



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

9/24/2010

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 007-10

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, October 06, 2010

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

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

SEP 17 2010

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: **City of Medford**

Local file number: **CP-10-021**

Date of Adoption: **September 2, 2010**

Date Mailed: **September 10, 2010**

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: **UGB Mapping Error Correction**

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

The Medford City Council, at its regular meeting of September 2, 2010, adopted Ordinance No. 10-115 approving an Urban Growth Boundary (UGB) mapping error correction to the Medford General Land Use Plan (GLUP) Map and the Medford Zoning Map to include in the UGB, 0.20 acres zoned Exclusive Farm Use (EFU) within a Commercial GLUP Map designation, located on the south side of West Main Street, west of Clover Lane.

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

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **South side of West Main St, west of Clover Lane**

Acres Involved: **0.20**

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

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

Local Contact: **Carly Meske**

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

Address: **200 S. Ivy Street**

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

City: **Medford**

Zip: **97501**

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

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. 2010-115

AN ORDINANCE approving a minor amendment to the General Land Use Plan Map and the Medford Zoning Map to correct a mapping error by including within the Urban Growth Boundary 0.20 acres zoned Exclusive Farm Use (EFU) within a Commercial GLUP Map designation, located on the south side of West Main Street, ~~east~~^{west} of Clover Lane.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a minor amendment to the General Land Use Plan Map and the Medford Zoning Map to correct a mapping error by including within the Urban Growth Boundary 0.20 acres zoned Exclusive Farm Use (EFU) within a Commercial GLUP Map designation, located on the south side of West Main Street, ~~east~~^{west} of Clover Lane, including three tax lots of map 37 2W 26 DB: 5900 (portion), 6000, and 6001, as depicted on the maps attached as Exhibit "A" and incorporated herein, is hereby approved.

PASSED by the Council and signed by me in authentication of its passage this 2 day of Sept, 2010.

ATTEST: Glenda Wilson
City Recorder

APPROVED Sept 2, 2010.

Greg Whelan
Mayor
Greg Whelan
Mayor

Vicinity Map








Application Name/Description:
**UGB Mapping Error
Correction**

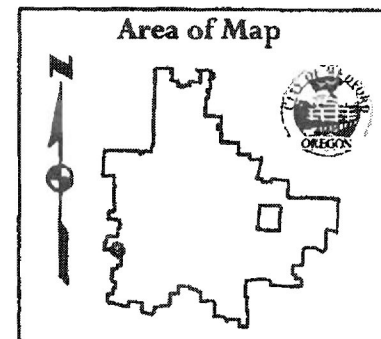
Proposal:
Comp Plan Amendment

File no.
CP-10-121

Applicant:
City of Medford

Map/Taxlot nos.:
**372W26DB/5900,
6000,6001**

-  Subject Area
-  Medford Zoning
-  UGB
-  Correct UGB Line
-  Tax Lots
-  Site Address #
-  City Limits



4/26/10

EXHIBIT A - 1

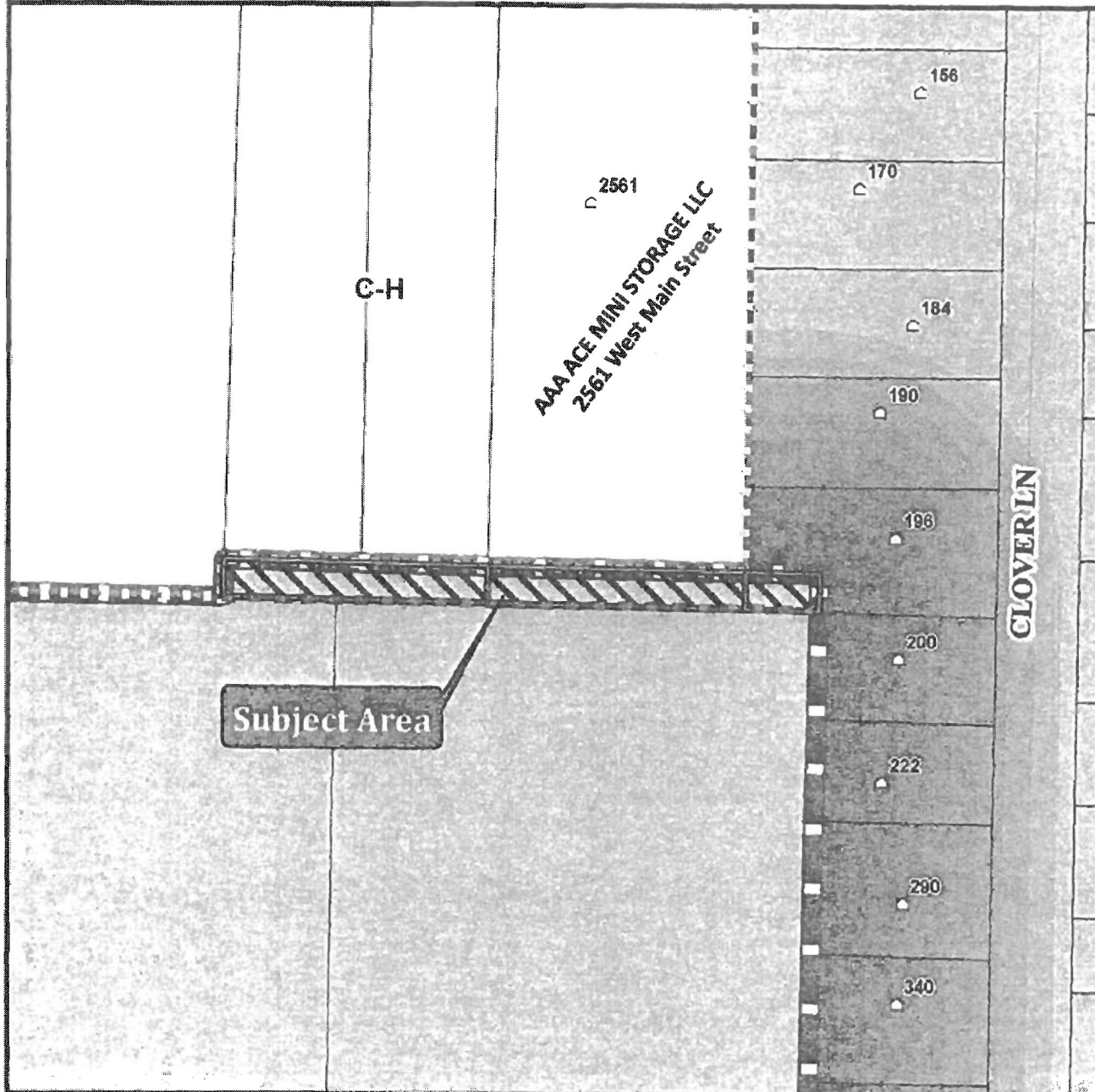
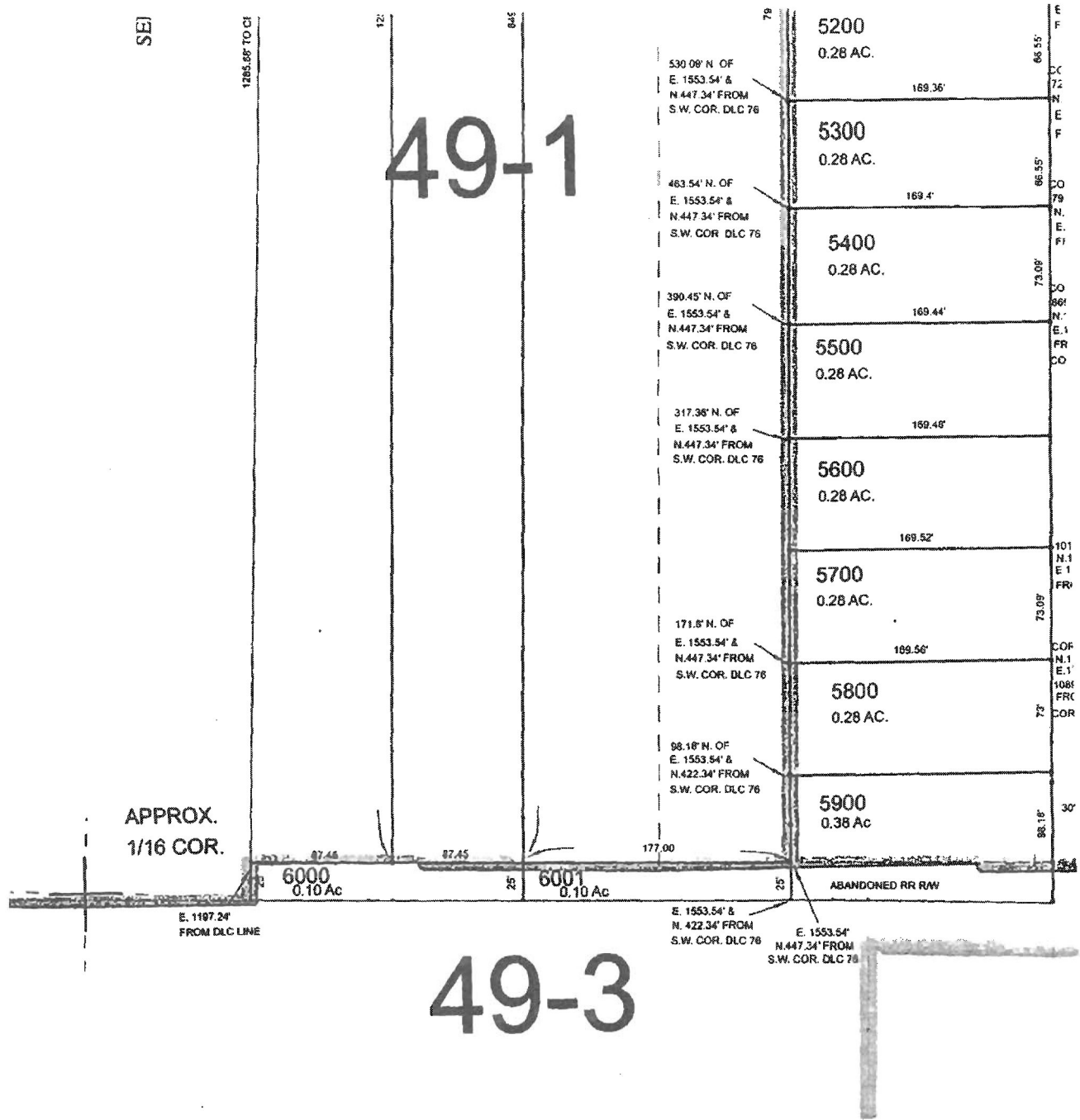


