



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

(503) 373-0050

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NOTICE OF ADOPTED AMENDMENT

10/01/2012

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 008-12

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: Friday, October 12, 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



FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

**DEPT OF**

SEP 24 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-12-039**

Date of Adoption: **9/6/2012**

Date Mailed: **9/20/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 6/7/2012

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".

Set of 12 "housekeeping" amendments to remove contradictory code language, remove obsolete references, clarify and refine some definitions, remove density cap on residential units in commercial zoning districts, reduce minimum lot depth for townhouses, and add pro-TOD language to PUD regulations.

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

Not really

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:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD File No. 008-12 (19374) [17179]



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: **Planning Dept., 200 S Ivy St**

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

City: **Medford, OR**

Zip: **97501-**

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

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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](mailto:plan.amendments@state.or.us).

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011

ORDINANCE NO. 2012-137

AN ORDINANCE amending Medford Code Sections 10.012, 10.186, 10.187, 10.199, 10.230, 10.254, 10.337, 10.705, 10.707, 10.708, 10.712, 10.713, 10.725, 10.790, 10.797, 10.933, and 10.1010, consolidating Sections 10.792, 10.793, 10.794, 10.795, and 10.796 into Section 10.790, and repealing Sections 10.255 and 10.798 to eliminate redundant or confusing provisions, align with state law, and remove obstacles to development.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

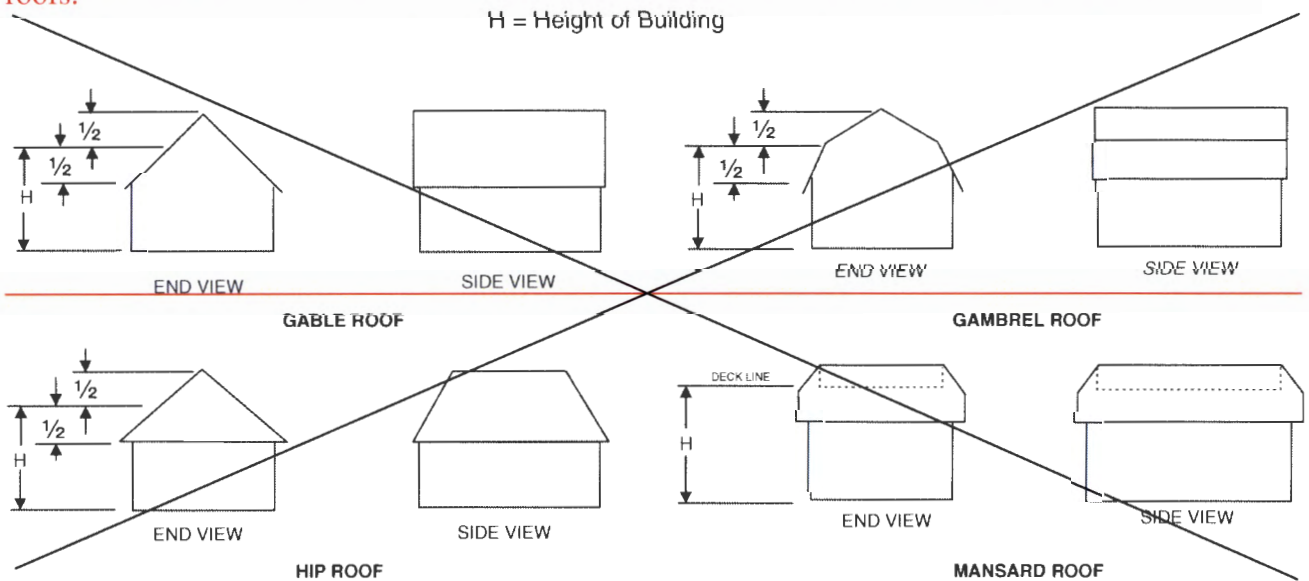
SECTION 1. Section 10.012 of the Medford Code is amended to read as follows:

10.012 Definitions, Specific.

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

\* \* \*

~~Building height. Shall mean the vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof surface for flat roofs; to the deck line for mansard roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roofs.~~



\* \* \*

~~Top-of-bank. The elevation at which water overflows the natural bank and begins to inundate upland areas. In absence of physical evidence, the two-year recurrence interval flood elevation may be used to delineate the top-of bank.~~

\* \* \*



SECTION 2. Section 10.186 of the Medford Code is amended to read as follows:

10.186 Application, General.

Applications for Class “B” plan authorizations may be initiated by the Planning Commission, City Council, or property owners representing the subject area. An exception to the preceding rule is that the Planning Commission does not initiate annexations.

\* \* \*

SECTION 3. Section 10.187 of the Medford Code is amended to read as follows:

10.187 Class “B” Referral and Review.

\* \* \*

Except in the case of annexation, The advisory agency (Planning Commission) shall consider the request and Staff Report and make a recommendation to the approving authority (City Council). For an annexation, the City Council makes a decision without recommendation by the Planning Commission.

