



Medford City Council Meeting

Agenda

September 7, 2017

6:00 P.M.

Medford City Hall, Council Chambers
411 West 8th Street, Medford, Oregon

10. **Roll Call**

20. **Recognitions, Community Group Reports**

30. **Oral Requests and Communications from the Audience**

Comments will be limited to 4 minutes per individual, group or organization. PLEASE SIGN IN.

30.1 Oregon Department of Transportation Update

30.2 Proclamations Issued:
a. Medford Rogues Day
b. Constitution Week

40. **Public Hearings**

Comments are limited to a total of 30 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All others will be limited to 4 minutes. PLEASE SIGN IN.

40.1 COUNCIL BILL 2017-107, VERSION 1

A RESOLUTION reversing the City Recorder's administrative decision and directing issuance of a Taxi Driver Identification Card to Tiffany Perez.

COUNCIL BILL 2017-107, VERSION 2

A RESOLUTION affirming the City Recorder's administrative decision and upholding the denial of a Taxi Driver Identification Card to Tiffany Perez.

40.2 COUNCIL BILL 2017-98 A RESOLUTION authorizing the City Manager to proceed with the sale of surplus City-owned real property consisting of .16 acres located on Portland Avenue.

50. **Approval or Correction of the Minutes of the August 17, 2017 Regular Meeting**

60. **Consent Calendar**

60.1 COUNCIL BILL 2017-99 AN ORDINANCE authorizing execution of a grant agreement with the Housing Authority of Jackson County in the amount of \$200,000 in 2017 Community Development Block Grant funds and an estimated \$95,000 in program income for the Homeowner Repair Program.

60.2 COUNCIL BILL 2017-100 AN ORDINANCE authorizing an exchange of City-owned property located at Holmes Park for property located at 217 S. Modoc Avenue.

60.3 COUNCIL BILL 2017-101 AN ORDINANCE authorizing execution of an Intergovernmental Agreement with Oregon Department of Transportation for the non-emergency use of the State's Strategic Technology Reserve.

70. Items Removed from Consent Calendar

80. Ordinances and Resolutions

- 80.1 COUNCIL BILL 2017-94, SECOND READING An ordinance amending the Rules and Regulations for Non-Represented Employees pertaining to wages, hours, fringe benefits, and other working conditions effective July 1, 2017.
- 80.2 COUNCIL BILL 2017-102 AN ORDINANCE adopting revisions to the Urban Growth Boundary Amendment to align the City and County's findings of fact, conclusions of law, and record of proceedings.
- 80.3 COUNCIL BILL 2017-103 AN ORDINANCE authorizing execution of an amendment to the Grant Agreement with the Housing Authority of Jackson County pertaining to 2017 Community Development Block Grant funds for the development of a housing complex known as Newbridge Place.
- 80.4 COUNCIL BILL 2017-104 AN ORDINANCE amending Articles I, II, III, IV, V, VI of Chapter 10 of the Medford Municipal Code pertaining to procedural requirements and substantive criteria for land use reviews.
- 80.5 COUNCIL BILL 2017-105 A RESOLUTION adopting the 2017 Medford Natural Hazards Mitigation Plan.
- 80.6 COUNCIL BILL 2017-106 AN ORDINANCE authorizing execution of a Lease Agreement with Jackson County for use of approximately six acres of property located on Whittle Avenue for Public Works operations.

90. Council Business

- 90.1 Proclamations issued:
 - a. Day of Service and Remembrance
 - b. Hunger Action Month

100. City Manager and Staff Reports

- 100.1 Public Protection Classification Rating – Fire Chief Brian Fish
- 100.2 Consolidation of the Landmarks and Historic Preservation Commission (LHPC) with the Site Plan and Architectural Commission (SPAC) – Planning Director Matt Brinkley
- 100.3 Process for leasing the Carnegie Building – Deputy City Manager Kelly Madding
- 100.4 Process for leasing or selling former Fire Station #2 – Deputy City Manager Kelly Madding
- 100.5 Further remarks from City Manager

110. Adjournment



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.1

www.cityofmedford.org

DEPARTMENT: Legal; Police
PHONE: (541) 774-2020
STAFF CONTACT: Eric Mitton, Senior Assistant City Attorney
Don Lane, Police Sergeant

AGENDA SECTION: Public Hearings
MEETING DATE: September 7, 2017

COUNCIL BILL 2017-107 VERSION 1

A RESOLUTION reversing the City Recorder's administrative decision and directing issuance of a Taxi Driver Identification Card to Tiffany Perez.

COUNCIL BILL 2017-107 VERSION 2

A RESOLUTION affirming the City Recorder's administrative decision and upholding the denial of a Taxi Driver Identification Card to Tiffany Perez.

SUMMARY AND BACKGROUND

Medford Municipal Code section 8.425 states that a Taxi Driver's ID Card may be issued if the applicant is free of disqualifying events, which include conviction for felony property crimes within the last five years. The Medford Police Department denied the issuance of a Taxi Driver's ID Card to Ms. Perez based on that provision. Ms. Perez appealed and the City Recorder, performing the intermediate level of appeal, reached the same result.

City Council, the final level of appeal from the denial of a Taxi Driver's ID Card, has discretion to issue a Taxi Driver's ID Card notwithstanding the existence of a disqualifying event, pursuant to Medford Municipal Code section 8.004(6). Ms. Perez has appealed to City Council seeking a discretionary issuance of a Taxi Driver's ID Card notwithstanding the disqualifying event.

PREVIOUS COUNCIL ACTIONS

On September 15, 2016, Council considered a request for a discretionary issuance of a Taxi Driver's ID Card to Ms. Perez. Council voted to deny the appeal. However, some individual members of Council encouraged Ms. Perez to return once she had completed Recovery Opportunity Court.

On October 6, 2016 Council passed Resolution 2016-122 denying issuance of a Taxi Driver's ID Card to Ms. Perez.

ANALYSIS

Pursuant to Medford Municipal Code section 8.425(2)(e)(iv) and (2)(e)(vi), a Taxi Driver's ID Card may be issued if the applicant has not been convicted of a felony property crime within five years of the date of application or a drug offense within five years of the date of the application. On October 6, 2015, the Jackson County Circuit Court convicted Ms. Perez of four felony property crimes and one drug offense:

- Aggravated Theft in the First Degree (Felony Class B, arising on 3/15/14)
- Aggravated Identity Theft (Felony Class B, arising on 5/16/14)
- Identity Theft (Felony Class C, arising on 2/12/15)
- Identity Theft (Felony Class C, arising on 3/15/15)
- Tampering with Drug Records (Misdemeanor Class A, arising on 2/12/15)

Ms. Perez admits these convictions exist, but nevertheless seeks issuance of a license. It is anticipated that Ms. Perez will offer not only her own testimony but also additional evidence or testimony regarding rehabilitation since those convictions, specifically her completion of Recovery Opportunity Court since her last appeal before Council on September 15, 2106. On June 1, 2017, the Jackson County Circuit Court



issued Ms. Perez a certificate of graduation from Recovery Opportunity Court. Ms. Perez is also anticipated to offer testimony from a representative of Five Star Taxi.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

Pursuant to Medford Municipal Code section 1.025, Council must hear this appeal within 30 days of the City Recorder's receipt of the Notice of Appeal to City Council, which was filed on August 18, 2017.

Ms. Perez's application for a Taxi Driver's ID Card was denied by the Medford Police Department on May 26, 2017. The letter stated that Ms. Perez had fifteen days to appeal the matter. Ms. Perez chose not to appeal the denial at that time because she had secured other employment. When Ms. Perez decided to pursue a Taxi Driver's ID Card in August of 2017, staff re-ran the background check but did not require Ms. Perez to file a new application with the Police Department. Staff decided to expedite Ms. Perez's appeal in this manner because the City's interests were served by performing a new background check to verify that there were no new disqualifying events since the May application, because Ms. Perez had experienced unusual delays during the appeal process of her 2015-2016 Taxi Driver's ID Card proceeding, and because Ms. Perez had been in contact with City Staff since April 2017 about her Recovery Opportunity Court graduation and a potential renewed appeal to Council.

COUNCIL OPTIONS

- (1) Find that there is sufficient indicia of rehabilitation, granting Ms. Perez a Taxi Driver's ID Card; or
- (2) Find that there is not sufficient indicia of rehabilitation, denying the issuance of a Taxi Driver's ID Card.

STAFF RECOMMENDATION

Staff takes no position as to which option is preferable.

SUGGESTED MOTION

- (1) I move to reverse the administrative decision of the City Recorder and issue a Taxi Driver's ID card to Ms. Perez; or
- (2) I move to affirm the administrative decision of the City Recorder and deny the issuance of a Taxi Driver's ID card to Ms. Perez.

EXHIBITS

Resolution (2)
Executive Summary

RESOLUTION NO. 2017-107

A RESOLUTION reversing the City Recorder's administrative decision and directing issuance of a Taxi Driver Identification Card to Tiffany Perez.

WHEREAS, the applicant, Tiffany Perez, applied for a Taxi Driver Identification Card and the Police Department denied the application; and

WHEREAS, the applicant subsequently appealed the denial to the City Recorder and the City Recorder upheld the Police Department's denial; and

WHEREAS, the applicant then appealed to the City Council pursuant to Medford Code section 1.025, and the matter was heard on September 7, 2017, at which time the City Council reviewed the applicable criteria and heard testimony; and

WHEREAS, there is sufficient proof to sustain that appellant is entitled to be issued a Taxi Driver Identification Card pursuant to section 8.004(6) of the Medford Municipal Code; now, therefore,

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

That the Council determines that the City Recorder's administrative decision shall be reversed and applicant, Tiffany Perez, shall be granted a Taxi Driver Identification Card.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

RESOLUTION NO. 2017-107

A RESOLUTION affirming the City Recorder's administrative decision and upholding the denial of a Taxi Driver Identification Card to Tiffany Perez.

WHEREAS, the applicant, Tiffany Perez, applied for a Taxi Driver Identification Card and the Police Department denied the application; and

WHEREAS, the applicant subsequently appealed the denial to the City Recorder and the City Recorder upheld the Police Department's denial; and

WHEREAS, the applicant then appealed to the City Council pursuant to Medford Code section 1.025, and the matter was heard on September 7, 2017, at which time the City Council reviewed the applicable criteria and heard testimony; and

WHEREAS, there is sufficient proof to sustain that appellant is not entitled to be issued a Taxi Driver Identification Card pursuant to section 8.004(6) of the Medford Municipal Code; now, therefore,

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

That the City Recorder's denial of a Taxi Driver Identification Card for Tiffany Perez is affirmed.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

Executive Summary

August 25, 2017

Description

Consideration of an appeal of the City Recorder's Administrative decision affirming the Medford Police Department's denial of a Taxi Driver's ID Card.

Appellant contends that notwithstanding her disqualifying criminal convictions, Council should exercise the discretion permitted in Medford Municipal Code section 8.004(6) to issue a Taxi Driver's ID Card. Council is the one and only level of appeal that has discretion under the Code to issue a license notwithstanding disqualifying events.

What are the issues before the City Council?

The sole issue before City Council is whether a Taxi Driver's ID Card should be issued to Appellant.

City Council Scope of Review

The City Council's scope of review is listed in Medford Municipal Code Sections 1.025(4) and 8.004(6). The former states:

At the hearing the appellant or other parties interested may present witnesses and offer evidence in support of their case and, in the discretion of the council or appellate board, evidence may be heard to sustain the administrative decision.

The latter states:

In addition to the Council's authority under Section 1.025, Council may authorize issuance of a taxi driver's ID card if Council finds reliable indicia of rehabilitation from a disqualifying event listed in Section 8.425. In making its decision, Council may consider information including but not limited to: evidence of (a) successful completion of addiction recovery or substance abuse program; (b) successful completion of anger management or cognitive behavioral training; (c) successful family programming treatment; (d) gainful employment; (e) stable housing; (f) testimony from a mentor; (g) testimony from victims or victims services organizations; (h) testimony from professionals in the field of criminal rehabilitation, probation, transition or parole; (i) reference from employers; (j) lack of additional convictions or traffic citations; or (k) lack of fines owed to Municipal Court.

Chronology

1. On October 6, 2015, the Jackson County Circuit Court convicted Appellant of Aggravated Theft in the First Degree, Aggravated Identity Theft, two counts of Identity Theft, and Tampering with Drug Records. The first four are felony crimes; the last is a misdemeanor crime.

2. This is the second appeal to Council by Appellant. The first began on November 6, 2015, when Tiffany Perez submitted an application for a Taxi/Limo Driver License (i.e., a Taxi Driver's ID Card under Medford Code section 8.425).
3. Substantial delays occurred during Appellant's first appeal on account of a procedural process that subsequently has been revamped and corrected. Ultimately, on September 15, 2016, Council considered a request for a discretionary issuance of a Taxi Driver's ID Card to Appellant.
4. On October 6, 2016, Council passed Resolution 2016-122 denying the issuance of a Taxi Driver's ID Card to Appellant.
5. On May 16, 2017, Appellant completed another application for a Taxi Driver's ID Card.
6. On May 26, 2017, the Medford Police Department sent Appellant a letter denying the application for a Taxi Driver's ID Card. At this time, Appellant chose not to appeal this denial.
7. On June 1, 2017, Appellant graduated from Jackson County Recovery Opportunity Court.
8. On August 2, 2017, Appellant appealed the May 26, 2017 denial of a Taxi Driver's ID Card to the City Recorder. On August 14, 2017, Appellant filed the mandatory appeal fee, completing the Code-required elements of a notice of appeal.
9. On August 16, 2017, the City Recorder heard Ms. Perez's appeal.
10. On August 17, 2017, the City Recorder issued her administrative decision, denying the Appellant's appeal.
11. On August 18, 2017, Appellant timely filed a notice of appeal to Council.

Medford Code Criteria

8.425 Taxi Driver's ID Card

- (1) *No person shall operate a taxicab who does not have a taxi driver's ID Card issued by the Police Department.*
- (2) *A taxi driver's ID card shall be issued by the Police Department upon receipt of written application, certified copy of The Oregon State Police Background Check, and a fee as set forth in 8.400, if and only if the Police Department finds that the applicant:*
 - (a) *Is twenty-one years of age or older; and*

- (b) Possesses a valid motor vehicle operator's license; and*
- (c) Has not been declared a habitual traffic offender within five (5) years of the date of this application; and*
- (d) If the applicant has ever been declared a habitual traffic offender, has not been convicted of a traffic crime within five (5) years of the date of this application; and*
- (e) Has not been convicted of any of the following crimes or any similar crimes in any degree at any time:*
 - (i) Any felony crime committed against another person*
 - (ii) Any person who is a registered sex offender*
 - (iii) Any felony crime involving use of a weapon*
 - (iv) Any felony property crime within five (5) years of the date of this application*
 - (v) Any traffic crime within three (3) years of the date of this application*
 - (vi) Any drug offense within five (5) years of the date of this application*
 - (vii) Any misdemeanor person crime within three (3) years of the date of this application*
 - (viii) Any misdemeanor property crime within three (3) years of the date of this application*
 - (ix) Any misdemeanor crimes against public order within two (2) years*
- (f) Did not knowingly make any false statement in the application for the license.*
- (3) The Finance Director shall revoke the taxi driver ID card of a driver who fails to meet the qualifications set out in this section after a permit has been issued to that person. A person whose permit is denied or revoked may reapply after one year if the applicant meets the qualifications set forth in this section for a new applicant.*
- (4) A taxi driver's ID card is not transferable.*

(Underlining added). Nevertheless, Council has discretion to authorize issuance of a Taxi Driver's ID Card notwithstanding a disqualifying event as described in the "City Council Scope of Review" section above.

Notice of Appeal

A Notice of Appeal was filed by Appellant on August 18, 2017. The Notice of Appeal does not dispute the factual or legal determinations as to the requirements of Medford Municipal Code section 8.425, but instead focuses solely on Council's discretion to disregard those disqualifying events on account of Appellant's asserted indicia of rehabilitation, including her graduation from Jackson County Recovery Opportunity Court on June 1, 2017, and support from the taxi company itself.

I. Appellant's convictions.

One single felony property crime is sufficient under Medford Municipal Code section 8.425 to disqualify an individual from driving a taxi for a five-year period. The same is true of a drug offense. Here, Appellant has five such convictions from four separate events, summarized below.

Beginning in March 2014 and continuing through February 2015, Ms. Perez committed four felony property crimes and a drug offense (of which she pleaded guilty to and was convicted of on October 6, 2015), including the theft of \$10,000 or more, one count of aggravated identity theft, two additional counts of identity theft, and forgery of a prescription for the controlled substance oxycodone. Council can and should consider the serious nature of these crimes, and their relation to the taxi-driving context, as part of its analysis.

II. Appellant's evidence of rehabilitation.

The first example of indicia of rehabilitation listed in Medford Municipal Code is "successful completion of addiction recovery or substance abuse program." Appellant successfully completed such a program this summer, the Recovery Opportunity Court operated by the Jackson County Circuit Court, substantially changing the evidence in support of her appeal.

The amount of time since Appellant's convictions has also substantially increased. Initially, Appellant had sought a taxi license just one month after her convictions. At the current time, those convictions are roughly two years old, there has been no subsequent criminal activity or traffic citations since those 2015 convictions.¹ This qualifies as "lack of additional convictions or traffic citations."

Another category of indicia of rehabilitation is "gainful employment." Since the convictions, Appellant has worked intermittently for Five Star Taxi (in a non-driving role), as well as for a call center (for approximately eight months) and as manager for a motel (for two or three months).

Staff understands that Appellant will offer testimony from a representative of Five Star Taxi, which would qualify as either as "testimony from a mentor" or "reference from employers."

¹ Appellant was convicted on November 23, 2015, of the class B violation of "failure to obey traffic control device." However, the violation itself predated her disqualifying convictions, having occurred on July 7, 2015.

City Council Options

After considering the testimony and evidence that Appellant provides before and during her hearing before City Council, Council can either:

- (1) Find that Appellant has provided sufficient indicia of rehabilitation to disregard her disqualifying criminal convictions of October 6, 2015, and issue Appellant a Taxi Driver's ID Card, or
- (2) Find that Appellant has not provided sufficient indicia of rehabilitation to disregard her disqualifying criminal convictions of October 6, 2015, and affirm the denial of a Taxi Driver's ID Card.

Recommendation

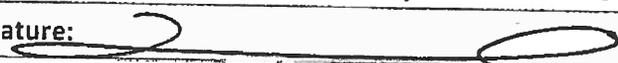
Given the serious nature of Appellant's convictions, but also based upon the various indicia of rehabilitation that Appellant offers, Council is well within its discretion under Medford Municipal Code 8.004(6) to either grant or deny Appellant's appeal. Staff takes no position on that discretionary determination.

EXHIBITS

- 1 Application for Taxi/Limo Driver License
- 2 Denial letter dated May 26, 2017, from Sgt. Don Lane
- 3 Jackson County Recovery Opportunity Court certificate of graduation dated June 1, 2017
- 4 Appellant's Appeal Letter dated August 2, 2017
- 5 City Recorder's Administrative Decision dated August 17, 2017
- 6 Appellant's City Council Notice of Appeal, dated 18, 2017

MEDFORD POLICE DEPARTMENT

TAXI, LIMO, ARMORED CAR SERVICE, LOCKSMITH, SAFE & LOCK, SECURITY ALARM COMPANIES

NAME: <u>Perez</u> <u>Tiffany</u> <u>Perez</u>		<small>Last</small>	<small>First</small>	<small>Middle</small>
Any Other Name(s) used:				
Applicant Address: <u>320 Broadway CP 97502</u>				
Mailing Address (if different):				
Phone:	Height: <u>5'7"</u>	Weight: <u>160</u>	Hair: <u>Black</u>	Eyes: <u>Brn</u>
Date of Birth:	SSN:	Sex: <u>F</u>	Race: <u>Hisp.</u>	
Place of Birth: <u>Corning CA</u>	US Citizen: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			
Name of Business Applying for: <u>5 Star</u>				
Address of Business: <u>1004 Franguetta St 97501</u>			Phone: <u>(541) 245-5555</u>	
<small>Skip to next section if Taxi Applicant ONLY</small>				
Current Employer (name/address):				
Previous Employer (name/address):				
Years of experience in the field:			Oregon Resident (years/months):	
<small>References must live in Jackson County</small>				
Reference 1:				
Reference 2:				
Reference 3:				
Reference 4:				
Reference 5:				
Have you ever been convicted of a felony:				<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Have you ever been convicted of a misdemeanor:				<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Have you ever been convicted of a major traffic offense (like reckless driving/elude/DUI):				<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Signature: 			Date: <u>5.10.17</u>	
DO NOT WRITE BELOW THIS LINE				
LEDS Wants (Oregon):				Attach record if Yes
NCIC Wants (National):				<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
New World: <u>0</u>				<input type="checkbox"/> No <input type="checkbox"/> Yes
Oregon Criminal History: <u>Agg ID Theft, ID Theft, x2, Theft 1st, Forg</u>				<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
NCIC Criminal History: <u>None</u>				<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Driving Record: <u>valid</u>				ODL #: <u>5506036</u>
Out Of State Criminal History: State: <u>/</u>				Number: <u>/</u>
Out of State Driver's License: State: <u>/</u>				Number: <u>/</u>
Approved:			Date:	Date Run: <u>5-17-17</u>
Denied: <u>657</u>			Date: <u>5/18/17</u>	Clerk: <u>Margaret</u>

JJW: attached
 Karpel DA: 2015 Theft 1 Agg, 2015 ID theft 2010 PCS
 TRS: 2010 C/R Theft 2, PCS Sch II 2015 = attached
 CAO: 0
 Appeal: see attached



CITY OF MEDFORD
411 W. 8TH ST
MEDFORD, OR 97501



Medford Police Dept.
Criminal Investigations

PHONE: (541) 774-2230
FAX: (541) 618-1733

May 26, 2017

Ms. Tiffany Perez
320 Brad Way
Central Point, OR 97502

Dear Ms. Perez:

Upon investigating your application for a Medford Taxi Driver ID Card, I have found that you have felony convictions for Theft in the First Degree, Aggravated Identity Theft, and two counts of Identity Theft from October 6, 2015. Medford Municipal Code 8.425 (2), (e) (iv), precludes you from receiving a Medford Taxi Driver Identification Card, because of committing a felony property crime within five years of the date of this application.

Please note that on October 6, 2016 a resolution affirming the United Appeal's Board denied your request for a Medford Taxi Driver Identification Card.

I am therefore denying your application for a Taxi Driver Identification Card. To appeal this decision, you must notify Karen Spoons in the City Manager's Office at 541-774-2200 of your intent to request an evidentiary hearing to dispute the proposed decision. You have 15 days from the date of this letter to contact Ms. Spoons.

I have enclosed a copy of Medford Municipal Code 8.425 for your reference. 5 Star Taxi has been notified of the denial.

Sincerely,

A handwritten signature in black ink, appearing to read "Sgt. Lane" with the date "5/25/17" written below it.

Sgt. Lane
Special Services
541-774-2292

CC: 5 Star Taxi
mal

Your Police - Our Community

JACKSON COUNTY RECOVERY OPPORTUNITY COURT

CERTIFICATE OF GRADUATION

This certificate confirms that

Tiffany Perez

has complied with all requirements and has successfully completed the Jackson County Recovery Opportunity Court

Dated this 1st of June, 2017


Kelly Ravassipour
Circuit Court Judge

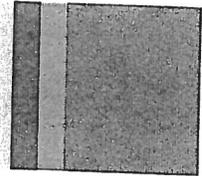
2017 JUN - 1 PM 2:18
JACKSON COUNTY COURTS
BOOKETED BY: _____

Tiffany Perez

550 Mae St.

Medford OR 97504

(541) 890-6891



August 2, 2017

City of Medford

411 W 8th St

Medford OR 97501

Dear Karen,

I am writing to appeal the Medford Taxi Driver ID Card denial. I've stayed in contact with 5 Star and they still want me to get my T-card. Please call Gary with 5 Star at (541) 324-2950 if you have any questions. As requested by the city council back in September of last year I have completed ROC and graduated on June 1, 2017. If you need further information please contact Lisa McCreadie through the court at (541) 776-7171 ext. 236. If there is any other information you need from me please contact me by either email or phone.

Warm regards,

Tiffany Perez





OFFICE OF
THE CITY RECORDER
cromed@ci.medford.or.us

CITY OF MEDFORD
411 WEST 8TH STREET
MEDFORD, OREGON 97501

TELEPHONE (541) 774-2017
FAX: (541) 617-1800
www.ci.medford.or.us

August 17, 2017

Tiffany Perez
320 Brad Way
Central Point, OR 97502

Ms. Perez:

On Wednesday, August 16, 2017, an appeal hearing was based upon your appeal letter of August 2, 2017, regarding the denial of a Taxi Driver's ID Card ("T-card"). To clarify the time line, the application for a T-card and the Medford Police Department denial letter both occurred in May of 2017. Appellant chose not to appeal the denial at that time, but in August of 2017, decided to pursue an appeal. This letter will serve as the written decision described in Medford Code 8.004(5).

The basis of the denial was Appellant's October 6, 2015 convictions for Aggravated Theft in the First Degree (Felony Class B), Aggravated Identity Theft (Felony Class B), two counts of Identity Theft (Felony Class C), Tampering with Drug Records (Felony Class C), and Forgery in the Second Degree (Misdemeanor Class A). Pursuant to Medford Municipal Code 8.425, a conviction for a felony property crime causes a five-year disqualification from the date of the conviction. A conviction for a drug offense also causes a five-year disqualification from the date of the conviction. A misdemeanor property crime causes a three-year disqualification from the date of conviction.

Appellant had previously appealed a denial of a T-card in 2016. That appeal was ultimately denied by City Council. However, Appellant had not yet completed Jackson County Recovery Opportunity Court at that time. At the hearing of August 16, 2017, Appellant testified that she has now completed Recovery Opportunity Court. After the hearing, City staff obtained documentation from the Jackson County Circuit Court confirming Appellant's graduation from the program.

Appellant also testified that she has had other employment since her 2015 convictions. Specifically, Appellant worked as a manager for the Manor Motel in Ashland for approximately three months, for ABT call center for approximately eight months, and for Five Star Taxi intermittently in a non-driving position.

Appellant testified that she intends on having a representative of Five Star Taxi testify on her behalf.

Based on the above, I find that there is no factual error or legal error in the denial letter from the Medford Police Department. Unless Appellant appeals to Council and Council exercises its discretion, Appellant will be subject to a disqualification period ending on October 6, 2020 (five years from the date of the conviction). City Council has sole discretion to decide whether to issue a Taxi Driver's ID Card despite a disqualifying conviction, so I make no findings as to whether the evidence presented in this record demonstrates "reliable indicia of rehabilitation" to support such a decision.

Tiffany Perez
August 17, 2017
Page 2

You may appeal the decision of the City Recorder to the City Council under the procedures and standards set out in Medford Code 1.025(1) and 8.004(6) within 10 days after the City Recorder's decision is mailed. No additional fee is required. The matter will be scheduled for with City Council within 30 days of receipt of Appellant's notice of appeal.

Sincerely,

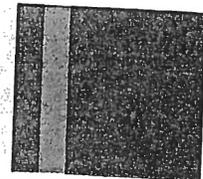
A handwritten signature in black ink, appearing to read "Karen M. Spoonts". The signature is fluid and cursive, with a long horizontal stroke at the end.

Karen M. Spoonts, MMC
City Recorder

Enclosures: Medford Code 1.025 and 8.004

cc: Eric Mitton, Legal Department
Sgt. Don Lane, Police Department
Tina Garvin, Building Department
Sam Barnum, Building Department
Shannon Thorpe, Building Department
Five Star Taxi

Tiffany Perez
550 Mae St.
Medford OR 97504
(541) 890-6891



August 18, 2017

City of Medford
411 W 8th St
Medford OR 97501

Dear Karen,

I am writing to appeal the Medford Taxi Driver ID Card denial. I've stayed in contact with 5 Star and they still want me to get my T-card. Please call Gary with 5 Star at (541) 324-2950 if you have any questions. As requested by the city council back in September of last year I have completed ROC and graduated on June 1, 2017. If you need further information please contact Lisa McCreadie through the court at (541) 776-7171 ext. 236. If there is any other information you need from me please contact me by either email or phone.

Warm regards,

Tiffany Perez





CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

www.cityofmedford.org

DEPARTMENT: City Manager
PHONE: (541) 774-2009
STAFF CONTACT: Kelly Madding, Deputy City Manager

AGENDA SECTION: Public Hearings
MEETING DATE: September 7, 2017

COUNCIL BILL 2017-98

A RESOLUTION authorizing the City Manager to proceed with the sale of surplus City-owned real property consisting of .16 acres located on Portland Avenue.

SUMMARY AND BACKGROUND

The City Council is being asked to consider deeming the vacant City-owned property on Portland Street, described as Maplot 371W30AC3500 as surplus and to provide staff direction as to its disposal.

On August 2, 2007 the City of Medford entered into a lease agreement with the Community Health Center for property described as Maplot 371W30AC3300 (0.24 acres) and 371W30AC3500 (0.16 acres). The properties were to be used for parking. The term of the lease was for 25 years, commencing on September 1, 2007. The annual rental rate was \$100.00 annually.

Most notably the terms of the lease required the Community Health Center to “immediately apply for all permits and pave and stripe the parking lot to the standards of the Public Works Department and Medford Land Development Code, as applicable.” This has not been done, the lease payments ceased thus the lease is no longer in effect.

On May 18, 2017, the City Council approved Resolution R2017-46, deeming the property described as Maplot 371W30AC3300 as surplus and directed its sale to Rogue Community Health. This property has not been transferred as of this date due to negotiations occurring around the required elimination of the driveway on East Main Street.

PREVIOUS COUNCIL ACTIONS

On April 20, 2017, the Medford City Council adopted Ordinance Number 2017-43. This Ordinance added Section 2.197 to the Medford Municipal Code setting standards and procedures for the disposal of real property by the City.

On May 18, 2017, the City Council approved Resolution 2017-46, deeming the property described as Maplot 371W30AC3300 as surplus and directed its sale to Rogue Community Health.

ANALYSIS

Rogue Community Health has expressed an interest in purchasing the vacant City-owned property on Portland Street, known as Maplot 371W30AC3500. Medford Municipal Code Section 2.197(2) classifies real property owned by the City as follows:

2) Classification

Real property owned by the City is classified as stated below. At the time of a proposed sale of real property by the City, the City Manager or the Manager’s designee shall determine the classification of the property.

- A. Substandard Undeveloped Property. Lots or parcels without structures that are not of minimum buildable size for the zone in which they are located or that cannot be developed for other reasons;
- B. Standard Undeveloped Property. Lots or parcels without structures that are of minimum or greater buildable size for the zone in which they are located and that can be developed;
- C. Developed Property. Lots or parcels of any size with structures;



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

www.cityofmedford.org

- D. Special-Case Property. Any real property that, notwithstanding subsections (A), (B), and (C) of this section, was acquired by the City subject to an agreement restricting the use, transfer, or disposition of the property.

The subject property is considered "Standard Undeveloped Property." The Planning Department has provided a memo to that effect. As such, the Council has options as to the disposal of this property. The applicable options, related to selling City-owned properties, are summarized below:

Option 1 - MMC Section 2.197(4)(A-I)

1. Public hearing and City to consider the sale of a property;
2. If Council considers property to be surplus, they can decide whether to offer the property for sale and establish minimum acceptable terms;
3. Council may require an appraisal or use fair market value to determine value, and may direct property to be listed with an agent or property may be sold by bid; and
4. City Manager is authorized to approve the sale if the minimum acceptable terms by the Council are met.

Option 2 - MMC Section 2.197(K)

1. Public hearing and City to consider the sale of a property;
2. If Council considers property to be surplus, they can decide to sell property to a certain non-profit organization for nominal consideration;
3. Council may use a Request for Proposal process to solicit proposals for sale of surplus property to non-profit entities; and
4. Properties sold to such organizations must be used for the purposes of the organization. Title to the property shall revert back to the City if the property is used in violation of the restriction. Non-profit organizations which may acquire property from the City in this manner include organizations that principally provide educational, recreational, medical, or social services to the public.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

According to Jackson County assessment records the subject property's real market value is \$91,390. An appraisal of the subject property has not been conducted. No financial discussions have taken place between the City and Rogue Community Health.

The property was purchased with Public Works funds, as such whatever remuneration the City receives from the disposal of the subject property shall return to the Public Works program.

TIMING ISSUES

Rogue Community Health is interested in the subject property and if they are able to acquire it they would like to pave it during the current construction season.

COUNCIL OPTIONS

Approve, modify or deny the resolution or motion.

STAFF RECOMMENDATION

Staff recommends selling the subject property to Rogue Community Health. Staff also recommends one condition of sale:

1. If the subject parking will be used for parking, the subject property must be paved to meet City standards for parking lots as contained in MMC Chapter 10.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

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SUGGESTED MOTION

I move that the property identified as Maplot 371W30AC3500 is deemed surplus to the City's needs and authorize the City Manager or City Manager's designee to approve the sale of the property to the Rogue Community Health if the terms of the Council are met.

EXHIBITS

Resolution

Medford Municipal Code Section 2.197 Real Property

Planning memo

Tax lot Map

Aerial Map

Jackson County Assessment Information

Notice to properties within 200 feet of subject property

RESOLUTION NO. 2017-98

A RESOLUTION authorizing the City Manager to proceed with the sale of surplus City-owned real property consisting of .16 acres located on Portland Avenue.

WHEREAS, the City has conducted a public hearing pursuant to ORS 221.725; and

WHEREAS, the City Council determines that the real property consisting of .16 acres located on Portland Avenue which is Tax Lot 3500, is surplus to the needs of the City of Medford; now, therefore,

BE IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON,

Section 1. That the City Manager is hereby directed to proceed with the sale of City-owned real property consisting of .16 acres located on Portland Avenue.

Section 2. That if the subject property will be used for parking, the property must be paved to meet City standards for parking lots as contained in Medford Municipal Code section 10.746.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

2.197 Real Property

(1) This code section provides procedures and standards for the disposal of real property by the City.

(2) Classification

Real property owned by the City is classified as stated below. At the time of a proposed sale of real property by the City, the City Manager or the Manager's designee shall determine the classification of the property.

- A. Substandard Undeveloped Property. Lots or parcels without structures that are not of minimum buildable size for the zone in which they are located or that cannot be developed for other reasons;
- B. Standard Undeveloped Property. Lots or parcels without structures that are of minimum or greater buildable size for the zone in which they are located and that can be developed.
- C. Developed Property. Lots or parcels of any size with structures;
- D. Special-Case Property. Any real property that, notwithstanding subsections (A), (B), and (C) of this section, was acquired by the City subject to an agreement restricting the use, transfer, or disposition of the property.

(3) Disposal of Substandard Undeveloped Property.

The City Manager or the Manager's designee is authorized to sell substandard undeveloped property by direct negotiation with an adjoining property owner. The City Manager or Manager's designee may, but is not required to, use a real estate broker to assist the transaction.

(4) Disposal of Standard Undeveloped Property and Developed Property.

- A. Any proposed sale of standard undeveloped property or developed property shall be set for a hearing before the Council. The Council may consider the sale of multiple properties at the hearing.
- B. The City Recorder shall cause notice of the hearing to be published once in a newspaper of general circulation in the City at least five days prior to the hearing describing the property proposed for sale. Notice shall also be mailed to property owners within 200 feet of the subject property.
- C. Public testimony shall be solicited at the hearing to determine if a sale of the property or any portion of it is in the public interest.
- D. After the hearing, the Council shall decide whether to offer the property for sale and shall establish minimum acceptable terms. The Council may consider appraisal(s) or other evidence of market value in establishing the minimum acceptable terms. The Council may decide to offer the property for sale only if it determines that the property is surplus to the City's needs.
- E. The City shall obtain an appraisal or other evidence of market value before concluding any sale to a private entity. No appraisal is required for property which has a fair market value of less than \$100,000, but other evidence of market value of such properties must be provided prior to sale to a private entity.
- F. If a sale is authorized by the Council, it may direct that the property be listed with the City's real estate agent of record or direct that it be sold by bids. If sale is to be by a bidding process, a notice soliciting sealed bids shall be published at least once in a newspaper of general circulation in the City at least two weeks prior to the bid deadline date. The notice shall describe the property to be sold, the minimum acceptable terms of sale, the person designated to receive bids, the last date bids will be received, and the date, time, and place that bids will be opened.
- G. The City Manager or Manager's designee is authorized to approve the sale of the property if the minimum acceptable terms set by Council are met.
- H. If one or more bids are received at or above the minimum acceptable terms, the highest bid shall be accepted and the City Manager or Manager's designee shall complete the sale.

- I. If no acceptable bids are received, the Council may:
 1. Accept the highest bid among those received;
 2. Direct staff to hold another sale, with the same or amended minimum terms;
 3. Direct the property to be listed with the City's real estate agent of record, or if the City does not have a real estate agent of record, with a local real estate broker on a multiple listing basis;
 4. Decide to keep the property.
- J. Notwithstanding the provisions of this section, the Council may adopt, after public notice and hearing, a resolution establishing a procedure for the sale of individual parcels of a class of City-owned real properties, or any interest in the properties, under a single program established within the City for the sale of that class of properties. The City may thereafter sell any parcel under that adopted procedure in lieu of the procedure established in this section, as allowed by state statute.
- K. Notwithstanding the provisions of this section, the Council may authorize, after public notice and hearing, sale or lease of property not needed for a public purpose to certain non-profit organizations for nominal consideration. The Council may use a Request for Proposal process to solicit proposals for sale or lease of surplus property to non-profit entities. Properties sold or leased to such organizations must be used for the purposes of the organization and not for commercial business, trade, or manufacturing. If the properties are used in violation of this restriction, title to the property shall revert back to the City or the lease shall be terminated. Non-profit organizations which may acquire or lease property from the City in this manner include organizations that principally provide educational, recreational, medical, or social services to the public.

(5) Broker Selection.

The City may retain a real estate broker of record or retain real estate brokers on a case-by-case basis.

(6) Transfer of an Interest Other Than Fee Title.

The transfer of an interest in real property by the City is not a sale of surplus real property if the City retains title to the property. The City may transfer an easement or other interest in real property less than fee title.

(7) Transfer to Governmental or Non-Profit Entity.

The City Council may authorize transfer of real property of any type to another governmental entity or to a nonprofit entity, with or without consideration, for so long as the property is used for public purposes by the entity to which it is transferred. The agreement shall provide for return of the property to the City if the property is no longer used by the transferee for public purposes.

(8) Special-Case Property.

The City shall comply with all agreements and restrictions applicable to special-case property. The City may transfer special-case property following any of the applicable procedures provided by this chapter, subject to the restrictions imposed by deed or agreement. If the deed or agreement provides a procedure for transfer by the City, the City may transfer the property as provided by the deed or agreement.

(9) Exchange of Real Property.

- A. The City Council may authorize the trade or exchange of real property with other governmental entities or with private parties.
- B. The City shall exchange real property with private entities only if the City receives at least equivalent value for the property it transfers. Payments may be made to compensate for any imbalance in the value of the property exchanged.
- C. For exchanges with private entities, the City shall require or obtain an appraisal or other evidence of market value if the value of the property transferred by the City or received by

the City exceeds \$100,000.

D. In determining the relative value of the properties exchanged, in addition to the factors normally considered in determining the value of property, the City may consider the following factors:

1. Whether the property is adjacent to or otherwise enhances the value of other property the City owns.
2. The suitability of the property for City use.
3. Whether the transfer of the property being transferred by the City to a private party will result in a benefit to the City or community. Potential benefits may include allowing more cohesive development of an area, providing needed housing or employment opportunities, or increasing the City's tax base.

(10) Procedures for Specific Types of Properties.

The Council may by resolution establish procedures for the sale of specific types or categories of real property that differ from the procedures required by this chapter.

[Added, Sec. 1, Ord. No. 2017-43, April 20, 2017.]



Planning Department

Working with the community to shape a vibrant and exceptional city

MEMORANDUM

Subject City owned property at Portland Avenue x E Main Street
To Kelly Madding, Deputy City Manager
From Kelly Akin, Assistant Planning Director
Date August 24, 2017

PURPOSE

The purpose of this memorandum is to determine the development capacity for the subject lot, which is located on the west side of Portland Avenue, approximately 147 feet south of E Main Street. (371W30AC3500)

Site Data

GLUP Designation: SC (Service Commercial)
Zoning: C-S/P (Service Commercial and Professional Office)
Acreage: 0.16 (50 x 139.54 = 6,977 square feet)
Improvements: The site is unimproved and appears to be covered in gravel.
Current Use: Three temporary mobile office units occupied by Rogue Community Health

Medford Municipal Code Section 2.197

Staff has analyzed the site and identified it as Standard Undeveloped Property as described in Medford Municipal Code Section 2.197(2)(B).

(2) Classification

Real property owned by the City is classified as stated below. At the time of a proposed sale of real property by the City, the City Manager or the Manager's designee shall determine the classification of the property.

B. Standard Undeveloped Property. Lots or parcels without structures that are of minimum or greater buildable size for the zone in which they are located and that can be developed;

Subject: City owned property at Portland Avenue south of E Main Street (371W30AC3500)

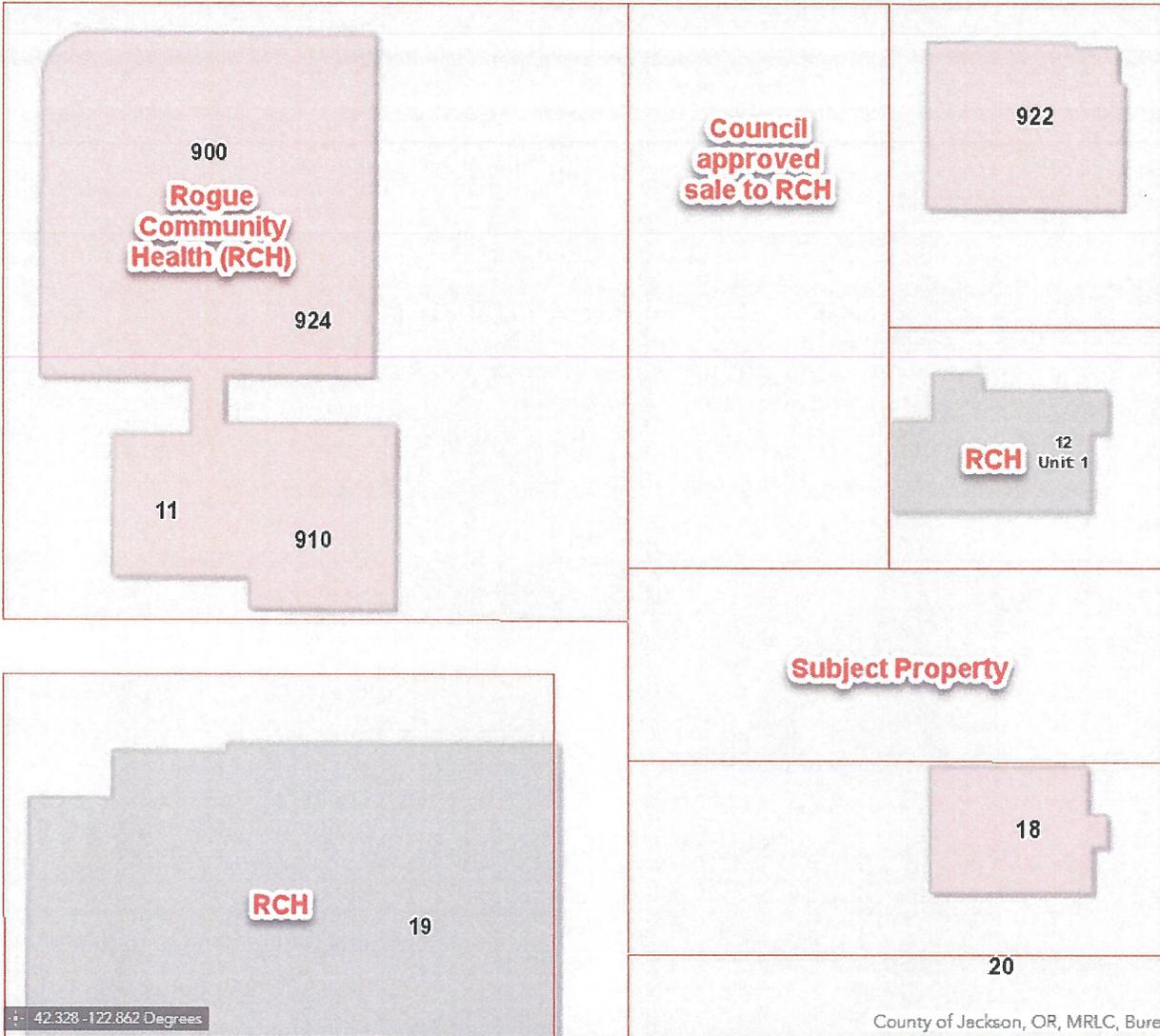
August 24, 2017

The site is currently undeveloped, occupied with a temporary use, and could be developed with a permanent structure. There is sufficient area to construct a building and meet the development standards contained in Medford Land Development Code Articles IV and V, including setbacks, landscaping, parking and access. This site meets this classification.

:ka

MYRTLE ST

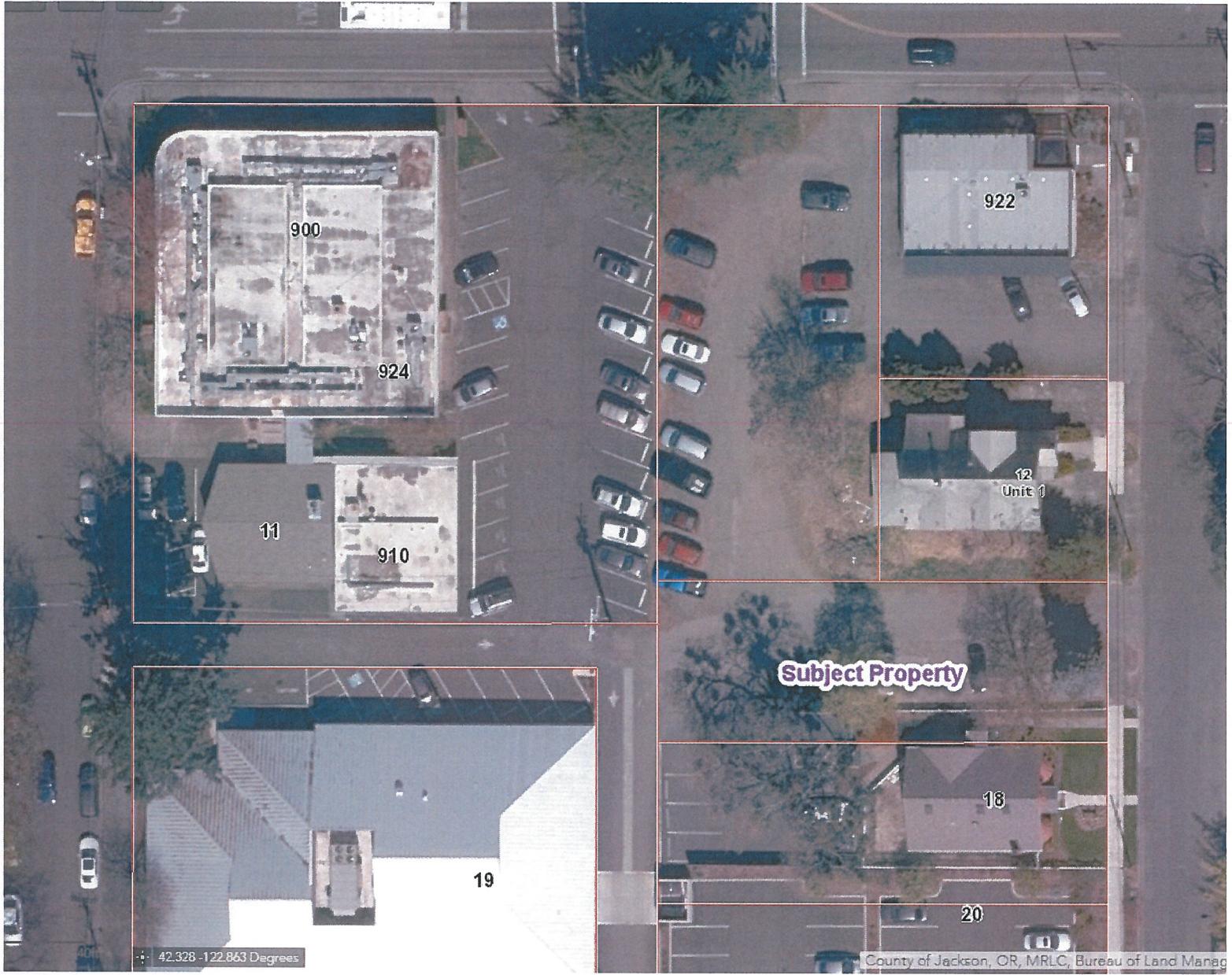
PORTLAND AV



40ft

42.328 -122.862 Degrees

County of Jackson, OR, MRLC, Bureau of Land Manager



Account Sequence	Map TL Sequence	Assessment Year 2017 ▼	Print Window	Close Window
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Assessment Info for Account 1-036416-5 Map 371W30AC Taxlot 3500
Report For Assessment Purposes Only Created August 17, 2017

Account Info		Tax Year 2016 Info		Land Info	
Account	1-036416-5	Pay Taxes Online		Tax Code	49-01
Map Taxlot	371W30AC 3500			Acreage	0.16
Owner	MEDFORD CITY OF	Tax Report	Details	<u>Zoning</u>	
Situs Address	PORTLAND AVE MEDFORD R	Tax History	Details	<u>Land Class</u>	
Mailing Address	MEDFORD CITY OF CITY HALL MEDFORD OR, 97501	Tax Code 49-01		UNK 0.16 Ac	
Appraiser		Tax Rate	16.0437	Property Class	980
		District Rates	Details	Stat Class	000
		Tax Details	Details	Unit ID	157560-1
		Tax Rates	Details	Maintenance Area	6
				Neighborhood	000
				Study Area	00
				Account Status	ACTIVE
				Tax Status	Non-Assessable
				Sub Type	NORMAL

Sales Data (AS 400)

Value Summary Detail (For Assessment Year 2017 - Subject To Change)

Market Value Summary (For Assessment Year 2017 - Subject To Change)

Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	0.16	\$ 91,390	\$ 91,390	\$ 0	\$ 0
Value History Details		Total:	\$ 91,390	\$ 91,390	\$ 0	\$ 0
Value Summary Details						
Value History						

Photos and Scanned Documents

SCANNED ASSESSOR DOCUMENTS	(See new portal)	(See new portal)	Portal
ALL IN ONE REPORT?			

Exemptions / Special Assessments / Notations / Potential Liability

Notations			
Description	Tax Amount	Year Added	Value Amount
ADD/ REMOVE EXEMPTION		2011	
CARTOGRAPHIC ACTIVITY		2010	

Location Map



Close Window	Print Window
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Date of Notice: August 29, 2017

Contact: Kelly Madding
541-774-2009
kelly.madding@cityofmedford.org

NOTICE OF PUBLIC HEARING – CITY COUNCIL

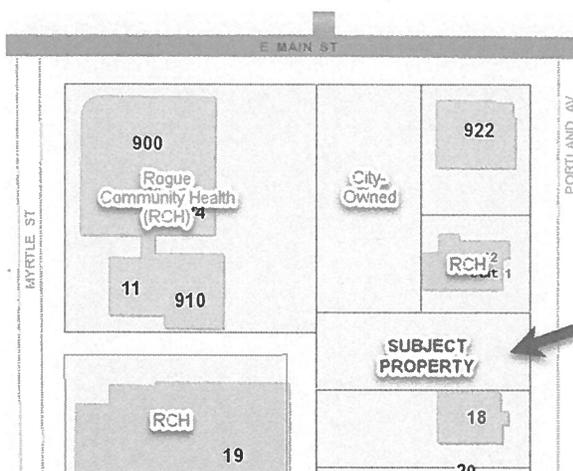
Hearing Date: Thursday – September 7, 2017
Hearing Time: 6:00 p.m.
Hearing Location: Medford City Council Chambers
City Hall, 411 W 8th Street, Third Floor

This notice is to inform you of an upcoming opportunity to participate in a public hearing before the Medford City Council.

What is being considered? On April 20, 2017 the Medford City Council adopted Ordinance Number 2017-43. This Ordinance added Section 2.197 to the Medford Municipal Code setting standards and procedures for the disposal of real property by the City.

The City Council will consider whether the property described as Township 37 Range 1W Section 30AC tax lot 3500, approximately 0.16 acres and located on the west side of Portland Avenue, two taxlots south of East Main Street will be deemed surplus property. If the City Council deems the property surplus the City Council will then determine how to dispose of the property. City of Medford staff is recommending that the City Council transfer the subject property to Rogue Community Health.

How do I obtain additional information? You may visit the City Manager’s Office on the third floor of Medford City Hall, 411 W. 8th Street between the hours of 8:00 a.m. and 5:00 p.m. weekdays, to review the staff report and Resolution. The agenda and the staff report for this project is available and can be viewed on the City web site (www.ci.medford.or.us). Copies may be obtained at the City Manager’s office at minimal cost.



411 West 8th Street, Medford, OR 97501

Tel. 541.774.2000 • email: citymanager@cityofmedford.org • Fax 541.618.1700



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

www.cityofmedford.org

DEPARTMENT:	Planning Department	AGENDA SECTION:	Ordinances and Resolutions
PHONE:	(541) 774-2390	MEETING DATE:	September 7, 2017
STAFF CONTACT:	Angela Durant, Grant Support Technician		

ORDINANCE 2017-99

AN ORDINANCE authorizing execution of a grant agreement with the Housing Authority of Jackson County in the amount of \$200,000 in 2017 Community Development Block Grant funds and an estimated \$95,000 in program income for the Homeowner Repair Program.

SUMMARY AND BACKGROUND

The City of Medford's Homeowner Repair Program is funded through the Community Development Block Grant (CDBG) program and administered by the Housing Authority of Jackson County (HAJC). The program provides no-interest loans to homeowners in need of repairs that are recognized as hazards to health and safety. Each loan is secured by a lien on the property with repayment due upon sale or transfer of property by owner. As liens are satisfied, the City receives program income that may be reallocated to the program for future use. The City of Medford and HAJC have been working together since 1996 to rehabilitate over 400 Medford homes. The attached agreement represents the City's commitment to continue this partnership through an investment of \$200,000 in 2017 CDBG funds with an estimated \$95,000 program income. On March 22, 2017, the Housing and Community Development Commission passed a motion to approve this program for recommendation to Council under the CDBG 2017 Action Plan.

PREVIOUS COUNCIL ACTIONS

On June 1, 2017, Council approved Resolution No. 2017-54 adopting the 2017 Action Plan. The Homeowner Repair Program was approved in the 2017-19 biennial budget under the 2017 Action Plan in the amount of \$200,000 plus estimated program income of \$95,000.

ANALYSIS

Funding the Homeowner Repair Program will support the rehabilitation of approximately 17 homes owned by low/moderate income (LMI) Medford residents during the 2017 program year ending June 30, 2018. This outcome achieves Goal 1, Objective 1.1 of the City's 2015-19 Consolidated Plan for Housing and Community Development, which is to improve and maintain living conditions, safety and long-term affordability of rental and/or homeowner housing occupied by LMI and special needs households. CDBG agreements of this value require Council approval prior to the City issuing HAJC a written Notice to Proceed.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

\$200,000 in Community Development Block Grant entitlement funds for FY 2017/18 and estimated \$95,000 in program income. Funds are budgeted and will be reimbursed to the City through the US Department of Housing and Urban Development (HUD).

TIMING ISSUES

The City Council must approve the agreement prior to the Housing Authority of Jackson County proceeding with any rehabilitation work.

COUNCIL OPTIONS

Approve the ordinance to authorize the execution of the grant agreement; modify the ordinance to authorize the execution of the grant agreement; or deny ordinance and provide direction to staff.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 60.1

www.cityofmedford.org

STAFF RECOMMENDATION

Staff recommends approval of the ordinance to authorize the execution of the grant agreement.

SUGGESTED MOTION

I move to approve the ordinance to authorize the execution of the grant agreement.

EXHIBITS

Ordinance

Agreement on file in the City Recorder's Office

ORDINANCE NO. 2017-99

AN ORDINANCE authorizing execution of a grant agreement with the Housing Authority of Jackson County in the amount of \$200,000 in 2017 Community Development Block Grant funds and an estimated \$95,000 in program income for the Homeowner Repair Program.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of a grant agreement with the Housing Authority of Jackson County in the amount of \$200,000 in 2017 Community Development Block Grant funds and an estimated \$95,000 in program income for the Homeowner Repair Program, which agreement is on file in the City Recorder's office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.2

www.cityofmedford.org

DEPARTMENT: Parks, Recreation, Facilities
PHONE: (541) 774-2483
STAFF CONTACT: Rich Rosenthal, Director

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: September 7, 2017

COUNCIL BILL 2017-100

AN ORDINANCE authorizing an exchange of City-owned property located at Holmes Park for property located at 217 S. Modoc Avenue.

SUMMARY AND BACKGROUND

City Council is asked to consider authorizing an exchange of City-owned property located at Holmes Park for property located at 217 S. Modoc Avenue, the location of a residence facility owned by Southern Oregon Friends of Hospice (SOFH), adjacent to Holmes Park.

PREVIOUS COUNCIL ACTIONS

On June 1, 2017, Council Bill 2017-49 was approved, granting right-of-way easements to SOFH and Pacific Power to provide electrical and communication service to the hospice facility.

ANALYSIS

In April 2016, SOFH purchased the residence bordered on three sides by Holmes Park along Modoc Avenue with the intention of creating a residence specializing in providing hospice resource information and in-house hospice care. The Holmes Park House would provide in-house hospice care for up to 12 patients at a time. SOFH also intends to provide a plethora of hospice services for up to 180 patients per year.

SOFH contracted with ORW Architecture and Ausland Group to design, construct and project manage the building renovation and addition. Construction commenced shortly after two underground easements were granted by the City Council on June 1, 2017. Once engaged in the construction phase, surveyors determined the assumed property line (the fence line) was inaccurate, which created a setback compliance issue with the building addition. City code requires a four-foot setback from the property line. The foundation is four feet from the fence line but only three feet from the legal property line.

The Department and SOFH are working on a property line adjustment that resolves the setback issue, minimizes surveying costs and preserves mature vegetation, including six robust oak trees. The recommendation facilitates extension of the SOFH property line into current park property by up to 10 feet for a grand total of 0.31 acres. The majority of the surface area is along the south side of the residence, taking into consideration the potential future need for SOFH to widen the existing narrow asphalt driveway. Additionally, a 45-foot-by-10-foot section near the park playground would be conveyed from SOFH to the City.

If the transaction comes to fruition, SOFH will take ownership and responsibility for the care and maintenance of the six trees. SOFH does not intend to relocate its existing perimeter fence, so the lot-line adjustment would not be noticeable to park patrons.

The Department has determined the proposal will not have an adverse impact on current Holmes Park use, functionality or maintenance nor does it inhibit the City from augmenting fundamental park features, landscaping and amenities.

If approved by the City Council, SOFH will move forward with submitting the necessary land-use applications and will be responsible for costs and fees relating to the property line adjustment, as presented.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.2

www.cityofmedford.org

The Parks and Recreation Commission reviewed the request and recommends City Council approval.

The Holmes Park House was originally built in 1939 by Harry Holmes, co-founder of Harry & David. In 1973, the Holmes family deeded 18.36 acres of surrounding property to the City of Medford, and John Holmes, the son of Harry Holmes, donated \$31,000 for development of a neighborhood park in 1976.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None. All costs are borne by SOFH.

TIMING ISSUES

SOFH facility construction is underway. Its intended March 2018 opening is contingent upon City Council approval.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance and provide staff with direction.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing an exchange of City-owned property located at Holmes Park for property located at 217 S. Modoc Avenue.

EXHIBITS

- Ordinance
- SOFH Tentative Map

ORDINANCE NO. 2017-100

AN ORDINANCE authorizing an exchange of City-owned property located at Holmes Park for property located at 217 S. Modoc Avenue.

WHEREAS, Southern Oregon Friends of Hospice is developing a facility at 217 S. Modoc Avenue which will provide residential hospice care; and

WHEREAS, during development of this facility, surveyors determined that the assumed property line was inaccurate, which created a setback compliance issue; and

WHEREAS, the City desires to exchange 13,553 square feet more or less of its property located in Holmes Park for 405 square feet more or less of property located at 217 S. Modoc Avenue and the owner is agreeable to this exchange; and

WHEREAS, this action involves an exchange of property only; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That an exchange of City-owned property located at Holmes Park for property located at 217 S. Modoc Avenue is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this ___ day of September, 2017.

ATTEST:

City Recorder

Mayor

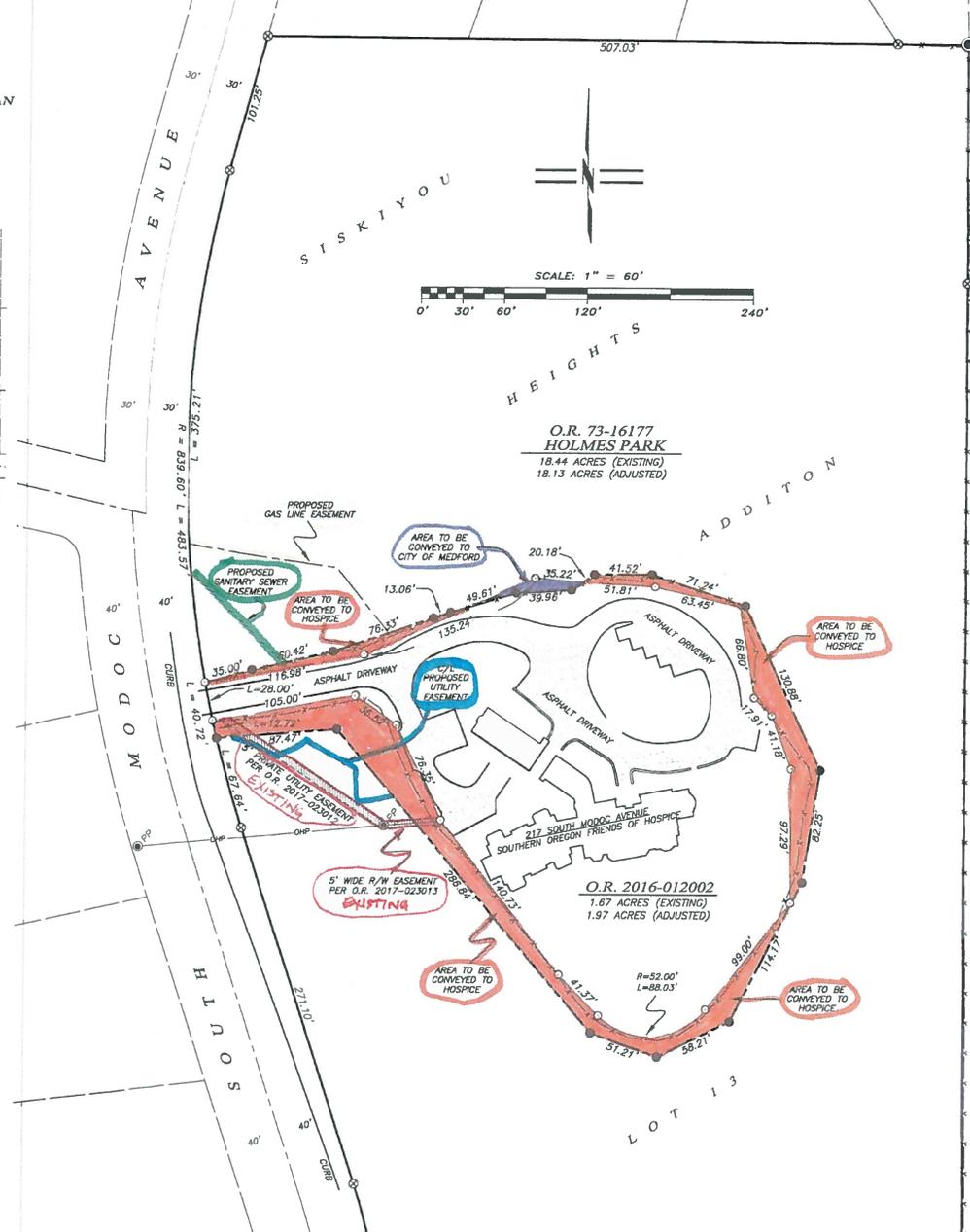
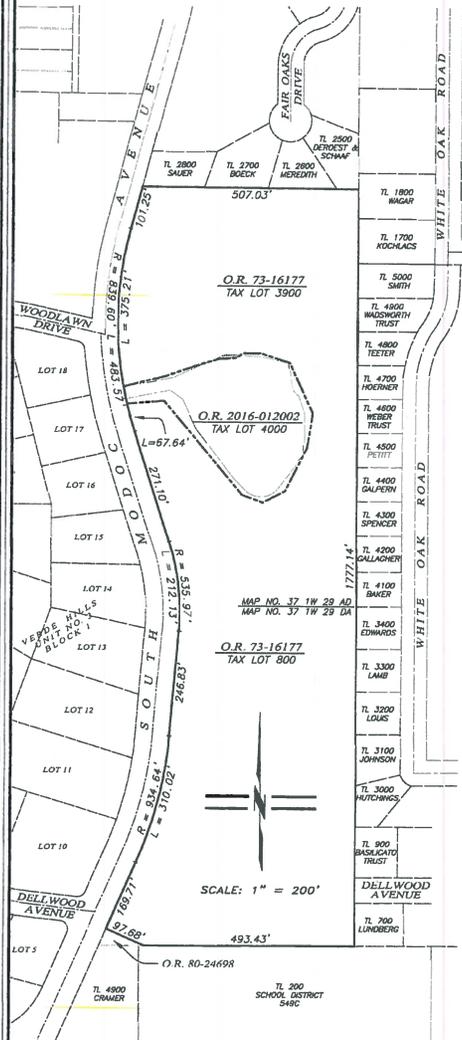
APPROVED: _____, 2017

Mayor

**TENTATIVE MAP
PROPERTY LINE ADJUSTMENT**

LYING SITUATE WITHIN
NORTHEAST QUARTER OF SECTION 29,
TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN
CITY OF MEDFORD, JACKSON COUNTY, OREGON

FOR
Southern Oregon Friends of Hospice
217 South Modoc Avenue
Medford, Oregon 97504



VICINITY MAP
(NOT TO SCALE)

- LEGEND**
- PROPERTY LINE
 - - - PROPOSED PARTITION LINE
 - BOUNDARY LINE
 - CENTERLINE
 - x - x - FENCELINE
 - WATER LINE
 - - - BURIED PHONE LINE
 - - - SANITARY SEWER LINE
 - - - STORM DRAIN LINE
 - OHP — OVERHEAD POWER LINE
 - PP — POWER POLE
 - X WV — WATER VALVE
 - ⊙ — STORM DRAIN MANHOLE
 - ⊙ — SANITARY SEWER MANHOLE
 - ⊙ — STORM DRAIN CATCH BASIN
 - ⊙ — FIRE HYDRANT
 - ⊙ — WATER METER
 - ⊙ — GAS METER
 - ⊙ — ELECTRICAL METER
 - ⊙ — IRRIGATION BOX
 - ⊙ — HEAT PUMP
 - ⊙ — SIGN

RECORD OWNER: SOUTHERN OREGON FRIENDS OF HOSPICE
217 SOUTH MODOC AVENUE
MEDFORD, OREGON 97504

APPLICANT: SOUTHERN OREGON FRIENDS OF HOSPICE
217 SOUTH MODOC AVENUE
MEDFORD, OREGON 97504

AGENT: POLARIS LAND SURVEYING, LLC
P.O. BOX 459
ASHLAND, OREGON 97520

- NOTES:
- ZONING DISTRICT: SFR-4
 - MEDFORD SCHOOL DISTRICT 549C
 - MEDFORD FIRE DISTRICT
 - MEDFORD IRRIGATION DISTRICT
 - ROGUE VALLEY SEWER SERVICES
 - EASEMENTS EXISTING & PROPOSED ARE DENOTED HEREOF

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Shawn Kampmann
OREGON
JULY 14, 1998
SHAWN KAMPMANN
2883 LS

RENEWAL DATE: 6/30/2019

SURVEYED BY:
POLARIS LAND SURVEYING LLC
P.O. BOX 459
ASHLAND, OREGON 97520
(541) 482-5009

DATE: AUGUST 15, 2017
PROJECT NO. 1149-17



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.3

www.cityofmedford.org

DEPARTMENT: Medford Fire-Rescue
PHONE: (541) 774-2300
STAFF CONTACT: Brian Fish, Fire Chief

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: September 7, 2017

COUNCIL BILL 2017-101

AN ORDINANCE authorizing execution of an Intergovernmental Agreement with Oregon Department of Transportation for the non-emergency use of the State's Strategic Technology Reserve.

SUMMARY AND BACKGROUND

This is an intergovernmental agreement between the City and Oregon Department of Transportation (ODOT) for the non-emergency use of the State's Strategic Technology Reserve communications caches. The cache trailers contain comprehensive radio and other communications equipment for use in large scale emergencies, or events. These units will augment what the City has, and includes capabilities that we do not possess on our own. The agreement will facilitate these resources to improve our readiness to employ them in an emergency.

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

There is no cost for entering into this agreement. Per the IGA, Exhibit B, some costs may be associated with expendables, ODOT personnel, satellite telephone charges and any damage. The cache located nearest to Medford is at the OSP facility in Central Point. This location is well within a practical response radius for use in Medford. Here are a few examples of how the equipment may be used; training and exercises, large scale non-emergent events, and public education and awareness.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

No initial costs; operational cost reimbursement may be requested by ODOT as described in the agreement. Minimal costs would be available in current 2017-2019 budget.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve the agreement as written; propose modifications to the agreement to ODOT; or decline to become party to the agreement.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing an agreement for non-emergency use of ODOT's Strategic Technology Reserve.

EXHIBITS

Ordinance
Strategic Technology Reserves Non-Emergency Use Agreement

ORDINANCE NO. 2017-101

AN ORDINANCE authorizing execution of an Intergovernmental Agreement with Oregon Department of Transportation for the non-emergency use of the State's Strategic Technology Reserve.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an Intergovernmental Agreement with the Oregon Department of Transportation for the non-emergency use of the State's Strategic Technology Reserve, which is on file in the City Recorder's office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor

**INTERGOVERNMENTAL AGREEMENT
FOR STRATEGIC TECHNOLOGY RESERVES
NON-EMERGENCY USE AGREEMENT**

Pursuant to and in accordance with ORS 190, this Agreement is made and entered into by and between State of Oregon acting by and through the Oregon Department of Transportation (“State”), and, the city of Medford (Agency) acting by and through its elected, appointed, designated or delegated officials, hereinafter referred to as "Agency" all herein referred to individually or collectively as “Party” or “Parties.”

DEFINITIONS

1. “Caching” means strategically placing equipment or materials in a secure storage place with the intent of future recovery for operational use.
2. “Wireless Communications” means communications accomplished without the use of a hard wire connection via radio, microwave or infrared technologies, including but not limited to fixed, mobile, and portable radios licensed under Federal Communications Commission rules and regulations as detailed in 47 CFR Parts 90 and 101, cellular phones, wireless networking (i.e. WiFi, WiMAX), or satellite communications.
3. “Wireless Communications Equipment” means communications equipment, including but not limited to, routers, antenna, other transmitting or receiving equipment for radio and microwave, and associated accessories and ancillary devices used to support Wireless Communications.

RECITALS

1. Pursuant to ORS § 401.168(3) the Governor has authority to direct any agencies in the state government to utilize and employ state personnel, equipment, and facilities for the performance of any activities designed to prevent or alleviate actual or threatened damage due to an emergency, and may direct the agencies to provide supplemental services and equipment to local governments to restore any services in order to provide for the health and safety of the citizens of the affected area.

BACKGROUND INFORMATION

1. The State of Oregon has acquired and developed several caches of communications equipment for the re-establishment of communications in a disaster or emergency, which are known as the Strategic Technology Reserves (STR). The STR are owned by Oregon Department of Transportation (State) and housed at State or Oregon State Police (OSP) locations. In the event of a disaster or emergency, deployment is subject to Emergency Support Function 2 (ESF2), which is coordinated through the Oregon Office of Emergency Management (OEM).
2. STR assets are intended for use by state agencies, counties and first response governmental agencies for tactical training, and exercising purposes. Usage is prearranged with State for these purposes only by entities that have entered

into this Agreement with State. The STR assets must be used by the Parties to promote economic security, reliability and accessibility, and must be cost effective for public agencies.

NOW THEREFORE, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Request for STR use. Whenever the Agency desires use of STR assets, the Agency shall send a reservation request in writing via US Mail, Email or Facsimile, to State identifying the cache or caches which the Agency desires to use, on what date the Agency desires to pick up the STR cache(s), and what date the Agency wishes to return the cache(s). A sample "Reservation Request Form" is attached hereto as Exhibit A, and by this reference made a part of this Agreement.
2. State shall respond in writing to Agency, either approving or denying the reservation request. If State accepts the reservation request, the Parties shall then make specific arrangements for the cache pick-up and drop-off.
3. Required Terms. Each reservation request must reference and incorporate this Agreement. In addition, the reservation request must:
 - a. Have a three (3) business day notification for check out, or fourteen (14) days if Agency is requesting special programming or configuration of the radios.
 - b. Designate a responsible party for proper care and use of the STR assets;
 - c. Designate a responsible party for return of the STR assets to State;
 - d. Designate a responsible party for costs of any repair or replacement of damaged or lost STR assets during the time period the STR assets are in the possession of the Agency;
 - e. Include a requirement that the Agency pay actual ODOT costs for the inventory, testing, any requested programming of the radios, and refurbishment of the STR assets including the cost of providing a trained communications technician if Agency does not have trained personnel ("ODOT Costs"). ODOT costs may be reimbursed by grant funding if available. Agency must verify availability of grant funding prior to check out.
 - f. Designate a point of contact for each reservation of STR assets.
4. Amateur radio kit may be checked out by licensed HAM operators for training, exercise and maintenance as approved by OEM and the local County Emergency Manager.
5. Procedures and Conditions. The following procedures and conditions apply to all STR assets used by the Agency under this Agreement:
 - a. The Agency shall bear the cost of installing and maintaining all STR assets during the reservation time period and for testing and refurbishment and any required reprogramming upon return;

- b. Requests for STR assets may only be made by the Agency that has executed this Agreement;
 - c. The Agency shall return the equipment on the agreed-upon date in full working order;
 - d. The Agency will provide a technician trained to operate the equipment, or agrees to pay the cost of a State communications technician for the duration of the asset use, if a State technician is available. If Agency does not have an Agency staff member who has been trained by State at an orientation and operations training and a State technician is not available, Agency will not be able to check out the STR assets for the requested time period. The exception is the Amateur radio equipment will not be operated, tested or repaired by State staff.
6. Term. The term of this Agreement shall be for ten (10) years commencing on the date of the last signature below and will require an amendment to this Agreement if the Parties desire to extend.
7. Termination. Either Party may terminate this Agreement upon thirty (30) days' notice for any reason.
- a. State may terminate this Agreement immediately upon notice to Agency for any of the following reasons:
 - i. If Agency fails to perform any of the provisions of this Agreement or the Reservation, or after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - ii. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to perform its obligations in this Agreement.
 - iii. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that the provisions of this Agreement are prohibited.
8. Liability. Agency shall take reasonable precautions to protect State STR assets during a reservation period. The Agency will pay full replacement costs of any equipment that is lost or damaged while in Agency's custody. Reference current STR Rate Sheet in the Plan for Operations Manual for current cost.

9. Contribution

- a. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against a Party to an Agreement (the "Notified Party") with respect to which the other Party to an Agreement ("Other Party") may have liability, the Notified Party must promptly notify the Other Party in writing of the Third Party Claim and deliver to the Other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Either party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by the Other Party of the notice and copies required in this paragraph and meaningful opportunity for the Other Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to the Other Party's liability with respect to the Third Party Claim.
- b. With respect to a Third Party Claim for which the State is jointly liable with the Agency (or would be if joined in the Third Party Claim), the State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the Agency in such proportion as is appropriate to reflect the relative fault of the State on the one hand and of the Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the State on the one hand and of the Agency on the other hand is determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if the State had sole liability in the proceeding.
- c. With respect to a Third Party Claim for which the Agency is jointly liable with the State (or would be if joined in the Third Party Claim), the Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the State in such proportion as is appropriate to reflect the relative fault of the Agency on the one hand and of the State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the Agency on the one hand and of the State on the other hand is determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. The Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if it had sole liability

in the proceeding. This contribution provision shall also be applicable to any claims for environmental contamination.

10. Insurance

Each Party shall provide insurance or self-insurance for each Agreement as described below:

- a. State is self-insured under ORS 30.282(2) up to the limits described in ORS 30.269 to 30.273. In addition, the State has qualified for self-insurance under ORS 806.130 of the Oregon Vehicle Code up to the limits as set forth in ORS 806.070. Upon request by the Agency, the State shall provide written proof of self-insurance to the Agency.
 - b. Agency shall, at its own cost and expense, either (1) secure and maintain a policy of insurance from a qualified insurance company(s) through the term of this Agreement, (2) provide similar type protection through an Administrative Trust commonly known as City County Insurance Services, or (3) establish and maintain a self-insurance program under ORS 731.036 and ORS 30.282. In either case, Agency shall secure liability protection with respect to its operations and operations of its officers, employees, and agents including volunteers acting within the scope of their employment or duties arising out of a governmental or proprietary function, equivalent to the limits identified in the Oregon Tort Claims Act, ORS 30.260 through 30.300.
 - c. Insurance certificates will be located in the Parties' files and will be made available upon request by any of the Parties.
 - d. All employers, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than \$500,000 must be included. Both Parties shall ensure that each of its subcontractors complies with these requirements.
11. Independent Contractors. The Parties agree and acknowledge that their relationship is that of independent contracting parties and neither Party is an officer, employee or agent of the other Party as those terms are used in ORS 30.265 or other applicable statute.
12. Successors and Assigns. This Agreement is binding upon the Parties and their successors. Neither Party may assign its rights or delegate its obligations under this Agreement without the written consent of the other Party.
13. Modifications. Any amendments or modifications of this Agreement must be in writing and will be effective only after each Party has signed the amendment.
14. Waiver. No waiver of any breach of any term, covenant or condition of this Agreement constitutes a waiver of any subsequent breach of the same or any other term or condition.

15. Mediation. The Parties shall exert every effort to cooperatively resolve any disagreements they may have under this Agreement. If the Parties are unable to resolve a conflict under this Agreement, they shall present their disagreements to a mutually agreeable mediator for mediation. Each Party shall bear its own costs for mediation and the Parties shall share the cost of the mediator. This procedure must be followed to its conclusion prior to either Party seeking relief from the court, except in the case of an emergency.
16. Notice. Any notice required or permitted to be sent under this Agreement will be deemed sent when it is deposited in the United States Mail, postage prepaid, addressed to the other party or parties at the following address, or at a new address, if such new address has been given to the other parties:

AGENCY: Attention: Larry Masterman, or designee
Medford Fire-Rescue
Emergency Management
200 S. Ivy Street Room 180
Medford, OR 97501
(541) 774-2322
Email: Larry.Masterman@cityofmedford.org[MD1]

ODOT: Wireless Section Communications Section Manager or designee

455 Airport Road SE, Building C
Salem, Oregon 97301
Phone: 503-986-2911 Fax: 503-986-2899
Email: WirelessWorkOrderDesk@odot.state.or.us

17. Force Majeure. No Party is liable for breach or delays in the execution of its obligations due to causes beyond its reasonable control including but not limited to acts of God, fires, strikes, labor disturbances, floods, epidemics, quarantine restrictions, war, insurrection or riot, acts of a civil or military authority, compliance with priority orders or preference ratings issued by the federal government, acts of government authorities with respect to revocation of export or re-export permits/licenses, wrecks, or unusually severe weather. The Party that cannot perform shall, however, make all reasonable efforts to remove or eliminate such cause of delay or breach and, upon the cessation of the cause, shall diligently pursue performance of its obligations under this Agreement. In the event of any such delay, the required date of services will be extended for a period of time equal to the period of the delay, or as short a period as is reasonably possible.
18. Governing Law. The terms of this Agreement are to be construed according to the laws of the State of Oregon. Any claim, action, suit or proceeding ("claim") between the Parties that arise from or relate to this Agreement shall be brought and conducted solely and exclusively in the Circuit Court of Marion County,

Oregon. Except as provided in this section, neither Party waives any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, from any claim or from the jurisdiction of any court. THE PARTIES, BY EXECUTION OF THIS AGREEMENT, HEREBY CONSENT TO THE IN PERSONAM JURISDICTION OF SAID COURT.

THE PARTIES, by execution of this Agreement, hereby acknowledge that its signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

SIGNATURE PAGE TO FOLLOW

City of Medford, by and through its elected officials

By _____

Date _____

By _____

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Counsel

Date _____

Contact

Name/Title, or designee
Address
Phone
Email

STATE OF OREGON, by and through its Department of Transportation

By _____

State Maintenance and Operations Engineer

Date _____

APPROVAL RECOMMENDED

By _____

ODOT/OSP Wireless Section Manager

Date _____

State Contact:

ODOT/OSP Wireless Section Manager, or designee

455 Airport Road, Building C

Salem, OR 97301

503-986-2911

WirelessWorkOrderDesk@odot.state.or.us

Check	Location	Address
	Cache #1: La Grande	3016 Island Ave, La Grande, OR
	Cache #2: Roseburg	3339 Old Hwy 99 South, Roseburg, OR
	Cache #3: Baker	19775 Hwy 86, Baker City, OR 97814
	Cache #4: Eugene	1920 Henderson Avenue Eugene, OR 97403
	Cache #5: Bend	63055 N Hwy 97, Bend, OR
	Cache #6: Central Point	4500 Rogue Valley Hwy, Suite A, Central Point, OR
	Cache #7: Milwaukie	9002 SE McLoughlin Blvd, Milwaukie, OR
	Cache #8: Salem	455 Airport Rd SE Bldg. D 97301-5375
	Cache #9: Salem	455 Airport Rd SE Bldg. D 97301-5375
	Cache #10: Klamath Falls	2557 Altamont Dr., Klamath Falls, OR 97603-5701
	Cache #11: Pendleton	1327 Southeast 3rd Street, Pendleton, OR
	Cache #12: The Dalles	3313 Bret Clodfelter Way, The Dalles, OR 97058-9736

All requests will be considered on a case-by-case basis according to availability, in accordance with the Strategic Technology Reserves (STR) Plan for Operations.

Return to:

ODOT Wireless Section Manager

455 Airport Rd, Building C

Salem, Oregon 97301

Phone: 503-986-2896

Fax: 503 986-2899

Approved by ODOT Wireless Section Manager

Signature

Date

EXHIBIT B

Operational Cost Recovery

- Checkout and return costs are based on actual technician time involved in pre-deployment inventory and training for party(s) checking out the cache plus 2-4 hours after deployment for inventory, cleaning and repacking after deployment.
- Hourly rates including travel costs, tools, equipment etc. range from \$48 to \$74 per hour.
- Per Diem will be charged for any deployment requiring overnight travel. Rates vary by area from \$123.00 to \$182.00 per day depending the deployment location and seasonal cost adjustments.
- ODOT Technicians will utilize commercial lodging and meal services.
- Consumable supplies (batteries, fuel etc.) will be billed at actual cost.
- Any item lost or damaged during use will be replaced by ODOT Wireless Communications Section and billed to the agency using the equipment. Values range from \$80 for a speaker microphone to over \$3500 for a Harris Unity portable radio.
- Satellite phone charges will be invoiced at actual cost. A copy of the bill for satellite data and satellite phone will be provided with the invoice for reimbursement.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 80.1

www.cityofmedford.org

DEPARTMENT: Human Resources
PHONE: (541) 774-2010
STAFF CONTACT: Mike Snyder, Director

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: September 7, 2017

COUNCIL BILL 2017-94, SECOND READING

An ordinance amending the Rules and Regulations for Non-Represented Employees pertaining to wages, hours, fringe benefits, and other working conditions effective July 1, 2017.

SUMMARY AND BACKGROUND

The proposed update of the Rules and Regulations Handbook for Non-Represented Employees for the City of Medford for 2017-2019 provides consistency with Council direction regarding the wages, hours, fringe benefits and other working conditions. Additionally, the title of the Handbook has been adjusted from "Executive, Supervisory, and Confidential-Professional Employees" (aka "The Management Staff/Group") to "Non-Represented Employees" to properly reflect the classifications within this employee group.

PREVIOUS COUNCIL ACTION

On June 14, 2016 – Council Bill 2016-79 was approved authorizing the update of the Rules and Regulations for Management Staff 2016-2017.

On August 17, 2017, the proposed Rules and Regulations Handbook for Non-Represented Employees for 2017-2019, Ordinance 2017-94, went before Council for vote. There were two no votes on the Ordinance. According to Medford City Charter Chapter VIII, Section 28(2) if there are more than two dissenting votes on an Ordinance the Ordinance must be heard at a second reading of the City Council. As such, Ordinance No. 2017-94 must be heard on September 7, 2017 for a second reading.

ANALYSIS

The proposed agreement provides for:

1. Salary increases: 1.5% effective July 1, 2017 and 1.5% effective July 1, 2018.
2. Health insurance: There is no increase to the cap for the City contribution to health insurance premiums for 2017. The cap will remain at the current amount of \$1,550 per month. Effective July 1, 2018, the cap for the City contribution to health insurance premiums would be set at \$1,575.
3. HRA VEBA: There will be an adjustment of the City contribution to health reimbursement arrangement (HRA) voluntary employees' beneficiary association (VEBA) accounts from 3.5% of gross wages to \$150 per pay period. This change is an effort to ensure compliance of the plan per IRS regulations, which requires the benefit to be non-discriminatory. With this change, all employees in the non-represented group and executive group will have the same benefit.
4. Other considerations: Effective for all newly hired employees as of September 1, 2017, the City will move to salary ranges, rather than salary steps. Employees will move through their salary range at increments no greater than 5%. Increases within the range are dependent upon recommendation from the employees' Department Director and approval of the City Manager. Employees who have reached the top of their salary range will be eligible for established salary range adjustments, so long as they have been at the top of their range for one full year.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.1

www.cityofmedford.org

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The total compensation cost of the proposed action has been estimated by the Finance Department to be approximately \$413,000 for the agreement. Funds for the salary increases are available in the 2017-19 biennial budget.

TIMING ISSUES

If the Council chooses not to approve this proposed agreement, the current Rules and Regulations will continue to be in effect.

COUNCIL OPTIONS

Approve or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance, authorizing updates to the Rules and Regulations Handbook for Non-Represented Employees.

SUGGESTED MOTION

I move to approve the ordinance authorizing updates to the Rules and Regulations Handbook for Non-Represented Employees.

EXHIBITS

Ordinance

Agreement on file in City Recorder's Office

ORDINANCE NO. 2017-94

AN ORDINANCE amending the Rules and Regulations for Non-Represented Employees pertaining to wages, hours, fringe benefits, and other working conditions effective July 1, 2017.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That the Rules and Regulations for Non-Represented Employees pertaining to wages, hours, fringe benefits, and other working conditions effective July 1, 2017 are amended as set forth in the agreement which is on file in the office of the City Recorder and incorporated herein by reference.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.2

www.cityofmedford.org

DEPARTMENT: Planning **AGENDA SECTION:** Ordinances and Resolutions
PHONE: (541) 774-2380 **MEETING DATE:** September 7, 2017
STAFF CONTACT: Matt Brinkley, AICP CFM, Planning Director

COUNCIL BILL 2017-102

AN ORDINANCE adopting revisions to the Urban Growth Boundary Amendment to align the City and County's findings of fact, conclusions of law, and record of proceedings.

SUMMARY AND BACKGROUND

The proposal is for City Council to adopt a revised Ordinance related to the Urban Growth Boundary amendment project. The Jackson County Board of Commissioners approved by ordinance the City's proposal to expand the boundary by approximately 4,046 acres on August 2, 2017. Although the County approved the Urban Growth Boundary amendment as adopted by the City, it made additional findings and incorporated additional documents into the record in support of its decision in response to testimony before the County Planning Commission and Board of Commissioners. The revision is therefore necessary in order to ensure that the City and County decisions are consistent and coordinated on this matter as required by Statewide Land Use Planning Goal 2. A unified decision between both jurisdictions must be submitted to the Department of Land Conservation and Development for the State's consideration.

The Medford Planning Commission made a recommendation on the project on June 11, 2015. The hearing process began with the City Council on August 6, 2015. A series of hearings and study sessions were held with the Council between August 2015 and July 2016. The Council adopted the ordinance and approved the project on August 18, 2016. The Urban Growth Boundary expansion project has been in process in some capacity for the past decade. Planning staff has been actively working on the expansion proposal since the adoption of the Regional Plan in 2012. (CP-14-114)

PREVIOUS COUNCIL ACTIONS

On August 18, 2016, the City Council adopted Ordinance 2016-99 adopting the Urban Growth Boundary amendment project.

ANALYSIS

After the adoption of the Ordinance in August 2016, an application was submitted to Jackson County for review and approval. The Jackson County Planning Commission held two hearings in early 2017 on the project and recommended approval to the Board of Commissioners on a 2-1 vote. By May 2017, the Board of Commissioners was reviewing the application. The Board voted unanimously to approve the Urban Growth Boundary amendment in June 2017 and approved the Ordinance in August 2017.

Throughout the deliberations with the Planning Commission and Board of Commissioners, new testimony and evidence was added to the record for and against the project, including a new letter from 1000 Friends of Oregon. There are several key documents identified in the County's record that helped support the Board's decision to approve the project. These new findings were not a part of the City's original record, but are considered key elements that help support the expansion and refute testimony against the proposal. The City Council is being asked to adopt these new findings in support of the project and align the decisions of the two jurisdictions. The specific items listed below are identified in the County's Ordinance and are provided for your review.

These documents include:

- UGB Amendment Supplemental Findings dated May 17, 2017 from Matt Brinkley
- UGB Amendment Supplemental Findings dated June 19, 2017 from Matt Brinkley



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.2

www.cityofmedford.org

- Response to the May 17, letter from 1000 Friends of Oregon dated June 20, 2017 from Jeff Condit to Matt Brinkley
- UGB Amendment Supplemental Findings dated June 20, 2017 from Matt Brinkley
- Committed Residential Density memorandum dated June 20, 2017 from Chris Olivier to Matt Brinkley
- Technical Memorandum regarding the City of Medford UGB Land Need Calculations dated June 21, 2017 submitted by CSA Planning

The complete list of exhibits from the County's deliberations is attached to the proposed Ordinance and is being adopted by reference.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The Planning Department has an active professional services contract with the law firm Miller Nash Graham and Dunn for legal assistance with this project. The funds are budgeted in the current 2017-19 biennium for \$30,000 per year.

TIMING ISSUES

Staff is working on assembling the record for this project in order to submit an application to the Department of Land Conservation and Development. Staff estimates if the application is submitted by the end of September 2017 then it will be in the hearing process with the Land Conservation and Development Commission (LCDC) by approximately March 2018. An approval of the proposed Ordinance will keep this project on track for those estimated timelines.

COUNCIL OPTIONS

- Approve the ordinance as presented
- Modify the ordinance as presented
- Deny the ordinance as presented and provide direction to staff to modify

STAFF RECOMMENDATION

Staff recommends approval of the ordinance adopting revisions to the Urban Growth Boundary amendment project.

SUGGESTED MOTION

I move to approve the ordinance adopting revisions to the Urban Growth Boundary amendment project.

EXHIBITS

- Exhibit A: Ordinance (including attachments)
Exhibit 1: County Ordinance 2017-11
Exhibit 2: County Exhibit Schedule identifying all documents in the County's record
Exhibit 3: City Ordinance 2016-99 (cover page only)
- Exhibit B: UGB Amendment Supplemental Findings dated May 17, 2017 from Matt Brinkley
- Exhibit C: UGB Amendment Supplemental Findings dated June 19, 2017 from Matt Brinkley
- Exhibit D: Response to the May 17, Letter from 1000 Friends of Oregon dated June 20, 2017 from Jeff Condit to Matt Brinkley
- Exhibit E: UGB Amendment Supplemental Findings dated June 20, 2017 from Matt Brinkley
- Exhibit F: Committed Residential Density memorandum dated June 20, 2017 from Chris Olivier to Matt Brinkley
- Exhibit G: Technical Memorandum regarding the City of Medford UGB Land Need Calculations dated June 21, 2017 submitted by CSA Planning

ORDINANCE NO. 2017-102

AN ORDINANCE adopting revisions to the Urban Growth Boundary Amendment to align the City and County's findings of fact, conclusions of law, and record of proceedings.

WHEREAS, on August 18, 2016, the City Council adopted Ordinance 2016-99 adopting the Urban Growth Boundary amendment project (CP-14-114). The approval was based on the Council Report dated the same day which contained the proposed amendments, findings of fact and conclusions of law, and associated maps attached as exhibits; and

WHEREAS the proposal was submitted to the Jackson County Development Services Departments on August 31, 2016, as a major comprehensive plan map amendment; and

WHEREAS the Jackson County Planning Commission held two public hearings on the application, the first on February 9, 2017, and the second on March 9, 2017. The County Planning Commission after considering the evidence and testimony submitted, voted 2-1 in favor of the application and recommended the Board of Commissioners approve the application. The Commission's Recommendation of Approval was signed on March 9, 2017; and

WHEREAS, the Board of County Commissioners held two public hearings on the application, the first on May 17, 2017, and the second on June 21, 2017. At the June 21, 2017 hearing, the Board of Commissioners after consideration of the evidence and testimony submitted, including the record of the County Planning Commission voted 3-0 in favor and approved the application to add approximately 4,046 acres to the City of Medford Urban Growth Boundary (County File 439-16-00008-LRP); and

WHEREAS the Board of County Commissioners adopted Ordinance 2017-11 on August 2, 2017; now therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. The City of Medford incorporates and adopts Jackson County Ordinance 2017-11 (the "County Ordinance") and record of proceedings in its entirety as a supplement to the City's decision and record. The County's Ordinance and exhibit schedule are attached as Exhibit 1 and Exhibit 2 and incorporated herein.

Section 2. The City of Medford's Ordinance No. 2016-99 is supplemented by this new ordinance and is attached as Exhibit 3 and incorporated herein by reference. Where the County Ordinance includes a finding or incorporates a document that clarifies or amends an earlier finding or document contained in or adopted pursuant to City Ordinance No. 2016-99, the City of Medford intends that the clarification or amendment in the County Ordinance controls.

Section 3. The City of Medford and Jackson County concluded that the City has met the burden of proof to expand its Urban Growth Boundary by approximately 4,046 acres in compliance

with State, County, and City regulations.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor

Exhibit 1

Adopted: 8/2/2017
Effective: 10/01/2017

BEFORE THE BOARD OF COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON
ORDINANCE NO. 2017-11

AN ORDINANCE APPROVING A MAJOR COMPREHENSIVE PLAN MAP AMENDMENT TO ADD APPROXIMATELY 4,046 ACRES TO THE CITY OF MEDFORD URBAN GROWTH BOUNDARY (UGB). FILE NO. 439-16-00008-LRP.

RECITALS:

1. Pursuant to Chapters 197 and 215 of the Oregon Revised Statutes, and in conformance with the Statewide Planning Goals, Jackson County's Comprehensive Plan and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).
2. On August 31, 2016 an application for a major comprehensive plan map amendment was submitted by Applicant, City of Medford. The application was determined to be complete on October 21, 2016.
3. Notice of the proposed amendment was provided to the Department of Land Conservation and Development (DLCD) on December 9, 2016, 62 days prior to the first evidentiary hearing before the Jackson County Planning Commission (JCPC). A notice was published on Sunday, February 5, 2017 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the JCPC on Thursday, February 9, 2017 at 9:00 a.m. in the Auditorium of the Jackson County Offices, 10 South Oakdale, Medford, Oregon.
4. A first evidentiary public hearing was held on February 9, 2017 before the Jackson County Planning Commission in the Auditorium of the Jackson County Offices. The public hearing was continued to March 9, 2017 where, after considering the evidence and testimony submitted, the JCPC, by motion and vote, recommended that the Board of Commissioners (BoC) approve the application. The JCPC signed the Recommendation for Approval on March 9, 2017.
5. On May 17, 2017, the BoC held a properly advertised public hearing on the application. The public hearing was continued to June 21, 2017. After considering the evidence and testimony submitted, including the record of the JCPC hearing, the BoC, by motion and vote, approved the application.

ORDINANCE - Page 1 of 5
File 439-16-00008-LRP

NOW, THEREFORE, the Board of County Commissioners of Jackson County ORDAIN as follows

SECTION 1. FINDINGS OF FACT

Based on the evidence and arguments presented, the BoC makes the following findings of fact with respect to these proceedings. Where factual conflict arose, the Board has resolved them consistent with these findings:

- 1.1 The BoC finds that proper legal notice was provided to the applicant, affected property owners and affected agencies on April 25, 2017, for the first public hearing on this matter. Legal notice was published in the Sunday, May 7, 2017, edition of the Medford Mail Tribune.
- 1.2 The BoC finds that the JCPC's recommendations are based upon following proper procedures and are consistent with evidence and testimony in the record of proceedings. The BoC hereby adopts, as its own, the Findings of Fact contained in the JCPC Recommendation for Approval, contained in the record of these proceedings as amended herein.

SECTION 2. LEGAL FINDINGS

Based on the evidence and arguments presented, the BoC makes the following legal findings with respect to these proceedings. Where factual conflicts arose, the BoC has resolved them consistent with these findings:

- 2.1 The BoC hereby adopts, as its own, the Legal Findings contained in the JCPC Recommendation for Approval, contained in the record of these proceedings and supplements those findings with findings below.
- 2.2 The City of Medford prepared the Urban Growth Boundary (UGB) amendment through a public process that involved multiple public hearings, study sessions, and open houses. The configuration of the UGB that was adopted by the Medford City Council and the BoC is therefore the result of extensive deliberation and consensus building.
- 2.3 The UGB amendment was found to be consistent with and supportive of the City's adopted Comprehensive Plan including its Population, Economic, Housing, Regional Plan, and Leisure Services (Parks and Recreation) elements. It has been so determined by the BoC that the amended UGB will provide sufficient land to accommodate demand for housing, employment, parks and open space, and associated urban land uses.
- 2.4 The UGB amendment was found to comply with Statewide Planning Goals, and most notably Goals 1, 5, 8, 9, 10, 11, 12, and 14. Compliance with these goals is documented throughout the record and, in particular, by: 1) The collaborative process used to select land for inclusion in the UGB; 2) Through the completion of a local wetlands inventory in proposed expansion lands; 3) Through provision of regionally significant recreation facilities and protected wildland parks; 4) Through

the vigorous assessment of infrastructure capacity and availability within expansion areas, and the City's capability to meet future urban infrastructure and service needs; and 5) Through the comprehensive assessment and deliberation by Medford's Planning Commission and City Council regarding the relative environmental, energy, economic, and social consequences of inclusion into the UGB of portions of the City's Urban Reserves.

- 2.5 The UGB amendment began with and is the result of an ambitious effort to more efficiently use land within the current Medford UGB. Through its "Internal Study Area" (ISA) process, the City of Medford increased residential density within its current UGB in locations that were in close proximity to jobs, educational opportunities, urban services and public amenities. This process also re-designated different types of employment land to achieve greater consistency between the needs of the local economy and the capacity of those lands to meet those needs. The ISA process resulted in a net reduction of urban land need, thereby reducing the size of the proposed expansion.
- 2.6 The UGB will only include lands designated through the Regional Plan as Urban Reserve Areas.
- 2.7 The UGB has been found to be consistent with the Regional Plan component of the City and County's Comprehensive Plan that was developed through more than 10 years of the Regional Problem Solving process. Among other things, Medford's UGB amendment has been found to comply with Regional Plan performance requirements for: 1) Minimum residential densities in the proposed expansion area and existing unincorporated portions of the UGB; 2) Coordination with other communities and governmental agencies to proactively address impacts of future development on regional transportation systems, quality of life, etc ; 3) Adoption of Conceptual Land Use and Transportation plans that demonstrate provision of needed land uses as determined by the Regional Plan and demonstrate compliance with requirements for development of mixed-use, walkable neighborhoods.
- 2.8 Several parties, including 1000 Friends of Oregon, raised concerns or questions with regard to the process, assumptions, background documents, or methodology relied on by the City. The BOC finds that these concerns were comprehensively and persuasively addressed by the City and other parties in their submittals before the Board. Specifically, the Board adopts and incorporates by reference into its Findings of Fact the following documents: 1) UGB Amendment Supplemental Findings dated May 17, 2017, submitted by Mr. Brinkley (BOC Exhibit 25); 2) UGB Amendment Supplemental Findings dated June 19, 2017 submitted by Mr. Brinkley (BOC Exhibit 36); 3) Response to the May 17, Letter from 1000 Friends of Oregon, dated June 20, 2017, from City special counsel Jeffrey G. Condit to Mr. Brinkley (BOC Ex. 37); 4) UGB Amendment Supplemental Findings dated June 20, 2017 submitted by Mr. Brinkley (BOC Exhibit 39); 5) Committed Residential Density memorandum dated June 20, 2017, from City Planning GIS Coordinator Chris Oliver to Mr. Brinkley (BOC Exhibit 40); 6) Technical Memorandum regarding the City of Medford UGB Land Need Calculations dated June 21, 2017, submitted by CSA Planning (BOC ex 43). Where a later document clarifies an earlier document, the clarification shall control. The Board finds that these documents and other testimony in favor of the City's proposed UGB amendment support approval of the proposed amendment.

SECTION 3. CONCLUSIONS

- 3.1 The BoC concludes that proper public notice was given.
- 3.2 The BoC hereby adopts, as its own, the Conclusions contained in the JCPC's Recommendation for Approval, contained in the record of these proceedings. These conclusions, supplemented with the above legal findings, demonstrate that the application is in compliance with the applicable Statewide Planning Goals, Oregon Administrative Rules, the applicable policies in the Jackson County Comprehensive Plan, and the applicable sections of the Jackson County Land Development Ordinance.

SECTION 4. DECISION

- 4.1. Based on the record of the public hearing, the BoC hereby approves the requested Major Comprehensive Plan Map Amendment to add approximately 4,046 acres to the City of Medford Urban Growth Boundary (UGB). File No. 439-16-00008-LRP.

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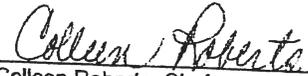
#

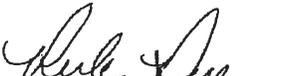
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ADOPTED this 2nd day of August, 2017, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS


Colleen Roberts, Chair

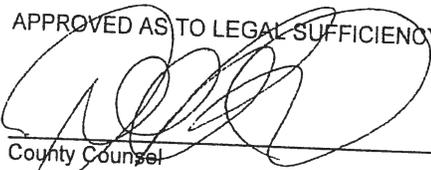

Rick Dyer, Commissioner


Bob Strosser, Commissioner

ATTEST:


By: Recording Secretary

APPROVED AS TO LEGAL SUFFICIENCY:


County Counsel

The Board of Commissioners' Ordinance is the final county decision on this action. The City will review the county decision to determine whether it must make any revisions to its decision in order to ensure that the County and City decision are consistent and coordinate as required by Statewide Land Use Planning Goal 2. The city will then submit the final decisions to the State of Oregon Land conservation and Development commission (LCDC), which will consider the UGB amendment under the periodic review process as provided in OAR 660-025-0175.

