



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

March 10, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist *MU*

SUBJECT: City of Medford Plan Amendment  
DLCD File Number 004-08



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.

Appeal Procedures\*

#### **DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: March 21, 2008**

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 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  
Cheryl Adams, City of Medford Planner

<paa> noa



PROP 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  
MAR 03 2008  
LAND CONSERVATION  
AND DEVELOPMENT  
For DLCD Use Only

Jurisdiction: **City of Medford**

Local file number: **A-07-197**

Date of Adoption: **2/7/2008**

Date Mailed: **2/28/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **No**Date:

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

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

Annexing to the City of Medford one parcel totaling 10.80 acres, located on the north side of Aerial Heights Drive approximately 2400 feet west of Cherry Lane, and concurrent zone change from County RR-5 (Rural Residential -5 acre minimum lot size) to City SFR-00/SE (Single-Family Residential - one dwelling unit per existing lot/Southeast Plan Overlay) and withdrawal of said property from Jackson County Fire District #2, effective when notice is received from the Secretary of State.

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

Plan Map Changed from:

to:

Zone Map Changed from: **County RR-5**

to: **City SFR-00/SE**

Location: **4751 Aerial Heights Drive, Medford, Or 97504**

Acres Involved: **10**

Specify Density: Previous: **5 acre min. lot size**

New: **1 dwel.unit 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

DLCD # 004-08 (NOA)

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:

---

Local Contact: Cheryl Adams'

Phone: (541) 774-2398 Extension:

Address: 200 S. Ivy Street

Fax Number: 541-618-1708

City: Medford

Zip: 97501-

E-mail Address: cheryl.adams@cityofmedford.org

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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.

ORDINANCE NO. 2008-31

AN ORDINANCE proclaiming annexation to the City of Medford of one parcel totaling 10.80 acres, located on the north side of Aerial Heights Drive approximately 2400 feet west of Cherry Lane, and concurrent zone change from County RR-5 (Rural Residential –5 acre minimum lot size) to City SFR-00/SE (Single-Family Residential – one dwelling unit per existing lot/Southeast Plan Overlay) and withdrawal of said property from Jackson County Fire District #2, effective when notice is received from the Secretary of State, but not to occur between February 20 and May 20, 2008.

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. 2007-262 adopted December 20, 2007, 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 7th day of February, 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/SE, and withdrawing said property from Jackson County Fire District #2, 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/SE, and that the area be withdrawn from Jackson County Fire District #2.

4. The City Council finds and determines that the facts and conclusions in the Staff Report dated January 30, 2008, on file in the Planning Department, 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:

Beginning at a point on the Section line common to Sections 23 & 26 in Township 37 South, Range 1 West of Willamette Meridian, Jackson County, Oregon; said point 1980 feet East of the Southeast corner of Donation Land Claim No. 62; running thence South 0° 09' East 661.45 feet to the Northerly line of a road right- of- way; thence along said road line North 59° 19' West 104.65 feet to the beginning of a curve to the left with a radius of 268.53 feet and length of 109.81 feet, (the long chord of the curve bearing North 71° 01' 30" West 109.00 feet); thence North 82° 44' West

47.49 feet to the beginning of a curve to the right with a radius of 328.10 feet and length of 176.17 feet (the long chord of said curve bearing North 67° 21' West a distance of 174.08 feet); thence North 51° 58' West 161.38 feet to the beginning of a curve to the left with a radius of 189.15 feet and a length 281.60 feet (the long chord of which bears South 85° 23' West 256.30 feet); thence South 42° 44' West 48.51 feet to the beginning of a curve to the right with a radius of 218.31 feet and length of 174.28 feet (the long chord of said curve bearing South 57° 32' West 171.62 feet); thence South 74° 51' West 30.00 feet; thence north 0° 09' West 537.50 feet to the North line of section line 26; thence along the section line south 89° 48' East 990.0 feet beginning at a point

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

Section 2. The above-described property annexed to the City of Medford is hereby withdrawn from Jackson County Fire District #2 at the effective date of annexation.

Section 3. The City Recorder shall submit to the Secretary of the State of Oregon a 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, and Jackson County Fire District #2.

PASSED by the council and signed by me in authentication of its passage this 7 day of February, 2008.

ATTEST: /s/Glenda Owens  
City Recorder

/s/Gary H. Wheeler  
Mayor

APPROVED: Feb. 7, 2008.

