



# 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

01/21/2011

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 003-11

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, February 02, 2011

This amendment was not submitted to DLCD for review prior to adoption pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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 Guillory, City of Medford  
Gloria Gardiner, DLCD Urban Planning Specialist

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FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DEPT OF

JAN 14 2011

LAND CONSERVATION AND DEVELOPMENT

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

For Office Use Only

Jurisdiction: **City of Medford**

Local file number: **DCA-10-084**

Date of Adoption: **1/7/2011**

Date Mailed: 1/11/2011

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No 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".

An ordinance amending Chapter 10 of the Medford Municipal Code by amending Sections 10.123 *Membership*; 10.133 *Membership of the Site Plan and Architectural Commission*; and 10.137 *Landmarks and Historic Preservation Commission, Membership*, to provide that the Mayor and City Council appoint or remove Commission members rather than the Mayor or City Council alone (City of Medford, Applicant)

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

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **City-wide**

Acres Involved:

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 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 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. 003-11 (18689) [16483]

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

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

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Local Contact: **Carly Guillory, Planner II**

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

Address: **200 S. Ivy Street, Room 240**

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

City: **Medford**

Zip: **97501**

E-mail Address: **carly.guillory@cityofmedford.org**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and **One (1) Complete Paper Copy and One (1) Electronic Digital CD** (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615 ).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845 ).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615 ).
10. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE NO. 2011-06

AN ORDINANCE amending Sections 10.123, 10.133, and 10.137 of the Medford Code pertaining to membership of the Planning Commission, Site Plan and Architectural Commission, and Landmarks and Historic Preservation Commission.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.123 of the Medford Code is amended to read as follows:

10.123 **Planning Commission, Membership.**

The Planning Commission shall consist of nine (9) voting members appointed by the **Mayor and City Council**. All terms shall be for a period of four (4) years beginning on February 1 of each year with not more than three terms expiring in the same year.

All members shall be residents of the City and if any member ceases to be a resident, his or her position shall become vacant. A member may be removed by the **Mayor and City Council**, after a hearing, for misconduct or nonperformance of duty. Any vacancy shall be filled by the **Mayor and City Council** for the unexpired term of the predecessor in the office.

SECTION 2. Section 10.133 of the Medford Code is amended to read as follows:

10.133 ~~Membership of the~~ Site Plan and Architectural Commission, **Membership.**

The Site Plan and Architectural Commission shall consist of nine (9) voting members appointed by the **Mayor and City Council**, as follows:

(1) Appointment Criteria.

(a) One (1) member shall be a Planning Commissioner nominated by the Planning Commission chairperson. One (1) member shall be a licensed architect, one (1) shall be a licensed professional engineer, one (1) shall be a licensed landscaping professional, and one (1) shall be a licensed contractor. When selecting persons to fill the remaining four (4) positions, preference should be given to applicants who have training or experience closely related to the licensed positions. The Site Plan and Architectural Commission may review the applications and may make recommendations to the **Mayor and City Council** regarding appointments.

(b) Members shall reside within the City of Medford. At the **Mayor and City Council's** discretion, an appointment to any of the four (4) professional/licensed positions may be an individual who, in lieu of having a valid license in the profession, possesses a comparable combination of skill, education, training and experience related to the respective professional licensing category.

(2) Term of Office. Site Plan and Architectural Commissioner terms shall be for a period of four (4) years, with the exception of the member of the Planning Commission, whose initial term shall be for a period of two (2) years. Subsequent Planning Commissioner terms shall be for one (1) year if reappointed. Said terms shall begin on February 1 of each year with not more than two (2) terms expiring in the same year, exclusive of the Planning Commissioner. A member may be removed by the **Mayor and City Council**, after a hearing, for misconduct or nonperformance of duty.

Any vacancy shall be filled by the **Mayor and** City Council for the unexpired term of the member being replaced.

SECTION 3. Section 10.137 of the Medford Code is amended to read as follows:

10.137 Landmarks and Historic Preservation Commission, Membership.

(1) The Landmarks and Historic Preservation Commission shall be made up of seven (7) voting members ~~nominated~~ **appointed** by the Mayor and ~~confirmed by the~~ City Council.

\* \* \*

(5) A member of the Landmarks and Historic Preservation Commission may be removed by the **Mayor and** City Council, after a hearing, for misconduct or nonperformance of duty. Replacements shall be ~~nominated~~ **appointed** by the Mayor and ~~confirmed by the~~ City Council for the remainder of the un-expired term.

\* \* \*

PASSED by the Council and signed by me in authentication of its passage this 6 day of January, 2011.

