



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

January 28, 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 021-07

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: February 6, 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
Summer Williams, City of Medford

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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

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF
JAN 18 2008
LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Medford**

Local file number: **ZC-07-257**

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

Date Mailed: **1/14/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 11/14/2007

☐ 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".

ZC-07-257 Consideration of a request for change of zones from County RR-5/LI (Single Family Residential – 1 dwelling per 5 acres/Light Industrial) to City I-G (General Industrial) on a 1.49 acre parcel located on the west side of Medford Industrial Road approximately 340 feet north of Justice Road.

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

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **RR-5/LI COUNTY**

to: **I-G CITY**

Location: **5555 N. Medford Industrial Road**

Acres Involved: **1**

Specify Density: Previous: **1**

New: **1+**

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 # 021-07 (16544)

DLCD file No. _____

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

Local Contact: **Summer Williams**

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

Address: **200 S. Ivy Street**

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

City: **Medford OR**
Medford.org

Zip: **97501-**

E-mail Address: **summer.williams@City of**

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**.



CITY OF MEDFORD
PLANNING DEPARTMENT

January 14, 2008

Pacific Pipeline
3348 Old Military Road
Central Point OR 97502

RE: FILE NO.: ZC-07-257

The Medford Planning Commission at its regular meeting of January 10, 2008, approved the Final Order containing Findings of Fact relating to the approval of the following request: Changing the zoning from County RR-5 and LI (Rural Residential – 1 dwelling per 5 acres and Light Industrial) to City I-G (General Industrial) on a 3.39 acre parcel located on the west side of Medford Industrial Road, approximately 340 feet north of Justice Road.

This request was granted as per Staff Report dated December 27, 2007.

The final date for filing an appeal is 21 days from the date of the decision. The written appeal and filing fee must be received by the City Recorder no later than 5:00 p.m. on January 31, 2008. Appeals must be filed in the form prescribed, and will be decided based upon Medford Code Sections 10.051-10.056 (copies available).

A handwritten signature in black ink, appearing to read "Robert O. Scott".

Robert O. Scott, AICP
Planning Director

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Enclosure: Staff Report/Final Order/Legal Description

cc: Richard Stevens & Associates, PO Box 4368, Medford, OR 97501
Affected Agency
Interested Parties

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE)
ZC-07-257 APPLICATION FOR A ZONE CHANGE SUBMITTED) **ORDER**
BY PACIFIC PIPELINE, JOE & KATHY SALYER)

ORDER granting approval of a request for changing the zoning from County RR-5 and LI (Rural Residential – 1 dwelling per 5 acres and Light Industrial) to City I-G (General Industrial) on a 3.39 acre parcel located on the west side of Medford Industrial Road approximately 340 feet north of Justice Road.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from County RR-5 and LI (Rural Residential – 1 dwelling per 5 acres and Light Industrial) to City I-G (General Industrial) on a 3.39 acre parcel located on the west side of Medford Industrial Road approximately 340 feet north of Justice Road; 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 December 27, 2007, 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:

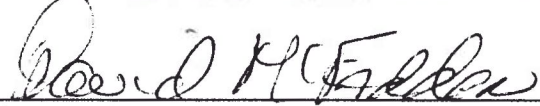
The zoning of the following described area within the City of Medford, Oregon:

36 1W 31D Tax Lot 600

is hereby changed from County RR-5 and LI (Rural Residential – 1 dwelling per 5 acres and Light Industrial) to City I-G (General Industrial) zoning district.

Accepted and approved this 10th day of January, 2008.

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative



CITY OF MEDFORD

PLANNING DEPARTMENT

AMENDED STAFF REPORT

Date: December 27, 2007

To: Planning Commission

From: Kelly Akin, Senior Planner *[Signature]*

By: Summer Williams, Planner 1

Subject: Pacific Pipeline, Inc., Zone Change (ZC-07-257)
Joe & Kathryn Salyer, Applicant (Richard Stevens & Associates, Inc., Agent)

BACKGROUND

Proposal

Consideration of a request for change of zone from County RR-5 and LI (Rural Residential – 1 dwelling per 5 acres and Light Industrial) to City I-G (General Industrial) on a 3.39 acre parcel located on the west side of Medford Industrial Road approximately 340 feet north of Justice Road.

Subject Site Zoning, GLUP Designation and Existing Uses

The subject property is zoned RR-5 and LI (Rural Residential – 1 dwelling per five acres and Light Industrial). The Medford General Land Use Plan (GLUP) Map designation for the subject property is HI (Heavy Industrial). The site is developed with an existing shop building, access, and parking for Pacific Pipeline, Inc.

Surrounding Property Zoning and Uses

North: undeveloped I-G zoning.

South: developed LI zoning with manufacturing uses

East: undeveloped LI zoning

West: developed RR-5 zoning with a single family residence

Applicable Criteria

Medford Land Development Code Section 10.227 (Exhibit "B").

ISSUES/ANALYSIS

Staff has reviewed the proposed zone change and has found that it meets the approval criteria listed in the *Medford Land Development Code* Section 10.227. The proposed I-G zoning is consistent with the Heavy Industrial General Land Use Plan designation. **The subject property abuts the I-G zone to the north and the County Light Industrial zone district to the south and east. The approval criteria state that the I-G zone is generally unsuitable when it abuts residential zoning; however, Section 10.227(1)(e)(ii) allows an exception when at least 50% of the subject property's boundaries abut zones that are expressly allowed. In this instance, only the westerly boundary, or about 33% of the property boundary, abuts the County's RR-5 zone district. The remaining 67% abut industrial zones. Therefore, the site can be found to meet the locational criteria.**

There are adequate infrastructure facilities available to serve the site, with the exception of storm drain as discussed below. A traffic study was not required.

