



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

12/01/2010

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 003-10

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, December 15, 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: Cheryl Adams, City of Medford

Gloria Gardiner, DLCD Urban Planning Specialist



DLCD File No. 003-10 (18105) [16435]

£2 DLCD Notice of Adoption

DEPT OF

☐ In person ☐ electronic ☐ mailed

NOV 26 2010

AND DEVELOPMENT
For Office Use Only

This Form 2 must be mailed to DLCD within <u>5-Working Days after the Final</u>

<u>Ordinance is signed</u> 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 Date of Adoption: 5/20/2010 Was a Notice of Proposed Amendment (Form 1) mailed	Local file number: A-08-125 Date Mailed: 11/23/2010 to DLCD? X Yes No Date: 2/1/2010		
Comprehensive Plan Text Amendment	Comprehensive Plan Map Amendment		
Land Use Regulation Amendment	X Zoning Map Amendment		
New Land Use Regulation	Other:		
Summarize the adopted amendment. Do not use ted	chnical terms. Do not write "See Attached".		
Annexation to the City of Medford of two (2) parcels total of Table Rock Road approximately 300 feet east of Table concurrent zone change from County LI/AC (Light Industrial/Limited Industrial Overlay/Airport Appr Jackson County Fire District #3.	Rock Road and 431 feet north of Schulz Road and trial/Airport Concern Overlay) to City I-L/I-00/A-A		
Does the Adoption differ from proposal? NO			
Plan Map Changed from:	to:		
Zone Map Changed from: County LI/AC	to: City I-L/I-00/A-A		
Location: 372W01A TL's 8601 & 8602	Acres Involved: 3.6		
Specify Density: Previous: NA	New: NA		
Applicable statewide planning goals:			
1 2 3 4 5 6 7 8 9 10 11 X X \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	12 13 14 15 16 17 18 19 X		
Was an Exception Adopted? YES X NO			
Did DLCD receive a Notice of Proposed Amendment			
45-days prior to first evidentiary hearing?	X Yes 🗌 No		
If no, do the statewide planning goals apply?	☐ Yes ☐ No		
If no, did Emergency Circumstances require immediate adoption?			

DLCD file No				
Jackson County Fire District #3				
Local Contact: Marilyn Prim	m, Planning Dept.	Phone: (541) 774-2380	Extension:	
Address: 200 S. Ivy Street		Fax Number: 541-618-17	08	
City: Medford	Zip: 97501	E-mail Address: marilyn.primm@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 <u>ORS 197.615</u>).
- 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.



City of Medford Agenda Item Commentary

Item No.:

Page:

Meeting Date:

May 20, 2010

1 of 1

SUBJECT:

Consideration of 1) annexation to the City of Medford of two (2) parcels totaling approximately 3.6 acres located on the east side of Table Rock Road approximately 300 feet east of Table Rock Road and 431 feet north of Schulz Road; 2) concurrent zone change from County LI/AC (Light Industrial/Airport Concern Overlay) to City I-L/I-00/A-A (Light Industrial/Limited Industrial Overlay/Airport Approach Overlay); and 3) withdrawal of said properties from Jackson County Fire District #3, effective when notice is received from the Secretary of State.

INITIATOR:

John Rachor, Applicant

STAFF INFO. SOURCE:

James E. Huber, A.I.C.P., Planning Director File No. A-08-125

FISCAL IMPACT:

None

RECOMMENDATION:

Adopt the ordinance.

BACKGROUND & KEY ISSUES:

This application was originally submitted by the applicant for one parcel, 372W01A Tax Lot 8602. Letters were sent to surrounding property owners inviting them to be included in this annexation. One property owner, owner of Tax Lot 8601, responded and was added to the annexation.

EXHIBITS:

Staff Report dated March 16, 2010 Vicinity Map Assessor's Map City of Medford March 16, 2010

STAFF REPORT

File No:

A-08-125 Annexation

Applicants:

John Rachor et al. (Gary Caperna, Agent)

Request:

Consideration of: 1) annexation to the City of Medford of two (2) parcels totaling approximately 3.6 acres located on the east side of Table Rock Road approximately 300 feet east of Table Rock Road and 431 feet north of Schulz Road; 2) concurrent zone change from County LI /AC (Light Industrial/Airport Concern Overlay) to City I-L/I-00/A-A (Light Industrial/Limited Industrial Overlay/Airport Approach Overlay); and 3) withdrawal from Jackson County Fire District #3, effective when

notice is received from the Secretary of State.

