



# Oregon

Theodore R. Kulongoski, 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

07/09/2013

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 003-13

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, July 24, 2013

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: Marilyn Primm, City of Medford  
Gordon Howard, DLCD Urban Planning Specialist  
Josh LeBombard, DLCD Regional Representative

<paa> YA



FORM **2**

**DLCD**

DEPT OF

JUL 05 2013

LAND CONSERVATION  
AND DEVELOPMENT

# 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

For Office Use Only

Jurisdiction: **City Of Medford**

Local file number: **A-12-072/ZC-12-097**

Date of Adoption: **6/20/2013**

Date Mailed: **7/2/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: **4/10/2013**

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".

Annexation to the City of Medford of an approximate 1.03 acre parcel located on the north side of Rossanley Drive, approximately 350 feet west of its intersection with Sage Road, and concurrent zone change from County LI (Light Industrial) to City I-G (General Industrial), and withdrawal of said property from Medford Rural Fire Protection District No. 2, effective when notice is received from the Secretary of State.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from: **County LI**

to: **City I-G**

Location:

Acres Involved: **1**

Specify Density: Previous: **n/a**

New:

Applicable statewide planning goals:

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

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-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:

Medford Rural Fire Protection District No. 2

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Local Contact: **Marilyn Primm**

Phone: (541) 774-2380 Extension:

Address: **Planning Dept., 200 S Ivy St.**

Fax Number: **541-618-1708**

City: **Medford** Zip: **97501-**

E-mail Address:

**marilyn.primm@cityofmedford.org**

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 working 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 the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

Annexation  
to the  
City of Medford

EFFECTIVE DATE: 6/20/13

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

*Hevda Wilson*  
City Recorder

RECEIVED

JUN 28 2013

ORDINANCE NO. 2013-80

PLANNING DEPT.

AN ORDINANCE proclaiming annexation to the City of Medford of an approximate 1.03 acre parcel located on the north side of Rossanley Drive, approximately 350 feet west of its intersection with Sage Road, and concurrent zone change from County LI (Light Industrial) to City I-G (General Industrial), and withdrawal of said property from Medford Rural Fire Protection District No. 2, effective when notice is received from the Secretary of State.

WHEREAS:

1. The owner of the land in the territory to be annexed has consented in writing to the annexation, said consent having been heretofore filed with the City Recorder in the manner prescribed by law; and

2. The City Council by Resolution No. 2013-62 adopted May 2, 2013, 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 6th day of June, 2013, 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-G and withdrawing said property from Medford Rural Fire Protection District No. 2, 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-G, and that the area be withdrawn from Medford Rural Fire Protection District No. 2; and

4. The City Council finds and determines that the facts and conclusions in the Staff Report dated May 30, 2013, 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 property described in Exhibit A, attached hereto and incorporated herein, shall be annexed to the City of Medford, Oregon, and rezoned to City I-G as provided herein.

Section 2. The above-described property annexed to the City of Medford is hereby withdrawn from Medford Rural Fire Protection District No. 2 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 Medford Rural Fire Protection District No. 2.

PASSED by the council and signed by me in authentication of its passage this 6 day of June, 2013.

ATTEST: Glenda Wilson  
City Recorder

APPROVED: June 6, 2013.

Greg Whipple  
Mayor  
Greg Whipple  
Mayor

TELEPHONE  
541-772-2782

JAMES E. HIBBS, PLS



L.J. FRIAR & ASSOCIATES . . C.

CONSULTING LAND SURVEYORS

P.O. BOX 1947  
PHOENIX, OR 97535

FAX  
541-772-8465

ljfriar@charter.net

LEGAL DESCRIPTION  
A-12-072

Commencing at the Southeast corner of Lot 5, SAGE ROAD INDUSTRIAL PARK - UNIT NO. 1, according to the official plat thereof, now of record, in Jackson County, Oregon said point also being the Northwest corner of that area annexed into the City of Medford in 1987 through Ordinance Number 6020; thence along the North line of Rossanley Drive and along the North line of said annexed area, South 89°27'11" East, 30.00 feet to the Southwest corner of that tract described in Document No. 2012-029831, Official Records of Jackson County, Oregon and the true point of beginning; thence along the exterior of said tract the following four courses: North 00°32'49" East, 175.00 feet; thence North 69°26'03" East, 179.52 feet; thence South 41°17'57" East, 70.88 feet; thence South 00°32'49" West, 186.86 feet to the North line of Rossanley Drive also being the North line of said annexed area; thence along said North lines, North 89°27'11" West, 214.76 feet to the true point of beginning. Containing 1.03 acres, more or less.

TRACT TO BE ANNEXED  
372W24BC TL500  
13-104  
January 15, 2013

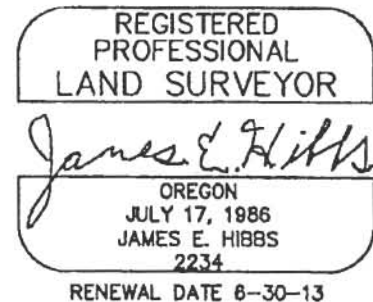


EXHIBIT A

S.W.1/4, N.W.1/4, SEC.24, T.37S., R.2W., W.M.  
JACKSON COUNTY  
1" = 100'

37 2W 24BC  
MEDFORD



49-1

49-3

SEE MAP 31 2W 24

APPROX  
1/16 COR

CANCELLED TAX  
LOT NUMBERS

ROSSANLEY

49-1

N. 1/2 21 AVENUE

PARSONS

LIGHT

UNIT 2

APPROX  
1/16 COR

JACKSON COUNTY ASSESSOR'S MAP

CITY OF MEDFORD  
EXHIBIT # C-2016  
FIG # A-12-01A

APPLICANT'S  
EXHIBIT  
3

RECEIVED  
SEP 24 2012  
PLANNING DEPT.

37 2W 24BC  
MEDFORD

# Vicinity Map



Application Name/Description:  
**Rossanley Properties, LLC**

Proposal:  
**Annexation & Zone Change**

File no.  
**A-12-072/ZC-12-097**

Applicant:  
**Rossanley Properties, LLC**

Map/Taxlot Numbers:  
**372W24BC TL 500**

-  Subject Area
-  Medford Zoning
-  UGB
-  Tax Lots
-  City Limits







**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**  
www.cityofmedford.org

Item No:

**DEPARTMENT:** Planning Department

**AGENDA SECTION:**

**PHONE:** 541-774-2380

**MEETING DATE:** June 6, 2013

**STAFF CONTACT:** James E. Huber, AICP, Department Director

**COUNCIL BILL 2013-**

**ISSUE STATEMENT & SUMMARY:**

Ordinance annexing to the City of Medford an approximate 1.03 acre parcel located on the north side of Rossanley Drive, approximately 350 feet west of its intersection with Sage Road, and concurrent zone change from County LI (Light Industrial) to City I-G (General Industrial) and removal from Medford Rural Fire Protection District #2, effective when notice is received from the Secretary of State. (File A-12-072/ZC-12-097)

**BACKGROUND:**

**A. Council Action History**

On May 2, 2013, the City Council adopted Resolution No. 2013-62 initiating the annexation and setting the public hearing for June 6, 2013.