SECTION 4. Section 10.199 of the Medford Code is amended to read as follows:

10.199 Annexation of Territory Surrounded by the City.

\* \* \*

(2) Such annexation may be initiated at the request of the Planning Department, ~~Planning Commission,~~ or City Council and shall not be subject to the requirements of Sections 10.122, 10.146, 10.150, 10.157, 10.158, 10.185 to 10.187, or 10.196 to 10.198.

\* \* \*

SECTION 5. Section 10.230 of the Medford Code is amended to read as follows:

10.230 Planned Unit Development (PUD) — General Provisions.

A. Purpose and Intent: The PUD approach permits flexibility to allow creative and imaginative urban development that would otherwise not be possible under the strict requirements of this Code. The intent is to promote more efficient use of urban land and urban services while protecting natural features, creating common open space, promoting the development of transit-oriented design along designated transit corridors and within designated transit-oriented development (TOD) areas, and encouraging a mixture of land uses and housing types that are thoughtfully planned and integrated.

\* \* \*

SECTION 6. Section 10.254 of the Medford Code is amended to read as follows:

10.254 Expiration of an Exception.

Within one (1) year following the final order date, substantial construction on the development shall be completed, or if a use, the use shall have commenced operation. If a request for an extension is filed with the planning department within one (1) year from the approval date of the final order, the approving authority (Planning Commission, Site Plan and Architectural Commission) may, upon

written request by the applicant, grant a single extension of the expiration date for a period not to exceed one (1) year from the expiration date of the final order. An extension shall be based on findings that the facts upon which the exception was first approved have not changed to an extent sufficient to warrant refiling of the exception. An exception directly related to another plan authorization, such as an exception which was filed concurrently with the other plan authorization, and/or an exception which is integrally intertwined with and necessary to the development or use authorized by the other plan authorization, shall expire when the related plan authorization expires.

SECTION 7. Section 10.255 of the Medford Code is hereby repealed:

~~10.255- General Exceptions to Yard Requirements.  
[Renumbered to Section 10.798, Sec. 52, Ord. No. 7659, June 2, 1994].~~

SECTION 8. Section 10.337 of the Medford Code is amended to read as follows:

10.337 Uses Permitted in Commercial and Industrial Zoning District.

\* \* \*

58 EATING AND DRINKING PLACES. This major group includes establishments selling prepared foods and drinks for consumption on the premises; and also lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption. Restaurants, lunch counters, and drinking places operated as a subordinate service facility by other establishments are not included in this group unless they are operated as leased departments by outside operators. Thus, restaurants and lunch counters operated by hotels are classified in Services, Major Group 70; those operated by department stores in Major Group 53. Bars and restaurants owned by and operated for members of civic, social, and fraternal associations only are classified in Industry 8641. ~~Mobile food and dairy wagons are classified in Industry 5963.~~

	C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
581 Eating and Drinking Places								
<b>5814</b> - with entertainment	X	X	P	P	P	X	X	X
<b>5815</b> - without entertainment	P	P	P	P	P	Ps	Ps	Ps
<b>5816</b> - with outdoor eating	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps
<b>5817</b> Temporary Food Vendors	Ps	Ps	Ps	Ps	Ps	Ps	Ps	X
<b>5818</b> Small Food Vendors	Ps	Ps	Ps	Ps	Ps	Ps	Ps	X

The special use **section** references for:

Eestablishments in the industrial zones: ~~correspond with special use section~~ 10.822.

~~The special use reference for~~

~~Eestablishments with outdoor eating areas: corresponds with special use section 10.833.~~

~~The special use reference for Temporary Food Vendors: corresponds with special use section 10.857.~~

~~The special use reference for Small Food Vendors: corresponds with special use section 10.823.~~

\* \* \*

75 AUTO REPAIR, SERVICES, AND GARAGES. This major group includes establishments primarily engaged in furnishing automotive repair, rental, leasing and parking services to the general public. Similar facilities owned and operated by concerns for their own use and not for the general public are treated as auxiliary establishments and are not included in this group.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
751	Automotive Rentals, Without Drivers	X	X	P	P	P	P	X	X
752	Automobile Parking	P	X	P	P	P	P	P	P
753	Automotive Repair Shops	X	C	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
754	Automotive Services, Except Repair	X	C	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>

~~The special use reference for Automotive Repair Shops and Automotive Services, Except Repair correspond to special use Section 10.812.~~

\* \* \*

SECTION 9. Section 10.705 of the Medford Code is amended to read as follows:

