



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



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

Date: April 01, 2015
Jurisdiction: City of Medford
Local file no.: DCA-14-133
DLCD file no.: 014-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 03/27/2015. 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 57 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



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

FOR DLCD USE
File No.: 014-14 {22596}
Received: 3/27/2015

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.: **DCA-14-133**

Date of adoption: 3/19/15

Date sent: 3/23/2015

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): 12/17/14

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:

No

Local contact (name and title): Aaron Harris, Planner II

Phone: 541.774.2380

E-mail: aaron.harris@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 _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- 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:

- 10.031 - Exemptions from the Development Permit Requirement
- 10.250 - Modifications and Expiration of a Conditional Use Permit
- 10.294 - Modifications of a Site Plan and Architectural Review

For a change to a zoning map:

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

Change from	to	Acres:
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:
---------------------------	--------------	----------------

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

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.

ORDINANCE NO. 2015-25

AN ORDINANCE amending Sections 10.031, 10.250 and 10.294 of the Medford Code pertaining to revisions to conditional use permits and Site Plan and Architectural review.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.031 of the Medford Code is amended to read as follows:

10.031 Exemptions from the Development Permit Requirement.

- A. An exemption from the development permit requirement does not exempt the use or development from compliance with the applicable standards of this chapter, including but not limited to access, parking, riparian protection, and landscaping.
- B. Exemptions under this section do not apply to uses subject to a conditional use permit or major modifications thereof.

SECTION 2. Section 10.250 of the Medford Code is amended to read as follows:

10.250 Modifications and Expiration of a Conditional Use Permit.

A. Modifications.

1. Major Modification.

Any modification that is not a minor modification is a major modification. A request to substantially modify a conditional use permit shall be processed in the same manner as a request for a conditional use permit in 10.246. The Planning Director may waive submittal requirements deemed unnecessary or inapplicable to the proposal.

2. Minor Modification.

A minor modification to an approved permit may be approved by the Planning Director provided the Planning Director determines that the modification does not constitute a major modification. The purpose of the determination is to assure that a modification does not significantly affect other property or uses; will not cause any deterioration or loss of any natural feature, process or open space; nor significantly affect any public facility. A minor modification shall meet all of the following standards:

- (a) Meets all requirements of the Land Development Code and other legal requirements.
- (b) The amount of open space and landscaping is not decreased.
- (c) No relocation of vehicle access points and parking areas where the change will generate an impact that would adversely affect off-site or on-site traffic circulation.
- (d) No reduction or elimination of any project amenities such as recreational facilities, significant natural resources (streams, creeks, landform), fencing and other screening material.
- (e) Modifications to facilities and utilities conform to the adopted facility plans.
- (f) Modifications to any other components of the plan conform to standards of the Land Development Code.
- (g) No modification to any condition of approval.

B. Expiration: Within one (1) year following the final order date, substantial construction on the development shall be completed, or if a use, the use shall have commenced operation. If a request for an extension is filed with the planning department within one (1) year from the approval date of the final order, the approving authority (Planning Commission), may, upon written request by the applicant, grant a single

extension of the expiration date for a period not to exceed one (1) year from the expiration date of the final order. An extension shall be based on findings that the facts upon which the conditional use permit was first approved have not changed to an extent sufficient to warrant refiling of the conditional use permit.

SECTION 3. Section 10.294 of the Medford Code is amended to read as follows:

10.294 ~~Revisions or Amendments~~ Modification of a Site Plan and Architectural Review.

~~Major revisions or amendments to an approved site and architectural plan shall require reapplication.~~

A. Major Modification.

Any modification that is not a minor modification is a major modification. When modification to an approved plan is determined to be a Major Modification, the plan shall be processed in the same manner as a request for a site plan and architectural review in 10.285. The Planning Director may waive submittal requirements deemed unnecessary or inapplicable to the proposal.

B. Minor Modification.

A minor modification to an approved plan may be made by the Planning Director provided the Planning Director determines that the modification does not constitute a major modification. A minor modification shall meet all of the following standards:

- (1) Meets the exemption standards of 10.031.
- (2) No increase in the number of dwelling units.
- (3) The amount of open space or landscaping is decreased by no more than 10% of the previously approved area, provided the resulting area does not drop below the minimum standards as required by the code.
- (4) No relocation of vehicle access points and parking areas where the change will generate an impact that would adversely affect off-site or on-site traffic circulation.
- (5) No reduction or elimination of any project amenities such as recreational facilities, significant natural resources (streams, creeks, landform), fencing and other screening material.
- (6) Modifications to facilities and utilities conform to the adopted facility plans.
- (7) Modifications to any other components of the plan conform to standards of the Land Development Code.
- (8) No modification to any condition of approval.