**B. Analysis**

The subject property is within Medford's Urban Growth Boundary and is contiguous with the City limits along the south property line. The property owner has submitted the application and consented in writing to the annexation.

The subject site is currently zoned Jackson County LI (Light Industrial). A change to City I-G (General Industrial) will apply a City zoning designation that is comparable to the current Jackson County zoning designation as required by Medford Land Development Code 10.198.

**C. Financial and/or Resource Considerations**

None

**D. Timing Issues**

If the City Council approves the annexation, it will become effective when notice is received from the Secretary of State.

**STRATEGIC PLAN:**

**Theme:** Healthy Economy

**Goal 7:** Encourage a diverse economy.

**Objective 7.1:** Ensure there is a long term supply of appropriately located and serviceable commercial and industrial land.

**COUNCIL OPTIONS:**

1. Adopt the ordinance.
2. Modify the ordinance.
3. Deny the ordinance.

**STAFF RECOMMENDATIONS:**

Staff recommends adoption of the ordinance.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**  
[www.cityofmedford.org](http://www.cityofmedford.org)

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Item No:

**SUGGESTED MOTION:**

I move to adopt the ordinance to annex A-12-072/ZC-12-097.

**EXHIBIT:**

Staff Report for file A-12-072/ZC-12-097 dated May 30, 2013, including a Vicinity Map, Aerial Map, Assessor's Map, Applicant's Findings, and a legal description of the area to be annexed. Power Point presentation on file in Planning Department.



## CITY OF MEDFORD

# PLANNING DEPARTMENT

### STAFF REPORT

Date: May 30, 2013 for meeting of June 6, 2013  
To: City Council  
From: Marilyn Primm, Planner I  
Reviewed By: Kelly Akin, Principal Planner  
Subject: A-12-072/ZC-12-097  
Rossanley Properties, LLC, Applicant (Maize & Associates, Inc., Agent)

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#### **BACKGROUND**

##### Proposal

Consideration of a request for annexation to the City of Medford of an approximately 1.03-acre parcel located on the north side of Rossanley Drive, approximately 350 feet west of its intersection with Sage Road, and concurrent zone change from County LI (Light Industrial) to City I-G (General Industrial) and removal from Medford Rural Fire Protection District #2, effective when notice is received from the Secretary of State.

##### Applicable Criteria

#### **10.197 Annexation Criteria**

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

1. The land is within the City's Urban Growth Boundary,
2. The land is contiguous to the current City limits, and
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.

*"Working with the Community to Shape a Vibrant and Exceptional City"*

### **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.

#### Corporate Names

A search of the Secretary of State database shows Patrick G. Huycke is the registered agent of Rossanley Properties, LLC. Evan Schleining is the owner.

### **ISSUES/ANALYSIS**

This application was submitted for one tax lot (372W 24BC Tax Lot 500) owned by Rossanley Properties, LLC. This property is developed with an approximate 16,000 square foot building that was constructed in 2008, together with a paved parking area and landscaping. The subject site is located on the north side of Rossanley Road abutting the City limit and is within the Urban Growth Boundary (Exhibit A 2 of 3).

The General Land Use Plan Map designation for the subject property is HI (Heavy Industrial) (Exhibit C 3 of 6). This land use designation allows the I-H (Heavy Industrial) and I-G (General Industrial) zoning designations. The County zoning designation is LI (Light Industrial); the applicant is requesting that the City Council apply the City I-G zoning designation. Under Medford Land Development Code (MLDC) Section 10.198, a City zoning designation comparable to the County zoning designation is to be applied at the time of annexation. The applicant's Findings describe the similarities (Exhibit C 1 of 6, p. 5). Staff concurs with the analysis.

On November 20, 2012, staff sent letters to two surrounding property owners representing three abutting properties asking if they would like to be included in this annexation. One owner responded in the negative; no response was received from the second. As a result, this annexation request is for the single property.

The consent to annex for this property constitutes 100% of the property owners, who own 100% of the land, and 100% of the assessed value. Therefore, per ORS 222.125, this annexation may be approved without holding an election.

### **FINDINGS OF FACT**

Staff has reviewed the applicant's Findings of Fact and Conclusions of Law (Exhibit C) and recommends that the Council adopt the Findings as presented.

