



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

NOTICE OF ADOPTED AMENDMENT

March 31, 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 001-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: April 10, 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
Cheryl Adams, City Of Medford

<paa> ya

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

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF

MAR 24 2008

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Medford**

Local file number: **ZC08-005**

Date of Adoption: **3/13/2008**

Date Mailed: **3/19/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 1/18/2008

☐ 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".

Change of zone from City I-G (General Industrial) to the City I-L (Light Industrial) zoning district on a 0.5 acre parcel located on the east side of Lear Way, and approximately 400 feet north of Commerce Drive. More specifically, Township 37 Range 1W Section 07A, Tax Lot 9021.

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

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **I-G**

to: **I-L**

Location: **E. of Lear Way, approx. 400 feet north of Commerce**

Acres Involved: **0**

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☐	☐	☐	☐	☐	☐	☒	☒	☐	☐	☐	☐	☐	☐	☐

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 # 001-08 (16655)

DLCD file No. _____

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

None

Local Contact: **Cheryl Adams**

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

Address: **200 S. Ivy Street**

Fax Number: **541-618-1708**

City: **Medford**

Zip: **97501-**

E-mail Address:

cheryl.adams@cityofmedford.org

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.

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE)
ZC-08-005 APPLICATION FOR A ZONE CHANGE SUBMITTED) **ORDER**
BY DAVID COOK)

ORDER granting approval of a request for changing the zoning from City I-G (General Industrial) to the City I-L (Light Industrial) zoning district on a 0.5 acre parcel located on the east side of Lear Way, and approximately 400 feet north of Commerce Drive.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from City I-G (General Industrial) to the City I-L (Light Industrial) zoning district on a 0.5 acre parcel located on the east side of Lear Way, and approximately 400 feet north of Commerce Drive; and

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented hereby adopts the Staff Report dated February 8, 2008, Applicant's Findings – Exhibit "A," and Legal Description – Exhibit "B" attached hereto and hereby incorporated by reference; now, therefore,

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MEDFORD, OREGON, that:

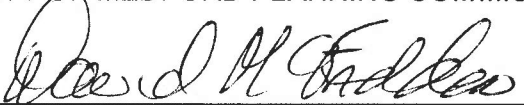
The zoning of the following described area within the City of Medford, Oregon:

37 1W 07A Tax Lot 902

is hereby changed from City I-G (General Industrial) to the City I-L (Light Industrial) zoning district.

Accepted and approved this 13th day of March, 2008.

CITY OF MEDFORD PLANNING COMMISSION



Planning Commission Chair

ATTEST:



Planning Department Representative



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT

Date: February 8, 2008

To: Planning Commission

From: Kelly Akin, Senior Planner *KA*

By: Desmond McGeough, Planner II *DM*

Subject: Cook Zone Change (ZC-08-005)
David Cook, Applicant (Stephen Terry, Agent)

Background

Proposal

Consideration of a request for a change of zone from I-G (General Industrial) to the I-L (Light Industrial) zoning district on a 0.5 acre parcel located on the east side of Lear Way, approximately 400 feet north of Commerce Drive. The subject parcel is further identified as Tax Lot 902 of the Jackson County Assessor's Map 37-1W-07A.

Subject Site Zoning, GLUP Designation and Existing Uses

The Medford General Land Use Plan (GLUP) Map designation for the subject property is GI (General Industrial). The subject property is vacant.

Surrounding Property Zoning and Uses

North: Vacant land zoned I-L. Tax Lot 905 has had a recent zone change from I-G to I-L, approved by the Planning Commission on April 26, 2007 (ZC-07-038).

South: Developed land zoned I-G.

East: Developed land zoned I-G.

West: Vacant land zoned I-L.

Cook Zone Change (ZC-08-005) Staff Report; February 8, 2008

Related Projects

There are no related projects associated with this zone change application.

Applicable Criteria

Section 10.227 of the Land Development Code (Exhibit "C")

Issues/Analysis

Staff has reviewed the zone change request and found that it meets the approval criteria listed in *Medford Land Development Code* Section 10.227(d). There are adequate infrastructure facilities available to serve the site with the exception of the storm drainage as noted below. A traffic study was not required.

Storm Drainage: This site lies within the Midway Drainage Basin. The City's current Drainage Master Plan indicates improvements are required in the downstream storm drainage system to meet current design standards for this basin (Exhibit "E"). Prior to issuance of a development permit or building permit, an engineer registered in the State of Oregon shall prepare a report which includes testing, plans and calculations necessary to demonstrate a controlled storm water release of no more than 0.25 C.F.S per acre of development for the 10-year storm. The report shall be submitted to the City of Medford Engineering Division for review and approval. A condition for compliance with the Engineering Division regarding storm drainage shall be included in this report.

No other issues were identified by staff.

RECOMMENDED ACTION

Direct staff to prepare a Final Order for approval of ZC-08-005 per the Staff Report dated February 8, 2008, including Exhibits A through H.

EXHIBITS

- A Conditions of Approval February 8, 2008
- B Maps
- C Approval Criteria
- D Applicant's Findings of Fact and Conclusions of Law
- E Memorandum from the Medford Engineering Division dated January 31, 2008
- F Memorandum from the Medford Water Commission dated February 4, 2008
- G Memorandum from Medford Fire/Rescue dated February 5, 2008
- H Letter from Rogue Valley Sewer Services dated January 25, 2008
Vicinity Map

PLANNING COMMISSION AGENDA: February 28, 2008



CITY OF MEDFORD

PLANNING DEPARTMENT

EXHIBIT "A"
ZC-08-005
CODE-REQUIRED CONDITIONS OF APPROVAL
February 8, 2008

1. Comply with the Memorandum from the Medford Engineering Division (Exhibit "E").

CITY OF MEDFORD
EXHIBIT A
ZC-08-005

37 1W 7A
MELFORD

[illegible]

WTS

SEE MAP
SUPPLEMENTAL

21

202

101

49-1

9.