Background:

This application was submitted for one (1) tax lot (372W01A Tax Lot 8602). Letters were sent to surrounding property owners, not currently within City limits, inviting them to be part of this annexation. One property owner, owner of Tax Lot 8601, responded and was added to the annexation.

Tax Lot 8601 currently has one single-family dwelling unit and several out-buildings. Tax Lot 8602 contains a recently built 4800 square foot helicopter hangar. Tax Lot 8400 was annexed in November 2009. A paved, private easement serves these parcels along the south sides of the lots. The Medford/Jackson County International Airport is on the large parcel immediately east of these parcels.

Annexation Criteria and Findings

MLDC Section 10.197 Annexation Criteria

"The City Council must find that the following State requirements are met in order to approve an annexation:"

"The land is within the City's Urban Growth Boundary," 1.

The subject parcels are within the City's Urban Growth Boundary.

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

The subject parcels are contiguous to the current City limits along the south property lines.

3. "Unless the land being considered for annexation is enclaved by the City or the City chooses to hold an election, a majority of the land owners and/or electors have consented in writing to the annexation per ORS 222.125 or ORS 222.170."

ORS 222.170(1) is the applicable section and states that:

"(1) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day: (a) the public hearing held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or "***

There are two different property owners for these parcels, and they have both consented in writing to the annexation for these parcels. These consents constitute 100% of the property owners, who own 100% of the land, and 100% of the assessed value. The property owner of tax lot 8602 is the one elector residing on the subject site and his consent constitutes 100% of the electors. Therefore, per ORS 222.170(1) this annexation may be approved without holding an election.

Zone Change Criteria and Findings:

Only zone change criteria that are relevant to this particular application are listed. *** indicates where irrelevant text has been omitted for brevity.

MLDC Section 10.198 Zoning of Annexed Property

"At the time of annexation, the City will apply a City zoning designation comparable to the previous County zoning designation. Where no comparable City zoning designation exists, the SFR-00 (Single-Family Residential – one dwelling unit per existing lot) zone will be applied."

The parcel being annexed has County LI/AC (Light Industrial/Airport Concern Overlay) zoning. A comparable City zoning that is consistent with the GI (General Industrial) designation on the General Land Use Plan Map is I-L/I-00/AA (Light Industrial with the Limited Industrial and Airport Approach Overlays). An overlay of I-00 will be placed upon this property to limit the number of vehicle trips in the City industrial zones to that which would be generated under the comparable

County industrial zoning designation (MLDC 10.348). In addition, an overlay of A-A (Airport Approach Overlay) will be placed upon this property to comply with MLDC 10.349 – 10.354.

MLDC Section 10.227 Zone Change Criteria

- "The approving authority shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:
- (1) The proposed zone is consistent with the Transportation System Plan and the General Land Use Plan Map designation. (A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.)"

The zone change is consistent with the *Transportation Planning Rule* (OAR 660-12-060) as described below, because it will not significantly affect an existing or planned transportation facility. The proposal is consistent with the General Land Use Plan Map because the parcels have a GI (General Industrial) designation. The I-L zoning district is allowed within the GI designation per the General Land Use Plan Map Element of the City of Medford *Comprehensive Plan*.

"Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below."

* * * *

- "(d) For zone changes to any industrial zoning district, the following criteria shall be met for the applicable zoning sought:
 - (i) The I-L zone may abut residential and commercial zones, and the General Industrial (I-G) zone. The I-L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I-H) zone, unless the applicant can show it would be suitable pursuant to (1)(e) below"

The south and east boundaries of the parcels being annexed abut other I-L (Light Industrial) zoned land in the City and LI (Light Industrial) land in the County. They do not abut any I-H (Heavy Industrial) land, therefore it can be found to be suitable because it is an extension of an adjacent I-L zone.

"(2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."

(a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

- (b) Adequate streets and street capacity must be provided in one of the following ways:
 - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity;

The "Public Facilities Element" of the *Comprehensive Plan* lists two categories of public facilities. Category "A" facilities include sanitary sewer, storm drain, and water systems and transportation (streets). These facilities are the minimum necessary to support development and must, therefore, be available or made available upon development. Since the intensity of uses cannot be increased from what is currently allowed under County zoning, it can be found that the Category "A" urban services and facilities that currently serve the property are also available to adequately serve the subject property with the permitted uses allowed under the I-L/I-00/A-A zoning district. A more thorough review of the facilities necessary to serve the subject site will be done when applications for development are received by the City.