PASSED by the Council and signed by me in authentication of its passage this 19 day of March, 2015.

ATTEST: Hilda Wilson
City Recorder

[Signature]
Mayor
[Signature]
Mayor

APPROVED March 19, 2015.

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.



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT – LAND DEVELOPMENT CODE AMENDMENT

Date: February 23, 2015

To: Mayor and City Council for the 3-19-2015 hearing

From: Aaron Harris, Planner II

Reviewer: John Adam, Senior Planner

Subject: Process for Plan Authorization Amendments (SPAR & CUP)
City of Medford, Applicant

File no.: DCA-14-133

BACKGROUND

Proposal: To amend Municipal Code Sections 10.031 and 10.250 to allow minor revisions to Conditional Use Permits, and to amend Municipal Code Section 10.294 to clarify the minor revisions process for Site Plan and Architectural Review approvals. The proposed code amendment provides standards to identify circumstances in which permit revisions shall be allowed. The proposal aims to clarify existing code language and to simplify the land use process by allowing applicants to modify a Conditional Use Permit without having to start the application process from the beginning. Modifications would be approved by the Director and completed as a Class E (ministerial) decision.

Discussion: City of Medford's Code does not currently allow for minor revisions to a Conditional Use Permit after its initial approval. Code currently requires an applicant to restart the land use application process from the beginning in order to make minor revisions to an approved proposal. This results in a process that is inefficient and time consuming for applicants.

Code currently allows for minor revisions to a Site Plan and Architectural Review permit after its initial approval, but fails to provide standards to identify what constitutes a minor revision. This results in staff having to determine if a revision is minor or major without objective standards on which to base their decision.

“Working with the Community to Shape a Vibrant and Exceptional City”

Lausmann Annex • 200 South Ivy Street • Medford OR 97501
Phone (541)774-2380 • Fax (541)618-1708
www.ci.medford.or.us

Planning Commission discussed this topic at a January 12, 2015, study session. Planning Commission expressed approval of the code amendment and did not recommend any changes to the proposal. The City's legal department expressed concern with regard to subjective language and suggested making the proposed standards more objective. Staff eliminated the subjective terms and also added a provision under 10.031(B) to avoid conflicting standards.

Criteria: *Medford Land Development Code* Section 10.184(2)

APPROVAL CRITERIA COMPLIANCE

10.184 Class 'A' Amendment Criteria.

10.184 (2) Land Development Code Amendment.

The Planning Commission shall base its recommendation, and the City Council its decision, on the following criteria:

CRITERION 10.184 (2)(a). Explanation of the public benefit of the amendment.

Findings: Any revision to a Conditional Use Permit, no matter how small, requires a full repetition of the review process. Minor revisions to Site Plan and Architectural Review permits are allowed by Code, but standards defining a minor revision do not exist. These issues result in a process that is inefficient and time consuming for applicants and staff.

Conclusion: Setting limits for minor revisions and creating a simple process will eliminate excessive procedure.

CRITERION 10.184 (2)(b). The justification for the amendment with respect to the following factors:

CRITERION 10.184 (2)(b)(1). Conformity with applicable Statewide Planning Goals and Guidelines.

Findings: The following demonstrates conformity with the applicable Statewide Planning Goals:

1. *Citizen Involvement:* Goal 1 requires the City to have a citizen involvement program that sets the procedures by which a cross-section of citizens will be involved in the land use planning process, including participation in the revision of the *Land Development Code*. Goal 1 requires providing an opportunity to review proposed amendments prior to the public hearing, and any recommendations must be retained and receive a response from policy-makers. The rationale used to reach land use policy

decisions must be available in the written record. The City of Medford has an established citizen involvement program consistent with Goal 1 that includes review of proposed *Land Development Code* amendments by the Planning Commission and the City Council. Affected agencies and interested persons are also invited to review and comment on such proposals, and hearing notices are published in the local newspaper. This process has been adhered to in the proposed amendment. The document was made available for review on the City of Medford website and at the Planning Department. It will be considered by the Planning Commission and the City Council during televised public hearings.