14

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404</
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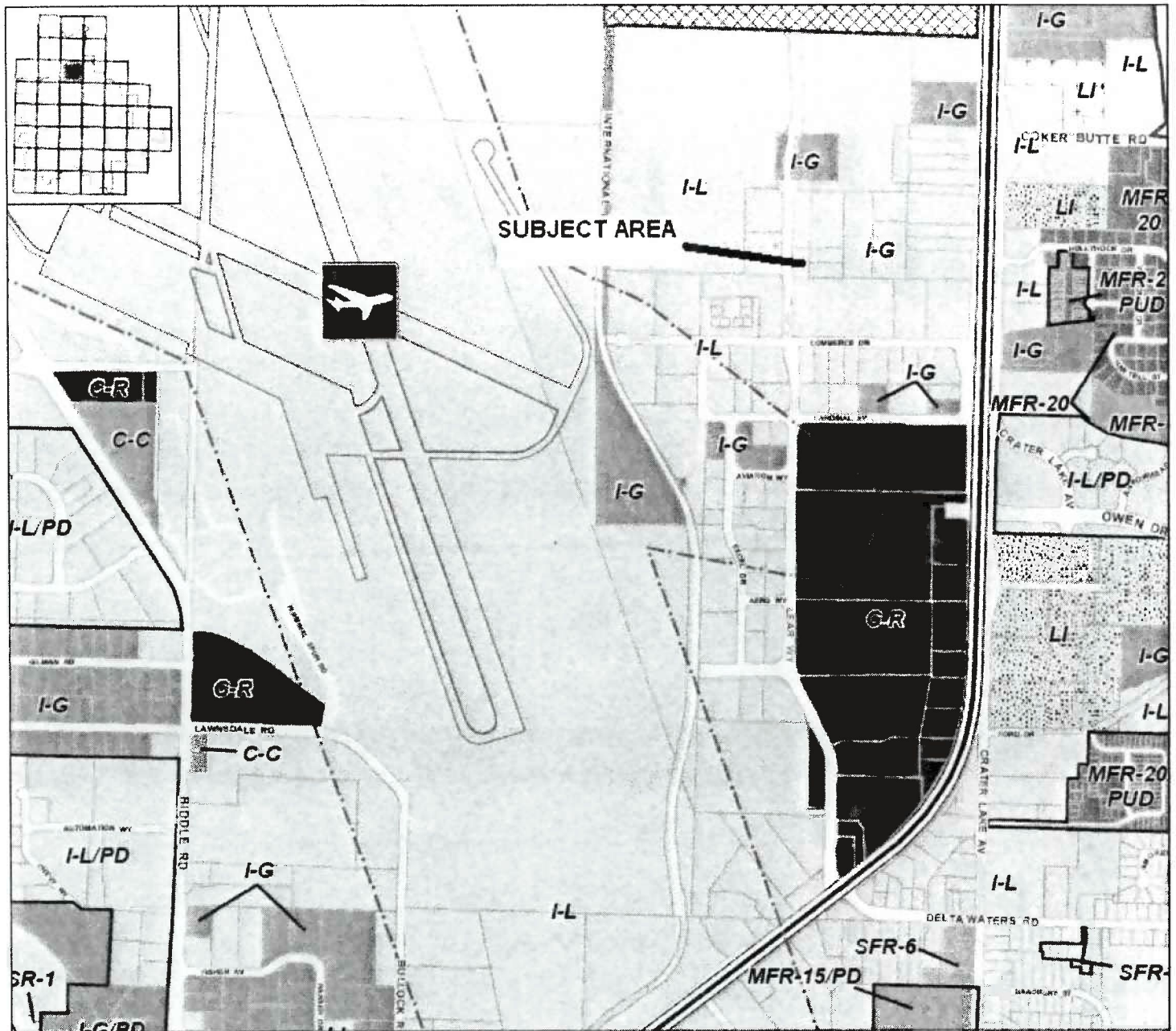
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B-1 AC3
ZC-08-005

CITY OF MEDFORD ZONING MAP

Township, Range and Section: 371W7



- AA - Airport Approach
- AR - Airport Radar
- CB - Central Business District

- OVERLAYS**
- EA - Exclusive Agricultural
 - F - Freeway
 - H - Historic

- IO - Limited Industrial
- LS - Limited Service
- PD - Planned Development
- SE - Southeast Plan

- Railroad
- City Limits
- UGB - Urban Growth Boundary
- Outside UGB



This document is a summary of the City of Medford's zoning map. It is not a legal document and should not be used for legal purposes. The official zoning map is available from the Medford Planning Department.