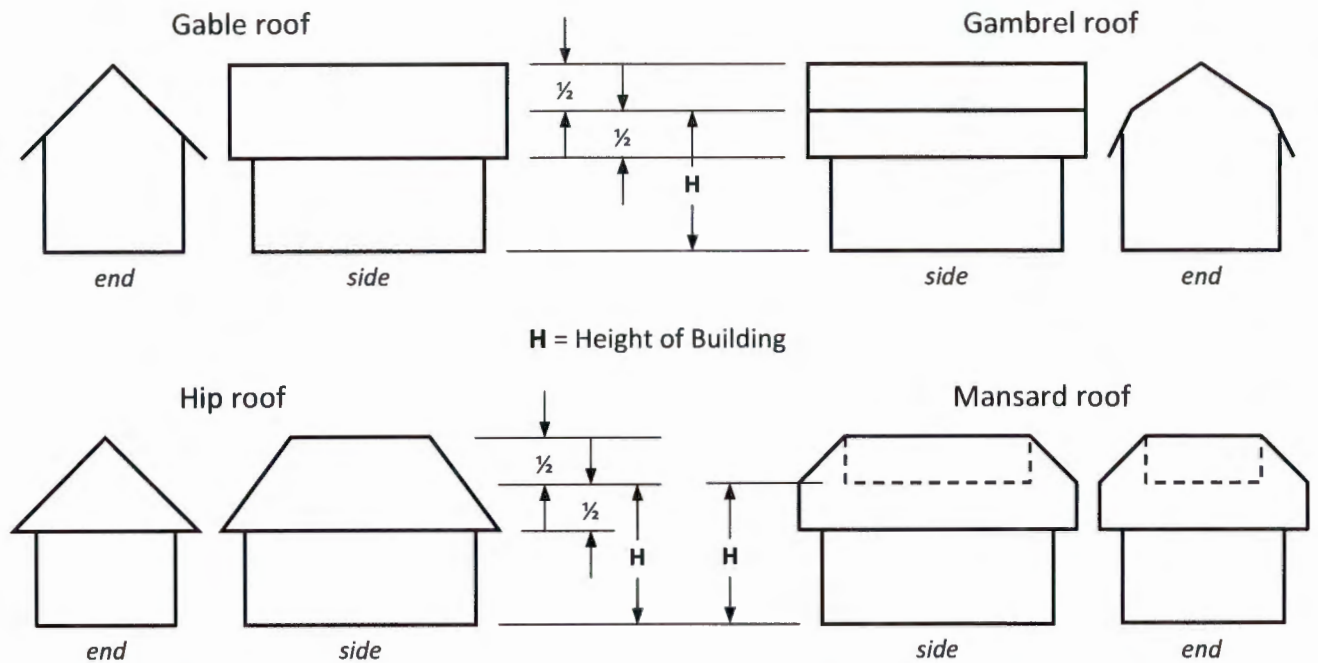
10.705 Building Height ~~Calculation~~.

A. Calculation. Building height shall be determined by measuring the vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs.

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### B. Exemptions.

(1) Building height limitations shall not apply to chimneys, church spires, belfries, cupolas, flag poles, antennas, support structures and antennas for amateur radio operations (as per ORS 221.295), and other similar projections that are accessory to the permitted use.

(2) The building height limitation shall also not apply to wireless communication transmission towers, ~~that exceed the maximum building height for the zone and~~ which are subject to the Special Use Standards contained in Article V, Section 10.824.

SECTION 10. Section 10.707 of the Medford Code is amended to read as follows:

10.707 Exceptions to **Yard Requirements. Required Setbacks—Zero Lot Line Dwellings.**

A. General Exceptions. The following projections shall be permitted within the required yard area:

(1) Cornices, eaves, fireplaces, canopies, mechanical (heating and cooling equipment), or other similar architectural features may extend a maximum of one foot into a required yard.

(2) Open uncovered accessory structures such as fire escapes, patios, porches, balconies, or outside stairways may extend a maximum of one foot into the required side and rear yard and a maximum of six feet into a required front yard. Porches, decks or stoops which are open and uncovered and not exceeding 18 inches in height may be located within 18 inches of any lot line.

(3) Within the commercial districts awnings shall be allowed to extend a maximum of six feet into the required front yard.

(4) Established Neighborhoods: On a parcel where the abutting lots, adjoining the same street, contain legally constructed buildings whose setbacks are equal to or less than that required by the underlying zone, the front yard setback may be reduced to a distance equal to the average setback of the abutting parcels. If one of the adjoining lots is vacant, the minimum setback of the underlying

