



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

11/21/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment
DLCD File Number 017-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, December 01, 2011

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: Carly Meske, City of Medford
Angela Lazarean, DLCD Urban Planning Specialist
Amanda Punton, 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

NOV 14 2011

LAND CONSERVATION
 AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Medford**

Local file number: **CP-09-098**

Date of Adoption: **10-6-2011**

Date Mailed: **11-10-11**

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

☒ 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".

UPDATE "FIGURE 7: MEDFORD AREA RIPARIAN CORRIDORS" OF THE COMPREHENSIVE PLAN, ENVIRONMENTAL ELEMENT. THE OREGON STATE DEPARTMENT OF FISH AND WILDLIFE HAVE IDENTIFIED FISH IN PORTIONS OF STREAMS, WITHIN THE CITY LIMITS OF MEDFORD, THAT ARE NOT CURRENTLY DESIGNATED "RIPARIAN CORRIDORS" AND ARE THEREFORE UNPROTECTED. This AMENDMENT WILL UPDATE THE MAP, INCREASING THE PORTIONS OF STREAMS PROTECTED.

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

N/A

Plan Map Changed from: **FIGURE 7**

to: **FIGURE 7**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved:

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☒	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

NOV 14 2011

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

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

Jurisdiction: **City of Medford**

Local file number: **DCA-10-075**

Date of Adoption: **10-6-2011**

Date Mailed: **11-10-11**

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

☐ 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".

Update the Medford Land Development Code to add language describing those segments of stream designated as "fish bearing."

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

Plan Map Changed from: **FIGURE 7**

to: **FIGURE 7**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved:

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
☒ ☒ ☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

DLCD file No. _____

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

OREGON DEPARTMENT OF FISH AND WILDLIFE; DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT; CITY OF MEDFORD PUBLIC WORKS DEPARTMENT

Local Contact: **Carly Guillory**

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

Address: **200 S. Ivy Street**

Fax Number: **541-774-2560**

City: **Medford**

Zip: **97501**

E-mail Address:

carly.meske@cityofmedford.org

ADOPTION SUBMITTAL REQUIREMENTS

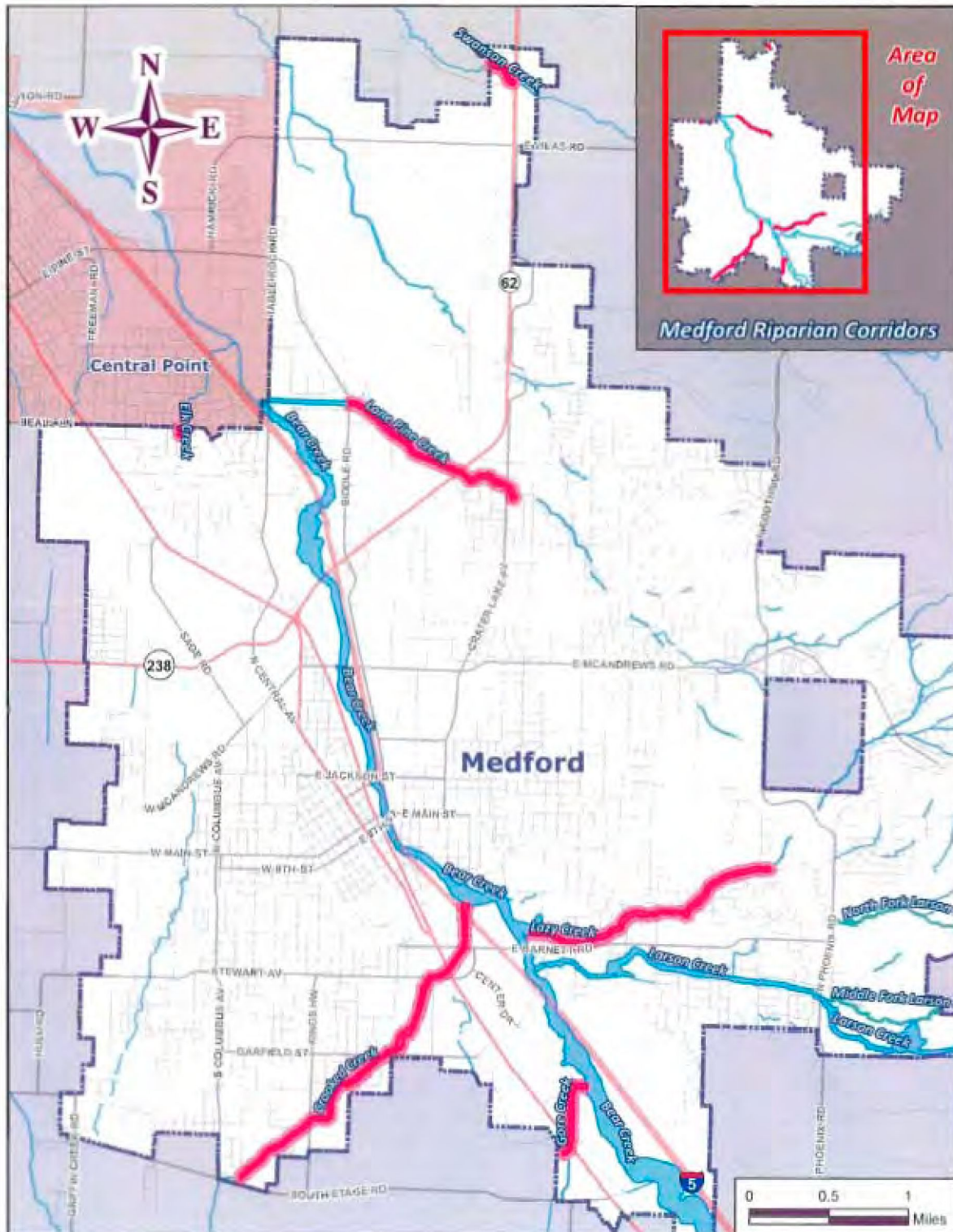
This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

