



Planning Commission

Agenda

Study Session

May 8, 2017

Noon

Lausmann Annex, Room 151
200 South Ivy Street, Medford, Oregon

10. Introductions
20. Discussion items
- 20.1 DCA-15-088 Article II Reorganization
30. Adjournment



MEMORANDUM

Subject Article II Reorganization Development Code Amendment
File no. DCA-15-088
To Planning Commission
From Kyle Kearns, Planner II
Date May 01, 2017 *for 05-08-2017 study session*

BACKGROUND

Much like the City of Medford, planning and land use regulation has changed greatly since 1987 which was the year the Medford Land Development Code (MLDC) was adopted. Amendments to the MLDC often are updates to standards as it relates to land use and development (Articles III and V, respectively). The procedural requirements of the MLDC (Article II) are intended to guide staff and developers alike of the standards expected for land use reviews within the City of Medford. Aside from minor amendments to update specific pieces of Article II, the procedural requirements of the MLDC have not had any substantive updates to the format of Article II since 1987.

Staff has determined through use of other cities' codes and countless hours of experience that the format of Article II needs to be updated. The intent of DCA-15-088 is to create a more user-friendly experience for the procedural requirements of the MLDC. To accomplish this goal staff has reorganized, consolidated and reduced the content of Article II to be simpler and more consistent with other cities in Oregon and the US.

MAJOR CHANGES TO ARTICLE II

Below is a summary of the major changes to Article II in which operations or language has changed substantially when comparing the current format, for complete overviews of the changes to the MLDC reference the attached draft(s).

Re-organization/Formatting

A large part of DCA-15-088 is to create a more user-friendly experience for the land use procedural requirements of the City of Medford. For example, in the current text of Article II each Approving Authority (e.g. Planning Commission) has several sections to describe their authority, membership requirements and procedures. In the proposed draft of Article II there is one section (10.110) that includes each Approving Authority,

using the same format to detail their authority, membership requirements and procedures. It is changes like these that have been made to Article II to create a more consistent style and easier flow for the reader.

Other changes to the formatting include:

1. Change of the word “plan authorization” throughout the code to either land use action or land use review. “Plan authorization” is not defined in the MLDC and land use action/review is more consistent with current land use practices.
2. The procedural types have been changed from a Class A through E to a Type I, II, III, and IV. This change was to create consistency with other municipalities for less of a learning curve for new planners as they come to Medford. They now read:
 - a. Class A and B would be a Type IV application
 - b. Class C would be a Type III application
 - c. Class D would be a Type II application
 - d. Class E would be a Type I application
3. Throughout Article II some of the more complex language has been simplified, redundant information has been removed and pronouns in the masculine form have been converted to a gender neutral pronoun.

Tentative Land Partition Plats Changed to a Planning Director Decision

Currently, tentative land partitions are a Class C (Type III) quasi-judicial procedure with the Planning Commission being the approval authority. Under the proposed draft of the Article II amendment, tentative land partitions would become a Type II land use action with the approving authority as the Planning Director. Partitions will include any land divisions that creates three or less parcels; tentative subdivision plats (the creation of four or more parcels) will remain a Type III (Class C) land use action. Surrounding property owners would still be notified of the proposal and final plats are still a Type I (Class E) land use application, which is also a Planning Director decision.

Land partitions are straight forward in nature with clear and objective standards to follow in determining if a partition meets the City’s criteria. The applicable criterion for land partitions includes six items. Two of the six criterions for tentative land partitions typically only apply to subdivisions, those being: criterion 3 and 5 in the current code Section 10.270; criterion 3 and 5 pertain to the naming of subdivisions and private streets, respectively. Staff has proposed that these two criterions be removed for partitions as often times they do not apply.

Having Planning Commission review tentative plats is unnecessary. There is no room for discretion in approving land partitions as they must simply meet the property's underlying zoning district. Furthermore, this streamlines the land use review for land partitions, thus aiding in streamlining housing development.

