



# 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

August 15, 2008

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 006-08



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: August 29, 2008**

This amendment was submitted to DLCD for review 45 days 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

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

<paa> ya/

# 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



Jurisdiction: **City of Medford**

Local file number: **A-08-031**

Date of Adoption: **6/19/2008**

Date Mailed: **8/6/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: 4/23/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Annexation**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Annexation of one parcel (372W26AB 1200) and Zone Change from County SR-2.5 (Suburban Residential - 2.5 acre minimum lot size) to City SFR-00 (Single-Family Residential - 1 dwelling unit per existing lot).

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from: **SR-2.5**

to: **SFR-00**

Location: **372W26AB 1200**

Acres Involved: **2**

Specify Density: Previous: **2.5 acre minimum lot size**

New: **1 dwelling per lot**

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 # 006-08 (16869)

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

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

Medford Rural Fire Protection District #2, Jacksonville Highway Water District

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Local Contact: **Marilyn Primm**

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

Address: **200 South Ivy Street**

Fax Number: **541-774-2564**

City: **Medford**

Zip: **97501-**

E-mail Address: **marilyn.primm@ci.medford.or.us**

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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, 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**. 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**.
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 **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

Annexation  
to the  
City of Medford

EFFECTIVE DATE:

7/7/2008  
7/2008

The attached area description to be included within the  
boundaries of the City of Medford.

*Alenda Owens*  
City Recorder

NANCE NO. 2008-123

AN ORDINANCE proclaiming annexation to the City of Medford of one (1) parcel totaling approximately 2.07 acres located on the southwest corner of Finley Lane and Ross Lane and concurrent zone change from County SR-2.5 (Suburban Residential – 2.5 acre minimum lot size) to City SFR-00 (Single Family Residential – 1 dwelling unit per existing lot), and withdrawal of said property from the Medford Rural Fire Protection District #2 and Jacksonville Highway Water District, 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. 2008-87 adopted May 15, 2008, 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 19th day of June, 2008, 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 SFR-00, and withdrawing said property from Medford Rural Fire Protection District #2 and Jacksonville Highway Water District, 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 SFR-00, and that the area be withdrawn from Medford Rural Fire Protection District #2 and Jacksonville Highway Water District.

4. The City Council finds and determines that the facts and conclusions in the Staff Report dated June 11, 2008, attached as Exhibit "A" and incorporated herein, 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 most Easterly Southeast corner of Donation Land Claim No. 72, Township 37 South, Range 2 West, Willamette Meridian, Jackson County, Oregon; thence NORTH, along the East line of said Claim, 1327.5 feet to the Northeast corner of that tract described in Document No. 2005-064912, Official Records of Jackson County, Oregon; thence WEST, along the North line of said tract, 20 feet to the West line of Ross Lane North and the **true point of beginning**,

said point also being on the existing City of Medford Boundary; thence WEST, along said North line and along City Boundary, 415.60 feet to the Northwest corner of said tract; thence South, along said City Boundary, 217.0 feet to the Southwest corner of said tract; thence leaving said City Boundary, EAST, along the South line of said tract, 415.60 feet to the West line of Ross Lane North, also being a point on said City Boundary; thence NORTH 217.0 feet along said West line and said City Boundary to the true point of beginning

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

Section 2. The above-described property annexed to the City of Medford is hereby withdrawn from Medford Rural Fire Protection District #2 and Jacksonville Highway Water District 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, Medford Rural Fire Protection District #2, and Jacksonville Highway Water District.

PASSED by the council and signed by me in authentication of its passage this 19 day of June, 2008.

ATTEST: Glenda Owens  
City Recorder

Wayne H. White  
Mayor  
Wayne H. White  
Mayor

APPROVED: June 19, 2008.

STATE OF OREGON )  
COUNTY OF JACKSON )

I, Karen M. Spoons, CMC, Deputy City Recorder of the City of Medford, do hereby certify that I have prepared the foregoing copy of Ordinance 2008-123, have carefully compared the same with the original thereof on file in my office, and that it is correct, true and complete transcript there from and of the whole thereof.

Dated at Medford, Oregon, this 23rd day of June, 2008.