Exhibit 2

FILE NO: 439-16-00008-LRP APPLICANT: CITY OF MEDFORD
 HEARING DATE: 2/9/2017 HEARING BODY: J.C. PLANNING COMMISSION
 TIME: 9:00 A.M. LOCATION: COURTHOUSE AUDITORIUM, 10 S OAKDALE, MEDFORD, OR

EXHIBIT SCHEDULE

EXHIBIT NO.	NATURE OF EXHIBIT
1 Page 1	Memo to Jackson County Planning Commission, submitted by Staff, dated 1-17-17
2 Page 2	Vicinity Map submitted by Staff
3 Page 3	Memo to file regarding minor errors to original criteria w/corrected criteria attached submitted by Staff, dated 1-17-17
4 Page 5	Original Criteria submitted by Staff
5 Page 6	Staff report submitted by Staff, dated 1-17-17
6 Page 24	Application submitted by City of Medford, dated 8-31-16
7 Page 253	Notice of Application & Request for comments submitted by Staff, dated 1-3-17
8 Page 300	Response to Request for Comments submitted by Kevin Christiansen, Roads Department, dated 1-6-17
9 Page 301	Response to Request for Comments submitted by Rodney Grehn, Medford Water Commission, dated 1-13-17
10 Page 302	Response to Request for Comments submitted by Debbie Moore, dated 1-3-17
11 Page 304	Response to Request for Comments submitted by Kenneth W & Deborah L. Weaver, dated 1-4-17
12 Page 305	Response to Request for Comments submitted by Dwight/Jan Sinner, dated 1-4-17
13 Page 306	Response to Request for Comments submitted by Shawn Cox, dated 1-4-17
14 Page 307	Response to Request for Comments submitted by Darlyn Anderson, dated 1-4-17
15 Page 308	Response to Request for Comments submitted by Nick Lazzareschi, dated 1-4-17
16 Page 309	Response to Request for Comments submitted by Timothy G Harvey, dated 1-4-17
17 Page 310	Response to Request for Comments submitted by Brian J. Cagle, dated 1-5-17
18 Page 311	Response to Request for Comments submitted by Daralene/Allen Hansen, 1-5-17

FILE NO: 439-16-00006-LRP

APPLICANT: CITY OF MEDFORD

HEARING DATE: 2-9-2017

HEARING BODY: J C PLANNING COMMISSION

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EXHIBIT SCHEDULE

EXHIBIT NO.	NATURE OF EXHIBIT
19 Page 312	Response to Request for Comments submitted by Albert Cushman, 1-5-17
20 Page 313	Response to Request for Comments submitted by Raymond B. White, 1-5-17
21 Page 314	Response to Request for Comments submitted by David S. Wright, 1-5-17
22 Page 315	Response to Request for Comments submitted by James/Eileen Bartlett, 1-5-17
23 Page 316	Response to Request for Comments submitted by Joe Brooks, Weldon Mobile Home Park LLC, 1-5-17
24 Page 317	Response to Request for Comments submitted by Dana Bowers, 1-5-17
25 Page 318	Response to Request for Comments submitted by Dennis Schmader, 1-5-17
26 Page 319	Response to Request for Comments submitted by Jacqueline Mitchell, 1-5-17
27 Page 320	Response to Request for Comments submitted by Jerry Blackmon, 1-5-17
28 Page 321	Response to Request for Comments submitted by Glenn L. Hobbs, 1-5-17
29 Page 322	Response to Request for Comments submitted by Gloria D. Linch, 1-6-17
30 Page 323	Response to Request for Comments submitted by Miven Donato, 1-6-17
31 Page 324	Response to Request for Comments submitted by Tonya L. Wick, 1-6-17
32 Page 325	Response to Request for Comments submitted by Eric Fraenkel, 1-6-17
33 Page 326	Response to Request for Comments submitted by John Richardson, 1-6-17
34 Page 327	Response to Request for Comments submitted by Robert Stahler, 1-6-17
35 Page 328	Response to Request for Comments submitted by Peggy F. Robinson, 1-6-17
36 Page 329	Response to Request for Comments submitted by David Gibson, Les Schwab Tire Centers, 1-6-17
37 Page 330	Response to Request for Comments submitted by Lloyd Y. Thompson, 1-6-17
38 Page 331	Response to Request for Comments submitted by Jeffrey Sander, 1-6-17
39 Page 332	Response to Request for Comments submitted by Louise/Robert Kish, 1-6-17

ZONING;WP;COMP PLANNING;16-00006-LRP - CITY OF MEDFORD UGB;JCPC;MEDFORD UGB EXHIBIT SCHEDULE DOCX

FILE NO: 439-16-00008-LRP

APPLICANT: CITY OF MEDFORD

HEARING DATE: 2-9-2017

HEARING BODY: J. C. PLANNING COMMISSION

PAGE: -3-

EXHIBIT SCHEDULE

EXHIBIT NO.	NATURE OF EXHIBIT
40 Page 333	Response to Request for Comments submitted by Betty L. Templeman, 1-6-17
41 Page 334	Response to Request for Comments submitted by Carol Yarbrough, 1-6-17
42 Page 335	Response to Request for Comments submitted by Roy Bergstrom, 1-7-17
43 Page 336	Response to Request for Comments submitted by Julie Gurule, 1-7-17
44 Page 337	Response to Request for Comments submitted by Peter Dodd, 1-7-17
45 Page 338	Response to Request for Comments submitted by Ann Hackett, 1-7-17
46 Page 339	Response to Request for Comments submitted by Bill Smith, 1-7-17
47 Page 340	Response to Request for Comments submitted by Leigh Johnson, 1-8-17
48 Page 341	Email response to Request for Comments submitted by Ryan L. Taylor, for Susan Taylor, 1-8-17
49 Page 342	Response to Request for Comments submitted by Clifton Golden, 1-8-17
50 Page 343	Response to Request for Comments submitted by Elgan Amidon, 1-8-17
51 Page 344	Response to Request for Comments submitted by Stephen Badke, 1-8-17
52 Page 345	Response to Request for Comments submitted by Dennis G. Weiler, 1-9-17
53 Page 346	Response to Request for Comments submitted by Donald Luther, 1-9-17
54 Page 347	Response to Request for Comments submitted by John Pielaszczyk, 1-9-17
55 Page 348	Response to Request for Comments submitted by Gerald O. Barnes, 1-9-17
56 Page 349	Response to Request for Comments submitted by Ronald Gress, 1-9-17
57 Page 352	Response to Request for Comments submitted by Eddie Ray Adamson, 1-9-17
58 Page 353	Response to Request for Comments submitted by Gaynell Bright, 1-9-17
59 Page 354	Response to Request for Comments submitted by Robert J. Strosser Jr., 1-9-17
60 Page 355	Response to Request for Comments submitted by Jeri Lee Sullivan, 1-10-17
61 Page 356	Response to Request for Comments submitted by Susan A. Elder, 1-10-17

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FILE NO: 439-16-00008-LRP **APPLICANT:** CITY OF MEDFORD
HEARING DATE: 2-9-2017 **HEARING BODY:** J. C. PLANNING COMMISSION

PAGE: -4-

EXHIBIT SCHEDULE

EXHIBIT NO.	NATURE OF EXHIBIT
62 Page 357	Response to Request for Comments submitted by Mary Murray, 1-10-17
63 Page 358	Response to Request for Comments submitted by Zac Moody, Planning Dir., City of Talent, 1-10-17
64 Page 359	Response to Request for Comments submitted by Peggy Bitney, 1-10-17
65 Page 360	Response to Request for Comments submitted by Mike Malepsy, for Robert Kolodny, 1-10-17
66 Page 361	Response to Request for Comments submitted by Lilian Tu, 1-10-17
67 Page 362	Response to Request for Comments submitted by Kathleen Fennell, 1-11-17
68 Page 365	Response to Request for Comments submitted by Timothy Cummings, 1-11-17
69 Page 366	Response to Request for Comments submitted by Linda Harris, 1-11-17
70 Page 367	Response to Request for Comments submitted by Brad L. Earl, School District 549-C, 1-11-17
71 Page 368	Response to Request for Comments submitted by Glenn Alien, 1-1-17
72 Page 369	Response to Request for Comments submitted by Bill & Marie Wigley, 1-11-17
73 Page 370	Response to Request for Comments submitted by William W. Strawn, 1-1-17
74 Page 372	Response to Request for Comments submitted by Victoria Nascimento, 1-12-17
75 Page 373	Response to Request for Comments submitted by Michael Andrews, 1-12-17
76 Page 374	Response to Request for Comments submitted by Mark Knox, Urban Development Services, LLC 1-12-17
77 Page 384	Response to Request for Comments submitted by Steven Skinner, 1-12-17
78 Page 385	Response to Request for Comments submitted by Steven Wilkins, 1-12-17
79 Page 386	Response to Request for Comments submitted by David Walker, 1-12-17
80 Page 387	Response to Request for Comments submitted by Adam Vanderpool, 1-12-17

I:\ZONING\WP\COMP\PLANNING\16-00008 LRP - CITY OF MEDFORD UGB\JCP\MEDFORD UGB EXHIBIT SCHEDULE.DOCX

FILE NO: 439-16-00008-LRP

APPLICANT: CITY OF MEDFORD

HEARING DATE: 2-9-2017

HEARING BODY: J. C. PLANNING COMMISSION

PAGE: -5-

EXHIBIT SCHEDULE

<u>EXHIBIT NO.</u>	<u>NATURE OF EXHIBIT</u>
81 Page 388	Response to Request for Comments submitted by Richard Murdock, 1-13-17
82 Page 389	Response to Request for Comments submitted by Merrell Schwimmer, 1-13-17
83 Page 390	Response to Request for Comments submitted by Brooke Maytanes, 1-13-17
84 Page 391	Response to Request for Comments submitted by Jerome Peterson, 1-13-17
85 Page 392	Response to Request for Comments submitted by Robert A. Sakraida, 1-13-17
86 Page 393	Response to Request for Comments submitted by Laz Ayala, Ayala Properties, LLC 1-13-17
87 Page 395	Response to Request for Comments submitted by Wanda A. Schwartz, 1-14-17
88 Page 396	Response to Request for Comments submitted by Hallie Stanfield, 1-14-17
89 Page 398	Response to Request for Comments submitted by Warren & Mary Blessing, 1-15-17
90 Page 399	Response to Request for Comments submitted by Michael LaMontagne 1-15-17
91 Page 400	Response to Request for Comments submitted by Tracy Thompson, 1-15-17
92 Page 402	Response to Request for Comments submitted by Joe/Anne McLaren, 1-15-17
93 Page 403	Response to Request for Comments submitted by Robert Turk-Bly, 1-15-17
94 Page 405	Response to Request for Comments submitted by Astrid Pulley, 1-15-17
95 Page 406	Response to Request for Comments submitted by Marge Schwartz, 1-16-17
96 Page 407	Response to Request for Comments submitted by Melanie Kelsey, 1-16-17
97 Page 408	Response to Request for Comments submitted by Donna Klosterman, 1-16-17
98 Page 410	Response to Request for Comments submitted by Michael Klosterman, 1-16-17
99 Page 412	Response to Request for Comments submitted by Marta Schulenburg, 1-16-17
100 Page 413	Response to Request for Comments submitted by Ardis Crumm, 1-16-17
101 Page 414	Response to Request for Comments submitted by Lisa Sandrock, 1-17-17

I:\ZONING\WP-COMP PLANNING\16 00008-LRP - CITY OF MEDFORD UGB\JCPC\MEDFORD UGB EXHIBIT SCHEDULE.DOCX

FILE NO: 439-16-00008-LRP

APPLICANT: CITY OF MEDFORD

HEARING DATE: 2-9-2017

HEARING BODY: J. C. PLANNING COMMISSION

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EXHIBIT SCHEDULE

EXHIBIT NO.	NATURE OF EXHIBIT
102 Page 415	Response to Request for Comments submitted by Dave DeCarlow, KDA Homes, LLC 1-17-17
103 Page 417	Response to Request for Comments submitted by Anthony Koleszar, 1-17-17
104 Page 418	Response to Request for Comments submitted by Debbie Palazzolo, 1-17-17
105 Page 419	Response to Request for Comments submitted by Rebecca Iden, 1-17-17
106 Page 420	Response to Request for Comments submitted by Mark Hanna, 1-17-17
107 Page 421	Response to Request for Comments submitted by Adele J. Woodward, 1-17-17
108 Page 423	Response to Request for Comments submitted by James M. Root, Deita Waters Properties LLC, 1-17-17
109 Page 425	Response to Request for Comments submitted by Shirley L. Culver, 1-18-17
110 Page 428	Response to Request for Comments submitted by R. M. "Mike" Heverly 1-18-17
111 Page 429	Response to Request for Comments submitted by Brenda Price, 1-19-17
112 Page 434	Response to Request for Comments submitted by Chick Cecchini, 1-20-17
113 Page 435	Response to Request for Comments submitted by William M. Jacobs Jr., Vice President, Rogue Valley Manor Residents Council, 1-21-17
114 Page 436	Response to Request for Comments submitted by Elizabeth K. Slavick, 1-22-17
115 Page 437	Response to Request for Comments submitted by Steve Blumberg, 1-23-17
116 Page 438	Response to Request for Comments submitted by Derek Shetterly, 1-25-17
117 Page 439	Response to Request for Comments submitted by James Root, 1-26-17
118 Page 441	DLCD Form 1 submitted by Staff, emailed on
119 Page 444	Notice of Complete Application to Applicant, submitted by Staff, 10-21-16
120 Page 445	Notice of Public Hearing Notary Packet, submitted by Staff, 1-3-17
121 Page 495	Rescheduled public hearing postcard, submitted by Staff, dated 1-20-17

PLANNING WP COMP PLANNING 16-00008-LRP - CITY OF MEDFORD UGB/JCPC-MEDFORD UGB EXHIBIT SCHEDULE DOCX

FILE NO: 439-16-00008-LRP

APPLICANT: CITY OF MEDFORD

HEARING DATE: 2-9-2017

HEARING BODY: J. C. PLANNING COMMISSION

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EXHIBIT SCHEDULE

EXHIBIT NO.	NATURE OF EXHIBIT
122 Page 533	Media Notice submitted by Staff, dated 1-30-17
123 Page 535	UGB Map Exhibit C of Council Report submitted by City of Medford
124 Page 536	Response to Request for Comments submitted by Ron Silverman, 1-27-17
125 Page 537	Response to Request for Comments submitted by Greg Alaridge, 1-27-17
126 Page 539	Response to Request for Comments submitted by Elizabeth Slavick, 1-22-17
127 Page 540	Response to Request for Comments submitted by Cynthia Head, 2-6-17
128 Page 541	Response to Request for Comments submitted by Donald Luther, 2-6-17
129 Page 543	Comments submitted by Richard Stevens & Associates, Inc. 2-7-17
130 Page 546	Response to Request for Comments submitted by Steven Hudson, 2-3-17 JCPC Public Hearing 2-9-2017
131 Page 547	Written comments submitted by Michael Montero, 2-9-17
132 Page 548	City of Medford Power Point presentation, 2-9-17
133 Page 574	Comments submitted by Heidi Anseli, 2-9-17
134 Page 579	Written comment submitted by Joe Slaughter, Richard Stevens & Assoc 2-9-17
135 Page 582	Written comment submitted by Mike Naumes, 2-9-17
136 Page 583	Multiple letters from Rogue Valley Manor submitted by Jim Stocker, 2-9-17
137 Page 608	Written comments submitted by Sue Kupillas, 2-9-17
138 Page 610	Written comments submitted by Jackie McDaniel, 2-24-17
139 Page 611	Written comments submitted by Roy Bergstrom, 2-9-17
140 Page 612	Additional written comments submitted by Jim Root, dated 2-28-17
141 Page 615	Memorandum providing answers to questions that have been asked, submitted by City of Medford, 3-6-17
142 Page 626	Attachment to Question #4 submitted by City of Medford

PLANNING AND COM. PLANING 16-00008-LRP CITY OF MEDFORD LGRJCPCMEDFORD UGB EXHIBIT SCHEDULE DOCX

FILE NO: 439-16-00008-LRP

APPLICANT: CITY OF MEDFORD

HEARING DATE: 2-9-2017

HEARING BODY: J. C. PLANNING COMMISSION

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EXHIBIT SCHEDULE

EXHIBIT NO.	NATURE OF EXHIBIT
143 Page 672	Written comments submitted by Gregory Hathway, representative for Rogue Valley Manor, regarding comments from Jim Root, dated 3-7-17
144 Page 674	Written comments submitted by Gregory Hathway, representative for Rogue Valley Manor, dated 3-7-17
145 Page 676	Response to Request for Comments submitted by Gayle Clason, 3-8-17 <i>JCPC Continued Public Hearing 3-9 17</i>
146 Page 678	Written comments submitted by Eric Stark, rep for Steven Skinner, 3-8-17
147 Page 680	Response to Request for Comments submitted by Karen Allan, 3-8-17
148 Page 682	Written comments submitted by Charlie Smith, received 3-9-17
149 Page 693	Written comments submitted by Melanie Kwiatkowski, received 3-9-17
150 Page 699	Written comments submitted by Marta Schulenburg, received 3-9-17
151 Page 701	Written comments submitted by Heide Ansell, received 3-9-17
152 Page 702	Written comments submitted by Michael Savage, CSA Planning, 3-9-17
153 Page 710	Written comments submitted by Jackie McDaniel, received 3-9-17
154 Page 716	Written comments submitted by Elena Broadway, received 3-9-17
155 Page 717	Written comments submitted by Robert Broadway, 3-4-17

FILE NO: 439-16-00008-LRP APPLICANT: City of Medford UGB Amendment
 HEARING DATE: 5/17/2017 HEARING BODY: BOARD OF COMMISSIONERS
 TIME: 1:30 PM COURTHOUSE AUDITORIUM, 10 SOUTH OAKDALE, MEDFORD, OREGON

EXHIBIT SCHEDULE

EXHIBIT NO.	NATURE OF EXHIBIT
1 PAGE 1	MEMO FROM STAFF TO BOARD OF COMMISSIONERS, DATED 5-8-2017
2 PAGE 2	CITY COUNCIL EXPANSION AREA BOUNDARY MAP
3 PAGE 3	VICINITY MAP SUBMITTED BY STAFF
4 PAGE 4	CRITERIA
5 PAGE 5	MEMO FROM STAFF TO BOARD OF COMMISSIONERS SUBMITTING
-----	COMMENTS FROM DLCD AND 1000 FRIENDS OF OREGON
6 PAGE 12	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION FOR
-----	APPROVAL, DATED 3-9-2017
7 PAGE 15	JACKSON COUNTY PLANNING COMMISSION MINUTES OF 2-9-2017
8 PAGE 20	JACKSON COUNTY PLANNING COMMISSION DRAFT MINUTES OF 3-9-2017
9 PAGE 26	JACKSON COUNTY PLANNING COMMISSION PUBLIC HEARING
-----	REGISTRATION OF 2-9-2017
10 PAGE 34	JACKSON COUNTY PLANNING COMMISSION PUBLIC HEARING
-----	REGISTRATION OF 3-9-2017
11 PAGE 40	JACKSON COUNTY PLANNING COMMISSION AGENDA OF 2-9-2017
12 PAGE 46	JACKSON COUNTY PLANNING COMMISSION AGENDA OF 3-9-2017
13 PAGE 53	AFFIDAVIT OF PUBLICATION FOR 2-9-2017 PUBLIC HEARING
14 PAGE 55	NOTICE OF PUBLIC HEARING
15 PAGE 96	PACKET #1 - EXHIBITS 1 THROUGH 155 WHICH WERE BEFORE THE
-----	JACKSON COUNTY PLANNING COMMISSION AT PUBLIC HEARINGS
-----	Held ON 2-9-2017 AND 3-9-2017
16 PAGE 97	BOARD OF COMMISSIONERS AGENDA OF 5-17-2017

FILE NO: 439-16-00008-LRP APPLICANT: City of Medford UGB Amendments
 HEARING DATE: 5/17/2017 HEARING BODY: BOARD OF COMMISSIONERS

PAGE: -2-

EXHIBIT SCHEDULE

EXHIBIT NO.	NATURE OF EXHIBIT
17 PAGE 99	WRITTEN COMMENT FROM ROBERTA JACKSON INGRAM, DATED 5/13/17
18 PAGE 100	WRITTEN COMMENT FROM JANE CONRAD, DATED 5/15/2017
19 PAGE 101	REQUEST FOR CONTINUANCE BY MATT BRINKLEY, CITY OF MEDFORD
20 PAGE 102	REQUEST FOR CONTINUANCE BY BRIAN SJOTHUN, CITY OF MEDFORD
	<i>BoC Land Use Public Hearing held on May 17, 2017</i>
21 PAGE 103	MEDFORD CITY LIMIT MAPS SUBMITTED BY CARLA PALADINO, 5/17/2017
22 PAGE 105	GROWTH BOUNDARY MAPS SUBMITTED BY CARLA PALADINO, 5/17/2017
23 PAGE 107	EXPANSION AREA MAPS SUBMITTED BY CARLA PALADINO, 5/17/2017
24 PAGE 115	MEDFORD HOUSING DENSITY MEMO SUBMITTED BY MATT BRINKLEY
25 PAGE 118	UGB AMEND SUPPLEMENTAL FINDINGS SUBMITTED BY MATT BRINKLEY
26 PAGE 124	WRITTEN COMMENT FROM DENNY CONRAD, DATED 5/15/2017
27 PAGE 129	WRITTEN COMMENT FROM GREG HOLMES, 1000 FRIEND OF OREGON
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EXHIBIT 3

ORDINANCE NO. 2016-99

AN ORDINANCE adopting the urban growth boundary amendment.

WHEREAS, on August 6, 2015 Council began the public hearing on the proposal to expand the City's urban growth boundary; and

WHEREAS, on December 17, 2015 Council directed staff to return with options that restored residential acres; and

WHEREAS, on March 17, 2016 Council chose an option and directed staff to return with findings; and

WHEREAS, Council held study sessions on April 28, 2016 and July 28, 2016 to review the modified amendments and findings; now therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. The adoption of the urban growth boundary amendment for the City of Medford is hereby approved.

Section 2. The approval is based upon the Council Report dated August 18, 2016 containing the proposed amendments, findings of fact and conclusions of law, and urban growth boundary map, attached as Exhibits and incorporated herein.

PASSED by the Council and signed by me in authentication of its passage this 18 day of August, 2016.

ATTEST: Karen M. Spicciotti
City Recorder

[Signature]
Mayor



Planning Department

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MEMORANDUM

Subject: UGB Amendment Supplemental Findings

To: Jackson County Board of Commissioners

From: Matt Brinkley, Planning Director

Date: May 17, 2017

Dear Commissioners:

You are being asked to consider a proposed amendment to the City of Medford's Urban Growth Boundary. Many comments were made by members of the community, the Planning Commission, and stakeholders during two days of public testimony and deliberation that occurred in February and March of this year. During this process, we attempted to address relevant questions and concerns to the best of our abilities, relying on the most accurate information available to us. The City of Medford is similarly committed to providing you with the information you need to make an informed, well-reasoned decision. As such, we respectfully submit the following Supplemental Findings to provide further clarification of important elements of application and to respond to questions that we feel deserve additional explanation.

1. How will the proposed Urban Growth Boundary satisfy the minimum density requirements established by the Regional Plan?

Throughout the hearing before the Jackson County Planning Commission, Commissioner Green asked us to explain how the proposed Urban Growth Boundary would achieve the minimum residential densities required by the Regional Plan. During our presentation to the Planning Commission, Carla Paladino and I stated that compliance with Regional Plan performance indicators (like minimum residential densities), as well as other regulatory requirements, would be demonstrated through Urbanization Plans. These plans must be submitted at the time of annexation of property in the unincorporated UGB into the City's jurisdictional boundary. Urbanization plans will provide a more detailed explanation and description of future development on lands that are coming under City jurisdiction. An urbanization plan would be expected to demonstrate, for example, that proposed residential development would achieve the minimum density of 6.6 dwelling units per gross acre.

The minimum residential densities are achievable thanks to zone changes that accommodate higher density residential development within the City's current

Board of County Commissioners

File No. 439-16-00008-LRP Exhibit # 25

Offered by Matt Brinkley ^{City of} Medford

Date 5-18-2017 Received by YD

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boundaries. At the Jackson County Planning Commission hearing, we testified that Phase I of the City's UGB amendment process, known as the ISA or Internal Study Area process, has had the effect of increasing planned residential density within the City's current UGB, thus enabling lower density residential development to occur in the future at the periphery of the City's proposed UGB where conditions are often less suitable for higher density residential development. The ISA process evaluated 800 acres and resulted in the rezoning of 495 acres, 319 acres of which were determined to be developable.

When we presented to the Jackson County Planning Commission, we were confident that the ISA process would have a significant impact on the overall density, although at the time we were unable to quantify the relationship between increased density within current city limits and residential densities within the proposed UGB. We have since performed geospatial analysis (GIS) that quantifies that relationship and supports our statement. The attached Memorandum titled "Medford Housing Density", dated April 21, 2017, explains the methodology used to calculate planned density in the ISAs and the existing and proposed UGB. It concludes that based on historic averages for three different residential General Land Use Plan designations (Urban Residential, Urban Medium Density, and Urban High Density), average density across ISAs and within the unincorporated portions of the City's current UGB and within proposed UGB expansion areas will reach 6.2 dwelling units per gross acre if average densities for each residential zone were applied to these lands. This figure does not include conversion of commercially zoned land for residential development, which would further increase density. The City's adopted Housing Element found that roughly 5% of commercial lands are converted to higher density residential development at densities of at least 30 dwelling units per acre.

The planned density is lower than the 6.6 dwelling units per gross acre required by the Regional Plan, but close enough that minimum required densities are achievable through Urbanization Plans. In other words, we do not anticipate that developers will encounter difficulty satisfying Performance Measure 2.5 of the Regional Plan. In instances where developers do encounter difficulty due to site or other types of constraints that are unique to a particular property, the City will work with them to find solutions that satisfy the requirements of the City's Land Development Code, its Comprehensive Plan, and the Regional Plan while allowing appropriate, needed development.

2. "Double Counting" of residential land need for institutional uses and excess "Other Residential Land Uses".

This issue was first raised in a letter dated March 3, 2015 from Greg Holmes, Southern Oregon Planning Advocate for 1000 Friends of Oregon. This issue was addressed in the City's findings, beginning on page 63 of the Jackson County Planning Commission packet. Briefly stated, Mr. Holmes alleges that the City

has proposed to add more residential land in the proposed UGB than can be justified. Mr. Holmes' contentions consist of the following:

1. That "unbuildable" lands could be used for parks and recreation facilities, and therefore should reduce the overall need for future residential land that would be developed for that purpose. As argued by the City previously, the City does not own land identified as unbuildable in the Urban Reserves, and to suggest that parks could be developed on these lands is highly speculative. This claim is all the more speculative because development, of any type, in environmentally sensitive lands is not generally regarded as a best and has become more difficult due to changing regulatory policies that make development in floodplains and riparian protection areas much less economically feasible, if not impossible. In any case, the assertion made by Mr. Holmes regarding the "overlap" of parklands and unbuildable lands has never been quantified and due to the speculative nature of this assertion, probably cannot be substantiated.
2. That the City incorrectly calculated "other land needs" for things like public rights-of-way. At 51% of projected future residential land, the amount of land needed for future roads, parks, and schools is higher than the 25% "Safe Harbor" allowed by administrative rule. However, this proportion of lands within these 3 categories needed to serve residential land uses was determined through observation of the actual amount of land that has been used in Medford to provide residential land uses with roads, schools and parks. In addition, it should be noted that the City has recently adopted a new Leisure Services Plan into its comprehensive plan which assessed the amount of parkland needed to maintain its current level of service as population grows over the next 10 years. It found that the City will need an additional 345 acres of park (including neighborhood and community parks, and greenways and open space). The amount of parkland need estimated in the Housing Element is significantly lower: 153 acres. While some of this demand will be accommodated in the current Urban Growth Boundary, much of it will need to be located outside of it and within the proposed expansion area due to the locational factors.
3. That the City double counted other residential lands needed to accommodate land uses like various types of government offices and facilities. The Economic Element of the City's Comprehensive Plan identified a need for 30 acres of to accommodate "Public Administration" jobs; the Housing Element states a need for 135 acres to accommodate land uses that one would typically associate with such jobs (for example, parks and recreation maintenance facilities, public safety facilities, public works storage yards and shops, etc.). The proposed UGB amendment accommodates both needs, and Mr. Holmes argues that the 135 acres associated with residential land need should be removed. While it may be true that Economic Element provides an accurate basis for estimating the number of jobs, and consequently the amount of land needed to accommodate those jobs, the

figures included in the Housing Element are based on historical, observed development patterns. Furthermore, it is not unreasonable to assume that the estimates included in the Economic Element may not account for unique conditions within a given community. For example, a community with a particularly robust parks and greenways system may require more land for facilities that are dedicated to operations and maintenance of that system. Likewise, school districts and public safety agencies make land use decisions that impact the supply of residential and employment lands based on their particular operational needs. It is not unreasonable to assume that these entities will have land use development needs that are more like those expressed in the Housing Element than those in the Economic Element.

4. That 18 acres of parkland within the current UGB was incorrectly identified as unbuildable, thereby increasing the need for additional residential land in the proposed UGB. The land in question is part of the former Cedar Links golf course, most of which is being redeveloped as a residential neighborhood. Mr. Holmes asserts that this land should be considered as buildable residential land within the current UGB. The effect of this designation would be to reduce the need for 18 acres of residential land in the proposed expansion area. At the time Mr. Holmes wrote his letter (and subsequent communications) in 2015, the City had not identified this land as parkland in its Leisure Services (Parks and Recreation) Plan. In the interim, however, it has entered in agreements to preserve this land as a neighborhood park. The Housing Element, therefore, correctly identified this land as "planned unbuilt" parkland and, as such, did not remove it from land needed for future residential uses.

As stated in the City's findings, we believe that residential land need should be viewed in the context of the entire application. The Housing Element, for example, calculated land needed for residential uses based on a relatively high density of 6.8 dwelling units per gross acre (compared with 6.6 dwelling units per gross acre as required by the Regional Plan for the UGB expansion area and unincorporated portions of the current UGB). The higher planned density effectively reduced the total amount of residential land needed in the proposed UGB. If, for example, the Housing Element had used a planned density of 6 dwelling units per gross acre, more land would have been needed and the proposed UGB would be significantly larger in terms of land area.

Like all Cities in Oregon, Medford has a legal responsibility to provide adequate land for residential uses. Planning for development over a 20 year time period is equal parts imprecise science and art—a reality that has been anticipated and allowed for by state law and administrative rule. Even if the land need is less than that what has been calculated, the error is well within an acceptable margin of error. This is particularly true for cities that, like Medford, participated in Regional Problem Solving and have identified Urban Reserve Areas through a careful, thorough, and collaborative process involving many stakeholders including the State of Oregon and 1000 Friends of Oregon. Urban Reserve

Areas have been identified as lands into which urban expansion will occur over the next 50 years. If a minor error has been made that results in a larger expansion than was needed, the risk to valuable resource lands is greatly minimized by this arrangement.

3. Housing Affordability

One of the most significant concerns motivating the UGB amendment project is the diminishing availability of housing that is affordable to and meets the needs of a broad cross section of Medford households now and in the future. The City of Medford currently works to support the creation of affordable housing through several programs. Through CDBG funding, the City supported the construction of the 50 unit "Concord" affordable housing development at the corner of Grape and 6th Streets. This year, it will invest again in the construction of a 64 unit Housing Authority of Jackson County (HAJC) affordable housing complex on Ross Lane. The City also partners with HAJC to help low income homeowners make necessary repairs to their homes through a low to no-interest home rehabilitation loan program. The City partners with other private sector not-for-profits, most significantly ACCESS and Rogue Valley Habitat for Humanity, to acquire land for affordable rental housing and to improve, preserve, and expand affordable rental housing.

Medford, along with other municipal partners, is leading an initiative to develop a Regional Housing Strategy. Among other things, this effort will bring cities, Jackson County, and housing developers together to identify policies that will support development of a range of housing types (including affordable housing) that are needed to accommodate households throughout the Rogue Valley for the next 20 or more years. The Strategy will investigate:

- Affordability and land supply issues
- Housing production costs
- Barriers to housing development
- Actions that promote a range of housing options and affordability

The City of Medford is preparing to be able to implement policies recommended by the study having added a Housing and Neighborhood Services Division to its Planning Department. In doing so, the City will be able to more efficiently and effectively promote the development of needed housing upon completion of the Strategy by the end of 2017.

In addition to the action already taken by the City to address housing affordability, the proposed UGB amendment itself was intentionally designed to address this issue. Proposed expansion areas are distributed throughout Urban Reserve Areas surrounding Medford, providing development opportunities on

Subject: **UGB AMENDMENT SUPPLEMENTAL FINDINGS**
File no. 439-16-00008-LRP
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lands that have few environmental constraints and are most efficiently served by existing public infrastructure and needed expansion and improvements.

4. Deer and Elk Habitat

There are portions of the eastern Urban Reserve included within a deer and elk habitat area. These findings clarify that lands within MD-5 east of Cherry Lane and north of Chrissy Park are also included in the habitat area. This corrects a statement made at the top of page 92 of the County Planning Commission record that notes no other lands besides Chrissy and Prescott parks are within the deer and elk habitat area.

The record further describes the mitigation steps to be followed before the lands in this section of MD-5 are annexed (see page 51 of the County Planning Commission record). These sensitive areas and how they are mitigated or protected in the future are part of the City's requirement to comply with Goal 5.



City of Medford

Planning Department

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MEMORANDUM

Subject: UGB Amendment Supplemental Findings

To: Jackson County Board of Commissioners

From: Matt Brinkley, Planning Director

Date: June 19, 2017

Dear Commissioners:

We appreciated the opportunity to present Medford's Urban Growth Boundary Amendment application to you on May 17, 2017. We also appreciate the opportunity to respond to oral and written testimony that was taken during the public hearing portion of that meeting.

The following information is provided in response to that testimony, and to provide additional clarification of important issues.

1. Public noticing during the City's Planning Commission and City Council processes

As Chair Roberts pointed out during the proceedings on May 17th, our citizens are important partners in this process. The Urban Growth Boundary Amendment was processed as a "Class A" legislative action. As such, public hearings were held by both Planning Commission and City Council. Notices of the public hearings were published in the Medford Tribune, as required by Section 10.157 of the Medford Land Development Code. For Class A legislative actions, this is the only notice required by the Medford Land Development Code. As a matter of law, the City fulfilled its responsibilities to public notice according to its land development code.

In addition to this, the City also directly notified owners of properties located within the Urban Reserve Areas where expansion of the Urban Growth Boundary was under consideration during Planning Commission proceedings. The first set of notifications were mailed to 336 property owners and, in a few instances, other interested parties who had already been involved in the UGB amendment process.

Prior to this phase of the UGB amendment process, the City engaged in significant public outreach and notification throughout Phase I. During the Phase I "ISA" or Internal Study Area process, notices were mailed to 1,690 property owners and interested parties inviting them to participate in that process.

Board of County Commissioners

File No. 439-16-00008-LRP Exhibit # 36

Offered by: Matt Brinkley ^{City of Medford}

Date: 6-20-2017 Received by: lg

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2. Further clarification of the minimum density requirements established by the Regional Plan

It has come to our attention that the wording in the previous supplemental findings dated May 17, 2017, may not have been clear. In responding to question #1 "How will the proposed Urban Growth Boundary satisfy the minimum density requirements established by the Regional Plan?", we stated that the "average density across ISAs [Internal Study Areas] and within the unincorporated portions of the City's current UGB and within proposed UGB expansion areas will reach 6.2 dwelling units per gross acre if average density for each residential zone were applied to these lands". As a point of further clarification, it should be understood that all residential lands that would be included in Medford's future Urban Growth Boundary as it has been proposed by 439-16-00008-LRP would have an average density of 6.2 dwelling units per gross acre. It should be noted that this density is consistent with the overall residential density of 6.3 dwelling units per acre that was established in the City's 2010 Housing Element for residential that has and will occur during the UGB planning period (2010 Housing Element, page 66). The residential density for land in ISAs, unincorporated portions of the current UGB, and land proposed to be included in the UGB is actually 6.9 dwellings units per gross acre.

This is considerably higher than the average planned city-wide density of 6.2 dwelling units per gross acre over the planning period and reflects the significant effect of the ISA process which increased planned densities in parts of the City that are more suitable for higher density and capable of most efficiently supporting it. Discussion of the ISA process and its effect on density is presented on pages 119 – 123 of the County Planning Commission packet as well in the two Power Point presentations City staff made to the JCPC and JBOC.

Mr. Holmes, in his May 17, 2017 letter, has expressed a concern that the ISA process failed to sufficiently increase average densities in certain parts of the proposed expansion area, particularly those on the east side of Medford. He relies on a statement made by Planning Department staff in the staff report that was presented to the City Planning Commission at the beginning of its deliberations:

"With the revised ratios of residential land types in the UGB expansion area the average density of the residential land types alone will not result in a density of 6.6 units per acre [...]" (March 12, 2015 Staff Report to the Planning Commission, page 27).

But this statement refers only to the average planned density of Urban Reserve land into which the UGB is proposed to expand, and does not account for the relationship between increased density in ISAs and lower density residential land at the edge of the proposed UGB (what will be the edge of the City of Medford for many decades after the UGB amendment has been approved). As stated above,

when planned densities of the three types of land addressed by Phase I of the UGB amendment process are considered together, and in isolation from other residential in the current UGB, the overall effect is 1) to meet the planned densities recommended in the Housing Element for the 20 year planning period, and 2) to exceed the minimum density of 6.6 dwelling units per gross acre required by the Regional Plan and 3) to reduce a net total need for urban land (both residential and employment land) by 92 acres. The Regional Plan itself anticipates that minimum RPS densities could be met by shifting density from urban reserve and existing unincorporated UGB lands to land within current City boundaries. Performance Indicator 2.5 of the Regional Plan states unequivocally that minimum densities "can be offset by increasing the residential density in the City Limit" (Regional Plan, Volume 1, page 5-5).

Documenting and enforcing this provision will be achieved through "urbanization plans" that will be required at the time of annexation into the City. These plans must demonstrate compliance with, among other things, minimum densities and the proportions of various land types required by the Regional Plan. Mr. Holmes dismisses this strategy summarily and without any real explanation, stating that the urbanization plans will only "allow" rather than "require" compliance with this requirement—implying that developers would be able to achieve lower residential densities. The proposed language for the "Urbanization Element" that will establish process and standards for these plans states "The urbanization plan must demonstrate how the planned residential development will meet the minimum density requirement of 6.6 units per gross acre [...]" (JCPC packet, page 52).

It is our belief that urbanization plans are the best way to meet the City's obligations under the Regional Plan, implement good planning practices, and accommodate the needs of private property owners and developers who will most certainly encounter development constraints and market forces that will influence what they are actually able to develop. The approach suggested by Mr. Holmes, whereby less land would hypothetically be included in the proposed UGB by forcing developers to meet a single rigidly constructed standard, would eliminate the flexibility allowed for by the Regional Plan, and could even result in a deficiency of needed buildable land. Urbanization Plans, furthermore, provide yet another (and arguably more meaningful) opportunity for public involvement as each plan is reviewed through a public process with the Planning Commission and City Council.

3. Clarification of the size of the proposed UGB

In his letter dated May 17, 2017, Greg Holmes of 1,000 Friends of Oregon asserts that there are "inconsistencies even in the City's Application to the County around exactly how much land is being proposed for what purposes [...]" (p. 2). To begin, the total extent of the UGB as proposed is 4,046 acres, as presented to you at the public hearing on May 17. This includes 511 acres of already developed and unbuildable lands; 1,877 acres for Prescott and Chrissy

parks; 1,039 acres for residential development; and 618 acres for employment land. Mr. Holmes may be confusing calculated "need" for land with what is actually proposed. There is a difference between the two: Table 3.4 on page 121 of the Jackson County Planning Commission packet shows that 1,032 acres were determined to be "needed" to accommodate residential development outside of the current UGB, whereas the proposal before the Jackson County Board of Commissioners identifies 1,039 acres of residential land—7 acres more than calculated need. Likewise, Table 3.8 on page 123 of the Planning Commission packet shows that 637 acres are needed to accommodate employment land development outside of the current UGB. The proposal, on the other hand, identifies 618 acres for that purpose—19 acres less than calculated need.

The discrepancy between both sets of numbers can be explained by the fact that "need" is a mathematically derived estimate that must be translated into a real world where property lines do not exactly correspond with mathematical abstraction. City staff, members of its Planning Commission and City Council, and numerous stakeholders worked to reconcile estimated need for various types of urban land with the reality that parcels of land are often irregularly shaped, unequally and uniquely situated, and almost never come in standard sizes. As the State Planning Goals allow for and require, the Medford City Council did its best to provide sufficient land for each and every stated need while recognizing that the final result could never be perfect or mathematically exact.

4. Medford's UGB amendment in context

Commissioner Roberts asked an important question that was not addressed in our presentation: what is the size of Medford's UGB amendment relative to the current UGB? Medford's current UGB, which has been unchanged since 1990, is a little over 28 square miles or 18,076 acres. Of that, 936 acres are used by the airport leaving 26.80 square miles or 17,140 acres for residential and employment land. The City of Bend, which does not have an airport within its Urban Growth Boundary, is 33.27 square miles or 21,293 acres.

The proposed UGB would add another 1,658 acres of buildable urban land and 1,877 acres of wildland parks to the City's current UGB (another 511 acres that is included as already developed or unbuildable). A detailed list of the different types of land included in the proposed UGB can be found on page 45 of the Jackson County Planning Commission packet and is also included on Map Exhibit C. Excluding the wildland parks, the proposed UGB represents a 9% increase over the current UGB's total land area; if the airport is removed from the total, the increase would be close to 10% of its current area.

5. 1000 Friend's concern about the "politicization" of the process

Mr. Holmes states in his May 17 letter that, "our observation is that the City Council's process quickly became a politicized process of finding ways to include

as many property owners as wanted into the UGB and, when it became apparent that that could not be justified given the record, became an exercise in finding ways to add more land to the proposal." UGB amendments are by their very nature "political": whatever the merits or deficiencies of urban growth boundaries as a mechanism for managing the urbanization of land, they necessarily have the effect of distributing costs and benefits to private property owners depending on whether a property is located inside or outside a UGB. As is probably true for every Urban Growth Boundary Amendment undertaken, the City of Medford has considered the preferences and needs expressed by individual property owners in their relation to the overall goals of a UGB amendment. This process, wherein different parties hold different opinions concerning those choices, is unavoidably political. In this case, however, the proposal before the Board of Commissioners represents a consensus among parties that own property in the proposed expansion area. Testimony was provided by several individuals during the County Planning Commission and Board of Commissioners hearings explaining the process through which these property owners agreed to a proposed boundary configuration where many, if not all, of them allowed land to be removed from consideration for inclusion in the proposed UGB in order to meet the calculated need for urban land. It needs to be emphasized that this process of negotiation and compromise did not involve the estimation of urban land demand. Demand was established in the 2010 Housing Element.

In his May 17 letter, Mr. Holmes insinuates that the proposal was engineered by City Council to meet the needs of property owners at the expense of the integrity of the proposal, but this is not supported by the record that demonstrates relatively little difference between the preferred configuration of the UGB as recommended by staff, Planning Commission, and City Council. (See previous discussion of "Excess Land" on beginning on page 125 of the Jackson County Planning Commission packet on in the Supplemental Findings letter from the City of Medford Planning Department, dated May 17, 2017). The record also documents significant portions the lengthy proceedings wherein City Council considered many factors in reaching its final decision, not just the opinions of property owners and developers with a direct stake in the outcome of this UGB amendment Jackson County Planning Commission packet, pages 170 – 191).

The City of Medford suggests, furthermore, that direct involvement and open conversation with Urban Reserve Area property owners is a practice that is consistent with State Planning Goal 1.

6. Status of the City Council's hearing process and record

The City's special counsel for this UGB amendment, Jeff Condit, has provided the attached letter dated June 12, 2017 responding, in part, to this allegation. In summary, he finds that "large-scale UGB amendment proceedings are legislative, not quasi-judicial, proceedings", and are, therefore, governed by more permissive rules that would allow, for example, "members of the community" to "lobby to Council outside of the public hearing process and to submit information

directly to Council." During a legislative process, a council need only demonstrate that it made a decision based on an "adequate factual basis." Even if the record was not in fact closed, and a procedural error was committed, the error would have to "prejudice a party's substantial rights." Mr. Holmes does not provide any analysis in his May 17, 2017 that would explain how, in this case, such a procedural error would cross this threshold. Additional analysis regarding this issue is provided in Mr. Condit's letter.

7. Purported "inefficient" land use pattern caused by configuration of unbuildable agricultural buffer land

Before examining this issue in detail, a factual error in Mr. Holmes' May 17 letter should be corrected. He incorrectly states that "City Council created a need for an additional 44 acres of land to be dedicated to agricultural buffers" based on "figures provided on Exhibit QQQQ of the City's record [...]" (page 5). The total acreage for agricultural buffers is not specified in this exhibit, and it is understandable how Mr. Holmes may have arrived at an incorrect total. He also relied on an earlier analysis of the Planning Commission's recommended UGB configuration, which was thought to have had 87 acres of agricultural buffers. That number was not the correct, final total agricultural buffer acreage. GIS analysis performed by the City confirms a smaller difference in the total number of acres of land needed for agricultural buffers between the City Council proposed UGB and Planning Commission recommended configurations. The Planning Commission configuration included 114 acres of agricultural buffers; the City Council's configuration 124. The correct difference in the amount of agricultural buffer land between these two configurations is 10 acres. This is important to know insofar as Mr. Holmes states that 1000 Friends had been supportive of the Planning Commission process and its recommendation. In terms of agricultural buffer land, the two proposals vary by less than 10%.

Mr. Holmes alleges in his May 17 letter, as he had previously, that

"by cutting properties out of larger blocks to create enough acres to accommodate property owners who wanted into the UGB this round and then adding back only pieces of multiple urban reserve areas, the City Council has created an inefficient land use pattern that is exacerbated when combined with the decision to treat the agricultural buffers as 'unbuildable land.' The result will create long and narrow strips of land that in the future may not connect with anything but will likely remain undeveloped in perpetuity."

Mr. Holmes' contention that the proposed configuration of the UGB is somehow more inefficient due to the presence of more agricultural buffers is not substantiated. He has not provided any measurement by which the alleged inefficiency can be objectively evaluated, unless it is his contention that inefficiency results from the mere inclusion of additional land within the UGB for the purposes of protecting adjacent agricultural land. He does not claim, for example, that agricultural buffers would somehow impair the efficient delivery of

urban services and urban infrastructure in the proposed expansion areas, nor does he provide any analysis to explain why agricultural buffers would not be able to be developed at some future time after the UGB is expanded again and those buffers are no longer needed.

Mr. Holmes' assertion the proposed UGB configuration will result in undevelopable remnant lands in the future makes some sense when considered in isolation: agricultural buffers will tend to be long strips of land separating urban from rural. The ability to develop those buffers at some point in the future, however, will largely be determined in the future when more is known about the nature of development on what is now, and will remain for several decades, agricultural land located in Medford's remaining Urban Reserve Areas adjacent to the buffers. One could easily envision a scenario where land that was once used for agricultural buffering could be repurposed as public right of way for roads, trails and linear parks, and other urban infrastructure that will serve development that occurs decades from now. One could just as easily envision development of buffer land for housing and employment uses. Mr. Holmes acknowledges this in his own letter, stating in a footnote at the bottom of page that "We believe that if selected with some care the buffers created in this round of UGB expansion may in fact be developable in the next UGB expansion" but that "This issue does not appear to have been addressed by the City Council decision." We believe that this issue is best addressed by policy-makers in the future when they assess the City's need for additional urban land at that point.

In the current case, Mr. Holmes provides no analysis to explain why, even in broad terms, the particular configuration of agricultural buffers in the proposed UGB would be any less developable than some other configuration in the future—he simply relies on the fact that there would be more of them.

Finally, in his letter dated June 12, 2017, Mr. Condit addresses Mr. Holmes argument that agricultural buffers should be considered "buildable land" and that these buffers can and should be used when considering the location of the UGB. His finds, just as the City has argued throughout this process, that agricultural buffers cannot be considered as "buildable" because, by their very function, they are not "suitable" or "available" for residential development. Mr. Condit further clarifies that although agricultural buffers are required by the Regional Plan, there is no legal requirement to consider the amount of agricultural buffer land when evaluating the proposed UGB.

8. What is the legal status of the 2010 Housing Element? Has the Housing Element been acknowledged by the State of Oregon?

Throughout this process, 1000 Friends of Oregon and representatives from the Department of Land Conservation and Development (DLCD) have questioned whether or not the Housing Element of the City's Comprehensive Plan was

acknowledged by the State of Oregon, and whether or not the City should use its findings as a basis for this UGB amendment proposal. Mr. Holmes implies in his May 17 letter that the City's findings that were submitted to the County as a part of its application merely attempt to provide a legal defense of the alleged error rather than "fix" it. To the contrary, Council's findings do directly address his concerns, though obviously not to his satisfaction. It continues to be the City's position that the 2010 Housing Element may be used through this process as a matter of law. Without belaboring the issue, which was addressed by Mr. Condit during the Jackson County Planning Commission hearing and is explained in detail on pages 64-67 of the Jackson County Planning Commission packet, the City has found that neither DLCDC nor any other party "challenged the enactment of or assumptions contained in the Housing Element" when it was appropriate and legally acceptable to do so in 2010—when the Housing Element was in fact adopted.

This leads to the question of policy, which is also addressed in Council's findings despite Mr. Holmes' claim to the contrary. Those findings identify four separate reasons that compelled City Council to decide to use the 2010 Housing Element, not just because it was legally permissible to do so, but because it represented a better policy choice than revisiting it:

1. The UGB amendment process began with this and other planning documents, all of which are interrelated, all of which underwent significant public process, including the involvement of 1000 Friends of Oregon, DLCDC, members of the community, local officials, and other stakeholders. Mr. Holmes suggests that the City simply "fix" alleged errors in the Housing Element as if it were merely a matter of changing a few numbers within the document. His conclusion seriously understates what would be involved in that process. For example, Phase I of the UGB process (the ISA process) began in earnest in 2013 and concluded in 2014 and the Council's deliberation on the UGB lasted an entire year. During the time it would take to "fix" any alleged errors, new population projections and other factual information will emerge. Without the ability to proceed through the UGB amendment process with an integrated and internally consistent set of assumptions, applicants (cities) would be forced to chase a constantly moving target.
2. The "risk" of including too much land in this UGB proposal is mitigated by the fact that the alleged excess land is relatively small compared to the size of the proposed UGB and that there are uncertainties "inherent in a twenty-year need projections" (Jackson County Planning Commission packet, page 66). City Council made findings that explain and justify the inclusion of these lands into this UGB proposal.
3. The only lands considered for expansion of the UGB are in Urban Reserve Areas, which were identified through the Regional Problem Solving process for urbanization over the next 50 years. As a matter of policy, the future of

these lands has been decided, and the current proposal, would consume less than 40% of the 4,488 acres of Urban Reserve land intended for urban development (i.e. not including the two wildland parks).

4. Finally, Council found that 1000 Friends concerns only consider one part of the Housing Element and not the element as a whole. For example, in determining need for residential land, the Housing Element used a much higher average net density for the planning period than had been observed in the past. Doing so had the effect of reducing overall need for residential land than would have been the case if the City had used development densities that were closer to historical averages.

9. Housing Affordability

The benefit of the Phase I ISA process should not be underestimated, as it is by Mr. Holmes when in his May 17 letter he both “commends” the City for undertaking that process and then trivializes its impact by stating “that action did not create any more higher density housing options than would have been created otherwise—it simply moved some of those acres from potentially being the outside edges of the city closer into the core and nearer to transportation” (page 6).

“Simply moving” density created opportunities for higher density housing in parts of the City where urban services and infrastructure—not just “transportation”—are already available. Providing housing in closer proximity to jobs, services, and amenities reduces dependence on travel by automobile, which is a significant, hidden cost of housing—particularly for households with middle and lower incomes. These parts of the City also tend to be more economically developable, compared to areas with more environmental constraints and greater infrastructure needs. As such, housing developed in these areas tends to be more affordable, and a stronger business case can be made for the development of housing that is affordable to broad segment of the community. This directly refutes Mr. Holmes other assertion that “Despite the evidence in the record, the City Council's plan removed land in the Planning Commission's recommendation from neighborhoods that are relatively more affordable and added it and more to the most expensive areas of the city.”

Mr. Holmes is also dismissive of testimony provided during the Planning Commission hearing when staff described current actions being taken by the City of Medford to address housing affordability. Among these is the development of a Regional Housing Strategy. Mr. Holmes observes that “It cannot be relied upon as demonstrating how the city will meet current and future documented needs for more housing availability” (page 3). We believe that this is an important action that demonstrates the City's commitment to addressing housing availability and affordability. It is a requirement of the Regional Plan that has been adopted has an element of the City's comprehensive plan. The City,

therefore, believes that this initiative can be relied on as evidence of its commitment to addressing affordability and availability of a range of housing types.

Mr. Condit also addresses this issue in terms of its Goal 10 implications, concluding that the City in its application has complied with Goal 10 requirements "to determine the needed housing types and provide for sufficient land and a mix of densities to meet those needs over the planning period." Goal 10 does not require, as Mr. Holmes implies, that jurisdictions include detailed plans describing measures to provide affordable housing.

10. Response to Exhibit 26, dated May 15, 2017, from the Conrads and Matsons

Based on this letter, City Planning staff recognizes that the Conrads, Matsons, and other neighbors are opposed to the Urban High Density Residential (UH) General Land Use Plan (GLUP) designation proposed in northeast MD-5. Per the Regional Plan, MD-5 in its entirety (and over the entire 50-year period) is required to provide 56% of its land use allocation to residential development.

The City's residential GLUP designations fall into three categories: Urban Low Density, Urban Medium Density and Urban High Density. Each of the proposed MD-5 areas includes the Urban Low Density component as well as either Urban Medium or Urban High Density. Each subarea of MD-5 proposed for inclusion shares in balancing the needs of different housing types over the planning period and creating a range of housing options to meet residents' changing needs. The UH designation on the property in question was offered by the property owners and is documented in a letter submitted by their land use consultant dated February 5, 2016, (Exhibit RRRRR) in the City's record.

An original concept plan developed by Planning staff in 2015 showed this area of MD-5 as a Commercial GLUP designation, which could be argued to be more intense than the proposed UH designation. As the Urban Growth Boundary process evolved through the City Council hearings, certain lands were included or excluded and as such a re-allocation of GLUP designations had to occur in order to meet the Regional Plan requirements.

The City's proposal seeks to include 4,046 acres into the Urban Growth Boundary. Of this amount 1,877 acres is the City owned wildland parks (Prescott and Chrissy) and will remain as parks. Another 511 acres is identified as being developed or unbuildable and the remaining 1,658 acres is proposed to accommodate residential, commercial, and industrial uses. The letter implies that all 4,000 plus acres are for future development, which is inaccurate. The letter indicates that the projections used by the City are overstated, but it does not provide findings or an explanation to support this claim. As such, it is difficult for staff to respond meaningfully to such an allegation. It is interesting to note that Mr. Conrad himself moved to Medford a year ago, and chose to live in a

Subject: **UGB AMENDMENT SUPPLEMENTAL FINDINGS**
File no. 439-16-00008-LRP
Date: June 19, 2017

neighborhood that includes 41 higher density, single family attached townhomes. Medford needs land for residential development precisely because people like Mr. Conrad and his neighbors find it to be a desirable place to live. The City has a statutory obligation to accommodate that demand in as reasonable and efficient manner as possible. Nothing in Mr. Conrad's testimony explains exactly why the City has failed in that responsibility.

Environmental impacts and the need for urban infrastructure and services to support future development have been evaluated extensively for this level of planning (for example, see page 127 – 165 of the Jackson County Planning Commission packet for discussion of urban infrastructure needs scoring). The inclusion of lands in the UGB is not an automatic approval to be annexed or to develop to urban level standards. An evaluation of needed street infrastructure, environmental constraints and requirements to protect or mitigate impacts, and utility extensions are part of the property owner's and City's responsibility to analysis and prove it can be satisfied at the time development occurs. In this particular case, the property has committed itself to necessary infrastructure upgrades, including improvements to Cherry Lane. The Hansons, the property owners, have also worked closely with a consultant to develop a Wildlife Impact Mitigation Plan to address potential impacts to Roosevelt Elk habitat. For additional discussion of these issues and additional explanation for inclusion of this property in the UGB, please refer to the attached Exhibit RRRRR from the City Council UGB hearings.



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June 20, 2017

Mr. Matt Brinkley
Planning Director
City of Medford
Lausmann Annex
200 S. Ivy Street
Medford, Oregon 97501

Subject: May 17, 2017, Letter from 1000 Friends of Oregon

Dear Matt:

You asked me to respond to some of the legal issues raised in the above-noted letter prepared by Greg Holmes of 1000 Friends of Oregon.

At the threshold, Mr. Holmes's general comments makes it sound as if the Medford City Council added significant additional lands to the UGB at the behest of property owners, as compared to the "general defensible" proposal forwarded by the Planning Commission. In point of fact, the difference between the Planning Commission's recommendation and Council's final decision is 138 additional acres of land for future development, for a total of 1,658 acres of buildable land for residential and employment as compared to the Planning Commission's recommended 1,520 acres. This addition stems entirely from Council's disagreement with the Planning Commission over whether it could rely on the numbers in the 2010 Housing Element. The findings adopted by Council fully explain the basis for their decision on this issue.¹ See Findings at 64-67.

LCDC's Urban Growth Boundary Administrative Rule, OAR 660-024-0040(1), states that the twenty-year need determinations "are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision." (Emphasis added.) The rule recognizes that these

¹ We note that the Supplemental Findings submitted by the City at the May 17, 2017, hearing address the 1000 Friends argument that the Housing Element somehow double-counts acres as buildable land.

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Board of County Commissioners

File No. 439-16-00008-LRP Exhibit # 37.

Offered by: Matt Brinkley Medford

Date: 6-20-2017 Received by: EG

Mr. Matt Brinkley
June 20, 2017
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studies are basically snapshots in time and are derived from numerous assumptions and derivations based on past growth and projected future growth. They are by no means precise arithmetic equations. Rather, they must be based on the best available information and methodology at the time that they were prepared. *See Zimmerman v. LCDC (Scappoose)*, 274 Or App 512, 524-25, 361 P3d 619 (2015) ("a city is not required to restart its analysis each time new information becomes available"). Indeed, once such analyses have been adopted as part of a city's background planning documents, as the Housing Element has, then the city must rely on those documents under Goal 2. *See D.S. Parklane Development, Inc. v. Metro*, 165 Or App 1, 21-23, 994 P2d 1205 (2000). Council's findings explain why it is reasonable to rely on the Housing Element.

Indeed, the small difference in acreage between the Planning Commission's recommendation and Council's final decision is of even less significance in this case. All of the land that the City considered for inclusion in the UGB has been designated urban reserve as part of the regional planning process. The City and Jackson County have thus already made the decision that this land will eventually be included in the UGB and urbanized. This is not a situation where the City has passed over higher priority lands in favor of lower priority farm and forest lands. If a City assumption does turn out to be inaccurate over the 20-year planning period, the sole consequence is that it will be longer before the City can justify another UGB amendment.

Compliance with Goal 10. Mr. Holmes first argues that there is no indication that the City can achieve the 6.6 units per acre required by the Regional Plan adopted pursuant to the regional problem-solving process. That is not correct, as set forth in your June 19, 2017, UGB Amendment Supplemental Findings to the Jackson County Board of Commissioners.

Mr. Holmes also argues that the City fails to address the Goal 10 requirement for providing affordable housing. Mr. Holmes does not cite a particular provision or case or otherwise explain how the City's UGB amendments violate the Goal. What Goal 10 requires is for the City to determine the needed housing types and provide for sufficient land and a mix of densities to meet those needs over the planning period. OAR 660-008-0010. See also OAR 660-024-0020. The Housing Element and the Regional Plan include these determinations. Goal 10 also requires the City to adopt specific plan designations to accommodate the various housing types. OAR 660-008-0020. The City has done so. Mr. Holmes fails to explain why these actions are not sufficient to comply with Goal 10.

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Failure to Close the Record. Mr. Holmes argues that the City failed to close the record and therefore allowed information to be submitted outside of the public hearing process that influenced Council's deliberations and decision.

Large-scale UGB amendment proceedings are legislative, not quasi-judicial, proceedings, and the City has treated it as legislative decision throughout the process. Ex parte contact rules do not apply to legislative proceedings; indeed, members of the community are free to lobby Council outside of the public hearing process and to submit information directly to Council, which Council can consider or not consider such information as it sees fit. Mr. Holmes cites no authority for his proposition that that this is a violation or is otherwise improper in a legislative context. No such authority exists. The sole question is whether the evidence relied on by Council in making its decision provides an adequate factual basis to support the decision under Goal 2.

Even if failure to close the record were a procedural violation, such a violation is only grounds for reversal or remand if it prejudices a party's substantial rights. See, e.g., *Pinnacle Alliance Group LLC v. City of Sisters*, 73 Or LUBA 169 (2016). The County hearing process provides participants with an additional opportunity to submit evidence and testimony into the record to address Council's decision, an opportunity that Mr. Holmes has taken advantage of. To any degree that Council's failure to formally close the record was a procedural error, it did not prejudice the rights of any party.

Agricultural Buffers. Mr. Holmes finally claims that adjustments made by the City to the UGB boundary as a result of public testimony created an inefficient land use pattern, particularly since they increased the amount of land dedicated to agricultural buffers.² Mr. Holmes claims that the buffers should be considered "buildable" land, and therefore concludes that Council's decision includes an excess of buildable land.

At the threshold, as Mr. Holmes acknowledges, agricultural buffers are required by the Regional Plan adopted through the Regional Problem Solving process. See *City of Medford Regional Plan*, section 4.1.10; *Regional Plan vol. 2*, app'x III at 16 et seq. The Regional Plan requires the buffers to be located on urbanizable land in most cases, and requires that these requirements be adopted into the plans of participating

² Mr. Holmes claims that the amount of the buffers increased by 44 acres; the increase is approximately 10 acres, according to a GIS analysis conducted by City staff. See June 19, 2017, Supplemental Findings at 6.

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jurisdictions. The City of Medford adopted section 10.802 as part of its land development code in order to comply with the Regional Plan. The Regional Plan and the Medford Land Development Code have been adopted and are deemed acknowledged.³

The buffers are designed to mitigate the impact of urbanization on adjacent agricultural land, including spray drift, trespass and vandalism, odor, dust, smoke and ash, water run-off, and noise. See Land Development Code section 10.802(E). The Code generally requires them to remain undeveloped and include vegetative buffers and screening. Land Development Code sections 10.802 (G) – (N). As noted in both the Regional Plan and the Code, the buffers are intended to be perpetual, except for the buffers protecting agricultural-zoned land in urban reserves, which could be converted at such time as the UGB is expanded in the future.

OAR 660-008-0005 defines "buildable land" as follows:

"(2) "Buildable Land" means residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses."

The buffer areas will not be "suitable or available" for residential uses during the current planning period. Some of the buffers might become "suitable and available" at the time of a future UGB amendment and thus become "buildable land" at that time. But for the current planning period, they are off limits. The City correctly excluded them as "unbuildable."

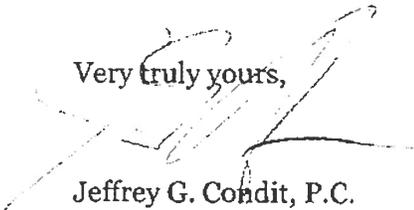
Nothing in the Regional Plan or section 10.802 indicates that the amount of the buffer areas should drive the location of the UGB, as Mr. Holmes suggests. The proposed location of the UGB adopted by Council complies with the Goal 14 factors for the reasons set forth in the City Findings. The buffers are merely a required mitigation measure designed to protect adjacent agricultural land once those locations have been determined. The tail does not wag the dog.

³ We note that Goal 14 boundary location factor 4 requires consideration of the compatibility of proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB, which is exactly what the agricultural buffers are designed to ensure.

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Conclusion. A UGB amendment is a complex decision based on assumptions, prior decision-making, and input from the public over the course of years of process. The Medford City Council has considered all of the evidence and testimony over a long period and has made a reasonable decision based on the criteria and explained that decision in its findings.

Very truly yours,



Jeffrey G. Condit, P.C.

cc: Ms. Lori Cooper, City Attorney



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

MEMORANDUM

Subject: UGB Amendment Supplemental Findings

To: Jackson County Board of Commissioners

From: Matt Brinkley, Planning Director

Date: June 20, 2017 (revised density calculation number on pg.2)

Dear Commissioners:

We appreciated the opportunity to present Medford's Urban Growth Boundary Amendment application to you on May 17, 2017. We also appreciate the opportunity to respond to oral and written testimony that was taken during the public hearing portion of that meeting.

The following information is provided in response to that testimony, and to provide additional clarification of important issues.

1. Public noticing during the City's Planning Commission and City Council processes

As Chair Roberts pointed out during the proceedings on May 17th, our citizens are important partners in this process. The Urban Growth Boundary Amendment was processed as a "Class A" legislative action. As such, public hearings were held by both Planning Commission and City Council. Notices of the public hearings were published in the Medford Tribune, as required by Section 10.157 of the Medford Land Development Code. For Class A legislative actions, this is the only notice required by the Medford Land Development Code. As a matter of law, the City fulfilled its responsibilities to public notice according to its land development code.

In addition to this, the City also directly notified owners of properties located within the Urban Reserve Areas where expansion of the Urban Growth Boundary was under consideration during Planning Commission proceedings. The first set of notifications were mailed to 336 property owners and, in a few instances, other interested parties who had already been involved in the UGB amendment process.

Prior to this phase of the UGB amendment process, the City engaged in significant public outreach and notification throughout Phase I. During the Phase I "ISA" or Internal Study Area process, notices were mailed to 1,690 property owners and interested parties inviting them to participate in that process.

Board of County Commissioners

File No. 439-16-00008-LRP Exhibit # 39

Offered by: Matt Brinkley ^{City of Medford}

Date: 6-21-2017 Received by: Pg

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2. Further clarification of the minimum density requirements established by the Regional Plan

It has come to our attention that the wording in the previous supplemental findings dated May 17, 2017, may not have been clear. In responding to question #1 "How will the proposed Urban Growth Boundary satisfy the minimum density requirements established by the Regional Plan?", we stated that the "average density across ISAs [Internal Study Areas] and within the unincorporated portions of the City's current UGB and within proposed UGB expansion areas will reach 6.2 dwelling units per gross acre if average density for each residential zone were applied to these lands". As a point of further clarification, it should be understood that all residential lands that would be included in Medford's future Urban Growth Boundary as it has been proposed by 439-16-00008-LRP would have an average density of 6.2 dwelling units per gross acre. It should be noted that this density is consistent with the overall residential density of 6.3 dwelling units per acre that was established in the City's 2010 Housing Element for residential that has and will occur during the UGB planning period (2010 Housing Element, page 66). The residential density for land in ISAs, unincorporated portions of the current UGB, and land proposed to be included in the UGB is actually 6.8 dwellings units per gross acre.

This is considerably higher than the average planned city-wide density of 6.2 dwelling units per gross acre over the planning period and reflects the significant effect of the ISA process which increased planned densities in parts of the City that are more suitable for higher density and capable of most efficiently supporting it. Discussion of the ISA process and its effect on density is presented on pages 119 – 123 of the County Planning Commission packet as well in the two Power Point presentations City staff made to the JCPC and JCBOC.

Mr. Holmes, in his May 17, 2017 letter, has expressed a concern that the ISA process failed to sufficiently increase average densities in certain parts of the proposed expansion area, particularly those on the east side of Medford. He relies on a statement made by Planning Department staff in the staff report that was presented to the City Planning Commission at the beginning of its deliberations:

"With the revised ratios of residential land types in the UGB expansion area the average density of the residential land types alone will not result in a density of 6.6 units per acre [...]" (March 12, 2015 Staff Report to the Planning Commission, page 27).

But this statement refers only to the average planned density of Urban Reserve land into which the UGB is proposed to expand, and does not account for the relationship between increased density in ISAs and lower density residential land at the edge of the proposed UGB (what will be the edge of the City of Medford for many decades after the UGB amendment has been approved). As stated above,

when planned densities of the three types of land addressed by Phase I of the UGB amendment process are considered together, and in isolation from other residential in the current UGB, the overall effect is 1) to meet the planned densities recommended in the Housing Element for the 20 year planning period, and 2) to exceed the minimum density of 6.6 dwelling units per gross acre required by the Regional Plan and 3) to reduce a net total need for urban land (both residential and employment land) by 92 acres. The Regional Plan itself anticipates that minimum RPS densities could be met by shifting density from urban reserve and existing unincorporated UGB lands to land within current City boundaries. Performance Indicator 2.5 of the Regional Plan states unequivocally that minimum densities "can be offset by increasing the residential density in the City Limit" (Regional Plan, Volume 1, page 5-5).

Documenting and enforcing this provision will be achieved through "urbanization plans" that will be required at the time of annexation into the City. These plans must demonstrate compliance with, among other things, minimum densities and the proportions of various land types required by the Regional Plan. Mr. Holmes dismisses this strategy summarily and without any real explanation, stating that the urbanization plans will only "allow" rather than "require" compliance with this requirement—implying that developers would be able to achieve lower residential densities. The proposed language for the "Urbanization Element" that will establish process and standards for these plans states "The urbanization plan must demonstrate how the planned residential development will meet the minimum density requirement of 6.6 units per gross acre [...]" (JCPC packet, page 52).

It is our belief that urbanization plans are the best way to meet the City's obligations under the Regional Plan, implement good planning practices, and accommodate the needs of private property owners and developers who will most certainly encounter development constraints and market forces that will influence what they are actually able to develop. The approach suggested by Mr. Holmes, whereby less land would hypothetically be included in the proposed UGB by forcing developers to meet a single rigidly constructed standard, would eliminate the flexibility allowed for by the Regional Plan, and could even result in a deficiency of needed buildable land. Urbanization Plans, furthermore, provide yet another (and arguably more meaningful) opportunity for public involvement as each plan is reviewed through a public process with the Planning Commission and City Council.

3. Clarification of the size of the proposed UGB

In his letter dated May 17, 2017, Greg Holmes of 1,000 Friends of Oregon asserts that there are "inconsistencies even in the City's Application to the County around exactly how much land is being proposed for what purposes [...]" (p. 2). To begin, the total extent of the UGB as proposed is 4,046 acres, as presented to you at the public hearing on May 17. This includes 511 acres of already developed and unbuildable lands; 1,877 acres for Prescott and Chrissy

parks; 1,039 acres for residential development; and 618 acres for employment land. Mr. Holmes may be confusing calculated "need" for land with what is actually proposed. There is a difference between the two: Table 3.4 on page 121 of the Jackson County Planning Commission packet shows that 1,032 acres were determined to be "needed" to accommodate residential development outside of the current UGB, whereas the proposal before the Jackson County Board of Commissioners identifies 1,039 acres of residential land—7 acres more than calculated need. Likewise, Table 3.8 on page 123 of the Planning Commission packet shows that 637 acres are needed to accommodate employment land development outside of the current UGB. The proposal, on the other hand, identifies 618 acres for that purpose—19 acres less than calculated need.

The discrepancy between both sets of numbers can be explained by the fact that "need" is a mathematically derived estimate that must be translated into a real world where property lines do not exactly correspond with mathematical abstraction. City staff, members of its Planning Commission and City Council, and numerous stakeholders worked to reconcile estimated need for various types of urban land with the reality that parcels of land are often irregularly shaped, unequally and uniquely situated, and almost never come in standard sizes. As the State Planning Goals allow for and require, the Medford City Council did its best to provide sufficient land for each and every stated need while recognizing that the final result could never be perfect or mathematically exact.

4. Medford's UGB amendment in context

Commissioner Roberts asked an important question that was not addressed in our presentation: what is the size of Medford's UGB amendment relative to the current UGB? Medford's current UGB, which has been unchanged since 1990, is a little over 28 square miles or 18,076 acres. Of that, 936 acres are used by the airport leaving 26.80 square miles or 17,140 acres for residential and employment land. The City of Bend, which does not have an airport within its Urban Growth Boundary, is 33.27 square miles or 21,293 acres.

The proposed UGB would add another 1,658 acres of buildable urban land and 1,877 acres of wildland parks to the City's current UGB (another 511 acres that is included as already developed or unbuildable). A detailed list of the different types of land included in the proposed UGB can be found on page 45 of the Jackson County Planning Commission packet and is also included on Map Exhibit C. Excluding the wildland parks, the proposed UGB represents a 9% increase over the current UGB's total land area; if the airport is removed from the total, the increase would be close to 10% of its current area.

5. 1000 Friend's concern about the "politicization" of the process

Mr. Holmes states in his May 17 letter that, "our observation is that the City Council's process quickly became a politicized process of finding ways to include

as many property owners as wanted into the UGB and, when it became apparent that that could not be justified given the record, became an exercise in finding ways to add more land to the proposal." UGB amendments are by their very nature "political": whatever the merits or deficiencies of urban growth boundaries as a mechanism for managing the urbanization of land, they necessarily have the effect of distributing costs and benefits to private property owners depending on whether a property is located inside or outside a UGB. As is probably true for every Urban Growth Boundary Amendment undertaken, the City of Medford has considered the preferences and needs expressed by individual property owners in their relation to the overall goals of a UGB amendment. This process, wherein different parties hold different opinions concerning those choices, is unavoidably political. In this case, however, the proposal before the Board of Commissioners represents a consensus among parties that own property in the proposed expansion area. Testimony was provided by several individuals during the County Planning Commission and Board of Commissioners hearings explaining the process through which these property owners agreed to a proposed boundary configuration where many, if not all, of them allowed land to be removed from consideration for inclusion in the proposed UGB in order to meet the calculated need for urban land. It needs to be emphasized that this process of negotiation and compromise did not involve the estimation of urban land demand. Demand was established in the 2010 Housing Element.

In his May 17 letter, Mr. Holmes insinuates that the proposal was engineered by City Council to meet the needs of property owners at the expense of the integrity of the proposal, but this is not supported by the record that demonstrates relatively little difference between the preferred configuration of the UGB as recommended by staff, Planning Commission, and City Council. (See previous discussion of "Excess Land" on beginning on page 125 of the Jackson County Planning Commission packet on in the Supplemental Findings letter from the City of Medford Planning Department, dated May 17, 2017). The record also documents significant portions the lengthy proceedings wherein City Council considered many factors in reaching its final decision, not just the opinions of property owners and developers with a direct stake in the outcome of this UGB amendment Jackson County Planning Commission packet, pages 170 – 191).

The City of Medford suggests, furthermore, that direct involvement and open conversation with Urban Reserve Area property owners is a practice that is consistent with State Planning Goal 1.

6. Status of the City Council's hearing process and record

The City's special counsel for this UGB amendment, Jeff Condit, has provided the attached letter dated June 12, 2017 responding, in part, to this allegation. In summary, he finds that "large-scale UGB amendment proceedings are legislative, not quasi-judicial, proceedings", and are, therefore, governed by more permissive rules that would allow, for example, "members of the community" to "lobby to Council outside of the public hearing process and to submit information

directly to Council.” During a legislative process, a council need only demonstrate that it made a decision based on an “adequate factual basis.” Even if the record was not in fact closed, and a procedural error was committed, the error would have to “prejudice a party’s substantial rights.” Mr. Holmes does not provide any analysis in his May 17, 2017 that would explain how, in this case, such a procedural error would cross this threshold. Additional analysis regarding this issue is provided in Mr. Condit’s letter.

7. Purported “inefficient” land use pattern caused by configuration of unbuildable agricultural buffer land

Before examining this issue in detail, a factual error in Mr. Holmes’ May 17 letter should be corrected. He incorrectly states that “City Council created a need for an additional 44 acres of land to be dedicated to agricultural buffers” based on “figures provided on Exhibit QQQQQ of the City’s record [...]” (page 5). The total acreage for agricultural buffers is not specified in this exhibit, and it is understandable how Mr. Holmes may have arrived at an incorrect total. He also relied on an earlier analysis of the Planning Commission’s recommended UGB configuration, which was thought to have had 87 acres of agricultural buffers. That number was not the correct, final total agricultural buffer acreage. GIS analysis performed by the City confirms a smaller difference in the total number of acres of land needed for agricultural buffers between the City Council proposed UGB and Planning Commission recommended configurations. The Planning Commission configuration included 114 acres of agricultural buffers; the City Council’s configuration 124. The correct difference in the amount of agricultural buffer land between these two configurations is 10 acres. This is important to know insofar as Mr. Holmes states that 1000 Friends had been supportive of the Planning Commission process and its recommendation. In terms of agricultural buffer land, the two proposals vary by less than 10%.

Mr. Holmes alleges in his May 17 letter, as he had previously, that

“by cutting properties out of larger blocks to create enough acres to accommodate property owners who wanted into the UGB this round and then adding back only pieces of multiple urban reserve areas, the City Council has created an inefficient land use pattern that is exacerbated when combined with the decision to treat the agricultural buffers as ‘unbuildable land.’ The result will create long and narrow strips of land that in the future may not connect with anything but will likely remain undeveloped in perpetuity.”

Mr. Holmes’ contention that the proposed configuration of the UGB is somehow more inefficient due to the presence of more agricultural buffers is not substantiated. He has not provided any measurement by which the alleged inefficiency can be objectively evaluated, unless it is his contention that inefficiency results from the mere inclusion of additional land within the UGB for the purposes of protecting adjacent agricultural land. He does not claim, for example, that agricultural buffers would somehow impair the efficient delivery of

urban services and urban infrastructure in the proposed expansion areas, nor does he provide any analysis to explain why agricultural buffers would not be able to be developed at some future time after the UGB is expanded again and those buffers are no longer needed.

Mr. Holmes' assertion the proposed UGB configuration will result in undevelopable remnant lands in the future makes some sense when considered in isolation: agricultural buffers will tend to be long strips of land separating urban from rural. The ability to develop those buffers at some point in the future, however, will largely be determined in the future when more is known about the nature of development on what is now, and will remain for several decades, agricultural land located in Medford's remaining Urban Reserve Areas adjacent to the buffers. One could easily envision a scenario where land that was once used for agricultural buffering could be repurposed as public right of way for roads, trails and linear parks, and other urban infrastructure that will serve development that occurs decades from now. One could just as easily envision development of buffer land for housing and employment uses. Mr. Holmes acknowledges this in his own letter, stating in a footnote at the bottom of page that "We believe that if selected with some care the buffers created in this round of UGB expansion may in fact be developable in the next UGB expansion" but that "This issue does not appear to have been addressed by the City Council decision." We believe that this issue is best addressed by policy-makers in the future when they assess the City's need for additional urban land at that point.

In the current case, Mr. Holmes provides no analysis to explain why, even in broad terms, the particular configuration of agricultural buffers in the proposed UGB would be any less developable than some other configuration in the future—he simply relies on the fact that there would be more of them.

Finally, in his letter dated June 12, 2017, Mr. Condit addresses Mr. Holmes argument that agricultural buffers should be considered "buildable land" and that these buffers can and should be used when considering the location of the UGB. His finds, just as the City has argued throughout this process, that agricultural buffers cannot be considered as "buildable" because, by their very function, they are not "suitable" or "available" for residential development. Mr. Condit further clarifies that although agricultural buffers are required by the Regional Plan, there is no legal requirement to consider the amount of agricultural buffer land when evaluating the proposed UGB.

8. What is the legal status of the 2010 Housing Element? Has the Housing Element been acknowledged by the State of Oregon?

Throughout this process, 1000 Friends of Oregon and representatives from the Department of Land Conservation and Development (DLCD) have questioned whether or not the Housing Element of the City's Comprehensive Plan was

acknowledged by the State of Oregon, and whether or not the City should use its findings as a basis for this UGB amendment proposal. Mr. Holmes implies in his May 17 letter that the City's findings that were submitted to the County as a part of its application merely attempt to provide a legal defense of the alleged error rather than "fix" it. To the contrary, Council's findings do directly address his concerns, though obviously not to his satisfaction. It continues to be the City's position that the 2010 Housing Element may be used through this process as a matter of law. Without belaboring the issue, which was addressed by Mr. Condit during the Jackson County Planning Commission hearing and is explained in detail on pages 64-67 of the Jackson County Planning Commission packet, the City has found that neither DLCDC nor any other party "challenged the enactment of or assumptions contained in the Housing Element" when it was appropriate and legally acceptable to do so in 2010—when the Housing Element was in fact adopted.

This leads to the question of policy, which is also addressed in Council's findings despite Mr. Holmes' claim to the contrary. Those findings identify four separate reasons that compelled City Council to decide to use the 2010 Housing Element, not just because it was legally permissible to do so, but because it represented a better policy choice than revisiting it:

1. The UGB amendment process began with this and other planning documents, all of which are interrelated, all of which underwent significant public process, including the involvement of 1000 Friends of Oregon, DLCDC, members of the community, local officials, and other stakeholders. Mr. Holmes suggests that the City simply "fix" alleged errors in the Housing Element as if it were merely a matter of changing a few numbers within the document. His conclusion seriously understates what would be involved in that process. For example, Phase I of the UGB process (the ISA process) began in earnest in 2013 and concluded in 2014 and the Council's deliberation on the UGB lasted an entire year. During the time it would take to "fix" any alleged errors, new population projections and other factual information will emerge. Without the ability to proceed through the UGB amendment process with an integrated and internally consistent set of assumptions, applicants (cities) would be forced to chase a constantly moving target.
2. The "risk" of including too much land in this UGB proposal is mitigated by the fact that the alleged excess land is relatively small compared to the size of the proposed UGB and that there are uncertainties "inherent in a twenty-year need projections" (Jackson County Planning Commission packet, page 66). City Council made findings that explain and justify the inclusion of these lands into this UGB proposal.
3. The only lands considered for expansion of the UGB are in Urban Reserve Areas, which were identified through the Regional Problem Solving process for urbanization over the next 50 years. As a matter of policy, the future of

these lands has been decided, and the current proposal, would consume less than 40% of the 4,488 acres of Urban Reserve land intended for urban development (i.e. not including the two wildland parks).

4. Finally, Council found that 1000 Friends concerns only consider one part of the Housing Element and not the element as a whole. For example, in determining need for residential land, the Housing Element used a much higher average net density for the planning period than had been observed in the past. Doing so had the effect of reducing overall need for residential land than would have been the case if the City had used development densities that were closer to historical averages.

9. Housing Affordability

The benefit of the Phase I ISA process should not be underestimated, as it is by Mr. Holmes when in his May 17 letter he both “commends” the City for undertaking that process and then trivializes its impact by stating “that action did not create any more higher density housing options than would have been created otherwise—it simply moved some of those acres from potentially being the outside edges of the city closer into the core and nearer to transportation” (page 6).

“Simply moving” density created opportunities for higher density housing in parts of the City where urban services and infrastructure—not just “transportation”—are already available. Providing housing in closer proximity to jobs, services, and amenities reduces dependence on travel by automobile, which is a significant, hidden cost of housing—particularly for households with middle and lower incomes. These parts of the City also tend to be more economically developable, compared to areas with more environmental constraints and greater infrastructure needs. As such, housing developed in these areas tends to be more affordable, and a stronger business case can be made for the development of housing that is affordable to broad segment of the community. This directly refutes Mr. Holmes other assertion that “Despite the evidence in the record, the City Council’s plan removed land in the Planning Commission’s recommendation from neighborhoods that are relatively more affordable and added it and more to the most expensive areas of the city.”

Mr. Holmes is also dismissive of testimony provided during the Planning Commission hearing when staff described current actions being taken by the City of Medford to address housing affordability. Among these is the development of a Regional Housing Strategy. Mr. Holmes observes that “It cannot be relied upon as demonstrating how the city will meet current and future documented needs for more housing availability” (page 3). We believe that this is an important action that demonstrates the City’s commitment to addressing housing availability and affordability. It is a requirement of the Regional Plan that has been adopted has an element of the City’s comprehensive plan. The City,

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therefore, believes that this initiative can be relied on as evidence of its commitment to addressing affordability and availability of a range of housing types.

Mr. Condit also addresses this issue in terms of its Goal 10 implications, concluding that the City in its application has complied with Goal 10 requirements "to determine the needed housing types and provide for sufficient land and a mix of densities to meet those needs over the planning period." Goal 10 does not require, as Mr. Holmes implies, that jurisdictions include detailed plans describing measures to provide affordable housing.

10. Response to Exhibit 26, dated May 15, 2017, from the Conrads and Matsons

Based on this letter, City Planning staff recognizes that the Conrads, Matsons, and other neighbors are opposed to the Urban High Density Residential (UH) General Land Use Plan (GLUP) designation proposed in northeast MD-5. Per the Regional Plan, MD-5 in its entirety (and over the entire 50-year period) is required to provide 56% of its land use allocation to residential development.

The City's residential GLUP designations fall into three categories: Urban Low Density, Urban Medium Density and Urban High Density. Each of the proposed MD-5 areas includes the Urban Low Density component as well as either Urban Medium or Urban High Density. Each subarea of MD-5 proposed for inclusion shares in balancing the needs of different housing types over the planning period and creating a range of housing options to meet residents' changing needs. The UH designation on the property in question was offered by the property owners and is documented in a letter submitted by their land use consultant dated February 5, 2016, (Exhibit RRRRR) in the City's record.

An original concept plan developed by Planning staff in 2015 showed this area of MD-5 as a Commercial GLUP designation, which could be argued to be more intense than the proposed UH designation. As the Urban Growth Boundary process evolved through the City Council hearings, certain lands were included or excluded and as such a re-allocation of GLUP designations had to occur in order to meet the Regional Plan requirements.

The City's proposal seeks to include 4,046 acres into the Urban Growth Boundary. Of this amount 1,877 acres is the City owned wildland parks (Prescott and Chrissy) and will remain as parks. Another 511 acres is identified as being developed or unbuildable and the remaining 1,658 acres is proposed to accommodate residential, commercial, and industrial uses. The letter implies that all 4,000 plus acres are for future development, which is inaccurate. The letter indicates that the projections used by the City are overstated, but it does not provide findings or an explanation to support this claim. As such, it is difficult for staff to respond meaningfully to such an allegation. It is interesting to note that Mr. Conrad himself moved to Medford a year ago, and chose to live in a

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neighborhood that includes 41 higher density, single family attached townhomes. Medford needs land for residential development precisely because people like Mr. Conrad and his neighbors find it to be a desirable place to live. The City has a statutory obligation to accommodate that demand in as reasonable and efficient manner as possible. Nothing in Mr. Conrad's testimony explains exactly why the City has failed in that responsibility.

Environmental impacts and the need for urban infrastructure and services to support future development have been evaluated extensively for this level of planning (for example, see page 127 – 165 of the Jackson County Planning Commission packet for discussion of urban infrastructure needs scoring). The inclusion of lands in the UGB is not an automatic approval to be annexed or to develop to urban level standards. An evaluation of needed street infrastructure, environmental constraints and requirements to protect or mitigate impacts, and utility extensions are part of the property owner's and City's responsibility to analysis and prove it can be satisfied at the time development occurs. In this particular case, the property has committed itself to necessary infrastructure upgrades, including improvements to Cherry Lane. The Hansons, the property owners, have also worked closely with a consultant to develop a Wildlife Impact Mitigation Plan to address potential impacts to Roosevelt Elk habitat. For additional discussion of these issues and additional explanation for inclusion of this property in the UGB, please refer to the attached Exhibit RRRRR from the City Council UGB hearings.



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

MEMORANDUM

Subject Committed Residential Density
 File no. CP-14-114
 To Matt Brinkley, Planning Director
 From Chris Olivier, Planning GIS Coordinator
 Date June 20, 2017

ANALYSIS OF MEETING COMMITTED RESIDENTIAL DENSITY

This analysis was produced in order to determine average gross density within the Urban Growth Boundary (UGB) as proposed by CP-14-114 which includes land within the current UGB that was revised as part of the Internal Study Areas (ISA) process, the land in the current UGB outside the City Limits and the proposed expansion area in the designed Urban Reserve area. This is different from the April 21 memo that calculated the housing density within the future and current UGB.

Background

During the City of Medford's Urban Growth Boundary Amendment process, the City has adopted the Regional Plan as part of the City's Comprehensive Plan. The Regional Plan has certain measurable performance indicators that have been identified and then adopted by Jackson County and the participating cities, including Medford. The State of Oregon's Department of Land Conservation and Development (DLCD) will review these measures to help determine the participating jurisdictions' level of compliance with the Plan. One of the performance indicators is the Committed Residential Density.

Analysis

According to the Regional Plan, the City needs to meet 6.6 dwelling units per gross acre (du/gross ac) during the first phase of the Regional Plan (2010-2035). This density commitment applies to land within the Inclusion Lands (land outside UGB), the unincorporated lands within the Urban Growth Boundary (UGB) and efficiencies done on lands inside the City. Density factors that were used for the three different calculation projects were as follows: Urban Residential (UR) = 4.8 du/gross ac, Urban Medium Density Residential (UM) = 12.8 du/gross ac, and Urban High Density Residential (UH) = 18.1 du/gross acre.

Board of County Commissioners

File No. 439-16-00008-LRP Exhibit # 40

Offered by: Matt Brinkley ^{City of Medford}

Date: 6-21-2017 Received by: PJ

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The Inclusion Lands units per acre (density) of 6.34 was generated by subtracting the Public/Semi-public (PSP) acres from the available Residential Acres (unbuildable removed) in the three different General Land Use Plan (GLUP) categories (UR, UM and UH). The gross density factor was then multiplied by the applicable GLUP Residential acres dedicated to the residential use number. The total GLUP residential unit number of 5910.4 units was divided by 932 residential acres (minus PSP) to achieve the number of 6.34 units/gross acre density. The following table depicts the analysis for Inclusion Lands (Outside UGB) calculation:

Density of proposed Inclusion Lands By GLUP (Outside UGB)				
GLUP	UR	UM	UH	Total
Residential Acres (unbuildable removed)	891	27	121	1040
PSP Acres	76	7	25	108
Residential acres dedicated to Res. Use	816	20	96	932
Density factor	4.8	12.8	18.1	
Units	3916.8	256	1737.6	5910.4
				6.34 density (units/acre)

The unincorporated lands within the UGB followed a similar calculation of Residential Acres by GLUP minus PSP acres. The difference was then multiplied by the applicable density factors. The density for this category was calculated to be at 5.56 du/gross acre. The following table depicts the analysis for the unincorporated lands within the UGB:

Unincorporated lands within UGB				
GLUP	UR	UM	UH	Total
Residential Acres (unbuildable removed)	240.6	28.9	6.7	276.2
PSP Acres	29	15	2	46
Residential acres dedicated to Res. Use	211.6	13.9	4.7	230.2
Density factor	4.8	12.8	18.1	
Units	1015.7	177.9	85.1	1278.7
				5.56 density (units/acre)

The City Limit Efficiencies/Selected Amendment Locations (SAL) Change Area analysis was a bit more complicated. The Residential lands which had their GLUP changed to a higher density were identified with the goal of determining how many additional units would be available to add to the density calculation. The analysis shows that after the revised numbers are factored into the equation, the result is an addition of 727.9 units from the City Limit Efficiencies procedure. The following table depicts the analysis for the City Limit Efficiencies/Selected Amendment Locations (SAL) Change Area analysis:

City Limit Efficiencies/SAL Change Area			
GLUP Change	UR to UM	UR to UH	
Acres	55.6	51.6	
% of PSP acres UR	2.3%	2.2%	
UR PSP acres	5.1	5	
Prior acres available for units	50.5	46.6	
Prior density factor	4.8	4.8	
Prior unit potential	242.4	223.7	466.1
% of PSP acres changed GLUP	46%	24%	
PSP acres	10.1	17.8	
Revised acres available for units	45.5	33.8	
Revised density factor	12.8	18.1	
Revised unit potential	582.4	611.78	1194.18
Unit increase			727.9 additional units

The final step was to divide the sum of the three categories' Units by the sum of the acres: 7917 units / 1162.2 acres = 6.81 du/gross acre density. The highlighted yellow numbers on the above tables are applied to the final table:

Total Density Calculation			
Geographic location	Units	Acres	Density
Inclusion Lands (Outside UGB)	5910.4	932	6.34
Unincorporated lands within UGB	1278.7	230.2	5.55
City Limit Efficiency Increase (Additional units)	727.9		
	7917	1162.2	6.81 Units per acre

Committed Residential Density
CP-15-114
June 20, 2017

Conclusion

In the Regional Plan, the City of Medford committed to a density of 6.6 dwelling units per gross acre in the first planning period from 2010-2035. The analysis reveals Medford is projected to achieve a 6.8 du/gross acre. This projected density will meet the Committed Residential Density. This measurement shows that the City is complying with the density performance indicator.

Technical Memorandum

To: Jackson County Board of Commissioners
 Cc: Matt Brinkley, Medford Planning Director
 Date: June 21, 2017
 Subject: City of Medford UGB Land Need Calculations

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1000 FRIENDS LAND NEED CONCERNS:

On May 17, 2017, 1000 Friends of Oregon local representative Greg Holmes, submitted a letter to the Board of Commissioners raising a number of concerns with the City of Medford's UGB amendment. Among these concerns, is a statement on Page 2 of the letter that, "At this time it is not possible to quantify how much land that [the residential land supply] should be, because the math is not easily extracted from the record. Indeed, there are inconsistencies even in the City's Application to the County around exactly how much land is being proposed for what purposes." This statement is accompanied by a footnote that states, "For example, the table on p. 3 of the City's Application says the final plan need for residential land is 1,039 acres. However, Table 1.4 on p. 29 of the same document indicates the need at 1,037 acres. Similar discrepancies are present for employment lands, which p. 3 indicates are 618 acres while Table 1.3 at p.28 indicates the need at 637 acres. Figures given in Appendix B in the same document (entitled "Land Need") appear to match the figures found in the body of the report, suggesting that maybe the summary table on p. 3 contains errors. It is not clear though, that this is the case.

CSA would like to take this opportunity to respond to the above land need concerns raised by 1000 Friends of Oregon. First, it is worth noting that the alleged acreage discrepancies observed in the footnote are on the order of 2 to 20 acres. Such "discrepancies" are miniscule in the context of a UGB amendment Medford's size. Such acreages represent on the order of 0.01%-0.1% of the total UGB. This is well within the required degree of precision for a UGB amendment of this size under the applicable regulations.

The math is a function of the complex regulatory process that has been created to which the math must conform. Herein we set forth the City's math into its formulatic terms. While the equations may not make it any easier for the average person to understand, they do show that the terms in the City's mathematics approximately balance in the ways required by the regulations. It also illustrates just how complex the "Land Need" calculation process is and how unreasonable it is to assert it should simple and easy to follow for anyone who cares to examine it.

LAND NEED CALCULATION EXPRESSED IN A FORMAL ANALYTIC MANNER:

General Land Need: Under Goal 14, "land need" appears a straightforward concept upon initial consideration. However, there are a number of variables that comprise land need. Unpacking "land need" into its constituent variables provides a framework to explain the UGB selected by the City's boundary amendment. Essentially, Goal 14 requires a UGB to include the proper amount of land for urbanization where the total land demanded to meet identified urban land needs over the planning period is approximately equal to the amount of land supplied within the UGB. "Land Need", under Goal 14 can be conceptualized with the following general formula:

Board of County Commissioners

File No. 439-16-00008-LRP Exhibit # 43

Offered by: Paul Woerner

Date: 6-21-2017 Received by: Pg

$$(Rd_{TGB} + Ed_{TGB} + Od_{TGB}) + (Rd_{EHH} + Ed_{FRM} + Od_{POP} + U_{BGE}) + U_{BGA} \cong (Rs_{EGB} + Es_{EGB} + Od_{EGB}) + (Rs_{AGB} + Es_{AGB} + Od_{AGB}) + (Rs_{BLT} + Es_{BLT} + Oe_{BLT} + U_{BGE}) + U_{BGA}$$

Where:

- Rd_{TGB} = Total acres of gross buildable residential land demand for additional future population
- Ed_{TGB} = Total acres of gross buildable employment land demand for additional future employment
- Od_{TGB} = Total acres of gross buildable other land demand for additional future population & employment
- Rd_{EHH} = Total gross acres of residential land demanded by existing households (& pop)
- Ed_{FRM} = Total acres of gross employment land demanded by existing employment
- Od_{POP} = Total acres of gross other land demanded by existing population & employment
- Rs_{EGB} = Total acres of gross buildable residential land supply within existing UGB
- Es_{EGB} = Total acres of gross buildable employment land supply within existing UGB
- Od_{EGB} = Total acres of gross buildable other land supply within existing UGB
- Rs_{AGB} = Total acres of gross buildable residential land supply to be added to UGB
- Es_{AGB} = Total acres of gross buildable employment land supply to be added to the UGB
- Od_{AGB} = Total acres of gross buildable other land supply to be added to the UGB
- Rs_{BLT} = Total acres of built residential land supply in the existing UGB
- Es_{BLT} = Total acres of built employment land supply in the existing UGB
- Oe_{BLT} = Total acres of built other land supply in the existing UGB
- U_{BGE} = Unbuildable gross acres in the existing UGB
- U_{BGA} = Unbuildable gross acres to be added to the UGB (if any)

In the context of a UGB amendment (as opposed to establishing a new UGB), some of the above terms cancel themselves out. The regulatory structure for UGB amendments essentially assumes that the demand of the existing population for residential land, the demand of existing firms for employment land and also demand for "other" land is approximately satisfied by the built supply of those respective land need categories. In the "real world", this would only not be the case in instances of diminishing future demand from existing conditions (due to outmigration of population and reduction of existing employment base) or in circumstances where existing built supply is very different from existing demand conditions which would manifest as high vacancy rates of existing dwelling units and/or commercial and industrial buildings. Neither of these circumstances exist in Medford where vacancy rates tend to be low, if anything, and Medford has not experienced any sustained population or employment losses. As such, the assumptions that exist in the regulatory structure are consistent with the actual experience in the City of Medford. Therefore, the following terms approximately cancel one another:

$$(Rd_{EHH} + Ed_{FRM} + Od_{POP} + U_{BGE}) \cong (Rs_{BLT} + Es_{BLT} + Oe_{BLT} + U_{BGE})$$

There are some instances where the above assumption is not expected to be true and this is in the case of redevelopment. Medford accounted for redevelopment as additional supply within the existing UGB by adding lands with redevelopment opportunities as 462 acres of additional supply to meet future needs (see Medford Housing and Economic Elements for detailed methodologies).

Land Need for UGB Amendment: With a small redevelopment assumption used to adjust buildable supply to meet future needs, the general land need equation can be reduced by removing the above terms that concern existing population and employment and cancel one another out. Then the amount of land to be added to the UGB can be expressed by rearranging the equation algebraically, as follows:

$$((Rd_{TGB} - Rs_{EGB}) + (Ed_{TGB} - Es_{EGB}) + (Od_{TGB} - Od_{EGB}) + U_{BGA}) \cong (Rs_{AGB} + Es_{AGB} + Od_{AGB} + U_{BGA})$$

The above equation represents a general formula for Goal 14 Land Need for UGB amendments where the supply of land to be added to the UGB on the right hand side of the equation is in approximate equilibrium with unmet demand for land for future housing, employment and other urban land needs. Actual application of the above general formula in the context of a specific jurisdiction's UGB amendment is dependent on a number of factors, as follows:

1. Some regulatory requirements for UGB amendments, and the associated case law, specify how the above variables should be defined and accounted. In other cases, the regulatory requirements provide "safe-harbors" which establish evaluation methodologies available in certain circumstances which are determined, as a matter of rule, to be compliant with Goal 14 but are not mandatory
2. Even for the variables with specific administrative rule applicability, local jurisdictions are still left with some latitude to define the variables in accordance with the local comprehensive plan and to establish methodologies to estimate values. Definitions and the methodologies for the estimation of individual variables should be internally consistent.
3. Variables associated with land demand are based upon future projections. Projections of this type have a margin of error and this is one reason that Goal 14 land need is approximate and is not held to an unreasonable level of precision (cite rule).

With the above described general formulation of land need under Goal 14, the formalized calculations can now turn to the particular ways in which the Medford chose to define the above generalized variables and the methodology Medford has employed to address Goal 14 land need as follows:

The process of determining Medford's land need for the next 20 years started with the adoption of the Population Element in 2007. This study looked at the forecasted population growth in Medford through 2040. The next step was the Buildable Lands Inventory (BLI), adopted in 2008, consistent with OAR 660-024-0050 and ORS 197.186 and 197.296. This study identified the number of acres, in total and by type, available for development within the City's current UGB. The BLI showed that there are approximately 2,592 gross residential acres¹ and approximately 1,078 gross employment acres² available for development within Medford's UGB.

Residential Demand Term: Medford's adopted Housing Element sets forth Medford's definitions and estimation methodologies for residential land demand and supply within the existing UGB to arrive at values for the residential land need term in the equation:

$$Rd_{TGB} - RS_{EGB}$$

Because residential land need concerns supply of needed housing to meet future projected population needs, the methodology established by Medford in its Housing Element to resolve the above term is done first in terms of dwelling units and then converted at the end to gross acres. Medford's methodology employs an algebraic substitution taking the following general form:

$$Rd_{TGB} - RS_{EGB} = \left(\frac{(Hd_{TDN} - Hs_{CEB})}{Na_{DNE}} * Ng_{DFA} \right) + (Pd_{TDA} - Ps_{NDA}) + Gd_{qtr}$$

Where:

- Rd_{TGB} = Total acres of gross buildable residential land demand for additional future population
- RS_{EGB} = Total acres of gross buildable residential land supply within existing UGB
- Hd_{TDN} = Total number of dwelling units needed (demand) for the future population growth
- Hs_{CEB} = Total capacity of existing UGB to supply in dwelling units
- Na_{DNE} = Density factor to convert housing units to net buildable acres
- Ng_{DFA} = Net to gross factor to convert net buildable acres to gross acres
- Pd_{TDA} = Total developable acres of residential demand for public/semi - public for future population
- Ps_{NDA} = Total acres of net supply of residential lands for public/semi - public uses for future pop.
- Gd_{qtr} = Total gross buildable acres needed for group quarters

The above math is expressed by Housing Element Table 41 and equates to:

¹ From Housing Element Table 30

² From Economic Element Figure 28

$$Rd_{TGB} - Rs_{EGB} = \left(\frac{(15,050 - 11,424)}{7.97} * 1.217 \right) + (425 - (-1.3)) + 16$$

$$Rd_{TGB} - Rs_{EGB} = 996 \text{ gross buildable acre}$$

Calculating capacity of the existing UGB to supply dwelling units is somewhat complex. It requires separate analysis, by plan designation, for several different housing types and also the conversion of needed housing units to needed net buildable acres to gross buildable acres. This approach was appropriate to comply with certain other regulatory requirements for planning residential land under Statewide Planning Goal 10. See, Medford's Housing Element for the specific calculation methodologies. The above value was the initial value for the UGB review. During the UGB review, the City evaluated its existing plan designations for residential land and made map amendments in UGBA Phase 1.

These map amendments changed the spatial arrangement of residential land supply (and employment land supply). Using the rearranged land uses, the City applied a net acreage-based calculation methodology for the lands affected by the amendments and then applied the appropriate net-to-gross factor from the Housing Element to re-estimate the residential land need for the boundary amendment decision. Through that process, the total gross buildable land supply within the UGB for residential uses was reduced to a small degree ~36 acres. While the total change in acres was small, the amendments affected many parcels throughout the City and thus required many GIS steps to calculate. The City Council's adopted analysis for available residential land appears in Appendices A and B of Exhibit B to the UGBA Council Report dated August 18, 2016 (See, JCPC Record 117-121). Table 3.4 therein shows the "Residential Land Need before and after UGBA Phase 1. Mathmatically, the underlying calculations is as follows:

$$Rd_{TGB} - Rs_{EGB} = 1,032 \text{ gross buildable acres}$$

There are important data definitions in Medford's methodology to establish the amount of residential land that must be added to the UGB related to this term in the equation that are defined in the Housing Element:

$$(Pd_{TDA} - Ps_{NDA})$$

This term relates to total demand for public and semi-public uses less the net supply for these uses in the existing UGB. This term has been the subject of some confusion during the proceedings. Part of this confusion is that the acreage associated with this term only concern buildable acreage and is not properly substituted with acreage where residential uses and intensive urban park development would not otherwise be allowed, such as riparian setback areas³.

The confusion also stems, in part, from a misunderstanding of the data definition for the supply term Hs_{CEB} which is in the first term in the equation, $((Hd_{TDN} - Hs_{CEB}) * Na_{DNB} * Ng_{DFA})$. The supply term Hs_{CEB} data definition includes all land within the existing UGB available for residential development not specifically identified for a public/semi-public use. There are constitutional and practical reasons why the City's Housing Element defined this supply variable in this way. For public uses, it is problematic from a constitutional (takings law) standpoint to plan lands for "only public uses" prior to acquisition for the public purpose without the property owners consent. From a practical standpoint, other semi-public uses are tough to know locations in advance such as a church. The City has a Conditional Use Permit process to approve these types of uses in residential areas and such uses can be somewhat land consumptive. However, it is not known in advance where these uses will ultimately be located. Thus, the supply term, Hs_{CEB} , interacts with the public and semi-public uses term with respect to total supply for residential uses. Put another way, the Housing Element dwelling unit capacity estimate of 11,424 units essentially assumes that all but 45 acres of residentially designated land within the existing UGB will be used for houses and only 45 acres will be devoted to any public or semi-public uses. While possible, it is unlikely the ultimate spatial distribution would be this heavily skewed to the

³ Residential development is not allowed in riparian setbacks and developed park uses are very limited and require compliance with specific CUP criteria that demonstrates impacts will be minimized and thereby limiting the extent and intensity of development in these areas to minimal level.

areas where lands are being added the UGB. Then the Housing Element estimates net demand and supply for public and semi-public uses for the entire additional planning population, as follows:

Lands needed for public operations and facilities include lands for city facilities, schools, substations, and other public facilities. Land needs were estimated using acres per 1,000 persons for all lands of these types. Lands needed for parks and open space estimates use a parkland standard of 4.3 acres per 1,000 persons based on the level of service standard established in the Medford Leisure Services Plan Update (2006), which is incorporated as part of the Medford Comprehensive Plan. The plan includes land needed for neighborhood and community parks, which usually locate in residential plan designations. It does not include land needed for natural open space and greenways, which may also be located in residential plan designations (Housing Element, page 62).

Table 1.1. Public and Semi-public Land Need (Housing Element Table 40)

Type of Use	Existing Acres	Acres per 1000 Persons	Assumed Need (ac/1000 Persons)	Estimated Need per 1000 Persons 2009-2034	Planned unbuilt supply in existing UGB
City	113	1.5	1.5	64	
City Parks	527	6.8	4.3	153	19
County	36	0.5	0.5	17	
State	47	0.6	0.6	22	
Federal	26	0.3	0.3	12	
Other public agency	43	0.6	0.6	20	
Schools	265	3.4	0.6	20	26
Church	159	2.1	2.1	73	
Fraternal	96	1.2	1.2	44	
Private Parks/Recreation					-43.7
Total	1,313	17.0	11.6	425	1.3
Net Needed for UGB					426

$$(Pd_{TDA} - P_{S_{NDA}}) = 426 \text{ acres}$$

Thus, the housing capacity of the existing UGB varies inversely on an acre for acre basis with the amount of public and semi-public land located within the existing UGB. This land need serves the entire forecasted population of 115,869 residents in the City by the year 2029 (35,591 additional people planned for in the Housing Element). An additional 425 acres of Public and Semi-Public land to accommodate the additional population will provide 11.6 acres per additional 1,000 persons. If 425 additional acres of Public and Semi-Public land are provided through the year 2029 in addition to the existing 1,313 acres supplied in the base year, the City will have an overall average of 15 acres of Public and Semi-Public land per 1000 persons through the planning period. This represents a **32% reduction of acreage per person** when compared to the amount available to the existing base year population. The Council found, at the time it adopted the Housing Element update, that this is a reasonable projection for future needs. It will result in a more efficient and compact city with increasingly more intensive urban development combined with livability elements associated with public and semi-public uses (e.g., an outdoor auditorium at a church or a senior center with a community garden). The City's Housing Element clearly states that the public and semi-public land needs in this term concern urban developed public and semi-public uses. This is land that would otherwise be available for residential

development. It does not pertain to unbuildable land that might serve as open space but could not be used to build homes and other structural development.

Employment Land Demand Term: The formalized calculations next turn to employment land need as established in the Economic Element (adopted in 2008) which considered the projected population growth, along with economic trends, to determine the overall need for employment land over the 20-year planning period. This estimates the following term in the general land need equation:

$$(Ed_{TCB} - Es_{ECB})$$

The Economic Element estimated the term by first estimating the demand for net buildable acres, then subtracting the supply of net buildable acres, and then multiplying the difference by the net-to-gross factor to arrive at net buildable acres. The Economic Element projected demand for 1,644 net buildable acres under the high growth scenario selected by the Council in its adoption of the Economic Element. The Economic Element identified 1,078 acres of net buildable land supply within the existing UGB. Applying the net-to-gross factor of 25% resulted in an estimated need for an additional 708 gross acres to meet the demand for employment land. The Economic Element did identify a relatively significant surplus supply of land for certain industrial land use demands within the existing UGB and recognized that map amendments would have the potential to reduce the need for additional employment land to be added to the UGB if appropriate amendments from industrial to commercial were made. The City undertook this work in Phase 1 UGBA. Phase 1 increased the supply of net buildable acres for employment land from 1,078 acres to 1,136 buildable acres. Subtracting the 1,136 from the 1,644 yields 508 net buildable acres which equals 635 gross buildable acres, so:

$$(Ed_{TCB} - Es_{ECB}) = 635 \text{ gross buildable acres}$$

Other Land Demand Term: With the residential land need and employment land need terms of general equation estimated, the remaining terms on the left side of the equation are the "other land demand and supply" and the "unbuildable" acreage. We turn first to the "other land demand and supply"

$$(Od_{TCB} - Od_{ECB})$$

The City's UGB amendment identifies two "other land demands" that concern open space acreage that will also allow for certain larger-scale outdoor recreation opportunities. These needs have been identified for many years by the City and are described as special Urban Reserve areas within the Regional Plan. The Regional Plan Element identifies the need for large blocks of urban wildland park area on the east side to provide city-wide open space and recreational opportunities. The City has no such uses anywhere in its existing UGB and it is not uncommon for cities of over 100,000 people in the western united states to have larger blocks of land within or adjacent to city limits that are managed for open space, wildlife habitat and/or other outdoor recreation opportunities. The City seeks approximately 1,877 acres of such land to serve these needs in the form of two large regional park areas described as, MD-P Prescott and MD-P Chrissy in the Regional Plan. These areas are City-owned wildland parks totaling 1,877 acres and no supply exists for these needs within the existing UGB. Inclusion as urban reserve was intended to serve as a mechanism to eventually incorporate this City property into the City boundary to allow the City to have jurisdiction of the parks. The two MD-P areas were not considered areas for future urban growth because of their classification as parkland. This land need is an "other land need" necessary to meet open space and livability objectives for the City and has no direct association demand for residential, commercial, or industrial development. This park land presents a tremendous recreational and open space opportunity to the City and the region, in addition to creating a buffer between the city and rural lands to the north and east. Thus,

$$(Od_{TCB} - Od_{ECB}) = 1,877 \text{ acres needed for open space/outdoor rec. and habitat}$$

Unbuildable Land Term: The remaining term on the left hand side of the equation is:

$$U_{BCA}$$

This term exists on both sides of the equation and essentially functions as "remainder land". Land demanded is always equal to land supplied because it is really just a function of how unbuildable land is defined and buildable acreage yield variations ("feedback") from the boundary location selection process. During the proceedings, testimony implied that the City is required to define all lands with some sort of urban utility as buildable land and therefore be counted as existing supply within another term in the general equation. For example, the City has seeks to have trails within its riparian areas and these lands were classified as unbuildable land. One could argue that such land provides an open space benefit and the low intensity trail use is a recreation use and does serve an urban planning benefit. This argument implies that such land should not be treated the same as slopes over 25 percent for example. However, this does not change the fact that this land area is unavailable for residential or employment development and the public and open space need described in the housing element is specific that the need concerns buildable land needs for urban intensity public and semi-public uses and not open space type uses. As such, redefining the variable would just move it from unbuildable land to a demand and corresponding supply for "other urban land needs" to meet livability, open space and light intensity recreational needs and the revised definition would apply to the inventory of supply within the existing UGB and to lands being added on the other side of the equation. Thus, redefining these variables would have a limited effect on the total land demanded or the total existing supply within the UGB. The City has considerable latitude in how it defines these variables.

Land Supply Terms: With all the terms on the left side of the equation evaluated, the remaining terms concern supply being added to the UGB on the right side of the equation, as follows:

$$(RS_{AGB} + ES_{AGB} + Od_{AGB} + U_{BGA})$$

With respect to Goal 14 land need, the terms on the right side of the equation are essentially a GIS accounting exercise applied to the boundary alternatives considered in the boundary location factors part of Goal 14 and ultimately applied to the boundary selected by the Council. This exercise inventories lands to being included and classifies them as buildable residential land supply, buildable employment land supply, other land supply or unbuildable land. This geographic accounting exercise is simple in concept but more complicated in practice- not unlike financial accounting. Like financial accounting, the important aspects to the exercise are that supply is posted to the correct term (as the terms have been defined by the City), methodologies are internally consistent and the methodology applies a level of precision that captures acreages material to the overall supply evaluation. Inherent to this process is that land use designations are applied to the individual lands being included in the UGB because the buildable lands in those areas are thus posted to the supply category for the planned land use: (commercial as supply for commercial land demand, industrial as supply for industrial demand, and so on for residential). The staff work in support of the City's UGB amendment has utilized GIS methodologies explained in the record and these methodologies appear appropriate under Goal 14, and calculate to the following:

$$(RS_{AGB} + ES_{AGB} + Od_{AGB} + U_{BGA}) = 1,039 + 618 + 1,877 + 511$$

Land Need - Balancing Demand with Supply: With all terms in the equation defined, the calculated land need is appropriate under Goal 14 and the total demand for land over the next 20 years minus the available supply in the existing UGB will be approximately equal to the amount of land being supplied added to the UGB, as follows:

$$((Rd_{TGB} - RS_{EGB}) + (Ed_{TGB} - ES_{EGB}) + (Od_{TGB} - Od_{EGB}) + U_{BGA}) \cong (RS_{AGB} + ES_{AGB} + Od_{AGB} + U_{BGA})$$

$$((1,032) + 635 + (1,877 - 0) + 511) \cong (1,039 + 618 + 1,877 + 511)$$

$$4,055 \text{ acres demanded} \cong 4,046 \text{ acres supplie}$$

The preceding formalized land need calculations explain the City's land demand for its UGB amendment boundary location analysis and how the resulting acreage from the boundary

analysis supplied acreages in the proper types and amounts to comply with Goal 14 land need requirements. The calculations for residential and employment land needs reflect the amendments made in the UGBA Phase 1 project. That planning effort was directed at the requirement of many state regulations such as ORS 197.296 and LCDC Goals for housing economy and urbanization that require the City to first evaluate whether identified needs (demand) can reasonably be met by the existing UGB (existing supply). The major purpose of this Goal 14 requirement is to assure that cities are not adding land to their UGB in one land use category where a surplus of land exists in another category that could reasonably be met with supply from another category (given the appropriateness of locational considerations. For example, it would not be appropriate to re-designate surplus industrial land to add high density multi-family right next to an existing plywood plant).

SUMMARY CONCLUSIONS:

The foregoing formal analytic expression of Medford's UGB calculation methodologies is based upon our experience in the process and our work for the City on both the Housing Element and the Economic Element.

Ultimately, the City defined the required variables and applied them in an appropriate manner. The math shows that the City is requesting an amount of additional land appropriately proportional to accommodate its urban land needs over the planning period.

Please include this Tech Memo in the County's UGB record.

CSA Planning, Ltd.



Jay Harland
President
cc. File



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.3

www.cityofmedford.org

DEPARTMENT: Planning Department
PHONE: (541) 774-2390
STAFF CONTACT: Angela Durant, Grant Support Technician

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: September 7, 2017

ORDINANCE 2017-103

AN ORDINANCE authorizing execution of an amendment to the Grant Agreement with the Housing Authority of Jackson County pertaining to 2017 Community Development Block Grant funds for the development of a housing complex known as Newbridge Place.

SUMMARY AND BACKGROUND

The City of Medford granted \$200,000 in 2016 Community Development Block Grant (CDBG) funds to the Housing Authority of Jackson County (HAJC) to support development of a new 64-unit affordable housing complex known as Newbridge Place. CDBG funds will construct off-site infrastructure improvements including public streets; curbs and sidewalks; related sewer, water, and storm drain connections; and installation of fire hydrants. After the 2016 General Election, the project experienced roughly a \$1.28 million financing gap triggered by promise of tax reform which decreased the expected value of federal Low Income Housing Tax Credits (LIHTC). Tax credit equity (up-front cash from selling tax credits) is the project's primary funding source. LIHTC funding is made available through Oregon Housing and Community Services (OHCS). Although OHCS has a strategy to address state funding gaps, the agency requested HAJC solicit additional funding from local jurisdictions and current funders to help alleviate the unanticipated state-wide funding deficit and reduce the chance the project would be defunded by the state.