Relocation of Portions of Article I to Article II

Article I of the MLDC is intended to provide definitions and clarification to how the MLDC functions. Throughout Article I (General Provisions) there are references to land use reviews and other procedural requirements for the City of Medford. Staff is proposing that these portions of Article I be moved to Article II to create a consistency in how the MLDC is to function. The portions of Article I that are being moved to Article II are as follows:

1. Sections 10.021 and 10.031 Development Permit Required and Exemptions for the Development Permit Requirement, respectively, have been moved to Section 10.104 Land Use Decision.
 - a. Article II describes the procedures for the various land use reviews within the MLDC, having the section that defines a land use decision and the various exemptions to them in Article II is a logical change.
2. Sections 10.052, 10.053 and 10.056, all of which relate to appeals have been moved to Section 10.140 Appeal of a Land Use Decision.
 - a. Appeals of land use decisions, much like land use decisions themselves, have procedural requirements that must be adhered to. Land use decisions reside within Article II; having the procedure for appeals of the said land use decisions be in the same place creates an easier format for users of the MLDC.

Removal of Application Submittal Criteria

Staff has proposed that the within Article II (application submittal requirements) be removed in order to prevent the need for code amendments as the requirements for application submittals change over time.

Removal of Section 10.146 Referral Agencies, Distribution

Staff has proposed that the referral agency distribution list be removed to shorten Article II and to prevent code amendments as the list changes. Staff currently maintains the distribution list of the appropriate contacts for various agencies causing little disruption in how it is currently maintained.

Updates to Entire MLDC

Throughout the Land Development Code Sections from Article II are referenced given that they are the procedural requirements of the MLDC. Staff is proposing that these updates be made concurrently with the update of Article II.

ATTACHMENTS

Article II Summary of Changes/Review Key

Code amendment draft text – Article II Update

Code amendment draft text – Affected Sections outside 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 regarded 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.

**DCA-15-088 LAND DEVELOPMENT CODE AMENDMENT
REORGANIZING ARTICLE II - PROCEDURAL REQUIREMENTS**

(Deleted text is ~~struck through~~, new text is **red and underlined**, text moved to a new location is double underlined.)

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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:~~

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.

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 fivefour (5) 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 Procedures.**—CLASS “E” Non-discretionary, ministerial decisions
1. Non-discretionary administrative decisions made by applying clear and objective approval criteria and standards.
 2. Decisions are made by the Planning Director or designee.
 3. No public notice, public comment period, or public hearing.
 4. 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 Procedures.**—CLASS “D” Administrative decisions
1. Administrative decisions made by applying clear, objective approval criteria and standards while using limited discretion to determine impact(s) on adjacent properties.
 2. Decisions are made by the Planning Director or designee.
 3. Public notice and a public comment period are required, but there is no public hearing.
 4. 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 Procedures.**—CLASS “C” Other quasi-judicial decisions
1. Quasi-judicial decisions that involve the application of existing policies and a degree of discretion to determine compliance with approval criteria, impact(s) on adjacent properties and, if necessary, conditions to bring the proposed land use into compliance and/or to mitigate impacts.
 2. Decisions are made by the designated approving authority.
 3. Requires public notice, a public comment period, and a public hearing.
 4. Initiated by City Council, the Planning Commission or the applicant.
 5. Appeals of Type III decisions are heard by the City Council per Section 10.140(H).
- D. Type IV 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 decisions and have either widespread and significant impact beyond the immediate area, produce large volumes of traffic, change the character of the land use, or affect large areas or many different ownerships.
 2. A Type IV land use review will be voted on and a recommendation will be forwarded by the Planning Commission to City Council to approve, approve with modifications, approve with conditions, deny, or to adopt an alternative. City Council will consider

the recommendation, but is not bound by it. The City Council is the approving authority. If the Type IV land use review is approved, the council will act by adopting the ordinance.