MEDFORD CITY ZONES

Residential

- Multi-Family - 30 Units/Acre (MFR-30)
- Multi-Family - 20 Units/Acre (MFR-20)
- Multi-Family - 15 Units/Acre (MFR-15)
- Single Family - 10 Units/Acre (SFR-10)
- Single Family - 6 Units/Acre (SFR-6)
- Single Family - 4 Units/Acre (SFR-4)
- Single Family - 2 Units/Acre (SFR-2)
- Single Family - 1 Unit/Lot (SFR-00)

Commercial

- Heavy (C-H)
- Regional (C-R)
- Community (C-C)
- Neighborhood (C-N)
- Service/Professional (C-S/P)

Industrial

- Heavy (I-H)
- General (I-G)
- Light (I-L)

COUNTY ZONES IN MEDFORD

Residential

- Suburban - 1 Acre Minimum (SR-1)
- Suburban - 2.5 Acre Minimum (SR-2.5)
- Rural - 5 Acre Minimum (RR-5)
- Farm - 5 Acre Minimum (F-5)

Commercial

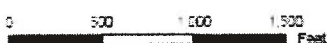
- General (GC)
- Neighborhood (NC)

Resource

- Exclusive Farm Use (EFU)
- Open Space Reserve (OSR)

Industrial

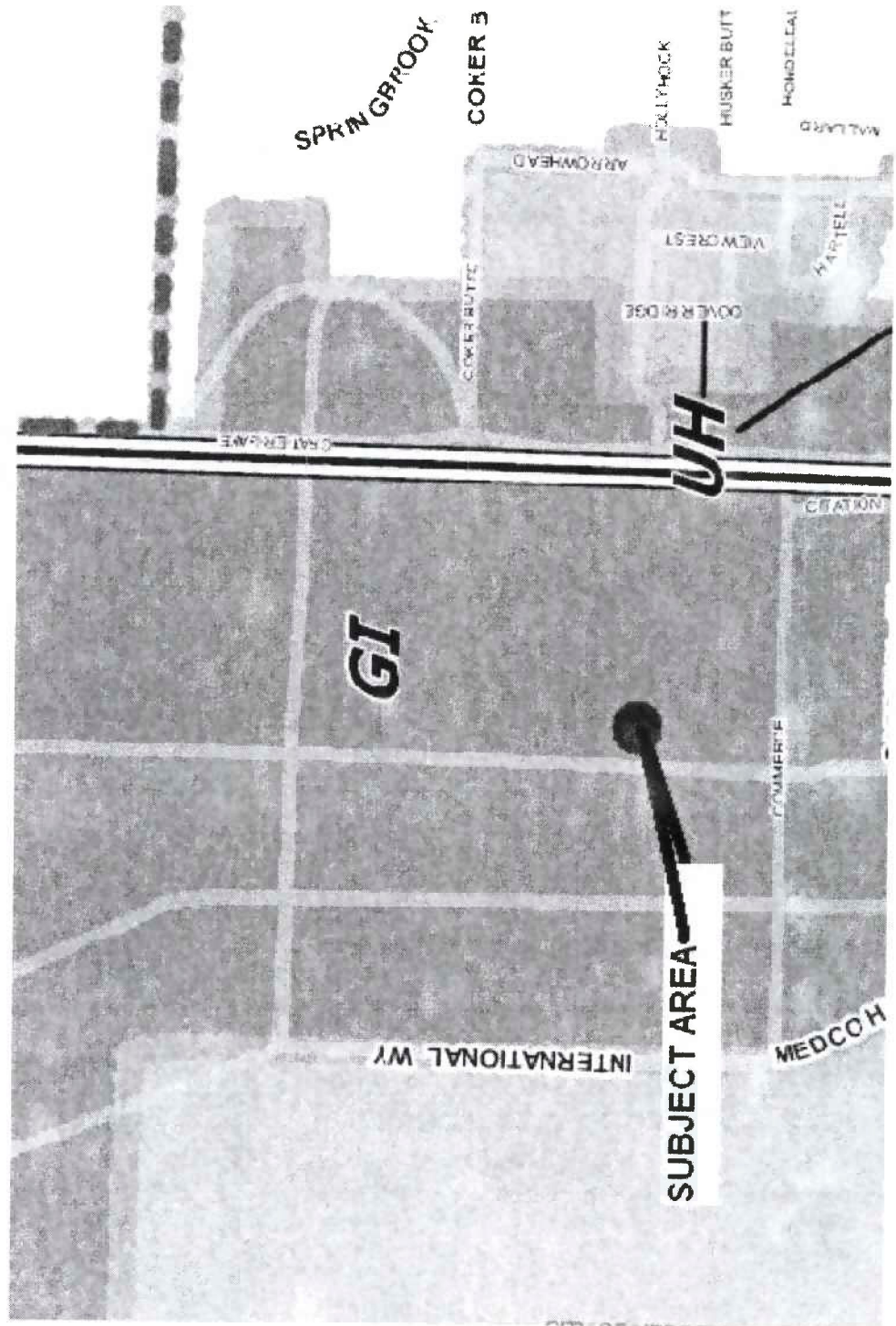
- General (GI)
- Light (LI)
- Airport Development - Multi-Use (AD-MU)



B-2003
ZC-08-005

LAND USE CLASSIFICATIONS

	Urban High Density Residential (UH)		Commercial (CM)		Airport (A)
	Urban Medium Density Residential (UM)		Service Commercial (SC)		City Center (CC)
	Urban Residential (UR)		General Industrial (GI)		Parks and Schools (PS)
	Limited Service Area Overlay (LS)		Heavy Industrial (HI)		Greenways



B-3 of 3
ZC-08-005



CITY OF MEDFORD

PLANNING DEPARTMENT

EXHIBIT "C" **Approval Criteria** **ZC-08-005**

City of Medford
EXHIBIT C
File # ZC-08-005

The zone change criteria that is not relevant to this application is hereby omitted from the following citation. Section 10.227 of the *Medford Land Development Code (MLDC)* states the following:

"The approving authority (Planning Commission) shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:

- (1) *The proposed zone is consistent with the Oregon Transportation Planning Rule (OAR 660) and the General Land Use Plan Map designation. (When the City of Medford's Transportation System Plan (TSP) is adopted, a demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.*

- (d) *For zone changes to any industrial zoning district, the following criteria shall be met for the applicable zoning sought:*

- (i) *The I-L zone may abut residential and commercial zones, and the General Industrial (I-G) zone. The I-L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I-H) zone, unless the applicant can show it would be suitable pursuant to (1)(e) below.*

- (e) *For purposes of (1)(c) and (1)(d) above, a zone change may be found to be 'suitable' where compliance is demonstrated with one or more of the following criteria:*

- (i) *The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows for only one zone;*
- (ii) *At least 50% of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above;*
- (iii) *At least 50% of the subject property's boundaries abut properties that contain one or more existing uses which are permitted or conditional uses in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing uses; or*

(iv) Notwithstanding the definition of "abutting" in MLDC 10.012 and for purposes of determining suitability under Section (1) (e), the subject property is separated from the "unsuitable" zone by a public right-of-way of at least 60 feet in width.

(2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan 'Public Facilities Element.'

(a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

(b) Adequate streets and street capacity must be provided in one of the following ways:

(i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or

(ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:

(a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

(b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

(iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the

applicant that the improvement(s) will make the street adequate in condition and capacity.

(c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:

(i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,

(ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,

(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

[Amd. Ord. No. 7036, Dec. 5, 1991; Amd. Sec. 1, Ord. No. 1999-88, June 3, 1999; Amd. Sec. 1, Ord. No. 2003-37, Feb. 6, 2003; Amd. Ord. No. 2004-59, March 18, 2004.]

FINDINGS OF FACT

IN THE MATTER OF AN APPLICATION FOR A ZONE CHANGE OF PROPERTY DESCRIBED ON THE JACKSON COUNTY ASSESSORS MAP AS T37-R1W-07A Tax Lot 902 located on the east side of Lear Way and approximately 700 feet north of Commerce Drive.

APPLICANT: David Cook
1556 Ridge Way
Medford, Oregon 97504

AGENT: Stephen Terry
POB 8083
Medford, Oregon 97504

I. BACKGROUND INFORMATION

Acreage: 0.50 acres

Current Zoning: City of Medford zoning I-G (General Industrial)

Proposed Zoning: City of Medford zoning I-L (Light Industrial)

Present Use: The subject property is vacant.

Proposed Use: The applicant proposes to develop the subject property in the future consistent with the requirements of City of Medford Land Development Code.

Comprehensive Plan Designation: General Industrial (GI)

Access: Access to the subject property will be from Lear Way.

The owner of the property is David Cook.

RECEIVED

JAN 09 2008

Scope and Purpose of the Application:

Planning Dept.

This application will demonstrate compliance with the relevant zone change criteria for a zone change from City of Medford zoning district I-G to City of Medford zoning district I-L consistent with the requirements of City of Medford Land Development Code Section 10.227.

Development Background:

The subject property is vacant and abuts several tracts of developed and vacant land with current City of Medford designations of I-L and I-G. The Planning Commission recently approved a zone change to I-L for Tax Lot 905 located to the north.

Public Facilities:

The property has access to the full spectrum of public facilities. These findings detail the availability of Category "A" public facilities and compliance with the Oregon Transportation Planning Rule.

II. RELEVANT APPROVAL CRITERIA:

Medford Land Development Code (MLDC) Section 10.227 requires that a request for zone change must demonstrate that the request conforms to the following criteria prior to approval by the Planning Commission.

The Criteria for approval are:

1. The proposed zone is consistent with the Oregon Transportation Rule (OAR 660) and the General Land Use Plan Map Designation. Where applicable, the proposed zone shall also be consistent with the additional locational standards. Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria.
2. It shall be demonstrated that Category "A" urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided. The minimum standards for Category "A" services and facilities are contained in the MLDC and Goal 3, Policy I of the Comprehensive Plan "Public Facilities Element."

Finding -Oregon Transportation Rule

The proposed zone must be consistent with the Oregon Transportation Rule (OAR 660 Division 12). OAR 660 is designed to assure local agencies comply with State goals and regulations regarding transportation issues and provides an explanation to local agencies to demonstrate compliance with a Transportation System Plan (TSP).

"Cities and counties shall prepare, adopt and amend local TSPs for lands within their planning jurisdiction in compliance with this division: Local TSPs shall establish a system of transportation facilities and services adequate to meet identified local transportation needs and shall be consistent with regional TSPs and adopted elements of the state TSP"

The City of Medford has approved a TSP consistent with the requirements of the State of Oregon. The TSP requires all modes of transportation be considered including rapid transit, air, water, rail, highway, bicycle and pedestrian.

A review of the subject property determines water and rail transportation are not available to this property. The parcel is located on the east side of Lear Way that is designated by the City of Medford as an industrial street. Lear Way was recently developed with curbs and gutters and is designated as a bicycle transportation facility.

Rogue Valley Transportation District does not provide transportation access to the subject site. It should be noted that due to continuous changing in routing by the transportation district, stops may be added or discontinued depending on district planning.

Interstate 5 is approximately 1.5 miles southwest from the subject property. Rogue Valley International Airport is located approximately 0.25 miles to the west.

General Land Use Plan Map Designation

"The proposed zone is consistent with the Oregon Transportation Rule (OAR 660) and the General Land Use Plan Map Designation.