Karen M Spoons, CMC  
Deputy City Recorder

**Vicinity Map**

- UGB
- City Limits

**OVERLAY**

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

**FILE NUMBER:**

A-08-031

ZC-08-032

37-2W-26AB TL1200

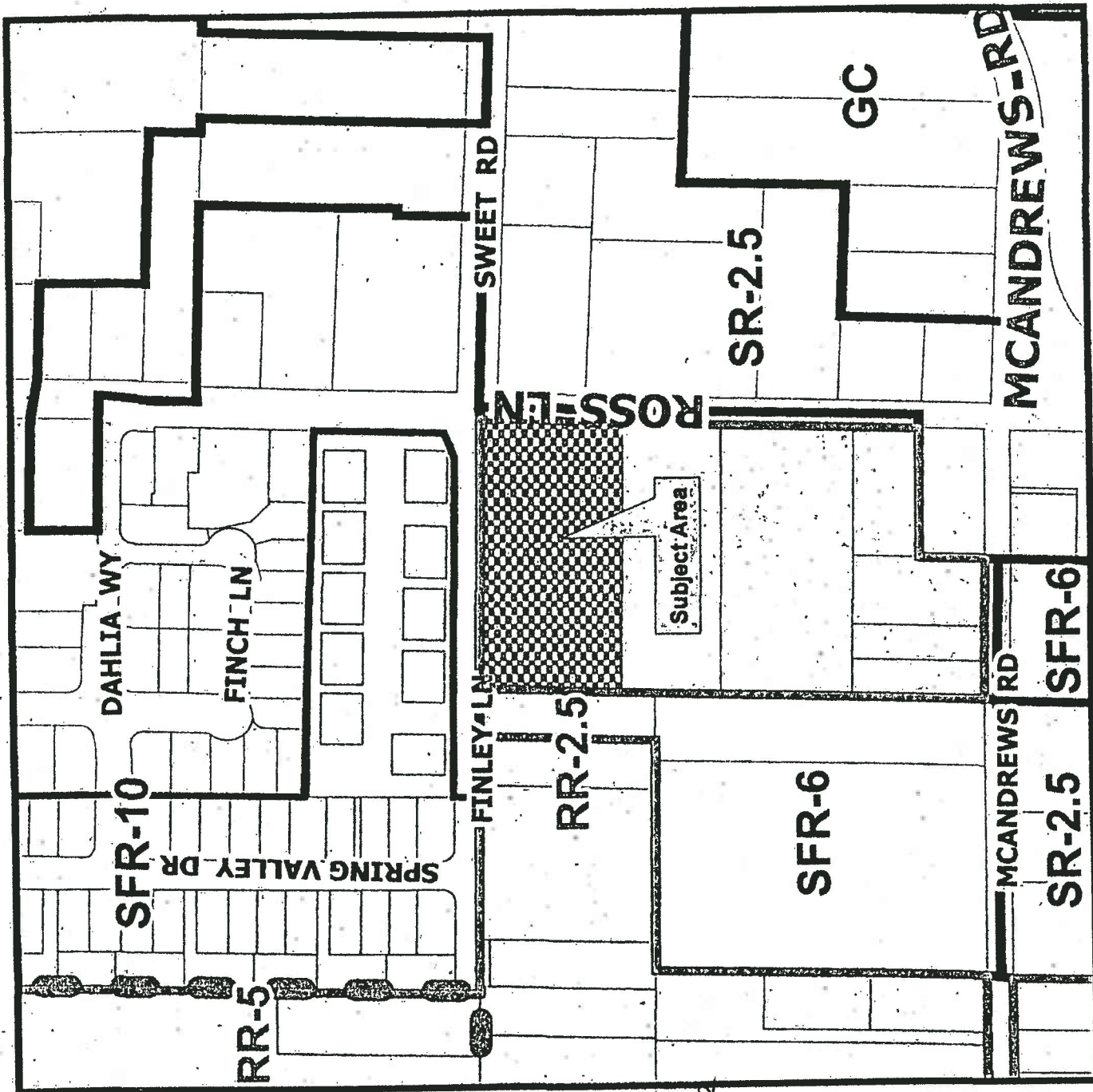
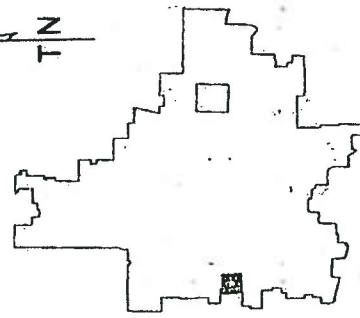
**APPLICANT:**

