



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

October 13, 2008



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment  
DLCD File Number 016-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 27, 2008**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
John Renz, DLCD Regional Representative  
Bill Holmstrom, DLCD Transportation Planner  
Dan Moore, City of Medford

<paa> ya/

FORM 2

DLCD

# Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Medford**

Local file number: **CP-08-074**

Date of Adoption: **10/1/2008**

Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 8/19/2008

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Minor amendment to the General Land Use Plan (GLUP) Map of the Medford Comprehensive Plan changing the designation from Urban High Density Residential (UH) to Service Commercial (SC) on one parcel totaling 1.53 acres located at the northeast intersection of Barnett Road and Highland Drive, in an MFR-30 (Multi-Family Residential - 30 units per acre) zoning district.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **UH**

to: **SC**

Zone Map Changed from:

to:

Location: **851 Highland Drive**

Acres Involved: **1**

Specify Density: Previous: **max 46 units**

New: **n/a**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☒ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☒ No

DLCD #016-08 (17084)



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**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: **Praline McCormack, Planner II**

Phone: **(541) 774-2380** Extension:

Address: **200 S. Ivy St., Rm. 240**

Fax Number: **541-774-2564**

City: **Medford**

Zip: **97501-**

E-mail Address:

**praline.mccormack@cityofmedford.org**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 2008-207

AN ORDINANCE approving a minor amendment to the General Land Use Plan Map of the *Medford Comprehensive Plan* changing the land use designation from Urban High Density Residential (UH) to Service Commercial (SC) on one parcel totaling 1.53 acres located at the northeast intersection of Barnett Road and Highland Drive in an MFR-30 (Multi-Family Residential – 30 units per acre) zoning district.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. A minor amendment to the City of Medford General Land Use Plan Map of the *Medford Comprehensive Plan* changing the land use designation from Urban High Density Residential (UH) to Service Commercial (SC) on one parcel totaling 1.53 acres located at the northeast intersection of Barnett Road and Highland Drive in an MFR-30 (Multi-Family Residential – 30 units per acre) zoning district is approved.

Section 2. The approval is based upon the Findings of Fact and Conclusions of Law dated May 7, 2008, attached as Exhibit A and incorporated herein.

PASSED by the Council and signed by me in authentication of its passage this 1 day of October, 2008.

ATTEST:     /s/Glenda Owens  
                  City Recorder

                  /s/Gary H. Wheeler  
                                  Mayor

APPROVED   Oct. 1, 2008.

                  /s/Gary H. Wheeler  
                                  Mayor



City of Medford  
Agenda Item Commentary

Item No.:

Meeting Date:

Page:

October 1, 2008

1 of 1

**SUBJECT:**

Consideration of an ordinance amending the General Land Use Plan (GLUP) Map of the *Medford Comprehensive Plan* to change the land use designation from Urban High Density Residential (UH) to Service Commercial (SC) on one parcel totaling 1.53 acres located at the northeast intersection of Barnett Road and Highland Drive in an MFR-30 (Multi-Family Residential – 30 units per acre) zoning district. (Minor Comprehensive Plan Amendment, Type 'B,' Quasi-Judicial)

**INITIATOR:**

MEC Real Properties, LLC, Applicant (CSA Planning, Agent)

**STAFF INFO. SOURCE:**

John W. Hoke, Interim Planning Director  
Praline McCormack, Planner II  
File No. CP-08-074

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Adopt the ordinance.

**BACKGROUND & KEY ISSUES:**

This request is to change the designation of the above site from Urban High Density Residential (with a maximum density of 30 dwellings per acre), to Service Commercial (which also allows a maximum density of 30 dwellings per acre in addition to offices and service commercial uses). Upon approval of this request, the subject parcel would be eligible for a zone change to C-S/P (Commercial – Service/Professional) zoning. This would be a desirable transition between the high density residential neighborhoods to the north and consistent with the commercial zoning that abuts the property to the south and east along Barnett Road. The City of Medford's Draft Housing Element, dated April 24, 2008, estimates that there will be a deficit of land in the Urban High Density Residential (UH) designation of about 30 acres for the 2008 – 2028 period. The applicant is proposing to reduce the amount of high density land by 1.53 acres, which is approximately five percent of the total future high density land deficit. The applicant has cited that this loss of high density land can be justified by taking into account the high cost to maintain the apartments and to mitigate the additional traffic and noise related to the new I-5 Interchange (which channels traffic to the Barnett/Highland intersection). In addition, the City's draft Economic Element projects a need for additional (medical) office commercial buildable land – the purpose of this application. The locational factor (being located at the terminus of the I-5 South Interchange northbound off-ramp), the size and shape of the subject parcel, the cost to mitigate the traffic noise and maintain the housing units, outweigh the loss of this amount of high density land.

A Traffic Impact Analysis (TIA) was required because the change in designation has the potential to create more than 250 additional average daily trips (ADT). The TIA prepared by the applicant, dated April 29, 2008, concluded that the proposal will not create adverse impacts on the existing transportation system, and that the proposal is in compliance with the *Medford Comprehensive Plan*. After their review of the TIA, the City of Medford Engineering Division recommends approval of the application without conditions. The Medford Planning Commission at their meeting of August 14, 2008 voted to recommend approval to the City Council.

**EXHIBITS:**

Staff Report to City Council dated August 15, 2008, including Exhibits A – G  
Excerpt from Minutes of the August 14, 2008, meeting of the Planning Commission





## ***CITY OF MEDFORD***

# **PLANNING DEPARTMENT**

### **STAFF REPORT**

Date: August 15, 2008

To: City Council *sm*

Reviewed By: Suzanne Myers, AICP, Principal Planner

By: Praline McCormack, Planner II *pm*

Subject: Medical Eye Center Minor Comprehensive Plan Amendment (CP-08-074)  
MEC Real Properties, LLC (CSA Planning, Agent)

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### **BACKGROUND**

#### Proposal

Consideration of a request for a minor amendment to the General Land Use Plan (GLUP) Map of the Medford *Comprehensive Plan* changing the designation from Urban High Density Residential (UH) to Service Commercial (SC) on one (1) parcel totaling 1.53 acres in a MFR-30 zoning district and situated at the northeast intersection of Barnett Road and Highland Drive. Upon approval of the GLUP Map amendment, the applicant proposes to request approval to rezone the property to C-SP (Service and Professional Office).

#### General Land Use Map (GLUP)/Zoning

The subject parcel currently has an Urban High Density Residential (UH) General Land Use Plan (GLUP) map designation. The subject parcel is currently zoned MFR-30 (Multi-Family Residential – 20 to 30 units per gross acre). The subject property presently contains 41 attached, multifamily housing units built in 1966.

To the north, the subject parcel abuts land with the Urban High Density Residential (UH) GLUP designation. To the west, the subject parcel abuts land with the Parks and Schools (PS) GLUP designation. To the east and south, the subject parcel abuts land with the Service Commercial (SC) GLUP designation.

#### Surrounding Property Zoning and Uses

North: MFR-30 zoning, existing single and multi-family housing. Lazy Creek traverses the property at its northeast corner and continues along the property's north boundary.

South: Service and Professional Office (C-S/P) zoning, retail and offices, future I-5 Freeway South Medford Interchange northbound off-ramp intersection.

East: Service and Professional Office (C-S/P) zoning, planned medical offices.  
West: MFR-30 zoning, City of Medford Dog Park, Bear Creek Park and Amphitheater.

Applicable Criteria

*Medford Land Development Code*, Minor Comprehensive Plan Amendment, Sections 10.190, 10.191, and 10.192 (Exhibit A)

*Medford Comprehensive Plan* – Plan Review and Amendment Procedure (Exhibit B)

Oregon Transportation Planning Rule - Oregon Administrative Rules OAR 660-12-060(1)  
– Plan and Land Use Regulation Amendments (Exhibit C)

**ISSUES / ANALYSIS**

The following issues are central in determining whether or not to approve this General Land Use Plan Map Amendment:

1. The affect the amendment would have on public facilities, particularly transportation facilities;
2. The effect it would have on the supply of Urban High Density Residential land; and,
3. The appropriateness of the subject parcel for the proposed land use designation.

Each issue is discussed below.

1) *How will this change affect public facilities, particularly transportation facilities?*

The City of Medford Engineering Department required a Traffic Impact Analysis (TIA) for this proposed change in the *Comprehensive Plan* map designation because the change has the potential to create more than 250 additional average daily trips (ADT) to be generated. The TIA submitted by the applicant, dated April 29, 2008, concludes that the proposal will not create adverse impacts on the existing transportation system. More particularly, the findings of the TIA conclude that:

- All study area intersections are shown to operate acceptably under adjusted year 2008 conditions.
- All study area intersections are shown to operate acceptably under year 2010 no build and build conditions.
- All study area intersections are shown to operate no worse than no build conditions under future year 2023 and 2030 build conditions.
- The criteria for right turn lanes is not shown to be met at either project access point along Barnett Road or Highland Drive under year 2010 and future year 2023 build conditions.
- 95<sup>th</sup> percentile queue lengths are not expected to exceed storage lengths nor block either proposed project access point on Barnett Road or Highland Drive under year 2010 no build and build conditions.
- 95<sup>th</sup> percentile queue lengths are not expected to exceed storage lengths under future year 2023 no build conditions with the exception of the westbound dual left turn queues. No impacts to proposed project access

points are shown to exist as a result of the proposed GLUP change under future year 2023 no build and build conditions.

The TIA concludes that the proposal is in compliance with the Medford *Comprehensive Plan* pursuant to *Medford Land Development Code* (MLDC) 10.227(1) and Goal Number 3, Policy 1 of the Public Facilities Element. Streets that serve the subject property will accommodate projected P.M. peak traffic volumes within acceptable levels of service with the recommended improvements in place.

Per their Memorandum dated August 13, 2008 (Exhibit G), the City of Medford Engineering Division recommends approval of the application without condition.

ODOT did not offer any comment on the proposal.

Staff concurs that this proposal complies with the Transportation Planning Rule (OAR 660-012-060) since there is no significant effect on the transportation facility.

2) *How will this amendment affect the supply of Urban High Density Residential lands?*

The City of Medford's Draft Housing Element, dated April 24, 2008, estimates that there will be a deficit of buildable land in the Urban High Density Residential (UH) designation of about 30 acres for the 2008 – 2028 period. The applicant is proposing to reduce the amount of high density land by 1.53 acres, which is approximately five percent (5%) of the total future high density land deficit.

The applicant has cited that this loss of this particular high density land can be justified by taking into account the high cost to maintain the apartments (Exhibit 9, Housing Depreciation Analysis) and to mitigate the additional traffic and noise related to the new Interstate 5 Interchange (which channels traffic to the Barnett/Highland intersection). The Housing Depreciation Analysis shows that the apartments occupying the subject property will produce significant losses and overall value over the planning period. In addition, the City's draft Economic Element projects a need for additional [medical] office commercial buildable land – the purpose of this application.

The locational factor (being located at the terminus of the I-5 South Interchange northbound off-ramp), the size and shape of the subject parcel, the cost to mitigate the traffic impacts and maintain the housing units, outweigh the loss of this amount of high density land.

3) *Is this site appropriate for the Service Commercial designation?*

To the east and south the subject parcel abuts C-SP (Service and Professional Office) zoning. To the west and north, the subject parcel abuts MFR-30 (Multi-Family Residential – 30 units per acre) zoning. By designating the subject parcel with a Service Commercial designation, the subject parcel would be eligible for a zone change to C-SP (Service and Professional Office) zoning, and this would be a desirable transition



between the high density residential neighborhoods to the north and consistent with the commercial zoning that abuts the property to the south and east along Barnett Road.

## **FINDINGS**

Staff concurs with the applicant's findings (Exhibit D) including all exhibits that the proposal meets the approval criteria.

## **RECOMMENDED ACTION**

The Medford Planning Commission, at their meeting of August 14, 2008, voted to forward a favorable recommendation to City Council for approval of CP-08-074, per the Staff Report dated August 15, 2008, including Exhibits A through G.

## **EXHIBITS**

- A *Medford Land Development Code*, Minor Comprehensive Plan Amendment, excerpts, Application and Amendment Criteria, Sections 10.190, 10.191, and 10.192
- B Medford Comprehensive Plan – Plan Review and Amendment Procedure
- C Oregon Transportation Planning Rule - Oregon Administrative Rules OAR 660-12-060(1) – Plan and Land Use Regulation Amendments
- D Applicant's Findings of Fact and Conclusions of Law, including as exhibits:
  - Jackson County Tax Assessor's Map
  - Current Zoning Map
  - Topographic Map
  - GLUP Map
  - Site Photo Key Map
  - Site Photos
  - Depreciation Analysis
  - Traffic Impact Analysis and Addendum (Executive Summaries, complete documents are available in the master file).
  - City of Medford Draft Housing Element (Executive Summary, complete document is available in the master file).
  - City of Medford Draft Economic Element (Executive Summary, complete document is available in the master file).
- E Excerpt from Medford *Comprehensive Plan*, Buildable Land Inventory – All Land in Medford UGB, adopted February 21, 2008.
- F Engineering Division comment letter on TIA dated July 1, 2008.
- G Engineering Division Recommendations based on the TIA dated August 13, 2008.

**PLANNING COMMISSION AGENDA:**      **August 14, 2008**

**CITY COUNCIL AGENDA:**                      **October 1, 2008**



# *City of Medford*

CP-08-074

## **Exhibit A**

### **Excerpt from Medford Land Development Code**

#### **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.

#### **10.191 Application Form.**

An application for a minor Comprehensive Plan amendment shall contain the following items:

- (1) Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area to be changed on the General Land Use Map.
- (2) Written findings which address the following:
  - (a) Consistency with applicable Statewide Planning Goals.
  - (b) Consistency with the goals and policies of the Comprehensive Plan.
  - (c) Consistency with the applicable provisions of the Land Development

Code.

[Amd. Sec. 7, Ord. No. 5820, March 19, 1987.]

#### **10.192 Minor Comprehensive Plan Amendment Criteria.**

See the Review and Amendment section of the Comprehensive Plan text (Exhibit B).

CP-08-074  
**A**  
Medical Eye Center



# City of Medford

CP-08-074

## Exhibit B

### **PLAN REVIEW and AMENDMENT PROCEDURE of the *MEDFORD COMPREHENSIVE PLAN***

#### **CRITERIA FOR PLAN AMENDMENTS**

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

Conclusions – Amendments shall be based on the following:

1. A change or addition to the text, data, inventories, or graphics which substantially affects the nature of one or more conclusions.

