



MEDFORD PLANNING

Date: October 6, 2020

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|---|---|---|
| <input checked="" type="checkbox"/> Building Department | <input checked="" type="checkbox"/> Avista Utilities | <input checked="" type="checkbox"/> Medford Irrigation District |
| <input checked="" type="checkbox"/> City Attorney – Katie Zerkel | <input checked="" type="checkbox"/> Charter Communications | <input checked="" type="checkbox"/> Medford School Dist. 549C |
| <input checked="" type="checkbox"/> Engineering – Jodi Cope | <input checked="" type="checkbox"/> Pacific Power & Light | <input type="checkbox"/> ODOT |
| <input checked="" type="checkbox"/> Engineering – Mike Casper | <input checked="" type="checkbox"/> Centurylink | <input type="checkbox"/> Phoenix School District 4 |
| <input checked="" type="checkbox"/> Engineering – Karl MacNair | <input checked="" type="checkbox"/> Rogue Disposal | <input type="checkbox"/> Rogue River Valley Irrigation |
| <input checked="" type="checkbox"/> Engineering – Jennifer Ingram | <input checked="" type="checkbox"/> Rogue Valley Transit District | <input checked="" type="checkbox"/> RVSS |
| <input checked="" type="checkbox"/> Fire Department | <input type="checkbox"/> US Post Office | <input type="checkbox"/> R.V. International Airport |
| <input checked="" type="checkbox"/> Parks & Recreation | <input type="checkbox"/> Federal Aviation Administration | <input type="checkbox"/> Talent Irrigation District |
| <input checked="" type="checkbox"/> Police Department | <input type="checkbox"/> Jackson Co. Admin. Officer | <input type="checkbox"/> OR Dept of Aviation |
| <input checked="" type="checkbox"/> Water Commission | <input checked="" type="checkbox"/> Jackson Co. Health Department | <input type="checkbox"/> Urban Renewal (MURA) |
| <input checked="" type="checkbox"/> City Manager | <input checked="" type="checkbox"/> Jackson Co. Planning | <input type="checkbox"/> Rural Fire District #2 |
| <input type="checkbox"/> Floodplain – Liz Conner | <input checked="" type="checkbox"/> Jackson Co. Roads & Parks | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> DLCD – Josh LeBombard | <input type="checkbox"/> Jackson Co. Surveyor | <input type="checkbox"/> |

File No. ANN-20-271

Project Name: Stevens Melody Annexation

Agent Contact:

Richard Stevens & Associates, Inc.
cstevens@mind.net

Consideration of a request for annexation to the City of Medford for three contiguous properties totaling approximately 1.92 acres in size located north of Stewart Avenue and approximately 330 feet west of Cherry Street. The current County zoning designation is RR-2.5 (Rural Residential-2.5) and will be changed to the City SFR-00 (Single-Family Residential, one dwelling unit per lot) zoning district. The property will be removed from Medford Rural Fire Protection District #2 (372W35AD3000 & 372W35AA1700 & 1800).

Planner:

Steffen Roennfeldt
steffen.roennfeldt@cityofmedford.org

Associated files: None

Attached is a Plan Authorization application. Please investigate and submit to the Planning Department, within thirty (30) working days, a written report setting forth any necessary conditions as required of your department/agency for approval of the above project.

If your proposed conditions of approval include the dedication of land for public use or the provision of public improvements, please submit written findings with supporting data or information that justify the requirements. *Specifically, the findings must show that there is an essential connection between your requirements and a legitimate government purpose, and that there is a rough proportionality between the burden of the requirement on the developer and the impacts of the proposed development on public facilities and services.* All requirements may be strictly scrutinized by the courts and must have legitimate authority so that they will not result in a taking of private property.

If no comments are received within the 30-day review period, it will be assumed that there are no comments.

A Land Development Committee meeting is scheduled for Wednesday, October 21, 2020, at 9:30 a.m. via Zoom webinar.