3. Requires public notice(s), public comment period(s) and public hearing(s).

4. Initiated by City Council, Planning Commission (except annexations) or for minor amendments, the property owner(s).

5. Appeals of Type IV decisions are made to the Land Use Board of Appeals (LUBA) per Section 10.140(l).

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?</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>	<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>10.158</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>Minor Modification to an Approved Conditional Use Permit</u>	<u>I</u>	<u>10.184(D)(2)</u>	<u>Planning Director</u>	<u>No</u>

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?</u>
<u>Portable Storage Container</u>	<u>II</u>	<u>10.840(D)(6)</u>	<u>Planning Director</u>	<u>Yes</u>
<u>Pre-Application</u>	<u>I</u>	<u>10.154</u>	<u>Planning Director</u>	<u>No</u>
<u>Preliminary PUD Plan</u>	<u>III</u>	<u>10.190–10.198</u>	<u>Planning Commission</u>	<u>Yes</u>
<u>Property Line Adjustment</u>	<u>I</u>	<u>10.156</u>	<u>Planning Director</u>	<u>No</u>
<u>PUD Plan Revision(s)</u>	<u>III</u>	<u>10.198</u>	<u>Planning Commission</u>	<u>Yes</u>
<u>PUD Plan Termination</u>	<u>III</u>	<u>10.198</u>	<u>Planning Commission</u>	<u>Yes</u>
<u>Sign Permit</u>	<u>I</u>	<u>10.1000 – 10.1810</u>	<u>Planning Director</u>	<u>No</u>
<u>Site Plan and Architectural Review</u>	<u>III</u>	<u>10.200</u>	<u>SPAC</u>	<u>Yes</u>
<u>Tentative Plat, Partition</u>	<u>II</u>	<u>10.170</u>	<u>Planning Director</u>	<u>Yes</u>
<u>Tentative Plat, Subdivision</u>	<u>III</u>	<u>10.202</u>	<u>Planning Commission</u>	<u>Yes</u>
<u>Transportation Facility Development</u>	<u>IV</u>	<u>10.224</u>	<u>City Council</u>	<u>No</u>
<u>Urban Growth Boundary Amendment, Major</u>	<u>IV</u>	<u>Urbanization, 10.220</u>	<u>City Council</u>	<u>No</u>
<u>Urban Growth Boundary Amendment, Minor</u>	<u>IV</u>	<u>Urbanization, 10.222</u>	<u>City Council</u>	<u>No</u>
<u>Vacation of Public Right-of-Way</u>	<u>IV</u>	<u>10.226</u>	<u>City Council</u>	<u>No</u>
<u>Zone Change, Major</u>	<u>IV</u>	<u>Review & Amendment, 10.220</u>	<u>City Council</u>	<u>No</u>
<u>Zone Change, Minor</u>	<u>III</u>	<u>10.204</u>	<u>Planning Commission</u>	<u>Yes</u>

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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 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;
- ~~(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
- 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.

~~(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.

~~10.124~~G. **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.

~~10.132~~H. **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~~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) 1. 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.

~~10.133.1. 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.

~~10.134K.~~ **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 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.

~~10.137O.~~ **Landmarks and Historic Preservation Commission, Membership.**

~~(1)~~**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)~~**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.

~~10.138~~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 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.