EXHIBIT A-2

CP-10-021



Zoning Map 1979

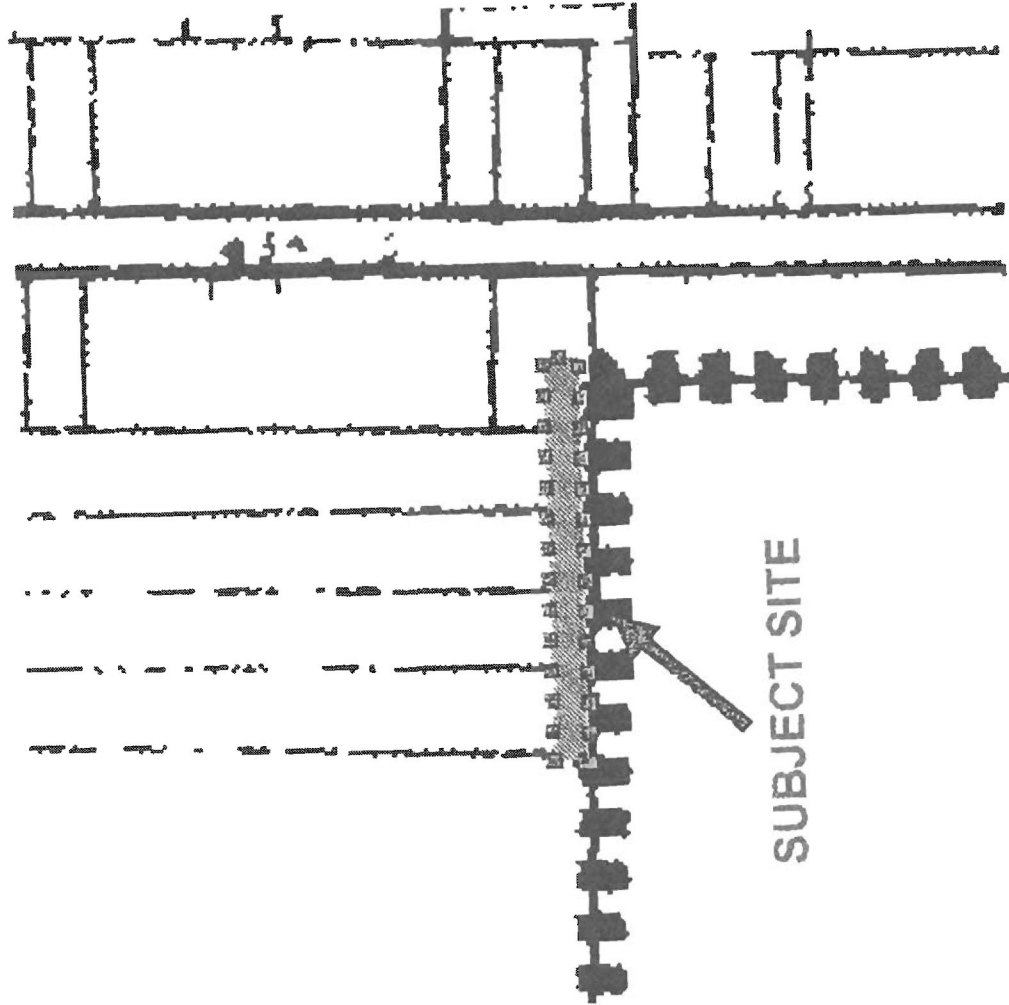


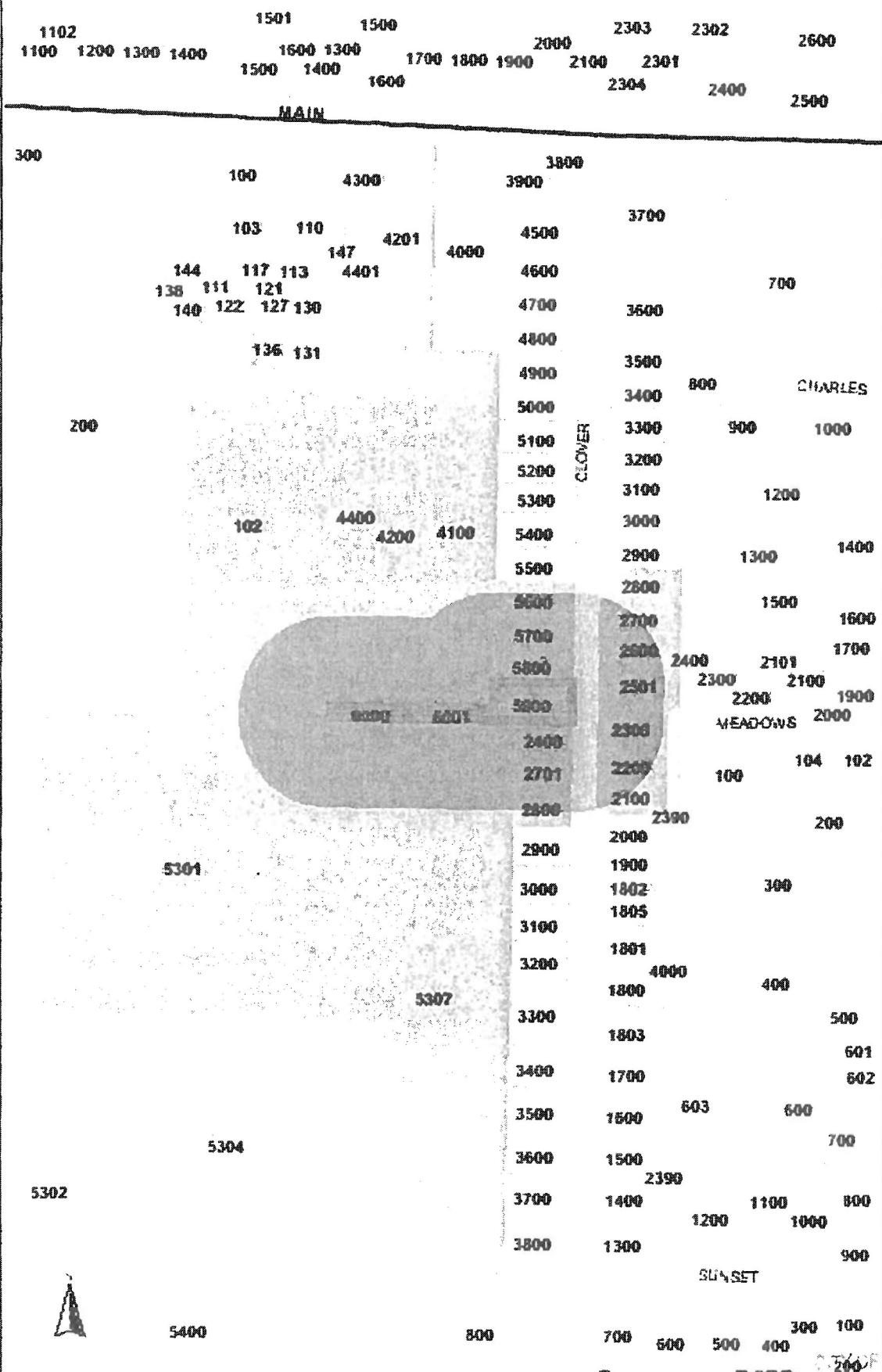
EXHIBIT A -3

Map Maker Application

Front Counter Legend

Selected Features

- theBuffer
- theBufferTarget
- Tax Lot Outlines
- Tax Lot Numbers



This map is based on a digital database compiled by Jackson County. From a variety of sources, Jackson County cannot accept responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied.

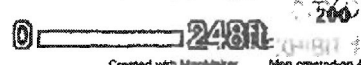


EXHIBIT A - 4

RICHARD STEVENS & ASSOCIATES, INC.

P.O. Box 4368
Medford, Oregon 97501-0168

201 W. Main St., Suite 2D
Phone: 541 773-2646

Fax: 541 858-8947
E-mail: rsco@mind.net

Dr. Gary Wheeler, Mayor
200 So. Ivy Street
Medford, OR 97501

May 19, 2010

RECEIVED

MAY 19 2010

PLANNING DEPT.

RE: File No. CP-10-021

Honorable Mayor & Council:

On behalf of our client, Dr. David Young, we would respectfully request a continuance of this public hearing, due to prior commitments and inability to attend. Dr. Young is an affected property owner in this matter and desires to present his concerns and understanding to the council.

This correspondence is prepared in response to a request from the City Staff to "correct a mapping error" on a portion of the existing UGB line abutting the old Meadows Lane and west of Clover Road. Our concerns are provided to afford both Staff and the Council sufficient time for review prior to the continued public hearing.

Staff asserts that there was an error in the mapping created sometime after 1999. Based on the information from Jackson County, this is not correct. The Jackson County information, Findings and mapping for a UGB amendment in 1995 (Medford File No. CP-94-17)(Jackson County File No. 95-1 UGBA) reflected that the boundary was located north of the old Rail Road Right of Way. The mapping represented before both Jurisdictions was consistent and was approved before the approving authorities. The review of this 1995 UGBA clearly shows the existing UGB boundary is found in its current location, north of the old Rail Road Right of Way. In fact, the UGB line was identified along the northern boundary of the old Rail Road Right of Way from the subject property to Oak Grove Road, towards the west. We believe that the UGB boundary line has always been present along the northern boundary of the old Rail Road Right of Way, and this request is not a "mapping error".

The existing UGB line is consistent with the information from both Jackson County and State of Oregon, DLCD. The attached documents confirms the stated alignment. This boundary was also confirmed by the City of Medford with the annexation of the property and the legal description prepared for File No. A-99-149. (Ordinance No. 2002-192)

The subject properties are zoned EFU with Jackson County. Per OAR 660-004-0010, we believe the City needs to prepare a Goal 3 exception for the inclusion of resource zoned properties into the urbanizable area.

With these concerns in mind; and Per ORS 197.763(6), the applicant respectfully requests a continuance to this application to a date and time certain.

Sincerely,

A handwritten signature in black ink, appearing to read "Clark Stevens". The signature is written in a cursive style with a large, sweeping initial "C" and a long horizontal stroke extending to the right.

Richard Stevens & Associates, Inc.
Clark Stevens

RECEIVED

MAY 2 1995

Jackson Co. Planning

BEFORE THE BOARD OF COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

ADOPTED: 4-26-95
EFFECTIVE: 6-27-95

ORDINANCE NO. 95-17

AN ORDINANCE AMENDING THE OFFICIAL COMPREHENSIVE PLAN AND ZONING
MAP #37, 2W, 23, 700, FILE NUMBER 95-1-UGBA.

RECITALS:

1. The City of Medford has proposed to include the remaining 9.71 acres of a 13.25 acre parcel, described as 37, 2W, 23, 700 into the Medford Urban Growth Boundary (UGB). This parcel is split by the Medford UGB.
2. The Medford City Council found in Ordinance 7771, passed on December 1, 1994, the intent of the Medford Land Development Code and Medford Comprehensive Plan is to locate parcels either wholly inside the UGB or wholly outside the UGB.
3. The Medford City Council also found in Ordinance 7771 the split of the parcel by the UGB was a mapping error.
4. The changes proposed by the City are considered to be a minor or quasi-judicial amendment to the UGB according to the terms of the mutually adopted UGB Agreement.
5. The Medford City Council and the Jackson County Board of Commissioners held a property advertised hearing on November 9, 1994 for the purpose of taking testimony on the proposed amendments.
6. Both bodies by motion and vote did approve the amendment as proposed in the City of Medford staff report dated October 27, 1994.