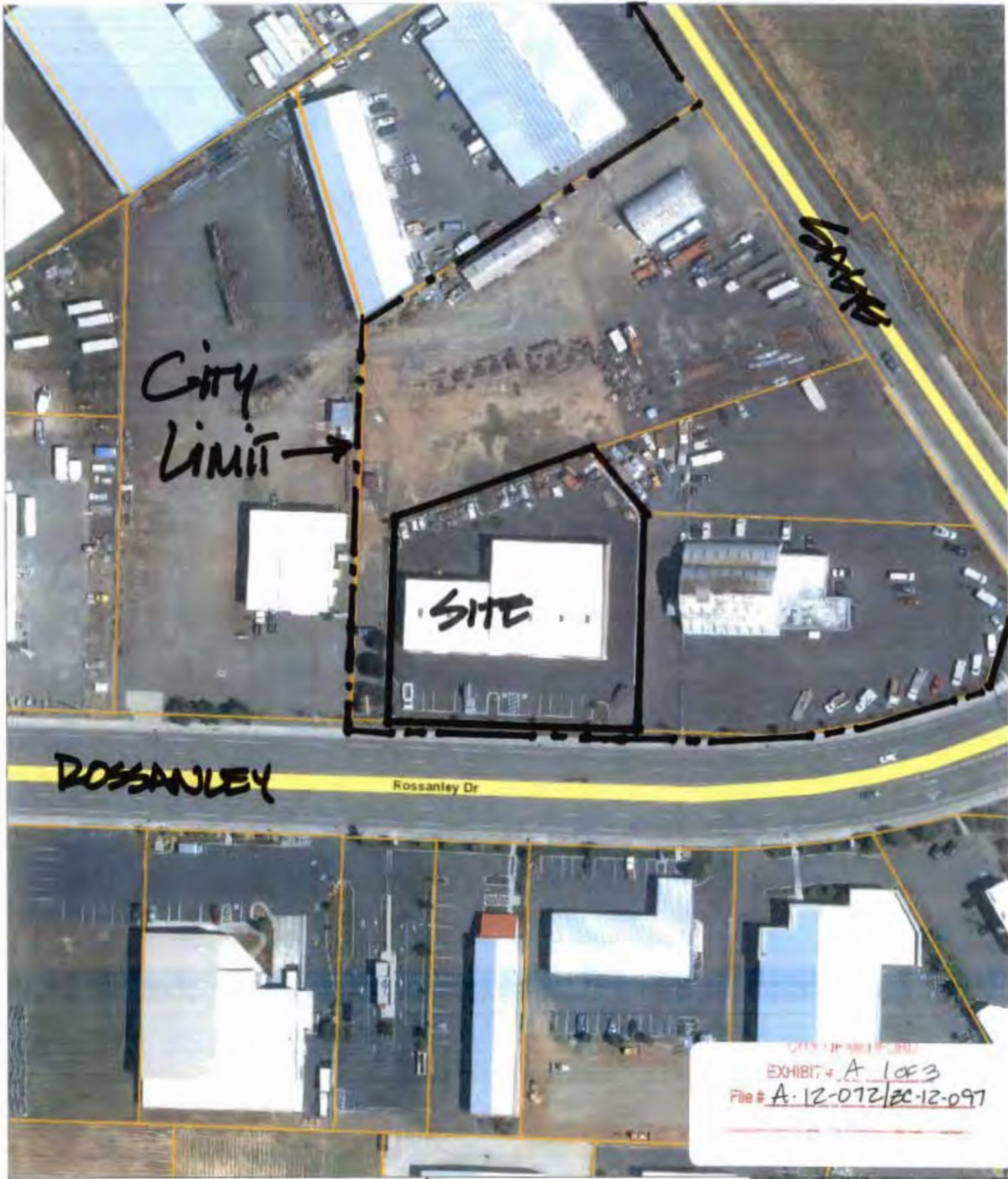
### **RECOMMENDED ACTION**

Adopt the Findings as recommended by staff and approve the ordinance for approval of A-12-072/ZC-12-097 per the Staff Report dated May 30, 2013, including Exhibits A through D.

**EXHIBITS**

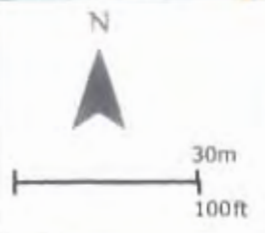
- A Maps
  - 1 of 3: Aerial Photo prepared by staff
  - 2 of 3: City Limit and Urban Growth Boundaries prepared by staff
  - 3 of 3: Jackson County Assessor's Page
- B Legal Description
- C Applicant's Findings of Fact and Conclusions of Law
  - 1 of 6: Findings of Fact
  - 2 of 6: Jackson County Assessor's Map
  - 3 of 6: Medford General Land Use Plan Map
  - 4 of 6: Medford Zoning Map
  - 5 of 6: Consent to Annex Form
  - 6 of 6: Statutory Special Warranty Deed
- D Site Photo
  - Vicinity Map

**CITY COUNCIL AGENDA: June 6, 2013**



**City of Medford: LIS**

Map created by City of Medford's Land Information System (LIS) - [www.medfordma.gov](http://www.medfordma.gov)



Plot Date: May 3, 2013

**CITY OF MEDFORD**

**GEOGRAPHIC INFORMATION SYSTEMS**

The Geographic Information System (GIS) data made available on this map are developed and maintained by the City of Medford and represent the best available information at the time of the information provided. The data are not intended to be used for any purpose other than the one for which they were collected. The City of Medford does not warrant the accuracy or completeness of the information provided.

THERE MAY BE ERRORS IN THE DATA OR DATA MAY BE OBTAINED INCOMPLETE AND MAY NOT REPRESENT INFORMATION THAT APPEARS AS TO THE CURRENT PERFORMANCE OF ANY THE ABOVE OR USED FOR ANY OTHER PURPOSES. THE CITY OF MEDFORD DOES NOT WARRANT THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED OR ANY OTHER INFORMATION PROVIDED OR ANY OTHER INFORMATION PROVIDED OR ANY OTHER INFORMATION PROVIDED.

YERIMANIN



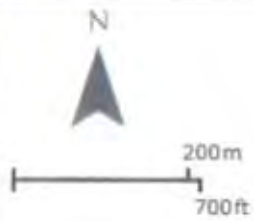
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CITY OF MEDFORD  
 EXHIBIT # A 2 OF 3  
 File # A-12-072/2012-097

**City of Medford: LIS**

Map created by City of Medford's Land Information System (LIS) www.medfordohio.gov



Print Date: May 20, 2013

**CITY OF MEDFORD**

**GEOGRAPHIC INFORMATION SYSTEMS**

The Geographic Information System (GIS) data made available on this map are provided as-is without warranty. The City of Medford and Jackson County GIS data is the sole responsibility of the City of Medford and Jackson County. The data and files are made available to the public under a non-commercial license.

There may be errors in the data. The City of Medford is not responsible for any errors. The City of Medford is not responsible for any errors. The City of Medford is not responsible for any errors. The City of Medford is not responsible for any errors.



S.W.1/4, N.W.1/4, SEC.24, T.37S., R.2W., W.M.  
JACKSON COUNTY  
1" = 100'

