



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

10/18/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment
DLCD File Number 012-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, November 02, 2011

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: Praline McCormack, City of Medford
Angela Lazarean, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

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FORM 2

DLCD

Notice of Adoption

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

In person electronic mailed

DATE STAMP

DEPT OF

OCT 11 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Medford**

Local file number: **DCA-11-004/ZC-11-014**

Date of Adoption: **10/6/2011**

Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 7/1/2011

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".

Class "A" legislative amendment to the Medford Zoning Map, and Land Development Code, amending Sections 10.012, 10.184, 10.228, 10.251, 10.300, 10.305, 10.306, 10.314, 10.348, 10.371, 10.403, repealing Section 10.356, and adding new Sections 10.345, and 10.409 through 10.413 to revise language relating to Overlay Zoning Districts to make criteria more clear and consistent; to clarify Exceptions, to create a new Zoning Map classification called an "Administrative Mapping Category" to include the following: Downtown Parking, Limited Service, Planned Unit Development, and Restricted Zoning, and minor housekeeping type revisions.

Does the Adoption differ from proposal? Yes, Please explain below:

Added Section 10.306 – minor housekeeping type revisions.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

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
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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

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 012-11 (18886) [16800]

ORDINANCE NO. 2011-196

AN ORDINANCE amending Sections 10.012, 10.184, 10.228, 10.251, 10.300, 10.305, 10.306, 10.314, 10.348, 10.371, 10.403, repealing Section 10.356, and adding Sections 10.345, 10.409, 10.410, 10.411, 10.412 and 10.413 pertaining to overlay zoning districts.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.012 of the Medford Code is amended to read as follows:

10.012 Definitions, Specific.

When used in this chapter, the following terms shall have the meanings as herein ascribed:

* * *

Administrative mapping category. A designation for tracking and mapping parcels that have unique circumstances or conditions associated with them, and is not a zoning district. (See Sections 10.409 through 10.413.)

* * *

Overlay district or zone. A special zone or designation that is applied 'over,' or in addition to a base zone. Overlays impose additional or different land development regulations or procedures to certain parcels or areas of the City. They generally coincide with a special area plan or implement a specific Comprehensive Plan policy. (See Sections 10.345 through 10.408.)

* * *

~~Planned Development. Planned development means any land division which results in a pattern of ownership of real property and all the buildings, improvements and rights located on or belonging to the real property, in which:~~

~~(1) There is an association of unit owners responsible for the maintenance, operation, insurance and property taxes relating to any common property of the planned community or for the exterior maintenance of any property that is individually owned; and~~

~~(2) Owners of individual lots, by virtue of their ownership, automatically are members of the association of unit owners and assume liability for membership fees.~~

* * *

~~Planned Unit Development (PUD). A planned unit development (PUD) is any development approved by the City under Sections 10.230 through 10.245 or under earlier PUD ordinances of the City. It is further provided that any residential development consisting of four or more housing units which is not otherwise approved by the City as a land division or which is not approved through Site Plan and Architectural Review pursuant to Section 10.285 through 10.296, shall be deemed to be a planned unit development and subject to the requirements of Sections 10.230 through 10.245 and approved by the City as a planned unit development. This requirement shall apply notwithstanding the acreage limitation in Subsection 10.230(B).~~

* * *

SECTION 2. Section 10.184 of the Medford Code is amended to read as follows:

10.184 Class "A" Amendment Criteria.

* * *

(3) **Major** Zoning Map Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the same criteria as in subsection (2), preceding.

SECTION 3. Section 10.228 of the Medford Code is amended to read as follows:

10.228 Removal of Special Development Conditions on Zone Changes **and General Land Use Plan (GLUP) Map Amendments.**

Deed restrictions, ~~or~~ covenants, **or conditions of approval on zone changes** established in order to comply with Section 10.227, **or General Land Use Plan (GLUP) Map amendments established in order to comply with Section 10.184** shall only be removed by the following actions:

(1) If an improvement is made to any facility that was lacking adequacy, or if a level of service standard is changed so that the facility is now determined to be adequate, the property owner(s) may submit a letter to the Planning Department requesting that development ~~limitations-~~ **conditions** be removed. If the ~~Public Works Director and the Planning Director~~ **Department Director** agrees that the facility is adequate and the ~~limitation~~ **condition(s)** is no longer necessary, the special development condition can be removed. The letter, with the approval ~~signatures of the two department heads~~ **Department Director**, shall be appended to the original approval resolution **or ordinance**. In making the determination of facility adequacy, the ~~Public Works Director and the Planning Director~~ **Department Director** may ask the property owner(s) for information to demonstrate facility adequacy.

