



# 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](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

November 20, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment  
DLCD File Number 014-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 30, 2007**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
John Renz, DLCD Regional Representative  
Bill Holmstrom, DLCD Transportation Planner  
George Rubaloff, City of Medford

<paa> ya/

FORM 2

# DLCD

## 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

DATE STAMP

**DEPT OF**

NOV 13 2007

**LAND CONSERVATION AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **City of Medford**

Local file number: **DCA-06-213**

Date of Adoption: **11/1/2007**

Date Mailed: **11/5/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **9/17/2007**

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".

The purpose of §10.808 of the Land Development Code is to promote direct, convenient access for transportation modes other than motoring. The adopted housekeeping changes have no effect upon the standards that are imposed upon new development. The adopted changes modified the exception criteria so that they are clearer and more understandable.

Does the Adoption differ from proposal? Yes, Please explain below:

The words "transit route" were replaced with "major transit stop." The word "safe" was added to direct, convenient access to transit. . . The findings of fact supporting the amendment remain the same.

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 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

DLCD # 014-07 (16414)

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:

City agencies, Rogue Valley Transit District, Jackson County Planning, ODOT, Urban Renewal, DLCD, Citizens Advisory Committee.

Local Contact: **George Rubaloff**

Phone: (541) 774-2389 Extension:

Address: 200 S. Ivy Street

Fax Number: 541-618-1708

City: Medford Zip: 97501-

E-mail Address:

[george.rubaloff@cityofmedford.org](mailto:george.rubaloff@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, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: [webserver.lcd.state.or.us](http://webserver.lcd.state.or.us). To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing [mara.ulloa@state.or.us](mailto:mara.ulloa@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

**Final Adopted Amendment**

**November 1, 2007**

**10.808 New Commercial and Institutional Development**

All new commercial, office and institutional buildings on parcels within 600 feet of an existing or planned major transit stop as designated by the City of Medford Transportation System Plan (TSP), shall provide the following:

(1) Building entrances. All such uses shall provide a main entrance on the facade of a building nearest to and facing a street with a designated "transit route," hereinafter "transit street." A building may have more than one main entrance. If the lot has frontage on more than one "transit street," the building need only have one main entrance oriented to a transit street or to the corner where two "transit streets" intersect.

(2) Setbacks. Buildings shall be set back no more than 20 feet from the designated transit stop or "transit street." Where the site is adjacent to more than one designated "transit street," a building is required to meet the maximum setback standard on only one of the streets.

(3) Parking lots. No automobile parking shall be permitted between the building and the designated "transit street."

(4) An *exception* to one or more of the requirements in this section may be granted if the approving authority determines that:

(a) Strict compliance with the standard is not possible because of terrain or other physical conditions beyond the control of the applicant; or,

(b) Direct, convenient and safe access to transit is otherwise adequately provided for by other measures..

[Added Sec. 24, Ord. No. 7629, May 5, 1994.]

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ORDINANCE NO. 2007-236

AN ORDINANCE amending Chapter 10 of the Code of Medford by amending section 10.808 pertaining to new commercial and institutional development.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Section 10.808 of the Code of Medford is amended to read as follows:

10.808 New Commercial and Institutional Development.

All new commercial, office and institutional buildings on parcels within 600 feet of an existing or planned **major transit route stop**, as designated by the ~~transit provider~~ **City of Medford Transportation System Plan (TSP)**, shall provide the following:

(1) **Building entrances**. All such uses shall provide a main entrance on the facade of a building nearest to and facing a **street with a** designated "transit ~~street or route~~", **hereinafter "transit street"**. A building may have more than one main entrance. If the lot has frontage on more than one transit street, the building need only have one main entrance oriented to a transit street or to the corner where two transit streets intersect.

\* \* \*

(4) An exception to one or more of the requirements in this section may be granted if the approving authority determines that:

(a) Strict compliance with the standard is not possible because of terrain or other physical conditions beyond the control of the applicant; or,

~~(b) Strict compliance with the terms of this section would not serve the purpose of providing direct or convenient pedestrian or transit travel now or in the foreseeable future (i.e., over the 20-year planning period) consider the objectives of this section, the Transportation Planning Rule and the planned land uses; and~~

**(eb)** Direct, convenient **and safe** access to transit is otherwise adequately provided for by other measures. ~~;~~ ~~or~~

~~(d) No substitute measures are available which adequately accomplish the purposes of this section and the excepted standard.~~

PASSED by the Council and signed by me in authentication of its passage this 1 day of November, 2007.

ATTEST: /s/Glenda Owens  
City Recorder

/s/Gary H. Wheeler  
Mayor

APPROVED November 1, 2007.

/s/Gary H. Wheeler  
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.

ORD  
PARTMENT  
STREET  
97501



7007 0710 0001 0566 7346



Hasler

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\$05.770

11/09/2007

Mailed From 97501

US POSTAGE

RETURN RECEIPT  
REQUESTED

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