Storm Drainage

This site lies within the Swanson Creek Drainage Basin and is in fact split in half by Swanson Creek. The current Drainage Master Plan for the City of Medford indicates improvements are required in the downstream storm drainage system to meet current design standards for this basin (Exhibit "D"). A condition to comply with the Public Works Department memorandum is included.

Sanitary Service

The applicant will need to contact Rogue Valley Sewer Service for sanitary sewer issues.

No other issues were identified by staff.

RECOMMENDED ACTION

Direct staff to prepare a Final Order for **approval** of file ZC-07-257 per the Amended Staff Report dated December 27, 2007, including Exhibits "A" through "I".

EXHIBITS

- "A" Conditions of Approval dated December 14, 2007
- "B" Approval Criteria (Section 10.227)
- "C" Applicant's Findings of Fact for the zone change received November 1, 2007
- "D" Memorandum from Public Works dated November 29, 2007
- "E" Memorandum from the Medford Fire Department received December 5, 2007
- "F" Memorandum from the Medford Water Commission received December 5, 2007
- "G" Memorandum from Rogue Valley Sewer Services received November 21, 2007
- "H" Memorandum from Jackson County Roads received November 26, 2007
- "I" Map showing how other zone changes relate to the subject site, created by staff

Pacific Pipeline Amended Staff Report (ZC-07-257); December 27, 2007

PLANNING COMMISSION AGENDA: December 27, 2007

Notes:

Please include reference to the file number of this proposed development in all subsequent submittals to City of Medford departments.



CITY OF MEDFORD
PLANNING DEPARTMENT

ZC-07-257
EXHIBIT "A"
Conditions of Approval
December 14, 2007

CODE REQUIREMENTS

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

"A"
ZC-07-257

ZONE CHANGE APPROVAL CRITERIA
Medford Land Development Code Section 10.227

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;*

- (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

(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."

RECEIVED

NOV 01 2007

PLANNING DEPT.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD, OREGON:

IN THE MATTER OF:

AN APPLICATION FOR A ZONE CHANGE FOR 3.39 ACRES, LOCATED AT 5555 N. MEDFORD INDUSTRIAL ROAD, EAST OF HIGHWAY 62, WITHIN THE CITY OF MEDFORD, OREGON, AND FURTHER DESCRIBED AS PLAT MAP T36S, R1W, SECTION 31D, Tax Lot 600

Joe & Kathryn Salyer. Applicants

I. Findings of Fact Pertaining to the Site:

Property: T.36, R1W, Section 31D, Tax Lot 600, containing 3.39 acres, more or less

Owners: Joe & Kathryn Salyer
3348 Old Military Road
Central Point, OR 97502

Agent: Richard Stevens & Associates, Inc.
P.O. Box 4368
Medford, OR 97501
(541) 773-2646

Location: 5555 N. Medford Industrial Road, Medford, OR

Proposed Zoning: General Industrial (I-G)

Existing Zoning: RR-5 (Rural Residential, 5-acre minimum parcel size, and Light Industrial, by Jackson County).

City Comp. Plan: Heavy Industrial, which allows both General and Heavy Industrial zoning

- Land Use:** The site consists of 3.39 acres, and is currently developed with an existing shop building , access, and parking for Pacific Pipeline, Inc., a construction firm specializing in underground pipelines, gravel and aggregate resource uses.
- Proposed Use:** Same as on site. Any change or expansion of use in the future would be required to be submitted consistent with the Site Plan and Architectural Review Criteria.
- Access:** Access is via N. Medford, Industrial Road, a dedicated public roadway, which connects to Justice Road, and then to Highway 62 and Vilas Road as well.
- Public Facilities:** Category A public facilities exist in the vicinity that can be extended to service the property including water service, sewer service, drainage and streets (See Section III below).

Scope of the Application:

8.39 2/2
The purpose of this application is to apply for a zone change to the appropriate City Zoning (I-G) , for a site of ~~3.00~~ 3.39 acres in order to allow the property owner to bring the property into compliance with City zoning and the City Comprehensive Plan.

Jackson County has the site zoned partially Light Industrial and partially RR-5, under the provisions of the JCLDO (Jackson County Land Development Ordinance), which essentially leaves the property owner in a "land use limbo." The information contained within these findings will demonstrate compliance with the applicable criteria contained in Section 10.227 of the Medford Land Development Code for a change in zoning designation from County, AD/MU to City of Medford, General Industrial (I-G) zoning.

II. Applicable Criteria:

Prior to approval by the Planning Commission for a change in zoning designation, the proposal must be found to meet the criteria for zone changes contained in Section 10.227 of the Medford Land Development Code (MLDC). These criteria are:

- "1. *The proposed zone change 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 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.*
- 1(a): Applies only to SFR-2 requests; Not Applicable;*
- 1(b): Applies only to SFR-6 and SFR-10 requests; Not Applicable;*
- 1(c): Applies only to Commercial zoning requests; Not Applicable;*
- 1(d): For zone changes to any industrial zoning district, the following criteria shall be met for the applicable zoning sought:*
 - (ii) The I-G zone may abut the Heavy Commercial, Light Industrial and the Heavy Industrial 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.*
- 1(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 at least 50 feet in width.*

2. It shall be demonstrated that Category A urban services and facilities are available to adequately serve the property, 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."