On April 5, 2017, the Housing and Community Development Commission approved for recommendation to Council a Substantial Amendment to the 2016 Action Plan, which authorized an increase in the project's funding from \$200,000 to \$333,732. Subsequent funding was derived from residual CDBG entitlement, unanticipated program income and 2015 demolition project funds recommended by the U.S. Department of Housing and Urban Development (HUD) for allocation to another project. These recommendations were made under the regulatory guidance of HUD and approved by City Council under the 2016 Action Plan and a Substantial Amendment to the 2016 Action Plan; and the City of Medford 2017-19 biennial budget.

Newbridge Place will be located at 217 N. Ross Lane. Project site characteristics and scope required environmental consultation to meet regulatory requirements under 24 CFR Part 58. The City may allocate CDBG program administration funds to cover expenses associated with the environmental review process. The associated cost was estimated at \$9,746. HUD requires that any program administration funds used to complete project specific environmental studies be added to the original grant award and included in an amendment to the original agreement. As authorized in the original agreement dated September 15, 2016, funding increases exceeding 25% and extensions of time longer than 6 months shall be subject to Council approval. Amendment No. 1 amends the original agreement from \$200,000 to \$343,478 and extends the agreement through the program year ending June 30, 2018.

PREVIOUS COUNCIL ACTIONS

On May 7, 2015, Council approved Resolution No. 2015-46 adopting the 2015-2019 Consolidated Plan for Housing and Community Development.

On May 5, 2016, Council approved Resolution No. 2016-57 adopting the 2016 Action Plan.

On June 1, 2017, Council approved Resolution No. 2017-54 adopting the 2017 Action Plan.

On June 15, 2017, Council approved Resolution No. 2017-57 adopting the budget for the City of Medford for the biennium commencing July 1, 2017.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.3

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ANALYSIS

As identified in the 2015-2019 Consolidated Plan for Housing and Community Development, providing affordable housing opportunities to low/moderate income (LMI) and special needs populations is a high priority need for the City of Medford. This project will help the City exceed the expected five-year outcomes in Public Facility or Infrastructure Activities for LMI Housing Benefit.

Increasing funding to address the unanticipated funding gap demonstrates to the state and federal governments that the City is in full support of affordable housing development in our community. Establishing this precedence contributes to a positive framework for future funding opportunities.

The purpose of the environmental review process is to analyze the effect of a proposed project on the people and the natural environment within a designated project area (HUD, 2007). As the grantee of CDBG funds, the City of Medford is considered the responsible entity as defined by HUD, and must complete an environmental review of all project activities prior to issuing Notice to Proceed. The magnitude and complexity of this project justifies the utilization of program administration funds to comply with all environmental laws and authorities.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

\$343,478 in Community Development Block Grant Funds for FY 2017/18. Funds are budgeted and will be reimbursed to the City through HUD.

TIMING ISSUES

The City Council must approve the amendment to the original grant agreement prior to HAJC proceeding with construction. Approving this amendment would allow the City to issue HAJC Notice to Proceed on September 22, 2017, which would respond to the time sensitive nature of financing with tax credit equity.

COUNCIL OPTIONS

Approve the ordinance to authorize the execution of the grant agreement amendment; modify the ordinance to authorize the execution of the grant agreement amendment; or deny ordinance with direction provided to staff.

STAFF RECOMMENDATION

Staff recommends Council approval of the ordinance to authorize the execution of the grant agreement amendment.

SUGGESTED MOTION

I move to approve the ordinance to authorize the execution of the grant agreement amendment.

EXHIBITS

Ordinance
Amendment on file in the City Recorder's Office

ORDINANCE NO. 2017-103

AN ORDINANCE authorizing execution of an amendment to the Grant Agreement with the Housing Authority of Jackson County pertaining to 2017 Community Development Block Grant funds for the development of a housing complex known as Newbridge Place.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an amendment to the Grant Agreement with the Housing Authority of Jackson County pertaining to 2017 Community Development Block Grant fund for the development of a housing complex known as Newbridge Place, which is on file in the City Recorder's office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.4

www.cityofmedford.org

DEPARTMENT: Planning Department
PHONE: (541) 774-2380
STAFF CONTACT: Matt Brinkley, AICP CFM, Planning Director

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: September 7, 2017

COUNCIL BILL 2017-104

AN ORDINANCE amending Articles I, II, III, IV, V, VI of Chapter 10 of the Medford Municipal Code pertaining to procedural requirements and substantive criteria for land use reviews.

SUMMARY AND BACKGROUND

The proposals include text changes to both Chapter 10 of the Municipal Code and complementing changes to the Review and Amendment Procedures chapter of the Comprehensive Plan. The Municipal Code changes include updating Article II within Chapter 10, also referred to as the Medford Land Development Code (MLDC), and the affected articles of the MLDC outside of Article II. Article II relates to the procedural requirements of the code, specifically the duties and responsibilities of the various commissions (Planning Commission, Site Plan and Architectural Commission, and the Landmarks and Historic Preservation Commission) as well the various land use application types, submittal requirements, and criteria for approval. The Comprehensive Plan amendment revises how the various application types are labeled in alignment with the Municipal Code changes. Both proposals may be reviewed and adopted concurrently as they are directly related. (DCA-15-088 and CP-17-063)

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

Article II of the MLDC defines the responsibilities of the approving authorities and assigns the criteria for the various land use reviews within Medford. In its current form, Article II has not seen any substantive updates since its inception in 1987; any updates to Article II have been in a piecemeal fashion or to specific portions of Article II. As a result, Article II has become dated and confusing and cumbersome for staff, Commissioners, and applicants to use.

Pulling on the expertise of the Planning staff it was determined that the functionality of Article II could be improved through a reorganization and update of language to meet current planning practices. In large part, the changes proposed within DCA-15-088 are intended to better organize information and to update language to be consistent with other municipalities in the Rogue Valley and throughout the State. Major changes to the language and formatting include the transition from Class A, B, C, D, and E land use reviews to Type I, II, III, and IV land use reviews, consolidation of Sections, and reorganization of Sections to create a more fluid and usable set of rules and regulations. Furthermore, the amendment would make land partitions (land division resulting in three or less parcels) an administrative Type II (Class D) decision which will expedite processing and reduce the time required to develop smaller residential projects. The amendment also updates the required number of members for the Landmarks and Historic Preservation Commission.

A detailed analysis of the proposal is provided in the Commission report. The Planning Commission recommended the City Council approve the amendments during their July 27, 2017, public hearing.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.4

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TIMING ISSUES

Membership of the Landmarks and Historic Preservation Commission (LHPC) has decreased from 7 to 4 causing issues with creating a quorum. Language updates regarding LHPC membership and quorum size are needed to continue forward with the Commissions assigned duties.

COUNCIL OPTIONS

- Approve the ordinance as presented
- Modify the ordinance as presented
- Deny the ordinance as presented (staff to revise language; remand back to Planning Commission for further deliberation)

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance amending the text in Chapter 10 of the Municipal Code and the Review and Amendment chapter of the Comprehensive Plan based on the findings of fact and conclusions of law provided for in the Commission Report dated September 7, 2017 including exhibits A – K.

EXHIBITS

Ordinance
Commission Report

ORDINANCE NO. 2017-104

AN ORDINANCE amending Articles I, II, III, IV, V, VI of Chapter 10 of the Medford Municipal Code pertaining to procedural requirements and substantive criteria for land use reviews.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Section 10.012 of the Medford Code is amended to read as follows:

10.012 Definitions, Specific.

When used in this chapter, the following terms shall have the meanings as herein ascribed:

Appeal. A means of obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this chapter as expressly authorized by the provision of Article I, Section ~~10.140~~ ~~10.051~~, **Appeals**.

Approving Authority. The designated official or official body charged with the duty of investigating and reporting on the design, improvement and use of proposed developments of real property, the imposing of requirements or conditions thereon and the authority to approve, conditionally approve or disapprove development permits and ~~plan authorizations~~ **land use reviews** as per this chapter.

Development permit. The written acknowledgment by the city that a specific development proposal has complied with all required ~~plan authorizations~~ **land use reviews** determined necessary for development.

Exceptions. Permission to depart from the literal requirements of this code granted pursuant to Article II, Section ~~10.251~~, ~~Application for Exceptions~~ **10.186**.

Land Development Committee. A land **use**/development review and advisory committee comprised of representatives from all referral agencies as identified in Article II, Section ~~10.145~~ **10.110**.

Planned Unit Development (PUD). A planned unit development (PUD) is any development approved by the City under Sections ~~10.230~~ **10.190** through ~~10.245~~ **10.198** or under earlier PUD ordinances of the City.

Site plan. A plan, prepared to scale, showing accurately and with complete dimensioning, all of the uses as required by ~~Article II, Section 10.287~~, ~~Application General~~ **in the land use review applications**.

Street, private. A street providing public access to more than one lot. It is a separate tax lot that is owned and maintained by private parties. Private streets are only allowed in Planned Unit Developments (PUDs) (See Section ~~10.230(D)(5)~~ **10.192(B)(5)**).

Section 2. Section 10.021 of the Medford Code is hereby repealed:

~~10.021 Development Permit Required.~~

~~No person shall engage in or cause a development nor shall any person create any street for the purpose of subdividing or partitioning an area or tract of land, or to dispose of, transfer or sell any lot or parcel of land if same constitutes or is part of a process of subdivision or partitioning as herein defined, or to record a final plat thereof without first complying with all of the applicable provisions of this chapter. A building permit shall not be issued for the construction, reconstruction or the alteration, use or occupancy of a structure for which a development permit is required and has not been issued pursuant to Section 10.101, The Development Permit Application, or unless exempted as per Section 10.031, Exceptions to the Development Permit Requirement.~~

Section 3. Section 10.031 of the Medford Code is hereby repealed:

~~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.~~

~~C. The following uses or developments do not require a development permit.~~

~~(1) Parking lots and parking lot additions, when not associated with building construction required to be reviewed by the Site Plan and Architectural Commission, except any parking lot or parking lot additions located within a Historic Overlay requires Historic Review. (Effective Dec. 1, 2013.)~~

~~(2) Construction of a new building if it does not increase motor vehicle trip generation by more than ten (10) average daily trips, unless within a Historic Overlay, in which case, Historic Review is required for all new construction. (Effective Dec. 1, 2013.)~~

~~(3) A building addition similar to the existing building in architectural style and exterior building materials and that is no more than a 20 percent or 2,500 square foot increase in gross floor area, whichever is less, unless within a Historic Overlay, in which case, Historic Review is required for all building additions and exterior alterations. (Effective Dec. 1, 2013.)~~

~~(4) An emergency measure resulting from fire, an act of God, or a public enemy or other calamity, which is necessary to protect and save property and lives.~~

~~(5) The reconstruction of a legal main structure or legal accessory structure which has been destroyed by fire, an act of God, or a public enemy or other calamity, and restoration is started within one (1) year from such destruction and is diligently pursued to completion.~~

~~_____ (6) Temporary uses as identified in Section 10.840, Temporary Uses and Structures.~~

~~_____ (7) The erection, construction, alteration, maintenance or termination of a public utility service facility, such as a public safety communication tower, that is being developed to provide service to development authorized by this chapter.~~

~~_____ (8) Detached single family residential development on a lot within a final platted land division or on an otherwise legally created lot, unless within a Historic Overlay, in which case, Historic Review is required for all single family residential development. (Effective~~

- ~~Dec. 1, 2013.)~~
- ~~(9) Solar Photovoltaic/Solarvoltaic energy systems, as defined in ORS 757.360, except when located on historic landmarks or within historic districts, in which case the review authority shall be the Landmarks and Historic Preservation Commission.~~
- ~~(10) One duplex dwelling divided by a lot line or on a single lot within a final platted land division or on an otherwise legally created lot, unless within a Historic Overlay, in which case, Historic Review is required.~~
- ~~(11) Airport accessory structure(s) including hangars, aircraft storage, maintenance facilities, warehouse storage, and office buildings to be located on airport property within the secured fence area (as shown on the Medford Zoning Map) not intended for public use.~~

Section 4. Section 10.051 of the Medford Code is hereby repealed:

~~10.051 Appeals.~~

~~A. Any person with standing may appeal to the City Council any Type "C" or "D" decision of an approving authority (Planning Commission, Site Plan and Architectural Commission, Landmarks and Historic Preservation Commission, and Planning Director) which approves conditionally, approves, or disapproves a development permit, or plan authorization, as per Section 10.102, Plan Authorizations, of this chapter, by filing a written notice together with the requisite filing fee with the city recorder within fourteen (14) days after notice of the development permit or plan authorization approval or disapproval by the approving authority is mailed. (Effective Dec. 1, 2013.)~~

~~B. A person has standing if the person: (1) appeared in the initial proceedings orally or in writing; and (2) was entitled to a right of notice and hearing prior to the decision to be reviewed, or is aggrieved by the decision, or has interests adversely affected by the decision.~~

~~C. Class "E" Ministerial Decisions are final and, with the exception of Final PUD Plan applications (see 10.241(E)), are not appealable under the Medford Land Development Code or any other provision of the Medford Code.~~

Section 5. Section 10.052 of the Medford Code is hereby repealed:

~~10.052 Notice of Appeal.~~

~~All notices of appeal shall be signed by the appellant or his agent and shall contain:~~

~~(1) An identification of the decision sought to be reviewed, including the date of the decision.~~

~~(2) A statement demonstrating that the appellant has standing to appeal as required by Section 10.051, Appeals.~~

~~(3) A statement of the specific grounds which the appellant relies on as the basis for the appeal. If the appellant contends that the findings of fact made by the approving authority are incorrect or incomplete, the notice shall specify the factual matters omitted or disputed. If the appellant contends that the decision is contrary to ordinance, statute or other law, such errors shall be specifically identified in the notice along with the specific grounds relied upon for review.~~

~~Upon timely receipt of the notice of appeal and filing fee, the City Recorder shall set the appeal for hearing before the City Council at its next regular meeting that falls not less than fourteen (14) days after the date of filing. The City Recorder shall notify the appellant and other parties who appeared in the initial proceedings, of the time and place of the hearing by first class mail,~~

~~enclosing a copy of the notice of appeal.~~

Section 6. Section 10.053 of the Medford Code is hereby repealed:

~~10.053 Scope of Review.~~

~~Upon review, the City Council shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the tribunal which heard the matter, or to determining if errors in law were committed by such tribunal. Review shall in any event be limited to those issues set forth in the notice of appeal. The appellant is also precluded from raising an issue on appeal to the Council if he or she could have raised the issue before the hearings body but failed to do so. Review shall be based on the record of the initial proceedings. The record shall consist of the application and all materials submitted with it; documentary evidence, exhibits and materials submitted at the initial hearing; recorded testimony; the decision of the approving authority, including the findings and conclusions; and the notice of appeal. Only the appellant and other parties who appeared in the initial proceedings may participate in the appeal hearing. Appellant shall make the initial presentation and shall be allowed rebuttal. Each participant in the appeal hearing shall present to the council those portions of the record which the participant deems relevant to the appeal. If a party wishes the council to review recorded testimony, the party shall present a written summary or transcript of such testimony to be read by the council in lieu of actually listening to the recording.~~

Section 7. Section 10.056 of the Medford Code is hereby repealed:

~~10.056 City Council Decision.~~

~~A. Upon review of the appeal, City Council may by order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review. When the City Council modifies or renders a decision that reverses a decision of the approving authority, the Council, in its resolution, shall set forth its finding and state its reasons for taking the action encompassed in the order. When the City Council elects to remand the matter back to the approving authority for such further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.~~

~~B. Action by the City Council shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The City Council shall render its decision within the time limits allowed by State law.~~

Section 8. Section 10.100 of the Medford Code is amended to read as follows:

10.100 Purpose of Article II.

It is the purpose of this article to **establish land use review procedures** designate and define the responsibilities of the approving authorities, and to set forth the procedural requirements and substantive criteria **and standards for each land use review necessary to obtain a development permit** ~~plan authorizations and the development permit.~~

Section 9. Section 10.101 of the Medford Code is hereby repealed:

~~10.101 The Development Permit Application.~~

~~The development permit is the basis for administration of this chapter. A development permit is a comprehensive permit, running with the land, setting forth the general procedural policies and improvement requirements necessary for the development of a specific property. Upon application for a development permit, the Planning Department will indicate the plan authorizations which must be obtained prior to the issuance of a development permit. The applicant for a development permit may choose to request approval of all, any one, or a combination of required plan authorizations. A request for approval of a specific plan authorization may follow, at any time, the application for other required plan authorizations.~~

~~Upon satisfactory completion of all conditions required of the plan authorizations, as identified on the development permit application, a development permit shall be issued by the Planning Director. Upon issuance of a development permit the applicant may obtain a building permit.~~

Section 10. Section 10.102 of the Medford Code is amended to read as follows:

~~10.102 Plan Authorizations~~ **Land Use Review.**

~~A. A plan authorization~~ **Land use review** is a specific planning and development review process which sets forth specific conditions for development consistent ~~conducted in order to determine whether proposed land uses comply~~ with the policies, standards and criteria of the Comprehensive Plan and this chapter. ~~Plan authorizations are categorized as follows: A land use application shall be provided for each land use review when applicable.~~

B. Each type of land use review has a designated procedural type and each procedural type has specific due process and administrative requirements that shall be followed.

C. A land use review is complete once a land use decision, as outlined in Section 10.104 has been made by the designated approval authority.

Class A

~~Comprehensive Plan Amendment, Major _____
Land Development Code Amendment _____
Zoning Map Amendment, Major~~

Class B

~~Annexation
Comprehensive Plan Amendment, Minor _____
Transportation Facility Development _____
Vacation~~

~~See Review & Amendments Chapter of the Comprehensive Plan for definitions of
"major" and "minor" Class A and B authorizations.~~

Class C

~~_____ Conditional Use Permit
_____ Exception
_____ Historic Review
_____ Land Division
_____ Planned Unit Development (PUD)
_____ Site Plan and Architectural Review~~

~~_____ Zoning Map Amendment, Minor (i.e., “Zone Change”)~~

~~Class D~~

~~_____ Administrative Decision~~

~~Class E~~

~~PUD Plan, Final~~

~~Ministerial Decision (non-discretionary)~~

~~Historic Review, Minor~~

~~Property Line Adjustments _____~~

~~The development permit application will identify the required plan authorization(s) necessary for issuance of a development permit. The applicant for a development permit, at the time of application or any time thereafter, may request approval of any one (1) or combination of required plan authorizations as identified on the development permit application.~~

Section 11. Section 10.104 of the Medford Code is added to read as follows:

10.104 Land Use Decision.

A. A land use decision consists of the Final Order signed by the approval authority based upon the criteria and standards considered relevant to the decision, as well as the facts contained within the record. The decision shall address such relevant criteria, standards and facts relied upon in rendering the decision. A written record of the decision shall be provided to the applicant, any person with standing (if applicable), and kept on file in the Planning Department.

B. When the proposed land use application is inconsistent with the Comprehensive Plan or this chapter the application is either denied or specific requirements called “conditions” are included with the land use decision which when implemented will bring it into conformance.

C. Upon receipt of an approved land use decision or upon satisfactory completion of any condition(s) of an approved land use decision that are required prior to building permits, a development permit shall be issued by the Planning Director. Upon issuance of a development permit, the applicant may obtain building permits.

D. 120 Day Rule. For all Type II and III land use reviews as outlined in Table 10.108-1 below, the city shall arrive at a final decision, including resolution of all appeals, within 120 days from the date the application is deemed complete, unless the applicant requests an extension in writing. The total of all extensions shall not exceed 245 days.

E. Land Use Approval Required. No person shall subdivide or partition, nor shall any person create any street or road for the purpose of subdividing or partitioning an area or tract of land, or to dispose of, transfer or sell any lot or parcel of land if same constitutes or is part of a process of subdivision or partitioning as herein defined, or to record a final plat thereof without first complying with all of the applicable provisions of this chapter. A building permit shall not be issued for the construction, reconstruction or the alteration, use or occupancy of a structure for which a development permit is required and has not been issued pursuant to this Section unless exempted as per Section 10.200(C) or Subsection (F) below.

F. Exemptions from Land Use Review.

1. An exemption from land use review 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.

2. The following uses or developments do not require land use review.
 - a. An emergency measure resulting from fire, an act of God, or a public enemy or other calamity, which is necessary to protect and save property and lives.
 - b. The reconstruction of a legal main structure or legal accessory structure which has been destroyed by fire, an act of God, or a public enemy or other calamity, and restoration is started within one (1) year from such destruction and is diligently pursued to completion.
 - c. Temporary uses as identified in Section 10.840, Temporary Uses and Structures.
 - d. The erection, construction, alteration, maintenance or termination of a public utility service facility, such as a public safety communication tower, that is being developed to provide service to development authorized by this chapter.

Section 12. Section 10.106 of the Medford Code is added to read as follows:

10.106 Procedural Types.

For purposes of administering the provisions of this chapter, and other ordinances and policies of the City pertaining to land use and development, there are hereby established four types of procedures for processing land use review applications. Two factors vary for each procedural type. First, the degree of discretionary judgment involved in rendering a decision. The greater the degree of discretionary judgment, the more rigorous they are procedurally. Second, the extent of public participation which varies based upon the degree of impact(s) caused by the proposed use and development of land. The greater degree of impacts, the more the public is notified and invited to participate.

A. Type I “Ministerial” Procedures.

1. Non-discretionary administrative decisions shall be made by applying clear and objective approval criteria and standards.
2. Decisions shall be made by the Planning Director or designee.
3. No public notice, public comment period, or public hearing shall be required.
4. Requested action shall be initiated by the applicant.
5. Decisions are final, and except for Final Planned Unit Development (PUD) Plan and Minor Historic Review decisions, are not appealable. Final PUD Plan decisions are appealed to the Planning Commission per Section 10.140(F)(2). Minor Historic Review decisions are appealed to the Landmark and Historic Preservation Commission per Section 10.140(F)(3).

B. Type II “Administrative” Procedures.

1. Administrative decisions shall be made by applying clear, objective approval criteria and standards while using limited discretion to determine impact(s) on adjacent properties and the surrounding vicinity, public infrastructure and services, and the health, welfare, and safety of the community at-large.
2. Decisions shall be made by the Planning Director or designee.
3. Public notice and a public comment period are required according to Section 10.124 of this Chapter, but a public hearing shall not be required.

4. Requested action shall be initiated by the applicant.
 5. Appeals of Type II decisions are heard by the Planning Commission at a public hearing per Section 10.140(G).
- C. Type III “Quasi-judicial” Procedures.**
1. Quasi-judicial decisions require the application of clear, objective approval criteria and standards, and a degree of discretion to determine compliance with approval criteria and the impact(s) of development on adjacent properties and the surrounding vicinity, public infrastructure and services, and the health, welfare, and safety of the community at-large. If necessary to mitigate such impacts, conditions may be imposed to bring the proposed land use into compliance and/or to mitigate impacts.
 2. Decisions are made by the designated approving authority.
 3. Public notice, a public comment period, and a public hearing are required according to Section 10.124 of this Chapter.
 4. Requested action may be initiated by City Council, the Planning Commission or an applicant.
 5. Appeals of Type III decisions are heard by the City Council per Section 10.140(H).
- D. Type IV “Legislative” Procedures.**
1. legislative decisions that involve the greatest degree of discretion as they establish by law the general policies and regulations for future land use decisions and have either widespread and significant impact beyond the immediate area or change the character of the land use, or affect large areas or many different ownerships.
 2. The Planning Commission shall review Type IV land use permit applications and forward a recommendation to City Council to approve, approve with modifications, approve with conditions, deny, or to adopt an alternative. City Council shall consider and address the recommendation, but shall not be bound by it. The City Council is the approving authority and, if it so determines that a Type IV land use permit application has satisfied the standards and criteria for approval, shall approve Type IV land use applications by ordinance.
 3. Public notice(s), public comment period(s) and public hearing(s) are required according to Section 10.124 of this Chapter.
 4. Requested action may be Initiated by City Council, Planning Commission (except annexations) or for minor amendments, or an applicant(s).
 5. Appeals of Type IV decisions are made to the Land Use Board of Appeals (LUBA) per Section 10.140(I).

Section 13. Section 10.108 of the Medford Code is added to read as follows:

10.108 Land Use Review Procedure Types.

Table 10.108-1 identifies the procedural type, applicable standards, and approving authority for each type of land use review as well as whether the 120-day rule in Section 10.104(D) is applicable. Each procedural type is subject to specific due process and administrative requirements of this chapter.

Table 10.108-1. Land Use Review Procedures				
Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
Annexation	IV	Urbanization, 10.216	City Council	No
Appeal of Final PUD Plan Decision	I	10.140(F)(2)	Planning Commission	No
Appeal of Minor Historic Review Decision	I	10.140(F)(3)	Historic Commission	No
Appeal of Type II Decision	II	10.140(G)	Planning Commission	Yes
Appeal of Type III Decision	III	10.140(H)	City Council	Yes
Appeal of Type IV Decision	IV	10.140(I)	LUBA	No
Comprehensive Plan Amendment, Major	IV	Review & Amendment, 10.220	City Council	No
Comprehensive Plan Amendment, Minor	IV	Review & Amendment, 10.222	City Council	No
Conditional Use Permit	III	10.184	Planning Commission	Yes
De Minimis Revision(s) to an Approved PUD Plan	I	10.198	Planning Director	No
Exception	III	10.186	PC/LHPC/SPAC	Yes
Final PUD Plan	I	10.196	Planning Director	No
Final Plat, Subdivision or Partition	I	10.160	Planning Director	No
General Land Use Plan Map Amendment, Major	IV	GLUP, Review & Amendment, 10.220	City Council	No
General Land Use Plan Map Amendment, Minor	IV	GLUP, Review & Amendment, 10.222	City Council	No
Historic Review	III	10.188	Historic Commission	Yes
Land Development Code Amendment	IV	10.218	City Council	No
Minor Historic Review	I	10.148	Planning Director	No
Major Modification to a Site Plan & Architectural Review	III	10.200(H)(1)	SPAC	Yes

Approval				
Minor Modification to a Site Plan & Architectural Review Approval	I	10.200(H)(2)	Planning Director	No
Major Modification to an Approved Conditional Use Permit	III	10.184(D)(1)	Planning Commission	Yes
Minor Modification to an Approved Conditional Use Permit	I	10.184(D)(2)	Planning Director	No
Table 10.108-1. Land Use Review Procedures				
Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
Nonconformities	I	10.032 – 10.036	Planning Director	No
Portable Storage Container	II	10.840(D)(6)	Planning Director	Yes
Pre-Application	I	10.154	Planning Director	No
Preliminary PUD Plan	III	10.190–10.198	Planning Commission	Yes
Property Line Adjustment	I	10.156	Planning Director	No
PUD Plan Revision(s)	III	10.198	Planning Commission	Yes
PUD Plan Termination	III	10.198	Planning Commission	Yes
Riparian Corridors, Reduction or Deviation	I	10.927	Planning Director	No
Sign Permit	I	10.1000 – 10.1810	Planning Director	No
Site Plan and Architectural Review	III	10.200	SPAC	Yes
Tentative Plat, Partition	II	10.170	Planning Director	Yes
Tentative Plat, Subdivision	III	10.202	Planning Commission	Yes
Transportation Facility Development	IV	10.224	City Council	No
Urban Growth Boundary Amendment, Major	IV	Urbanization, 10.220	City Council	No
Urban Growth Boundary Amendment, Minor	IV	Urbanization, 10.222	City Council	No

Vacation of Public Right-of-Way	IV	10.226	City Council	No
Zone Change, Major	IV	Review & Amendment, 10.220	City Council	No
Zone Change, Minor	III	10.204	Planning Commission	Yes

Section 14. Section 10.110 of the Medford Code is amended to read as follows:

10.110 Designation **and Duties** of Approving ~~Authority~~ **Authorities**.

A. Approving Authorities. This article designates the authority to act on ~~planning and development requests~~ **land use reviews** as required by this chapter to ~~five (5) approving authorities~~ as follows:

1. The City Council
2. The Planning Commission
3. The Site Plan and Architectural Commission
4. ~~The~~ Landmarks and Historic Preservation Commission
5. The Planning Director

B. Duties of the Approving Authorities. Under the provisions in Section 10.110, there is hereby designated to the approving authorities the power to:

1. Approve, conditionally approve, or disapprove applications for land use review(s);
2. Determine compliance or lack of compliance with the approval criteria listed under each application type.

C. City Council, Authority. The City Council is hereby designated as the approving authority for the following land use reviews:

Land Use Review

- Annexation
- Comprehensive Plan Amendment (Major or Minor)
- General Land Use Plan Map Amendment (Major or Minor)
- Land Development Code Amendment (Major or Minor)
- Transportation Facility Development
- Urban Growth Boundary Amendment (Major or Minor)
- Vacation of Public Right-of-Way
- Zoning Map Amendment (Major)

D. Planning Commission, Authority.

1. The Planning Commission shall have all powers set forth in ORS 227.090 (Powers and Duties of Commission) except as otherwise provided by ordinance of the City Council.
2. The Planning Commission is hereby designated as the approving authority for the following land use reviews:

Land Use Review

Conditional Use Permit

Exception

Preliminary Planned Unit Development (PUD) Plan

Subdivision Tentative Plat

Zone Change (Minor)

E. Planning Commission, Other Duties.

1. Study and report on all proposed code amendments referred to it by the City Council. When reviewing any such proposed amendments, the Planning Commission shall submit its recommendation and findings to the City Council.
2. Review this chapter and report on same to the City Council at least once every five years commencing on the date of enactment of this chapter. Specifically the Planning Commission shall:
 - a. Analyze the extent to which development has occurred in the city as compared to the projected growth per the Comprehensive Plan.
 - b. Recommend any changes in the mapping of zoning districts as determined necessary to accommodate the expected 20-year growth as determined by the Comprehensive Plan.
 - c. Serve as the Committee for Citizen Involvement (CCI) per the Comprehensive Plan.

F. Planning Commission, Membership.

1. **Number Appointed.** The Planning Commission shall consist of nine voting members appointed by the Mayor and City Council.
2. **Length of Term.** All terms shall be for a period of four years beginning on February 1 of each year with not more than three terms expiring in the same year.
3. **Position Appointments.** The Planning Commission members shall at a minimum comply with the requirements of Oregon Revised Statutes (ORS) 227.030 (Membership) as provided below or as amended:
 - a. No more than two members of a city planning commission may be city officers, who shall serve as ex officio nonvoting members.
 - b. No more than two voting members of the commission may engage principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit.
 - c. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.
4. **Selection Criteria.** All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits.
5. **Removal Terms.** A member may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty.
6. **Vacancy Replacement.** A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new

member shall be appointed to serve the unexpired portion of the term. Any vacancy shall be filled by the Mayor and City Council for the unexpired term of the predecessor in the office.

7. **Quorum.** A quorum of the Planning Commission shall consist of five or more members.
- G. **Planning Commission Meeting Procedures.** Except as otherwise provided by law or this Code, the Planning Commission shall conduct its meetings in accordance with *Robert's Rules of Order, Newly Revised*, unless other rules are adopted by the Commission.
- H. **Site Plan and Architectural Commission Authority.** The Site Plan and Architectural Commission is hereby designated as the approving authority for the following land use reviews:

Land Use Review

Exception

Major Modification of Site Plan and Architectural Review Approval

Site Plan and Architectural Review

- I. **Site Plan and Architectural Commission, Other Duties.** The Site Plan and Architectural Commission shall have the power to adopt design guidelines. Such guidelines may be general or specific in nature and shall be in the form of suggested approaches intended to aid applicants in preparation, presentation and implementation of development proposals in compliance with the City of Medford Comprehensive Plan and implementing ordinances. Guidelines shall be advisory and shall not limit applicants to a single approach.
- J. **Site Plan and Architectural Commission, Membership.**
 1. **Number Appointed.** The Site Plan and Architectural Commission shall consist of nine voting members appointed by the Mayor and City Council.
 2. **Length of Term.** Site Plan and Architectural Commissioner terms shall be for a period of four years, with the exception of the member of the Planning Commission, whose initial term shall be for a period of two years. Subsequent Planning Commissioner terms shall be for one year if reappointed. Said terms shall begin on February 1 of each year with not more than two terms expiring in the same year, exclusive of the Planning Commissioner.
 3. **Position Appointments.**
 - a. One member shall be a Planning Commissioner nominated by the Planning Commission chairperson.
 - b. One member shall be a licensed architect.
 - c. One member shall be a licensed professional engineer.
 - d. One member shall be a licensed landscaping professional.
 - e. One member shall be a licensed contractor.

When selecting persons to fill the remaining four positions, preference should be given to applicants who have training or experience closely related to the licensed positions. At the Mayor and City Council's discretion, an appointment to any of the four professional/licensed positions may be an individual who, in lieu of having a valid license in the profession, possesses a

comparable combination of skill, education, training and experience related to the respective professional licensing category.

4. **Selection Criteria.** All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits.

5. **Removal Terms.** A member may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty.

6. **Vacancy Replacement.** A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term. Any vacancy shall be filled by the Mayor and City Council for the unexpired term of the member being replaced.

7. **Quorum.** A quorum of the Site Plan and Architectural Commission shall consist of five or more members.

K. **Site Plan and Architectural Commission Meeting Procedures.** Except as otherwise provided by law or this Code, the Site Plan and Architectural Commission shall conduct its meetings in accordance with *Robert's Rules of Order, Newly Revised*, unless other rules are adopted by the Commission.

L. **Landmarks and Historic Preservation Commission Authority.** The Landmarks and Historic Preservation Commission is hereby designated as the approving authority for the following land use reviews:

Land Use Review

Exceptions

Historic Review

M. ***Landmarks and Historic Preservation Commission, Other Duties:***

1. To study proposed Comprehensive Plan and Land Development Code amendments relating to historic preservation, and submit recommendations regarding such proposals to the Planning Commission and City Council.
2. To institute and support programs and projects that further the historic preservation policies of the City of Medford.
3. To adopt approval criteria for Minor Historic Review of alterations of roofing materials, exterior colors, or sign face design for an existing sign within Historic Preservation Overlay Districts. Such criteria shall be consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Places* as applicable.
4. To adopt design guidelines for new construction and exterior alternations within an Historic Preservation Overlay. Such guidelines may be general or specific in nature and shall be in the form of approaches intended to aid applicants in preparation, presentation, and implementation of development proposals that comply with the Medford Comprehensive Plan and implementing ordinances. Guidelines shall be advisory and shall not limit applicants to a single approach.

5. To adopt approval criteria and/or design guidelines for signage within the Historic Preservation Overlay. Such criteria or design guidelines may authorize signs that differ from the standards of Article VI when necessary to meet historic compatibility and preservation goals.
- N. Historic Review.** For the purposes of this section, the definitions, rules, and procedures of Sections 10.401 through 10.408 shall apply. Historic Review shall include:
1. *Historic Preservation Overlay Changes.* Review and investigation of any historic resource in the City of Medford that may have historic significance; initiation of proceedings to change the extent of the Historic Preservation Overlay; decisions on applications to change to the extent of the Historic Preservation Overlay; and preparation of findings substantiating or refuting the historic significance of the resource.
 2. *Exterior Alteration and/or New Construction Review.* Consideration of proposed exterior alteration and/or new construction within an Historic Preservation Overlay.
 3. *Demolition and/or Relocation Review.* Consideration of proposed demolition or relocation within an Historic Preservation Overlay, and authorization of either delayed or immediate issuance of a demolition or relocation permit.
- O. Landmarks and Historic Preservation Commission, Membership.**
1. *Number Appointed.* The Landmarks and Historic Preservation Commission shall be made up of five voting members appointed by the Mayor and City Council.
 2. *Length of Term.* All regular terms of members of the Landmarks and Historic Preservation Commission shall be for a period of four years, and shall begin on February 1, with not more than three terms expiring in the same year.
 3. *Position Appointments.* All members of the Landmarks and Historic Preservation Commission shall have demonstrated positive interest, competence, or knowledge of historic preservation. The Planning Director or designee shall serve as an *ex-officio* member of the Landmarks and Historic Preservation Commission.
 4. *Selection Criteria.* All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits.
 5. *Removal Criteria.* A member of the Landmarks and Historic Preservation Commission may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty. A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term. Replacements shall be appointed by the Mayor and City Council for the remainder of the unexpired term.
 6. *Quorum.* A quorum of the Landmarks and Historic Preservation Commission shall consist of a majority of the current membership of the Commission.
- P. Landmarks and Historic Preservation Commission Meeting Procedures.**
1. Except as otherwise provided by law or this Code, the Landmarks and Historic Preservation Commission shall conduct its meetings in accordance with

Robert's Rules of Order, Newly Revised, unless other rules are adopted by the Commission.

2. The Landmarks and Historic Preservation Commission shall meet as necessary to act on Historic Reviews in a timely manner.

3. There shall be at least one meeting of the Landmarks and Historic Preservation Commission held each year, during the month of March.

Q. **Planning Director, Authority.** The Planning Director is hereby designated as the approving authority for Type I and II land use reviews as well as issuance of the Development Permit:

Land Use Review

De Minimis Revision(s) to Approved PUD Plan

Final PUD Plan

Final Plat, Partition/Subdivision

Minor Historic Review

Minor Modification to Conditional Use Permit

Minor Modification to Site Plan and Architectural Review

Pre-Application

Property Line Adjustment

Sign Permit

Tentative Plat, Partition

R. **Planning Director, Other Duties.** The Planning Director shall also be responsible for the administration and enforcement of this chapter.

Section 15. Section 10.111 of the Medford Code is hereby repealed:

~~10.111 Authority of the City Council.~~

~~The City Council is hereby designated as the approving authority for all Class A and Class B plan authorizations. The City Council shall also serve as the approving authority for all appeals as provided in Section 10.051, Appeals, Article I of this chapter.~~

Section 16. Section 10.112 of the Medford Code is added to read as follows:

10.112 Referral Agencies.

A. It is the responsibility of a referral agency to provide timely review and comment on all proposals referred by the City. The referral agency shall be requested to determine consistency of a proposal with the referral agency's operating policies and standards and to suggest conditions of approval.

B. This Chapter employs the use of referral agencies for the review of land use permit applications according to a Referral Agency Distribution Schedule that is available and maintained by the Planning Department.

C. Referral agencies may be asked to review certain applications if, in the judgment of the Planning Director, the agency may have an interest in the proposal. Additional referral agencies may be notified at the discretion of the Planning Director.

D. **Referral Agency Action and Decision Time.**

1. After deeming an application complete per Section 10.122, the Planning Department

shall transmit one copy of the proposed legislation, or land use permit application, and necessary accompanying data for review and comment to any governmental agency or private entity that is entitled to notice per the Planning Department's Distribution Schedule .

2. The Planning Department shall study and investigate the proposal and prepare a Staff Report setting forth a recommended action to the approving authority based on compliance with the appropriate criteria and recommendations by the referral agencies.

E. Referral Agency Reports.

Upon receipt of a request for review and comment, each referral agency shall make an investigation and submit written comments to the Planning Department clearly specifying any recommended conditions for development approval.

1. **Affected Agency Reports.** Other agencies having jurisdiction, shall report to the Planning Department as to any recommendations or provisions which in their determination are required for the approval of the land use permit consistent with this code.

2. **City Engineer's Report.** The City Engineer shall investigate and report on existing facilities and make a recommendation on the manner in which the land use is to be provided city services. The city engineer shall appropriately condition the land use permit to adequately provide for the provision of public infrastructure for the land constituting and surrounding the proposed land use.

3. **Fire Department.** The Fire Department shall investigate and report on existing facilities and make a recommendation concerning the number and placement of fire hydrants and other fire protection requirements for the proposed land use.

4. **Water Commission.** The Water Commission shall investigate and report on the applicable infrastructure that is in place, what easements pertain to the project, and what are the improvements needed to provide adequate infrastructure to the site.

5. **Planning Department.** The Planning Department shall review the land use permit application in relation to the *Comprehensive Plan*, any applicable specific plans prescribed by law which affect the proposed land use and in relation to any and all criteria and standards applicable to the application type. The staff report shall either summarize, or incorporate by reference, all referral agency reports and public comments received, and shall itemize such conditions as it deems appropriate to be imposed by the approving authority if approval is to be recommended. The Staff Report shall be made available at no cost by the Planning Department seven days before the public hearing.

Section 17. Section 10.114 of the Medford Code is added to read as follows:

10.114 Concurrent Land Use Review

The applicant of a land use application may choose to request consideration of all, any one, or a combination of required land use reviews by the same approving authority at the same time. Otherwise, a request for consideration of a specific land use application may follow, at any time, the application for other required land use reviews.

Section 18. Section 10.120 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.120 Planning Commission.~~

~~The Planning Commission shall have all powers set forth in ORS 227.090 (Powers and Duties of Commission) except as otherwise provided by ordinance of the City Council.~~

10.120 Due Process.

Each of the procedural types outlined in Section 10.106 are subject to specific due process and administrative requirements which are outlined below in Table 10.120-1 for each land use application.

Table 10.120-1. Due Process Elements by Procedure Type

Due Process Element	Land Use Procedure Type			
	Type I	Type II	Type III	Type IV
1. Completeness Review		✓	✓	
2. Notification		✓	✓	✓
3. Disclosure		✓	✓	✓
4. Conflict of Interest			✓	✓
5. Public Hearing			✓	✓
6. Cross-Examination			✓	✓
7. Action, Decision Time and Notice of Decision		✓	✓	✓
8. Findings of Fact		✓	✓	✓
9. Record		✓	✓	✓

Section 19. Section 10.122 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.122 Authority of the Planning Commission.~~

~~The Planning Commission is hereby designated as the approving authority for the following actions:~~

- | | | |
|----|---|------------------|
| | Plan Authorization | Class |
| 1. | Zone Changes, except when applied by the City concurrent with annexation | "C" |
| 2. | Planned Unit Developments, Preliminary PUD Plan | "C" |
| 3. | Conditional Use Permits | "C" |
| 4. | Exceptions | "C" |
| 5. | Land Divisions, Tentative Plats | "C" |

~~The Planning Commission shall also act as the advisory agency to the City Council for all Class "A" and Class "B" actions, except annexations as set forth in Section 10.111, Authority of the City Council.~~

~~It shall further be the responsibility of the Planning Commission to:~~

- ~~(1) Study and report on all proposed code amendments referred to it by the City Council. When reviewing any such proposed amendments, the Planning Commission shall submit its recommendation and findings to the City Council.~~

~~(2) Review this chapter and report on same to the City Council at least once every five (5) years commencing on the date of enactment of this chapter. Specifically the Planning Commission shall:~~

~~(a) Analyze the extent to which development has occurred in the city as compared to the projected growth per the Comprehensive Plan.~~

~~(b) Recommend any changes in the mapping of zoning districts as determined necessary to accommodate the expected twenty year growth as determined by the Comprehensive Plan.~~

~~(3) Serve as the Committee for Citizen Involvement (CCI) per the Comprehensive Plan.~~

10.122 Due Process Element 1: Completeness Review

- A. Upon submittal of a land use application to the Planning Department, the date of receipt shall be indicated on each copy of the materials submitted.**
- B. Within 30 days of receipt, the Planning Department shall determine whether a Type II or III land use application as submitted, along with the required information, is complete as per this chapter.**
- C. If the Planning Department fails to provide notice of completeness to the applicant of a Type II or III land use application in writing within 30 days of receipt, the application shall be deemed complete. For purposes of this section, the date of notice to the applicant shall be the date of mailing.**
- D. If it is determined that the Type II or III land use application is incomplete or otherwise does not conform to the provisions of this chapter, the Planning Department shall notify the applicant in writing to submit the missing material. The application shall be deemed complete upon receipt of (1) all of the missing information; (2) some of the missing information and written notice from the applicant that no other information will be provided; or (3) written notice from the applicant that none of the missing information will be provided.**
- E. If the Type II or III land use application is deemed complete as first submitted, or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria applicable at the time the application was submitted.**
- F. On the 181st day after first being submitted, the Type II or III land use application is void if the applicant has been notified of the missing information and has not submitted (1) all of the missing information; (2) some of the missing information and written notice that no other information will be provided; or (3) written notice that none of the missing information will be provided. Any applications that are resubmitted to the Planning Department shall be subject to the standards and criteria in effect at the time the application is resubmitted.**

Section 20. Section 10.123 of the Medford Code is hereby repealed:

~~10.123 Planning Commission, Membership.~~

~~(1) Number Appointed.~~

~~The Planning Commission shall consist of nine (9) voting members appointed by the Mayor and City Council.~~

~~(2) Length of Term.~~

~~All terms shall be for a period of four (4) years beginning on February 1 of each year with not~~

~~more than three terms expiring in the same year.~~

~~(3) Position Appointments.~~

~~The Planning Commission members shall at a minimum comply with the requirements of Oregon Revised Statutes (ORS) 227.030 (Membership) as provided below or as amended:~~

~~(a) No more than two members of a city planning commission may be city officers, who shall serve as ex officio nonvoting members.~~

~~(b) No more than two voting members of the commission may engage principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit.~~

~~(c) No more than two members shall be engaged in the same kind of occupation, business, trade or profession.~~

~~(4) Selection Criteria.~~

~~All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits. A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term.~~

~~(5) Removal Terms.~~

~~A member may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty.~~

~~(6) Vacancy Replacement.~~

~~Any vacancy shall be filled by the Mayor and City Council for the unexpired term of the predecessor in the office.~~

~~(7) Quorum.~~

~~A quorum of the Planning Commission shall consist of five or more members.~~

Section 21. Section 10.124 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.124 Procedure.~~

~~Except as otherwise provided by law or this chapter, the Planning Commission shall conduct its meeting in accordance with *Robert's Rules of Order, Newly Revised*.~~

10.124 Due Process Element 2: Notification.

A. Content of Public Hearing Notice. The Public Hearing Notice shall:

- 1. Explain the nature of the application and the proposed use or uses which could be authorized;**
- 2. List the applicable criteria from the Code and the Comprehensive Plan that apply to the application at issue;**
- 3. Set forth the street address or other easily understood geographical reference to the subject property;**
- 4. State the date, time and location of the hearing; or, for Type II applications state the date the decision will be rendered;**
- 5. State that failure to raise an issue in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal based on that issue;**

6. Include the name of a local government representative to contact and the telephone number where additional information may be obtained;
 7. State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
 8. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost. For a Type II application the staff report will be available on the day the decision is rendered; and
 9. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- B. Public Hearing Signs.** Public hearing signs shall be posted on the project site for any proposed Type II, III or IV (minor) land use action according to the following:
1. **Contents of sign.** Public hearing signs shall include a description of the proposed land use action, the date of the public hearing, and the City of Medford file number for the proposed land use action.
 2. **Location and number of signs.** A posted notice sign must be placed on each existing street frontage of the project site. If a frontage is over 600 feet long, a notice sign is required for each 600 feet, or fraction thereof. Notice signs must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notice signs may not be posted in a public right-of-way, unless the land use action specifically pertains to a public right-of-way. If posting must occur in the right-of-way, care should be taken to comply with Section 10.735, Clear View of Intersecting Streets.
 3. **Sign posting schedule.** The required sign(s) shall be posted as specified below in Table 10.124-1. Posted signs shall be removed within 10 days following the final decision.
 4. **Consequences of failing to post the property as required.** Failure to post the signs as required by this section is a violation of the Medford Municipal Code.
- C. Notification, Affected Property Owners.**
1. **Notice of Type II land use action.** In the case of Type II land use actions where there is no public hearing, notification shall be mailed to the applicant and all affected property owners no later than 20 days prior to the date the decision will be made by the Planning Director.
 2. **Notice of Type III and IV land use actions.** Notification shall be mailed to the applicant and all affected property owners no later than 20 days prior to each public hearing date.
 3. All addresses for mailed notices shall be obtained from the latest property tax rolls of the Jackson County Assessor's office.
 4. Affected property owners for each procedure type shall be determined as indicated below in Table 10.124-1.
- D. Publication.** Unless otherwise indicated, public hearing notices for all proposed land use actions shall be published in a newspaper of general circulation prior to the scheduled public hearing date before the approving authority. The schedule of publication for each procedure type shall be as specified below in Table 10.124-1:

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Table 10.124-1: Notice of Public Hearing Schedule by Procedure Type			
Procedure Type	Newspaper Publication	On-Site Hearing Sign	Public Affected Property Owners Notice
Type I	None	None	None
Type II	None	None	21 days prior to the decision date notice will be sent to all property owners within the project boundaries plus all property owners within 200 feet of the project boundaries
Type III: Conditional Use Permit, Exception, Preliminary PUD Plan, Zone Change	Notice shall be published no later than 10 days prior to the public hearing date before the approving authority.	A sign shall be placed on the subject property 21 days prior to the public hearing date.	21 days prior to the public hearing date notice will be sent to all property owners within the project boundaries plus all property owners within 200 feet of the project boundaries. For Preliminary PUD Plans, in addition to the above, the owners of no less than 75 tax lots shall be notified. If 75 tax lots are not located within 200 feet of the exterior boundary of the PUD, the notification area shall be extended by successive 50-foot increments, until the minimum number of lots are included in the notification area.
Type III: Historic Review, Site Plan and Architectural Commission Review	None	A sign shall be placed on the subject property 21 days prior to the public hearing date. AND A notice shall be	21 days prior to the public hearing date notice will be sent to all property owners within the project boundaries plus all property owners

Procedure Type	Newspaper Publication	On-Site Public Hearing Sign	Affected Property Owners Notice
		posted in a public place no later than five days prior to the public hearing date.	within 200 feet of the project boundaries.
Type III: Subdivision Tentative Plat	Notice shall be published no later than 10 days prior to the public hearing date.	A sign shall be placed on the subject property 21 days prior to the public hearing date.	21 days prior to the public hearing date notice will sent to all property owners within the project boundaries plus all property owners within 200 feet of the project boundaries.
Type IV: Minor Comprehensive Plan Amendment, General Land Use Plan Map Amendment, Transportation Facility Development	Notice shall be published no later than 10 days prior to the public hearing date before the Planning Commission (the advisory body) AND No later than 10 days prior to the public hearing date before City Council (the approving authority).	A sign shall be placed on the subject property 21 days prior to the first public hearing date.	21 days prior to each public hearing date notice will be sent to all property owners within the project boundaries plus all property owners within 200 feet of the project boundaries.
Type IV: Annexation	Notice shall be published once each week for two successive weeks prior to the public hearing date.	Notice shall be posted in four public places for two successive weeks prior to the public hearing date.	21 days prior to the public hearing date notice will be sent to all property owners within the project boundaries plus all property owners within 200 feet of the project boundaries.
Type IV: Vacation of Public Right-of-Way	Not less than 14 days before the public hearing date before the approving authority, notice shall be published once a week for two consecutive weeks.	Within five days after publication of the first notice, and not less than 14 days before the hearing, a sign shall be placed at or near each end of the proposed vacation in	21 days prior to the public hearing date notice will be sent to all property owners within the area of a plat vacation or all abutting property and all attached real

Table 10.124-1: Notice of Public Hearing Schedule by Procedure Type			
Procedure Type	Newspaper Publication	On-Site Hearing Sign	Public Affected Property Owners Notice
		at least two conspicuous places in the proposed vacation area.	property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated.
Type IV: Land Development Code Amendment, Major Comprehensive Plan Amendment, Major Zone Change	Notice shall be published no later than 10 days prior to the public hearing date before the Planning Commission (the advisory body), AND No later than 10 days prior to the public hearing date before the City Council (the approving authority).	None	Generally not applicable to a legislative action unless it meets ORS 227.186 criteria (<i>i.e.</i> , the change effectively rezones property).

Section 22. Section 10.126 of the Medford Code is added to read as follows:

10.126 Due Process Element 3: Disclosure.

There shall be provided to the applicant and other interested parties adequate opportunity to review the facts, findings, staff report and other exhibits as soon as practical, but not less than seven days prior to the time at which a decision is to be made on a land use application by the approving authority.

Section 23. Section 10.128 of the Medford Code is added to read as follows:

10.128 Due Process Element 4: Conflict of Interest.

See Section 10.130(E)(2).

Section 24. Section 10.130 of the Medford Code is added to read as follows:

10.130 Due Process Element 5: Public Hearing.

The contents of this section shall govern the conduct of all quasi-judicial public hearings before an advisory body/approving authority. A copy of this section shall be available for public inspection at each quasi-judicial hearing and in the Planning Department. The conduct of public hearings on legislative matters shall be at the discretion of the presiding officer.

A. Nature of Hearing. All parties with standing shall have an opportunity to be heard, to present and rebut evidence before an impartial tribunal, to have the proceedings recorded,

and to have a decision rendered in accordance with the facts on record and the law.

B. Authority of Presiding Officer. The presiding officer of the advisory body/approving authority shall have authority to:

1. Regulate the course and decorum of the meeting.
2. Dispose of procedural requests and similar matters.
3. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, questions, and rebuttal testimony.
4. Question any person appearing, and allow other members to question any such person.
5. Waive, at their discretion, the application of any rule herein where the circumstances of the hearing indicate that it would be expedient and proper to do so, provided that such waiver does not act to prejudice or deny any party their substantial rights as provided herein or otherwise by law.
6. Take such other action as authorized by the approving authority to appropriately conduct the hearing.

C. Challenge or Reversal of Presiding Officer Ruling. A ruling of the presiding officer may be challenged by any member of that advisory body/approving authority present at the hearing. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the presiding officer's decision.

D. Conduct of Participants. Proceedings shall at all times be orderly and respectful. The presiding officer may refuse to recognize or exclude from the hearing anyone who:

1. Is disorderly, abusive, or disruptive.
2. Takes part in or encourages audience demonstration such as applause, cheering, display of signs, or other conduct disruptive to the hearing.
3. Testifies without first receiving recognition from the presiding officer and stating his full name and residence.
4. Presents irrelevant, immaterial, or repetitious evidence.

E. Order of Procedure. The presiding officer shall conduct the hearing in an orderly fashion, within the guidelines set forth herein. The hearing shall proceed in the following manner:

1. **Commencement:** At the commencement of a hearing under a *Comprehensive Plan* or land use regulation, a statement shall be made to those in attendance that lists the applicable substantive criteria; states that testimony and evidence must be directed toward the criteria described in this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision; and states that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal based on that issue.

2. **Abstentions, Conflict of Interest and Challenges.** All members shall comply with ORS 244.120 and 244.130 regarding actual or potential conflicts of interest. Any member who is disqualified or wishes to abstain from participation in the hearing on a proposal shall identify the reasons for the record and shall not thereafter participate in the discussion as a member or vote on the proposal. Any challenges to the impartiality shall also be decided at this time.

3. **Planning Director's Report.** The presiding officer shall request that the Planning Director or staff member report on the criteria and standards and the basic factual evidence applicable to the case and indicate the action required to be taken.

4. **Applicant's Case.** The presiding officer shall allow the applicant or applicant's

representative to present evidence in support of the application. The applicant shall be allowed to produce witnesses on their behalf. Other parties in favor of the proposal shall thereafter be allowed to present their evidence. Applicant may then reserve time for rebuttal. The Planning Director may appear as an applicant on a staff proposal.

5. **Opponent's Case.** The presiding officer shall allow opponents to present evidence in opposition to the proposal. Opponents shall be allowed to produce witnesses on their behalf.

6. **Questioning of Witnesses.** Cross examination shall be permitted as per Section 10.132.

7. **Applicant's Rebuttal if Reserved.**

8. **Staff Summary and Recommendations.** The Planning Director or staff person may present any additional evidence, comments and recommendations at the close of the hearing.

9. **Final Discussion.** Upon conclusion of the evidence, members shall be allowed to openly discuss the proposal and further question any party appearing for or against the proposal as necessary.

10. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. Such an extension shall not be subject to the limitations of ORS 227.178.

11. When the advisory body/approving authority re-opens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

12. The failure of the property owner to receive notice as provided in Section 10.124 shall not invalidate such proceedings if the city can demonstrate by affidavit that such notice was mailed. The notice provisions contained in Section 10.124 shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television.

F. **Standing.** A person has the right to appear as a party to a quasi-judicial proceeding if the person: (1) received official written notice of the hearing or was entitled to receive such notice, or (2) has interests which could be adversely affected by the decision.

Section 25. Section 10.132 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.132 Authority of the Site Plan and Architectural Commission.~~

~~(1) Approval Authority of Site Plan and Architectural Commission. The Site Plan and Architectural Commission is hereby designated as the approving authority for the following plan authorizations:~~

	Plan Authorization	Class
1.	Exceptions	"C"
2.	Site Plan and Architectural Review	"C"

~~(2) Other Powers of Site Plan and Architectural Commission. The Site Plan and Architectural Commission shall have the power to adopt design guidelines. Such guidelines may be general or specific in nature and shall be in the form of suggested approaches intended to aid applicants in preparation, presentation and implementation of development proposals in compliance with the City of Medford Comprehensive Plan and implementing ordinances. Guidelines shall be advisory and shall not limit applicants to a single approach.~~

10.132 Due Process Element 6: Cross Examination.

A. Prior to any quasi-judicial public hearing there shall be provided to all affected parties, upon request, the right to question the advisory body/approving authority, relative

to any actual or potential conflict of interest. Once a member of the advisory body/approving authority is disqualified, no further questions shall be directed to them.

B. Any witness may be questioned in an orderly fashion by any member of the advisory body/approving authority, applicant, proponent or opponent who has first been recognized by the presiding officer. Questions shall be brief and to the point. All questions shall be submitted to the witness through the presiding officer unless the presiding officer expressly permits the submission of questions directly to a witness.

Section 26. Section 10.133 of the Medford Code is hereby repealed:

~~10.133 Site Plan and Architectural Commission, Membership.~~

~~(1) Number Appointed.~~

~~The Site Plan and Architectural Commission shall consist of nine (9) voting members appointed by the Mayor and City Council.~~

~~(2) Length of Term.~~

~~Site Plan and Architectural Commissioner terms shall be for a period of four (4) years, with the exception of the member of the Planning Commission, whose initial term shall be for a period of two (2) years. Subsequent Planning Commissioner terms shall be for one (1) year if reappointed. Said terms shall begin on February 1 of each year with not more than two (2) terms expiring in the same year, exclusive of the Planning Commissioner.~~

~~(3) Position Appointments.~~

~~(a) One (1) member shall be a Planning Commissioner nominated by the Planning Commission chairperson.~~

~~(b) One (1) member shall be a licensed architect.~~

~~(c) One (1) member shall be a licensed professional engineer.~~

~~(d) One (1) member shall be a licensed landscaping professional.~~

~~(e) One (1) member shall be a licensed contractor.~~

~~When selecting persons to fill the remaining four (4) positions, preference should be given to applicants who have training or experience closely related to the licensed positions. At the Mayor and City Council's discretion, an appointment to any of the four (4) professional/licensed positions may be an individual who, in lieu of having a valid license in the profession, possesses a comparable combination of skill, education, training and experience related to the respective professional licensing category.~~

~~(4) Selection Criteria.~~

~~All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits. A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term.~~

~~(5) Removal Terms.~~

~~A member may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty.~~

~~(6) Vacancy Replacement.~~

~~Any vacancy shall be filled by the Mayor and City Council for the unexpired term of the member being replaced.~~

~~(7) Quorum.~~

~~A quorum of the Site Plan and Architectural Commission shall consist of five or more members.~~

Section 27. Section 10.134 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.134 Procedure of the Site Plan and Architectural Commission.~~

~~Except as otherwise provided by law or this chapter, the Site Plan and Architectural Commission shall conduct its meetings in accordance with *Robert's Rules of Order, Newly Revised*.~~

10.134 Due Process Element 7: Action, Decision Time, and Notice of Decision.

A. Action. After acceptance of an application, the approving authority shall approve, approve with conditions, or deny the request. The decision of the approving authority shall be based upon the application, the evidence and comments from referral agencies and the public, and compliance with this chapter.

B. Decision Time. Action on all land use reviews shall be taken within the time herein prescribed.

C. Notice of Decision. For all land use reviews, the Planning Department shall, within five working days of the decision date, provide written notification of the land use decision to the applicant and all persons who testify orally or in writing on the land use review. The notice shall indicate the date that the decision will take effect, the approval's expiration date, and the final date for appeal.

Section 28. Section 10.135 of the Medford Code is hereby repealed:

~~10.135 Planning Director Authority.~~

~~The Planning Director is hereby designated as the approving authority for Class D and Class E plan authorizations and for the development permit. The Planning Director shall also be responsible for the administration and enforcement of this chapter.~~

Section 29. Section 10.136 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.136 Authority of the Landmarks and Historic Preservation Commission.~~

~~The Landmarks and Historic Preservation Commission is hereby designated as the approving authority for the following plan authorizations:~~

Plan Authorization	Class
Historic Review, except Minor Historic Review permitted in Section 10.258(3)	'C'
Exceptions	'C'

~~For the purposes of this section, the definitions, rules, and procedures of Sections 10.401 through 10.408 shall apply.~~

~~A. Historic Review shall include:~~

~~1. Historic Preservation Overlay Changes. Review and investigation of any historic resource in the City of Medford that may have historic significance; initiation of proceedings to change the extent of the Historic Preservation Overlay; decisions on applications to change to the extent of~~

~~the Historic Preservation Overlay; and preparation of findings substantiating or refuting the historic significance of the resource.~~

~~2. Exterior Alteration and/or New Construction Review. Consideration of proposed exterior alteration and/or new construction within an Historic Preservation Overlay.~~

~~3. Demolition and/or Relocation Review. Consideration of proposed demolition or relocation within an Historic Preservation Overlay, and authorization of either delayed or immediate issuance of a demolition or relocation permit.~~

~~4. Consideration of Appeals of Minor Historic Review Decisions. Should an applicant disagree with a Minor Historic Review decision made by the Planning Director, the applicant may appeal such decision to the Landmarks and Historic Preservation Commission consistent with the requirements of this Code.~~

~~B. Other powers and duties of the Landmarks and Historic Preservation Commission may include:~~

~~1. To study proposed Comprehensive Plan and Land Development Code amendments relating to historic preservation, and submit recommendations regarding such proposals to the Planning Commission and City Council.~~

~~2. To institute and support programs and projects that further the historic preservation policies of the City of Medford.~~

~~3. To adopt approval criteria for Minor Historic Review of alterations of roofing materials, exterior colors, or sign face design for an existing sign within Historic Preservation Overlay Districts. Such criteria shall be consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Places* as applicable.~~

~~4. To adopt design guidelines for new construction and exterior alternations within an Historic Preservation Overlay. Such guidelines may be general or specific in nature and shall be in the form of approaches intended to aid applicants in preparation, presentation, and implementation of development proposals that comply with the Medford Comprehensive Plan and implementing ordinances. Guidelines shall be advisory and shall not limit applicants to a single approach.~~

~~5. To adopt approval criteria and/or design guidelines for signage within the Historic Preservation Overlay. Such criteria or design guidelines may authorize signs that differ from the standards of Article VI when necessary to meet historic compatibility and preservation goals.~~

10.136 Due Process Element 8: Findings of Fact.

See Section 10.118.

Section 30. Section 10.137 of the Medford Code is hereby repealed:

~~10.137 Landmarks and Historic Preservation Commission, Membership.~~

~~(1) Number Appointed.~~

~~The Landmarks and Historic Preservation Commission shall be made up of seven (7) voting members appointed by the Mayor and City Council.~~

~~(2) Length of Term.~~

~~All regular terms of members of the Landmarks and Historic Preservation Commission shall be for a period of four years, and shall begin on February 1, with not more than three terms expiring in the same year.~~

~~(3) Position Appointments.~~

~~All members of the Landmarks and Historic Preservation Commission shall have demonstrated positive interest, competence, or knowledge of historic preservation. The Planning Director or designee shall serve as an *ex officio* member of the Landmarks and Historic Preservation~~

Commission.

~~(4) Selection Criteria.~~

~~All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits. A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term.~~

~~(5) Removal Criteria.~~

~~A member of the Landmarks and Historic Preservation Commission may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty. Replacements shall be appointed by the Mayor and City Council for the remainder of the unexpired term.~~

~~(6) Quorum.~~

~~A quorum of the Landmarks and Historic Preservation Commission shall consist of four or more members.~~

Section 31. Section 10.138 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.138 Landmarks and Historic Preservation Commission, Meeting Procedures.~~

~~Except as otherwise provided by law or this Code, the Landmarks and Historic Preservation Commission shall conduct its meetings in accordance with rules as adopted by the commission. The Landmarks and Historic Preservation Commission shall meet as necessary to act on Historic Reviews in a timely manner. There shall be at least one meeting of the Landmarks and Historic Preservation Commission held each year, during the month of March.~~

10.138 Due Process Element 9: Record.

The secretary to the advisory body/approving authority shall be present at each meeting and shall cause the proceedings to be recorded stenographically or electronically.

A. Testimony shall be transcribed if required for judicial review or if ordered by the advisory body/approving authority.

B. The total public record for any legislative or quasi-judicial action includes, but is not limited to, the application, the staff report, the hearing record, the appeal record, the decision or recommendation of all public bodies that considered the matter, and all additional information, correspondence and other items submitted to the city by any party or by the staff prior to the closing of the record. The record shall be deemed closed at the end of the last hearing on the matter, unless kept open to a later date as otherwise provided by law. Items submitted for the record do not have to be formally introduced and admitted at the hearing. The Planning Department shall create and maintain a separate file with a unique file number for each land use action and all items received by the city for that action shall be placed in the Planning Department file.

C. The Planning Director shall, where practicable, retain as part of the record each item of physical or documentary evidence presented including the staff report, and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent, opponent or staff. Exhibits received into evidence shall be retained in the file until after the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon, or disposed of by the Planning Director if not

claimed within 60 days of the expiration of any appeal date.

D. Included in the record shall be a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the criteria, standards and facts set forth.

E. A person shall have access to the record of the proceedings and the exhibit file during normal working hours. A person shall be entitled to copies of the record at the person's own expense. The custodian of record shall make the copies for a fee equal to the actual cost of reproduction.

Section 32. Section 10.140 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.140 Duties of the Approving Authority.~~

~~Under the provisions cited in Article II, Section 10.110, Designation of Approving Authority, through 10.135, Authority of the Planning Director, there is hereby designated to the approving authority the power to:~~

- ~~(1) Approve, conditionally approve, or disapprove development permits and plan authorizations;~~
- ~~(2) Determine compliance or lack of compliance of the proposed development, together with the provisions for its design, improvement and use with the Comprehensive Plan and all applicable specific plans, regulations, standards and criteria.~~

10.140 Appeal of Land Use Decision.

A. Standing for Appeal.

1. Any person with standing may appeal a land use decision of an approving authority (Planning Commission, Site Plan and Architectural Commission, Landmarks and Historic Preservation Commission, and Planning Director) which approves conditionally, approves, or disapproves an appealable land use action per Subsection (E), by filing a written notice together with the requisite filing fee with the Planning Department within 14 days after notice of the decision is mailed.

2. A person has standing if the person: (1) appeared in the initial proceedings orally or in writing; and (2) was entitled to a right of notice and hearing prior to the decision to be reviewed, or is aggrieved by the decision, or has interests adversely affected by the decision.

B. Notice of Appeal.

1. A notice of appeal shall be signed by the appellant or their agent and shall contain:

a. An identification of the decision sought to be reviewed, including the date of the decision.

b. A statement demonstrating that the appellant has standing to appeal as required by Subsection (A) above.

c. A statement of the specific grounds which the appellant relies on as the basis for the appeal. If the appellant contends that the findings of fact made by the approving authority are incorrect or incomplete, the notice shall specify the factual matters omitted or disputed. If the appellant contends that the decision is contrary to ordinance, statute or other law, such errors shall be specifically identified in the notice along with the specific grounds relied upon for review.

2. Upon timely receipt of the notice of appeal and filing fee, the Planning Department shall schedule the appeal for a hearing before the appropriate appeal body at the next

available hearing. The Planning Department shall notify the appellant and other parties with standing, of the time and place of the hearing by first class mail, enclosing a copy of the notice of appeal.

C. Appeal Procedure. Only the appellant and other parties with standing may participate in the appeal hearing. Appellant shall make the initial presentation and shall be allowed rebuttal. Each participant in the appeal hearing shall present to the appeal body those portions of the record which the participant deems relevant to the appeal. If a party wishes the appeal body to review recorded testimony, the party shall present a written summary or transcript of such testimony to be read by the appeal body in lieu of actually listening to the recording.

D. Scope of Appeal.

1. Upon review, the appeal body shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the approving authority, or to determining if errors in law were committed. Review shall in any event be limited to those issues set forth in the notice of appeal. The appellant is also precluded from raising an issue on appeal to the appeal body if he or she could have raised the issue with the approving authority but failed to do so.

2. Review shall be based on the record of the initial proceedings. The record shall consist of the application and all materials submitted with it; documentary evidence, exhibits and materials submitted at the initial hearing; recorded testimony; the decision of the approving authority, including the findings and conclusions; and the notice of appeal.

E. Decision Regarding Appeals.

1. Upon review of the appeal, the appeal body may by order affirm, reverse or modify in whole or in part a determination or requirement of the decision that is under review. When the appeal body modifies or renders a decision that reverses a decision of the approving authority, the appeal body, in its final order, shall set forth its finding and state its reasons for taking the action encompassed in the order. When the appeal body elects to remand the matter back to the approving authority for such further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.

2. Action by the appeal body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The appeal body shall render its decision within the time limits allowed by State law.

F. Appeal of Type I Land Use Decision.

1. With the exception of Riparian Corridor Reductions or Deviations, Final PUD Plan decisions and Minor Historic Review decisions, all other Type I land use decisions are final and not appealable under this chapter or any other provision of the Medford Municipal Code.

2. Riparian Corridor Reduction or Deviation decisions made by the Planning Director or designee may be appealed to the City Council.

3. Final PUD Plan decisions made by the Planning Director or designee may be appealed to the Planning Commission.

4. Minor Historic Review decisions made by the Planning Director or designee may be appealed to the Landmarks and Historic Preservation Commission.

G. Appeal of Type II Land Use Decisions.

Type II land use decisions made by the Planning Director or designee may be appealed to the Planning Commission.

H. Appeal of Type III Land Use Decision.

Type III land use decisions made by the approving authority (Planning Commission, Site Plan and Architectural Commission, or Landmarks and Historic Preservation Commission) may be appealed to the City Council.

I. Appeal of Type IV Land Use Decision.

Type IV land use decisions made by City Council may be appealed to the Land Use Board of Appeals (LUBA) pursuant to ORS 197.830.

Section 33. Section 10.142 of the Medford Code is added to read as follows:

10.142 Type I Land Use Actions.

Type I Actions. Type I land use actions comprise the following land use reviews:

Land Use Actions

De Minimis Revision(s) to an Approved PUD Plan

Final PUD Plan

Minor Historic Review

Minor Modification(s) to Approved Conditional Use Permit

Minor Modification to a Site Plan and Architectural Review Approval

Pre-Application

Property Line Adjustment

Riparian Corridor Reduction or Deviation

Sign Permit

Subdivision/Partition Final Plat

Section 34. Section 10.144 of the Medford Code is added to read as follows:

10.144 De Minimis Revision(s) to an Approved PUD Plan. See Section 10.198.

Section 35. Section 10.145 of the Medford Code is hereby repealed:

~~10.145 Referral Agencies.~~

~~It is the responsibility of a referral agency to provide timely review and comment on all proposals referred by the City. The referral agency shall be requested to determine consistency of a proposal with the referral agency's operating policies and standards and to recommend conditions on development.~~

Section 36. Section 10.146 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.146 Referral Agencies, Distribution.~~

~~This Chapter employs the use of referral agencies for the review of those plan authorizations indicated below, as shown on the Schedule which follows:~~

~~A. Major Comprehensive Plan Amendment~~

~~B. Land Development Code Amendment~~

~~C. Minor Comprehensive Plan Amendment~~

- D. ~~Annexation, except as provided in Section 10.199~~
- E. ~~Vacation~~
- F. ~~Zone Change, Major and Minor~~
- G. ~~Conditional Use Permit~~
- H. ~~Exception~~
- I. ~~Planned Unit Development~~
- J. ~~Land Division~~
- K. ~~Site Plan and Architectural Review~~
- L. ~~Transportation Facility Development~~
- M. ~~Historic Review~~
- N. ~~Administrative (Class D) plan authorization~~

Numerical references in the Schedule refer to the following:

1. ~~When the proposal is within, abutting, or affecting the referral agency's jurisdiction.~~
2. ~~When the proposal is within or abutting the Airport Area of Concern.~~
3. ~~When the proposal includes new buildings or building additions that are within the referral agency's jurisdiction.~~
4. ~~When the proposal is within the Southeast Overlay District and in a Parks or Schools land use category on the Southeast Plan Map.~~
5. ~~When the proposal is within or abutting a Greenway General Land Use Plan Map designation.~~

~~Referral agencies may be asked to review certain proposals not indicated on the Schedule if, in the judgment of the Planning Director, the agency may have an interest in the proposal. Additional referral agencies may be notified at the discretion of the Planning Director.~~

~~SCHEDULE OF REFERRAL AGENCY DISTRIBUTION~~

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
CITY DEPTS.														
Building Safety	*	*	*	*	*	*	*	*	*	*	*	-	*	*
City Attorney	*	*	*	*	*	*	*	*	*	*	*	*	*	
City Manager	*	*	*	*	-	-	-	-	-	-	-	-	-	-
Engineering Division	*	*	*	*	*	*	3	-	*	*	*	*	*	-
Fire	*	*	*	*	*	*	3	-	*	*	*	-	*	*
Parks & Recreation	*	*	*	*	*	*	3	-	*	*	*	-	*	-
Parks Director	4	4	4	4	4	4	4	4	4	4	4	4	4	-
Planning	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Police	*	-	*	*	*	*	-	-	*	*	*	-	*	*
Public Works	*	*	*	*	*	*	3	-	*	*	*	-	*	*
AGENCIES														
Water Commission	*	*	*	*	*	*	3	-	*	*	*	*	*	-
Army Corps of Engineers	-	-	-	-	-	-	5	5	5	5	5	5	-	-

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
Landmarks & Historic Preservation Commission	1	1	1	-	1	1	1	1	1	1	1	1	-	-
Cable Television Co.	-	-	*	*	*	*	3	-	*	*	*	*	*	-
City of Central Point	1	1	1	1	1	1	1	1	1	1	1	1	-	-
City of Phoenix	1	1	1	1	1	1	1	1	1	1	1	1	-	-
Dept. of Land Conservation & Development	*	*	*	-	-	-	-	-	-	-	-	-	-	-
Dept. of State Lands	-	-	-	-	-	-	5	5	5	5	5	5	-	-
Federal Aviation Administration	-	2	-	-	-	-	2	2	2	2	2	2		2
Garbage Company	-	-	-	*	*	-	-	-	-	-	-	-	-	-
Jackson Co. Health Dept	-	-	-	*	-	-	-	-	-	*	-	-	-	-
Jackson Co. Planning	*	*	*	-	-	-	-	1	1	-	1	-	-	-
Medford Irrigation District	1	-	1	1	1	-	3	-	1	1	-	-	-	-
Natural Gas Company	-	-	*	*	*	*	3	-	*	*	*	*	*	-
Oregon Dept. of Aviation	-	2	-	-	-	-	2	2	2	2	2	2	-	2
Oregon Dept. of Fish & Wildlife	-	-	-	-	-	-	5	5	5	5	5	5	-	-
Oregon Dept. of Transportation	*	-	1	1	-	1	3	-	1	1	1	1	-	-
Power Company	-	-	*	*	*	*	3	-	*	*	*	*	*	-
Rogue River Valley Irrigation District	1	-	1	1	1	-	3	-	1	1	-	-	-	-
Rogue Valley Medford Airport	1	1	1	-	-	1	2	2	2	2	2	2	-	1
Rogue Valley Sewer Services	1	-	1	1	1	1	3	-	1	1	1	-	1	-
Rogue Valley Transportation District	*	-	1	1	1	*	3	-	1	1	*	*	*	-
Medford 549C Schools	1	-	1	1	-	1	3	-	1	1	-	-	-	-
Superintendent	4	4	4	4	4	4	4	4	4	4	4	4	-	-
Phoenix Talent Schools	1	-	1	1	-	1	3	-	1	1	-	-	-	-
Superintendent	4	4	4	4	4	4	4	4	4	4	4	4	-	-
Telephone Company	-	-	*	*	*	*	3	-	*	*	*	*	*	-
U. S. Post Office	-	-	-	-	-	-	-	-	*	*	*	*	*	-
Urban Renewal Agency	-	-	1	-	1	1	1	1	1	1	1	1	1	-
Water Districts	1	-	1	1	-	1	-	-	1	1	-	-	-	-

10.146 Final PUD Plan. See Section 10.196.

Section 37. Section 10.148 of the Medford Code is added to read as follows:

10.148 Minor Historic Review. See Section 10.188.

Section 38. Section 10.150 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.150 General Procedural Requirements.~~

~~There are five (5) procedural classifications employed in the administration of this chapter:~~

~~CLASS "A" Legislative actions~~

~~CLASS "B" Council approved quasi-judicial decisions~~

~~CLASS "C" Other quasi-judicial decisions~~

~~CLASS "D" Administrative decisions~~

~~CLASS "E" Non-discretionary, ministerial decisions~~

~~Each of the above procedural classifications is subject to the specified due process and administrative requirements of this chapter.~~

10.150 Minor Modification to an Approved Conditional Use Permit. See Section 10.184.

Section 39. Section 10.152 of the Medford Code is added to read as follows:

10.152 Minor Modification to a Site Plan and Architectural Review Approval. See Section 10.200.

Section 40. Section 10.154 of the Medford Code is added to read as follows:

10.154 Nonconformities. See Sections 10.032 – 10.037.

Section 41. Section 10.155 of the Medford Code is hereby repealed:

~~10.155 Due Process.~~

~~A. In addition to the application review requirements of Section 10.175, Application Review Procedure, there are eight basic due process elements applicable to Class A, Class B, and Class C procedural classifications. The due process requirements are:~~

~~(1) Notification~~

~~(2) Disclosure~~

~~(3) Conflict of Interest~~

~~(4) Hearing~~

~~(5) Cross Examination~~

~~(6) Action and Decision Time~~

~~(7) Findings~~

~~(8) Record~~

~~B. Due process for Class D plan authorizations includes requirements 1, 2, 6, 7, and 8 of the preceding list, in addition to the application review requirements of Section 10.175, Application Review Procedure.~~

Section 42. Section 10.156 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.156 Notification, General.~~

~~The notice provided shall:~~

- ~~(1) Explain the nature of the application and the proposed use or uses which could be authorized;~~
- ~~(2) List the applicable criteria from the Code and the Comprehensive Plan that apply to the application at issue;~~
- ~~(3) Set forth the street address or other easily understood geographical reference to the subject property;~~
- ~~(4) State the date, time and location of the hearing; or, for Class D, state the date the decision will be rendered;~~
- ~~(5) State that failure to raise an issue in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;~~
- ~~(6) Include the name of a local government representative to contact and the telephone number where additional information may be obtained;~~
- ~~(7) State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;~~
- ~~(8) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; or, for Class D, state that a copy of the staff report will be available for inspection at no cost on the day the decision is rendered; and~~
- ~~(9) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.~~

10.156 Preapplication Conference.

Prior to submitting a land use permit application, the applicant may apply for a preapplication conference with the Planning Department. Upon receipt of an application the preapplication conference shall be scheduled. At the conference there shall be an exchange of information regarding procedural requirements, required land use applications, consistency with the Comprehensive Plan and this Chapter, scheduling and such other technical and design assistance as will aid the applicant in preparing a complete application. Upon conclusion of the conference the Planning Department shall provide the applicant with a written summary of the conference.

Section 43. Section 10.157 of the Medford Code is hereby repealed:

~~10.157 Notification, Publication and On Site Posting.~~

- ~~(1) Publication. Unless otherwise indicated notification of all proposed actions shall be published in a newspaper of general circulation prior to the scheduled meeting date before the approving authority. The schedule of publication for each type plan authorization shall be as follows:~~

Plan Authorization Classification	Specific Type	Publication Schedule
A	All	No later than 10 days prior to the scheduled meeting date before the advisory agency. No later than 10 days prior to the scheduled public hearing date before the approving authority.
B	Annexation	Once each week for two successive weeks prior to the day of the hearing before the approving authority. Notice shall also be posted in four public places in the city for a like period.
B	Vacations	Once a week for two consecutive weeks prior to the date of the hearing before the approving authority. Within five days after publication of the first notice, the City Recorder shall cause to be posted at or near each end of the proposed vacation a copy of the notice which shall be headed "Notice of Street Vacation", "Notice of Plat Vacation" or "Notice of Plat and Street Vacation" as the case may be; the notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be not less than 14 days before the hearing.
B	Minor Comp. Plan Amendments [quasi-judicial]; Transportation facility development	Shall be published in a newspaper of general circulation no later than 10 days prior to the scheduled meeting date before the approving authority.
C	Zone changes; Preliminary — PUD plans, — Conditional use — permits; Exceptions; Land divisions	Shall be published in a newspaper of general circulation no later than 10 days prior to the scheduled meeting date before the approving authority.
C	Site — plan — and architectural review; Historic review	Shall be posted in a public place no later than five days prior to the scheduled meeting date before the approving authority.
D		None

(2) On Site Posting. Public notice signs shall be posted on the project site for any proposed Class B, C, or D land use action according to the following:

~~(a) Contents of sign. Notice signs shall include a description of the proposed land use action, the date of the public hearing, and the City of Medford file number for the proposed land use action.~~

~~(b) Location and number of signs. A posted notice sign must be placed on each existing street frontage of the project site. If a frontage is over 600 feet long, a notice sign is required for each 600 feet, or fraction thereof. Notice signs must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notice signs may not be posted in a public right of way, unless the land use action specifically pertains to a public right of way. If posting must occur in the right-of-way, care should be taken to comply with Section 10.735, Clear View of Intersecting Streets.~~

~~(c) Sign posting schedule. The required sign(s) shall be posted not later than 21 days prior to the first public hearing date of each body that hears the application. Posted signs shall be removed within 10 days following the final decision.~~

~~(d) Consequences of failing to post the property as required. Failure to post the signs as required by this section is a violation of the Medford Municipal Code.~~

Section 44. Section 10.158 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.158 Notification, Affected Property Owners.~~

~~Notification shall be mailed to the applicant and all affected property owners no later than 20 days prior to the scheduled meeting date before the approving authority. All addresses for mailed notices shall be obtained from the latest property tax rolls of the Jackson County Assessor's office. Affected property owners for each type of plan authorization shall be determined as follows:~~

Plan Authorization Classification	Specific Types	Affected Property Owners
A		Generally not applicable to a legislative action unless it meets ORS 227.186 criteria (i.e., the change effectively rezones property.)
B	Vacations	All property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right of way to be vacated.
B	Annexations, Minor Comp. Plan Amendments (quasi-judicial), Transportation Facility Development	All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.
C	Zone Changes, Conditional Use Permits, Exceptions, Site Plan and Architectural Review, Land Divisions,	All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.

	Historic Review	
C	Preliminary PUD Plans	All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries. The owners of no less than seventy five tax lots shall be notified. If seventy five tax lots are not located within 200 feet of the exterior boundary of the PUD, the notification area shall be extended by successive 50 foot increments, until the minimum number of lots are included in the notification area. Owners of all tax lots within the extended notification area shall receive notice.
D		All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.

10.158 Property Line Adjustment.

A. Property Line Adjustment Purpose.

The purpose of property line adjustments is to relocate or eliminate a common property line between abutting properties.

B. Property Line Adjustment Approval Criteria.

A property line adjustment shall be approved if it complies with the following:

1. All properties were lawfully created;
2. No new lots or parcels of land will result from the adjustment;
3. The adjustment will not result in a unit of land that overlaps the city limit line, urban growth boundary, or zoning districts;
4. The adjusted property configurations shall not create a substandard condition relative to the applicable standards of the Code. When one or more properties are less than the minimum required area or width, none of the resulting units of land shall be made smaller in area or narrower in width than the original smallest existing unit of land.

C. Property Line Adjustment Application Form.

Property line adjustments shall be submitted to the Planning Department on application forms supplied by the Planning Department. The Planning Director or designee may waive the submittal of any of the materials or information that is deemed to be excessive, repetitive, or unnecessary. The application for property line adjustment shall require the following information:

1. A site plan drawn to scale by a land surveyor registered in the State of Oregon showing the following:
 - a. Existing and proposed property lines, including dimensions and square footage, for all properties involved;
 - b. Assessor's map and tax lot identification for subject properties;
 - c. Location of existing wells, septic systems, sanitary sewer, storm drain laterals, and water service;
 - d. Location, name, and purpose of all existing and proposed easements; If the property line adjustment will result in any portion of a utility service, lateral, driveway, or water service being located on a different parcel than the structure served by them, an easement granting continued use of the improvement will be required;
 - e. The name of public and private streets that abut or lie within the subject area;

- f. Accurate location, height, ground floor area, and use of all structures on the subject properties including the distance from all proposed property lines. If the units of land are vacant, a written statement certifying the same shall be provided;
- g. Names of subject property owners as shown on the accompanying deeds;
- h. Signature of person preparing the map, attesting to the accuracy of information contained thereon;
- i. If items above are not shown on site plan, a statement is required stating the specific items do not exist on the property;

2. A report from a title company prepared within 30 days listing the vested owners, easements, encumbrances, and other matters of record for each property;

3. The owners of all properties that will be modified by the property line adjustment must sign the application form or a letter of authorization.

D. Property Line Adjustment Procedure.

1. Preliminary Review. Once the application has been submitted the Planning Department shall send a copy to affected agencies and City departments for review. Within 25 working days after the application has been submitted, the Planning Department shall send a written notification to the applicant indicating:

a. The application is missing information required in Section 10.156. Once all of the missing information is submitted, the City will have 25 working days to complete the review; or

b. The application has been preliminarily approved consistent with Section 10.156; or

c. The application has been disapproved as it is not consistent with Section 10.156.

2. Final Review.

a. Within one year of the preliminary approval date, the applicant shall submit to the Planning Department all of the following:

(i) Map of survey showing the adjusted property lines prepared by an Oregon licensed surveyor in accordance with the procedures of ORS 92.060(7) and 209.250. This requirement applies to all properties regardless of size.

(ii) A report from a title company prepared within 15 days listing the current vested owners, easements of record, encumbrances, and other matters of record;

(iii) A copy of proposed easements to be recorded. Proposed easements may be included as a reservation on the property line adjustment deeds;

(iv) Deeds which include a statement that identifies the associated conveyance of property as a property line adjustment and labeled as a "Property Line Adjustment." If a property line is being eliminated, the deeds shall be labeled "Property Line Adjustment – Lot Consolidation."

(v) Property descriptions attached to the deeds shall either describe the resultant properties or otherwise specify that the conveyed land shall be consolidated with the property of the grantee. A property line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents, and signatures of all parties with proper acknowledgment.

b. Within 25 days of submittal, the City will conduct the final review for consistency with the preliminary approval and the approval criteria. Upon approval, the survey will be signed by the City Surveyor and the Planning Director.

E. Property Line Adjustment Recordation and Expiration.

Within one year of the final decision date, the property line adjustment deeds must be filed with the Jackson County Recorder's Office. If the deeds are not filed within one year, the

application approval will expire.

Section 45. Section 10.159 of the Medford Code is hereby repealed:

~~10.159 Disclosure.~~

~~There shall be provided to the applicant and other interested parties adequate opportunity to review the facts, findings, staff report and other exhibits as soon as practical, but not less than seven (7) days prior to the time in which a decision is to be made on a plan authorization by the approving authority.~~

Section 46. Section 10.160 of the Medford Code is added to read as follows:

10.160 Riparian Corridors, Reduction or Deviation. See Sections 10.920 – 10.928.

Section 47. Section 10.161 of the Medford Code is hereby repealed:

~~10.161 Public Hearing.~~

~~The contents of this section shall govern the conduct of all quasi-judicial public hearings before an approving authority. A copy of this section shall be available for public inspection at each quasi-judicial hearing and in the Planning Department. The conduct of public hearings on legislative matters shall be at the discretion of the presiding officer.~~

~~(1) Nature of Hearing. All parties with standing shall have an opportunity to be heard, to present and rebut evidence before an impartial tribunal, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law.~~

~~The presiding officer of the approving authority shall have authority to:~~

~~(a) Regulate the course and decorum of the meeting.~~

~~(b) Dispose of procedural requests and similar matters.~~

~~(c) Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, questions, and rebuttal testimony.~~

~~(d) Question any person appearing, and allow other members to question any such person.~~

~~(e) Waive, at his/her discretion, the application of any rule herein where the circumstances of the hearing indicate that it would be expedient and proper to do so, provided that such waiver does not act to prejudice or deny any party his/her substantial rights as provided herein or otherwise by law.~~

~~(f) Take such other action as authorized by the approving authority to appropriately conduct the hearing.~~

~~A ruling of the presiding officer may be challenged by any member of that approving authority present at the hearing. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the presiding officer's decision.~~

~~(2) Conduct of Participants. Proceedings shall at all times be orderly and respectful. The presiding officer may refuse to recognize or exclude from the hearing anyone who:~~

~~(a) Is disorderly, abusive, or disruptive.~~

~~(b) Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing.~~

~~(c) Testifies without first receiving recognition from the presiding officer and stating his full name and residence.~~

- ~~(d) Presents irrelevant, immaterial, or repetitious evidence.~~
- ~~(3) Order of Procedure. The presiding officer shall conduct the hearing in an orderly fashion, within the guidelines set forth herein. The hearing shall proceed in the following manner:~~
- ~~(a) Commencement: At the commencement of a hearing under a *Comprehensive Plan* or land use regulation, a statement shall be made to those in attendance that lists the applicable substantive criteria; states that testimony and evidence must be directed toward the criteria described in this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision; and states that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.~~
- ~~(b) Abstentions, Conflict of Interest and Challenges. All members shall comply with ORS 244.120, 244.130, and 244.135 regarding actual or potential conflicts of interest. Any member who is disqualified or wishes to abstain from participation in the hearing on a proposal shall identify the reasons for the record and shall not thereafter participate in the discussion as a member or vote on the proposal. Any challenges to the impartiality shall also be decided at this time.~~
- ~~(c) Planning Director's Report. The presiding officer shall request that the Planning Director or staff member report on the criteria and standards and the basic factual evidence applicable to the case and indicate the action required to be taken.~~
- ~~(d) Applicant's Case. The presiding officer shall allow the applicant or applicant's representative to present evidence in support of the application. The applicant shall be allowed to produce witnesses on his/her behalf. Other parties in favor of the proposal shall thereafter be allowed to present their evidence. Applicant may then reserve time for rebuttal. The Planning Director may appear as an applicant on a staff proposal.~~
- ~~(e) Opponent's Case. The presiding officer shall allow opponents to present evidence in opposition to the proposal. Opponents shall be allowed to produce witnesses in their behalf.~~
- ~~(f) Questioning of Witnesses. Cross examination shall be permitted as per Section 10.162, Cross Examination.~~
- ~~(g) Applicant's Rebuttal if Reserved.~~
- ~~(h) Staff Summary and Recommendations. The Planning Director or staff person may present any additional evidence, comments and recommendations at the close of the hearing.~~
- ~~(i) Final Discussion. Upon conclusion of the evidence, members shall be allowed to openly discuss the proposal and further question any party appearing for or against the proposal as necessary.~~
- ~~(j) Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven (7) days after the hearing. Such an extension shall not be subject to the limitations of ORS 227.178.~~
- ~~(k) When the City Council or Planning Commission reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision making which apply to the matter at issue.~~
- ~~(l) The failure of the property owner to receive notice as provided in Section 10.158 shall not invalidate such proceedings if the city can demonstrate by affidavit that such notice was mailed. The notice provisions of Section 10.158 shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television.~~

~~(4) Standing. A person has the right to appear as a party to a quasi-judicial proceeding if the person: (a) received official written notice of the hearing or was entitled to receive such notice, or (b) has interests which could be adversely affected by the decision.~~

Section 48. Section 10.162 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.162 Cross Examination.~~

~~Prior to any quasi-judicial public hearing there shall be provided to all affected parties, upon request, the right to question the approving authority, relative to any actual or potential conflict of interest. Once a member of the approving authority is disqualified, no further questions shall be directed to him/her.~~

~~Any witness may be questioned in an orderly fashion by any member of the approving authority, applicant, proponent or opponent who has first been recognized by the presiding officer. Questions shall be brief and to the point. All questions shall be submitted to the witness through the presiding officer unless the presiding officer expressly permits the submission of questions directly to a witness.~~

10.162 Subdivision and Partition Final Plats.

A. Final Plat Approval Required.

No person shall cause or permit the sale or development of any real property under their ownership or control, nor shall any development permit be issued for such development, until final approval therefor has been granted by the Planning Director in accordance with this chapter, and an approved final plat has been recorded with the Jackson County Recorder. The requirements of this section shall not be applicable to any of the following which are exempt from such provisions:

1. Where final plat approval for the identical lot or site has been previously obtained from the City within 10 years prior to the date of application for a building permit, in accord with such ordinance requiring plat approval which was in effect at that time, and such final plat is of record evidencing such plat approval;
2. Developments made solely for the purpose of opening or widening a public street or alley, or those involving conveyance, transfer, access, sewer, water, or public utility, provided that no partitions or parcels of land are created other than those directly caused by such action.
3. Developments made solely because of the acquisition of lands by government agencies for freeways, parks, public buildings, flood control channels, or other public purposes, or for the sale of minor remnant parcels by such agencies to adjacent property owners where such land involved in the sale is not designated in the City's Comprehensive Plan as a recreational facility. In connection with the sale of any such minor remnant parcel, the person acquiring the property shall consolidate the acquired remnant parcel with his existing contiguous ownership;
4. Developments involving land dedicated for cemetery purposes; or
5. Developments caused by a conveyance for the purpose of adding land to one parcel by deducting it from another contiguous parcel, where such does not reduce the area of the parcel from which such portion is taken below the minimum area, frontage, width or depth prescribed for the zoning district in which said parcel is located, nor reduce any of the required yard spaces surrounding any structure or use on such parcel below the minimum

prescribed for such zoning district.

B. Final Plats, General.

The form and content of a final plat shall be in accord with the provisions of ORS 92.050 through 92.080, and this code. Final plats not submitted in accord with this code shall not be considered for approval.

C. Form of Final Plat and Data to Appear Thereon.

Where identified by an "X", the final plat of subdivisions and partitions shall conform to the following provisions:

Final Plat Provisions	Include on Subdivision Final Plat	Include on Partition Final Plat
<p>1. Title and subtitle of plat. The title sheet shall contain the name as approved by the Planning Commission. Below the title sheet shall appear a subtitle giving a general location of the property being developed by reference to the plats which have previously been recorded. In case the property included within the subdivision lies wholly in the city of Medford, the following words shall appear below the title, "In the City of Medford."</p>	X	
<p>2. Distances and bearings. Sufficient data to determine readily the bearing and length of every lot line, block line, and boundary line. Dimensions of lots shall be given as total dimensions, corner to corner and shall be shown in feet and hundredths of a foot. The plat shall show the basis of bearings and lengths of straight lines and radii, and all arc lengths, central angle, or other data as necessary to define all curves within the subdivision.</p>	X	X
<p>3. Boundary references and monuments. The plat shall show clearly what monuments (type and size) or other evidence is found on the ground to determine boundaries of the subdivision. The adjoining corners of all adjoining subdivisions shall be identified by lot and block number, and subdivision name. The plat shall show the location and description of monuments found or placed in making the survey for proper reference and data sufficient for relocation and retracing of any and all exterior boundary lines and lot and block lines. Whenever the city or county engineer has established the centerline of a street adjacent to or in the proposed subdivision, the data shall be shown on the plat.</p>	X	X
<p>4. The plat shall note whether the subdivision or portion thereof are subject to periodic inundation by water as <u>determined from the Federal Flood Insurance Rate Maps.</u></p>	X	X
<p>5. The centerlines and sidelines of all streets, and total width thereof, and the widths of each side of the centerline</p>	X	X

Final Plat Provisions	Include on Subdivision Final Plat	Include on Partition Final Plat
and widths of any portion of a street being dedicated, the width of existing dedications, and the widths of any railway, drainage channel, or other rights-of-way shall be shown.		
6. The plat shall show all easements of record, or easements to be recorded, to which the lots will be subject. Such easements must be clearly labeled and identified if already of record, and record reference given. If any easement is not definitely located of record, a statement of such easement must appear on the plat. All easements other than for streets shall be denoted by fine broken lines and designated as to type. Easement widths and the lengths and bearings of the lines thereof, together with sufficient ties thereto, shall be set forth to definitely locate the easement with respect to the development.	X	X
7. City boundary lines which bound, adjoin or cross the development, shall be clearly designated and referenced.	X	X
8. Lot numbers shall begin with the number "1" and shall continue consecutively throughout the development with no omission or duplications, except that lot numbers in subsequent contiguous development units may expand the numbering sequence of the previous unit providing the commercial name of the development remains unchanged. Each block shall be shown on one sheet when possible. Where adjoining blocks appear on separate sheets, the street adjoining both blocks shall be shown on both sheets, complete with centerline and property line data. All letters and figures within the development shall be conspicuous and solid.	X	X
9. The plat shall particularly define and designate all lots and parcels, including those reserved for private purposes, all parcels and easements offered for dedication for any purpose, with all the dimensions, boundaries, and courses clearly shown and defined in each case. Ditto (" ") marks shall not be used.	X	X
10. All street names, including those designated by numbers, and including the words "Avenue", "Boulevard", "Place", etc., shall be spelled out in full.	X	X
11. The plat shall also show and delineate all other data that is or may be required by other provisions of this chapter or otherwise by law.	X	X

Final Plat Provisions	Include on Subdivision Final Plat	Include on Partition Final Plat
12. Certificates: Areas dedicated to public use shall be free and clear of all encumbrances, except public utility easements which the City Engineer determines will not interfere with the use contemplated by the dedication. All mortgages, trust deeds, and other liens shall be released as to public use areas.	X	X
13. Certificates: Each final plat shall contain the requisite owner's certificate or dedication, release of liens, Surveyor's certificate, City Engineer's certificate, City Surveyor's certificate, County Recorder's certificate, and such other certificates as may hereafter be required by law. The form of each said certificate shall be prescribed by the City Attorney.	X	X
14. Certificates: The owner's dedication statement shall include offers of dedication of all streets and other easements shown on the final plat intended for any public use, except those parcels of land which are intended for the exclusive use of the lot owners in the development, their licensees, visitors, tenants and employees, which private streets and other private easements shall be specifically designated as such on the plat.	X	X
15. Certificates: The Planning Director certificate shall contain a statement that acknowledges compliance with all conditions of the development permit and recognition of same.	X	X

Section 49. Section 10.162D of the Medford Code is added to read as follows:

10.162D. Filing of Final Plat with City Engineer.

1. Prior to submitting a final plat to the Planning Department, the applicant shall:
 - a. Cause the proposed land division to be accurately surveyed and a final plat to be prepared substantially in accordance with the approved tentative plat;
 - b. Cause a minimum of five copies of the final plat, with any and all alterations and changes required thereto, to be filed with the City Engineer for approval. At the time of filing of the final plat with the City Engineer, the developer shall also file concurrently therewith the following:
 - (i) A traverse sheet, giving the latitude and departures, or computer print-out, showing the mathematical closure, within allowable limits of error, of the exterior boundaries of the tract in all cases in which said boundaries are irregular or in which the tract is laid out in irregular blocks, and of the exterior boundaries of all irregular lots and blocks.
 - (ii) Plans, profiles, details, and specifications for improvements conforming to all ordinances of the city and to the standards of this code which must show full details of all improvements and shall be to a scale of 40 or 50 feet to the inch horizontal and four or five

feet to the inch vertical.

(iii) A detailed estimate of quantities and costs of the proposed improvements for approval by the City Engineer.

(iv) A title report or subdivision guarantee by a title company doing business in Jackson County, showing names of all persons whose consent is necessary for the preparation of said plat and for any dedication to public use, and their interest therein, certified for the benefit and protection of the City that the persons therein named are all of the persons necessary to give clear title to the streets and other easements therein to be offered for dedication. Said title report shall be dated no later than 15 days from the date of submittal.

(v) Two copies of all proposed covenants, conditions, and restrictions or a statement in writing signed by the developer that no such restrictions will be established.

(vi) Instruments prohibiting traffic over the side or rear lines of any street or other public way when and if the same is required by this chapter.

(vii) Such streets, offers of dedication or other instruments affecting or conveying title or any interest in land as are required under the conditions of approval of the tentative plat.

(viii) A statement that all applicable fees required by the city code have been paid.

(ix) Two copies of the city's standard (or deferred) form of improvement agreement executed by the developer, together with two executed copies of each labor and material and improvement bond guaranteeing payment of the cost of setting monuments (ORS 92.065) and county certification that the requisite tax bond has been posted (ORS 92.095) and such other agreements and bonds as may from time to time be required by law.

2. The City Engineer shall examine the final plat and accompanying data and shall within 15 working days determine:

a. Whether all engineering conditions of tentative plat approval have been satisfactorily completed, or if incomplete, are matters which can be included in a regular or deferred improvement agreement with the city;

b. Whether said plat is technically correct.

3. Upon the City Engineer's determination that conformity with the foregoing has been made, they shall execute the City Engineer's certificate on said final plat and cause said plat to be forwarded to the Planning Department for approval by the Planning Director.

Section 50. Section 10.162E of the Medford Code is added to read as follows:

10.162E. Filing of the Final Plat with Planning Department.

1. No final plat shall be accepted by the Planning Department unless, in addition to the above, the following is complied with:

a. An accepted final plat shall be considered by the Planning Director 10 working days following acceptance.

b. The final plat is accompanied by:

(i) A blue or black line print thereof;

(ii) The approved improvement plans signed by the City Engineer;

(iii) All documents and matters previously submitted to the City Engineer under Subsection (D) above.

c. All required fees by the developer have been paid.

d. A print of the final plat signed off by all affected referral agencies and involved agencies.

2. The Planning Department shall examine the final plat and accompanying data and shall within five working days determine:
 - a. Whether the land division is substantially the same as shown on the tentative plat with only approved alterations thereof;
 - b. Whether bonds and agreements guaranteeing improvement of all conditions of tentative plat approval have been completed pursuant to Section 10.666, Improvement Agreements, and Section 10.667, Faithful Performance Bond.
- F. Action and Decision Time: Final Plat.**
1. The Planning Director shall within a period of not more than 25 working days after a final plat is submitted to the Planning Department, approve or disapprove the final plat and acknowledge compliance with all conditions of the tentative plat.
 2. If the final plat does not conform with all local code requirements applicable at the time of approval of the tentative plat and all rulings made thereunder, the Planning Director may disapprove said plat, or approve it; said approval to become unconditional at such time as said plat is made to comply with the approved tentative plat and such code requirements.
 3. Upon disapproval of any final plat, the Planning Director shall return said plat to the applicant together with a written statement setting forth the reasons for such disapproval.
 4. Upon approval by the Planning Director becoming unconditional, the Planning Director shall sign and affix the city seal to the approving authority certificate attached to said plat.
 5. No land division will be recognized as complete until final plat is unconditionally approved by the Planning Director and no title to or interest in any property described in any offer of dedication on the final plat which is accepted by the Planning Director shall pass until recordation of said plat.
 6. Within 10 days after recordation of the final plat, the applicant at their own expense shall furnish to the Planning Department one copy.

Section 51. Section 10.163 of the Medford Code is hereby repealed:

~~10.163 Action and Decision Time.~~

~~Action on all plan authorizations shall be taken within the time herein prescribed. For all authorizations, the Planning Department shall, within five working days of the decision date, provide written notification to the applicant and all persons who testify orally or in writing on the plan authorization. The notice shall indicate the date that the decision will take effect, the approval's expiration date, and the final date for appeal.~~

Section 52. Section 10.164 of the Medford Code is hereby repealed:

~~10.164 Class "A", Action and Decision Time.~~

~~Following completion of a recommendation by the advisory agency (Planning Commission), the request shall be scheduled for a public hearing. The decision of the approving agency (City Council) shall be based upon the application, the evidence, comments from the referral agencies, and compliance with the Statewide Planning Goals and Guidelines and with this code and the Comprehensive Plan.~~

Section 53. Section 10.165 of the Medford Code is hereby repealed:

~~10.165 Class "B", Action and Decision Time.~~

~~After acceptance of an application, the approving authority (City Council) shall approve, approve with conditions, or deny the request. The decision of the approving authority (City Council) shall be based upon the application, the evidence and comments from the referral agencies, and compliance with this chapter and the Comprehensive Plan.~~

Section 54. Section 10.166 of the Medford Code is hereby repealed:

~~10.166 Class "C", Action and Decision Time.~~

~~The approving authority shall take final action within 120 days after the application is deemed complete and shall at that time approve, approve with conditions, or deny the request. The decision of the approving authority (Planning Commission, Site Plan and Architectural Commission, or Landmarks and Historic Preservation Commission) shall be based upon the application, the evidence, comments from the referral agencies, and compliance with this chapter and the Comprehensive Plan.~~

~~An applicant may make a written request to extend the 120 day period for a specified period of time. In no case may the total extensions exceed 245 days.~~

Section 55. Section 10.167 of the Medford Code is hereby repealed:

~~10.167 Class "D", Action and Decision Time.~~

~~The approving authority shall take final action within 120 days after the application is deemed complete and shall at that time approve, approve with conditions, or deny the request. The decision of the approving authority shall be based upon the application, the evidence, written comments, and compliance with this chapter.~~

~~An applicant may make a written request to extend the 120 day period for a specified period of time. In no case may the total extensions exceed 245 days.~~

Section 56. Section 10.168 of the Medford Code is hereby repealed and amended to read as follows:

~~10.168 Findings.~~

~~Findings which address applicable criteria shall accompany all actions required of this chapter for plan authorizations.~~

10.168 Type II Land Use Actions.

A. Type II actions. Type II actions comprise the following land use reviews:

Land Use Actions

Partition, Tentative Plat

Portable Storage Containers

Type II Action and Decision Time. The Planning Director shall take final action within 120 days after the application is deemed complete. An applicant may make a written request to extend the 120-day period for a specified period of time. In no case may the total extensions exceed 245 days.

Section 57. Section 10.169 of the Medford Code is hereby repealed:

~~10.169 Records.~~

~~The secretary to the approving authority shall be present at each meeting and shall cause the proceedings to be recorded stenographically or electronically.~~

~~(1) Testimony shall be transcribed if required for judicial review or if ordered by the approving authority.~~

~~(2) The total public record for any legislative or quasi-judicial action includes, but is not limited to, the application, the staff report, the hearing record, the appeal record, the decision or recommendation of all public bodies that considered the matter, and all additional information, correspondence and other items submitted to the city by any party or by the staff prior to the closing of the record. The record shall be deemed closed at the end of the last hearing on the matter, unless kept open to a later date as otherwise provided by law. Items submitted for the record do not have to be formally introduced and admitted at the hearing. The Planning Department shall create and maintain a separate file with a unique file number for each land use action and all items received by the city for that action shall be placed in the Planning Department file.~~

~~(3) The Planning Director shall, where practicable, retain as part of the record each item of physical or documentary evidence presented including the staff report, and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent, opponent or staff. Exhibits received into evidence shall be retained in the file until after the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon, or disposed of by the Planning Director if not claimed within 60 days of the expiration of any appeal date.~~

~~(4) Included in the record shall be a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the criteria, standards and facts set forth.~~

~~(5) A person shall have access to the record of the proceedings and the exhibit file during normal working hours. A person shall be entitled to copies of the record at the person's own expense. The custodian of record shall make the copies for a fee equal to the actual cost of reproduction.~~

Section 58. Section 10.170 of the Medford Code is added to read as follows:

10.170 Land Partition Tentative Plat.

A. Final Plat Approval Required. The partitioning of land shall be subject to the application requirements as herein set forth and shall include both the tentative and final platting requirements. The approval of a tentative partition plat is a Type II administrative decision with notice and the Planning Director is the approving authority. Final partition plat approval is a Type I ministerial action which relies on compliance with the requirements established at the time of tentative plat approval, and on the requirements set forth in Section 10.160.

B. Application for Tentative Partition Plat. See Section 10.202(B).

C. Form of Tentative Plat and Accompanying Data. See Section 10.202(C).

D. Land Partition Approval Criteria. The Planning Director shall not approve any

tentative partition plat unless they can determine that the proposed land partition, together with the provisions for its design and improvement:

1. Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;
2. Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;
3. If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property, unless the approving authority determines it is in the public interest to modify the street pattern;
4. If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;
5. Will not cause an unmitigated land use conflict between the land partition and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

E. Expiration of Tentative Partition Plat Approval.

Approval of a tentative partition plat application shall take effect on the date the Planning Director's decision is signed, unless appealed, and shall expire two years from the effective date unless the final plat has been approved by the Planning Director pursuant to Sections 10.158 - 10.163. If a request for an extension of a tentative partition plat application approval is filed with the Planning Department within two years from the date of the Planning Director's decision, an extension not to exceed one additional year shall be granted. Extensions shall be based on findings that the facts upon which the tentative partition plat application was first approved have not changed to an extent sufficient to warrant refiling of the application.

