



Oregon
Theodore R. Kubongoski, 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

11/27/2009

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 022-09

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 09, 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: Cheryl Adams, City of Medford
Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative

<paa> YA

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DATE STAMP

DEPT OF

NOV 19 2009

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Medford**

Local file number: **A-09-031**

Date of Adoption: **11/5/2009**

Date Mailed: **11/16/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 9/14/09

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".

Consideration of annexation to the City of Medford of one (1) parcel plus associated r-o-w located on the west side of Thomas Road approx. 157 feet north of Sunset Drive, of approx 1.26 acres, and concurrent zone change from County RR-2.5 (Rural Residential - 2.5 acre min 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.

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

Plan Map Changed from:

to:

Zone Map Changed from: **County RR-2.5**

to: **City SFR-00**

Location: **1812 Thomas Road, Medford OR 97501**

Acres Involved: **1**

Specify Density: Previous: **1**

New: **1**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

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. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:
Medford Rural Fire Protection District #2

Local Contact: Marilyn Primm

Phone: (541) 774-2380 Extension:

Address: 200 S. Ivy Street

Fax Number: 541-618-1708

City: Medford

Zip: 97501

E-mail Address:

marilyn.primm@cityofmedford.org

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing larry.french@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 larry.french@state.or.us - **Attention: Plan Amendment Specialist**.

Updated March 17, 2009

ORDINANCE NO. 2009-239

AN ORDINANCE proclaiming annexation to the City of Medford of one (1) parcel plus associated right-of-way located on the west side of Thomas Road approximately 157 feet north of Sunset Drive, of approximately 1.26 acres, and concurrent zone change from County RR-2.5 (Rural 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, 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. 2002-211 adopted October 1, 2009, 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 5th day of November, 2009, 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 City SFR-00, and withdrawing said property from Medford Rural Fire Protection 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 City SFR-00, and that the area be withdrawn from Medford Rural Fire Protection District #2.

4. The City Council finds and determines that the facts and conclusions in the Staff Report dated October 23, 2009, on file in the Planning Department and incorporated herein by reference, 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:

///

All that certain real property as described in Instrument Number 2006-003950, as recorded in the Official Records of Jackson County, Oregon, and a portion of Thomas Road, a public road, located in the Southwest One-quarter of the Southeast One-quarter of Section 35, Township 37 South, Range 2 West, Willamette Meridian, Jackson County, Oregon, being more particularly described as follows:

Beginning at a point on the existing City of Medford Boundary, annexed by Ordinance Number 2005-253, being on the westerly right-of-way of said Thomas Road, also being the southeast corner of that certain tract of land described in Instrument Number 02-039128 of said official records; thence leaving said westerly right-of-way and along said City Boundary, East, 50.00 feet to the easterly right-of-way of said Thomas Road; thence leaving said City Boundary, South, along the easterly right-of-way of said Thomas Road, 300.00 feet to the point of intersection of said easterly right-of-way and the prolongation of the south line of that certain tract of land described in said Instrument Number 2006-003950; thence leaving said easterly right-of-way, West, 50.00 feet to the westerly right-of-way of said Thomas Road and the southeast corner of that tract of land described in said Instrument Number 2006-003950; thence West, along the south line of that tract of land described in said Instrument Number 2006-003950, 321.00 feet to the northeast corner of that certain tract of land described in Instrument Number 94-037775, of said official records, and being a point on the existing City of Medford Boundary annexed by Ordinance Number 2005-253; thence West, along said City Boundary, 100.00 feet to the southwest corner of that tract of land described in said Instrument Number 2006-003950; thence North, along said City Boundary, 95.00 feet to the northwest corner of that tract of land described in said Instrument Number 2006-003950; thence leaving said City Boundary, East, 421.00 feet to the northeast corner of said tract of land described in said Instrument Number 2006-003950 and the westerly right-of-way of said Thomas Road; thence North, along said westerly right-of-way, 205.00 feet to the Point of Beginning.

Containing 1.26 acres more or less.

shall be annexed to the City of Medford, Oregon, and rezoned to City 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 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, and Medford Rural Fire Protection District #2.

///
///

PASSED by the council and signed by me in authentication of its passage this 5 day
of November, 2009.

ATTEST: Kaemmspruok
Deputy City Recorder

APPROVED: NOVEMBER 5, 2009.