The General Land Use Plan Map (GLUP) designation for the subject property is General Industrial (GI). The General Land Use Plan contained in The Medford Comprehensive Plan specifies (with required overlay) the requested I-L district as an appropriate zoning designation within the General Industrial (GI) designation.

This application is requesting the I-L for the subject parcel. This request can be found to be appropriate and consistent with the GLUP designation.

Locational Standards

Where applicable, the proposed zone shall also be consistent with the City of Medford Land Development Code Section 10.227 (1)(d) states:

(d) For zone changes to any industrial zoning district, the following criteria shall be met for the applicable zoning sought: (i) The I-L zone may abut residential and commercial zones, and the General Industrial (I-G) zone. The I-L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I-H) zone, unless the applicant can show it would be suitable pursuant to (1)(e) below. (ii) The I-G zone may abut the Heavy Commercial (C-H), Light Industrial (I-L), and the Heavy Industrial (I-H) zones. The I-G zone is ordinarily considered to be unsuitable when abutting the other commercial and residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below. (iii) The I-H zone may abut the General Industrial (I-G) zone.

The property located in an area with a mix of I-G and I-L zoning designations. Both the I-L and I-G zoning designations are allowed within the General Industrial designation subject to locational requirements as stated in the paragraph above. The applicant is requesting a zone change to I-L. The subject property will abut the I-G zoning designation on the south, east and I-L zoning designation on the west and north.

Conclusion Transportation Planning Rule

The Planning Commission can find the property is currently served with adequate transportation facilities as required by Oregon Transportation Rule (OAR 660 Division 12). As required in the TPR, the Planning Commission can find the change to the transportation plan is not substantial as a result of approval of the requested zone change.

Conclusion General Land Use Plan Map Conformance

Approval of the proposed zone change will not create a negative impact that was not anticipated by the General Industrial designation indicated on the GLUP map.

As described in the Medford Land Development Code, the requested I-L zoning district is an appropriate zoning district for the General Industrial (GI) GLUP designation.

The requested zone change is consistent with the approval criteria for Section 10.227 (1)(d)(i) of the City of Medford Land Development Code. A Traffic Impact Analysis is not a required part of the zone change application as acreage and the traffic generation for the I-L will fall below the 250 ADT threshold.

Relevant Approval Criteria -Category "A" Urban Services

It shall be demonstrated that Category "A" urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element. "

(a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

(b) Adequate streets and street capacity must be provided in one of the following ways:

- (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity, or

- (ii) Existing and new streets that will serve the subject property will be improved and or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued, or
- (iii) It is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the
- (iv) street to be adequate when the improvements needed to make the street adequate are fully funded

A street project is deemed to be fully funded when one of the following occurs:

- (a) The project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or
- (b) When an applicant funds the improvement through a reimbursement district pursuant to the MLDC The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost.
- (c) The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.
- (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

Findings- Category "A" Urban Services

STORM DRAINAGE:

The property is within the Midway Creek Drainage Basin. Future development of the subject site shall be designed to accommodate 0.25 c.f.s. per acre. At the time of development, the applicant shall demonstrate that the following conditions can be met:

- A. Downstream facilities shall be improved to carry the additional flows resulting from the development under the new zoning district; or
- B. An engineer licensed in the State of Oregon shall perform a study, including modeling and/or calculations subject to the approval of the City of Medford Engineering Division, to demonstrate that the downstream facilities are adequate to accommodate the additional flows from the development; or
- C. An engineer licensed in the State of Oregon shall prepare a report, which includes testing, plans and calculations necessary to demonstrate post-construction runoff would be limited to the current or predeveloped runoff rate. The report shall be submitted to the City of Medford Engineering Division for review and approval.

Future development conditions for the subject parcel will include a drainage plan to comply with all City of Medford Drainage Master Plan, Medford Building Division, and Ground Water Drainage requirements, ordinances, and codes.

Finding:

Access to Midway Creek in conjunction with the current storm sewer drainage requirements of the property for the City of Medford, will meet the requirements for storm drainage. At the time of development, conditions will be required in compliance with all applicable City of Medford Drainage Master Plan and Building Division Codes, and Storm and Ground Water Drainage requirements of Chapter 11 of the Uniform Plumbing Code.

Conclusion:

The existing storm drainage system meets or can be designed to meet the requirements of the City of Medford. New development will be required to comply with the requirements of the Code and as stipulated by the City of Medford Engineering Division.

SANITARY SEWER SERVICE:

The subject parcel can be served by Rogue Valley Sewer Services via an 8-inch line sanitary sewer line located in Lear Way at the property frontage.

The City of Medford Regional Waste Water Treatment Plant provides sewage treatment. The plant presently serves approximately 115,000 persons. The treatment capacity of the plant is 190,800 persons at 20 million gallons per day.

Finding:

The property can be served by an existing 8-inch sanitary sewer line located in Lear Way with adequate capacity supplied by Rogue Valley Sewer Services. Sanitary sewage collection and treatment is adequate for the purpose of the proposed zone change.

Conclusion:

The information above demonstrates that existing sanitary sewage collection and treatment services and capacities via an 8-inch sewer line is available for the proposed zone change at the time of development.

WATER SERVICE:

The subject property can be served by the Medford Water Commission by an existing 12-inch water line located in the Lear Way right-of-way.

Water supply from the Medford Water Commission is adequate to meet the needs of the region. This is based on a service population of 100,000 persons with a present maximum daily consumption of 50 million gallons daily (summer months) and 20 million gallons daily (winter months). The present system has a capacity of 56.4 million gallons of treated gallons per day and 91 million untreated gallons per day. Water is provided from Big Butte Springs. The Rogue Treatment Plant provides water for the summer month's consumption.