~~10.135~~Q. ~~**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 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	x	x	x	x	x	x	x	x	x	x	x	-	x	x
City Attorney	x	x	x	x	x	x	x	x	x	x	x	x	x	
City Manager	x	x	x	x	-	-	-	-	-	-	-	-	-	-
Engineering Division	x	x	x	x	x	x	3	-	x	x	x	x	x	-
Fire	x	x	x	x	x	x	3	-	x	x	x	-	x	x
Parks & Recreation	x	x	x	x	x	x	3	-	x	x	x	-	x	-
Parks Director	4	4	4	4	4	4	4	4	4	4	4	4	4	-
Planning	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Police	x	-	x	x	x	x	-	-	x	x	x	-	x	x
Public Works	x	x	x	x	x	x	3	-	x	x	x	-	x	x
AGENCIES														
Water Commission	x	x	x	x	x	x	3	-	x	x	x	x	x	-
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.	-	-	x	x	x	x	3	-	x	x	x	x	x	-
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	x	x	x	-	-	-	-	-	-	-	-	-	-	-
Dept. of State Lands	-	-	-	-	-	-	5	5	5	5	5	5	-	-
Garbage Company	-	-	-	x	x	-	-	-	-	-	-	-	-	-
Jackson Co. Health Dept	-	-	-	x	-	-	-	-	-	x	-	-	-	-
Jackson Co. Planning	x	x	x	-	-	-	-	1	1	-	1	-	-	-
Medford Irrigation District	1	-	1	1	1	-	3	-	1	1	-	-	-	-
Natural Gas Company	-	-	x	x	x	x	3	-	x	x	x	x	x	-
Oregon Dept. of Fish & Wildlife	-	-	-	-	-	-	5	5	5	5	5	5	-	-
Oregon Dept. of Transportation	x	-	1	1	-	1	3	-	1	1	1	1	-	-
Power Company	-	-	x	x	x	x	3	-	x	x	x	x	x	-
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	-

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
Rogue Valley Transportation District	x	-	1	1	1	x	3	-	1	1	x	x	x	-
Medford 549C Schools Superintendent	1	-	1	1	-	1	3	-	1	1	-	-	-	-
Phoenix-Talent Schools Superintendent	4	4	4	4	4	4	4	4	4	4	4	4	-	-
Telephone Company	-	-	x	x	x	x	3	-	x	x	x	x	x	-
U.S. Post Office	-	-	-	-	-	-	-	-	x	x	x	x	x	-
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 10.12211,~~ the Planning Department shall transmit one ~~(1)~~ copy of the proposed legislation, or land use application, and necessary accompanying data to each referral agency for review and comment to any governmental agency 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~~he 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 ~~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 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 to adequately provide for the drainage of surface water from the land constituting and surrounding the intended land division use.

~~(3)~~ **3. Fire Department/Water Commission.** The ~~F~~ire ~~D~~epartment/~~W~~ater ~~C~~ommission 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)~~ **4. Staff Report/Planning Department.** The Planning Department shall review the ~~design and improvement of the proposed development~~ land use application 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~~ 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 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~~ reviews ~~by the same approving authority at the same time.~~ Otherwise, a request for ~~approval~~ consideration of a specific ~~plan authorization~~ 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.

10.168118 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)

10.155120 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) Records. 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

<u>Due Process Element</u>	<u>Land Use Procedure Type</u>			
	<u>Type I</u>	<u>Type II</u>	<u>Type III</u>	<u>Type IV</u>
<u>1. Completeness Review</u>		✓	✓	
<u>2. Notification</u>		✓	✓	✓

Table 10.120-1. Due Process Elements by Procedure Type

<u>Due Process Element</u>	<u>Land Use Procedure Type</u>			
	<u>Type I</u>	<u>Type II</u>	<u>Type III</u>	<u>Type IV</u>
23. Disclosure		✓	✓	✓
34. Conflict of Interest			✓	✓
45. Public Hearing			✓	✓
56. Cross-Examination			✓	✓
67. Action and Decision Time and Notice of Decision		✓	✓	✓
78. Findings of Fact		✓	✓	✓
89. Record		✓	✓	✓

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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~~ 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~~ 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 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)~~ (a1) all of the missing information; ~~(b2)~~ (b2) some of the missing information and written notice from the applicant that no other information will be provided; or ~~(e3)~~ (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)~~ (a1)

all of the missing information; ~~(b)2~~) some of the missing information and written notice that no other information will be provided; or ~~(c)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.