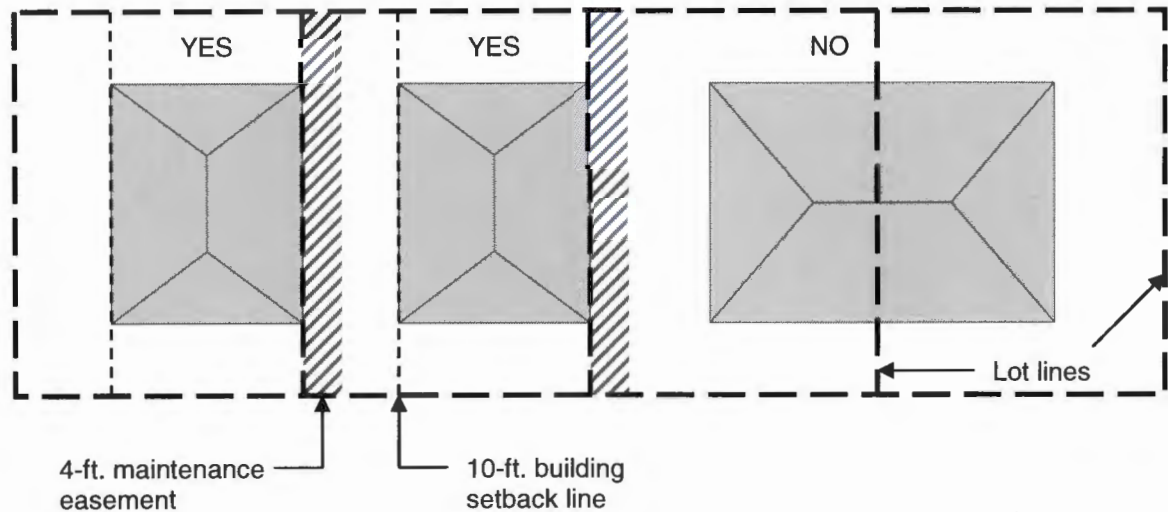


zone shall be utilized to determine the average.

**B. Exceptions for Zero Lot-Line Dwellings.** A “zero lot-line” detached single-family dwelling on an individual lot may deviate from the required side yard building setback by being located on one side property line. Such a dwelling shall be permitted only when conforming with the following requirements:

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Figure 10.707-1. Zero Lot-Line Dwellings: Examples and Counter-example



SECTION 11. Section 10.708 of the Medford Code is amended to read as follows:

10.708 Residential Density.

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**B. Calculations.**

The minimum and maximum number of dwelling units permitted shall be determined by multiplying the project's gross area, less NDAs (at the option of the developer), by the zoning district minimum and maximum density factor.

(1) Examples:

**Minimum Density Calculation.**

(a) **Minimum Density Calculation.** The project site lies within the SFR-4 district and contains six gross acres (GA). The developer intends to retain two acres of reserved acreage (NDA). The minimum number of dwelling units and/or lots permitted is calculated as follows:

$$(GA-NDA)min. df. = (6-2)2.5 = 10$$

**Minimum Density**

$$\text{Minimum \# of Permitted DU} = (6 - 2) \times 2.5$$

$$\text{Minimum \# of Permitted DU} = 10$$

**Maximum Density Calculation:**

(b) **Maximum Density Calculation.** The project site contains six gross acres (GA) of land within the SFR-4 district. The developer intends to retain two acres of reserved acreage (NDA). The maximum number of dwelling units permitted is calculated as follows:

$$\frac{(GA - NDA) \text{max. df.}}{1} = (6 - 2) \times 4 = 16$$

**Maximum Density**

$$\text{Maximum \# of Permitted DU} = (6 - 2) \times 4$$

$$\text{Maximum \# of Permitted DU} = 16$$

C. General Exceptions to Residential Density Calculations.

(1) Multiple-Family Dwelling Units in Commercial Zoning Districts, Except Neighborhood Commercial (C-N). The minimum ~~and maximum~~ density factor shall be the same as the MFR-30 zoning district, found in Sections 10.710 – 10.713; there is no maximum density restriction.

\* \* \*

SECTION 12. Section 10.712 of the Medford Code is amended to read as follows:

10.712 Townhouse Dwellings.

\* \* \*

TOWNHOUSE DWELLINGS			
Three or more attached dwelling units, with each unit on a separate tax lot, occupying the interior space from ground to roof, and having direct access to individual private outdoor space.			
DEVELOPMENT STANDARDS	SFR-10	MFR-15	MFR-20
Min. and Max. Density Factor Range (See 10.708)	6.0 to 10.0 dwelling units per gross acre	10.0 to 15.0 dwelling units per gross acre	15.0 to 20.0 dwelling units per gross acre
Lot Area Range (square feet)	3,250 to 8,125	2,500 to 4,500	1,800 to 3,000
Max. Coverage Factor (See 10.706)	40%		
Min. Interior Lot Width	25 feet	20 feet	
Min. Corner Lot Width	35 feet	30 feet	
Min. Lot Depth	<del>100</del> 90 feet	90 feet	
Min. Lot Frontage	25 feet	20 feet	
Min. Front Yard	15 feet *		

TOWNHOUSE DWELLINGS			
Three or more attached dwelling units, with each unit on a separate tax lot, occupying the interior space from ground to roof, and having direct access to individual private outdoor space.			
DEVELOPMENT STANDARDS	SFR-10	MFR-15	MFR-20
Building Setback	EXCEPT 20 feet for vehicular entrances to garages or carports		
Min. Street Side Yard Building Setback	10 feet * EXCEPT 20 feet for vehicular entrances to garages or carports		
Min. Side Yard Building Setback	10 feet *		
Min. Rear Yard Building Setback	10 feet *	10 feet *	
Max. Height (See 10.705)	35 feet		
Bufferyard Setback	8 feet from bufferyard to any doors on a dwelling unit		
* Those portions of any townhouse dwelling located within 20 feet of any property line common with property containing single-family zoning shall not exceed one story.			
<i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i>			

SECTION 13. Section 10.713 of the Medford Code is amended to read as follows:

10.713 Duplex Dwellings.

The following standards apply to the development of duplex dwellings within the various residential districts. See Article III, Sections 10.308 through 10.312 for detailed descriptions of each residential zoning district and density factors, and Section 10.314 for conditional, special, and permitted uses.