III. Demonstration of Compliance:

1(a). Consistency With the General Land Use Plan Map:

The attached copy of the General Land Use Plan Map (GLUP) for the City of Medford indicates that the subject area is designated on the General Land Use Plan Map as **Heavy Industrial**, which allows all categories of industrial use as noted in Sections 10-331 through 10.337 of the Medford Land Development Ordinance.

The requested zoning district, *General Industrial*, is consistent with the Heavy Industrial Plan designation, as noted in the Land Use Element, Section 7. Further, the I-G designation, as noted in Section 10.331, MLDO, provides for

"... industrial uses in which production and processing activities involve a degree of noise, vibration, air pollution, radiation, glare, and fire and explosive hazards. Thy physical effects of such phenomena shall be limited to levels as per the performance standards contained in Article V. Offices shall be permitted only when accessory and subordinate to the principle permitted use. This district is not intended to be customer-oriented, and retailing shall be permitted as an accessory use only. "

A review of the uses that are allowed in the various Industrial zoning districts (Section 10.337) notes the permitted and conditional uses as outlined in the SIC Manual, 1987 Edition:

SIC Code	General Industrial	Light Industrial
152/153: Building Construction	Permitted	Permitted
154: Non-Residential Construction;	Permitted	Permitted
162: Heavy Construction:	Permitted	Permitted

Additionally,

FINDING:

The application is consistent with the Comprehensive Plan designation of Heavy Industrial for this portion of the city. The proposed zoning is I-G (General Industrial) which is an appropriate zoning for the site per the GLUP Map designation and the Land Use Element.

A review of the size, location and orientation of the property proposed for a zone change indicates that the site has been annexed to the City of Medford, but did not have a concurrent zone change as required by Section 10.198 of the Medford Development Code. The subject tract is located within the City Limits and the Urban Growth Boundary for the City of Medford. The zoning in the immediate area is generally oriented to both general and light (Jackson County) industrial uses, as well as heavy commercial uses both in the City and the County to the south. This application can be found to be consistent with the provisions of Section 10.227(1). In addition, a review of the zoning and uses on the abutting and adjacent properties in the vicinity indicates that at least 50% of the subject property has boundaries that abut IL zoning, The application is consistent with Section 10.227(1)(d)(ii) and 10.227(1)(e).

1(b): Compliance With the Transportation Planning Rule:

Compliance with the Transportation Planning Rule also responds to the various policy and goal questions raised within the Transportation Element of the Comprehensive Plan. Since Medford has adopted a new Transportation Systems Plan (TSP) which will address the provisions of OAR 660 Division 12, addressing the OAR criteria (required by the MLDO) will also address the TSP and Transportation Element requirements.

Chapter 660, Division 12 of the Oregon Administrative Rules (OARs) provides for implementation of the Statewide Transportation Goal (Goal 12). The OARs also explain how local governments and state agencies responsible for transportation planning (i.e., O.D.O.T.) can demonstrate compliance with other statewide planning goals, and how transportation facilities can be provided consistent with transportation element requirements.

The Transportation Planning Rule (TPR) requires all local governments to incorporate into their Comprehensive Plans, adequate goals and policies that will:

- A. Consider all modes of transportation, including rapid transit, air, water, rail, highway and bicycle and pedestrian.*
- B. Inventory local, regional, and state transportation needs;*
- C. Consider the social consequences that would result from using different combinations of transportation modes;*
- D. Avoid total reliance upon any one mode of transportation;*
- E. Minimize adverse social, economic and environmental impacts and costs;*
- F. Conserve energy;*
- G. Meet the needs of the transportation disadvantaged by improving service;*
- H. Facilitate the flow of goods and services so as to strengthen the local and regional economy;*
- I. Conform with local and regional comprehensive plans.*

More specifically, there are provisions within the chapter that apply specifically to Plan and land use regulation amendments. These provisions are contained in OAR 660-12-060:

“1) Amendments to functional plans, known as comprehensive plans, acknowledged comprehensive plans and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity and level of service of the facility. This shall be accomplished by either

A) limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;

B) Amending the TSP to provide transportation facilities adequate to support the proposed land use consistent with the requirements of this division, or,

C) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

2) A plan or land use regulation amendment significantly affects a transportation facility if it:

A) Changes the functional classification of an existing or planned transportation facility;

B) Changes standards implementing a functional classification system;

C) Allows types or levels of land use which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility;

D) Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.

3) Determinations under sections 1 and 2 above shall be coordinated with affected transportation facility and service providers and other affected local governments.”

Discussion:

In this case the existing city and state transportation systems will not be "significantly affected" (i.e, neither the functional classification nor the LOS, or Level of Service) by the proposed zone change, since the use of the subject property for General Industrial use will not change by virtue of this zone change. The uses on site are existing, and the zone change is simply necessary to bring the property into conformance with the current City zoning designations so that development permits can be applied for if any expansion or improvements are desired. Due to size (3.39 acres) and configuration (smaller lot in an industrially-developed area), this change simply cannot significantly alter the ability of the State and County transportation systems to serve the site.