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**.
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** - **Attention: Plan Amendment Specialist.**

Proposed Riparian Corridor Expansion



LEGEND

Riparian Corridor Status Length (# Miles)

	Proposed	7 mi
	Existing	11 mi

- Medford UGB
- Streams
- Freeway
- State Highway
- Major Road
- Other Public Road



8.5.11

Exhibit B

Riparian Corridors Code Amendment DCA-10-075
Proposed Language

August 18, 2011

Amendment Proposal

Bold copy indicates an addition; ~~struck through copy~~ indicates a deletion.

PROPOSED REVISION OF THE MEDFORD LAND DEVELOPMENT CODE

10.921 Riparian Corridors, Definitions

The following definitions shall apply to Sections 10.920 through 10.928, "Riparian Corridors":

Fish-bearing stream - A stream inhabited at any time of the year by anadromous or game fish species, or fish that are listed as threatened or endangered species under the federal or state Endangered Species Act.

Riparian area - The area adjacent to a stream consisting of the area of transition from the aquatic ecosystem to a terrestrial ecosystem.

Riparian vegetation - Native ground cover, shrubs, trees, and other vegetation predominately influenced by their association with water.

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.~~

10.922 Riparian Corridors, Applicability

A. The provisions of Sections 10.920 through 10.928, "Riparian Corridors," shall be applied to:
(1) ~~Those~~ waterways, or portions thereof, identified by the Medford Comprehensive Plan as being fish-bearing streams, and any other waterways, or portions thereof, specified in the Medford Comprehensive Plan as having riparian areas determined to be significant.

a. Those portions of streams designated fish-bearing in the Comprehensive Plan include: Bear, Elk, Swanson, Lone Pine, Lazy, Larson, Gore, and Crooked Creeks. Specifically:

- i. Bear Creek: all of Bear Creek in the city limits of Medford.**
- ii. Elk Creek: from Beall Lane south 0.05 miles.**
- iii. Swanson Creek: from Crater Lake Highway west 0.38 miles.**
- iv. Lone Pine Creek: from Bear Creek east 1.8 miles to Temple Drive.**
- v. Lazy Creek: from Bear Creek east 1.68 miles.**
- vi. Larson Creek: from Bear Creek east 3.9 miles to North Phoenix Road, and the south fork of Larson Creek from North Phoenix Road east 1.2 miles.**
- vii. Gore Creek: from Bear Creek southwest 0.82 miles.**
- viii. Crooked Creek: from Bear Creek southwest 2.08 miles.**

Exhibit B

Riparian Corridors Code Amendment DCA-10-075
Proposed Language

August 18, 2011

- (2) The provisions shall apply regardless of whether or not a building permit, development permit, or plan authorization is required, and do not provide any exemption from state or federal regulations.
- (3) Where riparian corridors are located within the Southeast (S-E) overlay zoning district, the provisions of Sections 10.920 through 10.928, "Riparian Corridors," shall take precedence.
- (4) When a locally significant wetland is located within or adjacent to a riparian corridor, the riparian corridor setback will be applied, and shall be measured from the boundary of the wetland.

B. Applications for plan authorizations (except Annexations), development permits, or building permits, and plans for proposed public facilities on parcels containing a riparian corridor, or a portion thereof, shall contain a to-scale drawing that clearly delineates the top-of-bank and riparian corridor boundary on the entire parcel or parcels.

C. When reviewing plan authorization or development permit applications for properties containing a riparian corridor, or portion thereof, the approving authority should consider the purpose statements in section 10.920, "Riparian Corridors, Purposes" in determining the extent of the impact on the riparian corridor.

