



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

02/28/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment
DLCD File Number 021-10

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. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, March 10, 2011

This amendment was submitted to DLCD for review prior to adoption 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 Acknowledgment or 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 above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Sandra Johnson, City of Medford
Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative
Gary Fish, DLCD Transportation Planner

<paa> YA

FORM **2****DLCD****Notice of Adoption**

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	☐ In person ☐ electronic ☐ mailed
	DEPT OF
	FEB 22 2011
	LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: **City of Medford**Local file number: **ZC-10-078**Date of Adoption: **02/10/2011**Date Mailed: **02/16/2011**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 11/23/10☐ 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 SFR-00/EA (Single-Family Residential, one dwelling unit per parcel/Exclusive Agricultural Overlay) to SFR-10 (Single-Family Residential, ten dwelling units per acre) on a 65.27 acre parcel at the north terminus of Cheltenham Way

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

Plan Map Changed from:

to:

Zone Map Changed from: **SFR-00/EA**to: **SFR-10**Location: **371W08 1100**Acres Involved: **65.27**Specify Density: Previous: **one unit per parcel**New: **10 units per parcel**

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 file No. _____

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

School District, Jackson County, DSL, ODOT

Local Contact: **Sandra Johnson**

Address: **200 South Ivy Street**

City: **Medford**

Zip: **97501**

Sandra.johnson@cityofmedford.org

Phone: **(541) 774-2380** Extension: **2385**

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

E-mail Address:

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and **one complete paper copy** (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.



CITY OF MEDFORD

PLANNING DEPARTMENT

February 15, 2011

Delta Waters Properties LLC
PO Box 430
Medford, OR 97504

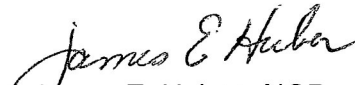
Decision Date: February 10, 2011
Final Date for Appeal: March 3, 2011
File No.: ZC-10-078

The Medford Planning Commission adopted the final order containing Findings of Fact relating to the approval of the following request:

A change of zone from SFR-00/EA (Single Family Residential - one dwelling unit per parcel/ Exclusive Agricultural Overlay) to SFR-10 (Single Family Residential - ten dwelling units per acre) on a 65.27 acre parcel at the north terminus of Cheltenham Way.

The approval is based on the findings and subject to the conditions set forth in the Planning Commission Report dated January 27, 2011.

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 the Final Appeal Date stated above. Appeals must be filed in the form prescribed, and will be decided based upon Medford Code Sections 10.051-10.056 (copies available).


James E. Huber, AICP
Planning Director

kg

Enclosure: Final Order/ Planning Commission Report/ Legal Description

cc: CSA Planning, Jay Harland, 4497 Brownridge Terrace, Suite 101, Medford, OR 97504
Interested Parties
Affected Agencies

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE)
ZC-10-078 APPLICATION FOR A ZONE CHANGE SUBMITTED) **ORDER**
BY DELTA WATERS PROPERTIES, LLC)

ORDER granting approval with conditions of a request for changing the zoning from SFR-00/E-A Overlay (Single Family Residential, one dwelling unit per parcel/Exclusive Agricultural Overlay) to SFR-10 (Single Family Residential – 10 dwelling units per acre) zoning district on a 65.27 acre parcel at the north terminus of Cheltenham Way.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from SFR-00/E-A Overlay (Single Family Residential, one dwelling unit per parcel/Exclusive Agricultural Overlay) to SFR-10 (Single Family Residential – 10 dwelling units per acre) zoning district on a 65.27 acre parcel at the north terminus of Cheltenham Way; and

WHEREAS, the City Planning Commission has given notice of, and held a public hearing, and, after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Planning Commission Report dated January 27, 2011, including Findings – Exhibit “C,” Legal Description, and the conditions of approval to which the property owner has agreed – Exhibit “A”, attached hereto and hereby incorporated by reference; now, therefore,

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

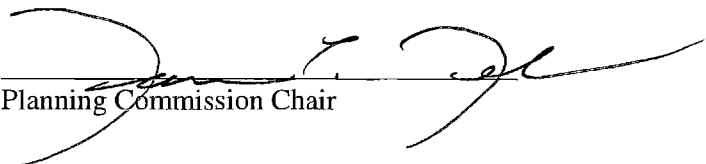
The zoning of the following described area within the City of Medford, Oregon:

37 1W 08 Tax Lot 1100

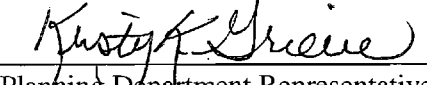
is hereby changed from SFR-00/E-A Overlay (Single Family Residential, one dwelling unit per parcel/Exclusive Agricultural Overlay) to SFR-10 (Single Family Residential – 10 dwelling units per acre) zoning district.

Accepted and approved this 10th day of February, 2011.

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative



CITY OF MEDFORD

PLANNING DEPARTMENT

PLANNING COMMISSION REPORT

Date: January 27, 2011

Subject: Delta Waters Zone Change (ZC-10-078)
Delta Waters Properties, LLC, Applicant
CSA Planning, Ltd., Agent

BACKGROUND

Proposal

Consideration of a request for a change of zone from SFR-00/EA (Single Family Residential, one dwelling unit per parcel/Exclusive Agricultural Overlay) to SFR-10 (Single Family Residential, ten dwelling units per acre) on a 65.27 acre parcel at the north terminus of Cheltenham Way

Subject Site Zoning, GLUP Designation and Existing Uses

Zoning:	SFR-00/E-A (Single Family Residential, one unit per parcel/Exclusive Agricultural Overlay)
General Land Use Plan Map:	UR (Urban Residential)
Existing Uses:	Single Family Residence Agricultural Land Irrigation Pond/Wetland Hopkins Canal

Surrounding Property Zoning and Uses

<i>North:</i>	<i>Zone</i>	County-zoned EFU (Exclusive Farm Use)
	<i>Use</i>	Vacant Land; agricultural production, rural residential
<i>South:</i>	<i>Zone</i>	SFR-4 (Single Family Residential-4 units per acre)
	<i>Use</i>	Single Family Residences Lincoln Elementary School
<i>East:</i>	<i>Zone</i>	County-zoned EFU (Exclusive Farm Use)
	<i>Use</i>	Vacant Land; agricultural production, rural residential
<i>West:</i>	<i>Zone</i>	SFR-6 (Single Family Residential-6 units per acre)
	<i>Use</i>	Single Family Residences

"Working with the Community to Shape a Vibrant and Exceptional City"

Related Projects

A-97-084 Annexation per Ordinance #98-126, approved June 4, 1998

Corporate Names

According to the Secretary of State Business Name Registry, James Root is the registered agent for Delta Waters Properties, LLC.