Topic: Land Development Meeting

Link to join the webinar: <https://zoom.us/j/451911481>

Webinar ID: 451 911 481

Or iPhone one-tap:

US: +16699006833,,451911481# or +13462487799,, 451911481#

Or Telephone:

Dial (for higher quality dial a number based on your current location):

US: +1 669 900 6800 or +1 346 248 7799 or +1 929 205 6099 or +1 253 215 8782 or +1 301 715 8592

Or +1 312 626 6799

International numbers available: <http://zoom.us/u/aNbmsEjin>

**BEFORE THE PLANNING COMMISSION AND CITY COUNCIL FOR
THE CITY OF MEDFORD, OREGON:**

**IN THE MATTER OF AN APPLICATION FOR)
ANNEXATION OF 3 PROPERTIES)
TOTALLING 1.92 ACRES, DESCRIBED AS)
T.37S-R.2W-SEC 35AD, TAX LOT 3000 &)
T.37S-R.2W-SEC 35AA, TAX LOTS 1700 &)
1800, LOCATED ON THE NORTH SIDE OF)
W. STEWART AVENUE, EAST OF LOZIER)
LANE AND WEST OF CHERRY STREET;)
MELODY STEVENS, THE APPLICANT;)
RICHARD STEVENS & ASSOCIATES, INC.,)
AGENTS.)**

**FINDINGS OF FACT
AND CONCLUSIONS**

I. RECITALS PERTAINING TO THE PROPERTY:

APPLICANT: Melody Stevens, Trustee
2835 Sundown Road
Medford, OR 97501

AGENT: Richard Stevens & Associates, Inc.
P.O. Box 4368
Medford, OR 97501
(541) 773-2646

PURPOSE OF APPLICATION:

The application is for the annexation of 3 contiguous properties totaling approximately 1.92 acres. The properties are currently zoned Rural Residential-2.5 (RR-2.5) in Jackson County and are designated Urban High-Density Residential (UH) on the City's General Land Use Plan (GLUP) map. The properties are located within the Urban Growth Boundary (UGB) of the City of Medford and are part of an enclave/island of unannexed properties completely surrounded by the existing Medford City Limits on the north side of W. Stewart Avenue, east of Lozier Lane and west of Cherry Street. The subject properties are described as: T.37S-R.2W-SEC.35AB, Tax Lot 3000 and T37S-R.2W-SEC.35AA, Tax Lots 1700 & 1800.

II. PROCEDURE:

Medford Land Development Code (MLDC) Section 10.216 governs applications for annexation. Per MLDC Section 10.216(F) an application for annexation shall contain the following information:

- (1) Vicinity Map drawn at a scale of 1" = 1,000' identifying the proposed area of annexation and existing city limits.
- (2) Assessor's Maps of the proposed annexation area. The assessor's maps shall have identified those parcels for which consents to annex have been acquired and adjacent right-of-way to be annexed.
- (3) Consent to annex forms completed and signed by all consenting property owners within the proposed annexation area.
- (4) Restrictive Covenant forms waiving Measure 37 claims for combined annexation and zone change, completed and signed by all consenting property owners within the proposed annexation area.
- (5) Legal metes and bounds or lot and block description of the annexation area including to the centerline of the adjacent right-of-way in electronic form per the instructions of the City of Medford Planning Department.
- (6) Specific information on each parcel within the proposed annexation area:
 - (a) Current assessed valuation shown on County Assessor's tax rolls.
 - (b) Acreage of both public and private property to be annexed.
 - (c) Map and tax lot number.
- (7) Addresses of all dwelling units and businesses located within the annexation area and names of all residents and whether they are registered voters.
- (8) The following information shall be supplied by the applicant:
 - (a) Existing land uses within annexation area.
 - (b) Existing zoning within the annexation area.
 - (c) Existing improvements:
 - water system
 - streets
 - sanitary sewer
 - storm drainage
 - (d) Special Districts within the area:
 - water district
 - irrigation district
 - fire district
 - school district
 - Rogue Valley Sewer Services
 - other

- (e) A completed Census Information Sheet for all parcels being considered for annexation.
- (f) Written findings indicating compliance with all of the annexation criteria 1 through 3 contained in Section 10.216(C) Annexation Approval Criteria.
- (9) Property owners' (and agents') names, addresses and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.