/s/Gary H. Wheeler  
Mayor



City of Medford  
Agenda Item Commentary

Item No.:  
Meeting Date: February 7, 2008  
Page: 1 of 1

***SUBJECT:***

Consideration of annexing to the City of Medford one parcel totaling 10.80 acres, located on the north side of Aerial Heights Drive approximately 2400 feet west of Cherry Lane, and concurrent zone change from County RR-5 (Rural Residential –5 acre minimum lot size) to City SFR-00/SE (Single-Family Residential – one dwelling unit per existing lot/Southeast Plan Overlay) and withdrawal of said property from Jackson County Fire District #2, effective when notice is received from the Secretary of State, but not to occur between February 20 and May 20, 2008.

***INITIATOR:*** Jeffrey Norman (Scott Sinner Consulting, Agent)

***STAFF INFO. SOURCE:***

Bianca Petrou, AICP, Interim Planning Director  
File No. A-07-197

***FISCAL IMPACT:***

N/A

***RECOMMENDATION:***

Staff recommends approval of the application.

***BACKGROUND & KEY ISSUES:***

This application was submitted for one (1) tax lot (371W26B TL 500) owned by Jeffrey Norman. The property currently has a house, garage and carport. This consent to annex for this property 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.

***EXHIBITS:***

Staff Report dated January 30, 2008  
Vicinity Map  
Aerial Photograph

City of Medford

January 30, 2008

**STAFF REPORT**

**File No:** A-07-197 Annexation

**Applicant:** Jeffrey Norman (Scott Sinner Consulting, Agent)

**Request:** Consideration of annexing to the City of Medford one parcel totaling 10.80 acres, located on the north side of Aerial Heights Drive approximately 2400 feet west of Cherry Lane, and concurrent zone change from County RR-5/SE (Rural Residential – 5 acre minimum lot size/Southeast Plan Overlay) to City SFR-00/SE (Single-Family Residential – one dwelling unit per existing lot/Southeast Plan Overlay) and withdrawal of said property from Jackson County Fire District #2, effective when notice is received from the Secretary of State, but not to occur between February 20 and May 20, 2008.

**Background:**

This application was submitted for one (1) tax lot (371W26B TL 500) owned by Jeffrey Norman. The property currently has a house, garage and carport. It was submitted in anticipation of future development of this site.

Letters were mailed to abutting and nearby property owners offering the opportunity of annexing at this time. However, no abutting property owners responded to this invitation. Because ORS 222.170 requires more than half of the owners of land to be annexed to be consenting, no other properties could be added to this annexation.

**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, east and south 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/SE (Single-Family Residential- one dwelling per existing lot/Southeast Plan Overlay) zoning district is the most comparable to the County’s RR-5 (Rural Residential - 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/SE, is approved.

This property lies within the Southeast Plan Overlay and is planned to be developed as “Estate Lots” with SFR-2 (Single-Family Residential – 2 dwelling units per acre) zoning.

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 660-012-0060Plan 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/SE 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 RR-5/SE (Rural Residential – 5 acre minimum lot size/Southeast Plan Overlay). This tax lot is larger than the 5 acre minimum and contains one dwelling unit, which is allowed in an RR-5 zone. Partitioning and further development of the parcel cannot take place until a City zone, other than SFR-00/SE, is approved; therefore, no additional trips will be generated under the new SFR-00/SE zoning.

A-07-197

January 30, 2008

**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).

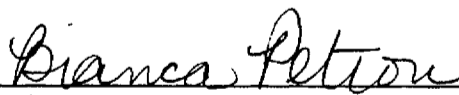
Under the legislative zone change provision for annexations found in MLDC Section 10.198, the City will apply a comparable City zoning designation at the time of annexation. The subject parcel is currently zoned County RR-5/SE (Rural Residential – 5 acre minimum lot size/Southeast Plan Overlay). SFR-00/SE (Single-Family Residential – one dwelling unit per existing lot/Southeast Plan Overlay) 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-07-197 per the Staff Report dated January 30, 2008, including a Vicinity Map and the following actions:

1. The subject property shall be zoned SFR-00/SE at the effective date of annexation.
2. The subject property shall be withdrawn from Jackson County Fire District #2 at the effective date of annexation.