Goals and Policies – Amendments shall be based on the following:

1. A significant change in one or more Conclusion.
2. Information reflecting new or previously undisclosed public needs.
3. A significant change in community attitude or priorities.
4. Demonstrable inconsistency with another Plan provision.
5. Statutory changes affecting the Plan.
6. All applicable Statewide Planning Goals.

Implementation Strategies – Amendments shall be based on the following:

1. A significant change in one or more Goal or Policy.
2. Availability of new and better strategies such as may result from technological or economic changes.
3. Demonstrable ineffectiveness of present strategy(s).



4. Statutory changes affecting the Plan.
5. Demonstrable budgetary constraints in association with at least one of the above criteria.
6. All applicable Statewide Planning Goals.

Street Re-classifications, that include the re-classification of a lower order street to either a collector or arterial street, or when re-classifying a collector street to an arterial street, and when the re-classification is not a part of a major (Class A) legislative amendment, shall be based on the following:

1. A demonstrated change in need for capacity which is consistent with other plan provisions.
2. Consideration of alternatives to the proposed revision which includes alternative vehicle routes and alternative travel modes that would better preserve the livability of affected residential neighborhoods.
3. A significant change in one or more Goal or Policy.
4. Statutory changes affecting the Plan.
5. Demonstrable budgetary constraints in carrying out the existing plan.
6. All applicable Statewide Planning Goals.

Map Designations – Amendments shall be based on the following:

1. A significant change in one or more Goal, Policy, or Implementation strategy.
2. Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.
3. The orderly and economic provision of key public facilities.
4. Maximum efficiency of land uses within the current urbanizable area.
5. Environmental, energy, economic and social consequences.
6. Compatibility of the proposed change with other elements of the City *Comprehensive Plan*.
7. All applicable Statewide Planning Goals.



# *City of Medford*

CP-08-074

## **Exhibit C**

### **Oregon Administrative Rules (OAR) 660-012-060(1)**

#### **Plan and Land Use Regulation Amendments**

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

CP-08-074

**BEFORE THE CITY COUNCIL  
FOR THE CITY OF MEDFORD  
JACKSON COUNTY, OREGON**

**RECEIVED**  
SEP 15 2008  
PLANNING DEPT.

THE MATTER OF A COMPREHENSIVE )  
PLAN (GLUP) MAP AMENDMENT SEEKING )  
TO CHANGE LAND USE DESIGNATION )  
FROM URBAN HIGH DENSITY RESIDENTIAL )  
TO SERVICE COMMERCIAL WHICH LAND )  
CONSISTS OF A SINGLE PARCEL WHICH )  
HAS 1.53 ACRE AND WHICH IS SITUATED )  
AT THE NORTHEAST INTERSECTION OF )  
BARNETT ROAD AND HIGHLAND DRIVE )  
IN THE CITY OF MEDFORD, OREGON )  
Applicant: Medical Eye Center, Inc. )

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**  
Applicant's Exhibit 1

I

**SCOPE AND NATURE OF THE APPLICATION**

This action concerns a change in the comprehensive plan mapping designation from Urban High Density Residential to Service Commercial for one 1.53 acre parcel of land. The property is owned in fee simple by Medical Eye Center. The property is presently occupied by multiple family housing which would be removed to accommodate future offices and other permissible uses. This property is being planned in conjunction with other lands to the east which are also owned by Applicant Medical Eye Center. The subject property is situated at the northeast corner of the intersection of Barnett Road and Highland Drive within incorporated Medford.

II

**APPLICABLE SUBSTANTIVE CRITERIA**

The Medford City Council ("Council") concludes that the criteria governing comprehensive plan map amendments are set forth in Medford Land Development Code ("MLDC") 10.192, which also references the *Review and Amendments* section of the Medford Comprehensive Plan. Under this plan section, minor comprehensive plan map amendments are to be based on consideration of seven criteria. The applicable plan review and amendment section prefaces the criteria with the following language:

*"While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not."*

D  
CP-08-074  
1 of 11



The Council construes this language to mean that not all criteria may apply to any given application, but all must be considered. We further understand that if the Council finds that some of the criteria do not apply we must explain why. The criteria listed in MLDC 10.192 are:

- 1) A significant change in one or more Goal, Policy, or Implementation Strategy.
- 2) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.
- 3) The orderly and economic provision of key public facilities.
- 4) Maximum efficiency of land uses within the current urbanizable area.
- 5) Environmental, energy, economic and social consequences.
- 6) Compatibility of the proposed change with other elements of the City Comprehensive Plan.
- 7) All applicable Statewide Planning Goals.

Comprehensive plan map amendments are also subject to MLDC 10.191(2) which requires 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.

The proposed amendment is also subject to the Oregon Transportation Planning Rule. Relevant provisions of the rule are:

**OREGON TRANSPORTATION PLANNING RULE**  
**Oregon Administrative Rules (OAR) 660-012-0060**

**Plan and Land Use Regulation Amendments**

- (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
  - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
  - (b) Change standards implementing a functional classification system; or
  - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
    - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
    - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
    - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- (2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:



## Findings of Fact and Conclusions of Law

Minor Comprehensive Plan Map Amendment

Medical Eye Center, Inc.. Owner/Applicant

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- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
  - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
  - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
  - (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
  - (e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.
- (3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:
- (a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;
  - (b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;
  - (c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;
  - (d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and
  - (e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.
- (4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.
- (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.
  - (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:
    - (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.
    - (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.
    - (C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.
    - (D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.
    - (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a

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written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

- (c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

- (d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

- (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)-(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in (a)-(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of



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streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in Section 0020(2)(b) and Section 0045(3) of this division:

- (a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;
  - (b) The local government has not adopted a TSP or local street plan which complies with Section 0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and
  - (c) The proposed amendment would significantly affect a transportation facility as provided in 0060(1).
- (8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

- (A) An existing central business district or downtown;
- (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;
- (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or
- (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in (a) which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

- (i) Medium to high density residential development (12 or more units per acre);
- (ii) Offices or office buildings;
- (iii) Retail stores and services;
- (iv) Restaurants; and
- (v) Public open space or private open space which is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, access ways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

### III

#### **EVIDENCE SUBMITTED WITH APPLICATION**

**Exhibit 1.** The proposed findings of fact and conclusions of law (this document) which demonstrates how this comprehensive plan map amendment<sup>1</sup> application complies with the applicable substantive criteria contained in the Medford Comprehensive Plan and Medford Land Development Code (MLDC).

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<sup>1</sup> Commonly referred to in this jurisdiction as the Generalized Land Use Plan or GLUP map.



- Exhibit 2.** A completed application form (including requisite filing fees)
- Exhibit 3.** Assessor plat map (37-1W-29C) which map contains and depicts the subject property
- Exhibit 4.** Current Comprehensive Plan Map depicting the subject property
- Exhibit 5.** Current City zoning map depicting the subject property
- Exhibit 6.** Topographic depicting the subject property
- Exhibit 7.** Draft City of Medford Comprehensive Plan Economic Element
- Exhibit 8.** Draft City of Medford Comprehensive Plan Housing Element
- Exhibit 9.** Housing Depreciation Analysis prepared by CSA Planning, Ltd.
- Exhibit 10.** Traffic Impact Analysis prepared by Southern Oregon Transportation Engineering, LLC
- Exhibit 11.** Site Photos and Key Map

#### **IV**

#### **FINDINGS OF FACT**

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The Council reaches the following findings of fact with respect to this matter:

- 1. Property Location:** The property is located at the northeast corner of the intersection of Barnett Road and Highland Drive. The property is within the corporate limits of the City of Medford and its urban growth boundary.
- 2. Ownership:** The property is owned in fee simple by Applicant Medical Eye Center which also owns land to the east which is designated Service Commercial on the comprehensive plan (GLUP) map and zoned C-S/P.
- 3. Property Description:** The property consists of a single parcel having 1.53 acres.<sup>2</sup> The property is described in the records of the Jackson County Assessor as Tax Lot 4300 on Assessor's map 37-1W-29C. Multi-family apartment buildings presently occupy the site.

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<sup>2</sup> The subject property has 1.53 acres according to the records of the Jackson County Assessor. Applicant believe its calculation is more accurate, although the difference is *de minimis*. and will not produce anything of substantive nature in this matter



Lazy Creek traverses the property at its northeast corner and continues along the property's north boundary.

**4. Existing Land Use:** Tax Lot 4300 is presently occupied by multi-family residential buildings. Some of the units are rented. Three of the buildings at the northern end of the site have been removed to provide parking for the neighboring site.

**5. Existing and Proposed Comprehensive Plan (GLUP) and Zoning:** The subject property is presently zoned Multiple-Family Residential (MFR-30) and has a Plan Map (GLUP) designation of Urban High Density Residential (UHDR). The map designation sought by applicant is Service and Professional Office Commercial. Applicant herewith testifies that it intends to take steps to rezone the property C-S/P consistent with the now proposed map designation. Rezoning will be sought under separate application.

**6. Surrounding Land Uses:** The zoning map accurately depicts the pattern of land partitioning and development in the surrounding area — *See, Exhibit 6*. The land uses which presently surround the property are:

**North:** Single and multiple-family housing exists to the north of the subject property.

**West:** The City of Medford's "Dog Park" exists immediately across Highland Drive from the subject property. Another city park, "Bear Creek Park" exists north of the Dog Park and northwest of the subject property. Between the Dog Park and Bear Creek Park are the city's Bear Creek Park Amphitheater and Skate Park facilities.

**East:** Land to the east — Tax Lots 4100 and 4200 on Exhibit 3 — is owned by Applicant Medical Eye Center and has the same Service and Professional Office Commercial now sought for the subject property (and is zoned C-S/P, the zoning Applicant has testified that it intends to later seek for the subject property). The land to the east own by Applicant is being planned for medical offices. Applicant has coordinated its future design for the subject property with that of the other land it owns to the east.

**South:** The subject property fronts upon Barnett Road along its south boundary. Lands on the south side of Barnett Road are zoned C-S/P. Lands further east and west on the south side of Barnett Road are zoned Community Commercial (C-C); some parcels are occupied or partially occupied by retail and office commercial uses. The northbound exit ramp for the newly constructed South Medford Interstate 5 Interchange also lies across the Barnett Road from the subject property

**7. Topography:** The property slopes gently and drains in a northeast to southwest direction. *See, Exhibit 6*.



**8. Demonstrated need for the change (to accommodate adequate employment opportunities):** In 2007 the City of Medford engaged economists Johnson Gardner LLC and CSA Planning, Ltd. to prepare an updated comprehensive plan Economic Element. At this time, work on the Economic Element is complete but has yet to be adopted by the City Council. However, whether or not adopted, the analysis in the draft Economic Element contains expert analysis and conclusions that are cited below and used here to establish a demonstrated need for additional [medical] office commercial — the purpose for and subject of this application.

- The draft Economic Element provides 20-year projections for needed land in various commercial and industrial categories. Among these is a category called “Office Commercial.” The draft Economic Element further provides land need projections based upon low, medium and high growth scenarios. The Medford City Council has informally expressed its intention to adopt the high growth scenario and has evidenced the same by majority vote during a duly noticed Council Study Session in early 2008. Over the next 20 years and under the high growth scenario, the City of Medford is expected to require 504.1 (gross) acres of Office Commercial land.<sup>3</sup> As to net acreage, Medford (under the high growth scenario) and in consideration of the existing office commercial land supply, has deficits over the planning period of 35 acres for large office sites, 32 acres for medium office sites and 186 acres for small office sites.
- In addition to estimating acreages, OAR 660-009 requires cities to compare the demand for sites by type to the supply of sites by type. Draft Economic Element Figure 34 reports that over the 20-year planning period, Medford (under the high growth scenario) will require 11 large sites (sites having approximately 5.00 acres), 65 medium sites (sites having approximately 1.50 acre), and 554 small sites (sites having approximately 0.45 acre). Based upon the existing supply of office commercial sites, Medford has *existing deficits* (again, under the high growth scenario) of 6 large sites, 12 medium sites, and 461 large sites.
- Statewide Planning Goal 9 also requires the City to assess whether there is a sufficient supply industrial and other employment lands available in the short-term. The short-term supply of land refers to suitable land that is ready for construction within one year of an application for a building permit or request for service extension. Engineering feasibility is sufficient to qualify land for the short-term supply of land. Funding availability is not required. “Competitive Short-term Supply” means the short-term supply of land provides a range of site sizes and locations to accommodate the market needs of a variety of industrial and other employment uses (OAR 660-009-0005(10)). In accordance with the State’s definition, short-term supply analysis criteria is more stringent and does not include lands as a supply source that cannot be consumed through straightforward extension of infrastructure and/or land use permitting processes that do not require some change to applicable regulations or the Comprehensive Plan.

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<sup>3</sup> Under the medium and low growth scenarios, Medford is projected to need 339.5 and 425.7 acres respectively.





**9. Urban Housing Need:** The subject property presently contains 41 attached, multiple family housing units which were built in 1966. Oregon law requires cities to provide for adequate buildable residential lands and needed housing types. The property is presently designated Urban High Density Residential (UHDR). Based on the Comprehensive Plan Housing Element, adopted September 21, 1995, there is a need for 265 vacant acres of land planned UHDR over the sixteen year planning period-years 1994 through 2010. According to the adopted Housing Element, there are about 200 vacant acres of UHDR land in the city and UGB. In 2007 the city commissioned an update to the plan Housing Element and engaged EcoNorthwest to undertake the work. On April 24, 2008, a draft Housing Element was published for review. In it, EcoNorthwest reports in Table S-1 that over the 20-year planning period (2008 to 2028) Medford will need an additional 29.9 acres of Urban High Density Residential land.

As part of this application, CSA Planning, Ltd. undertook a Housing Depreciation Analysis (Exhibit 9) which shows that if the apartments were to be kept they would require investment in regular maintenance, deferred maintenance and mitigation for additional traffic and noise related to the new Interstate 5 interchange (which channels traffic to the Barnett/Highland intersection. CSA finds that these costs amount to an aggregate \$18 per square foot, without which operating costs will continue to remain high and the occupancy will decrease as the quality and liveability of the complex continues to decline. Exhibit 9 also found that rents generated from the property (\$307 per unit on average) do not cover operating costs when taxes, cost of capital, management and maintenance expenses are included. Exhibit 9 concludes in saying that without substantial capital investment the property is expected to have deteriorated beyond a livable standard by 2012. The table attached to Exhibit 9 shows that the apartments occupying the subject property will produce significant losses and overall value over the planning period.