Section 59. Section 10.172 of the Medford Code is added to read as follows:

10.172 Portable Storage Containers. (See Section 10.840(d)(6)).

Section 60. Section 10.175 of the Medford Code is hereby repealed:

~~10.175 Application Review Procedure.~~

~~Each procedural classification is subject to four (4) application review procedures as follows:~~

- ~~(1) Application, General~~
- ~~(2) Referral and Review~~
- ~~(3) Application Form~~
- ~~(4) Criteria~~

Section 61. Section 10.176 of the Medford Code is hereby repealed:

~~10.176 Preapplication Conference.~~

~~Prior to applying for a development permit, the applicant may request a preapplication conference with the Planning Department. When requested, a preapplication conference shall be scheduled and shall provide an exchange of information regarding procedural requirements, required planning~~

~~authorizations, consistency with the Comprehensive Plan, scheduling and such other technical and design assistance as will aid the applicant in preparing a complete application. Upon conclusion of the conference the Planning Department shall provide the applicant with a written summary of the conference.~~

Section 62. Section 10.180 of the Medford Code is hereby repealed:

~~10.180 Class "A" Actions.~~

~~Class "A" actions comprise the following plan authorizations that involve such a substantial area and number of property owners or such broad public policy changes that administrative processing would be inappropriate:~~

- ~~(1) Major Comprehensive Plan Amendments;~~
- ~~(2) Code Amendments;~~
- ~~(3) Major Zoning Map Amendments;~~
- ~~(4) Any other change deemed legislative.~~

Section 63. Section 10.181 of the Medford Code is hereby repealed:

~~10.181 Initiation of Class "A" Actions, General.~~

~~Class "A" authorizations may only be initiated by the Planning Commission or City Council. Class "A" amendments are legislative actions and include adoption or revision of:~~

~~(1) The following components of the Medford Comprehensive Plan:~~

- ~~(a) General Land Use Plan Map, major.~~
- ~~(b) Comprehensive Plan Elements.~~
- ~~(c) Goals, policies, conclusions, or implementation strategies.~~
- ~~(d) Special area plans or neighborhood circulation plans.~~
- ~~(e) Significant resource inventories.~~
- ~~(f) Transportation System Plans:
 - ~~Street Functional Classification Plan~~
 - ~~Bicycle Facilities Plan~~
 - ~~Major Pedestrian Facilities Plan~~
 - ~~Major Transit Routes and Stops~~
 - ~~Designated Truck Routes~~~~
- ~~(g) By reference, separate functional plans, such as public facility plans (parks, sewer, stormwater, etc.) and capital improvement plans.~~
- ~~(h) Urban Growth Boundary.~~
- ~~(i) Review and Amendments chapter.~~
- ~~(j) Urban Reserve.~~
- ~~(k) Urban Reserve Management Agreement (URMA) between the City and County.~~
- ~~(l) Urban Growth Boundary Management Agreement (UGMA) between the City and County.~~

~~(2) Land Development Code.~~

~~(3) Zoning Map, major.~~

~~See Review & Amendments chapter of the Comprehensive Plan for definitions of "major" and "minor".~~

Section 64. Section 10.182 of the Medford Code is added to read as follows:

10.182 Type III Land Use Actions.

A. Type III actions. Type III actions comprise the following land use reviews:

Land Use Action
Conditional Use Permit Exception
Historic Review
Preliminary PUD Plan
Site Plan and Architectural Review
Subdivision Tentative Plat
Zone Change

B. Type III Action and Decision Time.

1. The approving authority shall take final action within 120 days after the application is deemed complete.

2. An applicant may make a written request to extend the 120-day period for a specified period of time. In no case may the total extensions exceed 245 days.

C. Resubmission of Type III Application. After 60 working days of the final determination denying a Type III action, the applicant may make appropriate alterations to a proposal and resubmit along with the payment of any additional fees as required by Section 10.070.

D. Effective Date of a Type III Application. A Type III land use decision shall take effect on the date the final order or resolution for approval is signed.

Section 65. Section 10.183 of the Medford Code is hereby repealed:

~~10.183 Referral and Review.~~

~~After initiation of a Class "A" plan authorization, the Planning Department shall transmit one (1) copy of the proposed legislation to each referral agency for review and comment pursuant to Section 10.146, Referral Agencies Distribution, for Class "A" actions. If the referral agency does not comment within thirty (30) working days, then the referral agency is assumed to have no comment. If requested in writing, by a referral agency, an extension of thirty (30) working days may be granted.~~

~~Upon conclusion of the thirty (30) day period, the Planning Department shall study and investigate the proposal and prepare a Staff Report setting forth a recommended action to the approving authority based on compliance with the appropriate criteria and recommendations by the referral agencies.~~

Section 66. Section 10.184 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.184 Class "A" Amendment Criteria.~~

~~(1) Comprehensive Plan Amendment. Refer to the Review and Amendment section of the Comprehensive Plan, except in the case of the two following actions:~~

~~(a) Urban Growth Boundary Amendment. Refer to Urbanization Element of the Comprehensive~~

Plan.

~~(b) Urban Reserve Adoption/Amendment. Refer to ORS 197.137-145 and OAR 660-021.~~

~~(2) Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:~~

~~(a) Explanation of the public benefit of the amendment.~~

~~(b) The justification for the amendment with respect to the following factors:~~

~~(1) Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.~~

~~(2) Comments from applicable referral agencies regarding applicable statutes or regulations.~~

~~(3) Public comments.~~

~~(4) Applicable governmental agreements.~~

~~(3) Zoning Map Amendment, Major. The Planning Commission shall base its recommendation and the City Council its decision on the same criteria as in subsection (2), preceding.~~

10.184 Conditional Use Permit.

A. A development classified as a conditional use shall be given special review via this process in order to assure its appropriateness for the site and allow for adjustment to be made to assure its compatibility with adjacent land uses.

B. Conditional Use Permits Exempt from Site Plan and Architectural Commission Review.

1. Conditional Use Permits (CUPs) approved under this Section shall be exempt and there shall be no requirement to apply separately for Site Plan and Architectural Commission review or to demonstrate compliance with the approval criteria in Section 10.200(C). However, the Planning Director in their discretion may forward a CUP proposal or proposed revisions thereto to the Site Plan and Architectural Commission for review. When forwarded by the Planning Director, the Site Plan and Architectural Commission shall have authority to review the CUP plans and make recommendations to the Planning Commission.

2. Delegation of Authority. The Planning Commission may delegate authority to the Site Plan and Architectural Commission or to the Planning Director to approve in its name the plans for buildings or any other element of a CUP or revisions thereto after the Planning Commission has approved the CUP. The authority delegated by the Planning Commission under this Subsection shall be delimited in conditions attached to the approval. Notwithstanding any other provision of this Code, the approval of delegated matters shall be subject to a Type III Procedure as set forth in Article II.

C. Conditional Use Permit Approval Criteria.

1. The Planning Commission must determine that the development proposal complies with either of the following criteria before approval can be granted.

a. The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.

b. The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the Planning Commission to produce a balance between the conflicting interests.

2. In authorizing a conditional use permit the Planning Commission may impose any of the following conditions:

a. Limit the manner in which the use is conducted, including restricting the time an activity may occur, and restraints to minimize such environmental effects as noise, vibration,

air pollution, glare and odor.

- b. Establish a special yard or other open space or lot area or dimension requirement.
- c. Limit the height, size, or location of a building or other structure.
- d. Designate the size, number, location, or nature of vehicle access points.
- e. Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.
- f. Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading areas.
- g. Limit or otherwise designate the number, size, location, height, or lighting of signs.
- h. Limit the location and intensity of outdoor lighting, or require its shielding.
- i. Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.
- j. Designate the size, height, location, or materials for a fence.
- k. Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.

D. Conditional Use Permits, Mitigation of Impacts.

A conditional use requiring the mitigation of impacts under Subsection (C)(1)(B) above must do one of the following:

- 1. Preserve unique assets of interest to the community.
- 2. Provide a public facility or public nonprofit service to the immediate area or community.
- 3. Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.

E. Modifications of a Conditional Use Permit.

- 1. **Major Modification of a CUP.** 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 this section. The Planning Director or designee may waive submittal requirements deemed unnecessary or inapplicable to the proposal.
- 2. **Minor Modification of a CUP.** A minor modification to an approved permit may be approved provided the Planning Director can determine 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.

F. Expiration of Conditional Use Permit. Within one year following the final order date, issuance of building permit for vertical construction shall be completed, or if a use, the use shall have commenced. If a request for an extension is filed with the planning department within one year from the approval date of the final order, the Planning Commission, may, upon written request by the applicant, grant a single extension of the expiration date for a period not to exceed one 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 re-filing of the conditional use permit.

Section 67. Section 10.186 of the Medford Code is hereby repealed and replaced to read as follows:

10.186 Application, General.

~~Applications for Class "B" plan authorizations may be initiated by the Planning Commission, City Council, or property owners representing the subject area. An exception to the preceding rule is that the Planning Commission does not initiate annexations.~~

~~Class "B" procedural applications shall be submitted to the Planning Department and shall consist of the materials specified for each type Class "B" procedural application as set out below.~~

~~Upon submittal of the application to the Planning Department, the date of submission shall be indicated on each copy of the materials submitted. Within thirty (30) working days from the date of submission, the Planning Department shall determine whether the application as submitted, along with the required information, is complete as per this chapter.~~

~~If it is determined that the application is incomplete or otherwise does not conform to the provisions of this chapter, the Planning Department shall notify the applicant. An application which has been refused for non-compliance with this code may be resubmitted to the planning department when such application complies with this code.~~

~~At the time of acceptance of the application, the Planning Department shall indicate on the application the date of acceptance.~~

10.186 Exception.

A. Exception, Purpose. The purpose of this section is to empower the approving authority to vary or adapt the strict application of the public improvement and site development standards as contained in Article III, Sections 10.349 through 10.361, and 10.370 through 10.385, as well as Articles IV and V of this chapter. Exceptions may be appropriate for reasons of (1) exceptional narrowness or shape of a parcel, (2) exceptional topographic conditions, (3) extraordinary and exceptional building restrictions on a piece of property, or (4) if strict applications of the public improvement or site development standards in the above-referenced Articles would result in peculiar, exceptional, and undue hardship on the owner.

B. Exception to the Approval Criteria.

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the land use review unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

1. The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health,

safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.

2. The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

3. There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

4. The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

C. Expiration of an Exception.

Within one year following the final order date, issuance of building permit for vertical construction shall be completed, or if a use, the use shall have commenced. If a request for an extension is filed with the Planning Department within one year from the approval date of the final order, the approving authority may, upon written request by the applicant, grant a single extension of the expiration date for a period not to exceed one year from the expiration date of the final order. An extension shall be based on findings that the facts upon which the exception was first approved have not changed to an extent sufficient to warrant re-filing of the exception. An exception directly related to another land use review(s), such as an exception which was filed concurrently with the other land use review(s), and/or an exception which is integrally intertwined with and necessary to the development or use authorized by the other land use review(s), shall expire when the related land use review(s) expires.

Section 68. Section 10.187 of the Medford Code is hereby repealed:

~~10.187 Class "B", Referral and Review.~~

~~Within five (5) working days of accepting a Class "B" application, the Planning Department shall transmit one (1) copy of the application or appropriate sections thereof to each referral agency for review and comment as specifically required of each type of Class "B" application. If a referral agency does not comment within thirty (30) working days, then the referral agency is assumed to have no comment and standard conditions of development will be applied. If requested in writing, by a referral agency or the applicant, an extension of thirty (30) working days may be granted.~~

~~Upon conclusion of the thirty (30) day comment period, the Planning Department shall study and investigate the request and prepare a Staff Report setting forth a recommended action based on compliance with the Comprehensive Plan and this chapter and also setting forth conditions of development as recommended by the referral agencies.~~

~~Except in the case of annexation, the advisory agency (Planning Commission) shall consider the request and Staff Report and make a recommendation to the approving authority (City Council). For an annexation, the City Council makes a decision without recommendation by the Planning Commission.~~

Section 69. Section 10.188 of the Medford Code is added to read as follows:

10.188 Historic Review.

The Historic Review process is hereby established to assure compliance with the Historic Preservation Overlay, Sections 10.401 through 10.407, the *Oregon Administrative Rules, Oregon Revised Statutes*, and to achieve consistency with *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.

A. An application for Historic Review is required in the following instances:

1. To request addition to or removal from the Historic Preservation Overlay for any area, parcel, or portion thereof. The property owner, Planning Director, Landmarks and Historic Preservation Commission, or City Council may request initiation of proceedings to change the extent of the Historic Preservation Overlay.
2. For proposed exterior alteration and/or new construction within an Historic Preservation Overlay.
3. Prior to application for a demolition or relocation permit for all or part of a building, structure, object or site in an Historic Preservation Overlay.

B. Historic Review of proposed exterior alteration and/or new construction is required irrespective of whether a building permit or a development permit is required. Historic Review final actions shall be taken prior to application for a building permit or proceeding with work that does not require a permit.

C. Historic Review, Approval Criteria.

Approval of Historic Review applications shall require findings that the proposal is consistent with the indicated approval criteria:

(1) Changes to the Historic Preservation Overlay. The extent of the Historic Preservation Overlay may be changed to include an historic resource other than those specified in Section 10.402 (1), (2), and (3) through a Type III Historic Review process if findings can be made substantiating that the proposal is consistent with the criteria below:

- (a) It has been demonstrated that the designation of the historic resource is consistent with the purposes of the Historic Preservation Overlay in Section 10.401; and,
- (b) It has been demonstrated that the designation of the historic resource is appropriate, considering the historic value of the resource and any other conflicting values, and will not result in a loss of substantial beneficial use of the property; and,
- (c) It has been demonstrated that the historic resource has a significance rank of "primary" or "secondary" on an historical survey conducted in conformance with the standards of the Oregon State Historic Preservation Office; or, the historic value of the resource has sufficient local significance to merit designation as a Local Historic Resource.

(2) Exterior Alteration and/or New Construction. The Landmarks and Historic Preservation Commission shall approve an Historic Review application for exterior alteration and/or new construction within an Historic Preservation Overlay after consideration during a public hearing, if findings can be made substantiating that the proposal is consistent, or can be made consistent through the imposition of conditions, with all of the following criteria:

- (a) It has been demonstrated that the proposed exterior alteration and/or new construction is consistent with the purposes of the Historic Preservation Overlay in Section 10.401; and,
- (b) It has been demonstrated that the proposed exterior alteration and/or new construction will preserve the historic character, form, and integrity of the historic resource;

and,

(c. It has been demonstrated that the proposed exterior alteration and/or new construction is consistent with the most current version of the *The Secretary of the Interior's Standards for the Treatment of Historic Properties*; and,

(d. It has been demonstrated that the proposed exterior alteration and/or new construction is compatible with the historical and architectural style of the historic resource, of adjacent historic properties, and of the historic district within which it is located, if any. Assessment of compatibility may include consideration of the design, arrangement, proportion, detail, scale, color, texture, and materials, and the way new features will be differentiated from the old; and,

(e. It has been demonstrated that the proposed exterior alteration and/or new construction is consistent with all other applicable provisions of this Code.

(3) **Minor Historic Review.** Minor Historic Review of certain exterior alterations may be conducted by the Planning Director, according to standards adopted by the Landmarks and Historic Preservation Commission. The Planning Director shall approve a Minor Historic Review application if the proposal conforms to approval criteria adopted by the Landmarks and Historic Preservation Commission. These approval criteria are available at the Planning Department.

Minor Historic Review shall be limited to the review of:

a. Changes in roofing materials and exterior paint colors in residentially-zoned Historic Preservation Overlay Districts as per the *Paint and Roofing Approval Criteria* adopted in December 2007;

b. Changes in exterior paint colors in commercially-zoned Historic Preservation Overlay Districts, when new paint colors are chosen from the adopted color palette;

c. Changes in awning fabric materials without a change in the shape of the awning frame, in Historic Preservation Overlay Districts, if the new fabric is either solid or striped and the fabric colors are chosen from the adopted color palette;

d. Change of sign face/copy as defined in Section 10.1010.

(4) **Demolition and Relocation.** The Landmarks and Historic Preservation Commission shall temporarily delay issuance of a demolition or relocation permit for all or part of a building, structure, object or site in an Historic Preservation Overlay, unless, during a public hearing:

(a. It is demonstrated that a temporary suspension of the demolition or relocation permit would not aid in avoiding the demolition or relocation of the historic resource; in informing the owner of the benefits of renovation; nor in pursuing public or private acquisition or restoration; and,

(b. In the case of a demolition, it is demonstrated that there is no practical opportunity to relocate the historic resource to another site, nor to salvage historic or architectural elements; and,

(c. It is demonstrated that the proposed demolition or relocation would not adversely affect the protection, enhancement, perpetuation, improvement, or use of any historic district or other historic resource; and,

(d. It is demonstrated that the benefits of protecting the historic resource no longer outweigh the benefits of allowing the demolition or relocation.

(5) **Temporary Suspension of a Demolition or Relocation Permit.**

(a. In the case of temporary suspension of a demolition or relocation permit by the

Landmarks and Historic Preservation Commission, issuance of the permit shall be delayed for a period of 120 days from the date of application for Historic Review or for the demolition or relocation permit, whichever is earlier.

(b. The Landmarks and Historic Preservation Commission may invoke an extension of the suspension period for an additional period not exceeding 90 days if it determines during a subsequent public hearing that there is a program underway that could result in public or private acquisition, or preservation or restoration of such building, structure, object, or site, and that there are reasonable grounds to believe that such a program will be successful.

(c. During the period of suspension, no permit shall be issued for demolition or relocation, nor shall any person demolish or move the building, structure, object, or site.

(d. At the end of the suspension period, if all such programs have been unsuccessful, the Medford Building Safety Director shall issue a demolition or relocation permit as long as the application otherwise complies with all other city ordinances.

D. Historic Review, Conditions of Approval.

In approving an Historic Review application, the Landmarks and Historic Preservation Commission may impose conditions necessary to ensure compliance with the standards of this Code and the criteria in this section, and to otherwise protect the health, safety and general welfare of the surrounding area and community as a whole. These conditions may include, but are not limited to the following:

1. Limiting the number, height, location and size of signs;
2. Requiring the installation of appropriate public facilities and services and dedication of land to accommodate public facilities when needed;
3. Limiting the visibility of mechanical equipment through screening or other appropriate measures;
4. Requiring the installation or modification of irrigated landscaping, walls, fences or other methods of screening and buffering;
5. Limiting or altering the location, height, bulk, configuration or setback of buildings, structures and improvements;
6. Requiring the improvement of an existing, dedicated alley which will be used for ingress or egress for a development;
7. Controlling the number and location of parking and loading facilities, points of ingress and egress and providing for the internal circulation of motorized vehicles, bicycles, public transit and pedestrians;
8. Requiring the retention of existing natural features;
9. Modifying architectural design elements including exterior construction materials and their colors, roofline, fenestration and restricting openings in the exterior walls of structures;
10. Restricting the height, directional orientation and intensity of exterior lighting.

E. Historic Review Approval, Expiration.

1. Approval of a Historic Review application shall take effect on the date the final order for approval is signed, unless appealed, and shall expire two years from the effective date. Within two years following the effective date, issuance of building permit for vertical construction must have occurred or an extension of the approval shall be necessary. If a request for an extension of a Historic Review application approval is filed with the Planning Department within two years from the effective date, the Landmarks and Historic Preservation Commission may grant an extension not to exceed one additional year if based upon findings that the facts upon which the Historic Review application was first approved

have not changed to an extent sufficient to warrant re-filing of the application.

2. When it is the developer's intent to complete an approved project in phases, the Landmarks and Historic Preservation Commission may authorize a time schedule for the issuance of building permits for a period exceeding two years, but in no case shall the total time period for the issuance of building permits be greater than five years without having to re-submit a new application for Historic Review. Phases developed after the passage of two years from approval of the Historic Review application shall be required to modify the plans if necessary to avoid conflicts with changes in the *Comprehensive Plan* or this chapter.

F. Major Revisions or Amendments to Historic Review Approval.

Major revisions or amendments to plans approved through Historic Review shall require re-application.

G. Issuance of Building Permits Consistent with Historic Review Approval.

1. All applications for a building permit, wherein Historic Review has been required, shall be consistent with the plans as approved and all conditions of approval imposed thereon and shall be accompanied by an accurate and correct plan.

2. **Security for Completion of Public Improvements:** If all required public improvements, as specified in the conditions of Historic Review approval, have not been satisfactorily completed before issuance of a building permit, the developer shall enter into a written agreement (provided by the City) to secure full and faithful performance thereof, according to Sections 10.666 and 10.667(A) respectively.

Section 70. Section 10.190 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.190 Application, Minor Comprehensive Plan Amendment.~~

~~A minor revision to the Comprehensive Plan is one typically focused on specific individual properties and therefore considered quasi judicial. Applications for minor Comprehensive Plan amendments shall contain the information as herein required.~~

10.190 Planned Unit Development (PUD) – Application and Approval Provisions.

A. Purpose and Intent of PUDs: The PUD approach permits flexibility to allow creative and imaginative urban development that would otherwise not be possible under the strict requirements of this Code. The intent is to promote more efficient use of urban land and urban services while protecting natural features, creating common open space, promoting the development of transit-oriented design along designated transit corridors and within designated transit-oriented development (TOD) areas, and encouraging a mixture of land uses and housing types that are thoughtfully planned and integrated.

B. PUD Stepped Process: Consolidated Applications Authorized: Approval of a PUD shall be a two-step process involving approval of a Preliminary PUD Plan by the Planning Commission as a Type III land use action as the first step and approval of a Final PUD Plan by the Planning Director as a Type I land use action as the second step. As used in Sections 10.190 through 10.194, the Planning Director shall mean the Director of the Medford Planning Department or their designee. Except applications for annexations and comprehensive plan amendments, applications authorized in Article II may be consolidated with an application for a Preliminary PUD Plan per Section 10.114.

C. Application for a Preliminary PUD Plan.

1. An application for Preliminary PUD Plan shall be on forms supplied by the City. A

complete application shall include the materials and information listed on the application. However, the Planning Director, in their discretion, may waive the submittal of any of the materials or information that are deemed to be excessive, repetitive or unnecessary based upon the size and nature of the PUD.

2. An applicant may postpone the submission and approval of architectural plans for proposed buildings and to have such plans approved later as a separate matter under Section 10.192(I) after the Preliminary PUD Plan has been approved. When the approval of architectural plans has been postponed, the Preliminary PUD Plan shall show a conceptual footprint for each planned building and each building footprint shall be separately enclosed by a dashed line which shall be called and labeled a building envelope. Building envelopes shall reasonably anticipate and define the maximum extent of the footprint for each building in the PUD.

3. **Extended Notification Area, PUD.** The application for Preliminary PUD Plan shall include the names and mailing addresses of the owners of record of tax lots, obtained by the latest tax rolls of the Jackson County Assessor's Office, located within 200 feet of the exterior boundary of the whole PUD. The owners of no less than seventy-five (75) tax lots shall be notified of the pending land use hearing. If seventy-five (75) tax lots are not located within two-hundred (200) feet of the exterior boundary of the PUD, the notification area shall be extended by successive fifty (50) foot increments, until a minimum of seventy-five (75) tax lots are included in the notification area. The owners of all tax lots within the extended notification area shall receive written notice; therefore, noticing of more than seventy-five (75) tax lots may be required. The names and mailing addresses shall be typed on mailing labels and shall include the assessor map and tax lot numbers for each parcel.

D. Approval Criteria for Preliminary PUD Plan: The Planning Commission shall approve a Preliminary PUD if it concludes that compliance exists with each of the following criteria:

1. **The proposed PUD:**
 - a. preserves an important natural feature of the land, or
 - b. includes a mixture of residential and commercial land uses, or
 - c. includes a mixture of housing types in residential areas, or
 - d. includes open space, common areas, or other elements intended for common use or ownership, or
 - e. is otherwise required by the Medford Land Development Code.
2. **The proposed PUD complies with the applicable requirements of this Code, or**
 - a. the narrative describes the proposed modified standards of the Code and how they are related specifically to the implementation of the rationale for the PUD as described in the application, and
 - b. the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and
 - c. the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.
3. **The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:**
 - a. **Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.**

- b. **Public Facilities Strategy pursuant to ORS 197.768 as amended.**
- c. **Limited Service Area adopted as part of the Medford Comprehensive Plan.**
- 4. **The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.**
- 5. **If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.192(B)(7)(c), the applicant shall alternatively demonstrate that either:**
 - a) **Demands for the Category “A” public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or**
 - b) **By the time of development the property can be supplied with the following Category “A” public facilities in sufficient condition and capacity to support development of the proposed use:**
 - i. **Public sanitary sewerage collection and treatment facilities.**
 - ii. **Public domestic water distribution and treatment facilities.**
 - iii. **Storm drainage facilities.**
 - iv. **Public streets.**

Determinations of compliance with this criterion shall be based upon standards of public facility adequacy as set forth in this Code and in goals and policies of the comprehensive plan which by their language and context function as approval criteria for comprehensive plan amendments, zone changes or new development. In instances where the Planning Commission determines that there is insufficient public facility capacity to support the development of a particular use, nothing in this criterion shall prevent the approval of early phases of a phased PUD which can be supplied with adequate public facilities.

6. If the Preliminary PUD Plan includes uses proposed under Subsection 10.192(B)(7)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.184.

7. If approval of the PUD application includes the division of land or the approval of other concurrent land use applications as authorized in Subsection 10.190(B), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional land use applications.

E. Conditions of Preliminary PUD Plan Approval: If the Planning Commission approves a Preliminary PUD Plan, in addition to conditions of approval authorized under Section 10.200(F), it may attach conditions to the Preliminary PUD Plan approval which are determined to be reasonably necessary to ensure:

- 1. **The Final PUD Plan will be substantially consistent with the approved Preliminary PUD Plan and specifications related thereto.**
- 2. **Development of the PUD will be consistent with the approved Final PUD Plan and specifications related thereto. To ensure satisfactory completion of a PUD in compliance with the approved plans, the Planning Commission may require the developer to enter into an agreement with the City as specified under Section 10.200(I).**
- 3. **The PUD will comply with the *Comprehensive Plan*, the *Medford Municipal Code* and all provisions of this Code except the specific provisions for which there are approved modifications.**
- 4. **There are appropriate safeguards to protect the public health, safety and general welfare.**
- 5. **There will be ongoing compliance with the standards and criteria in this Section.**

6. To guarantee that streets, public facilities and utilities can be appropriately extended from one PUD phase to each successive future phase in accordance with the approved Preliminary PUD Plan, the City may require the conveyance of easements or other assurances.

F. **Expiration of Preliminary PUD Plan Approval:** Preliminary PUD Plan approval shall be valid for three years and may not be extended. The three-year period shall begin the date the Final Order approving the Preliminary PUD Plan is signed by the Planning Commission Chairperson. If a Preliminary PUD Plan is appealed, the three-year period shall begin on the date on which all appeals are resolved, including the resolution of all issues on remand. Within the three-year time period, an application for a Final PUD Plan must be filed for the entire site or for the first phase if the PUD has been approved for phased development.

G. **Time Limit Between PUD Phases:** After Final PUD Plan approval for the first phase of a PUD having approved multiple phases, and for each successive phase thereafter, no more than five years shall lapse between the approval of phases. If more than five years pass between the Final PUD Plan approval of any two PUD phases after the first phase, the Planning Commission may, without the consent of the owner(s) of the PUD, initiate action to terminate undeveloped portions of the PUD under Section 10.198(B).

H. **Binding Effect; Previously Approved PUDs:** A PUD Plan approval shall run with the land and shall be binding upon all successors in interest in all land within the whole PUD. It is further provided that a Preliminary PUD Plan approval shall remain in full force and effect unless the approval expires or is terminated by action of the City pursuant to Section 10.198(B). Preliminary plans submitted prior to the adoption date of this ordinance, and final plans resulting from those preliminary plans, are subject to the regulations for PUDs in effect at the time the preliminary plan application was submitted.

Section 71. Section 10.191 of the Medford Code is hereby repealed:

~~10.191 Application Form.~~

~~An application for a minor Comprehensive Plan amendment shall contain the following items:~~

- ~~(1) Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area to be changed on the General Land Use Map.~~
- ~~(2) Written findings which address the following:~~
 - ~~(a) Consistency with applicable Statewide Planning Goals.~~
 - ~~(b) Consistency with the goals and policies of the Comprehensive Plan.~~
 - ~~(c) Consistency with the applicable provisions of the Land Development Code.~~

Section 72. Section 10.192 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.192 Minor Comprehensive Plan Amendment Criteria.~~

~~Refer to the Review and Amendment section of the Comprehensive Plan.~~

10.192 Preliminary PUD Plan – General Provisions.

A. Minimum Acreage for a PUD: PUDs must contain one acre or more at the time of application filing.

B. Modified Application of Standards Authorized for PUDs: To fulfill the purpose and intents of the standards set forth in Section 10.190(A), authority is herewith granted for the

approval of PUDs which vary from the strict standards of this Code. The nature and extent of potential modifications shall be limited to the categories below described, provided that the City, in approving such modifications, shall not violate substantive provisions of the Oregon Transportation Planning Rule:

1. *Lots and Parcels in PUDs:* Limitations, restrictions and design standards pertaining to the size, dimension, location, position and coverage of lots, and restrictions related to through lots.

2. *Yards, Setbacks and Building Height in PUDs:* Limitations, restrictions and design standards pertaining to the location, size, height, yards and setbacks for buildings and other structures.

3. *Parking, Bicycle and Pedestrian Standards in PUDs:* Limitations, restrictions and design standards pertaining to off-street vehicle and bicycle parking and loading, and standards related to pedestrian access.

4. *Frontage, Access, Landscaping and Signs in PUDs:* Limitations, restrictions and design standards pertaining to lot frontage, access, required landscaping, signs and bufferyards.

5. *Streets Generally in PUDs:* Streets within PUDs may be either city streets dedicated for public use or private streets owned and maintained by an association of owners, and may exceed maximum block length and perimeter standards provided in Section 10.426(C)(1). Streets within or adjacent to a PUD shall comply with the following:

a. Collector and arterial streets shall be dedicated city streets, the existence and general location of which shall be determined by the Comprehensive Plan.

b. City streets shall comply fully with the strict requirements of this Code, provided that the City in approving a PUD may permit the width of parking lanes for city streets to be less than the Code otherwise requires.

c. The City may require any proposed PUD street or segment thereof to be constructed and dedicated as a city street.

6. *Private Streets in PUDs:* Private streets may vary from the limitations, restrictions and design standards pertaining to streets with respect to length, width, position, aspect, intersection standards, grades, curve radii, cul-de-sac turnarounds, street lights, easements, sidewalks, curbs and driveway approaches for streets within the PUD, provided:

a. With respect to the amount, quality and installation of construction materials, private streets shall be structurally equivalent to or better than city-standard streets.

b. The City Fire Marshall shall approve the design of all private streets for access by emergency vehicles before approval of the Preliminary PUD.

c. Private streets shall be posted as private streets and shall connect to the public street system. The applicant shall convey to the City and all appropriate utility companies a perpetual easement over the private street(s) for use by emergency vehicles and employees of the City and utility company(s) in the maintenance of public facilities and utilities.

7. *Allowed Uses and Housing Types in PUDs:* The following uses and housing types shall be permitted as part of a PUD subject to the following:

a. In addition to permitted uses, any portion of a PUD may contain any housing type listed in Subsection 10.314(1-3). In approving housing types, the Planning Commission may waive or reduce any of the special use regulations or standards contained in Sections 10.811 through 10.838.

b. Any conditional use listed for the underlying zone may be permitted without addressing the Conditional Use Permit criteria in Section 10.184 except when the conditional

use is within 200 feet of the perimeter of the PUD. This exemption does not apply to conditional uses within Riparian Corridors pursuant to Section 10.925.

c. Use(s) not permitted in the underlying zone may, nevertheless, be permitted and approved to occupy up to 20% of the gross area of the PUD provided that no portion of the use(s), including its parking, is located nearer than 200 feet from the exterior boundary of the PUD. If any portion of the use(s) is nearer than 200 feet from the exterior PUD boundary, then said use(s) shall be considered to be a conditional use and may be approved subject to compliance with the conditional use permit criteria in Section 10.184. However, this provision shall not apply where the land outside the PUD which is nearer than 200 feet from proposed use(s) is inside a zone in which the proposed use(s) is permitted.

8. *Mixed Land Use Designations in PUDs.* Unless otherwise prohibited, PUDs that have more than one General Land Use Plan designation or Southeast Plan land use category shall have the flexibility to mix or relocate such designations within the boundaries of the PUD in any manner and/or location as may be approved by the Planning Commission.

C. **Common Elements in PUDs:** A multi-family residential PUD must include a minimum of 20% of the land area as common area unless otherwise modified by the Planning Commission. This common area shall be for the purpose of providing protection for natural features, common recreational space, landscaped area, or commonly enjoyed amenities other than parking areas or private streets. Where a PUD has open spaces, private streets, parking or other elements to be owned or maintained in common by the owners or future owners of land or improvements within the PUD, the Final PUD Plan shall not be approved and no unit shall be sold or conveyed until the PUD has been found to comply with the following requirements, as applicable:

1. *PUD Planned Community.* If the PUD is a planned community under ORS Chapter 94, the declaration and tentative plat for the planned community shall be submitted with the Final PUD Plan for approval by the Planning Director before recording in the official records of Jackson County.

2. *PUD Condominium.* If the PUD is a condominium under ORS Chapter 100, a copy of the recorded declaration and plat shall be submitted to the City after it has been approved by the Oregon Real Estate Commissioner and recorded in the official records of Jackson County. A condominium declaration and plat shall not be reviewed and approved by the Planning Director and the Planning Director shall have no authority under this Subsection to require changes thereto.

3. *PUD Common Ownership.* If the PUD contains elements intended for common ownership but ORS Chapters 94 and 100 do not apply, there shall be appropriate legal documents which assure that the common elements will be improved and perpetually maintained for their intended purposes. The legal documents in such instance shall be submitted to the Planning Director for approval as part of the Final PUD Plan before recording in the official records of Jackson County.

4. *Phased PUDs.* When a PUD is proposed to be developed in phases, the phased provision of improved common elements shall be roughly proportional with the development of housing and other elements intended for private ownership. Unless approved by the Planning Commission as part of a phasing plan or which was approved by the Planning Commission prior to the adoption of this ordinance, no significant common element shall be postponed to the final phase of a PUD. Nothing in this Subsection shall prevent the provision of improved common elements at a rate that is proportionally greater than the development

of housing and other elements intended for private ownership.

5. Public Dedications and PUDs. Land shown on the Final PUD Plan as a common element or which is intended for public dedication shall be conveyed under one of the following options:

a. To a public entity which shall agree in writing to perpetually maintain the common element(s) being conveyed.

b. To an association of owners created pursuant to ORS Chapters 94 or 100 or as otherwise created under Subsection 10.192(C)(3) in which instance the legal document which establishes the association shall provide that the association cannot be terminated or discontinued without the City's prior consent.

6. Private Streets in PUDs. If the PUD will have private streets, the legal document which establishes the association of owners shall provide that the City may enforce the maintenance or protection of its easements or public facilities.

D. PUDs Exempt from Site Plan and Architectural Review: PUDs approved under this Section shall be exempt and there shall be no requirement to apply separately for Site Plan and Architectural Review or to demonstrate compliance with the criteria in Section 10.200. However, the Planning Director in their discretion may forward a Preliminary PUD Plan or proposed revisions thereto to the Site Plan and Architectural Commission for review. When forwarded by the Planning Director, the Site Plan and Architectural Commission shall have authority to review the PUD plans and make recommendations to the Planning Commission.

E. Delegation of Authority: The Planning Commission may delegate authority to the Site Plan and Architectural Commission or to the Planning Director to approve in its name the plans for buildings or any other element of a PUD or revisions thereto after the Planning Commission has approved the Preliminary PUD Plan. The authority delegated by the Planning Commission under this Subsection shall be delimited in conditions attached to the approval. Notwithstanding any other provision of this Code and subject to an applicant's written request, the approval of delegated matters, where eligible, shall be procedurally treated as an Expedited Land Division pursuant to ORS 197.360 through 197.380, as amended. Lacking a written request from the applicant, approval of delegated matters shall be subject to a Type III Procedure as set forth in this Article.

F. Building Permits, Development and Operation of a PUD: All building and construction plans submitted to the City for the purpose of obtaining building and other site improvement permits shall be consistent with the approved Final PUD Plan. The development and operation of the PUD shall conform in all respects with the approved Final PUD Plan.

G. Residential Density in PUDs:

1. Residential Density Calculation. Minimum and maximum residential densities in PUDs shall be calculated pursuant to Section 10.708, except, in PUDs having residential and non-residential land uses within a residential zoning district, including mixed-use buildings as defined herein, the minimum and maximum number of dwelling units shall be calculated using the gross area of the residentially zoned land including any to be occupied by non-residential uses. "Natural unbuildable areas" may be excluded at the developer's option as provided in Section 10.708.

2. Residential Density Bonus. In PUDs larger than five acres, the residential density may be increased by up to 20% more than the maximum density permitted by Subsection (1) above.

H. Revised Preliminary PUD Plans: In instances where conditions of approval result in substantial, complex or unpredictable changes to a proposed Preliminary PUD Plan, the Planning Commission, as a condition of Preliminary PUD Plan approval, may require an applicant to incorporate the changes into a revised Preliminary PUD Plan. When required, the revised plans shall be approved by the Planning Commission and when approved, the revised plans shall become the approved Preliminary PUD Plan and any conditions satisfied by the revised plans shall be stricken or appropriately altered.

I. Postponed Preliminary PUD Plan Approval for Building Architecture: When the approval of architectural plans for buildings in the PUD has been postponed under Section 10.190(C)(2), no Final PUD Plan shall be approved until the architecture of buildings has been approved by the Planning Commission, or by the Site Plan and Architectural Commission pursuant to Subsection (E) above, and the Final Order for such approval has been appended to the earlier approval of the Preliminary PUD Plan.

J. Engineering Construction Plans, Preliminary PUD Plans: Engineering construction plans, profiles, details and specifications for all public facility and utility improvements shall be prepared by a qualified engineer registered in Oregon. The engineering plans shall be approved by the City before the start of construction. Unless specifically authorized by the Planning Commission in the Preliminary PUD Plan approval, all public facilities and utilities shall be designed and constructed in accordance with the standards and procedures of the City or other public entity to which ownership will be conveyed. The procedures for engineering design, plan approval and inspection shall in all respects be the same as for land divisions under this Code.

Section 73. Section 10.194 of the Medford Code is added to read as follows:

10.194 Preliminary PUD Plan - Neighborhood Meeting Requirement.

A. Purpose of Neighborhood Meeting Requirement for Preliminary PUD Plans. To ensure neighborhood knowledge of proposed development and to provide an opportunity for direct communication, the applicant shall present the development proposal at a neighborhood meeting prior to submitting the land use application to the Planning Department. The applicant shall arrange and conduct the neighborhood meeting. City staff need not attend. Attendees shall be asked to sign a signature sheet and provide their mailing address. Attendance at the neighborhood meeting does not give an attendee legal standing for appeal.

B. Neighborhood Meeting Presentation, Preliminary PUD Plans. The presentation at the neighborhood meeting shall include at a minimum the following:

1. A map depicting the location of the subject property proposed for development; and,
2. A visual description of the project including a tentative site plan, tentative subdivision plan and elevation drawings of any structures, if applicable; and,
3. A description of the nature of the proposed uses and physical characteristics, including but not limited to, sizes and heights of structures, proposed lot sizes, density; and,
4. A description of requested modifications to code standards; and
5. Notification that attendance at the neighborhood meeting does not give legal standing to appeal to the City Council, the Land Use Board of Appeals, or Circuit Court.

C. Scheduling and Noticing Neighborhood Meeting, Preliminary PUD Plans. It shall be the responsibility of the applicant to schedule the neighborhood meeting and provide

adequate notification of the meeting. The applicant shall send mailed notice of the neighborhood meeting to the owners of no less than 75 of the nearest tax lots regarding the neighborhood meeting. If 75 tax lots are not located within 200 feet of the exterior boundary of the PUD, the notification area shall be extended by successive 50-foot increments, until a minimum of 75 tax lots are included in the notification area. The owners of all tax lots within the extended notification shall receive written notice; therefore, noticing of more than 75 tax lots may be required. In addition to the affected property owners, the applicant shall also provide notice to the Planning Department. The applicant shall use the Jackson County Tax Assessor's property owner list from the most recent property tax assessment roll. The notice shall be mailed a minimum of 15 days prior to the neighborhood meeting which shall be held in Medford on a weekday evening. A certificate of mailing attesting to the date of mailing and the name and signature of the agent responsible for mailing said notices shall be prepared and submitted to the Planning Department in accordance with the materials identified in the application for Preliminary PUD Plan. The notice for PUD neighborhood meeting shall include:

1. Date, time and location of the neighborhood meeting; and,
2. A brief written description of the proposal; and,
3. The location of the subject property, including address (if applicable), nearest cross streets and any other easily understood geographical reference, and a map (such as a tax assessor's map) which depicts the subject property.

Section 74. Section 10.195 of the Medford Code is hereby repealed:

~~10.195 Application for Annexation.~~

~~Except for the annexation of unincorporated territory surrounded by the city as provided in Section 10.199, applications for annexation shall, in addition to requirements contained herein, be subject to the provisions of ORS 222.111 to 222.180 or 222.840 to 222.915.~~

Section 75. Section 10.196 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.196 Application Form.~~

~~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) 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.~~
- ~~(5) 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.~~~~

- ~~(e) Map and tax lot number.~~
- ~~(6) Addresses of all dwelling units and businesses located within the annexation area and names of all residents and whether they are registered voters.~~
- ~~(7) 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 10.197, Annexation Criteria.~~
- ~~(8) Property owners' (and agents') names, addresses and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.~~

10.196 Final PUD Plan - Application Procedures.

A. Application for a Final PUD Plan: Application for a Final PUD Plan shall be on forms supplied by the Planning Department. The Final PUD Plan shall contain all information and materials listed on the application unless certain items are or have been waived by the Planning Director as therein provided. However, there shall be no burden to demonstrate compliance with the criteria in Subsection 10.190(D). As appropriate, the Final PUD Plan shall incorporate all conditions imposed on the Preliminary PUD Plan approval. The application for a Final PUD Plan shall include a written narrative explaining how the Final PUD Plan complies with the Final PUD Plan approval criteria in Subsection (D) below, and the conditions of approval.

B. Phased PUD: The Final PUD Plan may be submitted for the entire project or for each phase consistent with the approved Preliminary PUD Plan. If a Preliminary PUD Plan was not approved as a phased project, nothing in this Section shall prevent the Planning Director from approving a Final PUD Plan in phases provided that they approve a phasing plan pursuant to Sections 10.190(G) and 10.192(C)(4) as part of the Final PUD Plan approval, and provided further that the phasing plan ensures that essential services such as roads, fire access, storm drain, and sewer are available to serve each successive phase. After Final PUD Plan approval for the first phase, Final PUD Plans for all subsequent phases must be filed with the Planning Director.

C. Final Plat for Land Division: Application for the approval of a Final PUD Plan may occur before or concurrent with the approval of a final plat for a land division. However, no building permits shall be issued by the City and no buildings intended for human occupancy shall be constructed and no lot shall be sold until the Final PUD Plan has been approved by

the Planning Director.

D. Approval Criteria for Final PUD Plan: A Final PUD Plan shall be approved by the Planning Director if the Director concludes that it complies with each of the following criteria:

1. Provisions for the establishment and maintenance of elements to be held in common ownership, if any, have or will comply with the standards in Section 10.192(C).

2. The Final PUD Plan is substantially consistent with the Preliminary PUD Plan and with any and all conditions imposed by the Planning Commission which were attached to the approval of the Preliminary PUD Plan.

E. The Planning Director in their discretion may forward a Final PUD Plan to the Planning Commission for written clarification regarding whether the Final PUD Plan is substantially consistent with the Preliminary PUD Plan. When forwarded by the Planning Director, the Planning Commission shall have authority to review the PUD plans and advise the Planning Director.

F. Modification of a phasing plan shall be considered substantially consistent with the Preliminary PUD Plan unless the revised phasing plan affects the provision of essential services such as public streets, sewer or storm drain to serve the successive phases.

G. A Final PUD Plan shall be found to be inconsistent with the Preliminary PUD Plan when any of the following apply. If such inconsistencies are identified, an application for revision to the Preliminary PUD Plan shall be required:

1. The exterior boundaries of the PUD have changed except for slight deviations which result from the resolution of boundary errors or inconsistencies discovered when the PUD property was surveyed,

2. The number of housing units has increased,

3. The number of housing units has decreased by more than five percent,

4. Modifications to the provisions of this Code have been included which were not approved as part of the Preliminary PUD Plan under Section 10.192(B).

Section 76. Section 10.197 of the Medford Code is hereby repealed:

~~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.~~

Section 77. Section 10.198 of the Medford Code is hereby repealed and replaced to read as follows:

~~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.~~

10.198 Revision or Termination of a PUD.

A. Revision of a Preliminary or Final PUD Plan: The expansion or modification of a PUD approved under earlier PUD ordinances of the City or the revision of a Preliminary or Final PUD Plan shall follow the same procedures required for initial approval of a Preliminary PUD Plan in this Section, provided:

1. **Applicant for Revision; Filing Materials; Procedures:** An application to revise an approved PUD Plan shall be on forms supplied by the Planning Department. The application form shall bear the signature of the owner(s) who control a majority interest in more than 50% of the vacant land covered by the approved PUD and who are also the owner(s) of land and improvements within the PUD which constitute more than 50% of the total assessed value of vacant portion of the PUD. For changes deemed by the Planning Director to be minor but not de minimis, the Planning Director shall exercise appropriate discretion under Section 10.190(C)(1) to limit or waive the submittal of filing materials deemed to be excessive, repetitive or unnecessary based upon the scope and nature of the proposed PUD revisions. PUD revisions shall follow the same procedures used for initial approval of a Preliminary PUD Plan.

2. **Consolidated Procedure:** At the discretion of the Planning Director, revisions to an approved PUD Plan may be consolidated into a single procedure, the effect of which will be the approval of both a Preliminary PUD Plan and Final PUD Plan by the Planning Commission.

3. **Burden of Proof; Criteria for Revisions:** The burden of proof and supporting findings of fact and conclusions of law for the criteria in Sections 10.190(D) or 10.196(D), as applicable, shall be strictly limited to the specific nature and magnitude of the proposed revision. However, it is further provided that the design and development aspects of the whole PUD may be relied upon in reaching findings of fact and conclusions of law for the criterion at Section 10.190(D)(5). It is further provided that before the Planning Commission can approve a PUD Plan revision, it must determine that the proposed revision is compatible with existing developed portions of the whole PUD.

4. **De Minimis Revisions:** Notwithstanding Section 10.192(E), the Planning Director may approve revisions to an approved Preliminary or Final PUD Plan that they determine is de minimis. Proposed revisions shall be considered de minimis if the Planning Director determines the changes to be slight and inconsequential and will not violate any substantive provision of this Code. The Planning Director's written approval of a de minimis revision(s) shall be appended to the Final Order of the Planning Commission or Final Approval of the Final PUD Plan. Revisions that are de minimis shall not require public notice, public hearing or an opportunity to provide written testimony. However, if, while the record is open, any party requests in writing to be notified of future de minimis revisions of a Preliminary PUD Plan, then all de minimis revisions of a Preliminary PUD Plan shall be subject to review as a Type III land use action or such other procedure as may be permitted by law.

B. Termination of a PUD: A PUD may be terminated by action of the Planning Commission subject to the following procedures:

1. If issuance of building permits for vertical construction has not occurred or if no lots or units therein have been sold, the PUD may be terminated as provided in this Subsection. Termination proceedings may be initiated by filing with the City a written petition signed by the owner(s) who control a majority interest in more than 50% of the land covered by the approved PUD and which also constitutes more than 50% of the total assessed value of land and improvements of the PUD. Upon receipt of a valid petition, the Planning Commission

shall consider the matter in an open meeting and shall declare the PUD terminated. The Planning Commission's termination of a PUD shall be evidenced by a Final Order declaring the same. When the Final Order is signed the PUD shall be terminated and previous PUD Plan approvals shall be considered void and of no further effect. Termination of a PUD shall not affect other land use actions taken by the City which concern the PUD property.

2. If issuance of building permits for vertical construction has occurred or if lots or units within the PUD have been sold, the PUD may be terminated as provided in this Subsection. Termination proceedings may be initiated by filing with the City a written petition signed by the owner(s) who control a majority interest in more than 50% of the vacant land covered by the approved PUD which also constitutes more than 50% of the total assessed value of vacant land within the PUD. If there is an association of owners established within the boundaries of the whole PUD, the owner(s) petitioning for termination of the PUD shall also supply the City with the correct mailing address of the association which shall be notified along with others entitled to notice under this Subsection. Upon receipt of the petition, the Planning Commission shall provide notification of the proposed PUD termination and conduct a public hearing on the matter. The Notice and public hearing shall be subject to Type III procedures. The Planning Commission shall declare the PUD terminated if it concludes that the termination will not produce greater than minimal harm to the public health, safety or general welfare. The Planning Commission's termination of a PUD shall be evidenced by a Final Order declaring the same and after the Final Order is signed the PUD shall be terminated and previous PUD Plan approvals shall be considered void and of no further effect. Termination of a PUD shall not affect other land use actions taken by the City which concern the PUD property.

Section 78. Section 10.199 of the Medford Code is hereby repealed:

~~10.199 Annexation of Territory Surrounded by the City.~~

~~(1) As authorized in ORS 222.750, the City Council may, by ordinance, annex territory surrounded by the corporate boundaries of Medford with or without the consent of any owner of property within the territory or resident of the territory.~~

~~(2) Such annexation may be initiated at the request of the Planning Department or City Council and shall not be subject to the requirements of Sections 10.122, 10.146, 10.150, 10.157, 10.158, 10.185 to 10.187, or 10.196 to 10.198.~~

~~(3) A public hearing shall be held prior to the Council's adoption of an ordinance for annexation.~~

~~(4) Notification shall be mailed to owners of property within the area proposed for annexation no later than twenty (20) days prior to the public hearing.~~

Section 79. Section 10.200 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.200 Application, Vacation.~~

~~A request to vacate a public street, alley, easement, plat, or public place shall, in addition to the requirements contained herein, be subject to ORS Chapter 271. Vacation shall be initiated either by petition under ORS 271.080 or by City Council under ORS 271.130.~~

10.200 Site Plan and Architectural Review.

A. Purpose of Site Plan and Architectural Review. The Site Plan and Architectural

Review process is established in order to provide for review of the functional and aesthetic adequacy of commercial, industrial and multi-family development and to assure compliance with the standards and criteria set forth in this chapter for the development of property as applied to the improvement of individual lots or parcels of land as required by this code. Site Plan and Architectural Review considers consistency in the aesthetic design, site planning and general placement of related facilities such as street improvements, off-street parking, loading and unloading areas, points of ingress and egress as related to bordering traffic flow patterns, the design, placement and arrangement of buildings as well as any other subjects included in the code which are essential to the best utilization of land in order to preserve the public safety and general welfare, and which will encourage development and use of lands in harmony with the character of the neighborhood within which the development is proposed.

B. Site Plan and Architectural Review Required: Projects which are not exempt from Site Plan and Architectural Commission Review pursuant to Subsection (C) below, except that exterior alterations to a building or site and new construction in a Historic Overlay shall require Historic Review pursuant to Section 10.188, but shall not require Site Plan and Architectural Review.

C. Exemptions from the Site Plan and Architectural Commission Review Requirement.

1. An exemption from Site Plan and Architectural Commission (SPAC) review 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.

2. The following uses or developments do not require SPAC review.

a. Parking lots and parking lot additions, when not associated with building construction required to be reviewed by the Site Plan and Architectural Commission, except any parking lot or parking lot additions located within a Historic Overlay requires Historic Review. (Effective Dec. 1, 2013.)

b. Construction of a new building if it does not increase motor vehicle trip generation by more than 10 average daily trips, unless within a Historic Overlay, in which case, Historic Review is required for all new construction. (Effective Dec. 1, 2013.)

c. A building addition similar to the existing building in architectural style and exterior building materials and that is no more than a 20 percent or 2,500 square-foot increase in gross floor area, whichever is less, unless within a Historic Overlay, in which case, Historic Review is required for all building additions and exterior alterations. (Effective Dec. 1, 2013.)

d. Detached single-family residential development on a lot within a final platted land division or on an otherwise legally created lot, unless within a Historic Overlay, in which case, Historic Review is required for all single-family residential development. (Effective Dec. 1, 2013.)

e. Solar Photovoltaic/Solarvoltaic energy systems, as defined in ORS 757.360, except when located on historic landmarks or within historic districts, in which case the review authority shall be the Landmarks and Historic Preservation Commission.

f. One duplex dwelling divided by a lot-line or on a single, vacant lot within a final platted land division or on an otherwise legally created lot, unless within a Historic Overlay, in which case, Historic Review is required.

g. Airport accessory structure(s) including hangars, aircraft storage, maintenance facilities, warehouse storage, and office buildings to be located on airport property within the secured fence area (as shown on the Medford Zoning Map) not intended for public use.

D. Site Plan and Architectural Review approval and a development permit shall be

required prior to the application for a building permit.

E. Site Plan and Architectural Review Approval Criteria. The Site Plan and Architectural Commission shall approve a site plan and architectural review application if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

1. The proposed development is compatible with uses and development that exist on adjacent land, and
2. The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in Section 10.186.

F. Site Plan and Architectural Review Conditions of Approval. In approving a site plan and architectural review application, the Site Plan and Architectural Commission may impose, in addition to those standards expressly specified in this code, conditions determined to be reasonably necessary to ensure compliance with the standards of the code and the criteria in Subsection (E) above, and to otherwise protect the health, safety and general welfare of the surrounding area and community as a whole. These conditions may include, but are not limited to the following:

1. Limiting the number, height, location and size of signs;
2. Requiring the installation of appropriate public facilities and services and dedication of land to accommodate public facilities when needed;
3. Limiting the visibility of mechanical equipment through screening or other appropriate measures;
4. Requiring the installation or modification of irrigated landscaping, walls, fences or other methods of screening and buffering;
5. Limiting or altering the location, height, bulk, configuration or setback of buildings, structures and improvements.
6. Requiring the improvement of an existing, dedicated alley which will be used for ingress or egress for a development;
7. Controlling the number and location of parking and loading facilities, points of ingress and egress and providing for the internal circulation of motorized vehicles, bicycles, public transit and pedestrians;
8. Requiring the retention of existing natural features;
9. Modifying architectural design elements including exterior construction materials and their colors, roofline, fenestration and restricting openings in the exterior walls of structures;
10. Restricting the height, directional orientation and intensity of exterior lighting.

G. Expiration of a Site Plan and Architectural Review Approval.

1. Approval of a Site Plan and Architectural Commission application shall take effect on the date the final order for approval is signed, unless appealed and shall expire two years from the effective date. Within two years following the effective date, issuance of building permit for vertical construction must have occurred or an extension of the approval will be necessary. If a request for an extension is filed with the Planning Department within two years from approval of the final order, the Site Plan and Architectural Commission shall grant an extension not to exceed one additional year. Extensions shall be based on findings that the facts upon which the Site Plan and Architectural Commission application was first approved have not changed to an extent sufficient to warrant re-filing of the application.

2. When it is the developer's intent to complete an approved project in phases, the

approving authority may authorize a time schedule for the issuance of building permits for a period exceeding one year, but in no case shall the total time period for the issuance of building permits be greater than five years without having to resubmit a new application for Site Plan and Architectural Commission review. Phases developed after the passage of one year from approval of the Site Plan and Architectural Commission application will be required to modify the plans as necessary to avoid conflicts with changes in the *Comprehensive Plan* or this chapter.

H. Modifications of an Approved Site Plan and Architectural Review.

1. 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 as a Type III application for Site Plan and Architectural Review. The Planning Director may waive submittal requirements deemed unnecessary or inapplicable to the proposal.

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

a. Meets the exemption standards of Subsection (C) above.

b. No increase in the number of dwelling units.

c. 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.

d. 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.

e. No reduction or elimination of any project amenities such as recreational facilities, significant natural resources (streams, creeks, landforms), fencing and other screening material.

f. Modifications to facilities and utilities conform to the adopted facility plans.

g. Modifications to any other components of the plan conform to standards of the Code.

h. No modification to any condition of approval.

I. Issuance of Building Permits, Consistent with Site Plan and Architectural Review Approval. All applications for a building permit, wherein Site Plan and Architectural Review has been required, shall be consistent with the plans as approved and all conditions of approval imposed thereon and shall be accompanied by an accurate and correct site plan.

1. Security for Completion of Public Improvements: If all required public improvements, as specified in the conditions of site plan and architectural review approval, have not been satisfactorily completed before issuance of a building permit, the developer shall enter into a written agreement (provided by the City) to secure full and faithful performance thereof, according to Sections 10.666 and 10.667(A) respectively.

2. Agreement for Completion of Private Improvements: (for projects with signed agreements prior to January 1, 2015): The following regulations shall apply to all Building Site Improvement Agreements (BSIA) signed prior to January 1, 2015. After said date, the provisions of Building Site Improvement Agreements (BSIA) shall no longer be used as a means to ensure the completion of private improvements. If all required private improvements, as specified in the conditions of site plan and architectural review approval, have not been satisfactorily completed before issuance of a building permit, the permit shall

not be issued unless the owner and all other parties having an interest in the property enter into a written and recorded agreement, called a Building Site Improvement Agreement (BSIA), (provided by the City) with the City. The agreement shall be in a form acceptable to the City Attorney and shall specify that, within six months after signing the agreement or such longer time period as specified by the Site Plan and Architectural Commission, all improvement work shall be completed according to the approved plans. The Planning Director or other person designated by the City Manager shall sign the agreement on behalf of the City.

a. **Extension.** If a request for an extension of a Building Site Improvement Agreement is filed with the Planning Department within six months after signing the agreement, the Planning Director may grant an extension not to exceed six additional months. Extensions shall be based on findings that the extension is necessary for good cause, such as: circumstances beyond the developer's control that are causing delay in completing private improvements (i.e., ODOT work, weather-related delays, building permit delays), so long as no applicable development standards have changed.

b. **Procedure and Enforcement.** The agreement shall be recorded in the Official Records of Jackson County, and once recorded the burdens of the agreement shall run with the title of the affected property. The property affected by the agreement shall be the property depicted on the approved site plan. The agreement shall provide that, if the work is not completed in accordance with its terms within the allotted time, the property may not thereafter be occupied or used until all deficiencies are corrected. The agreement shall provide for enforcement by the City through a civil suit for injunction and provide that the prevailing party shall be awarded costs and reasonable attorney's fees. When made in substantial compliance with this section, such an agreement shall be enforceable according to its terms, regardless of whether it would be enforceable as a covenant at common law.

c. **Satisfaction.** Once improvements have been satisfactorily completed according to the approved plans, a Satisfaction of Building Site Improvement Agreement shall be signed by the Planning Director or other person designated by the City Manager. The agreement shall be recorded in the Official Records of Jackson County.

Section 80. Section 10.201 of the Medford Code is hereby repealed:

~~10.201 Application Form.~~

~~Petitioners or persons requesting a vacation shall file an application containing the following items:~~

- ~~(1) Vicinity Map drawn at a scale of 1" = 1,000' identifying the proposed area of vacation.~~
- ~~(2) Legal description of area proposed to be vacated in electronic form per the instructions of the City of Medford Planning Department.~~
- ~~(3) A letter requesting City Council initiation, or, if initiated by petition rather than by Council, consent to vacate forms completed and signed by owners of all abutting property and of not less than two-thirds in area of the real property affected as defined in ORS 271.080~~
- ~~(4) Assessor's maps of the proposed vacation area identifying abutting and affected properties. The assessor's maps shall identify those parcels for which consents to vacate have been acquired.~~
- ~~(5) Names and addresses of property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated, including map and tax lot numbers typed on mailing labels.~~
- ~~(6) Findings that address the approval criteria in Section 10.202, Vacation Criteria.~~

Section 81. Section 10.202 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.202 Vacation Criteria.~~

~~A request to vacate shall only be approved by the approving authority (City Council) when the following criteria have been met:~~

- ~~(1) Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.~~
- ~~(2) If initiated by petition under ORS 271.080, the findings required by ORS 271.120.~~
- ~~(3) If initiated by the Council, the applicable criteria found in ORS 271.130.~~

10.202 Subdivision Tentative Plat.

A. Application. The subdividing of land shall be subject to the application requirements as herein set forth and shall include both the tentative and final platting requirements. The approval of a tentative plat is a Type III procedure, with the Planning Commission being the approving authority. Final plat approval is a Type I ministerial procedure which relies on compliance with the requirements established at the time of tentative plat approval, and on the requirements set forth in Section 10.158.

B. Application for Tentative Plat.

The tentative plat for each proposed land division shall be filed with the Planning Department.

C. Form of Tentative Plat and Accompanying Data. All tentative plats shall be clearly and legibly drawn on tracing paper of good quality and prepared by a civil engineer or land surveyor registered in the State of Oregon. It shall have a dimension of not less than 18 inches by 24 inches, and the scale shall be as follows: One inch shall be equal to 50 feet for 20 acres or less, and one inch shall be equal to 100 feet for all divisions of land over 20 acres in area. The tentative plat shall contain the following data:

1. Proposed land division name (if a subdivision), date, north arrow, scale, total acreage, and sufficient legal information to define the boundaries of the proposed development.
2. A key map located in the upper right hand corner identifying the location of the development relative to section and township lines and to adjacent property and major physical features such as streets, railroads, and waterways.
3. Names of abutting property owners on all sides, names and widths of adjoining rights-of-way, topographic features and all public improvements on adjacent property located within 200 feet of the project boundary.
4. Name and address of the owner(s) of record, developer, and engineer or land surveyor registered in the State of Oregon who prepared the tentative plat.
5. Locations, names, widths, approximate intersection angle, centerline radii, center line slopes, and improvement section of all streets, highways and other ways in the proposed project.
6. Number of lots, dimensions of lots (to the nearest foot), including frontage, width, and area (to the nearest 50 square feet).
7. Location and height of all existing structures to remain on property and distance from proposed property lines.
8. Location and character of all easements existing and proposed by the developer for drainage, sewage and public utilities.
9. Five foot topographic contours describing the area. Where the grade of any part of

the proposed land division exceeds 10%, or where the development abuts existing developed lots, an overall conceptual grading plan shall be required showing features adjacent to the development within a reasonable distance therefrom which could affect said project. Where a conceptual grading plan is required it shall show how runoff of surface water from individual lots will be achieved and the ultimate disposal of all development surface waters. All topographic information shall be based on city data.

10. A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).

11. Location of all creeks, streams and other watercourses, showing top of existing bank and areas subject to inundation as shown on the latest Federal Flood Rate Insurance Maps.

12. Existing wells and irrigation canals, active or abandoned, and proposed disposition.

13. Public or common area proposed, if any.

14. The approximate distance to, and location of, the nearest sanitary sewer main.

15. Name of the irrigation district, if any, within which the project is located and whether it is currently being assessed.

16. Name of the school district within which the project is located.

D. Expiration of Tentative Plat Approval.

1. Approval of a tentative plat application shall take effect on the date the final order for approval is signed, unless appealed, and shall expire two years from the effective date unless the final plat has been approved by the Planning Director pursuant to Section 10.158. If a request for an extension of a tentative plat application approval is filed with the Planning Department within two years from the date of the final order, the Planning Commission shall grant an extension not to exceed one additional year. Extensions shall be based on findings that the facts upon which the tentative plat application was first approved have not changed to an extent sufficient to warrant re-filing of the application.

2. When it is the developer's intent to record and develop a tentatively platted land division in phases, the Planning Commission may authorize a time schedule for platting the various phases in periods exceeding one year, but in no case shall the total time period for platting all phases be greater than five years without having to re-submit the tentative plan. Phases platted after the passage of one year from approval of the tentative plat will be required to modify the tentative plat as necessary to avoid conflicts with changes in the Comprehensive Plan or this chapter.

E. Land Division Approval Criteria.

The Planning Commission shall not approve any tentative plat unless it first finds that the proposed land division, together with the provisions for its design and improvement:

1. Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Articles IV and V;

2. Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;

3. Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and

the block numbers continue those of the plat of the same name last filed;

4. If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property, unless the Planning Commission determines it is in the public interest to modify the street pattern;

5. If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;

6. Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

Section 82. Section 10.204 of the Medford Code is added to read as follows:

10.204 Zone Change.

A. Zone Change Initiation. A zoning district boundary change may be initiated by the Planning Commission either on its own motion or at the request of the City Council, or by application of the property owner(s) in the area subject to the zone change.

B. Zone Change Approval Criteria. The Planning Commission shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (1) and (2) below:

1. The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.

2. Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (2)(a), (2)(b), (2)(c), or (2)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

a. For zone changes to SFR-2, the zoning shall be approved under either of the following circumstances:

(i) if at least 70% of the area proposed to be re-zoned exceeds a slope of 15%,

(ii) if other environmental constraints, such as soils, geology, wetlands, and flooding, restrict the capacity of the land to support higher densities.

b. For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one of the following conditions must exist:

(i) At least one parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or

(ii) The area to be re-zoned is five acres or larger; or

(iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five acres.

c. For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:

(i) The overall area of the C-N zoning district shall be three acres or less in size and within, or abutting on at least one boundary, with residential zoning. In determining the overall area, all abutting property(s) zoned C-N shall be included in the size of the district.

(ii) The overall area of the C-C zoning district shall be over three acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all

abutting property(s) zoned C-C shall be included in the size of the district.

(iii) The overall area of the C-R zoning district shall be over three acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to (2)(e) below.

(iv) The C-H zone shall front upon an arterial street or state highway. The C-H zone may abut the General Industrial (I-G), Light Industrial (I-L), and/or any commercial zone. The C-H zone is ordinarily considered to be unsuitable if abutting any residential or I-H zones, unless the applicant can show it would be suitable pursuant to (2)(e) below.

d. For zone changes to any industrial zoning district, the following criteria shall be met for the applicable zoning sought:

(i) The I-L zone may abut residential and commercial zones, and the General Industrial (I-G) zone. The I-L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I-H) zone, unless the applicant can show it would be suitable pursuant to (2)(e) below.

(ii) The I-G zone may abut the Heavy Commercial (C-H), Light Industrial (I-L), and the Heavy Industrial (I-H) zones. The I-G zone is ordinarily considered to be unsuitable when abutting the other commercial and residential zones, unless the applicant can show it would be suitable pursuant to (2)(e) below.

(iii) The I-H zone may abut the General Industrial (I-G) zone. The I-H zone is ordinarily considered to be unsuitable when abutting other zones, unless the applicant can show it would be suitable pursuant to (2)(e) below.

e. For purposes of (2)(c) and (2)(d) above, a zone change may be found to be suitable where compliance is demonstrated with one or more of the following criteria:

(i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one zone;

(ii) At least 50% of the subject property's boundaries abut zones that are expressly allowed under the criteria in (2)(c) or (2)(d) above;

(iii) At least 50% of the subject property's boundaries abut properties that contain one or more existing use(s) which are permitted or conditional use(s) in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing use(s); or

(iv) Notwithstanding the definition of "abutting" in Section 10.012 and for purposes of determining suitability under Subsection (2) (e), the subject property is separated from the "unsuitable" zone by a public right-of-way of at least 60 feet in width.

f. For zone changes to apply or to remove an overlay zone (Limited Industrial, Exclusive Agricultural, Freeway, Southeast, Historic) the criteria can be found in the applicable overlay section (Sections 10.345 through 10.413).

3. It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 as well as the Public Facilities Element and Transportation System Plan in the Comprehensive Plan.

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

b. Adequate streets and street capacity must be provided in one of the following ways:

(i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or

(ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated land use, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:

(a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

(b) an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

(iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

c. In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:

(i) Restricted Zoning is restriction of uses by type or intensity. In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development on the subject property or adjacent parcels. In no case shall residential densities be approved that do not meet minimum density standards;

(ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule;

(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

C. Removal of Special Development Conditions on Zone Changes and General Land Use Plan (GLUP) Map Amendments. Deed restrictions, covenants, or conditions of approval on zone changes established in order to comply with Section 10.204, or General Land Use Plan (GLUP) Map amendments established in order to comply with Section 10.220, shall only be removed by the following actions:

1. If an improvement is made to any facility that was lacking adequacy, or if a level of service standard is changed so that the facility is now determined to be adequate, the property owner(s) may submit a letter to the Planning Department requesting that development conditions be removed. If the Planning Director agrees that the facility is adequate and the condition(s) is no longer necessary, the special development condition can be removed. The letter signed by the Planning Director, shall be appended to the original approval resolution or ordinance. In making the determination of facility adequacy, the Planning Director may ask the property owner(s) for information to demonstrate facility adequacy.
2. For Zone Change: If the development condition is not removed through the method described in (1) above, the condition may be removed pursuant to a Type III minor zone change procedure.
3. For GLUP Map Amendments: If the development condition is not removed through the method described in (1) above, the condition may be removed pursuant to a Type IV Comprehensive Plan Map Amendment procedure.

Section 83. Section 10.205 of the Medford Code is hereby repealed:

~~10.205 Application, Transportation Facility Development.~~

~~Where the City intends to improve a new or existing street and the improvement is to be built with public funds, the improvement standards set forth in this code are not binding on the City and the City Council may authorize such exceptions to the standards as it deems proper in the exercise of its sole and absolute discretion without regard to the exceptions process of Section 10.251. However, the City shall follow the procedure prescribed below in Sections 10.206 through 10.208 in authorizing such projects. All transportation projects must be consistent with the adopted Transportation System Plan (TSP).~~

~~Land use issues decided at the time of approval of the TSP do not have to be reexamined at the time of project development.~~

Section 84. Section 10.206 of the Medford Code is hereby repealed:

~~10.206 Application Form.~~

~~Preliminary plans required for the transportation facility approval process shall show the following items:~~

- ~~(1) The location and alignment of the project.~~
- ~~(2) The number of street lanes, bike lanes or sidewalks as applicable.~~
- ~~(3) The extent or limits of such work.~~
- ~~(4) Any exceptions to the design standards established in Sections 10.437 through 10.455.~~

~~The City shall cause to be prepared six (6) copies of preliminary project plans which shall be filed with the Planning Department. Additional copies may be required for transmittal to local agencies which may be affected by the street improvement.~~

Section 85. Section 10.207 of the Medford Code is hereby repealed:

~~10.207 Transportation Facility Development Criteria.~~

~~Preliminary plans for transportation facility development projects shall be consistent with the following criteria:~~

- ~~(1) Transportation facility development projects shall be consistent with the Transportation Goals and Policies of the Comprehensive Plan.~~
- ~~(2) Transportation facility projects should not prevent development of the remainder of the property under the same ownership or development of adjoining land.~~
- ~~(3) If the project includes the creation of new streets, such streets should be laid out to conform with the plats of land divisions already approved for adjoining property.~~

Section 86. Section 10.208 of the Medford Code is hereby repealed:

~~10.208 City Council Action on Transportation Facility Development.~~

~~The City Council shall hold a quasi-judicial public hearing to review the preliminary project plan and the Planning Commission report and shall adopt a resolution or ordinance approving, modifying or disapproving such preliminary plan(s). The resolution or ordinance shall identify all exceptions to the design and improvement standards of this Code which are being authorized. The resolution or ordinance shall contain findings demonstrating compliance with the *Comprehensive Plan* and the *Transportation System Plan*. The City Engineer shall prepare detailed final construction plans and specifications in accordance with such resolution and solicit bids for the construction of the improvements.~~

Section 87. Section 10.214 of the Medford Code is added to read as follows:

10.214 Type IV Land Use Actions.

A. Type IV Actions. Type IV actions comprise the following land use reviews:

Type IV Land Use Application

**Annexation, except as provided in Section 10.216
Land Development Code Amendment
Major Comprehensive Plan Amendment
Major General Land Use Plan Map Amendment
Major Urban Growth Boundary Amendment
Major Zoning Map Amendment
Minor Comprehensive Plan Amendment
Minor General Land Use Plan Map Amendment
Minor Urban Growth Boundary Amendment
Transportation Facility Development
Vacation of Public Right-of-Way**

B. Major Type IV land use reviews including amendments to the Land Development Code are legislative actions and may only be initiated by the Planning Commission or City Council. See Review & Amendments chapter of the Comprehensive Plan for definitions of “major” and “minor.”

C. Minor Type IV land use reviews including Annexations, Transportation Facility Developments and Vacations are quasi-judicial actions and may be initiated by the Planning Commission, City Council, or property owners representing the subject area. An exception to the preceding rule is that the Planning Commission does not initiate annexations.

D. Type IV Approving Authorities. For Type IV actions the City Council is the approving authority and the Planning Commission acts as an advisory body to City Council. At a public hearing the Planning Commission will consider the request and make a recommendation to City Council to approve or deny the request. For annexations, the City Council makes a decision without a recommendation from the Planning Commission. Following completion of a recommendation by the Planning Commission, it shall be scheduled for a public hearing before the City Council. The decision of the City Council shall be based upon the application, the evidence, comments from referral agencies, comments from affected property owners (if any), the Planning Commission's recommendation (if applicable), compliance with the Statewide Planning Goals and Guidelines, this code and the Comprehensive Plan.

Section 88. Section 10.216 of the Medford Code is added to read as follows:

10.216 Annexation.

A. Annexation is the action taken to incorporate land into a city. The state requires annexation of property that is contiguous to city limits and within the city's Urban Growth Boundary.

B. Application for Annexation. Except for the annexation of unincorporated territory surrounded by the city as provided in Subsection (E) below, 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.

C. Annexation Approval 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.**

D. Zoning of Annexed Property. 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.

E. Annexation of Territory Surrounded by the City.

- 1. As authorized in ORS 222.750, the City Council may, by ordinance, annex territory surrounded by the corporate boundaries of Medford with or without the consent of any owner of property within the territory or resident of the territory.**
- 2. Such annexation may be initiated at the request of the Planning Department or City Council and shall not be subject to the requirements of Sections 10.106, 10.110(D), 10.112, 10.124, 10.214, and 10.216.**
- 3. A public hearing shall be held prior to the Council's adoption of an ordinance for annexation.**

4. Prior to the public hearing, notification shall be mailed to all owners of property within the area proposed for annexation .
5. For property that is zoned for, and in, residential use when annexation is initiated by the City, the City shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the City proclaims the annexation approved.
6. The City shall notify the Jackson County Clerk of the territory subject to delayed annexation not sooner than 120 days and not later than 90 days before the annexation takes effect.

Section 89. Section 10.218 of the Medford Code is added to read as follows:

10.218 Land Development Code Amendment Approval Criteria.

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

- A. Explanation of the public benefit of the amendment.
- B. The justification for the amendment with respect to the following factors:
 1. Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.
 2. Comments from applicable referral agencies regarding applicable statutes or regulations.
 3. Public comments.
 4. Applicable governmental agreements.

Section 90. Section 10.220 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.220 Class "C" Actions.~~

~~Class "C" actions are comprised of the following plan authorizations:~~

- ~~(1) Zone Changes~~
- ~~(2) Planned Unit Development, Preliminary PUD Plan~~
- ~~(3) Conditional Use Permit~~
- ~~(4) Exceptions~~
- ~~(5) Site Plan and Architectural Review~~
- ~~(6) Land Divisions, Tentative Plats~~
- ~~(7) Historic Review~~

10.220 Major Type IV Amendments

A. Major Type IV Amendments are those land use changes that have widespread and significant impact beyond the immediate area, such as changes capable of producing large volumes of traffic, changes to the character of the land use itself, or changes that affect large areas or involve many different ownerships. Major Type IV Amendments include:

1. Major Comprehensive Plan, including separate plans adopted by reference;
2. Major General Land Use Plan Map;
3. Major Urban Growth Boundary;
4. Major Zoning Map Amendment;
4. Urban Reserves;
5. Urban Growth Management Agreement; or

6. **Urban Reserve Management Agreement.**
- B. **Major Type IV Amendment Approval Criteria.** Refer to the Review and Amendment section of the Comprehensive Plan, except in the case of the following three actions:
 1. **Major Zoning Map Amendment.** Refer to the approval criteria for Land Development Code Amendments in Section 10.218.
 2. **Urban Growth Boundary Amendment.** Refer to Urbanization Element of the Comprehensive Plan.
 3. **Urban Reserve Adoption/Amendment.** Refer to ORS 195.137–145 and OAR 660-021.

Section 91. Section 10.221 of the Medford Code is hereby repealed:

~~10.221 Application, General.~~

~~Applications for Class "C" plan authorizations may be initiated by City Council, Planning Commission, or property owners representing the subject area. Class "C" applications shall be submitted to the Planning Department and shall consist of the materials specified for each type Class "C" procedural application.~~

~~Upon submittal of the application to the Planning Department, the date of receipt shall be indicated on each copy of the materials submitted. Within thirty (30) days of receipt, the Planning Department shall determine whether the application as submitted, along with the required information, is complete as per this chapter. If the Planning Department fails to provide notice to the applicant in writing within thirty (30) days of receipt, the application shall be deemed complete. For purposes of this section, the date of notice to the applicant shall be the date of mailing.~~

~~If it is determined that the application is incomplete or otherwise does not conform to the provisions of this chapter, the Planning Department shall notify the applicant in writing to submit the missing material. The application shall be deemed complete upon receipt of (a) all of the missing information; (b) some of the missing information and written notice from the applicant that no other information will be provided; or (c) written notice from the applicant that none of the missing information will be provided.~~

~~If the application is deemed complete when first submitted, or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria applicable at the time the application was submitted.~~

~~On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information and has not submitted (a) all of the missing information; (b) some of the missing information and written notice that no other information will be provided; or (c) written notice that none of the missing information will be provided. Any applications that are resubmitted to the Planning Department shall be subject to the standards and criteria in effect at the time the application is resubmitted.~~

~~At the time an application is deemed complete, the Planning Department shall indicate on the application the date of completion.~~

Section 92. Section 10.222 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.222 Class "C", Referral and Review.~~

~~Within five (5) working days of a Class "C" application being deemed complete, the Planning~~

~~Department shall transmit one (1) copy of the application, or appropriate sections thereof, to each referral agency for review and comment as specifically required of each type of Class "C" application.~~

~~If the referral agency does not comment within ten (10) working days from the date of acceptance, then the referral agency is assumed to have no comment, and standard conditions of development will be applied. If requested in writing, by a referral agency or the applicant, an extension of ten (10) working days may be granted.~~

10.222 Minor Type IV Amendments.

A. Minor Type IV Amendments typically focus on specific individual properties and are therefore considered quasi-judicial. Minor Type IV Amendments include:

- 1. Minor Comprehensive Plan Amendment;**
- 2. Minor General Land Use Plan Map Amendment;**
- 3. Minor Urban Growth Boundary Amendment;**
- 4. Transportation Facility Development; or**
- 5. Vacation of Public Right-of-Way.**

B. Minor Type IV Amendment Approval Criteria. For minor amendments to the Comprehensive Plan, General Land Use Plan Map, or Urban Growth Boundary refer to the Review and Amendment section of the Comprehensive Plan. For Transportation Facility Development approval criteria refer to Section 10.224(B). For the approval criteria for Vacation of Public Right-of-Way refer to Section 10.226(B).

Section 93. Section 10.223 of the Medford Code is hereby repealed:

~~10.223 Reports.~~

~~Upon receipt of a Class "C" plan authorization and necessary accompanying data, each referral agency shall make an investigation and submit a written report within fifteen (15) working days, and forward same to the Planning Department clearly specifying any recommended conditions for development approval.~~

~~(1) City Departments, Affected Agencies and Utility Company Reports. The public works department, water commission and affected public utilities, school districts and other affected agencies having jurisdiction, shall report to the Planning Department as to any recommendations or provisions which in their determination are required for the approval of the development consistent with this code.~~

~~(2) City Engineer's Report. The city engineer shall investigate and report on existing facilities and make a recommendation on the manner in which the development is to be provided city services. The city engineer shall appropriately condition the development to adequately provide for the drainage of surface water from the land constituting and surrounding the intended land division.~~

~~(3) Fire Department/Water Commission. The fire department/water commission shall investigate and report on existing facilities and make a recommendation concerning the number and placement of fire hydrants and other fire protection requirements for the proposed development.~~

~~(4) Staff Report. The Planning Department shall review the design and improvement of the proposed development in relation to the *Comprehensive Plan*, any applicable specific plans prescribed by law which affects the proposed development and in relation to any and all applicable criteria and standards as set forth in this chapter. The staff report shall either summarize, or incorporate by reference, all departmental, affected agency and utility reports received as specified herein, and shall itemize such conditions as it deems appropriate to be imposed by the approving~~

authority if approval is to be recommended.

Section 94. Section 10.224 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.224 Resubmission of Class "C" Application.~~

~~After sixty (60) working days of the final determination denying a Class "C" action, the applicant may make appropriate alterations to a proposal and resubmit along with the payment of any additional fees as required by Article I, Section 10.070, Fees.~~

10.224 Transportation Facility Development.

A. Where the City intends to improve a new or existing street and the improvement is to be built with public funds, the improvement standards set forth in this code are not binding on the City and the City Council may authorize such exceptions to the standards as it deems proper in the exercise of its sole and absolute discretion without regard to the exceptions process of Section 10.186. However, the City shall follow the procedure prescribed through this Subsection (10.224) in authorizing such projects. Land use issues decided at the time of approval of the Transportation System Plan (TSP) do not have to be reexamined at the time of project development.

B. Transportation Facility Development Approval Criteria. Preliminary plans for transportation facility development projects shall be consistent with the following criteria:

1. Transportation facility development projects shall be consistent with the Transportation Goals and Policies of the Comprehensive Plan.

2. Transportation facility projects should not prevent development of the remainder of the property under the same ownership or development of adjoining land.

3. If the project includes the creation of new streets, such streets should be laid out to conform to the plats of land divisions already approved for adjoining property.

4. All transportation projects must be consistent with the adopted Transportation System Plan (TSP).

C. City Council Action on Transportation Facility Development. The resolution or ordinance approving, modifying or disapproving such development shall identify all exceptions to the design and improvement standards of this Code which are being authorized. The City Engineer shall prepare detailed final construction plans and specifications in accordance with such resolution and solicit bids for the construction of the improvements.

Section 95. Section 10.224-1 of the Medford Code is hereby repealed:

~~10.224-1 Effective Date of a Class "C" Application.~~

~~Approval of a Class "C" application shall take effect on the date the final order or resolution for approval is signed.~~

Section 96. Section 10.225 of the Medford Code is hereby repealed:

~~10.225 Application, Zone Change~~

~~A zoning district boundary change may be initiated by the Planning Commission either on its own motion or at the request of the City Council, or by application of the property owner(s) in the area subject to the zone change.~~

Section 97. Section 10.226 of the Medford Code is hereby repealed and replaced to read as follows:

~~10.226 Application Form.~~

~~A zone change application shall contain the following items:~~

- ~~(1) Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area of change.~~
- ~~(2) Assessor's map with proposed zone change area identified.~~
- ~~(3) Legal description of area to be changed. — Legal description shall be prepared by a licensed surveyor or title company.~~
- ~~(4) Property owner's names, addresses, and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.~~
- ~~(5) Findings prepared by the applicant or his representative addressing the criteria for zone changes as per Section 10.227, Zone Change Criteria.~~

10.226 Vacation of Public Right-of-Way.

A. Vacations of public rights-of-way are a means of returning ownership of unneeded public streets and alleys to adjacent property owners. Vacations of plats and public utility easements (PUEs) are a means of removing unnecessary easements or plat designations from a parcel of land.

B. Vacation of Public Right-of-Way Application. A request to vacate a public street, alley, easement, plat, or public place shall, in addition to the requirements contained herein, be subject to ORS Chapter 271.

C. Vacation of Public Right-of-Way Initiation.

Vacations of public rights-of-way shall be initiated either by petition under ORS 271.080 or by City Council under ORS 271.130.

D. Vacation of Public Right-of-Way Approval Criteria. A request to vacate shall only be approved by City Council when the following criteria have been met:

- 1. Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.**
- 2. If initiated by petition under ORS 271.080, the findings required by ORS 271.120.**
- 3. If initiated by the Council, the applicable criteria found in ORS 271.130.**

Section 98. Section 10.227 of the Medford Code is hereby repealed:

~~10.227 Zone Change Criteria.~~

~~The approving authority (Planning Commission) shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:~~

~~(1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule. — Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.~~

~~(a) For zone changes to SFR 2, the zoning shall be approved under either of the following circumstances:~~

- ~~(i) if at least seventy percent (70%) of the area proposed to be rezoned exceeds a slope of fifteen percent (15%);~~
- ~~(ii) if other environmental constraints, such as soils, geology, wetlands, and flooding, restrict the capacity of the land to support higher densities.~~
- ~~(b) For zone changes to SFR 6 or SFR 10 where the permitted density is proposed to increase, one (1) of the following conditions must exist:~~
 - ~~(i) At least one (1) parcel that abuts the subject property is zoned the same as the proposed zone, either SFR 6 or SFR 10 respectively; or~~
 - ~~(ii) The area to be rezoned is five (5) acres or larger; or~~
 - ~~(iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five (5) acres.~~
- ~~(c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:~~
 - ~~(i) The overall area of the C N zoning district shall be three (3) acres or less in size and within, or abutting on at least one (1) boundary, residential zoning. In determining the overall area, all abutting property(s) zoned C N shall be included in the size of the district.~~
 - ~~(ii) The overall area of the C C zoning district shall be over three (3) acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C C shall be included in the size of the district.~~
 - ~~(iii) The overall area of the C R zoning district shall be over three (3) acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C R shall be included in the size of the district. The C R zone is ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.~~
 - ~~(iv) The C H zone shall front upon an arterial street or state highway. The C H zone may abut the General Industrial (I G), Light Industrial (I L), and/or any commercial zone. The C H zone is ordinarily considered to be unsuitable if abutting any residential and I H zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.~~
- ~~(d) For zone changes to any industrial zoning district, the following criteria shall be met for the applicable zoning sought:~~
 - ~~(i) The I L zone may abut residential and commercial zones, and the General Industrial (I G) zone. The I L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I H) zone, unless the applicant can show it would be suitable pursuant to (1)(e) below.~~
 - ~~(ii) The I G zone may abut the Heavy Commercial (C H), Light Industrial (I L), and the Heavy Industrial (I H) zones. The I G zone is ordinarily considered to be unsuitable when abutting the other commercial and residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.~~
 - ~~(iii) The I H zone may abut the General Industrial (I G) zone. The I H zone is ordinarily considered to be unsuitable when abutting other zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.~~
- ~~(e) For purposes of (1)(c) and (1)(d) above, a zone change may be found to be "suitable" where compliance is demonstrated with one (1) or more of the following criteria:~~
 - ~~(i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one (1) zone;~~

- ~~(ii) At least fifty percent (50%) of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above;~~
- ~~(iii) At least fifty percent (50%) of the subject property's boundaries abut properties that contain one(1) or more existing uses which are permitted or conditional uses in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing uses;~~
or
- ~~(iv) Notwithstanding the definition of "abutting" in Section 10.012 and for purposes of determining suitability under Section (1) (e), the subject property is separated from the "unsuitable" zone by a public right of way of at least sixty (60) feet in width.~~
- ~~(f) For zone changes to apply or remove the overlay zones (Limited Industrial, Exclusive Agricultural, Freeway, Southeast, Historic) the criteria can be found in the applicable overlay section (Sections 10.345 through 10.413).~~
- ~~(2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.~~
 - ~~(a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for _____ vertical construction.~~
 - ~~(b) Adequate streets and street capacity must be provided in one (1) of the following ways:

 - ~~(i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or~~
 - ~~(ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or~~
 - ~~(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:

 - ~~(a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or~~
 - ~~(b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right of way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.~~~~
 - ~~(iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.~~~~

~~(c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:~~

~~(i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards;~~

~~(ii) Mixed use, pedestrian friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule;~~

~~(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.~~

Section 99. Section 10.228 of the Medford Code is hereby repealed:

~~10.228 Removal of Special Development Conditions on Zone Changes and General Land Use Plan (GLUP) Map Amendments.~~

~~Deed restrictions, covenants, or conditions of approval on zone changes established in order to comply with Section 10.227, or General Land Use Plan (GLUP) Map amendments established in order to comply with Section 10.184, shall only be removed by the following actions:~~

~~(1) If an improvement is made to any facility that was lacking adequacy, or if a level of service standard is changed so that the facility is now determined to be adequate, the property owner(s) may submit a letter to the Planning Department requesting that development conditions be removed. If the department director agrees that the facility is adequate and the condition(s) is no longer necessary, the special development condition can be removed. The letter, with the approval signature of the department director, shall be appended to the original approval resolution or ordinance. In making the determination of facility adequacy, the department director may ask the property owner(s) for information to demonstrate facility adequacy.~~

~~(2) For Zone Change: If the development condition is not removed through the method described in (1) above, the condition may be removed pursuant to a zone change procedure.~~

~~(3) For GLUP Map Amendments: If the development condition is not removed through the method described in (1) above, the condition may be removed pursuant to a Comprehensive Plan Map Amendment procedure.~~

Section 100. Section 10.230 of the Medford Code is hereby repealed:

~~10.230 Planned Unit Development (PUD) — General Provisions.~~

~~A. Purpose and Intent: The PUD approach permits flexibility to allow creative and imaginative urban development that would otherwise not be possible under the strict requirements of this Code. The intent is to promote more efficient use of urban land and urban services while protecting natural features, creating common open space, promoting the development of transit-oriented design along designated transit corridors and within designated transit oriented development (TOD) areas, and encouraging a mixture of land uses and housing types that are thoughtfully planned and integrated.~~

~~B. Acreage Limitation: PUDs must contain one (1) acre or more at the time of application filing.~~

~~C. Stopped Process: Consolidated Applications Authorized: Approval of a PUD shall be a two-step process involving approval of a Preliminary PUD Plan by the Planning Commission as the first step and approval of a Final PUD Plan by the Planning Director as the second step. As used in MLDC 10.230 through 10.245, the Planning Director shall mean the Director of the Medford Planning Department or his/her designee. Except applications for annexations and comprehensive plan amendments, applications authorized in Article II may be consolidated with an application for a Preliminary PUD Plan.~~

~~D. Modified Application of Standards Authorized: To fulfill the purpose and intents of the standards set forth in Section 10.230(A), authority is herewith granted for the approval of PUDs which vary from the strict standards of this Code. The nature and extent of potential modifications shall be limited to the categories below described, provided that the City, in approving such modifications, shall not violate substantive provisions of the Oregon Transportation Planning Rule:—~~

~~1. Lots and Parcels: Limitations, restrictions and design standards pertaining to the size, dimension, location, position and coverage of lots, and restrictions related to through lots.~~

~~2. Yards, Setbacks and Building Height: Limitations, restrictions and design standards—pertaining to the location, size, height, yards and setbacks for buildings and other structures.~~

~~3. Parking, Bicycle and Pedestrian Standards: Limitations, restrictions and design standards pertaining to off street vehicle and bicycle parking and loading, and standards related to pedestrian access.~~

~~4. Frontage, Access, Landscaping and Signs: Limitations, restrictions and design standards pertaining to lot frontage, access, required landscaping, signs and bufferyards.~~

~~5. Streets Generally: Streets within PUDs may be either city streets dedicated for public use or private streets owned and maintained by an association of owners, and may exceed maximum block length and perimeter standards provided in Section 10.426 C.1. Streets within or adjacent to a PUD shall comply with the following:~~

~~a. Collector and arterial streets shall be dedicated city streets, the existence and general location of which shall be determined by the comprehensive plan.~~

~~b. City streets shall comply fully with the strict requirements of this Code, provided that the City in approving a PUD may permit the width of parking lanes for city streets to be less than the Code otherwise requires.~~

~~c. The City may require any proposed PUD street or segment thereof to be constructed and dedicated as a city street.~~

~~6. Private Streets: Private streets may vary from the limitations, restrictions and design standards pertaining to streets with respect to length, width, position, aspect, intersection standards, grades, curve radii, cul de sac turnarounds, street lights, easements, sidewalks, curbs and driveway approaches for streets within the PUD, provided:~~

~~a. With respect to the amount, quality and installation of construction materials, private streets shall be structurally equivalent to or better than city standard streets.~~

~~b. The City Fire Marshall shall approve the design of all private streets for access by emergency vehicles before approval of the Preliminary PUD.~~

~~c. Private streets shall be posted as private streets and shall connect to the public street system. The applicant shall convey to the City and all appropriate utility companies a perpetual easement~~

~~over the private street(s) for use by emergency vehicles and employees of the City and utility company(s) in the maintenance of public facilities and utilities.~~

~~7. Allowed Uses; Housing Types: The following uses and housing types shall be permitted as part of a PUD subject to the following:~~

~~a. In addition to permitted uses, any portion of a PUD may contain any housing type listed in Subsection 10.314(1-3). In approving housing types, the Planning Commission may waive or reduce any of the special use regulations or standards contained in Sections 10.811 through 10.838 ("Special Use Regulations").~~

~~b. Any conditional use listed for the underlying zone may be permitted without addressing the Conditional Use Permit criteria except when the conditional use is within 200 feet of the perimeter of the PUD. This exemption does not apply to conditional uses within Riparian Corridors pursuant to 10.925 "Conditional uses within Riparian Corridors".~~

~~c. Use(s) not permitted in the underlying zone may, nevertheless, be permitted and approved to occupy up to 20% of the gross area of the PUD provided that no portion of the use(s), including its parking, is located nearer than 200 feet from the exterior boundary of the PUD. If any portion of the use(s) is nearer than 200 feet from the exterior PUD boundary, then said use(s) shall be considered to be a conditional use and may be approved subject to compliance with the conditional use permit criteria in Section 10.248. However, this provision shall not apply where the land outside the PUD which is nearer than 200 feet from proposed use(s) is inside a zone in which the proposed use(s) is permitted.~~

~~8. Mixed Land Use Designations. Unless otherwise prohibited, PUDs that have more than one General Land Use Plan designation or Southeast Plan land use category shall have the flexibility to mix or relocate such designations within the boundaries of the PUD in any manner and/or location as may be approved by the Planning Commission.~~

~~E. Common Elements: A multi-family residential PUD must include a minimum of 20% of the land area as common area unless otherwise modified by the Planning Commission. This common area shall be for the purpose of providing protection for natural features, common recreational space, landscaped area, or commonly enjoyed amenities other than parking areas or private streets. Where a PUD has open spaces, private streets, parking or other elements to be owned or maintained in common by the owners or future owners of land or improvements within the PUD, the Final PUD Plan shall not be approved and no unit shall be sold or conveyed until the PUD has been found to comply with the following requirements, as applicable:~~

~~1. If the PUD is a planned community under ORS Chapter 94, the declaration and tentative plat for the planned community shall be submitted with the Final PUD Plan for approval by the Planning Director before recording in the official records of Jackson County.~~

~~2. If the PUD is a condominium under ORS Chapter 100, a copy of the recorded declaration and plat shall be submitted to the City after it has been approved by the Oregon Real Estate Commissioner and recorded in the official records of Jackson County. A condominium declaration and plat shall not be reviewed and approved by the Planning Director and the Planning Director shall have no authority under this Subsection to require changes thereto.~~

~~3. If the PUD contains elements intended for common ownership but ORS Chapters 94 and 100 do not apply, there shall be appropriate legal documents which assure that the common elements will be improved and perpetually maintained for their intended purposes. The legal documents in such instance shall be submitted to the Planning Director for approval as part of the Final PUD Plan before recording in the official records of Jackson County.~~

4. ~~When a PUD is proposed to be developed in phases, the phased provision of improved common elements shall be roughly proportional with the development of housing and other elements intended for private ownership. Unless approved by the Planning Commission as part of a phasing plan pursuant to Subsection 10.235(A)(3)(c) or which was approved by the Planning Commission prior to the adoption of this ordinance, no significant common element shall be postponed to the final phase of a PUD. Nothing in this Subsection shall prevent the provision of improved common elements at a rate that is proportionally greater than the development of housing and other elements intended for private ownership.~~

5. ~~Land shown on the Final Development Plan as a common element or which is intended for public dedication shall be conveyed under one of the following options:~~

a. ~~To a public entity which shall agree in writing to perpetually maintain the common element(s) being conveyed.~~

b. ~~To an association of owners created pursuant to ORS Chapters 94 or 100 or as otherwise created under Subsection 10.230(E)(3) in which instance the legal document which establishes the association shall provide that the association cannot be terminated or discontinued without the City's prior consent.~~

6. ~~If the PUD will have private streets, the legal document which establishes the association of owners shall provide that the City may enforce the maintenance or protection of its easements or public facilities.~~

F. ~~PUDs exempt from Site Plan and Architectural Review: PUDs approved under this Section shall be exempt and there shall be no requirement to apply separately for Site Plan and Architectural Review or to demonstrate compliance with the criteria in Section 10.290. However, the Planning Director in his/her discretion may forward a Preliminary PUD Plan or proposed revisions thereto to the Site Plan and Architectural Commission for review. When forwarded by the Planning Director, the Site Plan and Architectural Commission shall have authority to review the PUD plans and make recommendations to the Planning Commission.~~

G. ~~Delegation of Authority: The Planning Commission may delegate authority to the Site Plan and Architectural Commission or to the Planning Director to approve in its name the plans for buildings or any other element of a PUD or revisions thereto after the Planning Commission has approved the Preliminary PUD Plan. The authority delegated by the Planning Commission under this Subsection shall be delimited in conditions attached to the approval. Notwithstanding any other provision of this Code and subject to an applicant's written request, the approval of delegated matters, where eligible, shall be procedurally treated as an Expedited Land Division pursuant to ORS 197.360 through 197.380, as amended. Lacking a written request from the applicant, approval of delegated matters shall be subject to a Class "C" Procedure as set forth in Article II.~~

H. ~~Building Permits: Development and Operation of a PUD: All building and construction plans submitted to the City for the purpose of obtaining building and other site improvement permits shall be consistent with the approved Final PUD Plan. The development and operation of the PUD shall conform in all respects with the approved Final PUD Plan.~~

I. ~~Residential Density:~~

(1) ~~Residential Density Calculation. Minimum and maximum permitted residential densities in PUDs shall be calculated pursuant to Section 10.708, except, in PUDs having residential and non residential land uses within a residential zoning district, including mixed use buildings as defined herein, the minimum and maximum number of dwelling units shall be calculated using the gross area of the residentially zoned land including any to be occupied by non residential~~

uses. ~~“Natural unbuildable areas” may be excluded at the developer’s option as provided in Section 10.708.~~

~~(2) Residential Density Bonus. In PUDs larger than five (5) acres, the residential density may be increased by up to twenty percent (20%) more than the maximum density permitted by (1) above.~~

Section 100. Section 10.235 of the Medford Code is hereby repealed:

~~10.235 Preliminary PUD Plan—Application Procedures.~~

~~A. Neighborhood Meeting Requirement. To ensure neighborhood knowledge of proposed development and to provide an opportunity for direct communication, the applicant shall present the development proposal at a neighborhood meeting prior to submitting the land use application to the City Planning Department. The applicant shall arrange and conduct the neighborhood meeting. City staff need not attend. Attendees shall be asked to sign a signature sheet and provide their mailing address. Attendance at the neighborhood meeting does not give an attendee legal standing for appeal.~~

~~1. The presentation at the neighborhood meeting shall include at a minimum the following:~~

~~a. A map depicting the location of the subject property proposed for development; and,~~

~~b. A visual description of the project including a tentative site plan, tentative subdivision plan and elevation drawings of any structures, if applicable; and,~~

~~c. A description of the nature of the proposed uses and physical characteristics, including but not limited to, sizes and heights of structures, proposed lot sizes, density;; and,~~

~~d. A description of requested modifications to code standards.~~

~~e. Notification that attendance at the neighborhood meeting does not give legal standing to appeal to the City Council, the Land Use Board of Appeals, or Circuit Court.~~

~~2. It shall be the responsibility of the applicant to schedule the neighborhood meeting and provide adequate notification of the meeting. The applicant shall send mailed notice of the neighborhood meeting to the owners of no less than seventy five (75) of the nearest tax lots regarding the neighborhood meeting. If seventy five (75) tax lots are not located within two-hundred (200) feet of the exterior boundary of the PUD, the notification area shall be extended by successive fifty (50) foot increments, until a minimum of seventy five (75) tax lots are included in the notification area. The owners of all tax lots within the extended notification shall receive written notice; therefore, noticing of more than seventy five (75) tax lots may be required. In addition to the affected property owners, the applicant shall also provide notice to the City Planning Department. The applicant shall use the Jackson County Tax Assessor’s property owner list from the most recent property tax assessment roll. The notice shall be mailed a minimum of fifteen (15) days prior to the neighborhood meeting which shall be held in Medford on a weekday evening. A certificate of mailing attesting to the date of mailing and the name and signature of the agent responsible for mailing said notices shall be prepared and submitted to the Planning Department in accordance with the materials identified in Section 10.235 (B)(7). The notice for PUD neighborhood meeting shall include:~~

~~a. Date, time and location of the neighborhood meeting; and,~~

~~b. A brief written description of the proposal; and,~~

~~c. The location of the subject property, including address (if applicable), nearest cross streets and any other easily understood geographical reference, and a map (such as a tax assessor’s map) which depicts the subject property.~~

~~B. Application for a Preliminary PUD Plan: An application for Preliminary PUD Plan shall be on forms supplied by the City. A complete application shall include the materials and information listed in this Subsection. However, the Planning Director, in his/her discretion, may waive the submittal of any of the materials or information that are deemed to be excessive, repetitive or unnecessary based upon the size and nature of the PUD. If an application for a PUD is accepted by the City as complete under ORS 227.178 but the application does not contain all of the items listed below, the missing items shall be deemed to have been waived by the Planning Director. Unless waived by the Planning Director, the following items shall be required to constitute a complete application for a Preliminary PUD Plan:~~

- ~~1. Current assessor map with the boundaries of the proposed PUD identified.~~
- ~~2. Preliminary PUD Plan (16 copies) and supplemental materials conforming to the Site Plan and Architectural Review application requirements in Section 10.287. Additionally, such plans shall include preliminary plans for providing public water and sanitary sewer service. The Preliminary PUD Plan shall indicate boundaries within the property which distinguish areas devoted to different land uses pursuant to Subsections 10.235(B)(3)(f), 10.230(D)(7) and 10.230(D)(8). Where different land uses are separated by streets, railroad rights of way, drainage channels or other water courses, the centerlines of such features shall be their boundaries. One copy of the Preliminary PUD Plan shall be a reduced size suitable for photocopy. If a tentative plat for a land division is submitted concurrently with a Preliminary PUD Plan, the Preliminary PUD Plan and tentative plat shall be on separate sheets. It is further provided that:
 - ~~a. Unless otherwise required in this Code, architectural plans for single family detached dwellings and landscaping plans for lots occupied by single family detached dwellings are not subject to review or approval as part of a PUD. However, nothing shall prevent an applicant from supplying architectural or landscaping plans for single family detached housing as a means to comply with one or more approval criteria.~~
 - ~~b. If private or non city standard street lighting is proposed, a street lighting plan shall be provided which provides a detail of the proposed lighting fixture(s). The Preliminary PUD Plan shall indicate the location of proposed private or non city standard light fixtures.~~
 - ~~c. An applicant may postpone the submission and approval of architectural plans for proposed buildings and to have such plans approved later as a separate matter under Subsection 10.235(G) after the Preliminary PUD Plan has been approved. When the approval of architectural plans has been postponed, the Preliminary PUD Plan shall show a conceptual footprint for each planned building and each building footprint shall be separately enclosed by a dashed line which shall be called and labeled a building envelope. Building envelopes shall reasonably anticipate and define the maximum extent of the footprint for each building in the PUD.~~~~
- ~~3. A narrative description of the PUD which shall cover:
 - ~~a. The rationale for planning this development as a PUD.~~
 - ~~b. The nature, planned use, future ownership and method of perpetual maintenance of land to be left in natural or developed open space or which will be held in common ownership.~~
 - ~~c. A listing of all modified applications of the Code that are proposed, followed by a brief explanation which covers the nature of, extent of, and reason for each modification.~~
 - ~~d. If one or more signs are intended to vary from the provisions of this Code, then a detailed plan for all signs which require a sign permit shall be submitted. The sign plan shall specify the size, number, type, height and location of all signs which require a sign permit and shall clearly indicate all proposed modifications.~~~~

- e. ~~A proposed development schedule. If the PUD will be constructed in phases, the development schedule for each phase shall be keyed to a plan that indicates the boundaries of each phase.~~
- f. ~~The gross acreage devoted to the various proposed land uses and housing types.~~
- 4. ~~Written findings of fact and conclusions of law which address the approval criteria in Subsection 10.235(D).~~
- 5. ~~The names and mailing addresses of the owners of record of tax lots, obtained by the latest tax rolls of the Jackson County Assessor's Office, located within 200 feet of the exterior boundary of the whole PUD. The owners of no less than seventy five (75) tax lots shall be notified of the pending land use hearing. If seventy five (75) tax lots are not located within two-hundred (200) feet of the exterior boundary of the PUD, the notification area shall be extended by successive fifty (50) foot increments, until a minimum of seventy five (75) tax lots are included in the notification area. The owners of all tax lots within the extended notification area shall receive written notice; therefore, noticing of more than seventy five (75) tax lots may be required. The names and mailing addresses shall be typed on mailing labels and shall include the assessor map and tax lot numbers for each parcel.~~
- 6. ~~A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).~~
- 7. ~~Documentation of pre-submittal PUD Neighborhood Meeting. Documentation shall include:~~
 - a. ~~A copy of a Certificate of Mailing for the neighborhood meeting notification mailing pursuant to Section 10.235(2);~~
 - b. ~~A completed Verification of Neighborhood Meeting form attesting to the contents of the materials provided or reviewed at the meeting;~~
 - c. ~~A set of the notification materials listed in Section 10.235(A)(2); and,~~
 - d. ~~The signature sheet(s) from the Neighborhood Meeting.~~
- C. ~~Action on an Application for a Preliminary PUD Plan: The Planning Commission may approve, approve with conditions or deny a Preliminary PUD Plan.~~
- D. ~~Approval Criteria for Preliminary PUD Plan: The Planning Commission shall approve a Preliminary PUD if it concludes that compliance exists with each of the following criteria:~~
 - 1. ~~The proposed PUD:~~
 - a. ~~preserves an important natural feature of the land, or~~
 - b. ~~includes a mixture of residential and commercial land uses, or~~
 - c. ~~includes a mixture of housing types in residential areas, or~~
 - d. ~~includes open space, common areas, or other elements intended for common use _____ or ownership, or~~
 - e. ~~is otherwise required by the Medford Land Development Code.~~
 - 2. ~~The proposed PUD complies with the applicable requirements of this Code, or~~
 - a. ~~the proposed modified applications of the Code are related specifically to the implementation of the rationale for the PUD as described in Section 10.235(B)(3)(a), and~~
 - b. ~~the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and~~
 - c. ~~the proposed modifications to the limitations, restrictions, and design standards _____ of this Code will not materially impair the function, safety, or efficiency of the _____ circulation system or the development as a whole.~~
 - 3. ~~The property is not subject to any of the following measures or if subject thereto the _____ PUD can be approved under the standards and criteria thereunder:~~

- ~~a. Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.~~
- ~~b. Public Facilities Strategy pursuant to ORS 197.768 as amended.~~
- ~~e. Limited Service Area adopted as part of the Medford Comprehensive Plan.~~
- ~~4. The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.~~
- ~~5. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D)(7)(e), the applicant shall alternatively demonstrate that either: 1) demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or 2) the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:~~
 - ~~a. Public sanitary sewerage collection and treatment facilities.~~
 - ~~b. Public domestic water distribution and treatment facilities.~~
 - ~~c. Storm drainage facilities.~~
 - ~~d. Public streets.~~

~~Determinations of compliance with this criterion shall be based upon standards of public facility adequacy as set forth in this Code and in goals and policies of the comprehensive plan which by their language and context function as approval criteria for comprehensive plan amendments, zone changes or new development. In instances where the Planning Commission determines that there is insufficient public facility capacity to support the development of a particular use, nothing in this criterion shall prevent the approval of early phases of a phased PUD which can be supplied with adequate public facilities.~~

~~6. If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(7)(e), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.~~

~~7. If approval of the PUD application includes the division of land or the approval of other concurrent development permits applications as authorized in Subsection 10.230(C), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional development applications.~~

~~E. Conditions: If the Planning Commission approves a Preliminary PUD Plan, in addition to conditions authorized under Section 10.291, it may attach conditions to the approval which are determined to be reasonably necessary to ensure:~~

- ~~1. The Final PUD Plan will be substantially consistent with the approved Preliminary PUD Plan and specifications related thereto.~~
- ~~2. Development of the PUD will be consistent with the approved Final PUD Plan and specifications related thereto. To ensure satisfactory completion of a PUD in compliance with the approved plans, the Planning Commission may require the developer to enter into an agreement with the City as specified under Section 10.296.~~
- ~~3. The PUD will comply with the Comprehensive Plan, the Medford Municipal Code and all provisions of this Code except the specific provisions for which there are approved modifications.~~
- ~~4. There are appropriate safeguards to protect the public health, safety and general welfare.~~
- ~~5. There will be ongoing compliance with the standards and criteria in this Section.~~

~~6. To guarantee that streets, public facilities and utilities can be appropriately extended from one PUD phase to each successive future phase in accordance with the approved Preliminary PUD Plan, the City may require the conveyance of easements or other assurances.~~

~~F. Revised Plans: In instances where approval conditions result in substantial, complex or unpredictable changes to a proposed Preliminary PUD Plan, the Planning Commission, as a condition of Preliminary PUD Plan approval, may require an applicant to incorporate the changes into a revised Preliminary PUD Plan. When required, the revised plans shall be approved by the Planning Commission and when approved, the revised plans shall become the approved Preliminary PUD Plan and any conditions satisfied by the revised plans shall be stricken or appropriately altered.~~

~~G. Postponed Preliminary PUD Plan Approval for Building Architecture: When the approval of architectural plans for buildings in the PUD has been postponed under Subsection 10.235(B)(2)(c), no Final PUD Plan shall be approved until the architecture of buildings has been approved by the Planning Commission, or by the Site Plan and Architectural Commission pursuant to MLDC 10.230(G), and the Final Order for such approval has been appended to the earlier approval of the Preliminary PUD Plan.~~

~~H. Engineering Construction Plans: Engineering construction plans, profiles, details and specifications for all public facility and utility improvements shall be prepared by a qualified engineer registered in Oregon. The engineering plans shall be approved by the City before the start of construction. Unless specifically authorized by the Planning Commission in the Preliminary PUD Plan approval, all public facilities and utilities shall be designed and constructed in accordance with the standards and procedures of the City or other public entity to which ownership will be conveyed.~~

~~The procedures for engineering design, plan approval and inspection shall in all respects be the same as for land divisions under this Code.~~

Section 101. Section 10.240 of the Medford Code is hereby repealed:

~~10.240 Final PUD Plan Application Procedures.~~

~~A. Application for a Final PUD Plan: Application for a Final PUD Plan shall be on forms supplied by the City. The Final PUD Plan shall contain in final form all information and materials required by Subsection 10.235(B) unless certain items are or have been waived by the Planning Director as therein provided. However, there shall be no burden to demonstrate compliance with the criteria in Subsection 10.235(D). As appropriate, the Final PUD Plan shall incorporate all conditions imposed in the Preliminary PUD Plan approval. The application for a Final PUD Plan shall include a written narrative explaining how the Final PUD Plan complies with 10.240(G), Approval Criteria for Final PUD Plan, including compliance with the conditions of approval.~~

~~B. Time Limit for Preliminary PUD Plan Approval: Preliminary PUD Plan approval shall be valid for three (3) years and may not be extended. The three year period shall be the date the Final Order approving the Preliminary PUD Plan was signed by the Planning Commission Chairperson. If a Preliminary PUD Plan is appealed, the three year period shall begin on the date on which all appeals were resolved, including the resolution of all issues on remand. Within the three year time period, an application for a Final PUD Plan must be filed for the entire site or for the first phase if the PUD has been approved for phased development.~~