The site consists of ^{1.42}~~3.39~~ acres, which is already developed. Based upon ITE Code 110, general "Light Industrial uses" are anticipated to generate 6.75 trips per 1000 square feet of floor space, but general "Heavy Industrial" generate about 1.5 trips per 1000 square feet. In this case, the property has a shop on site that is 2400 square feet, which would result in an average of 16.20 ADT. We anticipate that traffic is not an issue with this site.

Using this guide for the anticipated traffic generated from uses allowed on this parcel, it is anticipated that traffic generation will be between 16 and 50 ADT. Since the site takes access to a paved roadway that connects to Justice Road, and is already developed, it is clear that this zone change request does not meet the standardized threshold of 250 ADT which is required for a TIS.

The primary facility affected by this zone change is Justice Road and Crater Lake Highway. Crater Lake Highway shows published traffic counts of approximately 35,500 ADT. Based upon ITE criteria, multiple lane roadways such as Highway 62 have a theoretical capacity of 8,000 trips per hour (2000 trips per hour each lane, 4 lanes). (Information from *U.S. Department of Transportation, Handbook of Highway Safety Design and Operating Practices*, Washington D.C.)

FINDING:

The City of Medford finds that this application will have little or no impact on the transportation system, generating at this time approximately 17 ADT, with a maximum traffic generation potential of under 100 ADT. This level of traffic generation at that location does not require a TIS, since adequate facilities are in place, and the serving roadways (Justice Road and Highway 62) which are, in this location, under capacity. The application can be found to be consistent with the Transportation Planning Rule (OAR 660-Division 12). With this determination, the zone change can be found to be consistent with the applicable Goals and Policies contained in the Transportation Element of the Medford Comprehensive Plan.

2. ARE PUBLIC FACILITIES AVAILABLE TO SERVE THE PROPERTY:

The second requirement for a change of zoning designation contained in Section 10.227 of the Medford Land Development Code is a demonstration that Category A public facilities are available, or can be made available to serve the site. Category A Public Facilities are generally described in Table B of the Public Facilities Element in the Medford Comprehensive Plan. These facilities are, specifically,

- Wastewater Collection;
- Wastewater Treatment;
- Water Supply, Treatment and Distribution;
- Storm Drainage;
- Transportation facilities, including streets, public transit, etc.

Availability of the Category A public facilities, as they relate to this application, were described above, but are noted here in more detail:

Wastewater Collection:

The subject property is currently served by Rogue Valley Sewer Services (RVSS) for community sewer collection, as opposed to the City of Medford. Treatment is provided by the Regional Wastewater Treatment Plant, which is operated by the City of Medford. Wastewater collection for this property is provided by an existing service line at the northern extension of the property. Connection has been made (BCVSA Permit Number 5057). Adequate capacity is available in the vicinity to provide for this use.

Wastewater Treatment:

Wastewater treatment is provided by a regional Wastewater Treatment Plant located north of Kirtland Road, and west of the existing Robert Duff water treatment plant. The wastewater plant currently serves approximately 115,000 persons county wide. The capacity of the regional facility, according to the plant operations manager, is approximately 191,000 persons, which provides a capacity to approximately the year 2010.

The plant has the capacity to serve the expected population growth within that planning period. The regional wastewater facility receives SDCs (Systems Development Charges) that are dedicated for the expansion and maintenance of the facility.

Current plans call for an expansion of the plant within the next five years to deal with current growth rates. Adequate capacity exists at the plant to serve the subject property.

Water Supply, Treatment and Distribution:

Potable water supply for the greater Medford area is provided by the Medford Water Commission (MWC), which provides potable water for Medford, Central Point, White City, Eagle Point, Phoenix, Talent and several smaller water districts.

Primary sources for the MWC system are Big Butte Springs, at the base of Mt. McLaughlin, as well as supplementary supplies from the Rogue River (Lost Creek impoundment). The MWC system is capable of serving the water needs of the region until the year 2050, based upon a service population estimated today at approximately 80,000 persons. Current usage is reflected in a maximum day consumption of 45 MGD (Million Gallons per Day), and a maximum capacity of 56.5 MGD. Like wastewater, there are SDCs that apply for the eventual expansion and upgrading of the existing supply.

Treatment is provided for surface water by the Robert Duff water treatment plant located at Table Rock Road and the Rogue River. This is a state-of-the-art sand filter system, with chlorination for disinfection. The treatment plant comes on line only when the Big Butte Springs supply needs augmentation.

Distribution systems serving this area includes an "8" ductile iron line located in the frontage of Highway 62. Connection has not been made to this line by the property owners in this area. Current levels of development indicate that extension of potable water to the property could be provided; further coordination of any development with proposals in the vicinity will be necessary. Adequate capacity exists to serve the subject property.

Storm Drainage:

Drainage ditches currently serve this site, and storm drainage will be available to the property via those existing roadside drains. Underground storm drains exist just south and east of the site, and the open ditch fronting the property is part of the overall drainage system in the vicinity. The applicant notes that the City's drainage Master Plan does not address the storm drainage system downstream of this property.

As a result, the applicant stipulates to completion of one of the following prior to application for building permits for vertical construction:

- A study by an Oregon licensed engineer, including modeling and/or calculations demonstrating to the Engineering Department that the downstream facilities are adequate to accommodate the additional flows from the proposed development for the site, or,
- A report, prepared by an Oregon licensed engineer, which will demonstrate that post-construction runoff would be limited to current or pre-developed runoff rate and quantity.