The purpose of the Airport Approach Overlay district is to minimize the nuisance effects of the airport on its surroundings, to minimize the restrictions placed upon the airport operations by surrounding development, to reduce or eliminate incompatible land use development which may jeopardize the present and future operations of the airport functions. It is also the purpose of this district to recognize that the continued residential development adjacent to the airport reduces the livability of the area and adversely impacts the health, safety, and welfare of the residents. It is further recognized that certain categories of land use development are most appropriate and compatible with the airport development (MLDC 10.349).

Oregon Transportation Planning Rule OAR 660-012-0060

Plan and Land Use Regulation Amendments

- "(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

- (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
- (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
- (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan."

Applying the I-L/I-00/A-A (Light Industrial/Limited Industrial and Airport Approach Overlay Districts) zoning designation to these parcels is considered a change in a land use regulation, therefore, per Section 660-012-0060 of the Oregon Transportation Planning Rule cited above, it must be determined whether the zone changes will significantly affect an existing or planned transportation facility.

The existing County zoning district is LI/AC (Light Industrial/Airport Concern Overlay). The I-L/I-00/A-A (Light Industrial/Limited Industrial and Airport Approach Overlays) zone will allow only developments allowed in the I-L zone with certain restrictions because of the I-00 overlay and A-A overlay districts. The uses permitted in the I-L/I-00/A-A zone are not anticipated to generate any more traffic than would be generated by the existing County LI zoning; therefore, the zone change will not significantly affect an existing or planned transportation facility.

Conclusion:

As per the above referenced Annexation Findings, this proposal can be found to be consistent with the City of Medford *Land Development Code* Criteria 10.197 in that the subject annexation area is:

- 1. Within the City's Urban Growth Boundary,
- 2. Contiguous to the current city limits, and
- 3. 100% of the land owners and 100% of the electors have consented in writing to the annexation per ORS 222.170.

Under the legislative zone change provision for annexations found in MLDC Section 10.198, the City will apply a comparable City zoning designation at the time of annexation. The subject parcels are currently zoned County LI/AC (Light Industrial/Airport Concern Overlay). City I-L (Light Industrial) with the I-00 (Limited Industrial Overlay) and A-A (Airport Approach Overlay) is a

comparable zoning, and application of this zoning to the subject sites meets all applicable zone change criteria per the above zone change findings.

Recommended Action:

Approval of A-08-125 per the Staff Report dated March 16, 2010, including a Vicinity Map and the following actions:

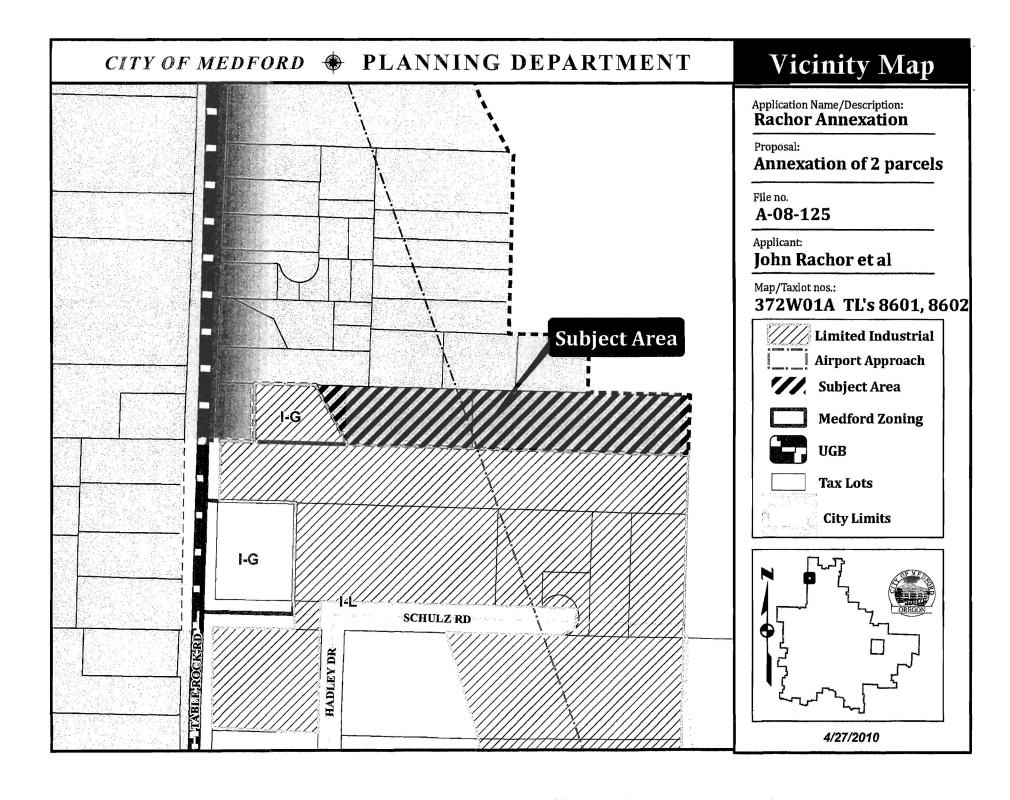
- 1. The subject properties shall be zoned I-L/I-00/A-A (Light Industrial with the Limited Industrial Overlay and Airport Approach Overlay) at the effective date of annexation.
- 2. The subject properties shall be withdrawn from Jackson County Fire District #3 at the effective date of annexation.

