



# 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

11/27/2009

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 021-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, December 09, 2009

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Cheryl Adams, City of Medford  
Gloria Gardiner, DLCD Urban Planning Specialist  
John Renz, DLCD Regional Representative

<paa> YA



# Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

☐ In person ☐ electronic ☐ mailed

DEPT OF

NOV 19 2009

LAND CONSERVATION  
 AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Medford**

Local file number: **A-07-286**

Date of Adoption: **11/5/2009**

Date Mailed: **11/16/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **9/14/2009**

☐ 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 an ordinance authorizing annexation to the City of Medford of one (1) parcel totaling 0.90 acres located 136 feet east of Table Rock Road approximately 430 feet north of Schulz Road, and concurrent zone change from County LI (Light Industrial) to City I-G/I-00 (General Industrial/Limited Industrial Overlay) zoning district, and withdrawal of said property from the Jackson County Fire District #3, effective when notice is received from the Secretary of State.

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

Plan Map Changed from:

to:

Zone Map Changed from: **County LI**

to: **City I-G/I-00**

Location: **4606 Table Rock Road, Medford, OR 97504**

Acres Involved: **1**

Specify Density: Previous: **NA**

New: **NA**

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 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"/>

Was an Exception Adopted? ☐ YES ☐ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No



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

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

Jackson County Fire District #3

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Local Contact: **Marilyn Primm**

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

Address: **200 S. Ivy Street**

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

City: **Medford**

Zip: **97501**

E-mail Address:

**marilyn.primm@cityofmedford.org**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **[larry.french@state.or.us](mailto:larry.french@state.or.us)**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **[larry.french@state.or.us](mailto:larry.french@state.or.us)** - **Attention: Plan Amendment Specialist.**

## ORDINANCE NO. 2009-238

AN ORDINANCE proclaiming annexation to the City of Medford of one (1) parcel totaling 0.90 acres located 136 feet east of Table Rock Road approximately 430 feet north of Schulz Road, and concurrent zone change from County LI (Light Industrial) to City I-G/I-00 (General Industrial/Limited Industrial Overlay) zoning district, and withdrawal of said property from Jackson County Fire District #3, effective when notice is received from the Secretary of State.

### WHEREAS:

1. The owner of the land in the territory to be annexed has consented in writing to the annexation, said consent having been heretofore filed with the City Recorder in the manner prescribed by law; and

2. The City Council by Resolution No. 2002-212 adopted October 1, 2009, dispensed with the elections submitting to the registered voters of the city the question of annexing said property and set 7:00 o'clock p.m. on the 5th day of November, 2009, in the Council Chambers of the City Hall in said city as the time and place of hearing thereon, together with a zone change to City I-G/I-00, and withdrawing said property from Jackson County Fire District #3, at which time and place the registered voters of the city and other interested parties were given an opportunity to be heard on the question; and

3. Notices of said public hearing were published and posted in the manner and for the time prescribed by law and the public hearing was duly held by and before the City Council as provided by law and by the terms of said resolution and the published notice, and it appears to be in the best interest of the city and of the area involved that it be annexed to the City of Medford, that the area be rezoned to City I-G/I-00, and that the area be withdrawn from Jackson County Fire District #3.

4. The City Council finds and determines that the facts and conclusions in the Staff Report dated October 26, 2009, on file in the Planning Department and incorporated herein by reference, are true and correct and are hereby adopted as the findings of the council; now, therefore,

### THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. The following described area in Jackson County, Oregon, to-wit:

Commencing at the North Quarter corner of Section 1 in Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence South 00°02' West, 1993.8 feet; thence North 89°58' East, 136.00 feet to the true point of beginning; thence continue North 89°58'

East 165.05 feet to a point on the centerline of an irrigation ditch; thence Southeasterly, along the centerline of said ditch, 190 feet, more or less, to the North line of that tract described in Volume 584, Page 147, Jackson County Deed Records said point also being on the that area annexed into the City of Medford through Ordinance Number 2001-244; thence South 89°58' West, along said North line and along said annexed area, 261.05 feet, more or less to the Southeast corner of that tract described in Volume 535, Page 14, said Deed Records; thence leaving said annexed area, North 00°02'30" East, along the East line of that tract described in Volume 535, Page 14, said Deed Records, 163.60 feet to the true point of beginning. Containing 0.90 acre, more or less

shall be annexed to the City of Medford, Oregon, and rezoned to City I-G/I-00 as provided herein.