**10. Essential (Category 'A') Public Facilities:** The comprehensive plan defines Category 'A' public facilities as follows: (1) Sanitary sewage collection and treatment; (2) Storm Drainage; (3) Water Service; (4) Transportation Facilities.

**Sanitary Sewer Collection Lines:** There is an existing sanitary sewer line in the right-of-way of Barnett Road and it presently serves the subject property; the apartment buildings now located on the subject property are connected to the sanitary sewerage system. Representatives of the Medford Public Works Department have advised representatives of the applicant that the size and design of the sanitary sewer system serving the property is adequate in condition and capacity to accommodate commercial development commensurate with the proposed plan map designation.

**Sanitary Sewer Service (Treatment):** According to Jim Hill of the Medford Engineering Department, sewage wastewater collected and transported by the Bear Creek Interceptor is treated at the Medford Regional Water Reclamation Plant. Mr. Hill serves as the principal staff person in charge of operations at the regional plant, which is located near Bybee



Bridge where Table Rock Road crosses the Rogue River. The plant serves the Bear Creek Valley Sanitary Authority (BCVSA) and the cities of Central Point, Jacksonville, Medford, Phoenix and Eagle Point. A portion of the service charges levied on customers is allocated to treatment costs. The Regional Rate Committee as established in the September 23, 1985 Regional Sewer Agreement is authorized to set treatment charges and rates for the regional system. The Regional Rate Committee reviews the charges and rate structures annually, and rate adjustments are made as necessary. Systems development charges are allocated to plant expansion. Monthly service charges levied on customers are allocated to treatment costs, equipment repair and replacement, and plant upgrades to meet changing regulations.

The Vern Thorpe Regional Water Reclamation Facility, more commonly known as the Medford Regional Water Reclamation Facility (RWRF), was built in 1970 by the City of Medford as a regional facility to treat sewage from the cities of Central Point, Jacksonville, Medford, Phoenix, Talent and rural areas of Jackson County served by Rogue Valley Sewer Service (RVSS). The original RWRF capacity was 10 million gallons per day (MGD) average dry weather flow.

RWRF capacity was doubled between 1980 and 1990 through several incremental expansions. In 1992 the RWRF was permitted for a 20 MGD average dry weather flow, and 60 MGD wet weather flow. Subsequent to 1992 several more projects have been constructed to improve plant operating reliability, energy efficiency, and bio-solids handling capabilities, as well as increase the reliable wet weather flow handling capacity to 80 MGD.

The average daily influent flow for 2004 was 15.7 mgd, an increase from 13.2 mgd in 1988 and 14.1 mgd in 1994. Based upon population forecasting information received from member agencies, RWRF consultant West Yost & Associates projected in its November, 2000 RWRF Facilities Plan that the ultimate population to be served by the regional plant is estimated to be 190,000.

**Water Distribution Lines:** There is an existing 12-inch water main on the north side of Barnett Road with 8 and 6-inch lines stubbed into the subject property and serve the existing apartment buildings. Representatives of the Medford Water Utility have advised representatives of the applicant that the size and design of the water system serving the property is adequate in condition and capacity to accommodate commercial development commensurate with the proposed plan map designation.

**Water Supply:** According to Medford Water Commission Manager Ed Olsen, the Medford water system presently serves a population of +/-80,000. The present maximum daily use is 45 million gallons per day, (MGD). The present source and distribution system has an existing capacity of 56.5 MGD. There is an additional water source capability of 35 MGD available. Mr. Olsen stated his belief that the present facilities will be adequate until Year 2050.



**Storm Drainage:** Storm waters emanating on the property will be collected in underground pipes and discharged directly to Lazy Creek located within the property. Lazy Creek is diverted under Highland Drive by culvert and discharged into Bear Creek. The Medford Storm Drainage Master Plan has been adopted by the City as part of the comprehensive plan. The direct discharge of storm waters to Bear Creek via Lazy Creek is consistent with the Medford Storm Drainage Master Plan. Bear Creek is tributary to the Rogue River which flows to the Pacific Ocean and makes its convergence at Gold Beach.

**Streets and Traffic:** Applicant engaged Southern Oregon Transportation Engineering, Inc. and its principal, Ms. Kim Parducci to assess the traffic impacts expected to result from the proposed GLUP map amendment. A copy of the Traffic Impact Analysis (TIA) is attached is Exhibit 10. The Council reaches the following findings of fact with respect to streets and traffic based upon the evidence in Exhibit 10:

**Access:** The property is at the northeast corner of the intersection of Barnett Road and Highland Drive. It fronts on Barnett Road for a distance of 141 feet and on Highland Drive for 485 feet. If the GLUP map designation is amended, the Applicant proposes to provide access from Highland Drive, and connect through a cross-access easement to the adjacent parking areas to the East so that users can also use the existing single access driveway that these properties have onto Barnett Road which will be restricted to right-in/right-out turning movements. Arterial streets function most efficiently with the fewest number of access points per mile, thus the easement will permit the property to eliminate its existing driveway near the corner on Barnett Road in favor of the consolidated access further east.

**Street Classification:** Barnett Road is classified by the Medford Comprehensive Plan Transportation System Plan as an arterial street. Highland Drive is a collector street.

**Roadway Construction:** Barnett Road is a five-lane city arterial street with four travel lanes and a center turn lane. Barnett is now fully improved to the City's standards for arterial streets. There are concrete curbs and gutters along both sides of Barnett Road. Concrete sidewalks existing on the north side of Barnett Road. The City and ODOT have recently completed improvements at the intersection of Highland and Barnett to accommodate the new Interstate 5 interchange being constructed south of Barnett Road. Highland Drive is a three-lane collector street with two travel lanes and a turn lane.

**Summary Traffic Impacts:** The Exhibit 10 Traffic Impact Analysis prepared by Kim Parducci of Southern Oregon Transportation Engineering, LLC, dated April 29, 2008 concludes that, "the proposed 22,500 SF Medical Office Building (M.O.B.) development can be accommodated on the existing



transportation system without creating adverse impacts.” More particularly, the findings of the traffic impact analysis conclude that:

- All study area intersections are shown to operate acceptably under adjusted year 2008 conditions.
- All study area intersections are shown to operate acceptably under year 2010 no build and build conditions.
- All study area intersections are shown to operate no worse than no build conditions under future year 2023 and 2030 build conditions.
- The criteria for right turn lanes is not shown to be met at either project access point along Barnett Road or Highland Drive under year 2010 and future year 2023 build conditions.
- 95<sup>th</sup> percentile queue lengths are not expected to exceed storage lengths nor block either proposed project access point on Barnett Road or Highland Drive under year 2010 no build and build conditions
- 95<sup>th</sup> percentile queue lengths are not expected to exceed storage lengths under future year 2023 no build and build conditions with the exception of the westbound dual left turn queues. No impacts to proposed project access points are shown to exist as a result of the proposed M.O.B development under future year 2023 no build and build conditions.

Exhibit 10 goes on to state that, “the proposed M.O.B. development is in compliance with the Medford Comprehensive Plan pursuant to Medford Land Development Code 10.227(1) and Goal No. 3, Policy 1 of the Public Facilities Element. Streets that serve the subject property will accommodate projected P.M. peak traffic volumes within acceptable levels of service with the recommended improvements in place.” In summary conclusion, Exhibit 10 states: “It is concluded that the proposed 22,500 SF M.O.B. development can be approved without creating adverse impacts to the transportation system under year 2010 and future years 2023 and 2030 build conditions.”

**Police and Fire Protection:** The property is served by the Medford Police Department from its station (Fire Station 3) located at the intersection of Highland Drive and Siskiyou Boulevard, a short distance from the subject property. Emergency fire response is estimated to be three minutes.



**V**

**CONCLUSIONS OF LAW**

**Procedural Review Type; Nature of the Amendment**

The Review and Amendments section of the plan characterizes major and minor amendments as follows:

*“Major Amendments* are those land use changes that have widespread and significant impact beyond the immediate area such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships.”

*“Minor Amendments* are those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established.”

The Council concludes that the proposed amendment is not *major* because, based on the findings of fact, the change will not produce widespread and significant impact beyond the immediate area of the property. The Council instead concludes that the change is *minor* because the effects produced by the change will not be significant beyond the immediate area of the property. Based on the findings of fact, the Council also concludes that the change is not expected to result in greater potential traffic impact or impact upon other public facilities than would result if the plan designation were to remain Urban High Density Residential. Finally, the change does not affect a large area or many different ownerships. The change affects a single 1.53 acre parcel which the Council concludes is not a “large area”.

As earlier stated, the seven criteria within the Review and Amendments section of the comprehensive plan are prefaced with the following language which clearly establish alternative tests prerequisite to an affirmative decision:

*“While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.”*

The Council reaches the below conclusions of law and ultimate conclusions with respect to the proposed minor comprehensive plan map amendment. The following discussion and conclusions of law are preceded by the criteria to which they relate:



### **Criterion 1**

"A significant change in one or more Goal, Policy, or Implementation Strategy."

**Discussion; Conclusions of Law:** The Council concludes that the criterion is inapplicable. Although the city has adopted a new comprehensive plan Housing and Economic Elements since the present plan designation was applied, there is nothing relevant in the new plan additions, either positive or negative, which relates to the proposed map change. However, the Council also concludes that information and analysis contained in Medford's draft plan Economic and Housing elements (Exhibits 7 and 8) — and as reported in the Findings of Fact in Section IV — shows there to be a significant current shortage of land planned, zoned and suitable for professional/medical offices, and relative abundance of planned and zoned buildable land to accommodate high density multiple family housing. To the extent Exhibits 7 and 8 include a significant change in one or more goals, policies or implementation strategies, these cannot be used to justify compliance with Criterion 1 because the same have not been adopted by the Council; however the data and analysis in Exhibits 7 and 8 speak for themselves and can and have been used to address certain of the other approval criteria.

\* \* \* \* \*

### **Criterion 2**

"Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities."

**Discussion; Conclusions of Law:** The Council concludes that the criterion is applicable with respect to assuring adequate employment opportunities, but inapplicable with respect to an accommodation of unpredicted population trends and to satisfy urban housing needs. Based on the findings of fact (supported by the analysis contained in Johnson Gardner LLC and CSA's update to Medford's plan Economic Element) the Council finds that, while not yet adopted, the Economic Element nonetheless contains expert analysis upon which the Council is entitled to rely, and it so does and reaches the following conclusions:

- Medford (under the high growth scenario) and in consideration of the existing office commercial land supply, has deficits over the planning period of 35 acres for large office sites, 32 acres for medium office sites and 186 acres for small office sites. The subject property alone is a medium size office site; including the adjacent lands also owned by Applicant, the tract comprises a large office site.
- In addition to estimating acreages, OAR 660-009 requires cities to compare the demand for sites by type to the supply of sites by type. Draft Economic Element reports that over the 20-year planning period, Medford (under the high growth scenario) will require 11 large sites (sites having approximately 5.00 acres), 65 medium sites (sites having approximately 1.50 acre), and 554 small sites (sites having approximately 0.45 acre). Based upon the existing supply of office commercial sites, Medford has *existing deficits*





(again, under the high growth scenario) of 6 large sites, 12 medium sites, and 461 large sites. The subject property alone is a medium size office site; including the adjacent lands also owned by Applicant, the tract comprises a large office site.

- Statewide Planning Goal 9 also requires the City to assess whether sufficient supply of lands available in the short-term. *Short-term supply of land means suitable land that is ready for construction within one year of an application for a building permit or request for service extension. Engineering feasibility is sufficient to qualify land for the short-term supply of land. Funding availability is not required. "Competitive Short-term Supply" means the short-term supply of land provides a range of site sizes and locations to accommodate the market needs of a variety of industrial and other employment uses (OAR 660-009-0005(10)).* In accordance with the State's definition, short-term supply analysis criteria is more stringent and does not include lands as a supply source that cannot be consumed through straightforward extension of infrastructure and/or land use permitting processes that do not require some change to applicable regulations or the Comprehensive Plan. Exhibit 7 goes on to conclude that if the supply of acreage for Office, Commercial and other uses is combined, the short-term supply condition could reach a critical condition because the current supply source are lands projected to only supply industrial sites.

Based upon the foregoing findings of fact and conclusions of law, the Council concludes that there exists expert testimony that establishes a demonstrated need for this GLUP map change in order to supply land to assure adequate employment opportunities. Therefore the Council concludes that this application is consistent with the requirements of Criterion 2.

\* \* \* \* \*

### **Criterion 3**

"The orderly and economic provision of key public facilities."

**Discussion; Conclusions of Law:** The Council concludes that the criterion is inapplicable because the proposed GLUP map amendment will not, in itself, affect the orderly and economic provision of key public facilities. If Criterion 3 is an approval standard, the City of Medford has determined these to be and calls them, "Category 'A'" public facilities. Based upon the findings of fact in Section IV the Category 'A' facilities already exist and serve the subject property. Moreover, based on the findings of fact, the Council concludes from the evidence in Sections III and IV, that the change will not produce any significant impact upon the public facilities which serve the subject property and surrounding area.

The Council also observes that the Oregon Department of Transportation (ODOT) is nearing completion of a relocated and rebuilt South Medford I-5 Interchange. The interchange will discharge traffic from the newly constructed northbound off-ramp at Barnett Road, aligning with Highland Drive. The greater traffic levels reduce the desirability of the subject property





to supply housing. The Council also concludes that there is a substantial demand for medical offices to support both Medford hospitals. The subject property is near Rogue Valley Medical Center (RVMC) located on Barnett Road approximately one mile from the subject property. The Council is aware that little vacant land (or land that can reasonably be expected to convert to medical offices) that is near RVMC. The subject property will serve that purpose. The subject property is also appropriately located to serve other commercial needs pursuant to C-S/P zoning.

\* \* \* \* \*

#### **Criterion 4**

"Maximum efficiency of land uses within the current urbanizable area."