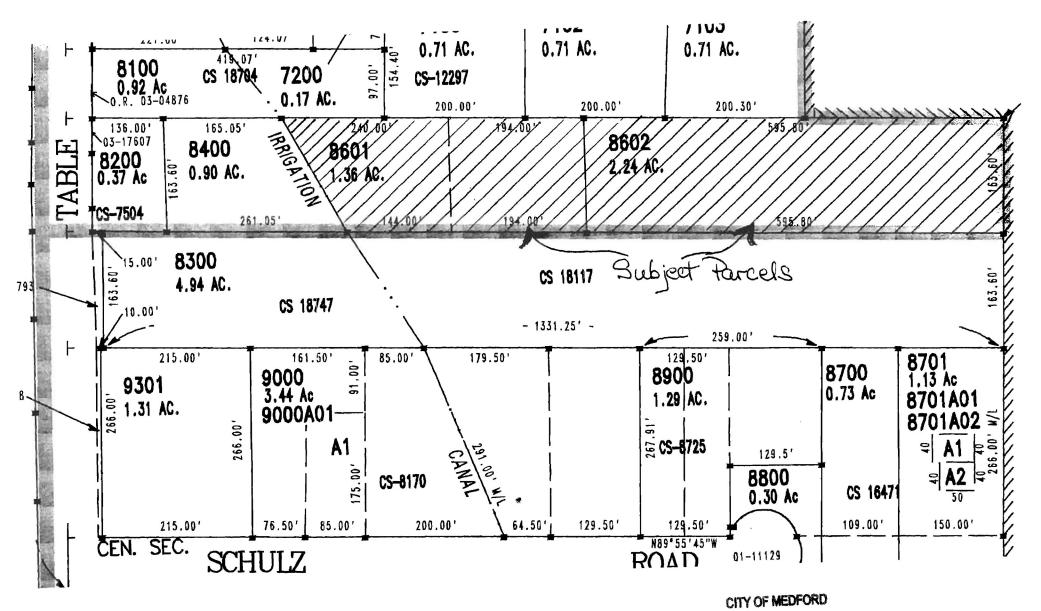
Marilyn Primm, Planner I

Reviewed by:

Bianca Petrou, AICP Assistant Planning Director

CITY COUNCIL AGENDA: May 20, 2010





372W01A

Annexation to the City of Medford

EFFECTIVE DATE: 6/1/10

The attached area description to be included within the boundaries of the City of Medford.

Glenda Owens

ORDINANCE NO. 2010-114

AN ORDINANCE proclaiming annexation to the City of Medford of two (2) parcels totaling approximately 3.6 acres located on the east side of Table Rock Road approximately 300 feet east of Table Rock Road and 431 feet north of Schulz Road; with concurrent zone change from County LI/AC (Light Industrial/Airport Concern Overlay) to City I-L/I-00/A-A (Light Industrial/Limited Industrial Overlay/Airport Approach Overlay); and withdrawal of said properties from Jackson County Fire District #3, effective when notice is received from the Secretary of State.