(2) **For Zone Change:** If an improvement is made to any facility that was lacking adequacy and the ~~restriction~~ **the development condition** is not removed through the method described in ~~Section 10.228(1) above~~, the ~~restriction-~~ **condition** may be removed by the Planning Commission pursuant to a ~~procedural Class 'C' Zone Change procedure action~~.

(3) **For GLUP Map Amendments:** If the development condition is not removed through the method described in (1) above, the condition may be removed pursuant to a Comprehensive Plan Map Amendment procedure.

SECTION 4. Section 10.251 of the Medford Code is amended to read as follows:

10.251 Application, Exception.

The purpose of Sections 10.251, ~~Application for Exception~~, to 10.253, ~~Criteria for an Exception~~, is to empower the approving authority (Planning Commission/Site Plan and Architectural Commission) to vary or adapt the strict application of ~~any of~~ the **public improvement and site development standards of this chapter** as contained in Articles III, Sections 10.349 through 10.361, and 10.370 through 10.385, as well as Articles IV and V of this chapter. Exceptions may be appropriate for reasons of exceptional narrowness or shape of a parcel; for reasons of exceptional topographic conditions, extraordinary and exceptional building restrictions on a piece of property; or if strict

applications of **the public improvement or site development** standards in **the above-referenced** Articles ~~IV and V~~ would result in peculiar, exceptional, and undue hardship on the owner.

SECTION 5. Section 10.300 of the Medford Code is amended to read as follows:

10.300 Establishment of Zoning Districts.

This Code separates the city into three (3) basic use classifications, sixteen (16) zoning districts, and eight (8) ~~special~~-overlay districts, **and four (4) administrative mapping categories** as follows:

I. RESIDENTIAL

- (a) SFR-00 -Single-Family Residential ---(1 dwelling unit per existing lot)
- (b) SFR-2 -Single-Family Residential ---(2 dwelling units per gross acre)
- (c) SFR-4 -Single-Family Residential ---(4 dwelling units per gross acre)
- (d) SFR-6 -Single-Family Residential ---(6 dwelling units per gross acre)
- (e) SFR-10 -Single-Family Residential ---(10 dwelling units per gross acre)
- (f) MFR-15 -Multiple-Family Residential ---(15 dwelling units per gross acre)
- (g) MFR-20 -Multiple-Family Residential ---(20 dwelling units per gross acre)
- (h) MFR-30 -Multiple-Family Residential ---(30 dwelling units per gross acre)

II. COMMERCIAL

- (a) C-S/P Commercial, Service and Professional Office
- (b) C-N Commercial, Neighborhood
- (c) C-C Commercial, Community
- (d) C-R Commercial, Regional
- (e) C-H Commercial, Heavy

III. INDUSTRIAL

- (a) I-L Industrial, Light
- (b) I-G Industrial, General
- (c) I-H Industrial, Heavy

IV. ~~SPECIAL-OVERLAY~~ DISTRICTS

- (a) A-A Airport Approach
- ~~(b) P-D Planned Development~~
- (be) C-B Central Business
- ~~(cd)~~ E-A Exclusive Agriculture
- ~~(de)~~ H Historic
- (ef) F Freeway
- ~~(fg)~~ A-R Airport Radar
- ~~(gh)~~ S-E Southeast
- (hi) -I-00 Limited Industrial

V. ADMINISTRATIVE MAPPING CATEGORIES

- (a) **Downtown Parking**
- (b) **Limited Service**
- (c) **P-D Planned Unit Development**
- (d) **R-Z Restricted Zoning**

* * *

SECTION 6. Section 10.305 of the Medford Code is amended to read as follows:

10.305 Purpose of Zoning Districts.

Each zoning district represents a land use category which has common locational, development, and use characteristics. ~~The quantity and availability of land within each zoning district~~ **Minor (Class 'C') zone changes shall be based upon the criteria in Section 10.227. Major (Class 'A') zone changes shall be based on the criteria in Section 10.184.** ~~community need as determined by the Comprehensive Plan.~~ The following sections specify the purpose of each zoning district, and the use and intensity standards applicable to land within each district.