**Discussion; Conclusions of Law:** The Council concludes that Criterion 4 is applicable. The Council believes that land uses are made most efficient by mixed-use development, a "neo-traditional" concept of urban development not typically found in the older, "built-up" portions of Medford. In older parts of Medford, mixed-use development is not generally possible due to: 1) development patterns which are already well established, 2) a general lack of vacant land, and 3) the absence of large tracts of vacant land which can be master planned for mixed land uses as part of a planned unit development. In such areas, it is only possible to produce a mixed-use environment by integrating a mixture of plan and zoning designations. In this instance, there is already a mixture of single family detached dwellings, duplex dwellings, apartments and retail (Community Commercial) uses located in the general surrounding neighborhood. Redesignation of the subject property will produce a well-rounded mixture of land uses in the neighborhood.

If, as the Council believes, mixed-use development results in land use efficiency, then the proposed amendment will facilitate a thorough mixed-use environment and in so doing will maximize the efficiency of land uses within the current urbanizable area in compliance with Criterion 4.

\* \* \* \* \*

#### **Criterion 5**

"Environmental, energy, economic and social consequences."

**Discussion; Conclusions of Law:** The Council concludes that the plan amendment, in itself, will not produce consequences of any kind. Potential consequences will be realized at the time of new development. For (commercial/office) development to occur, in addition to the application now before the city, the property must first be rezoned (to C-S/P) and ultimate development must be approved by way of Site Plan and Architectural Review. Through the zone change process, Applicant will be required to comply with provisions of the MLDC



which deal with issues connected with ESEE considerations which have been implemented through provisions in Medford's adopted and acknowledged comprehensive plan and land development ordinance. Moreover, through Site Plan and Architectural Review, special conditions may be attached to the appearance and operation of the use to more fully deal with ESEE consequences.

The Council considers below the potential and anticipated environmental, energy, economic and social consequences which will result from the map amendment and concludes as follows:

**Environmental Consequences:** Commercial or multiple family residential developments of any kind or magnitude produce some environmental impacts which are anticipated and unavoidable. The primary difference between office commercial and multiple family residential development relate to the volume of automobile traffic generated and its resultant generation of airborne pollutants. In this regard, it is concluded that potential automobile traffic for professional offices can be accommodated in ways required by the Oregon Transportation Planning Rule, Oregon Transportation Plan, Medford Comprehensive Plan and the Medford Land Development Code (MLDC). In support thereof, the Council herewith incorporates by reference and adopts its findings of fact and conclusions of law for Criterion 9.

**Energy Consequences:** The energy consequences resulting from the plan change are virtually identical to those cited above for environmental consequences, but instead of air contaminant discharges, the consequences relate to energy consumption and these are also generally related to vehicle travel. The Council concludes that the energy consequences will also be roughly equivalent to those produced by development under the present GLUP map designation and zone. The Council also concludes that if each of the 41 existing apartment units have 800 square feet, there is a total of about 32,000 square feet and these old apartments are to be replaced by a new 22,500 square feet medical office building; the lesser square footage of planned office building and its newer condition clearly suggest that energy consumption for the office will be less than for the apartments.

**Economic Consequences:** The proposed amendment will facilitate removal of the existing deteriorating building and facilitate the construction of new general office buildings and improvement of the site which will help increase the value of properties in the surrounding area. The proposed change will also contribute to the economic base by creating new job opportunities in an economic sector which, according to Exhibit 7, is expected to produce the largest employment growth.

**Social Consequences:** With the construction of the new interchange across Barnett Road and the widening of Highland Drive, the quality of the existing apartments has changed for the worse. The existing apartment buildings have been compromised due to the widening of Highland Drive which negated the previous setback between the sidewalk and the apartment buildings and balconies. See, Exhibit 11. While there may be some social consequences



incurred due to the removal of these multi-family units, there will be an increase in employment opportunities in what is now essentially a commercial corridor along Barnett Road.

**Summary Conclusions:** The Council concludes that Criterion 5 is applicable. Based on the findings of fact, the Council also concludes that the environmental, energy, economic and social consequences connected with the proposed GLUP map amendment are roughly equivalent to those produced by development under the present Urban High Density Residential GLUP map designation, and these will be no greater than minimal.

\* \* \* \* \*

#### **Criteria 6A and 6B**

(6)(A) "Compatibility of the proposed change with other elements of the City Comprehensive Plan."

and

(6)(B) "Consistency with the goals and policies of the Comprehensive Plan." MLDC 10.191(2)(b)

**Discussion; Conclusions:** The Council concludes that the criteria are applicable and that the term, "other elements of the comprehensive plan," as used in Criterion 6(A), are the plan's goals and policies.

The fact that the Review and Amendments section of the comprehensive plan requires map amendments to comply with the comprehensive plan does not serve to make all goals and policies decisional criteria. See, *Bennett v. City of Dallas*, 17 Or LUBA 450, *aff'd* 96 Or App 645 (1989). In that case the court held that approval criteria requiring compliance with a comprehensive plan does not automatically transform all comprehensive plan goals and policies into decisional criteria. The court further held that a determination of whether particular plan policies are approval criteria must be based on the language used in the policies and the context in which the policies appear. The Council believes and we conclude that only the goals and policies of the comprehensive plan listed below may be properly construed as independent approval criteria under *Bennett v. City of Dallas*. The Council concludes that all other plan goals and policies do not operate as approval criteria and, therefore, they are not.

**PUBLIC FACILITIES ELEMENT, GOAL 3:** TO ASSURE THAT LAND USE PLAN DESIGNATIONS AND THE DEVELOPMENT APPROVAL PROCESS REMAIN CONSISTENT WITH THE ABILITY TO PROVIDE ADEQUATE LEVELS OF ESSENTIAL PUBLIC FACILITIES AND SERVICES.

**PUBLIC FACILITIES ELEMENT: POLICY 1:** \* \* \* ESSENTIAL URBAN FACILITIES AND SERVICES SHALL MEAN SANITARY SEWERS, WATER SYSTEMS, STORM DRAINAGE FACILITIES, AND STREETS. A DETERMINATION OF MINIMUM ADEQUATE SERVICE LEVELS FOR ESSENTIAL URBAN FACILITIES AND SERVICES SHALL BE BASED ON THE FOLLOWING:

**SANITARY SEWERS:** SUFFICIENT TO SERVE ANY PROPOSED DEVELOPMENT CONSISTENT WITH THE GENERAL LAND USE PLAN (GLUP) DESIGNATION AND TO ACCOMMODATE



PROJECTED PEAK FLOWS FOR THAT SPECIFIC GRAVITY FLOW SERVICE AREA AS DETERMINED BY THE CITY ENGINEER OR BY ANY APPLICABLE ADOPTED PLAN.

**DOMESTIC WATER:** SUFFICIENT TO PROVIDE ANY PROPOSED DEVELOPMENT WITH A PERMANENT URBAN DOMESTIC WATER SYSTEM CAPABLE OF SUPPLYING MINIMUM PRESSURE AND VOLUME FOR PROJECTED DOMESTIC AND FIRE CONTROL NEEDS CONSISTENT WITH THE GLUP DESIGNATION AS DETERMINED BY THE WATER UTILITY MANAGER OR ANY APPLICABLE ADOPTED PLAN.

**STORM DRAINAGE FACILITIES:** SUFFICIENT TO SERVE ANY PROPOSED DEVELOPMENT CONSISTENT WITH THE GLUP DESIGNATION AND TO ACCOMMODATE PROJECTED PEAK FLOWS FOR THAT SPECIFIC GRAVITY FLOW SERVICE AREA AS DETERMINED BY THE CITY ENGINEER OR BY ANY APPLICABLE ADOPTED PLAN.

**STREETS:** SUFFICIENT TO SERVE ANY PROPOSED DEVELOPMENT CONSISTENT WITH THE GLUP DESIGNATION AND TO ACCOMMODATE PROJECTED PEAK TRAFFIC VOLUMES AT A MINIMUM SERVICE LEVEL OF "D" OR AS INDICATED BY ANY APPLICABLE ADOPTED PLAN.

**Discussion; Conclusions:** Regarding the above Public Facilities Element Goal and Policy, essential (Category 'A') public facilities are addressed as item 10 in the findings of fact-Section IV, above. The findings of fact support a conclusion that water and sewer service, storm drainage, and public streets serving the area, as measured in ways required by the cited goal and policies, are adequate and sufficient to support the intended plan map designation. Therefore, the Council concludes that the change is consistent and compatible with Goal 3 and Policy 1 of the Public Facilities Element.

\* \* \* \* \*

#### **Criteria 7A and 7B**

(7)(A) "All applicable Statewide Planning Goals."

and

(7)(B) "Consistency with applicable Statewide Planning Goals." MLDC 10.191(2)(a)

**Discussion; Conclusions of Law:** The Council concludes that Criterion 7(A) is applicable. Criterion 7(B) is concluded to be mandatory because it is not prefaced in a way that makes it an alternative criterion.

There are fourteen Statewide Planning Goals applicable within the City of Medford. The scope and nature of the change does not suggest the direct applicability of goals other than Goal 1 (Citizen Involvement), Goal 10 (Housing), Goal 11 (Public Facilities and Services), and Goal 12 (Transportation) and the Council concludes that all other goals are inapplicable to this application.

Regarding Goal 1, the Council concludes that citizen involvement consistent with the goal is assured through methods used by the City to notify affected parties of public hearings during which the application was considered and by opportunities afforded parties to present evidence and argument. The notification and hearing procedures are in the land development



ordinance and these are found to be consistent with Goal 1 and the requirements of Oregon Revised Statutes (ORS) 197.763.

Goal 10, (Housing), requires cities:

*"To provide for the housing needs of citizens of the state."*

Based on the findings of fact, the proposed amendment will reduce by 1.53 acre the amount of Urban High Density Residential land that Medford expects to need in the future. Applicant asserts and the Council concludes that the loss 1.53 acres is not significant will not produce a short nor long term shortfall in the provision of adequate (high density/multiple family) housing because over the 20-year planning period Medford will find a need to designate substantial high density/multiple family housing in addition to that which now exists, including to replace this property which is no longer well suited (for the reasons herein explained) to providing housing. As such, the Council concludes that the change is not inconsistent with Goal 10's expressed objective of providing for the state's housing needs. Therefore, Council concludes that this amendment is not inconsistent, and, therefore it is consistent with Goal 10 and its implementing administrative rules which requires cities to provide housing to meet the needs of all citizens.

Goal 11, (Public Facilities and Services), requires cities:

*"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."*

The redesignation which affects 1.53 acres does not raise issues or require findings of fact or conclusions of law different from those presented for related goals and policies of the comprehensive plan under Criteria 6 which the Council herewith adopts by reference and incorporates. The Council concludes that the proposed amendment is consistent with Goal 11.

Goal 12 (Transportation) is more precisely addressed through its implementing administrative rule — the Oregon Transportation Planning Rule contained in OAR 660-12-060 and addressed herein below as Criterion 9. The Council herewith adopts and incorporates here its findings of fact and conclusions of law for Criterion 9 in support of its conclusion that the proposed GLUP map amendment is consistent with Goal 11.

Based upon the foregoing findings of fact and conclusions of law, the City Council concludes that the application is consistent with the requirements of Criterion 7A and 7B because the evidence shows that this application is consistent with all of the applicable Statewide Planning Goals.

\*\*\*\*\*



### **Criterion 8**

"Consistency with the applicable provisions of the Land Development Code." MLDC 10.191(2)(c)

**Discussion; Conclusions of Law:** The only provisions of the MLDC which apply to plan map amendments are the criteria set forth in MLDC 10.192— the Review and Amendments section of the comprehensive plan. The ordinance and comprehensive plan criteria for GLUP map amendments have been addressed above as Criteria 1 through 7. The Council concludes that it has adequately considered all applicable provisions of the Land Development Code and has concluded in each instance that the criteria have been duly considered and compliance has been found to exist.

\* \* \* \* \*

### **Criterion 9**

## **COMPLIANCE WITH THE OREGON TRANSPORTATION PLANNING RULE**

### **Plan and Land Use Regulation Amendments**

- (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
  - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
  - (b) Change standards implementing a functional classification system; or
  - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
    - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
    - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
    - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

**\*\* Additional provisions omitted here but are completely set forth verbatim in Section II hereinabove.**

**Discussion; Conclusions of Law:** The City Council finds that Applicant engaged Kim Parducci of Southern Oregon Transportation Engineering to undertake a Traffic Impact Analysis for the purpose of determining compliance with the Oregon Transportation Planning Rule (this criterion) and implementing provisions of the Medford Comprehensive Plan and Medford Transportation System Plan. Ms. Parducci followed the protocol set forth in the MLDC to establish the parameters, extent and methodology of the study which were





coordinated with Medford's Traffic Engineer. The Traffic Impact Analysis is contained in Exhibit 10. The City Council reaches the following conclusions of law with respect to Criterion 9 based upon the findings of fact in Section II and the Traffic Impact Analysis at Exhibit 10:

1. This application involves a proposed amendment to Medford's Comprehensive Plan (GLUP) map. The comprehensive plan has been acknowledged by LCDC and LCDC has partially acknowledged Medford's Transportation System Plan. As such, the provisions of OAR 660-012-0060(1) are required to be evaluated. The inquiry then is whether the proposed amendment "significantly affects a transportation facility."
2. OAR 660-012-0060 (1) (a) through (c) establish the ways in which a proposed GLUP map amendment is deemed to significantly affect a transportation facility and the Council considers these below:
  - A. This amendment involves a change to the plan (GLUP) mapping designation which applies to the subject privately held property and does not involve changing the functional classification of either Barnett Road, Highland Drive nor any other street or transportation facility. Therefore, the Council concludes there is no significant affect on any transportation facility by reason of the functional classification being changes pursuant to OAR 660-012-0060 (1) (a).
  - B. Similarly and for the same reasons explained in 2(A) above, the Council concludes that this amendment also does not involve any change to the standards which implement a functional classification system; neither the delay model in the Highway Capacity Manual which sets forth the Level of Service standards used by Medford, nor the Volume to Capacity Ratio used by ODOT are intended to be modified as part of this application. Therefore, the Council concludes there is no significant affect on any transportation facility by reason changing the standards that implement either of the functional classification systems in use by Medford and ODOT pursuant to OAR 660-012-0060 (1) (b).
  - C. As to OAR 660-012-0060 (1) (c) of which there are three tests (A through C):
    - Regarding OAR 660-012-0060 (1) (c) (A), the Traffic Impact Analysis in Exhibit 10 correctly reports and analyzes traffic impacts for the planning periods in use by Medford and ODOT — future years 2023 and 2030 respectively. Exhibit 10 shows that the proposed GLUP map amendment (which is intended and will allow professional/medical office land uses) will *not* result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility, including Barnett Road, Highland Drive, the nearby South Medford Interstate 5 Interchange, nor any other state or local transportation facility.





