



Oregon

Theodore R. Kubongski, 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

12/4/2009

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 025-09

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 16, 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: Desmond McGeough, City of Medford
Gloria Gardiner, DLCD Urban Planning Specialist

<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

DEPT OF

NOV 27 2009

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Medford**

Local file number: **CP-09-075**

Date of Adoption: **11/19/2009**

Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 10/2/2009

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Consideration of a request for a minor amendment to the General Land Use Plan Map of the Medford Comprehensive Plan changing the designation from General Industrial (GI) to Service Commercial (SC) on ten parcels totaling 7.57 acres, and changing the designation from General Industrial (GI) to Commercial (CM) on three parcels totaling 4.47 acres, located generally on the west side of Lear Way and on the north and south sides of Delta Waters Road.

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

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

Plan Map Changed from: **GI**

to: **SC & CM**

Zone Map Changed from:

to:

Location: **west side of Lear Way, N & S of Delta Waters Rd**

Acres Involved: **12.04**

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 |
| <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"/> | <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

DLCD File No. 025-09 (17853) [15866]

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:

Rogue Valley Transportation District
Medford School District 549C

Local Contact: **Desmond McGeough**

Phone: **(541) 774-2380** Extension: **2391**

Address: **200 S. Ivy St.**

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

City: **Medford** Zip: **97501-**
desmondmcgeough@cityofmedford.org

E-mail Address:

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.

ORDINANCE NO 2009-252

AN ORDINANCE approving a minor amendment to the General Land Use Plan Map of the Medford Comprehensive Plan, subject to conditions, changing the land use designation from General Industrial (GI) to Service Commercial (SC) on ten (10) parcels totaling 7.57 acres, and changing the designation from General Industrial (GI) to Commercial (CM) on three (3) parcels totaling 4.47 acres, located generally on the west side of Lear Way and on the north and south sides of Delta Waters Road

THE CITY OF MEDFORD ORDAINS AS FOLLOWS

Section 1 A minor amendment to the City of Medford General Land Use Plan Map of the Medford Comprehensive Plan changing the land use designation from General Industrial (GI) to Service Commercial (SC) on ten (10) parcels totaling 7.57 acres, and changing the designation from General Industrial (GI) to Commercial (CM) on three (3) parcels totaling 4.47 acres, located generally on the west side of Lear Way and on the north and south sides of Delta Waters Road, is approved. We decline to amend the application to include properties owned by Laz Ayala because those properties were not included in the application and they were not included in the public hearing notice.

Section 2 The approval is based upon the Conditions of Approval stated below and the Findings of Fact and Conclusions of Law contained in the Staff Report dated November 6, 2009, attached as Exhibit A and incorporated herein, modified as follows: That not requiring a trip cap on the three Commercial lots does not result in a substantial impact and does not significantly impact Delta Waters and Highway 62 intersection under the Medford Code or state Transportation Planning Rule because the extension of Excel Drive from Delta Waters to the existing Delta Center PUD will alleviate trips from that intersection to negate any impact from the proposed plan designation on those lots. For this reason, a transportation impact analysis is not required on the application.

Condition #1 Any change of zoning to zones permitted within the Commercial (CM) and Service Commercial (SC) GLUP Map designations shall be stipulated to a trip cap pursuant to Revised Exhibit A. The conditioned trip cap shall only be removed subject to conditions and procedures provided by in Section 10.228, 10.460, 10.461 and 10.462 of the Medford Land Development Code.

Condition #2 The applicant shall produce a restrictive covenant, in a form acceptable to the City Attorney, to be placed on the subject property, which specifies the conditions on this approval.

Condition #3 The applicant shall record the restrictive covenant identified in condition #2 above within thirty (30) days of the City Council approval of this application or this amendment shall be void. This Comprehensive Plan Amendment shall be effective upon the City receiving evidence of the recordation of the covenant.

Condition #4 Future structures abutting Medco Haul Road shall be setback at least 20 feet from the right-of-way line to allow for future road widening.

PASSED by the Council and signed by me in authentication of its passage this 19 day of November, 2009.

ATTEST Glenda Owens
City Recorder

APPROVED November 19, 2009

Greg Miller
Mayor
Greg Miller
Mayor

Ordinance No 2009-252

Approve the submitted Comprehensive Plan Amendment (File: CP-09-75) with the following conditions

(strike-through language indicates changes proposed by the applicant)

- 1 Any change of zoning to zones permitted within the ~~Commercial (CM) and Service Commercial (SC)~~ GLUP Map designations shall be stipulated to a trip cap of no more than 300 Average Daily Trips per acre. The conditioned trip cap shall only be removed subject to conditions and procedures provided by in Section 10 228, 10 460, 10 461, and 10 462 of the Land Development Code
- 2 The applicant shall produce a restrictive covenant, in a form acceptable to the City Attorney, to be placed on the subject property, which specifies the conditions on this approval
- 3 The applicant shall record the restrictive covenant identified in condition #2 above within thirty (30) days of the City Council approval of this application or this amendment shall be void. This Comprehensive Plan Amendment shall be effective upon the City receiving evidence of the recordation of the covenant
- 4 Future structures abutting Medco Haul Road shall be setback at least 20 feet from the right-of-way line to allow for future road widening

Revised Ex. A



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

016H26507632

\$06.490

11/25/2009

Mailed From 97501

US POSTAGE

Hasler



RETURN RECEIPT
REQUESTED

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