Section 2. The above-described property annexed to the City of Medford is hereby withdrawn from Jackson County Fire District #3 at the effective date of annexation.

Section 3. The City Recorder shall submit to the Secretary of the State of Oregon a certified copy of this Ordinance. The City Recorder shall also, within ten days of the effective date of this annexation, send copies of this Ordinance to the County Clerk, County Assessor of Jackson County, Oregon, and Jackson County Fire District #3.

PASSED by the council and signed by me in authentication of its passage this 5 day of November, 2009.

ATTEST: Karen M Sporens  
Deputy City Recorder

APPROVED: November 5, 2009.

[Signature]  
Mayor  
[Signature]  
Mayor

**STAFF REPORT**

**File No:** A-07-286 Annexation

**Applicants:** Marcia Ramsay et al

**Request:** Consideration of annexation to the City of Medford of one (1) parcel totaling 0.90 acres located 136 feet east of Table Rock Road approximately 430 feet north of Schulz Road, and concurrent zone change from County LI (Light Industrial) to City I-G/I-00 (General Industrial/Limited Industrial Overlay) zoning district, and withdrawal of said property from the Jackson County Fire District #3, effective when notice is received from the Secretary of State.

**Background:**

This application was submitted by the applicant for one parcel, 372W01A Tax Lot 8400. Letters were sent to surrounding property owners inviting them to be included in this annexation. Since no one responded, the annexation will be for only this parcel.

A 10,000 square foot industrial building was recently built on this site following the demolition of the single-family residence shown on the aerial photograph. The new building houses a wholesale electric supply business which is permitted in the proposed City I-G/I-00 zone. The applicant has indicated that there is an easement on the parcel to the west for access to this parcel from Table Rock Road, as well as an easement on the subject parcel for access to the two parcels to the east.

**Annexation Findings**

Section 10.197 "Annexation Criteria"

*The City Council must find that the following State requirements are met in order to approve an annexation:*

1. *The land is within the City's Urban Growth Boundary,*

The subject parcel is within the City's Urban Growth Boundary.

2. *The land is contiguous to the current city limits, and,*

The subject parcel is contiguous to the current City limits along the south property line.

3. *Unless the land being considered for annexation is enclaved by the City or the City chooses to hold an election, a majority of the land owners and/or electors have consented in writing to the annexation per ORS 222.125 or ORS 222.170.*

ORS 222.170 is not applicable because there are no non-consenting owners in the annexation area. ORS 222.125 is the applicable section and states that:

*“ The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.”*

There are four property owners for this parcel, and all four have consented to the annexation for this parcel. These consents constitute 100% of the property owners. There are no electors on the property. Therefore, per ORS 222.125, this annexation may be approved without holding an election.

#### **Zone Change Criteria and Findings:**

Only zone change criteria that are relevant to this particular application are listed. \*\*\* indicates where irrelevant text has been omitted for brevity.

#### MLDC Section 10.198 "Zoning of Annexed Property"

*“At the time of annexation, the City will apply a City zoning designation comparable to the previous County zoning designation. Where no comparable City zoning designation exists, the SFR-00 (Single-Family Residential – one dwelling unit per existing lot) zone will be applied.”*

The parcel being annexed has County LI (Light Industrial) zoning. A comparable City zoning that complies with the designation on the General Land Use Plan Map (GI – General Industrial) would be I-G/I-00. An overlay of I-00 will be placed upon this property to limit the number of vehicle trips in the City industrial zones to that which would be generated under the comparable County industrial zoning designations. (MLDC 10.348)

#### Section 10.227 "Zone Change Criteria"

*“The approving authority shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:*



*(1) The proposed zone is consistent with the Transportation System Plan and the General Land Use Plan Map designation. (A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.)"*

It has been determined that the zone change is consistent with the *Transportation Planning Rule* (OAR 660-12-060) as described below, because it will not significantly affect an existing or planned transportation facility. The proposal is consistent with the General Land Use Plan Map which has a GI (General Industrial) designation, in that the I-G zoning district is allowed within the GI designation, as listed in the General Land Use Plan Map Element of the City of Medford *Comprehensive Plan*.