III. APPLICABLE CRITERIA:

Per MLDC Section 10.216(B), applications for annexation shall, in addition to requirements contained in the application form, be subject to the provisions of ORS 222.111 to 222.180 or 222.840 to 222.915. The criteria for annexation, listed below, are contained in MLDC Section 10.216(D).

- (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.

IV. FINDINGS IN COMPLIANCE WITH APPLICABLE STATE LAW AND SECTION 10.216, MEDFORD LAND DEVELOPMENT CODE:

OREGON REVISED STATUTES:

Discussion:

ORS 222.111 provides that a proposal for annexation may be initiated by owners of real property in any territory to be annexed. ORS 222.120 provides for a public hearing and annexation of property consistent with consents to annex as outlined in ORS 222.170, i.e., the "triple majority" concept if no electors are involved and a "double majority" if electors are involved.

However, ORS 222.125 provides that

"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 (emphasis added) 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, 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."

The subject properties are abutting lands that have been annexed into the City of Medford. The subject properties are also located within the Urban Growth Boundary for the City of Medford.

The applicant/property owner of these properties has signed the consents to annex for all of the three properties involved and the consents are attached to this application. There are also electors living within the existing dwellings on T-37 R-2W SEC-35AB, Tax Lot 3000 and T-37 R-2W SEC-35AA, Tax Lot 1800. The resident electors have also signed consent forms which are attached to the application along with the Census Forms provided with the application.

Conclusion:

Based upon the fact that the properties are within the Urban Growth Boundary, and are contiguous with lands that have been annexed, the site qualifies to be annexed. Since the applicant has signed consents to annex consistent with the Statutes, it is clear the property is eligible for annexation, and that the applicant has complied with the applicable state statutes governing annexation.

FINDING:

The City of Medford finds that this application is consistent with the provisions of State Law since the property owner has consented to annexation in writing, consistent with ORS 222.125, and has stipulated to that annexation.

MEDFORD LAND DEVELOPMENT CODE:

Section 10.216(D), MLDC:

- (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.
- (4) For lands added to the Urban Growth Boundary from the Urban Reserve...

10.216(D)(1): The subject properties are within the urban growth boundary for the City of Medford, based on the General Land Use Plan map. The properties have been determined to be available for urbanization by inclusion in the Medford UGB. The use of the property for urban purposes can be best served by inclusion in the City.

10.216(D)(2): The subject properties are contiguous to the Medford City Limit boundaries along the northern and eastern boundaries of the tract.

10.216(D)(3): Attached to these findings, the applicants have signed the consents for annexation as prepared by the City. As of this writing the electors present within the existing dwellings have also consented to the annexation. There is a 100% consent by the owners and electors to this annexation request.

10.216(D)(4): Not Applicable.

Conclusion:

Based upon a review of the criteria contained in the MLDC, the City of Medford concludes that this site is suitable, available, and appropriate for annexation to the City of Medford. The property is within the UGB as demonstrated on the General Land Use Plan Map, is contiguous to properties annexed by the city, and can be served by existing levels of public facilities, while making future extensions of those facilities more readily available. The property owners and electors have consented in writing for this annexation request.

FINDING:

The City of Medford finds that the subject properties to be annexed are within the City's Urban Growth Boundary. The properties are contiguous with the current City limits and the applicants have consented in writing to be included into the City of Medford. Annexation provides incentives to both the property owners and the City to develop the site to urban standards.

Section 10.216(E), MLDC:

At the time of annexation, the City shall 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 or the I-OO (Limited Industrial Overlay) shall be applied.