Applicable Criteria

10.227 Zone Change Criteria (Exhibit B)

ISSUES/ANALYSIS

Transportation System Plan

The applicant's Findings of Fact (Exhibit C, page 14) indicate the zone change is consistent with the *Transportation System Plan* (TSP). The applicant has provided a Traffic Impact Analysis (TIA), a summary of which is included in this report (Exhibit J).

General Land Use Plan (GLUP) Map Designation

The map submitted by the applicant illustrates the GLUP designation for the subject property (Exhibit E). Staff concurs with the applicant's conclusion that the requested zone change to SFR-10 is consistent with the U-R (Urban Residential) GLUP designation (Exhibit C, page 14).

Locational Criteria

Locational standards in Section 10.227 include a requirement that the area to be rezoned is five acres or larger (Exhibit B). The subject parcel is 65.27 acres; therefore, the Commission can find that the zone change request meets the locational criteria of the *Medford Land Development Code*.

Category A Facilities

Storm Drainage Facilities

Hopkins Canal traverses the west end of the project site, and the storm water from future development will not be allowed to drain into the canal. Instead, storm water from this site will be required to drain into Garrett Creek, a natural drainage just north of the site. The report from the Public Works Department provides details regarding the requirements for storm drainage facilities (Exhibit M). Future development of this site will require storm drainage detention and water quality improvements in accordance with Sections 10.486 and 10.729 of the Code.

Sanitary Sewer Facilities

Per the report from the Public Works Department, the existing sanitary sewer collection system has the capacity for the development of 38 of the total 65.27 acres proposed for SFR-10 zoning. A condition is included that limits construction to 380 single family units until the City upgrades the Terminal Spur Trunk Line. At that time, the developer could add an additional 60 single family units before additional upgrades become necessary. Upgrades to correct a capacity issue in the sanitary sewer system near Ford Drive and Springbrook Road will facilitate the remaining development of the parcel to the SFR-10 density. A condition is included requiring compliance with the report from the Public Works Department (Exhibit M).

Medford Water Commission

The Medford Water Commission (MWC) has provided comments regarding the zone change request that state the MWC system does have capacity to serve the property, although both on and off-site improvements may be required depending on future land development (Exhibit N). Metered service does not currently exist to this property.

Streets and Street Capacity

As required by Section 10.461 of the Land Development Code, the applicant submitted a Traffic Impact Analysis (TIA) to the Public Works Department, incorporated here by reference. The executive summary of said report is included as Exhibit J. The total impact of the proposed development will require mitigation per the Public Works report (Exhibit M).

The Traffic Engineering Division of the Public Works Department recommends approval of the zone change with the following stipulations:

1. Prior to vertical construction of more than 50 SFR units or the generation of 479 daily trips, project impacts at the intersection of Crater Lake Ave. & Owen Dr. shall be mitigated to the satisfaction of the City of Medford. The mitigation recommended in the traffic impact study is signalization of the intersection. This intersection does not meet the criteria for intersection spacing in M.M.C. 10.463 and would require an exception.
2. Prior to the vertical construction of more than a total of 69 SFR units or the generation of 661 total daily trips, improvements shall be made to the intersection of Delta Waters Rd. & Springbrook Rd. to include realignment of the north and southbound approaches and construction of a traffic signal.
3. Prior to the vertical construction of more than a total of 76 SFR units or the generation of 728 total daily trips, improvements shall be made to the intersection of Crater Lake Ave. & Delta Waters Rd. to include east and westbound left turn lanes and an eastbound right turn lane.

4. Prior to the vertical construction of more than a total of 246 SFR units or the generation of 2355 total daily trips, improvements shall be made to the intersection of Delta Waters Rd. & Foothill Rd. to include an all way stop and advanced flashing beacons on Foothill Rd. warning of this condition .
5. Prior to the vertical construction of more than a total of 320 SFR units or the generation of 3063 total daily trips, improvements shall be made to the intersection of Springbrook Rd. & Cedar Links Dr. to include an all way stop.
6. Prior to the vertical construction of more than a total of 470 SFR units or the generation of 4498 total daily trips, improvements shall be made to the intersection of Springbrook Rd. & Lone Pine Rd. to include a northbound right turn lane.

Oregon Department of Transportation

The Oregon Department of Transportation has issued a report that addresses the mitigation of traffic impacts at the intersection of Crater Lake Highway (Highway 62) and Delta Waters Road (Exhibit P). The mitigation includes a second west-bound left turn lane on Delta Waters Road at the Crater Lake Highway intersection. The applicant proposes, and ODOT concurs, that site development shall be limited to 346 dwellings (or the equivalent p.m. peak hour trip generation). Prior to the construction of more than 346 dwellings, the applicant shall install the proposed mitigation or otherwise demonstrate the intersection is adequate according to the facility adequacy requirements then in effect.