D. The Planning Commission shall be the approving authority for applications for exceptions to the provisions herein pertaining to Riparian Corridors. In addition to the provisions of Sections 10.251 through 10.254 "Exception Application," such a request shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to OAR. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

E. In lieu of the provisions of this section, the significance of individual stream reaches maybe determined per the provisions in OAR 660-023-0090. Such a proposal shall be pursued through a Comprehensive Plan Amendment, consistent with Sections 10.181-10.184.

10.923 Riparian Corridors, Location

A. The riparian corridor ~~boundary shall extend of~~ 50 feet **shall be** measured horizontally from the top-of-bank, as defined herein, on both sides of those waterways **meeting the following criteria:**

- (1) ~~identified in s~~Section 10.922 A. "Riparian Corridors, Applicability," ~~and in the Comprehensive Plan as being fish-bearing;~~ and
- (2) ~~H~~having an average annual stream flow of less than 1,000 cubic feet per second (cfs), ~~and~~
- (3) **Waterways having riparian areas determined to be significant in the Comprehensive Plan.**

B. The 50 foot riparian corridor may be reduced unless if a request to reduce the setback has been approved according to section 10.927, "Riparian Corridors, Reduction or Deviation."

Exhibit B

Riparian Corridors Code Amendment DCA-10-075
Proposed Language

August 18, 2011

C. Where the top-of-bank has been relocated as part of an approved waterway restoration project, at the request of affected property owners, the riparian corridor ~~boundary~~ shall extent 50 feet from the original top-of-bank.

D. In lieu of the provisions of Sections 10.924 through 10.928, the degree of protection for significant riparian corridor reaches may be determined per the provisions of OAR 660-023-0050. Such a proposal shall be pursued through a Comprehensive Plan Amendment, consistent with Sections 10.181-10.184.

10.924 Permitted Activities within Riparian Corridors.

A. Any use, sign, or structure, and the maintenance thereof, lawfully existing on the date of adoption of the provisions herein, is permitted within a riparian corridor. Such use, sign, or structure may continue at a similar level and manner as existed on the date of adoption of the provisions herein. The maintenance and alteration of pre-existing ornamental landscaping is permitted within a riparian corridor as long as no additional riparian vegetation is disturbed. The provisions of this section shall not be affected by any change in ownership of properties containing a riparian corridor.

B. The following activities, and maintenance thereof, are permitted within a riparian corridor, subject to obtaining applicable permits, if any, from the Oregon Department of State Lands and the U.S. Army Corps of Engineers. All plans for development and/or improvements within a riparian corridor shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to OAR 635-415 "Fish and Wildlife Habitat Mitigation Policy."

(1) Waterway restoration and rehabilitation activities such as channel widening, realignment to add meanders, bank grading, terracing, reconstruction of road crossings, or water flow improvements.

(2) Restoration and enhancement of native vegetation, including the addition of canopy trees; cutting of trees which pose a hazard due to threat of falling if the tree is left in the riparian area after felling; or removal of non-native vegetation if replaced with native plant species at the same amount of coverage or density.

(3) Normal farm practices, other than structures, in existence at the date of adoption of the provisions herein, on land zoned for Exclusive Farm Use.

(4) Normal flood control channel maintenance practices within a waterway, other than structures, necessary to maintain flow.

(5) Replacement of a permanent legal nonconforming structure in existence at the date of adoption of the provisions herein with a structure in the same location, if it does not disturb additional riparian area, and in accordance with the provisions of Sections 10.032 through 10.037 "Non-Conformities."

Exhibit B

Riparian Corridors Code Amendment DCA-10-075
Proposed Language

August 18, 2011

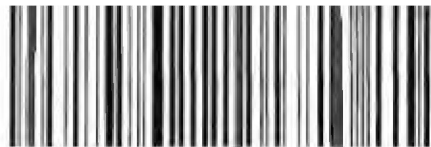
(6) Expansion of a permanent legal nonconforming structure in existence at the date of adoption of the provisions herein, if the area of the expansion is not within the riparian corridor, and in accordance with the provisions of Sections 10.032 through 10.037 "Non-Conformities."

(7) Perimeter mowing and other cutting necessary for hazard prevention.

(8) Improvements to, and maintenance of, the Medford International Airport and its runway protection zone, to meet the Federal Aviation Administration's regulations, advisory circulars, and guidelines.

C. New fencing may be permitted subject to consideration by the Planning Director or designee in consultation with the Director of Public Works and applicable state and federal agencies. An application for new fencing within a riparian corridor shall contain a to-scale drawing that clearly delineates the top-of-bank and riparian corridor boundary on the entire parcel or parcels, and shall indicate why the proposal is necessary and how it minimizes intrusion into the riparian corridor.

RD
ARTMENT
STREET
97501



7010 2780 0000 5871 0462



Hester

778439501942

\$06.679

11/10/2011

Account From: 9750

US POSTAGE

ATTN: PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION AND
DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540

RETURN RECEIPT
REQUESTED