[Signature]
Mayor
[Signature]
Mayor

City of Medford

October 23, 2009

STAFF REPORT

File No: A-09-031 Annexation

Applicants: Clyde and Susan Severson (Maize & Associates, Inc, Agent)

Request: Consideration of annexation to the City of Medford of one (1) parcel plus associated right-of-way located on the west side of Thomas Road approximately 157 feet north of Sunset Drive, of approximately 1.26 acres, and concurrent zone change from County RR-2.5 (Rural 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, effective when notice is received from the Secretary of State.

Background:

This application was submitted for one (1) tax lot (372W35DC Tax Lot 1100) owned by Clyde and Susan Severson. Letters were sent to surrounding property owners asking if they would like to be included in this annexation. No responses were received.

The consents to annex for this property constitute 100% of the property owners, who own 100% of the land, and 100% of the assessed value. Therefore, per ORS 222.125, this annexation may be approved without holding an election.

Thomas Road will be annexed in front of this parcel and north to the current city limits to end up with a contiguous right-of-way within the City.

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,*

The subject parcel is within the City's Urban Growth Boundary.

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

The subject parcel is contiguous to the current City limits along the west and a portion of the south property lines.

- 2. *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 is not applicable because there are no non-consenting owners in the annexation area.

ORS 222.125 is the applicable section and states that:

" The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation."

There are two property owners for this parcel, and they have both consented to the annexation. These consents constitute 100% of the property owners. The property is now vacant; the house shown in the aerial photograph has been demolished. Therefore, per ORS 222.125, this annexation may be approved without holding an election.

Zone Change Criteria and 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 RR-2.5 (Rural 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 this 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 Transportation System Plan and the General Land Use Plan Map designation. (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 UR (Urban Residential) designation because the SFR-00 zoning district is allowed within all land use designations per 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. Therefore, 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 applications for development are 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 parcels is RR-2.5 (Rural Residential – 2.5 acre minimum lot size). RR-2.5 zoning allows one single-family dwelling unit. The parcel is currently undeveloped and with the proposed SFR-00 zoning would be allowed one single-family residence and an accessory dwelling unit. 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 222.125.

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 parcels are currently zoned County RR-2.5 (Rural Residential – 2.5 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 sites meets all applicable zone change criteria per the above zone change findings.

RECOMMENDED ACTION:


Approval of A-09-031 per the Staff Report dated October 23, 2009, 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 Medford Rural Fire Protection District #2 at the effective date of annexation.