David Wilson

Owner: 471 Ross Lane, Medford, OR

Map: 372W26AB G7501

TL: 1200



Annexation A-08-31 (Ordinance 2008-123)

NOTE: This parcel was previously annexed into the City of Medford per annexation #A-06-232 (Ordinance 2007-173) dated August 7, 2007. Because that ordinance pertained to enclave annexations that were pursuant to 2007 HB 2760, the date of the annexation would have been "effective three years from the date of City Council approval or when property ownership is transferred, whichever occurs first". This property owner did not want to wait for the three years, therefore, had chosen to resubmit their parcel under a separate annexation.

37-2W-26AB TL 1200  
471 Ross Lane

Owner:  
David Wilson  
471 Ross Lane  
Medford, OR 97501

Agent:  
None

**STAFF REPORT**

**File No:** A-08-31/ZC-08-32 Annexation/Zone Change

**Applicant:** David Wilson

**Request:** Consideration of annexation to the City of Medford of one (1) parcel totaling approximately 2.07 acres located on the southwest corner of Finley Lane and Ross Lane and concurrent zone change from County SR-2.5 (Suburban Residential – 2.5 acre minimum lot size) to City SFR-00 (Single Family Residential – 1 dwelling unit per existing lot), and withdrawal of said property from the Medford Rural Fire Protection District #2 and Jacksonville Highway Water District, effective when notice is received from the Secretary of State, but not to occur before May 20, 2008.

**Background:**

This application was submitted for one (1) tax lot (372W26AB TL 1200) owned by David Wilson. The property currently has a manufactured home on it. The application was submitted in anticipation of future development of this site.

The owner of this property originally applied for annexation in July of 2006. Because the property was one of several enclaved properties, the application was processed as an enclave and included five other properties. The State passed House Bill 2760, effective June 27, 2007, which stated that all residential enclaved properties annexed after this date would be subject to a three-year delay for the effective date of the annexations. The applicant was agreeable to this delay at the time, but has since decided he would like the annexation to occur as soon as possible. We are now processing this application as a single parcel which would allow annexation immediately. Therefore, after approval of this by the City Council, the annexation can be effective as soon as notice is received from the Secretary of State.

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

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(1) states that:

*“(1) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day: (a) the public hearing held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or ” \*\*\**

1. The subject parcel is within the City’s Urban Growth Boundary.
2. The subject parcel is contiguous to the current City limits along the north, west and east property lines.
3. There is one property owner for the parcel, and he has consented to the annexation in writing. This consent constitutes 100% of the property owners, who own 100% of the land, and 100% of the assessed value. Therefore, per ORS 222.170(1), this annexation may be approved without holding an election.

**Zone Change 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 SFR-00 (Single-Family Residential- one dwelling per existing lot) zoning district is the most comparable to the County’s SR-2.5 (Suburban Residential – 2.5 acre minimum lot size) zoning district found in the City’s *Land Development Code*. Both zones allow residential development and neither will allow further subdivision of the existing parcel. Partitioning of the parcel cannot take place until a City zone, other than SFR-00, is approved.

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 Oregon Transportation Planning Rule (OAR 660) and the General Land Use Plan Map designation. (When the City of Medford's Transportation System Plan (TSP) is adopted, 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)* 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 UR (Urban Residential) designation, in that the SFR-00 zoning district is allowed within all land use designations 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), and (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."*

There are no locational standards for the SFR-00 zone.

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. Since no additional subdivision may occur on the subject property until a City zone, other than the SFR-00 zone, is approved by the City, 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 SFR-00 zoning district. A more thorough review of the facilities necessary to serve the subject site will be done when an application for a more intense City zone is 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 SFR-00 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 change will significantly affect an existing or planned transportation facility.

The SFR-00 zone was created in the City specifically as a holding zone, meaning that it will not allow an increase in the amount of traffic generated from the site over that which was allowed by the previous County zoning district. The current County zoning district on the subject parcel is SR-2.5 (Suburban Residential – 2.5 acre minimum lot size). Partitioning and further development of the parcel cannot take place until a City zone, other than SFR-00, is approved; therefore, no additional trips will be generated under the new SFR-00 zoning.