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DUPLEX DWELLINGS						
Two attached dwelling units on an individual lot or divided by a lot-line.						
DEVELOPMENT STANDARDS	SFR-4	SFR-6	SFR-10	MFR-15	MFR-20	MFR-30



DUPLEX DWELLINGS						
Two attached dwelling units on an individual lot or divided by a lot-line.						
DEVELOPMENT STANDARDS	SFR-4	SFR-6	SFR-10	MFR-15	MFR-20	MFR-30
Special Standards	A duplex SHALL be divided by a lot-line AND be on a corner lot.	A duplex SHALL be divided by a lot-line.	A duplex is permitted on a lot of 6,000 sq. ft. or less ONLY if the duplex was legally existing or the application for development had been accepted prior to May 15, 2003.	A duplex is permitted on lots between 5,000 and 12,500 square feet in size.		
Min. and Max. Density Factor Range (See 10.708)	2.5 to 4.0 dwelling units per gross acre	4.0 to 6.0 dwelling units per gross acre	6.0 to 10.0 dwelling units per gross acre	10.0 to 15.0 dwelling units per gross acre	15.0 to 20.0 dwelling units per gross acre	20.0 to 30.0 dwelling units per gross acre
Lot Area Range (square feet)	8,500 to 18,750 each half	6,000 to 12,500 each half	6,000* to 12,500*	5,000* to 12,500*		
Max. Coverage Factor (See 10.706)	40%					
Min. Interior Lot Width	75 feet each half	60 feet each half	50 feet*			
Min. Corner Lot Width	75 feet each half	60 feet each half	60 feet*			
Min. Lot Depth	<del>100</del> 90 feet					
Min. Lot Frontage	15 feet each half		30 feet*			
Min. Front Yard Building Setback	20 feet EXCEPT 15 feet IF vehicular access to the garage is parallel to the street					
Min. Street Side Yard Building Setback	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports					
Min. Side Yard Building Setback	4 feet PLUS ½ foot for each foot in building height over 15 feet					
Min. Rear Yard Building Setback	4 feet PLUS ½ foot for each foot in building height over 15 feet EXCEPT 10 feet IF the rear property line abuts a collector or arterial street					
Max. Height (See 10.705)	35 feet					

DUPLEX DWELLINGS						
Two attached dwelling units on an individual lot or divided by a lot-line.						
DEVELOPMENT STANDARDS	SFR-4	SFR-6	SFR-10	MFR-15	MFR-20	MFR-30
Bufferyard Setback	8 feet from bufferyard to any doors on a dwelling unit					
Where the duplex is REQUIRED to be divided by a lot-line (SFR-4 and SFR-6), THEN the standards pertain to each half separately. For the other zoning districts, the * indicates standards that are divided in half IF the duplex is to be divided by a lot-line. Where the duplex is permitted without being divided by a lot-line, THEN two DETACHED dwelling units are permitted in lieu of the duplex.						
<i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i>						

SECTION 14. Section 10.725 of the Medford Code is amended to read as follows:

10.725 Large Retail Structures, Special Development Standards.

\* \* \*

C. Site Design.

(1) Buffering. Where a lot(s) containing a large retail structure or a large retail structure complex abuts land zoned for residential uses and no public street separates the residential zoned land from the lot(s), a Type B bufferyard, as described in Section 10.795790.E, shall be installed between the lot(s) and residential zoned land.

\* \* \*

SECTION 15. Section 10.790 of the Medford Code is amended and Sections 10.792, 10.793, 10.794, 10.795, and 10.796 are consolidated into Section 10.790 to read as follows:

10.790 Bufferyards.

A. Purpose. Bufferyards shall be required to eliminate or minimize potential conflicts caused by nuisances such as dirt, litter, noise, glare of lights, signs, visual impacts of buildings or parking areas, and differences in intensity of uses.

~~10.792 B. Location of Bufferyards.~~

Bufferyards shall be located along property lines which define the boundary between one zoning district and another, or along the boundary between a zoning district and a General Land Use Plan Map (GLUP) designation where there is not yet city zoning. The specific location of the bufferyard, relative to the property line, is governed by Subsections ~~10.793 through 10.795C-E~~. Bufferyards are not required along any portion of a public right-of-way or private street.