A-09-031





October 23, 2009


Marilyn Primm, Planner I










Reviewed by: 
Bianca Petrou, AICP
Assistant Planning Director

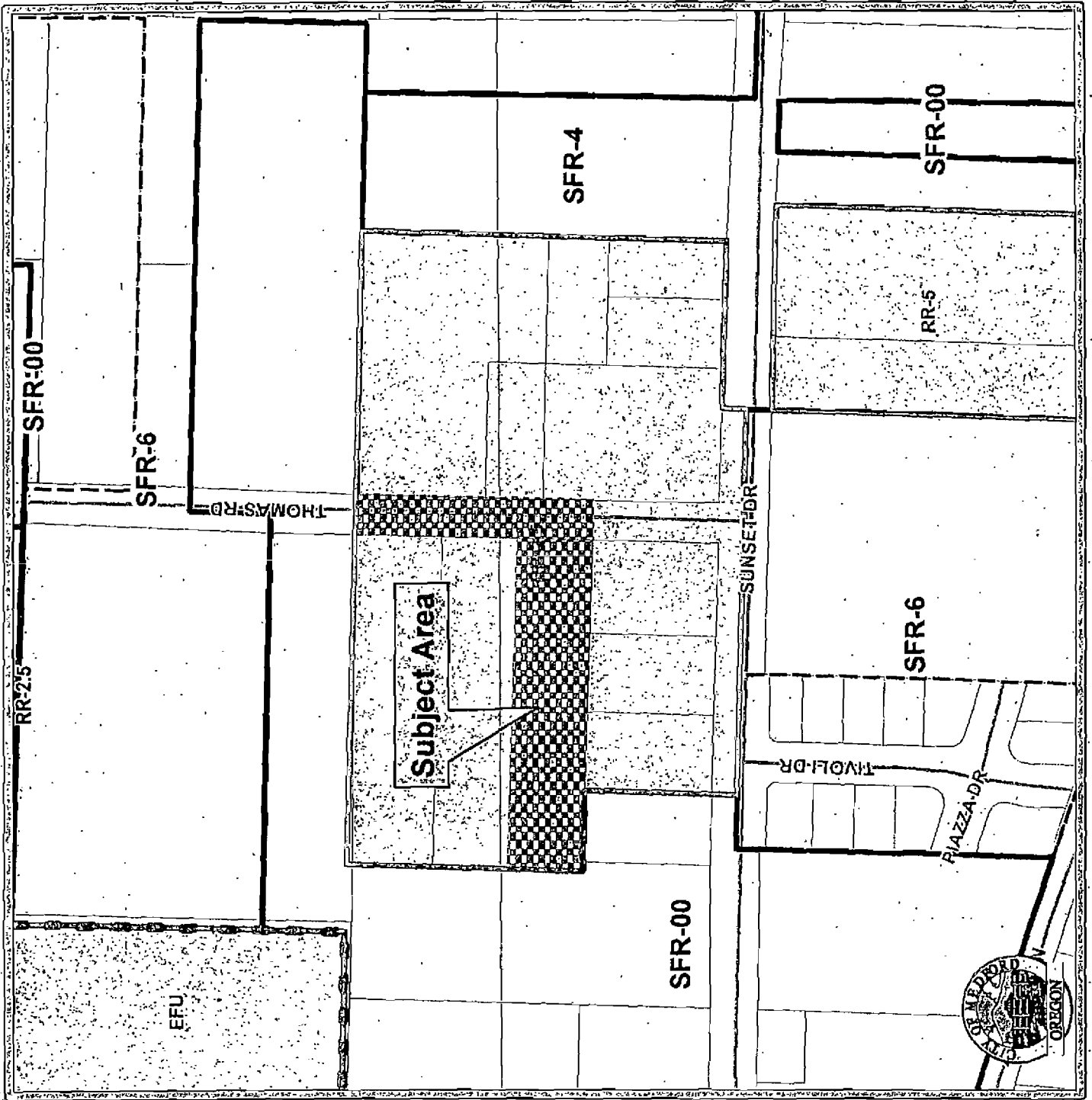
CITY COUNCIL AGENDA: November 5, 2009

Vicinity Map

-  Zoning Boundary
-  UGB
-  City Limits
-  Taxlots

OVERLAY

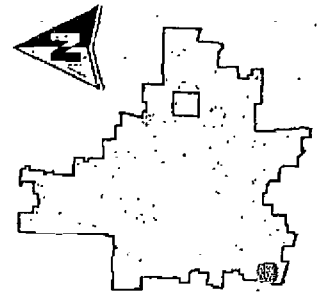
-  Airport Approach
-  Airport Radar
-  Central Business
-  Freeway
-  Historic Outline
-  Limited Industrial
-  Limited Service
-  Planned Development
-  Southeast



FILE NUMBER:
A-09-031

APPLICANT:
Clyde and Susan
Severson

Map: 372W35DC
TL: 1100



37 2W 35DC
MEDFORD

S.W. 1/4, S.E. 1/4, SEC. 35, T.37S., R.2W., W.M.
JACKSON COUNTY

CANCELLED TAX
LOT NUMBERS
7185

37 2W 35DC
MEDFORD

FOR CLEVELAND: MARCH 10, 2004
REV. JUNE 01, 2004

FOR ASSESSMENT AND
TRANSACTION ONLY

APPROX.
1/16 COR.

SEE MAP 37 2W 35DC
1" = 100'

APPROX.
1/16 COR.