Now Therefore, the Board of County Commissioners of Jackson County hereby ordains as follows:

1-ORDINANCE; File 95-1-UGBA
Date Typed: 02/02/95
[95-1UGBA.ORD]

*Mailed to attached
5-2-95. WBA appeal
period expires 5-23-95*

SECTION 1. FINDINGS

- 1.1 The Board of Commissioners hereby adopts by reference the City of Medford staff report dated October 27, 1994 for file number CP-94-17 attached hereto as Exhibit A.
- 1.2 The Board of Commissioners hereby adopts by reference Exhibit B, the map showing the current UGB configuration.
- 1.3 The parcel contains 13.25 acres of which the eastern 3.54 acres is in the UGB and the western 9.71 acres is outside the UGB.
- 1.4 The parcel is the only parcel of land which is split by Medford's UGB.
- 1.5 The parcel was split by the UGB in 1980.
- 1.6 The parcel is currently zoned F-5, Farm Residential, which is a residential zone.
- 1.7 Section 200.060 of the Jackson County Land Development Ordinance states "zoning district boundaries are section lines, or subportions thereof, subdivision lines, and lot lines or center lines of streets and roads,...".
- 1.8 The "Map Designations" section of the Jackson County Comprehensive Plan states "the official map, ... is a site-specific map" and "it [the comprehensive plan map] displays both zoning and comprehensive plan designations...".

SECTION 2. CONCLUSION

- 2.1 The Board of County Commissioners hereby concludes the language of the Jackson County Land Development Ordinance and of the Jackson County Comprehensive Plan indicate an intent to follow obvious divisions such as lot lines, streets and subdivision lines when creating an UGB.
- 2.2 The Board of County Commissioners hereby concludes the proposed UGB amendment strictly involves nonresource land and therefore will not include resource land into the Medford UGB.

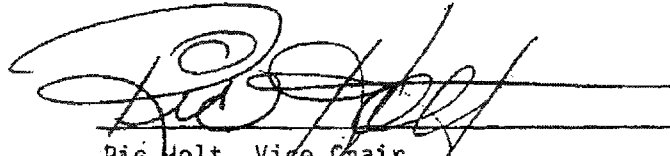
2.3 The Board of County Commissioners hereby concludes that it has received sufficient information to conclude the case for this minor amendment.

SECTION 3. DECISION

3.1 The Board of County Commissioners hereby amends the Jackson County Comprehensive Plan and Zoning Map #3, including all of 37, 2W, 23, 700 within the Medford Urban Growth Boundary, as shown on the map "Revised Exhibit A", included in Exhibit A, the City of Medford staff report dated October 27, 1994.

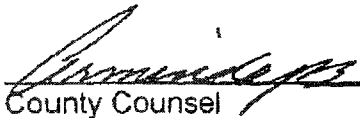
APPROVED this 26th day of APRIL, 1995, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS



Ric Holt, Vice Chair

APPROVED AS TO FORM: ATTEST:



County Counsel



By: Recording Secretary

The Board of County Commissioner's Ordinance is the final decision on this action. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on May 2, 1995, and the LUBA appeal period will expire on May 23, 1995. Please contact LUBA for specific appeal information. They are located in the State Library Building, Room 306, 250 Winter Street NE, Salem, Oregon 97310-0590. They can be reached at (503) 373-1265.

EXHIBIT A

City of Medford

October 27, 1994

STAFF REPORT

File No.: CP-94-17

Applicant: City of Medford and Jackson County

Request: Consideration of a mapping error correction to the City of Medford Urban Growth Boundary, correcting the City of Medford's General Land Use Plan Map and Zoning Map, and Jackson County's Zoning/Comprehensive Plan Map for a parcel located on the north side of Finley Lane, west of Ross Lane, which is currently divided by the City of Medford Urban Growth Boundary.

Background:

Owners of the property at 372W23-700 applied to the Jackson County Department of Planning and Development for an urban growth boundary amendment to include a portion of their property that was left out of the urban growth boundary (UGB) in 1980. The entire parcel contains 13.25 acres. Currently, the eastern portion containing 3.54 acres is in the UGB. The western portion containing 9.71 acres is outside the UGB.

This has brought to staff's attention what is, to the best of our knowledge, the only parcel of land which is split by Medford's UGB. It is the City's intention, when creating a UGB, to always follow streets or lot lines. There is no code language or comprehensive plan language which specifically requires this; however, both documents include language that implies that this is the intent. The first is Section 10.302 of the Medford Land Development Code, which states that zoning district boundaries shall be construed to follow property lines. Similar language was in effect in 1980 (Section 10-135 of Medford Code adopted in 1966) when the UGB that apparently split this parcel was created. The logical extension of this requirement, is that City limit lines, which are generally zoning boundaries, will follow property lines. Since UGB's are expected to eventually be eligible to become City limits, they would also be expected to follow property lines.

The second place where there is language that implies that UGB's shall follow lot lines is in Section 10 of the "General Land Use Plan" element of Medford's Comprehensive Plan. This section states that the UGB "is site specific" and "... it is necessary that the UGB also be on a map with lot lines so specific parcels can be determined to be inside or outside the UGB. The zoning map is such a map."

October 27, 1994

There are a number of other problems that are recognized by staff when a parcel is split by a UGB, city limit line, or zoning boundary. The primary problem being that it causes confusion when trying to assign data to a parcel. As we move towards using computerized data bases and geographic information systems, it becomes more important that we clarify these ambiguities. A second problem arises when the portion of the parcel within the UGB becomes eligible for annexation to the City. The City cannot annex and zone a portion of a parcel, and the joint City/County urbanization policies do not permit the creation of a lot smaller than 40 acres within the UGB.

Therefore, it is the City's desire to see the parcel located either wholly outside the UGB or wholly within it. Since the preceding information leads one to believe that it was always the City's intention to include or exclude whole parcels of land, the division of this parcel could be viewed as a mapping error and processed as such. The correction of a mapping error does not require any action by the Planning Commission. This action does, however, require that the City Council and County Board of Commissioners hold a joint public hearing concerning the mapping error correction.

Correction of the mapping error:

The question still remains as to whether the entire property was intended to be included or excluded from the UGB. The original map and data used for designating the 1980 urban growth boundary are no longer available for scrutiny. It would also be difficult, at this point, to make an argument that the City needs more land within the UGB. It is City staff's opinion that the applicant's findings requesting the property's inclusion did not adequately make that argument. However, the City Council and County Board of Commissioners could, for the following reasons, consider including the entire parcel in the UGB:

1. The entire parcel is currently zoned F-5, which is an exception zone.
2. The parcel was legally created in 1950, prior to it being split by the UGB in 1980.
3. A portion of the parcel has been in the UGB since 1980.
4. The parcel is not an active orchard.
5. The additional land that would be added to Medford's UGB by including the rest of the subject parcel (9.71 acres) in the UGB is inconsequential.

CP-94-17

October 27, 1994

6. It is the property owners' desire to see the entire parcel inside the UGB.

Recommended Action:

Determine that a mapping error has occurred, and direct staff to correct the mapping error by either including or excluding the entire parcel identified in Exhibit "A," from Medford's urban growth boundary.

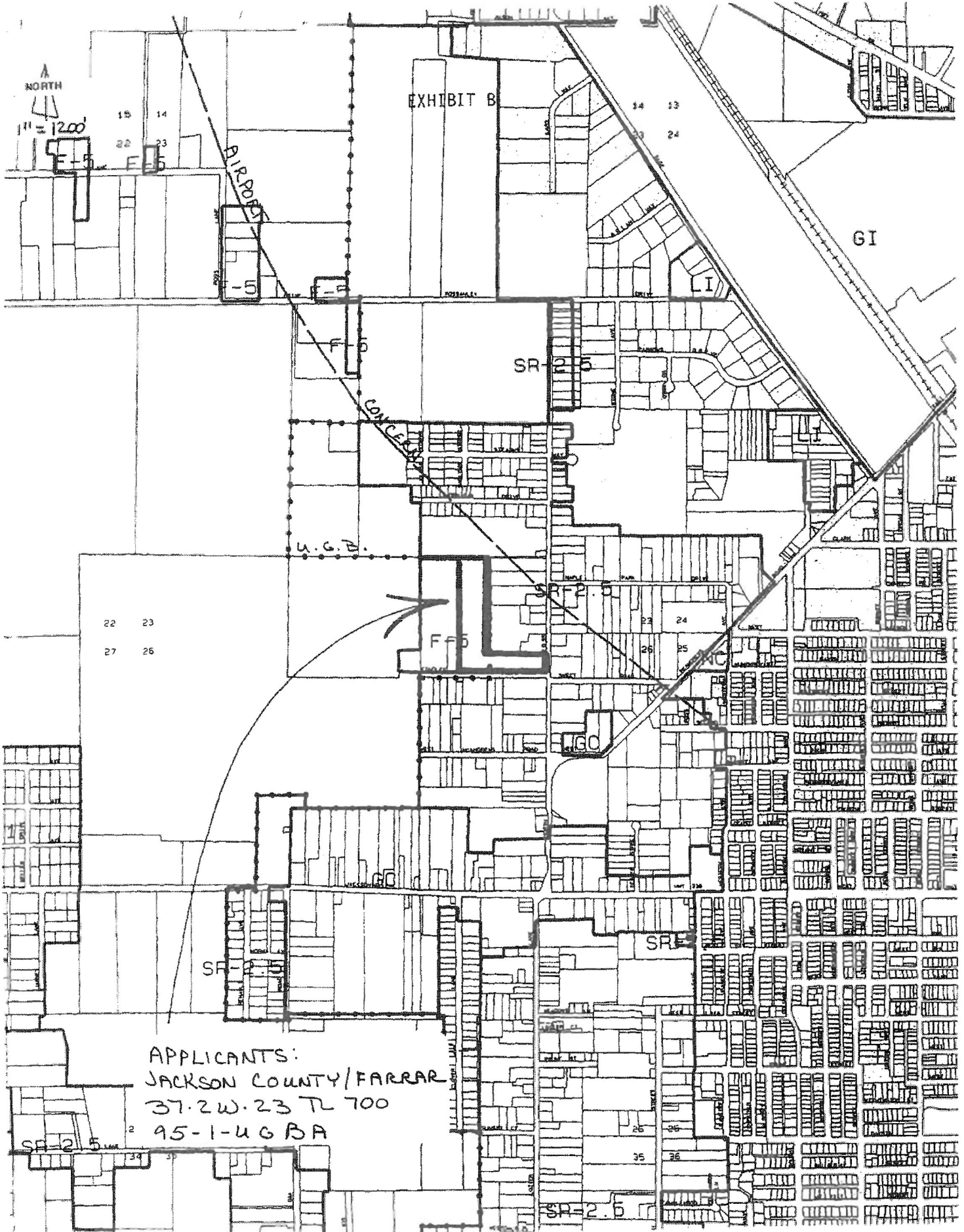


Bianca Petrou, Assistant Planner

Reviewed by:


James M. Eisenhard, Planning Director

**CITY COUNCIL AND JACKSON COUNTY BOARD OF COMMISSIONERS AGENDA:
NOVEMBER 9, 1994**



A
NORTH

1" = 1200'

EXHIBIT B

BIRDPOLE

GI

SR-2.5

CONCRETE

U.G.B.

FF-5

IGC

SF-2.5

SRE

APPLICANTS:
 JACKSON COUNTY/FARRAR
 37.2W.23 TL 700
 95-1-UG BA

SF-2.5

SR-2.5

CITY OF MEDFORD

INTER-OFFICE MEMORANDUM

To Scott Clay, Jackson County Planner III

From Bianca Petrou, ^{BP} Assistant Planner via James M. Eisenhard,
Planning Director

Subject Medford Urban Growth Boundary Amendment, File 94-1-UGBA

Date August 4, 1994

This is to confirm what we discussed this morning. The subject urban growth boundary (UGB) amendment submitted to your department by Ronald and Randell Farrar concerning a 13.25 acre parcel (372W23-700), has brought to our attention what is, to the best of our knowledge, the only parcel of land which is split by Medford's urban growth boundary. If the County staff is aware of any other parcels in a similar situation, this would be good time to let us know.