Mitigation Table

The applicant's Findings of Fact include stipulations (Exhibit C, page 25) that are consistent with the requirements from the Public Works Department and the Oregon Department of Transportation. A summary of the proposed mitigation measures and the associated trip caps is listed below **(the table is revised to include mitigation requirements from ODOT):**

CATEGORY "A" FACILITIES <i>Proposed Mitigation</i>		CAPACITY LIMITS <i>(SFR units or daily vehicle trips)</i>
Sanitary Sewer		
Upgrade of Terminal Spur Trunk Line **		Over 380 SFR units
Upgrade near Ford Dr. & Springbrook Rd.		Over 440 SFR units
Storm Drain		
Drainage to Garrett Creek via easement		none
Intersections		
Crater Lake Avenue & Owen Drive Install mitigation to the satisfaction of City of Medford		Over 50 SFR units or 479 trips

**Delta Waters Zone Change (ZC-10-078)
Planning Commission Report**

January 27, 2011

Delta Waters Road & Springbrook Road <i>Realign Springbrook and install signal</i>	<i>Over 69 SFR units or 661 trips</i>
Crater Lake Avenue & Delta Waters Road <i>East & westbound left turn lanes, eastbound right turn lane</i>	<i>Over 76 SFR units or 728 trips</i>
Delta Waters Rd. & Foothill Rd. <i>All-way stop & advanced flashing beacons</i>	<i>Over 246 SFR units or 2,355 trips</i>
Springbrook Rd. & Cedar Links Dr. <i>All-way stop control</i>	<i>Over 320 SFR units or 3,063 trips</i>
Springbrook Rd. & Lone Pine Rd. <i>Northbound right turn lane</i>	<i>Over 470 SFR units or 4,498 trips</i>
Crater Lake Highway (Hwy 62) & Delta Waters Rd. <i>Additional westbound left turn lane, or otherwise demonstrate facility adequacy.</i>	<i>Over 346 dwelling units or equivalent p.m. peak hour trips</i>

****City performs the upgrade**

Committee Comments

This zone change request received no comments from any of the City's Committees.

Adjacent Property Owners

Staff has received a letter from adjacent property owners, included as Exhibit S. Staff also received a petition signed by multiple property owners, and it is included in this report as Exhibit T.

Staff received additional correspondence from adjacent property owners prior to the meeting and during the public hearing. That correspondence is included in this report as Exhibits W through A-A.

No other issues were identified by staff.

FINDINGS OF FACT

Staff has reviewed the applicant's Findings of Fact and Conclusions of Law (Exhibit C) which includes stipulations on page 25 and 26. Staff recommends that the Commission adopt the Findings as presented.

ACTION TAKEN

Directed staff to prepare a Final Order for approval of ZC-10-078 per the Planning Commission Report dated January 27, 2011, including Exhibits A through A-A.

A	Conditions of Approval
B	Approval Criteria
C	Applicant's Findings of Fact and Conclusions of Law, received January 18, 2011
D	Assessor's Map 371W08, received October 12, 2010
E	General Land Use Plan Map (GLUP), received October 12, 2010
F	Conceptual TOD Boundaries Map, received October 12, 2010
G	Aerial Photo Map, received October 12, 2010
H	Proposed Zoning Map, received October 12, 2010
I	Wetlands and Floodplain Map, received October 12, 2010
J	Traffic Impact Analysis, Executive Summary (entire document incorporated by reference), received October 12, 2010
K	Water Line Maps for Area, received October 12, 2010
L	Sanitary Sewer Line and Storm Drainage Maps, received October 12, 2010
M	Public Works Staff Report, received December 8, 2010
N	Medford Water Commission Memo, received December 8, 2010
O	Medford Fire Department Report, received December 8, 2010
P	Oregon Department of Transportation Letter, received January 19, 2011
Q	Rogue Valley Transportation District Letter, received December 6, 2010
R	Density Calculation, produced by staff
S	Letter from adjacent property owner, received January 10, 2011
T	Petition from adjacent property owners, received January 13, 2011
U	Applicant's TIA Supplement Letter to ODOT from Group McKenzie, dated December 28, 2010, received January 18, 2011
V	Applicant's TIA Supplement Letter to ODOT from Group McKenzie, dated January 12, 2011, received January 18, 2011
W	Email from adjacent property owner, received January 14, 2011
X	Response to email (Exhibit W) from Planning Director dated January 25, 2011
Y	Letter from adjacent property owners dated January 26, 2011, received January 27, 2011
Z	Email from adjacent property owner, received January 27, 2011
A-A	Letter from adjacent property owner received January 27, 2011
	Vicinity Map

MEDFORD PLANNING COMMISSION

Page 6 of 6

EXHIBIT A
Conditions of Approval
January 20, 2011

ZC-10-078
Delta Waters Properties, LLC

1. The property owner shall comply with the report from the Public Works Department received December 8, 2010 (Exhibit M).
2. The property owner shall comply with the report from the Oregon Department of Transportation (ODOT) received January 19, 2011 (Exhibit P).

EXHIBIT B
January 20, 2011
ZC-10-078
Delta Waters Properties, LLC

ZONE CHANGE APPROVAL CRITERIA
SECTION 10.227 OF THE MEDFORD LAND DEVELOPMENT CODE

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 Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule. 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.

(b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one (1) of the following conditions must exist:

- (i) At least one (1) parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or
- (ii) The area to be rezoned is five (5) acres or larger; or
- (iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five (5) acres.

(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 Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.

(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 (1) of the following ways:

- (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
- (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated 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 (1) of the following occurs:

(a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

(b) when an applicant funds the improvement through a reimbursement district pursuant to the 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; Amd. Sec. 13, Ord. No. 2008-236, Nov. 20, 2008; Amd. Sec. 2, Ord. No. 2009-207, Sept. 17, 2009.]

BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

RECEIVED

JAN 18 2011

PLANNING DEPT.