37 2W 24BC  
MEDFORD

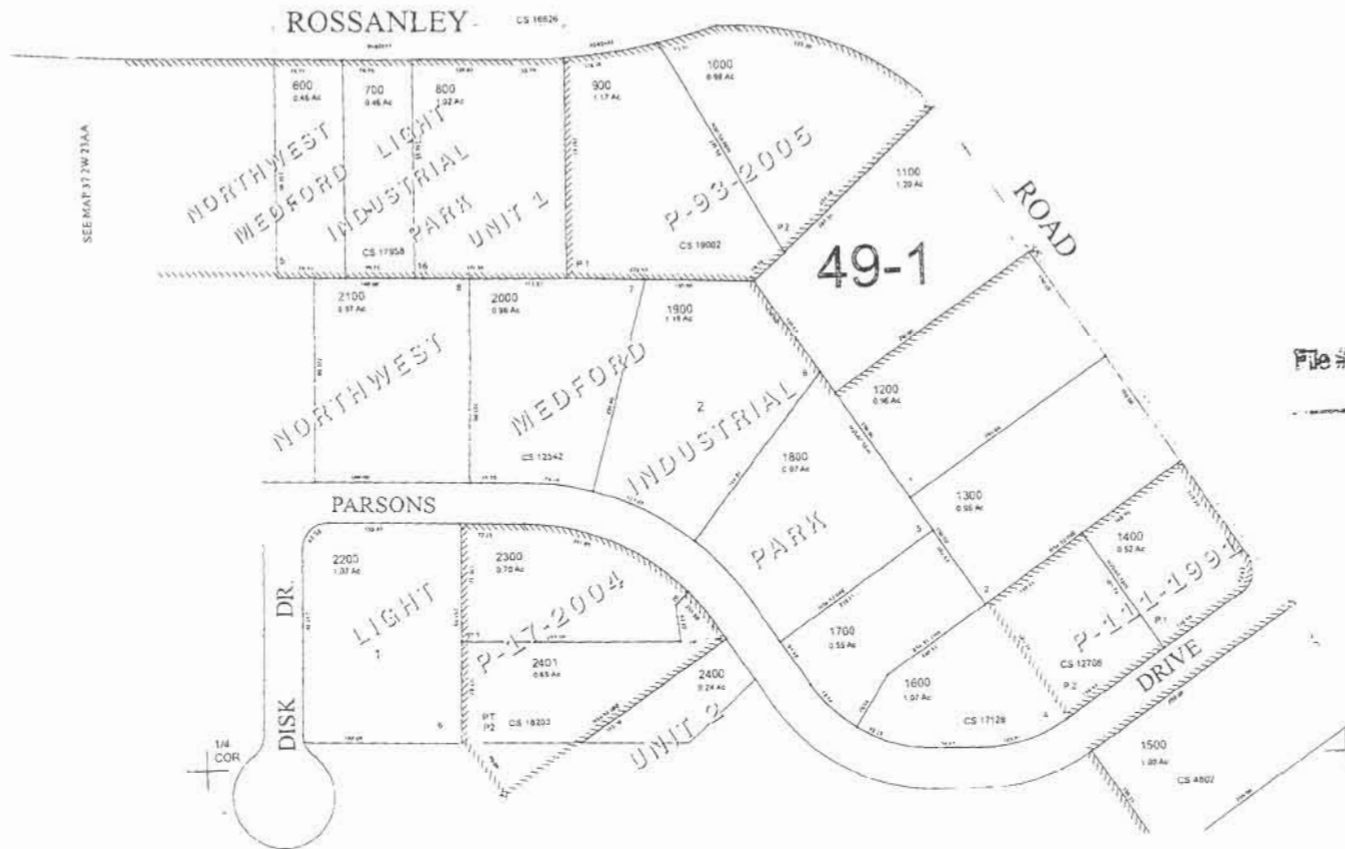
FOR ASSESSMENT AND  
TAXATION ONLY



SEE MAP 37 2W 24

APPROX  
1/16 COR

CANCELLED TAX  
LOT NUMBER



SEE MAP 37 2W 23AA

SEE MAP 37 2W 24

CITY OF MEDFORD  
EXHIBIT # \_\_\_\_\_  
File # A-12-072/2c-12-097

APPROX  
1/16 COR

37 2W 24BC  
MEDFORD

CITY OF MEDFORD  
EXHIBIT # A 3 8 2  
File # A-12-072/2c-12-097

TELEPHONE  
541-772-2782

JAMES E. HIBBS, PLS



FAX  
541-772-8465

ljfriar@charter.net

LEGAL DESCRIPTION  
A-12-072

Commencing at the Southeast corner of Lot 5, SAGE ROAD INDUSTRIAL PARK - UNIT NO. 1, according to the official plat thereof, now of record, in Jackson County, Oregon said point also being the Northwest corner of that area annexed into the City of Medford in 1987 through Ordinance Number 6020; thence along the North line of Rossanley Drive and along the North line of said annexed area, South 89°27'11" East, 30.00 feet to the Southwest corner of that tract described in Document No. 2012-029831, Official Records of Jackson County, Oregon and the true point of beginning; thence along the exterior of said tract the following four courses: North 00°32'49" East, 175.00 feet; thence North 69°26'03" East, 179.52 feet; thence South 41°17'57" East, 70.88 feet; thence South 00°32'49" West, 186.86 feet to the North line of Rossanley Drive also being the North line of said annexed area; thence along said North lines, North 89°27'11" West, 214.76 feet to the true point of beginning. Containing 1.03 acres, more or less.

TRACT TO BE ANNEXED  
372W24BC TL500  
13-104  
January 15, 2013



CITY OF MEDFORD  
EXHIBIT # B  
File # A-12-072/20-12-097

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**BEFORE THE CITY OF MEDFORD  
CITY COUNCIL**

**IN THE MATTER OF AN APPLICATION FOR  
ANNEXATION TO THE CITY OF MEDFORD**

**APPLICANT'S  
EXHIBIT 2**

**APPLICATION:** Request for annexation to the City of Medford of an approximate 1.03-acre parcel located on the north side of Rossanley Drive, approximately 350 feet west of its intersection with Sage Road, within a County IL (Light Industrial) zoning district.

**OWNER/  
APPLICANT:** Rossanley Properties, LLC  
3140 Juanipero Way, Suite 201  
Medford, OR 97504

**A. BACKGROUND INFORMATION AND OVERVIEW OF APPLICATION**

The subject property consists of a single tax lot (Tax Lot 500 on Jackson County Assessor's Map 37-2W-24BC which was purchased by Rossanley Properties, LLC in 2012. The parcel is developed with an approximate 16,000 square foot building that was constructed in 2008, together with a paved parking area and landscaping. The parcel currently has a Jackson County zoning of Light Industrial (IL). According to the Jackson County Assessor records, the land and improvements have a 2012 RMV of \$415,790.

The subject parcel is within Medford's Urban Growth Boundary and abuts the Medford City Limits along its south side.

Rogue Valley Sewer Service serves the property, with stormwater drainage facilities located in the Rossanley Drive right-of-way. A domestic water line is located on the south side of Rossanley Drive.

The Jackson County Fire Protection District #2 is the only special district within the annexation area. The subject parcel is within the boundaries of the Medford Irrigation District and the Medford 549C School District.

CITY OF MEDFORD  
EXHIBIT # C 1 of 6  
File # A-12-072/zc-12-097

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## **B. PURPOSE OF APPLICATION**

The applicant desires to annex the property into the City of Medford in anticipation of being able to utilize the property for urban uses within the City of Medford.

## **C. APPLICANT'S SUBMITTALS**

- Exhibit 1 – Application Form
- Exhibit 2 – Findings of Fact and Conclusions of Law
- Exhibit 3 – Jackson County Assessor Map showing subject parcel
- Exhibit 4 – City of Medford Zoning Map showing subject parcel
- Exhibit 5 – Medford General Land Use Plan Map showing subject parcel
- Exhibit 6 – Signed and Notarized Consent to Annexation Forms
- Exhibit 7 – Census Form
- Exhibit 8 – Warranty Deed showing ownership

## **D. RELEVANT APPROVAL CRITERIA**

### MEDFORD LAND DEVELOPMENT CODE

#### Section 10.197 "Annexation Criteria"

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

- "1. The land is within the City's Urban Growth Boundary,*
- 2. The land is contiguous to the current city limits, and*
- 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."*

### STATE OF OREGON REVISED STATUTES

#### ORS 222.125 "Annexation by consent of all owners of land and majority of electors; proclamation of annexation"

*"The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation."*

ORS 222.170 "Effect of consent to annexation by territory; proclamation with and without city election"

*"(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 "*

\*\*\*

**E. OTHER RELEVANT SECTIONS**

MEDFORD LAND DEVELOPMENT CODE

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. "*

STATE OF OREGON REVISED STATUTES

ORS 222.040 states that:

1. *"Notwithstanding any provision of this chapter that provides a different effective date, an annexation, transfer of territory, consolidation or merger under this chapter, or any removal by a city by ordinance of a newly annexed area from a special district, shall not become effective during the period:
  - a. *Beginning after the 90th day before a primary election or general election and ending on the day after the election;*
  - b. *Beginning after the deadline for filing the notice of election before any other election held by any city, district or other municipal corporation involved in the annexation, transfer of territory, consolidation, merger or removal, and ending on the day after the election.**
2. *If the effective date established for an annexation, transfer of territory, consolidation, merger or removal is a date that is prohibited under this section, the annexation, transfer of territory, consolidation, merger or removal shall become effective on the day after the election.*
3. *For the purposes of ORS 308.225 only, the effective date of an annexation under ORS 222.180 shall be the date of filing of the abstract referred to in ORS 222.180."*

## **F. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Medford City Council has considered the following facts that are pertinent to the annexation application request:

### **MEDFORD LAND DEVELOPMENT CODE**

#### *Section 10.197 - Annexation Criteria*

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

#### **CRITERION NO. 1**

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

#### FINDINGS OF FACT

Exhibit "4" of the application submittal material is a portion of the City of Medford Zoning Map which shows the subject parcel and the City's Urban Growth Boundary. A review of that map shows that the subject parcel is fully within the Urban Growth Boundary of the City of Medford.