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

Reviewed by:   
Bianca Petrou, AICP  
Interim Planning Director

**CITY COUNCIL AGENDA: February 7, 2008**

**Vicinity Map**

- UGB
- City Limits

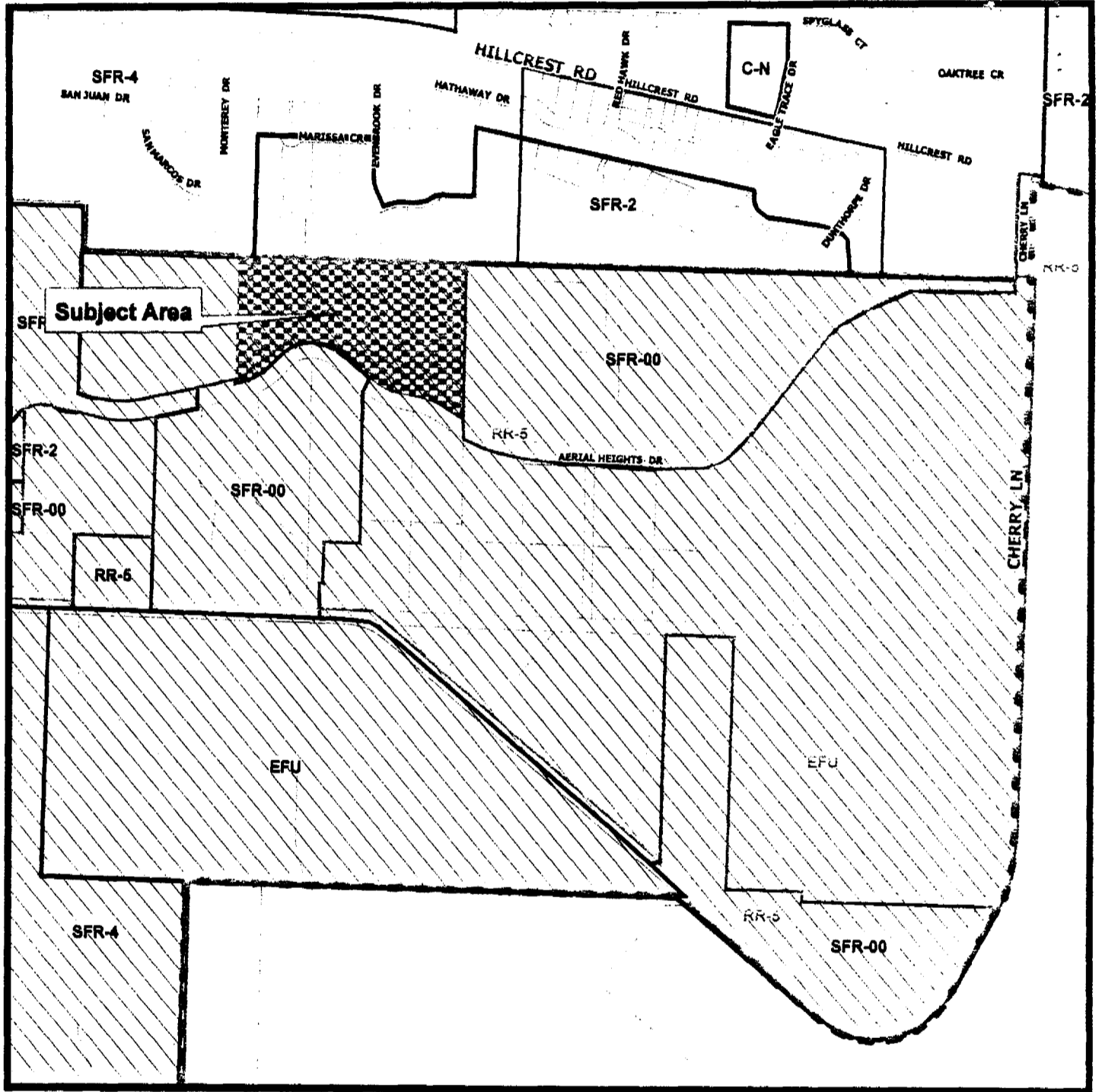
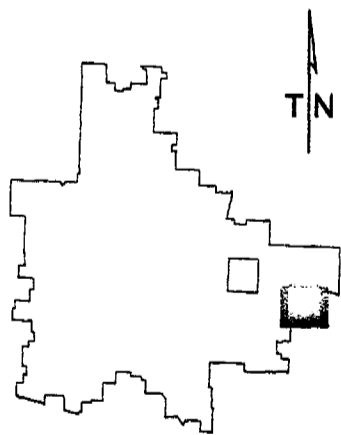
**OVERLAY**