IN THE MATTER OF AN APPLICATION)
FOR A ZONE CHANGE FROM SFR-00)
AND REMOVING THE EXCLUSIVE)
AGRICULTURAL OVERLAY TO SFR-10)
FOR 65.27 ACRES AT THE NORTHERN)
TERMINUS OF CHELTENHAM WAY)
AND MCLOUGHLIN DRIVE AND THE)
EASTERN TERMINUS OF OWENS)
DRIVE AND FORD DRIVE. IDENTIFIED)
IN ASSESSOR'S RECORDS OF)
JACKSON COUNTY AS 37-1W-08, TAX)
LOT 1100, WITHIN THE CORPORATE)
LIMITS OF THE CITY OF MEDFORD,)
JACKSON COUNTY, OREGON)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Applicants' Exhibit 2

Owners and Applicants: Delta Waters
Properties LLC)

I

NATURE AND SCOPE OF APPLICATION; BACKGROUND

Applicants Delta Waters Properties LLC hold an undivided interest in the property and seek to rezone the 65.27-acre parcel located within the corporate limits of the City of Medford. The subject property, identified as Tax Lot 1100 on Assessor's Map 37-1W-08 was annexed to the City of Medford in 1998 but was not rezoned. In 2008, the City conducted a city-wide legislative rezone that changed the zoning of all residential plan designations to an SFR-00 zoning designation. The SFR-00 zoning designation is an *urban holding zone* that permits a single residential dwelling unit per lot; as part of that legislative rezoning the City also applied the Exclusive Agricultural overlay to the property which allows for a variety of agricultural uses consistent with the current use of the property. This application requests removal of the Exclusive Agricultural Overlay and re-zones the property to SFR-10.

CITY OF MEDFORD

EXHIBIT #

C

File #

ZC-10-078



II

EVIDENCE SUBMITTED WITH APPLICATION

Applicant herewith submits the following evidence with its zone change application:

- Exhibit 1.** Signed and Completed Application Forms
- Exhibit 2.** The proposed findings of fact and conclusions of law, demonstrating how the zone change proposal complies with the applicable substantive criteria of the City of Medford and State of Oregon
- Exhibit 3.** Jackson County Assessor plat map 37-1W-08 which contains and depicts the subject property
- Exhibit 4.** City of Medford General Land Use Plan (GLUP)
- Exhibit 5.** Figure 4-1: Medford Conceptual TOD Boundaries and Other Activity Centers from Medford's Transportation System Plan, 2003
- Exhibit 6.** Zoning Map on Aerial
- Exhibit 7.** Proposed Zoning Map
- Exhibit 8.** Wetlands and Floodplain Map
- Exhibit 9.** Transportation Impact Analysis, Group-McKenzie; September 24, 2010
- Exhibit 10.** Water Line Maps for area
- Exhibit 11.** Sanitary Sewer Line and Storm Drainage Line Maps for area
- Exhibit 12.** Current deeds of record for the subject property
- Exhibit 13.** Legal Description of Zone Change Area
- Exhibit 14.** Duly Executed Limited Powers of Attorney
- Exhibit 15.** Applicant's Transportation Impact Analysis Supplement Letter, Group McKenzie, December 28, 2010.
- Exhibit 16.** Applicant's Transportation Impact Analysis Supplement Letter, Group McKenzie, January 12, 2011.



III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The criteria under which a zone change application must be considered are in Section 10.227 of the Medford Land Development Code ("MLDC"). Additional approval standards and criteria are in the Oregon Transportation Planning Rule at OAR 660-012-0060. The relevant approval criteria are recited verbatim below:

MLDC 10.227 ZONE CHANGE CRITERIA (Inapplicable provisions omitted)

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.
 - (b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one (1) of the following conditions must exist:
 - (i) At least one (1) parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or
 - (ii) The area to be rezoned is five (5) acres or larger; or
 - (iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five (5) acres.
- (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 Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.
 - (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



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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.

OREGON TRANSPORTATION PLANNING RULE

Oregon Administrative Rules Chapter 660, Division 12

SECTION 660-012-0060

- (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
 - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- (2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:
 - (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.



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- (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
 - (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
 - (e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.
- (4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.
- (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.
 - (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:
 - (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.
 - (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.
 - (C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.
 - (D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.
 - (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.
 - (c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:
 - (A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or
 - (B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.
 - (d) As used in this section and section (3):
 - (A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;



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- (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and
 - (C) Interstate interchange area means:
 - (i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or
 - (ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.
 - (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).
- (6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)-(d) below;
- (a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;
 - (b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);
 - (c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and
 - (d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.
- (8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:
- (a) Any one of the following:
 - (A) An existing central business district or downtown;
 - (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;



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- (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or
- (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.
- (b) An area other than those listed in (a) which includes or is planned to include the following characteristics:
 - (A) A concentration of a variety of land uses in a well-defined area, including the following:
 - (i) Medium to high density residential development (12 or more units per acre);
 - (ii) Offices or office buildings;
 - (iii) Retail stores and services;
 - (iv) Restaurants; and
 - (v) Public open space or private open space which is available for public use, such as a park or plaza.
 - (B) Generally include civic or cultural uses;
 - (C) A core commercial area where multi-story buildings are permitted;
 - (D) Buildings and building entrances oriented to streets;
 - (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;
 - (F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;
 - (G) One or more transit stops (in urban areas with fixed route transit service); and
 - (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

IV

FINDINGS OF FACT

The Planning Commission reaches the following findings of fact and finds them to be true with respect to this matter:

1. **Property Location:** The property is located at the northern termini of both McLoughlin Street to east and Cheltenham Way to the west. The property is located at the eastern termini of both Ford Street to the south and Owen Drive to the north. The property is within the corporate limits of the City of Medford and its adopted and acknowledged urban growth boundary. The property's eastern and northern boundaries are coincidental with the UGB and City's eastern and northern boundary.
2. **Property Description and Acreage:** The property is identified in the records of the Jackson County Assessor as Tax Lot 1100 in Township 37 South Range 1 West in Section 08. The property consists of a single parcel that has approximately 65.27 acres.
3. **Subject Property Ownership:** The subject property is owned Delta Waters Properties LLC which has consented in writing to this zone change application. See Exhibit 14 which consists of powers of attorney from the owner LLC.



