



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## **NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION**

Date: 02/13/2015  
Jurisdiction: City of Medford  
Local file no.: ZC-14-118  
DLCD file no.: 013-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 02/10/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

<b>FOR DLCD USE</b>	
File No.:	013-14 {22548}
Received:	2/10/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation no more than 20 days after the adoption. (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Medford

Local file no.: ZC-14-118

Date of adoption: 02-05-15

Date sent: 2/10/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 11-06-14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes  No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Jennifer Jones, Planner II

Phone: 541-774-2375

E-mail: jennifer.jones@cityofmedford.org

Street address: 200 S. Ivy

City: Medford

Zip: 97501-

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

**For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

**For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

- |                        |    |        |  |
|------------------------|----|--------|--|
| Change from<br>change. | to | acres. | A goal exception was required for this         |
| Change from<br>change. | to | acres. | A goal exception was required for this         |
| Change from<br>change. | to | acres. | A goal exception was required for this         |
| Change from            | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.**

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.**

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

**Identify the sections of the ordinance or code that were added or amended by title and number:**

**For a change to a zoning map:**

**Identify the former and new base zone designations and the area affected:**

Change from SFR-00	to MFR-20	Acres: 3.24
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

**Identify additions to or removal from an overlay zone designation and the area affected:**

Overlay zone designation:	Acres added:	Acres removed:
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**Location of affected property (T, R, Sec., TL and address): 372W26DA 1500 & 1601**

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**List affected state or federal agencies, local governments and special districts:**

**Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.**

# NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

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1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist  
Dept. of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us) with the subject line "Notice of Adopted Amendment."

Submittals may also be uploaded to DLCD's FTP site at [http://www.oregon.gov/LCD/Pages/papa\\_submittal.aspx](http://www.oregon.gov/LCD/Pages/papa_submittal.aspx).

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or .xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

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If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

## **Notice checklist. Include all that apply:**

Completed Form 2

A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions

The findings and the text of the change to the comprehensive plan or land use regulation

If a comprehensive plan map or zoning map is created or altered by the proposed change:

A map showing the area changed and applicable designations, and

Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable

Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

RESOLUTION NO. 2015-05

A RESOLUTION affirming the Planning Commission's actions pertaining to notification of a public hearing for a zone change from SFR-00 (Single Family Residential, one dwelling unit per existing lot) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 3.24 acres located between the terminus of West 8th Street and Lozier Lane, south of West Main Street; further affirming that the Planning Commission's findings were proper and adequate to support the conclusion of street system adequacy (Traffic Impact Analysis); waiving appeal fees.

WHEREAS, appellant, Sam Maknouni, has appealed two items which are the subject of this appeal before the City Council (1) the Planning Commission's actions pertaining to notification of a public hearing for a zone change from SFR-00 (Single Family Residential, one dwelling unit per existing lot) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 3.24 acres located between the terminus of West 8th Street and Lozier Lane, south of West Main Street and (2) the Planning Commission's decision that the Findings were proper and adequate to support the conclusion of street system adequacy (Traffic Impact Analysis); and

WHEREAS, on January 15, 2015, the City Council reviewed the applicable criteria and heard legal arguments on those conditions and considered appellant's request for a waiver of filing fees pertaining to the appeal; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

SECTION 1. The Council finds that there is substantial evidence in the record of the Planning Commission to indicate there was proper notification of a public hearing for a zone change from SFR-00 (Single Family Residential, one dwelling unit per existing lot) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 3.24 acres located between the terminus of West 8th Street and Lozier Lane, south of West Main Street.

SECTION 2. The Council further finds that there is substantial evidence in the record of the Planning Commission to indicate that the Planning Commission's findings were proper and adequate to support the conclusion of street system adequacy (Traffic Impact Analysis).

SECTION 3. This decision is based upon the Executive Summary and the findings and conclusions contained in the Staff Report attached as Exhibit A which are incorporated by reference as the findings and conclusions of the City Council.

SECTION 4. The actions of the Planning Commission are hereby affirmed and the appeal is denied.

SECTION 5. Appellant's request for the waiver of filing fees pertaining to the appeal is hereby approved.

PASSED by the Council and signed by me in authentication of its passage this 5 day of February, 2015.

ATTEST: Melinda Wilson  
City Recorder

[Signature]  
Mayor