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

**FILE NUMBER:**  
A-07-197

**APPLICANT:**  
Jeffery Norman

Map: 371W26B  
TL: 500



PROP **2**

# DLCD

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WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
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In person  electronic  mailed

DEPT OF  
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Zone Map Changed from: **County RR-5**

to: **City SFR-00/SE**

Location: **4751 Aerial Heights Drive, Medford, Or 97504**

Acres Involved: **10**

Specify Density: Previous: **5 acre min. lot size**

New: **1 dwel.unit per lot**

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |
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| <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

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45-days prior to first evidentiary hearing?

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If no, do the statewide planning goals apply?

Yes  No

DLCD # 004-08 (NOA)

If no, did Emergency Circumstances require immediate adoption?

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

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

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Local Contact: Cheryl Adams'

Phone: (541) 774-2398 Extension:

Address: 200 S. Ivy Street

Fax Number: 541-618-1708

City: Medford

Zip: 97501-

E-mail Address: [cheryl.adams@cityofmedford.org](mailto:cheryl.adams@cityofmedford.org)

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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 your request to: (503) 378-5518; or Email your request to [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 2008-31

AN ORDINANCE proclaiming annexation to the City of Medford of one parcel totaling 10.80 acres, located on the north side of Aerial Heights Drive approximately 2400 feet west of Cherry Lane, and concurrent zone change from County RR-5 (Rural Residential –5 acre minimum lot size) to City SFR-00/SE (Single-Family Residential – one dwelling unit per existing lot/Southeast Plan Overlay) and withdrawal of said property from Jackson County Fire District #2, effective when notice is received from the Secretary of State, but not to occur between February 20 and May 20, 2008.

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. 2007-262 adopted December 20, 2007, 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 7th day of February, 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/SE, and withdrawing said property from Jackson County Fire District #2, 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/SE, and that the area be withdrawn from Jackson County Fire District #2.

4. The City Council finds and determines that the facts and conclusions in the Staff Report dated January 30, 2008, on file in the Planning Department, 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:

Beginning at a point on the Section line common to Sections 23 & 26 in Township 37 South, Range 1 West of Willamette Meridian, Jackson County, Oregon; said point 1980 feet East of the Southeast corner of Donation Land Claim No. 62; running thence South 0° 09' East 661.45 feet to the Northerly line of a road right- of- way; thence along said road line North 59° 19' West 104.65 feet to the beginning of a curve to the left with a radius of 268.53 feet and length of 109.81 feet, (the long chord of the curve bearing North 71° 01' 30" West 109.00 feet); thence North 82° 44' West

47.49 feet to the beginning of a curve to the right with a radius of 328.10 feet and length of 176.17 feet (the long chord of said curve bearing North 67° 21' West a distance of 174.08 feet); thence North 51° 58' West 161.38 feet to the beginning of a curve to the left with a radius of 189.15 feet and a length 281.60 feet (the long chord of which bears South 85° 23' West 256.30 feet); thence South 42° 44' West 48.51 feet to the beginning of a curve to the right with a radius of 218.31 feet and length of 174.28 feet (the long chord of said curve bearing South 57° 32' West 171.62 feet); thence South 74° 51' West 30.00 feet; thence north 0° 09' West 537.50 feet to the North line of section line 26; thence along the section line south 89° 48' East 990.0 feet beginning at a point

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

Section 2. The above-described property annexed to the City of Medford is hereby withdrawn from Jackson County Fire District #2 at the effective date of annexation.

Section 3. The City Recorder shall submit to the Secretary of the State of Oregon a 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, and Jackson County Fire District #2.

PASSED by the council and signed by me in authentication of its passage this 7 day of February, 2008.

ATTEST: /s/Glenda Owens  
City Recorder

/s/Gary H. Wheeler  
Mayor

APPROVED: Feb. 7, 2008.