The required report or study is dependent upon the scope and intensity of development on the site, but the applicant stipulates to providing these studies consistent with the City of Medford master Storm Sewer Program, as established by the 1981 Drainage Utility Study. With those studies, the Planning Commission can find adequate capacity and facilities exist, or may be extended to serve the site.

Transportation Facilities:

Transportation Facilities to serve the subject site are limited to surface transportation (streets and roads). No concerns regarding this project are anticipated from Engineering or ODOT due to the size of the property (~~3.99~~ ^{7.57} acres) the fact development already exists in the vicinity, and the existing uses generate less than 20 average daily trips. No new development is anticipated; current construction exists.

The Public Facilities Element was designed to insure that there has been adequate planning for Category A public facilities (water, sewer, storm drainage and transportation); The Public Facilities Element also addresses Category B public facilities and services (police, fire, parks, and schools). Goal #1, Policy 3, of the Public Facilities Element notes that in order to provide for maximum consistency and coordination of individual public facility plans, the Land Use Element MATS sectors will serve as the basic geographic planning unit whenever possible. In this case, the property does lie within a MATS sector, and has been included, by virtue of its location, into a geographic planning area.

Policy 2, Goal 2 notes that the City shall make every "reasonable" effort to assure a continuing and consistent process for the development, coordination and prioritization of the city public facilities Capital Improvement Program. The various SDC ordinances and fees are the implementation of that program; however, continued development and construction drives the collection of those fees.

Goal 3, Policy 1 delineates what are essential urban facilities and services to provide for "minimum adequate service levels." These include both the Category A and Category B facilities, although Category B facilities are generally described as those that are essentially "re-active" to the development process.

FINDING:

The City of Medford can find that adequate public facilities exist, or can be extended upon development to serve the subject property. Further, the City has adopted a series of Ordinances that implement the Goals and Policies of this element. Systems Development Charges, development permit fees and development of a capital improvement program for Category A facilities (Water system, Sewer system, transportation system including streets and compliance with the Master Drainage Plan) indicate that the City has provided for adequate supplies of water, wastewater treatment, drainage and street development within the city. Applications that comply with the requirements of these ordinances and plans are consistent with the Public Facilities Element for water, sewer and storm drainage.

CONCLUSORY FINDING:

The City of Medford finds that this application for a change in zoning designation from Jackson County RR-5 and L-1 to City General Industrial (I-G) is

A) consistent with the GLUP Map designation of General Industrial, which allows for such zoning designations, and

B) consistent with the transportation planning rule, in that the use of this site for industrial development will not significantly impact the existing transportation facilities (Highway 62) serving the site.

FINDING: DO ADEQUATE CATEGORY "A" FACILITIES EXIST:

The City of Medford finds that:

A) The site is served by RVSS for wastewater collection, and the Regional Treatment Facility for treatment of the sanitary sewer. Sewer collection facilities exist, and are extended to the property.

B) The site is NOT served by the Medford Water Commission for potable water, but water facilities (an 8" ductile iron line exists in the vicinity). Coordination with the Medford Water Commission is necessary as the site is not served.

C) The site is served by both Medford and Jackson County, as well as the State, for roads and streets. Justice Road to the south has been recently improved and has a specific capacity that will not be exceeded by the traffic generated by this zone change; the intersection of Justice and Highway 62 should adequately accept the traffic generated by this application; and any future development would be geared to Site Plan review.

D) Adequate drainage exists or can be extended to the site, consistent with the Medford Master Drainage Plan, and the requirements for a study or report to demonstrate that storm drainage can be consistent with pre-construction runoff is stipulated to by the applicant.

CONCLUSORY FINDING:

The City of Medford finds that adequate Category "A" public facilities exist to serve the site as it exists, or can be made available upon development, and that there will be no significant impact of this zone change on the road and street capacity, water capacity, drainage or sewer capacity in the vicinity. The change in traffic generation from the change in zoning is anticipated to be insignificant.

IV. SUMMARY AND CONCLUSIONS:

As noted above, in order for a zone change request to be approved, the Planning Commission must find that the applicant has made the requisite findings as provided in Chapter 10.227 for a zoning district amendment.

This application demonstrates clearly that the property and the application is consistent with the Comprehensive Plan; further, the application has addressed the fact the site is served or can be served by Category "A" public facilities which have already been extended to the development or exist in the vicinity. With this demonstration of compliance, the applicant respectfully requests approval of this zone change.

Submitted this 26th day of October, 2007:

A handwritten signature in black ink, appearing to read 'J. Michael LaNier', with a long horizontal flourish extending to the right.

RICHARD STEVENS & ASSOCIATES, INC.
J. Michael LaNier

CITY OF MEDFORD
INTER - OFFICE MEMORANDUM

TO: Planning Department

FROM: Engineering Division

SUBJECT: Zone Change Request, File No. ZC-07-257

DATE: November 29, 2007

1. Sanitary Services:

A. 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:

Medford Industrial Road, a designated Industrial Street has an oil mat surface without curbs and gutters along the frontage of this site.

