



**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 024-09

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  
John Renz, DLCD Regional Representative

<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

DATE STAMP

**DEPT OF**

NOV 27 2009

**LAND CONSERVATION AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **City of Medford**

Local file number: **DCA-09-020**

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

Date Mailed: **11/24/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 7/8/2009

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".

Amendment to the Land Development Code Section 10.158 and 10.235 relating to Public Hearing Noticing Requirments for Planned Unit Developments (PUD) and the requirement to hold a neighborhood meeting prior to PUD application submittal. Language will be added providing that in additon to noticing of tax lots within 200 feet of the exterior boundary, a minimum of 75 of the nearest tax lots must be notified of the Public Hearing for a PUD and criteria is establshsed for holding of a neighborhood

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

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **Applicable city wide**

Acres Involved: **0**

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>
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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 File No. 024-09 (17841) [15865]



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:

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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:

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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: [webservice.lcd.state.or.us](http://webservice.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



ORDINANCE NO 2009-253

AN ORDINANCE amending Chapter 10 of the Medford Code by amending Sections 10 158 and 10 235 pertaining to notification of affected property owners, PUD plan application procedures, and neighborhood meeting requirements

THE CITY OF MEDFORD ORDAINS AS FOLLOWS

SECTION 1 Section 10 158 of the Medford Code is amended to read as follows

10 158 Notification, Affected Property Owners

Notification shall be mailed to the applicant and all affected property owners no later than twenty (20) days prior to the scheduled meeting date before the approving authority All addresses for mailed notices shall be obtained from the latest property tax rolls of the Jackson County Assessor's office Affected property owners for each type of plan authorization shall be determined as follows

Plan Authorization Classification	Affected Property Owners
"A"	Not applicable, legislative action
"B" ("Vacations)	All property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated
"B" (Annexations, Minor Comp Plan Amendments (quasi-judicial), Transportation Facility Development)	All owners of property within the project plus all property owners within 200 feet of the project boundaries
"C" <del>(A)</del> (Zone Changes, Conditional Use Permits, Exceptions, Site Plan and Architectural Review, Land Divisions and Historic Review)	All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries
"C" (Preliminary PUD Plans)	All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries. The owners of no less than 75 tax lots shall be notified. If 75 tax lots are not located within 200 feet of the exterior boundary of the PUD, the notification area shall be extended by successive fifty 50 foot increments, until a minimum of 75 tax lots are included in the notification area. Owners of all tax lots within the extended notification area shall receive notice; therefore, noticing of more than 75 tax lots may be required.

SECTION 2 Section 10 235 of the Medford Code is amended to read as follows

10 235 Preliminary PUD Plan - Application Procedures

**A. Neighborhood Meeting Requirement.** To ensure neighborhood knowledge of proposed development and to provide an opportunity for direct communication, the applicant shall present the development proposal at a neighborhood meeting prior to submitting the land use application to the City Planning Department. The applicant shall arrange and conduct the neighborhood meeting. City staff need not attend. Attendees shall be asked to sign a signature sheet and provide their mailing address. Attendance at the neighborhood meeting does not give an attendee legal standing for appeal.

1. The presentation at the neighborhood meeting shall include at a minimum the following:

- a. A map depicting the location of the subject property proposed for development; and,
- b. A visual description of the project including a tentative site plan, tentative subdivision plan and elevation drawings of any structures, if applicable; and,
- c. A description of the nature of the proposed uses and physical characteristics, including but not limited to, sizes and heights of structures, proposed lot sizes, density,; and,
- d. A description of requested modifications to code standards.
- e. Notification that attendance at the neighborhood meeting does not give legal standing to appeal to the City Council, the Land Use Board of Appeals, or Circuit Court.

2. It shall be the responsibility of the applicant to schedule the neighborhood meeting and provide adequate notification of the meeting. The applicant shall send mailed notice of the neighborhood meeting to the owners of no less than seventy-five (75) of the nearest tax lots regarding the neighborhood meeting. If seventy-five (75) tax lots are not located within two-hundred (200) feet of the exterior boundary of the PUD, the notification area shall be extended by successive fifty (50) foot increments, until a minimum of seventy-five (75) tax lots are included in the notification area. The owners of all tax lots within the extended notification shall receive written notice; therefore, noticing of more than seventy-five (75) tax lots may be required. In addition to the affected property owners, the applicant shall also provide notice to the City Planning Department. The applicant shall use the Jackson County Tax Assessor's property owner list from the most recent property tax assessment roll. The notice shall be mailed a minimum of fifteen (15) days prior to the neighborhood meeting which shall be held in Medford on a weekday evening. A certificate of mailing attesting to the date of mailing and the name and signature of the agent responsible for mailing said notices shall be prepared and submitted to the Planning Department in accordance with the materials identified in Section 10.235 (B)(6). The notice for PUD neighborhood meeting shall include:

- a. Date, time and location of the neighborhood meeting; and,
- b. A brief written description of the proposal; and,
- c. The location of the subject property, including address (if applicable), nearest cross streets and any other easily understood geographical reference, and a map (such as a tax assessor's map) which depicts the subject property.

**A B Application for Preliminary PUD Plan** An application for Preliminary PUD Plan shall be on forms supplied by the City. A complete application shall include the materials and information listed in this Subsection. However, the Planning Director, in his/her discretion, may waive the submittal of any of the materials or information that are deemed to be excessive, repetitive or unnecessary based upon the size and nature of the PUD. If an application for a PUD is accepted by the City as complete under ORS 227 178 but the application does not contain all of the items listed below, the missing items shall be deemed to have been waived by the Planning Director. Unless waived by the Planning Director, the following items shall be required to constitute a complete application for a Preliminary PUD Plan

\* \* \*

5 The names and mailing addresses of the owners of ~~land record~~ of tax lots, obtained by the latest tax rolls of the Jackson County Assessor's Office, located within 200 feet of the exterior boundary of the whole PUD. The owners of no less than seventy-five (75) tax lots shall be notified of the pending land use hearing. If seventy-five (75) tax lots are not located within two-hundred (200) feet of the exterior boundary of the PUD, the notification area shall be extended by successive fifty (50) foot increments, until a minimum of seventy-five (75) tax lots are included in the notification area. The owners of all tax lots within the extended notification area shall receive written notice; therefore, noticing of more than seventy-five (75) tax lots may be required. The names and mailing addresses shall be typed on mailing labels and shall include the assessor map and tax lot numbers for each ~~property~~ parcel.

\* \* \*

7. Documentation of pre-submittal PUD Neighborhood Meeting. Documentation shall include:

- a. A copy of a Certificate of Mailing for the neighborhood meeting notification mailing pursuant to Section 10.235(2);
- b. A completed Verification of Neighborhood Meeting form attesting to the contents of the materials provided or reviewed at the meeting;
- c. A set of the notification materials listed in Section 10.235(A)(2); and,
- d. The signature sheet(s) from the Neighborhood Meeting.

\* \* \*

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

[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





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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



Hasler

018H26507632  
\$06.490  
Mailed From: 97501  
11/25/2009  
US POSTAGE

RETURN RECEIPT  
REQUIRED