*"Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below"*

\*\*\*

*(d) For zone changes to any industrial zoning district, the following criteria shall be met for the applicable zoning sought:*

\*\*\*\*\*

*(ii) The I-G zone may abut the Heavy Commercial (C-H), Light Industrial (I-L), and the Heavy Industrial (I-H) zones. The I-G zone is ordinarily considered to be unsuitable when abutting the other commercial and residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below"*

*(e) For purposes of (1)(d) above, a zone change may be found to be "suitable" where compliance is demonstrated with one or more of the following criteria:*

\*\*\*\*\*

*(ii) At least 50% of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(d) above;*

The south boundary of the parcel being annexed abuts the zone, I-L (Light Industrial); therefore, zoning this parcel I-G is consistent with 10.227(1)(d)(ii).

*(2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."*



*(a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.*

*(b) Adequate streets and street capacity must be provided in one of the following ways:*

*(i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity;*

The "Public Facilities Element" of the *Comprehensive Plan* lists two categories of public facilities. Category "A" facilities include sanitary sewer, storm drain, and water systems; and transportation (streets). These facilities are the minimum necessary to support development and must, therefore, be available or made available upon development. Therefore, it can be found that the Category "A" urban services and facilities that currently serve the property are also available to adequately serve the subject property with the permitted uses allowed under the I-L/I-00 zoning district. A more thorough review of the facilities necessary to serve the subject site will be done when applications for development are received by the City.

#### Oregon Transportation Planning Rule 660-012-0060

##### Plan and Land Use Regulation Amendments

*(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

*(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

*(b) Change standards implementing a functional classification system; or*

*(c) As measured at the end of the planning period identified in the adopted transportation system plan:*

*(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

*(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*

*(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

Applying the I-G/I-00 (General Industrial/Limited Industrial Overlay District) zoning designation to this parcel is considered a change in a land use regulation, therefore, per Section 660-012-0060 of the Oregon Transportation Planning Rule cited above, it must be determined whether the zone changes will significantly affect an existing or planned transportation facility.

The existing County zoning district is LI (Light Industrial). The proposed I-G/I-00 zone will permit only the intensity of developments allowed in the County LI zone due to restrictions imposed by the I-00 overlay district. As a result, the uses permitted in the I-G/I-00 zone are not anticipated to generate any more traffic than would be generated by the existing County LI zoning; therefore, the zone change will not significantly affect an existing or planned transportation facility.

#### **Conclusion:**

As per the above referenced Annexation Findings, this proposal can be found to be consistent with the City of Medford *Land Development Code* Criteria 10.197 in that the subject annexation area is:

1. Within the City's Urban Growth Boundary,
2. Contiguous to the current city limits, and
3. Able to be annexed without holding an election per ORS 222.125, because 100% of the land owners have consented in writing to the annexation.

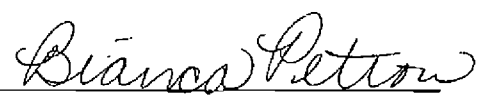
Under the legislative zone change provision for annexations found in MLDC Section 10.198, the City will apply a comparable City zoning designation at the time of annexation. The parcel associated with this annexation has County LI (Light Industrial) zoning. I-G/I-00 (General Industrial with Limited Industrial Overlay) is a comparable zoning, and application of this zoning to the subject sites meets all applicable zone change criteria per the above zone change findings.

#### **RECOMMENDED ACTION:**

Approval of A-07-286 per the Staff Report dated October 23, 2009, including a Vicinity Map and the following actions:

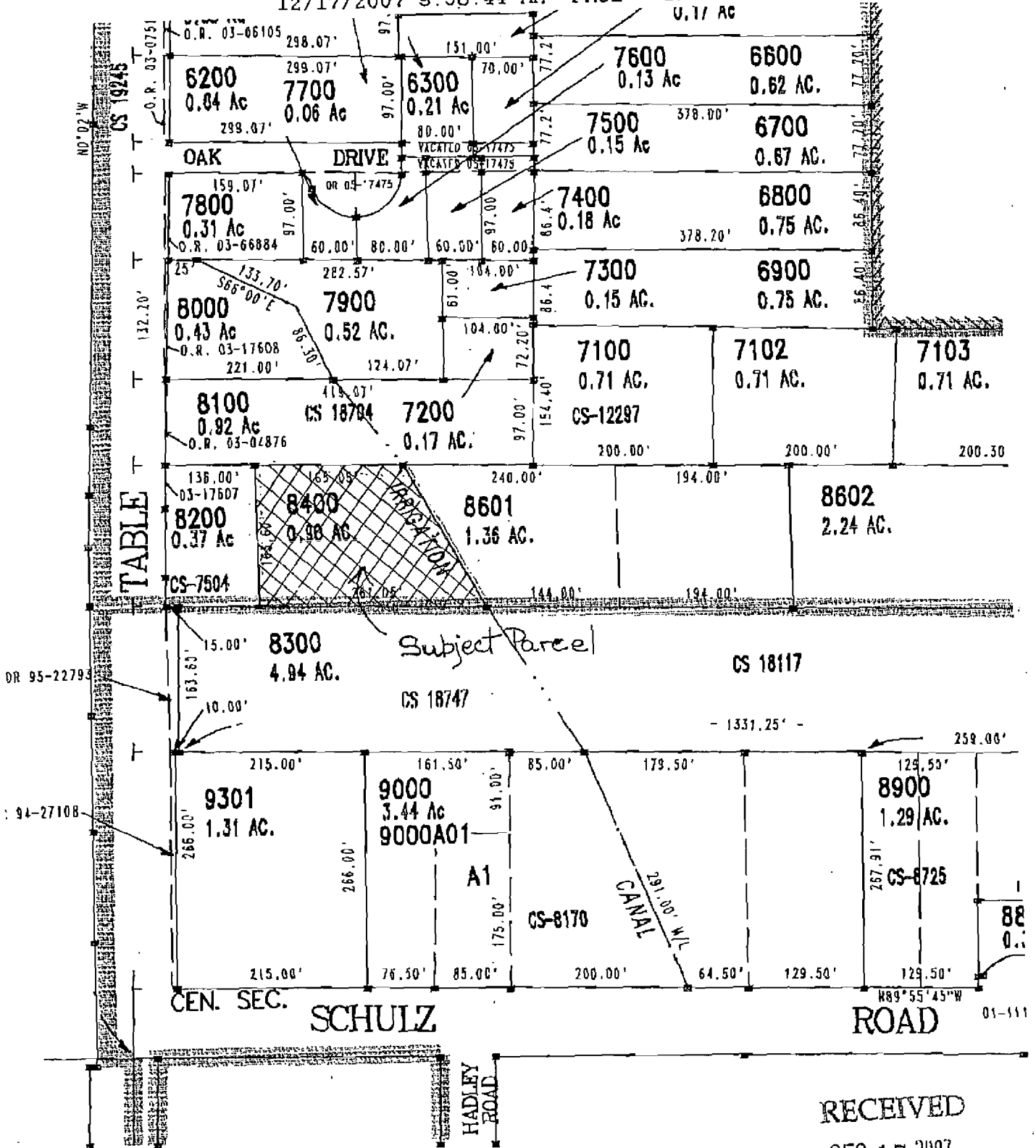
1. The subject property shall be zoned I-G/I-00 (General Industrial/Limited Industrial Overlay) at the effective date of annexation.
2. The subject property shall be withdrawn from Jackson County Fire District #3 at the effective date of annexation.

  
Marilyn Primm, Planner I

Reviewed by:   
Bianca Petrou, AICP  
Assistant Planning Director

**CITY COUNCIL AGENDA: November 5, 2009**





RECEIVED  
DEC 17 2007  
Planning Dept.





CITY OF MEDFORD

EXHIBIT #










Map # A-07-286

372w01A

**Vicinity Map**

 Zoning Boundary  
 UGB  
 City Limits  
 Taxlots

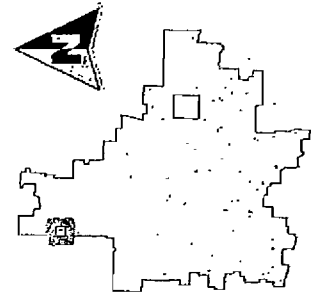
**OVERLAY**

 Airport Approach  
 Airport Radar  
 Central Business  
 Freeway  
 Historic Outline  
 Limited Industrial  
 Limited Service  
 Planned Development  
 Southeast