4. **Comprehensive Plan Map Designation:** The property is designated Urban Residential on the Medford Comprehensive Plan Map.¹ See, Exhibit 4.
5. **Zoning Map Designation:** The property is zoned City SFR-00 which is a residential holding zone and has an Exclusive Agricultural Overlay on it.
6. **Existing Land Use:** The property contains an old barn and some small agriculturally related outbuildings. The property is currently used for some low intensity agricultural uses including bee-keeping and some limited field farming.
7. **Intended Land Use:** Applicants herewith testify that they intend the property to ultimately be planned and developed as a phased residential development project.
8. **Topography:** The property slopes gently from the west up to the east at one to two percent grade. There is a small ridge that runs down the center of the property. Topography does not represent a significant constraint for urban utilization of the property.
9. **Wetlands; Floodplain:** According to Medford and Jackson County Geographical Information System (GIS) data bases taken from the U.S. National Wetland Inventory, the subject property contains an irrigation pond and irrigation ditches including the Hopkins Canal. The irrigation pond is identified as MD-W55 on Medford's Local wetlands inventory maps. See, Exhibit 8.
10. **Surrounding Land Uses:** The GLUP map (Exhibit 4) and Zoning Map which is overlaid on an aerial photo (Exhibit 6) accurately depict the pattern of land partitioning and development in the surrounding area. The land uses that surround the subject property and which are further described as follows:
 - A. **Surrounding Area Characteristics:** The property is located on Medford's urban boundary with urban uses to the south and west and agricultural uses to the east and north.
 - B. **East:** Lands to the east are outside the Medford Urban Growth Boundary and are planned by Jackson County Agricultural and zoned Exclusive Farm Use (EFU). The properties are owned by W.L. Moore and Noel A. Moore and are within a proposed Urban Reserve as the County is currently reviewing Urban Reserves for the City of Medford. The land contains some low intensity agricultural and rural uses.
 - C. **South:** To the south, there are two adjacent land uses. The eastern half of the southern boundary of the subject property is adjacent to Lincoln School along McLoughlin Drive. To the south and southwest are Urban Residential lands that are

¹ Medford often refers to its comprehensive plan map as the Generalized Land Use Plan or GLUP map.



zoned SFR-4. These lands are developed with single-family dwellings that were constructed in the early 1980's through the mid 1990's.

D. West: To the west are Urban Residential lands that are zoned SFR-6. These lands are developed with single-family dwellings that were constructed in the early 1980's through the mid 1990's. The residential lands to the west constitute a fairly narrow strip between the subject property (~1/4 mile) and commercial and industrial lands along Highway 62. Lands to the west also contain an extension of Owen Drive which is an urban arterial west of Crater Lake Avenue and a major collector east of Crater Lake Avenue where it is planned to cross the subject property.

E. North: Lands to the north are outside the Medford Urban Growth Boundary and are planned by Jackson County Agricultural and zoned Exclusive Farm Use (EFU). The properties are owned by Rocky Knoll LLC and are within a proposed Urban Reserve as the County is currently reviewing Urban Reserves for the City of Medford. The lands contain some low intensity agricultural and rural uses and a small orchard.

11. Essential (Category "A") Public Facilities: The comprehensive plan defines Category "A" public facilities as follows: (1) Sanitary sewage collection and treatment; (2) Storm Drainage; (3) Water Service; (4) Transportation Facilities. The Planning Commission finds the following facts with respect to each of the Category "A" public facilities:

A. Sanitary Sewer Service (Collection): The property is in the area served by City of Medford Sewer. Existing 8-inch sanitary sewer lines are adjacent to the property in several locations, see Exhibit 11. Based upon conversations with the Public Works Department, there exist some downstream deficiencies that would need to be mitigated prior to full-build out under the SFR-10 zoning, as follows:

- a. There is a deficiency with 302 lineal feet of sewer line near the site between Ford and Springbrook. It may be possible that any future project capacity issues near the site of 302 feet of line near Springbrook and Ford could be avoided through final engineering and acquisition of rights to access some other facilities in the immediate area to attain full build-out of the site without upgrading of this facility. However, in the event final engineering cannot avoid this issue, Applicant herewith stipulates to upgrading of this 302-feet of sewer line to meet capacity needs prior to construction of more than 440 dwelling units (or uses of equivalent peak hour sewerage flow) consistent with the capacity information provided by the public works department.
- b. There is a more systemic deficiency further downstream south of the airport on a larger regional line that affects full-build out under this zone change. There is approximately 4,000 feet of lineal 18 and 24 inch sanitary sewer line that will need to be upgraded to 24 inch and 30 inch line to accommodate full-build out of the zone change. The Public Works Department estimates that approximately 380 units can be served with the



existing facilities and that the Department has intentions of using future SDC's to pay of upgrades of this facility over the next ten years. Applicant contacted Johnny Cat estimator, Doug Miller, for a ballpark estimate of the cost of this upgrade. Mr. Miller estimated that type of project to be in the \$250,000 to \$350,000 range. Applicant observes that future SDC's just from the portion of the project that can be supported by the current system (380 units) would total \$232,940 at current SCD rates for sanitary sewer collection of \$613. As such, it is reasonably likely the project's SDC revenue will off-set to a significant degree the needed improvements consistent with the planned upgrades already in the City's sanitary sewer master plan. Nevertheless, Applicant herewith stipulates to that no more than 380 dwellings (or an equivalent peak sewage flow) may be constructed on the subject property unless and until the planned upgrades to this ~4,000 feet of lineal sanitary sewer line south of the Airport boundary are constructed.