1" = 100'

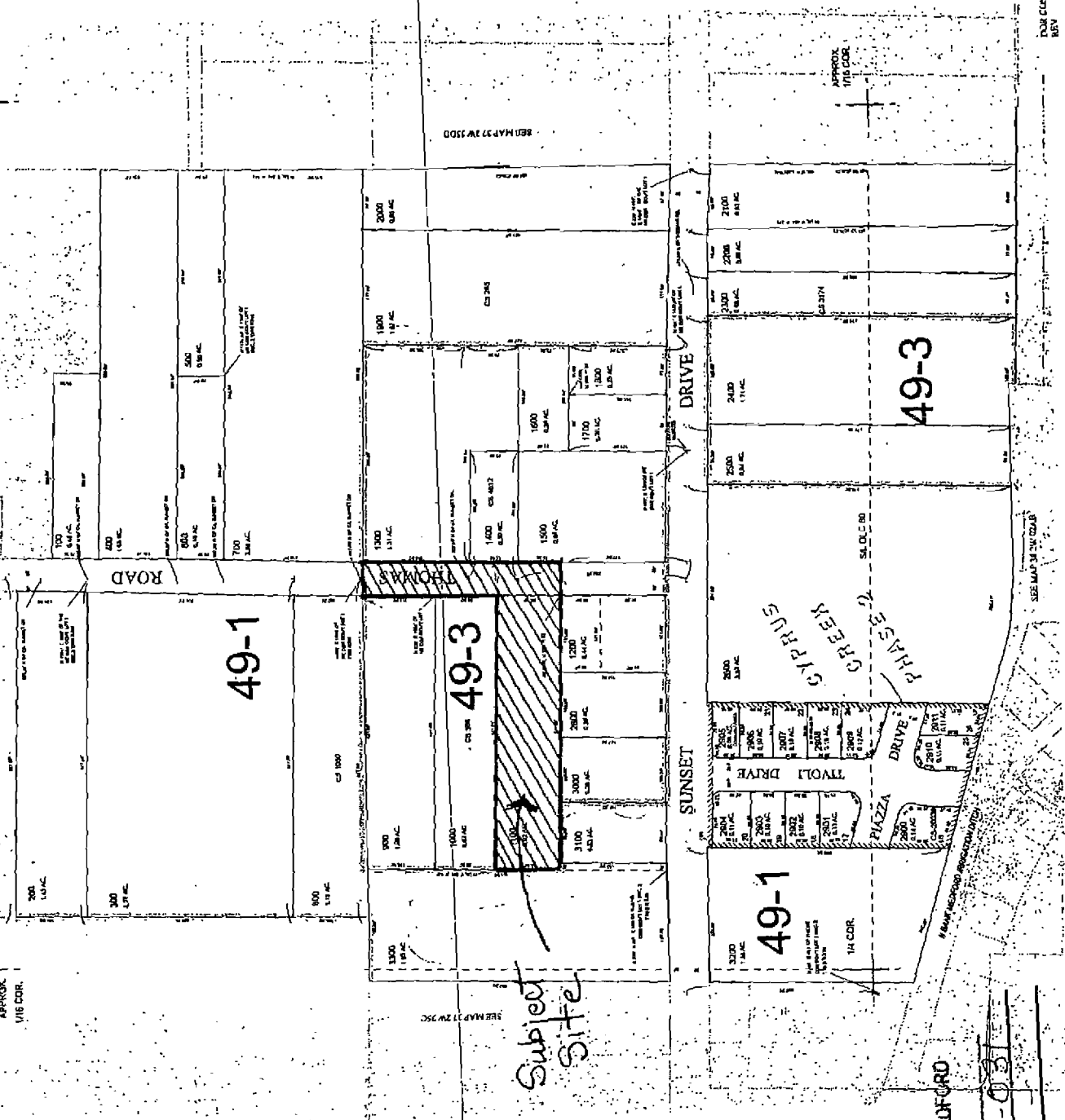
SEE MAP 37 2W 35DC
1" = 100'

APPROX.
1/16 COR.

APPROX.
1/16 COR.

APPROX.
1/16 COR.

APPROX.
1/16 COR.



Subject Site

CITY OF MEDFORD
EXHIBIT #
FIG # A-09-031



CITY OF MEDFORD

EXHIBIT #

File # A-09-031



7007 0710 0001 0567 0476

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

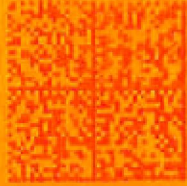
ATTN: Plan Amendment Specialist
Dept. of Land Conser. & Develop.
635 Capitol St. NE, Ste. 150
Salem, Or 97301-2540



DEPT OF

NOV 19 2009

**LAND CONSERVATION
AND DEVELOPMENT**



Haste

0904350762E
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10/17/2009
Medford From 97501
US POSTAGE

**RETURN RECEIPT
REQUESTED**