Discussion:

The properties to be annexed are currently zoned RR-2.5 in Jackson County. As there is no comparable zone in the City of Medford, the land will be zoned SFR-00 upon annexation. There is no request at this time by the property owner to request zoning with this application.

FINDING:

The properties will be zoned SFR-00 upon annexation as there is no comparable zoning in the City of Medford for the Jackson County RR-2.5 zone.

Section 10.216(F), MLDC:

This section requires annexation applications to submit the following information for review.

- (1) *Vicinity Map drawn at a scale of 1" = 1,000' identifying the proposed area of annexation and existing city limits.*

Attached to the application a vicinity map has been provided.

- (2) *Assessor's maps of the proposed annexation area.*

Attached to the application, Assessor's maps, showing all properties involved, have been provided.

- (3) *Consent to annex forms completed and signed by all consenting property owners within the proposed annexation area.*

Attached to the application, the consents to annex has been prepared, signed and notarized.

- (4) *Restrictive Covenant forms waiving Measure 37 claims for combined annexation and zone change...*

The required Covenants have been signed and notarized by the applicant, and are attached.

(5) *Legal metes and bounds or lot and block description of the annexation area...*

Attached to the application, the legal description of the annexation tract, including right-of-way, that has been prepared by Hoffbuhr & Associates, Inc. This description has been confirmed with the Medford Public Works Department.

(6) *Specific information on each parcel within the proposed annexation area.*

See the attached Assessor's information for the subject properties.

(7) *Addresses of all dwelling units and businesses located within the annexation area and names of all residents and whether they are registered voters.*

There are two single family dwellings within the annexation tract. Currently, there are residents within these dwellings, which the applicant has acquired the required Census and Consents. The attached Assessor's information identifies and confirms the addresses for the dwellings present and the respective properties.

(8) *The following information shall be supplied by the applicant:*

(a) *Existing land uses;*

The subject properties are used for residential purposes.

(b) *Existing zoning within the annexation area.*

The subject properties are currently zoned RR-2.5 within Jackson County.

(c) *Existing improvements*

Water system:

Water service in the vicinity is currently provided by the Medford Water Commission. There is currently a 16-inch mainline along Stewart Avenue, along the frontage of the properties, that serves the residences in the area. In addition, there is an 8-inch line at the western terminus of Aster Street that provides water service to the area. Potential exists for looped system in the vicinity.

Streets:

The subject tract is bordered by Stewart Avenue, a major arterial street, to the south. The future extension of Aster Street, a residential street, would be located along the northern boundaries.

Sanitary sewer:

Sanitary sewer facilities are within the Rogue Valley Sewer Service (RVSS) boundaries. Sanitary sewer facilities are present adjacent to the south along Stewart Avenue and to the north in Aster Street.

Storm drainage:

There are existing urban storm drainage facilities present near the north and south property boundaries. The development of this property will require the coordination with the City of Medford for the extension of storm drainage facilities into and through the property. The subject site is located within the Elk Creek Drainage Basin.

(d) Special Districts:

The following special districts serve the subject property:

1. 549-C Medford School District - The school district will remain in place after the annexation of the property and continue to provide school services. The school district will not require removal as a result of the annexation and, therefore, there is no fiscal impact to the City.
2. Fire District #2- The fire district will require removal from the property as a result of the annexation. The fire services will, thereafter, be provided by the City of Medford. Fire District #2 does not have any bond debt, and as a result, the City will incur no cost as a result of removing Fire District #2 from the site.
3. Rogue Valley Sewer Service- RVSS will remain in place after the annexation of the property and continue to provide sanitary sewer service. There is no fiscal impact to the City.

The annexation will require withdrawal from Fire District #2. No other special districts are affected with this annexation request.

- (e) *A completed Census Information Sheet for all parcels being considered for annexation.*

Attached with this application are the Census information for each dwelling present.

- (f) *Written findings indicating compliance with all of the annexation criteria 1 through 3 contained in Section 10.216(D) Annexation Approval Criteria.*

Findings indicating compliance with all of the annexation criteria 1 through 3 contained in Section 10.216(D) Annexation Approval Criteria are provided above.