B. Sanitary Sewer Service (Treatment): According to a representative of the Medford Engineering Department, sewage wastewater collected and transported by the Bear Creek Interceptor is treated at the Medford Regional Water Reclamation Plant. Mr. Hill served as the principal staff person in charge of operations at the regional plant, which is located near Bybee Bridge where Table Rock Road crosses the Rogue River. A portion of the service charges levied on customers is allocated to treatment costs. The Regional Rate Committee as established in the September 23, 1985 Regional Sewer Agreement is authorized to set treatment charges and rates for the regional system. The Regional Rate Committee reviews the charges and rate structures annually, and rate adjustments are made as necessary. Systems development charges are allocated to plant expansion. Monthly service charges levied on customers are allocated to treatment costs, equipment repair and replacement, and plant upgrades to meet changing regulations.

The regional treatment plant was constructed in 1969-1970. The present average dry weather plant capacity is 20.0 million gallons per day (MGD). The peak hydraulic capacity is 60 MGD. Plant capacity was doubled between years 1980-1990 through several incremental expansions. A treatment plant facilities plan, developed in 1992, established a capital improvement program to meet growth need to Year 2010.

Average dry weather flow into the treatment plant was 13.2 MGD in 1988, increasing to 14.1 MGD in 1994. Flows in 1997 were estimated to be approximately 18.0 MGD. The population receiving sewer service in 1988 was 77,475. Sewer connections since 1988 have increased the residential population served by sewers to approximately 94,000. The regional plant has a capacity for a population equivalent of approximately 115,000, including commercial and industrial flows. The population forecasts by consulting engineers Brown and Caldwell, including analysis of rural as well as urban population densities, estimate the ultimate population that the plant would serve at 190,800.

C. Water Distribution Lines: Water is available to the property via multiple water lines



that are gravity served by the Capital Hill water reservoir. A 12-inch water line is available at the terminus of McLoughlin Drive. An 8-inch water line is available at the terminus of Cheltenham Way. A 12-inch water line is available at the terminus of Ford Drive. An 8-inch water line is available at the terminus of Sharman Way.

- D. Water Supply:** According to the Medford Water Commission Manager, the Medford water system presently serves a population of $\pm 80,000$. The present maximum daily use is 45 million gallons per day, (MGD). The present source and distribution system has an existing capacity of 56.5 MGD. There is an additional water source capability of 35 MGD available. The Water Commission expects present facilities will be adequate to accommodate growth until around the Year 2050.
- E. Storm Drainage:** The property has available storm drainage that can feasibly be connected at Owen Drive, Woodbriar Drive and Cheltenham Way, *See Exhibit 11*. Applicant offers to stipulate to the on-site detention condition of approval typically applied by Public Works for zone changes which is intended to assure that ultimate development of the site will have no net impact on off-site storm drainage systems and be designed to be consistent with any applicable requirements of MLDC 10.789..
- F. Streets and Traffic:** The following facts pertain to streets and traffic as proposed in this project:
- **Street Functional Classification and Standards:** McLoughlin and Owen are identified as Major Collectors in the City Transportation System Plan. All other streets adjacent to the project are local residential streets. Further to the west, Owen Drive becomes a major arterial. Crater Lake Avenue is major collector. Delta Waters Road is a major arterial. Highway 62 (Crater Lake Highway) is classified as a State of Oregon Highway.
 - **Street Improvements:** The Transportation Impact Analysis describes the improvements that are underway and planned over the planning period by the City of Medford and the Oregon Department of Transportation.
 - **Access:** Full-build out of the project will eventually have five access points, Sharman Way, Owen Drive, Ford Drive, Cheltenham Way, and McLoughlin Drive.
 - **Vehicular Traffic:** Pursuant to MLDC 10.461(3) a Transportation Impact Analysis is required:

"If a proposed application has the potential of generating more than 250 net average daily trips (ADT) or the Public Works Department has concerns due to operations or accident history, a TIA will be required to evaluate development impacts to the transportation system. The Public Works Department may waive a TIA if it is concluded that the impacts are not substantial."

A Transportation Impact Analysis has been prepared by Applicant's registered professional traffic engineer, Chris Clemow of Group McKenzie. *See, Exhibit 9*. The analysis and findings in the Transportation Impact Analysis are herewith incorporated and adopted. Following comments by the Oregon Department of Transportation and City of Medford and consistent with the Transportation Impact



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Analysis supplement letters at Exhibit 15 and 16, the following ultimate Traffic Impact Analysis finding are reached:

This analysis has been prepared to address both the City of Medford and the Oregon Department of Transportation (ODOT) requirements. Due to project size and agency analysis requirements, there has been a significant work effort put forth in developing an agency-approved scope of work and development assumptions. Copies of all scope of work documentation are included in the Transportation Impact Analysis appendix and/or TIA supplement letters at Exhibits 15 and 16.

The following ultimate findings are specifically based on materials contained in the Transportation Impact analysis, agency comments and TIA supplements:

1. The proposed project is a zone change of an approximately 65-acre site in Medford, Oregon. The site is currently zoned SFR-00 (an urban residential holding zone) with an Exclusive Agricultural Overlay. The proposed zone is Single-family Residential, 10 units per acre (SFR-10).
2. To address City requirements, analyses were conducted for the 2015 Pre-Development – Current Zone Designation and the 2015 Post-Development – Proposed Zone Designation scenarios.
3. Analyses to address ODOT (TPR) requirements were conducted for the 2030 Pre-Development – Current Zone Designation and the 2030 Post-Development – Proposed Zone Designation scenarios.
4. All base condition traffic volumes were provided by either the City of Medford (Citywide Synchro model) or ODOT (OR 62 Bypass Synchro model). These volumes were used as a basis to develop all future year volumes.
5. The OR 62 – Owen and Coker Butte Project is currently under construction and is assumed constructed in the build-out (2015) and plan year (2030) scenarios.
6. All study intersections with crash rates above the 1.0 crashes/MEV threshold are ODOT facilities undergoing major improvements and/or traffic volume shifts due to the OR 62 Bypass project that is expected to improve safety operations during the planning period.
7. In-process traffic was assumed from the following developments: Ross Center, Delta Center, Ross Zone Change, Rogue Disposal, Taylor Development and Cedar Landing.
8. The background traffic growth rate is based on EMME/2 modeling supplied by Rogue Valley Council of Governments (RVCOG). A growth rate of 0.8% was calculated using 2002 (base) and 2015 (projected) traffic volumes on study area roadways.
9. Site trip distribution and traffic assignment was addressed during the scope of work determination process with City staff. The proposed trip distribution and traffic assignment was approved by City staff in a letter dated November 3, 2009. A copy is included in the appendix.
10. A number of intersections are anticipated to exceed the City mobility standard in 2015. Infrastructure improvements are necessary to correct operating deficiencies