WHEREAS:

- 1. Two owners of the land in the territory to be annexed have consented in writing to the annexation, said consents having been heretofore filed with the City Recorder in the manner prescribed by law; and
- 2. The City Council by Resolution No. 2010-72 adopted April 15, 2010, dispensed with the elections submitting to the registered voters of the city the question of annexing said property and set 7:00 o'clock p.m. on the 20th day of May, 2010, in the Council Chambers of the City Hall in said city as the time and place of hearing thereon, together with a zone change to City I-L/I-00/A-A, and withdrawing said property from Jackson County Fire District #3, at which time and place the registered voters of the city and other interested parties were given an opportunity to be heard on the question; and
- 3. Notices of said public hearing were published and posted in the manner and for the time prescribed by law and the public hearing was duly held by and before the City Council as provided by law and by the terms of said resolution and the published notice, and it appears to be in the best interest of the city and of the area involved that it be annexed to the City of Medford, that the area be rezoned to City I-L/I-00/A-A, and that the area be withdrawn from Jackson County Fire District #3.
- 4. The City Council finds and determines that the facts and conclusions in the Staff Report dated March 16, 2010, on file in the Planning Department and incorporated herein by reference, are true and correct and are hereby adopted as the findings of the council; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. The following described area in Jackson County, Oregon, to-wit:

372W01A Tax Lot 8601 TRACT A

Commencing at the North Quarter corner of Section 1 in Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence South 0°02' West 1993.8 feet; thence East 301.05 feet to the true point of beginning (being at a point on the centerline of an Irrigation ditch); thence North 89°58' East 240.0 feet; thence South 163.6 feet; thence West 144.0 feet, more or less, to the centerline of said irrigation ditch; thence Northwesterly along the centerline of said irrigation ditch, to the true point of beginning.

-1-Ordinance No. 2010-114

P:\JMP\ORDS\A08-125

TRACT B

Commencing at the North Quarter corner of Section 1 in Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence South 0°02' West 1993.8 feet, thence East 301.05 feet to a point on the centerline of an irrigation ditch; thence North 89°58' East 240.0 feet; to the true point of beginning; thence continue North 89°58' East 194.0 feet; thence South 0°02'30" West 163.5 feet; thence South 89°58' West 194.0 feet to a point South of the point of beginning; thence North 163.6 feet to the true point of beginning.

372W01A Tax Lot 8602

Commencing at the North Quarter of Section 1 in Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence South 0°02' West 1993.8 feet; thence East 301.05 feet to a point on the centerline of an irrigation ditch; thence North 89°58' East 434.0 feet to the true point of beginning; thence continue North 89°58' East 595.8 feet to the West line of the Southeast Quarter of the Northeast Quarter of said section; thence South 0°02'30" West, along said line, 163.6 feet; thence South 89°58' West 595.8 feet to a point South 0°02'30" west of the point of beginning; thence North 0°02'30" East 163.6 feet to the true point of beginning

shall be annexed to the City of Medford, Oregon, and rezoned to City I-L/I-00/A-A as provided herein.

Section 2. The above-described property annexed to the City of Medford is hereby withdrawn from Jackson County Fire District #3 at the effective date of annexation.

Section 3. The City Recorder shall submit to the Secretary of the State of Oregon a certified copy of this Ordinance. The City Recorder shall also, within ten days of the effective date of this annexation, send copies of this Ordinance to the County Clerk, County Assessor of Jackson County, Oregon, and Jackson County Fire District #3.