#### CONCLUSION OF LAW

Based upon the information shown on the City of Medford Zoning Map, the City Council concludes that the subject parcel is within the City of Medford's Urban Growth Boundary.

#### **CRITERION NO. 2**

- 2. The land is contiguous to the current city limits,*

#### FINDINGS OF FACT

The Jackson County Assessor's Map (Exhibit "3") and the City of Medford Zoning Map (Exhibit "4") show that the current City of Medford boundary line runs along Rossanley Drive to the south of the subject parcel. The legal description of the area to be annexed provides a common southern line that is contiguous with the existing Medford City Limits line.

#### CONCLUSION OF LAW

Based upon the information shown on the Jackson County Assessor's Map and the City of Medford Zoning Map, the Medford City Council concludes that the subject annexation area is contiguous to the current city limits at the effective date of annexation.

### CRITERION NO. 3

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."*

#### FINDINGS OF FACT

The land being considered for annexation is not enclaved as it is not surrounded by the corporate boundaries of the City.

The City of Medford's annexation policy historically has been to not call or hold an election in any territory proposed to be annexed, but to adhere to the requirements of Oregon Revised Statutes 222.125 and 222.170(1).

The landowner of the subject parcel, Rossanley Properties, LLC has submitted a signed Consent to Annexation form as part of the annexation application, giving its consent to the annexation of their property. The consent of Rossanley Properties, LLC represents 100 percent of the landowners within the annexation area.

There are no residents living within the annexation area, and consequently there are no electors living within the boundaries of the annexation area.

#### CONCLUSION OF LAW

The City Council concludes that a majority of the landowners within the area proposed to be annexed have consented in writing to the annexation per ORS 222.125 or ORS 222.170. Because there are no electors residing within the annexation area, the City Council also concludes that the elector portion of Criterion No. 3 does not apply to this application. Based upon the information contained within the signed Consent to Annexation form, Criterion No. 3 has been satisfied.

#### MEDFORD LAND DEVELOPMENT CODE

##### 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. "*

#### FINDINGS OF FACT

The subject parcel currently has a Light Industrial (IL) Jackson County zoning. Medford's General Land Use Plan Map (Exhibit "5") shows that the subject parcel has a Heavy Industrial land use designation, which allows General Industrial and Heavy Industrial zoning districts. A review of the permitted uses within the County's

Light Industrial zone compared with the uses in Medford's General and Heavy Industrial zones (I-G and I-H), indicates that Medford's General Industrial zoning district is more comparable than its Heavy Industrial zoning district.

The significant difference between the I-G and I-H zones for the subject application is the SIC classification of Industry Groups 555 - 559. Those groups provide for retail sales for new and used boat, recreation vehicle, utility trailer and motorcycle sales. Those uses are permitted within the Jackson County Light Industrial zoning, but are not permitted within the City of Medford Heavy Industrial zone.

#### CONCLUSION OF LAW

The City Council concludes that, because there are uses that are permitted in the existing County zone that are not permitted in the City I-H (Heavy Industrial) zone, but are permitted in the City of Medford I-G (General Industrial) zoning district, that the General Industrial zoning district is comparable to the previous County zoning district, therefore shall be applied to the subject parcel.

#### RELEVANT SECTIONS OF THE STATE OF OREGON REVISED STATUTES

ORS 222.125 "Annexation by consent of all owners of land and majority of electors; proclamation of annexation"

*"The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation."*

#### FINDINGS OF FACT

The owner of the property proposed to be annexed, Rossanley Properties, LLC, has submitted a signed Consent to Annexation form as part of their annexation application. There are no electors residing within the annexation area.

#### CONCLUSION OF LAW

The City Council acknowledges that the owners of 100 percent of the property proposed to be annexed have filed a statement of their consent with the City of Medford, representing all of the owners of land in the annexation territory.



The City Council also recognizes that here are no residents living within the annexation area and, therefore this portion of ORS 222.215 does not apply to this application. The City Council further concludes that a resolution or ordinance may set the final boundaries of the area to be annexed and proclaim the annexation.

ORS 222.170 "Effect of consent to annexation by territory; proclamation with and without city election"

*"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 \*\*\* "*

FINDINGS OF FACT

The landowner of the subject parcel is Rossanley Properties, LLC, whose signed Consent to Annexation form has been submitted as part of this annexation application, giving its consent to the annexation of the subject parcel. The owner's consent represents 100 percent of the landowners, who also owns 100 percent of the land in the annexation area, and consequently, 100 percent of the assessed value of all real property in the annexation area, as shown in the table below:

	Ownership		Land		2012 Real Market Valuation (RMV)	
	Number of Property Owners	Percent	Acreage	Percent	Amount	Percent
Annexation Area	1		1.03 acres		\$415,790	
Signed Consents	1	<b>100%</b>	1.03 acres	<b>100%</b>	\$415,790	<b>100%</b>

CONCLUSION OF LAW

The City Council concludes that 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, have consented in writing to the annexation of their land in the territory and have filed a statement of their consent with the City Council before the day of the public hearing.

## G. ULTIMATE CONCLUSION

Based upon the above Findings of Fact and Conclusions of Law, the City Council concludes that the application for annexation of the subject property (Tax Lot 500 on Jackson County Assessor's Map 37-2W-24BC), meets and is consistent with the relevant decisional criteria found in Section 10.197 of Medford's Land Development Code, and the relevant sections of the Oregon Revised Statutes, specifically ORS 222.125 and ORS 222.170(1).

Respectively Submitted,



Jim Maize  
Maize & Associates, Inc.  
Dated: September 20, 2012

S.W.1/4, N.W.1/4, SEC.24, T.37S., R.2W., W.M.  
JACKSON COUNTY  
1" = 100'

37 2W 24BC  
MEDFORD



JACKSON COUNTY ASSESSOR MAP

FOR ASSESSMENT AND TAXATION ONLY

49-1

49-3

SEE MAP 37 2W 24

APPROX 1/16 COR

CANCELLED TAX LOT NUMBERS

ANNEXATION AREA

DRIVE

ROSSANLEY

NORTHWEST MEDFORD INDUSTRIAL PARK UNIT 1

P-93-2005

49-1

NORTHWEST MEDFORD INDUSTRIAL PARK UNIT 2

PARSONS LIGHT INDUSTRIAL PARK UNIT 2

PARSONS

DISK DR.