It is the City's intention, when creating an urban growth boundary, to always follow streets or lot lines. There is no code language or comprehensive plan language which specifically requires this, however, both documents include language that implies that this is the intent. The first is section 10.302 of the Medford Land Development Code, which states that zoning district boundaries shall be construed to follow property lines. Similar language was in effect in 1980 (Section 10-135 of Medford Code adopted in 1966) when the UGB that apparently split this parcel was created. The logical extension of this requirement, is that City limit lines, which are generally zoning boundaries, will follow property lines. Since UGB's are expected to eventually be eligible to become city limit lines, they would also be expected to follow property lines.

A second place where there is language that implies that urban growth boundary lines shall follow lot lines is in section 10 of the "General Land Use Plan" element of Medford's Comprehensive Plan.

This section states that the UGB "is site specific" and "... it is necessary that the UGB also be on a map with lot lines so specific parcels can be determined to be inside or outside the UGB. The zoning map is such a map."

There are a number of other problems that are recognized by staff when a parcel is split by a UGB, city limit line, or zoning boundary. The primary problem being that it causes confusion when trying to assign data to a parcel. As we move towards using computerized data bases and geographic information systems it becomes more important that we clarify these ambiguities. A second problem arises when the portion of the parcel within the UGB becomes eligible for annexation to the City. The City cannot annex and zone a portion of a parcel, and the joint City/County

Scott Clay
August 4, 1994
Page 2

urbanization policies do not permit the creation of a lot smaller than 40 acres within the UGB.

Therefore, it is the City's desire to see the parcel located either wholly outside the urban growth boundary or wholly within it. Since the preceding information leads one to believe that it was always the City's intention to include or exclude whole parcels of land, the division of this parcel could be viewed as a mapping error and processed as such. This requires that there be a joint City Council and County Commission public hearing. Since we are in the process of creating an urban reserve area which will also require such a hearing, it would be convenient to hold a hearing concerning this matter at the same time. The joint hearing for the urban reserve area is tentatively scheduled for Wednesday, November 9, 1994 at 7 p.m.

The question still remains as to whether or not to include the property in the UGB. It would be difficult, at this point, to make an argument that the City needs more land within the urban growth boundary. It is City staff's opinion that the applicant's findings do not adequately make that argument. However, the City would probably not oppose including the entire parcel in the UGB because:

1. The entire parcel is currently zoned F-5 which is an exception zone.
2. The parcel was legally created in 1950, prior to it being split by the UGB in 1980.
3. A portion of the parcel has been in the urban growth boundary since 1980.
4. The parcel is not an active orchard.
5. The additional land that would be added to Medford's urban growth boundary by including the rest of the subject parcel (9.71 acres) in the UGB is inconsequential.
6. It is the property owners' desire to see the entire parcel inside the UGB.

Please contact me if I can be of further assistance.

c: Jim Eisenhard
Gene Hart

Clark

From: Angela Lazarean [angela.lazarean@state.or.us]
Sent: Monday, April 06, 2009 4:55 PM
To: cstevens@mind.net
Subject: Medford UGB

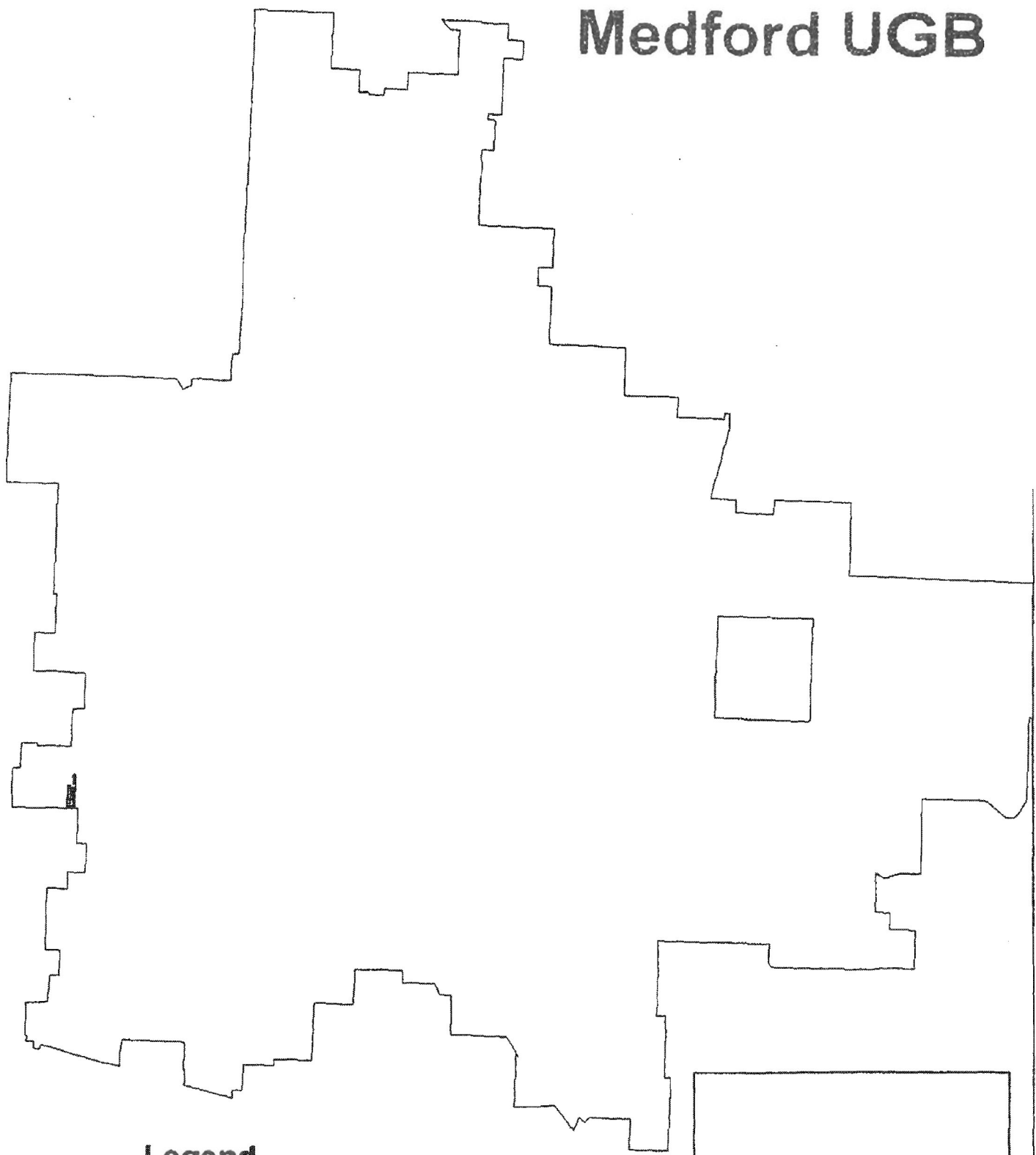
Clark, I've attached a map with Medford's UGB and an inset showing the taxlots in you inquired about. Please let me know if you have any additional questions.

Angela




Angela Lazarean | Urban Planner
Planning Services Division
Oregon Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Office: (503) 373-0050 ext. 286 | Fax: (503) 378-5518
angela.lazarean@state.or.us | www.oregon.gov/LCD

4/7/2009

Medford UGB



Legend

-  Medford UGB
-  Jackson County Tax lots
-  Jackson County Tax lots Selection



City of Medford
Agenda Item Commentary

Item No.:

Meeting Date:

August 19, 2010

Page:

1 of 1

SUBJECT:

An ordinance correcting an Urban Growth Boundary (UGB) mapping error on the Medford General Land Use Plan (GLUP) Map and the Medford Zoning Map to include in the UGB, 0.20 acres zoned Exclusive Farm Use (EFU) within a Commercial GLUP Map designation, located south of West Main Street, ^{west} east of Clover Lane. This UGB Mapping error correction includes the following three tax lots of Map 37 2W 26 DB: 5900 (portion), 6000, and 6001. (Land Use, Legislative)

INITIATOR:

City of Medford

STAFF INFO. SOURCE:

James E. Huber, AICP, Planning Director

File No. CP-10-021

FISCAL IMPACT:

None

RECOMMENDATION:

Approve the ordinance.

BACKGROUND & KEY ISSUES:

The noticed City Council hearings on May 20, July 2, and July 15, 2010, were continued at the request of an affected property owner who requested continuance to August 19, 2010, so that they may be present to provide testimony.

A cartographic mapping omission on the Medford General Land Use Plan (GLUP) Map relative to the location of the Urban Growth Boundary has been brought to the attention of the City. The procedures for correction of Urban Growth Boundary errors are found in the Comprehensive Plan, and they require City and County review and amendment. The Comprehensive Plan defines an error as a cartographic mistake, or a misprint, omission, or duplication in the text that is technical in nature, and not the result of new information or changing attitudes or policies. It states that if the City Council and County Board of Commissioners become aware of an error, both bodies may cause an immediate amendment to correct the error, after mutual agreement is reached. It requires that corrections be made by ordinance, following a public hearing conducted by both governing bodies. Public hearings before the Planning Commissions are not required.

In reviewing old maps, it was determined that the subject error in UGB location on city maps (a portion of abandoned railroad right-of-way) occurred sometime after 1999. Prior to that time, City maps indicated the UGB as a straight line running east-west at the south of the subject tax lots. The error jogged the UGB, moving said tax lots, which are 25 feet in width, from inside the UGB to outside the UGB. The three tax lots identified total approximately 0.20 acres. Hearing notices were mailed on April 28, 2010, to the affected property owners, property owners within 200 feet, and affected agencies.

If Council approves the correction after the public hearing, that action will be forwarded to the County Board of Commissioners for their hearing and action. Staff believes that Council can find that this was a

cartographic mistake, misprint, or omission that is technical in nature and not the result of new information or changing attitudes or policies. A letter received May 19, 2010, from Richard Stevens and Associates, Inc., asserts that there is not an error in the mapping of the UGB, and that this is evidenced by information maps prepared by Jackson County and the State of Oregon. Staff has reviewed this letter and maintains that the UGB is in fact mapped incorrectly, and that the information from the State of Oregon is also incorrect because it originated from erroneous information sent from the City of Medford.

The following table showcases the location of the UGB at this subject site between the years 1979 and 2010.

Year and Map	Location of Urban Growth Boundary	
	UGB is Straight	UGB Jogs North
1979 GLUP	X	
1979 Zoning	X	
1984 Zoning	X	
1990 UGB Expansion Map**	X	
1998 Zoning	X	
1994 County Zoning*		X
1998 Zoning	X	
2001 Zoning	X	
2002 Zoning	X	
2004 Zoning	X	
2007 Zoning		X
2008 Zoning		X
2009 Zoning		X
2010 Zoning		X

*Richard Stevens and Associates, Inc. submitted the 1994 County Zoning Map as evidence that the UGB in fact jogs to the north. However, adopted city maps depicting the UGB up until 2004 do not indicate this jog. The map utilized by the city to correct a UGB mapping error in December 2009 is the 1990 UGB expansion map** (Exhibit 'E') showing the UGB as a straight line on the subject parcel.