- Regarding OAR 660-012-0060 (1) (c) (B), Exhibit 10 also shows that the performance of all studied transportation facilities will *not* fall below the minimum acceptable performance standard identified in either the Medford Comprehensive Plan, Medford Transportation System Plan or the Oregon Transportation Plan.
  - Regarding OAR 660-012-0060 (1) (c) (C), Exhibit 10 also shows that the proposed GLUP map amendment will not worsen the performance of any existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
4. Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of Criterion 9 with respect to the Medford Comprehensive Plan, Medford Transportation System Plan, Oregon Transportation Plan (Highway Plan) and the requirements of the MLDC which govern the conduct of traffic impact analyses.

## VI

### ULTIMATE CONCLUSIONS

Based on the preceding findings of fact and conclusions of law, the City Council ultimately concludes that the comprehensive plan (GLUP) map amendment from Urban High Density Residential to Service Commercial has been substantiated under each of the relevant criteria as enumerated above as Criteria 1 through 9.

Respectfully submitted,

CSA PLANNING, LTD.

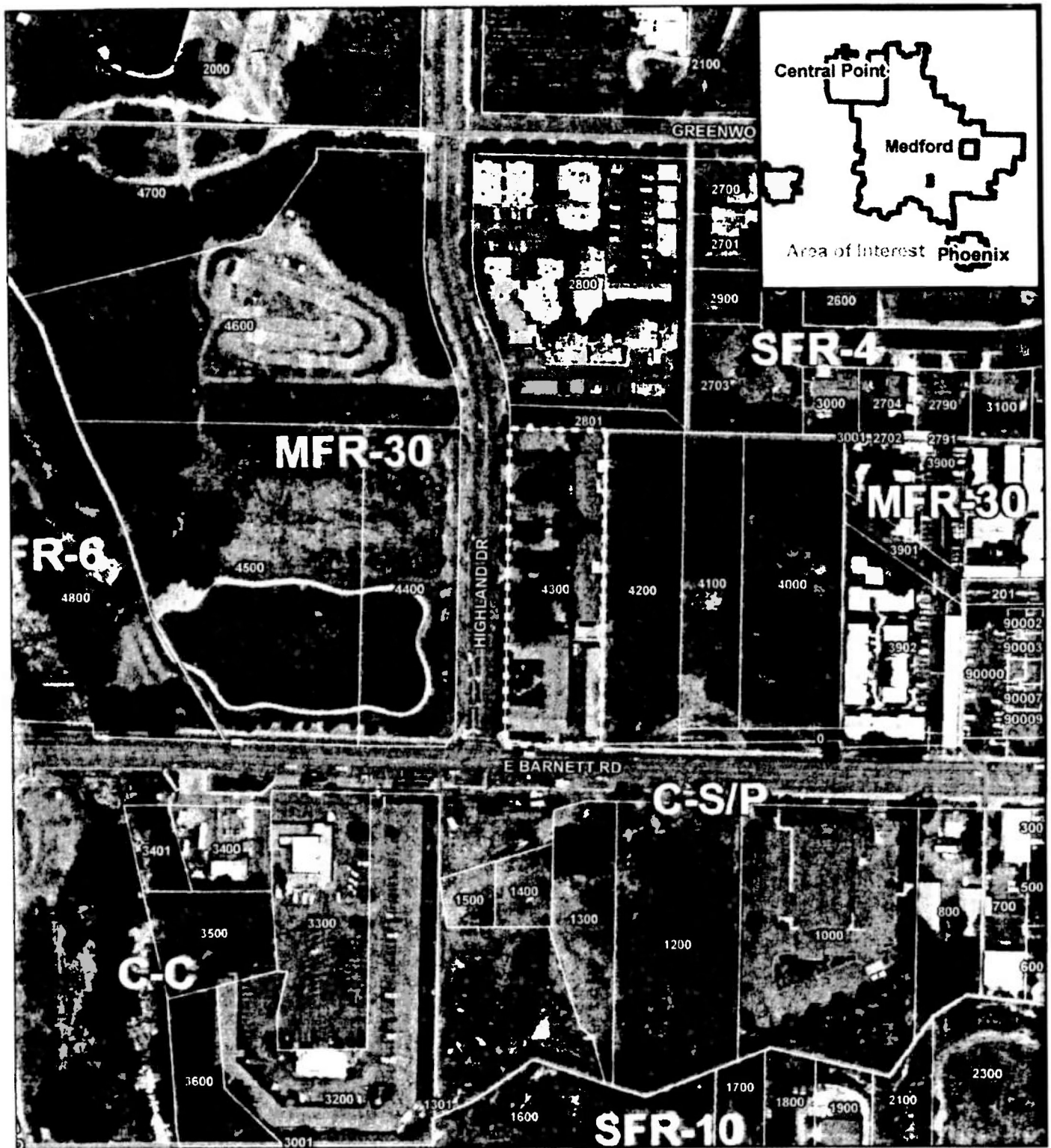


Craig A. Stone  
President, Consulting Urban Planner

**Dated May 7, 2008**







## Legend

Subject Property

Taxlots

City Zoning

## Zoning Map on Aerial

Comprehensive Plan Amendment  
Medical Eye Center

May 5, 2008 MAY 27 2008

CSA Planning Dept.

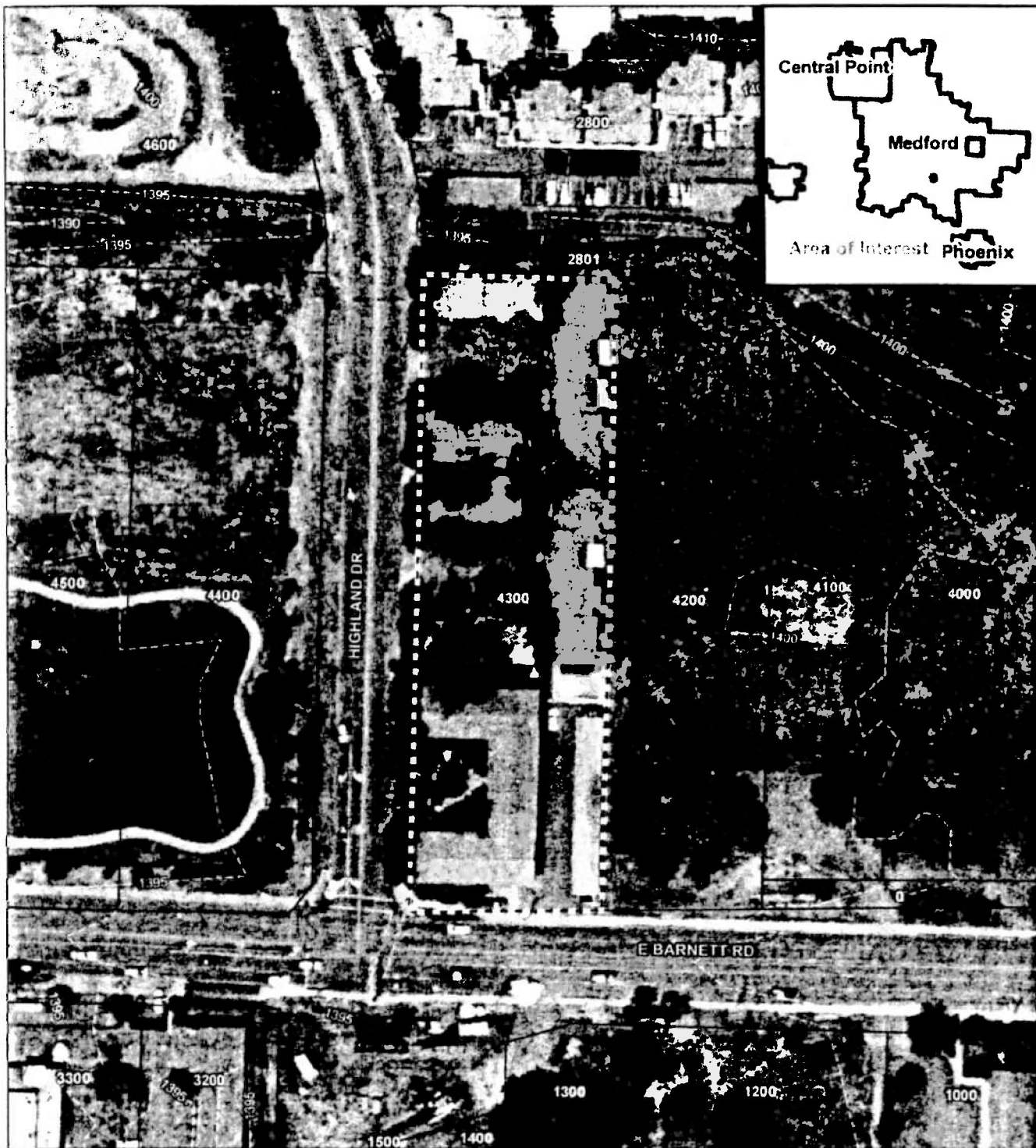
Exhibit 5



200 3 of 100 200 Feet


1 inch equals 200 feet

Source: Jackson County GIS Services



### Legend

5-Foot Contour  
Subject Property

 Taxlots

### Topographic Map

Comprehensive Plan Amendment  
Medical Eye Center

May 5, 2008

CSA Planning, Ltd.

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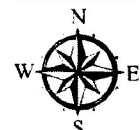
Planning Dept.

100 0 100 Feet

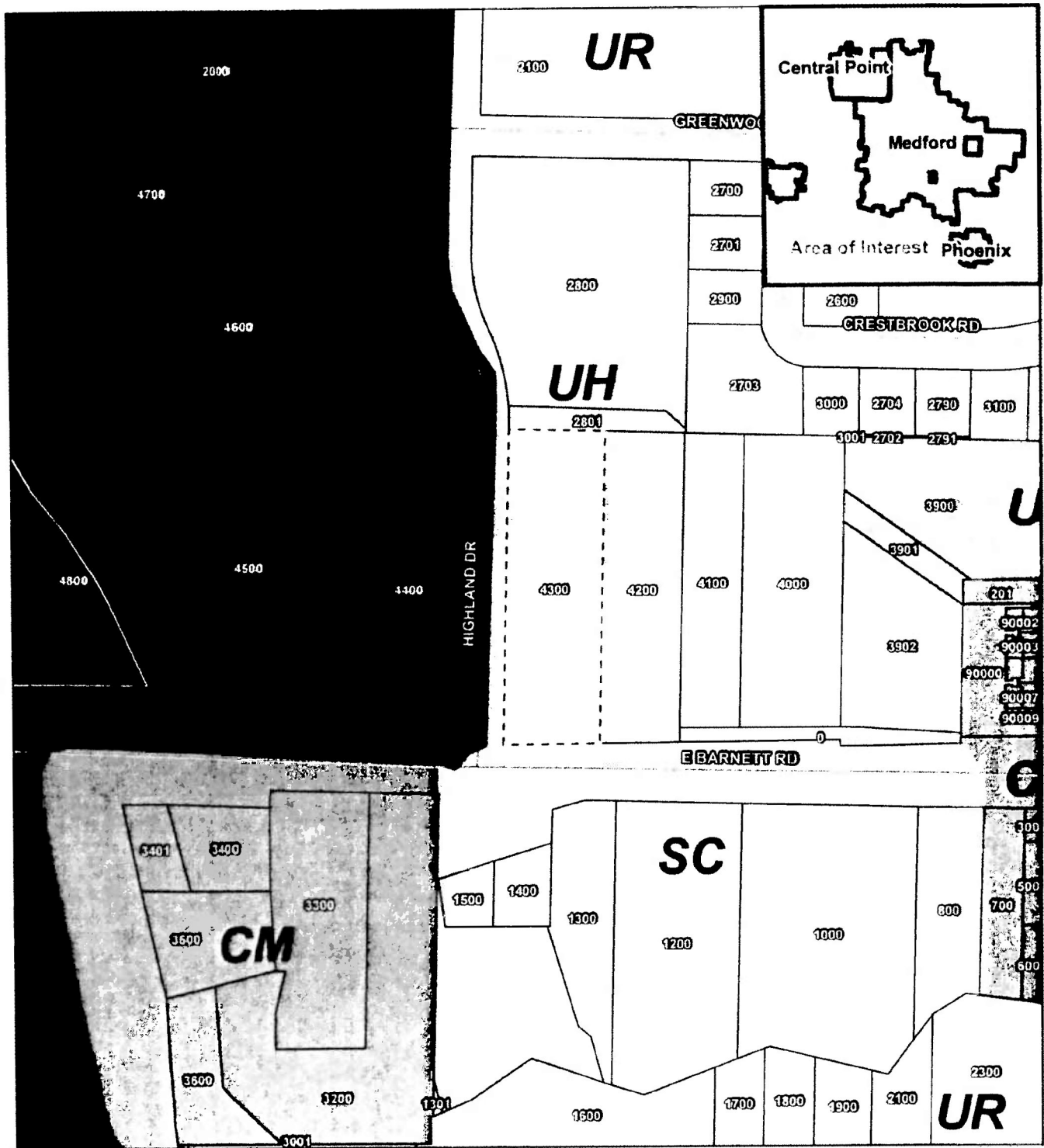
1 inch equals 100 feet

Source: Jackson County GIS Services

Exhibit 6



*D*  
*CD-08074*  
*40510*



**Legend**

Subject Property

Taxlots

**Medford GLUP**

- CM-COMMERCIAL
- SC-SERVICE COMMERCIAL
- PS-PARKS & SCHOOLS
- UR-URBAN RESIDENTIAL
- UH-URBAN HIGH DENSITY RESIDENTIAL

Exhibit 4

**General Land Use Plan (GLUP) Map**

Comprehensive Plan Amendment  
Medical Eye Center

May 5, 2008

CSA Planning, Ltd.