ATTEST: Karen M. Spoons  
Deputy City Recorder

APPROVED January 6, 2011.

[Signature]  
Mayor  
[Signature]  
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.

# Exhibit A

## Amendment Proposal

**Bold copy** indicates an addition; ~~Struck through copy~~ indicates a deletion.

### **10.123 Planning Commission, Membership**

The Planning Commission shall consist of nine (9) voting members appointed by the **Mayor and** City Council. All terms shall be for a period of four (4) years beginning on February 1 of each year with not more than three terms expiring in the same year.

All members shall be residents of the City and if any member ceases to be a resident, his or her position shall become vacant. A member may be removed by the **Mayor and** City Council, after a hearing, for misconduct or nonperformance of duty. Any vacancy shall be filled by the **Mayor and** City Council for the unexpired term of the predecessor in the office.

[Amd. Sec. 4, Ord. No. 5820, March 19, 1987; Amd. Sec. 2, Ord. No. 6040, Jan. 7, 1988; Amd. Sec. 4, Ord. No. 7659, June 2, 1994.]

### **10.133 ~~Membership of the Site Plan and Architectural Commission, Membership~~**

The Site Plan and Architectural Commission shall consist of nine (9) voting members appointed by the Mayor **and City Council**, as follows:

#### (1) Appointment Criteria.

(a) One (1) member shall be a Planning Commissioner nominated by the Planning Commission chairperson. One (1) member shall be a licensed architect, one (1) shall be a licensed professional engineer, one (1) shall be a licensed landscaping professional, and one (1) shall be a licensed contractor. When selecting persons to fill the remaining four (4) positions, preference should be given to applicants who have training or experience closely related to the licensed positions. The Site Plan and Architectural Commission may review the applications and may make recommendations to the ~~the~~ **Mayor and City Council** regarding appointments.

(b) Members shall reside within the City of Medford. At the Mayor **and City Council's** discretion, an appointment to any of the four (4) professional/licensed positions may be an individual who, in lieu of having a valid license in the profession, possesses a comparable combination of skill, education, training and experience related to the respective professional licensing category.

# Exhibit A

(2) Term of Office. Site Plan and Architectural Commissioner terms shall be for a period of four (4) years, with the exception of the member of the Planning Commission, whose initial term shall be for a period of two (2) years. Subsequent Planning Commissioner terms shall be for one (1) year if reappointed. Said terms shall begin on February 1 of each year with not more than two (2) terms expiring in the same year, exclusive of the Planning Commissioner. A member may be removed by the **Mayor and** City Council, after a hearing, for misconduct or nonperformance of duty. Any vacancy shall be filled by the **Mayor and** City Council for the unexpired term of the member being replaced.

[Amd. Sec. 3, Ord. No. 6040, Jan 7, 1988; Amd. Sec. 6, Ord. No. 7659, June 2, 1994; Amd. Ord. No. 2001-159, Sept. 6, 2001; Amd. Sec. 2, Ord. No. 2006-13, Jan. 5, 2006; Amd. Ord. No. 2007-99, June 7, 2007; Amd. Sec. 3, Ord. No. 2008-236, Nov. 20, 2008].

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## 10.137 Landmarks and Historic Preservation Commission, Membership

(1) The Landmarks and Historic Preservation Commission shall be made up of seven voting members ~~nominated~~ **appointed** by the Mayor and ~~confirmed by the~~ City Council.

(2) All Landmarks and Historic Preservation Commission members shall be residents of the City of Medford, and, if any member ceases to be a city resident, his/her position shall become vacant.

(3) The Planning Director or designee shall serve as an *ex-officio* member of the Landmarks and Historic Preservation Commission.

(4) All members of the Landmarks and Historic Preservation Commission shall have demonstrated positive interest, competence, or knowledge of historic preservation.

(5) A member of the Landmarks and Historic Preservation Commission may be removed by the **Mayor and** City Council, after a hearing, for misconduct or nonperformance of duty. Replacements shall be ~~nominated~~ **appointed** by the Mayor and ~~confirmed by the~~ City Council for the remainder of the un-expired term.

(6) All regular terms of members of the Landmarks and Historic Preservation Commission shall be for a period of four years, and shall begin on February 1, with not more than three terms expiring in the same year.

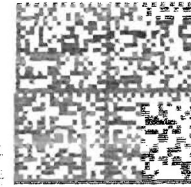
[Added, Section 2, Ord. No. 2006-199, Sept. 7, 2006.]



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CITY OF MEDFORD  
PLANNING DEPARTMENT  
200 SOUTH IVY STREET  
MEDFORD, OR 97501

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



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01/12/2011

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