- (9) *Property owners' (and agents') names, addresses and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.*

Attached to this application, the required mailing labels have been provided.

FINDING:

The City of Medford finds that the submitted application includes all application materials and information required per MLDC Section 10.216(F).

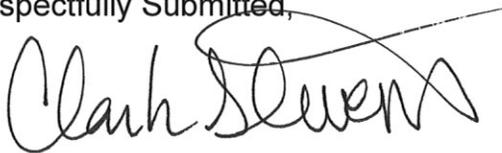
IV. SUMMARY AND CONCLUSIONS:

Based upon the information submitted within this application and the annexation findings of fact, the City of Medford can conclude that:

1. This application is consistent with the applicable provisions of ORS 222.111, 222.115 and 222.125 pertaining to annexations.
2. This application is consistent with the applicable provisions of the Medford Land Development Code as it pertains to annexations, in that it provides additional land for urban uses, and is adjacent to incorporated city areas. The annexation request is consistent with the annexation standards and criteria in Sections 10.216 (C), (D) & (F) of the MLDC.

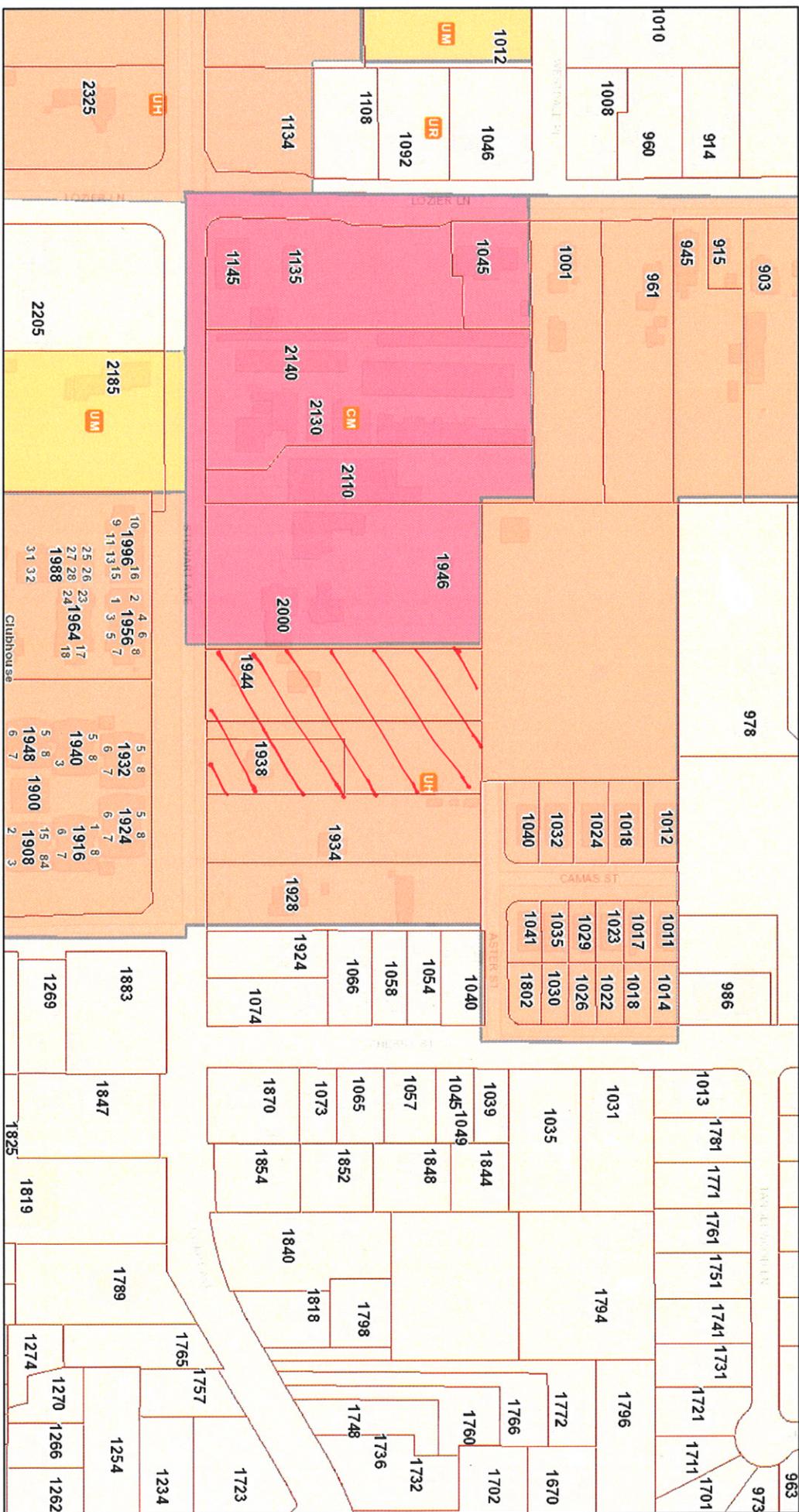
With the above in mind, the property owners respectfully request that the subject properties be annexed into the City of Medford, Oregon.