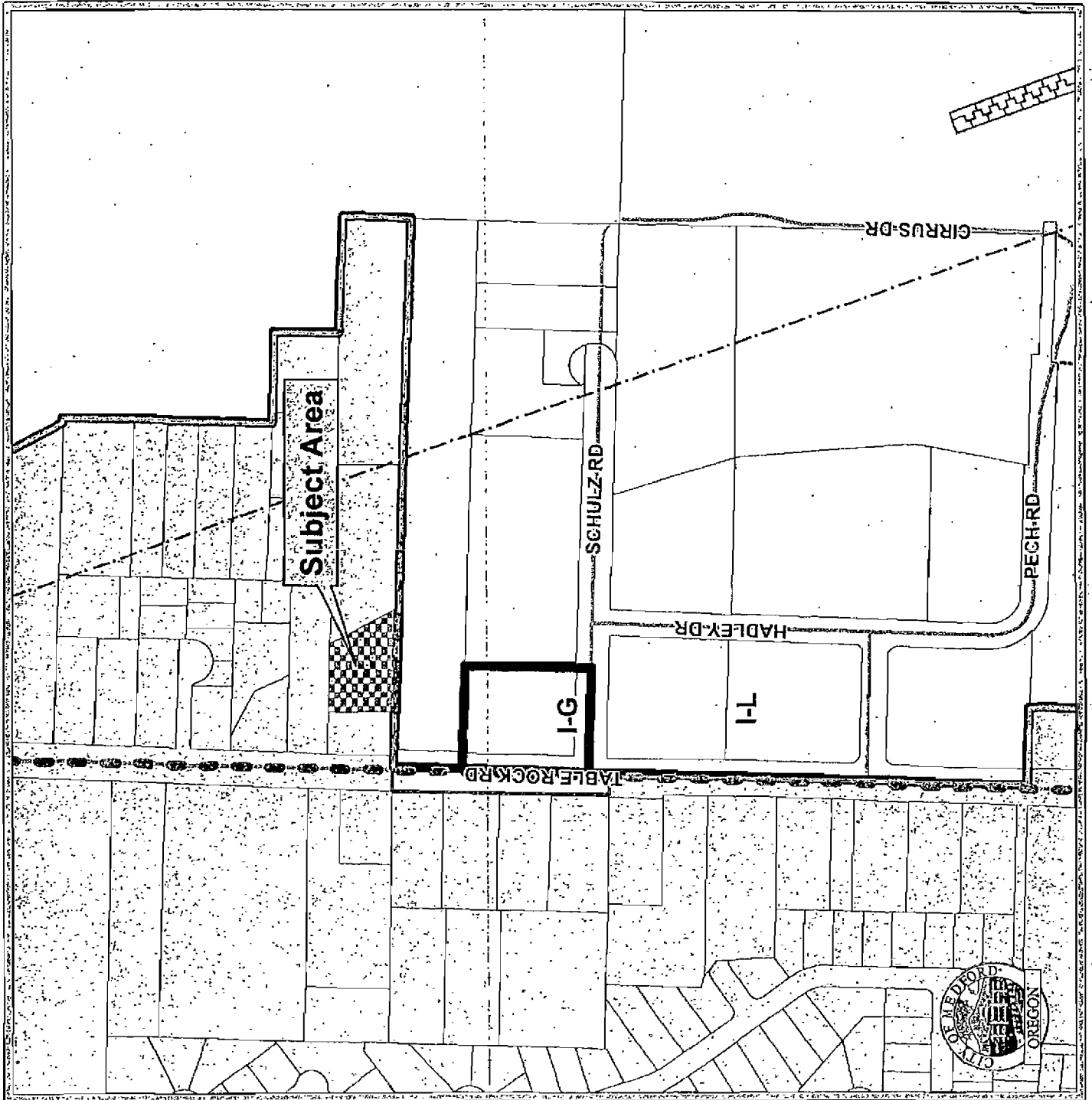
**FILE NUMBER**  
**A-07-286**

**APPLICANT:**  
**Marcia Ramsey et al**

Map: 372W01A  
TL: 8400



10/23/2009



CITY OF MEDFORD  
EXHIBIT #  
FILE # A-07-286







7007 0710 0001 0567 0476

City Of Medford  
Planning Department  
200 South Ivy Street  
Medford, OR 97501



Hasler

070-025107612  
\$07.510  
11/17/2009  
Mailed From 97501  
US POSTAGE

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

RETURN RECEIPT  
REQUESTED

DEPT OF

NOV 19 2009

LAND CONSERVATION  
AND DEVELOPMENT