Finding:

The information above demonstrates that there is an adequate supply of water via a 12-inch water line in Lear Way.

Future development of the subject parcel has adequate water facilities to serve the subject property from Medford Water Commission facilities at the time of development.

Conclusion:

There is adequate water capacity via a 12-inch water line located in Lear Way.

There is adequate capacity and flow to serve additional development.

STREETS:

According to the City of Medford Traffic Department, Lear Way is classified as an industrial street. Due to the recent construction of Lear Way, there are no traffic counts available. According to the Engineering Division the I-L zoning designation generates 300 ADT per acre. The current I-G zoning designation creates 200 ADT per acre. The parcel is 0.50 acres. The net traffic increase will be approximately 50 ADT. Because the

net increase in the potential for vehicle trips a Traffic Impact Analysis is not required and is less than 250 ADT for the zone change from the I-G to the I-L. A form provided as part of the requirements for application for a zone change with the required signature by a representative of the City of Medford, is provided as part of this application indicating that a traffic study is not required.

Finding:

According to the City of Medford Engineering Department, the street system has adequate street capacity for the zone change and future development of the subject property as uses as allowed within the I-L zoning designation.

Conclusion:

Adequate street capacity exists to accommodate future development of the subject property consistent with the requirements of the City of Medford Land Development Code Section 10.227.

Traffic Impact Analysis

The land uses allowed within the I-L zone designation generates approximately 300 ADT per acre. The land uses allowed within the I-G zone designation generates approximately 200 ADT per acre. Typically, a traffic impact analysis is required for the addition of more than 250 average daily trips per day to the street system. There will be a net increase of approximately 50 ADT and therefore, a traffic study is not required. A form signed by a representative of the City of Medford Engineering Department indicates that a traffic impact analysis is not required.

Finding:

The Planning Commission can find that the applicant has demonstrated that Category "A" urban services and facilities are currently available, or will be available at the time of development, to adequately serve the subject parcel property with the permitted uses allowed under the proposed I-L zoning designation.

Conclusion:

Based on the information above, it can be found that the water, storm sewer and sanitary sewer facilities, and streets are currently available at the property at the time of development.

Summary and Conclusion

The Planning Commission can find the property is currently served with adequate transportation facilities as required by Oregon Transportation Rule (OAR 660 Division

12). Approval of the proposed zone change will not create an impact that was not anticipated by the General Industrial designation indicated on the GLUP map.

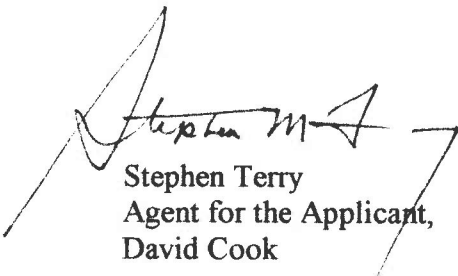
As required in the TPR, the Planning Commission can find no substantial impact to the transportation plan as a result of approval of the requested zone change.

The requested zone change is consistent with the locational approval criteria City of Medford Land Development Code Section 10.227 (1)(d)(i).

As described in the Medford Land Development Code, the requested I-L (Light Industrial) zoning district is an appropriate zoning district for the General Industrial (GI) GLUP designation. The subject parcel is within the GI designation.

The Planning Commission can also find the applicant has demonstrated that Category "A" urban services and facilities are currently available, or can be made available at the time of development, to adequately serve the subject property with the permitted uses allowed under the proposed I-L zoning district. There will be net increase of 103 ADT which does not require a traffic impact analysis.

I respectfully request the approval of a zone change of the subject parcel to the City to Medford I-L (Light Industrial) as demonstrated in the findings.



Stephen Terry
Agent for the Applicant,
David Cook

CITY OF MEDFORD
INTER - OFFICE MEMORANDUM

TO: Planning Department

FROM: Engineering Division

SUBJECT: Zone Change Request, File No. ZC-08-005

DATE: January 31, 2008

CITY OF MEDFORD
EXHIBIT: F
File # ZC-08-005

1. Sanitary Services:

A. Currently serviced by: This site lies within the Rogue Valley Sewer Service area. Contact Rogue Valley Sewer Service for sanitary sewer issues.

2. Streets:

A. Current condition of nearest streets:

Lear Way, an existing Major Collector Street is paved with curb and gutter along the frontage of this site.

B: Who has maintenance responsibilities: City of Medford

C: Traffic analysis including potential impact of nearby and anticipated improvements required:

Land Development Code Section 10.461 governs traffic impact analyses (TIA) required to determine development impacts on the street system. The proposed zone change from City I-G (General Industrial) to City I-L (Light Industrial), on 0.5 acres has the potential to generate 150 average daily trips (ADT) or produce a net increase of 50 ADT to the transportation system. Based on this and code sections 10.460 and 10.461, a traffic impact analysis (TIA) isn't required.

At the time of any site development the City of Medford will recommend any necessary improvements and/or dedications along this proposed zone change's frontage on Lear Way.

3. Drainage:

This site lies within the Midway Drainage Basin. The City's current Drainage Master Plan indicates improvements are required in the downstream storm drainage system to

meet current design standards for this basin. As a zone change is not allowable without adequate storm drain facilities, one of the following criteria must be met prior to issuance of a development permit or a building permit:

a) An engineer registered in the State of Oregon shall prepare a report which includes testing, plans and calculations necessary to demonstrate a controlled storm water release of no more than 0.25 C.F.S. per acre of development for the 10-year storm. The report shall be submitted to the City of Medford Engineering Division for review and approval.