Respectfully Submitted,

A handwritten signature in black ink that reads "Clark Stevens". The signature is written in a cursive style with a large, sweeping flourish that loops back over the name.

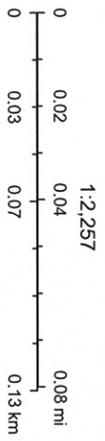
RICHARD STEVENS & ASSOCIATES, INC.

City of Medford Map



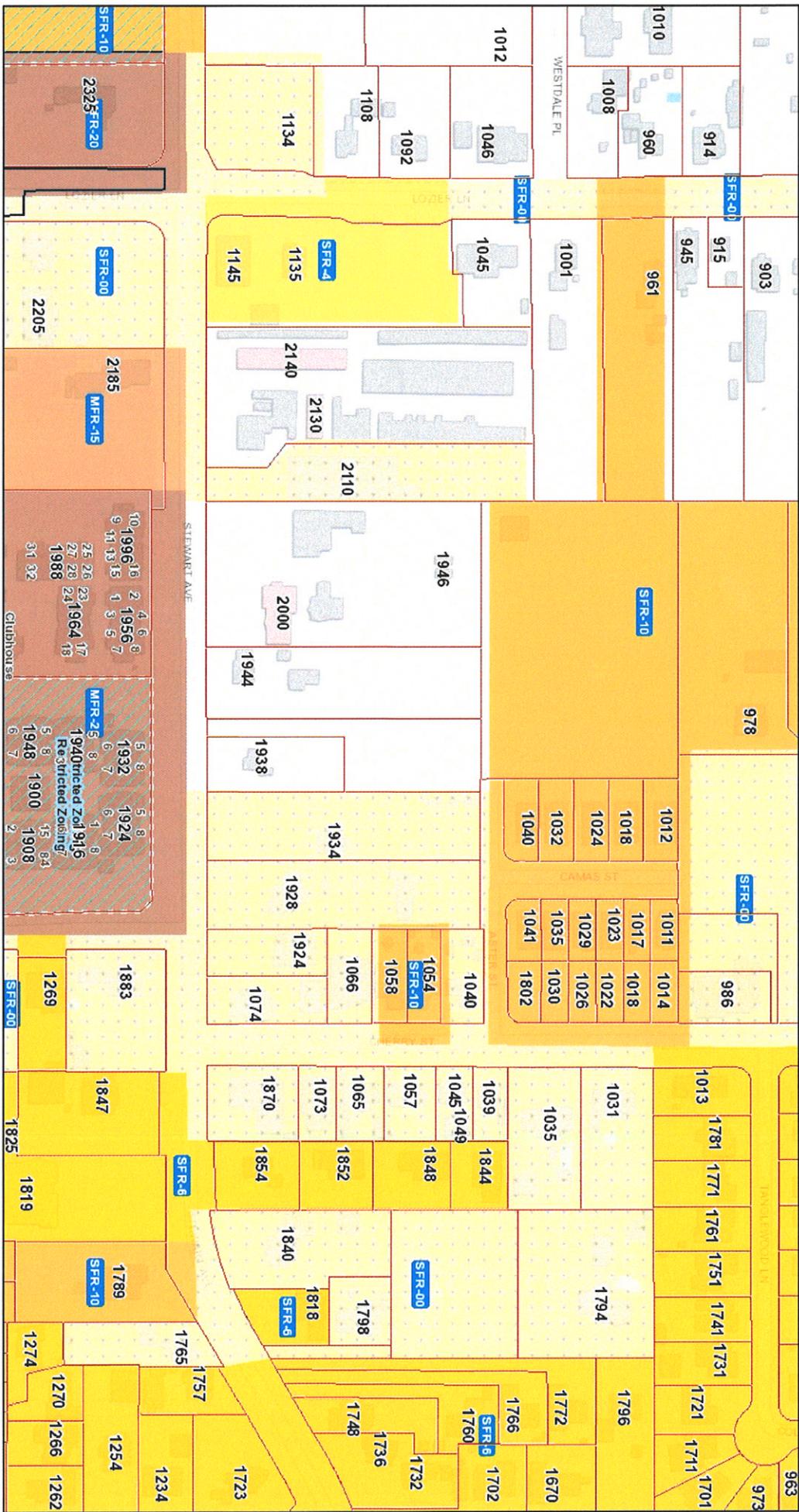
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- Owner Labels**
- SC-SERVICE COMMERCIAL
 - GH-GENERAL INDUSTRIAL
 - HI-HEAVY INDUSTRIAL
 - LS-LIMITED SERVICE AREA
 - PS-PARKS & SCHOOLS
 - UR-URBAN RESIDENTIAL
 - CM-COMMERCIAL
- Occupant Labels**
- UM-URBAN MEDIUM DENSITY RESIDENTIAL
 - UH-URBAN HIGH DENSITY RESIDENTIAL
- General Land Use - Shaded**
- General Land Use Overlays
 - Greenways
 - Limited Service Area Overlay
 - SoutheastPlan Area
- General Land Use - Unshaded**
- Taxlots
 - A-AIRPORT
 - CC-CITY CENTER



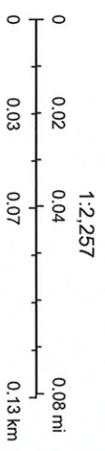
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri, Japan, METI, Esri, China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, City of Medford