SECTION 7. Section 10.306 of the Medford Code is amended to read as follows:

10.306 Residential Land Use Classification.

The residential land use classification provides a wide range of residential density alternatives and dwelling types designed to provide for the housing needs of the community as identified in the "Housing Element" of the *Comprehensive Plan*. Each district is intended to provide for specific dwelling types and densities in a quality living environment, conforming to the Urban, Urban Medium, and Urban High Density Residential designations of the *Comprehensive Plan*. The maximum number of dwelling units (DU) per acre (the density factor or "gross density" as defined herein) can be increased ~~in~~ a Planned **Unit** Development **per Section 10.230(I).** ~~(PD) overlay district is in place.~~ Examples of minimum and maximum residential density calculations are provided in Article 5, Section 10.708. The residential land use classification is comprised of eight (8) zoning districts as specified in the following sections of this Article.

SECTION 8. Section 10.314 of the Medford Code is amended to read as follows:

10.314 Permitted Uses in Residential Land Use Classification.

The following table sets forth the uses allowed within the residential land use classification by zoning district. Uses not identified herein are not allowed. (See Article I, Section 10.012, *Specific Definitions*, for the definition of each listed use.)

These symbols indicate the status of each listed use:

"P" = Permitted Use.

"C" = Conditional Use; permitted subject to approval of a Conditional Use Permit. (See Article II, Sections 10.246 - 10.250.)

"X" = Prohibited Use .

"S" = Special Use (See Article V, Sections 10.811- 10.900, Special Use Regulations)

"EA" = Permitted Use if in an EA (Exclusive Agriculture) overlay district.

"PD" = Permitted Use if in a PD (Planned **Unit** Development) ~~overlay district.~~

* * *

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PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section
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3. SPECIAL
RESIDENTIAL
DEVELOPMENTS

(a) Planned Unit Development	X	PD	PD	PD	PD	PD	PD	PD	10.230-245 & 10.356 10.412
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* * *

SECTION 9. Section 10.345 of the Medford Code is added to read as follows:

10.345 Purpose of Overlay Districts.

Overlay districts impose additional or different land development regulations or procedures on certain parcels or areas of the City. They generally coincide with a special area plan or implement a specific Comprehensive Plan policy, such as identifying those parcels containing historic resources that are subject to specific regulations. Overlay districts address issues not addressed by the underlying zoning district. The boundaries of each overlay district are shown on the official zoning map of the City of Medford. See Section 10.251 regarding Exceptions to the site development standards contained in the overlay districts.

SECTION 10. Section 10.348 of the Medford Code is amended to read as follows:

10.348 Limited Industrial Overlay District, I-00.

A. Purpose: ~~The purpose of the Limited Industrial Overlay District is to limit the number of vehicle trips in at time of zone change to the City industrial zones, to that which would be generated under the comparable County industrial zoning designations.~~ **To limit the number of vehicle trips in at time of zone change to the City industrial zones, to that which would be generated under the comparable County industrial zoning designations. This shall be accomplished by disallowing commercial uses that are otherwise permitted in the City industrial zones until the appropriate transportation facility adequacy tests have been completed and necessary improvements have been funded, completed, or shown to be no longer necessary.**

B. Applicability: **May overlay any industrial zone.**

C. Application:

(1) Upon annexation of a parcel(s) having County industrial zoning if transportation facility adequacy has not been proven; or

(2) To approve an industrial zone if transportation facilities have been shown to be inadequate per Section 10.227(2)(c) or facility adequacy has not been proven.

D. Removal: The Limited Industrial Overlay may be removed per zone change procedures outlined in Section 10.225 through 10.227 ~~Once when transportation~~ facilities have been shown to be adequate or have been made adequate to support the types of commercial uses permitted by the underlying City industrial zone, ~~the Limited Industrial Overlay may be removed according to the zone change procedure outlined in Section 10.225 through 10.227.~~

E. Prohibited Uses: The following uses, as listed in Section 10.337, shall not be permitted: ~~within the Limited Industrial Overlay District:~~

* * *

SECTION 11. Section 10.356 of the Medford Code is hereby repealed:

~~10.356 Planned Development District, P-D.~~

~~The P-D district is intended as an overlay district wherein greater flexibility in site design, beyond that required of each district, is provided. The P-D designation may be applied to any parcel within any zoning district subject to compliance with the requirements of the P-D plan authorization as set forth in Section 10.230, Application for a Planned Unit Development, of Article II.~~

SECTION 12. Section 10.371 of the Medford Code is amended to read as follows:

10.371 Scope and Applicability of Southeast (S-E) Overlay District Regulations.

(A) Application: The S-E Overlay District applies automatically upon annexation to the City of Medford to **parcel(s) located within** the Southeast Plan Area designated on the City of Medford General Land Use Plan Map. Land use and development within the S-E Overlay District shall conform to the S-E Overlay District regulations, in addition to all other applicable City regulations.