~~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:

<u>Table 10.124-1: Notice of Public Hearing Schedule by Procedure Type</u>			
<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>
<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 <u>Notice shall be published no</u> later than 10 days prior to the scheduled meeting <u>public hearing</u> 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

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>
			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.
<u>Type III: Historic Review, Site Plan and Architectural Commission Review</u>	<u>None</u>	<u>A sign shall be placed on the subject property 21 days prior to the public hearing date.</u> <u>AND</u> A notice shall <u>shall</u> be posted in a public place no later than five days prior to the scheduled meeting <u>public hearing</u> date before the approving authority.	<u>21 days prior to the public hearing date notice will be sent to All property owners of property</u> within the project boundaries plus all property owners within 200 feet of the project boundaries.
<u>Type III: Subdivision Tentative Plat</u>	Notice shall <u>shall</u> be published in a newspaper of general circulation no later than 10 days prior to the scheduled meeting <u>public hearing</u> 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 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: Minor Comprehensive Plan Amendment, General Land Use Plan Map</u>	Shall be published in a newspaper of general circulation no <u>Notice shall be published</u> no later than 10 days prior to the scheduled	<u>A sign shall be placed on the subject property 21 days prior to the first public hearing date.</u>	<u>21 days prior to the each public hearing date notice will be sent to All all property owners of property</u> within the project

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>Amendment, Transportation Facility Development</u>	meeting public hearing date before <u>the Planning Commission</u> (the approving authority <u>advisory body</u>) AND <u>No later than 10 days prior to the public hearing date before City Council (the approving authority).</u>		boundaries plus all property owners within 200 feet of the project boundaries.
<u>Type IV: Annexation</u>	<u>Notice shall be published</u> once each week for two successive weeks prior to the day of the public hearing date before the approving authority <u>City Council (the approving authority).</u>	Notice shall also be posted in four public places in the city for a like period <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</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,</u> the City Recorder <u>a sign</u> shall cause to be posted <u>placed</u> 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	<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.

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>
		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>Type IV: Land Development Code Amendment, Major Comprehensive Plan Amendment, Major Zone Change</u>	<p><u>Notice shall be published</u> no later than 10 days prior to the scheduled meeting <u>public hearing</u> date before the advisory agency <u>Planning Commission</u> (the advisory body),</p> <p><u>AND</u></p> <p>No later than 10 days prior to the scheduled public hearing date before the approving authority <u>City Council (the approving authority)</u>.</p>	<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).

Plan Authorization Class	Publication Schedule
"A" (All) No later than 10 days prior to the scheduled public hearing date before the approving authority.	No later than 10 days prior to the scheduled meeting date before the advisory agency.
"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	Shall be posted in a public place no

~~architectural review, land divisions and historic review) later than five (5) days prior to the scheduled meeting date before the approving authority.~~

~~None~~

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 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, 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 o in their behalf.

~~(f)~~6. **Questioning of Witnesses.** Cross examination shall be permitted as per Section 10.~~161~~132. ~~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.

~~(l)~~12. The failure of the property owner to receive notice as provided in Section 10.~~158~~124 shall not invalidate such proceedings if the city can demonstrate by affidavit that such notice was mailed. The notice provisions ~~contained in~~ contained in Section 10.~~158~~124 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: ~~(a)~~1 received official written notice of the hearing or was entitled to receive such notice, or ~~(b)~~2 has interests which could be adversely affected by the decision.

~~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.

~~10.169~~138 **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.
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 ~~City 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 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. Final PUD Plan decisions made by the Planning Director or designee may be appealed to the Planning Commission.
3. 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.

TYPE I APPLICATIONS. (10.142 – 10.158)

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

Land Use ActionsMinor Modification to a Site Plan and Architectural Review ApprovalPre-ApplicationProperty Line AdjustmentSign PermitSubdivision/Partition Final Plat10.144 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.~~10.176~~10.154 Preapplication Conference.

Prior to ~~applying for a development permit~~submitting a land use 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 reviews, 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.

~~10.297~~10.156 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.