Staff recommends adopting the ordinance approving the correction and forwarding it to the Jackson County Board of Commissioners for their hearing and action.

EXHIBITS:

Exhibit 'A' – Medford Comp. Plan, Urbanization Element, Authority Regarding Correction of UGB Errors

Exhibit 'B' – Planning Department Vicinity Map dated April 26, 2010

Exhibit 'C' – Assessor's Map 372W26DB

Exhibit 'D' – City of Medford 1979 Zoning Map Excerpt

Exhibit 'E' – City of Medford 1990 UGB Expansion Map

Exhibit 'F' – Letter from Richard Stevens and Associates, Inc. received May 19, 2010 (13 pages)

URBANIZATION ELEMENT

AMENDMENT PROCEDURES

The procedures for joint city/county review and amendment of the Urban Growth Boundary and Urbanization Policies are as follows:

4. Correction of Errors

- a. An error is generally considered to be a cartographic mistake, or a misprint, omission, or duplication in the text. It is technical in nature, and not the result of new information or changing attitudes or policies.
- b. If the City Council and County Board of Commissioners become aware of an error in the map(s) or text of this mutually-adopted urbanization program, both bodies may cause an immediate amendment to correct the error, after mutual agreement is reached.
- c. Corrections shall be made by ordinance, following a public hearing conducted by both governing bodies. Public hearings before the Planning Commissions shall not be required when an amendment is intended specifically to correct an error.

CITY OF MEDFORD
EXHIBIT # A
File # CP-10-021



Application Name/Description:

UGB Mapping Error Correction

Proposal:

Comp Plan Amendment

File no.

CP-10-121

Applicant:

City of Medford

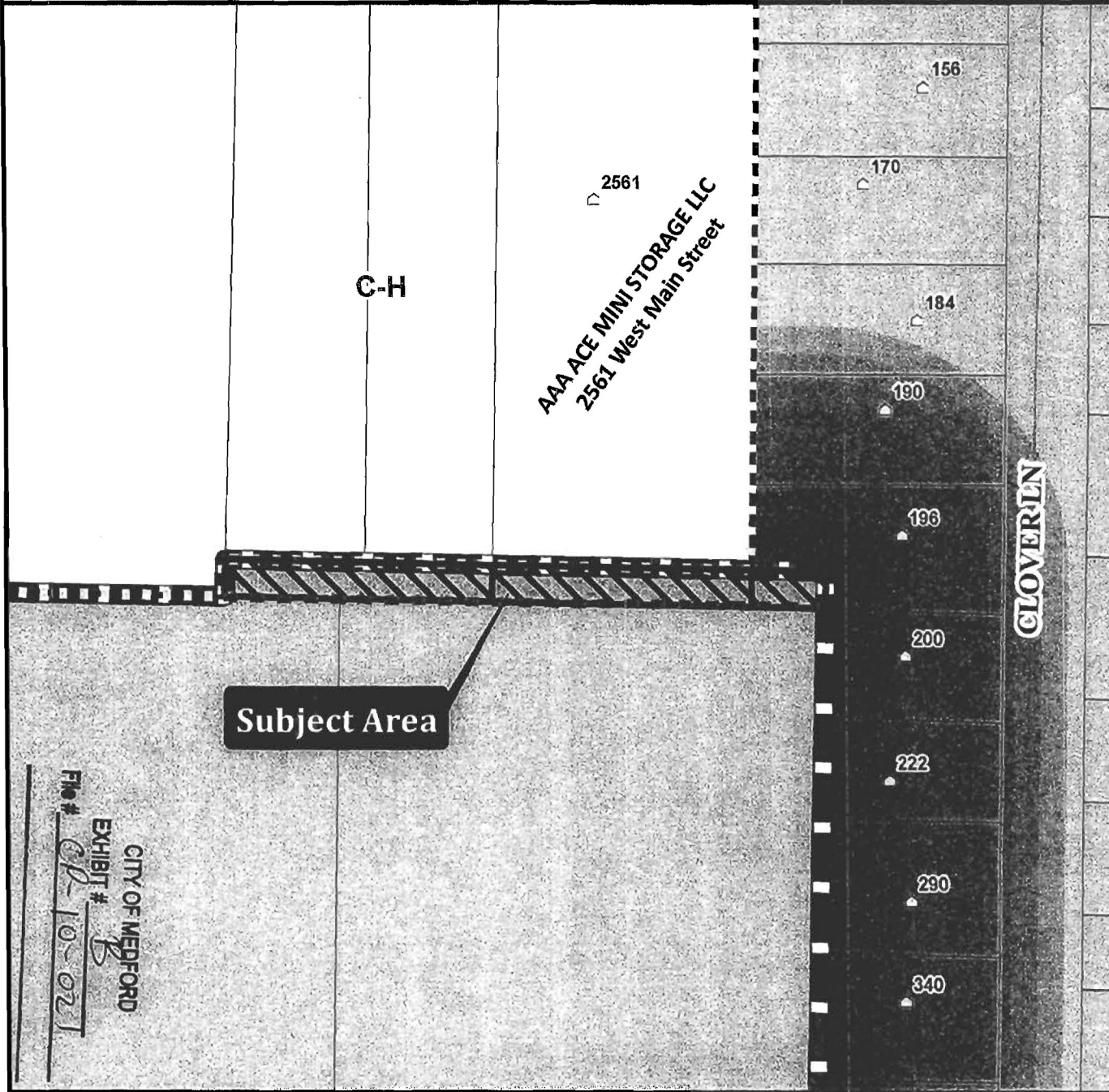
Map/Taxlot nos.:

**372W26DB/5900,
6000,6001**

	Subject Area
	Medford Zoning
	UGB
	Correct UGB Line
	Tax Lots
	Site Address #
	City Limits