(B) Adjustment(s):

The boundaries of the S-E Overlay District may be adjusted by the City Council in conjunction with amendments of the Southeast Plan Map according to Comprehensive Plan amendment procedures found in Sections 10.180 – 10.184.

SECTION 13. Section 10.403 of the Medford Code is amended to read as follows:

10.403 Historic Preservation Overlay, Designation.

* * *

(5) Removal of Historic Preservation Overlay shall adhere to the criteria set forth in Section 10.405.

SECTION 14. Section 10.409 of the Medford Code is added to read as follows:

10.409 Purpose of Administrative Mapping Categories.

Administrative mapping categories are for the purpose of tracking and mapping parcels that have unique conditions associated with them, and are not zoning districts. These mapping categories are shown on the official zoning map of the City of Medford.

SECTION 15. Section 10.410 of the Medford Code is added to read as follows:

10.410 Downtown Parking Administrative Mapping Category.

- A. Purpose: For tracking and mapping of parcels within the Downtown Parking District.
- B. Applicability: Medford Municipal Code Section 6.200 provides a description of the boundaries of the Downtown Parking District.
- C. Inclusion or Removal: Inclusion in or removal from the Downtown Parking District is by the Medford City Council.

SECTION 16. Section 10.411 of the Medford Code is added to read as follows:

10.411 Limited Service Administrative Mapping Category.

- A. Purpose: For tracking and mapping of the parcel(s) within Limited Service (LS) area(s) as shown on the *Medford General Land Use Plan (GLUP) Map*.
- B. Applicability: The Public Facilities Element and the General Land Use Plan Element of the *Medford Comprehensive Plan* provide information about areas within the Urban Growth Boundary that are not presently serviced with adequate public facilities or other services required for development to urban densities.
- C. Inclusion or Removal: Inclusion in or removal of the Limited Service area on the *Medford General Land Use Plan (GLUP) Map* is according to *Comprehensive Plan* Amendment procedures outlined in Section 10.184.

SECTION 17. Section 10.412 of the Medford Code is added to read as follows:

10.412 Planned Unit Development Administrative Mapping Category, P-D.

- A. Purpose: For tracking and mapping of parcels that have received Preliminary Planned Unit Development (PUD) Plan approval as set forth in Section 10.230.
- B. Removal: Upon expiration of a Preliminary PUD Plan or if a PUD is terminated according to procedures outlined in Section 10.245(B).

SECTION 18. Section 10.413 of the Medford Code is added to read as follows:

10.413 Restricted Zoning Administrative Mapping Category, R-Z

- A. Purpose: For tracking and mapping of parcels that have received a zone change with conditions of approval or stipulations as set forth in Section 10.227(2)(c) or a General Land Use Plan (GLUP) Map amendment with conditions of approval or stipulations. The applicable conditions or stipulations are recorded by deed restriction or covenant, and may also be viewed at the Medford Planning Department.
- B. Removal: Upon satisfaction of the conditions of approval or stipulations per Section 10.228.

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SECTION 19. The amendment to the *City of Medford Zoning Map*, creating a new Zoning Map classification called an "Administrative Mapping Category" to include Downtown Parking, Limited Service, Planned Unit Development, and Restricted Zoning categories is hereby approved. This decision is based upon the Staff Report dated September 23, 2011, on file in the Planning Department.

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

ATTEST: Blenda Wilson
City Recorder

[Signature]
Mayor
[Signature]
Mayor

APPROVED Oct. 6, 2011.

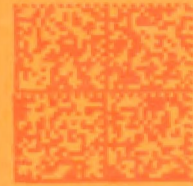
NOTE: Matter in **bold** in an amended section is new. Matter ~~struck out~~ is existing law to be omitted. Three asterisks (* * *) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.

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10/13/2011

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DEPT OF

OCT 14 2011

LAND CONSERVATION
AND DEVELOPMENT

RETURN RECEIPT
REQUESTED

ATTN: PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION AND
DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540