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: ZC-08-005
PROJECT: Consideration of a request for a change of zone from an I-G (General Industrial) to an I-L (Light Industrial) zoning district on a 0.5 acre parcel located on the east side of Lear Way, and approximately 400 feet north of Commerce Drive; David Cook, Applicant (Stephen Terry, Agent). Desmond McGeough, Planner

PARCEL ID: 371W07A TL 1000

DATE: February 4, 2008

I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The MWC system does have adequate capacity to serve this property.
4. Off-site water facility construction may be required depending on future land development review.
5. On-site water facility construction may be required depending on future land development review.
6. MWC-metered water service does not exist to this property.
7. Access to MWC water lines for connection is available. A 12" waterline is located in Lear Way, and a 12" waterline stub is available for connection near the northwest property corner near an existing fire hydrant.

F
ZC-08-005



Medford Fire/Rescue

200 S. Ivy Street, Room #257
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
E-mail www.fire@ci.medford.or.us

LAND DEVELOPMENT REPORT - PLANNING

To: Desmond McGeough

LD Meeting Date: 02/06/2008

From: Kleinberg, Greg

Report Prepared: 02/05/2008

File #: ZC - 08 - 5

Site Name/Description:

Consideration of a request for a change of zone from an I-G (General Industrial) to an I-L (Light Industrial) zoning district on a 0.5 acre parcel located on the east side of Lear Way, and approximately 400 feet north of Commerce Drive; David Cook, Applicant (Stephen Terry, Agent). Desmond McGeough, Planner

DESCRIPTION OF CORRECTIONS

REFERENCE

Approved as Submitted

Meets Requirement: No Additional Requirements

Development shall comply with access and water supply requirements in accordance with the Fire Code in affect at the time of development submittal.

Fire apparatus access roads are required to be installed and made servicable prior to the time of construction. Water supply for fire protection is required to be installed and made serviceable prior to the time of vertical combustible construction.

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on the information provided only.

Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.

G

ZC-08-005



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR / Mailing Address: P.O. Box 4180, Central Point, OR 97502-0005
Tel: (541) 664-6300, Fax: (541) 664-7171 / www.RVSS.us

January 25, 2008

City of Medford Planning Department
411 West 8th Street
Medford, Oregon 97501

Re: ZC-08-005, David Cook Zone Change (371W07A-902)

ATTN: Desmond

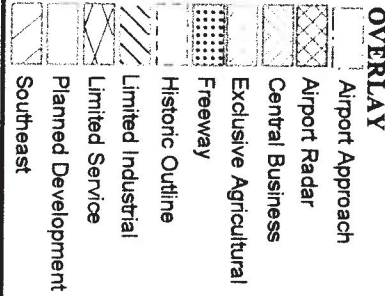
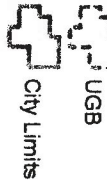
There is an 8 inch sewer main in Lear Way with a 4 inch service lateral stubbed to the subject property. The main line has adequate capacity to serve the proposed zoning use.

Sincerely,

Carl Tappert, PE
District Engineer

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H
ZC-08-005

Vicinity Map



FILE NUMBER:

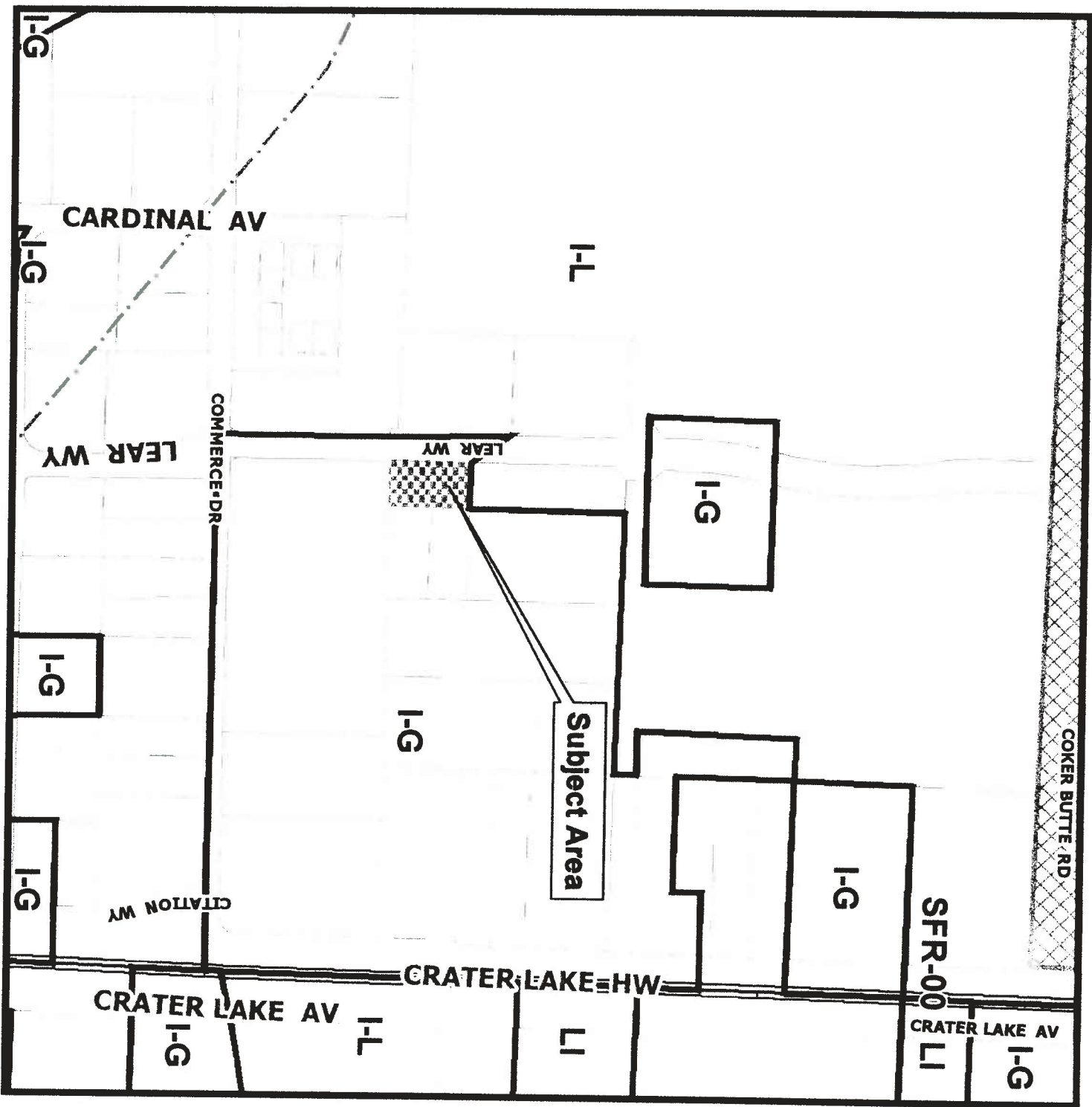
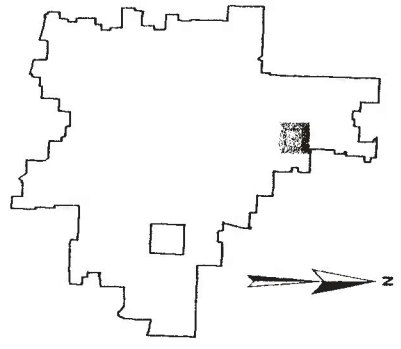
ZC-08-005