~~10.793 C. Determination of Bufferyard Requirements.~~

(1) To determine the type of bufferyard required between two adjacent ~~parcels~~ lots, the following procedure shall be followed:

(a) Identify the zoning district within which the subject lot with its proposed use is located.

(b) Identify the zoning district(s) or, absent city zoning, the GLUP designation(s) within which the adjoining abutting lands lot(s) are located, or the General Land Use Plan Map designation if there is no city zoning.

(c) Determine the bufferyard required on along each boundary, (or segment thereof,) of the subject parcel lot by referring to Subsection 10.794D, Tables of Bufferyard Standards, which specifies specify the bufferyard types required between adjacent zones; or General Land Use Plan Map GLUP designations.

(d) The A standard bufferyard requirement shall be provided in addition to any agricultural buffering required by Section 10.801.

~~(e) Any multiple family residential development occurring within a commercial zone shall provide the standard bufferyard requirement as if the property were zoned MFR 30.~~

(2) Responsibility for bufferyard installation. ~~When a use is the first to develop on-~~ In the case of two adjacent abutting vacant parcels lots, the first lot to develop use shall provide the buffer required by Subsection 10.794D, Tables of Bufferyard Standards, ~~for vacant land; or for the appropriate land use designation where there is no city zoning.~~ The second use to develop shall, at the time it develops, provide all additional material and/or land necessary to provide the total bufferyard required of Subsection 10.794D, Tables of Bufferyard Standards.

10.794D. Tables of Bufferyard Standards.

The letter designations contained in ~~this~~ these tables refer to the bufferyard standards contained in Subsection 10.795E, Bufferyard Standards.

TABLE V 7~~Table 10.790-1.~~ Bufferyard Standards—Zone to Zone

	<del>Vac</del>	<del>SFR</del>	<del>MFR</del>	<del>CS/P</del>	<del>CL</del>	<del>CC</del>	<del>CG</del>	<del>IL</del>	<del>IG</del>	<del>IH</del>
<del>SFR</del>										
<del>MFR</del>	1 A									
<del>CS/P</del>	1 A	A								
<del>CL</del>	1 A	A								
<del>CC</del>	1 A	A								
<del>CG</del>	1 A	A	A							
<del>IL</del>	1 A	A	A	A						
<del>IG</del>	2 B	B	A	A	A					
<del>IH</del>	2 B	B	B	A	A	A	A			
	<del>Vac</del>	<del>SFR</del>	<del>MFR</del>	<del>CS/P</del>	<del>CL</del>	<del>CC</del>	<del>CG</del>	<del>IL</del>	<del>IG</del>	<del>IH</del>
<u>GLUP Map</u>										
<u>UR</u>		A	A	A	A	A	A	3	3	
<u>UHR</u>			A	A	A	A	A	3	3	
<u>SC</u>						A	A	A	3	
<u>C</u>							A	A	A	
<u>GI</u>										
<u>HI</u>										



<u>Subject Site Zoning</u>	<u>Zoning on Abutting Land</u>										
	<u>Vac</u>	<u>SFR</u>	<u>MFR</u>	<u>CS/P</u>	<u>C-N</u>	<u>C-C</u>	<u>C-R</u>	<u>C-H</u>	<u>I-L</u>	<u>I-G</u>	<u>I-H</u>
<u>SFR</u>	=	=	=	=	=	=	=	=	=	=	=
<u>MFR</u>	1	A	=	=	=	=	=	=	=	=	=
<u>CS/P</u>	1	A	A	=	=	=	=	=	=	=	=
<u>C-N</u>	1	A	A	=	=	=	=	=	=	=	=
<u>C-C</u>	1	A	A	=	=	=	=	=	=	=	=
<u>C-R</u>	1	A	A	A	=	=	=	=	=	=	=
<u>C-H</u>	1	A	A	A	=	=	=	=	=	=	=
<u>I-L</u>	1	A	A	A	A	=	=	=	=	=	=
<u>I-G</u>	2	B	B	B	B	A	A	A	A	=	=
<u>I-H</u>	2	B	B	B	B	A	A	A	A	=	=

Table 10.790-2. Bufferyard Standards—Zone to GLUP

<u>Subject Site Zoning</u>	<u>GLUP Designation on Abutting Land</u>					
	<u>UR</u>	<u>UH</u>	<u>SC</u>	<u>C</u>	<u>GI</u>	<u>HI</u>
<u>SFR</u>	=	=	=	=	=	=
<u>MFR</u>	A	=	=	=	=	=
<u>CS/P</u>	A	A	=	=	=	=
<u>C-N</u>	A	A	=	=	=	=
<u>C-C</u>	A	A	=	=	=	=
<u>C-R</u>	A	A	A	=	=	=
<u>C-H</u>	A	A	A	=	=	=
<u>I-L</u>	A	A	A	A	=	=
<u>I-G</u>	3	3	A	A	=	=
<u>I-H</u>	3	3	3	A	=	=

- 1 A type-A bufferyard shall be provided at the time of development of the site in the more intensive zone.
- 2 Where the bufferyard will be a type A, based on the current zoning, the entire bufferyard shall be installed. Where the bufferyard will be a type B, based on the current zoning, only the 8-foot wall of the bufferyard shall be installed.
- 3 Only the 8-foot wall of the type-B bufferyard shall be installed.
- Signifies no buffering requirement.