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~~C. Phased PUD: The Final PUD Plan may be submitted for the entire project or for each phase consistent with the approved Preliminary PUD Plan. If a Preliminary PUD Plan was not approved as a phased project, nothing in this Subsection shall prevent the Planning Director from approving a Final PUD Plan in phases provided that the Planning Director approves a phasing plan pursuant to Subsections 10.235(B)(3)(e) and 10.230(E)(4) as part of the Final PUD Plan approval, and provided further that the phasing plan ensure that essential services such as roads, fire access, storm drain, and sewer are available to serve each successive phase. After Final PUD Plan approval for the first phase, Final PUD Plans must be filed with the City for any subsequent phases.~~

~~D. Time Limit Between Phases: After Final PUD Plan approval for the first phase of a PUD having approved multiple phases, and for each successive phase thereafter, no more than five (5) years shall lapse between the approval of phases. If more than five (5) years pass between the Final PUD Plan approval of any two (2) PUD phases after the first phase, the Planning Commission may, without the consent of the owners of the PUD, initiate action to terminate undeveloped portions of the PUD under Subsection 10.245(B).~~

~~E. Binding Effect; Previously Approved PUDs: A PUD Plan approval shall run with the land and shall be binding upon all successors in interest in all land within the whole PUD. It is further provided that a Preliminary PUD Plan approval shall remain in full force and effect unless the approval expires or is terminated by action of the City pursuant to Subsection 10.245(B). Preliminary plans submitted prior to the adoption date of this ordinance, and final plans resulting from those preliminary plans, are subject to the regulations for PUDs in effect at the time the preliminary plan application was submitted.~~

~~F. Final Plat for Land Division: Application for the approval of a Final PUD Plan may occur before or concurrent with the approval of a final plat for a land division. However, no building permits shall be issued by the City and no buildings intended for human occupancy shall be constructed and no lot shall be sold until the Final PUD Plan has been approved by the Planning Director.~~

~~G. Approval Criteria for Final PUD Plan: A Final PUD Plan shall be approved by the Planning Director if the Director concludes that compliance exists with each of the following criteria:~~

- ~~1. Provisions for the establishment and maintenance of elements to be held in common ownership, if any, have or will comply with the standards in Subsection 10.230(E).~~
- ~~2. The Final PUD Plan is substantially consistent with the Preliminary PUD Plan and with any and all conditions imposed by the Planning Commission which were attached to the approval of the Preliminary PUD Plan.~~

~~The Planning Director in his/her discretion may forward a Final PUD Plan to the Planning Commission for written clarification regarding whether the Final PUD Plan is substantially consistent with the Preliminary PUD Plan. When forwarded by the Planning Director, the Planning Commission shall have authority to review the PUD plans and advise the Planning Director.~~

~~Modification of a phasing plan shall be considered substantially consistent with the Preliminary PUD Plan unless the revised phasing plan affects the provision of essential services such as public streets, sewer or storm drain to serve the successive phases.~~

~~A Final PUD Plan shall be found to be inconsistent with the Preliminary PUD Plan when any of the following are found to apply. If such inconsistencies are identified, an application for revision to the Preliminary PUD Plan shall be required:~~

- ~~a. The exterior boundaries of the PUD have changed except for slight deviations which result from the resolution of boundary errors or inconsistencies discovered when the PUD property was surveyed;~~
- ~~b. The number of housing units has increased;~~
- ~~c. The number of housing units has decreased by more than five percent (5%);~~
- ~~d. Modifications to the provisions of this Code have been included which were not approved as part of the Preliminary PUD Plan under Section 10.230(D).~~

Section 102. Section 10.241 of the Medford Code is hereby repealed:

~~Action and Decision Time; Appeal Rights; Final PUD Plan.~~

~~A. Upon submittal of the Final PUD Plan application to the Planning Director, the date of receipt shall be indicated on each copy of the materials submitted. Within thirty (30) days of receipt, the Planning Director shall determine whether the application as submitted, along with the required information, is complete as per this chapter. If the Planning Director fails to provide notice to the applicant in writing within thirty (30) days of receipt, the application shall be deemed complete. For purposes of this section, the date of notice to the applicant shall be the date of mailing.~~

~~B. If it is determined that the application is incomplete or otherwise does not conform to the provisions of this chapter, the Planning Director shall notify the applicant in writing to submit the missing material. The application shall be deemed complete upon receipt of (a) all of the missing information; (b) some of the missing information and written notice from the applicant that no other information will be provided; or (c) written notice from the applicant that none of the missing information will be provided.~~

~~C. Within twenty five (25) working days after an application is deemed complete, the Planning Director shall approve or disapprove the Final PUD Plan and acknowledge compliance with all conditions of the Preliminary PUD Plan. If the Final PUD Plan is not substantially consistent with the Preliminary PUD Plan and all conditions thereto, the Planning Director may disapprove the Final PUD Plan, and require the applicant to apply for a revision to the Preliminary PUD Plan. Upon disapproval of any Final PUD Plan, the Planning Director shall return the Final PUD Plan to the applicant together with a final order of denial setting forth the reasons for such denial and advising the applicant of the applicant's appeal rights pursuant to Section 10.241(E).~~

~~D. Upon approval by the Planning Director, the Planning Director shall prepare and sign a final order of approval.~~

~~E. Within fourteen (14) days of the date of the final order for denial, an applicant may submit a written notice of appeal to the Planning Department. The notice of appeal shall be signed by the appellant or his agent and shall contain:~~

- ~~(1) An identification of the decision sought to be reviewed, including the date of decision; and~~
- ~~(2) A statement of the specific grounds upon which the appellant relies as a basis for appeal.~~

~~Within thirty (30) days of the Planning Department receiving the notice of appeal, the Planning Department shall set the appeal as a written communication before the Planning Commission. The Planning Commission, on appeal, shall review the application for Final PUD Plan approval de novo, pursuant to the provisions of Section 10.240(G) and shall approve or deny said application. Appellant shall not have the right to a public hearing on appeal. The decision of the Planning Commission upon appeal is final.~~

Section 103. Section 10.245 of the Medford Code is hereby repealed:

~~10.245 Revision or Termination of a PUD.~~

~~A. Revision of a Preliminary or Final PUD Plan: The expansion or modification of a PUD approved under earlier PUD ordinances of the City or the revision of a Preliminary or Final PUD Plan shall follow the same procedures required for initial approval of a Preliminary PUD Plan in this Section, provided:~~

~~1. Applicant for Revision; Filing Materials; Procedures: An application to revise an approved PUD Plan shall be on forms supplied by the City. The application form shall bear the signature of the owner(s) who control a majority interest in more than fifty percent (50%) of the vacant land covered by the approved PUD and who are also the owner(s) of land and improvements within the PUD which constitute more than fifty percent (50%) of the total assessed value of vacant portion of the PUD. For changes deemed by the Planning Director to be minor but not de minimis, the Planning Director shall exercise appropriate discretion under Section 10.235(B) to limit or waive the submittal of filing materials deemed to be excessive, repetitive or unnecessary based upon the scope and nature of the proposed PUD revisions. PUD revisions shall follow the same procedures used for initial approval of a Preliminary PUD Plan.~~

~~2. Consolidated Procedure: At the discretion of the Planning Director, revisions to an approved PUD Plan may be consolidated into a single procedure, the effect of which will be the approval of both a Preliminary PUD Plan and Final PUD Plan by the Planning Commission.~~

~~3. Burden of Proof; Criteria for Revisions: The burden of proof and supporting findings of fact and conclusions of law for the criteria in Subsections 10.235(D) or 10.240(G), as applicable, shall be strictly limited to the specific nature and magnitude of the proposed revision. However, it is further provided that the design and development aspects of the whole PUD may be relied upon in reaching findings of fact and conclusions of law for the criterion at Subsection 10.235(D)(5). It is further provided that before the Planning Commission can approve a PUD Plan revision, it must determine that the proposed revision is compatible with existing developed portions of the whole PUD.~~

~~4. De minimis Revisions: Notwithstanding Subsection 10.230(G), the Planning Director may approve revisions to an approved Preliminary or Final PUD Plan that he/she determines are de minimis. Proposed revisions shall be considered de minimis if the Planning Director determines the changes to be slight and inconsequential and will not violate any substantive provision of this Code. The Planning Director's written approval of a de minimis revision(s) shall be appended to the Final Order of the Planning Commission or Final Approval of the Planning Director of the Final PUD Plan. Revisions that are de minimis shall not require public notice, public hearing or an opportunity to provide written testimony. However, if, while the record is open, any party requests in writing to be notified of future de minimis revisions of a Preliminary PUD Plan, then all de minimis revisions of a Preliminary PUD Plan shall be subject to review as a Class 'C' Procedure or such other procedure as may be permitted by law.~~

~~B. Termination of a PUD: A PUD may be terminated by action of the Planning Commission subject to the following procedures:~~

~~1. If substantial development of the PUD has not occurred or if no lots or units therein have been sold, the PUD may be terminated as provided in this Subsection 10.245(B)(1). Termination proceedings may be initiated by filing with the City a written petition signed by the owner(s) who control a majority interest in more than fifty percent (50%) of the land covered by the approved PUD and which also constitutes more than fifty percent (50%) of the total assessed~~

~~value of land and improvements of the PUD. Upon receipt of a valid petition, the Planning Commission shall consider the matter in open meeting and shall declare the PUD terminated. The Planning Commission's termination of a PUD shall be evidenced by a Final Order declaring the same. When the Final Order is signed the PUD shall be terminated and previous PUD Plan approvals shall be considered void and of no further effect. Termination of a PUD shall not affect other land use actions taken by the City which concern the PUD property.~~

~~2. If substantial development of the PUD has occurred or if lots or units within the PUD have been sold, the PUD may be terminated as provided in this Subsection 10.245(B)(2). Termination proceedings may be initiated by filing with the City a written petition signed by the owner(s) who control a majority interest in more than fifty percent (50%) of the vacant land covered by the approved PUD which also constitutes more than fifty percent (50%) of the total assessed value of vacant land within the PUD. If there is an association of owners established within the boundaries of the whole PUD, the owner(s) petitioning for termination of the PUD shall also supply the City with the correct mailing address of the association which shall be notified along with others entitled to notice under this Subsection. Upon receipt of the petition, the Planning Commission shall give public notice of the proposed PUD termination and conduct a public hearing on the matter. Notice and public hearing shall be subject to Class "C" Procedure. The Planning Commission shall declare the PUD terminated if it concludes that the termination will not produce greater than minimal harm to the public health, safety or general welfare. The Planning Commission's termination of a PUD shall be evidenced by a Final Order declaring the same and after the Final Order is signed the PUD shall be terminated and previous PUD Plan approvals shall be considered void and of no further effect. Termination of a PUD shall not affect other land use actions taken by the City which concern the PUD property.~~

Section 104. Section 10.246 of the Medford Code is hereby repealed:

~~10.246 Application, Conditional Use Permit.~~

~~A development classified as a conditional use shall be given special review via this process in order to assure its appropriateness for the site and allow for adjustment to be made to assure its compatibility with adjacent land uses.~~

Section 105. Section 10.247 of the Medford Code is hereby repealed:

~~10.247 Application Form.~~

~~An application for a conditional use permit shall contain the following:~~

- ~~(1) Vicinity map drawn at a scale of 1" = 1,000' identifying the location of the proposed site.~~
- ~~(2) Assessor's map with subject site identified.~~
- ~~(3) Site plan drawn to scale on an eighteen inch by twenty four inch (18" x 24") sheet. Site plan shall identify all existing and proposed buildings, parking, drives, vegetation or landscaping, adjacent development.~~
- ~~(4) Property owner's (and agent's) names, addresses, and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.~~
- ~~(5) Findings prepared by the applicant or his/her representative addressing the criteria set forth in Section 10.248, Conditional Use Permit Criteria.~~
- ~~(6) A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).~~

~~(7) A Landscape Plan, meeting the specifications and requirements in Section 10.780, if applicable.~~

Section 106. Section 10.248 of the Medford Code is hereby repealed:

~~10.248 Conditional Use Permit Criteria.~~

~~The approving authority (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted.~~

~~(1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.~~

~~(2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.~~

~~In authorizing a conditional use permit the approving authority (Planning Commission) may impose any of the following conditions:~~

~~(1) Limit the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.~~

~~(2) Establish a special yard or other open space or lot area or dimension requirement.~~

~~(3) Limit the height, size, or location of a building or other structure.~~

~~(4) Designate the size, number, location, or nature of vehicle access points.~~

~~(5) Increase the amount of street dedication, roadway width, or improvements within the street right of way.~~

~~(6) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.~~

~~(7) Limit or otherwise designate the number, size, location, height, or lighting of signs.~~

~~(8) Limit the location and intensity of outdoor lighting, or require its shielding.~~

~~(9) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.~~

~~(10) Designate the size, height, location, or materials for a fence.~~

~~(11) Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.~~

Section 107. Section 10.249 of the Medford Code is hereby repealed:

~~10.249 Conditional Use Permits, Mitigation of Impacts.~~

~~Development requiring the mitigation of impacts under Section 10.248(2), Conditional Use Permit Criteria, must do one (1) of the following:~~

~~(1) Preserve unique assets of interest to the community.~~

~~(2) Provide a public facility or public nonprofit service to the immediate area or community.~~

~~(3) Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.~~

Section 108. Section 10.250 of the Medford Code is hereby repealed:

~~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 109. Section 10.251 of the Medford Code is hereby repealed:

~~10.251 Application, Exception.~~

~~The purpose of Sections 10.251 to 10.253 is to empower the approving authority to vary or adapt the strict application of the public improvement and site development standards as contained in Article III, Sections 10.349 through 10.361, and 10.370 through 10.385, as well as Articles IV and V of this chapter. Exceptions may be appropriate for reasons of exceptional narrowness or shape of a parcel; for reasons of exceptional topographic conditions, extraordinary and exceptional building restrictions on a piece of property; or if strict applications of the public improvement or site development standards in the above referenced Articles would result in peculiar, exceptional, and undue hardship on the owner.~~

Section 110. Section 10.252 of the Medford Code is hereby repealed:

~~10.252 Application Form.~~

~~An application for an exception shall be made by the owner of the property for which the exception is requested to the approving authority for the plan authorization involving the exception. An exception application shall include the following:~~

- ~~(1) A list of the specific standard(s) for which an exception is being requested and a description of the degree of exception(s) being requested, including findings prepared by the applicant or applicant's representative addressing the criteria as set forth in Section 10.253, Criteria for an Exception.~~
- ~~(2) Vicinity map drawn at a scale of 1" = 1000' identifying the location of the site of the variance.~~
- ~~(3) Assessor's map with the subject site identified.~~
- ~~(4) Site plan showing in detail the circumstance(s) which justifies each exception.~~

Section 111. Section 10.253 of the Medford Code is hereby repealed:

~~10.253 Criteria for an Exception.~~

~~No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:~~

- ~~(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.~~
- ~~(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.~~
- ~~(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.~~
- ~~(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.~~

Section 112. Section 10.254 of the Medford Code is hereby repealed:

~~10.254 Expiration of an Exception.~~

~~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 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 exception was first approved have not changed to an extent sufficient to warrant refiling of the exception. An exception directly related to another plan authorization, such as an exception which was filed concurrently with the other plan authorization, and/or an exception which is integrally intertwined with and necessary to the development or use authorized by the other plan authorization, shall expire when the related plan authorization expires.~~

Section 113. Section 10.256 of the Medford Code is hereby repealed:

~~10.256 Historic Review.~~

~~The Historic Review process is hereby established to assure compliance with the Historic Preservation Overlay, Sections 10.401 through 10.407, the Oregon Administrative Rules, Oregon Revised Statutes, and to achieve consistency with The Secretary of the Interior's Standards for the Treatment of Historic Properties.~~

~~(1) An application for Historic Review is required in the following instances:~~

~~(a) To request addition to or removal from the Historic Preservation Overlay for any area, parcel, or portion thereof. The property owner, Planning Director, Landmarks and Historic Preservation Commission, or City Council may request initiation of proceedings to change the extent of the Historic Preservation Overlay.~~

~~(b) For proposed exterior alteration and/or new construction within an Historic Preservation Overlay.~~

~~(c) Prior to application for a demolition or relocation permit for all or part of a building, structure, object or site in an Historic Preservation Overlay.~~

~~(2) Historic Review of proposed exterior alteration and/or new construction is required irrespective of whether a building permit or a development permit is required. Historic Review final actions shall be taken prior to application for a building permit or proceeding with work that does not require a permit.~~

Section 114. Section 10.257 of the Medford Code is hereby repealed:

~~10.257 Historic Review, Application Content.~~

~~An application for Historic Review shall include the information and materials listed below:~~

~~(1) Application form.~~

~~(2) All information requested on the application form.~~

~~(3) Findings of fact demonstrating compliance with the approval criteria in Section 10.258, Historic Review, Approval Criteria.~~

~~(4) Appropriate fee.~~

~~In addition to that listed, the City may require the applicant to submit additional information deemed necessary to take action on an application in accordance with this Code and applicable State laws.~~

Section 115. Section 10.258 of the Medford Code is hereby repealed:

~~10.258 Historic Review, Approval Criteria.~~

~~Approval of Historic Review applications shall require findings that the proposal is consistent~~

with the indicated approval criteria:

~~(1) Changes to the Historic Preservation Overlay. The extent of the Historic Preservation Overlay may be changed to include an historic resource other than those specified in Section 10.402 (1), (2), and (3) through a Class 'C' Historic Review process if findings can be made substantiating that the proposal is consistent with the criteria below:~~

~~(a) It has been demonstrated that the designation of the historic resource is consistent with the purposes of the Historic Preservation Overlay in Section 10.401; and,~~

~~(b) It has been demonstrated that the designation of the historic resource is appropriate, considering the historic value of the resource and any other conflicting values, and will not result in a loss of substantial beneficial use of the property; and,~~

~~(c) It has been demonstrated that the historic resource has a significance rank of "primary" or "secondary" on an historical survey conducted in conformance with the standards of the Oregon State Historic Preservation Office; or, the historic value of the resource has sufficient local significance to merit designation as a Local Historic Resource.~~

~~(2) Exterior Alteration and/or New Construction. The approving authority (Landmarks and Historic Preservation Commission) shall approve an Historic Review application for exterior alteration and/or new construction within an Historic Preservation Overlay after consideration during a public hearing, if findings can be made substantiating that the proposal is consistent, or can be made consistent through the imposition of conditions, with all of the following criteria:~~

~~(a) It has been demonstrated that the proposed exterior alteration and/or new construction is consistent with the purposes of the Historic Preservation Overlay in Section 10.401; and,~~

~~(b) It has been demonstrated that the proposed exterior alteration and/or new construction will preserve the historic character, form, and integrity of the historic resource; and,~~

~~(c) It has been demonstrated that the proposed exterior alteration and/or new construction is consistent with the most current version of the *The Secretary of the Interior's Standards for the Treatment of Historic Properties*; and,~~

~~(d) It has been demonstrated that the proposed exterior alteration and/or new construction is compatible with the historical and architectural style of the historic resource, of adjacent historic properties, and of the historic district within which it is located, if any. Assessment of compatibility may include consideration of the design, arrangement, proportion, detail, scale, color, texture, and materials, and the way new features will be differentiated from the old; and,~~

~~(e) It has been demonstrated that the proposed exterior alteration and/or new construction is consistent with all other applicable provisions of this Code.~~

~~(3) Minor Historic Review. Minor Historic Review of certain exterior alterations may be conducted by the Planning Director, according to standards adopted by the Landmarks and Historic Preservation Commission. The Planning Director shall approve a Minor Historic Review application if the proposal conforms to approval criteria adopted by the Landmarks and Historic Preservation Commission. These approval criteria are available at the Planning Department.~~

Minor Historic Review shall be limited to the review of:

A. ~~Changes in roofing materials and exterior paint colors in residentially zoned Historic Preservation Overlay Districts as per the *Paint and Roofing Approval Criteria* adopted in December 2007;~~

B. ~~Changes in exterior paint colors in commercially zoned Historic Preservation Overlay Districts, when new paint colors are chosen from the adopted color palette;~~

C. ~~Changes in awning fabric materials without a change in the shape of the awning frame, in~~

Historic Preservation Overlay Districts, if the new fabric is either solid or striped and the fabric colors are chosen from the adopted color palette;

~~D. Change of sign face/copy as defined in Section 10.1010.~~

~~(4) Demolition and Relocation. The Landmarks and Historic Preservation Commission shall temporarily delay issuance of a demolition or relocation permit for all or part of a building, structure, object or site in an Historic Preservation Overlay, unless, during a public hearing:~~

~~(a) It is demonstrated that a temporary suspension of the demolition or relocation permit would not aid in avoiding the demolition or relocation of the historic resource; in informing the owner of the benefits of renovation; nor in pursuing public or private acquisition or restoration; and,~~

~~(b) In the case of a demolition, it is demonstrated that there is no practical opportunity to relocate the historic resource to another site, nor to salvage historic or architectural elements; and,~~

~~(c) It is demonstrated that the proposed demolition or relocation would not adversely affect the protection, enhancement, perpetuation, improvement, or use of any historic district or other historic resource; and,~~

~~(d) It is demonstrated that the benefits of protecting the historic resource no longer outweigh the benefits of allowing the demolition or relocation.~~

~~(5) Temporary Suspension of a Demolition or Relocation Permit.~~

~~(a) In the case of temporary suspension of a demolition or relocation permit by the Landmarks and Historic Preservation Commission, issuance of the permit shall be delayed for a period of 120 days from the date of application for Historic Review or for the demolition or relocation permit, whichever is earlier.~~

~~(b) The Landmarks and Historic Preservation Commission may invoke an extension of the suspension period for an additional period not exceeding ninety (90) days if it determines during a subsequent public hearing that there is a program underway that could result in public or private acquisition, or preservation or restoration of such building, structure, object, or site, and that there are reasonable grounds to believe that such a program will be successful.~~

~~(c) During the period of suspension, no permit shall be issued for demolition or relocation, nor shall any person demolish or move the building, structure, object, or site.~~

~~(d) At the end of the suspension period, if all such programs have been unsuccessful, the Medford Building Safety Director shall issue a demolition or relocation permit as long as the application otherwise complies with all other city ordinances.~~

Section 116. Section 10.259 of the Medford Code is hereby repealed:

~~10.259 Historic Review, Conditions of Approval.~~

~~In approving an Historic Review application, the Landmarks and Historic Preservation Commission may impose conditions necessary to ensure compliance with the standards of this Code and the criteria in Section 10.258, and to otherwise protect the health, safety and general welfare of the surrounding area and community as a whole. These conditions may include, but are not limited to the following:~~

~~(1) Limiting the number, height, location and size of signs;~~

~~(2) Requiring the installation of appropriate public facilities and services and dedication of land to accommodate public facilities when needed;~~

~~(3) Limiting the visibility of mechanical equipment through screening or other appropriate measures;~~

- ~~(4) Requiring the installation or modification of irrigated landscaping, walls, fences or other methods of screening and buffering;~~
- ~~(5) Limiting or altering the location, height, bulk, configuration or setback of buildings, structures and improvements;~~
- ~~(6) Requiring the improvement of an existing, dedicated alley which will be used for ingress or egress for a development;~~
- ~~(7) Controlling the number and location of parking and loading facilities, points of ingress and egress and providing for the internal circulation of motorized vehicles, bicycles, public transit and pedestrians;~~
- ~~(8) Requiring the retention of existing natural features;~~
- ~~(9) Modifying architectural design elements including exterior construction materials and their colors, roofline, fenestration and restricting openings in the exterior walls of structures;~~
- ~~(10) Restricting the height, directional orientation and intensity of exterior lighting.~~

Section 117. Section 10.260 of the Medford Code is hereby repealed:

~~10.260 Historic Review, Appeal.~~

~~Final Historic Review decisions by the Landmarks and Historic Preservation Commission may be appealed to the City Council pursuant to Sections 10.051 through 10.056. Minor Historic Review decisions by the Planning Director may be appealed to the Landmarks and Historic Preservation Commission.~~

Section 118. Section 10.261 of the Medford Code is hereby repealed:

~~10.261 Historic Review Approval, Expiration.~~

~~A. Approval of a Historic Review application shall take effect on the date the final order for approval is signed, unless appealed, and shall expire two (2) years from the effective date. Within two (2) years following the effective date, substantial construction must have occurred or an extension of the approval shall be necessary. If a request for an extension of a Historic Review application approval is filed with the Planning Department within two (2) years from the effective date, the Landmarks and Historic Preservation Commission may grant an extension not to exceed one (1) additional year if based upon findings that the facts upon which the Historic Review application was first approved have not changed to an extent sufficient to warrant re-filing of the application.~~

~~B. When it is the developer's intent to complete an approved project in phases, the approving authority may authorize a time schedule for the issuance of building permits for a period exceeding two (2) years, but in no case shall the total time period for the issuance of building permits be greater than five (5) years without having to re-submit a new application for Historic Review. Phases developed after the passage of two (2) years from approval of the Historic Review application shall be required to modify the plans if necessary to avoid conflicts with changes in the *Comprehensive Plan* or this chapter.~~

Section 119. Section 10.262 of the Medford Code is hereby repealed:

~~10.262 Major Revisions or Amendments to Historic Review Approval.~~

~~Major revisions or amendments to plans approved through Historic Review shall require re-~~

application.

Section 120. Section 10.263 of the Medford Code is hereby repealed:

~~10.263 Issuance of Building Permits, Consistent with Historic Review Approval.~~

~~A. All applications for a building permit, wherein Historic Review has been required, shall be consistent with the plans as approved and all conditions of approval imposed thereon and shall be accompanied by an accurate and correct plan.~~

~~B. Security for Completion of Public Improvements: If all required public improvements, as specified in the conditions of Historic Review approval, have not been satisfactorily completed before issuance of a building permit, the developer shall enter into a written agreement (provided by the City) to secure full and faithful performance thereof, according to Sections 10.666 and 10.667(A) respectively.~~

Section 121. Section 10.265 of the Medford Code is hereby repealed:

~~10.265 Application, Land Divisions.~~

~~The partitioning or subdividing of land shall be subject to the application requirements as herein set forth and shall include both the tentative and final platting requirements. The approval of a tentative plat is a procedural Class "C" quasi-judicial decision, with the Planning Commission being the approving authority. Final plat approval is a ministerial action which relies on compliance with the requirements established at the time of tentative plat approval, and on the requirements set forth in Code Sections 10.273, Final Plat Approval Required, through 10.280, Action and Decision Time: Final Plat.~~

Section 122. Section 10.266 of the Medford Code is hereby repealed:

~~10.266 Application for Tentative Plat.~~

~~Twenty five (25) copies of the tentative plat for each proposed land division shall be filed with the Planning Department. Additional copies may be requested for the transmittal to the designated official of any affected local agency which has requested the same as provided in ORS 92.044.~~

Section 123. Section 10.267 of the Medford Code is hereby repealed:

~~10.267 Form of Tentative Plat and Accompanying Data.~~

~~All tentative plats shall be clearly and legibly drawn on tracing paper of good quality and prepared by a civil engineer or land surveyor registered in the State of Oregon. It shall have a dimension of not less than eighteen (18) inches by twenty four (24) inches, and the scale shall be as follows: One (1) inch shall be equal to fifty (50) feet for twenty (20) acres or less, and one (1) inch shall be equal to one hundred (100) feet for all divisions of land over twenty (20) acres in area. The tentative plat shall contain the following data:~~

~~(1) Proposed land division name (if a subdivision), date, north arrow, scale, total acreage, and sufficient legal information to define the boundaries of the proposed development.~~

~~(2) A key map located in the upper right hand corner identifying the location of the development relative to section and township lines and to adjacent property and major physical features such~~

as streets, railroads, and waterways.

~~(3) Names of abutting property owners on all sides, names and widths of adjoining rights-of-way, topographic features and all public improvements on adjacent property located within 200 feet of the project boundary.~~

~~(4) Name and address of the owner(s) of record, developer, and engineer or land surveyor registered in the State of Oregon who prepared the tentative plat.~~

~~(5) Locations, names, widths, approximate intersection angle, centerline radii, center line slopes, and improvement section of all streets, highways and other ways in the proposed project.~~

~~(6) Number of lots, dimensions of lots (to the nearest foot), including frontage, width, and area (to the nearest fifty [50] square feet).~~

~~(7) Location and height of all existing structures to remain on property and distance from proposed property lines.~~

~~(8) Location and character of all easements existing and proposed by the developer for drainage, sewage and public utilities.~~

~~(9) Five (5) foot topographic contours describing the area. Where the grade of any part of the proposed land division exceeds ten percent (10%), or where the development abuts existing developed lots, an overall conceptual grading plan shall be required showing features adjacent to the development within a reasonable distance therefrom which could affect said project.~~

~~Where a conceptual grading plan is required it shall show how runoff of surface water from individual lots will be achieved and the ultimate disposal of all development surface waters. All topographic information shall be based on city data.~~

~~(10) A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).~~

~~(11) Location of all creeks, streams and other watercourses, showing top of existing bank and areas subject to inundation as shown on the latest Federal Flood Rate Insurance Maps.~~

~~(12) Existing wells and irrigation canals, active or abandoned, and proposed disposition.~~

~~(13) Public or common area proposed, if any.~~

~~(14) The approximate distance to, and location of, the nearest sanitary sewer main.~~

~~(15) Name of the irrigation district, if any, within which the project is located and whether it is currently being assessed.~~

~~(16) Name of the school district within which the project is located.~~

Section 124. Section 10.269 of the Medford Code is hereby repealed:

~~10.269 Expiration of Tentative Plat approval.~~

~~(1) Approval of a tentative plat application shall take effect on the date the final order for approval is signed, unless appealed, and shall expire two (2) years from the effective date unless the final plat has been approved by the Planning Director pursuant to Sections 10.276—10.280. If a request for an extension of a tentative plat application approval is filed with the Planning Department within two (2) years from the date of the final order, the Planning Commission shall grant an extension not to exceed one (1) additional year. Extensions shall be based on findings that the facts upon which the tentative plat application was first approved have not changed to an extent sufficient to warrant refileing of the application. All approvals made prior to the adoption of this ordinance shall expire one (1) year from the date of adoption of this ordinance, notwithstanding permitted extensions and previous phasing authorizations.~~

~~(2) When it is the developer's intent to record and develop a tentatively platted land division in~~

~~phases, the approving authority may authorize a time schedule for platting the various phases in periods exceeding one (1) year, but in no case shall the total time period for platting all phases be greater than five (5) years without having to resubmit the tentative plan. Phases platted after the passage of one (1) year from approval of the tentative plat will be required to modify the tentative plat as necessary to avoid conflicts with changes in the Comprehensive Plan or this chapter.~~

Section 125. Section 10.270 of the Medford Code is hereby repealed:

~~10.270 Land Division Criteria.~~

~~The approving authority (Planning Commission) shall not approve any tentative plat unless it first finds that the proposed land division, together with the provisions for its design and improvement:~~

- ~~(1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;~~
- ~~(2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;~~
- ~~(3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;~~
- ~~(4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property, unless the approving authority determines it is in the public interest to modify the street pattern;~~
- ~~(5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;~~
- ~~(6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.~~

Section 126. Section 10.273 of the Medford Code is hereby repealed:

~~10.273 Final Plat Approval Required. No person shall cause or permit the sale or development of any real property under his ownership or control, nor shall any development permit be issued for such development, until final approval therefor has been granted by the approving authority (Planning Director) in accord with this chapter, and an approved final plat has been recorded with the Jackson County Recorder. The requirements of this section shall not be applicable to any of the following which are exempt from such provisions:~~

- ~~(1) Where final plat approval for the identical lot or site has been previously obtained from the City within ten (10) years prior to the date of application for a building permit, in accord with such ordinance requiring plat approval which was in effect at that time, and such final plat is of~~

record evidencing such plat approval;

~~(2) Developments made solely for the purpose of opening or widening a public street or alley, or those involving conveyance, transfer, access, sewer, water, or public utility, provided that no divisions or parcels of land are created other than those directly caused by such action.~~

~~(3) Developments made solely because of the acquisition of lands by government agencies for freeways, parks, public buildings, flood control channels, or other public purposes, or for the sale of minor remnant parcels by such agencies to adjacent property owners where such land involved in the sale is not designated in the City's Comprehensive Plan as a recreational facility. In connection with the sale of any such minor remnant parcel, the person acquiring the property shall consolidate the acquired remnant parcel with his existing contiguous ownership;~~

~~(4) Developments involving land dedicated for cemetery purposes; or~~

~~(5) Developments caused by a conveyance for the purpose of adding land to one parcel by deducting it from another contiguous parcel, where such does not reduce the area of the parcel from which such portion is taken below the minimum area, frontage, width or depth prescribed for the zoning district in which said parcel is located, nor reduce any of the required yard spaces surrounding any structure or use on such parcel below the minimum prescribed for such zoning district.~~

Section 127. Section 10.276 of the Medford Code is hereby repealed:

~~10.276 Final Plats, General.~~

~~The form and content of a final plat shall be in accord with the provisions of ORS 92.050 through 92.080, and in addition shall comply with all the provisions of this code. Final plats not submitted in accord with this code shall not be considered for approval.~~

Section 128. Section 10.277 of the Medford Code is hereby repealed:

~~10.277 Form of Final Plat and Data to Appear Thereon.~~

~~Where identified by an "X", the final plat of subdivisions and partitions shall conform with the following provisions:~~

~~SUBD PART~~

~~X~~ ~~1.~~ Title and subtitle of plat. The title sheet shall contain the name as approved by the Planning Commission. Below the title sheet shall appear a subtitle giving a general location of the property being developed by reference to the plats which have previously been recorded. In case the property included within the subdivision lies wholly in the city of Medford, the following words shall appear below the title, "In the City of Medford".

~~X X~~ ~~2.~~ Distances and bearings. Sufficient data to determine readily the bearing and length of every lot line, block line, and boundary line. Dimensions of lots shall be given as total dimensions, corner to corner and shall be shown in feet and hundredths of a foot. The plat shall show the basis of bearings and lengths of straight lines and radii, and all arc lengths, central angle, or other data as necessary to define all curves within the subdivision.

~~X X~~ ~~3.~~ Boundary references and monuments. The plat shall show clearly what monuments (type and size) or other evidence is found on the ground to determine boundaries of the subdivision. The adjoining corners of all adjoining subdivisions shall be identified by lot and block number, and subdivision name. The plat shall show the location and description of monuments found or placed in making the survey for proper reference and data sufficient for

~~relocation and retracing of any and all exterior boundary lines and lot and block lines. Whenever the city or county engineer has established the centerline of a street adjacent to or in the proposed subdivision, the data shall be shown on the plat.~~

~~SUBD PART~~

~~4. Additional information.~~

~~X Xa. The plat shall note whether the subdivision or portion thereof are subject to periodic inundation by water as determined from the Federal Flood Insurance Rate Maps.~~

~~X X b. The centerlines and sidelines of all streets, and total width thereof, and the widths of each side of the centerline and widths of any portion of a street being dedicated, the width of existing dedications, and the widths of any railway, drainage channel, or other rights-of-way shall be shown.~~

~~X Xc. The plat shall show all easements of record, or easements to be recorded, to which the lots will be subject. Such easements must be clearly labeled and identified if already of record, and record reference given. If any easement is not definitely located of record, a statement of such easement must appear on the plat. All easements other than for streets shall be denoted by fine broken lines and designated as to type. Easement widths and the lengths and bearings of the lines thereof, together with sufficient ties thereto, shall be set forth to definitely locate the easement with respect to the development.~~

~~X Xd. City boundary lines which bound, adjoin or cross the development, shall be clearly designated and referenced.~~

~~X Xe. Lot numbers shall begin with the number "1" and shall continue consecutively throughout the development with no omission or duplications, except that lot numbers in subsequent contiguous development units may expand the numbering sequence of the previous unit providing the commercial name of the development remains unchanged. Each block shall be shown on one (1) sheet when possible. Where adjoining blocks appear on separate sheets, the street adjoining both blocks shall be shown on both sheets, complete with centerline and property line data.~~

~~All letters and figures within the development shall be conspicuous and solid.~~

~~X Xf. The plat shall particularly define and designate all lots and parcels, including those reserved for private purposes, all parcels and easements offered for dedication for any purpose, with all the dimensions, boundaries, and courses clearly shown and defined in each case. Ditto (" ") marks shall not be used.~~

~~X Xg. All street names, including those designated by numbers, and including the words "Avenue", "Boulevard", "Place", etc., shall be spelled out in full.~~

~~SUBD PART~~

~~X Xh. The plat shall also show and delineate all other data that is or may be required by other provisions of this chapter or otherwise by law.~~

~~5. Certificates on final plat.~~

~~X a. Areas dedicated to public use shall be free and clear of all encumbrances, except public utility easements which the City Engineer determines will not interfere with the use contemplated by the dedication. All mortgages, trust deeds, and other liens shall be released as to public use areas.~~

~~b. Each final plat shall contain the requisite owner's certificate or dedication, release of liens, City Recorder's certificate, Surveyor's certificate, City Engineer's certificate, City Surveyor's certificate, County Recorder's certificate, and such other certificates as may hereafter be required by law. The form of each said certificate shall be prescribed by the City Attorney.~~

~~X Xc. The owner's dedication statement shall include offers of dedication of all streets and other easements shown on the final plat intended for any public use, except those parcels of land which are intended for the exclusive use of the lot owners in the development, their licensees, visitors, tenants and employees, which private streets and other private easements shall be specifically designated as such on the plat.~~

~~X Xd. The approving authority (Planning Director) certificate shall contain a statement that acknowledges compliance with all conditions of the development permit and recognition of same.~~

Section 129. Section 10.278 of the Medford Code is hereby repealed:

~~10.278 Filing of Final Plat with City Engineer.~~

~~Prior to filing a final plat with the Planning Department, the applicant shall:~~

~~(1) Cause the proposed land division to be accurately surveyed and a final plat to be prepared substantially in accord with the approved tentative plat;~~

~~(2) Cause a minimum of five (5) copies of the final plat, with any and all alterations and changes required thereto, to be filed with the City Engineer for his approval. At the time of filing of the final plat with the City Engineer, the developer shall also file concurrently therewith the following:~~

~~(a) A traverse sheet, giving the latitude and departures, or computer print out, showing the mathematical closure, within allowable limits of error, of the exterior boundaries of the tract in all cases in which said boundaries are irregular or in which the tract is laid out in irregular blocks, and of the exterior boundaries of all irregular lots and blocks.~~

~~(b) Plans, profiles, details, and specifications for improvements conforming to all ordinances of the city and to the standards of this code which must show full details of all improvements and shall be to a scale of forty (40) or fifty (50) feet to the inch horizontal and four (4) or five (5) feet to the inch vertical.~~

~~(c) A detailed estimate of quantities and costs of the proposed improvements for approval by the City Engineer.~~

~~(d) A title report or subdivision guarantee by a title company doing business in Jackson County, showing names of all persons whose consent is necessary for the preparation of said plat and for any dedication to public use, and their interest therein, certified for the benefit and protection of the City that the persons therein named are all of the persons necessary to give clear title to the streets and other easements therein to be offered for dedication. Said title report shall be dated no later than fifteen (15) days from the date of submittal.~~

~~(e) Two (2) copies of all proposed covenants, conditions, and restrictions or a statement in writing signed by the developer that no such restrictions will be established.~~

~~(f) Instruments prohibiting traffic over the side or rear lines of any street or other public way when and if the same is required by this chapter.~~

~~(g) Such streets, offers of dedication or other instruments affecting or conveying title or any interest in land as are required under the conditions of approval of the tentative plat.~~

~~(h) A statement that all applicable fees required by the city code have been paid.~~

~~(i) Two (2) copies of the city's standard (or deferred) form of improvement agreement executed by the developer, together with two (2) executed copies of each labor and material and improvement bond guaranteeing payment of the cost of setting monuments (ORS 92.065) and county certification that the requisite tax bond has been posted (ORS 92.095) and such other~~

agreements and bonds as may from time to time be required by law.

The City Engineer shall examine the final plat and accompanying data and shall within fifteen (15) working days determine:

- (1) Whether all engineering conditions of tentative plat approval have been satisfactorily completed, or if incomplete, are matters which can be included in a regular or deferred improvement agreement with the city;
- (2) Whether said plat is technically correct.

Upon the City Engineer's determination that conformity with the foregoing has been made, he shall execute the City Engineer's certificate on said final plat and cause said plat to be forwarded to the Planning Department for action by the approving authority.

Section 130. Section 10.279 of the Medford Code is hereby repealed:

10.279 Filing of the Final Plat with Planning Department.

~~No final plat shall be accepted for filing by the planning department unless, in addition to the above, the following is complied with:~~

- ~~(1) An accepted final plat shall be considered by the approving authority (Planning Director) ten (10) or more working days following acceptance.~~
- ~~(2) The final plat is accompanied by:
 - ~~(a) A blue or black line print thereof;~~
 - ~~(b) The approved improvement plans signed by the City Engineer;~~
 - ~~(c) All documents and matters previously submitted to the City Engineer under Section 10.278, Filing of Final Plat with City Engineer.~~~~
- ~~(3) All required fees by the developer have been paid.~~
- ~~(4) A print of the final plat signed off by all affected referral agencies and involved agencies.~~

~~The Planning Department shall examine the final plat and accompanying data and shall within five (5) working days determine:~~

- ~~(a) Whether the land division is substantially the same as shown on the tentative plat with only approved alterations thereof;~~
- ~~(b) Whether bonds and agreements guaranteeing improvement of all conditions of tentative plat approval have been completed pursuant to Section 10.666, Improvement Agreements, and Section 10.667, Faithful Performance Bond.~~

Section 131. Section 10.280 of the Medford Code is hereby repealed:

10.280 Action and Decision Time: Final Plat.

~~The approving authority (Planning Director) shall within a period of not more than twenty five (25) working days after filing with the Planning Department, approve or disapprove the final plat and acknowledge compliance with all conditions of the tentative plat. If the final plat does not conform with all local code requirements applicable at the time of approval of the tentative plat and all rulings made thereunder, the approving authority (Planning Director) may disapprove said plat, or approve it; said approval to become unconditional at such time as said plat is made to comply with the approved tentative plat and such code requirements.—~~

~~Upon disapproval of any final plat, the approving authority (Planning Director) shall return said plat to the applicant together with a written statement setting forth the reasons for such~~

~~disapproval.~~

~~Upon approval by the approving authority (Planning Director) becoming unconditional, the Planning Director shall sign and have affixed the city seal to the approving authority certificate attached to said plat.~~

~~No land division will be recognized as complete until final plat is unconditionally approved by the approving authority (Planning Director) and no title to or interest in any property described in any offer of dedication on the final plat which is accepted by the approving authority (Planning Director) shall pass until recordation of said plat.~~

~~Within ten (10) days after recordation of the final plat, the applicant at his own expense shall furnish to the Planning Department one (1) mylar transparency and one (1) blue line print.~~

Section 132. Section 10.285 of the Medford Code is hereby repealed:

~~10.285 Application, Site Plan and Architectural Review.~~

~~A. Purpose. The Site Plan and Architectural Review process is established in order to provide for review of the functional and aesthetic adequacy of development and to assure compliance with the standards and criteria set forth in this chapter for the development of property as applied to the improvement of individual lots or parcels of land as required by this code. Site Plan and Architectural Review considers consistency in the aesthetic design, site planning and general placement of related facilities such as street improvements, off street parking, loading and unloading areas, points of ingress and egress as related to bordering traffic flow patterns, the design, placement and arrangement of buildings as well as any other subjects included in the code which are essential to the best utilization of land in order to preserve the public safety and general welfare, and which will encourage development and use of lands in harmony with the character of the neighborhood within which the development is proposed.~~

~~B. Site Plan and Architectural Review is required for:~~

~~Projects which are not exempt from a Development Permit pursuant to Section 10.031, except that exterior alterations to a building or site and new construction in a Historic Overlay shall require Historic Review pursuant to Section 10.256, but shall not require Site Plan and Architectural Review.~~

~~C. Site Plan and Architectural Review applications shall be submitted to the Planning Department prior to the application for a building permit.~~

Section 133. Section 10.287 of the Medford Code is hereby repealed:

~~10.287 Site Plan and Architectural Review Application Form.~~

~~The application for Site Plan and Architectural Review (SPAR) shall contain the following plans, submitted in the quantity and sizes specified on the Site Plan and Architectural Review application form, including legible reduced copies of all plan documents.~~

~~A. Landscape Plan meeting the specifications and requirements in Section 10.780.~~

~~B. Building Construction Plans: A site plan and architectural plan which are clearly and legibly drawn to scale shall be provided. Building construction plans shall include north arrow, orientation of building elevations indicating full dimensions and providing the following information:~~

~~(1) Site Plan:~~

~~(a) Lot dimensions.~~

- ~~(b) All proposed and existing buildings and structures: location, size, height, proposed use.~~
- ~~(c) Public and private yards and open space between buildings.~~
- ~~(d) Walls and fences: location, height and material.~~
- ~~(e) Existing and proposed off street parking: location, number, type and dimensions of spaces, parking area, internal circulation pattern.~~
- ~~(f) Access: pedestrian, vehicular, service, points of ingress and egress.~~
- ~~(g) Loading: location, dimension, number of spaces, type of space (A or B), internal circulation.~~
- ~~(h) Lighting: location and general nature, hooding devices.~~
- ~~(i) Street dedication and improvements.~~
- ~~(j) Drainage plan.~~
- ~~(k) Location of existing public improvements including streets, curbs, sidewalks, street trees, utility poles, light fixtures, traffic signs and signals, and such other data as may be required to permit the Site Plan and Architectural Commission to make the required findings.~~
- ~~(l) Location and screening of mechanical equipment.~~
- ~~(m) Location and screening of outdoor trash bins.~~
- ~~(2) Architectural Plans:~~
 - ~~(a) Roof plan.~~
 - ~~(b) Floor plan.~~
 - ~~(c) Architectural elevations.~~
 - ~~(d) Materials and Colors.~~
- ~~(3) A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).~~

Section 134. Section 10.290 of the Medford Code is hereby repealed:

~~10.290 Site Plan and Architectural Review Criteria.~~

~~The Site Plan and Architectural Commission shall approve a site plan and architectural review application if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:~~

- ~~(1) The proposed development is compatible with uses and development that exist on adjacent land, and~~
- ~~(2) The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in MLDC Section 10.253.~~

Section 135. Section 10.291 of the Medford Code is hereby repealed:

~~10.291 Conditions of Approval.~~

~~In approving a site plan and architectural review application, the Site Plan and Architectural Commission may impose, in addition to those standards expressly specified in this code, conditions determined to be reasonably necessary to ensure compliance with the standards of the code and the criteria in Section 10.290, and to otherwise protect the health, safety and general welfare of the surrounding area and community as a whole. These conditions may include, but are not limited to the following:~~

- ~~(1) Limiting the number, height, location and size of signs;~~
- ~~(2) Requiring the installation of appropriate public facilities and services and dedication of land~~

- to accommodate public facilities when needed;
- ~~(3) Limiting the visibility of mechanical equipment through screening or other appropriate measures;~~
 - ~~(4) Requiring the installation or modification of irrigated landscaping, walls, fences or other methods of screening and buffering;~~
 - ~~(5) Limiting or altering the location, height, bulk, configuration or setback of buildings, structures and improvements.~~
 - ~~(6) Requiring the improvement of an existing, dedicated alley which will be used for ingress or egress for a development;~~
 - ~~(7) Controlling the number and location of parking and loading facilities, points of ingress and egress and providing for the internal circulation of motorized vehicles, bicycles, public transit and pedestrians;~~
 - ~~(8) Requiring the retention of existing natural features;~~
 - ~~(9) Modifying architectural design elements including exterior construction materials and their colors, roofline, fenestration and restricting openings in the exterior walls of structures;~~
 - ~~(10) Restricting the height, directional orientation and intensity of exterior lighting.~~

Section 136. Section 10.292 of the Medford Code is hereby repealed:

~~10.292 Expiration of a Site Plan and Architectural Commission approval.~~

~~(1) Approval of a Site Plan and Architectural Commission application shall take effect on the date the final order for approval is signed, unless appealed and shall expire two (2) years from the effective date. Within two (2) years following the effective date, substantial construction must have occurred or an extension of the approval will be necessary. If a request for an extension of a Site Plan and Architectural Commission application approval is filed with the Planning Department within two (2) years from approval of the final order, the Site Plan and Architectural Commission shall grant an extension not to exceed one (1) additional year. Extensions shall be based on findings that the facts upon which the Site Plan and Architectural Commission application was first approved have not changed to an extent sufficient to warrant refiling of the application. All approvals made prior to the adoption of this ordinance shall expire one (1) year from the date of adoption of this ordinance, notwithstanding permitted extensions and previous phasing authorizations.~~

~~(2) When it is the developer's intent to complete an approved project in phases, the approving authority may authorize a time schedule for the issuance of building permits for a period exceeding one (1) year, but in no case shall the total time period for the issuance of building permits be greater than five (5) years without having to resubmit a new application for Site Plan and Architectural Commission review. Phases developed after the passage of one (1) year from approval of the Site Plan and Architectural Commission application will be required to modify the plans as necessary to avoid conflicts with changes in the *Comprehensive Plan* or this chapter.~~

Section 137. Section 10.294 of the Medford Code is hereby repealed:

~~10.294 Modification of a Site Plan and Architectural Review.~~

~~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.~~

Section 138. Section 10.296 of the Medford Code is hereby repealed:

~~10.296 Issuance of Building Permits, Consistent with Site Plan and Architectural Review Approval.~~

~~All applications for a building permit, wherein site plan and architectural review has been required, shall be consistent with the site and architectural plans as approved and all conditions of approval imposed thereon and shall be accompanied by an accurate and correct site plan.~~
~~A. Security for Completion of Public Improvements: If all required public improvements, as specified in the conditions of site plan and architectural review approval, have not been satisfactorily completed before issuance of a building permit, the developer shall enter into a written agreement (provided by the City) to secure full and faithful performance thereof, according to Sections 10.666 and 10.667(A) respectively.~~

~~B. Agreement for Completion of Private Improvements: (for projects with signed agreements prior to January 1, 2015): The following regulations shall apply to all Building Site Improvement Agreements (BSIA) signed prior to January 1, 2015. After said date, the provisions of Building Site Improvement Agreements (BSIA) shall no longer be used as a means to ensure the completion of private improvements. If all required private improvements, as specified in the conditions of site plan and architectural review approval, have not been satisfactorily completed before issuance of a building permit, the permit shall not be issued unless the owner and all other parties having an interest in the property enter into a written and recorded agreement, called a Building Site Improvement Agreement (BSIA), (provided by the City) with the City. The agreement shall be in a form acceptable to the City Attorney and shall specify that, within six (6) months after signing the agreement or such longer time period as specified by the Site Plan and Architectural Commission, all improvement work shall be completed according to the approved plans. The Planning Director or other person designated by the City Manager shall sign the agreement on behalf of the City. If a request for an extension of~~

~~a Building Site Improvement Agreement is filed with the Planning Department within six (6) months after signing the agreement, the Planning Director may grant an extension not to exceed six (6) additional months. Extensions shall be based on findings that the extension is necessary for good cause, such as: circumstances beyond the developer's control that are causing delay in completing private improvements (i.e., ODOT work, weather related delays, building permit delays), so long as no applicable development standards have changed.~~

~~The agreement shall be recorded in the Official Records of Jackson County, and once recorded, the burdens of the agreement shall run with the title of the affected property. The property affected by the agreement shall be the property depicted on the approved site plan. The agreement shall provide that, if the work is not completed in accordance with its terms within the allotted time, the property may not thereafter be occupied or used until all deficiencies are corrected. The agreement shall provide for enforcement by the City through a civil suit for injunction and provide that the prevailing party shall be awarded costs and reasonable attorney's fees. When made in substantial compliance with this section, such an agreement shall be enforceable according to its terms, regardless of whether it would be enforceable as a covenant at common law.~~

~~Once improvements have been satisfactorily completed according to the approved plans, a Satisfaction of Building Site Improvement Agreement shall be signed by the Planning Director or other person designated by the City Manager. The agreement shall be recorded in the Official Records of Jackson County.~~

Section 139. Section 10.297 of the Medford Code is hereby repealed:

~~10.297 Property Line Adjustments.~~

~~A. Property Line Adjustment Purpose.~~

~~The purpose of property line adjustments is to relocate or eliminate a common property line between abutting properties.~~

~~B. Property Line Adjustment Approval Criteria.~~

~~A property line adjustment shall be approved if it complies with the following:~~

- ~~(1) All properties were lawfully created;~~
- ~~(2) No new lots or parcels of land will result from the adjustment;~~
- ~~(3) The adjustment will not result in a unit of land that overlaps the city limit line, urban growth boundary, or zoning districts;~~
- ~~(4) The adjusted property configurations shall not create a substandard condition relative to the applicable standards of the Code. When one or more properties are less than the minimum required area or width, none of the resulting units of land shall be made smaller in area or narrower in width than the original smallest existing unit of land.~~

~~C. Property Line Adjustment Application Form.~~

~~Property line adjustments shall be submitted to the Planning Department on application forms supplied by the Planning Department. The Planning Director may waive the submittal of any of the materials or information that is deemed to be excessive, repetitive, or unnecessary. The application for property line adjustment shall require the following information:~~

- ~~(1) A site plan drawn to scale by a land surveyor registered in the State of Oregon showing the following:~~
 - ~~(a) Existing and proposed property lines, including dimensions and square footage, for all properties involved;~~

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- ~~(b) Assessor's map and tax lot identification for subject properties;~~
- ~~(c) Location of existing wells, septic systems, sanitary sewer, storm drain laterals, and water service;~~
- ~~(d) Location, name, and purpose of all existing and proposed easements; If the property line adjustment will result in any portion of a utility service, lateral, driveway, or water service being located on a different parcel than the structure served by them, an easement granting continued use of the improvement will be required;~~
- ~~(e) The name of public and private streets that abut or lie within the subject area;~~
- ~~(f) Accurate location, height, ground floor area, and use of all structures on the subject properties including the distance from all proposed property lines. If the units of land are vacant, a written statement certifying the same shall be provided;~~
- ~~(g) Names of subject property owners as shown on the accompanying deeds;~~
- ~~(h) Signature of person preparing the map, attesting to the accuracy of information contained thereon;~~
- ~~(i) If items above are not shown on site plan, a statement is required stating the specific items do not exist on the property;~~
- ~~(2) A report from a title company prepared within thirty (30) days listing the vested owners, easements, encumbrances, and other matters of record for each property;~~
- ~~(3) The owners of all properties that will be modified by the property line adjustment must sign the application form or a letter of authorization.~~

~~D. Property Line Adjustment Procedure.~~

~~(1) Preliminary Review. Once the application has been submitted, the Planning Department shall send a copy to affected agencies and City departments for review. Within twenty five (25) working days after the application has been submitted, the Planning Department shall send a written notification to the applicant indicating:~~

~~(a) The application is missing information required in Section 10.297. Once all of the missing information is submitted, the City will have twenty five (25) working days to complete the review; or~~

~~(b) The application has been preliminarily approved consistent with Section 10.297; or~~

~~(c) The application has been disapproved as it is not consistent with Section 10.297.~~

~~(2) Final Review.~~

~~(a) Within one year of the preliminary approval date, the applicant shall submit to the Planning Department all of the following:~~

~~(i) Map of survey showing the adjusted property lines prepared by an Oregon licensed surveyor in accordance with the procedures of ORS 92.060(7) and 209.250. This requirement applies to all properties regardless of size.~~

~~(ii) A report from a title company prepared within fifteen (15) days listing the current vested owners, easements of record, encumbrances, and other matters of record;~~

~~(iii) A copy of proposed easements to be recorded. Proposed easements may be included as a reservation on the property line adjustment deeds;~~

~~(iv) Deeds which include a statement that identifies the associated conveyance of property as a property line adjustment and labeled as a Property Line Adjustment. If a property line is being eliminated, the deeds shall be labeled Property Line Adjustment - Lot Consolidation.~~

~~(v) Property descriptions attached to the deeds shall either describe the resultant properties or otherwise specify that the conveyed land shall be consolidated with the property of the grantee.~~

~~A property line adjustment deed shall contain the names of the parties, the description of the~~

~~adjusted line, references to original recorded documents, and signatures of all parties with proper acknowledgment.~~

~~(b) Within twenty five (25) days of submittal, the City will conduct the final review for consistency with the preliminary approval and the approval criteria. Upon approval, the survey will be signed by the City Surveyor and the Planning Director.~~

~~E. Property Line Adjustment Recordation and Expiration.~~

~~Within one year of the final decision date, the property line adjustment deeds must be filed with the Jackson County Recorder's Office. If the deeds are not filed within the one year, the application approval will expire.~~

Section 140. Section 10.305 of the Medford Code is amended to read as follows:

10.305 Purpose of Zoning Districts.

Each zoning district represents a land use category which has common location, development, and use characteristics. Minor (~~Class 'C'~~**Type III**) zone changes shall be based upon the criteria in Section ~~10.227~~ **10.204**. Major (~~Class 'A'~~**Type IV**) zone changes shall be based on the criteria in Section ~~10.184~~ **10.220**. The following sections specify the purpose of each zoning district, and the use and intensity standards applicable to land within each district.

Section 141. Section 10.306 of the Medford Code is amended to read as follows:

10.306 Residential Land Use Classification.

The maximum number of dwelling units (DU) per acre (the density factor or "gross density" as defined herein) can be increased in a Planned Unit Development per Section ~~10.230(F)~~**192(G)(2)**.

Section 142. Section 10.314 of the Medford Code is amended to read as follows:

10.314 Permitted Uses in Residential Land Use Classification.

"C" = Conditional Use; permitted subject to approval of a Conditional Use Permit. (See Article II, Sections ~~10.246-10.250~~**10.184**.)

"X" = Prohibited Use .

"s" = Special Use (See Article V, Sections 10.811- 10.900, Special Use Regulations)

"EA" = Permitted only when within an EA (Exclusive Agriculture) overlay district.

"PD" = Permitted Use if in a PD (Planned Unit Development).

	SFR	SFR	SFR	SFR	SFR	MFR	MFR	MFR	Special Use or Other Code Section(s)
PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS 3. SPECIAL RESIDENTIAL DEVELOPMENTS	00	2	4	6	10	15	20	30	

(a) Planned Development	Unit X	PD	10.230–245 10.190 – 10.200 & 10.412							
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Section 143. Section 10.345 of the Medford Code is amended to read as follows:

10.345 Purpose of Overlay Districts.

See Section ~~10.251~~**10.186** regarding Exceptions to the site development standards contained in the overlay districts.

Section 144. Section 10.348 of the Medford Code is amended to read as follows:

10.348 **Limited Industrial, I-00.**

C. Application:

(1) Upon annexation of a parcel(s) having County industrial zoning if transportation facility adequacy has not been proven; or

(2) To approve an industrial zone if transportation facilities have been shown to be inadequate per Section ~~10.227(2)(e)~~ **10.204(B)(3)** or facility adequacy has not been proven.

D. Removal: The Limited Industrial Overlay may be removed per zone change procedures outlined in Sections ~~10.225 through 10.227~~ **10.204** and when transportation facilities have been shown to be adequate or have been made adequate to support the types of uses permitted by the underlying City industrial zone.

Section 145. Section 10.358 of the Medford Code is amended to read as follows:

10.358 Central Business, C-B.

(c) Residential development which results from conversion or remodel of existing structures, or new residential construction which exceeds the residential density standard of the MFR-30 zone. Such residential development shall be subject only to the off-street parking and loading requirements as provided in (a) above and shall be allowed only as a conditional use pursuant to Article II, Section ~~10.184 10.246, Conditional Use Permit, through 10.250, Expiration of a Conditional Use.~~

Section 146. Section 10.360 of the Medford Code is amended to read as follows:

10.360 Exclusive Agricultural, E-A.

C. Criterion for Removal of E-A. The E-A overlay may be removed utilizing ~~Class C~~ **Type III** zone change procedures.

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Section 147. Section 10.371 of the Medford Code is amended to read as follows:

10.371 Scope and Applicability of Southeast (S-E) Overlay District Regulations.

B. Adjustments: The boundaries of the S-E Overlay District may be adjusted by the City Council in conjunction with amendments of the Southeast Plan Map according to Comprehensive Plan amendment procedures found in Sections ~~10.180—10.184~~ **10.214-10.226**.

Section 148. Section 10.374 of the Medford Code is amended to read as follows:

10.374 Planned Unit Development and Master Plan Requirements, S-E.

A. Planned Unit Development.

1. Requirements.

All new developments consisting of one or more acres shall require approval of a Planned Unit Development pursuant to Sections ~~10.230~~ **10.190** through ~~10.245~~ **10.200** and all applicable provisions of the S-E Overlay District.

3. Approvals.

In approving PUD applications for projects within the S-E Overlay District, the Planning Commission shall find that the application conforms to the S-E Overlay District standards. The Planning Commission may grant modifications of City standards, including provisions of the S-E Overlay District, under Section ~~10.230(D)~~, **10.190(B)** except for height standards in Section 10.375(3) and the prohibited uses in Section 10.378(4).

Section 149. Section 10.384 of the Medford Code is amended to read as follows:

10.384 Greenways - Special Design and Development Standards, S-E.

3. Maintenance of Greenway Improvements.

Greenway improvements dedicated to the City for any purpose, whether in fee-simple or as easements, shall be maintained by the City. However, the City may relinquish the maintenance of any Greenway improvements to an association of owners established pursuant to Section ~~10.230(E)~~ **10.192(C)**.

Section 150. Section 10.403 of the Medford Code is amended to read as follows:

10.403 Historic Preservation Overlay, Designation.

(4) The extent of the Historic Preservation Overlay may be changed pursuant to the review process for ~~Class 'C' Type III~~ Historic Review applications, to include or exclude any area, parcel, or portion thereof that was not included pursuant to paragraphs (1), (2), or (3). Decisions to change the extent of the Historic Preservation Overlay shall adhere to the criteria set forth in

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Section ~~10.258(1)~~**10.188(C)(1)**.

Section 151. Section 10.406 of the Medford Code is amended to read as follows:

10.406 Historic Preservation Overlay, Exterior Alteration or New Construction.

No person may alter any building, structure, object, or site in an Historic Preservation Overlay in such a manner as to affect its exterior appearance, nor may any new structure be constructed, unless said exterior alteration or new construction has been approved through the process for ~~Class 'C'~~ **Type III** Historic Review applications or Minor Historic Review.

Section 152. Section 10.407 of the Medford Code is amended to read as follows:

10.407 Historic Preservation Overlay, Demolition or Relocation.

No person may demolish or relocate all or part of any building, structure, object, or site in an Historic Preservation Overlay unless said demolition or relocation has been reviewed through the process for ~~Class 'C'~~ **Type III** Historic Review applications; except in the following instances:

Section 153. Section 10.411 of the Medford Code is amended to read as follows:

10.411 Limited Service **Administrative Mapping Category**.

C. Inclusion or Removal: Inclusion in or removal of the Limited Service area on the *Medford General Land Use Plan (GLUP) Map* is according to *Comprehensive Plan* Amendment procedures outlined in Sections ~~10.184~~**10.214-10.226**.

Section 154. Section 10.412 of the Medford Code is amended to read as follows:

10.412 Planned Unit Development Administrative Mapping Category, P-D.

A. Purpose: For tracking and mapping of parcels that have received Preliminary Planned Unit Development (PUD) Plan approval as set forth in Section ~~10.230~~**190**.

B. Removal: Upon expiration of a Preliminary PUD Plan or if a PUD is terminated according to procedures outlined in Section ~~10.245(B)~~**198(B)**.

Section 155. Section 10.413 of the Medford Code is amended to read as follows:

10.413 Restricted Zoning Administrative Mapping Category, R-Z.

A. Purpose: For tracking and mapping of parcels that have received a zone change with conditions of approval or stipulations as set forth in Section ~~10.227(2)(e)~~ **10.204(B)(3)** or a General Land Use Plan (GLUP) Map amendment with conditions of approval or stipulations. The applicable conditions or stipulations are recorded by deed restriction or covenant, and may also be viewed at the Medford Planning Department.

B. Removal: Upon satisfaction of the conditions of approval or stipulations per Section ~~10.228~~**10.204(C)**.

Section 156. Section 10.414 of the Medford Code is amended to read as follows:

10.414 Airport Fence Line.

- A. Purpose: For mapping of airport property that is not intended for public use.
- B. Applicability: Airport accessory structures to be located within the secured fence area shall be exempt from development permit per Section 10.031(C)(1)200(C)(2)(g).

Section 157. Section 10.431 of the Medford Code is amended to read as follows:

10.431 Street Improvement.

All new street improvements required as a condition of development shall be improved to the standards set forth in this chapter unless otherwise specified herein or excepted as per Section 10.251186, ~~Application for Exception~~. For purposes of this section, the term new street shall be defined as an unimproved street or existing street which does not have curb and gutter.

Section 158. Section 10.458 of the Medford Code is amended to read as follows:

10.458 Street Renaming, Public and Private.

A. Procedures, Street Renaming, Public and Private.

(1) Public Streets. A public street renaming application shall be processed using ~~Class B Type IV~~ procedures with the City Council being the approving authority. The decision of the City Council is final. A certified copy of the approving ordinance and exhibits shall be filed with the County Recorder, Assessor, and Surveyor for the name change to become effective.

(2) Private Streets or Driveways. A private street or driveway renaming application shall be processed **according to Type II land use review procedures as a Type II procedural Class D decision**, with the Planning Director being the approving authority. The decision of the Planning Director may be appealed to the ~~City Council per Section 10.051~~ **Planning Commission per Section 10.140**.

~~(a) After an application for private street renaming has been received by the Medford Planning Department, the Planning Department shall send copies to affected agencies and City departments for review.~~

~~(b) Within 25 working days after the application is received, the Medford Planning Department shall send written notification to the applicant indicating:~~

~~(i) The application is missing information required in Section 10.458C.~~

~~(Note: Once the missing information has been received, the City will have 25 working days to complete the review); or,~~

~~(ii) The application has been approved consistent with Section 10.458; or,~~

~~(iii) The application has been disapproved because it is not consistent with Section 10.458.~~

Section 159. Section 10.463 of the Medford Code is amended to read as follows:

10.463 Traffic Control Devices and Traffic Signal Spacing.

(2) The minimum center-of-intersection to center-of-intersection spacing for new traffic signals shall be 1,320 feet for arterial streets, and 1,000 feet for collector streets.

When part of a ~~Class C Plan Authorization~~ **Type III land use review**, the Public Works Director or designee shall forward a recommendation on minimum traffic signal spacing standards to the approving authority. The recommendation shall be based on the progression analysis described below.

When not part of a ~~Class C Plan Authorization~~ **Type III land use review**, the Director of Public Works or designee may approve a variance from this minimum spacing requirement.

Section 160. Section 10.550 of the Medford Code is amended to read as follows:

10.550 Access Standards.

(1) Approval of Alternative Access Locations: When part of a ~~Class C Plan Authorization~~ **Type III land use review**, the Public Works Director or designee shall forward a recommendation on alternative access spacing and locations to the approving authority. When not part of a ~~Class C Plan Authorization~~ **Type III land use review**, the Public Works Director or designee may authorize an administrative adjustment to the access spacing and locational standards in 10.550 (3.) (a) and/or (b) above under one or both of the following circumstances:

(2) Redevelopment: Redevelopment as used in this section means that a parcel(s) has existing legal access and physical improvements and the property owner is seeking ~~procedural Class C plan authorizations~~ **Type III use review** for new development permits.

(4) New Development: At an applicant's request, the approving authority will evaluate alternative access spacing and location on a project basis in conjunction with ~~procedural Class C plan authorizations~~ **Type III land use review**.

Section 161. Section 10.666 of the Medford Code is amended to read as follows:

10.666 Improvement Agreements.

If all of the required public improvements, as specified in the conditions of a ~~plan authorization~~ **land use approval**, have not been satisfactorily completed before the application is filed for Final Plat, or building permit, the developer may enter into a written agreement (provided by the City) with the City in a form acceptable to the City Attorney specifying that within one (1) year (or such other period of time as agreed upon by the parties) all public improvement work shall be completed in accord with this code and the applicable approved improvement plans and specifications and that said developer shall warrant the materials and workmanship of said improvements in good condition and repair for an additional period of one (1) year from date of satisfactory completion and notification of same by the City.

Section 162. Section 10.743 of the Medford Code is amended to read as follows:

10.743 Off-Street Parking Standards.

(3) Exceptions to Required Off-Street Parking for Non-Residential Uses. The approving authority may allow exceptions to the number of parking spaces in Table 10.743-1 for specific uses without complying with Section ~~10.254~~**186** if they find that the applicant's detailed description of the proposed use demonstrates that the number of needed parking spaces is less than the minimum required or more than the maximum allowable based upon one or both of the following:

Section 163. Section 10.813 of the Medford Code is amended to read as follows:

10.813 Agricultural Services and Animal Services.

(2) A kennel or canine daycare may petition to reduce the setback requirement via the conditional use permit process in Sections ~~10.246-10.250~~**10.184**, but, in no case, shall the setback be reduced to less than fifty (50) feet. Among the conditions allowed under Section ~~10.248(2)~~**10.184(C)(1)(b)**, the approving authority should particularly consider the manner and hours of operation, mitigation of noise and odor, and fencing.

Section 164. Section 10.824 of the Medford Code is amended to read as follows:

10.824 Wireless Communication Facilities.

C. Conditional Use.

Approval of a Conditional Use Permit is required for new Wireless Communication Support Structures, subject to the Conditional Use Permit procedural requirements of Sections ~~10.246-10.250~~**10.184**.

(1) Submittals - Applications for conditional use permit approval of Wireless Communication Facility Support Structures shall include any materials necessary to demonstrate compliance with the design standards contained in Section 10.824(D), any submittals required in ~~Section 10.247~~ **the Conditional Use Permit application**, and the following:

(h) Any proposal that has elements that deviate from the standards of (f) and/or (g) above may be approved by the Site Plan and Architectural Commission or Landmarks and Historic Preservation Commission through a ~~Class "C" plan authorization~~ **Type III land use review**, based upon evidence showing that the standards cannot otherwise be met and that the degree of relief approved by said Commission is the minimum necessary to allow for facility operation. ~~(Effective Dec. 1, 2013.)~~

(i) Each addition of a Wireless Communication Systems Antenna to an existing support structure must be in conformance with any approved Conditional Use Permit, with the exception of buildings, only requires administrative approval of a building permit, unless the additional

Wireless Communication Systems Antenna increases the height of the support structure more than ten feet, in which case it must be approved by the Planning Commission as a Conditional Use Permit in accordance with Sections ~~10.248—10.250~~**10.184**.

Section 165. Section 10.827 of the Medford Code is amended to read as follows:

10.827 Mines, Quarries, Gravel Pits.

Extractions from deposits of rock, stone, gravel, sand, earth, minerals, or building or construction materials shall not be construed to be a permitted use in any district established by this code unless a conditional use permit shall first have been obtained as provided in Article II Section ~~10.246~~**184, Conditional Use Permit**, except for on-site improvement project.

Section 166. Section 10.840 of the Medford Code is amended to read as follows:

10.840 Temporary Uses and Structures.

(6) Portable Storage Containers.

(a) Applicability.

1. A temporary Portable Storage Container permit is a ~~Class D plan authorization~~ ~~(10.102 et seq.)~~ **Type II land use action (Section 10.108)** and is required for placement of any portable storage container, except for the following:

(d) Permit Process.

2. Permit applications are subject to the routing and notification procedures for ~~Class D~~ ~~plan authorizations~~ **Type II land use review**. The approving authority shall base its decision on the application's compliance with the standards under (6)(b) and (6)(c), above, which constitute the criteria for decision making.

3. In the event of a denial, the applicant may resubmit one time without having to pay another application fee. However, the decision time prescribed in ~~10.167-168(B)~~ will reset to the starting point.

Section 167. Section 10.873 of the Medford Code is amended to read as follows:

10.873 Application; New Parks or Extensions.

Application for a new park or modification of an existing park shall be filed with the Planning Department on forms provided by the City and accompanied by the documents required by ~~Section 10.246, Conditional Use Permits~~ **in the Conditional Use Permit application**.

Section 168. Section 10.878 of the Medford Code is amended to read as follows:

10.878 Delegation of Authority, Mobile Home and Manufactured Dwelling Parks.

The Planning Commission may review and approve landscape plans and recreational area details

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as part of the conditional use permit review, or delegate the review of these features to the Site Plan and Architectural Commission or Landmarks and Historic Preservation Commission as applicable. Approval of any delegated review to one of these Commissions shall be subject to a ~~Class "C" procedure~~ **Type III procedures** as set forth in Article II.

Section 169. Section 10.897 of the Medford Code is amended to read as follows:

10.897 Conditions of Approval, Mobile Home and Manufactured Dwelling Parks.
The Planning Commission may include conditions of approval as listed for conditional use permits in Section ~~10.248~~**184**, or for Site Plan and Architectural Commission approval as listed in Section ~~10.291~~**200(F)**, or for Historic Review pursuant to Section ~~10.259~~**188**. The Commission may also require more than a single access point onto public streets. The Commission can also require a warning statement, to be a part of the lease or rental agreement, notifying prospective tenants of adjacent agricultural uses pursuant to Section 10.801 Agricultural Buffering, or other land uses that may have an impact on residential development.

Section 170. Section 10.922 of the Medford Code is amended to read as follows:

10.922 Riparian Corridors, Applicability.

(2) The provisions shall apply regardless of whether or not a building permit, development permit, or ~~plan authorization~~ **land use approval** is required, and do not provide any exemption from state or federal regulations.

B. Applications for ~~plan authorizations~~ **land use review** (except Annexations), development permits, or building permits, and plans for proposed public facilities on parcels containing a riparian corridor, or a portion thereof, shall contain a to-scale drawing that clearly delineates the top-of-bank and riparian corridor boundary on the entire parcel or parcels.

C. When reviewing ~~plan authorization~~ **land use applications** or development permit applications for properties containing a riparian corridor, or portion thereof, the approving authority should consider the purpose statements in section 10.920, "Riparian Corridors, Purposes" in determining the extent of the impact on the riparian corridor.

D. The Planning Commission shall be the approving authority for applications for exceptions to the provisions herein pertaining to Riparian Corridors. In addition to the provisions of Sections ~~10.251 through 10.254~~ "~~Exception Application~~,"**10.186** such a request shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

E. In lieu of the provisions of this section, the significance of individual stream reaches may be determined per the provisions in OAR 660-023-0090. Such a proposal shall be pursued through a Comprehensive Plan Amendment, consistent with Sections ~~10.181 through 10.184~~ **10.214 through 10.226**.

Section 171. Section 10.923 of the Medford Code is amended to read as follows:

10.923 Riparian Corridors, Location.

D. In lieu of the provisions of Sections 10.924 through 10.928, the degree of protection for significant riparian corridor reaches may be determined per the provisions of OAR 660-023-0050. Such a proposal shall be pursued through a Comprehensive Plan Amendment, consistent with Sections ~~10.181-10.184~~**10.214-10.226**.

Section 172. Section 10.925 of the Medford Code is amended to read as follows:

10.925 Conditional Uses within Riparian Corridors.

The following activities, and maintenance thereof, are allowed within a riparian corridor if compatible with Section 10.920, "Riparian Corridors, Purposes," and if designed to minimize intrusion. Such activities shall be subject to approval of a Conditional Use Permit, which may be considered separately or in conjunction with another ~~plan authorization~~ **land use** review.

Section 173. Section 10.928 of the Medford Code is amended to read as follows:

10.928 Conservation and Maintenance of Riparian Corridors.

When approving applications for the following ~~plan authorizations~~ **land use actions**: Land Divisions, Planned Unit Developments, Conditional Use Permits, and Exceptions, or for development for properties containing a riparian corridor, or portion thereof, the approving authority shall assure long term conservation and maintenance of the riparian corridor through one of the following methods:

Section 174. Section 10.931 of the Medford Code is amended to read as follows:

10.931 General Standards.

(3) ~~Class 'C' applications~~ **Type III land use reviews** (except for zone changes) shall comply with Sections 10.929 to 10.933; building permit applications shall comply with Sections 10.929 to 10.931.

(1) ~~Class "C"~~ **Type III land use** applications (except for zone changes); and,

C. Pre-Existing Approvals of Development on Slopes of Fifteen Percent (15%) or Greater.

(1) Unexpired ~~Class 'C'~~ **Type III Land Use Approvals**. Unexpired ~~Class 'C'~~ **Type III land use** approvals granted prior to enactment of Sections 10.929 to 10.933 ("Pre-Existing Approvals") shall not be subject to Sections 10.929 to 10.933. Subsequent ~~Class 'C'~~ **Type III land use** applications related to a Pre-Existing Approval and filed after enactment of Sections 10.929 to 10.933 shall be subject to Sections 10.929 to 10.933, provided that the application of Sections 10.929 to 10.933 to the subsequent ~~Class 'C'~~ **Type III land use** application does not result in an irreconcilable conflict with the Pre-Existing Approval. For purposes of this Section, an irreconcilable conflict includes, but is not limited to, the following:

///

Section 175. Section 10.932 of the Medford Code is amended to read as follows:

10.932 Pre-Application Conference Requirement.

A pre-application conference is required for all ~~Class 'C'~~ **Type III land use** applications, except for zone changes, for development on Slopes of greater than thirty-five percent (35%).

Section 176. Section 10.933 of the Medford Code is amended to read as follows:

10.933 Constraints Analysis.

Prior to submitting a ~~Class 'C'~~ **Type III land use** application (except for zone changes), a Constraints Analysis identifying physical constraints and proposing mitigation measures shall have been submitted and deemed "complete" by the City Engineer or designee within ~~ten (10)~~ **business working** days of submission. A "complete" Constraints Analysis is one that contains all items in Sections 10.933(A) (1)-(7) and 10.933(B) (1)-(4).

(4) A grading plan as required by Sections 10.727 and 10.278**162D**, including proposed grades, and cuts and fills for streets.

Section 177. Section 10.1200 of the Medford Code is amended to read as follows:

10.1200 Signs in Single-Family Residential Zoning Districts (SFR-00,2,4,6,10).

(i) Electronic message signs shall apply for and receive approval for a Conditional Use Permit pursuant to Section 10.250**184**.

b. Existing conditional uses shall apply for an amendment to their existing approved CUP to request an electronic message sign, pursuant to Section 10.250**184**.

Section 178. Section 10.1300 of the Medford Code is amended to read as follows:

10.1300 Signs in Multiple-Family Residential Districts (MFR-15), (MFR-20) and (MFR-30).

(i) Electronic message signs shall apply for and receive approval for a Conditional Use Permit pursuant to Section 10.250**184**.

b. Existing conditional uses shall apply for an amendment to their existing approved CUP to request an electronic message sign, pursuant to Section 10.250**184**.

Section 179. Section 10.1410 of the Medford Code is amended to read as follows:

10.1410 Service Commercial and Professional Office (C-S/P: Additional Special Signs).

(2) Hospital Signs: Signs exceeding the dimensional standards of Article VI may be approved subject to Section 10.248**184** ~~Conditional Use Permit Criteria, through 10.250 Expiration of a Conditional Use Permit.~~

Section 180. Section 10.1500 of the Medford Code is amended to read as follows:

10.1500 Signs In Neighborhood Commercial District (C-N): Basic Regulations.

(d) Electronic Message Signs are permitted subject to Sections 10.248**184** through ~~10.250~~, and the following criteria:

(c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to Sections ~~10.248~~**184** through ~~10.250~~, and the following criteria:

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED: _____, 2017.

Mayor

NOTE: Matter in **bold** 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

Working with the community to shape a vibrant and exceptional city

COMMISSION REPORT

for a Class-A legislative decision: **Development Code Amendment &**
for a Class-B legislative decision: **Minor Comprehensive Plan, Review and Amendment Procedures**

Project Reorganization of Article II of the Medford Land Development Code

File no. DCA-15-088 & CP-17-063

To City Council *for 09/07/2017 hearing*

From Planning Commission via Kyle Kearns, Planner II – Long Range Division

Reviewer Carla G. Angeli Paladino, Principal Planner – Long Range Division

Date August 31, 2017

BACKGROUND

Proposal

DCA-15-088 (Exhibit B) is a development code amendment intended to update the language within Article II and the language referencing Article II elsewhere in the Medford Land Development Code (MLDC). Concurrently, a minor comprehensive plan amendment under file number CP-17-063 (Exhibit D) is being considered for approval to update portions of the comprehensive plan pertaining to the updates from DCA-15-088. The updates of DCA-15-088 and CP-17-063 are intended to create consistency with the land use practices of today as Article II has remained largely unchanged since 1987.

History

Article II is the chapter within the Medford Land Development Code (MLDC) that defines the responsibilities of the approving authorities and it also sets forth the procedural requirements and substantive criteria for the land use reviews and permitting processes for the Planning Department. Staff started citing frustrations with the organization and language of Article II, the chapter is most important to the daily functions of the Planning staff; thus, staff is proposing the reorganization and update of the Land Development Code chapter. Over time, the functionality and the terminology used within Article II has become outdated and requires a substantive update to the chapter in order to create a modern and functioning Article II. Staff has worked to create a proposal that ensures compliance with state requirements while also increasing efficiency of Article II throughout the daily land use practices of staff, residents, and developers alike.

Article II, in its current form, has been a standalone chapter in the MLDC since 1987. Prior to 1987 the various procedures outlined within Article II existed either as separate sections of the Municipal Code, Zoning Ordinances, or didn't exist at all. The year 1973 was the first time we saw the creation of subdivision standards with its own section within the Code. Other notable sections of the Code during that time were the standards for conditional use permits, planned unit developments, and the standards established for permits, procedures, variances, amendments, the enforcement of these standards, and the creation of standards for the review of site plans through the Site Plan and Architectural Commission.

It was then in 1979 when Article II came to be its own chapter within the Land Development Code (or during that time, Zoning Ordinances). In its original form Article II existed as the chapter regulating the standards and procedures for creating subdivisions. Other notable changes to the code in 1979 include the creation of Land Use Hearing Rules and the creation of Land Development Code specifically. The framework of Article II in 1979 largely remained intact through the early 1980s until the adoption of the modern Land Development Code in November of 1987.

Upon the creation of the Land Development Code in 1987 one will find that Article II became the chapter devoted to the procedural requirements of Planning and the government functions of Planning where previously it was largely the subdivision standards for the City (now largely in Article IV). Updates to Article II have been piecemeal at best updating specific sections as needed with the largest updates coming in 1987 (Ordinance No. 5820 & 5986), 1994 (Ordinance No. 7659), and 2010 (Ordinance No. 2010-160). The most comprehensive update to Article II came in 1994 with Ordinance No. 7659 that updated over 20 sections of Article II. Complete updates to Article II have not been proposed since 1994 leaving language that is outdated to current Planning practices.

A preliminary review by the Planning Commission of DCA-15-088 was first completed on October 26, 2015 at a regularly scheduled Planning Commission Study Session (Exhibit I). Staff presented the proposed draft highlighting the substantial changes, which included:

- Changing the words “plan authorization” to either land use review or land use action.
- Reducing the number of procedural types from five to four.
- Changing the names of the procedural types from Class A through E to Type I through IV.
- Removal of Section 10.146, the referral agency distribution table
- Removal of application submittal criteria
- Separation of partitions and land divisions into separate land use reviews
- Change partitions to an administrative decision

Planning Commission was largely supportive of the changes proposed. Concerns were raised regarding the removal of application submittal criteria from the Municipal Code; staff explained that any updates to the submittal requirements, when in the Code, would require a code amendment. No direction was given to make any changes to the proposed text regarding application submittal. Planning Commission held other general discussions regarding the change of partitions to an administrative decision, the possibility of making zone changes an administrative decision, and the landscaping requirements within the MLDC.

On May 8, 2017 Planning Commission met again in a study session to review the proposed draft of DCA-15-088 as it had been well over a year since the last review of the proposal (Exhibit J). Staff again presented the changes mentioned above highlighting the major changes to Article II. Discussion was had among the Planning Commission regarding the change of partitions to an administrative decision. The majority of concerns regarding the change of a partition from a quasi-judicial decision to an administrative decision are that some of the cases require a high level of discretion. Staff assured the Commission that the Planning Director would still have the ability to defer decision making to the Planning Commission. Additionally, staff had noted to the Commission public comment received from CSA Planning, LTD (Exhibit H). The comments pertained to the need to update application procedures, particularly the conditional use permit. Both Staff and Planning Commission agreed these comments fell outside of the scope of DCA-15-088. Direction was given to ensure two phases to updating Article II, and those phases being:

- Phase 1: Current scope (reorganization)
- Phase 2: Update specific procedures such as updates to:
 - Site Plan and Architectural Commission Review
 - Conditional use procedures
 - Other updates as needed

It was after the May 8, 2017 that staff had also reviewed the Comprehensive Plan for any updates needed due to DCA-15-088. Upon this review staff had determined that portions of the Review and Amendment Procedures element of the Comprehensive Plan also needed to be updated. Then, on June 21, 2017 at a regularly scheduled Land Development Committee meeting both DCA-15-088 and CP-17-063 were discussed among staff. Minimal comments were received from the various departments sent notice of the proposed text amendment. Official “no comments” were received from the Public Works Department and from the Address Technician for Public Works (Exhibit G). The Fire Department had also submitted comments (Exhibit F) that have been reflected in the most recent proposed text for DCA-15-088 (Exhibit B).

Additionally a public hearing was held on July 27, 2017 before the Medford Planning Commission. Staff presented the findings of DCA-15-088 and CP-17-063 and allowed for

questions of the public and the Commission. No comments were received and the Planning Commission voted 7-0 in forwarding a favorable recommendation to the City Council for adoption of both DCA-15-088 and CP-17-063. The minutes for the July 27, 2017 hearing can be found in Exhibit K.

It should be noted that the only change to the proposed text of DCA-15-088 since July 27, 2017 was the revision to the minimum number of appointed members of the Landmarks and Historic Preservation Commission (LHPC) from seven to five. The language regarding the quorum was also updated to reflect the changes. These changes are needed in order to ensure continued functionality of the Commission as attendance has started to surface as an issue for LHPC.

Related projects

Both DCA-15-088 and CP-17-063 are related and being reviewed concurrently.

Authority DCA-15-088

This proposed plan authorization is a Class-A legislative amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to Chapter 10 under Medford Municipal Code §§10.102–122, 10.164, and 10.184.

Authority CP-17-063

This proposed plan authorization is a Class-B legislative Minor Comprehensive Plan Amendment. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the Comprehensive Plan under Medford Municipal Code §§10.102–122, 10.164, and 10.184.

ANALYSIS

Planning, like many things, has changed through the course of time. Given thirty years has passed since the adoption of the Medford Land Development Code one could expect that the portions of Article II that have remained relatively unchanged may have become outdated in current planning practices. Article II has largely grown over time, adding pieces to the code as the need arises. In doing this, the format of the chapter, as a whole, has become fragmented yet the various sections of the chapter still remain necessary for performing the daily functions of planning practice. In order to make Article II into a more functional chapter of the MLDC it requires a holistic review of the code rather than the piecemeal approach used in the past.

The intent of the reorganization of Article II is largely to create a chapter that better organizes the procedural requirements that guide the Planning Department and the users of the MLDC. The typical development code amendment is intended to update a par-

ticular use or standard such as permitting breweries in commercial zones or changing the development standards for single-family zoned parcels. The changes within DCA-15-088 and CP-17-063 are largely updates to language, the reorganization and reduction of sections, and the deletion of redundant information. The only substantial change to a standard would be the creation of a section for land partitions, which previously would have resided in the code section pertaining to land divisions.

If we further analyze the change of the code section pertaining to land divisions and land partitions one can better understand the other types of changes within DCA-15-088 as this is the most substantial change in terms of operations. Currently, the code section pertaining to the submission of a land division tentative plat outlined the criteria for applying for the creation of two or more parcels and has it as a Class C (proposed Type III) land use action. In the proposed text amendment there would be two sections; one would be for land partitions (creation of 2-3 parcels) and a Type II (Class D) land use action and the second would be for subdivisions (creation of >3 parcels) and a Type III (Class C) land use action. Aside from the change of the approving body, the criteria and submittal requirements stayed the same. This is an example of the most intricate change within the reorganization of Article II.

To quickly analyze the changes of DCA-15-088 further one would want to reference (Exhibit E), a summary of the proposed text changes. The intent of the summary is to provide a resource that condenses the bulk of the changes into an easy to read format. In reviewing this one can see how the reorganization of Article II has condensed sections, removed redundancy, and created a more efficient code chapter in comparison to what is currently used. To summarize the changes to Article II to a few pages removes a lot of the detail, but simplifies it enough to understand that the biggest change to the code is that of formatting.

For further examples that aid in clarifying the need for DCA-15-088 one could look to the model development code available through the Department of Land Conservation and Development (specifically Article 4)¹ or to other municipalities within the Rogue Valley. A comparison of the model code to the current Article II of the MLDC will highlight the disjointed sections that currently exist within the code. Currently, there exist multiple sections for each of the land use reviews and their applicable criteria; with the proposed changes these types of inefficiencies will disappear as the various sections, for say a conditional use permit, have been reduced to one section for a majority of the land use applications/reviews.

Another example of the inconsistencies in Article II is that Medford is the only City in the Rogue Valley that refers to land use applications as a Class A, B, C, etc. land use actions, where other cities in the Rogue Valley call them a Type I, II, III, etc. land use action. This

¹ "Model Development Code for Small Cities." ARTICLE 4 – APPLICATION REVIEW PROCEDURES AND APPROVAL CRITERIA 4-3 3.1.4 (2015): 1-58. Print.

kind of inconsistency with other municipalities causes two problems. The first being that when developers and land owners decide to undertake a certain land use action they may struggle to understand Medford's code. The second issue this inconsistency causes is that when staff that interface with the MLDC come to Medford it creates a learning curve that otherwise need not exist. Both DCA-15-088 and CP-17-063 have reflected these changes (i.e. Class to Type).

In large part it is the intent of DCA-15-088 to create an Article II that is consistent with current land use practices, language, and format while also increasing the efficiency of the code by removing redundancy and unnecessary code language. The proposed code amendment is better classified as reorganization or reformatting of Article II leaving changes to procedures, criteria, or specific land use reviews for another code amendment. Furthermore, the overall functionality of Article II will remain unchanged as there are no substantial proposals to change the processes and criteria of the various land use reviews in Article II, simply just changes to the structure and formatting.

RECOMMENDED ACTION

The Planning Commission recommends adopting the proposed amendments based on the analyzes, findings, and conclusions in the Commission Report dated August 31, 2017 including Exhibits A through K.

EXHIBITS

- A Findings and Conclusions
- B Proposed Amendment – Article II (DCA-15-088)
- C Proposed Amendment – Affected Sections (DCA-15-088)
- D Proposed Amendment – Comprehensive Plan (CP-17-063)
- E Summary of Proposed Changes Within Article II
- F Agency Comment – Medford Fire Department - June 12, 2107
- G Agency Comment – Public Works and Public Works Addressing - June 21, 2017
- H Public Comment – CSA Planning, LTD. - May 8, 2017
- I Minutes – Planning Commission Study Session October 26, 2015
- J Minutes – Planning Commission Study Session May 8, 2017
- K Minutes – Planning Commission Hearing July 27, 2017

CITY COUNCIL AGENDA:

SEPTEMBER 9, 2017

Exhibit A

Findings and Conclusions

FINDINGS AND CONCLUSIONS – DCA-15-088

The criteria that apply to code amendments are in Medford Municipal Code §10.184(2). The criteria are rendered in italics; findings and conclusions in roman type.

Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

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

Findings

Typically code amendments have tangible outcomes that can be measured or viewed over the course of time. For example, a code amendment to the site standards for single-family zoning districts could be easily observed through development. Whereas the changes proposed to Article II are broader than a specific development or land use standard largely only impacting the internal workings of Medford's planning procedures and their display to the public and staff alike. Updates to formatting and language will create a more functional Article II that is also easier to read and follow.

The need for DCA-15-088 came out of frustrations that staff had found over time with the function of the Article II. One could deduct that if professionals are stating frustrations with the code pertaining to their procedural requirements that the residents and developers also using Article II would be equally, if not more, frustrated with the formatting of the chapter. Equally concerning would be the inconsistencies that exist in the current Article II between other municipalities within the State and more specifically the Rogue Valley. The functionality and the inconsistent language of Article II is largely the driving force behind the development of DCA-15-088. Additionally, the changes to the land partition and subdivision land use reviews will allow for an expedited review process. Preliminary plats for land partitions creating three or less parcels will no longer be required to go to a public hearing allowing for an ex-

pedited process when developing infill projects and small residential and commercial developments.

Conclusions

Ultimately the effects of DCA-15-088 won't be immediately seen, but they will be immediately available. By reformatting the language within Article II and creating consistency with modern Planning practices the public and staff will be able to navigate Medford's code with far more ease. This will cut down on staff time spent aiding customers (residents, developers, etc.) and in turn enable customers to better navigate the code without assistance. Article II will now be easier to read and more consistent with similar municipalities throughout the region; this will enable the public and staff alike to learn Medford's processes quicker and in turn make application processing quicker, while making development quicker.

Furthermore, with an easier to read and consistent language in Article II perception of the planning process and Medford's government will become more transparent allowing for a more direct line of communication between staff and the public. Lastly, the changes to the review process for land partitions will enable a more streamlined review process for small residential and commercial projects. Changing the land partition review process will save time in the development process enabling money to be saved and creating a quicker turnaround on housing and commercial development, both with a high demand in Medford currently. This criterion has been satisfied.

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

- 1. Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.*

Findings

The following are the goals, policies, and implementation measures of the Comprehensive Plan applicable to DCA-15-088.

Citizen Involvement Element

Statewide Planning Goal 1: Maintain a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Policies: The City of Medford shall provide the most efficient and effective means to informing citizens about the planning process.

C. City Staff

City staff will:

15. Avoid using jargon in written and oral communication with the public. Explain complex issues in simple and understandable terms.

Housing Element

Policy 3: In planning for needed housing, the City of Medford shall strive to provide a compact urban form that allows efficient use of public facilities and protects adjacent resource land.

Implementation 3-A: Assess policies, regulations, and standards affecting residential development and pursue amendments as needed to meet Policy 3. Consider actions such as:

f) Assuring land division design standards and approval criteria encourage efficient use of public facilities.

Conclusions

When looking to the Comprehensive Plan for support of DCA-15-088 one will find that the Citizen Involvement Element and the Housing Element both have supporting goals, policies, and implementation strategies in support of the proposed text amendment. Below are the conclusions deducted from the various goals and policies that apply to DCA-15-088.

Often times the language that government creates for the various codes and ordinances can become complex and lengthy, especially for those unfamiliar with the code language. This creates shortcomings for the community members, business owners, and others who don't typically spend their time navigating and writing the code. One of the reasons for these complexities arises from the amount of vetting that goes into writing codes, like Article II, to ensure the proper protection of the rights guaranteed under Federal, State, and Local law for the community members and business owners of Medford.

The various public hearings, committees, drafts, revisions, plans, and so on exist in order to ensure the codes and ordinances are properly drafted in a way that protects the aforementioned rights. The adoption of the Citizen Involvement Element of the comprehensive plan and its associated goals and policies outlines the various methods for ensuring ample public participation is provided for. DCA-

15-088 will adhere to these goals and policies through the public hearing process that code amendments go through. Furthermore, one of the specific action items that staff is to adhere to outlined in the Citizen Involvement Element states that “ [Staff will] Avoid using jargon in written and oral communication with the public. Explain complex issues in simple and understandable terms,” (Implementation Measure C. 15). This is in direct support of DCA-15-088 as the intent is to simplify language, remove redundancy, and to create consistency with other Oregon and Rogue Valley municipalities.

In addition to the Citizen Involvement Element, the Housing Element also has supporting goals and policies for DCA-15-088. When looking to Policy 3, Implementation Strategy 3-A one will find that an explicit goal of Medford’s Comprehensive Plan is to assess and consider revisions to policies that affect housing. Specifically called out in the Implementation Strategies is the need for, “Assuring land division design standards and approval criteria encourage efficient use of public facilities.”

Within the proposed text of DCA-15-088 staff has recommended that land partition tentative plats become an administrative decision rather than be reviewed by the Planning Commission. Previously all land partitions (creation of 3 or less parcels) had to be reviewed by a hearing body, now they will be reviewed by staff and approved by the Planning Director. Subdivisions tentative plats (4+ parcels) are still to be reviewed and approved by the Planning Commission. This change will enable developers, community members, and business owners alike to save time, and in turn money, on smaller scale residential and commercial projects. Implementation Strategy 3-A is in direct support of the changes proposed to the land partition approval criteria within DCA-15-088. Conformity with the Comprehensive Plan can be found, this criterion has been satisfied.

2. *Comments from applicable referral agencies regarding applicable statutes or regulations.*

Findings

Comments from applicable referral agencies have been provided for in the Exhibits. Only three agencies have provided comment. The following comments have been received:

- Fire Department – Comments Regarding (Exhibit F):

- Comments addressing Water Commission and Fire Department in Section 10.112 (E)(3).
- Comments regarding spelling on Section 10.192 (B)(6)(b)
- Public Works Department – No Comment (Exhibit G)
- Address Technician Public Works – No Comment (Exhibit G)

Conclusions

Staff has reviewed the comments provided for by the various agencies that've been noticed of DCA-15-088. Changes to the proposed text have been made to reflect the comments received. This criterion has been satisfied.

3. *Public comments.*

Findings

In regards to DCA-15-088 staff has received public comment from CSA Planning, LTD. through their principal planner Jay Harland (Exhibit H). The Planning Commission, on May 8, 2017, directed staff to address the comments received from CSA Planning in another text amendment as the comments received are specific to particular land use review procedures, such as the conditional use permit exception criteria. No further public comment has been received.

In addition to the public comment already received, DCA-15-088 will also be available on the City's website prior to any hearing date and will also have a minimum of two public hearings; one before the Planning Commission and one before the City Council.

Conclusions

Staff has reviewed the comments received and has obtained direction from the Planning Commission on May 8, 2017 at a study session reviewing the proposed text of DCA-15-088. The direction was to continue forward with the scope of DCA-15-088 as originally outlined and to incorporate the comments received from CSA Planning at a later date. No additional public comment has been received and the opportunity for public comment will continue to be available through both the Planning Commission and City Council hearings. This criterion has been satisfied.

4. *Applicable governmental agreements.*

Findings

This amendment does not affect any known governmental agreements.

Conclusions

This criterion is not applicable.

FINDINGS AND CONCLUSIONS – CP-17-063

Applicable criteria

For the applicable criteria the Medford Municipal Code §10.184(1) redirects to the criteria in the “Review and Amendments” chapter of the Comprehensive Plan. The applicable criteria in this action are those for the review and amendments procedure. The criteria are set in *italics* below; findings and conclusions are in roman type.

Comprehensive Plan, Review and Amendments chapter: Amendments [to review and amendment procedures] shall be based on the following [criteria]: Amendments shall be based on Statewide Goal 2 and any other applicable Statewide goals.

Findings

The changes proposed in CP-17-063 are intended to reflect the language changes proposed within DCA-15-088. Staff has reviewed the Comprehensive Plan and the associated land use goals and has found that the majority of the criteria are not applicable to the proposed changes within CP-17-063. Additionally, staff has reviewed Statewide Planning Goal 2, Land Use Planning, per the listed criteria and has found that CP-17-063 is supported by the language within Goal 2.

Goal 2 states that the intent is “To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”² With the changes reflected in DCA-15-088, the need for CP-17-063 comes from the changes to the “land use planning process,” which in Medford resides in Article II. Furthermore, CP-17-063 is needed in order to adhere to Goal 2, in which the language states that, “All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to

² United States. State of Oregon. Department of Land Conservation and Development. Oregon’s Statewide Planning Goals & Guidelines GOAL 2: LAND USE PLANNING. Salem: n.p., 2010. Web. 19 July 2017

take into account changing public policies and circumstances.” In the case of the Article II update, CP-17-063 becomes necessary in order to reflect the changes to “public policies and circumstances” reflected in the proposed text of DCA-15-088.

Additionally, staff has determined that Goal 1, Citizen Involvement, also supports the proposed amendment. This Goal is addressed in the Citizen Involvement Element of the Comprehensive Plan and is discussed in criterion 1 for DCA-15-088. All other criteria for comprehensive plan updates do not apply to CP-17-063.

Conclusions

If the proposed text within CP-17-063 was not amended then the Comprehensive Plan would be referencing text that was no longer factual or relevant. This would be in direct conflict with the intent of creating “...a land use planning process and policy framework...to assure an adequate factual base for such decisions and actions.” Since Article II includes the processes for land use actions it is important to ensure that all text referencing Article II is also up to date, thus the need for CP-17-063.

The criterion has been satisfied.

Exhibit B

Proposed amendment – Article II

(Deleted text is ~~struck-through and red~~, new text is blue and underlined, text moved
to a new
location is double underlined and green.)

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ARTICLE II

PURPOSE, LAND USE REVIEW, LAND USE DECISION, PROCEDURAL TYPES, LAND USE REVIEW PROCEDURE TYPES (10.100 – 10.108)

10.100 Purpose of Article II.

It is the purpose of this article to establish land use review procedures, designate and define the responsibilities of the approving authorities, and to set forth the procedural requirements and substantive criteria and standards for each land use review necessary to obtain a development permit ~~plan authorizations and the development permit.~~

10.101 ~~The Development Permit Application.~~

~~The development permit is the basis for administration of this chapter. A development permit is a comprehensive permit, running with the land, setting forth the general procedural policies and improvement requirements necessary for the development of a specific property. Upon application for a development permit, the Planning Department will indicate the plan authorizations which must be obtained prior to the issuance of a development permit. The applicant for a development permit may choose to request approval of all, any one, or a combination of required plan authorizations. A request for approval of a specific plan authorization may follow, at any time, the application for other required plan authorizations.~~

~~Upon satisfactory completion of all conditions required of the plan authorizations, as identified on the development permit application, a development permit shall be issued by the Planning Director. Upon issuance of a development permit the applicant may obtain a building permit.~~

10.102 ~~Plan Authorizations~~Land Use Review.

- A. ~~A plan authorization~~Land use review is a specific planning and development ~~review~~ process ~~which sets forth specific conditions for development consistent~~ conducted in order to determine whether proposed land uses comply with the policies, standards and criteria of the Comprehensive Plan and this chapter. ~~Plan authorizations are categorized as follows:~~ A land use application shall be provided for each land use review when applicable.
- B. Each type of land use review has a designated procedural type and each procedural type has specific due process and administrative requirements that shall be followed.
- C. A land use review is complete once a land use decision, as outlined in Section 10.104, has been made by the designated approval authority

Class A

- ~~———— Comprehensive Plan Amendment, Major~~
- ~~———— Land Development Code Amendment~~
- ~~———— Zoning Map Amendment, Major~~

Class B

- ~~Annexation~~
- ~~Comprehensive Plan Amendment, Minor~~
- ~~Transportation Facility Development~~
- ~~Vacation~~

~~See Review & Amendments Chapter of the Comprehensive Plan for definitions of "major and "minor" Class A and B authorizations.~~

Class C

- ~~Conditional Use Permit~~
- ~~Exception~~
- ~~Historic Review~~
- ~~Land Division~~
- ~~Planned Unit Development (PUD)~~
- ~~Site Plan and Architectural Review~~
- ~~Zoning Map Amendment, Minor (i.e., Zone Change")~~

Class D

- ~~Administrative Decisions~~

Class E

- ~~PUD Plan, Final~~
- ~~Ministerial Decision (non-discretionary)~~
- ~~Historic Review, Minor~~
- ~~Property Line Adjustments~~

~~The development permit application will identify the required plan authorization(s) necessary for issuance of a development permit. The applicant for a development permit, at the time of application or any time thereafter, may request approval of any one (1) or combination of required plan authorizations as identified on the development permit application.~~

10.104 Land Use Decision.

- A. A land use decision consists of the Final Order signed by the approval authority based upon the criteria and standards considered relevant to the decision, as well as the facts contained within the record. The decision shall address such relevant criteria, standards and facts relied upon in rendering the decision. A written record of the decision shall be provided to the applicant, any person with standing (if applicable), and kept on file in the Planning Department.
- B. When the proposed land use application is inconsistent with the Comprehensive Plan or this chapter the application is either denied or specific requirements called "conditions" are included with the land use decision which when implemented will bring it into conformance.
- C. Upon receipt of an approved land use decision or upon satisfactory completion of any condition(s) of an approved land use decision that are required prior to building permits, a development permit shall be issued by the Planning Director. Upon issuance of a development permit, the applicant may obtain building permits.

D. 120 Day Rule. For all Type II and III land use reviews as outlined in Table 10.108-1 below, the city shall arrive at a final decision, including resolution of all appeals, within 120 days from the date the application is deemed complete, unless the applicant requests an extension in writing. The total of all extensions shall not exceed 245 days.

10.021 E. Development Permit Land Use Approval Required. No person shall ~~engage in or cause development~~ subdivide or partition, nor shall any person create any street or road for the purpose of subdividing or partitioning an area or tract of land, or to dispose of, transfer or sell any lot or parcel of land if same constitutes or is part of a process of subdivision or partitioning as herein defined, or to record a final plat thereof without first complying with all of the applicable provisions of this chapter. A building permit shall not be issued for the construction, reconstruction or the alteration, use or occupancy of a structure for which a development permit is required and has not been issued pursuant to this Section 10.101, The Development Permit Application, or unless exempted as per Section 10.200(C) or Subsection (F) below Section 10.031, Exceptions to the Development Permit Requirement.

10.031 F. Exemptions from the Development Permit Requirement Land Use Review.

A.1. An exemption from ~~the development permit requirement~~ land use review 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.~~

C.2. The following uses or developments do not require ~~a development permit~~ land use review.

~~(1) Parking lots and parking lot additions, when not associated with building construction required to be reviewed by the Site Plan and Architectural Commission, except any parking lot or parking lot additions located within a Historic Overlay requires Historic Review. (Effective Dec. 1, 2013.)~~

~~(2) Construction of a new building if it does not increase motor vehicle trip generation by more than ten (10) average daily trips, unless within a Historic Overlay, in which case, Historic Review is required for all new construction. (Effective Dec. 1, 2013.)~~

~~(3) A building addition similar to the existing building in architectural style and exterior building materials and that is no more than a 20 percent or 2,500 square foot increase in gross floor area, whichever is less, unless within a Historic Overlay, in which case, Historic Review is required for all building additions and exterior alterations. (Effective Dec. 1, 2013.)~~

(4)a. An emergency measure resulting from fire, an act of God, or a public enemy or other calamity, which is necessary to protect and save property and lives.

- (5)b. The reconstruction of a legal main structure or legal accessory structure which has been destroyed by fire, an act of God, or a public enemy or other calamity, and restoration is started within one (1) year from such destruction and is diligently pursued to completion.
- (6)c. Temporary uses as identified in Section 10.840, Temporary Uses and Structures.
- (7)d. The erection, construction, alteration, maintenance or termination of a public utility service facility, such as a public safety communication tower, that is being developed to provide service to development authorized by this chapter.
- ~~(8) Detached single-family residential development on a lot within a final platted land division or on an otherwise legally created lot, unless within a Historic Overlay, in which case, Historic Review is required for all single-family residential development. (Effective Dec. 1, 2013.)~~
- ~~(9) Solar Photovoltaic/Solarvoltaic energy systems, as defined in ORS 757.360, except when located on historic landmarks or within historic districts, in which case the review authority shall be the Landmarks and Historic Preservation Commission.~~
- ~~(10) One duplex dwelling divided by a lot line or on a single lot within a final platted land division or on an otherwise legally created lot, unless within a Historic Overlay, in which case, Historic Review is required.~~
- ~~(11) Airport accessory structure(s) including hangars, aircraft storage, maintenance facilities, warehouse storage, and office buildings to be located on airport property within the secured fence area (as shown on the Medford Zoning Map) not intended for public use.~~

10.150106 General Procedural Requirements Types.

For purposes of administering the provisions of this chapter, and other ordinances and policies of the City pertaining to land use and development, there are hereby established ~~five~~ four (4) procedural classifications employed in the administration of this chapter: types of procedures for processing land use review applications. Two factors vary for each procedural type. First, the degree of discretionary judgment involved in rendering a decision. The greater the degree of discretionary judgment, the more rigorous they are procedurally. Second, the extent of public participation which varies based upon the degree of impact(s) caused by the proposed use and development of land. The greater degree of impacts, the more the public is notified and invited to participate.

A. Type I "Ministerial" Procedures. CLASS "E" Non-discretionary, ministerial decisions

1. Non-discretionary administrative decisions shall be made by applying clear and objective approval criteria and standards.
2. Decisions ~~are~~ shall be made by the Planning Director or designee.

3. No public notice, public comment period, or public hearing shall be required.
 4. Requested action shall be Initiated by the applicant.
 5. Decisions are final, and except for Final Planned Unit Development (PUD) Plan and Minor Historic Review decisions, are not appealable. Final PUD Plan decisions are appealed to the Planning Commission per Section 10.140(F)(2). Minor Historic Review decisions are appealed to the Landmark and Historic Preservation Commission per Section 10.140(F)(3).
- B. Type II "Administrative" Procedures. ~~CLASS "D" Administrative decisions~~**
1. Administrative decisions shall be made by applying clear, objective approval criteria and standards while using limited discretion to determine impact(s) on adjacent properties and the surrounding vicinity, public infrastructure and services, and the health, welfare, and safety of the community at-large.
 2. Decisions ~~are~~ shall be made by the Planning Director or designee.
 3. Public notice and a public comment period are required according to Section XXXX of this Chapter, but ~~there is no~~ a public hearing shall not be required.
 4. Requested action shall be initiated by the applicant.
 5. Appeals of Type II decisions are heard by the Planning Commission at a public hearing per Section 10.140(G).
- C. Type III "Quasi-judicial" Procedures. ~~CLASS "C" Other quasi-judicial decisions~~**
1. Quasi-judicial decisions ~~that~~ require ~~involve~~ the application of clear, objective approval criteria and standards ~~existing policies~~, and a degree of discretion to determine compliance with approval criteria, and the impact(s) of development on adjacent properties and the surrounding vicinity, public infrastructure and services, and the health, welfare, and safety of the community at-large. ~~If and, if~~ necessary to mitigate such impacts, conditions may be imposed to bring the proposed land use into compliance and/or to mitigate impacts.
 2. Decisions are made by the designated approving authority.
 3. ~~Requires p~~Public notice, a public comment period, and a public hearing are required according to Section XXXX of this Chapter.
 4. Requested action may be Initiated by City Council, the Planning Commission or ~~the~~an applicant.
 5. Appeals of Type III decisions are heard by the City Council per Section 10.140(H).
- D. Type IV "Legislative" Procedures. ~~CLASS "B" Council-approved quasi-judicial decisions and CLASS "A" Legislative actions~~**
1. Legislative decisions that involve the greatest degree of discretion as they establish by law the general policies and regulations for future land use deci-

sions and have either widespread and significant impact beyond the immediate area or, ~~produce large volumes of traffic,~~ change the character of the land use, or affect large areas or many different ownerships.

