit the operation of that noise source if the statistical noise levels generated by that source and measured at an appropriate measurement point, specified in Section **10.752.F(2)(b)**, ~~758(b)~~ of this section, exceed the levels specified in Table **752-1** ~~V-3~~, except as otherwise provided herein.

##### **B. ~~10.753~~ New Noise Sources.**

(1) **New Sources Located on Previously Used Sites:** No person owning or controlling a new industrial or commercial noise source located on a previously used industrial or commercial site shall cause or permit the operation of that noise source if the statistical noise levels generated by the new source and measured at an appropriate measurement point, specified in Section **10.752.B(2)**, ~~753(b)~~ of this section, exceed the levels specified in Table **752-2** ~~V-4~~, except as otherwise provided herein.

(2) **New Sources Located on Previously Unused Site.**

(a) No person owning or controlling a new industrial or commercial noise source located on

a previously unused industrial or commercial site shall cause or permit the operation of that noise source if the noise levels generated or indirectly caused by that noise source increase the ambient statistical noise levels,  $L_{10}$  or  $L_{50}$ , by more than 10 dBA in any one hour, or exceed the levels specified in Table 752-2 V-4, as measured at an appropriate measurement point, as specified in Section 10.752.F 758(2).

(b) The ambient statistical noise level of a new industrial or commercial noise source on a previously unused industrial or commercial site shall include all noises generated or indirectly caused by or attributable to that source, including all of its related activities. Sources exempted from the requirements of Section 10.752.A of this rule, which are identified in Section 10.752.H760 shall not be excluded from this ambient measurement.

~~10.754 Quiet Area:~~

~~No person owning or controlling an industrial or commercial noise source located either within the boundaries of a Quiet Area or outside its boundaries shall cause or permit the operation of that noise source if the statistical noise levels generated by that source exceed the levels specified in Table V-5 as measured within the Quiet Area and not less than 400 feet (122 meters) from the noise source.~~

C. 10.755 Impulse Sound.

Notwithstanding the noise rules in Tables 752-1V-3 through 752-3V-5, no person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if an impulsive sound is emitted in air by that source which exceeds the sound pressure levels specified below, as measured at an appropriate measurement point, as specified in Section 10.752.F(2)758(b).

(1) Blasting: 98 dBC, slow response, between the hours of 7 am and 10 pm and 93dBC, slow response, between the hours of 10 pm and 7 am.

(2) All Other Impulse Sounds: 100 ~~dbdB~~ dB, peak response, between the hours of 7 am and 10 pm and 80 dB, peak response, between the hours of 10 pm and 7 am.

D. 10.756 Octave Bands and Audible Discrete Tones.

When the Planning Director has reasonable cause to believe that the requirements of Sections 10.752.A or B753(a), (b), or (e) 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 10.752.F(2)758(b) exceeds applicable levels specified in Table 752-410 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 10.752.F(2)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 ~~752-410 of OAR 340-35-035~~ for the octave band which contains such one-third octave band.

**E. ~~10.757~~ Compliance.**

Upon written notification from the Planning Director, the owner or controller of an industrial or commercial noise source operating in violation of this code shall submit a compliance schedule acceptable to the **Planning** Department. The schedule will set forth the dates, terms, and conditions by which the person responsible for the noise source shall comply with the adopted standards.

**F. ~~10.758~~ Measurement.**

(1) Sound measurement procedures shall conform to those procedures which are adopted by the **Environmental Quality** Commission and set forth in the Department of Environmental Quality's Sound Measurement Procedures Manual (NPCS-1) or to such other procedures as are approved in writing by the Department.

\* \* \*

**G. ~~10.759~~ Monitoring and Reporting.**

(1) Upon written notification from the Department, persons owning or controlling an industrial or commercial noise source shall monitor and record the statistical noise levels and operating times of equipment, facilities, operations, and activities, and shall submit such data to the Planning Department in the form and on the schedule requested by the Planning Department. Procedures for such measurements shall conform to those procedures set forth in the Department of Environmental Quality's Sound Measurement Procedures Manual (NPCS-1).