DRIVE

P-111-199

APPROX 1/16 COR

SEE MAP 37 2W 24

PLANNING DEPT.

SEP 24 2012

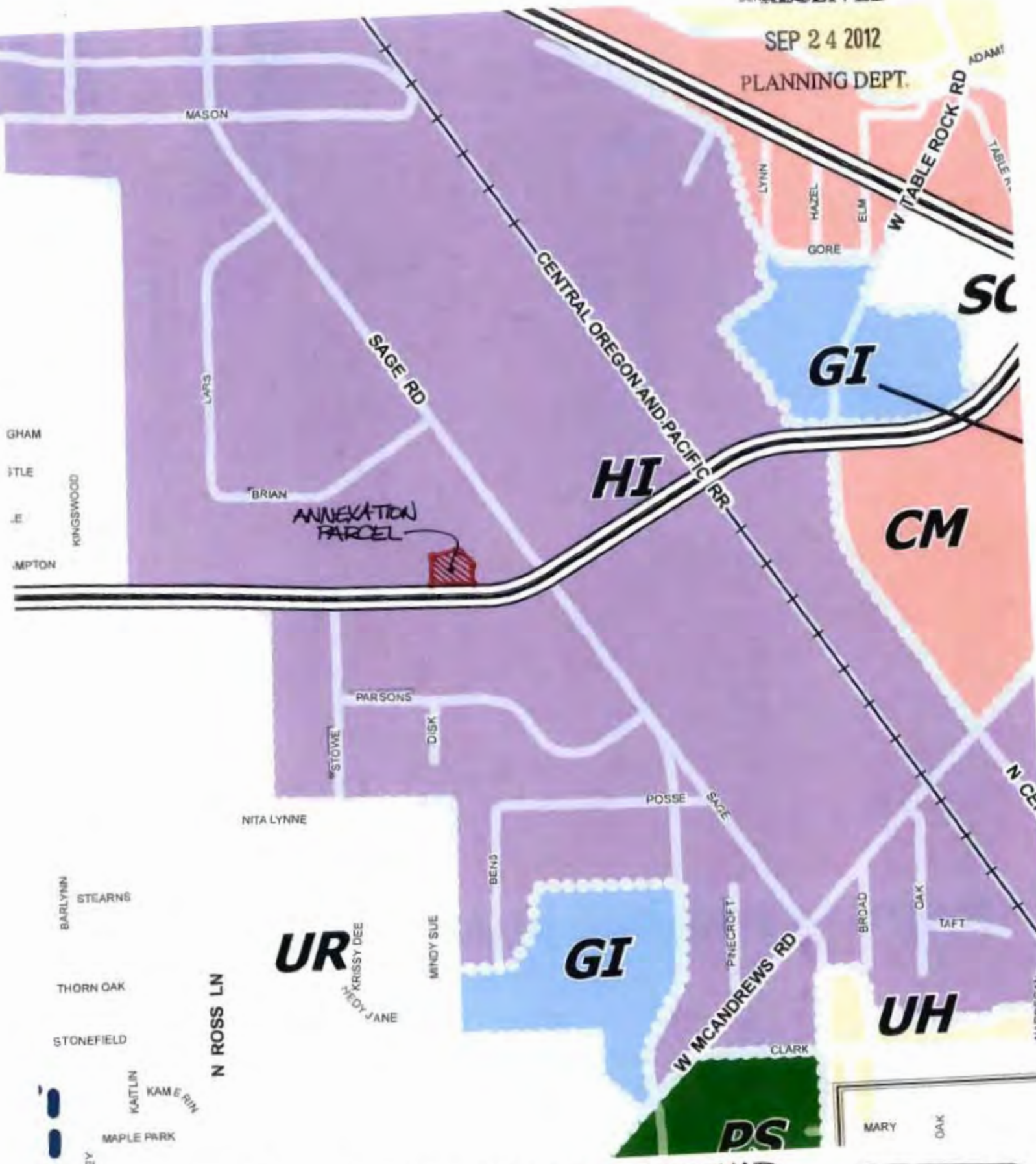
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37 2W 24BC  
MEDFORD  
NEW MAP JULY 26, 2007

CITY OF MEDFORD  
EXHIBIT # C 206  
File # A-12-072

APPLICANT'S  
EXHIBIT  
# 3

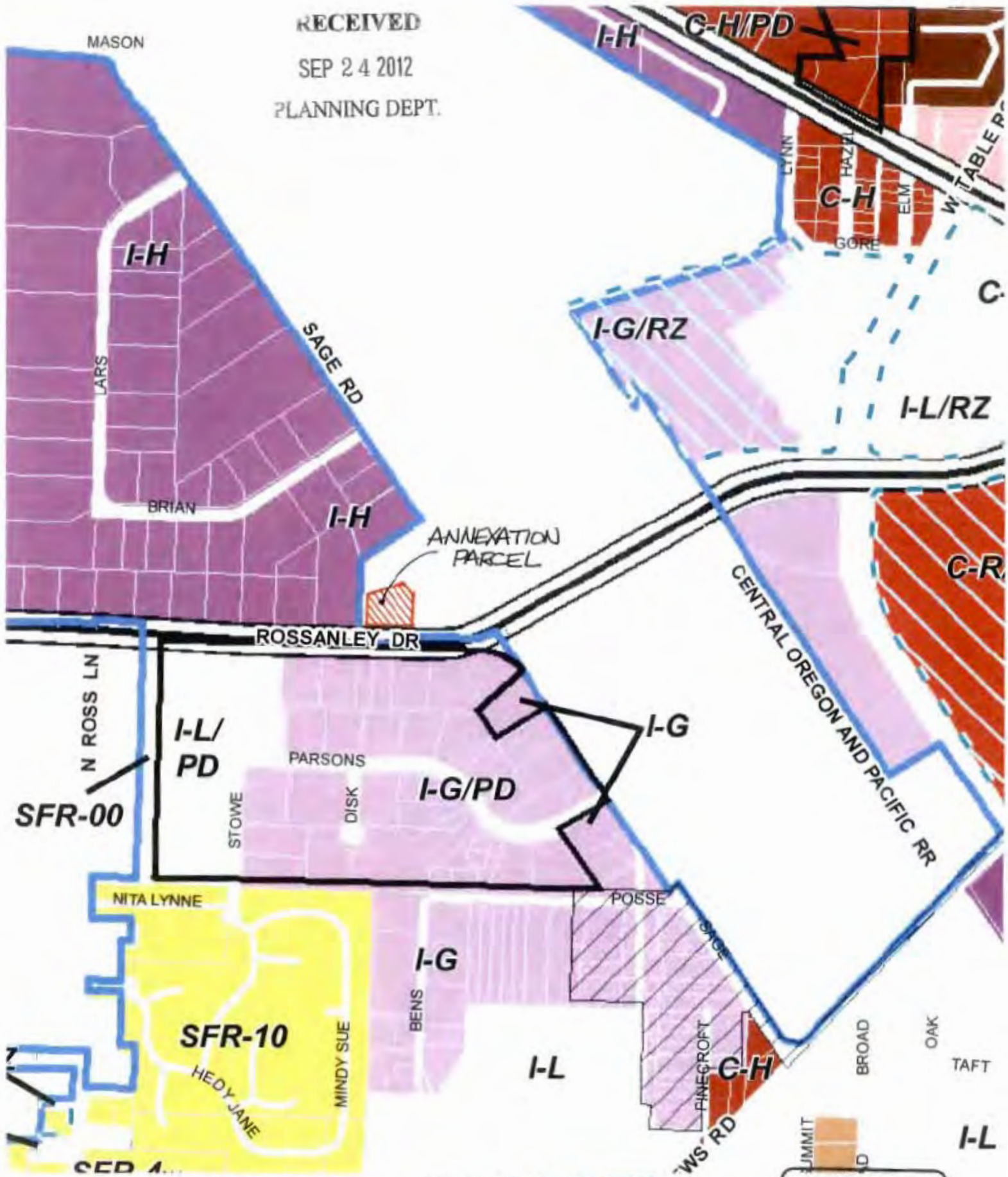
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PLANNING DEPT.