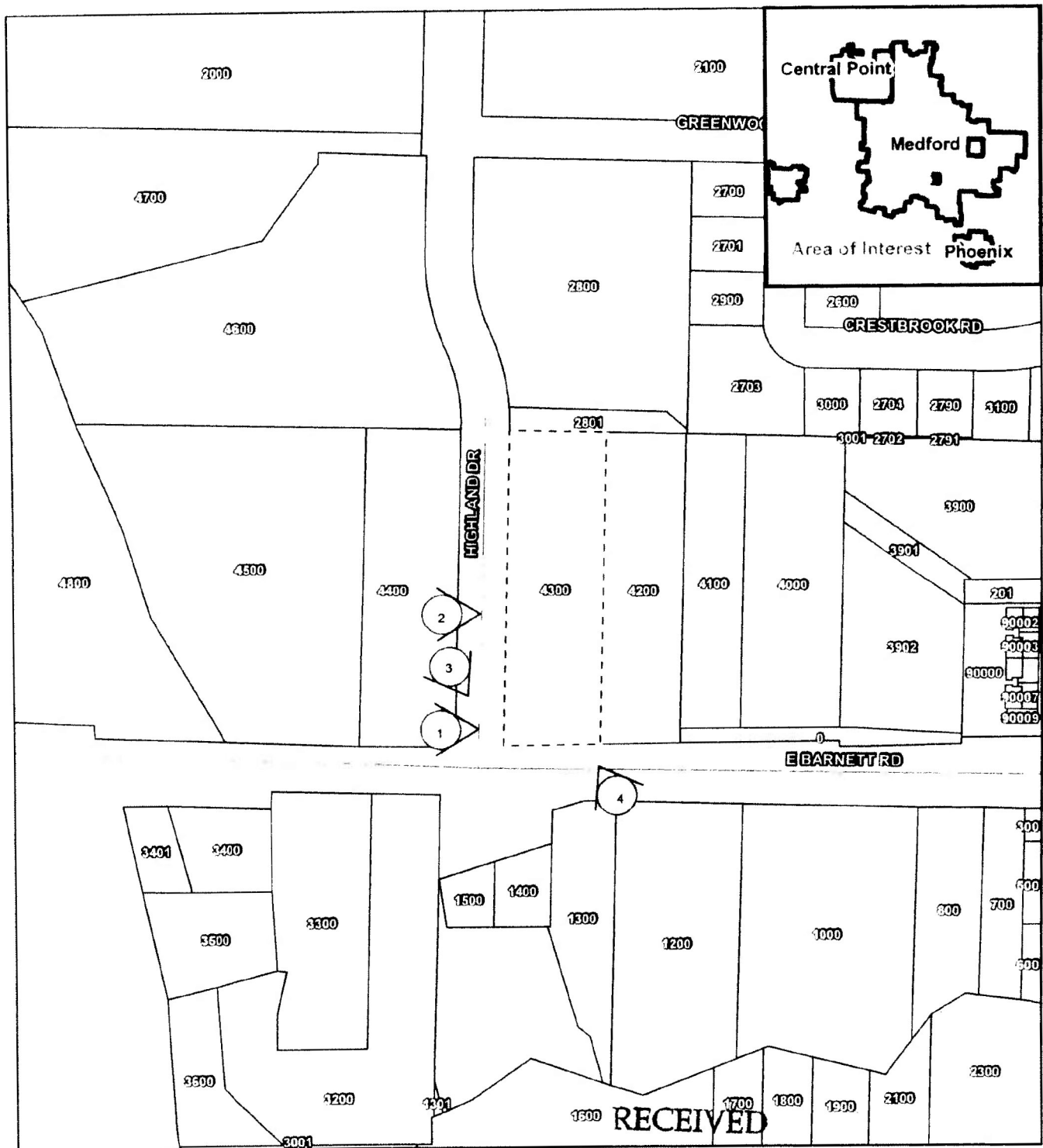
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Planning Dept.

200 Feet

Source: Jackson County GIS Services

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### Legend

Subject Property



Taxlots



Photo Location & Direction

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Planning Dept.

## Site Photo Key Map

Comprehensive Plan Amendment  
Medical Eye Center

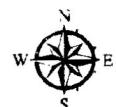
May 5, 2008

CSA Planning, Ltd.

Exhibit 11

200 200 Feet

Source: Jackson County GIS Services



*CP-08-074*  
*608/118*





①

Highland Drive corner with Barnett Road



②

Highland Drive frontage

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## Legend

②

Photo ID  
Number

## Site Photos

Comprehensive Plan Amendment  
Medical Eye Center

May 5, 2008

CSA Planning, Ltd.

Exhibit 11

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CP-08074  
70514





**Highland Drive corner with Barnett Road**  
**New Interchange entrance across Barnett**

3



**Barnett Road frontage**

4

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## Legend

2

Photo ID  
Number

## Site Photos

Comprehensive Plan Amendment  
Medical Eye Center

May 5, 2008

CSA Planning, Ltd.

Exhibit 11

D  
CD-08-074  
7041A



## Memorandum - Exhibit 9

To: Craig Stone  
Date: May 5, 2008  
Subject: Depreciation Analysis  
Medical Eye Center Apartments

### CSA Planning, Ltd

4497 Brownridge, Suite 101  
Medford, OR 97504

Telephone 541.779.0569  
Fax 541.779.0114

Alec@CSAplanning.net

Regarding land on the northeast corner of Highland and Barnett and at your request, we analyzed the viability of the existing structure to provide useful and desirable housing over the 20-year planning horizon without significant external capitalization (capital not derived from rental income of the property). This question is investigated by evaluating the operations and maintenance costs of the rental property versus revenues over time. If the operations and maintenance costs exceed the rental revenue, then disinvestments will occur and the structure will deteriorate to substandard housing.

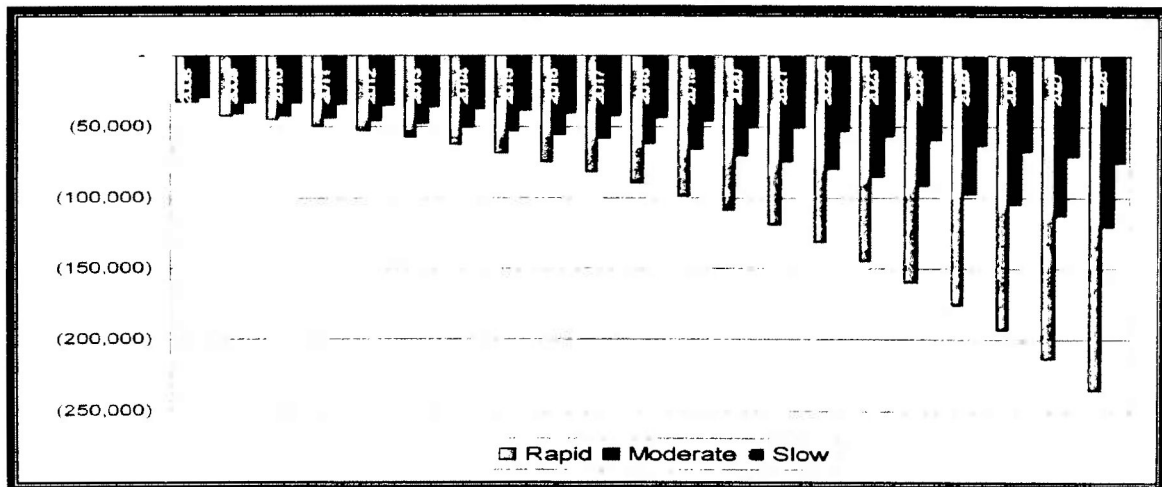
This investigation begins with an assessment of the condition of the complex. The complex is currently valued at about \$47 per square foot and is approximately 40 years old, according to the Assessor's records of Jackson County. Typical values for new multi-family structures are around \$90 per foot. As such, \$65 per foot is a reasonable figure that represents an existing but aged multi-family structure but is in good repair and viable condition. Thus, the existing complex has approximately \$18 per foot of deferred maintenance currently. Rents generated from the property are \$307 per month on average and there are 41 units in the complex.<sup>1</sup>

The attached spreadsheets provide three scenarios that depict the long-term picture for investment (disinvestments) in the structure (multi-family housing stock). The factors that affect the schedule include:

1. Regular maintenance.
2. Deferred maintenance.
3. Mitigation of increased traffic impacts to residents.
4. Interest on capital
5. Management Fees and Investment Return

The below graphs depict the trends over time:

Figure 1: Disinvestment:



<sup>1</sup> Vacant housing units were included in the calculation of average rents. At present, 16 of the total 41 units are vacant.

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CR-08174  
6/1/08



Figure 2: Value per Square Foot Depreciation

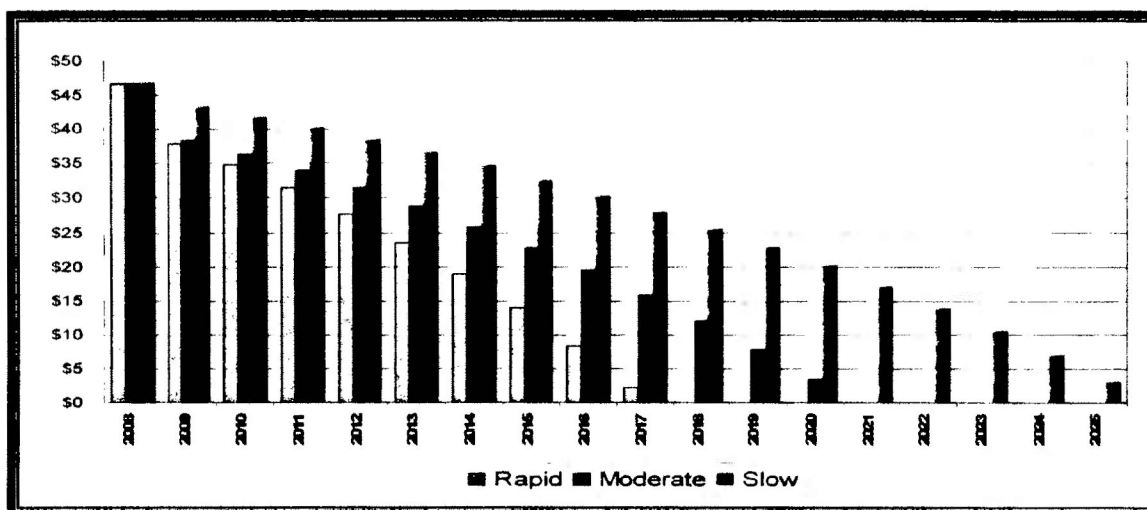


Figure 1 above depicts the level of disinvestments projected to occur over time. Figure 2 above depicts the value per square foot of depreciation associated with the above levels of disinvestments. The differences between scenarios are differences in maintenance rates and corresponding changes to vacancy rates. The rapid depreciation analysis assumes the highest maintenance costs and vacancy rates.

Under the moderate depreciation scenario regular maintenance costing approximately \$.31 per square foot will be required over the planning horizon. In addition, deferred maintenance will create the need for additional emergency repairs until sufficient investment is made to correct ongoing maintenance deficiencies.

By 2012 the project will deteriorate to less than \$32 per square foot under the moderate depreciation scenario roughly half of the \$65 per square foot which is the low end of the range which is common for structures of this type<sup>2</sup>.

#### Conclusions:

Under all the scenarios, it appears that the 40-year old apartment complex will reach the end of its useful life through depreciation from disinvestments. It would be expected that significant capital would need to be invested in an extensive renovation or complete reconstruction to create a multi-family project that would be competitive in the marketplace over the planning horizon and maintain healthy vacancy rates for this type of property.

CSA PLANNING, LTD.

Alec Miller  
Associate

AM/rsg

<sup>2</sup> Examples of values for recent multi-family projects in Medford are attached.

## Medical Eye Center- Slow Depreciation

		2008	2013	2018	2023	2028
<b>Income</b>						
Rents		3,684 \$	4,168 \$	4,716 \$	5,336 \$	6,037
Number of Units		41	41	41	41	41
Vacancy Rate	11 month tenure	8.3%				
Number of square feet	22656					
Revenue per SF	\$ 6.11					
Occupied		92%	87%	82%	77%	72%
<b>Total Income</b>		<b>\$ 138,457</b>	<b>\$ 148,107</b>	<b>\$ 157,902</b>	<b>\$ 167,714</b>	<b>\$ 177,377</b>
<b>Present Value of Income @8% 2008-2038</b>	0.12	<b>\$1,034,197</b>				
<b>Operating Expenses</b>						
<b>Taxes</b>						
Assessed Value		\$ 1,529,380	\$ 1,688,559	\$ 1,864,306	\$ 2,058,344	\$ 2,272,578
Tax Rate		1.4%	1.4%	1.4%	1.4%	1.4%
<b>Subtotal Taxes</b>		<b>21,901</b>	<b>24,180</b>	<b>26,897</b>	<b>29,475</b>	<b>32,543</b>
<b>Management and Return</b>						
Management Fees	5%	\$ 8,923	\$ 7,833	\$ 8,862	\$ 10,028	\$ 11,344
Interest and payments	8%	\$109,918	\$109,918	\$109,918	\$109,918	\$109,918
67% of RMV- loan balance	\$ 1,079,178					
Legal	1%	\$ 682	\$ 741	\$ 790	\$ 839	\$ 887
Banking, Accounting, Administration	1%	\$ 1,385	\$ 1,481	\$ 1,579	\$ 1,677	\$ 1,774
Additional Contingencies	2%	\$ 2,769	\$ 2,962	\$ 3,158	\$ 3,354	\$ 3,548
Gross Return	10%	\$ 13,846	\$ 14,811	\$ 15,790	\$ 16,771	\$ 17,738
<b>Subtotal Management</b>		<b>\$ 121,685</b>	<b>\$ 122,933</b>	<b>\$ 124,306</b>	<b>\$ 125,613</b>	<b>\$ 127,469</b>
<b>Maintenance</b>						
Annual Maintenance	4% 5% or \$.31/SF	4,846	5,483	6,203	7,018	7,941
		20,390	38,285	52,983	72,937	99,933
		25,236	43,768	59,196	79,955	107,874
<b>Total Expenses</b>		<b>168,822</b>	<b>190,881</b>	<b>210,198</b>	<b>235,244</b>	<b>267,886</b>
<b>Balance</b>						
Deferred Maintenance Liability		587,375	817,569	1,130,248	1,554,082	2,127,598
Assessor's Real Market Value of Buildings		1,300,280				
<b>Investment(Disinvestment)</b>		<b>(30,365)</b>	<b>(42,774)</b>	<b>(52,298)</b>	<b>(67,530)</b>	<b>(90,508)</b>
<b>Deferred Maintenance</b>						
Investment to mitigate traffic pattern impacts	\$ 150,000	150,000				
Deferred Maintenance	1%	\$407,808	\$785,708	\$1,059,861	\$1,458,740	\$1,988,659
New Deferred Maintenance		\$25,236	\$43,768	\$59,196	\$79,955	\$107,874
New Emergency Maintenance		\$4,330	\$8,095	\$11,191	\$15,387	\$21,065
<b>Subtotal Investment Required</b>	\$437,375	<b>\$179,567</b>	<b>\$51,863</b>	<b>\$70,387</b>	<b>\$95,342</b>	<b>\$128,939</b>
<b>Subtotal Investments</b>		<b>\$587,375</b>	<b>\$817,569</b>	<b>\$1,130,248</b>	<b>\$1,554,082</b>	<b>\$2,127,598</b>
<b>Total</b>		<b>\$ 587,375</b>	<b>\$ 817,569</b>	<b>\$ 1,130,248</b>	<b>\$ 1,554,082</b>	<b>\$ 2,127,598</b>
<b>Value of Buildings</b>						
Value of Buildings	1,080,351	\$ 880,784	\$ 650,590	\$ 337,911	\$ (85,923)	\$ (659,439)
Value per SF	\$47	\$38	\$28	\$18	\$-4	\$-29