2. The Planning Commission shall review A-Type IV land use ~~review~~ permit applications and ~~will be voted on and a recommendation will be forwarded by~~ forward a recommendation ~~the Planning Commission to~~ City Council to approve, approve with modifications, approve with conditions, deny, or to adopt an alternative. City Council ~~will~~shall consider and address the recommendation, but ~~is~~shall not ~~not bound~~be bound by it. The City Council is the approving authority and, if it so determines that a Type IV land use permit application has satisfied the standards and criteria for approval, shall approve Type IV land use applications by ordinance. ~~If the Type IV land use review is approved, the council will act by adopting the ordinance.~~
3. ~~Requires p~~Public notice(s), public comment period(s) and public hearing(s) are required according to Section XXXX of this Chapter.
4. Requested action may be Initiated by City Council, Planning Commission (except annexations) or for minor amendments, or ~~the property owner~~an applicant(s).^[MHB1]
5. Appeals of Type IV decisions are made to the Land Use Board of Appeals (LUBA) per Section 10.140(I).

10.180 — Class "A" Actions.

~~Class "A" actions comprise the following plan authorizations that involve such a substantial area and number of property owners or such broad public policy changes that administrative processing would be inappropriate:~~

- ~~(1) — Major Comprehensive Plan Amendments;~~
- ~~(2) — Code Amendments;~~
- ~~(3) — Major Zoning Map Amendments;~~
- ~~(4) — Any other change deemed legislative.~~

10.108 Land Use Review Procedure Types.

Table 10.108-1 identifies the procedural type, applicable standards, and approving authority for each type of land use review as well as whether the 120-day rule in Section 10.104(D) is applicable. Each ~~of the above~~ procedural ~~classifications~~ type is subject to ~~the specified~~specific due process and administrative requirements of this chapter.

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Table 10.108-1. Land Use Review Procedures

<u>Land Use Review Type</u>	<u>Procedural Type</u>	<u>Applicable Standards</u>	<u>Approving Authority</u>	<u>Subject to 120 Day Rule (ORS 227.178)?</u>
<u>Annexation</u>	<u>IV</u>	<u>Urbanization, 10.216</u>	<u>City Council</u>	<u>No</u>
<u>Appeal of Final PUD Plan Decision</u>	<u>I</u>	<u>10.140(F)(2)</u>	<u>Planning Commission</u>	<u>No</u>
<u>Appeal of Minor Historic Review Decision</u>	<u>I</u>	<u>10.140(F)(3)</u>	<u>Historic Commission</u>	<u>No</u>
<u>Appeal of Type II Decision</u>	<u>II</u> [MHB2]	<u>10.140(G)</u>	<u>Planning Commission</u>	<u>Yes</u>
<u>Appeal of Type III Decision</u>	<u>III</u>	<u>10.140(H)</u>	<u>City Council</u>	<u>Yes</u>
<u>Appeal of Type IV Decision</u>	<u>IV</u>	<u>10.140(I)</u>	<u>LUBA</u>	<u>No</u>
<u>Comprehensive Plan Amendment, Major</u>	<u>IV</u>	<u>Review & Amendment, 10.220</u>	<u>City Council</u>	<u>No</u>
<u>Comprehensive Plan Amendment, Minor</u>	<u>IV</u>	<u>Review & Amendment, 10.222</u>	<u>City Council</u>	<u>No</u>
<u>Conditional Use Permit</u>	<u>III</u>	<u>10.184</u>	<u>Planning Commission</u>	<u>Yes</u>
<u>De Minimis Revision(s) to an Approved PUD Plan</u>	<u>I</u>	<u>10.198</u>	<u>Planning Director</u>	<u>No</u>
<u>Exception</u>	<u>III</u>	<u>10.186</u>	<u>PC/LHPC/SPAC</u>	<u>Yes</u>
<u>Final PUD Plan</u>	<u>I</u>	<u>10.196</u>	<u>Planning Director</u>	<u>No</u>
<u>Final Plat, Subdivision or Partition</u>	<u>I</u>	<u>10.160</u>	<u>Planning Director</u>	<u>No</u>
<u>General Land Use Plan Map Amendment, Major</u>	<u>IV</u>	<u>GLUP, Review & Amendment, 10.220</u>	<u>City Council</u>	<u>No</u>
<u>General Land Use Plan Map Amendment, Minor</u>	<u>IV</u>	<u>GLUP, Review & Amendment, 10.222</u>	<u>City Council</u>	<u>No</u>
<u>Historic Review</u>	<u>III</u>	<u>10.188</u>	<u>Historic Commission</u>	<u>Yes</u>
<u>Land Development Code Amendment</u>	<u>IV</u>	<u>10.218</u>	<u>City Council</u>	<u>No</u>
<u>Minor Historic Review</u>	<u>I</u>	<u>10.148</u>	<u>Planning Director</u>	<u>No</u>
<u>Major Modification to a Site Plan & Architectural Review Approval</u>	<u>III</u>	<u>10.200(H)(1)</u>	<u>SPAC</u>	<u>Yes</u>
<u>Minor Modification to a Site Plan & Architectural Review Approval</u>	<u>I</u>	<u>10.200(H)(2)</u>	<u>Planning Director</u>	<u>No</u>
<u>Major Modification to an Approved Conditional Use Permit</u>	<u>III</u>	<u>10.184(D)(1)</u>	<u>Planning Commission</u>	<u>Yes</u>

<u>Land Use Review Type</u>	<u>Procedural Type</u>	<u>Applicable Standards</u>	<u>Approving Authority</u>	<u>Subject to 120 Day Rule (ORS 227.178)?</u>
<u>Minor Modification to an Approved Conditional Use Permit</u>	I	10.184(D)(2)	Planning Director	No
Table 10.108-1. Land Use Review Procedures				
<u>Nonconformities</u>	I	10.032 – 10.036	Planning Director	No
<u>Portable Storage Container</u>	II	10.840(D)(6)	Planning Director	Yes
<u>Pre-Application</u>	I	10.154	Planning Director	No
<u>Preliminary PUD Plan</u>	III	10.190–10.198	Planning Commission	Yes
<u>Property Line Adjustment</u>	I	10.156	Planning Director	No
<u>PUD Plan Revision(s)</u>	III	10.198	Planning Commission	Yes
<u>PUD Plan Termination</u>	III	10.198	Planning Commission	Yes
<u>Riparian Corridors, Reduction or Deviation</u>	I	10.927	Planning Director	No
<u>Sign Permit</u>	I	10.1000 – 10.1810	Planning Director	No
<u>Site Plan and Architectural Review</u>	III	10.200	SPAC	Yes ^[MHB3]
<u>Tentative Plat, Partition</u>	II	10.170	Planning Director	Yes
<u>Tentative Plat, Subdivision</u>	III	10.202	Planning Commission	Yes
<u>Transportation Facility Development</u>	IV	10.224	City Council	No ^[MHB4]
<u>Urban Growth Boundary Amendment, Major</u>	IV	Urbanization, 10.220	City Council	No
<u>Urban Growth Boundary Amendment, Minor</u>	IV	Urbanization, 10.222	City Council	No
<u>Vacation of Public Right-of-Way</u>	IV	10.226	City Council	No
<u>Zone Change, Major</u>	IV	Review & Amendment, 10.220	City Council	No
<u>Zone Change, Minor</u>	III	10.204	Planning Commission	Yes

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APPROVING AUTHORITIES AND REFERRAL AGENCIES. (10.110 & 10.112)

10.110 Designation and Duties of Approving Authorities.

A. Approving Authorities. This article designates the authority to act on ~~planning and development~~ ~~land use requests~~ reviews ^[MHB5] ~~as required by this chapter to five (5) approving authorities~~ as follows:

1. The City Council
2. The Planning Commission
3. The Site Plan and Architectural Commission
4. The Landmarks and Historic Preservation Commission
5. The Planning Director

B. ~~10.140~~ Duties of the Approving Authorities. Under the provisions ~~cited in Article II, Section 10.110, Designation of Approving Authority, through 10.135, Authority of the Planning Director,~~ there is hereby designated to the approving authorities the power to:

- ~~(1)~~ 1. Approve, conditionally approve, or disapprove ~~development permits and plan authorizations~~ applications for land use review(s) ^[MHB6];
- ~~(2)~~ 2. Determine compliance or lack of compliance with the approval criteria listed under each application type ~~of the proposed development, together with the provisions for its design, improvement and use with the Comprehensive Plan and all applicable specific plans, regulations, standards and criteria.~~

~~10.111 Authority of the City Council.~~

C. City Council, Authority. The City Council is hereby designated as the approving authority for ~~all the Class A and Class B plan authorizations.~~ following land use reviews:

Land Use Review

- Annexation
- Comprehensive Plan Amendment (Major or Minor)
- General Land Use Plan Map Amendment (Major or Minor)
- Land Development Code Amendment (Major or Minor)
- Transportation Facility Development ^[MHB7]
- Urban Growth Boundary Amendment (Major or Minor)
- Vacation of Public Right-of-Way
- Zoning Map Amendment (Major)

~~The City Council shall also serve as the approving authority for all appeals as provided in Section 10.051174(F), Appeals, Article I of this chapter.~~

~~10.120 Planning Commission.~~

D. Planning Commission, Authority.

1. The Planning Commission shall have all powers set forth in ORS 227.090 (Powers and Duties of Commission) except as otherwise provided by ordinance of the City Council.

~~10.122 Authority of the Planning Commission.~~

2. The Planning Commission is hereby designated as the approving authority for the following ~~actions~~ land use reviews:

Plan Authorization	Class
1. Zone Changes, except when applied by the City concurrent with annexation	"C"
2. Planned Unit Developments, Preliminary PUD Plan	"C"
3. Conditional Use Permits	"C"
4. Exceptions	"C"
5. Land Divisions, Tentative Plats	"C"

Land Use Review

Conditional Use Permit

Exception

Preliminary Planned Unit Development (PUD) Plan

Subdivision/~~Partition~~ Tentative Plat

Zone Change (Minor)

E. Planning Commission, Other Duties. ~~The Planning Commission shall also act as the advisory agency to the City Council for all Class "A" and Class "B" actions, except annexations as set forth in Section 10.111, Authority of the City Council.~~

~~It shall further be the responsibility of the Planning Commission to:~~

- ~~(1)~~1. Study and report on all proposed code amendments referred to it by the City Council. When reviewing any such proposed amendments, the Planning Commission shall submit its recommendation and findings to the City Council.
- ~~(2)~~2. Review this chapter and report on same to the City Council at least once every five ~~(5)~~ years commencing on the date of enactment of this chapter. Specifically the Planning Commission shall:
 - ~~(a)~~a. Analyze the extent to which development has occurred in the city as compared to the projected growth per the Comprehensive Plan.
 - ~~(b)~~b. Recommend any changes in the mapping of zoning districts as determined necessary to accommodate the expected ~~twenty~~20-year growth as determined by the Comprehensive Plan.
 - ~~(3)~~c. Serve as the Committee for Citizen Involvement (CCI) per the Comprehensive Plan.

F. 10.123–Planning Commission, Membership.

~~(1)~~1. **Number Appointed.** The Planning Commission shall consist of nine ~~(9)~~ voting members appointed by the Mayor and City Council.

~~(2)~~2. **Length of Term.** All terms shall be for a period of four ~~(4)~~ years beginning on February 1 of each year with not more than three terms expiring in the same year.

~~(3)~~3. **Position Appointments.** The Planning Commission members shall at a minimum comply with the requirements of Oregon Revised Statutes (ORS) 227.030 (Membership) as provided below or as amended:

- (a)a. No more than two members of a city planning commission may be city officers, who shall serve as ex officio nonvoting members.^[MHB8]
- (b)b. No more than two voting members of the commission may engage principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit.
- (c)c. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.

~~(4)4.~~ **Selection Criteria.** All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits. ~~A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term.~~

~~(5)5.~~ **Removal Terms.** A member may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty.

~~(6)6.~~ **Vacancy Replacement.** A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term. Any vacancy shall be filled by the Mayor and City Council for the unexpired term of the predecessor in the office.

~~(7)7.~~ **Quorum.** A quorum of the Planning Commission shall consist of five or more members.^[MHB9]

~~10.124G.~~ **Planning Commission Meeting Procedures.** Except as otherwise provided by law or this chapter Code, the Planning Commission shall conduct its meetings in accordance with *Robert's Rules of Order, Newly Revised*, unless other rules are adopted by the Commission.

~~10.132H.~~ **Authority of the Site Plan and Architectural Commission.**

~~(1)~~ **Approval Authority of Site Plan and Architectural Commission Authority.** The Site Plan and Architectural Commission is hereby designated as the approving authority for the following ~~plan~~ authorizations and land use reviews:

Plan Authorization	Class
1. Exceptions	"C"
2. Site Plan and Architectural Review	"C"

Land Use Review

Exception

Major Modification of Site Plan and Architectural Review Approval
Site Plan and Architectural Review

~~(2) I.~~ **Site Plan and Architectural Commission, Other Powers-Duties of Site Plan and Architectural Commission.** The Site Plan and Architectural Commission shall have the power to adopt design guidelines. Such guidelines may be general or specific in nature and shall be in the form of suggested approaches intended to aid applicants in preparation, presentation and implementation of development proposals in compliance with the City of Medford Comprehensive Plan

and implementing ordinances. Guidelines shall be advisory and shall not limit applicants to a single approach.

10.133J. Site Plan and Architectural Commission, Membership.

(1)1. Number Appointed. The Site Plan and Architectural Commission shall consist of nine ~~(9)~~-voting members appointed by the Mayor and City Council.

(2)2. Length of Term. Site Plan and Architectural Commissioner terms shall be for a period of four ~~(4)~~-years, with the exception of the member of the Planning Commission, whose initial term shall be for a period of two ~~(2)~~-years. Subsequent Planning Commissioner terms shall be for one ~~(1)~~-year if reappointed. Said terms shall begin on February 1 of each year with not more than two ~~(2)~~-terms expiring in the same year, exclusive of the Planning Commissioner.

(3)3. Position Appointments.

(a)a. One ~~(1)~~-member shall be a Planning Commissioner nominated by the Planning Commission chairperson.

(b)b. One ~~(1)~~-member shall be a licensed architect.

(c)c. One ~~(1)~~-member shall be a licensed professional engineer.

(d)d. One ~~(1)~~-member shall be a licensed landscaping professional.

(e)e. One ~~(1)~~-member shall be a licensed contractor.

When selecting persons to fill the remaining four ~~(4)~~-positions, preference should be given to applicants who have training or experience closely related to the licensed positions. At the Mayor and City Council's discretion, an appointment to any of the four ~~(4)~~ professional/licensed positions may be an individual who, in lieu of having a valid license in the profession, possesses a comparable combination of skill, education, training and experience related to the respective professional licensing category.

(4)4. Selection Criteria. All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits. ~~A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term.~~

(5)5. Removal Terms. A member may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty.

(6)6. Vacancy Replacement. A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term. Any vacancy shall be filled by the Mayor and City Council for the unexpired term of the member being replaced.

(7)7. Quorum. A quorum of the Site Plan and Architectural Commission shall consist of five or more members.

10.134-K. Procedure of the Site Plan and Architectural Commission Meeting Procedures. Except as otherwise provided by law or this ~~chapter~~Code, the Site Plan and Architectural Commission shall conduct its meetings in accordance with *Robert's Rules of Order, Newly Revised*, unless other rules are adopted by the Commission.

10.136L. ~~Authority of the~~ Landmarks and Historic Preservation Commission Authority. The Landmarks and Historic Preservation Commission is hereby designated as the approving authority for the following ~~plan authorizations~~ land use reviews:

Plan Authorization	Class
Historic Review, except Minor Historic Review permitted in Section 10.258(3)	C
Exceptions	C

Land Use Review

Exceptions

Historic Review

~~4. Consideration of Appeals of Minor Historic Review Decisions. Should an applicant disagree with a Minor Historic Review decision made by the Planning Director, the applicant may appeal such decision to the Landmarks and Historic Preservation Commission consistent with the requirements of this Code.~~

B.M. Landmarks and Historic Preservation Commission, Other powers and Duties of the Landmarks and Historic Preservation Commission may include:

1. To study proposed Comprehensive Plan and Land Development Code amendments relating to historic preservation, and submit recommendations regarding such proposals to the Planning Commission and City Council.
2. To institute and support programs and projects that further the historic preservation policies of the City of Medford.
3. To adopt approval criteria for Minor Historic Review of alterations of roofing materials, exterior colors, or sign face design for an existing sign within Historic Preservation Overlay Districts. Such criteria shall be consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Places* as applicable.
4. To adopt design guidelines for new construction and exterior alternations within an Historic Preservation Overlay. Such guidelines may be general or specific in nature and shall be in the form of approaches intended to aid applicants in preparation, presentation, and implementation of development proposals that comply with the Medford Comprehensive Plan and implementing ordinances. Guidelines shall be advisory and shall not limit applicants to a single approach.
5. To adopt approval criteria and/or design guidelines for signage within the Historic Preservation Overlay. Such criteria or design guidelines may authorize signs that differ from the standards of Article VI when necessary to meet historic compatibility and preservation goals.

N. Historic Review. For the purposes of this section, the definitions, rules, and procedures of Sections 10.401 through 10.408 shall apply. ~~A.~~ Historic Review shall include:

1. **Historic Preservation Overlay Changes.** Review and investigation of any historic resource in the City of Medford that may have historic significance; initiation of proceedings to change the extent of the Historic Preservation Overlay; decisions on ap-

plications to change to the extent of the Historic Preservation Overlay; and preparation of findings substantiating or refuting the historic significance of the resource.

2. Exterior Alteration and/or New Construction Review. Consideration of proposed exterior alteration and/or new construction within an Historic Preservation Overlay.

3. Demolition and/or Relocation Review. Consideration of proposed demolition or relocation within an Historic Preservation Overlay, and authorization of either delayed or immediate issuance of a demolition or relocation permit.

10.137O.

Landmarks and Historic Preservation Commission, Membership.

~~(1)~~**1. Number Appointed.** The Landmarks and Historic Preservation Commission shall be made up of ~~seven~~ five (7) voting members appointed by the Mayor and City Council.

~~(2)~~**2. Length of Term.** All regular terms of members of the Landmarks and Historic Preservation Commission shall be for a period of four years, and shall begin on February 1, with not more than three terms expiring in the same year.

~~(3)~~**3. Position Appointments.** All members of the Landmarks and Historic Preservation Commission shall have demonstrated positive interest, competence, or knowledge of historic preservation. The Planning Director or designee shall serve as an *ex-officio* member of the Landmarks and Historic Preservation Commission.

~~(4)~~**4. Selection Criteria.** All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits. ~~A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term.~~

~~(5)~~**5. Removal Criteria.** A member of the Landmarks and Historic Preservation Commission may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty. A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term. Replacements shall be appointed by the Mayor and City Council for the remainder of the unexpired term.

~~(6)~~**6. Quorum.** A quorum of the Landmarks and Historic Preservation Commission shall consist of ~~four or more members~~ a majority of the current membership of the Commission.

10.138P.

Landmarks and Historic Preservation Commission, Meeting Procedures.

1. Except as otherwise provided by law or this Code, the Landmarks and Historic Preservation Commission shall conduct its meetings in accordance with Robert's Rules of Order, Newly Revised, unless other rules are adopted by the Commission ~~rules as adopted by the commission.~~

2. The Landmarks and Historic Preservation Commission shall meet as necessary to act on Historic Reviews in a timely manner.

3. There shall be at least one meeting of the Landmarks and Historic Preservation Commission held each year, during the month of March.

~~10.135Q.~~ **Planning Director, Authority** ~~Planning Director Authority.~~ The Planning Director is hereby designated as the approving authority for ~~Class D and Class E plan authorizations and for the development permit~~ Type I and II land use reviews as well as issuance of the Development Permit. ~~The Planning Director shall also be responsible for the administration and enforcement of this chapter.~~

Land Use Review

De Minimis Revision(s) to Approved PUD Plan

Final PUD Plan

Final Plat, Partition/Subdivision

Minor Historic Review

Minor Modification to Conditional Use Permit

Minor Modification to Site Plan and Architectural Review

Pre-Application

Property Line Adjustment

Sign Permit

Tentative Plat, Partition

R. Planning Director, Other Duties. The Planning Director shall also be responsible for the administration and enforcement of this chapter.

10.145112 Referral Agencies.

A. It is the responsibility of a referral agency to provide timely review and comment on all proposals referred by the City. The referral agency shall be requested to determine consistency of a proposal with the referral agency's operating policies and standards and to ~~recommend~~ suggest conditions of approval ~~on development~~.

~~10.146B.~~ This Chapter employs the use of referral agencies for the review of ~~those plan authorizations indicated below, as shown on the~~ land use permit applications according to a Referral Agency Distribution Schedule that is available and maintained by the Planning Department, which follows:

- ~~A. Major Comprehensive Plan Amendment~~
- ~~B. Land Development Code Amendment~~
- ~~C. Minor Comprehensive Plan Amendment~~
- ~~D. Annexation, except as provided in Section 10.199~~
- ~~E. Vacation~~
- ~~F. Zone Change, Major and Minor~~
- ~~G. Conditional Use Permit~~
- ~~H. Exception~~
- ~~I. Planned Unit Development~~
- ~~J. Land Division~~
- ~~K. Site Plan and Architectural Review~~

- ~~L. Transportation Facility Development~~
- ~~M. Historic Review~~
- ~~N. Administrative (Class D) plan authorization [10.110](#)~~

Numerical references in the Schedule refer to the following:

- ~~1. When the proposal is within, abutting, or affecting the referral agency's jurisdiction.~~
 - ~~2. When the proposal is within, or abutting the Airport Approach or Airport Radar Overlay Districts.~~
 - ~~3. When the proposal includes new buildings or building additions that are within the referral agency's jurisdiction.~~
 - ~~4. When the proposal is within the Southeast Overlay District and in a Parks or Schools land use category on the Southeast Plan Map.~~
 - ~~5. When the proposal is within or abutting a Greenway General Land Use Plan Map designation.~~
- C.** Referral agencies may be asked to review certain proposals applications not indicated on the Schedule if, in the judgment of the Planning Director, the agency may have an interest in the proposal. Additional referral agencies may be notified at the discretion of the Planning Director.

SCHEDULE OF REFERRAL AGENCY DISTRIBUTION

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
CITY DEPTS.														
Building Safety	*	*	*	*	*	*	*	*	*	*	*	-	*	*
City Attorney	*	*	*	*	*	*	*	*	*	*	*	*	*	
City Manager	*	*	*	*	-	-	-	-	-	-	-	-	-	
Engineering Division	*	*	*	*	*	*	3	-	*	*	*	*	*	-
Fire	*	*	*	*	*	*	3	-	*	*	*	-	*	*
Parks & Recreation	*	*	*	*	*	*	3	-	*	*	*	-	*	-
Parks Director	4	4	4	4	4	4	4	4	4	4	4	4	4	-
Planning	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Police	*	-	*	*	*	*	-	-	*	*	*	-	*	*
Public Works	*	*	*	*	*	*	3	-	*	*	*	-	*	*
AGENCIES														
Water Commission	*	*	*	*	*	*	3	-	*	*	*	*	*	-
Army Corps of Engineers	-	-	-	-	-	-	5	5	5	5	5	5	-	-
Landmarks & Historic Preservation Commission	1	1	1	-	1	1	1	1	1	1	1	1	-	-
Cable Television Co.	-	-	*	*	*	*	3	-	*	*	*	*	*	-
City of Central Point	1	1	1	1	1	1	1	1	1	1	1	1	-	-
City of Phoenix	1	1	1	1	1	1	1	1	1	1	1	1	-	-
Dept. of Land Conservation & Development	*	*	*	-	-	-	-	-	-	-	-	-	-	-

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
Dept. of State Lands	-	-	-	-	-	-	5	5	5	5	5	5	-	-
Garbage Company	-	-	-	*	*	-	-	-	-	-	-	-	-	-
Jackson Co. Health Dept	-	-	-	*	-	-	-	-	-	*	-	-	-	-
Jackson Co. Planning	*	*	*	-	-	-	-	1	1	-	1	-	-	-
Medford Irrigation District	1	-	1	1	1	-	3	-	1	1	-	-	-	-
Natural Gas Company	-	-	*	*	*	*	3	-	*	*	*	*	*	-
Oregon Dept. of Fish & Wildlife	-	-	-	-	-	-	5	5	5	5	5	5	-	-
Oregon Dept. of Transportation	*	-	1	1	-	1	3	-	1	1	1	1	-	-
Power Company	-	-	*	*	*	*	3	-	*	*	*	*	*	-
Rogue River Valley Irrigation District	1	-	1	1	1	-	3	-	1	1	-	-	-	-
RV—Medford Airport	1	-	1	-	-	1	2	2	2	2	2	-	-	-
Rogue Valley Sewer Services	1	-	1	1	1	1	3	-	1	1	1	-	1	-
Rogue Valley Transportation District	*	-	1	1	1	*	3	-	1	1	*	*	*	-
Medford 549C Schools	1	-	1	1	-	1	3	-	1	1	-	-	-	-
Superintendent	4	4	4	4	4	4	4	4	4	4	4	4	-	-
Phoenix—Talent Schools	1	-	1	1	-	1	3	-	1	1	-	-	-	-
Superintendent	4	4	4	4	4	4	4	4	4	4	4	4	-	-
Telephone Company	-	-	*	*	*	*	3	-	*	*	*	*	*	-
U. S. Post Office	-	-	-	-	-	-	-	-	*	*	*	*	*	-
Urban Renewal Agency	-	-	1	-	1	1	1	1	1	1	1	1	1	-
Water Districts	1	-	1	1	-	1	-	-	1	1	-	-	-	-

10.183D. Referral and Review Agency Action and Decision Time.

1. ~~After initiation of a Class "A" plan authorization~~ After deeming an application complete per Section 10.122~~131~~, the Planning Department shall transmit one (1) copy of the proposed legislation, or land use permit application, and necessary accompanying data ~~to each referral agency~~ for review and comment to any governmental agency or private entity that is entitled to notice per the Planning Department's Distribution Schedule pursuant to Section 10.146, Referral Agencies Distribution, for Class "A" actions.

~~If the referral agency does not comment within thirty (30) working days, then the referral agency is assumed to have no comment. If requested in writing, by a referral agency, an extension of thirty (30) working days may be granted.~~

2. ~~Upon conclusion of the thirty (30) day period, t~~ The Planning Department shall study and investigate the proposal and prepare a Staff Report setting forth a recommended action to the approving authority based on compliance with the appropriate criteria and recommendations by the referral agencies.

10.223E. Referral Agency Reports.

Upon receipt of a request for review and comment ~~Class "C" plan authorization and necessary accompanying data~~, each referral agency shall make an investigation and submit a written report comments ~~within fifteen (15) working days, and forward same~~ to the Planning Department clearly specifying any recommended conditions for development approval.

~~(1)1.~~ **City Departments, Affected Agencies and Utility Company Reports.** ~~The public works department, water commission and affected public utilities, school districts and other affected~~ Other agencies having jurisdiction, shall report to the Planning Department as to any recommendations or provisions which in their determination are required for the approval of the ~~development land use~~ land use permit consistent with this code.

~~(2)2.~~ **City Engineer's Report.** The City Engineer shall investigate and report on existing facilities and make a recommendation on the manner in which the ~~development land use~~ is to be provided city services. The city engineer shall appropriately condition the ~~development land use permit~~ to adequately provide for the ~~drainage of surface water from~~ provision of public infrastructure for the land constituting and surrounding the ~~intended proposed~~ land division use.

~~(3)3.~~ **Fire Department, ~~Water Commission.~~** The Fire Department, ~~Water Commission~~ shall investigate and report on existing facilities and make a recommendation concerning the number and placement of fire hydrants and other fire protection requirements for the proposed ~~development~~ land use.

4. Water Commission. The Water Commission shall investigate and report on the applicable infrastructure that is in place, what easements pertain to the project, and what are the improvements needed to provide adequate infrastructure to the site.

~~(4)5.~~ **Staff Report Planning Department.** The Planning Department shall review the ~~design and improvement of the proposed development~~ land use permit application in relation to the *Comprehensive Plan*, any applicable specific plans prescribed by law which affects the proposed ~~development land use~~ and in relation to any and all ~~applicable~~ criteria and standards ~~as set forth in this chapter~~ applicable to the application type. The staff report shall either summarize, or incorporate by reference, all ~~departmental, affected agency and utility~~ referral agency reports and public comments received ~~as specified herein~~, and shall itemize such conditions as it deems appropriate to be imposed by the approving authority if approval is to be recommended. The Staff Report shall be made available at no cost in by the Planning Department seven days before the public hearing.

~~10.175 Application Review Procedure.~~

~~Each procedural classification is subject to four (4) application review procedures as follows:~~

- ~~(1) — Application, General~~
- ~~(2) — Referral and Review~~
- ~~(3) — Application Form~~
- ~~(4) — Criteria~~

CONCURRENT LAND USE REVIEWS, APPLICATION SUBMITTALS, FINDINGS AND CONCLUSIONS (10.114 – 10.118)

10.101114 Concurrent Land Use Review

The applicant ~~for of a development permit~~ land use application may choose to request ~~approval~~ consideration of all, any one, or a combination of required ~~plan authorizations~~ land use re-
views ^[MHB10] by the same approving authority at the same time. ~~Otherwise, a~~ A request for ~~ap-~~
proval consideration of a specific ~~plan authorization~~ land use application may follow, at any time,
the application for other required ~~plan authorizations~~ land use reviews.

~~10.116~~ Application Submittals.

~~Land use applications shall be submitted to the Planning Department and shall consist of the submittal requirements specified on the application. Required materials are subject to change at the discretion of the Planning Director. If an application does not include all required submittals, it shall be deemed incomplete per Section 10.122.~~

~~10.168~~ Findings of Fact.

~~Findings of Fact are statements of the criteria, facts, and conclusions used in making a decision. In order for the approval authority to approve a land use application, it must find that the proposal complies with the approval criteria and standards listed in this chapter. The findings must demonstrate and lead to the conclusion, based on the facts, that the criteria are being met. Findings which addressing applicable criteria shall accompany all actions required of this chapter for plan authorizations/land use review.~~

~~A. The approval criteria applicable to the specific land use application.~~

~~B. A complete description of the project including all facts about the proposal which support approval.~~

~~C. An analysis and rationale of how the facts demonstrate that the project meets each of the criteria.~~

~~DUE PROCESS. (10.120 – 10.138)~~

~~10.155~~120 Due Process.

~~Each of the procedural types outlined in Section 10.106 are subject to specific due process and administrative requirements which are outlined below in Table 10.120-1 for each land use application.~~

~~In addition to the application review requirements of Section 10.175, Application Review Procedure, there are eight basic due process elements applicable to Class A, Class B and Class C procedural classifications. The due process requirements are:~~

- ~~(1) Notification~~
- ~~(2) Disclosure~~
- ~~(3) Conflict of Interest~~
- ~~(4) Hearing~~
- ~~(5) Cross-Examination~~
- ~~(6) Action and Decision Time~~
- ~~(7) Findings~~

~~(8) Record B. Due process for Class D plan authorizations includes requirements 1, 2, 6, 7, and 8 of the preceding list, in addition to the application review requirements of Section 10.175, Application Review Procedure.~~

Table 10.120-1. Due Process Elements by Procedure Type

Due Process Element	Land Use Procedure Type			
	Type I	Type II	Type III	Type IV
<u>1. Completeness Review</u>		✓	✓	
12. Notification		✓	✓	✓
23. Disclosure		✓	✓	✓
34. Conflict of Interest			✓	✓
45. Public Hearing			✓	✓
56. Cross-Examination			✓	✓
67. Action, and Decision Time <u>and Notice of Decision</u>		✓	✓	✓
78. Findings <u>of Fact</u>		✓	✓	✓
89. Record		✓	✓	✓

10.221122 Application, General. Due Process Element 1: Completeness Review

~~Applications for Class "C" plan authorizations may be initiated by City Council, Planning Commission, or property owners representing the subject area. Class "C" applications shall be submitted to the Planning Department and shall consist of the materials specified for each type Class "C" procedural application.~~

- A. Upon submittal of ~~the a~~ land use application to the Planning Department, the date of receipt shall be indicated on each copy of the materials submitted.
- B. Within ~~thirty (30)~~ days of receipt, the Planning Department shall determine whether ~~the a~~ Type II or III land use application as submitted, along with the required information, is complete as per this chapter.
- C. If the Planning Department fails to provide notice of completeness to the applicant of a Type II or III land use application in writing within ~~thirty (30)~~ days of receipt, the application shall be deemed complete. For purposes of this section, the date of notice to the applicant shall be the date of mailing.
- D. If it is determined that the Type II or III land use application is incomplete or otherwise does not conform to the provisions of this chapter, the Planning Department shall notify the applicant in writing to submit the missing material. The application shall be deemed complete upon receipt of (a1) all of the missing information; (b2) some of the missing information and written notice from the applicant that no other information will be provided; or (e3) written notice from the applicant that none of the missing information will be provided.
- E. If the Type II or III land use application is deemed complete ~~when as~~ first submitted, or the applicant submits the requested additional information within 180 days of the date the application

was first submitted, approval or denial of the application shall be based upon the standards and criteria applicable at the time the application was submitted.

F. On the 181st day after first being submitted, the Type II or III land use application is void if the applicant has been notified of the missing information and has not submitted (a1) all of the missing information; (b2) some of the missing information and written notice that no other information will be provided; or (c3) written notice that none of the missing information will be provided. Any applications that are resubmitted to the Planning Department shall be subject to the standards and criteria in effect at the time the application is resubmitted.

~~At the time an application is deemed complete, the Planning Department shall indicate on the application the date of completion.~~

10.156124 Notification General. Due Process Element 2: Notification.

A. Content of Public Hearing Notice. The ~~notice~~ Public Hearing Notice provided shall:

- ~~(1)~~1. Explain the nature of the application and the proposed use or uses which could be authorized;
- ~~(2)~~2. List the applicable criteria from the Code and the Comprehensive Plan that apply to the application at issue;
- ~~(3)~~3. Set forth the street address or other easily understood geographical reference to the subject property;
- ~~(4)~~4. State the date, time and location of the hearing; or, for Type II applications state the date the decision will be rendered ~~or, for Type II, state the date the decision will be rendered;~~
- ~~(5)~~5. State that failure to raise an issue in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal ~~to the Land Use Board of Appeals~~ based on that issue;
- ~~(6)~~6. Include the name of a local government representative to contact and the telephone number where additional information may be obtained;
- ~~(7)~~7. State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
- ~~(8)~~8. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; ~~For a Type II application the staff report will be available on the day the decision is rendered;~~ and
- ~~(9)~~9. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

10.157 Notification, Publication and On-Site Posting.

~~(2)~~B. ~~On-Site Posting~~ Public Hearing Signs. Public ~~notice~~ hearing signs shall be posted on the project site for any proposed ~~Class B, C, or D~~ Type II, III or IV (minor) land use action according to the following:

- ~~(a)~~1. Contents of sign. ~~Notice~~ Public hearing signs shall include a description of the proposed land use action, the date of the public hearing, and the City of Medford file number for the proposed land use action.

- (b)2. Location and number of signs. —A posted notice sign must be placed on each existing street frontage of the project site. If a frontage is over 600 feet long, a notice sign is required for each 600 feet, or fraction thereof. Notice signs must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notice signs may not be posted in a public right-of-way, unless the land use action specifically pertains to a public right-of-way. If posting must occur in the right-of-way, care should be taken to comply with Section 10.735, Clear View of Intersecting Streets.
- (c)3. Sign posting schedule. The required sign(s) shall be posted ~~not later than 21 days prior to the first public hearing date of each~~ as specified below in Table 10.124-1 ~~body that hears the application~~. Posted signs shall be removed within 10 days following the final decision.
- (d)4. Consequences of failing to post the property as required. Failure to post the signs as required by this section is a violation of the Medford Municipal Code.
- 10.158C. Notification, Affected Property Owners.
1. Notice of Type II land use action. In the case of Type II land use actions where there is no public hearing, notification shall be mailed to the applicant and all affected property owners no later than 20 days prior to the date the decision will be made by the Planning Director.
 2. Notice of Type III and IV land use actions. Notification shall be mailed to the applicant and all affected property owners no later than 20 days prior to ~~the scheduled meeting~~ each public hearing date ~~before the approving authority~~.
 3. All addresses for mailed notices shall be obtained from the latest property tax rolls of the Jackson County Assessor's office.
 4. Affected property owners for each procedure type ~~of plan authorization~~ shall be determined as ~~follows~~ indicated below in Table 10.124-1.
- (1)D. Publication. Unless otherwise indicated, ~~notification~~ public hearing notices ~~of for~~ all proposed land use actions shall be published in a newspaper of general circulation prior to the scheduled ~~meeting~~ public hearing date before the approving authority. The schedule of publication for each procedure type ~~plan authorization~~ shall be as ~~follows~~ specified below in Table 10.124-1:

Table 10.124-1: Notice of Public Hearing Schedule by Procedure Type			
<u>Procedure Type</u>	<u>Newspaper Publication</u>	<u>On-Site Public Hearing Sign</u>	<u>Affected Property Owners Notice</u>
<u>Type I</u>	None	<u>None</u>	<u>None</u>
D <u>Type II</u>	None	<u>None</u>	<u>21 days prior to the decision date notice will be sent to All-all property owners of property</u> within the project boundaries plus all property owners within 200 feet of the project boundaries
<u>Type III: Conditional Use Permit, Exception, Preliminary PUD Plan, Zone Change</u>	Shall be published in a newspaper of general circulation no Notice shall be published no later than 10 days prior to the scheduled meeting public hearing date before the approving authority.	<u>A sign shall be placed on the subject property 21 days prior to the public hearing date.</u>	<u>21 days prior to the public hearing date notice will be sent to aAll property owners of property</u> within the project boundaries plus all property owners within 200 feet of the project boundaries. <u>For Preliminary PUD Plans, in addition to the above, The-the</u> owners of no less than seventy-five <u>75</u> tax lots shall be notified. If seventy-five <u>75</u> tax lots are not located within 200 feet of the exterior boundary of the PUD, the notification area shall be extended by successive 50-foot increments, until the minimum number of lots are included in the notification area. Owners of all tax lots within the ex-

Table 10.124-1: Notice of Public Hearing Schedule by Procedure Type			
Procedure Type	Newspaper Publication	On-Site Public Hearing Sign	Affected Property Owners Notice
			tended notification area shall receive notice.
<u>Type III: Historic Review, Site Plan and Architectural Commission Review</u>	None	A sign shall be placed on the subject property 21 days prior to the public hearing date. AND A notice shall shall be posted in a public place no later than five days prior to the scheduled meeting public hearing date before the approving authority.	21 days prior to the public hearing date n Notice will be sent to A all <u>property</u> owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.
<u>Type III: Subdivision Tentative Plat</u>	Notice shall shall be published in a newspaper of general circulation no later than 10 days prior to the scheduled meeting public hearing date before the approving authority.	A sign shall be placed on the subject property 21 days prior to the public hearing date.	21 days prior to the public hearing date notice will sent to All all <u>property</u> owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.
<u>Type IV: Minor Comprehensive Plan Amendment, General Land Use Plan Map Amendment, Transportation Facility Development</u>	Shall be published in a newspaper of general circulation no Notice shall be published no later than 10 days prior to the scheduled meeting public hearing date before the Planning Commission (the approving authority <u>advisory body</u>) AND No later than 10 days prior to the public hearing date before City	A sign shall be placed on the subject property 21 days prior to the first public hearing date.	21 days prior to the each public hearing date notice will be sent to All all <u>property</u> owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.

Table 10.124-1: Notice of Public Hearing Schedule by Procedure Type			
Procedure Type	Newspaper Publication	On-Site Public Hearing Sign	Affected Property Owners Notice
	<u>Council (the approving authority).</u>		
<u>Type IV: Annexation</u>	Notice shall be published o Once each week for two successive weeks prior to the day of the public hearing date before the approving authority City Council (the approving authority).	Notice shall also be posted in four public places in the city for a like pe- riod <u>two successive weeks prior to the public hearing date.</u>	<u>21 days prior to the public hearing date notice will be sent to All-all property owners of property</u> within the project boundaries plus all property owners within 200 feet of the project boundaries.
<u>Type IV: Vacation of Public Right-of-Way</u>	<u>Not less than 14 days before the public hearing date before the approving authority, notice shall be published o</u> Once a week for two consecutive weeks prior to the date of the hearing before the approving authority.	Within five days after publication of the first notice, <u>and not less than 14 days before the hearing, the City Re-</u> order a sign shall cause to be posted placed at or near each end of the proposed vacation a copy of the notice which shall be headed "Notice of Street Vacation", "Notice of Plat Vacation" or "Notice of Plat and Street Vacation" as the case may be; the notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be not less than 14 days before the hearing.	<u>21 days prior to the public hearing date notice will be sent to All-all</u> property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated.
<u>Type IV: Land Development Code Amendment, Major Comprehensive Plan Amendment, Major Zone</u>	Notice shall be published no later than 10 days prior to the scheduled meeting public hearing date before the advisory agency-Planning Com-	<u>None</u>	Generally not applicable to a legislative action unless it meets ORS 227.186 criteria (<i>i.e.</i> , the change effectively rezones property).

Table 10.124-1: Notice of Public Hearing Schedule by Procedure Type

<u>Procedure Type</u>	<u>Newspaper Publication</u>	<u>On-Site Public Hearing Sign</u>	<u>Affected Property Owners Notice</u>
<u>Change</u>	<u>mission</u> (the advisory body), <u>AND</u> No later than 10 days prior to the scheduled public hearing date before the approving authority <u>City Council</u> (the approving authority).		

Plan Authorization Class	Publication Schedule
"A" (All)	No later than 10 days prior to the scheduled meeting date before the advisory agency. No later than 10 days prior to the scheduled public hearing date before the approving authority.
"B" (Annexation)	Once each week for two successive weeks prior to the day of the hearing before the approving authority. Notice shall also be posted in four public places in the city for a like period.
"B" (Vacations)	Once a week for two consecutive weeks prior to the date of the hearing before the approving authority. Within five days after publication of the first notice, the City Recorder shall cause to be posted at or near each end of the proposed vacation a copy of the notice which shall be headed "Notice of Street Vacation", "Notice of Plat Vacation" or "Notice of Plat and Street Vacation" as the case may be; the notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be not less than 14 days before the hearing.
"B" (Minor Comp. Plan Amendments [quasi-judicial], transportation facility development)	Shall be published in a newspaper of general circulation no later than ten (10) days prior to the scheduled meeting date before the approving authority.
"C" (Zone changes, preliminary PUD plans, conditional use permits, exceptions)	Shall be published in a newspaper of general circulation no later than ten (10) days prior to the scheduled meeting date before the approving authority.
"C" (Site plan and architectural review, land divisions and historic review)	Shall be posted in a public place no later than five (5) days prior to the scheduled meeting date before the approving authority.

10.159126 Due Process Element 3: Disclosure.

There shall be provided to the applicant and other interested parties adequate opportunity to review the facts, findings, staff report and other exhibits as soon as practical, but not less than seven ~~(7)~~ days prior to the time ~~in~~at which a decision is to be made on a ~~plan authorization~~land use application by the approving authority.

10.128 Due Process Element 4: Conflict of Interest.

See Section 10.130(E)(2).

10.161130 Due Process Element 5: Public Hearing.

The contents of this section shall govern the conduct of all quasi-judicial public hearings before an advisory body/approving authority. A copy of this section shall be available for public inspection at each quasi-judicial hearing and in the Planning Department. The conduct of public hearings on legislative matters shall be at the discretion of the presiding officer.

(1)A. Nature of Hearing. All parties with standing shall have an opportunity to be heard, to present and rebut evidence before an impartial tribunal, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law.

B. Authority of Presiding Officer. The presiding officer of the advisory body/approving authority shall have authority to:

- ~~(a)~~1. Regulate the course and decorum of the meeting.
- ~~(b)~~2. Dispose of procedural requests and similar matters.
- ~~(c)~~3. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, questions, and rebuttal testimony.
- ~~(d)~~4. Question any person appearing, and allow other members to question any such person.
- ~~(e)~~5. Waive, at ~~his/her~~their discretion, the application of any rule herein where the circumstances of the hearing indicate that it would be expedient and proper to do so, provided that such waiver does not act to prejudice or deny any party ~~his/her~~their substantial rights as provided herein or otherwise by law.
- ~~(f)~~6. Take such other action as authorized by the approving authority to appropriately conduct the hearing.

C. Challenge or Reversal of Presiding Officer Ruling. A ruling of the presiding officer may be challenged by any member of that advisory body/approving authority present at the hearing. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the presiding officer's decision.

(2)D. Conduct of Participants. Proceedings shall at all times be orderly and respectful. The presiding officer may refuse to recognize or exclude from the hearing anyone who:

- ~~(a)~~1. Is disorderly, abusive, or disruptive.
- ~~(b)~~2. Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing.
- ~~(c)~~3. Testifies without first receiving recognition from the presiding officer and stating his full name and residence.

- ~~(d)~~4. Presents irrelevant, immaterial, or repetitious evidence.
- ~~(3)~~E. **Order of Procedure.** The presiding officer shall conduct the hearing in an orderly fashion, within the guidelines set forth herein. The hearing shall proceed in the following manner:
- ~~(a)~~1. **Commencement:** At the commencement of a hearing under a *Comprehensive Plan* or land use regulation, a statement shall be made to those in attendance that lists the applicable substantive criteria; states that testimony and evidence must be directed toward the criteria described in this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision; and states that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal ~~to the Land Use Board of Appeals~~ based on that issue.
- ~~(b)~~2. **Abstentions, Conflict of Interest and Challenges.** All members shall comply with ORS 244.120, ~~and~~ 244.130, ~~and 244.135~~ regarding actual or potential conflicts of interest. Any member who is disqualified or wishes to abstain from participation in the hearing on a proposal shall identify the reasons for the record and shall not thereafter participate in the discussion as a member or vote on the proposal. Any challenges to the impartiality shall also be decided at this time.
- ~~(c)~~3. **Planning Director's Report.** The presiding officer shall request that the Planning Director or staff member report on the criteria and standards and the basic factual evidence applicable to the case and indicate the action required to be taken.
- ~~(d)~~4. **Applicant's Case.** The presiding officer shall allow the applicant or applicant's representative to present evidence in support of the application. The applicant shall be allowed to produce witnesses on ~~his/her~~their behalf. Other parties in favor of the proposal shall thereafter be allowed to present their evidence. Applicant may then reserve time for rebuttal. The Planning Director may appear as an applicant on a staff proposal.
- ~~(e)~~5. **Opponent's Case.** The presiding officer shall allow opponents to present evidence in opposition to the proposal. Opponents shall be allowed to produce witnesses ~~in~~in their behalf.
- ~~(f)~~6. **Questioning of Witnesses.** Cross examination shall be permitted as per Section 10.161132, ~~Cross Examination~~.
- ~~(g)~~7. **Applicant's Rebuttal if Reserved.**
- ~~(h)~~8. **Staff Summary and Recommendations.** The Planning Director or staff person may present any additional evidence, comments and recommendations at the close of the hearing.
- ~~(i)~~9. **Final Discussion.** Upon conclusion of the evidence, members shall be allowed to openly discuss the proposal and further question any party appearing for or against the proposal as necessary.
- ~~(j)~~10. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven ~~(7)~~ days after the hearing. Such an extension shall not be subject to the limitations of ORS 227.178.
- ~~(k)~~11. When the ~~City Council or Planning Commission~~advisory body/approving authority re-opens a record to admit new evidence or testimony, any person may raise new issues

which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

~~(H)~~12. The failure of the property owner to receive notice as provided in Section 10.158124 shall not invalidate such proceedings if the city can demonstrate by affidavit that such notice was mailed. The notice provisions contained of in Section 10.158124 shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television.

~~(4)~~F. **Standing.** A person has the right to appear as a party to a quasi-judicial proceeding if the person: (a1) received official written notice of the hearing or was entitled to receive such notice, or (b2) has interests which could be adversely affected by the decision. [MHB11]

~~10.162~~132 **Due Process Element 6: Cross Examination.**

A. Prior to any quasi-judicial public hearing there shall be provided to all affected parties, upon request, the right to question the advisory body/approving authority, relative to any actual or potential conflict of interest. Once a member of the advisory body/approving authority is disqualified, no further questions shall be directed to him/her/them.

B. Any witness may be questioned in an orderly fashion by any member of the advisory body/approving authority, applicant, proponent or opponent who has first been recognized by the presiding officer. Questions shall be brief and to the point. All questions shall be submitted to the witness through the presiding officer unless the presiding officer expressly permits the submission of questions directly to a witness.

~~10.163~~134 **Due Process Element 7: Action, ~~and~~ Decision Time, and Notice of Decision.**

A. **Action.** After acceptance of an application, the approving authority (~~City Council~~) shall approve, approve with conditions, or deny the request. The decision of the approving authority (~~City Council~~) shall be based upon the application, the evidence and comments from ~~the~~ referral agencies and the public, and compliance with this chapter ~~and the Comprehensive Plan~~.

B. **Decision Time.** Action on all ~~plan authorizations~~ land use reviews shall be taken within the time herein prescribed.

C. **Notice of Decision.** For all ~~authorizations~~ land use reviews, the Planning Department shall, within five working days of the decision date, provide written notification of the land use decision to the applicant and all persons who testify orally or in writing on the ~~plan authorization~~ land use review. The notice shall indicate the date that the decision will take effect, the approval's expiration date, and the final date for appeal.

~~10.164~~ **Class "A", Action and Decision Time.**

~~10.165~~ **Class "B", Action and Decision Time.**

~~10.136~~ **Due Process Element 8: Findings of Fact**

See Section 10.118.

10.169138 Due Process Element 9: Records.

The secretary to the advisory body/approving authority shall be present at each meeting and shall cause the proceedings to be recorded stenographically or electronically.

- (1)A. Testimony shall be transcribed if required for judicial review or if ordered by the advisory body/approving authority.
- (2)B. The total public record for any legislative or quasi-judicial action includes, but is not limited to, the application, the staff report, the hearing record, the appeal record, the decision or recommendation of all public bodies that considered the matter, and all additional information, correspondence and other items submitted to the city by any party or by the staff prior to the closing of the record. The record shall be deemed closed at the end of the last hearing on the matter, unless kept open to a later date as otherwise provided by law. Items submitted for the record do not have to be formally introduced and admitted at the hearing. The Planning Department shall create and maintain a separate file with a unique file number for each land use action and all items received by the city for that action shall be placed in the Planning Department file.
- (3)C. The Planning Director shall, where practicable, retain as part of the record each item of physical or documentary evidence presented including the staff report, and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent, opponent or staff. Exhibits received into evidence shall be retained in the file until after the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon, or disposed of by the Planning Director if not claimed within 60 days of the expiration of any appeal date.
- (4)D. Included in the record shall be a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the criteria, standards and facts set forth.
- (5)E. A person shall have access to the record of the proceedings and the exhibit file during normal working hours. A person shall be entitled to copies of the record at the person's own expense. The custodian of record shall make the copies for a fee equal to the actual cost of reproduction.

10.140 Appeal of Land Use Decision.

10.051 Appeals

A. Standing for Appeal.

1. Any person with standing may appeal ~~to the City Council any Type "C" or "D"~~ a land use decision of an approving authority (Planning Commission, Site Plan and Architectural Commission, Landmarks and Historic Preservation Commission, and Planning Director) which approves conditionally, approves, or disapproves an development permit, or plan authorization, as per Section 10.102, Plan Authorizations, of this chapter, appealable land use action per Subsection (E), by filing a written notice together with the requisite filing fee with the ~~city recorder~~ Planning Department within ~~fourteen (14)~~ days after notice of the ~~development permit or plan authorization approval or disapproval by the approving authority decision~~ is mailed.

B.2. A person has standing if the person: (1) appeared in the initial proceedings orally or in writing; and (2) was entitled to a right of notice and hearing prior to the decision to be

reviewed, or is aggrieved by the decision, or has interests adversely affected by the decision.

10.052-B. Notice of Appeal.

1. All notices of appeal shall be signed by the appellant or ~~his~~ their agent and shall contain:
 - ~~(1)~~ a. An identification of the decision sought to be reviewed, including the date of the decision.
 - ~~(2)~~ b. A statement demonstrating that the appellant has standing to appeal as required by ~~Section 10.051, Appeals-Subsection (A) above.~~
 - ~~(3)~~ c. A statement of the specific grounds which the appellant relies on as the basis for the appeal. If the appellant contends that the findings of fact made by the approving authority are incorrect or incomplete, the notice shall specify the factual matters omitted or disputed. If the appellant contends that the decision is contrary to ordinance, statute or other law, such errors shall be specifically identified in the notice along with the specific grounds relied upon for review.
2. Upon timely receipt of the notice of appeal and filing fee, the ~~City Recorder~~ Planning Department shall ~~set schedule~~ the appeal for a hearing before the City Council at its next regular meeting that falls not less than fourteen (14) days after the date of filing, before the appropriate appeal body at the next available hearing. The ~~City Recorder~~ Planning Department shall notify the appellant and other parties ~~who appeared in the initial proceedings,~~ with standing, of the time and place of the hearing by first class mail, enclosing a copy of the notice of appeal.

10.053 Scope of Review

* * *

C. Appeal Procedure. Only the appellant and other parties ~~who appeared in the initial proceedings~~ with standing may participate in the appeal hearing. Appellant shall make the initial presentation and shall be allowed rebuttal. Each participant in the appeal hearing shall present to the ~~council~~ appeal body those portions of the record which the participant deems relevant to the appeal. If a party wishes the ~~council~~ appeal body to review recorded testimony, the party shall present a written summary or transcript of such testimony to be read by the ~~council~~ appeal body in lieu of actually listening to the recording.

D. Scope of Review Appeal.

1. Upon review, the ~~City Council~~ appeal body shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the ~~tribunal which heard the matter~~ approving authority, or to determining if errors in law were committed ~~by such tribunal.~~ Review shall in any event be limited to those issues set forth in the notice of appeal. The appellant is also precluded from raising an issue on appeal to the ~~Council~~ appeal body if he or she could have raised the issue ~~before the hearings body~~ with the approving authority but failed to do so.
2. Review shall be based on the record of the initial proceedings. The record shall consist of the application and all materials submitted with it; documentary evidence, exhibits and materials submitted at the initial hearing; recorded testimony; the decision of the approving authority, including the findings and conclusions; and the notice of appeal.

~~10.056~~ City Council Decision.

E. Decision Regarding Appeals.

~~A.1.~~ Upon review of the appeal, ~~City Council~~ the appeal body may by order affirm, reverse or modify in whole or in part a determination or requirement of the decision that is under review. When the ~~City Council~~ appeal body modifies or renders a decision that reverses a decision of the approving authority, the ~~Council~~ appeal body, in its ~~resolution~~ final order, shall set forth its finding and state its reasons for taking the action encompassed in the order. When the ~~City Council~~ appeal body elects to remand the matter back to the approving authority for such further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.

~~B.2.~~ Action by the ~~City Council~~ appeal body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The ~~City Council~~ appeal body shall render its decision within the time limits allowed by State law.

F. Appeal of Type I Land Use Decision.

1. With the exception of Riparian Corridor Reductions or Deviations, Final PUD Plan decisions and Minor Historic Review decisions, all other Type I land use decisions are final and not appealable under this chapter or any other provision of the Medford Municipal Code.

2. Riparian Corridor Reduction or Deviation decisions made by the Planning Director or designee may be appealed to the City Council^[MHB12].

3. Final PUD Plan decisions made by the Planning Director or designee may be appealed to the Planning Commission.

4. Minor Historic Review decisions made by the Planning Director or designee may be appealed to the Landmarks and Historic Preservation Commission.

G. Appeal of Type II Land Use Decisions.

Type II land use decisions made by the Planning Director or designee may be appealed to the Planning Commission.

H. Appeal of Type III Land Use Decision.

Type III land use decisions made by the approving authority (Planning Commission, Site Plan and Architectural Commission, or Landmarks and Historic Preservation Commission) may be appealed to the City Council.

I. Appeal of Type IV Land Use Decision.

Type IV land use decisions made by City Council may be appealed to the Land Use Board of Appeals (LUBA) pursuant to ORS 197.830.

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TYPE I APPLICATIONS. (10.142 – 10.160)

10.142 Type I Land Use Actions.

Type I Actions. Type I land use actions comprise the following land use reviews:

Land Use Actions

De Minimis Revision(s) to an Approved PUD Plan

Final PUD Plan

Minor Historic Review

Minor Modification(s) to Approved Conditional Use Permit

Minor Modification to a Site Plan and Architectural Review Approval

Pre-Application

Property Line Adjustment

Riparian Corridor Reduction or Deviation

Sign Permit

Subdivision/Partition Final Plat

10.144 De Minimis Revision(s) to an Approved PUD Plan. See Section 10.198.

10.146 Final PUD Plan. See Section 10.196.

10.148 Minor Historic Review. See Section 10.188.

10.150 Minor Modification to an Approved Conditional Use Permit. See Section 10.184.

10.152 Minor Modification to a Site Plan and Architectural Review Approval. See Section 10.200.

10.154 Nonconformities. See Sections 10.032 – 10.037.

10.17610.156 Preapplication Conference.

Prior to ~~applying for a development permit~~ submitting a land use permit application, the applicant may ~~request~~ apply for a preapplication conference with the Planning Department. ~~When requested~~ Upon receipt of an application the ~~a~~ preapplication conference shall be scheduled. ~~At the conference there shall be and shall provide~~ an exchange of information regarding procedural requirements, required ~~planning authorizations~~ land use applications, consistency with the Comprehensive Plan ~~and this Chap-~~

ter, scheduling and such other technical and design assistance as will aid the applicant in preparing a complete application. Upon conclusion of the conference the Planning Department shall provide the applicant with a written summary of the conference.

~~10.297~~**10.158 Property Line Adjustments.**

A. Property Line Adjustment Purpose.

The purpose of property line adjustments is to relocate or eliminate a common property line between abutting properties.

B. Property Line Adjustment Approval Criteria.

A property line adjustment shall be approved if it complies with the following:

- ~~(1)~~1. All properties were lawfully created;
- ~~(2)~~2. No new lots or parcels of land will result from the adjustment;
- ~~(3)~~3. The adjustment will not result in a unit of land that overlaps the city limit line, urban growth boundary, or zoning districts;
- ~~(4)~~4. The adjusted property configurations shall not create a substandard condition relative to the applicable standards of the Code. When one or more properties are less than the minimum required area or width, none of the resulting units of land shall be made smaller in area or narrower in width than the original smallest existing unit of land.

C. Property Line Adjustment Application Form.

Property line adjustments shall be submitted to the Planning Department on application forms supplied by the Planning Department. The Planning Director or designee may waive the submittal of any of the materials or information that is deemed to be excessive, repetitive, or unnecessary. The application for property line adjustment shall require the following information:

- ~~(1)~~1. A site plan drawn to scale by a land surveyor registered in the State of Oregon showing the following:
 - ~~(a)~~a. Existing and proposed property lines, including dimensions and square footage, for all properties involved;
 - ~~(b)~~b. Assessor's map and tax lot identification for subject properties;
 - ~~(c)~~c. Location of existing wells, septic systems, sanitary sewer, storm drain laterals, and water service;
 - ~~(d)~~d. Location, name, and purpose of all existing and proposed easements; If the property line adjustment will result in any portion of a utility service, lateral, driveway, or water service being located on a different parcel than the structure served by them, an easement granting continued use of the improvement will be required;
 - ~~(e)~~e. The name of public and private streets that abut or lie within the subject area;
 - ~~(f)~~f. Accurate location, height, ground floor area, and use of all structures on the subject properties including the distance from all proposed property lines. If the units of land are vacant, a written statement certifying the same shall be provided;
 - ~~(g)~~g. Names of subject property owners as shown on the accompanying deeds;

- ~~(h)~~h. Signature of person preparing the map, attesting to the accuracy of information contained thereon;
- ~~(i)~~i. If items above are not shown on site plan, a statement is required stating the specific items do not exist on the property;
- ~~(2)~~2. A report from a title company prepared within ~~thirty~~(30) days listing the vested owners, easements, encumbrances, and other matters of record for each property;
- ~~(3)~~3. The owners of all properties that will be modified by the property line adjustment must sign the application form or a letter of authorization.

D. Property Line Adjustment Procedure.

- ~~(1)~~1. **Preliminary Review.** Once the application has been submitted the Planning Department shall send a copy to affected agencies and City departments for review. Within ~~twenty-five~~(25) working days after the application has been submitted, the Planning Department shall send a written notification to the applicant indicating:
 - ~~(a)~~a. The application is missing information required in Section 10.~~297~~156. Once all of the missing information is submitted, the City will have ~~twenty-five~~(25) working days to complete the review; or
 - ~~(b)~~b. The application has been preliminarily approved consistent with Section 10.~~297~~156; or
 - ~~(c)~~c. The application has been disapproved as it is not consistent with Section 10.~~297~~156.
- ~~(2)~~2. **Final Review.**
 - ~~(a)~~a. Within one year of the preliminary approval date, the applicant shall submit to the Planning Department all of the following:
 - (i) Map of survey showing the adjusted property lines prepared by an Oregon licensed surveyor in accordance with the procedures of ORS 92.060(7) and 209.250. This requirement applies to all properties regardless of size.
 - (ii) A report from a title company prepared within 15 days listing the current vested owners, easements of record, encumbrances, and other matters of record;
 - (iii) A copy of proposed easements to be recorded. Proposed easements may be included as a reservation on the property line adjustment deeds;
 - (iv) Deeds which include a statement that identifies the associated conveyance of property as a property line adjustment and labeled as a "Property Line Adjustment." If a property line is being eliminated, the deeds shall be labeled "Property Line Adjustment – Lot Consolidation."
 - (v) Property descriptions attached to the deeds shall either describe the resultant properties or otherwise specify that the conveyed land shall be consolidated with the property of the grantee. A property line adjustment deed shall contain the names of the parties, the description of the

adjusted line, references to original recorded documents, and signatures of all parties with proper acknowledgment.

~~(b)~~b. Within ~~twenty five (25)~~ days of submittal, the City will conduct the final review for consistency with the preliminary approval and the approval criteria. Upon approval, the survey will be signed by the City Surveyor and the Planning Director.

E. Property Line Adjustment Recordation and Expiration.

Within one year of the final decision date, the property line adjustment deeds must be filed with the Jackson County Recorder's Office. If the deeds are not filed within ~~the~~ one year, the application approval will expire.

10.160 Riparian Corridors, Reduction or Deviation. See Sections 10.920 – 10.928.

10.162 Subdivision and Partition Final Plats.

10.273 A. Final Plat Approval Required.

No person shall cause or permit the sale or development of any real property under ~~his~~ their ownership or control, nor shall any development [MHB13] permit be issued for such development, until final approval therefor has been granted by the ~~approving authority (Planning Director)~~ in accordance with this chapter, and an approved final plat has been recorded with the Jackson County Recorder. The requirements of this section shall not be applicable to any of the following which are exempt from such provisions:

- ~~(1)~~1. Where final plat approval for the identical lot or site has been previously obtained from the City within ~~ten (10)~~ years prior to the date of application for a building permit, in accord with such ordinance requiring plat approval which was in effect at that time, and such final plat is of record evidencing such plat approval;
- ~~(2)~~2. Developments made solely for the purpose of opening or widening a public street or alley, or those involving conveyance, transfer, access, sewer, water, or public utility, provided that no partitions or parcels of land are created other than those directly caused by such action.
- ~~(3)~~3. Developments made solely because of the acquisition of lands by government agencies for freeways, parks, public buildings, flood control channels, or other public purposes, or for the sale of minor remnant parcels by such agencies to adjacent property owners where such land involved in the sale is not designated in the City's Comprehensive Plan as a recreational facility. In connection with the sale of any such minor remnant parcel, the person acquiring the property shall consolidate the acquired remnant parcel with his existing contiguous ownership;
- ~~(4)~~4. Developments involving land dedicated for cemetery purposes; or
- ~~(5)~~5. Developments caused by a conveyance for the purpose of adding land to one parcel by deducting it from another contiguous parcel, where such does not reduce the area of the parcel from which such portion is taken below the minimum area, frontage, width or

depth prescribed for the zoning district in which said parcel is located, nor reduce any of the required yard spaces surrounding any structure or use on such parcel below the minimum prescribed for such zoning district.

10.276B. Final Plats, General.

The form and content of a final plat shall be in accord with the provisions of ORS 92.050 through 92.080, and [this code](#). ~~in addition shall comply with all the provisions of this code.~~ Final plats not submitted in accord with this code shall not be considered for approval.

10.277C. Form of Final Plat and Data to Appear Thereon.

Where identified by an "X", the final plat of subdivisions and partitions shall conform ~~with~~to the following provisions:

SUBD PART

<u>Final Plat Provisions</u>	<u>Include on Subdivision Final Plat</u>	<u>Include on Partition Final Plat</u>
1. Title and subtitle of plat. The title sheet shall contain the name as approved by the Planning Commission. Below the title sheet shall appear a subtitle giving a general location of the property being developed by reference to the plats which have previously been recorded. In case the property included within the subdivision lies wholly in the city of Medford, the following words shall appear below the title, "In the City of Medford."	X	
2. Distances and bearings. Sufficient data to determine readily the bearing and length of every lot line, block line, and boundary line. Dimensions of lots shall be given as total dimensions, corner to corner and shall be shown in feet and hundredths of a foot. The plat shall show the basis of bearings and lengths of straight lines and radii, and all arc lengths, central angle, or other data as necessary to define all curves within the subdivision.	X	X
3. Boundary references and monuments. The plat shall show clearly what monuments (type and size) or other evidence is found on the ground to determine boundaries of the subdivision. The adjoining corners of all adjoining subdivisions shall be identified by lot and block number, and subdivision name. The plat shall show the location and description of monuments found or placed in making the survey for proper reference and data sufficient for relocation and retracing of any and all exterior boundary lines and lot and block lines. Whenever the city or county engineer has established the centerline of a street adjacent to or in the proposed subdivision, the data shall be shown on the plat.	X	X
4. Additional Information. a. The plat shall note whether the	X	X

<u>Final Plat Provisions</u>	<u>Include on Subdivision Final Plat</u>	<u>Include on Par- tition Final Plat</u>
subdivision or portion thereof are subject to periodic inundation by water as determined from the Federal Flood Insurance Rate Maps.		
b .5. The centerlines and sidelines of all streets, and total width thereof, and the widths of each side of the centerline and widths of any portion of a street being dedicated, the width of existing dedications, and the widths of any railway, drainage channel, or other rights-of-way shall be shown.	X	X
e .6. The plat shall show all easements of record, or easements to be recorded, to which the lots will be subject. Such easements must be clearly labeled and identified if already of record, and record reference given. If any easement is not definitely located of record, a statement of such easement must appear on the plat. All easements other than for streets shall be denoted by fine broken lines and designated as to type. Easement widths and the lengths and bearings of the lines thereof, together with sufficient ties thereto, shall be set forth to definitely locate the easement with respect to the development.	X	X
d .7. City boundary lines which bound, adjoin or cross the development, shall be clearly designated and referenced.	X	X
e .8. Lot numbers shall begin with the number "1" and shall continue consecutively throughout the development with no omission or duplications, except that lot numbers in subsequent contiguous development units may expand the numbering sequence of the previous unit providing the commercial name of the development remains unchanged. Each block shall be shown on one (1) sheet when possible. Where adjoining blocks appear on separate sheets, the street adjoining both blocks shall be shown on both sheets, complete with centerline and property line data. All letters and figures within the development shall be conspicuous and solid.	X	X
f .9. The plat shall particularly define and designate all lots and parcels, including those reserved for private purposes, all parcels and easements offered for dedication for any purpose, with all the dimensions, boundaries, and courses clearly shown and defined in each case. Ditto (" ") marks shall not	X	X

<u>Final Plat Provisions</u>	<u>Include on Subdivision Final Plat</u>	<u>Include on Par- tition Final Plat</u>
be used.		
g. <u>10.</u> All street names, including those designated by numbers, and including the words "Avenue", Boulevard", "Place", etc., shall be spelled out in full.	X	X
h. <u>11.</u> The plat shall also show and delineate all other data that is or may be required by other provisions of this chapter or otherwise by law.	X	X
5. <u>12.</u> Certificates: on final plat. a. Areas dedicated to public use shall be free and clear of all encumbrances, except public utility easements which the City Engineer determines will not interfere with the use contemplated by the dedication. All mortgages, trust deeds, and other liens shall be released as to public use areas.	X	<u>X</u>
b. <u>13.</u> Certificates: Each final plat shall contain the requisite owner's certificate or dedication, release of liens, City Recorder's certificate, Surveyor's certificate, City Engineer's certificate, City Surveyor's certificate, County Recorder's certificate, and such other certificates as may hereafter be required by law. The form of each said certificate shall be prescribed by the City Attorney.	<u>X</u>	<u>X</u>
e. <u>14.</u> Certificates: The owner's dedication statement shall include offers of dedication of all streets and other easements shown on the final plat intended for any public use, except those parcels of land which are intended for the exclusive use of the lot owners in the development, their licensees, visitors, tenants and employees, which private streets and other private easements shall be specifically designated as such on the plat.	X	X
d. <u>15.</u> Certificates: The approving authority (Planning Director) certificate shall contain a statement that acknowledges compliance with all conditions of the development permit and recognition of same.	X	X
10.278 <u>10.162D.</u> Filing of Final Plat with City Engineer.		
<u>1.</u> Prior to filing <u>submitting</u> a final plat with to the Planning Department, the applicant shall:		
(1) <u>a.</u> Cause the proposed land division to be accurately surveyed and a final plat to be prepared substantially in accordance with the approved tentative plat;		
(2) <u>b.</u> Cause a minimum of five (5) copies of the final plat, with any and all alterations and changes required thereto, to be filed with the City Engineer for his approval.		

At the time of filing of the final plat with the City Engineer, the developer shall also file concurrently therewith the following:

- (aj) A traverse sheet, giving the latitude and departures, or computer print-out, showing the mathematical closure, within allowable limits of error, of the exterior boundaries of the tract in all cases in which said boundaries are irregular or in which the tract is laid out in irregular blocks, and of the exterior boundaries of all irregular lots and blocks.
- (bii) Plans, profiles, details, and specifications for improvements conforming to all ordinances of the city and to the standards of this code which must show full details of all improvements and shall be to a scale of ~~forty (40)~~ or ~~fifty (50)~~ feet to the inch horizontal and four ~~(4)~~ or five ~~(5)~~ feet to the inch vertical.
- (ciii) A detailed estimate of quantities and costs of the proposed improvements for approval by the City Engineer.
- (div) A title report or subdivision guarantee by a title company doing business in Jackson County, showing names of all persons whose consent is necessary for the preparation of said plat and for any dedication to public use, and their interest therein, certified for the benefit and protection of the City that the persons therein named are all of the persons necessary to give clear title to the streets and other easements therein to be offered for dedication. Said title report shall be dated no later than ~~fifteen (15)~~ days from the date of submittal.
- (ev) Two ~~(2)~~ copies of all proposed covenants, conditions, and restrictions or a statement in writing signed by the developer that no such restrictions will be established.
- (~~f~~vi) Instruments prohibiting traffic over the side or rear lines of any street or other public way when and if the same is required by this chapter.
- (gvii) Such streets, offers of dedication or other instruments affecting or conveying title or any interest in land as are required under the conditions of approval of the tentative plat.
- (~~h~~viii) A statement that all applicable fees required by the city code have been paid.
- (ix) Two ~~(2)~~ copies of the city's standard (or deferred) form of improvement agreement executed by the developer, together with two ~~(2)~~ executed copies of each labor and material and improvement bond guaranteeing payment of the cost of setting monuments (ORS 92.065) and county certification that the requisite tax bond has been posted (ORS 92.095) and such other agreements and bonds as may from time to time be required by law.

2. The City Engineer shall examine the final plat and accompanying data and shall within ~~fifteen (15)~~ working days determine:

- (1)a. Whether all engineering conditions of tentative plat approval have been satisfactorily completed, or if incomplete, are matters which can be included in a regular or deferred improvement agreement with the city;
- (2)b. Whether said plat is technically correct.
3. Upon the City Engineer's determination that conformity with the foregoing has been made, ~~he~~they shall execute the City Engineer's certificate on said final plat and cause said plat to be forwarded to the Planning Department for ~~action approval~~ by the ~~approving authority~~ Planning Director.
- 10.27910.162E. Filing of the Final Plat with Planning Department.**
1. No final plat shall be accepted ~~for filing~~ by the ~~P~~lanning ~~D~~epartment unless, in addition to the above, the following is complied with:
- (1)a. An accepted final plat shall be considered by the ~~approving authority~~ (~~Planning Director~~) ~~ten (10) or more~~ working days following acceptance.
- (2)b. The final plat is accompanied by:
- (ai) A blue or black line print thereof;
- (bii) The approved improvement plans signed by the City Engineer;
- (eiii) All documents and matters previously submitted to the City Engineer under ~~Section Subsection (D) above~~ above 10.278, Filing of Final Plat with City Engineer.
- (3)c. All required fees by the developer have been paid.
- (4)d. A print of the final plat signed off by all affected referral agencies and involved agencies.
2. The Planning Department shall examine the final plat and accompanying data and shall within five ~~(5)~~ working days determine:
- (a)a. Whether the land division is substantially the same as shown on the tentative plat with only approved alterations thereof;
- (b)b. Whether bonds and agreements guaranteeing improvement of all conditions of tentative plat approval have been completed pursuant to Section 10.666, Improvement Agreements, and Section 10.667, Faithful Performance Bond.
- 10.280F. Action and Decision Time: Final Plat.**
1. The ~~approving authority~~ (~~Planning Director~~) shall within a period of not more than ~~twenty-five (25)~~ working days after a final plat is submitted filing with to the Planning Department, approve or disapprove the final plat and acknowledge compliance with all conditions of the tentative plat.
2. If the final plat does not conform with all local code requirements applicable at the time of approval of the tentative plat and all rulings made thereunder, the ~~approving authority~~ (~~Planning Director~~) may disapprove said plat, or approve it; said approval to become unconditional at such time as said plat is made to comply with the approved tentative plat and such code requirements.
3. Upon disapproval of any final plat, the ~~approving authority~~ (~~Planning Director~~) shall return said plat to the applicant together with a written statement setting forth the reasons for such disapproval.

4. Upon approval by the ~~approving authority (Planning Director)~~ becoming unconditional, the ~~approving authority (Planning Director)~~ shall sign and affix the city seal to the approving authority certificate attached to said plat.
5. No land division will be recognized as complete until final plat is unconditionally approved by the ~~approving authority (Planning Director)~~ and no title to or interest in any property described in any offer of dedication on the final plat which is accepted by the ~~approving authority (Planning Director)~~ shall pass until recordation of said plat.
6. Within ~~ten (10)~~ days after recordation of the final plat, the applicant at ~~his~~ their own expense shall furnish to the Planning Department one ~~(1) mylar transparency and one (1) blue line print~~ copy.

TYPE II APPLICATIONS – ADMINISTRATIVE DECISIONS WITH NOTICE (10.168 – 10.172)

10.168 Type II Land Use Actions.

A. Type II actions. Type II actions comprise the following land use reviews:

Land Use Actions
Partition, Tentative Plat
Portable Storage Containers^[MHB14]

~~10.167 Class "D",~~

B. Type II Action and Decision Time. The ~~approving authority~~ Planning Director shall take final action within 120 days after the application is deemed complete ~~and shall at that time approve, approve with conditions, or deny the request. The decision of the approving authority (Planning Commission, Site Plan and Architectural Commission, or Landmarks and Historic Preservation Commission) shall be based upon the application, the evidence, written comments, and compliance with this chapter.~~ An applicant may make a written request to extend the 120-day period for a specified period of time. In no case may the total extensions exceed 245 days.

10.265170 Application, Land Divisions Partition Tentative Plat.

A. Final Plat Approval Required. The partitioning ~~or subdividing~~ of land shall be subject to the application requirements as herein set forth and shall include both the tentative and final platting requirements. The approval of a tentative partition plat is a ~~procedural Class "C" quasi-judicial decision, with the Planning Commission~~ Type II administrative decision with notice and the Planning Director is being the approving authority. Final partition plat approval is a Type I ministerial action which relies on compliance with the requirements established at the time of tentative plat approval, and on the requirements set forth in ~~Code Sections 10.160-10.273, Final Plat Approval Required, through 10.280, Action and Decision Time: Final Plat.~~

B.10.266 **Application for Tentative Partition Plat.** ~~Twenty-five (25) copies of the tentative plat for each proposed land division shall be filed with the Planning Department. Additional copies may be requested for the transmittal to the designated official of any affected local agency which has requested the same as provided in ORS 92.044. See Section 10.202(B).~~

10.267C. **Form of Tentative Plat and Accompanying Data.** See Section 10.202(C).

~~All tentative plats shall be clearly and legibly drawn on tracing paper of good quality and prepared by a civil engineer or land surveyor registered in the State of Oregon. It shall have a dimension of not less than eighteen (18) inches by twenty-four (24) inches, and the scale shall be as follows: One (1) inch shall be equal to fifty (50) feet for twenty (20) acres or less, and one (1) inch shall be equal to one hundred (100) feet for all divisions of land over twenty (20) acres in area. The tentative plat shall contain the following data:~~

- ~~(1) Proposed land division name (if a subdivision), date, north arrow, scale, total acreage, and sufficient legal information to define the boundaries of the proposed development.~~
- ~~(2) A key map located in the upper right hand corner identifying the location of the development relative to section and township lines and to adjacent property and major physical features such as streets, railroads, and waterways.~~
- ~~(3) Names of abutting property owners on all sides, names and widths of adjoining rights-of-way, topographic features and all public improvements on adjacent property located within 200 feet of the project boundary.~~
- ~~(4) Name and address of the owner(s) of record, developer, and engineer or land surveyor registered in the State of Oregon who prepared the tentative plat.~~
- ~~(5) Locations, names, widths, approximate intersection angle, centerline radii, center line slopes, and improvement section of all streets, highways and other ways in the proposed project.~~
- ~~(6) Number of lots, dimensions of lots (to the nearest foot), including frontage, width, and area (to the nearest fifty [50] square feet).~~
- ~~(7) Location and height of all existing structures to remain on property and distance from proposed property lines.~~
- ~~(8) Location and character of all easements existing and proposed by the developer for drainage, sewage and public utilities.~~
- ~~(9) Five (5) foot topographic contours describing the area. Where the grade of any part of the proposed land division exceeds ten percent (10%), or where the development abuts existing developed lots, an overall conceptual grading plan shall be required showing features adjacent to the development within a reasonable distance therefrom which could affect said project. Where a conceptual grading plan is required it shall show how runoff of surface water from individual lots will be achieved and the ultimate disposal of all development surface waters. All topographic information shall be based on city data.~~
- ~~(10) A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).~~
- ~~(11) Location of all creeks, streams and other watercourses, showing top of existing bank and areas subject to inundation as shown on the latest Federal Flood Rate Insurance Maps.~~
- ~~(12) Existing wells and irrigation canals, active or abandoned, and proposed disposition.~~

- ~~(13) Public or common area proposed, if any.~~
- ~~(14) The approximate distance to, and location of, the nearest sanitary sewer main.~~
- ~~(15) Name of the irrigation district, if any, within which the project is located and whether it is currently being assessed.~~
- ~~(16) Name of the school district within which the project is located.~~

10.270D. Land ~~Division~~ Partition Approval Criteria. The ~~approving authority~~ (Planning ~~Commission~~ Director) shall not approve any tentative partition plat unless ~~it~~ they can first find ~~it~~ determine that the proposed land ~~division~~ partition, together with the provisions for its design and improvement:

- ~~(1)~~ 1. Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;
- ~~(2)~~ 2. Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;
- ~~(3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;~~
- ~~(4)~~ 3. If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property, unless the approving authority determines it is in the public interest to modify the street pattern;
- ~~(4)~~ 4. If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;
- ~~(6)~~ 5. Will not cause an unmitigated land use conflict between the land ~~division~~ partition and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

10.269E. Expiration of Tentative Partition Plat ~~A~~ approval.

~~(1)~~ Approval of a tentative partition plat application shall take effect on the date the ~~final order~~ Planning Director's decision ~~for approval~~ is signed, unless appealed, and shall expire two ~~(2)~~ years from the effective date unless the final plat has been approved by the Planning Director pursuant to Sections ~~10.276-158 - 10.280~~ 163. If a request for an extension of a tentative partition plat application approval is filed with the Planning Department within two ~~(2)~~ years from the date of the ~~final order~~ Planning Director's decision, ~~the Planning Commission shall grant~~ an extension not to exceed one ~~(1)~~ additional year shall be granted. Extensions shall be based on findings that the facts upon which the tentative partition plat application was first approved have not changed to an extent sufficient to warrant refiling of the application. ~~All approvals made prior to the adoption of this ordinance shall expire one (1) year from the date of adoption of this ordinance, notwithstanding permitted extensions and previous phasing authorizations.~~

~~(2) When it is the developer's intent to record and develop a tentatively platted land division in phases, the approving authority may authorize a time schedule for platting the various phases in periods exceeding one (1) year, but in no case shall the total time period for platting all phases be greater than five (5) years without having to resubmit the tentative plan. Phases platted after the passage of one (1) year from approval of the tentative plat will be required to modify the tentative plat as necessary to avoid conflicts with changes in the Comprehensive Plan or this chapter.~~

10.172 Portable Storage Containers. (See Section 10.840(d)(6)).

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TYPE III APPLICATIONS. (10.182 – 10.204)

10.220182 Class "C" Type III Land Use Actions.

A. Type III actions. ~~Class "C" Type III actions are comprised of the following plan authorizations~~ land use reviews:

- ~~(1) Zone Changes~~
- ~~(2) Planned Unit Development, Preliminary PUD Plan~~
- ~~(3) Conditional Use Permit~~
- ~~(4) Exceptions~~
- ~~(5) Site Plan and Architectural Review~~
- ~~(6) Land Divisions, Tentative Plats~~
- ~~(7) Historic Review~~

<u>Land Use Action</u>
<u>Conditional Use Permit</u>
<u>Exception</u>
<u>Historic Review</u>
<u>Preliminary PUD Plan</u>
<u>Site Plan and Architectural Review</u>
<u>Subdivision Tentative Plat</u>
<u>Zone Change</u>

10.166 B. Class "C", Type III Action and Decision Time.

1. The approving authority shall take final action within 120 days after the application is deemed complete ~~and shall at that time approve, approve with conditions, or deny the request.~~

~~The decision of the approving authority (Planning Commission, Site Plan and Architectural Commission, or Landmarks and Historic Preservation Commission) shall be based upon the application, the evidence, comments from the referral agencies, and compliance with this chapter and the Comprehensive Plan.~~

2. ~~An applicant may make a written request to extend the 120-day period for a specified period of time. In no case may the total extensions exceed 245 days.~~

~~**10.221 Application, General.** Applications for Class "C" plan authorizations may be initiated by City Council, Planning Commission, or property owners representing the subject area. Class "C" applications shall be submitted to the Planning Department and shall consist of the materials specified for each type Class "C" procedural application.~~

~~Upon submittal of the application to the Planning Department, the date of receipt shall be indicated on each copy of the materials submitted. Within thirty (30) days of receipt, the Planning Department shall determine whether the application as submitted, along with the required information, is complete as per this chapter. If the Planning Department fails to provide notice to the applicant in writing within thirty (30) days of receipt, the application shall be deemed complete. For purposes of this section, the date of notice to the applicant shall be the date of mailing.~~

~~If it is determined that the application is incomplete or otherwise does not conform to the provisions of this chapter, the Planning Department shall notify the applicant in writing to submit the missing material. The application shall be deemed complete upon receipt of (a) all of the missing information; (b) some of the missing information and written notice from the applicant that no other information will be provided; or (c) written notice from the applicant that none of the missing information will be provided. If the application is deemed complete when first submitted, or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria applicable at the time the application was submitted.~~

~~On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information and has not submitted (a) all of the missing information; (b) some of the missing information and written notice that no other information will be provided; or (c) written notice that none of the missing information will be provided. Any applications that are resubmitted to the Planning Department shall be subject to the standards and criteria in effect at the time the application is resubmitted.~~

~~At the time an application is deemed complete, the Planning Department shall indicate on the application the date of completion.~~

~~10.222 Class "C", Referral and Review.~~

~~Within five (5) working days of a Class "C" application being deemed complete, the Planning Department shall transmit one (1) copy of the application, or appropriate sections thereof, to each referral agency for review and comment as specifically required of each type of Class "C" application.~~

~~If the referral agency does not comment within ten (10) working days from the date of acceptance, then the referral agency is assumed to have no comment, and standard conditions of development will be applied. If requested in writing, by a referral agency or the applicant, an extension of ten (10) working days may be granted.~~

~~10.224 C.~~ Resubmission of ~~Class "C" Type III Application~~. After ~~sixty (60)~~ working days of the final determination denying a ~~Class "C" Type III~~ action, the applicant may make appropriate alterations to a proposal and resubmit along with the payment of any additional fees as required by ~~Article I, Section 10.070, Fees~~.

~~10.224-1 D.~~ Effective Date of a ~~Class "C" Type III Application~~. Approval of a Class "C" application A Type III land use decision shall take effect on the date the final order or resolution for approval is signed.

~~10.246~~184 ~~Application, Conditional Use Permit.~~

A. A development classified as a conditional use shall be given special review via this process in order to assure its appropriateness for the site and allow for adjustment to be made to assure its compatibility with adjacent land uses.

~~10.247 Application Form.~~

~~An application for a conditional use permit shall contain the following:~~

- ~~(1) Vicinity map drawn at a scale of 1" = 1,000' identifying the location of the proposed site.~~
- ~~(2) Assessor's map with subject site identified.~~
- ~~(3) Site plan drawn to scale on an eighteen inch by twenty four inch (18" x 24") sheet. Site plan shall identify all existing and proposed buildings, parking, drives, vegetation or landscaping, adjacent development.~~
- ~~(4) Property owner's (and agent's) names, addresses, and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.~~
- ~~(5) Findings prepared by the applicant or his/her representative addressing the criteria set forth in Section 10.248, Conditional Use Permit Criteria.~~
- ~~(6) A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).~~
- ~~(7) A Landscape Plan, meeting the specifications and requirements in Section 10.780, if applicable.~~

~~10.247a~~ B. CUPs Conditional Use Permits Exempt from Site Plan and Architectural Commission Review.

1. Conditional Use Permits (CUPs) approved under this Section shall be exempt and there shall be no requirement to apply separately for Site Plan and Architectural Commission review or to demonstrate compliance with the approval criteria in Section 10.200(C)~~90~~. However, the Planning Director in ~~his/her~~their discretion may forward a CUP proposal or proposed revisions thereto to the Site Plan and Architectural Commission for review. When forwarded by the Planning Director, the Site Plan and Architectural Commission shall have authority to review the CUP plans and make recommendations to the Planning Commission.

- ~~(1)~~ 2. Delegation of Authority. The Planning Commission may delegate authority to the Site Plan and Architectural Commission or to the Planning Director to approve in its name the plans for buildings or any other element of a CUP or revisions thereto after the Planning Commission has approved the CUP. The authority delegated by the Planning Commission under this Subsection shall be delimited in conditions attached to the approval. Notwithstanding any other provision of this Code, the approval of delegated matters shall be subject to a Class "C" Type III Procedure as set forth in Article II.

10.248C. Conditional Use Permit Approval Criteria.

1. The ~~approving authority~~ (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted.
 - ~~(1)~~a. The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.
 - ~~(2)~~b. The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the ~~approving authority~~ (Planning Commission) to produce a balance between the conflicting interests.
2. In authorizing a conditional use permit the ~~approving authority~~ (Planning Commission) may impose any of the following conditions:
 - ~~(1)~~a. Limit the manner in which the use is conducted, including restricting the time an activity may ~~take place~~ occur, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
 - ~~(2)~~b. Establish a special yard or other open space or lot area or dimension requirement.
 - ~~(3)~~c. Limit the height, size, or location of a building or other structure.
 - ~~(4)~~d. Designate the size, number, location, or nature of vehicle access points.
 - ~~(5)~~e. Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.
 - ~~(6)~~f. Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading areas.
 - ~~(7)~~g. Limit or otherwise designate the number, size, location, height, or lighting of signs.
 - ~~(8)~~h. Limit the location and intensity of outdoor lighting, or require its shielding.
 - ~~(9)~~i. Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.
 - ~~(10)~~j. Designate the size, height, location, or materials for a fence.
 - ~~(11)~~k. Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.

10.249D. Conditional Use Permits, Mitigation of Impacts.

~~Development~~ A conditional use requiring the mitigation of impacts under Subsection 10.248(2), (C)(1)(B) above Conditional Use Permit Criteria, must do one ~~(1)~~ of the following:

- ~~(1)~~1. Preserve unique assets of interest to the community.
- ~~(2)~~2. Provide a public facility or public nonprofit service to the immediate area or community.
- ~~(3)~~3. Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.

10.250E. ~~Modifications and Expiration~~ of a Conditional Use Permit.

A1. Modifications.1. Major Modification of a CUP. 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~~this section. The Planning Director or designee may waive submittal requirements deemed unnecessary or inapplicable to the proposal.

2. Minor Modification of a CUP. A minor modification to an approved permit may be approved ~~by the Planning Director~~ provided the Planning Director can 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.

BF. Expiration of Conditional Use Permit. Within one ~~(1)~~ year following the final order date, ~~substantial construction on the development~~issuance of building permit for vertical construction 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 re-filing of the conditional use permit.

10.251186 Application, Exception.

A. Exception, Purpose. The purpose of ~~Sections 10.251 to 10.253~~ this section is to empower the approving authority to vary or adapt the strict application of the public improvement and site development standards as contained in Article III, Sections 10.349 through 10.361, and 10.370 through 10.385, as well as Articles IV and V of this chapter. Exceptions may be appropriate for reasons of (1) exceptional narrowness or shape of a parcel, ~~for reasons of~~ (2) exceptional topographic conditions, (3) extraordinary and exceptional building restrictions on a piece of property, or (4) if strict applications of the public improvement or site development standards in the above-referenced Articles would result in peculiar, exceptional, and undue hardship on the owner.

10.252 Application Form.

~~An application for an exception shall be made by the owner of the property for which the exception is requested to the approving authority for the plan authorization involving the exception. An exception application shall include the following:~~

- ~~(1) A list of the specific standard(s) for which an exception is being requested and a description of the degree of exception(s) being requested, including findings prepared by the applicant or applicant's representative addressing the criteria as set forth in Section 10.253, Criteria for an Exception.~~
- ~~(2) Vicinity map drawn at a scale of 1" = 1000' identifying the location of the site of the variance.~~
- ~~(3) Assessor's map with the subject site identified.~~
- ~~(4) Site plan showing in detail the circumstance(s) which justifies each exception.~~

10.253B. Criteria for an Exception to the Approval Criteria.

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the ~~plan authorization~~ land use review unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

- ~~(1)~~ 1. The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.
- ~~(2)~~ 2. The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.
- ~~(3)~~ 3. There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.
- ~~(4)~~ 4. The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

10.254C. Expiration of an Exception.

Within one ~~(1)~~ year following the final order date, ~~substantial construction on the development~~ issuance of building permit for vertical construction 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 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 exception was first approved have not changed to an extent sufficient to warrant re-filing of the exception. An exception directly related to another ~~plan authorization~~ land use review(s), such as an exception which was filed concurrently with the other ~~plan authorization~~ land use review(s), and/or an exception which is integrally intertwined with and necessary to the development or use authorized by the other ~~plan authorization~~ land use review(s), shall expire when the related ~~plan authorization~~ land use review(s) expires.

10.256188 Historic Review.

The Historic Review process is hereby established to assure compliance with the Historic Preservation Overlay, Sections 10.401 through 10.407, the *Oregon Administrative Rules, Oregon Revised Statutes*, and to achieve consistency with *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.

~~(1)~~A. -An application for Historic Review is required in the following instances:

- ~~(a)~~1. To request addition to or removal from the Historic Preservation Overlay for any area, parcel, or portion thereof. The property owner, Planning Director, Landmarks and Historic Preservation Commission, or City Council may request initiation of proceedings to change the extent of the Historic Preservation Overlay.
- ~~(b)~~2. For proposed exterior alteration and/or new construction within an Historic Preservation Overlay.
- ~~(c)~~3. Prior to application for a demolition or relocation permit for all or part of a building, structure, object or site in an Historic Preservation Overlay.

~~(2)~~B. Historic Review of proposed exterior alteration and/or new construction is required irrespective of whether a building permit or a development permit is required. Historic Review final actions shall be taken prior to application for a building permit or proceeding with work that does not require a permit.

10.257 Historic Review, Application Content.

~~An application for Historic Review shall include the information and materials listed below:~~

- ~~(1) Application form.~~
- ~~(2) All information requested on the application form.~~
- ~~(3) Findings of fact demonstrating compliance with the approval criteria in Section 10.258, Historic Review, Approval Criteria.~~
- ~~(4) Appropriate fee.~~

~~In addition to that listed, the City may require the applicant to submit additional information deemed necessary to take action on an application in accordance with this Code and applicable State laws.~~

~~[Added, Sec. 5, Ord. No. 2006-199, Sept. 7, 2006; Amd. Sec. 14, Ord. No. 2008-236, Nov. 20, 2008.]~~

~~**10.260 Historic Review, Appeal.**~~

~~Final Historic Review decisions by the Landmarks and Historic Preservation Commission may be appealed to the City Council pursuant to Sections 10.051 through 10.056. Minor Historic Review decisions by the Planning Director may be appealed to the Landmarks and Historic Preservation Commission.~~

10.258 C. Historic Review, Approval Criteria.

Approval of Historic Review applications shall require findings that the proposal is consistent with the indicated approval criteria:

(1) **Changes to the Historic Preservation Overlay.** The extent of the Historic Preservation Overlay may be changed to include an historic resource other than those specified in Section 10.402 (1), (2), and (3) through a ~~Class 'C'~~ **Type III** Historic Review process if findings can be made substantiating that the proposal is consistent with the criteria below:

- (a) It has been demonstrated that the designation of the historic resource is consistent with the purposes of the Historic Preservation Overlay in Section 10.401; and,
- (b) It has been demonstrated that the designation of the historic resource is appropriate, considering the historic value of the resource and any other conflicting values, and will not result in a loss of substantial beneficial use of the property; and,
- (c) It has been demonstrated that the historic resource has a significance rank of "primary" or "secondary" on an historical survey conducted in conformance with the standards of the Oregon State Historic Preservation Office; or, the historic value of the resource has sufficient local significance to merit designation as a Local Historic Resource.

(2) **Exterior Alteration and/or New Construction.** The ~~approving authority~~ ~~(Landmarks and Historic Preservation Commission)~~ shall approve an Historic Review application for exterior alteration and/or new construction within an Historic Preservation Overlay after consideration during a public hearing, if findings can be made substantiating that the proposal is consistent, or can be made consistent through the imposition of conditions, with all of the following criteria:

- ~~(a)~~ **a.** It has been demonstrated that the proposed exterior alteration and/or new construction is consistent with the purposes of the Historic Preservation Overlay in Section 10.401; and,
- ~~(b)~~ **b.** It has been demonstrated that the proposed exterior alteration and/or new construction will preserve the historic character, form, and integrity of the historic resource; and,
- ~~(c)~~ **c.** It has been demonstrated that the proposed exterior alteration and/or new construction is consistent with the most current version of the *The Secretary of the Interior's Standards for the Treatment of Historic Properties*; and,

~~(d)~~d. It has been demonstrated that the proposed exterior alteration and/or new construction is compatible with the historical and architectural style of the historic resource, of adjacent historic properties, and of the historic district within which it is located, if any. Assessment of compatibility may include consideration of the design, arrangement, proportion, detail, scale, color, texture, and materials, and the way new features will be differentiated from the old; and,

~~(e)~~e. It has been demonstrated that the proposed exterior alteration and/or new construction is consistent with all other applicable provisions of this Code.

(3) Minor Historic Review. Minor Historic Review of certain exterior alterations may be conducted by the Planning Director, according to standards adopted by the Landmarks and Historic Preservation Commission. The Planning Director shall approve a Minor Historic Review application if the proposal conforms to approval criteria adopted by the Landmarks and Historic Preservation Commission. These approval criteria are available at the Planning Department.

Minor Historic Review shall be limited to the review of:

~~A~~a. Changes in roofing materials and exterior paint colors in residentially-zoned Historic Preservation Overlay Districts as per the *Paint and Roofing Approval Criteria* adopted in December 2007;

~~B~~b. Changes in exterior paint colors in commercially-zoned Historic Preservation Overlay Districts, when new paint colors are chosen from the adopted color palette;

~~C~~c. Changes in awning fabric materials without a change in the shape of the awning frame, in Historic Preservation Overlay Districts, if the new fabric is either solid or striped and the fabric colors are chosen from the adopted color palette;

~~D~~d. Change of sign face/copy as defined in Section 10.1010.

(4) Demolition and Relocation. The Landmarks and Historic Preservation Commission shall temporarily delay issuance of a demolition or relocation permit for all or part of a building, structure, object or site in an Historic Preservation Overlay, unless, during a public hearing:

~~(a)~~a. It is demonstrated that a temporary suspension of the demolition or relocation permit would not aid in avoiding the demolition or relocation of the historic resource; in informing the owner of the benefits of renovation; nor in pursuing public or private acquisition or restoration; and,

~~(b)~~b. In the case of a demolition, it is demonstrated that there is no practical opportunity to relocate the historic resource to another site, nor to salvage historic or architectural elements; and,

~~(c)~~c. It is demonstrated that the proposed demolition or relocation would not adversely affect the protection, enhancement, perpetuation, improvement, or use of any historic district or other historic resource; and,

~~(d)~~d. It is demonstrated that the benefits of protecting the historic resource no longer outweigh the benefits of allowing the demolition or relocation.

(5) Temporary Suspension of a Demolition or Relocation Permit.

- ~~(a)~~a. In the case of temporary suspension of a demolition or relocation permit by the Landmarks and Historic Preservation Commission, issuance of the permit shall be delayed for a period of 120 days from the date of application for Historic Review or for the demolition or relocation permit, whichever is earlier.
- ~~(b)~~b. The Landmarks and Historic Preservation Commission may invoke an extension of the suspension period for an additional period not exceeding ~~ninety (90)~~ days if it determines during a subsequent public hearing that there is a program underway that could result in public or private acquisition, or preservation or restoration of such building, structure, object, or site, and that there are reasonable grounds to believe that such a program will be successful.
- ~~(c)~~c. During the period of suspension, no permit shall be issued for demolition or relocation, nor shall any person demolish or move the building, structure, object, or site.
- ~~(d)~~d. At the end of the suspension period, if all such programs have been unsuccessful, the Medford Building Safety Director shall issue a demolition or relocation permit as long as the application otherwise complies with all other city ordinances.

~~10.259~~D. **Historic Review, Conditions of Approval.**

In approving an Historic Review application, the Landmarks and Historic Preservation Commission may impose conditions necessary to ensure compliance with the standards of this Code and the criteria in ~~Section 10.258~~this section, and to otherwise protect the health, safety and general welfare of the surrounding area and community as a whole. These conditions may include, but are not limited to the following:

- ~~A~~1. Limiting the number, height, location and size of signs;
- ~~B~~2. Requiring the installation of appropriate public facilities and services and dedication of land to accommodate public facilities when needed;
- ~~C~~3. Limiting the visibility of mechanical equipment through screening or other appropriate measures;
- ~~D~~4. Requiring the installation or modification of irrigated landscaping, walls, fences or other methods of screening and buffering;
- ~~E~~5. Limiting or altering the location, height, bulk, configuration or setback of buildings, structures and improvements;
- ~~F~~6. Requiring the improvement of an existing, dedicated alley which will be used for ingress or egress for a development;
- ~~G~~7. Controlling the number and location of parking and loading facilities, points of ingress and egress and providing for the internal circulation of motorized vehicles, bicycles, public transit and pedestrians;
- ~~H~~8. Requiring the retention of existing natural features;
- ~~I~~9. Modifying architectural design elements including exterior construction materials and their colors, roofline, fenestration and restricting openings in the exterior walls of structures;
- ~~J~~10. Restricting the height, directional orientation and intensity of exterior lighting.

~~10.261~~E. **Historic Review Approval, Expiration.**

A1. Approval of a Historic Review application shall take effect on the date the final order for approval is signed, unless appealed, and shall expire two ~~(2)~~ years from the effective date. Within two ~~(2)~~ years following the effective date, ~~substantial construction~~ issuance of building permit for vertical construction must have occurred or an extension of the approval shall be necessary. If a request for an extension of a Historic Review application approval is filed with the Planning Department within two ~~(2)~~ years from the effective date, the Landmarks and Historic Preservation Commission may grant an extension not to exceed one ~~(1)~~ additional year if based upon findings that the facts upon which the Historic Review application was first approved have not changed to an extent sufficient to warrant re-filing of the application.

B2. When it is the developer's intent to complete an approved project in phases, the ~~approving authority~~ Landmarks and Historic Preservation Commission may authorize a time schedule for the issuance of building permits for a period exceeding two ~~(2)~~ years, but in no case shall the total time period for the issuance of building permits be greater than five ~~(5)~~ years without having to re-submit a new application for Historic Review. Phases developed after the passage of two ~~(2)~~ years from approval of the Historic Review application shall be required to modify the plans if necessary to avoid conflicts with changes in the *Comprehensive Plan* or this chapter.

~~10.262~~ F. Major Revisions or Amendments to Historic Review Approval.

Major revisions or amendments to plans approved through Historic Review shall require re-application.

~~10.263~~ G. Issuance of Building Permits, Consistent with Historic Review Approval.

A1. All applications for a building permit, wherein Historic Review has been required, shall be consistent with the plans as approved and all conditions of approval imposed thereon and shall be accompanied by an accurate and correct plan.

B2. Security for Completion of Public Improvements: If all required public improvements, as specified in the conditions of Historic Review approval, have not been satisfactorily completed before issuance of a building permit, the developer shall enter into a written agreement (provided by the City) to secure full and faithful performance thereof, according to Sections 10.666 and 10.667(A) respectively.

PLANNED UNIT DEVELOPMENT, PRELIMINARY PLANS, TYPE III. (10.190 – 10.194)

~~10.230~~ 190 Planned Unit Development (PUD) – Application and Approval Provisions ~~General Provisions.~~

A. Purpose and Intent of PUDs: The PUD approach permits flexibility to allow creative and imaginative urban development that would otherwise not be possible under the strict requirements of this Code. The intent is to promote more efficient use of urban land and urban services while protecting natural features, creating common open space, promoting the development of transit-oriented design along designated transit corridors and within designated transit-oriented development (TOD) areas, and encouraging a mixture of land uses and housing types that are thoughtfully planned and integrated.

CB. **PUD Stepped Process:** Consolidated Applications Authorized: Approval of a PUD shall be a two-step process involving approval of a Preliminary PUD Plan by the Planning Commission as a Type III land use action as the first step and approval of a Final PUD Plan by the Planning Director as a Type I land use action as the second step. As used in MLDC Sections 10.230190 through 10.245194, the Planning Director shall mean the Director of the Medford Planning Department or his/her/their designee. Except applications for annexations and comprehensive plan amendments, applications authorized in Article II may be consolidated with an application for a Preliminary PUD Plan per Section 10.114.

10.235(B)C. Application for a Preliminary PUD Plan:-

1. An application for Preliminary PUD Plan shall be on forms supplied by the City. A complete application shall include the materials and information listed ~~in this Subsection~~ on the application. However, the Planning Director, in his/her/their discretion, may waive the submittal of any of the materials or information that are deemed to be excessive, repetitive or unnecessary based upon the size and nature of the PUD. ~~If an application for a PUD is accepted by the City as complete under ORS 227.178 but the application does not contain all of the items listed below, the missing items shall be deemed to have been waived by the Planning Director. Unless waived by the Planning Director, the following items shall be required to constitute a complete application for a Preliminary PUD Plan:~~

~~1. Current assessor map with the boundaries of the proposed PUD identified.~~

~~2. Preliminary PUD Plan (16 copies) and supplemental materials conforming to the Site Plan and Architectural Review application requirements in Section 10.287. Additionally, such plans shall include preliminary plans for providing public water and sanitary sewer service. The Preliminary PUD Plan shall indicate boundaries within the property which distinguish areas devoted to different land uses pursuant to Subsections 10.235(B)(3)(f), 10.230(D)(7) and 10.230(D)(8). Where different land uses are separated by streets, railroad rights of way, drainage channels or other water courses, the centerlines of such features shall be their boundaries. One copy of the Preliminary PUD Plan shall be a reduced size suitable for photocopy. If a tentative plat for a land division is submitted concurrently with a Preliminary PUD Plan, the Preliminary PUD Plan and tentative plat shall be on separate sheets. It is further provided that:~~

~~a. Unless otherwise required in this Code, architectural plans for single family detached dwellings and landscaping plans for lots occupied by single family detached dwellings are not subject to review or approval as part of a PUD. However, nothing shall prevent an applicant from supplying architectural or landscaping plans for single family detached housing as a means to comply with one or more approval criteria.~~

~~b. If private or non-city standard street lighting is proposed, a street lighting plan shall be provided which provides a detail of the proposed lighting fixture(s). The Preliminary PUD Plan shall indicate the location of proposed private or non-city standard light fixtures.~~

~~e.2. An applicant may postpone the submission and approval of architectural plans for proposed buildings and to have such plans approved later as a separate matter under Subsection 10.235(G)192(I) after the Preliminary PUD Plan has been approved. When the approval of architectural plans has been postponed, the Preliminary PUD Plan shall~~

show a conceptual footprint for each planned building and each building footprint shall be separately enclosed by a dashed line which shall be called and labeled a building envelope. Building envelopes shall reasonably anticipate and define the maximum extent of the footprint for each building in the PUD.

- ~~3. A narrative description of the PUD which shall cover:
 - a. The rationale for planning this development as a PUD.
 - b. The nature, planned use, future ownership and method of perpetual maintenance of land to be left in natural or developed open space or which will be held in common ownership.
 - c. A listing of all modified applications of the Code that are proposed, followed by a brief explanation which covers the nature of, extent of, and reason for each modification.
 - d. If one or more signs are intended to vary from the provisions of this Code, then a detailed plan for all signs which require a sign permit shall be submitted. The sign plan shall specify the size, number, type, height and location of all signs which require a sign permit and shall clearly indicate all proposed modifications.
 - e. A proposed development schedule. If the PUD will be constructed in phases, the development schedule for each phase shall be keyed to a plan that indicates the boundaries of each phase.
 - f. The gross acreage devoted to the various proposed land uses and housing types.~~
4. ~~Written findings of fact and conclusions of law which address the approval criteria in Subsection 10.235(D).~~
53. Extended Notification Area, PUD. The application for Preliminary PUD Plan shall include
 - tThe names and mailing addresses of the owners of record of tax lots, obtained by the latest tax rolls of the Jackson County Assessor's Office, located within 200 feet of the exterior boundary of the whole PUD. The owners of no less than seventy-five (75) tax lots shall be notified of the pending land use hearing. If seventy-five (75) tax lots are not located within two-hundred (200) feet of the exterior boundary of the PUD, the notification area shall be extended by successive fifty (50) foot increments, until a minimum of seventy-five (75) tax lots are included in the notification area. The owners of all tax lots within the extended notification area shall receive written notice; therefore, noticing of more than seventy-five (75) tax lots may be required. The names and mailing addresses shall be typed on mailing labels and shall include the assessor map and tax lot numbers for each parcel.
 - ~~6. A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).~~
 - ~~7. Documentation of pre-submittal PUD Neighborhood Meeting. Documentation shall include:
 - a. A copy of a Certificate of Mailing for the neighborhood meeting notification mailing pursuant to Section 10.235(2);
 - b. A completed Verification of Neighborhood Meeting form attesting to the contents of the materials provided or reviewed at the meeting;
 - c. A set of the notification materials listed in Section 10.235(A)(2); and,~~
 - ~~d. The signature sheet(s) from the Neighborhood Meeting. 10.235(C) Action on an Application for a Preliminary PUD Plan: The Planning Commission may approve, approve with conditions or deny a Preliminary PUD Plan.~~

10.235(D)D. Approval Criteria for Preliminary PUD Plan: The Planning Commission shall approve a Preliminary PUD if it concludes that compliance exists with each of the following criteria:

1. The proposed PUD:
 - a. preserves an important natural feature of the land, or
 - b. includes a mixture of residential and commercial land uses, or
 - c. includes a mixture of housing types in residential areas, or
 - d. includes open space, common areas, or other elements intended for common use or ownership, or
 - e. is otherwise required by the Medford Land Development Code.
2. The proposed PUD complies with the applicable requirements of this Code, or
 - a. the narrative describes the proposed modified ~~applications~~standards of the Code and how they are related specifically to the implementation of the rationale for the PUD as described in ~~Section 10.235(B)(3)(a)~~the application, and
 - b. the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and
 - c. the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.
3. The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:
 - a. Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.
 - b. Public Facilities Strategy pursuant to ORS 197.768 as amended.
 - c. Limited Service Area adopted as part of the Medford Comprehensive Plan.
4. The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.
5. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection ~~10.230(D)~~192(B)(7)(c), the applicant shall alternatively demonstrate that either:
 - ~~a1)~~ 2a) Demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or
 - ~~2b)~~ 2b) By the time of development the property can be supplied ~~by the time of development~~ with the following Category "A" public facilities ~~which can be supplied~~ in sufficient condition and capacity to support development of the proposed use:
 - ~~ai.~~ ai. Public sanitary sewerage collection and treatment facilities.
 - ~~bii.~~ bii. Public domestic water distribution and treatment facilities.
 - ~~ciii.~~ ciii. Storm drainage facilities.
 - ~~dii.~~ dii. Public streets.

Determinations of compliance with this criterion shall be based upon standards of public facility adequacy as set forth in this Code and in goals and policies of the comprehensive plan which by their language and context function as ap-

proval criteria for comprehensive plan amendments, zone changes or new development. In instances where the Planning Commission determines that there is insufficient public facility capacity to support the development of a particular use, nothing in this criterion shall prevent the approval of early phases of a phased PUD which can be supplied with adequate public facilities.

6. If the Preliminary PUD Plan includes uses proposed under Subsection ~~10.230(D)~~192(B)(7)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section ~~10.248~~184.
7. If approval of the PUD application includes the division of land or the approval of other concurrent ~~development permits~~land use applications as authorized in Subsection ~~10.230(C)~~190(B), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional ~~development~~land use applications.