B: Who has maintenance responsibilities: Jackson County

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 County RR-5/LI (Single Family Residential - 1 dwelling per 5 acres/Light Industrial) to City I-G (General Industrial), on 1.49 acres has the potential to generate 298 average daily trips (ADT) or produce a net increase of 222 ADT to the transportation system. Based on this and code sections 10.460 and 10.461, a traffic impact analysis (TIA) isn't required. Public Works also concludes that there is no evidence that there is or will be insufficient street capacity on Medford Industrial Road as a result of this application.

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 Medford Industrial Road.

CITY OF MEDFORD
"D"
ZC-07-257

3. Drainage:

This site lies within the Swanson Creek 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, the following criteria must be met prior to issuance of a development permit or a building permit for vertical construction:

- 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.



City of Medford

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

RECEIVED
DEC 05 2007
PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: Summer Williams

LD Meeting Date: 12/05/2007

From: Patterson, John

Report Prepared: 11/29/2007

File #: ZC - 07 - 257

Site Name/Description:

Consideration of a request for change of zones from County RR-5/LI (Single-Family Residential - 1 dwelling per 5 acres/Light Industrial) to City I-G (General Industrial) on a 1.49 acre parcel located on the west side of Medford Industrial Road, approximately 340 feet north of Justice Road; Pacific Pipeline, Inc. (Richard Stevens & Associates, Inc., Agent). Summer Williams, Planner

DESCRIPTION OF CORRECTIONS	REFERENCE
<u>Approved as Submitted</u>	
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.

RECEIVED

DEC 05 2007

PLANNING DEPT.



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: ZC-07-257
PROJECT: Consideration of a request for change of zones from County RR-5/LI (Single-Family Residential – 1 dwelling per 5 acres/Light Industrial) to City I-G (General Industrial) on a 1.49 acre parcel located on the west side of Medford Industrial Road, approximately 340 feet north of Justice Road; Pacific Pipeline, Inc. (Richard Stevens & Associates, Inc., Agent). Summer Williams, Planner

PARCEL ID: 361W31D TL 600

DATE: December 5, 2007

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 36" waterline exists in Crater Lake Highway near west right-of-way line.

CITY OF MEDFORD
STAFF "F"
ZC-07-257

Summer M. Williams

From: Carl Tappert [ctappert@rvss.us]
Sent: Wednesday, November 21, 2007 11:43 AM
To: Summer M. Williams
Subject: ZC-07-257_Pacific Pipeline.doc
Attachments: image001.jpg



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 97502-
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

November 21, 2007

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

Re: ZC-07-257, Pacific Pipeline, Inc. (361W31D-600)

ATTN: Summer

The subject property is currently served by a long service lateral to the 10 inch sewer main on Justice Road. The proposed zone change will not affect this service, however future development will most likely require a main line connection. The sewer main has adequate capacity to serve the proposed increased density.

Sincerely,

Carl Tappert, PE
District Engineer

11/21/2007

CITY OF MEDFORD
PROJECT # "G"
ZC-07-257



JACKSON COUNTY

Roads

Roads
Mike Kuntz, PE
Interim Traffic Engineer
200 Antelope Road
White City, OR 97803
Phone: 541-774-6228
Fax: 541-774-6295
kuntzm@jacksoncounty.org
www.jacksoncounty.org

November 26, 2007

Summer Williams
Planning Department
City of Medford
200 S. Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: Zone Change off North Medford Industrial Road - a dedicated way.
Planning File: ZC-07-257.

Dear Summer:

Thank you for the opportunity to comment on this request for change of zones from County RR-5/LI (Single-Family Residential - one dwelling unit per five acres/Light Industrial) to City I-G (General Industrial) on a 1.49 acre parcel located on the west side of North Medford Industrial Road, approximately 340 feet north of Justice Road. Roads has the following comments:

1. We would like to be notified of future development proposals, as county permits or assessments may be required.
2. Please note that North Medford Industrial Road is a dedicated way with a sixty-foot right-of-way. A Dedicated Way is a type of local access road with a formal agreement for maintenance, as spelled out in the county's Land Development Ordinance. Local Access roads become city jurisdiction when annexed into the City.
3. Please note that Justice Road was improved to a County "A" standard road. The improvements were made on this substandard county road to accommodate industrial/commercial traffic generated from the industrial zoning of the surrounding area. As development occurs in this area, we have been requiring payment of a road improvement assessment, to recoup the County's expenses from bringing this road to a standard necessary to accommodate industrial traffic.

This assessment amount is based on the number of affected parcels, the depreciated value of the improvements, the parcel frontage and acreage. Our records show the assessment for T36S, R1W, Sec. 31D, Tax Lot 600 to be \$2,428.42 (fiscal year 2007-08). As a condition of approval for any site plan approval, the applicant shall pay the assessment in full or on a payment schedule suitable to Jackson County Roads. This assessment cannot be used to offset any systems development charges.

If you have any questions or need further information feel free to call me at 774-6228.