10.158 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 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)~~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.	X	X

<u>Final Plat Provisions</u>	<u>Include on Subdivision Final Plat</u>	<u>Include on Partition Final Plat</u>
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.		
4. Additional Information. a. 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. 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
c. 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	X	X

Final Plat Provisions

Include on
Subdivision
Final Plat

Include on
Partition Final
Plat

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.

~~f.9.~~ 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 be used.

X

X

~~g.10.~~ g.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

~~h.11.~~ h.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

~~5.12. 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

X

~~b.13. 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.

X

X

~~e.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

<u>Final Plat Provisions</u>	<u>Include on Subdivision Final Plat</u>	<u>Include on Partition Final Plat</u>
d-15. 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 10.158D. Filing of Final Plat with City Engineer.		
1. Prior to filing-submitting a final plat with-to the Planning Department, the applicant shall:		
(1) a. 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) b. 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.

- (~~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.
- (~~fv~~) 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.
- (~~hvi~~) 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.

~~10.279~~10.158E. Filing of the Final Plat with Planning Department.

1. No final plat shall be accepted ~~for filing~~ by the ~~P~~Planning ~~D~~Department 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:
 - (~~a~~)i) A blue or black line print thereof;
 - (~~b~~)ii) The approved improvement plans signed by the City Engineer;
 - (~~c~~)iii) 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

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 10.15810.273, 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 finds 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;
- ~~(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)~~**4.** 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 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, ~~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 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.~~

10.172 Portable Storage Containers. (See Section 10.840(d)(6)).

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.~~

~~10.246184 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.

8F. ~~10.251~~ 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. ~~10.251~~ 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, such as an exception which was filed concurrently with

the other ~~plan authorization~~land use review, 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, shall expire when the related ~~plan authorization~~land use review 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:

~~Aa~~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;

~~Bb~~b. Changes in exterior paint colors in commercially-zoned Historic Preservation Overlay Districts, when new paint colors are chosen from the adopted color palette;

~~Cc~~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;

~~Dd~~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)~~ 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.

10.259D. 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)

10.230190 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.

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 ~~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(l) 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 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. 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(B)192(B)(7)(c), the applicant shall alternatively demonstrate that either:
- ~~a)~~ a) ~~D~~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)~~ b) 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:
 - ~~a)~~ ai. ___ Public sanitary sewerage collection and treatment facilities.
 - ~~b)~~ bii. ___ Public domestic water distribution and treatment facilities.
 - ~~c)~~ ciii. ___ Storm drainage facilities.
 - ~~d)~~ d)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 ~~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.

10.240D.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 ~~Subsection 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 ~~C~~omprehensive ~~P~~lan.
 - 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 ~~248~~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.

~~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(F)(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. ~~290~~ 200. 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.

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 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 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.~~

CB. 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 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 ~~Subs~~ection 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; 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.~~

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)11~~. 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 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.

~~10.031~~ C. Exemptions from the ~~Development Permit~~ Site Plan and Architectural Commission Review Requirement.

- ~~A1.~~ 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.
- ~~C2.~~ C2. The following uses or developments do not require ~~a development permit~~ SPAC review.
- ~~(1)a.~~ (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.~~ (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.~~ (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 Overlay, in which case, Historic Review is required for all building additions and exterior alterations. (Effective Dec. 1, 2013.)
- ~~(8)d.~~ (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.~~ (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.~~ (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.

~~ED.~~ 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.~~ 1. The proposed development is compatible with uses and development that exist on adjacent land, and
- ~~(2)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.~~ 1. Limiting the number, height, location and size of signs;
- ~~(2)2.~~ 2. Requiring the installation of appropriate public facilities and services and dedication of land to accommodate public facilities when needed;
- ~~(3)3.~~ 3. Limiting the visibility of mechanical equipment through screening or other appropriate measures;
- ~~(4)4.~~ 4. Requiring the installation or modification of irrigated landscaping, walls, fences or other methods of screening and buffering;
- ~~(5)5.~~ 5. Limiting or altering the location, height, bulk, configuration or setback of buildings, structures and improvements.
- ~~(6)6.~~ 6. Requiring the improvement of an existing, dedicated alley which will be used for ingress or egress for a development;
- ~~(7)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.~~ 8. Requiring the retention of existing natural features;
- ~~(9)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.~~ 10. Restricting the height, directional orientation and intensity of exterior lighting.