# Medical Eye Center- Moderate Depreciation

		2008	2013	2018	2023	2028
<b>Income</b>						
Rents		3,684	\$ 4,168	\$ 4,718	\$ 5,338	\$ 6,037
Number of Units		41	41	41	41	41
Vacancy Rate	11 month tenure	8.3%				
Number of square feet	22656					
Revenue per SF	\$ 0.11					
Occupied		92%	87%	82%	77%	72%
Total Income		\$ 138,457	\$ 148,107	\$ 157,902	\$ 167,714	\$ 177,377
Present Value of Income @8% 2008-2038	0.12	\$1,034,197				
<b>Operating Expenses</b>						
<b>Taxes</b>						
Assessed Value		\$ 1,529,380	\$ 1,688,559	\$ 1,864,306	\$ 2,058,344	\$ 2,272,578
Tax Rate		1.4%	1.4%	1.4%	1.4%	1.4%
Subtotal Taxes		21,901	24,180	26,697	29,475	32,543
<b>Management and Return</b>						
Management Fees	5%	\$ 6,923	\$ 7,833	\$ 8,862	\$ 10,028	\$ 11,344
Interest and payments	8%	\$109,918	\$109,918	\$109,918	\$109,918	\$109,918
87% of RMV- loan balance	\$ 1,079,176					
Legal	1%	\$ 692	\$ 741	\$ 790	\$ 839	\$ 887
Banking, Accounting, Administration	1%	\$ 1,385	\$ 1,481	\$ 1,579	\$ 1,677	\$ 1,774
Additional Contingencies	2%	\$ 2,769	\$ 2,962	\$ 3,158	\$ 3,354	\$ 3,548
Gross Return	10%	\$ 13,846	\$ 14,811	\$ 15,790	\$ 16,771	\$ 17,738
Subtotal Management		\$ 121,685	\$ 122,833	\$ 124,305	\$ 125,813	\$ 127,469
<b>Maintenance</b>						
Annual Maintenance	5% or \$.31/SF	8,923	7,833	8,862	10,028	11,344
		20,390	40,732	59,807	87,004	125,868
		27,313	48,564	68,669	97,031	137,030
Total Expenses		170,899	195,677	219,671	252,319	297,042
<b>Balance</b>						
Deferred Maintenance Liability		593,824	880,464	1,290,115	1,873,859	2,703,774
Assessor's Real Market Value of Buildings		1,300,280				
Investment(Disinvestment)		(32,442)	(47,570)	(61,769)	(84,606)	(119,868)
<b>Deferred Maintenance</b>						
Investment to mitigate traffic pattern impacts	\$ 150,000	150,000				
Deferred Maintenance	2%	\$407,808	\$814,635	\$1,198,150	\$1,740,086	\$2,513,728
New Deferred Maintenance		\$27,313	\$48,564	\$68,669	\$97,031	\$137,030
New Emergency Maintenance		\$8,702	\$17,264	\$25,298	\$36,742	\$53,015
Subtotal Investment Required	\$443,824	\$186,016	\$65,828	\$93,968	\$133,773	\$190,045
Subtotal Investments		\$593,824	\$880,464	\$1,290,115	\$1,873,859	\$2,703,774
Total		\$ 593,824	\$ 880,464	\$ 1,290,115	\$ 1,873,859	\$ 2,703,774
Value of Buildings	1,060,351	\$ 874,335	\$ 587,695	\$ 178,044	\$ (405,700)	\$ (1,235,618)
Value per SF	\$47	\$38	\$26	\$8	(\$18)	(\$55)

## Medical Eye Center- Rapid Scenario

		2008	2013	2018	2023	2028
<b>Income</b>						
Rents		3,684 \$	4,188 \$	4,716 \$	5,336 \$	6,037
Number of Units		41	41	41	41	41
Vacancy Rate	11 month tenure	8.3%				
Number of square feet	22656					
Revenue per SF	\$ 6.11					
Occupied		92%	84%	77%	69%	62%
Total Income		\$ 138,457	\$ 143,834	\$ 148,234	\$ 151,307	\$ 152,627
Present Value of Income @ 6% 2008-2038	0.12	\$1,034,197				
<b>Operating Expenses</b>						
<b>Taxes</b>						
Assessed Value		\$ 1,529,380	\$ 1,688,559	\$ 1,864,306	\$ 2,058,344	\$ 2,272,578
Tax Rate		1.4%	1.4%	1.4%	1.4%	1.4%
Subtotal Taxes		21,901	24,180	26,697	29,475	32,543
<b>Management and Return</b>						
Management Fees	5%	\$ 6,923	\$ 7,833	\$ 8,862	\$ 10,026	\$ 11,344
Interest and payments	8%	\$109,916	\$109,916	\$109,916	\$109,916	\$109,916
67% of RMV- loan balance	\$ 1,079,176					
Legal	1%	\$ 692	\$ 719	\$ 741	\$ 757	\$ 763
Banking, Accounting, Administration	1%	\$ 1,385	\$ 1,438	\$ 1,482	\$ 1,513	\$ 1,526
Additional Contingencies	2%	\$ 2,769	\$ 2,877	\$ 2,965	\$ 3,026	\$ 3,053
Gross Return	10%	\$ 13,846	\$ 14,383	\$ 14,823	\$ 15,131	\$ 15,263
Subtotal Management		\$ 121,685	\$ 122,783	\$ 123,966	\$ 125,239	\$ 126,802
<b>Maintenance</b>						
Annual Maintenance	5% or \$ 31/SF	6,923	7,833	8,862	10,026	11,344
		20,390	46,628	78,591	131,004	216,770
		27,313	54,460	87,453	141,030	228,114
<b>Total Expenses</b>		170,899	201,424	238,117	295,744	387,259
<b>Balance</b>						
Deferred Maintenance Liability		606,877	1,036,367	1,742,245	2,899,156	4,791,688
Assessor's Real Market Value of Buildings		1,300,280				
Investment(Disinvestment)		(32,442)	(57,589)	(89,682)	(144,437)	(234,632)
<b>Deferred Maintenance</b>						
Investment to mitigate traffic pattern impacts	\$ 150,000	150,000				
Deferred Maintenance	5%	\$407,808	\$932,556	\$1,571,827	\$2,820,071	\$4,335,396
New Deferred Maintenance		\$27,313	\$54,460	\$87,453	\$141,030	\$228,114
New Emergency Maintenance		\$21,756	\$49,351	\$82,964	\$138,055	\$228,176
Subtotal Investment Required	\$456,877	\$199,069	\$103,811	\$170,417	\$279,085	\$456,289
Subtotal Investments		\$606,877	\$1,036,367	\$1,742,245	\$2,899,156	\$4,791,688
<b>Total</b>		\$ 606,877	\$ 1,036,367	\$ 1,742,245	\$ 2,899,156	\$ 4,791,688
<b>Value of Buildings</b>	1,060,351	\$ 861,282	\$ 431,792	\$ (274,086)	\$ (1,430,997)	\$ (3,323,520)
<b>Value per SF</b>	\$47	\$38	\$19	\$12	\$63	\$117



# SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

112 Monterey Drive - Medford, Or. 97504 - Phone (541) 608-9923 - Email: Kwkpt@Q.com

August 4, 2008

Peter Mackprang, Associate Traffic Engineer  
City of Medford Public Works Department  
411 W. 8<sup>th</sup> Street  
Medford, OR 97501

Subject: Medical Eye Center Traffic Impact Analysis Revisions

Dear Mr. Mackprang:

Southern Oregon Transportation Engineering, LLC received comments from Public Works dated July 1, 2008 pertaining to the Medford Medical Eye Center M.O.B. traffic impact analysis. The requested revisions have been made or clarifications provided in the following points:

- 1) ***The development should have 83 PM Peak Hour trips. However, Figure 8 only shows a total of 59 exiting and entering trip. Please revise the trip distribution and the related Synchro analysis.***

The number of development trips at project driveways has been revised to reflect 83 PM peak hour trips. Trips from the existing apartment complex were previously deducted from driveways in error. Figures 8, 9, and 11 have been revised and are attached for reference.

- 2) ***The westbound link length for the intersection of Barnett / Highland is 341 ft, which is shorter than westbound queue length for through movement under the year 2010 no built scenario. It is unclear if the through lane queue blocks the left turn traffic. Please extend the westbound link length and re-run the SimTraffic simulation for year 2010 and 2023 built and no built scenarios.***

Two things are happening here which cause the output to be confusing. The first is that simtraffic takes a link distance from the synchro model and converts it into an available link distance in the simulation output so the 341 feet that is shown in the simulation output is incorrect. The actual available distance is 450 feet to the first project driveway. This is what should be shown in the simulation. This correction has been made to year 2010 and 2023 synchro models and simulations and the corresponding output sheets are provided in the attachments. The second thing happening is the project driveway along Barnett Road is located 450 feet east of Highland Drive so any queue longer than that distance for the east approach at the intersection of Barnett / Highland is pushed through to the westbound queue length in the Project Driveway / Barnett output. When reviewing the output sheets (under any of the scenarios), if the westbound queue length for the left turn lane exceeds its storage length then it is spilling into the adjacent through lane. Similarly, if the westbound queue length for the outside through lane exceeds 450 feet then it is blocking the project driveway along Barnett Road. Refer to the attached revised SimTraffic output sheets for reference.

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- 3) *The westbound left turn storage length is shown as 300 ft and the study states the storage bay is 350 ft long. Please address the difference.*

The westbound left turn storage length coded in the synchro model(s) is incorrect and should reflect what is stated in the report. All storage lengths in error for the intersection of Barnett / Highland have been revised and simulations re-run. Revised simulations output sheets are attached for reference.

- 4) *SimTraffic shows the southbound through queue length for the Year 2010 Built is longer than southbound through queue for the Year 2023 Built at the intersection of Barnett / Highland. With the increase in volume from Year 2010 to 2023, the queue length should also increase. Please address this concern.*

Synchro models for years 2010 and 2023 have been compared and revised if not consistent. Inconsistencies between models can produce conflicting output. Simulations have been re-run and output sheets are attached for reference.

## **CONCLUSIONS:**

### **Design Year 2010**

Results of the revisions show that the westbound queue length for the westbound left turn at Barnett / Highland does not exceed 350 feet so it is not shown to spill into the adjacent westbound through lane under year 2010 build and no build conditions. The westbound queue length for the westbound outside through lane does not exceed 450 feet so it is not shown to block the project driveway under year 2010 build and no build conditions. The southbound queue length for the southbound left turn at Barnett / Highland exceeds 250 feet so it is shown to spill into the adjacent southbound through lane under year 2010 build and no build conditions. The southbound queue length for the inside southbound through lane does not exceed 485 feet so it is not shown to block the project driveway on Highland Drive even with the spillback from the southbound left turn queue under year 2010 build and no build conditions.

Right turn lane criterion westbound on Barnett Road at the project driveway and northbound on Highland at the project driveway is not met under year 2010 build conditions.

### **Future Year 2023**

Results of the revisions show that the westbound queue length for the westbound left turn at Barnett / Highland exceed 350 feet so it is shown to spill into the adjacent westbound through lane under future year 2023 build and no build conditions. The westbound queue length for the outside westbound through lane does not exceed 450 feet so it is not shown to block the project driveway under future year 2023 build and no build conditions. The southbound queue length for the southbound left turn at Barnett / Highland exceeds 250 feet so it is shown to spill into the adjacent southbound through lane under future year 2023 build and no build conditions. The southbound queue length for the inside southbound through lane does not exceed 485 feet so it is not shown to block the project driveway on Highland Drive even with the spillback from the southbound left turn queue under future year 2023 build and no build conditions.

Right turn lane criterion westbound on Barnett Road at the project driveway and northbound on Highland Drive at the project driveway is not met under future year 2023 build conditions.

Thank you for your consideration and review of these revisions. Please let me know if you have any further questions or concerns.

Sincerely,



Kimberly Parducci PE, PTOE  
SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

Cc: Planning Department  
Client



RENEWAL: 12/31/10

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## **I. EXECUTIVE SUMMARY**

### **Summary**

Southern Oregon Transportation Engineering prepared a traffic impact analysis for a proposed 22,500 SF Medical Office Building (M.O.B.) for the Medford Medical Eye Center. The proposed development is located along the east side of Highland Drive and north side of Barnett Road on Township 37S Range 1W Section 29C, tax lot 4300 in Medford, Oregon.

The site is currently zoned MFR-30 (Multi-Family 30 dwelling units per acre) and has 41 existing apartments occupying it. The applicant proposes to tear down the existing apartments and develop a 22,500 SF Medical Office Building (M.O.B.). A comprehensive plan map amendment and zone change to Commercial (C-S/P) is required for the proposed development. The site is currently estimated to generate 25 trips during the P.M. peak hour. The proposed project is estimated to generate 84 trips during the P.M. peak hour. The net increase in trips to the transportation system is 59 P.M. peak hour trips. Access to the site will be from Highland Drive and from a restricted (right-in, right out) access on Barnett Road. Both access points exist under current conditions and will be shared with the adjacent property to the east.

The City of Medford estimates trip generations for vacant property based on its proposed land use. C-S/P is estimated to generate 500 ADT per acre which results in 765 ADT or the equivalent of 77 trips during the P.M. peak hour. The proposed development is estimated to generate 813 ADT or 84 trips during the P.M. peak hour based on a 22,500 SF M.O.B. Because the use was known and generated more trips than the City's estimation, the higher trip generation was used in this analysis.