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and are identified below. The following infrastructure mitigation conditions must be satisfied on City facilities to support the zone change, as follows:

- a. Prior to vertical construction of more than 50 SFR units or the generation of 479 daily trips, a traffic signal shall be installed at the Crater Lake Avenue/Owen Drive intersection.
 - b. Prior to vertical construction of more than 69 dwelling units, TSP-identified improvements at the Delta Waters Road/Springbrook Road intersection shall be implemented including, at a minimum, realignment of the south and north approaches and installation of a traffic signal.
 - c. Prior to vertical construction of more than 76 dwelling units, TSP-identified improvements at the Delta Waters Road/Crater Lake Avenue intersection shall be implemented. Improvements include, at a minimum, construction of an EB left-turn lane a WB left-turn lane and an EB right-turn lane, and modification of signal timing.
 - d. Prior to vertical construction of more than 246 dwelling units, the Delta Waters Road/Foothill Road intersection will be converted to an all-way stop-control.
 - e. Prior to vertical construction of more than 320 dwelling units, the Springbrook Road/Cedar Links Drive intersection will be converted to an all-way stop-control.
 - f. Prior to vertical construction of more than 470 dwelling units, improvements at the Springbrook Road/Lone Pine Road intersection shall be implemented including the addition of a northbound right-turn lane.
11. Many of the OR 62 corridor intersections exceed mobility standards without or with the proposed zone change. ODOT may, under its agency comment discretion, evaluate the degree to which these intersections will be significantly affected by the proposed zone change. During the review process, ODOT determined that distant downstream intersections are unlikely to be significantly affected by the direct traffic resulting from the proposed zone change. However, ODOT and Group McKenzie did identify significant affects at the intersection of Delta Waters Road and the existing Highway 62. Based upon the TIA Supplement analysis dated January 12, 2011 Group McKenzie estimates that more than 346 single family dwelling units on the subject property would significantly affect this intersection. Therefore, the Applicant proposes the following trip-cap and mitigation measure to assure OR 62 intersection impacts are not significant:
- a. Site development shall be limited to 346 dwellings (or equivalent p.m. peak hour trip generation). Prior to construction of more than 346 dwelling units, Applicant shall install an additional westbound left-turn lane at the intersection of Delta Waters Road and existing Highway 62 intersection or else shall otherwise demonstrate the intersection is adequate according to the facility adequacy requirements then in effect.

G. Police and Fire Protection: The property is served by the Medford Fire Department from its Fire Station 5. Emergency fire response is estimated to be approximately 3 minutes. Police protection is from the City of Medford Police Department.



V

CONCLUSIONS OF LAW

The Planning Commission reaches the following conclusions of law for each of the relevant substantive criteria with respect to this matter:

***City of Medford Approval Criteria
Medford Land Development Code (MLDC) 10.227***

MLDC 10.227 ZONE CHANGE CRITERIA

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:

Criterion 1

- (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.

Conclusions of Law (Criterion 1): Criterion 1 is threefold: consistency with the Oregon Transportation Planning Rule (TPR), consistency with the General Land Use Plan Map and consistency with the locational standards in MLDC 10.227 (1) (a) through (d).

Regarding TPR, the Planning Commission concludes that the applicable provisions are in OAR 660-012-0060 and the same have been addressed herein below as Criterion 4. The Planning Commission herewith incorporates and adopts its findings of fact and conclusions of law herein below with respect to OAR 660-012-0060 and concludes that this zone change is consistent with all applicable provisions of the Oregon Transportation Planning Rule.

Regarding consistency with the General Land Use Plan (GLUP) Map, the Planning Commission concludes from Exhibit 4 (which shows the GLUP map designations which apply to the subject property and surrounding area) that the property is designated Urban Residential on the GLUP Map; the proposed SFR-10 zone is consistent in all respects with the subject property's Commercial GLUP Map designation.

Regarding consistency with the relevant locational standards in MLDC 10.227 (1) (a) through (d), the same is addressed herein below as Criterion 2, the findings of fact and conclusions of law addressing the same are herewith incorporated and adopted.

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of Criterion 1.

* * * * *



Findings of Fact and Conclusions of Law

Zone Change Application

Applicant: Delta Waters Properties LLC

Criterion 2

- (b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one (1) of the following conditions must exist:
- (i) At least one (1) parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or
 - (ii) The area to be rezoned is five (5) acres or larger; or
 - (iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five (5) acres.

Conclusions of Law (Criterion 2): Based the evidence in Section II and the Findings of Fact in Section IV, the overall area of this proposed zone change to SFR-10 is 65.27. Criterion 2 contains alternative tests, consistency with any one of which is sufficient to demonstrate compliance with Criterion 2. By virtue of the zone change having more than 5 acres, this zone change is concluded to be consistent with MLDC 10.227(1)(b)(ii) (one of the *alternative tests* in Criterion 2). Therefore, the Planning Commission concludes that this zone change is consistent with Criterion 2.

* * * * *

Criterion 3

- (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 Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.
- (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.