~~10.235(E)~~E. **Conditions of Preliminary PUD Plan Approval:** If the Planning Commission approves a Preliminary PUD Plan, in addition to conditions of approval authorized under Section ~~10.291~~200(F), it may attach conditions to the Preliminary PUD Plan approval which are determined to be reasonably necessary to ensure:

1. The Final PUD Plan will be substantially consistent with the approved Preliminary PUD Plan and specifications related thereto.
2. Development of the PUD will be consistent with the approved Final PUD Plan and specifications related thereto. To ensure satisfactory completion of a PUD in compliance with the approved plans, the Planning Commission may require the developer to enter into an agreement with the City as specified under Section ~~10.296~~200(I).
3. The PUD will comply with the *Comprehensive Plan*, the *Medford Municipal Code* and all provisions of this Code except the specific provisions for which there are approved modifications.
4. There are appropriate safeguards to protect the public health, safety and general welfare.
5. There will be ongoing compliance with the standards and criteria in this Section.
6. To guarantee that streets, public facilities and utilities can be appropriately extended from one PUD phase to each successive future phase in accordance with the approved Preliminary PUD Plan, the City may require the conveyance of easements or other assurances.

~~10.240(B)~~F. **Time Limit for Expiration of Preliminary PUD Plan Approval:** Preliminary PUD Plan approval shall be valid for three ~~(3)~~ years and may not be extended. The three-year period shall begin the date the Final Order approving the Preliminary PUD Plan ~~was~~is signed by the Planning Commission Chairperson. If a Preliminary PUD Plan is appealed, the three-year period shall begin on the date on which all appeals ~~were~~are resolved, including the resolution of all issues on remand. Within the three-year time period, an application for a Final PUD Plan must be filed for the entire site or for the first phase if the PUD has been approved for phased development.

~~10.240(D)~~G. **Time Limit Between PUD Phases:** After Final PUD Plan approval for the first phase of a PUD having approved multiple phases, and for each successive phase thereafter, no more than

five ~~(5)~~ years shall lapse between the approval of phases. If more than five ~~(5)~~ years pass between the Final PUD Plan approval of any two ~~(2)~~ PUD phases after the first phase, the Planning Commission may, without the consent of the owner(s) of the PUD, initiate action to terminate undeveloped portions of the PUD under ~~Sub~~section 10.245198(B).

~~10.240E~~H. **Binding Effect; Previously Approved PUDs:** A PUD Plan approval shall run with the land and shall be binding upon all successors in interest in all land within the whole PUD. It is further provided that a Preliminary PUD Plan approval shall remain in full force and effect unless the approval expires or is terminated by action of the City pursuant to Subsection 10.245198(B). Preliminary plans submitted prior to the adoption date of this ordinance, and final plans resulting from those preliminary plans, are subject to the regulations for PUDs in effect at the time the preliminary plan application was submitted.

10.192 Preliminary PUD Plan – General Provisions.

~~10.230(B)~~A. **Minimum Acreage Limitation for a PUD:** PUDs must contain one ~~(1)~~ acre or more at the time of application filing.

~~10.230(D)~~B. **Modified Application of Standards Authorized for PUDs:** To fulfill the purpose and intents of the standards set forth in Section 10.230190(A), authority is herewith granted for the approval of PUDs which vary from the strict standards of this Code. The nature and extent of potential modifications shall be limited to the categories below described, provided that the City, in approving such modifications, shall not violate substantive provisions of the Oregon Transportation Planning Rule:

1. **Lots and Parcels in PUDs:** Limitations, restrictions and design standards pertaining to the size, dimension, location, position and coverage of lots, and restrictions related to through lots.
2. **Yards, Setbacks and Building Height in PUDs:** Limitations, restrictions and design standards pertaining to the location, size, height, yards and setbacks for buildings and other structures.
3. **Parking, Bicycle and Pedestrian Standards in PUDs:** Limitations, restrictions and design standards pertaining to off-street vehicle and bicycle parking and loading, and standards related to pedestrian access.
4. **Frontage, Access, Landscaping and Signs in PUDs:** Limitations, restrictions and design standards pertaining to lot frontage, access, required landscaping, signs and bufferyards.
5. **Streets Generally in PUDs:** Streets within PUDs may be either city streets dedicated for public use or private streets owned and maintained by an association of owners, and may exceed maximum block length and perimeter standards provided in Section 10.426~~(C)(1)~~~~C.1~~. Streets within or adjacent to a PUD shall comply with the following:
 - a. Collector and arterial streets shall be dedicated city streets, the existence and general location of which shall be determined by the Comprehensive Plan.

- b. ___ City streets shall comply fully with the strict requirements of this Code, provided that the City in approving a PUD may permit the width of parking lanes for city streets to be less than the Code otherwise requires.
 - c. ___ The City may require any proposed PUD street or segment thereof to be constructed and dedicated as a city street.
6. ___ **Private Streets in PUDs**: Private streets may vary from the limitations, restrictions and design standards pertaining to streets with respect to length, width, position, aspect, intersection standards, grades, curve radii, cul-de-sac turnarounds, street lights, easements, sidewalks, curbs and driveway approaches for streets within the PUD, provided:
- a. ___ With respect to the amount, quality and installation of construction materials, private streets shall be structurally equivalent to or better than city-standard streets.
 - b. ___ The City Fire Marshall shall approve the design of all private streets for access by emergency vehicles before approval of the Preliminary PUD.
 - c. ___ Private streets shall be posted as private streets and shall connect to the public street system. The applicant shall convey to the City and all appropriate utility companies a perpetual easement over the private street(s) for use by emergency vehicles and employees of the City and utility company(s) in the maintenance of public facilities and utilities.
7. ___ **Allowed Uses; ~~and~~ Housing Types in PUDs**: The following uses and housing types shall be permitted as part of a PUD subject to the following:
- a. ___ In addition to permitted uses, any portion of a PUD may contain any housing type listed in Subsection 10.314(1-3). In approving housing types, the Planning Commission may waive or reduce any of the special use regulations or standards contained in Sections 10.811 through 10.838 (~~“Special Use Regulations”~~).
 - b. ___ Any conditional use listed for the underlying zone may be permitted without addressing the Conditional Use Permit criteria in Section 10.184 except when the conditional use is within 200 feet of the perimeter of the PUD. This exemption does not apply to conditional uses within Riparian Corridors pursuant to Section 10.925 ~~“Conditional uses within Riparian Corridors”~~.
 - c. ___ Use(s) not permitted in the underlying zone may, nevertheless, be permitted and approved to occupy up to 20% of the gross area of the PUD provided that no portion of the use(s), including its parking, is located nearer than 200 feet from the exterior boundary of the PUD. If any portion of the use(s) is nearer than 200 feet from the exterior PUD boundary, then said use(s) shall be considered to be a conditional use and may be approved subject to compliance with the conditional use permit criteria in Section 10.248184. However, this provision shall not apply where the land outside the PUD which is nearer than 200 feet from proposed use(s) is inside a zone in which the proposed use(s) is permitted.

8. **Mixed Land Use Designations in PUDs.** Unless otherwise prohibited, PUDs that have more than one General Land Use Plan designation or Southeast Plan land use category shall have the flexibility to mix or relocate such designations within the boundaries of the PUD in any manner and/or location as may be approved by the Planning Commission.

10.230(E)C. Common Elements in PUDs: A multi-family residential PUD must include a minimum of 20% of the land area as common area unless otherwise modified by the Planning Commission. This common area shall be for the purpose of providing protection for natural features, common recreational space, landscaped area, or commonly enjoyed amenities other than parking areas or private streets. Where a PUD has open spaces, private streets, parking or other elements to be owned or maintained in common by the owners or future owners of land or improvements within the PUD, the Final PUD Plan shall not be approved and no unit shall be sold or conveyed until the PUD has been found to comply with the following requirements, as applicable:

1. **PUD Planned Community.** If the PUD is a planned community under ORS Chapter 94, the declaration and tentative plat for the planned community shall be submitted with the Final PUD Plan for approval by the Planning Director before recording in the official records of Jackson County.
2. **PUD Condominium.** If the PUD is a condominium under ORS Chapter 100, a copy of the recorded declaration and plat shall be submitted to the City after it has been approved by the Oregon Real Estate Commissioner and recorded in the official records of Jackson County. A condominium declaration and plat shall not be reviewed and approved by the Planning Director and the Planning Director shall have no authority under this Subsection to require changes thereto.
3. **PUD Common Ownership.** If the PUD contains elements intended for common ownership but ORS Chapters 94 and 100 do not apply, there shall be appropriate legal documents which assure that the common elements will be improved and perpetually maintained for their intended purposes. The legal documents in such instance shall be submitted to the Planning Director for approval as part of the Final PUD Plan before recording in the official records of Jackson County.
4. **Phased PUDs.** When a PUD is proposed to be developed in phases, the phased provision of improved common elements shall be roughly proportional with the development of housing and other elements intended for private ownership. Unless approved by the Planning Commission as part of a phasing plan ~~pursuant to Subsection 10.235(A)(3)(c)~~ or which was approved by the Planning Commission prior to the adoption of this ordinance, no significant common element shall be postponed to the final phase of a PUD. Nothing in this Subsection shall prevent the provision of improved common elements at a rate that is proportionally greater than the development of housing and other elements intended for private ownership.
5. **Public Dedications and PUDs.** Land shown on the Final ~~Development~~ PUD Plan as a common element or which is intended for public dedication shall be conveyed under one of the following options:

- a. ___ To a public entity which shall agree in writing to perpetually maintain the common element(s) being conveyed.
 - b. ___ To an association of owners created pursuant to ORS Chapters 94 or 100 or as otherwise created under Subsection 10.230(E)(3)192(C)(3) in which instance the legal document which establishes the association shall provide that the association cannot be terminated or discontinued without the City's prior consent.
6. **Private Streets in PUDs.** If the PUD will have private streets, the legal document which establishes the association of owners shall provide that the City may enforce the maintenance or protection of its easements or public facilities.

10.230(F)D. ___ PUDs Exempt from Site Plan and Architectural Review: PUDs approved under this Section shall be exempt and there shall be no requirement to apply separately for Site Plan and Architectural Review or to demonstrate compliance with the criteria in Section 10.290200. However, the Planning Director in ~~his/her~~their discretion may forward a Preliminary PUD Plan or proposed revisions thereto to the Site Plan and Architectural Commission for review. When forwarded by the Planning Director, the Site Plan and Architectural Commission shall have authority to review the PUD plans and make recommendations to the Planning Commission.

10.230(G)E. ___ Delegation of Authority: The Planning Commission may delegate authority to the Site Plan and Architectural Commission or to the Planning Director to approve in its name the plans for buildings or any other element of a PUD or revisions thereto after the Planning Commission has approved the Preliminary PUD Plan. The authority delegated by the Planning Commission under this Subsection shall be delimited in conditions attached to the approval. Notwithstanding any other provision of this Code and subject to an applicant's written request, the approval of delegated matters, where eligible, shall be procedurally treated as an Expedited Land Division pursuant to ORS 197.360 through 197.380, as amended. Lacking a written request from the applicant, approval of delegated matters shall be subject to a ~~Class "C" Type III~~ Procedure as set forth in this Article H.

10.230(H)F. ___ Building Permits, Development and Operation of a PUD: ~~Development and Operation of a PUD:~~ All building and construction plans submitted to the City for the purpose of obtaining building and other site improvement permits shall be consistent with the approved Final PUD Plan. The development and operation of the PUD shall conform in all respects with the approved Final PUD Plan.

10.230(H)G. ___ Residential Density in PUDs:

(1)1. ___ Residential Density Calculation. Minimum and maximum ~~permitted~~ residential densities in PUDs shall be calculated pursuant to Section 10.708, except, in PUDs having residential and non-residential land uses within a residential zoning district, including mixed-use buildings as defined herein, the minimum and maximum number of dwelling units shall be calculated using the gross area of the residentially zoned land including any to be occupied by non-residential uses. "Natural unbuildable areas" may be excluded at the developer's option as provided in Section 10.708.

(2)2. ___ Residential Density Bonus. In PUDs larger than five ~~(5)~~ acres, the residential density may be increased by up to ~~twenty percent (20%)~~ more than the maximum density permitted by Subsection (1) above.

10.235(F)H. Revised Preliminary PUD Plans: In instances where ~~approval conditions~~ conditions of approval result in substantial, complex or unpredictable changes to a proposed Preliminary PUD Plan, the Planning Commission, as a condition of Preliminary PUD Plan approval, may require an applicant to incorporate the changes into a revised Preliminary PUD Plan. When required, the revised plans shall be approved by the Planning Commission and when approved, the revised plans shall become the approved Preliminary PUD Plan and any conditions satisfied by the revised plans shall be stricken or appropriately altered.

10.235(G)I. Postponed Preliminary PUD Plan Approval for Building Architecture: When the approval of architectural plans for buildings in the PUD has been postponed under ~~Subsection 10.235(B)(2)(c)~~ 190(C)(2), no Final PUD Plan shall be approved until the architecture of buildings has been approved by the Planning Commission, or by the Site Plan and Architectural Commission pursuant to MLDC Subsection 10.230(G)(E) above, and the Final Order for such approval has been appended to the earlier approval of the Preliminary PUD Plan.

10.235(H)J. Engineering Construction Plans, Preliminary PUD Plans: Engineering construction plans, profiles, details and specifications for all public facility and utility improvements shall be prepared by a qualified engineer registered in Oregon. The engineering plans shall be approved by the City before the start of construction. Unless specifically authorized by the Planning Commission in the Preliminary PUD Plan approval, all public facilities and utilities shall be designed and constructed in accordance with the standards and procedures of the City or other public entity to which ownership will be conveyed. The procedures for engineering design, plan approval and inspection shall in all respects be the same as for land divisions under this Code.

10.235(A)194 Preliminary PUD Plan - ~~Application Procedures~~ Neighborhood Meeting Requirement.

A. ~~Neighborhood Meeting Requirement~~ Purpose of Neighborhood Meeting Requirement for Preliminary PUD Plans. To ensure neighborhood knowledge of proposed development and to provide an opportunity for direct communication, the applicant shall present the development proposal at a neighborhood meeting prior to submitting the land use application to the City-Planning Department. The applicant shall arrange and conduct the neighborhood meeting. City staff need not attend. Attendees shall be asked to sign a signature sheet and provide their mailing address. Attendance at the neighborhood meeting does not give an attendee legal standing for appeal.

B. Neighborhood Meeting Presentation, Preliminary PUD Plans. ~~1-~~ The presentation at the neighborhood meeting shall include at a minimum the following:

- ~~a~~1. ___ A map depicting the location of the subject property proposed for development; and,
- ~~b~~2. ___ A visual description of the project including a tentative site plan, tentative subdivision plan and elevation drawings of any structures, if applicable; and,
- ~~c~~3. ___ A description of the nature of the proposed uses and physical characteristics, including but not limited to, sizes and heights of structures, proposed lot sizes, density; and,
- ~~d~~4. ___ A description of requested modifications to code standards; ~~and-~~
- ~~e~~5. ___ Notification that attendance at the neighborhood meeting does not give legal standing to appeal to the City Council, the Land Use Board of Appeals, or Circuit Court.

2C. Scheduling and Noticing Neighborhood Meeting, Preliminary PUD Plans. It shall be the responsibility of the applicant to schedule the neighborhood meeting and provide adequate noti-

cation of the meeting. The applicant shall send mailed notice of the neighborhood meeting to the owners of no less than ~~seventy five (75)~~ of the nearest tax lots regarding the neighborhood meeting. If ~~seventy five (75)~~ tax lots are not located within ~~two hundred (200)~~ feet of the exterior boundary of the PUD, the notification area shall be extended by successive ~~fifty (50)~~-foot increments, until a minimum of ~~seventy five (75)~~ tax lots are included in the notification area. The owners of all tax lots within the extended notification shall receive written notice; therefore, noticing of more than ~~seventy five (75)~~ tax lots may be required. In addition to the affected property owners, the applicant shall also provide notice to the ~~City~~ Planning Department. The applicant shall use the Jackson County Tax Assessor's property owner list from the most recent property tax assessment roll. The notice shall be mailed a minimum of ~~fifteen (15)~~ days prior to the neighborhood meeting which shall be held in Medford on a weekday evening. A certificate of mailing attesting to the date of mailing and the name and signature of the agent responsible for mailing said notices shall be prepared and submitted to the Planning Department in accordance with the materials identified in ~~Section 10.235 (B)(7)~~the application for Preliminary PUD Plan. The notice for PUD neighborhood meeting shall include:

- a1. ___ Date, time and location of the neighborhood meeting; and,
- b2. ___ A brief written description of the proposal; and,
- e3. ___ The location of the subject property, including address (if applicable), nearest cross streets and any other easily understood geographical reference, and a map (such as a tax assessor's map) which depicts the subject property.

PLANNED UNIT DEVELOPMENT, FINAL PUD PLANS, TYPE I. (10.196 & 10.198)

10.240196 Final PUD Plan - Application Procedures.

A. ___ **Application for a Final PUD Plan:** Application for a Final PUD Plan shall be on forms supplied by the City Planning Department. The Final PUD Plan shall contain ~~in final form~~ all information and materials ~~required by Subsection 10.235(B) listed on the application~~ unless certain items are or have been waived by the Planning Director as therein provided. However, there shall be no burden to demonstrate compliance with the criteria in Subsection 10.235(D)190(D). As appropriate, the Final PUD Plan shall incorporate all conditions imposed ~~in on~~ the Preliminary PUD Plan approval. The application for a Final PUD Plan shall include a written narrative explaining how the Final PUD Plan complies with the Final PUD Plan approval criteria in Subsection 10.240(G)(D) below, ~~Approval Criteria for Final PUD Plan, including and the compliance with the~~ conditions of approval.

~~B. **Time Limit for Preliminary PUD Plan Approval:** Preliminary PUD Plan approval shall be valid for three (3) years and may not be extended. The three year period shall be the date the Final Order approving the Preliminary PUD Plan was signed by the Planning Commission Chairperson. If a Preliminary PUD Plan is appealed, the three year period shall begin on the date on which all appeals were resolved, including the resolution of all issues on remand. Within the three year time period, an application for a Final PUD Plan must be filed for the entire site or for the first phase if the PUD has been approved for phased development.~~

- GB.** Phased PUD: The Final PUD Plan may be submitted for the entire project or for each phase consistent with the approved Preliminary PUD Plan. If a Preliminary PUD Plan was not approved as a phased project, nothing in this ~~Sub~~section shall prevent the Planning Director from approving a Final PUD Plan in phases provided that ~~the Planning~~ they Director approves a phasing plan pursuant to ~~Subsections 10.235(B)(3)(c) and 10.230(E)(4)~~ Sections 10.190(G) and 10.192(C)(4) as part of the Final PUD Plan approval, and provided further that the phasing plan ensures that essential services such as roads, fire access, storm drain, and sewer are available to serve each successive phase. After Final PUD Plan approval for the first phase, Final PUD Plans for all subsequent phases must be filed with the City Planning Director ~~for any subsequent phases~~.
- ~~**D.** Time Limit Between Phases: After Final PUD Plan approval for the first phase of a PUD having approved multiple phases, and for each successive phase thereafter, no more than five (5) years shall lapse between the approval of phases. If more than five (5) years pass between the Final PUD Plan approval of any two (2) PUD phases after the first phase, the Planning Commission may, without the consent of the owners of the PUD, initiate action to terminate undeveloped portions of the PUD under Subsection 10.245(B).~~
- ~~**E.** Binding Effect; Previously Approved PUDs: A PUD Plan approval shall run with the land and shall be binding upon all successors in interest in all land within the whole PUD. It is further provided that a Preliminary PUD Plan approval shall remain in full force and effect unless the approval expires or is terminated by action of the City pursuant to Subsection 10.245(B). Preliminary plans submitted prior to the adoption date of this ordinance, and final plans resulting from those preliminary plans, are subject to the regulations for PUDs in effect at the time the preliminary plan application was submitted.~~
- CF.** Final Plat for Land Division: Application for the approval of a Final PUD Plan may occur before or concurrent with the approval of a final plat for a land division. However, no building permits shall be issued by the City and no buildings intended for human occupancy shall be constructed and no lot shall be sold until the Final PUD Plan has been approved by the Planning Director.
- DG.** Approval Criteria for Final PUD Plan: A Final PUD Plan shall be approved by the Planning Director if the Director concludes that ~~compliance exists~~ it complies with each of the following criteria:
1. Provisions for the establishment and maintenance of elements to be held in common ownership, if any, have or will comply with the standards in ~~Subsection 10.230(E)~~ 192(C).
 2. The Final PUD Plan is substantially consistent with the Preliminary PUD Plan and with any and all conditions imposed by the Planning Commission which were attached to the approval of the Preliminary PUD Plan.
- E.** The Planning Director in ~~his/her~~ their discretion may forward a Final PUD Plan to the Planning Commission for written clarification regarding whether the Final PUD Plan is substantially consistent with the Preliminary PUD Plan. When forwarded by the Planning Director, the Planning Commission shall have authority to review the PUD plans and advise the Planning Director.

- F.** Modification of a phasing plan shall be considered substantially consistent with the Preliminary PUD Plan unless the revised phasing plan affects the provision of essential services such as public streets, sewer or storm drain to serve the successive phases.
- G.** A Final PUD Plan shall be found to be inconsistent with the Preliminary PUD Plan when any of the following ~~are found to~~ apply. If such inconsistencies are identified, an application for revision to the Preliminary PUD Plan shall be required:
- a1.** The exterior boundaries of the PUD have changed except for slight deviations which result from the resolution of boundary errors or inconsistencies discovered when the PUD property was surveyed,
 - b2.** The number of housing units has increased,
 - e3.** The number of housing units has decreased by more than five percent ~~(5%)~~,
 - d4.** Modifications to the provisions of this Code have been included which were not approved as part of the Preliminary PUD Plan under Section 10.230(D)~~192(B)~~.

~~**10.241** **Action and Decision Time; Appeal Rights; A.** Upon submittal of the Final PUD Plan application to the Planning Director, the date of receipt shall be indicated on each copy of the materials submitted. Within thirty (30) days of receipt, the Planning Director shall determine whether the application as submitted, along with the required information, is complete as per this chapter. If the Planning Director fails to provide notice to the applicant in writing within thirty (30) days of receipt, the application shall be deemed complete. For purposes of this section, the date of notice to the applicant shall be the date of mailing.~~

~~**B.** If it is determined that the application is incomplete or otherwise does not conform to the provisions of this chapter, the Planning Director shall notify the applicant in writing to submit the missing material. The application shall be deemed complete upon receipt of (a) all of the missing information; (b) some of the missing information and written notice from the applicant that no other information will be provided; or (c) written notice from the applicant that none of the missing information will be provided.~~

~~**C.** Within twenty five (25) working days after an application is deemed complete, the Planning Director shall approve or disapprove the Final PUD Plan and acknowledge compliance with all conditions of the Preliminary PUD Plan. If the Final PUD Plan is not substantially consistent with the Preliminary PUD Plan and all conditions thereto, the Planning Director may disapprove the Final PUD Plan, and require the applicant to apply for a revision to the Preliminary PUD Plan. Upon disapproval of any Final PUD Plan, the Planning Director shall return the Final PUD Plan to the applicant together with a final order of denial setting forth the reasons for such denial and advising the applicant of the applicant's appeal rights pursuant to Section 10.241(E).~~

~~**D.** Upon approval by the Planning Director, the Planning Director shall prepare and sign a final order of approval.~~

~~**E.** Within fourteen (14) days of the date of the final order for denial, an applicant may submit a written notice of appeal to the Planning Department. The notice of appeal shall be signed by the appellant or his agent and shall contain:~~

~~(1) An identification of the decision sought to be reviewed, including the date of decision; and~~

~~(2) A statement of the specific grounds upon which the appellant relies as a basis for appeal. Within thirty (30) days of the Planning Department receiving the notice of appeal, the Planning Department shall set the appeal as a written communication before the Planning Commission. The Planning Commission, on appeal, shall review the application for Final PUD Plan approval de novo, pursuant to the provisions of Section 10.240(G) and shall approve or deny said application. Appellant shall not have the right to a public hearing on appeal. The decision of the Planning Commission upon appeal is final.~~

10.245198 Revision or Termination of a PUD.

- A. Revision of a Preliminary or Final PUD Plan:** The expansion or modification of a PUD approved under earlier PUD ordinances of the City or the revision of a Preliminary or Final PUD Plan shall follow the same procedures required for initial approval of a Preliminary PUD Plan in this Section, provided:
- 1. Applicant for Revision; Filing Materials; Procedures:** An application to revise an approved PUD Plan shall be on forms supplied by the ~~City~~ Planning Department. The application form shall bear the signature of the owner(s) who control a majority interest in more than ~~fifty percent (50%)~~ of the vacant land covered by the approved PUD and who are also the owner(s) of land and improvements within the PUD which constitute more than ~~fifty percent (50%)~~ of the total assessed value of vacant portion of the PUD. For changes deemed by the Planning Director to be minor but not de minimis, the Planning Director shall exercise appropriate discretion under Section 10.235(B)~~190(C)(1)~~ to limit or waive the submittal of filing materials deemed to be excessive, repetitive or unnecessary based upon the scope and nature of the proposed PUD revisions. PUD revisions shall follow the same procedures used for initial approval of a Preliminary PUD Plan.
 - 2. Consolidated Procedure:** At the discretion of the Planning Director, revisions to an approved PUD Plan may be consolidated into a single procedure, the effect of which will be the approval of both a Preliminary PUD Plan and Final PUD Plan by the Planning Commission.
 - 3. Burden of Proof; Criteria for Revisions:** The burden of proof and supporting findings of fact and conclusions of law for the criteria in ~~Subsections 10.235(D)190(D)~~ or ~~10.240(G)196(D)~~, as applicable, shall be strictly limited to the specific nature and magnitude of the proposed revision. However, it is further provided that the design and development aspects of the whole PUD may be relied upon in reaching findings of fact and conclusions of law for the criterion at ~~Subsection 10.235190(D)(5)~~. It is further provided that before the Planning Commission can approve a PUD Plan revision, it must determine that the proposed revision is compatible with existing developed portions of the whole PUD.
 - 4. De Minimis Revisions:** Notwithstanding ~~Subsection 10.230(G)192(E)~~, the Planning Director may approve revisions to an approved Preliminary or Final PUD Plan that ~~he/she/they~~ determines ~~are~~ is de minimis. Proposed revisions shall be

considered de minimis if the Planning Director determines the changes to be slight and inconsequential and will not violate any substantive provision of this Code. The Planning Director's written approval of a de minimis revision(s) shall be appended to the Final Order of the Planning Commission or Final Approval of the ~~Planning Director of the~~ Final PUD Plan. Revisions that are de minimis shall not require public notice, public hearing or an opportunity to provide written testimony. However, if, while the record is open, any party requests in writing to be notified of future de minimis revisions of a Preliminary PUD Plan, then all de minimis revisions of a Preliminary PUD Plan shall be subject to review as a ~~Class 'C' Procedure~~ Type III land use action or such other procedure as may be permitted by law.

B. Termination of a PUD: A PUD may be terminated by action of the Planning Commission subject to the following procedures:

1. If ~~substantial development of the PUD~~ issuance of building permits for vertical construction has not occurred or if no lots or units therein have been sold, the PUD may be terminated as provided in this Subsection ~~10.245(B)(1)~~. Termination proceedings may be initiated by filing with the City a written petition signed by the owner(s) who control a majority interest in more than ~~fifty percent (50%)~~ of the land covered by the approved PUD and which also constitutes more than ~~fifty percent (50%)~~ of the total assessed value of land and improvements of the PUD. Upon receipt of a valid petition, the Planning Commission shall consider the matter in an open meeting and shall declare the PUD terminated. The Planning Commission's termination of a PUD shall be evidenced by a Final Order declaring the same. When the Final Order is signed the PUD shall be terminated and previous PUD Plan approvals shall be considered void and of no further effect. Termination of a PUD shall not affect other land use actions taken by the City which concern the PUD property.
2. If ~~substantial development of the PUD~~ issuance of building permits for vertical construction has occurred or if lots or units within the PUD have been sold, the PUD may be terminated as provided in this Subsection ~~10.245(B)(2)~~. Termination proceedings may be initiated by filing with the City a written petition signed by the owner(s) who control a majority interest in more than ~~fifty percent (50%)~~ of the vacant land covered by the approved PUD which also constitutes more than ~~fifty percent (50%)~~ of the total assessed value of vacant land within the PUD. If there is an association of owners established within the boundaries of the whole PUD, the owner(s) petitioning for termination of the PUD shall also supply the City with the correct mailing address of the association which shall be notified along with others entitled to notice under this Subsection. Upon receipt of the petition, the Planning Commission shall ~~give provide public notice~~ notification of the proposed PUD termination and conduct a public hearing on the matter. The Notice and public hearing shall be subject to ~~Class "C" Procedure~~ Type III procedures. The Planning Commission shall declare the PUD terminated if it concludes that the termination will not produce greater than minimal harm to the public health, safety or

general welfare. The Planning Commission's termination of a PUD shall be evidenced by a Final Order declaring the same and after the Final Order is signed the PUD shall be terminated and previous PUD Plan approvals shall be considered void and of no further effect. Termination of a PUD shall not affect other land use actions taken by the City which concern the PUD property.

10.285200 ~~Application~~, Site Plan and Architectural Review.

A. Purpose of Site Plan and Architectural Review. The Site Plan and Architectural Review process is established in order to provide for review of the functional and aesthetic adequacy of commercial, industrial and multi-family development and to assure compliance with the standards and criteria set forth in this chapter for the development of property as applied to the improvement of individual lots or parcels of land as required by this code. Site Plan and Architectural Review considers consistency in the aesthetic design, site planning and general placement of related facilities such as street improvements, off-street parking, loading and unloading areas, points of ingress and egress as related to bordering traffic flow patterns, the design, placement and arrangement of buildings as well as any other subjects included in the code which are essential to the best utilization of land in order to preserve the public safety and general welfare, and which will encourage development and use of lands in harmony with the character of the neighborhood within which the development is proposed.

B. Site Plan and Architectural Review is ~~is r~~Required for: Projects which are not exempt from a ~~Development Permit~~Site Plan and Architectural Commission Review pursuant to ~~Section 10.031~~Subsection (C) below, except that exterior alterations to a building or site and new construction in a Historic Overlay shall require Historic Review pursuant to Section 10.256188, but shall not require Site Plan and Architectural Review.

10.031C. Exemptions from the ~~Development Permit~~Site Plan and Architectural Commission Review Requirement.

A1. An exemption from ~~the development permit requirement~~Site Plan and Architectural Commission (SPAC) review 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.

~~2.~~ The following uses or developments do not require ~~a development permit~~SPAC review.

~~(1)~~a. Parking lots and parking lot additions, when not associated with building construction required to be reviewed by the Site Plan and Architectural Commission, except any parking lot or parking lot additions located within a Historic Overlay requires Historic Review. (Effective Dec. 1, 2013.)

~~(2)~~b. Construction of a new building if it does not increase motor vehicle trip generation by more than ~~ten (10)~~ average daily trips, unless within a Historic Overlay, in which case, Historic Review is required for all new construction. (Effective Dec. 1, 2013.)

~~(3)~~c. A building addition similar to the existing building in architectural style and exterior building materials and that is no more than a 20 percent or 2,500 square-foot increase in gross floor area, whichever is less, unless within a Historic Over-

lay, in which case, Historic Review is required for all building additions and exterior alterations. (Effective Dec. 1, 2013.)

~~(8)~~d. Detached single-family residential development on a lot within a final platted land division or on an otherwise legally created lot, unless within a Historic Overlay, in which case, Historic Review is required for all single-family residential development. (Effective Dec. 1, 2013.)

~~(9)~~e. Solar Photovoltaic/Solarvoltaic energy systems, as defined in ORS 757.360, except when located on historic landmarks or within historic districts, in which case the review authority shall be the Landmarks and Historic Preservation Commission.

~~(10)~~f. One duplex dwelling divided by a lot-line or on a single, vacant lot within a final platted land division or on an otherwise legally created lot, unless within a Historic Overlay, in which case, Historic Review is required.

~~(11)~~g. Airport accessory structure(s) including hangars, aircraft storage, maintenance facilities, warehouse storage, and office buildings to be located on airport property within the secured fence area (as shown on the Medford Zoning Map) not intended for public use.

~~CD.~~ CD. Site Plan and Architectural Review approval and a development permit applications shall be submitted to the Planning Department required prior to the application for a building permit.

~~10.287 Site Plan and Architectural Review Application Form.~~

~~The application for Site Plan and Architectural Review (SPAR) shall contain the following plans, submitted in the quantity and sizes specified on the Site Plan and Architectural Review application form, including legible reduced copies of all plan documents.~~

~~A. Landscape Plan meeting the specifications and requirements in Section 10.780.~~

~~B. Building Construction Plans: A site plan and architectural plan which are clearly and legibly drawn to scale shall be provided. Building construction plans shall include north arrow, orientation of building elevations indicating full dimensions and providing the following information:~~

~~(1) Site Plan:~~

~~(a) Lot dimensions.~~

~~(b) All proposed and existing buildings and structures: location, size, height, proposed use.~~

~~(c) Public and private yards and open space between buildings.~~

~~(d) Walls and fences: location, height and material.~~

~~(e) Existing and proposed off street parking: location, number, type and dimensions of spaces, parking area, internal circulation pattern.~~

~~(f) Access: pedestrian, vehicular, service, points of ingress and egress.~~

~~(g) Loading: location, dimension, number of spaces, type of space (A or B), internal circulation.~~

~~(h) Lighting: location and general nature, hooding devices.~~

~~(i) Street dedication and improvements.~~

~~(j) Drainage plan.~~

~~(k) Location of existing public improvements including streets, curbs, sidewalks, street trees, utility poles, light fixtures, traffic signs and signals, and such other data as may be required to permit the Site Plan and Architectural Commission to make the required findings.~~

~~(l) Location and screening of mechanical equipment.~~

~~(m) Location and screening of outdoor trash bins.~~

~~(2) Architectural Plans:~~

~~(a) Roof plan.~~

~~(b) Floor plan.~~

~~(c) Architectural elevations.~~

~~(d) Materials and Colors.~~

~~(3) A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).~~

~~10.290E.~~

Site Plan and Architectural Review Approval Criteria.

The Site Plan and Architectural Commission shall approve a site plan and architectural review application if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

~~(1)1.~~ __ The proposed development is compatible with uses and development that exist on adjacent land, and

~~(2)2.~~ __ The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in ~~MLDC~~ Section 10.253186.

~~10.291F.~~

Site Plan and Architectural Review Conditions of Approval.

In approving a site plan and architectural review application, the Site Plan and Architectural Commission may impose, in addition to those standards expressly specified in this code, conditions determined to be reasonably necessary to ensure compliance with the standards of the code and the criteria in Subsection 10.290(E) above, and to otherwise protect the health, safety and general welfare of the surrounding area and community as a whole. These conditions may include, but are not limited to the following:

~~(1)1.~~ __ Limiting the number, height, location and size of signs;

~~(2)2.~~ __ Requiring the installation of appropriate public facilities and services and dedication of land to accommodate public facilities when needed;

~~(3)3.~~ __ Limiting the visibility of mechanical equipment through screening or other appropriate measures;

~~(4)4.~~ __ Requiring the installation or modification of irrigated landscaping, walls, fences or other methods of screening and buffering;

~~(5)5.~~ __ Limiting or altering the location, height, bulk, configuration or setback of buildings, structures and improvements.

~~(6)6.~~ __ Requiring the improvement of an existing, dedicated alley which will be used for ingress or egress for a development;

~~(7)7.~~ __ Controlling the number and location of parking and loading facilities, points of ingress and egress and providing for the internal circulation of motorized vehicles, bicycles, public transit and pedestrians;

~~(8)8.~~ __ Requiring the retention of existing natural features;

~~(9)9.~~ __ Modifying architectural design elements including exterior construction materials and their colors, roofline, fenestration and restricting openings in the exterior walls of structures;

~~(10)~~10. Restricting the height, directional orientation and intensity of exterior lighting.

10.292G. Expiration of a Site Plan and Architectural ~~Commission Review~~ Approval.

~~(1)~~1. Approval of a Site Plan and Architectural Commission application shall take effect on the date the final order for approval is signed, unless appealed and shall expire two ~~(2)~~ years from the effective date. Within two ~~(2)~~ years following the effective date, ~~substantial construction~~ issuance of building permit for vertical construction must have occurred or an extension of the approval will be necessary. If a request for an extension ~~of a Site Plan and Architectural Commission application approval~~ is filed with the Planning Department within two ~~(2)~~ years from approval of the final order, the Site Plan and Architectural Commission shall grant an extension not to exceed one ~~(1)~~ additional year. Extensions shall be based on findings that the facts upon which the Site Plan and Architectural Commission application was first approved have not changed to an extent sufficient to warrant re-filing of the application. ~~All approvals made prior to the adoption of this ordinance shall expire one (1) year from the date of adoption of this ordinance, notwithstanding permitted extensions and previous phasing authorizations.~~

~~(2)~~2. When it is the developer's intent to complete an approved project in phases, the approving authority may authorize a time schedule for the issuance of building permits for a period exceeding one ~~(1)~~ year, but in no case shall the total time period for the issuance of building permits be greater than five ~~(5)~~ years without having to resubmit a new application for Site Plan and Architectural Commission review. Phases developed after the passage of one ~~(1)~~ year from approval of the Site Plan and Architectural Commission application will be required to modify the plans as necessary to avoid conflicts with changes in the *Comprehensive Plan* or this chapter.

10.294H. Modifications of an Approved Site Plan and Architectural Review.

A1. 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~~ as a Type III application for Site Plan and Architectural Review. The Planning Director may waive submittal requirements deemed unnecessary or inapplicable to the proposal.

B2. Minor Modification. A minor modification to an approved plan may be made by the Planning Director provided the Planning Director can make the determination that the modification does not constitute a major modification. A minor modification shall meet all of the following standards:

~~(1)~~a. Meets the exemption standards of ~~10.031~~ Subsection (C) above.

~~(2)~~b. No increase in the number of dwelling units.

~~(3)~~c. 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)~~d. 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)e. No reduction or elimination of any project amenities such as recreational facilities, significant natural resources (streams, creeks, landforms), fencing and other screening material.
- (6)f. Modifications to facilities and utilities conform to the adopted facility plans.
- (7)g. Modifications to any other components of the plan conform to standards of the ~~Land Development~~ Code.
- (8)h. No modification to any condition of approval.

10.296i. **Issuance of Building Permits, Consistent with Site Plan and Architectural Review Approval.** All applications for a building permit, wherein ~~s~~Site ~~p~~Plan and ~~A~~Architectural ~~r~~Review has been required, shall be consistent with the ~~site and architectural~~ plans as approved and all conditions of approval imposed thereon and shall be accompanied by an accurate and correct site plan.

- A1. Security for Completion of Public Improvements:** If all required public improvements, as specified in the conditions of site plan and architectural review approval, have not been satisfactorily completed before issuance of a building permit, the developer shall enter into a written agreement (provided by the City) to secure full and faithful performance thereof, according to Sections 10.666 and 10.667(A) respectively.
- B2. Agreement for Completion of Private Improvements:** (for projects with signed agreements prior to January 1, 2015): The following regulations shall apply to all Building Site Improvement Agreements (BSIA) signed prior to January 1, 2015. After said date, the provisions of Building Site Improvement Agreements (BSIA) shall no longer be used as a means to ensure the completion of private improvements. If all required private improvements, as specified in the conditions of site plan and architectural review approval, have not been satisfactorily completed before issuance of a building permit, the permit shall not be issued unless the owner and all other parties having an interest in the property enter into a written and recorded agreement, called a Building Site Improvement Agreement (BSIA), (provided by the City) with the City. The agreement shall be in a form acceptable to the City Attorney and shall specify that, within six ~~(6)~~ months after signing the agreement or such longer time period as specified by the Site Plan and Architectural Commission, all improvement work shall be completed according to the approved plans. The Planning Director or other person designated by the City Manager shall sign the agreement on behalf of the City.
- a. Extension.** If a request for an extension of a Building Site Improvement Agreement is filed with the Planning Department within six ~~(6)~~ months after signing the agreement, the Planning Director may grant an extension not to exceed six ~~(6)~~ additional months. Extensions shall be based on findings that the extension is necessary for good cause, such as: circumstances beyond the developer's control that are causing delay in completing private improvements (i.e., ODOT work, weather-related delays, building permit delays), so long as no applicable development standards have changed.
- b. Procedure and Enforcement.** The agreement shall be recorded in the Official Records of Jackson County, and once recorded, the burdens of the agreement shall run with the title of the affected property. The property affected by the agreement shall be the property depicted on the approved site plan. The agreement shall provide that, if the work is not completed in accordance with its terms within the allotted time, the property may not thereafter be occupied or used until all deficiencies are corrected. The agreement shall provide for enforcement by the City through a civil suit for injunction and provide that the prevailing party shall be awarded costs and reasonable attorney's fees. When made in substantial compliance with this section, such an agreement shall be enforceable according to its terms, regardless of whether it would be enforceable as a covenant at common law.

c. Satisfaction. Once improvements have been satisfactorily completed according to the approved plans, a Satisfaction of Building Site Improvement Agreement shall be signed by the Planning Director or other person designated by the City Manager. The agreement shall be recorded in the Official Records of Jackson County.

10.265202 Application, Land DSubdivisions Tentative Plat.

A. Application. The ~~partitioning or~~ subdividing of land shall be subject to the application requirements as herein set forth and shall include both the tentative and final platting requirements. The approval of a tentative plat is a ~~procedural Class "C" quasi-judicial decision~~ Type III procedure, with the Planning Commission being the approving authority. Final plat approval is a Type I ministerial action procedure which relies on compliance with the requirements established at the time of tentative plat approval, and on the requirements set forth in ~~Code Sections 10.273158, Final Plat Approval Required, through 10.280, Action and Decision Time: Final Plat.~~

10.266B. Application for Tentative Plat.

~~Twenty five (25) copies of t~~The tentative plat for each proposed land division shall be filed with the Planning Department. ~~Additional copies may be requested for the transmittal to the designated official of any affected local agency which has requested the same as provided in ORS 92.044.~~

10.267C. Form of Tentative Plat and Accompanying Data. All tentative plats shall be clearly and legibly drawn on tracing paper of good quality and prepared by a civil engineer or land surveyor registered in the State of Oregon. It shall have a dimension of not less than ~~eighteen (18)~~ inches by ~~twenty four (24)~~ inches, and the scale shall be as follows: One ~~(1)~~ inch shall be equal to ~~fifty (50)~~ feet for ~~twenty (20)~~ acres or less, and one ~~(1)~~ inch shall be equal to ~~one hundred (100)~~ feet for all divisions of land over ~~twenty (20)~~ acres in area. The tentative plat shall contain the following data:

- ~~(1)~~1. Proposed land division name (if a subdivision), date, north arrow, scale, total acreage, and sufficient legal information to define the boundaries of the proposed development.
- ~~(2)~~2. A key map located in the upper right hand corner identifying the location of the development relative to section and township lines and to adjacent property and major physical features such as streets, railroads, and waterways.
- ~~(3)~~3. Names of abutting property owners on all sides, names and widths of adjoining rights-of-way, topographic features and all public improvements on adjacent property located within 200 feet of the project boundary.
- ~~(4)~~4. Name and address of the owner(s) of record, developer, and engineer or land surveyor registered in the State of Oregon who prepared the tentative plat.
- ~~(5)~~5. Locations, names, widths, approximate intersection angle, centerline radii, center line slopes, and improvement section of all streets, highways and other ways in the proposed project.
- ~~(6)~~6. Number of lots, dimensions of lots (to the nearest foot), including frontage, width, and area (to the nearest ~~fifty (50)~~ square feet).
- ~~(7)~~7. Location and height of all existing structures to remain on property and distance from proposed property lines.

- ~~(8)~~8. Location and character of all easements existing and proposed by the developer for drainage, sewage and public utilities.
- ~~(9)~~9. Five ~~(5)~~ foot topographic contours describing the area. Where the grade of any part of the proposed land division exceeds ~~ten percent (10%)~~, or where the development abuts existing developed lots, an overall conceptual grading plan shall be required showing features adjacent to the development within a reasonable distance therefrom which could affect said project. Where a conceptual grading plan is required it shall show how runoff of surface water from individual lots will be achieved and the ultimate disposal of all development surface waters. All topographic information shall be based on city data.
- ~~(10)~~10. A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).
- ~~(11)~~11. Location of all creeks, streams and other watercourses, showing top of existing bank and areas subject to inundation as shown on the latest Federal Flood Rate Insurance Maps.
- ~~(12)~~12. Existing wells and irrigation canals, active or abandoned, and proposed disposition.
- ~~(13)~~13. Public or common area proposed, if any.
- ~~(14)~~14. The approximate distance to, and location of, the nearest sanitary sewer main.
- ~~(15)~~15. Name of the irrigation district, if any, within which the project is located and whether it is currently being assessed.
- ~~(16)~~16. Name of the school district within which the project is located.
- 10.269D. Expiration of Tentative Plat Approval.**
- ~~(1)~~1. Approval of a tentative plat application shall take effect on the date the final order for approval is signed, unless appealed, and shall expire two ~~(2)~~ years from the effective date unless the final plat has been approved by the Planning Director pursuant to Sections ~~10.276158-10.280~~. If a request for an extension of a tentative plat application approval is filed with the Planning Department within two ~~(2)~~ years from the date of the final order, the Planning Commission shall grant an extension not to exceed one ~~(1)~~ additional year. Extensions shall be based on findings that the facts upon which the tentative plat application was first approved have not changed to an extent sufficient to warrant re-filing of the application. ~~All approvals made prior to the adoption of this ordinance shall expire one (1) year from the date of adoption of this ordinance, notwithstanding permitted extensions and previous phasing authorizations.~~
- ~~(2)~~2. When it is the developer's intent to record and develop a tentatively platted land division in phases, the ~~approving authority~~ Planning Commission may authorize a time schedule for platting the various phases in periods exceeding one ~~(1)~~ year, but in no case shall the total time period for platting all phases be greater than five ~~(5)~~ years without having to re-submit the tentative plan. Phases platted after the passage of one ~~(1)~~ year from approval of the tentative plat will be required to modify the tentative plat as necessary to avoid conflicts with changes in the Comprehensive Plan or this chapter.
- 10.270E. Land Division Approval Criteria.**

The ~~approving authority~~ (Planning Commission) shall not approve any tentative plat unless it first finds that the proposed land division, together with the provisions for its design and improvement:

- ~~(1)~~1. ___ Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Articles IV and V;
- ~~(2)~~2. ___ Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;
- ~~(3)~~3. ___ Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;
- ~~(4)~~4. ___ If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property, unless the ~~approving authority~~ Planning Commission determines it is in the public interest to modify the street pattern;
- ~~(5)~~5. ___ If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;
- ~~(6)~~6. ___ Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

~~10.225~~ 10.204 **Application, Zone Change.**

A. Zone Change Initiation. A zoning district boundary change may be initiated by the Planning Commission either on its own motion or at the request of the City Council, or by application of the property owner(s) in the area subject to the zone change.

~~10.226~~ **Application Form.**

~~A zone change application shall contain the following items:~~

- ~~(1) Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area of change.~~
- ~~(2) Assessor's map with proposed zone change area identified.~~
- ~~(3) Legal description of area to be changed. Legal description shall be prepared by a licensed surveyor or title company.~~
- ~~(4) Property owner's names, addresses, and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.~~
- ~~(5) Findings prepared by the applicant or his representative addressing the criteria for zone changes as per Section 10.227, Zone Change Criteria.~~

10.227B. Zone Change Approval Criteria. The ~~approving authority~~ (Planning Commission) shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (1) and (2) below:

~~(1)~~ 1. The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.

2. Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections ~~(12)~~(a), ~~(12)~~(b), ~~(12)~~(c), or ~~(12)~~(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

~~(a)~~ a. For zone changes to SFR-2, the zoning shall be approved under either of the following circumstances:

- (i) ___ if at least ~~seventy percent~~ (70%) of the area proposed to be re-zoned exceeds a slope of ~~fifteen percent~~ (15%),
- (ii) ___ if other environmental constraints, such as soils, geology, wetlands, and flooding, restrict the capacity of the land to support higher densities.

~~(b)~~ b. For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one ~~(1)~~ of the following conditions must exist:

- (i) ___ At least one ~~(1)~~ parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or
- (ii) ___ The area to be re-zoned is five ~~(5)~~ acres or larger; or
- (iii) ___ The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five ~~(5)~~ acres.

~~(c)~~ c. For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:

- (i) ___ The overall area of the C-N zoning district shall be three ~~(3)~~ acres or less in size and within, or abutting on at least one ~~(1)~~ boundary, with residential zoning. In determining the overall area, all abutting property(s) zoned C-N shall be included in the size of the district.
- (ii) ___ The overall area of the C-C zoning district shall be over three ~~(3)~~ acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district.
- (iii) ___ The overall area of the C-R zoning district shall be over three ~~(3)~~ acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is

ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to ~~(12)~~(e) below.

(iv) ___ The C-H zone shall front upon an arterial street or state highway. The C-H zone may abut the General Industrial (I-G), Light Industrial (I-L), and/or any commercial zone. The C-H zone is ordinarily considered to be unsuitable if abutting any residential ~~and or~~ I-H zones, unless the applicant can show it would be suitable pursuant to ~~(12)~~(e) below.

~~(d)~~d. ___ For zone changes to any industrial zoning district, the following criteria shall be met for the applicable zoning sought:

(i) ___ The I-L zone may abut residential and commercial zones, and the General Industrial (I-G) zone. The I-L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I-H) zone, unless the applicant can show it would be suitable pursuant to ~~(12)~~(e) below.

(ii) ___ The I-G zone may abut the Heavy Commercial (C-H), Light Industrial (I-L), and the Heavy Industrial (I-H) zones. The I-G zone is ordinarily considered to be unsuitable when abutting the other commercial and residential zones, unless the applicant can show it would be suitable pursuant to ~~(12)~~(e) below.

(iii) ___ The I-H zone may abut the General Industrial (I-G) zone. The I-H zone is ordinarily considered to be unsuitable when abutting other zones, unless the applicant can show it would be suitable pursuant to ~~(12)~~(e) below.

~~(e)~~e. ___ For purposes of ~~(12)~~(c) and ~~(12)~~(d) above, a zone change may be found to be "suitable" where compliance is demonstrated with one ~~(1)~~ or more of the following criteria:

(i) ___ The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one ~~(1)~~ zone;

(ii) ___ At least ~~fifty percent (50%)~~ of the subject property's boundaries abut zones that are expressly allowed under the criteria in ~~(12)~~(c) or ~~(12)~~(d) above;

(iii) ___ At least ~~fifty percent (50%)~~ of the subject property's boundaries abut properties that contain one ~~(1)~~ or more existing use(s) which are permitted or conditional use(s) in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing use(s); or

(iv) ___ Notwithstanding the definition of "abutting" in Section 10.012 and for purposes of determining suitability under Subsection ~~(12)~~ (e), the subject property is separated from the "unsuitable" zone by a public right-of-way of at least ~~sixty (60)~~ feet in width.

~~(f)~~f. ___ For zone changes to apply or to remove ~~the an~~ overlay zones (Limited Industrial, Exclusive Agricultural, Freeway, Southeast, Historic) the crite-

ria can be found in the applicable overlay section (Sections 10.345 through 10.413).

~~(2)~~3. It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 as well as the Public Facilities Element and Transportation System Plan in the Comprehensive Plan.

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

~~(b)~~b. Adequate streets and street capacity must be provided in one ~~(1)~~ of the following ways:

(i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or

(ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one ~~(1)~~ proposed or anticipated ~~development~~ land use, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one ~~(1)~~ of the following occurs:

(a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two ~~(2)~~ years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

(b) ~~when~~ an applicant funds the improvement through a reimbursement district pursuant to the ~~MLDC~~ Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

(iv) ___ When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

~~(e)c.~~ ___ In determining the adequacy of Category A facilities, the ~~approving authority (Planning Commission)~~ may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, ~~which and~~ must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall, ~~and may~~ include, but are not limited to the following:

- (i) ___ ~~Restricted Zoning is R~~restriction of uses by type or intensity; ~~however, i~~ In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved ~~which that~~ do not meet minimum density standards; ~~i~~
- (ii) ___ Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule; ~~i~~
- (iii) ___ Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

10.228C. Removal of Special Development Conditions on Zone Changes and General Land Use Plan (GLUP) Map Amendments.

Deed restrictions, covenants, or conditions of approval on zone changes established in order to comply with Section 10.227204, or General Land Use Plan (GLUP) Map amendments established in order to comply with Section 10.184220, shall only be removed by the following actions:

~~(1)1.~~ ___ If an improvement is made to any facility that was lacking adequacy, or if a level of service standard is changed so that the facility is now determined to be adequate, the property owner(s) may submit a letter to the Planning Department requesting that development conditions be removed. If the ~~department~~ Planning Director agrees that the facility is adequate and the condition(s) is no longer necessary, the special development condition can be removed. The letter, ~~with the approval signature of signed by~~ the ~~department~~ Planning Director, shall be appended to the original approval resolution or ordinance. In making the determination of facility adequacy, the ~~department~~ Planning Director may ask the property owner(s) for information to demonstrate facility adequacy.

- ~~(2)~~2. For Zone Change: If the development condition is not removed through the method described in (1) above, the condition may be removed pursuant to a Type III minor zone change procedure.
- ~~(3)~~3. For GLUP Map Amendments: If the development condition is not removed through the method described in (1) above, the condition may be removed pursuant to a Type IV Comprehensive Plan Map Amendment procedure.

TYPE IV APPLICATIONS (10.214 – 10.226)

~~10.180~~214 **Class “A” Type IV Land Use Actions.**

A. Type IV Actions. ~~Class “A” actions comprise the following plan authorizations that involve such a substantial area and number of property owners or such broad public policy changes that administrative processing would be inappropriate.~~ Type IV actions comprise the following plan authorizations land use reviews:

- ~~(1) Major Comprehensive Plan Amendments;~~
- ~~(2) Code Amendments;~~
- ~~(3) Major Zoning Map Amendments;~~
- ~~(4) Any other change deemed legislative.~~

~~10.185~~ **Class “B” Actions.**

~~Class “B” actions comprise the following plan authorizations:~~

- ~~(1) Minor Comprehensive Plan Amendment~~
- ~~(2) Annexation, except as provided in Section 10.199~~
- ~~(3) Vacation~~
- ~~(4) Transportation Facility Development~~

Type IV Land Use Application

Annexation, except as provided in Section 10.216
Land Development Code Amendment
Major Comprehensive Plan Amendment
Major General Land Use Plan Map Amendment
Major Urban Growth Boundary Amendment
Major Zoning Map Amendment
Minor Comprehensive Plan Amendment
Minor General Land Use Plan Map Amendment
Minor Urban Growth Boundary Amendment
Transportation Facility Development
Vacation of Public Right-of-Way

~~10.181~~ **Initiation of Class “A” Actions, General.**

B. ~~Class “A” authorizations~~ Major Type IV land use reviews including amendments to the Land Development Code are legislative actions and may only be initiated by the Planning Commission or City Council. ~~Class “A” amendments are legislative actions and include adoption or revisions of:~~

- (1) ~~The following components of the Medford Comprehensive Plan:~~
 - (a) ~~General Land Use Plan Map, major.~~
 - (b) ~~Comprehensive Plan Elements.~~
 - (c) ~~Goals, policies, conclusions, or implementation strategies.~~
 - (d) ~~Special area plans or neighborhood circulation plans.~~
 - (e) ~~Significant resource inventories.~~
 - (f) ~~Transportation System Plans:
Street Functional Classification Plan
Bicycle Facilities Plan
Major Pedestrian Facilities Plan
Major Transit Routes and Stops
Designated Truck Routes~~
 - (g) ~~By reference, separate functional plans, such as public facility plans (parks, sewer, stormwater, etc.) and capital improvement plans.~~
 - (h) ~~Urban Growth Boundary.~~
 - (i) ~~Review and Amendments chapter.~~
 - (j) ~~Urban Reserve.~~
 - (k) ~~Urban Reserve Management Agreement (URMA) between City and County.~~
 - (l) ~~Urban Growth Boundary Management Agreement (UGMA) between the City and County.~~
- 2. ~~Land Development Code.~~
- 3. ~~Zoning Map, major.~~

See Review & Amendments chapter of the Comprehensive Plan for definitions of "major" and "minor."

~~10.190 Application, Minor Comprehensive Plan Amendment.~~

~~A minor revision to the Comprehensive Plan is one typically focused on specific individual properties and therefore considered quasi-judicial. Applications for minor Comprehensive Plan amendments shall contain the information as herein required.~~

~~10.186 Application, General.~~

C. ~~Minor Type IV land use reviews including Annexations, Transportation Facility Developments and Vacations are quasi-judicial actions and Applications for Class "B" plan authorizations~~ may be initiated by the Planning Commission, City Council, or property owners representing the subject area. An exception to the preceding rule is that the Planning Commission does not initiate annexations.

~~Class "B" procedural applications shall be submitted to the Planning Department and shall consist of the materials specified for each type Class "B" procedural application as set out below.~~

~~Upon submittal of the application to the Planning Department, the date of submission shall be indicated on each copy of the materials submitted. Within thirty (30) working days from the date of submission, the Planning Department shall determine whether the application as submitted, along with the required information, is complete as per this chapter.~~

~~If it is determined that the application is incomplete or otherwise does not conform to the provisions of this chapter, the Planning Department shall notify the applicant. An application which has been refused for non-compliance with this code may be resubmitted to the planning department when such application complies with this code.~~

~~At the time of acceptance of the application, the Planning Department shall indicate on the application the date of acceptance.~~

~~**10.187 Class "B", Referral and Review.**~~

~~Within five (5) working days of accepting a Class "B" application, the Planning Department shall transmit one (1) copy of the application or appropriate sections thereof to each referral agency for review and comment as specifically required of each type of Class "B" application. If a referral agency does not comment within thirty (30) working days, then the referral agency is assumed to have no comment and standard conditions of development will be applied. If requested in writing, by a referral agency or the applicant, an extension of thirty (30) working days may be granted.~~

~~Upon conclusion of the thirty (30) day comment period, the Planning Department shall study and investigate the request and prepare a Staff Report setting forth a recommended action based on compliance with the Comprehensive Plan and this chapter and also setting forth conditions of development as recommended by the referral agencies.~~

~~Except in the case of annexation, the advisory agency (Planning Commission) shall consider the request and Staff Report and make a recommendation to the approving authority (City Council). For an annexation, the City Council makes a decision without recommendation by the Planning Commis~~

~~**10.165 Class "B" Action and Decision Time.**
After acceptance of an application, the approving authority (City Council) shall approve, approve with conditions, or deny the request.~~

D. Type IV Action and Decision Time Approving Authorities. For Type IV actions the City Council is the approving authority and the Planning Commission acts as an advisory body to City Council. At a public hearing the Planning Commission will consider the request and make a recommendation to City Council to approve or deny the request. For annexations, the City Council makes a decision without a recommendation from the Planning Commission. ~~10.164 Class "A", Action and Decision Time.~~ Following completion of a recommendation by the ~~advisory agency (Planning Commission), the it request~~ shall be scheduled for a public hearing before the City Council. ~~10.165~~ The decision of the ~~approving agency (City Council)~~ shall be based upon the application, the evidence, comments from ~~the referral agencies,~~ comments from affected property owners (if any), the Planning Commission's recommendation (if applicable), and compliance with the Statewide Planning Goals and Guidelines, ~~and with~~ this code and the Comprehensive Plan.

10.216 Annexation.

A. Annexation is the action taken to incorporate land into a city. The state requires annexation of property that is contiguous to city limits and within the city's Urban Growth Boundary.

~~10.195~~**B. Application for Annexation.** Except for the annexation of unincorporated territory surrounded by the city as provided in Subsection ~~10.199(E)~~ below, applications for annexation shall, in addition to requirements contained ~~herein~~ in the application form, be subject to the provisions of ORS 222.111 to 222.180 or 222.840 to 222.915.

10.196 — Application Form.

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) — 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.~~
- ~~(5) — 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.~~~~
- ~~(6) — Addresses of all dwelling units and businesses located within the annexation area and names of all residents and whether they are registered voters.~~
- ~~(7) — 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 10.197, Annexation Criteria.~~~~
- ~~(8) — Property owners' (and agents') names, addresses and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.~~

10.197

C. Annexation Approval 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.

~~10.198D.~~ **Zoning of Annexed Property.** At the time of annexation, the City ~~will~~ 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) ~~will~~ shall be applied.

~~10.199E.~~ **Annexation of Territory Surrounded by the City.**

~~(1)~~1. As authorized in ORS 222.750, the City Council may, by ordinance, annex territory surrounded by the corporate boundaries of Medford with or without the consent of any owner of property within the territory or resident of the territory.

~~(2)~~2. Such annexation may be initiated at the request of the Planning Department or City Council and shall not be subject to the requirements of Sections ~~10.122, 10.146, 10.150, 10.157, 10.158, 10.185 to 10.187, or 10.196 to 10.198~~ 10.106, 10.110(D), 10.112, 10.124, 10.214, and 10.216.

~~(3)~~3. A public hearing shall be held prior to the Council's adoption of an ordinance for annexation.

~~(4)~~4. Prior to the public hearing, nNotification shall be mailed to all owners of property within the area proposed for annexation ~~no later than twenty (20) days prior to the public hearing.~~

5. For property that is zoned for, and in, residential use when annexation is initiated by the City, the City shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the City proclaims the annexation approved.

6. The City shall notify the Jackson County Clerk of the territory subject to delayed annexation not sooner than 120 days and not later than 90 days before the annexation takes effect.

~~10.184~~10.218 **Land Development Code Amendment Approval Criteria.**

~~(2) Land Development Code Amendment.~~—The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

- A. Explanation of the public benefit of the amendment.
- B. The justification for the amendment with respect to the following factors:
 1. Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.
 2. Comments from applicable referral agencies regarding applicable statutes or regulations.
 3. Public comments.
 4. Applicable governmental agreements.

~~10.184~~220 **Class "A" Major Type IV Amendments**

A. Major Type IV Amendments are those land use changes that have widespread and significant impact beyond the immediate area, such as changes capable of producing large

volumes of traffic, changes to the character of the land use itself, or changes that affect large areas or involve many different ownerships. Major Type IV Amendments include:

1. Major Comprehensive Plan, including separate plans adopted by reference;
2. Major General Land Use Plan Map;
3. Major Urban Growth Boundary;
4. Major Zoning Map Amendment;
4. Urban Reserves;
5. Urban Growth Management Agreement; or
6. Urban Reserve Management Agreement.

B. Major Type IV Amendment Approval Criteria. ~~(1) Comprehensive Plan Amendment.~~ Refer to the Review and Amendment section of the Comprehensive Plan, except in the case of the ~~two~~ following three actions:

- ~~(3)~~1. Major Zoning Map Amendment, Major. The Planning Commission shall base its recommendation and the City Council its decision on the same criteria as in subsection (2) preceding. Refer to the approval criteria for Land Development Code Amendments in Section 10.218.
- ~~(a)~~2. Urban Growth Boundary Amendment. Refer to Urbanization Element of the Comprehensive Plan.
- ~~(b)~~3. Urban Reserve Adoption/Amendment. Refer to ORS 1957.137-145 and OAR 660-021.

10.190~~222~~ Application, Minor Comprehensive Plan Type IV Amendments.

A. A minor revision to the Comprehensive Plan is one Minor Type IV Amendments typically focused on specific individual properties and are therefore considered quasi-judicial. Applications for minor Comprehensive Plan amendments shall contain the information as herein required. Minor Type IV Amendments include:

1. Minor Comprehensive Plan Amendment;
2. Minor General Land Use Plan Map Amendment;
3. Minor Urban Growth Boundary Amendment;
4. Transportation Facility Development; or
5. Vacation of Public Right-of-Way.

~~10.191~~ Application Form.

~~An application for a minor Comprehensive Plan amendment shall contain the following items:~~

- ~~(1) A vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area to be changed on the General Land Use Map.~~
- ~~(2) Written findings which address the following:~~
 - ~~(a) Consistency with applicable Statewide Planning Goals.~~
 - ~~(b) Consistency with the goals and policies of the Comprehensive Plan.~~
 - ~~(c) Consistency with the applicable provisions of the Land Development Code.~~

10.192

B. Minor Comprehensive Plan Type IV Amendment Approval Criteria. For minor amendments to the Comprehensive Plan, General Land Use Plan Map, or Urban Growth Boundary R refer to the Review and Amendment section of the Comprehensive Plan. For

Transportation Facility Development approval criteria refer to Section 10.224(B). For the approval criteria for Vacation of Public Right-of-Way refer to Section 10.226(B).

10.205224 Application, Transportation Facility Development.

A. Where the City intends to improve a new or existing street and the improvement is to be built with public funds, the improvement standards set forth in this code are not binding on the City and the City Council may authorize such exceptions to the standards as it deems proper in the exercise of its sole and absolute discretion without regard to the exceptions process of Section 10.251186. However, the City shall follow the procedure prescribed ~~below in Sections 10.206 through 10.208~~ through this Subsection (10.224) in authorizing such projects. All transportation projects must be consistent with the adopted Transportation System Plan (TSP). Land use issues decided at the time of approval of the Transportation System Plan (TSP) do not have to be reexamined at the time of project development.

~~Land use issues decided at the time of approval of the TSP do not have to be reexamined at the time of project development.~~

10.206 Application Form.

~~Preliminary plans required for the transportation facility approval process shall show the following items:~~

- ~~(1) The location and alignment of the project.~~
 - ~~(2) The number of street lanes, bike lanes or sidewalks as applicable.~~
 - ~~(3) The extent or limits of such work.~~
 - ~~(4) Any exceptions to the design standards established in Sections 10.437 through 10.455.~~
- ~~The City shall cause to be prepared six (6) copies of preliminary project plans which shall be filed with the Planning Department. Additional copies may be required for transmittal to local agencies which may be affected by the street improvement.~~

10.207B. Transportation Facility Development Approval Criteria. Preliminary plans for transportation facility development projects shall be consistent with the following criteria:

- ~~(1)~~1. Transportation facility development projects shall be consistent with the Transportation Goals and Policies of the Comprehensive Plan.
- ~~(2)~~2. Transportation facility projects should not prevent development of the remainder of the property under the same ownership or development of adjoining land.
- ~~(3)~~3. If the project includes the creation of new streets, such streets should be laid out to conform ~~with~~to the plats of land divisions already approved for adjoining property.

~~10.205~~ * * * 4. All transportation projects must be consistent with the adopted Transportation System Plan (TSP).

10.208C. City Council Action on Transportation Facility Development. ~~The City Council shall hold a quasi-judicial public hearing to review the preliminary project plan and the Planning Commission report and shall adopt a~~ The resolution or ordinance approving, modifying or disapproving such ~~preliminary plan(s). The resolution or ordinance~~ development shall identify all exceptions to the design and improvement standards of this

Code which are being authorized. ~~The resolution or ordinance shall contain findings demonstrating compliance with the Comprehensive Plan and the Transportation System Plan.~~ The City Engineer shall prepare detailed final construction plans and specifications in accordance with such resolution and solicit bids for the construction of the improvements.

10.226 Vacation of Public Right-of-Way.

A. ~~Vacations of public rights-of-way are a means of returning ownership of unneeded public streets and alleys to adjacent property owners. Vacations of plats and public utility easements (PUEs) are a means of removing unnecessary easements or plat designations from a parcel of land.~~

10.200B. ~~**Application, Vacation of Public Right-of-Way Application.**~~ A request to vacate a public street, alley, easement, plat, or public place shall, in addition to the requirements contained herein, be subject to ORS Chapter 271.

C. ~~**Vacation of Public Right-of-Way Initiation.**~~

~~Vacations of public rights-of-way shall be initiated either by petition under ORS 271.080 or by City Council under ORS 271.130.~~

~~**10.201** — **Application Form.**~~

~~Petitioners or persons requesting a vacation shall file an application containing the following items:~~

- ~~(1) — Vicinity Map drawn at a scale of 1" = 1,000' identifying the proposed area of vacation.~~
- ~~(2) — Legal description of area proposed to be vacated in electronic form per the instructions of the City of Medford Planning Department.~~
- ~~(3) — A letter requesting City Council initiation, or, if initiated by petition rather than by Council, consent to vacate forms completed and signed by owners of all abutting property and of not less than two-thirds in area of the real property affected as defined in ORS 271.080~~
- ~~(4) — Assessor's maps of the proposed vacation area identifying abutting and affected properties. The assessor's maps shall identify those parcels for which consents to vacate have been acquired.~~
- ~~(5) — Names and addresses of property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated, including map and tax lot numbers typed on mailing labels.~~
- ~~(6) — Findings that address the approval criteria in Section 10.202, Vacation Criteria.~~

10.202D. ~~**Vacation of Public Right-of-Way Approval Criteria.**~~ A request to vacate shall only be approved by ~~the approving authority (City Council)~~ when the following criteria have been met:

- ~~(1)~~**1.** Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.
- ~~(2)~~**2.** If initiated by petition under ORS 271.080, the findings required by ORS 271.120.
- ~~(3)~~**3.** If initiated by the Council, the applicable criteria found in ORS 271.130.

Exhibit C

Proposed Amendment – Affected Sections

(Deleted text is ~~struck-through-and-red~~, new text is blue and underlined, text moved to a new location is double underlined and green.)

AFFECTED SECTIONS

ARTICLE I

10.012 Definitions, Specific.

When used in this chapter, the following terms shall have the meanings as herein ascribed:

* * *

Appeal. A means of obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this chapter as expressly authorized by the provisions of Article II, Sections 10.148, 10.165 and 10.174 ~~10.051, Appeals.~~

* * *

Approving Authority. The designated official or official body charged with the duty of investigating and reporting on the design, improvement and use of proposed developments of real property, the imposing of requirements or conditions thereon and the authority to approve, conditionally approve or disapprove development permits and ~~plan authorizations~~ land use reviews as per this chapter.

* * *

Development permit. The written acknowledgment by the city that a specific development proposal has complied with all required ~~plan authorizations~~ land use reviews determined necessary for development.

* * *

Exceptions. Permission to depart from the literal requirements of this code granted pursuant to Article II, Section 10. ~~186251, Application for Exceptions.~~

* * *

Land Development Committee. A land use/development review and advisory committee comprised of representatives from all referral agencies as identified in Article II, Section 10.~~145~~110.

* * *

Planned Unit Development (PUD). A planned unit development (PUD) is any development approved by the City under Sections 10.~~230~~190 through 10.198 or under earlier PUD ordinances of the City.

* * *

Site plan. A plan, prepared to scale, showing accurately and with complete dimensioning, all of the uses as required ~~by Article II, Section 10.287, Application General~~ in the land use review applications.

* * *

Street, private. A street providing public access to more than one lot. It is a separate tax lot that is owned and maintained by private parties. Private streets are only allowed in Planned Unit Developments (PUDs) (See Section 10.~~230(D)(5)~~ 192(B)(5)).

* * *

10.021 Development Permit Required.

~~No person shall engage in or cause a development nor shall any person create any street for the purpose of subdividing or partitioning an area or tract of land, or to dispose of, transfer or sell any lot or parcel of land if same constitutes or is part of a process of subdivision or partitioning as herein defined, or to record a final plat thereof without first complying with all of the applicable provisions of this chapter. A building permit shall not be issued for the construction, reconstruction or the alteration, use or occupancy of a structure for which a development permit is required and has not been issued pursuant to Section 10.101, The Development Permit Application, or unless exempted as per Section 10.031, Exceptions to the Development Permit Requirement.~~

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.~~

~~C. The following uses or developments do not require a development permit.~~

~~(1) Parking lots and parking lot additions, when not associated with building construction required to be reviewed by the Site Plan and Architectural Commis-~~

- ~~sion, except any parking lot or parking lot additions located within a Historic Overlay requires Historic Review. (Effective Dec. 1, 2013.)~~
- ~~(2) Construction of a new building if it does not increase motor vehicle trip generation by more than ten (10) average daily trips, unless within a Historic Overlay, in which case, Historic Review is required for all new construction. (Effective Dec. 1, 2013.)~~
- ~~(3) A building addition similar to the existing building in architectural style and exterior building materials and that is no more than a 20 percent or 2,500 square-foot increase in gross floor area, whichever is less, unless within a Historic Overlay, in which case, Historic Review is required for all building additions and exterior alterations. (Effective Dec. 1, 2013.)~~
- ~~(4) An emergency measure resulting from fire, an act of God, or a public enemy or other calamity, which is necessary to protect and save property and lives.~~
- ~~(5) The reconstruction of a legal main structure or legal accessory structure which has been destroyed by fire, an act of God, or a public enemy or other calamity, and restoration is started within one (1) year from such destruction and is diligently pursued to completion.~~
- ~~(6) Temporary uses as identified in Section 10.840, Temporary Uses and Structures.~~
- ~~(7) The erection, construction, alteration, maintenance or termination of a public utility service facility, such as a public safety communication tower, that is being developed to provide service to development authorized by this chapter.~~
- ~~(8) Detached single-family residential development on a lot within a final platted land division or on an otherwise legally created lot, unless within a Historic Overlay, in which case, Historic Review is required for all single-family residential development. (Effective Dec. 1, 2013.)~~
- ~~(9) Solar Photovoltaic/Solarvoltaic energy systems, as defined in ORS 757.360, except when located on historic landmarks or within historic districts, in which case the review authority shall be the Landmarks and Historic Preservation Commission.~~
- ~~(10) One duplex dwelling divided by a lot line or on a single lot within a final platted land division or on an otherwise legally created lot, unless within a Historic Overlay, in which case, Historic Review is required.~~

* * *

10.051 Appeals.

- ~~A. Any person with standing may appeal to the City Council any Type "C" or "D" decision of an approving authority (Planning Commission, Site Plan and Architectural Commission, Landmarks and Historic Preservation Commission, and Planning Director) which approves conditionally, approves, or disapproves a development permit, or plan authorization, as per Section 10.102, Plan Authorizations, of this chapter, by filing a written notice together with the requisite filing fee with the city recorder within fourteen (14) days after notice of the development permit or plan authorization approval or disapproval by the approving authority is mailed. (Effective Dec. 1, 2013.)~~
- ~~B. A person has standing if the person: (1) appeared in the initial proceedings orally or in writing; and (2) was entitled to a right of notice and hearing prior to the decision to be~~

~~reviewed, or is aggrieved by the decision, or has interests adversely affected by the decision.~~

~~C. Class "E" Ministerial Decisions are final and, with the exception of Final PUD Plan applications (see 10.241(E)), are not appealable under the Medford Land Development Code or any other provision of the Medford Code.~~

10.052 Notice of Appeal.

~~All notices of appeal shall be signed by the appellant or his agent and shall contain:~~

- ~~(1) An identification of the decision sought to be reviewed, including the date of the decision.~~
- ~~(2) A statement demonstrating that the appellant has standing to appeal as required by Section 10.051, Appeals.~~
- ~~(3) A statement of the specific grounds which the appellant relies on as the basis for the appeal. If the appellant contends that the findings of fact made by the approving authority are incorrect or incomplete, the notice shall specify the factual matters omitted or disputed. If the appellant contends that the decision is contrary to ordinance, statute or other law, such errors shall be specifically identified in the notice along with the specific grounds relied upon for review.~~

~~Upon timely receipt of the notice of appeal and filing fee, the City Recorder shall set the appeal for hearing before the City Council at its next regular meeting that falls not less than fourteen (14) days after the date of filing. The City Recorder shall notify the appellant and other parties who appeared in the initial proceedings, of the time and place of the hearing by first class mail, enclosing a copy of the notice of appeal.~~

10.053 Scope of Review.

~~Upon review, the City Council shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the tribunal which heard the matter, or to determining if errors in law were committed by such tribunal. Review shall in any event be limited to those issues set forth in the notice of appeal. The appellant is also precluded from raising an issue on appeal to the Council if he or she could have raised the issue before the hearings body but failed to do so. Review shall be based on the record of the initial proceedings. The record shall consist of the application and all materials submitted with it; documentary evidence, exhibits and materials submitted at the initial hearing; recorded testimony; the decision of the approving authority, including the findings and conclusions; and the notice of appeal. Only the appellant and other parties who appeared in the initial proceedings may participate in the appeal hearing. Appellant shall make the initial presentation and shall be allowed rebuttal. Each participant in the appeal hearing shall present to the council those portions of the record which the participant deems relevant to the appeal. If a party wishes the council to review recorded testimony, the party shall present a written summary or transcript of such testimony to be read by the council in lieu of actually listening to the recording.~~

10.056 City Council Decision.

~~A. Upon review of the appeal, City Council may by order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review. When the City Council~~

~~modifies or renders a decision that reverses a decision of the approving authority, the Council, in its resolution, shall set forth its finding and state its reasons for taking the action encompassed in the order. When the City Council elects to remand the matter back to the approving authority for such further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.~~
~~B. Action by the City Council shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The City Council shall render its decision within the time limits allowed by State law.~~

ARTICLE III

* * *

10.305 Purpose of Zoning Districts.

Each zoning district represents a land use category which has common location, development, and use characteristics. Minor (~~Class 'C' Type III~~) zone changes shall be based upon the criteria in Section 10.227204. Major (~~Class 'A' Type IV~~) zone changes shall be based on the criteria in Section 10.184220. The following sections specify the purpose of each zoning district, and the use and intensity standards applicable to land within each district.

10.306 Residential Land Use Classification.

The residential land use classification provides a wide range of residential density alternatives and dwelling types designed to provide for the housing needs of the community as identified in the "Housing Element" of the *Comprehensive Plan*. Each district is intended to provide for specific dwelling types and densities in a quality living environment, conforming to the Urban, Urban Medium, and Urban High Density Residential designations of the *Comprehensive Plan*. The maximum number of dwelling units (DU) per acre (the density factor or "gross density" as defined herein) can be increased in a Planned Unit Development per Section 10.230(H)192(G)(2). Examples of minimum and maximum residential density calculations are provided in Article 5, Section 10.708. The residential land use classification is comprised of eight (8) zoning districts as specified in the following sections of this Article.

* * *

10.314 Permitted Uses in Residential Land Use Classification.

The following table sets forth the uses allowed within the residential land use classification by zoning district. Uses not identified herein are not allowed. (See Article I, Section 10.012, for the definition of each listed use.)

These symbols indicate the status of each listed use:

"P" = Permitted Use.

"C" = Conditional Use; permitted subject to approval of a Conditional Use Permit.

(See Article II, Sections 10.246184)

* * *

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)

3. SPECIAL RESIDENTIAL DEVELOPMENTS

(a) Planned Unit Development	X	PD	10.230- 245190 – <u>10.200</u> & 10.412									
------------------------------	---	----	----	----	----	----	----	----	----	----	----	--

* * *

10.345 Purpose of Overlay Districts.

Overlay districts impose additional or different land development regulations or procedures on certain parcels or areas of the City. They generally coincide with a special area plan or implement a specific Comprehensive Plan policy, such as identifying those parcels containing historic resources that are subject to specific regulations. Overlay districts address issues not addressed by the underlying zoning district. The boundaries of each overlay district are shown on the official zoning map of the City of Medford. See Section ~~10.251-186~~ regarding Exceptions to the site development standards contained in the overlay districts.

10.348 Limited Industrial Overlay District, I-00.

* * *

C. Application:

- (1) Upon annexation of a parcel(s) having County industrial zoning if transportation facility adequacy has not been proven; or
- (2) To approve an industrial zone if transportation facilities have been shown to be inadequate per Section ~~10.227(2)(c)~~10.204(B)(3) or facility adequacy has not been proven.

D. Removal: The Limited Industrial Overlay may be removed per zone change procedures outlined in Sections ~~10.225 through 10.227~~10.204 and when transportation facilities have been shown to be adequate or have been made adequate to support the types of uses permitted by the underlying City industrial zone.

* * *

10.358 Central Business District, C-B.

* * *

(2) **Residential Development Standards.** All residential development standards contained in Article III, Zoning Districts, and Article V, Site Development Standards, shall be waived in lieu of the following:

* * *

- (c) Residential development which results from conversion or remodel of existing structures, or new residential construction which exceeds the residential density standard of the MFR-30 zone. Such residential development shall be subject only to the off-street parking and loading requirements as provided in (a) above and shall be allowed only as a conditional use pursuant to Article II, Section ~~10.184-246 Conditional Use Permit, through 10.250, Expiration of a Conditional Use.~~

* * *

10.360 Exclusive Agricultural Overlay District, E-A.

* * *

C. **Criterion for Removal of E-A.** The E-A overlay may be removed utilizing ~~Class C~~Type III zone change procedures. * * *

10.371 Scope and Applicability of Southeast (S-E) Overlay District Regulations.

* * *

B. **Adjustments:** The boundaries of the S-E Overlay District may be adjusted by the City Council in conjunction with amendments of the Southeast Plan Map according to Comprehensive Plan amendment procedures found in Sections ~~10.180 – 10.184~~214 – 10.226.

* * *

10.374 Planned Unit Development and Master Plan Requirements, S-E.

A. **Planned Unit Development.**

1. **Requirements.**

All new developments consisting of one or more acres shall require approval of a Planned Unit Development pursuant to Sections ~~10.230-190~~ through ~~10.245-200~~ and all applicable provisions of the S-E Overlay District. Regardless of the size of the property or number of dwellings, all zone change applications for projects in the Commercial Center (Area 7B) shall be accompanied by a Preliminary PUD Plan application.

* * *

3. **Approvals.**

In approving PUD applications for projects within the S-E Overlay District, the Planning Commission shall find that the application conforms to the S-E Overlay District standards. The Planning Commission may grant modifications of City standards, including provisions of the S-E Overlay District, under Section ~~10.230(D)~~190(B) -except for height standards in Section 10.375(3) and the prohibited uses in Section 10.378(4).

* * *

10.384 Greenways - Special Design and Development Standards, S-E.

* * *

3. **Maintenance of Greenway Improvements.**

Greenway improvements dedicated to the City for any purpose, whether in fee-simple or as easements, shall be maintained by the City. However, the City may relinquish the maintenance of any Greenway improvements to an association of owners established pursuant to Section ~~10.230(E)~~192(C)

* * *

10.403 Historic Preservation Overlay, Designation.

* * *

(4) The extent of the Historic Preservation Overlay may be changed pursuant to the review process for ~~Class C~~Type III Historic Review applications, to include or exclude any area, parcel, or portion thereof that was not included pursuant to paragraphs (1), (2), or (3). Decisions to change the extent of the Historic Preservation Overlay shall adhere to the criteria set forth in Section ~~10.258(1)~~188(C)(1).

* * *

10.406 Historic Preservation Overlay, Exterior Alteration or New Construction.

No person may alter any building, structure, object, or site in an Historic Preservation Overlay in such a manner as to affect its exterior appearance, nor may any new structure be constructed, unless said exterior alteration or new construction has been approved through the process for ~~Class 'C' Type III~~ Historic Review applications or Minor Historic Review.

10.407 Historic Preservation Overlay, Demolition or Relocation.

No person may demolish or relocate all or part of any building, structure, object, or site in an Historic Preservation Overlay unless said demolition or relocation has been reviewed through the process for ~~Class 'C' Type III~~ Historic Review applications; except in the following instances:

* * *

10.411 Limited Service Administrative Mapping Category.

* * *

C. Inclusion or Removal: Inclusion in or removal of the Limited Service area on the *Medford General Land Use Plan (GLUP) Map* is according to *Comprehensive Plan Amendment* procedures outlined in Sections ~~10.184~~214 – 10.226.

10.412 Planned Unit Development Administrative Mapping Category, P-D.

A. Purpose: For tracking and mapping of parcels that have received Preliminary Planned Unit Development (PUD) Plan approval as set forth in Section ~~10.230~~190.

B. Removal: Upon expiration of a Preliminary PUD Plan or if a PUD is terminated according to procedures outlined in Section ~~10.245(B)~~198(B).

10.413 Restricted Zoning Administrative Mapping Category, R-Z.

A. Purpose: For tracking and mapping of parcels that have received a zone change with conditions of approval or stipulations as set forth in Section ~~10.227(2)(e)~~204(B)(3) or a General Land Use Plan (GLUP) Map amendment with conditions of approval or stipulations. The applicable conditions or stipulations are recorded by deed restriction or covenant, and may also be viewed at the Medford Planning Department.

B. Removal: Upon satisfaction of the conditions of approval or stipulations per Section ~~10.228~~204(C).

10.414 _____ Airport Fence Line.

A. Purpose: For mapping of airport property that is not intended for public use.

B. Applicability: Airport accessory structures to be located within the secured fence area shall be exempt from development permit per Section ~~10.031~~200(C)(2-11)(g).

ARTICLE IV

10.431 Street Improvement.

All new street improvements required as a condition of development shall be improved to the standards set forth in this chapter unless otherwise specified herein or excepted as per Section ~~10.251~~186, ~~Application for Exception~~. For purposes of this section, the term new street shall be defined as an unimproved street or existing street which does not have curb and gutter.

10.458 Street Renaming, Public and Private.

This section applies to the change of name of an existing street or alley, or to the naming of an already-existing but unnamed street or alley. The purpose of the street renaming procedures is

to ensure use of clear and unique street names so that emergency personnel may find the streets without being hindered by similar or confusing names. Approval of street names is not a land use decision.

A. Procedures, Street Renaming, Public and Private.

(1) **Public Streets.** A public street renaming application shall be processed using ~~Class-B~~Type IV procedures with the City Council being the approving authority. The decision of the City Council is final. A certified copy of the approving ordinance and exhibits shall be filed with the County Recorder, Assessor, and Surveyor for the name change to become effective.

(2) **Private Streets or Driveways.** A private street or driveway renaming application shall be processed according to Type II land use review procedures a ~~procedural Class-D~~Type II decision, with the Planning Director being the approving authority. The decision of the Planning Director may be appealed to the ~~City Council~~Planning Commission per Section 10.~~051~~140.

~~(a) After an application for private street renaming has been received by the Medford Planning Department, the Planning Department shall send copies to affected agencies and City departments for review.~~

~~(b) Within 25 working days after the application is received, the Medford Planning Department shall send written notification to the applicant indicating:~~

~~(i) The application is missing information required in Section 10.458C. (Note: Once the missing information has been received, the City will have 25 working days to complete the review); or,~~

~~(ii) The application has been approved consistent with Section 10.458; or,~~

~~(iii) The application has been disapproved because it is not consistent with Section 10.458.~~

B. Approval Criteria, Street Renaming, Public and Private.

The approving authority shall not approve any street name unless it finds that the proposed name is consistent with the following criteria:

(1) Proposed names shall not be the same or similar to any other street name in Jackson County;

(2) The proposed street name must not sound the same, although spelled differently (a homonym), as any other street name in Jackson County;

(3) The proposed street name must be simple to pronounce;

(4) The proposed street name shall not contain Cardinal directions (north, south, east, west)

(5) The proposed street name shall not contain offensive or derogatory terms;

(6) The proposed street name shall not contain punctuation or special characters;

(7) When a street makes a directional change of approximately 90 degrees or more, the street name shall change;

(8) Street names shall continue across intersections and roundabouts;

(9) A street may not loop around in such a way that it creates two intersections with one other street, unless the street name at one intersection is different; and,

(10) The proposed street name must have a suffix from Table 10.458-(1), *Permitted Medford Street Suffixes* below.

Table 10.458-(1)
 Permitted Medford Street Suffixes

<i>Suffix</i>	<i>Abbreviation</i>	<i>Description</i>
Avenue	AVE	Street that is continuous and not limited to a single subdivision
Boulevard	BLVD	Street with a landscaped median dividing the right-of-way
Circle	CIR	Permanently Dead-End Street Terminating in a Cul-de-sac
Court	CT	Permanently dead-end street or termination in a cul-de-sac, not longer than 660 feet in length
Drive	DR	Curvilinear Street
Lane	LN	Lower-Order Street
Parkway	PKWY	Higher-Order Street with a Median
Place	PL	Permanently Dead-End Street, Termination in a Cul-de-sac, or Short Through Street, Not Longer than 450 Feet in Length
Road	RD	Higher-Order Street
Street	ST	Common or Default Suffix
Way	WAY	Curvilinear Street

C. Application, Street Renaming, Public and Private.

Street renaming applications shall be submitted to the Medford Planning Department on applications forms supplied by the Planning Department.

- (1) Public Streets. The application for public street renaming shall require the following:
- (a) Signed application form
 - (b) Jackson County Assessor's map(s) showing entire length of subject street;
 - (c) Typed mailing labels for:
 - (i) Property owners with property abutting subject street; and
 - (ii) Property owners with property that has an address, or may have an address in the future, on subject street.
 - (d) Application fee in amount established by City Council paid upon application submittal.
 - (e) Street sign fee in amount as required to replace all necessary street signs per the standards and specifications established by the City of Medford and/or the Department of Motor Vehicles of the State of Oregon.

- (2) Private Streets. The application for private street renaming shall require the following:
- (a) All items listed in section 10.458 (C)(1).
 - (b) Signatures of all affected property owners.
 - (c) If the application is approved, a signed and recorded copy of a *Declaration of Private Street/Driveway* form must be provided to the Medford Planning Department for the name change to become effective.

* * *

10.463 Traffic Control Devices and Traffic Signal Spacing.

* * *

(2) The minimum center-of-intersection to center-of-intersection spacing for new traffic signals shall be 1,320 feet for arterial streets, and 1,000 feet for collector streets. When part of a ~~Class C Plan Authorization~~ [Type III land use review](#), the Public Works Director or designee shall forward a recommendation on minimum traffic signal spacing standards to the approving authority. The recommendation shall be based on the progression analysis described below. When not part of a ~~Class C Plan Authorization~~ [Type III land use review](#), the Director of Public Works or designee may approve a variance from this minimum spacing requirement. * * *

* * *

10.550 Access Standards.

* * *

(3) Driveway Spacing and Locational Standards.

* * *

c. Alternative Access Spacing and Location

* * *

(1) Approval of Alternative Access Locations: When part of a ~~Class C Plan Authorization~~ [Type III land use review](#), the Public Works Director or designee shall forward a recommendation on alternative access spacing and locations to the approving authority. When not part of a ~~Class C Plan Authorization~~ [Type III land use review](#), the Public Works Director or designee may authorize an administrative adjustment to the access spacing and locational standards in 10.550 (3.) (a) and/or (b) above under one or both of the following circumstances:

* * *

(2) Redevelopment: Redevelopment as used in this section means that a parcel(s) has existing legal access and physical improvements and the property owner is seeking ~~procedural Class C plan authorizations~~ [Type III use review](#) for new development permits. In the case of redevelopment, the approving authority may require the provision of cross-access easements and geometric/physical improvements to any and all accesses in accordance with current standards. Redevelopment applications shall propose changes to the number and/or centerline location(s) of existing driveway(s), and shall demonstrate that the proposed changes will bring the parcel into, or at a minimum, closer to compliance with existing standards.

* * *

(4) New Development: At an applicant's request, the approving authority will evaluate alternative access spacing and location on a project basis in conjunction with ~~procedural Class C plan authorizations~~ [Type III land use review](#). Evaluation of alternative access location and spacing for projects shall be based upon a Transportation Impact Analysis (TIA) pre-

pared by a professional engineer licensed in the State of Oregon with expertise in transportation. The Public Works Director (or designee) will provide a scope of work for the TIA and will issue a report to the approving authority stating his/her professional opinion as to the technical adequacy of the TIA and whether it demonstrates compliance with the criteria for access spacing and location for the project. The TIA will consider motorists, cyclists and pedestrians. The approving authority will evaluate the project's access spacing and location, in one of the following ways: * * *

* * *

10.666 Improvement Agreements.

If all of the required public improvements, as specified in the conditions of a ~~plan authorization-~~ land use approval, have not been satisfactorily completed before the application is filed for Final Plat, or building permit, the developer may enter into a written agreement (provided by the City) with the City in a form acceptable to the City Attorney specifying that within one (1) year (or such other period of time as agreed upon by the parties) all public improvement work shall be completed in accord with this code and the applicable approved improvement plans and specifications and that said developer shall warrant the materials and workmanship of said improvements in good condition and repair for an additional period of one (1) year from date of satisfactory completion and notification of same by the City.

ARTICLE V

10.743 Off-Street Parking Standards.

* * *

(3) Exceptions to Required Off-Street Parking for Non-Residential Uses. The approving authority may allow exceptions to the number of parking spaces in Table 10.743-1 for specific uses without complying with Section 10.~~186251~~ if they find that the applicant's detailed description of the proposed use demonstrates that the number of needed parking spaces is less than the minimum required or more than the maximum allowable based upon one or both of the following: * * *

* * *

10.813 Agricultural Services and Animal Services.

* * *

(2) A kennel or canine daycare may petition to reduce the setback requirement via the conditional use permit process in Sections 10.~~246-10.250~~184 but, in no case, shall the setback be reduced to less than fifty (50) feet. Among the conditions allowed under Section 10.~~184248~~(C2)(1)(b), the approving authority should particularly consider the manner and hours of operation, mitigation of noise and odor, and fencing.

* * *

* * *

10.824 Wireless Communication Facilities.

* * *

C. Conditional Use.

Approval of a Conditional Use Permit is required for new Wireless Communication Support Structures, subject to the Conditional Use Permit procedural requirements of Sections ~~10.246 – 10.250~~184.

- (1) Submittals - Applications for conditional use permit approval of Wireless Communication Facility Support Structures shall include any materials necessary to demonstrate compliance with the design standards contained in Section 10.824(D), any submittals required in ~~Section 10.247~~the Conditional Use Permit application, and the following:

* * *

D. Design Standards.

* * *

- (2) General Requirements:

* * *

(h) Any proposal that has elements that deviate from the standards of (f) and/or (g) above may be approved by the Site Plan and Architectural Commission or Landmarks and Historic Preservation Commission through a ~~Class "C" plan authorization~~Type III land use review, based upon evidence showing that the standards cannot otherwise be met and that the degree of relief approved by said Commission is the minimum necessary to allow for facility operation. ~~(Effective Dec. 1, 2013.)~~

(i) Each addition of a Wireless Communication Systems Antenna to an existing support structure must be in conformance with any approved Conditional Use Permit, with the exception of buildings, only requires administrative approval of a building permit, unless the additional Wireless Communication Systems Antenna increases the height of the support structure more than ten feet, in which case it must be approved by the Planning Commission as a Conditional Use Permit in accordance with Sections ~~10.248 – 10.250~~184.

* * *

* * *

10.827 Mines, Quarries, Gravel Pits.

Extractions from deposits of rock, stone, gravel, sand, earth, minerals, or building or construction materials shall not be construed to be a permitted use in any district established by this code unless a conditional use permit shall first have been obtained as provided in Article II Section ~~10.246~~184, ~~Conditional Use Permit~~, except for on-site improvement project. The Planning Commission shall have power to grant conditional use permits which are valid for a specified period of time, or are revocable, to permit extractions from deposits of rock, stone, gravel, sand, earth, minerals, or building or construction materials. It shall be clearly demonstrated by the applicant that odor, dust, noise, or drainage will not adversely impact adjacent properties.

* * *

10.840 Temporary Uses and Structures.

* * *

D. Types of Temporary Uses and/or Temporary Structures.

* * *

- (6) Portable Storage Containers.

(a) Applicability.

1. A temporary Portable Storage Container permit is a ~~Class D plan authorization~~ Type II land use action (10.102 et seq. Section 10.108) and is required for placement of any portable storage container, except for the following:

* * *

(d) Permit Process.

* * *

2. Permit applications are subject to the routing and notification procedures for ~~Class D plan authorizations~~ Type II land use review. The approving authority shall base its decision on the application's compliance with the standards under (6)(b) and (6)(c), above, which constitute the criteria for decision making.

3. In the event of a denial, the applicant may resubmit one time without having to pay another application fee. However, the decision time prescribed in ~~10.167~~ 10.168 (B) will reset to the starting point.

* * *

10.873 Application; New Parks or Extensions.

Application for a new park or modification of an existing park shall be filed with the Planning Department on forms provided by the City and accompanied by the documents required ~~by Section 10.246, Conditional Use Permits~~ in the Conditional Use Permit application. No development permit shall be approved for a park unless the area for which the park is proposed is zoned to permit the same and the conditional use permit required by this chapter has been granted.

* * *

10.878 Delegation of Authority, Mobile Home and Manufactured Dwelling Parks.

The Planning Commission may review and approve landscape plans and recreational area details as part of the conditional use permit review, or delegate the review of these features to the Site Plan and Architectural Commission or Landmarks and Historic Preservation Commission as applicable. Approval of any delegated review to one of these Commissions shall be subject to a ~~Class "C" procedure~~ Type III procedures as set forth in Article II.

* * *

10.897 Conditions of Approval, Mobile Home and Manufactured Dwelling Parks.

The Planning Commission may include conditions of approval as listed for conditional use permits in Section 10. ~~248~~ 184, or for Site Plan and Architectural Commission approval as listed in Section 10. ~~291~~ 200(F), or for Historic Review pursuant to Section 10. ~~259~~ 188. The Commission may also require more than a single access point onto public streets. The Commission can also require a warning statement, to be a part of the lease or rental agreement, notifying prospective tenants of adjacent agricultural uses pursuant to Section 10.801 **Agricultural Buffering**, or other land uses that may have an impact on residential development.

* * *

10.922 Riparian Corridors, Applicability.

A. The provisions of Sections 10.920 through 10.928, "Riparian Corridors," shall be applied to:

* * *

(2) The provisions shall apply regardless of whether or not a building permit, development permit, or ~~plan authorization~~land use approval is required, and do not provide any exemption from state or federal regulations.

* * *

B. Applications for ~~plan authorizations~~land use review (except Annexations), development permits, or building permits, and plans for proposed public facilities on parcels containing a riparian corridor, or a portion thereof, shall contain a to-scale drawing that clearly delineates the top-of-bank and riparian corridor boundary on the entire parcel or parcels.

C. When reviewing ~~plan authorization~~land use applications or development permit applications for properties containing a riparian corridor, or portion thereof, the approving authority should consider the purpose statements in section 10.920, "Riparian Corridors, Purposes" in determining the extent of the impact on the riparian corridor.

D. The Planning Commission shall be the approving authority for applications for exceptions to the provisions herein pertaining to Riparian Corridors. In addition to the provisions of Sections ~~10.186251 through 10.254~~ "~~Exception Application,~~" such a request shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

E. In lieu of the provisions of this section, the significance of individual stream reaches may be determined per the provisions in OAR 660-023-0090. Such a proposal shall be pursued through a Comprehensive Plan Amendment, consistent with Sections ~~10.181214-10.184~~ through 10.226.

* * *

10.923 Riparian Corridors, Location.

* * *

D. In lieu of the provisions of Sections 10.924 through 10.928, the degree of protection for significant riparian corridor reaches may be determined per the provisions of OAR 660-023-0050. Such a proposal shall be pursued through a Comprehensive Plan Amendment, consistent with Sections ~~10.181214-10.184~~ 226.

* * *

10.925 Conditional Uses within Riparian Corridors.

The following activities, and maintenance thereof, are allowed within a riparian corridor if compatible with Section 10.920, "Riparian Corridors, Purposes," and if designed to minimize intrusion. Such activities shall be subject to approval of a Conditional Use Permit, which may be considered separately or in conjunction with another ~~plan authorization~~land use review. The approving authority must determine that the proposal complies with at least one of the Conditional Use Permit criteria. Applicable permits, if any, from the Oregon Department of State Lands and the U.S. Army Corps of Engineers shall subsequently be obtained. All development and improvement plans shall be submitted to the Oregon Department of Fish and Wildlife for a habitat

mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

* * *

* * *

10.928 Conservation and Maintenance of Riparian Corridors.

When approving applications for the following ~~plan authorizations~~ land use actions: Land Divisions, Planned Unit Developments, Conditional Use Permits, and Exceptions, or for development for properties containing a riparian corridor, or portion thereof, the approving authority shall assure long term conservation and maintenance of the riparian corridor through one of the following methods:

* * *

* * *

10.931 General Standards.

A. Application of Provisions.

* * *

(3) ~~Class 'C' applications~~ Type III land use reviews (except for zone changes) shall comply with Sections 10.929 to 10.933; building permit applications shall comply with Sections 10.929 to 10.931.

B. Requirement for Slope Analysis.

For parcels containing Slopes greater than fifteen percent (15%), as shown on the 2009 City of Medford Slope Map, a copy of which is maintained on file in the Planning Department, a Slope Analysis is required to be submitted with:

- (1) ~~Class "C"~~ Type III land use applications (except for zone changes); and,
- (2) Building permit applications, if a Slope Analysis of the parcel was not previously submitted with a development application.

The Slope Analysis shall be reviewed by the City Director of Public Works or designee.

C. Pre-Existing Approvals of Development on Slopes of Fifteen Percent (15%) or Greater.

(1) Unexpired Class 'C' Type III Land Use Approvals. Unexpired ~~Class 'C'~~ Type III land use approvals granted prior to enactment of Sections 10.929 to 10.933 ("Pre-Existing Approvals") shall not be subject to Sections 10.929 to 10.933. Subsequent ~~Class 'C'~~ Type III land use applications related to a Pre-Existing Approval and filed after enactment of Sections 10.929 to 10.933 shall be subject to Sections 10.929 to 10.933, provided that the application of Sections 10.929 to 10.933 to the subsequent ~~Class 'C'~~ Type III land use application does not result in an irreconcilable conflict with the Pre-Existing Approval. For purposes of this Section, an irreconcilable conflict includes, but is not limited to, the following:

* * *

10.932 Pre-Application Conference Requirement.

A pre-application conference is required for all ~~Class 'C'~~ Type III land use applications, except for zone changes, for development on Slopes of greater than thirty-five percent (35%). In addition to the items listed on the pre-application conference form, the following additional items shall be submitted: a Constraints Analysis required by Section 10.933; a Slope Analysis required by Section 10.931(B); and a conceptual site plan. * * *

10.933 Constraints Analysis.

Prior to submitting a ~~Class 'C'~~Type III land use application (except for zone changes), a Constraints Analysis identifying physical constraints and proposing mitigation measures shall have been submitted and deemed "complete" by the City Engineer or designee within ~~ten (10) business-working~~ days of submission. A "complete" Constraints Analysis is one that contains all items in Sections 10.933(A) (1)-(7) and 10.933(B) (1)-(4).

* * *

B. Hydrology and Grading Report.

* * *

(4) A grading plan as required by Sections 10.727 and 10.~~278~~162D, including proposed grades, and cuts and fills for streets.

ARTICLE VI

* * *

10.1200 Signs in Single-Family Residential Zoning Districts (SFR-00,2,4,6,10).

* * *

(2) Institutional uses, as defined in Section 10.012, are permitted 40 square feet of signage per street frontage. * * *

* * *

(c) Electronic Message Signs: Electronic message signs are a conditional use. A Conditional Use Permit may authorize institutional uses to have one electronic message sign as a permitted ground or wall sign. Regardless of the number of street frontages, one of the permitted ground or wall signs may be an electronic message sign, provided it complies with the following provisions:

(i) Electronic message signs shall apply for and receive approval for a Conditional Use Permit pursuant to Section 10.~~250~~184.

* * *

b. Existing conditional uses shall apply for an amendment to their existing approved CUP to request an electronic message sign, pursuant to Section 10.~~250~~184.

* * *

10.1300 Signs in Multiple-Family Residential Districts (MFR-15), (MFR-20) and (MFR-30).

* * *

(2) Institutional uses, as defined in Section 10.012, are permitted 40 square feet of signage per street frontage. * * *

* * *

(c) Electronic Message Signs: Electronic message signs are a conditional use. A Conditional Use Permit may authorize institutional uses to have one electronic message sign as a permitted ground or wall sign. Regardless of the number of street frontages, one of the permitted ground or wall signs may be an electronic message sign, provided it complies with the following provisions:

(i) Electronic message signs shall apply for and receive approval for a Conditional Use Permit pursuant to Section 10.~~250~~184.

* * *

- b. Existing conditional uses shall apply for an amendment to their existing approved CUP to request an electronic message sign, pursuant to Section 10.250~~184~~.

* * *

* * *

10.1410 Service Commercial and Professional Office (C-S/P: Additional Special Signs).

Additional special signs shall be permitted as follows in the C-S/P district:

* * *

- (2) Hospital Signs: Signs exceeding the dimensional standards of Article VI may be approved subject to Section 10.248~~184~~. ~~Conditional Use Permit Criteria, through 10.250~~ ~~Expiration of a Conditional Use Permit.~~

10.1500 Signs In Neighborhood Commercial District (C-N): Basic Regulations.

Signs shall be permitted as follows in the C-N district:

- (1) Ground Signs: * * *

* * *

- (d) Electronic Message Signs are permitted subject to Sections 10.248~~184~~ through ~~10.250~~, and the following criteria:

* * *

- (2) Wall Signs: Wall signs are permitted subject to the following limitations:

- (c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to Sections 10.248~~184~~ through ~~10.250~~, and the following criteria:

* * *

Exhibit D

Proposed Amendment – Comprehensive Plan (CP-17-063)

(Deleted text is ~~struck-through-and-red~~, new text is blue and underlined, text moved to a new location is double underlined and green.)

REVIEW AND AMENDMENTS

[Amended July 1, 2010, Ordinance No. 2010-159;](#)

Amend September [XX, 2017; Ordinance No. 2017-XXX](#)

INTRODUCTION

Planning is a process; it is naïve to assume that a single document can answer all the questions or resolve all the problems for all times. Conditions change, resources are shifted, and community goals are revised.

For these reasons it is essential that means exist to keep the Plan dynamic. Oregon's statewide planning program addresses this need in two ways. First, a *post-acknowledgement plan amendment* review process exists to assure that local amendments to a state-acknowledged Plan or its implementing codes and ordinances are consistent with the statewide planning goals and with the plans of other affected agencies. The second statewide approach to assuring the maintenance of local comprehensive plans is by means of a more thorough *periodic review* program which will occur cyclically beginning at least five years after Plan acknowledgment. The *periodic review* program emphasizes internal plan consistency as well as overall compliance with new and revised state rules and statutes.

In addition to these state-administered programs, a well-defined local process to review and revise the *Comprehensive Plan* is essential. The local Plan amendment process should reflect a balance between the desire for maintaining a dynamic and locally responsive plan and the need to provide a reasonable degree of certainty and stability in the rules and processes governing land use. Such a plan amendment process is presented below.

TYPES OF AMENDMENTS

Because of the diverse structural nature of the *Comprehensive Plan*, it is necessary to categorize plan amendments in several different ways (bearing in mind that all plan amendments are land use actions as defined by state statutes). This Plan contains a variety of components: Data; Conclusions; Goals and Policies; Implementation Strategies; a General Land Use Plan Map; a City-County adopted Urban Growth Boundary and Urbanization Policies; and several other components. Specific procedural requirements for all land use actions are codified in Article II of the *Land Development Code*. Two different procedural classifications will apply to *Comprehensive Plan* amendments as follows:

Procedural Classifications for *Comprehensive Plan* Amendments

Class A Type IV

Conclusions	Urban Reserve
Goals and Policies	Urban Growth Management Agreement
Implementation Strategies	Urban Reserve Management Agreement
General Land Use Plan Map (major <u>minor</u>) <u>Land Use Plan Map (major)</u>	Citizen Involvement Program <u>General</u>
<u>Urban Growth Boundary (major</u> minor) dures <u>Urban Growth Boundary (major)</u>	Review and Amendment Proce- dures
<u>Citizen Involvement Program</u>	<u>Review and Amendment Procedures</u>

~~Class B~~

- ~~Urban Growth Boundary (minor)~~
- ~~General Land Use Plan Map (minor)~~

The distinction between major and minor plan amendments is based on the following definitions which were derived from the Guidelines associated with Statewide Goal 2:

Major Amendments are those land use changes that have widespread and significant impact beyond the immediate area, such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships.

Minor Amendments are those land use changes that do not have significant effect beyond the immediate area of the change and should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established.

Disputes. When there is a question or dispute over the type of amendment, the director of the Planning Department shall issue a written decision.

CRITERIA FOR PLAN AMENDMENTS

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

Conclusions. Amendments shall be based on the following:

1. A change or addition to the text, data, inventories, or graphics which substantially affects the nature of one or more conclusions.

Goals and Policies. Amendments shall be based on the following:

1. A significant change in one or more Conclusion.
2. Information reflecting new or previously undisclosed public needs.
3. A significant change in community attitude or priorities.
4. Demonstrable inconsistency with another Plan provision.
5. Statutory changes affecting the Plan.
6. All applicable Statewide Planning Goals.

Implementation Strategies. Amendments shall be based on the following:

1. A significant change in one or more Goal or Policy.
2. Availability of new and better strategies such as may result from technological or economic changes.
3. Demonstrable ineffectiveness of present strategy(s).
4. Statutory changes affecting the Plan.
5. Demonstrable budgetary constraints in association with at least one of the above criteria.
6. All applicable Statewide Planning Goals.

Street Re-classifications, including the re-classification of a lower order street to either a collector or arterial street, or when re-classifying a collector street to an arterial street, and when the re-classification is not a part of a major (~~Class A~~Type IV) legislative amendment. Amendments shall be based on the following:

1. A demonstrated change in need for capacity which is consistent with other plan provisions.
2. Consideration of alternatives to the proposed revision which includes alternative vehicle routes and alternative travel modes that would better preserve the livability of affected residential neighborhoods.
3. A significant change in one or more Goal or Policy.

4. Statutory changes affecting the Plan.
5. Demonstrable budgetary constraints in carrying out the existing plan.
6. All applicable Statewide Planning Goals.

Map Designations. Amendments shall be based on the following:

1. A significant change in one or more Goal, Policy, or Implementation strategy.
2. Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.
3. The orderly and economic provision of key public facilities.
4. Maximum efficiency of land uses within the current urbanizable area.
5. Environmental, energy, economic and social consequences.
6. Compatibility of the proposed change with other elements of the City *Comprehensive Plan*.
7. All applicable Statewide Planning Goals.

Urban Growth Boundary. *See Urbanization Element.*

Urban Reserve. *See Urbanization Element.*

Urban Growth Management Agreement. *See Urbanization Element.*

Urban Reserve Management Agreement. *See Urbanization Element.*

Citizen Involvement Program. Amendments shall be based on recommendations from the Committee for Citizen Involvement (CCI) and on Statewide Goal 1 and any other applicable Statewide Goals.

Review and Amendment Procedure. Amendments shall be based on Statewide Goal 2 and any other applicable Statewide Goals.