APPLICANT:

David Cook

Map: 371W07A

TL: 902





4660464730ac
After recording return to:
David W. Cook
1556 Ridge Way
Medford, OR 97504

Until a change is requested, all tax statements shall be sent to the following address:
David W. Cook
1556 Ridge Way
Medford, OR 97504

Jackson County Official Record: 06-053
R-WD
Cnt=1 Stn=3 MORGANS 10/20/2006 08:00:00 AM
\$10.00 \$5.00 \$11.00 Total: \$26.00
01225144200600331170020028

I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Kathleen S. Beckett - County Clerk

STATUTORY WARRANTY DEED

Lear Way Plaza LLC, an Oregon limited liability company, Grantor, conveys and warrants to David W. Cook, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

Parcel No. One (1) of Partition Plat No. P-78-2006, recorded August 18, 2006, in Record of Partition Plats in Jackson County, Oregon, and filed as Survey No. 19295, in the Office of the County Surveyor.

Tax Account No. 10895170

This property is free of encumbrances, EXCEPT:
SEE EXHIBIT "A" WITH EXCEPTIONS
The true consideration for this conveyance is \$230,710.00

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY UNDER ORS 197.352. THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated 18 day of October, 2006

Lear Way Plaza LLC

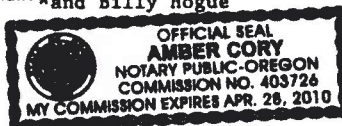
BY David C. Smith
ITS Member

BY Billy Hogue
ITS Member

STATE OF OREGON
COUNTY OF JACKSON

The foregoing instrument was acknowledged before me this 18 day of October, 2006 by David C. Smith, as the Member of Lear Way Plaza LLC on its behalf. *and Billy Hogue

Notary Public State of Oregon
My commission expires: 4/28/10



Order No. 46g0466730

RECEIVED

JAN 09 2008

Planning Dept.

2C-08-005

Exhibit "A" with Exceptions

Subject to:

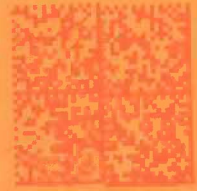
1. The subject property lies within the boundaries of Rogue Valley Sewer Services and is subject to the levies and assessments thereof.
2. Regulations, levies, liens assessments, rights of way and easements for ditches and canals of the Rogue River Valley Irrigation District.
3. An easement created by instrument, including the terms and provisions thereof,
Recorded : December 19, 1955
As : Volume 419 page 438
In favor of : PacifiCorp, an Oregon corporation, or its predecessor in interest
For : Transmission and distribution of electricity, and other purposes
4. An easement created by instrument, including the terms and provisions thereof,
Recorded : September 25, 2003
As : 03-65877
In favor of : Hunter Construction, Inc., an Oregon corporation, dba Hunter
Communication Services, Inc. and dba Core Digital Services
For : Underground fiber optic line
5. Easements, subject to the terms and provisions thereof, as delineated and set forth on the recorded plat,
For : Public utilities

2

D
RTMENT
TREET
501

7007 0710 0001 0567 1480

016H26507632
\$06.45
03/20/2008
Mailed From 97501
US POSTAGE



RETURN RECEIPT
REQUESTED

ATTN: Plan Amendment Specialist
Dept. of Land Conser. & Develop.
635 Capitol St. NE, Ste. 150
Salem, Or 97301-2540