**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:

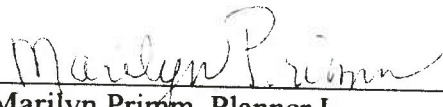
1. Within the City's Urban Growth Boundary,
2. Contiguous to the current city limits, and
3. 100% of the land owners have consented in writing to the annexation per ORS 222.170(1).


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 subject parcel is currently zoned County SR-5 (Suburban Residential – 5 acre minimum lot size). SFR-00 (Single-Family Residential – one dwelling unit per existing lot) is the most comparable zoning, and application of this zoning to the subject site meets all applicable zone change criteria per the above zone change findings.

**RECOMMENDED ACTION:**

Approval of A-08-31/ZC-08-32 per the Staff Report dated June 11, 2008, including a Vicinity Map and the following actions:

1. The subject property shall be zoned SFR-00 at the effective date of annexation.
2. The subject property shall be withdrawn from the Medford Rural Fire Protection District #2 and the Jacksonville Highway Water District at the effective date of annexation.

  
\_\_\_\_\_  
Marilyn Primm, Planner I

Reviewed by:   
\_\_\_\_\_  
Bianca Petrou, AICP  
Acting Planning Director

**CITY COUNCIL AGENDA: June 19, 2008**

# City of Medford: GIS



**Legend**

**Street Names**

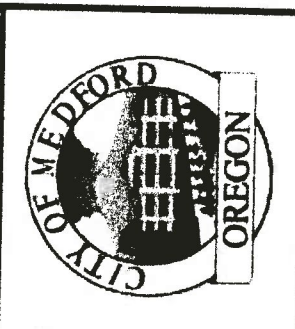
- Interstate 5
- City Limits Line
- UGB Line
- Taxlots

**Aerial Photo**

Res: 1:1,682

**RGB**

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



**Disclaimer Text:**  
 The Geographic Information Systems (GIS) data made available on this map are developed and maintained by the City of Medford and Jackson County. GIS data is not the official representation of any of the information included. The maps and data are made available to the public solely for informational purposes.

THERE MAY BE ERRORS IN THE MAPS OR DATA. THE MAPS OR DATA MAY BE OUTDATED, INACCURATE, AND MAY OMIT IMPORTANT INFORMATION. THE MAPS OR DATA MAY NOT BE SUITABLE FOR YOUR PARTICULAR USE. THIS INFORMATION IS BEING PROVIDED AS IS OR WITH ALL FAULTS. THE ENTIRE RISK AS TO THE QUALITY OR PERFORMANCE IS WITH THE BUYER AND IF INFORMATION IS DEFECTIVE, THE BUYER ASSUMES THE ENTIRE COST OF ANY NECESSARY CORRECTIONS OR SERVICING.

N.W.1/4, N.E.1/4, SEC.26, T.37S., R.2W., W.M.  
 JACKSON COUNTY  
 1" = 100'

37 2W 26AB  
 MEDFORD

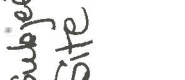
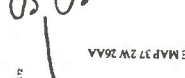
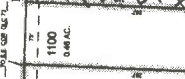
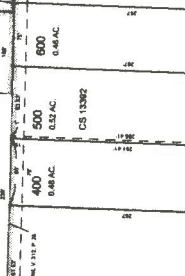
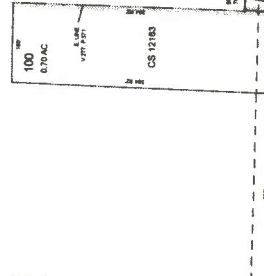
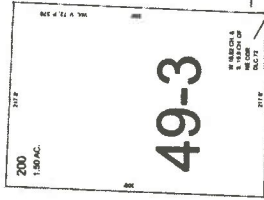
CANCELLED TAX  
 LOT NUMBERS:

FOR ASSESSMENT AND  
 TAXATION ONLY

1/4 COR.

APPROX.  
 1/16 COR.