/s/Gary H. Wheeler  
Mayor





City of Medford  
Agenda Item Commentary

Item No.:  
Meeting Date: February 7, 2008  
Page: 1 of 1

***SUBJECT:***

Consideration of annexing to the City of Medford one parcel totaling 10.80 acres, located on the north side of Aerial Heights Drive approximately 2400 feet west of Cherry Lane, and concurrent zone change from County RR-5 (Rural Residential –5 acre minimum lot size) to City SFR-00/SE (Single-Family Residential – one dwelling unit per existing lot/Southeast Plan Overlay) and withdrawal of said property from Jackson County Fire District #2, effective when notice is received from the Secretary of State, but not to occur between February 20 and May 20, 2008.

***INITIATOR:*** Jeffrey Norman (Scott Sinner Consulting, Agent)

***STAFF INFO. SOURCE:***

Bianca Petrou, AICP, Interim Planning Director  
File No. A-07-197

***FISCAL IMPACT:***

N/A

***RECOMMENDATION:***

Staff recommends approval of the application.

***BACKGROUND & KEY ISSUES:***

This application was submitted for one (1) tax lot (371W26B TL 500) owned by Jeffrey Norman. The property currently has a house, garage and carport. This consent to annex for this property 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.

***EXHIBITS:***

Staff Report dated January 30, 2008  
Vicinity Map  
Aerial Photograph

City of Medford

January 30, 2008

### STAFF REPORT

**File No:** A-07-197 Annexation

**Applicant:** Jeffrey Norman (Scott Sinner Consulting, Agent)

**Request:** Consideration of annexing to the City of Medford one parcel totaling 10.80 acres, located on the north side of Aerial Heights Drive approximately 2400 feet west of Cherry Lane, and concurrent zone change from County RR-5/SE (Rural Residential – 5 acre minimum lot size/Southeast Plan Overlay) to City SFR-00/SE (Single-Family Residential – one dwelling unit per existing lot/Southeast Plan Overlay) and withdrawal of said property from Jackson County Fire District #2, effective when notice is received from the Secretary of State, but not to occur between February 20 and May 20, 2008.

#### **Background:**

This application was submitted for one (1) tax lot (371W26B TL 500) owned by Jeffrey Norman. The property currently has a house, garage and carport. It was submitted in anticipation of future development of this site.

Letters were mailed to abutting and nearby property owners offering the opportunity of annexing at this time. However, no abutting property owners responded to this invitation. Because ORS 222.170 requires more than half of the owners of land to be annexed to be consenting, no other properties could be added to this annexation.

#### **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, east and south 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/SE (Single-Family Residential- one dwelling per existing lot/Southeast Plan Overlay) zoning district is the most comparable to the County’s RR-5 (Rural Residential - 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/SE, is approved.

This property lies within the Southeast Plan Overlay and is planned to be developed as “Estate Lots” with SFR-2 (Single-Family Residential – 2 dwelling units per acre) zoning.

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 660-012-0060Plan 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/SE 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 RR-5/SE (Rural Residential – 5 acre minimum lot size/Southeast Plan Overlay). This tax lot is larger than the 5 acre minimum and contains one dwelling unit, which is allowed in an RR-5 zone. Partitioning and further development of the parcel cannot take place until a City zone, other than SFR-00/SE, is approved; therefore, no additional trips will be generated under the new SFR-00/SE zoning.

A-07-197

January 30, 2008

**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).

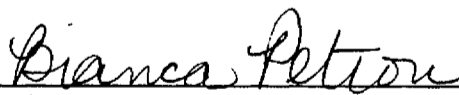
Under the legislative zone change provision for annexations found in MLDC Section 10.198, the City will apply a comparable City zoning designation at the time of annexation. The subject parcel is currently zoned County RR-5/SE (Rural Residential – 5 acre minimum lot size/Southeast Plan Overlay). SFR-00/SE (Single-Family Residential – one dwelling unit per existing lot/Southeast Plan Overlay) 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-07-197 per the Staff Report dated January 30, 2008, including a Vicinity Map and the following actions:

1. The subject property shall be zoned SFR-00/SE at the effective date of annexation.
2. The subject property shall be withdrawn from Jackson County Fire District #2 at the effective date of annexation.

  
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Marilyn Primm, Planner I

Reviewed by:   
Bianca Petrou, AICP  
Interim Planning Director

**CITY COUNCIL AGENDA: February 7, 2008**

**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-07-197

**APPLICANT:**  
Jeffery Norman

Map: 371W26B  
TL: 500