MEDFORD GENERAL LAND USE PLAN MAP  
CITY OF MEDFORD  
EXHIBIT # 12.07  
File # A-12-072

APPLICANT'S  
EXHIBIT  
" 4 "

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MEDFORD ZONING MAP  
CITY OF MEDFORD  
EXHIBIT # 3436  
File # A-12-072

APPLICANT'S  
EXHIBIT  
" 5 "

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ANNEXATION APPLICATION

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PLANNING DEPT.

CONSENT TO ANNEXATION  
INDIVIDUAL OWNER:

Consent is hereby given to the annexation by the City of Medford, Oregon of the following described real property:

Map and Tax Lot: 37-2W-2ABC Address: 520-544 ROSSANLEY DR.  
TL 500

Legal Description:

SEE ATTACHED LEGAL DESCRIPTION

in the corporate limits of said city, which is owned by the undersigned

DATED this 21<sup>st</sup> day of SEPTEMBER, 2012.

[Signature]  
\_\_\_\_\_

STATE OF OREGON )

County of Jackson )

) ss  
)

On this 21<sup>st</sup> day of SEPTEMBER, 2012, personally appeared

EVAN SCHLEINING

who, being duly sworn did acknowledge the foregoing instrument to be his/her/their voluntary act and deed.



Rebecca J. Bailey  
Notary Public for Oregon  
My Commission expires 11-15-2014

Filed with the City of Medford this 24<sup>th</sup> day of September, 2012.

Marilyn Primm  
Planning Director or designee

11 (1) MEDFORD  
COUNTY C 506  
A.12.072/20.12.097

APPLICANT'S  
EXHIBIT  
" 6 "

APN: 1-042874-7

Statutory Special Warranty Deed  
- continued

File No.: 7161-1880725 (lb)  
Date: 08/30/2012

**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Jackson, State of Oregon, described as follows:

**Commencing at the Southeast corner of Lot 5 in SAGE ROAD INDUSTRIAL PARK - UNIT NO. 1 to the City of Medford, according to the Official Plat thereof now of record in Jackson County, Oregon; thence South 89° 27' 11" East, along the North right of way line of Rossanley Drive, 30.00 feet to the true point of beginning; thence North 00° 32' 49" East 175.00 feet; thence North 69° 26' 03" East 179.52 feet; thence South 41° 17' 57" East 70.88 feet; thence South 00° 32' 49" West 186.86 feet to a point situated on aforesaid North right of way line of Rossanley Drive; thence North 89° 27' 11" West along said right of way line, 214.76 feet to the true point of beginning.**

**NOTE:** This legal description was created prior to January 1, 2008.

ANNEXATION APPLICATION

CONSENT TO ANNEXATION  
INDIVIDUAL OWNER:

The undersigned hereby agree (s) that the consent to annexation of the property described as:

Map and Tax Lot: 37-2W-24BC 7E500 Address 520-544 ROSSANLEY DR. is irrevocable and shall be binding upon our heirs, successors, and assigns forever, being a covenant running with the land. The one-year period prescribed by ORS 222.173 is hereby waived.

DATED this 21<sup>st</sup> day of SEPTEMBER, 20 12  
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF OREGON )  
County of Jackson ) ss

On this 21<sup>st</sup> day of SEPTEMBER, 20 12, personally appeared  
EVAN SCHLEINING

who, being duly sworn did acknowledge the foregoing instrument to be his/her/their voluntary act and deed.



Rebecca J. Bailey  
Notary Public for Oregon  
My Commission expires: 11-15-2014

Filed with the City of Medford this 24<sup>th</sup> day of September, 20 12.

Marilyn Primm  
Planning Director or designee

APPLICANT'S  
EXHIBIT  
" 6 "



**ANNEXATION APPLICATION**

The undersigned is/are the record owner/s of the property described as:

Map and Tax Lot: 37-2W-24BC TL 500 Address: 520-544 ROSSANLEN DR. which is subject to the attached consent to annexation and separate agreement making the consent irrevocable.

As part of the contract consent to annexation and zone change, and in consideration of the city accepting the application for annexation and zone change, the undersigned hereby waives any rights and claims for compensation as a result of the enactment or enforcement of land use regulations by the City of Medford, arising under 2007 Oregon Ballot Measure 37 and future versions thereof.

This waiver shall bind the undersigned, their agents, heirs, successors and assigns, and shall constitute a covenant running with the land, and may be recorded in the official records of the county in which the subject real property is located.

DATED this 21<sup>st</sup> day of SEPTEMBER, 2012.  
[Signature]

STATE OF OREGON )  
County of Jackson ) ss

On this 21<sup>st</sup> day of SEPTEMBER, 2012, personally appeared EVAN SCHLEWING who, being duly sworn did acknowledge the foregoing instrument to be his/her/their voluntary act and deed.



Notary Public for Oregon Rebecca J. Bailey  
My commission expires: 11-15-2014

FILED with the CITY OF MEDFORD this 24<sup>th</sup> day of September, 2012  
Marilyn Punin  
Planning Director or Designee

**APPLICANT'S EXHIBIT**  
" 6 "



File # A-12-022/20-12-097  
EXHIBIT # C to D

**APPLICANTS**  
EXHIBIT  
" 8 "

CITY OF MEDFORD

The true consideration for this conveyance is **\$539,000.00**. (Here comply with requirements of ORS 93.030)

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

1. The **2012-2013** Taxes, a lien not yet payable.
  2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
- except as specifically set forth herein:  
 warrants to **Rossanley Properties, LLC, an Oregon limited liability company**, Grantee, the  
 following described real property free of liens and encumbrances created or suffered by the Grantor,  
**People's Bank of Commerce, an Oregon Banking Corporation**, Grantor, conveys and specially

### STATUTORY SPECIAL WARRANTY DEED

After recording return to:  
 Rossanley Properties, LLC  
 3140 Juanipero Way Suite 201  
 Medford, OR 97504

Until a change is requested all tax statements shall be sent to the following address:  
 Rossanley Properties, LLC  
 3140 Juanipero Way Suite 201  
 Medford, OR 97504

File No.: 7161-1880725 (1b)  
 Date: August 30, 2012

THIS SPACE RESERVED FOR THE CLERK'S RECORDS

Christine Walker - County Clerk  
 that the instrument identified herein was recorded in the Clerk's records

15



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 PLANNING DEPT.