Sincerely,

Mike Kuntz, PE
Interim Traffic Engineer

NOV 28 15:43
"H"
ZC-07-257

Vicinity Map

UGB
City Limits

OVERLAY

Airport Approach
Airport Radar
Central Business
Exclusive Agricultural
Freeway
Historic Outline
Limited Industrial
Limited Service
Planned Development
Southeast

FILE NUMBER:

ZC-07-257

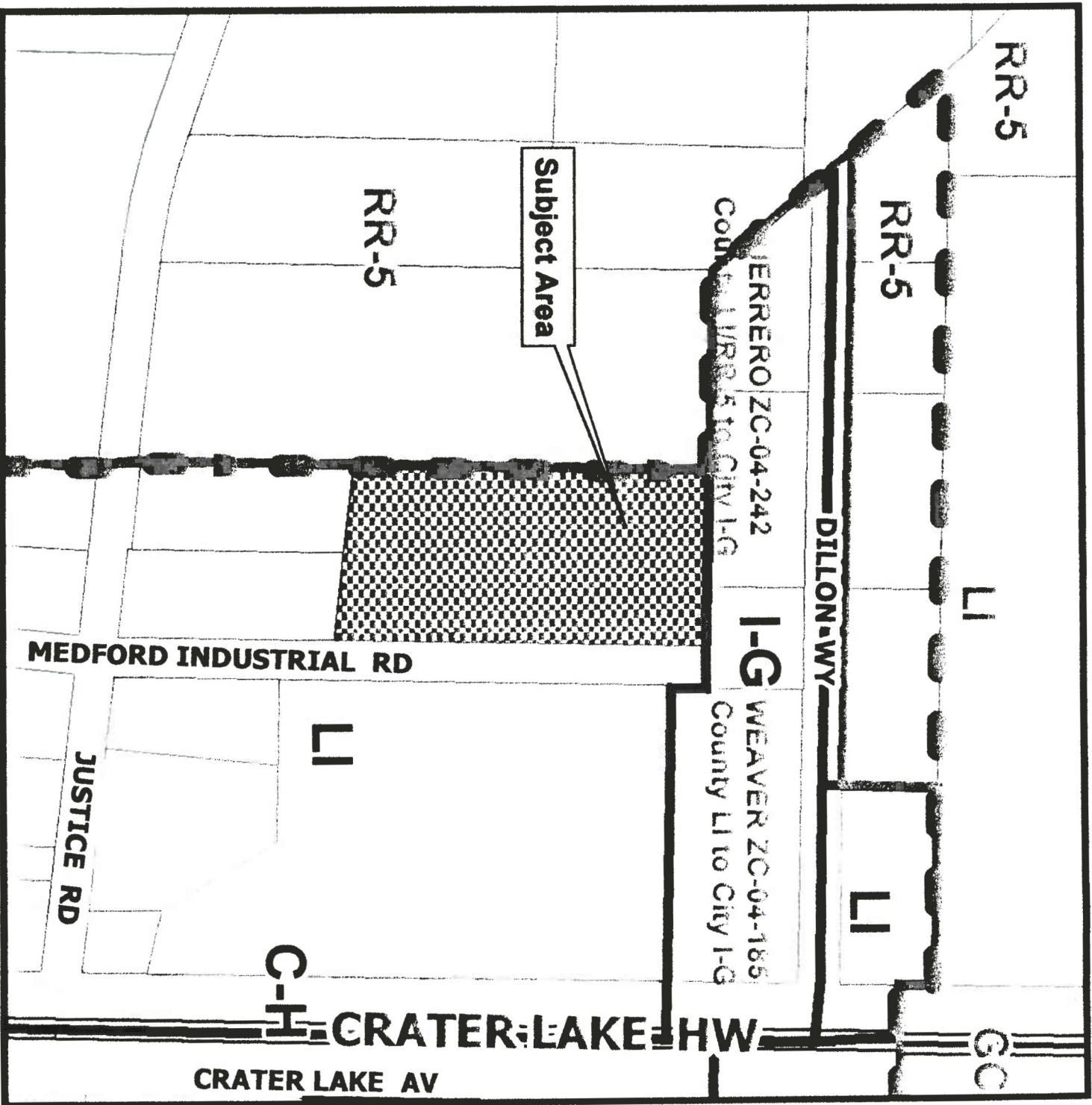
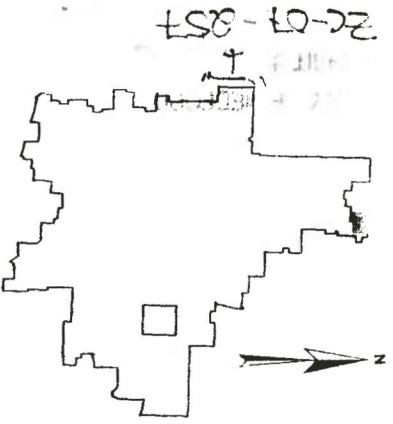
Map 2

APPLICANT:

Pacific Pipeline, Inc.