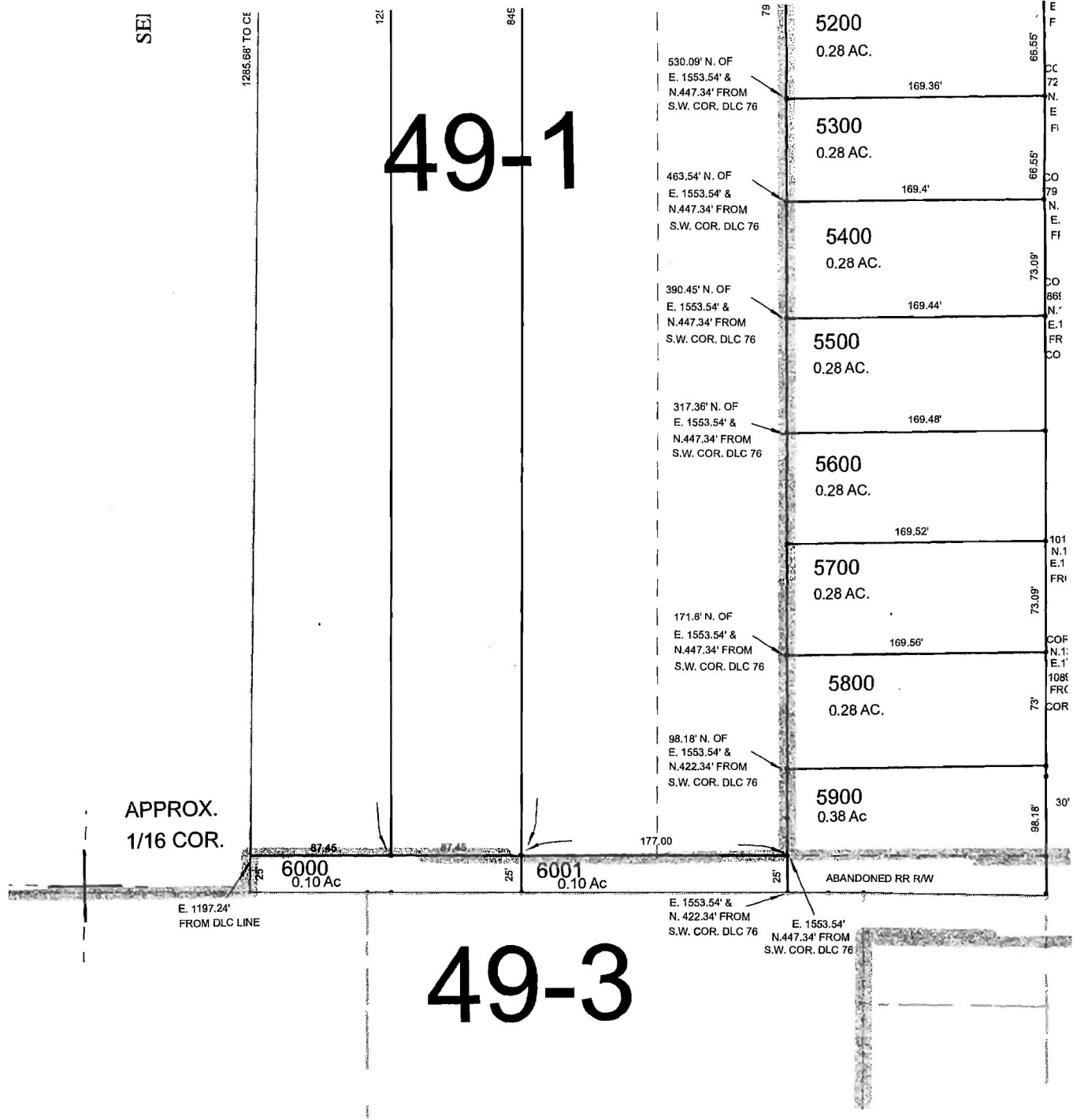
Area of Map

4/26/10

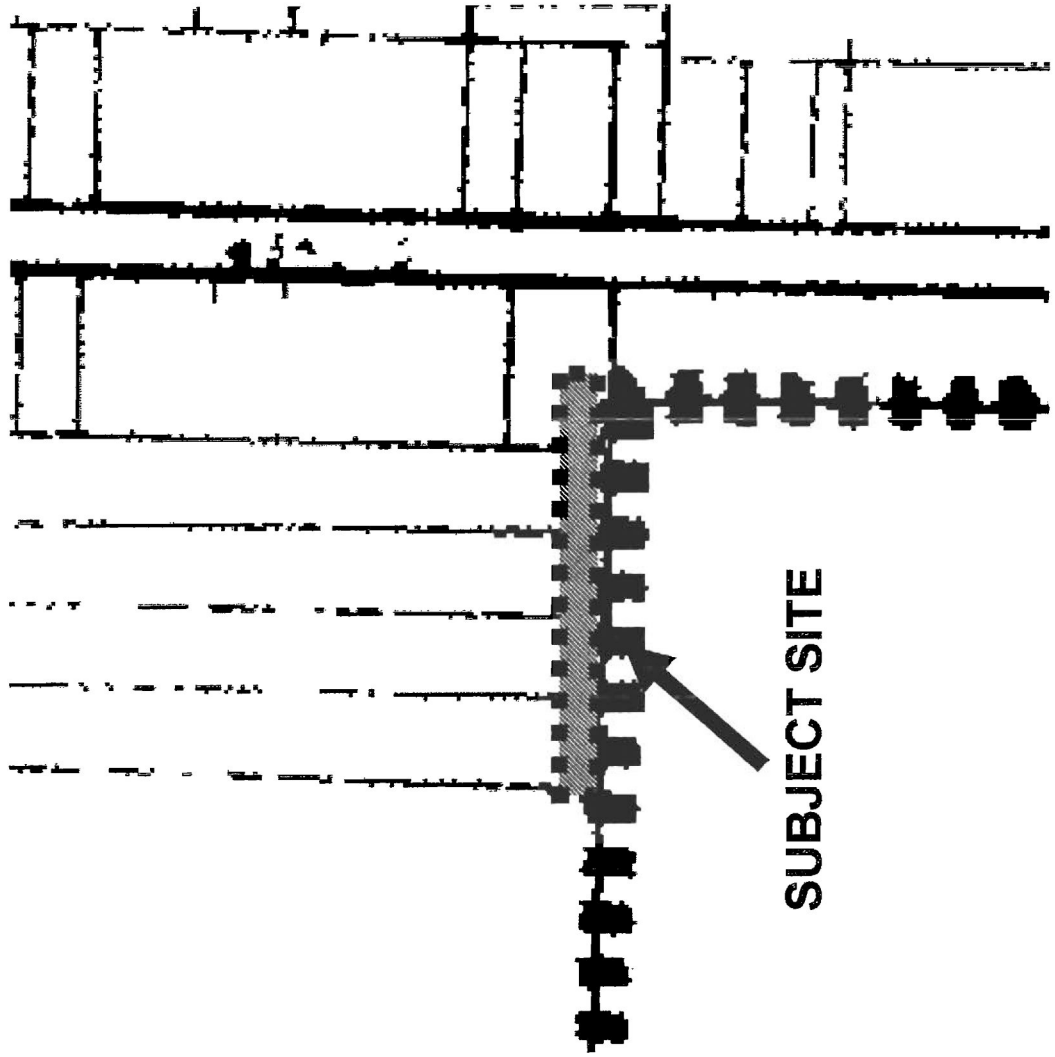


CITY OF MEDFORD
 EXHIBIT # *B*
 FILE # *CP-10-021*

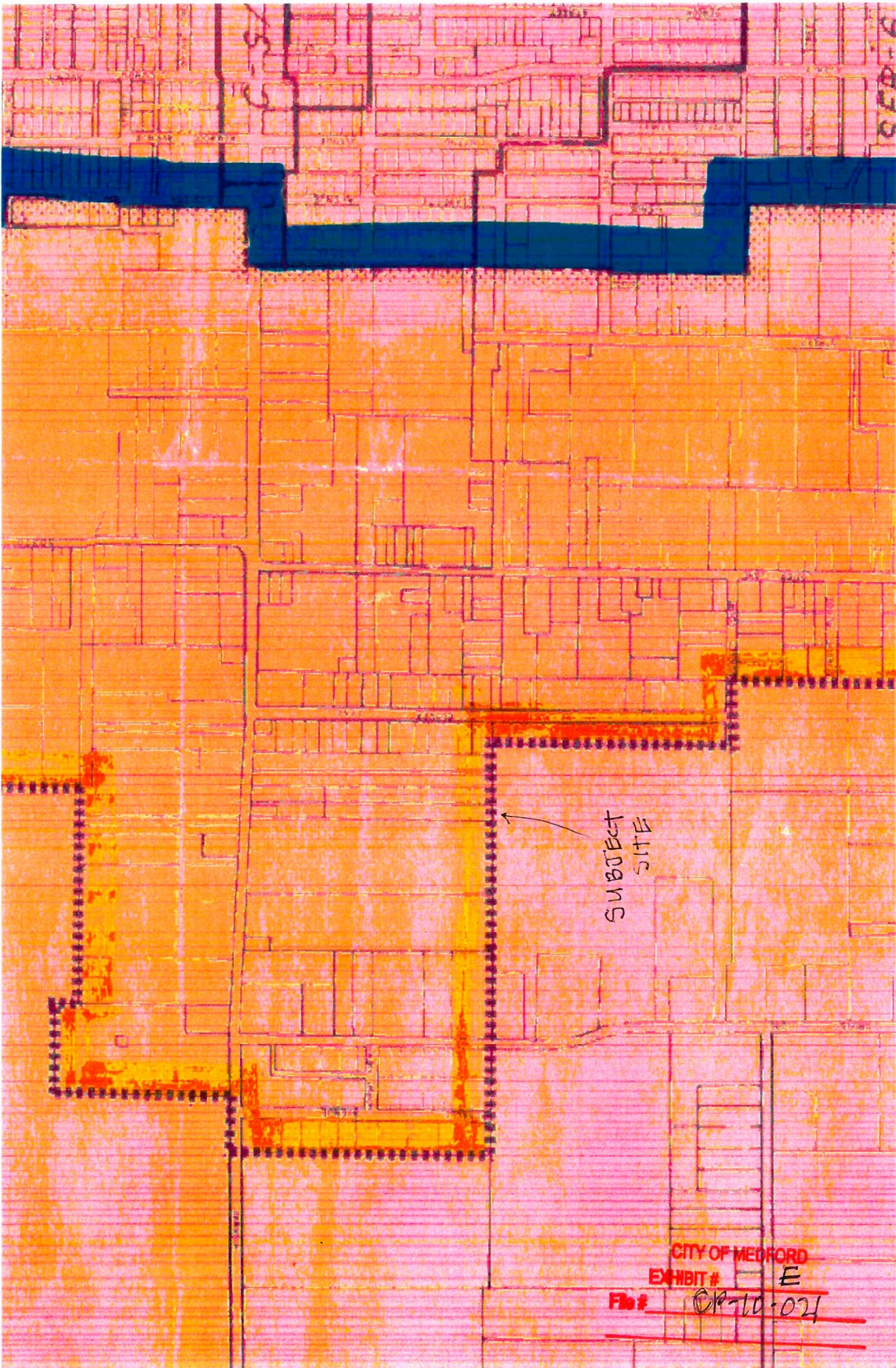
File # CP-10-021
 EXHIBIT # 2
 CITY OF MEDFORD



Zoning Map 1979



CITY OF MEDFORD
EXHIBIT # D
File # CP-10-021



6-5

CP-10

SUBJECT
SITE

CITY OF MEDFORD
EXHIBIT # E
File # CP-10-021

RICHARD STEVENS & ASSOCIATES, INC.

P.O. Box 4368
Medford, Oregon 97501-0168

201 W. Main St., Suite 2D
Phone: 541 773-2646

Fax: 541 858-8947
E-mail: rsc@mindspring.com

Dr. Gary Wheeler, Mayor
200 So. Ivy Street
Medford, OR 97501

May 19, 2010

RE: File No. CP-10-021

RECEIVED

MAY 19 2010

PLANNING DEPT.

Honorable Mayor & Council:

On behalf of our client, Dr. David Young, we would respectfully request a continuance of this public hearing, due to prior commitments and inability to attend. Dr. Young is an affected property owner in this matter and desires to present his concerns and understanding to the council.

This correspondence is prepared in response to a request from the City Staff to "correct a mapping error" on a portion of the existing UGB line abutting the old Meadows Lane and west of Clover Road. Our concerns are provided to afford both Staff and the Council sufficient time for review prior to the continued public hearing.


Staff asserts that there was an error in the mapping created sometime after 1999. Based on the information from Jackson County, this is not correct. The Jackson County information, Findings and mapping for a UGB amendment in 1995 (Medford File No. CP-94-17)(Jackson County File No. 95-1 UGBA) reflected that the boundary was located north of the old Rail Road Right of Way. The mapping represented before both Jurisdictions was consistent and was approved before the approving authorities. The review of this 1995 UGBA clearly shows the existing UGB boundary is found in its current location, north of the old Rail Road Right of Way. In fact, the UGB line was identified along the northern boundary of the old Rail Road Right of Way from the subject property to Oak Grove Road, towards the west. We believe that the UGB boundary line has always been present along the northern boundary of the old Rail Road Right of Way, and this request is not a "mapping error".

The existing UGB line is consistent with the information from both Jackson County and State of Oregon, DLCD. The attached documents confirms the stated alignment. This boundary was also confirmed by the City of Medford with the annexation of the property and the legal description prepared for File No. A-99-149. (Ordinance No. 2002-192)

The subject properties are zoned EFU with Jackson County. Per OAR 660-004-0010, we believe the City needs to prepare a Goal 3 exception for the inclusion of resource zoned properties into the urbanizable area.

With these concerns in mind; and Per ORS 197.763(6), the applicant respectfully requests a continuance to this application to a date and time certain.

Sincerely,



Richard Stevens & Associates, Inc.
Clark Stevens

CITY OF MEDFORD
EXHIBIT # F 2 of 13
File# CP-10-021

RECEIVED

MAY 2 1995

Jackson Co. Planning

BEFORE THE BOARD OF COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

ADOPTED: 4-26-95
EFFECTIVE: 6-27-95

ORDINANCE NO. 95-17

AN ORDINANCE AMENDING THE OFFICIAL COMPREHENSIVE PLAN AND ZONING MAP #37, 2W, 23, 700, FILE NUMBER 95-1-UGBA.

RECITALS:

1. The City of Medford has proposed to include the remaining 9.71 acres of a 13.25 acre parcel, described as 37, 2W, 23, 700 into the Medford Urban Growth Boundary (UGB). This parcel is split by the Medford UGB.
2. The Medford City Council found in Ordinance 7771, passed on December 1, 1994, the intent of the Medford Land Development Code and Medford Comprehensive Plan is to locate parcels either wholly inside the UGB or wholly outside the UGB.
3. The Medford City Council also found in Ordinance 7771 the split of the parcel by the UGB was a mapping error.
4. The changes proposed by the City are considered to be a minor or quasi-judicial amendment to the UGB according to the terms of the mutually adopted UGB Agreement.
5. The Medford City Council and the Jackson County Board of Commissioners held a property advertised hearing on November 9, 1994 for the purpose of taking testimony on the proposed amendments.
6. Both bodies by motion and vote did approve the amendment as proposed in the City of Medford staff report dated October 27, 1994.

Now Therefore, the Board of County Commissioners of Jackson County hereby ordains as follows:

1-ORDINANCE; File 95-1-UGBA
Date Typed: 02/02/95
[95-1UGBA.ORD]

CITY OF MEDFORD
EXHIBIT # F 3 of 13
File # CP-10-021
*Mailed to attached
5-2-95. UGB appeal
Period expires 5-23-95*

SECTION 1. FINDINGS

- 1.1 The Board of Commissioners hereby adopts by reference the City of Medford staff report dated October 27, 1994 for file number CP-94-17 attached hereto as Exhibit A.
- 1.2 The Board of Commissioners hereby adopts by reference Exhibit B, the map showing the current UGB configuration.
- 1.3 The parcel contains 13.25 acres of which the eastern 3.54 acres is in the UGB and the western 9.71 acres is outside the UGB.
- 1.4 The parcel is the only parcel of land which is split by Medford's UGB.
- 1.5 The parcel was split by the UGB in 1980.
- 1.6 The parcel is currently zoned F-5, Farm Residential, which is a residential zone.
- 1.7 Section 200.060 of the Jackson County Land Development Ordinance states "zoning district boundaries are section lines, or subportions thereof, subdivision lines, and lot lines or center lines of streets and roads,...".
- 1.8 The "Map Designations" section of the Jackson County Comprehensive Plan states "the official map, ... is a site-specific map" and "it [the comprehensive plan map] displays both zoning and comprehensive plan designations...".

