

ORDINANCE NO. 2010-160

AN ORDINANCE amending Sections 10.102, 10.111, 10.150, 10.158, 10.180, 10.181, 10.183, 10.184, and 10.192, and repealing Sections 10.080, 10.085, and 10.182 in Chapter 10 of the Medford Code pertaining to criteria for urban growth boundary and development code amendments.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.080 of the Medford Code is hereby repealed:

~~10.080 — Legislative Amendments.~~

~~An amendment to either the Comprehensive Plan or this chapter, or any other action designated by the City Council as legislative based on findings that the issue involves such a substantial area and number of property owners or such broad public policy changes that administrative processing would be inappropriate, shall be processed as a Class ‘A’ action as per Article II, Section 10.180, Class ‘A’ Actions.~~

SECTION 2. Section 10.085 of the Medford Code is hereby repealed:

~~10.085 — Findings.~~

~~Amendments to the Comprehensive Plan or this chapter shall be accompanied by findings which shall include:~~

- ~~(1) — Identification of all applicable Statewide Goals, if any.~~
- ~~(2) — Identification and explanation of the goals and policies of the Comprehensive Plan considered relevant to the decision.~~
- ~~(3) — Statement of the facts relied upon in rendering the decision, if any.~~
- ~~(4) — Explanation of the justification for the decision based on the criteria, standards, and facts.~~

SECTION 3. Section 10.102 of the Medford Code is amended to read as follows:

10.102 Plan Authorizations.

A plan authorization is a specific planning and development review process which sets forth specific conditions for development consistent with the policies, standards and criteria of the *Comprehensive Plan* and this chapter. Plan authorizations are categorized as follows:

Class A

Plan Authorization	Procedural Class
Major Comprehensive Plan Amendment, <u>Major</u>	A
Land Development Code Amendments	A
(includes major zoning <u>Zoning</u> map <u>Map</u> amendments, <u>major</u>)	

Class B

~~Annexations~~ _____ ~~B~~

~~Minor~~ Comprehensive Plan Amendment, Minor _____ ~~B~~

~~Transportation Facility Development~~ _____ ~~B~~

~~Vacations~~ _____ ~~B~~

See Review & Amendments chapter of the Comprehensive Plan for definitions of “major” and “minor” Class A and B authorizations.

Class C

~~Conditional Use Permits~~ _____ ~~C~~

~~Exceptions~~ _____ ~~C~~

~~Historic Review~~ _____ ~~C~~

~~Land Divisions~~ _____ ~~C~~

~~Planned Unit Development (PUD)~~ _____ ~~C~~

~~Site Plan and Architectural Review~~ _____ ~~C~~

~~Zone Changes~~ _____ ~~C~~

Class D

~~Administrative Decisions~~ ~~D~~

Class E

~~Final~~ PUD Plan, Final _____ ~~E~~

~~Ministerial Decisions~~ (non-discretionary) _____ ~~E~~

~~Minor~~ Historic Review, Minor _____ ~~E~~

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SECTION 4. Section 10.111 of the Medford Code is amended to read as follows:

10.111 Authority of the City Council.

The City Council is hereby designated as the approving authority for all Class A and Class B ~~the following~~ plan authorizations:

<u>Plan Authorization</u>	<u>Class</u>
1. Amendments to the Comprehensive Plan, Major	"A"
2. Amendments to the Land Development Code (includes major zoning map amendments)	"A"
3. Amendments to the Comprehensive Plan, Minor	"B"
4. Annexations	"B"
5. Vacations	"B"
6. Transportation Facility Development	"B"

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SECTION 5. Section 10.150 of the Medford Code is amended 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 (~~major comprehensive plan amendments, code changes, major zoning map amendments~~)
- Class "B" Council-approved quasi-judicial decisions (~~annexations, except as provided in Section 10.199, vacations, minor comprehensive plan map amendments, appeals, transportation facility development~~)
- Class "C" Other quasi-judicial decisions (~~zone changes, preliminary PUD plans, conditional use permits, exceptions, site plan and architectural review, land division tentative plats, historic review~~)
- Class "D" Administrative decisions
- Class "E" Non-discretionary, ministerial decisions (~~final plat, final PUD plan, minor historic review~~)

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SECTION 6. Section 10.158 of the Medford Code is amended 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 twenty (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	Affected Property Owners
"A"	<u>Generally</u> Not applicable; <u>to a legislative action unless it meets ORS 227.186 criteria (i.e., the change effectively rezones property).</u>

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SECTION 7. Section 10.180 of the Medford Code is amended to read as follows:

10.180 Class "A" Actions.

Class "A" actions ~~are~~ comprised of 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) ~~Major Zoning Map Code~~ Amendments
- (3) ~~Code~~ **Major Zoning Map** Amendments
- (4) Any other change deemed legislative

SECTION 8. Section 10.181 of the Medford Code is amended to read as follows:

10.181 ~~Application for~~ Initiation of Major Class “A” Actions, General.

~~Applications for Major~~ 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. ~~if legislative (affecting a large area or many properties).~~
- (b) ~~New~~ 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) ~~Comprehensive Plan~~ Review and Amendments chapter. procedures.
- (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) ~~The Medford~~ Land Development Code.

(3) ~~The Medford~~ Zoning Map, major. ~~if legislative (affecting a large area or many properties).~~
See Review & Amendments chapter of the Comprehensive Plan for definitions of “major” and “minor.”

SECTION 9. Section 10.182 of the Medford Code is hereby repealed:

~~10.182 — Application Form.~~

~~An application containing the following information shall be prepared by the City:~~

- ~~(1) Identification of all applicable Statewide Planning Goals and Guidelines.~~
- ~~(2) Identification and explanation of the goals and policies of the Comprehensive Plan considered relevant to the decision.~~
- ~~(3) Statement of the facts relied upon in rendering the decision, if any.~~
- ~~(4) Explanation of the justification for the decision based on the criteria, standards, and facts.~~

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SECTION 10. Section 10.183 of the Medford Code is amended to read as follows:

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 ~~as per~~ **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 ~~request~~ proposal and prepare a Staff Report setting forth a recommended action to the approving authority (~~City Council~~) based on compliance with the appropriate criteria and Comprehensive Plan and this chapter and, when required, with the Statewide Planning Goals and Guidelines, also setting forth conditions of development, if any, as recommended recommendations by the referral agencies.

SECTION 11. Section 10.184 of the Medford Code is amended to read as follows:

10.184 ~~Major Comprehensive Plan~~ Class "A" Amendment Criteria.

(1) Comprehensive Plan Amendment. See Refer to the Review and Amendment section of the Comprehensive Plan, except in the case of the two following actions: ~~text.~~

(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 applicable Statewide Planning Goals and Guidelines.

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

(3) Comments from applicable referral agencies regarding applicable statutes or regulations.

(4) Public comments.

(5) Applicable governmental agreements.

(3) Zoning Map Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the same criteria as in subsection (2), preceding.

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SECTION 12. Section 10.192 of the Medford Code is amended to read as follows:

10.192 Minor Comprehensive Plan Amendment Criteria.

~~See~~ Refer to the Review and Amendment section of the Comprehensive Plan. ~~text.~~

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

_____, 2010.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2010.

Mayor

NOTE: Matter in **bold** in an amended section is new. Matter ~~struck-out~~ is existing law to be omitted. Three asterisks (***) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.