



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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## **NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION**

Date: July 20, 2015  
Jurisdiction: City of Medford  
Local file no.: 15-014  
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 07/16/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 55 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
001-15  
File No.: {23592}  
Received: 7/16/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Medford

Local file no.: **15-014**

Date of adoption: 05/07/15

Date sent: 7/16/15

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 01/30/15

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Carla Angeli Paladino, Planner III

Phone: 541-774-2395

E-mail: [carla.paladino@cityofmedford.org](mailto:carla.paladino@cityofmedford.org)

Street address: 200 S. Ivy

City: Medford

Zip: 97501-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- |             |    |        |  |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Development Code Amendment to amend Sections 10.012, 10.314, 10.337, and 10.813 to provide provisions for beekeeping in the City limits.

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. 2015-37

AN ORDINANCE amending Sections 10.012, 10.314, 10.337, and 10.813 of the Medford Code pertaining to beekeeping.

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:

\* \* \*

**Beekeeping Terms.**

**Bee.** Any stage of the common domestic honey bee, *Apis mellifera*.

**Beekeeper.** A person who raises honeybees; apiculturist.

**Beekeeping.** The rearing and breeding of honeybees; apiculture.

**Colony.** A hive and related equipment and appurtenances including bees, comb, honey, pollen, and brood.

**Hive.** A shelter constructed for housing a colony of honey bees.

**Swarm.** A group of bees when migrating with a queen to establish a new colony.

\* \* \*

SECTION 2. Section 10.314 of the Medford Code is amended to read as follows:

10.314 Permitted Uses in Residential Land Use Classification.

\* \* \*

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)
* * *									
6. NONRESIDENTIAL SPECIAL USES									
* * *									
<b>(n) Beekeeping</b>	<b>Ps</b>	<b>Ps</b>	<b>Ps</b>	<b>Ps</b>	<b>Ps</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>10.813 (C)</b>

\* \* \*

SECTION 3. Section 10.337 of the Medford Code is amended to read as follows:

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

\* \* \*

02 AGRICULTURAL PRODUCTION-LIVESTOCK. This major group includes farms, ranches primarily engaged in the keeping, grazing, or feeding of livestock for the sale of livestock. As used herein, the term livestock refers only to cattle, sheep, and goats; also included are animal specialties, such as horses, bees, fish in captivity.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
021	Livestock, except Dairy and Poultry	X	X	X	X	X	X	X	X
024	Dairy Farms	X	X	X	X	X	X	X	X
025	Poultry and Eggs	X	X	X	X	X	X	X	X
027	Animal Specialties	X	X	X	X	X	X	X	X
<b>0279</b>	<b>Beekeeping</b>	<b>Ps</b>	<b>Ps</b>	<b>Ps</b>	<b>Ps</b>	<b>Ps</b>	<b>Ps</b>	<b>Ps</b>	<b>Ps</b>
029	General Farms, Primarily Livestock	X	X	X	X	X	X	X	X

The special use reference for beekeeping corresponds with Section 10.813, Agricultural Services and Animal Services.

\* \* \*

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

10.813 Agricultural Services and Animal Services.

\* \* \*

**C. Beekeeping.**

The City recognizes the many benefits of bees including pollination services and useable products such as honey and wax. The keeping of bees is permitted in the single-family residential districts, and commercial and industrial districts in the city limits subject to the following standards:

- (1) Registration with the Medford Planning Department is required in order to keep beehives within the city limits.
- (2) Number of Hives Permitted.
  - (a) A maximum of three hives on a property less than one acre.
  - (b) A maximum of six hives on a property between one and two acres.
  - (c) For properties over two acres, an additional three hives per acre are permitted.
- (3) A beekeeper who owns five or more hives is required by the State to register them with the Oregon Department of Agriculture.
- (4) Bees shall be kept in hives with removable frames or combs, which shall be kept in sound and usable condition.
- (5) For each colony permitted to be maintained under this ordinance, one temporary nucleus colony in a hive structure not to exceed one standard 9-5/8-inch-depth, ten-frame hive body may also be maintained on the same property.
- (6) Hives shall not be placed within a required front, side, rear, street side, or buffer yard.
- (7) When a beehive is located less than 20 feet from a property line, a flyway barrier at least six feet in height shall be maintained parallel to the property line for a minimum of five feet in either direction of the hive. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that bees will fly over rather than through the material to reach the colony.
- (8) A constant supply of fresh water shall be provided for the colonies on site within 15 feet of each

hive.

(9) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the property. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.

(10) If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall be permitted to temporarily hive the swarm on their property for up to 30 days from the date acquired, at which time the hive limit requirements of Section C.2 apply once more.

(11) Products generated on site by bees, such as honey, shall be permitted to be sold on the property per applicable business license and/or home occupation regulations; however, no outdoor sales are permitted.

(12) A beekeeper shall not locate or maintain a hive on property owned by another person without first obtaining written permission from the property owner or person lawfully in possession of the property.

(13) A beekeeper shall immediately replace the queen in a hive that exhibits aggressive characteristics, including stinging or attempting to sting without provocation.

(14) Only docile common honey bees shall be permitted. African honey bees or any hybrid thereof are prohibited.

(15) A person may not keep a hive that causes a threat to human or animal health, or interferes with normal use and enjoyment of public or private property.

(16) Violation of Section 10.813(C) constitutes a violation. Every day in which the violation exists constitutes a separate violation.

(17) A violation of Section 10.813(C) is declared to be a public nuisance, and may be abated in the manner provided for in Section 5.520 of the Medford Code.

PASSED by the Council and signed by me in authentication of its passage this 7 day of May, 2015.

ATTEST:       /s/Glenda Wilson  
                  City Recorder

/s/Gary H. Wheeler  
                  Mayor

APPROVED    May 7, 2015.

/s/Gary H. Wheeler  
                  Mayor

NOTE: Matter in **bold** in an amended section is new. Three asterisks (\* \* \*) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.