SECTION 2. CONCLUSION

- 2.1 The Board of County Commissioners hereby concludes the language of the Jackson County Land Development Ordinance and of the Jackson County Comprehensive Plan indicate an intent to follow obvious divisions such as lot lines, streets and subdivision lines when creating an UGB.
- 2.2 The Board of County Commissioners hereby concludes the proposed UGB amendment strictly involves nonresource land and therefore will not include resource land into the Medford UGB.

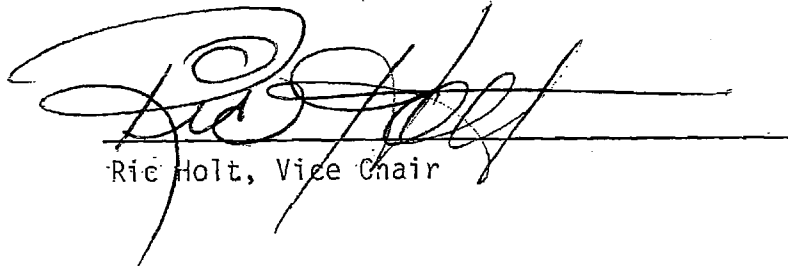
2.3 The Board of County Commissioners hereby concludes that it has received sufficient information to conclude the case for this minor amendment.

SECTION 3. DECISION

3.1 The Board of County Commissioners hereby amends the Jackson County Comprehensive Plan and Zoning Map #3, including all of 37, 2W, 23, 700 within the Medford Urban Growth Boundary, as shown on the map "Revised Exhibit A", included in Exhibit A, the City of Medford staff report dated October 27, 1994.

APPROVED this 26th day of APRIL, 1995, at Medford, Oregon.

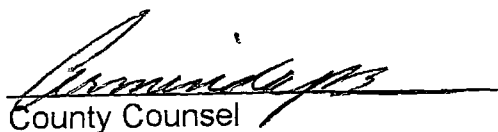
JACKSON COUNTY BOARD OF COMMISSIONERS



Ric Holt, Vice Chair

APPROVED AS TO FORM:

ATTEST:



County Counsel



By: Recording Secretary

The Board of County Commissioner's Ordinance is the final decision on this action. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on May 2, 1995, and the LUBA appeal period will expire on May 23, 1995. Please contact LUBA for specific appeal information. They are located in the State Library Building, Room 306, 250 Winter Street NE, Salem, Oregon 97310-0590. They can be reached at (503) 373-1265.

3-ORDINANCE; File 95-1-UGBA

CITY OF MEDFORD
EXHIBIT # E 5 of 13
File # CP-10-21

EXHIBIT A

City of Medford

October 27, 1994

STAFF REPORT

File No.: CP-94-17

Applicant: City of Medford and Jackson County

Request: Consideration of a mapping error correction to the City of Medford Urban Growth Boundary, correcting the City of Medford's General Land Use Plan Map and Zoning Map, and Jackson County's Zoning/Comprehensive Plan Map for a parcel located on the north side of Finley Lane, west of Ross Lane, which is currently divided by the City of Medford Urban Growth Boundary.

Background:

Owners of the property at 372W23-700 applied to the Jackson County Department of Planning and Development for an urban growth boundary amendment to include a portion of their property that was left out of the urban growth boundary (UGB) in 1980. The entire parcel contains 13.25 acres. Currently, the eastern portion containing 3.54 acres is in the UGB. The western portion containing 9.71 acres is outside the UGB.

This has brought to staff's attention what is, to the best of our knowledge, the only parcel of land which is split by Medford's UGB. It is the City's intention, when creating a UGB, to always follow streets or lot lines. There is no code language or comprehensive plan language which specifically requires this; however, both documents include language that implies that this is the intent. The first is Section 10.302 of the Medford Land Development Code, which states that zoning district boundaries shall be construed to follow property lines. Similar language was in effect in 1980 (Section 10-135 of Medford Code adopted in 1966) when the UGB that apparently split this parcel was created. The logical extension of this requirement, is that City limit lines, which are generally zoning boundaries, will follow property lines. Since UGB's are expected to eventually be eligible to become City limits, they would also be expected to follow property lines.

The second place where there is language that implies that UGB's shall follow lot lines is in Section 10 of the "General Land Use Plan" element of Medford's Comprehensive Plan. This section states that the UGB "is site specific" and "... it is necessary that the UGB also be on a map with lot lines so specific parcels can be determined to be inside or outside the UGB. The zoning map is such a map."

October 27, 1994

There are a number of other problems that are recognized by staff when a parcel is split by a UGB, city limit line, or zoning boundary. The primary problem being that it causes confusion when trying to assign data to a parcel. As we move towards using computerized data bases and geographic information systems, it becomes more important that we clarify these ambiguities. A second problem arises when the portion of the parcel within the UGB becomes eligible for annexation to the City. The City cannot annex and zone a portion of a parcel, and the joint City/County urbanization policies do not permit the creation of a lot smaller than 40 acres within the UGB.

Therefore, it is the City's desire to see the parcel located either wholly outside the UGB or wholly within it. Since the preceding information leads one to believe that it was always the City's intention to include or exclude whole parcels of land, the division of this parcel could be viewed as a mapping error and processed as such. The correction of a mapping error does not require any action by the Planning Commission. This action does, however, require that the City Council and County Board of Commissioners hold a joint public hearing concerning the mapping error correction.

Correction of the mapping error:

The question still remains as to whether the entire property was intended to be included or excluded from the UGB. The original map and data used for designating the 1980 urban growth boundary are no longer available for scrutiny. It would also be difficult, at this point, to make an argument that the City needs more land within the UGB. It is City staff's opinion that the applicant's findings requesting the property's inclusion did not adequately make that argument. However, the City Council and County Board of Commissioners could, for the following reasons, consider including the entire parcel in the UGB:

1. The entire parcel is currently zoned F-5, which is an exception zone.
2. The parcel was legally created in 1950, prior to it being split by the UGB in 1980.
3. A portion of the parcel has been in the UGB since 1980.
4. The parcel is not an active orchard.
5. The additional land that would be added to Medford's UGB by including the rest of the subject parcel (9.71 acres) in the UGB is inconsequential.

October 27, 1994

- 6. It is the property owners' desire to see the entire parcel inside the UGB.

Recommended Action:

Determine that a mapping error has occurred, and direct staff to correct the mapping error by either including or excluding the entire parcel identified in Exhibit "A," from Medford's urban growth boundary.

Bianca Petrou

Bianca Petrou, Assistant Planner

Reviewed by:

James M. Eisenhard

James M. Eisenhard, Planning Director

**CITY COUNCIL AND JACKSON COUNTY BOARD OF COMMISSIONERS AGENDA:
NOVEMBER 9, 1994**

CITY OF MEDFORD
EXHIBIT # F 8 of 13
File # CP-90-021



1" = 1200'

EXHIBIT B

GI

AIRPORT

CONCRETE

U.G.B.

SR

SR-2.5

FFB

GC

SR-2.5

SR

APPLICANTS:
JACKSON COUNTY/FARRAR
37.2W.23 TL 700
95-1-UG BA

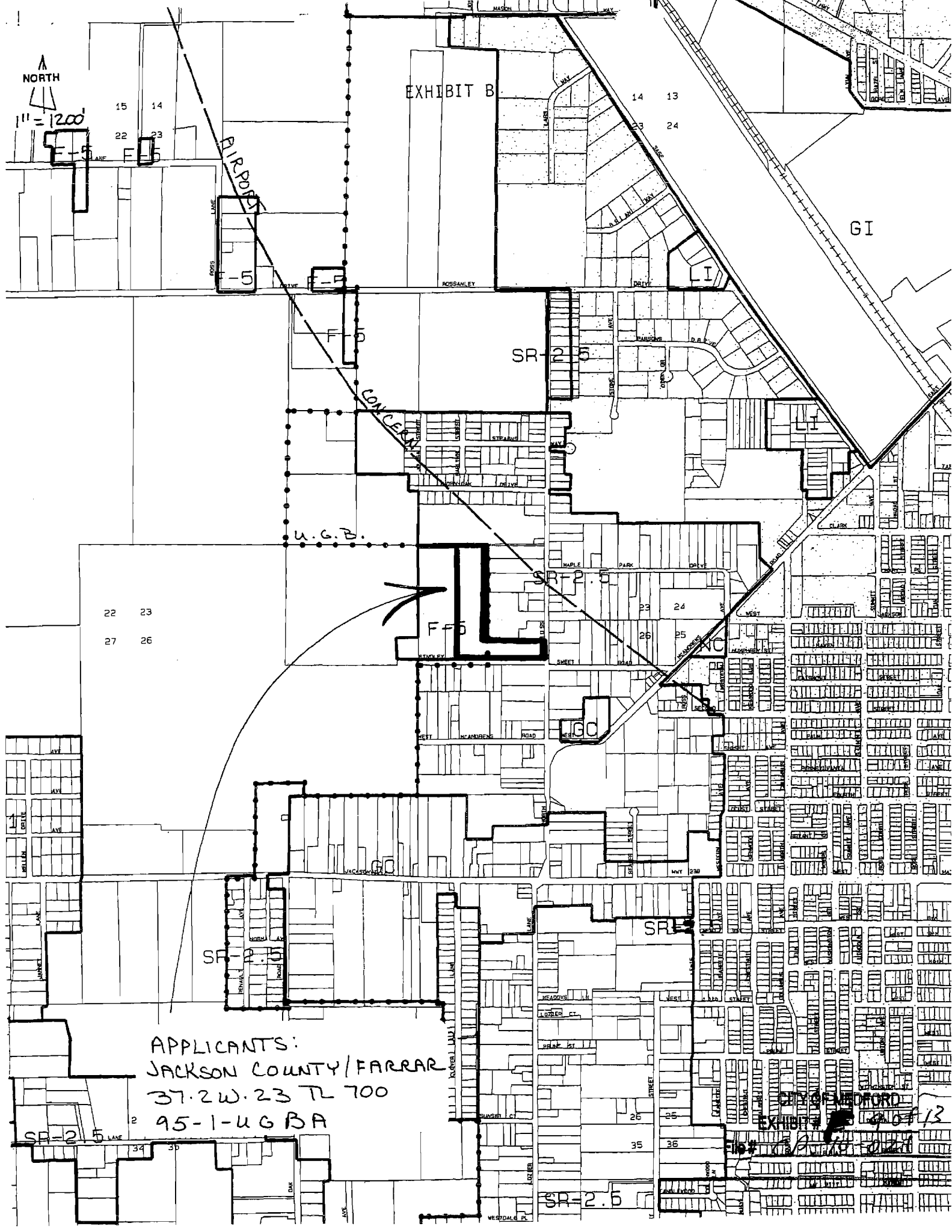
SR-2.5

SR-2.5

EXHIBIT B

13

157-00000-020



C I T Y O F M E D F O R D

INTER-OFFICE MEMORANDUM

To Scott Clay, Jackson County Planner III

From Bianca Petrou, ^{BP} Assistant Planner via James M. Eisenhard,
Planning Director

Subject Medford Urban Growth Boundary Amendment, File 94-1-UGBA

Date August 4, 1994

This is to confirm what we discussed this morning. The subject urban growth boundary (UGB) amendment submitted to your department by Ronald and Randell Farrar concerning a 13.25 acre parcel (372W23-700), has brought to our attention what is, to the best of our knowledge, the only parcel of land which is split by Medford's urban growth boundary. If the County staff is aware of any other parcels in a similar situation, this would be good time to let us know.