City of Medford Map

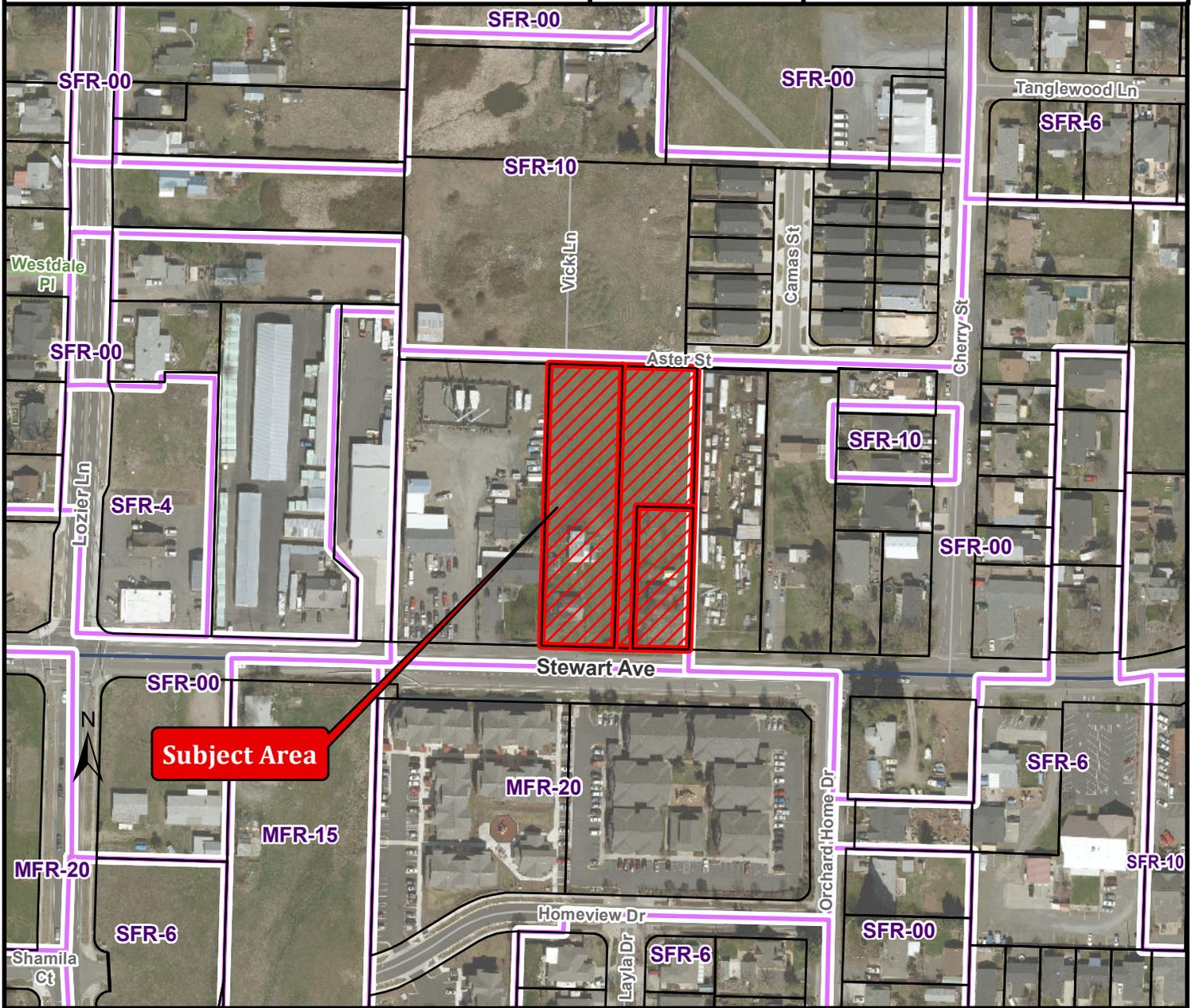


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- Owner Labels
- Occupant Labels
- Taxlots
- Zoning Districts - Shaded
- Public Park
- Multiple-Family Residential - 30 Units
- Multiple-Family Residential - 20 Units
- Multiple-Family Residential - 15 Units
- Single-Family Residential - 10 Units
- Single-Family Residential - 6 Units
- Single-Family Residential - 4 Units
- Single-Family Residential - 2 Units
- Single-Family Residential - 1 Unit
- Heavy Commercial
- Regional Commercial
- Community Commercial
- Neighborhood Commercial
- Service Commercial and Professional Office
- Heavy Industrial District
- General Industrial
- Light Industrial District
- Airport Radar
- Historic
- Central Business
- Freeway
- Limited Industrial
- Southeast
- Airport Approach
- Area of Concern/Airport Notify Zone
- Runway Protection Zone
- Exclusive Agricultural



Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri, Japan, METI, Esri, China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community. City of Medford Land Information system



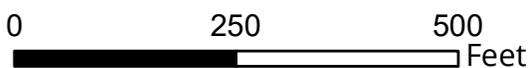
Project Name:

Stevens Melody Annexation

Map/Taxlot:

372W35AA TL 1700, 1800

372W35AD TL 3000



Legend

-  Subject Area
-  Tax Lots
-  Zoning Districts

Date: 9/18/2020