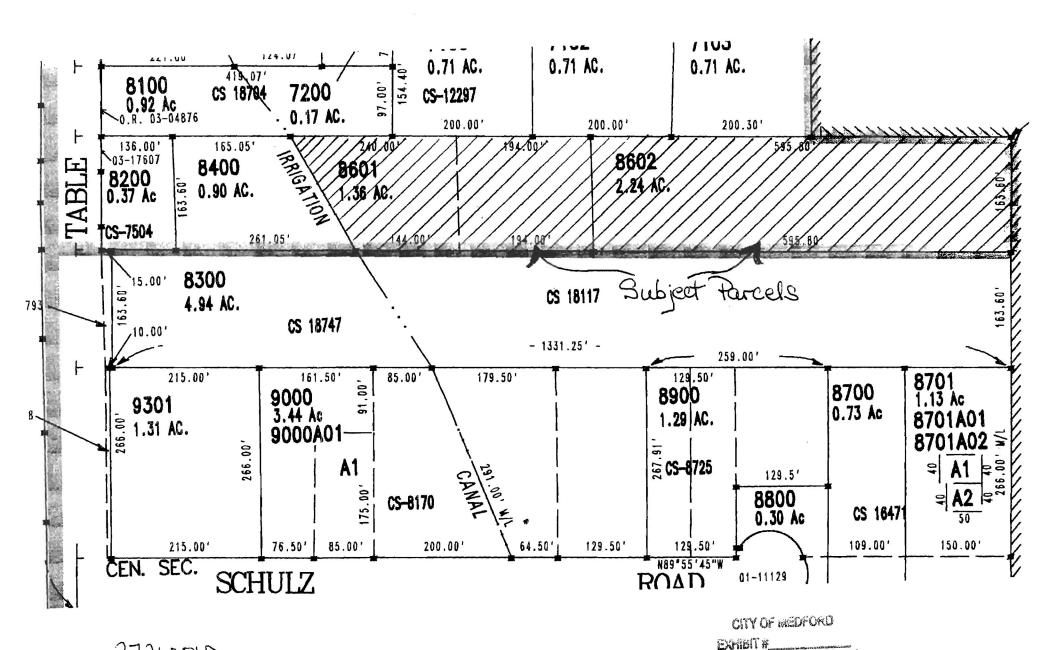
PASSED by the council and signed by me in authentication of its passage this

aday of

, 2010

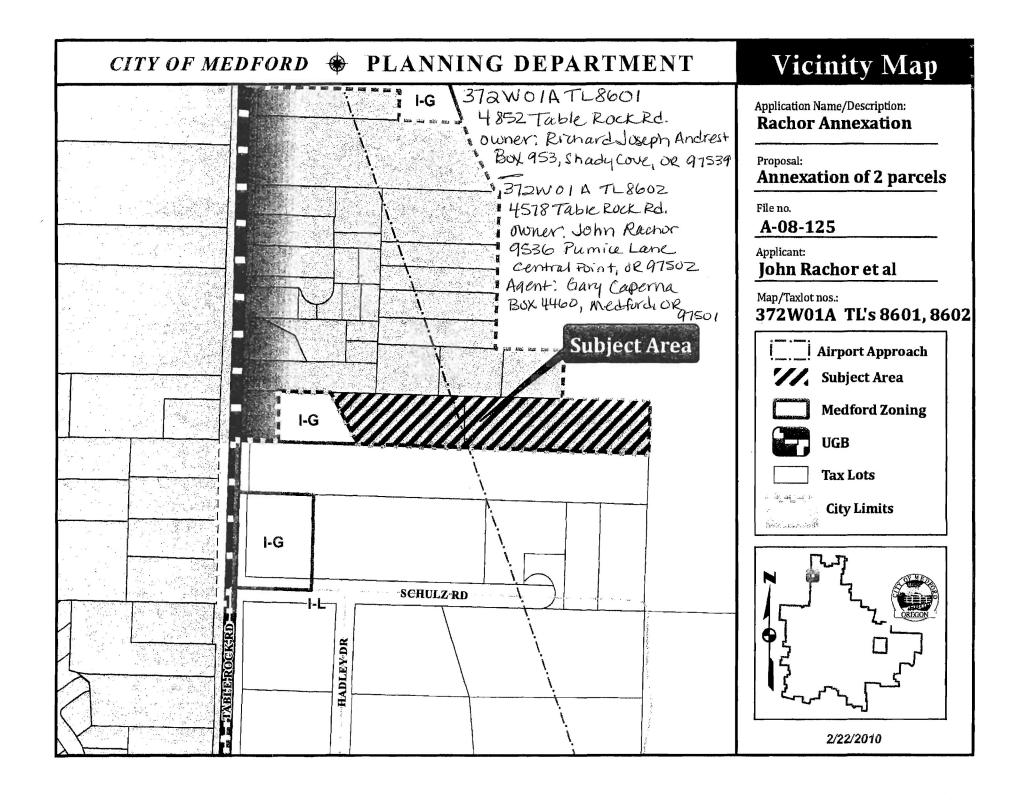
City Recorder

APPROVED: Way 20, 2010.



PM A-08-125

372W01A



LENTIFIED MINIETM



7007 0710 0001 0567 1770

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



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NETURN REGEIRT REQUESTED