It is the City's intention, when creating an urban growth boundary, to always follow streets or lot lines. There is no code language or comprehensive plan language which specifically requires this, however, both documents include language that implies that this is the intent. The first is section 10.302 of the Medford Land Development Code, which states that zoning district boundaries shall be construed to follow property lines. Similar language was in effect in 1980 (Section 10-135 of Medford Code adopted in 1966) when the UGB that apparently split this parcel was created. The logical extension of this requirement, is that City limit lines, which are generally zoning boundaries, will follow property lines. Since UGB's are expected to eventually be eligible to become city limit lines, they would also be expected to follow property lines.

A second place where there is language that implies that urban growth boundary lines shall follow lot lines is in section 10 of the "General Land Use Plan" element of Medford's Comprehensive Plan.

This section states that the UGB "is site specific" and "... it is necessary that the UGB also be on a map with lot lines so specific parcels can be determined to be inside or outside the UGB. The zoning map is such a map."

There are a number of other problems that are recognized by staff when a parcel is split by a UGB, city limit line, or zoning boundary. The primary problem being that it causes confusion when trying to assign data to a parcel. As we move towards using computerized data bases and geographic information systems it becomes more important that we clarify these ambiguities. A second problem arises when the portion of the parcel within the UGB becomes eligible for annexation to the City. The City cannot annex and zone a portion of a parcel, and the joint City/County

CITY OF MEDFORD

EXHIBIT # E 10 of 13

File # CP-10-021

Scott Clay
August 4, 1994
Page 2

urbanization policies do not permit the creation of a lot smaller than 40 acres within the UGB.

Therefore, it is the City's desire to see the parcel located either wholly outside the urban growth boundary or wholly within it. Since the preceding information leads one to believe that it was always the City's intention to include or exclude whole parcels of land, the division of this parcel could be viewed as a mapping error and processed as such. This requires that there be a joint City Council and County Commission public hearing. Since we are in the process of creating an urban reserve area which will also require such a hearing, it would be convenient to hold a hearing concerning this matter at the same time. The joint hearing for the urban reserve area is tentatively scheduled for Wednesday, November 9, 1994 at 7 p.m.

The question still remains as to whether or not to include the property in the UGB. It would be difficult, at this point, to make an argument that the City needs more land within the urban growth boundary. It is City staff's opinion that the applicant's findings do not adequately make that argument. However, the City would probably not oppose including the entire parcel in the UGB because:

1. The entire parcel is currently zoned F-5 which is an exception zone.
2. The parcel was legally created in 1950, prior to it being split by the UGB in 1980.
3. A portion of the parcel has been in the urban growth boundary since 1980.
4. The parcel is not an active orchard.
5. The additional land that would be added to Medford's urban growth boundary by including the rest of the subject parcel (9.71 acres) in the UGB is inconsequential.
6. It is the property owners' desire to see the entire parcel inside the UGB.

Please contact me if I can be of further assistance.

c: Jim Eisenhard
Gene Hart

CITY OF MEDFORD
EXHIBIT # E 110 F 13
File # 210-821

Clark

From: Angela Lazarean [angela.lazarean@state.or.us]
Sent: Monday, April 06, 2009 4:55 PM
To: cstevens@mind.net
Subject: Medford UGB

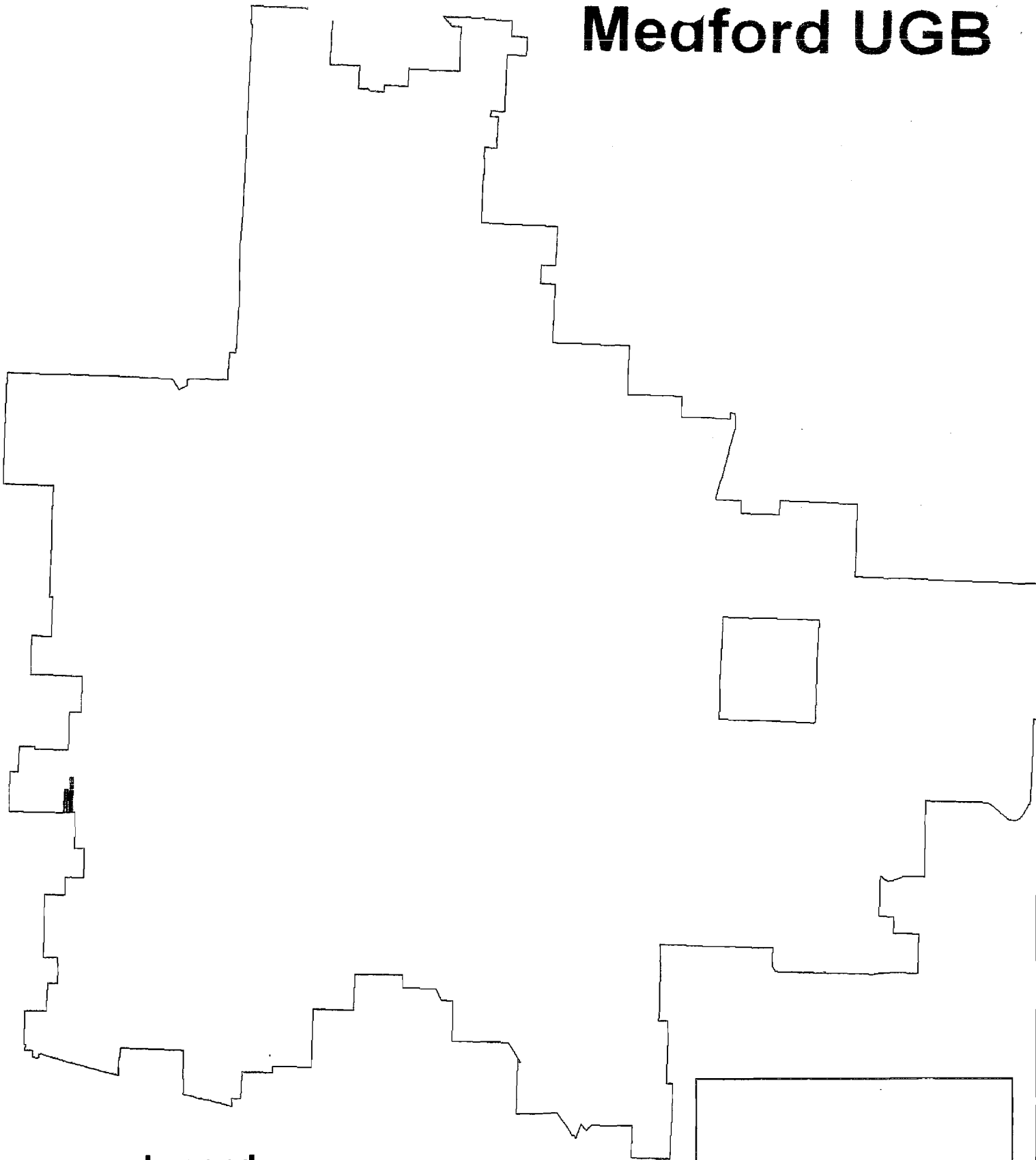
Clark, I've attached a map with Medford's UGB and an inset showing the taxlots in you inquired about. Please let me know if you have any additional questions.

Angela




Angela Lazarean | Urban Planner
Planning Services Division
Oregon Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Office: (503) 373-0050 ext. 286 | Fax: (503) 378-5518
angela.lazarean@state.or.us | www.oregon.gov/LCD

CITY OF MEDFORD
EXHIBIT # E 12 of 13
File # CP-10-021

Medford UGB



Legend

-  Medford UGB
-  Jackson County Tax lots
-  Jackson County Tax lots Selection

CITY OF MEDFORD
EXHIBIT # ~~F~~ 13 of 13
File # ~~CP-10-021~~

Dr Young's Additional Clarification and Request for
Medford City Council re: File No. CP-10-021

1. The proposed UGB adjustment in File No CP-10-021 conflicts with the legal basis of the action taken by the Planning Commission one year ago in August 2009 to recognize the present UGB boundary line as coinciding with the southern boundary of Dr Young's tax lots 4100, 4200, 4400. Upon the acceptance of the location of the now present UGB by the Planning Commission in August 2009, which UGB location Dr Young had to establish at his expense, Dr Young was granted City Zoning of Heavy Commercial (C-H) on tax lots 4100, 4200, and 4400.

- A. The City Planning Department specifically required Dr Young in 2009 to prove the current UGB was the legal UGB for Planning Commission action by informing Dr Young that otherwise his lots could not receive city zoning approval. The substantial cost of establishing the current UGB as the UGB to the city's requirements was over \$5,000.00 in direct costs plus additional substantial time and money in indirect costs.

2. Should the City Council approve action on File No. CP-10-021, the newly created UGB alignment would have the effect of adding two lots, also owned by Dr Young (of .20 Acres total), presently in the county to then become located within the city at the southern boundary of Dr Young's Tax Lots 4100, 4200, and 4400. This would again force Dr. Young to go through an additional costly process to convert the current county EFU zoning on these two county lots (.20 Acres) to city zoning (C-H) not one year after the zoning matter was already adjudicated by the Planning Commission at considerable expense by legal processes based on the current UGB location.

RECEIVED

AUG 26 2010

PLANNING DEPT.

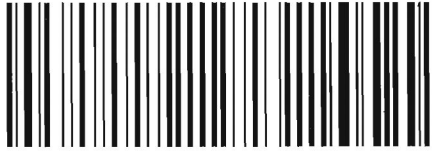
3. Further, having carefully followed all the requirements and procedures to achieve the Planning Commission assigning (C-H) zoning in August 2009 on Dr Young's tax lots 4100, 4200, and 4400 including the extra delay and heavy special expenses associated with proving to the City that the current UGB is the legal UGB, the City Planning Department indicated that the (C-H) zoning would be down zoned due to the impending Transportation Oriented District (TOD District) overlay zoning. The Planning Department indicated as late as just before the last City Council Meeting that it does not know when or what zoning Dr Young's property will eventually receive in spite of the special expense and time Dr Young has spent in achieving (C-H) zoning on his property less than one year ago in August 2009.

Requested Resolution by the City Council:

In that Dr Young has faithfully and in a cooperative spirit followed all that the City has asked of him in the requirements of City regulations and requests, including establishing the current City UGB on the southern end of his tax lots 4100, 4200, and 4400 as the legal basis that resulted in granting him (C-H) zoning in August 2009 on these same tax lots; and that passing File No. CP-10-021 by the City Council will create a new alignment of that same UGB that served as the legal basis of granting (C-H) zoning on Dr Young's lots, the Planning Department is directed to preserve his zoning of (C-H) on the existing tax lots of 4100, 4200, and 4400 and establish the same zoning on the (.20) Acres that Dr Young also owns immediately south of these same three tax lots which will be newly added to the city as a result of the City Council passing File No. CP-10-021. The Planning Department's action in this matter should result in no additional expense to Dr Young.

David F. Young MD

August 20, 2010



7007 0710 0001 0567 0285



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

RETURN R
REQUES