SEE MAP 37 2W 23

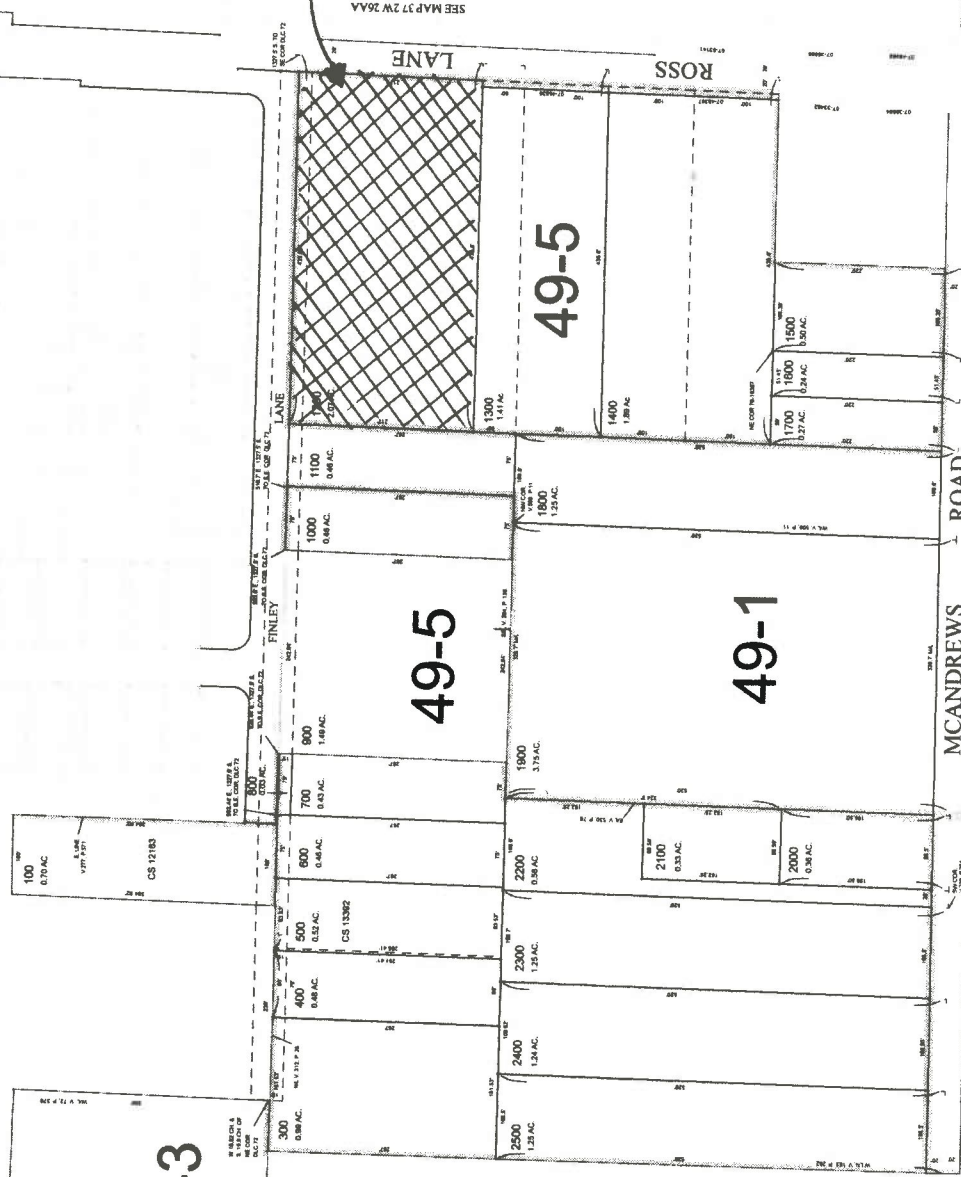


SEE MAP 37 2W 25B

APPROX.  
 1/16 COR.

SEE MAP 37 2W 26AC

APPROX.  
 1/16 COR.



Subject  
 Site

SEE MAP 37 2W 26AA

37 2W 26AB  
 MEDFORD

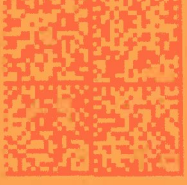
DATE CONVERSION: MARCH 30, 2000  
 REV: DECEMBER 17, 2007

MENT  
REET  
01



7007 0710 0001 0567 1602

Hasler



018426507632  
\$06.410  
08/08/2008  
Mailed From 97501  
US POSTAGE

RETURN RECEIPT  
REQUESTED

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