Jackson County Official Records 2012-029831  
 R-WD  
 09/05/2012 12:53:16 PM  
 Stn=10 ALONZOKM \$5.00 \$10.00 \$15.00 \$3.00 \$59.00

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SEP 24 2012

PLANNING DEPT.

APN: 1-042874-7


Statutory Special Warranty Deed  
- continued

File No.: 7161-1880725 (lb)  
Date: 08/30/2012

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 24<sup>th</sup> day of September, 2012.

Peoples Bank of Commerce, an Oregon  
Banking Corporation

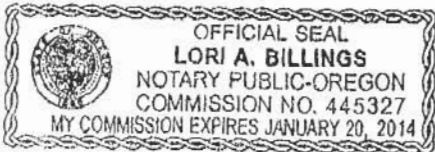
  
By: Kenneth D. Trautman, President &  
CEO

STATE OF Oregon )  
)ss.  
County of Jackson )

This instrument was acknowledged before me on this 24<sup>th</sup> day of September, 2012  
by Kenneth D. Trautman as President & CEO of Peoples Bank of Commerce, an Oregon Banking  
Corporation, on behalf of the Corporation.



Notary Public for Oregon  
My commission expires: 1/20/14



**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Jackson, State of Oregon, described as follows:

**Commencing at the Southeast corner of Lot 5 in SAGE ROAD INDUSTRIAL PARK - UNIT NO. 1 to the City of Medford, according to the Official Plat thereof now of record in Jackson County, Oregon; thence South 89° 27' 11" East, along the North right of way line of Rossanley Drive, 30.00 feet to the true point of beginning; thence North 00° 32' 49" East 175.00 feet; thence North 69° 26' 03" East 179.52 feet; thence South 41° 17' 57" East 70.88 feet; thence South 00° 32' 49" West 186.86 feet to a point situated on aforesaid North right of way line of Rossanley Drive; thence North 89° 27' 11" West along said right of way line, 214.76 feet to the true point of beginning.**

**NOTE:** This legal description was created prior to January 1, 2008.

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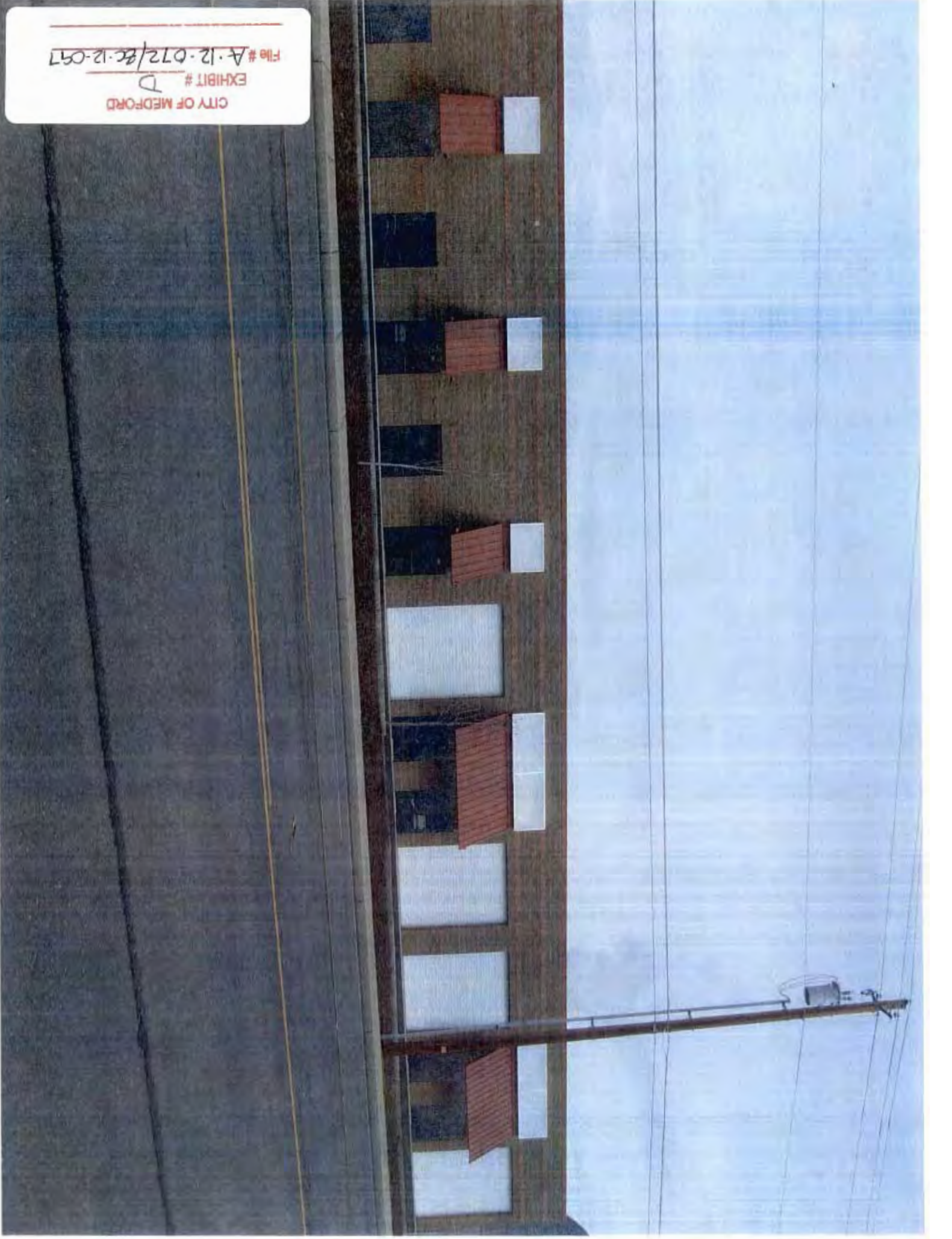
3

CITY OF MEDFORD  
EXHIBIT # \_\_\_\_\_  
File # A-12-072

File # A-12-072/8c-12-097

EXHIBIT # D

CITY OF MEDFORD





Application Name/Description:  
**Rossanley Properties, LLC**

Proposal:  
**Annexation & Zone Change**

File no.  
**A-12-072/ZC-12-097**

Applicant:  
**Rossanley Properties, LLC**

Map/Taxlot Numbers:  
**372W24BC TL 500**

-  Subject Area
-  Medford Zoning
-  UGB
-  Tax Lots
-  City Limits





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0001380149 JUL 03 2013

DEPT OF

JUL 05 2013

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