**10.795E. Bufferyard Standards.**

(1) The following table indicates the width of the bufferyard, fence or wall requirement, and the minimum number and types of plants per one hundred (100) linear feet of bufferyard.

For an administratively approved bufferyard, the specified type and number of plants shall be used unless the applicant wishes to submit a Site Plan and Architectural Commission application for a public hearing to have the Commission consider modifying the requirement as otherwise allowed by this section.

\* \* \*

TABLE V ~~7~~ Table 10.790-3. Bufferyard Types

<u>Type</u>	<u>Width</u>	<u>Includes the following plants per 100 linear feet</u>
<u>A</u>	<u>10 feet</u>	<u>3 canopy trees</u> <u>2 conifer trees</u> <u>3 understory trees</u> <u>20 shrubs</u> <u>with 6-foot fence</u>
<u>B</u>	<u>20 feet</u>	<u>4 canopy trees</u> <u>3 conifer trees</u> <u>4 understory trees</u> <u>20 shrubs</u> <u>with 8-foot concrete or masonry wall</u>

<u>Bufferyard- Type</u>	<u>Width</u>	<u>Includes the following plants per 100 linear feet</u>
<u>A</u>	<u>10 feet</u>	<u>3 canopy trees</u> <u>2 conifer trees</u> <u>3 understory trees</u> <u>20 shrubs</u> <u>with 6 ft. fence</u>
<u>B</u>	<u>20 feet</u>	<u>4 canopy trees</u> <u>3 conifer trees</u> <u>4 understory trees</u> <u>20 shrubs</u> <u>with 8 ft. concrete or masonry wall</u>

\* \* \*

(7) Adjustments to bufferyards: This subsection deals with adjustments to the bufferyard other than the plantings. The approving authority shall have the discretion to make adjustments to the bufferyard requirements if an unusual circumstance exists and a finding is made that adequate buffering will be provided to avoid significant adverse impacts to the livability or value of the adjoining properties. Adjustments shall not be made simply for the convenience of site design. Adjustments to the bufferyard requirements may include, but are not limited to, the following:

\* \* \*

(e) A required concrete or masonry wall may be replaced, foot-for-foot of height, by an earthen berm (~~i.e. e.g., an eight-(8)~~ foot wall may be replaced by a two-(2) foot berm with six-(6) foot wall on top).

~~10.796~~ F. Ownership of Bufferyards.

Bufferyards shall remain in the ownership of the original developer (successors and assigns) of the ~~parcel~~ lot on which the buffer is located.

SECTION 16. Section 10.797 of the Medford Code is amended to read as follows:

10.797 Street Frontage Landscaping Requirements.

A. This section establishes the minimum landscaping requirements along all street frontages outside of the public right-of-way. Plans submitted to comply with this section shall be approved by the approving authority.

(1) For land divisions with houses that do not face an arterial street, an arterial street frontage landscape plan shall be submitted showing a minimum of eight (8) foot vertical separation feature. The separation feature shall include a wall or berm for a minimum of half the required height and either a fence, wall, berm, or landscaping to complete the total height required in order to buffer the lots from the adjoining street. The separation feature shall create a solid visual screen. A fence or wall shall be engineered to stand straight. The separation feature shall be reduced in height where otherwise required in a front or side yard or ~~site visibility~~ clear vision triangle. The Planning Commission may allow adjustments to the above requirement in response to topography.

(2) For all other street frontages the number of plants required for distances above or below one hundred (100) feet shall be prorated with the resulting numbers of plants rounded so that one-half or more shall be deemed to require a full plant. All required planting shall be located in the required yard area adjacent to the street unless otherwise approved by the approving authority.

(3) Existing plant materials which meet the requirements of this code may be counted as contributing to the total landscaping required by this section. Interstate 5 and other highway frontages shall be treated the same as city street frontage.

(4) The following table specifies the type and number of plants required by this section.

Table 797-1. Frontage Landscaping—Materials and Quantities

<u>Zoning District</u>	Number of plants required per 100 feet of street frontage less driveways	
	Trees	Shrubs
SFR (nonresidential uses), MFR, C-N, C-S/P, C-C, C-R, C-H	4	25
I-L, I-G, I-H	3	15

(5) Mowed and irrigated lawn, within the required front yard area, may be substituted for a maximum of fifty percent (50%) of the required shrubs on a percentage basis (i.e. 25 percent lawn replaces 25 percent of required shrubs, 50 percent or more lawn replaces 50 percent of required shrubs). The calculated number of trees or shrubs shall be rounded up to the next whole number (i.e. 4.5 or higher is rounded up to 5).