2. *Land Use Planning:* Goal 2 requires the City to adopt a comprehensive plan which must include identification of issues and problems, inventories, and other factual information for each applicable Statewide Planning Goal, and evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. Comprehensive plans must state how the Statewide Planning Goals are to be achieved. The plan must contain specific implementation strategies that are consistent with and adequate to carry out the plan, and which are coordinated with the plans of other affected governmental units. Implementation strategies can be management strategies such as ordinances, regulations and project plans, and/or site or area-specific strategies such as construction permits, public facility construction, or provision of services. Comprehensive plans and implementation ordinances must be reviewed and revised on a periodic cycle to take into account changing public policies and circumstances. The City of Medford has an established land use planning program consistent with Goal 2.

Staff finds that Goals 3–8 do not apply in this matter.

9. *Economic Development:* Goal 9 requires the City's Comprehensive Plan policies to contribute to a stable and healthy economy. Such plans shall be based upon past trends and updated employment forecasts. Medford's Comprehensive Plan complies with Goal 9. By looking at past trends, future forecasts, policies that affect economic growth, and the availability of employment lands, the City of Medford has adopted a set of Conclusions, Goals, Policies, and Implementation Measures related to economic development within the Economic Element of the Comprehensive Plan.

Staff finds that Goals 10–14 do not apply to this matter. Goals 15–19 apply only to other regions of the State and are not evaluated here.

Conclusion: Criterion 10.184 (2)(b)(1) is satisfied.

CRITERION 10.184 (2)(b)(2). Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.

Applicable Comprehensive Plan Goals, Policies, and Implementation Strategies:

ECONOMIC

GOAL: To actively stimulate economic development and growth that will provide opportunities to diversify and strengthen the mix of economic activity in the City of Medford.

Policy 1-3: The City of Medford shall, as appropriate under the Goal above, support the retention and expansion of existing businesses.

Implementation 1-3(a): Adopt code amendments that encourage the development of existing sites.

Findings: It is common for development plans to change during the interim period between the time a land use application has been approved and the time building permits are applied for. In some circumstances, this is the result of on-site civil engineering findings. In other circumstances, developers have determined that a minor revision to the original land use approval would result in a superior end product. By allowing minor revisions to approved land use applications, the City of Medford encourages development by providing developers with the flexibility to better realize their objectives. This kind of flexibility in the Code might also help to encourage new developers to locate in Medford.

Conclusion: The addition of this new flexibility will stimulate economic activity. Criterion 10.184 (2)(b)(2) is satisfied.

CRITERION 10.184 (2)(b)(3). Comments from applicable referral agencies regarding applicable statutes or regulations.

Findings: The proposed code amendment was sent to 11 City departments and outside referral agencies on January 6, 2015. The Planning Department has not received any comments on the proposal from these agencies.

Conclusion: Referral agencies have no objections. Criterion 10.184(2)(b)(3) is satisfied.

CRITERION 10.184 (2)(b)(4). Public comments.

Findings: The code amendment was posted on the City website on January 6, 2015 and no comments have been received from the public. A study session was held by the Planning Commission on January 12, 2015 to discuss the text amendment proposal.

Conclusion: The Planning Department has not received any outside public comments on the proposal. Criterion 10.184(2)(b)(4) is satisfied.

CRITERION 10.184 (2)(b)(5). Applicable governmental agreements.

Findings: No governmental agreements apply to the proposed code amendment.

Conclusion: Criterion 10.184 (2)(b)(5) does not apply.

RECOMMENDED ACTION

Discussion: In this case, like with most code amendments, the recommendation made by the Planning Commission comes down to a policy decision. Should Conditional Use Permit minor revisions be permitted in the City? Further, what standards shall be used to determine when a revision will be considered minor and therefore not require an applicant to start the land use process from the beginning? Planning Commission has considered these questions and has presented what it believes to be the best course of action should the City Council decide that these should be permitted.

Recommendation: Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, on February 2, 2015, the Planning Commission voted to recommend adoption of DCA-14-133 per the staff report dated February 23, 2015, including Exhibits A through D.

EXHIBITS

- A. Minutes from the January 12, 2015 Planning Commission Study Session
- B. Minutes from the February 6, 2015 Site Plan and Architectural Commission Meeting
- C. Proposed Code Amendment, dated February 9, 2015
- D. Minutes from the February 12, 2015 Planning Commission Meeting

CITY COUNCIL AGENDA: March 19, 2015