10.292G. **Expiration of a Site Plan and Architectural ~~Commission Review A~~ approval.**

- ~~(1)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 ~~10.034~~ 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.

~~10.296~~1. **Issuance of Building Permits, Consistent with Site Plan and Architectural Review Approval.** All applications for a building permit, wherein ~~s~~Site ~~p~~lan and ~~A~~rchitectural ~~r~~view 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 Division, 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.
- ~~10.269~~D. Expiration of Tentative Plat ~~A~~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 ~~10.276-158-10.280~~. 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~~ 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)~~(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)~~(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 criteria 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 developmentland 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 MLDCSection 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)~~ ___ 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;
- (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.

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)

10.180214 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 Commission.~~

~~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 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.

10.195B. **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~~

- ~~(e) ^{-other} 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, notification 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.

10.18410.218 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.

10.184220 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 197.137–145 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 ~~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).

~~10.205~~ 224 **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 ~~10.251~~186. 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.

10.208B. 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.

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.

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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.

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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 development review and advisory committee comprised of representatives from all referral agencies as identified in Article II, Section 10. ~~145110.~~

* * *

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 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(195) 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 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.~~

* * *

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

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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)~~195(G). 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.

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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.)

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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 ~~10.246~~184)

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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)
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3. SPECIAL RESIDENTIAL DEVELOPMENTS

(a) Planned Unit Development	X	PD	10.230-245 190-10.200 & 10.412						
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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.

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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)(e)~~ **10.204(B)(3)** or facility adequacy has not been proven.

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- 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.

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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.

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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.

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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.

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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).

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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).

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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(H)~~ 188(C)(1).

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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.

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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).

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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).

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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) ~~211~~(E).

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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.

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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 development 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 per Section 10.051.

~~(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.~~

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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 development 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 development review, the Director of Public Works or designee may approve a variance from this minimum spacing requirement. * * *

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10.550 Access Standards.

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(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 development 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 development 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 land development 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 development review. Evaluation of alternative access location and spacing for projects shall be based upon a Transportation Impact Analysis (TIA) prepared 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 development 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:

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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.

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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.

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(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 development 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.

* * *

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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.

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10.840 Temporary Uses and Structures.

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D. Types of Temporary Uses and/or Temporary Structures.

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(6) Portable Storage Containers.

(a) Applicability.

1. A temporary Portable Storage Container permit is a ~~Class-D plan authorization~~ **Type II land development 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 development 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.

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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 10.245, 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.

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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.

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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 development approval is required, and do not provide any exemption from state or federal regulations.

B. Applications for ~~plan authorizations~~land development 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 development 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 ~~10.186~~251 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 ~~10.181~~214~~10.184~~ through ~~10.226~~.

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10.923 Riparian Corridors, Location.

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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 ~~184226~~.

* * *

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 development 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."

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10.928 Conservation and Maintenance of Riparian Corridors.

When approving applications for the following ~~plan authorizations~~land development 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 development 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 development 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 Development Approvals. Unexpired ~~Class 'C'~~ Type III land development 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 development 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 development 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 development 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 development 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)~~ **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 **10.278158D**, including proposed grades, and cuts and fills for streets.

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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 **10.250180**.

* * *

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b. Existing conditional uses shall apply for an amendment to their existing approved CUP to request an electronic message sign, pursuant to Section **10.250180**.

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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~~180.

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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~~180.

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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 ~~10.248-178~~Conditional Use Permit Criteria, through ~~10.250~~180Expiration of a Conditional Use Permit.

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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:

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(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:

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