The traffic analysis evaluated the impacts of a 22,500 SF M.O.B. on the surrounding transportation system during the P.M. peak hour, which is shown to be the peak hour of the day in this area. Analysis years include an existing year 2008, a build year 2010, and future years 2023 and 2030 to meet the requirements of both the City and State.

---

## Conclusions

The findings of the traffic impact analysis conclude that the proposed 22,500 SF Medical Office Building (M.O.B.) development can be accommodated on the existing transportation system without creating adverse impacts.

Intersection operations, 95<sup>th</sup> percentile queue lengths, turn lanes, and crash histories were evaluated to address project impacts. Results of the analysis show the following:

- All study area intersections are shown to operate acceptably under adjusted year 2008 conditions.
- All study area intersections are shown to operate acceptably under year 2010 no build and build conditions.
- All study area intersections are shown to operate no worse than no build conditions under future year 2023 and 2030 build conditions.
- The criteria for right turn lanes is not shown to be met at either project access point along Barnett Road or Highland Drive under year 2010 and future year 2023 build conditions
- 95<sup>th</sup> percentile queue lengths are not expected to exceed storage lengths nor block either proposed project access point on Barnett Road or Highland Drive under year 2010 no build and build conditions
- 95<sup>th</sup> percentile queue lengths are not expected to exceed storage lengths under future year 2023 no build and build conditions with the exception of the westbound dual left turn queues. No impacts to proposed project access points are shown to exist as a result of the proposed M.O.B. development under future year 2023 no build and build conditions.

The proposed M.O.B. development is in compliance with the Medford Comprehensive Plan pursuant to Medford Land Development Code 10.227(1) and Goal No. 3, Policy 1 of the Public Facilities Element. Streets that serve the subject property will accommodate projected P.M. peak traffic volumes within acceptable levels of service with the recommended improvements in place.

It is concluded that the proposed 22,500 SF M.O.B. development can be approved without creating adverse impacts to the transportation system under year 2010 and future years 2023 and 2030 build conditions.

## EXECUTIVE SUMMARY

The *Housing Element* is intended to comply with statewide planning policies that govern housing, including Goal 10 (Housing), ORS 197.296, and OAR 660 Division 8. The *Housing Element* presents analysis of trends that may affect housing need in Medford over the 2008-2028 period, including demographic, local residential development, housing affordability, and national housing trends.

The housing analysis addresses the requirements of ORS 197.296 and shows that over the 2008-2028 period, Medford will need:

- 15,178 new dwelling units to accommodate population growth between 2008 and 2028.
- An average of 759 new dwelling units will be needed annually, which is higher than the average number of building permits issued (650) over the 1996 to 2006 period.
- A housing split of 68% single-family housing types (single-family detached, single-family attached, and manufactured homes) and 32% will be multifamily (condos, townhomes, and apartments).
- An average residential gross density of 5.2 dwelling units per gross acre.

According to the City's Buildable Lands Inventory, Medford has about 2,318 acres of vacant and partially vacant residential land. In addition, Medford has about 409 acres of residential land that is likely to redevelop over the 20-year period. Medford has an estimated capacity for development of 10,510 dwelling units on buildable land (vacant, partially vacant, and redevelopable) within the 2008 UGB.

Table S-1 shows land need for residential development for the 2008-2028 period. The results of Table S-1 show the following range of residential land needs:

- **Deficit in UR.** Medford has a deficit of land in the Urban Residential (UR) designation of about 879 gross acres.
- **Deficit in UH.** Medford has a deficit of land in the Urban High Density Residential (UH) designation of about 30 gross acres.
- **Deficit in UM.** Medford has a deficit of land in the Urban Medium Density Residential (UM) designation of about 52 gross acres.

**Housing in Commercial Designations.** Medford will need about 78 acres for multifamily or mixed-use housing in commercial areas

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**TABLE S-1  
LAND NEEDED FOR NEW DWELLING UNITS, 2008-2028  
CITY OF MEDFORD UGB**

<b>Plan Designation</b>	<b>DU Capacity</b>	<b>DU needed</b>	<b>Surplus/ (deficit)</b>	<b>Needed Density (DU/Net Ac)</b>	<b>Net Acres</b>	<b>Needed Density (Gross)</b>	<b>Needed Gross Acres</b>
UH	2,301	2,732	(431)	16.9	25.4	14.4	29.9
UM	280	911	(631)	14.9	42.4	12.2	51.8
UR	6,866	10,473	(3,607)	5.0	720.9	4.1	879.2
Commercial (CC/CN)	1,063	1,063	0	16.1	66.0	13.7	77.7
<b>Total</b>	<b>10,510</b>	<b>15,178</b>	<b>-4,669</b>				

Source: ECONorthwest

Note: A net acre consists of 43,560 square feet of land. A gross acre excludes present and future rights-of-way, restricted hazard areas, public open spaces and restricted resource protection areas.

Table S-2 shows a summary of residential land need in Medford over the 2008-2028 period. Table S-2 is based on the land need shown in Table S-1 and land needed for public and semi-public uses (435 gross acres) and the need for land for group quarters (21 gross acres), as described in the Element. Table S-2 shows:

- Need for 879 gross acres in the UR designation
- Need for 30 gross acres in the UH designation and 52 gross acres in the UM designation
- Need for 21 gross acres for development of group quarters, predominantly housing for seniors<sup>1</sup>
- Need for 435 gross acres for public and semi-public uses.
- Need for a total of 1,416 gross acres in residential designations

**TABLE S-2  
SUMMARY OF LAND NEED IN RESIDENTIAL  
PLAN DESIGNATION, 2008-2028  
CITY OF MEDFORD UGB**

	<b>Total Buildable Land</b>	<b>Needed land (Gross Ac)</b>
<b>Residential development</b>		
UR	121	879
UM	41	52
UH	2,156	30
<b>Group quarters</b>	N/A	21
<b>Public and semi-public lands</b>	N/A	435
<b>Total</b>	<b>2,318</b>	<b>1,416</b>

Source: City of Medford GIS data; analysis by ECONorthwest

<sup>1</sup> The estimate of land need for group quarters is based on the estimate of people in group quarters and average household size shown in Table 30. Development of group quarters was assumed to occur in the UH designation at the same density as other multifamily housing in UH (12.2 du per gross acre).

## EXHIBIT 7

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# City of Medford

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## Exhibit E

Excerpt from

### Medford Comprehensive Plan, Buildable Land Inventory

<b>Table 1 All Land in Medford UGB</b>				
	Vacant	Redevelopable	Partially Developed Residential	Developed
<b>GLUP</b>	Acres	Acres	Acres	Acres
Commercial & City Center (CM & CC)	209	105		1304
Service Commercial (SC)	50	27		231
General Industrial (GI)	445	271		676
Heavy Industrial (HI)	350	89		680
Urban High Density Residential (UH)	100	86	23	594
Urban Medium Density Residential (UM)	30	3	12	4
Urban Residential (UR)	1661	706	572	5466
Other (Airport & Parks/Schools)				1192
<b>Total</b>	<b>2834</b>	<b>1287</b>	<b>608</b>	<b>10168</b>
ADOPTED February 21st, 2008 ORDINANCE 12008-03 Property Class data source: Jackson County, March 2007	Unbuildable Acres:			488
	Public Right-of-Way Acres:			2700
	<b>Medford UGB Acres:</b>			<b>18086</b>

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**CITY OF MEDFORD**

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Planning Dept.

July 1, 2008

Kimberly Parducci  
Southern Oregon Transportation Engineering  
112 Monterey Drive  
Medford, OR 97504

We have reviewed the Traffic Impact Analysis report for the Medford Medical Eye Center M.O.B. Development and have the following comments:

1. The development should have 83 PM Peak Hour trips. However, Figure 8 only shows a total of 59 exiting and entering trip. Please revise the trip distribution and the related Synchro analysis.
2. The westbound link length for the intersection of Barnett / Highland is 341 ft, which is shorter than westbound queue length for through movement under the year 2010 no built scenario. It is unclear if the through lane queue blocks the left turn traffic. Please extend the westbound link length and re-run the SimTraffic simulation for year 2010 and 2023 built and no-built scenarios.
3. The westbound left turn storage length is shown as 300 ft and the study states the storage bay is 350 ft long. Please address the difference.
4. SimTraffic shows the southbound through queue length for the Year 2010 Built is longer than southbound through queue length for the Year 2023 Built at the intersection of Barnett / Highland. With the increase in volume from Year 2010 to 2023, the queue length should also increase. Please address this concern.

If you have any questions, feel free to contact me at 774-2121.

Sincerely,

Peter Mackprang  
Associate Traffic Engineer

Cc: Alex Georgevitch, Transportation Manager  
File

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**CITY OF MEDFORD**  
INTER - OFFICE MEMORANDUM

**RECEIVED**  
**AUG 13 2008**  
**PLANNING DEPT.**

TO: Planning Commission

FROM: Public Works Department – Traffic Engineering

SUBJECT: Revised Recommendation based on the Medical Eye Center TIA

DATE: August 13, 2008

The Traffic Impact Analysis (TIA) for the proposed Medical Eye Center Application was prepared by Southern Oregon Transportation Engineering, LLC and submitted to Public Works for review.

The Traffic Impact Analysis was based on the following assumptions:

1. The access on Barnett Road that current exists will be closed and taken through a shared access approximated 450 ft east of Highland Drive with the adjacent property.
2. The project driveways maintain adequate sight distance.
3. The development will be a 22,500 SF medical office building. The proposed project will generate 84 trips during PM peak hour.

Any deviation from the assumptions may require the re-analysis.

Intersections significantly impacted by the proposed development were evaluated with Highway Capacity Manual (HCM) procedures. The studied intersections include: the intersections of Barnett Road / Highland Drive, Project driveway / Barnett Road, Project driveway / Highland Drive, Garfield Avenue / ORE 99, Center Drive / Garfield Avenue, and I-5 signal / Garfield Avenue.

Intersection performance analysis concludes that the studied intersections under City's jurisdiction will perform at acceptable Level of Service standards for the City of Medford for the Year 2010 no build, Year 2010 build, Year 2023 no build, and Year 2023 build scenarios. The Public Works Department concurs with the following findings:

1. For Year 2010, the 95<sup>th</sup> percentile queue length for the westbound left turn lane at Barnett / Highland will not exceed the left turn lane length and will not spill into westbound through lane under no build and build conditions. The queue for westbound through lane will not exceed 450 ft to block the project driveway on Barnett under no build and build conditions. The southbound queue length will not exceed 485 ft to block the project driveway on Highland under no build and build conditions.

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Medical Eye Center



2. For Year 2023, the queue length for westbound left turn will exceed 350 ft. The queue will spill into the adjacent westbound through lane under no build and build conditions. But the queue for westbound outside through lane will not exceed 450 ft to block the project driveway on Barnett Rd.

The queue for southbound left turn lane will exceed 250 ft, which is the left turn lane length and spill into the inside southbound through lane. But the queue for southbound inside through lane will not exceed 485 ft to block the project driveway on Highland under build and no build conditions.

Based on analysis of the traffic study, Traffic Engineering recommends approval of the Application without condition.



**MINUTES**  
**Planning Commission Meeting**  
**August 14, 2008**

The regular meeting of the Medford Planning Commission was called to order at 5:35 p.m. in the Council Chambers of Medford City Hall on the above date with the following members and staff in attendance:

Commissioners

David McFadden, Chair	Norm Nelson
Brita Entenmann 5:39 pm	Jerry Shean
Jared Hokanson	Tony Cabler, Excused Absence
Allen Potter	Robert Tull, Excused Absence
	Tim Jackle, Excused Absence

Staff

Bianca Petrou, Assistant Planning Director  
Lori Cooper, Sr. Assistant City Attorney  
Kelly Akin, Senior Planner  
Larry Beskow, City Engineer  
Cheryl Adams, Recording Secretary  
Greg Kleinberg, Fire Marshal

**10. Roll Call**

**20. Consent Calendar/Written Communications:**

- 20.1 CUP-08-076 Final Order of approval of a request for a Conditional Use Permit for the construction and operation of a storm drain and irrigation facilities within the Bear Creek riparian corridor, located between Interstate 5 and Ellendale Drive, north of the Hobert Street alignment and south of the Dyer Road alignment within SFR-4 (Single-Family Residential – 4 units per acre) and SFR-10 (Single-Family Residential – 10 units per acre) zoning districts. Rogue Valley Manor, Applicant
- 20.2 DCA-08-067 Consideration of amendments to Medford Land Development Code Sections 10.442, and 10.493 as relates to Reimbursement Districts, as well as modification to Section 10.488 as it relates to SDC credits. City of Medford, Applicant
- 20.3 SV-07-158 Request for approval to rescind Ordinance 2007-246 vacating the northerly 2.5 foot portion of Sweet Road from the northeast intersection of Sweet Road and North Ross Lane to a point easterly 270 feet. The subject right-of-way is located within an SFR-10 (Single Family Residential-10 units per acre) zoning district, and is designated Urban Residential (UR) on the General Land Use Plan map. CoWest, LLC, Applicant (Polaris Land Surveying, LLC, Agent)
- \* 20.4 CP-08-074 Consideration of a request for a minor amendment to the General Land Use Plan Map of the Medford Comprehensive Plan changing the designation from Urban High Density Residential (UH) to Service Commercial (SC) on a single parcel totaling 1.53 acres in the MFR-30 zoning district, located at the northeast intersection of Barnett Road and Highland Drive. MEC Real Properties, LLC, Applicant (CSA Planning, Agent)
- 20.5 CP-08-050 Consideration of a proposed Class 'A' (major) legislative amendment of the Transportation System Plan section of the Medford Comprehensive Plan to move future transportation Project 537, which is the extension of South Stage Road east of Highway 99 within the Urban Growth Boundary, including an over-crossing of Interstate 5, from Tier 3 status (unfunded projects for beyond year 2023 that may require further purpose and need clarification) to Tier 2 status (needed projects for which no funding is currently identified) City of Medford, Applicant

Discussion: Kelly Akin, Senior Planner, advised that there were two handouts in Commissioners' packets, one for 20.2 (Public Works, Special Projects Engineer Memo dated 8/12/08) and one for 20.4 (Public Works, Traffic Engineering Memo dated 8/13/08).

Motion: Approve Consent Calendar Items 20.1 through 20.5 including the handouts for 20.2 and 20.4.

Moved by: Commissioner Nelson

Seconded by: Commissioner Potter

Voice Vote: Motion passed, 5 – 0