REVISIONS OF DATA, INVENTORIES AND GRAPHICS

Revisions of those portions of the Plan document which do not affect a Plan Conclusion, Goal, Policy, Implementation Strategy, General Land Use Plan Map designation, Urban Growth Boundary, Citizen Involvement Program or Review and Amendment Procedures may be made when needed by order of the Planning Director. Such revision shall be transmitted to the Planning Commission, City Council, and all other recorded holders of the *Comprehensive Plan*.

Exhibit E

Summary of Proposed Changes

Within Article II

**DCA-15-088 LAND DEVELOPMENT CODE AMENDMENT
REORGANIZING ARTICLE II - PROCEDURAL REQUIREMENTS**

10.100 Purpose of Article II.

- Stayed the same with minor language changes.

~~10.101 The Development Permit Application~~

- No longer applicable. Development permits are not a planning function, land use reviews are.

10.102 Land Use Review.

- The term land use review replaced plan authorization. Removed Class A, B, etc... as they are now in Section 10.106 as the Procedural Types (Type I, II, etc...)

10.104 Land Use Decision. (New Section)

- The term land use review replaced plan authorization. Removed Class A, B, etc... as they are now in Section 10.106 as the Procedural Types (Type I, II, etc...)
- Incorporates Sections 10.021 Development Permit Required and 10.031 Exemptions from the Development Permit Requirement

10.106 Procedural Types. (Re-worked Section)

- Includes Section 10.105. Changes Class A, B....to Type I, II etc. and further explains the extent of the various procedural types.

10.108 Land Use Review Procedure Types. (New Section)

- Adds table 10.108-1 in which the various land use reviews are assigned a procedural type in which the approving authority, standards, and 120 day rule applicability are also shown

10.110 Designation and Duties of Approving Authorities. (Combination of Several Sections)

- Condenses the various Sections that described the roles and duties of the approving authorities which included Sections: 10.111, .120, .122, .123, .124, .132, .133, .134, .135, .136, .137, .138, and .140

10.112 Referral Agencies.

- Currently Sections 10.145, .146, .183, and .223. Removes the agency referral list to prevent the need for a code amendment as the list changes over time and directs individuals to refer to the Planning Department for the list.

10.114 Concurrent Land Use Review (New Section)

- Takes language in Section 10.101 and separates to make an easier to read standard.

10.116 Application Submittals. (New Section)

- Created to clarify the need for a land use application submittal, which is currently a development permit. With the change to a land use application this section becomes necessary.

10.118 Findings of Fact.

- Currently Section 10.168 Findings. Expanded the detail to better explain the needed submittals regarding the findings of fact to aid in development of findings.

10.120 Due Process.

- Currently Section 10.155. Re-frames information into table 10.120-1 to clearly state which part of the process is required for each procedural type. Outlines the next nine sections in a clear step-by-step process in which previously they Sections were scattered throughout Article II

10.122 Due Process Element 1: Completeness Review

-Currently Section 10.221. Cleans up and makes easier to read.

10.124 Due Process Element 2: Notification.

- Incorporates Sections 10.156-.158 into one Section, all of which related to notification.

10.126 Due Process Element 3: Disclosure.

- Currently 10.159

10.128 Due Process Element 4: Conflict of Interest. (New Section)

- Points to part of the Code referring to this part of the due process.

10.130 Due Process Element 5: Public Hearing.

- Currently 10.161, cleans up format.

10.132 Due Process Element 6: Cross Examination.

- Currently 10.162, cleans up format.

10.134 Due Process Element 7: Action, Decision Time, and Notice of Decision.

- Currently 10.163, cleans up format.

10.136 Due Process Element 8: Findings of Fact (New Section)

- Points to part of the Code referring to Findings of Fact, a part of the due process.

10.138 Due Process Element 9: Record.

- Currently 10.169, cleans up format.

10.140 Appeal of Land Use Decision.

- Pulls in Section 10.051, .052, .053, and .056 from Article I. Appeals are a procedural “requirement” as they follow a process. Having this part of the Code in Article I did not logistically flow.

10.142 Type I Land use actions. (New Section)

- This section describes Type I Land use actions (Previously Class E). Type I land use decisions are non-discretionary and are often decided by the Planning Director or designee. These decisions are not appealable, except for Final PUD Plans and Minor Historic Reviews. It further clarifies that pre-applications, sign permits, minor modifications to SPAC approval, De Minimis Revision to approved PUD, and minor modifications to CUP are a Type I procedural requirement which was previously not addressed. These land use actions are not directly addressed in the current code with a distinct section.

10.144 De Minimis Revision(s) to an Approved PUD Plan. (New Section)

- Points to part of the Code referring to this procedural requirement. 10.198

10.146 Final PUD Plan (New Section)

- Points to part of the Code referring to this procedural requirement. 10.196

10.148 Minor Historic Review (New Section)

- Points to part of the Code referring to this procedural requirement. 10.188

10.150 Minor Modification to an Approved Conditional Use Permit. (New Section)

- Points to part of the Code referring to this procedural requirement. 10.184

10.152 Minor Modification to a Site Plan and Architectural Review Approval (New Section)

- Points to part of the Code referring to this procedural requirement. 10.200

10.154 Preapplication Conference.

- Currently 10.176, cleaned up language and format.

10.156 Property Line Adjustment.

- Currently 10.297, cleaned up language and format.

10.158 Subdivision and Partition Final Plats.

- Currently 10.273, .276, .277, .278, .279, and .280 cleaned up language and format.

10.168 Type II Land use actions.

- Currently Section 10.167. Describes what Type II Land use actions are, currently they are a Class D procedural types (Administrative Decisions/Planning Director Decision). Additionally, tentative land partition plats were added as a Type II Land use action, which are currently a Class C (now Type III) land use decision needing Planning Commission review/approval. Partitions are currently classified as land divisions under Class C actions.

The proposed changes have taken land divisions and created two new land use actions, one being a partitions and the other being a subdivision (subdivision has remained a Type III Land use action, or what is currently Class C) addressed within the land division criteria in the current code. Partitions are a Type II Land Use Action due in part to the lack of discretion needed to determine compliance as they will not include the creation of more than three lots, where subdivisions often will have more than three lots, roads, common spaces, and other design features needing more thorough review to determine compliance.

10.170 Land Partition Tentative Plat.

- Currently Sections 10.265, .266, .267, .269, and .270. Cleans up language, format, and removes the items required on a plat as it is redundant since it is repeated in the section pertaining to Final Plats (10.202). Language regarding phasing and naming of the subdivision has also been removed.

10.172 Portable Storage Containers. (New Section)

- Points to section of code referencing Portable Storage Containers.

10.182 Type III Land use actions.

- Currently Sections 10.220, .166, .224, and .224-1. This section describes what Type III land use actions are, which they are currently a Class C land use actions. Land divisions have been separated into two new land use actions. One being partition tentative plats (addressed above), which is proposed as a Type II Land use actions and the other being subdivision tentative plats, which is proposed as a Type III land use action; currently both are a Class C Action under the action of land division. Subdivisions will remain a Type III (Class C) land use action as they require larger amounts of discretion to determine compliance, as stated above.

10.184 Conditional Use Permit.

- Currently Sections 10.246, .247, .247a, .248, .249, and .250. Removed the criteria for the application form and condensed all of the various sections in the current code to one section while simplifying the language and format.

10.186 Exception.

- Currently Sections 10.251, .252, .253, and .254. Removed the criteria for the application form and condensed all of the various sections in the current code to one section while simplifying the language and format.

10.188 Historic Review.

- Currently Sections 10.256, .252, .253, and .254. Removed the criteria for the application form and condensed all of the various sections in the current code to one section while simplifying the language and format.

10.190 Planned Unit Development (PUD) – Application and Approval Provisions.

- Currently Sections 10.230, .235(B), .235 (D), .235 (E), .240 (B), .240 (D), and .240 (E). Removed the criteria for the application form and condensed all of the various sections in the current code to one section while simplifying the language and format.

10.192 Preliminary PUD Plan – General Provisions.

- Currently Sections 10.230 (B), .230(D), .230 (E), .230 (F), .230 (G), .230 (H), .230 (I), .235 (F), .235 (G) and .235 (H). The proposal condenses all of the various sections in the current code to one section while simplifying the language and format.

10.194 Preliminary PUD Plan - Neighborhood Meeting Requirement.

- Currently Section 10.235 (A). The proposed changes simplify the language with minimal changes.

10.196 Final PUD Plan - Application Procedures.

- Currently Sections 10.240 and .241. The proposed text removes Section 10.241 as it refers to the action and decision time, which is redundant as Section 10.122 in the proposed amendment states the same language which is currently in 10.241. Furthermore, language pertaining to time limits of Preliminary PUD plan approvals and phasing has been removed to limit restrictions of approvals. The remaining changes to this portion of the code pertain to simplifying language or moving language to other portions of the proposed amendment.

10.198 Revision or Termination of a PUD.

- Currently Section 10.245. The proposed changes simplify the language with minimal changes.

10.200 Site Plan and Architectural Review.

- Currently Sections 10.285, .031, .287, .290, .291, .292, .294, and .296 The proposal condenses all of the various sections in the current code to one section while simplifying the language and format. Section 10.287 has also been removed as that pertains to the application criteria, which staff is proposing to remove from Article II.

10.202 Subdivision Tentative Plat.

- Currently Sections 10.265, .266, .267, .269, and .270. The proposal condenses all of the various sections in the current code to one section while simplifying the language and format. Any information pertaining to application submittal has been removed.

10.204 Zone Change.

- Currently Sections 10.225, .226, .227, and .228. The proposal condenses all of the various sections in the current code to one section while simplifying the language and format. Section 10.226 pertaining to application submittals has been removed.

10.214 Type IV Land use actions.

- Currently Sections 10.180, .185, .181, .190, .187, and .165. Sections 10.187 and .165 have been removed as they refer to review and decision time as well as referral requirements. The proposed changes condense the various sections into one and simplify the language and clarify items not previously identified.

10.216 Annexation.

- Currently Sections 10.195, .196, .197, .198, and .199. The proposal condenses all of the various sections in the current code to one section while simplifying the language and format. Section 10.196 pertaining to application submittals has been removed.

10.218 Land Development Code Amendment Approval Criteria.

- Currently Section 10.184 (split into two sections), minimal changes.

10.220 Major Type IV Amendments

- Currently Section 10.184 (split into two sections). The proposal describes the various types of Major Type IV land use actions and removes any language pertaining to application submittals.

10.222 Minor Type IV Amendments.

- Currently Sections 10.190, .191, and .192. The proposal describes the various types of Minor Type IV land use actions and removes any language pertaining to application submittals (Section 10.191).

10.224 Transportation Facility Development.

- Currently Sections 10.205, .206, .207, and .208. The proposal keeps much of language regarding transportation facility development and removes Section 10.206 pertaining to application submittals.

10.226 Vacation of Public Right-of-Way.

- Currently Sections 10.200, .201, and .202. The proposal keeps much of language regarding vacations and removes Section 10.201 pertaining to application submittals.

Exhibit F

Agency Comment –

Medford Fire Department - June 12, 2017



Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
www.medfordfirerescue.org

LAND DEVELOPMENT REPORT - PLANNING

To: Kyle Kearns

LD Meeting Date: 06/21/2017

From: Greg Kleinberg

Report Prepared: 06/12/2017

Applicant:

File #: DCA - 15 - 88

Site Name/Description:

Consideration of a Land Development Code Amendment to reorganize Article II (Sections 10.100-10.297). Article II serves in large part as the procedural requirements for the various planning procedures of the Planning Department and it has remained relatively unchanged since 1987. Without any substantive changes to Article II it has become inconsistent with current land use and planning practices throughout the State. The intent of DCA-15-088 is to update Article II and reorganize it to make it easier to read, more user friendly, and consistent with other municipalities in the State. Changes to the procedures within Article II are minimal, the only change being the distinguishing of a partition and subdivision, which currently function under the same criterion. City of Medford, Applicant; Kyle Kearns, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
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Requirement	ADDITIONAL REQUIREMENTS/COMMENTS	MEDFORD	OTHER
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10.112 E3	This section links the Fire Department and the Water Commission, who are two separate entities. In the LD process, the Fire Department typically makes comments on fire apparatus access roads (public and private) and fire protection water supplies (fire hydrants). The Water Commission makes comments, among other things, on what infrastructure is in place, easements and what infrastructure improvements need to be made. Although we consult each other, I wonder if it makes sense to give each entity a separate section.		
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10.192 6b spelling correction: "Marshal" instead of "Marshall"

Development shall comply with access and water supply requirements in accordance with the Fire Code in effect at the time of development submittal.

Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on the information provided only.

Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.

Exhibit G

Agency Comment –

Public Works and Public Works Addressing

- June 21, 2017



Continuous Improvement Customer Service

CITY OF MEDFORD

LD Date: 6/21/2017
File Number: DCA-15-088

PUBLIC WORKS DEPARTMENT STAFF REPORT

**Development Code Amendment
Reorganization of Article II**

Project: Consideration of a Land Development Code Amendment to reorganize Article II (Sections 10.100-10.297). Article II serves in large part as the procedural requirements for the various planning procedures of the Planning Department and it has remained relatively unchanged since 1987. Without any substantive changes to Article II it has become inconsistent with current land use and planning practices throughout the State. The intent of DCA-15-088 is to update Article II and reorganize it to make it easier to read, more user friendly, and consistent with other municipalities in the State. Changes to the procedures within Article II are minimal, the only change being the distinguishing of a partition and subdivision, which currently function under the same criterion.

Applicant: City of Medford

Planner: Kyle Kearns

Public Works has no comments on the proposed Land Development Code amendment.

Prepared by: Doug Burroughs

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Page 1

Kyle W. Kearns

From: Jennifer L. Ingram
Sent: Wednesday, June 21, 2017 8:28 AM
To: Dustin J. Severs; Kyle W. Kearns
Subject: LDC 6/21/17

Good morning Dustin & Kyle,

I won't be attending the LDC meeting this morning. I don't have any comments on any of the projects.

Thank you!

Jennifer Ingram

Address / Database Technician
City of Medford
541-774-2069

Exhibit H

Public Comment –

CSA Planning, LTD. - May 8, 2017

Kyle W. Kearns

From: Carla G. Paladino
Sent: Wednesday, May 31, 2017 4:30 PM
To: 'Jay Harland'; Matt H. Brinkley
Cc: Kelly A. Akin; Mike Savage; Beverly Thruston; Raul Woerner; Lori Hollis (Loretta); Kyle W. Kearns
Subject: RE: COM PC study session RE: code amd

Hi Jay,

Thank you for contacting us about the Article II Code Amendment underway. This reorganization of Article II has been in the works for some time now internally and we are excited to get the amendment into the hearing process. We do understand there are some specific application types that need reworking (the Planning Commission discussed changes to the PUD section) but we are not getting into that level of detail with this amendment. We explained this to the Planning Commission as well and they want us to continue moving forward. There is discussion in the near future that a more comprehensive re-write or overhaul of Chapter 10 would occur that would look at all of these various pieces. So if you can save those comments for a later amendment that would be appreciated.

If you have comments you would like to provide for the work we are currently proposing, please submit those by the end of June/early July. The plan is to have this in front of the Planning Commission on July 27th and the City Council by September 7th.

Let me know if you have any questions.

Carla

Carla G. Angeli Paladino
Principal Planner - Long Range Division
City of Medford Planning Department
Lausmann Annex
200 South Ivy Street, Medford, Oregon 97501
541-774-2395 (direct)

Office Line: 541-774-2380
Fax: 541-618-1708
www.ci.medford.or.us

From: Jay Harland [<mailto:jay@csaplanning.net>]
Sent: Monday, May 08, 2017 10:49 AM
To: Matt H. Brinkley
Cc: Kelly A. Akin; Carla G. Paladino; Mike Savage; Beverly Thruston; Raul Woerner; Lori Hollis (Loretta)
Subject: FW: COM PC study session RE: code amd

Director Brinkley,

This is the first we have seen of this code update proposal.

I have not had time to study it in depth. I did skim it and a lot of the changes look sensible to me. CSA fully supports an update to this code section.

However, we do have some preliminary thoughts/questions:

1. The statement in the staff report is that a major update to the procedures section is needed to modernize the code. As such, an amendment to this Section should not just be editorial in nature. There are some major procedural problems with the City's code. The most glaring issue that comes to mind is the process to deal with design issues for Conditional Use Permits - which is one of the most awkward procedures for any permit action IMHO. We would welcome the opportunity to work with the City to get this issue fixed as part of this amendment. I think a discussion about changes to the exception criteria that creates different procedural levels for different levels of exceptions (variances) would also be very helpful and this type of "grading" of exceptions is very common in most urban development codes.
2. We would appreciate the opportunity to make suggestions on some of the procedural details. We have a lot of experience working with this code and many others around the State. What is your recommendation on input timing and how our input can be the most constructive?

Thank you for your attention to this matter,

Jay Harland
CSA Planning Ltd.

From: Lori Hollis [<mailto:lori@csaplanning.net>]
Sent: Monday, May 8, 2017 9:44 AM
To: 'Harland, Jay (CSA Planning Ltd)'; 'Raul'; 'Mike Savage'; 'Beverly Thruston'
Subject: COM PC study session RE: code amd

FYI

Exhibit I

Minutes – Planning Commission

Study Session October 26, 2015

from Study Session on **October 26, 2015**

The study session of the Medford Planning Commission was called to order at noon in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

Commissioners Present

David McFadden, Chair
Patrick Miranda, Vice Chair
Tim D'Alessandro
David Culbertson
Norman Fincher
Joe Foley
Bill Mansfield
Mark McKechnie
Jared Pulver

Staff Present

Jim Huber, Planning Director
Bianca Petrou, Assistant Planning Director
Kelly Akin, Principal Planner
John Adam, Senior Planner
Kevin McConnell, Deputy City Attorney
Praline McCormack, Planner II

Subject:

1. DCA-15-088 Article II Reorganization Amendment

Praline McCormack, Planner II, reported that frustrated by the disorganization in Article II, staff is proposing an amendment to reorganize it. Ms. McCormack reviewed the summary of the proposed major changes to Article II.

1. Change the words "plan authorization" throughout the Code to either land use action or land use review depending on how the word is used. The reason for the change: "Plan authorization" does not mean anything to most people and it is not defined in the Code.
2. Change the five procedural types that are currently classified as Class A through E to Type I, II, III, etc. The reason for the change: It is standard practice to classify procedures as Types.
3. Reduce the number of procedural types from five to four. The procedural types are proposed to change as follows:
 - Class A and Class B become Type IV applications. These types of applications go before the Planning Commission for recommendation to the City Council. City Council makes the final decision. The decision can be appealed to LUBA.

- Class C becomes Type III applications that decisions would be appealed to City Council.
 - Class D becomes Type II applications that are administrative decisions with notice. The decision can be appealed to the Planning Commission.
 - Class E becomes Type I applications that the decision is ministerial. These applications are usually not appealable except for final Planned Unit Development plans.
4. Remove Section 10.146, the referral agency distribution table. The reason for the change: This would add two and a half pages to Article II. Also, if there are any changes to the table it requires a code amendment to update the table. It would be easier to maintain and update the table if it is done administratively, when necessary, by staff.
 5. Under each application type there is a section that lists the application submittal requirement. Staff is proposing to remove these from the code. The reason for the change: Anytime there is a change to the number of copies required, or there is an additional submittal requirement to add, it requires a code amendment. It would be easier to maintain and update the applications if it is done administratively, when necessary, by staff.
 6. Currently, land partitions are a Class C quasi-judicial procedure and the approving authority is the Planning Commission. Staff proposed to change land partitions to a Type II, Planning Director decision, with notice to adjacent property owners. The reason for the change: Land partitions are straight-forward and merely requires an analysis to ensure that the resultant lot(s) meet code requirements for the underlying zoning district. By making these a Type II Planning Director decision, with notice, it removes an unnecessary local regulation and streamlines the partition process.

Commissioner Fincher asked if an application is denied, what is their course of action? Ms. McCormack reported that it would get appealed to the Planning Commission.

Commissioner McKechnie asked if this is basically a lot split; one lot turned into two? John Adam, Principal Planner stated up to three. That is the definition in State law for a partition. Four or more is a subdivision.

Commissioner McKechnie asked if it would still go through Land Development? Kelly Akin, Principal Planner, reported that the process would be the same. There would not be a public hearing. There would still be the 21-day, 200 foot notice to surrounding property owners, unless there is an appeal.

Ms. McCormack reported that the notice would not be for a public hearing but for an application received and that there will be an upcoming decision. After the decision is made there would be a notice of the decision.

Commissioner Mansfield stated that he thinks they all agree that they want to make this as simple as possible. Anytime there is an appeal from an administrator to the Planning Commission or from the Planning Commission to the City Council the scope of review needs to be carefully specified. Business licenses are misnamed in the Code. They are not licenses at all. They are taxes. They have no regulatory function.

Commissioner McKechnie stated that he likes leaving in the Code what is required for a specific application. Leave out the certain number of copies. Mr. Adam reported that staff continues to have that debate. They may consolidate it into a table.

Vice Chair Miranda stated that when reviewing the description of the Planning Commission on the website it quotes Section 10.111 and speaks to Class A, B and all of Class C. Would that be updated? Ms. McCormack reported that she would update anywhere in the Code and website that refers to the different Classes.

Mr. Adam asked the Planning Commissioners what was their comfort level of making partitions an administrative decision?

Vice Chair Miranda and Chair McFadden stated that it makes sense.

Commissioner Foley stated that he agrees with the earlier comment on the table. It makes more sense. He gets a little nervous about taking all that out.

Commissioner Pulver reported that on the first three proposed changes he defers them to the other Planning Commissioners. Terms should be defined. When making changes to the tables would they let the Planning Commission know or would staff take it to Jim Huber, Planning Director, for his approval or disapproval? Mr. Huber stated that staff's thoughts were how much of the specific items should be land use decisions? Should staff take several of the unnecessary submittal requirements and create administrative rules that go along with the Code?

Ms. McCormack commented that the City is moving towards a paperless system.

There was discussion regarding making zone change decisions administrative or have the City Council make the decision. Other cities have city council make the decision because they consider it a legislative decision.

Commissioner Mansfield reported that the last time he reviewed the Oregon Revised Statutes it requires zone changes to be made by the Council. The Planning Commission does not have the power to make a zone change. It would have to go to the legislature unless it has been changed in recent years. Kevin McConnell, Deputy City Attorney, stated that he would have to research that. Annexations are the same way.

Commissioner D'Alessandro stated he agrees that simplifying the process will pay in dividends for most involved. As long as there are mechanisms in place for oversight in the event it is considered appealable. He is hearing from constituents in the southwest area regarding planter strips between the curb and sidewalks. Once they are installed there is little responsibility of who deals with them and how. It is unsightly.

Mr. Huber replied that it is a topic on the City Council's agenda. They have a full agenda and is not considered top priority. Part of the problem is authority. There are approximately ten different references in the Code that states it is part the responsibility of Public Works and other part is the Parks Department.

Mr. McConnell stated that this issue came to the Legal Department of who is responsible for the park strips. It looks like Public Works and the Parks Department are treating this differently. Mr. McConnell recommended that they change the Code to make it clear of who is responsible for those park strips. Appearance, water free and who is responsible for the maintenance needs to be addressed.

Commissioner McKechnie asked if they could discuss eliminating all the ridiculous things in the Code that have to do with landscaping? Can they get that on the agenda? Some of his concerns are: 1) How composition of structural soil is to be put together; 2) Who in City staff goes out and looks at that; and 3) Details on irrigation systems.

Bianca Petrou, Assistant Planning Director, stated that she thought that was just added to the Code. Ms. Akin replied they did. Commissioner McKechnie stated to get rid of them. It does not belong there. It is a construction specification that does not belong in a zoning code.

Mr. Huber replied that if the Commission wants to discuss this issue they could get some people from the Water Commission to speak to the Planning Commission. Approximately five years ago they appeared before the City Council and asked that the City Council revamp all of the landscaping ordinance provisions. They addressed that during winter months there is a certain water usage but in the summer months it sky rockets.

They attributed it to the inefficiency of soil, slopes, inefficient irrigation systems and wrong materials. There was a Water Conservation Site Development Committee that met for four years that came up with the code amendment. It is complex.

Commissioner McKechnie stated that it is the most complex one that he has seen anywhere, regardless of where he has worked in the country. Mr. Huber commented that they are not wed to it but the goal is to stop wasting water.

Exhibit J

Minutes – Planning Commission

Study Session May 8, 2017

From Study Session on **May 8, 2017**

The study session of the Medford Planning Commission was called to order at 12:05 p.m. in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
E. J. McManus

Staff Present

Kelly Akin, Assistant Planning Director
Kevin McConnell, Deputy City Attorney
Carla Paladino, Principal Planner
Kyle Kearns, Planner II

Commissioners Absent

Mark McKechnie, Unexcused Absence
Alex Poythress, Excused Absence
Jared Pulver, Excused Absence

Subject:

20.1 DCA-15-088 – Article II Reorganization

NOTE: The recorder at this meeting had a malfunction and did not record the meeting. The notes were taken from staff's PowerPoint Presentation and from staff members in attendance.

Kyle Kearns, Planner II, reported that the major articles of the Medford Land Development Code are:

- Article I – General Provisions
- Article II – Procedural Requirements
- Article III – Zoning Districts
- Article IV – Public Improvement Standards
- Article V – Site Development Standards
- Article VI - Signage

The Medford Land Development Code was adopted in 1987 with only minor changes to Article II in 30 years.

Typical code amendments pertain to land use/zoning and development.

There have been many changes in Planning in 30 years.

The lack of updates to Article II means:

- Language is out of date
- Procedures have changed
- Procedures are outdated

The proposed changes within Article II are meant to create an easier and more adaptable Land Use Code to meet the needs of planning as it is today.

The following updates to Article II include:

- Re-organization
- Format Changes
- Tentative Land Divisions/Partitions
- Removal of Submittal Criterion
- Updates to the entire Medford Land Development Code

A portion of the update is required to create an Article II that is easier to follow and read. It includes:

- Combination of related sections
- Moved Sections from Article I to Article II; 10.021, 10.031, 10.052, and 10.056
- Deleted redundant or unnecessary language.

Another portion of the update is proposed to create a more current land use code with current planning practices. It includes:

- Change plan authorization to land use action or review
- Proposing procedural typed to change to:
 - Class A and B become Type IV
 - Class C becomes Type III
 - Class D becomes Type II
 - Class E becomes Type I
- Changed Language to simpler terms
- Converted masculine pronouns (he to neutral (they) words

Tentative Land Divisions/Partitions are currently Class C land use actions.

The proposal makes:

- Partitions (3 or less parcels) a Type II Land Use Action
- Land Divisions (>3 parcels) remains Type III (Class C)

Partitions are often simple in nature with little discretion needed to achieve approval.

Other changes include:

- Removal of submittal criteria
- Updated to the entire Medford Land Development Code

The next steps are as follows:

- Send to agencies for comment
- Ensure ORS compliance/consistency
- Planning Commission hearing

The Planning Commission discussed the changes that pertain to tentative land divisions and partitions.

Vice Chair McFadden and Commissioner Foley raised concerns about controversial applications, including a particular case on White Oak Drive where there was a high amount of discretion needed as it was a concern of surrounding neighbors. They were concerned that taking land partitions away from the Planning Commission review may cause some issues in the future for more complex cases and the lack of a public hearing. Staff pointed out that partition applications accompanied by an Exception, such as the White Oak application, would go to the Planning Commission.

The Planning Commission discussed the possibility of adding a number threshold of citizen comments that would trigger a public hearing. The Planning Commission acknowledged this cannot be a criteria.

The Commission asked staff to double check it is in fact just the simple partitions that would be going to the Planning Director for review.

It was asked, can the Planning Director submit to the Planning Commission for assistance on tougher cases? Commissioner Mansfield pointed out that it is possible to give the Planning Director the authority to forward applications to the Planning Commission for a public hearing. Staff agreed to add language to that effect.

The Planning Commission asked, would this have any effect on the 120 day rule? Staff stated it will not. Part of this proposal is to give the Planning Commission appeal authority in partitions. The City Council would not hear this kind of appeal, the next step would be LUBA.

The Planning Commission was generally supportive of the changes to land partitions.

The Planning Commission was generally supportive of the overall changes to Article II with not much in terms of substantive comments

The Planning Commission gave some direction regarding more specific changes to Article II procedures. They want the amendments in two phases:

- Phase 1: What staff is currently doing
- Phase 2: Specific procedural requirements such as changes to the Site Plan and Architectural Commission review, conditional use permit process and other changes be done separately from this code amendment.

Staff noted receipt of comments from CSA Planning received this morning. They would like to make changes to specific application procedures, particularly the conditional use permit. Staff agreed with the Planning Commission's direction to limit the amendment to reorganization at this time.

30. Adjournment

The meeting was adjourned at 12:30 p.m.

Submitted by:

Terri L. Rozzana

Recording Secretary

Exhibit K
Minutes – Planning Commission
Hearing July 27, 2017

From Public Hearing on **July 27, 2017**

The regular meeting of the Planning Commission was called to order at 5:30 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie
E.J. McManus

Staff Present

Matt Brinkley, Planning Director
Kelly Akin, Assistant Planning Director
Carla Paladino, Principal Planner
Kevin McConnell, Deputy City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Terri Rozzana, Recording Secretary
Dustin Severs, Planner III
Kyle Kearns, Planner II

Commissioners Absent

Alex Poythress, Excused Absence
Jared Pulver, Excused Absence

* * *

New Business

50.4 DCA-15-088 / CP-17-063 Consideration of a Land Development Code Amendment to reorganize Article II (Sections 10.100 – 10.297). (City of Medford, Applicant; Kyle Kearns, Planner II)

Kyle Kearns, Planner II, reviewed the background, major changes to Article II and reviewed the approval criteria. The development code and comprehensive plan amendment approval criteria are found in the Medford Land Development Code Section 10.184. The applicable criteria was included in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance.

The Public Hearing was opened and there being no testimony the public hearing was closed.

Motion: The Planning Commission, based on the findings and conclusions that all of the approval criteria are either met or not applicable, forwards a favorable recommendation for adoption of DCA-15-088 and CP-17-063 to the City Council per the staff report dated July 20, 2017, including Exhibits A through I.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Roll Call Vote: Motion passed, 7-0.

100. Adjournment

The meeting was adjourned at 7:00 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Rozzana
Recording Secretary

Patrick Miranda
Planning Commission Chair

Approved: August 10, 2017



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.5

www.cityofmedford.org

DEPARTMENT: Medford Fire-Rescue
PHONE: (541) 774-2301
STAFF CONTACT: Brian Fish, Fire Chief

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: September 7, 2017

COUNCIL BILL 2017-105

A RESOLUTION adopting the 2017 Medford Natural Hazards Mitigation Plan.

SUMMARY AND BACKGROUND

The Federal Emergency Management Agency (FEMA) requires an approved Natural Hazards Mitigation Plan (NHMP) in order for a jurisdiction to be eligible for a number of major grant programs and other pre- and post-disaster assistance. Medford's update to the 2010 plan was completed between June 2016 and August 2017. This was possible with significant technical support from the Oregon Department of Land Conservation and Development, along with local and regional input from a steering committee. The steering committee of 19 stakeholders included one Councilmember, community experts and City department leadership.

The 2017 draft was submitted to Oregon Emergency Management (OEM) on April 14, 2017, approved by OEM on May 23, 2017 and forwarded to FEMA Region 10. On June 27, 2017, FEMA requested additional detail in two of the 21 required elements; both dealing with past and future incorporation of mitigation actions into local government activities. On August 8, 2017 a revised draft was submitted to FEMA. The city received notification on August 15, 2017 of FEMA's approval pending the City of Medford's adoption.

City Council action to adopt the plan will result in final approval by FEMA. Any substantive changes to the draft will require resubmission to FEMA, and possibly to the State, delaying approval.

PREVIOUS COUNCIL ACTIONS

On September 16, 2010, Resolution 2010-211, Council adopted the updated City of Medford Pre-Disaster Mitigation Plan.

ANALYSIS

Approval maintains the City's eligibility for federal pre- and post-disaster funding, which could amount to several million dollars over the plan's five-year lifespan in the event of a disaster. A federal declaration of a local event may result in additional funding.

Significant highlights of the plan include an extensive community profile, community hazard identification and risk assessment, and a mitigation strategy and actions.

The final plan is expected to provide a better foundation for future updates. It contains updated hazard, risk, and vulnerability assessments that will be valuable in updating the City's Emergency Operations Plan, scheduled for completion during this fiscal year. The City's Comprehensive Plan, Continuity of Operations/Continuity of Government Plans, and other documents will also benefit from the NHMP.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Eligibility for federal funding could amount to several million dollars; more in the event of a federally declared disaster impacting the City.

TIMING ISSUES

The City is currently working on a FEMA Pre-Disaster Mitigation Grant for seismic retrofitting of a downtown building. The deadline for that FEMA grant application is November 14, 2017. In order to be eligible to receive these grant funds, FEMA must approve the City Council adopted plan.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.5

www.cityofmedford.org

COUNCIL OPTIONS

- Adopt the NHMP in its current form, with prompt final approval from FEMA
- Propose edits (will delay final approval)
- Decline adoption of the NHMP (making our jurisdiction ineligible for certain federal funding)

STAFF RECOMMENDATION

Staff recommends adoption of the plan.

SUGGESTED MOTION

I move to adopt the draft 2017 update to Medford's Natural Hazards Mitigation Plan.

EXHIBITS

Resolution

Medford Natural Hazards Mitigation Plan, submitted to FEMA August 2017, on file in City Recorder's Office

RESOLUTION NO. 2017-105

A RESOLUTION adopting the 2017 Medford Natural Hazards Mitigation Plan.

WHEREAS, natural hazards threaten life, businesses, property, and environmental systems in the City of Medford; and

WHEREAS, an understanding of the nature, extent, and potential impacts of natural hazards is the foundation for developing strategies to reduce or eliminate those impacts; and

WHEREAS, natural hazards mitigation planning is the process through which such understanding and strategies are developed and a process for implementation is established in the City of Medford; and

WHEREAS, it is in the interest of the City of Medford to undertake natural hazards mitigation planning, integration, and implementation together as coordinated and multi-disciplinary planning strengthens communities and better serves us all; and

WHEREAS, the City of Medford previously prepared, implemented, and updated Natural Hazards Mitigation Plans in accordance with the Disaster Mitigation Act of 2000. These plans (approved in 2004 and 2010 respectively) were each approved by the Federal Emergency Management Agency (FEMA) for a period of five years; and

WHEREAS, the City of Medford 2010 Natural Hazards Mitigation Plan established and the 2017 Medford Natural Hazards Mitigation Plan retains “the overarching mission and purpose is to protect people, property, and the environment from the impact of natural disasters;” and

WHEREAS, the 2010 Medford Natural Hazards Mitigation Plan (formerly known as the City of Medford Pre-Disaster Mitigation Plan) is the most recent and expired on October 4, 2015; and

WHEREAS, having a natural hazards mitigation plan developed in accordance with the Disaster Mitigation Act of 2000 and approved by FEMA is a prerequisite for local government eligibility for certain federal pre- and post-disaster mitigations funds; and

WHEREAS, adoption of the updated 2017 Medford Natural Hazards Mitigation Plan is required for FEMA approval of the 2017 Medford Natural Hazards Mitigation Plan and maintained eligibility for certain federal pre- and post-disaster mitigations funds; and

WHEREAS, as a result of coordinated planning, the 2017 Medford Natural Hazards Mitigation Plan will be included in the Jackson County Multi-Jurisdictional Natural Hazards Mitigation Plan; and

WHEREAS, adoption of updated 2017 Medford Natural Hazards Mitigation Plan demonstrates the City of Medford’s commitment to reducing or eliminating the potential impacts of

natural hazards and to achieving the Plan's goals; now, therefore,

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

Section 1. That the 2017 Medford Natural Hazards Mitigation Plan is hereby adopted.

Section 2. The City Council hereby adopts the recitals above in support of this resolution.

PASSED by the Council and signed by me in authentication of its passage this _____ day
of _____, 2017.

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD
AGENDA ITEM COMMENTARY
www.cityofmedford.org

Item No: 80.6

DEPARTMENT: Public Works
PHONE: (541) 774-2100
STAFF CONTACT: Cory Crebbin, Public Works Director

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: September 7, 2017

COUNCIL BILL 2017-106

AN ORDINANCE authorizing execution of a Lease Agreement with Jackson County for use of approximately six acres of property located on Whittle Avenue for Public Works operations.

SUMMARY AND BACKGROUND

The Public Works Department identified a need for additional land for the Operations Division to efficiently provide infrastructure maintenance services in 2004. Ideally the satellite facility will be located on the east side of Bear Creek and Interstate 5 in order to reduce transit time for operations such as street sweeping and provide an alternate staging area for incident response if east-west routes are disrupted in an emergency. A previous attempt to locate a satellite facility at Fire Station 6 was stymied by zoning ordinances in 2007. Several other locations have been investigated, but the land is cost prohibitive. Public Works has worked with the Jackson County Airport Authority (Airport) to identify suitable property, gain necessary land use approvals, and determine a financial proposal acceptable to both parties. This proposed lease agreement includes the costs of environmental assessment work, required by the Federal Aviation Administration (FAA), in the lease rate for the first three years of the agreement.

PREVIOUS COUNCIL ACTIONS

Funding for this lease was approved as part of the 2017-19 biennial budget, on page 8-35.

ANALYSIS

The proposed location is on the northeast corner of Hilton Road and Corona Avenue. The property is bounded by Corona Avenue on the west and the irrigation canal on the east.

The ownership and use of this property is restricted by the FAA and it must remain in the ownership of the Airport. The Airport can, however, lease the property.

This proposed lease addresses several important criteria for expanding the Public Works Operations Division facilities, including;

- a) Complies with Medford Land Use restrictions
- b) The property is east of Interstate 5 and Bear Creek
- c) Costs of land is lower than all other alternatives investigated
- d) The land area (6.2 acres more or less) meets the need for expansion.

The FAA requirement for an environmental assessment is an unanticipated cost which the property owner is unwilling to absorb at the lease rate tentatively agreed to. The draft lease has been modified such that the City will pay the approximately \$70,000 cost for environmental work in satisfaction of FAA requirements during the first three years of the lease. One third of these costs will be paid each year. The 'base' lease rate is \$44,020 and will be adjusted annually by the Consumer Price Index (CPI-U). This lease agreement must be approved prior to the airport initiating the necessary environmental work.

The term of the lease is 30 years with options for two 10-year extensions; totaling 50 years. In the event that the Airport terminates the lease section 19.1 of the lease agreement includes a provision that the Airport will pay for improvements at the depreciated value based on the term of the lease.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.6

www.cityofmedford.org

The proposed initial lease rate of \$44,020 per year (not including payment for the environmental work) is 2.4% of the \$1,800,000 currently budgeted for property acquisition. Originally the budget for property acquisition was \$1,900,000 in the FY2013/2015 budget, but the budgeted amount was reduced to \$1,800,000 in the current budget as it appeared likely that a satisfactory lease agreement could be negotiated with the Airport.

Anticipated improvements include site fencing, materials storage and handling, a fuel station, and equipment storage. All site improvement plans must be approved by the Airport to ensure compliance with FAA restrictions. No construction will take place until the City is in possession of the property and Airport approval of plans is received.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The current budget includes \$1,800,000 on page 8-35 for this Public Works Facility. The initial annual lease payment will be \$67,353 in the first full year (base rent plus 1/3 of environmental costs).

TIMING ISSUES

The lease agreement will need to be approved by Jackson County after City of Medford approval. Approval by both parties will allow the Airport to initiate the environmental work necessary to gain FAA final approval of this lease agreement. Lease payments and site development applications will not commence until the City has possession of the property.

COUNCIL OPTIONS

Approve the ordinance as presented.
Deny the ordinance and provide staff direction.

STAFF RECOMMENDATION

Approve the ordinance as presented.

SUGGESTED MOTION

I move to approve the ordinance authorizing a land lease with the Jackson County Airport Authority for 6.2 acres, more or less.

EXHIBITS

Ordinance
Lease agreement
Map

ORDINANCE NO. 2017-106

AN ORDINANCE authorizing execution of a Lease Agreement with Jackson County for use of approximately six acres of property located on Whittle Avenue for Public Works operations.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That execution of a Lease Agreement with Jackson County for use of approximately six acres of property located on Whittle Avenue for Public Works operations, which is on file in the City Recorder's office, is hereby authorized.

Section 2. The term of this lease shall be for 30 years with an option to renew for two additional 10 year extensions.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor

COMMERCIAL GROUND LEASE

THIS COMMERCIAL GROUND LEASE ("Lease") is between the County of Jackson, a home-rule political subdivision of the State of Oregon, hereinafter referred to as "COUNTY," and the City of Medford, hereinafter referred to as "LESSEE."

RECITALS

WHEREAS, COUNTY is the owner of certain real property commonly known as the Rogue Valley International-Medford Airport ("Airport") located in Jackson County, Oregon.

WHEREAS, LESSEE desires to lease approximately six (6) acres of unimproved real property located on Whittle Avenue, for the purpose of constructing and maintaining a public works facility and maintenance building, including equipment storage and above-ground fueling, on the terms and conditions set out in this Lease.

NOW THEREFORE, the parties, intending to be legally bound by the terms of this Lease, agree as follows:

SECTION 1 - LEASED PREMISES

1.1 - Agreement to Lease and Description

COUNTY leases to LESSEE and LESSEE leases from COUNTY 6.2 acres of unimproved real property located on Corona Avenue (the "Leased Premises ") as described in Exhibit "A" and shown in Exhibit "B", attached hereto and by reference made a part hereof.

1.2 - Termination of Prior Leases

It is mutually agreed that this Lease shall terminate and supersede any prior leases or agreements between the parties hereto covering all or any portion of the Leased Premises.

1.3 - Reservation of Avigation Easement and Right of Way

COUNTY hereby reserves for itself, its successors and assigns, for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the Leased Premises, together with the right to cause in said air space such noise as may be inherent in the operation of aircraft now known or hereafter used for navigation of, or flight in the air, using said air space, or landing at, taking off from, or operating at the Airport.

In addition, LESSEE acknowledges that because of the close location of the Leased Premises to the "airfield operations area", that noise, vibration, fumes, debris, and other interference with the Leased Premises will be caused by Airport operations. LESSEE

hereby waives any and all rights and remedies against COUNTY arising out of any noise, vibration, fumes, debris and/or interference that is caused by the operation of the Airport. COUNTY reserves the right to enter the Leased Premises for avigational needs.

1.4 - Reservations to COUNTY

The Leased Premises are accepted as is and where is by LESSEE subject to any and all existing easements and encumbrances. COUNTY reserves the right to install, lay, construct, maintain, repair, and operate such sanitary sewers, drains, storm water sewers, pipelines, manholes, and connections; water, oil, and gas pipelines; telephone and telegraph power lines; and the appliances and appurtenances necessary or convenient in connection therewith, in, over, upon, through, across, under, and along the Leased Premises or any part thereof, and to enter the Leased Premises for any and all such purposes. COUNTY also reserves the right to grant franchises, easements, rights of way, and permits in, over, upon, through, across, under, and along any and all portions of the Leased Premises. No right reserved by COUNTY in this Section shall be so exercised as to interfere unreasonably with LESSEE's operations hereunder or to impair the security of any secured creditor of LESSEE.

1.5 - No Light or Air Easement

The reduction or elimination of LESSEE's light, air, or view will not affect LESSEE's obligations under this Lease, nor will it create any liability of COUNTY to LESSEE.

SECTION 2 - TERM

2.1 - Term

This Lease shall be binding upon the parties on the date of the last party's signature ("Effective Date"). The term of this Lease ("Lease Term") shall commence on the Effective Date and shall continue, unless this Lease is sooner terminated under the provisions of this Lease, for thirty (30) years. LESSEE has the option to renew for two (2) 10-year extensions if LESSEE is not in default in any of its obligations under this Lease at the time of giving notice of exercise and at the end of the initial Lease Term or first extension period, as applicable. LESSEE must exercise each option by written notice given to COUNTY not sooner than six (6) months and not later than sixty (60) days before the end of the initial term or first extension period, as applicable.

At the expiration of this Lease, COUNTY grants to LESSEE a right of first refusal, whereby LESSEE shall have the opportunity to negotiate a new lease with COUNTY for the Leased Premises prior to COUNTY offering the Leased Premises to another party. LESSEE must exercise the first right of refusal by written notice given to COUNTY not sooner than six (6) months and not later than sixty (60) days before the expiration of this Lease. Should COUNTY and LESSEE be unable to reach an agreement on a new lease prior to the expiration of this Lease, COUNTY shall have the right to offer the Leased Premises to another party without any further obligation to LESSEE.

SECTION 3 - RENTALS AND FEES

For the privileges granted hereunder, LESSEE shall pay the following rentals and fees:

3.1 - Ground Area

LESSEE agrees to pay as base rent for the Leased Premises the sum of \$7,100 per acre per year, totaling \$44,020 per year to be paid in annual installments in advance, with the first such payment due on the 30th day after COUNTY receives environmental documentation from the Federal Aviation Administration (FAA) which states that the Leased Premises meets the requirements of the National Environmental Policy Act (hereinafter "the NEPA Approval"), and subsequent annual payments due on the first day of January of each year thereafter, [MB1]without notice, so long as tenancy continues. In the event the NEPA Approval is obtained from the FAA prior to December 1, 2017, then LESSEE shall pay pro rata base rent for 2017 as set forth in section 3.4 below.

In the event the FAA only gives the NEPA Approval for a portion of the Leased Premises to be leased to LESSEE, then the Leased Premises shall be reduced to the portion for which the NEPA Approval was obtained and the annual base rent amount for the Leased Premises shall be reduced proportionately by the percentage of the Leased Premises for which the NEPA Approval was denied by the FAA.

Payments shall be made to:

Jackson County Airport Authority
1000 Terminal Loop Parkway, Suite 201
Medford, Oregon 97504
Phone 541-776-7222/Fax 541-776-7223

3.2 – Environmental Evaluation

The parties understand and agree that the COUNTY must obtain the NEPA Approval of the Leased Premises from the FAA prior to LESSEE's occupancy of the Leased Premises. LESSEE agrees to reimburse all costs incurred by COUNTY related to the NEPA Approval process required by the FAA, which is currently estimated at \$70,000. Such reimbursement payments shall be paid by LESSEE to COUNTY annually in three equal installments over a three-year period, with the first annual payment due 30 days after the COUNTY obtains the NEPA Approval from the FAA and subsequent annual payments due on the first and second annual anniversaries of the first payment. The total amount due will be based on actual costs and COUNTY shall provide to LESSEE copies of all documentation evidencing COUNTY's costs incurred to complete the NEPA Approval process with the FAA. This cost reimbursement is not subject to section 3.3 below.

3.3 - Periodic Adjustment

The base rent specified in Section 3.1 shall be subject to automatic annual adjustments.

Said annual increases shall be based on the total percentage increase of the Consumer Price Index, All Urban Consumers (CPI-U), for the United States, published by the Bureau of Labor Statistics of the United States Department of Labor for the 12 month period ending on June 30th of the previous year. In the event there is a negative percentage change in the CPI-U during the previous calendar year, the base rentals and fees will not be adjusted.

In the event that the Consumer Price Index is not issued or published for the period for which base rent and fees are to be adjusted and computed hereunder, and/or in the event that the Bureau of Labor Statistics of the United States Department of Labor should cease to publish said index figures, then any similar index published by any other branch or department of the United States Government shall be used and if none is so published, then another index generally recognized and authoritative shall be mutually agreed to by the parties ^[MB2]

3.4 - Proration

For any period of less than one (1) calendar year^[MB3] that this Lease shall be in effect, said rentals and fees shall be calculated on a pro rata basis. All payments herein shall be in lawful money of the United States of America.

3.5 - Security Deposit (Not Applicable)

3.6 - Late Charge

All rentals and fees as specified in the Section in this Lease entitled, "RENTALS AND FEES" not paid by LESSEE when due shall bear a delinquency charge at the rate (the "delinquency rate") established by COUNTY's then current ordinance, from the date such rentals and fees are due until they are paid in full. The delinquency rate is subject to periodic change by COUNTY. Imposition of a delinquency charge shall not constitute a waiver of any other right of action available to COUNTY in the event of default in payment of rentals and fees.

3.7 - Acceptance of Rentals and Fees

COUNTY's acceptance of a late or partial payment of rents and/fees and/or late charges shall not constitute a waiver of any Event of Default nor shall it prevent COUNTY from exercising any of its other rights and remedies granted to COUNTY under this Lease or by law. It is hereby agreed that any endorsements or statements on checks of waiver, compromise, payment in full or any other similar restrictive endorsement shall have no legal effect. LESSEE shall remain in violation of this Lease and shall remain obligated to pay all rents, fees, and other charges due even if COUNTY has accepted a partial or late payment of rents, fees, or other charges.

SECTION 4 - USES OF THE LEASED PREMISES

4.1 - Operation of a Public Works Facility and Maintenance Building

LESSEE will hold exclusive use of the Leased Premises which use shall be limited for the purpose of the City of Medford Public Works facility and maintenance building, including equipment storage, and above ground fueling. LESSEE shall not permit any other use to be made of the Leased Premises.

In connection with the use of the Leased Premises, LESSEE shall:

A. Conform to all applicable laws and regulations of all public authority affecting the Leased Premises and its use and correct at LESSEE's own expense, any failure of compliance created through LESSEE's failure or by reason of LESSEE's use.

B. Refrain from any activity which would make it impossible to insure the Leased Premises against casualty, would increase the insurance rate, or would prevent COUNTY from taking advantage of any ruling of the Oregon Insurance Rating Bureau or its successor, allowing COUNTY to obtain reduced premium rates for long-term fire insurance policies, unless LESSEE pays the additional cost of the insurance and COUNTY agrees in writing to the same.

C. Refrain from any use which would be reasonably offensive to neighboring tenants or which would tend to create a nuisance or damage the reputation of the Leased Premises.

D. LESSEE agrees not to use the Leased Premises for any unauthorized purpose nor to engage in or permit any unauthorized activity within or from the Leased Premises. LESSEE agrees not to conduct or permit to be conducted any public or private nuisance in, on or from the Leased Premises, or to commit or permit to be committed any waste within the Leased Premises.

E. LESSEE agrees to pay irrigation assessments when due if irrigation water rights are used, as they apply to the leased area. If irrigation water is used, LESSEE must control all water.

4.2 - Signs

LESSEE shall not erect, install, nor permit upon the Leased Premises any additional signage or other advertising device without first having obtained COUNTY's written consent and the sign must meet regulatory requirements of city, Federal Aviation Administration (FAA), and any other entities with jurisdiction. LESSEE, at LESSEE's expense, shall remove all signs and sign hardware upon expiration or earlier termination of this Lease and restore the sign location to its former state, unless COUNTY elects to retain all or any portion of the signage.

4.3 - Restrictions on Use

A. Other than the current use as described in Section 4.1, LESSEE's activities on, or use or possession of, the Leased Premises must comply with all applicable laws, ordinances, codes, rules and regulations of state, federal, city, or other public

government authority or agency, and any rules and regulations adopted in writing by Jackson County ("County's Rules"), as they may be amended from time to time. Current copies of the County's Rules, if any, may be obtained during normal office hours from the office of the Jackson County Administrator, 10 S. Oakdale Avenue, Room 214, Medford, Oregon 97501. LESSEE shall promptly provide COUNTY with copies of all communications from any government entity which relate to LESSEE's noncompliance or alleged noncompliance with any law, regulation or other governmental requirement relating to its operations on the Leased Premises. LESSEE shall correct, at LESSEE's own expense, any failure of compliance created through LESSEE's use.

B. Hazardous Substance. "Hazardous Substance" shall be interpreted in the broadest sense to include any and all substances, emissions, pollutants, materials, or products defined or designated as hazardous, toxic, radioactive, dangerous or regulated wastes or materials or any other similar term in or under any Environmental Law. "Hazardous Substance" shall also include, but not be limited to, fuels, petroleum and petroleum-derived products.

LESSEE shall not cause or permit any Hazardous Substance to be spilled, leaked, disposed of, or otherwise released on or under the Leased Premises. LESSEE may use or otherwise handle on the Leased Premises only those Hazardous Substances typically used in the prudent and safe operation of a public works facility and maintenance building, including equipment storage and above-ground refueling of LESSEE'S vehicles. LESSEE may store such Hazardous Substances on the Leased Premises only in quantities necessary to satisfy LESSEE's reasonably anticipated needs. LESSEE shall comply with all environmental laws, including federal, state or local statutes, regulations or ordinances, and shall exercise the highest degree of care in the use, handling, and storage of Hazardous Substances. LESSEE shall take all practicable measures to minimize the quantity and toxicity of Hazardous Substances used, handled, or stored on the Leased Premises or any other airport property. Upon the expiration or termination of this Lease, LESSEE shall remove all Hazardous Substances from the Leased Premises. LESSEE shall indemnify COUNTY per Section 7.3.

C. LESSEE may not use the Leased Premises for any purpose other than to construct and maintain a public works facility and maintenance building, including equipment storage and above-ground fueling. In the event LESSEE uses or permits the Leased Premises to be used in any manner other than as expressly permitted under this Lease, LESSEE will be in breach of this Lease and subject to the default and cure provisions of Section 9 of this Lease.

4.4 - Exclusive Use

LESSEE shall have the right to restrict use of Leased Premises to its employees, agents and suppliers.

SECTION 5 - OBLIGATIONS OF LESSEE

5.1 - Net Lease

COUNTY will not be responsible for the cost of any maintenance and operation of the Leased Premises, except as noted in Section 1.4.

5.2 - Condition of Leased Premises

LESSEE accepts the Leased Premises in its present condition, subject to and including all defects latent and patent and LESSEE, without expense to COUNTY, shall repair and maintain all Improvements and facilities thereon in accordance with Section 5.4.

5.3 - Utilities and Services

LESSEE shall assume and pay for all utilities and City of Medford utility fees to maintain and operate the Leased Premises.

5.4 - Maintenance and Repairs

LESSEE shall, at LESSEE's expense, and to the satisfaction of Airport Director, keep and maintain the Leased Premises and all Improvements of any kind which may be erected, installed, or made thereon in good condition and in substantial repair. It shall be LESSEE's responsibility to take all steps necessary or appropriate to maintain such a standard of condition and repair. LESSEE expressly agrees to maintain the Leased Premises in a safe, clean, wholesome, sanitary condition, to the reasonable satisfaction of Airport Director and in compliance with all applicable laws. LESSEE further agrees to provide approved containers for trash and garbage and to keep the Leased Premises free and clear of rubbish and litter. Airport Director shall have the right to enter upon and inspect the Leased Premises at any time for cleanliness and safety.

LESSEE shall designate in writing to Airport Director an on-site representative who shall be responsible for the day-to-day operation and level of maintenance, cleanliness, and general order.

If LESSEE fails to maintain or make repairs or replacements as required herein to the Leased Premises in the manner so prescribed, Airport Director shall notify LESSEE in writing of said failure. Should LESSEE fail to diligently pursue action to correct the situation within three (3) days after receipt of written notice and without unreasonable delay or interruption complete the correction, Airport Director may make the necessary correction or cause it to be made and the cost thereof, including, but not limited to, the cost of labor, materials, and equipment and an administrative fee equal to fifteen percent (15%) of the sum of such items, shall be paid by LESSEE within ten (10) days of receipt of a statement of said cost from Airport Director. Airport Director may, at Director's option, choose other remedies available herein, or by law. LESSEE agrees that all paint colors shall be subject to the prior written approval of COUNTY's Airport Director.

5.5 - Construction/Alteration Obligations

Prior to the commencement of any construction and/or alterations (the "Work") on the Leased Premises, LESSEE must first submit the following to COUNTY for approval at least sixty (60) days in advance of any schedule construction:

- A. Name of proposed contractor;
- B. Final plans and specifications;
- C. A site-use plan;
- D. Architectural and/or engineering renderings; and
- E. LESSEE's environmental controls for any planned Work aimed at preventing Hazardous Substance Releases as provided for in Section 4.5.B.

Written approval of all of the above must be obtained prior to application for any building or similar permits. Approval will not be delayed or withheld without specific reference to sections of this Lease which the submittals do not comply with.^[MB4]

5.6 - Inspection of Construction

COUNTY and its agents, employees, and representatives, shall at all times, without advance notice, have the right to come upon the Leased Premises for purposes of inspecting the construction of the Work. When exercising the rights under Section 5.7, COUNTY agrees to interfere as little as is reasonably possible with LESSEE's use and occupancy of the Leased Premises and the Work in progress. COUNTY will be responsible for the personal protective equipment, proper training, and safety of personnel entering the site to conduct such inspections.

5.7 - Alterations and/or Construction

LESSEE shall not perform any alterations and/or construction upon the Leased Premises nor shall LESSEE modify, alter or remove any permanent capital improvements that are existing on the Leased Premises without prior written approval of Airport Director.

A. COUNTY's Consent. No structures, capital improvements, or facilities shall be constructed, erected, altered, removed or made within the Leased Premises without prior written consent of COUNTY which consent may be withheld or conditioned in COUNTY's absolute discretion. Any conditions relating to the manner, method, design and construction of said structures, improvements, or facilities fixed by the Airport Director in Airport Director's good faith discretion, as a condition to granting such consent shall be conditions hereof as though originally stated herein. COUNTY may at any time stop work that creates a hazardous condition or is unsafe. LESSEE agrees to hold COUNTY harmless for any damages resulting from such interruption of work. LESSEE may, at any time and at its sole expense, install and place business fixtures and equipment within any building constructed by LESSEE.

B. **Strict Compliance with Plans and Specifications.** All improvements constructed by LESSEE within the Leased Premises shall be constructed in strict compliance with detailed plans and specifications approved by Airport Director. All construction shall be conducted in good and workmanlike manner and shall conform to applicable building codes, rules and regulations. All work shall be done in conformity with Airport approved plans, valid building and other necessary permits and shall be acceptable to COUNTY and the appropriate governmental entity inspecting such work. LESSEE shall be responsible for filing through the Airport Director, Form 7460-1, Notice of Proposed Construction or Alteration. Upon final completion of the construction of each improvement constructed by LESSEE within the Leased Premises and issuance of a certificate of occupancy for each such improvement, LESSEE shall provide to COUNTY on record copy of the complete plans, specifications, change orders and addenda, field changes and selections made during construction, shop drawings, product data, samples and similar submittals for the improvement constructed.

C. **Insurance/Indemnification Requirements.** LESSEE shall be required to carry comprehensive public liability insurance during construction. If the construction is done by an independent contractor, insurance shall be procured by the contractor in LESSEE's and COUNTY's names. **All insurance shall be in the limits and coverage acceptable to COUNTY.** To the extent permitted by Article XI, Section 7 of the Oregon Constitution, and subject to the limits of the Oregon Tort Claims Act, ORS 30.260 through 30.300, LESSEE shall indemnify and hold COUNTY, its elected officials, agents, employees, officers, and volunteers, harmless for any and all claims, demands, damages, costs or expenses of any nature, including defense costs by reason of construction or alteration by LESSEE.

D. **Trailers Prohibited.** All improvements constructed by LESSEE shall be of a permanent nature. Trailers for use as office space are prohibited on the Leased Premises. This provision shall not apply to the use of COUNTY approved temporary modulars or trailers during approved construction periods. Upon completion of any approved construction, all site construction related trailers or modulars must be removed from the Leased Premises.

5.8 - Additional Fees

The City of Medford requires a commitment from permit applicants to install certain public improvements on right-of-ways, including, but not limited to, curbs, gutters, sidewalks, and landscaping. If construction is in a location where these improvements are not required, the City of Medford requires the airport to provide these types of improvements along public right-of-ways. LESSEE will be responsible for all City of Medford System Development Charges and Utility Fees payable due to construction, development and use of the leased area .

5.9 - Trash, Garbage, and Refuse

LESSEE shall provide or cause to be provided a complete and proper arrangement for the adequate and sanitary handling and disposal, away from the Leased Premises, of all trash, garbage and other refuse caused as a result of the construction and

operations conducted on the Leased Premises. LESSEE shall provide and use suitable covered metal receptacles for all such garbage, trash and other refuse. Piling of boxes, cartons, barrels, damaged aircraft, or other similar items, in an unsightly or unsafe manner, on or about the Leased Premises, shall not be permitted.

5.10 - Removal and Demolition

LESSEE shall not remove or demolish, in whole or in part, any improvements upon the Leased Premises without the prior written consent of COUNTY which may not be unreasonably withheld.

5.11 - Taxes

LESSEE agrees to pay all lawful taxes and assessments which may, during the term hereof or any extension as provided for herein, become a lien or which may be levied by any tax levying body, upon the Leased Premises or upon any taxable interest by LESSEE acquired in this Lease, or any taxable possessory right which LESSEE may have on the Premises or facilities hereby leased by reason of its occupancy thereof, or otherwise, as well as all taxes on taxable property, real or personal, leased or owned by LESSEE in or on said Premises. Upon any termination of tenancy, all taxes then levied, or a lien on any of said property or taxable interest therein, shall be paid in full, without proration by LESSEE, forthwith, or as soon as a statement thereof has been issued by the tax collector, if the termination occurs during the interval between attachment of the lien and issuance of statement. LESSEE further agrees to pay before delinquency any and all fees and charges, including utility fees charged by the city of Medford, which may be imposed upon the Premises or any personal property belonging to LESSEE. LESSEE shall also pay all licenses or permit fees necessary or required by law for the conduct of LESSEE's operations.

5.12 - Fire Extinguishers

It is understood and agreed that LESSEE will, at its own expense, install and maintain fire extinguishers on and around the Leased Premises. Said fire extinguishers shall be of a kind, and kept in such locations, as directed by the City Fire Marshall and shall be of sufficient number and capacity as to, in the opinion of the City Fire Marshall, adequately safeguard the Leased Premises against fire hazards.

5.13 - Required Verifications

Upon execution of this Lease, LESSEE will have in place and will provide COUNTY with all, but not limited to, applicable permits, bonds, security deposits, certificates of insurance, and worker's compensation, without exception.

SECTION 6 - SERVICES TO BE PROVIDED BY LESSEE

6.1 - Type of Operation

A. LESSEE may operate a public works facility and maintenance building, including equipment storage and above-ground fueling, for the benefit of the public.

6.2 - Non-exclusivity

LESSEE understands and agrees that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right forbidden by Section 308 of the Federal Aviation Act of 1958, as amended.

SECTION 7 – INDEMNIFICATION

7.1 - LESSEE Independent Contractor

For all purposes hereunder, LESSEE is and shall be deemed an independent contractor, and it is mutually agreed that nothing contained herein shall be deemed or construed to constitute a partnership or joint venture between the parties hereto. It is understood and agreed that LESSEE is not an agent or employee of COUNTY with respect to its acts or omissions hereunder.

7.2 - General Indemnity

To the extent permitted by Article XI, Section 7 of the Oregon Constitution, and subject to the limits of the Oregon Tort Claims Act, ORS 30.260 through 30.300, LESSEE agrees to defend (using legal counsel acceptable to COUNTY), indemnify fully and save and hold harmless COUNTY, its elected officials, officers, agents, volunteers, and employees from and against all losses, damages, claims, liabilities, and causes of action of every kind of character and nature, as well as costs and fees including reasonable attorney's fees connected therewith, and expenses of the investigations thereof, based upon or arising out of damages or injuries to third persons or their property caused wholly or in part by LESSEE's operations or activities under this Lease. COUNTY shall give to LESSEE prompt and reasonable notice of any such claims or action, and LESSEE shall have the right to investigate, compromise, and defend the same to the extent of its own interest.

To the extent permitted by Article XI, Section 7 of the Oregon Constitution, and subject to the limits of the Oregon Tort Claims Act, ORS 30.260 through 30.300, COUNTY agrees to defend (using legal counsel acceptable to LESSEE), indemnify fully and save and hold harmless LESSEE, its elected officials, officers, agents, volunteers, and employees from and against all losses, damages, claims, liabilities, and causes of action of every kind of character and nature, as well as costs and fees including reasonable attorney's fees connected therewith, and expenses of the investigations thereof, based upon or arising out of damages or injuries to third persons or their property caused wholly or in part by COUNTY's operations or activities under this Lease. LESSEE shall give to COUNTY prompt and reasonable notice of any such claims or action, and COUNTY shall have the right to investigate, compromise, and defend the same to the extent of its own interest.

7.3 - Environmental Indemnity

Without in any way limiting the generality of Section 7.2, but to the extent permitted by Article XI, Section 7 of the Oregon Constitution, and subject to the limits of the Oregon Tort Claims Act, ORS 30.260 through 30.300, LESSEE shall be solely responsible for and agrees to defend (using legal counsel acceptable to the County), indemnify and hold harmless the COUNTY, its elected officials, officers, agents, volunteers, and

employees from and against all Environmental Costs claimed against or assessed against the COUNTY or incurred by the COUNTY arising, in whole or in part, directly or indirectly, from acts or omissions of any person or entity at or about the Leased Premises after the Effective Date of this Lease, or earlier if caused by LESSEE or LESSEE's agents or invitees. This indemnification shall require LESSEE to reimburse the COUNTY for any diminution in value of the Leased Premises, or other adjacent or nearby COUNTY property, caused by Hazardous Substances, including damages for loss of or restriction on use of rentable or usable property or of any amenity of the Leased Premises or any other COUNTY property, including damages arising from any adverse impact on marketing of property in or near the Leased Premises, including other COUNTY property. LESSEE's obligations shall not apply if the Hazardous Substances were deposited on the Leased Premises by the COUNTY. LESSEE shall be solely responsible to assure that no person under the control of LESSEE brings any Hazardous Substance onto the Leased Premises, except as permitted by this Lease. Notwithstanding the foregoing, LESSEE shall not indemnify the COUNTY for any actions of the COUNTY or the COUNTY's employees, agents or contractors that cause environmental damage or a violation of any Environmental Law on, about or affecting the Leased Premises.

SECTION 8 - INSURANCE

LESSEE, at its own cost and expense, shall secure and maintain the following policies of insurance:

8.1 - Insurance

LESSEE shall obtain, maintain, and cause COUNTY, its elected officials, agents, volunteers, and employees to be named as additional insured on policies or liability insurance to protect the COUNTY against the hazards that may be created in the performance of services authorized by this Lease.

A. General Liability subject to the combined single limits of \$2,000,000 per occurrence/\$2,000,000 aggregate.

The initial insurance rates are set forth in this Section but may be adjusted periodically by order of the Jackson County Board of Commissioners as determined by its then current county insurance carrier requirements, based upon industry-standard liability adjustments. The adjustment decision shall be reasonable and shall not be arbitrary or capricious. LESSEE may self-insure for the coverage required under this Section, in lieu of obtaining commercial policies of insurance.

8.2 - Certificate of Insurance

A. A certificate evidencing such insurance coverage shall be filed with COUNTY upon execution of this Lease, and such certificate shall provide that such insurance coverage will not be canceled or reduced without at least thirty (30) days prior written notice to COUNTY. At least ten (10) days prior to the expiration of any such policy, a certificate showing that such insurance coverage has been renewed shall be filed with COUNTY.

If such insurance coverage is canceled or reduced, LESSEE shall, within fifteen (15) days after receipt of written notice from COUNTY of such cancellation or reduction in coverage, file with COUNTY a certificate showing that the required insurance has been reinstated or provided through an insurance company or companies.

B. In the event that LESSEE shall at any time fails to furnish COUNTY with the certificate or certificates required, COUNTY, upon written notice to LESSEE of its intention to do so, shall have the right to secure the required insurance, at the cost and expense of LESSEE, and LESSEE agrees to reimburse COUNTY promptly for the cost thereof and ten percent (10%) for cost of administration.

8.3 - Worker's Compensation and Social Security

LESSEE shall, upon request, furnish to COUNTY, adequate evidence of provisions for Workers' Compensation Insurance, Social Security, and Unemployment Compensation, to the extent such provisions are applicable to LESSEE's operations hereunder.

SECTION 9 - TERMINATION

9.1 - Expiration

A. For Convenience. This Agreement may be terminated at any time by either party upon a 120-day written notice. This provision is to protect the Airport's long-term goals.

B. For Default or Breach. Either party may terminate this Agreement in the event of a breach of this Agreement by the other. Prior to such termination the party seeking termination shall give to the other party written notice of the breach and intent to terminate. If the party committing the breach has not entirely cured the breach within 15 days of the date of the notice, or within such other period as the party giving the notice may authorize or require, then this Agreement may be terminated at any time thereafter by a written notice of termination by the party giving notice.

The rights and remedies of COUNTY provided in this subsection are not exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

C. Obligation/Liability of Parties. Termination or modification of this Agreement pursuant to the subsections above shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination or modification. However, upon receiving a notice of termination, TENANT shall immediately cease all activities under this Agreement, unless expressly directed otherwise by COUNTY in the notice of termination.

9.2 - Cancellation by LESSEE

A. This Lease shall be subject to cancellation by LESSEE after the happening of one or more of the following events:

1. The permanent abandonment of the Airport as a public airport facility;

2. The lawful assumption by the United States Government, or any authorized agency thereof, of the operation, control, or use of the Airport, or any substantial part or parts thereof, in such a manner as substantially to restrict LESSEE for a period of at least ninety (90) days from operation thereon;

3. Issuance by any court of competent jurisdiction of an injunction in any way preventing or restraining the use of the Airport, and the remaining in force of such injunction for a period of at least ninety (90) days;

4. The default by COUNTY in the performance of any covenant or agreement herein required to be performed by COUNTY, and the failure of COUNTY to remedy such default for a period of thirty (30) days after receipt from LESSEE of written notice to remedy the same; or

5. LESSEE determines, in LESSEE's reasonable discretion, that funding is no longer available to allow LESSEE to continue to fund the obligations arising under this Lease.

B. LESSEE may exercise such right of termination by written notice to COUNTY at any time after the lapse of the applicable periods of time, and this Lease shall terminate as of that date. Rentals and fees due hereunder shall be payable only to the date of said termination.

C. LESSEE shall have the option, at its discretion, to terminate this Lease at any time prior to expiration of this Lease if it deems it is in the best interest of the public by giving a minimum of one-hundred-twenty (120) days written notice to COUNTY, sent by United States Certified Mail, return receipt requested, postage prepaid, at the address hereinafter set forth.

9.3 - Cancellation by COUNTY

A. Subject to the provisions of Section 9.1, this Lease shall be subject to cancellation by COUNTY in the event LESSEE shall:

1. Default in the payment to COUNTY of the whole or any part of the amounts agreed upon hereunder if such default continues for a period of twenty (20) days after receipt of written notice from COUNTY of said default; or

2. Make a general assignment for the benefit of creditors; or

3. File a voluntary petition in bankruptcy; or

4. Abandon the Leased Premises; or

5. Default in the performance of any of the covenants and conditions required herein (except rental payments) to be kept and performed by LESSEE, and such

default continues for a period of forty-five (45) days after receipt of written notice from COUNTY of said default. If the nature of the default is such that it cannot be cured within forty-five (45) days, LESSEE shall be deemed to have cured such default if it, or its nominee, shall, within such forty-five (45) day period, commence performance and thereafter diligently prosecute the same to completion.

B. It is agreed that failure to declare this Lease terminated upon the default of LESSEE for any of the reasons set forth above shall not operate to bar or destroy the right of COUNTY to declare this Lease terminated by reason of any subsequent violation of the terms of this Lease.

C. COUNTY shall have the option, at its discretion, to terminate this Lease at any time prior to expiration of this Lease if it deems it is in the best interest of the public by giving a minimum of one-hundred-twenty (120) days written notice to LESSEE, sent by United States Certified Mail, return receipt requested, postage prepaid, at the address hereinafter set forth.

SECTION 10 - ASSIGNMENT AND SUBLEASING

10.1 - Sublease.

LESSEE shall not sublet all or any part of the Leased Premises or the improvements on the Leased Premises for any operation.

10.2 - Assignment

Should LESSEE desire to assign its entire contractual obligations to another party, a written request shall be submitted to COUNTY for approval which shall not be unduly withheld. COUNTY may consider the financial net worth and managerial experience of the proposed assignee, will require copies of assignment, and will require signed covenants committing assignee to comply with the terms of this Lease. No consent in one instance shall remove the requirement for consent in a subsequent instance. Occupancy of the Leased Premises by a prospective transferee, sublessee, or assignee before approval of the transfer, sublease, or assignment by COUNTY shall constitute a breach of this Lease.

If LESSEE hereunder is a corporation or an unincorporated association or partnership, the encumbrance of any stock or interest in said corporation, association, or partnership in the aggregate exceeding twenty-five percent (25%) shall be deemed an assignment within the meaning of this Lease.

SECTION 11 – NOTICE

Any notice required or permitted under this Lease is deemed received three (3) days after deposited in the United States mail, certified and postage paid, and addressed to
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the address set forth below or to such other address as may be specified from time to time by either of the parties in writing; or confirmed delivery date by facsimile or overnight mail; or upon the date of personal delivery or service.

COUNTY: Office of the Airport Director
Jackson County Airport Authority
1000 Terminal Loop Park Way, Suite 201
Medford, Oregon 97504
Phone: (541) 776-7222 Fax: (541) 776-7223

LESSEE: City of Medford
Public Works Department
200 S. Ivy St. #2
Medford, OR 97501
Phone: 541-774-2100

SECTION 12 - TITLE TO IMPROVEMENTS

All buildings, improvements and facilities, exclusive of trade fixtures, subsequently constructed or placed within the Leased Premises by LESSEE after the execution date of this Lease, must, upon completion, be free and clear of all liens, claims, or liability for labor or material and at COUNTY's option shall be the property of COUNTY, after payment of fair replacement value for such improvements, [MB5]at the expiration of this Lease or upon earlier termination hereof. COUNTY retains the right to require LESSEE, at LESSEE's cost, to remove all said improvements located on the Leased Premises at the expiration or termination hereof. Said removal shall include leveling the Leased Premises, the removal of any underground obstructions, and the compaction of filled excavations to ninety percent (90%) compaction.

12.1 - Quitclaim of LESSEE's Interest upon Termination

Upon termination of this Lease for any reason, including but not limited to termination, because of default by LESSEE, LESSEE shall execute, acknowledge, and deliver to COUNTY, within thirty (30) days after receipt of written demand therefor, a good and sufficient deed whereby all right, title and interest of LESSEE in the Leased Premises is quit claimed to COUNTY. Should LESSEE fail or refuse to deliver the required deed to COUNTY, COUNTY may prepare and record a notice reciting the failure of LESSEE to execute, acknowledge, and deliver such deed and said notice shall be conclusive evidence of the termination of this Lease and of all right of LESSEE or those claiming under LESSEE in and to the Leased Premises.

12.2 - COUNTY's Right to Re-Enter Leased Premises

LESSEE agrees to yield and peaceably deliver possession of the Leased Premises, to [MB6]COUNTY on the date of termination of this Lease, whatsoever the reason for such termination.

Upon giving written notice of termination to LESSEE, COUNTY shall have the right to re-enter and take possession of the Leased Premises on the date such termination becomes effective without further notice of any kind and without institution of summary or regular legal proceedings. Termination of this Lease and re-entry of the Leased Premises by COUNTY shall in no way alter or diminish any obligation of LESSEE under the lease terms and shall not constitute an acceptance or surrender.

LESSEE waives any and all right of redemption under any existing or future law or statute in the event of eviction from or dispossession of the Leased Premises for any lawful reason or in the event COUNTY re-enters and takes possession of the Leased Premises in a lawful manner.

SECTION 13 - DAMAGE TO OR DESTRUCTION OF IMPROVEMENTS

In the event of damage to or destruction of LESSEE-owned or constructed buildings, facilities, or improvements located within the Leased Premises or in the event LESSEE-owned or constructed buildings, facilities, or improvements located within the Leased Premises are declared unsafe or unfit for use or occupancy by a public entity with the authority to make and enforce such declaration, LESSEE shall, within thirty (30) days, commence and diligently pursue to completion the repair, replacement, or reconstruction of improvements to the same size and floor area as they existed immediately prior to the event causing the damage or destruction, as necessary to permit full use and occupancy of the Leased Premises. Repair, replacement, or reconstruction of improvements within the Leased Premises shall be accomplished in a manner and according to plans approved by Airport Director. Except as otherwise provided herein, termination of this Lease shall not reduce or nullify LESSEE's obligation under this paragraph.

SECTION 14 - INSPECTION OF LEASED PREMISES

COUNTY or its duly authorized agents or representatives, and other persons for it, may enter upon the Leased Premises at any and all reasonable times during the term hereof for the purpose of determining whether or not LESSEE is complying with the terms and conditions hereof, or for any other purpose incidental to the rights of COUNTY.

SECTION 15 – (RESERVED)

SECTION 16 – COMPLIANCE AND ASSURANCES

16.1 - Compliance with Non-Discrimination

A. LESSEE, for itself, its heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that:

1. No person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of the Leased Premises.

2. In the future construction of any improvements on, over, or under the Leased Premises and the furnishing of services thereon, no person on the grounds of race, color, or national original shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination.

3. LESSEE shall use the Leased Premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation (DOT), Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the DOT-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

4. In the event facilities are constructed, maintained, or otherwise operated on the Leased Premises for a purpose for which a DOT program or activity is extended or for another purpose involving the provision of similar services or benefits, LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted programs of the DOT-Effectuation of Title VI of the Civil Rights of 1964, and as said Regulations may be amended.

B. In the event of breach of any of the above nondiscrimination covenants, COUNTY shall have the right to terminate this Lease and to reenter and repossess said land and the facilities thereon, and hold the same as if said Lease had never been made or issued. This provision does not become effective until the procedures of 49 CFR Part 21 are followed and completed, including expiration of appeal rights.

C. LESSEE shall furnish its accommodations and/or services on a fair, equal and not unjustly discriminatory basis to all users thereof and it shall charge fair, reasonable and not unjustly discriminatory prices for each unit or service, if applicable.

D. Noncompliance with Provision C above shall constitute a material breach thereof and in the event of such noncompliance COUNTY shall have the right to terminate this Lease and the estate hereby created without liability therefore or at the election of COUNTY or the United States either or both said governments shall have the right to judicially enforce Provisions A, B, and C.

16.2 - Affirmative Action Requirements

LESSEE shall ensure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded by LESSEE or its contractors from participating in any employment activities covered in 14 CFR Part 152, Subpart E. LESSEE shall ensure that no person is excluded on these grounds from participating in or receiving the services or benefits of any program or activity covered by this Lease. LESSEE shall

require its covered suborganizations to provide assurances to LESSEE that they similarly will undertake affirmative action programs and that they will require assurances from their suborganizations, as required by 14 CFR Part 152, Subpart E, to the same effect.

16.3 - (Reserved)

16.4 - Development of Airport

COUNTY reserves the right to further develop or improve the Airport as it sees fit, regardless of the desires or view of LESSEE, and without interference or hindrance.

16.5 - Height Limitations of Structures

LESSEE by accepting this Lease expressly agrees for itself, its successors and assigns that it will not erect nor permit the erection of any structure or object nor permit the growth of any tree on the land leased hereunder which would penetrate the imaginary surfaces as defined in Part 77 of the Federal Aviation Regulations (as same may be amended from time to time or as such regulation replacing Part 77 may be adopted by federal authority). In the event the aforesaid covenants are breached, COUNTY reserves the right to enter upon the land leased hereunder and to remove the offending structure or object and cut the offending tree, all of which shall be at the expense of LESSEE.

16.6 - Noninterference with Aircraft

LESSEE by accepting this Lease agrees for itself, its successors and assigns that it will not make use of the Leased Premises in any manner which might interfere with the landing and taking off of aircraft from the Airport or otherwise constitute a hazard. In the event the aforesaid covenant is breached, COUNTY reserves the rights to enter upon the Leased Premises hereby leased and cause the abatement of such interference at the expense of LESSEE.

16.7 - Use to Conform to Federal, State and County Laws

In conducting its operations hereunder, LESSEE shall comply with all applicable laws of the United States of America and the State of Oregon, the rules and regulations promulgated by their authority with reference to aviation and air navigation, and all reasonable and applicable rules and regulations of the Airport, and applicable ordinances of COUNTY now in force or hereafter prescribed or promulgated by authority or law.

SECTION 17 – REDELIVERY OF LEASED PREMISES (RESERVED)

SECTION 18 - HOLDING OVER

In the event LESSEE remains in possession of the Leased Premises after the expiration of this Lease without any written renewal thereof, such holding over shall not be

deemed as a renewal or extension of this Lease but shall create only a tenancy from month-to-month which may be terminated at any time by COUNTY or LESSEE with thirty (30) days written notice.

SECTION 19 - TERMINATION BY COUNTY OR RELOCATION OF IMPROVEMENTS

In the event COUNTY should require the Leased Premises, or any portion thereof, for a purpose related in any way to the modification, maintenance, or operation of the Airport as determined in the sole and absolute discretion of COUNTY, LESSEE agrees that COUNTY may terminate this Lease as to all or any portion of the Leased Premises by giving LESSEE one-hundred-twenty (120) days written notice thereof. If COUNTY's termination applies to less than all of the Leased Premises but more than twenty-five percent (25%) of the area of the Leased Premises or if the portion of the Leased Premises eliminated from the leasehold contains any building(s) subsequently constructed by LESSEE, obtained by LESSEE, and/or placed within the Leased Premises by LESSEE after the execution date of this Lease, LESSEE shall have the right to terminate this Lease in its entirety.

If LESSEE chooses to exercise its right to terminate this Lease in its entirety, LESSEE must give written notice of such termination within sixty (60) days after COUNTY's written notice of termination as to a portion of the Leased Premises. Upon such notice from LESSEE, this Lease shall terminate in its entirety as of the effective date of termination contained in COUNTY's notice of termination as to a part of the Leased Premises. Otherwise, this Lease shall remain effective as to the remaining portion of the Leased Premises, subject to future exercise of COUNTY's termination rights hereunder.

Should COUNTY terminate this Lease as to a portion of the Leased Premises, the base rentals and fees payable under the Section in this Lease entitled "RENTAL AND FEES" shall be reduced in proportion to the percentage reduction in the area of the Leased Premises (measured in square feet of land) before partial termination and the area of the Leased Premises after such partial termination. COUNTY and LESSEE may negotiate and agree to relocate or replace the improvements on the Leased Premises at COUNTY's cost and expense in substantially similar form at another generally comparable location on said Airport, provided that in no event shall such changes impair the rights of LESSEE hereunder. If the COUNTY and LESSEE cannot agree on relocation then the following procedure in Section 19.1 for compensation shall apply.

19.1 - Compensation for Improvements

If this Lease is terminated in its entirety under the provisions of this Section, COUNTY shall compensate LESSEE as follows:

The COUNTY shall give written notice to LESSEE and shall in such notice appoint a disinterested person of recognized competence in the field of appraisal of property on its behalf. Within fifteen (15) days thereafter, LESSEE may by written notice to

COUNTY appoint a second disinterested person of recognized competence in such field on its behalf and both appraisers shall, as promptly as possible, determine the value of the subject improvements. If the second disinterested person is not appointed by LESSEE, the first appraiser shall proceed to determine the matter. Any appraisal of the subject improvements will take into consideration the original date of construction of the subject improvements.

If the two appraisers appointed by the parties are unable to agree on the value of the improvements, they shall give written notice of such failure and within fifteen (15) days after the second appraiser is appointed, the two appraisers shall appoint a third disinterested appraiser of recognized competence in such field and the three appraisers, as promptly as possible will determine the value of the subject improvements. If the appraisers cannot agree on the third disinterested appraiser, the value of the improvements shall be determined by the following formula:

Compensation for buildings and leasehold improvements located on the Leased Premises: $COMPENSATION = A \times B/C$

A = LESSEE's actual building and leasehold improvement construction costs submitted in accordance with Section 5.12 in this Lease.

B = Number of full years remaining in this Lease Term.

C = Number of full years between date LESSEE completes construction of building and leasehold improvements and date this Lease would expire by its terms if COUNTY did not exercise its right to early termination.

The provisions of this Section are contractual and arise from COUNTY's unwillingness to enter into a long-term lease of the Leased Premises without the right to terminate this Lease as provided herein. LESSEE acknowledges that under the circumstances recited above, such provisions are reasonable and LESSEE agrees to and accepts COUNTY's right to terminate this Lease in consideration of COUNTY's agreement to enter into this Lease and the provisions for compensation for such termination provided herein. LESSEE further agrees that exercise by COUNTY of its termination rights hereunder shall not be construed as a taking by COUNTY of any part of the Leased Premises nor of LESSEE's rights under this Lease, nor shall LESSEE, except as provided herein, be entitled to payment for any loss of goodwill, income or other amount because of partial or full termination of this Lease. The compensation provided pursuant to this Section shall be LESSEE's sole and exclusive remedy and shall fully act in lieu of any other form of compensation, costs or damages, including, but not limited to, the eminent domain law and inverse condemnation of the Oregon Revised Statutes, due to termination, re-entry or acquisition of the leasehold by COUNTY.

SECTION 20 - MISCELLANEOUS

This Lease has been made, and shall be construed, in accordance with the laws of the State of Oregon. LESSEE and COUNTY agree that in any action or suit filed in regard

to enforcement of this Lease, the same shall be filed or brought in Jackson County, Oregon.

20.1 - Powers of Eminent Domain

Nothing in this Lease shall limit, in anyway, the power and right of County to exercise its governmental rights and powers, including its powers of eminent domain.

20.2 - Successors

This Lease shall bind and inure to the benefit of any successor of COUNTY and any successor, assignee, or sublessee of LESSEE, subject to Section 10.

20.3 - Time of the Essence

Time is of the essence of each of the parties' obligations under this Lease.

20.4 - Headings

The section and subsection headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provision of this Lease.

20.5 - Mediation

In the event of a breach, each party is entitled to all remedies provided by applicable law. Except for the payment of rent, before commencing a legal action, the party seeking relief must give the other party written notice of the matters in controversy and designate three proposed mediators from the mediation/arbitration panels of the Court of Jackson County. The other party, within ten (10) days of receiving the notice, must select a mediator, and the parties must immediately thereafter enter into good-faith mediation. If the matter is not resolved by mediation within forty-five (45) days after the mediator is selected, the mediation must cease and either party may seek a judicial resolution. The cost of mediation must be shared equally by the parties.

Mediation is not a precondition to seeking a judicial resolution for failure to pay rent.

20.6 - Notice

Any notice required or permitted under this Lease is deemed received three (3) days after deposited in the United States mail, certified and postage paid, and addressed to the address set forth below or to such other address as may be specified from time to time by either of the parties in writing; or confirmed delivery date by facsimile or overnight mail; or upon the date of personal delivery or service.

COUNTY: Jackson County Airport Authority
Attn: Airport Director
1000 Terminal Loop Parkway, Suite 201
Medford, OR 97504
Phone 541-776-7222/Fax 541-776-7223

LESSEE: City of Medford
Public Works Department

200 S. Ivy St. #2
Medford, OR 97501
Phone: 541-774-2100

20.7 - Consent

If approval or consent is required pursuant to the terms of this Lease, LESSEE agrees that approval or consent is in the absolute discretion of COUNTY or Airport Director.

20.8 - Public Records

Any and all written information submitted to and/or obtained by COUNTY from LESSEE or any other person or entity having to do with or related to this Lease and/or the Leased Premises, either pursuant to this Lease or otherwise, at the option of COUNTY, may be treated as a public record open to inspection by the public pursuant to the Oregon Public Records Statutes as now in force or hereafter amended, or any Act in substitution hereof, or otherwise made available to the public and LESSEE hereby waives, for itself, its agents, employees, subtenants and any person claiming by, through or under LESSEE, any right or claim that any such information is not a public record or that the same is a trade secret or confidential information and hereby agrees to indemnify and hold COUNTY harmless from any and all claims, demands, liabilities and/or obligations arising out of or resulting from a claim by LESSEE or any third party that such information is a trade secret, or confidential, or not subject to inspection by the public, including without limitation reasonable attorney's fees and costs.

20.9 - Disposition of Abandoned Personal Property

If LESSEE abandons or quits the Leased Premises or is dispossessed thereof by process of law or otherwise, title to any personal property belonging to LESSEE and left on the Leased Premises fifteen (15) days after such event shall be deemed to have been transferred to COUNTY. COUNTY shall have the right to remove and to dispose of such property without liability therefor to LESSEE or to any person claiming under LESSEE, and shall have no need to account therefor.

20.10- Partial Invalidity

If any term, covenant, condition, or provision of this Lease is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, paired, or invalidated thereby.

20.11 - Non-Waiver of Rights

The failure of COUNTY or LESSEE to insist upon strict performance of any of the terms, covenants, or conditions of this Lease shall not be deemed a waiver of any right or remedy that COUNTY or LESSEE may have, and shall not be deemed a waiver of the right to require strict performance of all the terms, covenants, and conditions of this Lease thereafter, nor a waiver of any remedy for the subsequent breach or default of any term, covenant or condition of the Lease. Any waiver, in order to be effective, must be signed by the party whose right or remedy is being waived.

20.12 - Brokers

LESSEE and the COUNTY each represent to one another that they have not dealt with any leasing agent or broker in connection with this Lease and each (for purposes of this section only) agrees to indemnify and hold harmless the other from and against all damages, costs and expenses (including attorney, accountant and paralegal fees) arising in connection with any claim of an agent or broker.

20.13 - Execution of Multiple Counterparts

This Lease may be executed in multiple counterparts, each of which shall be an original, but all of which shall constitute one instrument.

20.14 - Recordation of Lease

Either party may elect that a copy of this Lease or a memorandum thereof be recorded in the deed of records of Jackson County, Oregon, and each party agrees to execute and acknowledge a document suitable for recording. The requesting party shall pay the cost of recording.

20.15 - Entire Agreement

This Lease represents the entire agreement between the COUNTY and LESSEE relating to LESSEE's leasing of the Leased Premises and shall supersede all previous communications, representations, or agreements, whether verbal or written, between the parties hereto with respect to such leasing. It is understood and agreed by LESSEE that neither the COUNTY nor the COUNTY's agents or employees have made any representations or promises with respect to this Lease or the making or entry into this Lease, except as in this Lease expressly set forth, and that no claim or liability or cause for termination shall be asserted by LESSEE against COUNTY for, and the County shall not be liable by reason of, the claimed breach of any representations or promises not expressly stated in this Lease, any other oral agreement with the COUNTY being expressly waived by LESSEE.

Any modifications, changes, additions, or deletions to this Lease must be approved by LESSEE and COUNTY in writing and attached and incorporated by reference into this Lease.

20.16 - Calculation of Time

Unless referred to as Business Days, all periods of time referred to in this Lease include Saturdays, Sundays, and Legal Holidays. However, if the last day of any period falls on a Saturday, Sunday or legal holiday, then the period shall be extended to include the next day which is not a Saturday, Sunday or Legal Holiday. "Legal Holiday" shall mean any holiday observed by the Federal Government. "Business Days" shall mean Monday through Friday and shall exclude Saturday, Sunday and Legal Holidays.

20.17 - Lease Subject to Bonds and Ordinances

This Lease shall be subject and subordinate to the bonds and ordinances which create liens and encumbrances affecting the Leased Premises. LESSEE agrees that COUNTY may hereafter adopt bond ordinances which impose liens or encumbrances

on said land and COUNTY's interest in the leasehold, and LESSEE shall, upon request by the County, execute and deliver agreements of subordination consistent therewith. Furthermore, in order to comply with the requirements of existing County bond ordinances and any bond ordinances that may be enacted in the future, LESSEE hereby makes an irrevocable commitment not to claim depreciation, cost recovery, or an investment credit with respect to any of the Leased Premises or to any improvements constructed by the COUNTY using COUNTY funds or County Bond proceeds.

IN WITNESS WHEREOF, the parties or their duly authorized representatives have signed this Lease the day and year written below.

LESSEE: City of Medford

COUNTY:

By:

Danny Jordan, County Administrator

Date: _____

Date: _____

Approved as to Legal Sufficiency:

Asst. County Counsel

I:\ADMIN DEBBIE\LEASES\2016\MB - TC REVISED City of Medford Public Works with TC-Cory revisions 5-24-16 w environmental 042717.TC edits 042717.doc



EXHIBIT A

AIRPORT PROPERTY-SERVICE CENTER
JACKSON COUNTY
371W18A TL 4200
RW#7435

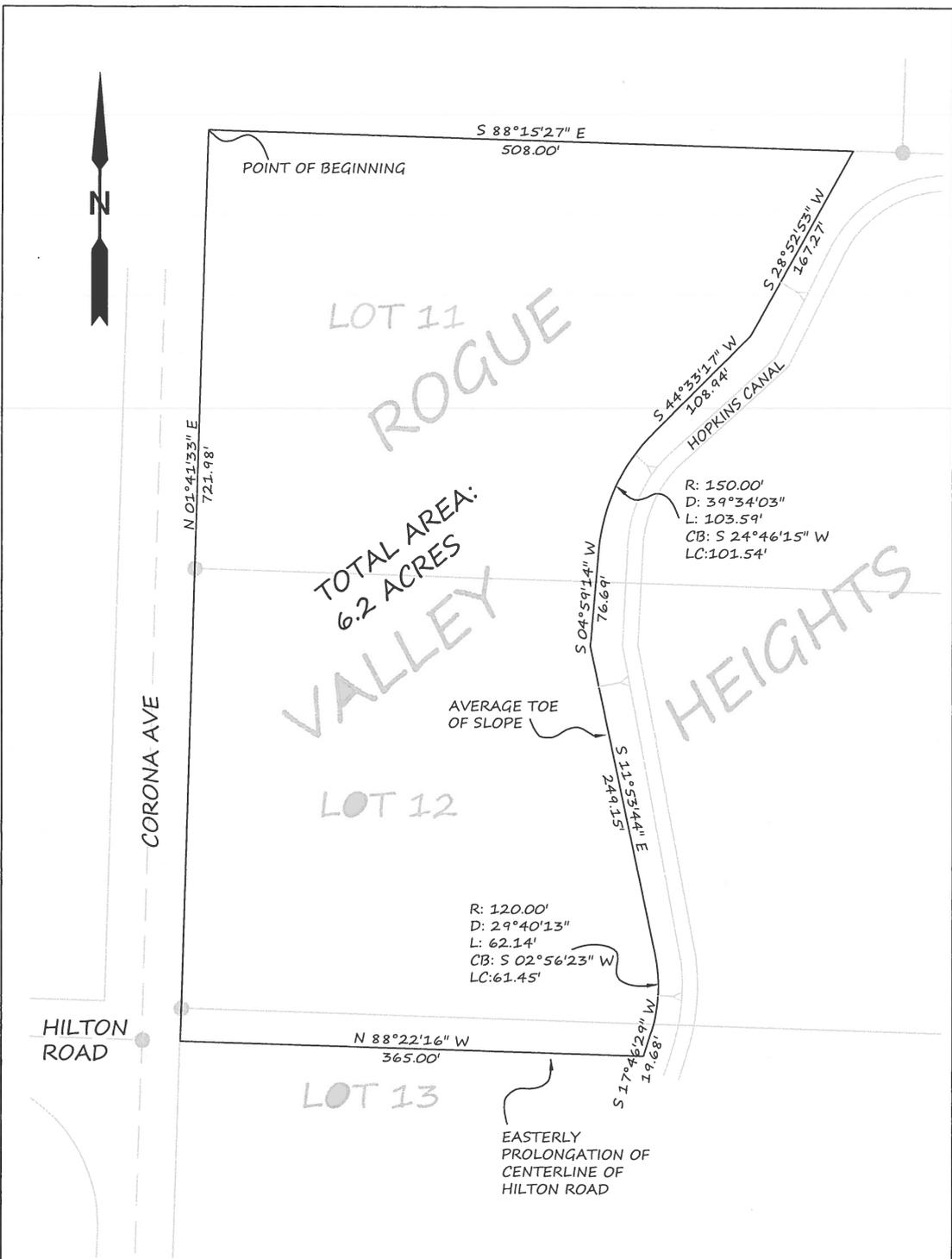
A TRACT OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, BEING A PORTION OF THAT REAL PROPERTY DESCRIBED IN LOTS 11, 12, AND 13 OF ROGUE VALLEY HEIGHTS, RECORDED AS VOLUME 6 PAGE 42 OF PLATS RECORDS OF JACKSON COUNTY OREGON; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 11 OF PLAT ROGUE VALLEY HEIGHTS, THENCE ALONG THE NORTH LINE OF SAID LOT SOUTH $88^{\circ}15'27''$ EAST A DISTANCE OF 508.00 FEET; THENCE LEAVING SAID NORTH LINE SOUTH $28^{\circ}52'53''$ WEST A DISTANCE OF 167.27 FEET; THENCE GENERALLY ALONG THE WESTERLY TOE OF SLOPE OF HOPKINS CANAL FOR THE FOLLOWING SIX COURSES AND DISTANCES; SOUTH $44^{\circ}33'17''$ WEST A DISTANCE OF 108.94 FEET; THENCE ALONG A 150.00 FOOT RADIUS CURVE TO THE LEFT (THE CHORD WHICH BEARS SOUTH $24^{\circ}46'15''$ WEST A DISTANCE OF 101.54 FEET) AN ARC DISTANCE OF 103.59 FEET; THENCE SOUTH $04^{\circ}59'14''$ WEST A DISTANCE OF 76.69 FEET; THENCE SOUTH $11^{\circ}53'44''$ EAST A DISTANCE OF 249.15 FEET; THENCE ALONG A 120.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD WHICH BEARS SOUTH $02^{\circ}56'23''$ WEST A DISTANCE OF 61.45 FEET) AN ARC DISTANCE OF 62.14 FEET; THENCE SOUTH $17^{\circ}46'29''$ WEST A DISTANCE OF 19.68 FEET TO A POINT BEING ON THE EASTERLY PROLONGATION OF THE CENTERLINE OF HILTON ROAD; THENCE LEAVING SAID TOE OF SLOPE, ALONG THE EASTERLY PROLONGATION OF THE CENTERLINE OF HILTON ROAD NORTH $88^{\circ}22'16''$ WEST A DISTANCE OF 365.00 FEET TO THE WEST LINE OF LOT 13 OF ROGUE VALLEY HEIGHTS SUBDIVISION BEING THE EASTERLY RIGHT OF WAY OF CORONA AVE; THENCE NORTHERLY ALONG THE WEST LINE OF SAID SUBDIVISION NORTH $01^{\circ}41'33''$ EAST A DISTANCE OF 721.98 FEET TO THE POINT OF BEGINNING.

THIS TRACT OF LAND TO WHICH THIS DESCRIPTION APPLIES CONTAINS 6.2 ACRES MORE OR LESS

BEARINGS BASED ON OREGON STATE PLANE SYSTEM SOUTH ZONE NAD 83/2011

THE GRAPHIC DEPICTION OF THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" ATTACHED HERETO



REGISTERED PROFESSIONAL LAND SURVEYOR

PRELIMINARY

OREGON
 JANUARY 9, 2007
 JON M. PROUD
 77652

EXPIRES DECEMBER 31, 2016

0' 100'
 SCALE: 1"=100'

CITY OF MEDFORD - SURVEYING DEPARTMENT		
EXHIBIT "B"		
O CORONA AVE		
WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"		
DRAWN BY: ZPE	DATE: 5/3/16	PROJECT NO.
CHECKED BY: JP	DATE: 5/3/16	
NOTE:	DATE:	SHEET NO. 1 OF 1
NOTE:	DATE:	
NOTE:	DATE:	
NOTE:	DATE:	

371W18A4200



**CITY OF MEDFORD
AGENDA ATTACHMENT**

Item No: 100.2



MEMORANDUM

Subject Consolidation of the Landmarks & Historic Preservation Commission (LHPC) with the Site Plan and Architectural Commission (SPAC)

To Mayor and City Council *for 9/7/2017 CM report*

From Carla Angeli Paladino, CFM, Principal Planner

Date August 24, 2017

BACKGROUND

On August 3, 2017, the City Council made a motion directing staff to draft code language that will combine the duties of the Landmarks and Historic Preservation Commission with the Site Plan and Architectural Commission. The information provided includes details about the authority and membership of the Historic Commission, sections to amend in the Comprehensive Plan and Land Development Code, issues for consideration, additional options, and a draft timeline for completion of the development code amendment.

AUTHORITY AND MEMBERSHIP OF LHPC

The Comprehensive Plan (Plan) states the City adopted a Historic Preservation Ordinance in 1986 which created both a Historic Preservation Overlay and Historic Commission. The City has four historic districts within the city limits and one district in the City's Urban Reserve listed on the National Register, in addition to individually listed historic resources. The districts include South Oakdale, Geneva-Minnesota, Corning Court Ensemble, Downtown, and the Hillcrest Orchard. The first four districts are subject to review by the Commission. The Commission is responsible for review of changes to overlay districts, exterior alterations (including signs) of historic buildings, new construction, demolition, exceptions, and appeals of minor reviews.

The Land Development Code (Code) also identifies the following as other duties and authority of the Historic Commission.

1. To study Plan and Code amendments related to historic preservation and make recommendations to the Planning Commission and City Council.
2. To support programs that help implement the historic preservation policies of the City.
3. To adopt criteria for Minor Historic Review of alterations of roofing materials, exterior colors, or sign face design for existing signs consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Places*.
4. To adopt guidelines for new construction, exterior alterations, and signage within the historic overlay.

The Historic Commission is comprised of seven voting members appointed by the Mayor and Council for a four year term. Currently, the Commission has three vacancies and cannot conduct business without all four remaining members present. A different code amendment already in the hearing process proposes to reduce the membership of the Commission from 7 members to 5 and to modify the quorum requirements for the Historic Commission in order for them to continue conducting business as this new proposal is being evaluated.

SECTIONS TO AMEND

A consolidation of the Historic Commission with the Site Plan and Architectural Commission will require modifications to both the Comprehensive Plan and Chapter 10 of the Municipal Code. A review of both documents identifies the following sections to be amended.

Comprehensive Plan

- Environmental Element (Archaeological and Historic Resources)
- Goals, Policies, and Implementation Strategies

Municipal Code Sections (Chapter 10)

- 10.132–10.138
 - (Authority of the Site Plan and Architectural Commission)
 - (Site Plan & Architectural Commission, Membership)
 - (Procedure of the Site Plan and Architectural Commission)
 - (Authority of the Landmarks & Historic Preservation Commission)
 - (Landmarks & Historic Preservation Commission, Membership)
 - (Landmarks & Historic Preservation Commission, Meeting Procedures)
- 10.256–10.263
 - (Historic Review)
 - (Historic Review, Application Content)
 - (Historic Review, Approval Criteria)
 - (Historic Review, Conditions of Approval)
 - (Historic Review, Appeal)
 - (Historic Review Approval, Expiration)
 - (Major Revisions or Amendments to Historic Review Approval)
 - (Issuance of Buildings Permits, Consistent with Historic Review Approval)

Further examination of the City's regulations may uncover additional changes to other sections. The request of the Council is not a minor change to the regulations and will take time to revise. Long Range Planning Staff is working on a number of major projects including the Urban Growth Boundary (UGB) amendment and associated code changes related to Wetlands, Urbanization Plans, Housing Amendments, and Public Park Zoning. Other projects include the Transportation System Plan (TSP) update, Regional Housing

Strategy, and other code amendments identified recently by Council including food trucks, wireless communication/small cells, and chickens. This additional project needs to be prioritized with these other projects.

ISSUES TO CONSIDER

Statewide Planning Goal 5 relates to natural resources, scenic and *historic* areas, and open spaces. The implementing regulations under the Goal are found in Oregon Administrative Rule (OAR) 660-23-200 which goes into detail about historic resources and local governments' responsibilities for adopting a historic preservation plan or historic preservation ordinance. The Comprehensive Plan acknowledges the City's commitment to historic preservation dating back more than thirty years. The City adopted a Historic Preservation Overlay which provided for review of exterior alterations and demolitions by a Historic Commission. There is one goal and a number of policies and implementation measures in the Comprehensive Plan that support the preservation efforts of the City. Policy 11-B states,

"The City of Medford shall encourage and facilitate the preservation of Medford's significant historic resources by continuing to update and implement the Historic Preservation Ordinance in the Land Development Code."

The Comprehensive Plan recognizes other historic resources exist within the existing Urban Growth Boundary and in the Urban Reserve such as the Hillcrest Orchard. The Historic Commission has a unique role in reviewing and protecting existing and new resources over time as the City expands into new lands and the City has an obligation under Goal 5 to do so.

In 2010, Medford was designated as a Certified Local Government by the State Historic Preservation Office (SHPO). The City is one of fifty-one communities with this designation in the state. This is a voluntary program designed to promote historic preservation at the local level. Jurisdictions must meet certain qualifications to earn the designation including having an established historic commission, a preservation ordinance, and enforcing existing state preservation laws. The program is a federal one through the National Park Service and administered by the Oregon State Historic Preservation Office (SHPO).

One of the benefits of the program is the City's ability to obtain grant funding which has ranged between \$5,000 and \$15,000 in recent years. Medford has taken advantage of this program since becoming a CLG seven years ago and has been awarded over \$38,000 to complete projects in the community. This money has provided funding to create a historic webpage, send Commissioners to national historic conferences, and completion of a reconnaissance level survey of the Fairmount-Summit neighborhood to name a few. The possible consolidation of the historic commission may be problematic to keeping the

CLG designation. The requirements of the CLG program include the establishment of a historic commission with membership from preservation professionals or persons working in historic preservation-related fields. The program provides for a modification of membership, however, staff will need to review the details in order to ensure the City can fulfill the minimum requirements if the Historic and Site Plan Commissions are merged. In speaking with the CLG Coordinator at SHPO there is only one community in the State (St. Helens) that has a commission that functions in a dual role capacity. St. Helens has a population of just over 13,500 residents compared to over 78,500 residents in Medford. The amount of development activity in St. Helens versus Medford likely does not compare making a dual functioning commission more practical in a small community versus a larger community. Staff recommends maintaining the CLG status for Medford regardless of the composition of the Commission, and thus has reservations about eliminating the Commission until it is confirmed whether CLG status could be preserved without a separate Historic Commission.

Over the last fifteen years, downtown Medford has changed and continues to improve with the addition of new businesses, restaurants, and entertainment opportunities. The Historic Commission was instrumental in saving the Greyhound Portal, approving the Lithia Headquarters building, and the sign and exterior alterations of the Holly Theater. All of these projects and others are building blocks to revitalizing Medford's downtown. The architectural fabric of the buildings is part of Medford's cultural and historical significance and will aid in the renaissance of downtown over time. The Historic Commission's role in helping to preserve Medford's past while fostering Medford's future is one component of downtown's economic success. Eliminating a dedicated Commission might send a message, albeit unintentional, that the City's commitment to historic preservation in the long term is eroding.

OPTIONS FOR COUNCIL TO CONSIDER

There may be other options to update the Historic Commission's mission and composition that does not include consolidating with the Site Plan and Architectural Commission. Staff is proposing with a different code amendment to reduce the Historic Commission's membership by two members. Staff proposes the following options for Council consideration and direction.

Option 1: Code Amendment to disassemble the current configuration of the Historic Commission by consolidating members into the Site Plan and Architectural Commission

Option 2: Maintain the Historic Commission and revise the Commission's duties and responsibilities related to historic review

-Adopt guidelines for signs, fencing and other modifications to be administered by Staff rather than the Commission (amend Minor Historic Review provisions which currently allows staff the ability

to approve paint color, roofing and awnings if the requirements of the code are met)

Option 3: Do not initiate a code amendment

DRAFT TIMELINE FOR AMENDMENT

The draft timeline outlines a schedule for planning staff to draft code language and bring the amendment forward through the hearing process. The schedule for other code amendments may need to be extended in order to meet the deadlines below.

8/18/2017	Notice of proposed amendment sent to the Department of Land Conservation and Development (DLCD)
9/7/2017	Planning Director's report to City Council at Council meeting
9/11/2017	Planning staff to begin research and drafting new language (Changes needed in both the Municipal Code and Comprehensive Plan)
10/9/2017	Planning Commission (PC) Study Session
10/26/2017	Planning Commission public hearing (PC makes recommendation)
12/7/2017	City Council public hearing and adoption of ordinance



**CITY OF MEDFORD
AGENDA ATTACHMENT**

Item No: 100.3



Memorandum

To: City Council and Brian Sjothun, City Manager
From: Kelly A. Madding, Deputy City Manager
Date: 8/30/2017
Re: Carnegie Lease Procedure

During the August 3rd City Council meeting the City Council asked staff to bring back the options for the lease procedure of the Carnegie building. Below are options for a leasing procedure:

Lease – no process prescribed by Medford Municipal Code

1. Council can determine if there are certain parameters/characteristics of the Lessee that are a priority:

For profit, Non-Profit, or both;
Hours or days of operation;
High traffic volume versus low traffic volume;
Number of patrons;

2. Council can direct staff to issue a notice announcing the City's desire to lease the property with no priorities.

Staff recommends at a minimum the information in the request for responses include language that lease payments will cover the cost of City maintenance both for the building and the grounds including funding for long-term capital improvements such as a new roof and/or HVAC system.

3. A. A subgroup of the Council can hear presentations from the respondents;
B. The full Council can hear presentations from the respondents; or
C. No presentations required.
4. A. A public hearing may be held; or
B. May not be held.
5. A. A subgroup of the Council can make a recommendation to the full Council; or
B. The full Council can review the responses and take action during a City Council meeting.



**CITY OF MEDFORD
AGENDA ATTACHMENT**

Item No: 100.4



City of Medford

Office of the City Manager

Continuous Improvement ~ Customer Service

Memorandum

To: City Council and Brian Sjothun, City Manager
From: Kelly A. Madding, Deputy City Manager
Date: 8/30/2017
Re: Former Fire Station #2 Sell/Lease Procedure

During the August 3rd City Council meeting the City Council asked staff to bring back the options for either the sale or lease of Former Fire Station #2 and what the procedure would be for each.

Sale – procedure is prescribed by Medford Municipal Code 2.197

Declare property surplus via a public hearing;
Get an appraisal; and
Council can determine terms such as: minimum price.
Property listed by City's real estate agent of record or sold via bid. If by bid, noticing for at least 2 weeks is required; or
Council may authorize sale or lease of property to certain non-profit organizations for nominal consideration.

Lease – no process prescribed by Medford Municipal Code

Council can determine if there is a priority in terms of what group or who to lease to; or
Council can direct staff to issue a notice announcing the City's desire to lease the property.

A subgroup of the Council can hear presentations from the respondents; or
The full Council can hear presentations from the respondents; or
No presentations required.

A public hearing may be held; or
May not be held.

A subgroup of the Council can make a recommendation to the full Council; or
The full Council can review the responses and take action during a City Council meeting.

411 West 8th Street, Medford, OR 97501

Tel. 541.774.2000 • email: citymanager@cityofmedford.org • Fax 541.618.1700

www.cityofmedford.org