(2) Nothing in this section shall preclude the Planning Department from conducting separate or additional noise tests and measurements. Therefore, when requested by the Planning Department, the owner or operator of an industrial or commercial noise source shall provide the following:

\* \* \*

**H. ~~10.760~~ Exemptions.**

Except as otherwise provided in Section ~~10.752.B753(2)(b)~~, the standards in Section ~~10.752.A~~ shall not apply to:

\* \* \*

(4) Sounds resulting from the operation of any equipment or facility of a surface carrier engaged in interstate commerce by railroad only to the extent that such equipment or facility is regulated by preemptive federal regulations as set forth in Part 201 of Title 40 of the Code of Federal Regulations promulgated pursuant to Section 17 of the Noise Control Act of 1972, 86 Stat. 1248, Public Law 92-576; but this exemption does not apply to any standard, control, license, regulation, or restriction necessitated by special local conditions which is approved by the Administrator of the EPA after consultation with the Secretary of Transportation pursuant to procedures set forth in section 17(c)(2)

of the Act.

\* \* \*

- (7) Sounds that originate on construction sites **in compliance with Section 5.225.**
- (8) Sounds created in construction or maintenance of capital equipment.
- (9) Sounds created by lawn care maintenance and snow removal equipment **in compliance with Section 5.225.**
- (10) Sounds generated by the operation of aircraft and subject to preemptive federal regulation. This exception does not apply to aircraft engine testing, activity conducted at the airport that is not directly related to flight operations, and any other activity not preemptively regulated by the federal government or controlled under OAR 340-35-0045.
- (11) Sounds created by the operation of road vehicle auxiliary equipment complying with the noise rules for such equipment as specified in OAR 340-35-0030(1)(e).
- (12) Sounds created by agricultural activities.
- (13) ~~Sounds created by activities related to the growing or harvesting of forest tree species on forest land as defined in subsection (1) of ORS 526.324.~~

**I. ~~10.761~~ Exceptions.**

Upon written request from the owner or controller of an industrial or commercial noise source, the Planning Department may authorize exceptions to ~~Ssection 10.752.A340-35-035(1)~~, pursuant to **Oregon Administrative Rule 340-35-0010**, for:

\* \* \*

**J. Tables Used in this Section. The following tables are the same as Tables 7-10 under OAR 340-035-0035.**

~~TABLE V-1. Ambient Standards for Vehicles Operated Near Noise Sensitive Property~~  
~~Allowable Noise Limits~~

<del>Time</del>	<del>Maximum Noise Level, dBA</del>
<del>7 am - 10 pm</del>	<del>60</del>
<del>10 pm - 7 am</del>	<del>55</del>

~~TABLE V-2. Motor Vehicle Auxiliary Equipment Noise Standards~~  
~~Stationary Test at 50 Feet (15.2 Meters) or Greater~~

<del>Model Year</del>	<del>Maximum Noise Level, dBA</del>
<del>Before 1976</del>	<del>88</del>
<del>1976 - 1978</del>	<del>85</del>
<del>After 1978</del>	<del>82</del>

**TABLE V-3 752-1. Existing Industrial and Commercial Noise Source Standards**  
**Allowable Statistical Noise Levels in Any One Hour**

<u>7 am-10 pm</u>		<u>10 pm-7 am</u>	
L <sub>50</sub>	55 dBA	L <sub>50</sub>	50 dBA
L <sub>10</sub>	60 dBA	L <sub>10</sub>	55 dBA
L <sub>1</sub>	75 dBA	L <sub>1</sub>	60 dBA

TABLE V-4 752-2. New Industrial and Commercial Noise Source Standards  
 Allowable Statistical Noise Levels in Any One Hour

<u>7 am-10 pm</u>		<u>10 pm-7 am</u>	
L <sub>50</sub>	55 dBA	L <sub>50</sub>	50 dBA
L <sub>10</sub>	60 dBA	L <sub>10</sub>	55 dBA
L <sub>1</sub>	75 dBA	L <sub>1</sub>	60 dBA

TABLE V-5 752-3. Industrial and Commercial Noise Source Standards for Quiet Areas  
 Allowable Statistical Noise Levels in Any One Hour

<u>7 am-10 pm</u>		<u>10 pm-7 am</u>	
L <sub>50</sub>	50 dBA	L <sub>50</sub>	45 dBA
L <sub>10</sub>	55 dBA	L <sub>10</sub>	50 dBA
L <sub>1</sub>	60 dBA	L <sub>1</sub>	55 dBA