Map: 361W31D

TL: 600



Vicinity Map

UGB
City Limits

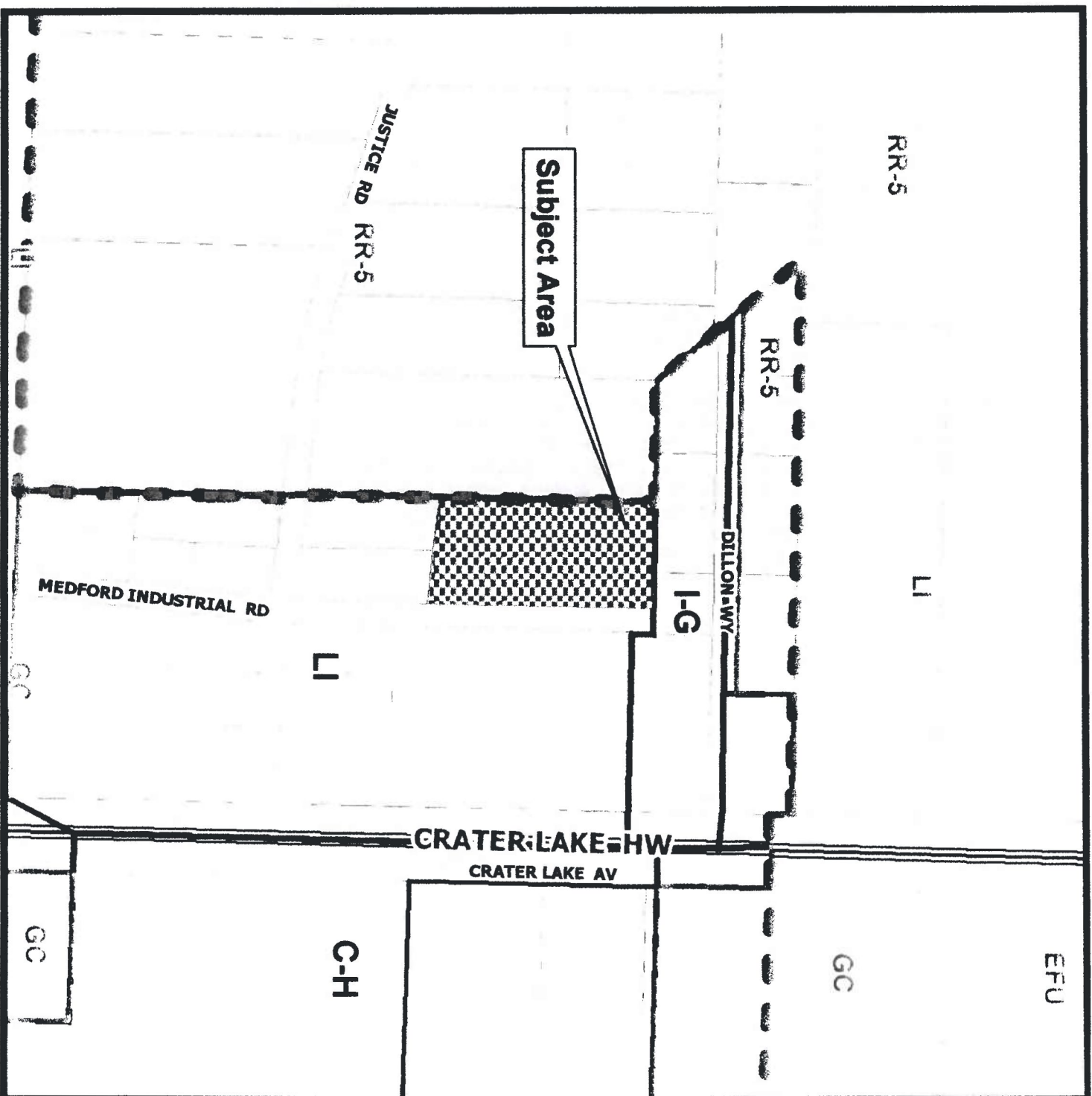
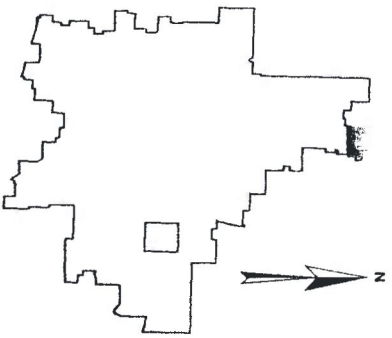
OVERLAY

Airport Approach
Airport Radar
Central Business
Exclusive Agricultural
Freeway
Historic Outline
Limited Industrial
Limited Service
Planned Development
Southeast

FILE NUMBER:
ZC-07-257

APPLICANT:
Pacific Pipeline, Inc.

Map: 361W/31D
TL: 600



Nov. 11, 2007 10:44AM

L. A. FRIAR 541-772-3465

No. 0076 P. 1

To:
Mike
Lanier
858-8947
Doc # 2004-017976

RECEIVED
NOV 01 2007
PLANNING DEPT

127036ps

EXHIBIT A

Commencing at the southeast corner of Section 31, Township 36 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence North 00°20'40" West 1326.08 feet; hence North 89°44'45" West 153.70 feet; thence North 00°21'20" West 651.57 feet to a point on the northerly line of Justice Road; thence on said northerly line, North 85°06' East 510.32 feet to a 5/8" iron pin designated "A" for future reference; thence leaving said northerly line, North 00°20'57" West 324.20 feet to a 5/8" iron pin marking the true point of beginning of the herein described parcel; thence North 85°06' West 269.90 feet; hence North 00°21'13" West 537.33 feet; thence North 89°37'24" East 268.80 feet; thence South 00°20'57" East 562.15 feet to the true point of beginning.

Code 6-35, Account #1-018134-0, Map #361W31D, Tax Lot #600)

Code 49-01, Account #1-045919-7, Map #361W31D, Tax Lot #600)

SUBJECT TO:

1. The effect of said property, or any part thereof, lying within the Rogue River Valley Irrigation District, and subject to all water and irrigation rights, easements for ditches and canals, and all regulations of said District, including any and all assessments, liens and charges assessed, and to be assessed.
2. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Rogue Valley Sewer Services.
3. The rights of fishing, navigation, commerce, flood control, propagation of anadromous

ZC-07-257
LEGAL DESCRIPTION