SECTION 17. Section 10.798 of the Medford Code is hereby repealed:



~~10.798 General Exceptions to Yard Requirements.~~

~~The following projections shall be permitted within the required yard area:~~

- ~~(1) Cornices, eaves, fireplaces, canopies, mechanical (heating and cooling equipment), or other similar architectural features may extend a maximum of one (1) foot into a required yard.~~
- ~~(2) Open uncovered accessory structures such as fire escapes, patios, porches, balconies, or outside stairways may extend a maximum of one (1) foot into the required side and rear yard and a maximum of six feet into a required front yard. Porches, decks or stoops which are open and uncovered and not exceeding 18 inches in height may be located within 18 inches of any lot line.~~
- ~~(3) Within the commercial districts awnings shall be allowed to extend a maximum of six (6) feet into the required front yard.~~
- ~~(4) Established Neighborhoods: On a parcel where the abutting lots, adjoining the same street, contain legally constructed buildings whose setbacks are equal to or less than that required by the underlying zone, the front yard setback may be reduced to a distance equal to the average setback of the abutting parcels. If one of the adjoining lots is vacant, the minimum setback of the underlying zone shall be utilized to determine the average.~~

SECTION 18. Section 10.933 of the Medford Code is amended to read as follows:

10.933 Constraints Analysis.

\* \* \*

A. Geology and Soils Report.

A Geology and Soils Report shall be prepared by both an Oregon-licensed geotechnical engineer, and either an Oregon-licensed geologist or engineering geologist. The geotechnical engineer shall focus on appropriate grading and foundation design; the geologist or engineering geologist shall focus on mitigation of geologic hazards. ~~and~~ The Report shall include:

\* \* \*

SECTION 19. Section 10.1010 of the Medford Code is amended to read as follows:

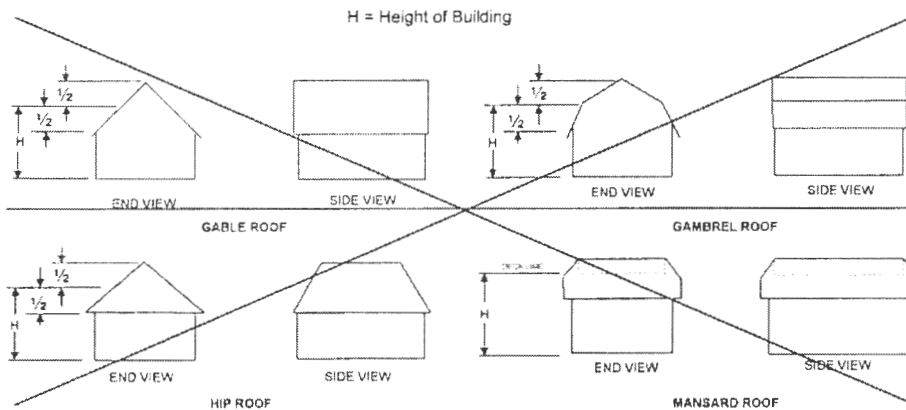
10.1010 Definitions.

\* \* \*

~~**Building height.** Shall mean the vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof surface for flat roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs and mansard roofs.~~

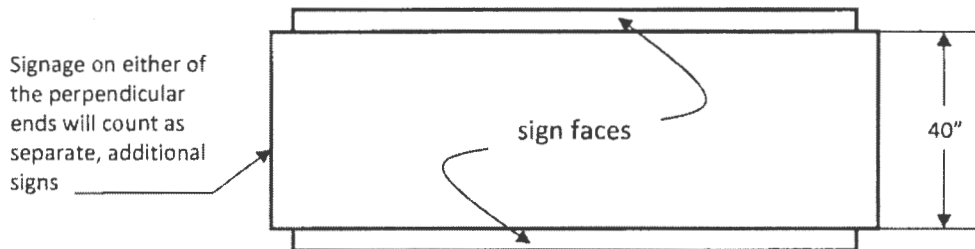
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**Sign, area of.**

(1) The area of a ground or projecting sign shall be calculated by adding the outer dimensions of all the faces presenting a sign message. Pole covers, and columns shall not be included in the area of the measurement if they do not bear advertising copy. Double-faced signs will be calculated as one sign only when placed back to back and separated by no more than ~~twenty-four~~ **forty (40)** inches. See following example (showing top of sign structure):



\*\*\*

PASSED by the Council and signed by me in authentication of its passage this 6 day of Sept, 2012.

ATTEST: Glenda Wilson  
City Recorder

[Signature]  
Mayor

APPROVED Sept 6, 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.

01  
ATTN: PLAN AMENDMENT SPECIALIST  
SHEET  
97501



DEPT OF

SEP 24 2012

LAND CONSERVATION  
AND DEVELOPMENT

RETURN RECEIPT  
REQUESTED

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