TABLE 752-4. Median Octave Band Standards for Industrial and Commercial Noise Sources

<u>Octave Band Center</u> <u>Frequency, Hz</u>	<u>Allowable Octave Band Sound Pressure Levels</u>	
	<u>7 am-10 pm</u>	<u>10 pm-7 am</u>
31.5	68	65
63	65	62
125	61	56
250	55	50
500	52	46
1000	49	43
2000	46	40
4000	43	37
8000	40	34

SECTION 12. Section 10.809 of the Medford Code is amended to read as follows:

10.809 Vanpool and Carpool Preferential Parking Requirements.

All new industrial, commercial and institutional development shall provide preferential parking for vanpools and carpools as follows:

\* \* \*

(3) Location: Designated vanpool/carpool spaces shall be the closest employee parking spaces to the building entrance normally used by employees except for any ~~disabled person~~ **accessible** spaces provided.

///

///

SECTION 13. Section 10.812 of the Medford Code is hereby repealed:

~~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-N and C-S/P districts; 22,500 square feet in zones C-C, 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-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-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)(e). 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.~~

SECTION 14. Section 10.822 of the Medford Code is amended to read as follows:

10.822 Eating and Drinking Places and Banking Institutions in the Industrial Zones.

Permitted eating and drinking places (SIC 58) shall not exceed 6,000 square feet, **including outdoor**



~~eating area~~, in the industrial zones. ~~and banking~~ **Banking** institutions (SIC 60) shall not exceed 3,500 square feet of gross floor area in the industrial zones.

SECTION 15. Section 10.833 of the Medford Code is amended to read as follows:

10.833 Restaurants—Outdoor Eating Areas.

Outdoor eating areas shall be allowed for restaurants in all commercial **and industrial** zoning districts subject to the following:

(1) Compliance with all other provisions of **this Chapter**. ~~the city Zoning Ordinance~~.

\* \* \*

SECTION 16. Section 10.1510 of the Medford Code is amended to read as follows:

10.1510 Neighborhood Commercial District (C-N): Additional Special Signs.

\* \* \*

(2) ~~Fueling Service~~ Station Signs: One additional ground sign per street frontage, not exceeding 30 square feet in area and 9 feet in height is permitted on each parcel of land occupied by a **fueling service** station. Such signs may not project into public right-of-way.

\* \* \*

SECTION 17. Section 10.1610 of the Medford Code is amended to read as follows:

10.1610 Central Business Overlay (CB): Additional Special Signs.

Additional special signs shall be permitted as follows in the CB district:

(1) ~~Fueling Service~~ Station Signs: One additional ground sign per street frontage, not exceeding 30 square feet in area and 9 feet in height is permitted on each parcel of land occupied by a **fueling service** station. Such signs may not project into public right-of-way.

\* \* \*

SECTION 18. Section 10.1710 of the Medford Code is amended to read as follows:

10.1710 Community Commercial District (C-C) Heavy Commercial District (C-H) and Regional Commercial (C-R): Additional Special Signs:

\* \* \*

(2) ~~Fueling Service~~ Station Signs: One additional ground sign per street frontage, not exceeding 30 square feet in area and 9 feet in height for any single parcel of land occupied by a **fueling service** station. Such signs may not project into public right-of-way.

\* \* \*

SECTION 19. Section 18.1810 of the Medford Code is amended to read as follows:

10.1810 Light Industrial (I-L), General Industrial (I-G) and Heavy Industrial (I-H): Additional Special Signs.

Additional special signs shall be permitted as follows in the I-L, I-G, and I-H districts:

(1) **Fueling Service Station Signs**: One ground sign per street frontage, not exceeding 32 square feet in area and 6 feet in height for any single parcel of land occupied by a **fueling service**-station. Such signs shall not project into public right-of-way.

\* \* \*

PASSED by the Council and signed by me in authentication of its passage this 1 day of March, 2012.

ATTEST: Karen M. Spooner  
Dputy City Recorder

[Signature]  
Mayor

APPROVED March 1, 2012.

[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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DEVELOPMENT  
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SALEM, OR 97301-2540

RETURN RECEIPT  
REQUESTED