Discussion; Conclusions of Law: The Planning Commission concludes that Goal 3, Policy 1 of the comprehensive plan Public Facilities Element were removed by action of the City Council and no longer exist in or have any force or effect. The zone change criteria for determining the adequacy of Category A public facilities, consistent with the Public Facilities Element, now reside solely in MLDC 10.227(2). The Planning Commission reaches the following conclusions of law with respect to each of the Category "A" infrastructure components:

Wastewater Collection and Treatment: Based upon the findings of fact in Section IV, the Planning Commission concludes that wastewater treatment facilities are sufficient to serve potential development consistent with the proposed SFR-10 zoning district to accommodate projected peak flows.

Based upon the findings of fact in Section IV, the Planning Commission concludes that wastewater collection facilities are available and adequate to serve a significant portion of



the project and the equivalent sewage flow of 380 dwelling units. However, due to the scale of the project some facilities would need to be improved at the time of vertical construction for full build-out of the project. Specifically, the following improvements would be required:

- a. There is a deficiency with 302 lineal feet of sewer line near the site between Ford and Springbrook. It may be possible that any future project capacity issues near the site of 302 feet of line near Springbrook and Ford could be avoided through final engineering and acquisition of rights to access some other local facilities in the immediate area to attain full build-out of the site without upgrading of this facility. However, in the event final engineering cannot avoid this issue Applicant herewith stipulates to upgrading of this 302-feet of sewer line to meet capacity needs prior to construction of more than 440 dwelling units (or uses of equivalent peak hour sewerage flow) consistent with the capacity information provided by the public works department. This improvement can feasibly be accomplished as a typical off-site improvement associated with development impacts.
- b. There is a more systemic deficiency further downstream south of the airport on a regional line that affects full-build out under this zone change. There is approximately 4,000 feet of lineal 18 and 24 inch sanitary sewer line that will need to be upgraded to 24 inch and 30 inch line to accommodate full-build out of the zone change. The Public Works Department estimates that approximately 380 units can be served with the existing facilities and that the Department has intentions of using future SDC's to pay of upgrades of this facility over the next ten years. Nevertheless, Applicant herewith stipulates that no more than 380 dwellings (or an equivalent peak sewage flow) may be constructed on the subject property unless and until the planned upgrades to this ~4,000 feet of lineal sanitary sewer line south of the Airport boundary are constructed and will accept a special development condition requiring the same.

Storm Drainage System: Based upon the findings of fact in Section IV, the Planning Commission concludes storm drainage facilities are available for connection to the subject property and Applicant is willing to accept conditions of approval that require off-site flows to be no greater than current levels consistent with standard conditions applied by Medford Public Works department for zone changes as stipulated herein below.

Water System: Based upon the findings of fact in Section IV, the Planning Commission concludes that the water system is sufficient to provide the subject property with a permanent water supply having adequate water pressure and volume for projected commercial fire control and domestic needs.

(2)(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



Findings of Fact and Conclusions of Law

Zone Change Application

Applicant: Delta Waters Properties LLC

- (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.

Discussion and Conclusions of Law Continued: The Planning Commission continues its discussion and conclusions of law of law herein below:

Streets and Transportation: The Commission concludes that the evidence in Section II and the Findings of Fact in Section IV include all appropriate and relevant facts needed to properly consider this zone change with respect to traffic pursuant to Zone Change Criterion 2. The Commission also concludes that it has properly addressed the Oregon Transportation Planning Rule under Criterion 4 herein below, the findings of fact and conclusions of law for which is herewith incorporated and adopted.

The Commission next addresses the portion of Criterion 2(b) that deals with streets. In this regard, the Planning Commission adopts the following overriding conclusions:

- The subject property is a relatively large parcel of urbanizable land located in an Urban Residential plan designation where full-build out has the potential to generate considerable trips under the proposed SFR-10 zoning.
- The project is located in an area where there are many transportation facility adequacy issues, but also many planned transportation improvement projects. These facts create complex temporal and transportation impact conditions that necessitates evaluations based upon improvement projects and trip generation threshold impacts.
- Criteria (i) through (iv) provide multiple paths to compliance and contemplate that some transportation impact analyses, and ultimate zone changes dependent thereto, will be complex and will result in special development conditions that relate threshold development levels to improvement conditions necessary to support the development. This interpretation is consistent with the Planning Commission's pattern and practice in the application of the above provisions for street facility adequacy.



Consistent with the above overriding conclusions of law, the Planning Commission concludes as follows with respect to the specific criteria under MLDC 10.227(2)(b):

1. With respect to 2(b)(i), the Planning Commission concludes Applicants TIA substantiates that all transportation facilities not specifically identified in the TIA as exceeding mobility/LOS standards are adequate as defined in MLDC 10.461(2) and are adequate in condition and capacity to serve the subject property.
2. With respect to MLDC 10.227 2(b)(ii), the Planning commission concludes that all facilities will be adequate in condition and capacity at the time of vertical construction, in accordance with the following facility-specific conclusions:
 - a. The intersection of Crater Lake Avenue and Owen Drive is currently under reconstruction and City's improvement project does not include a traffic signal. The TIA in Exhibit 9 indicates that this facility will fail on the day of opening of the City's improvement project and is at LOS F in 2015. Applicant's TIA indicates that a traffic signal will allow the facility to operate at LOS D. Prior to vertical project site construction of more than 50 dwelling units (or equivalent p.m. peak hour trip generation), a traffic signal shall be installed at the Crater Lake Avenue/Owen Drive intersection.
 - b. The intersection of Delta-Waters and Springbrook is currently an off-set intersection and is misaligned without a traffic signal; these two intersections are projected to each operate at LOS F in 2015. According to the trip distribution in the TIA, more than 69 on-site p.m. peak hour trips would have a significant affect on this intersection (exceeding the 25-trip threshold for significance in the MLDC). The City of Medford has a planned project that includes aligning the approaches and adding a traffic signal (TSP #454). Construction of this project will result in LOS B. Prior to vertical construction of more than 69 dwelling units, TSP-identified improvements at the Delta Waters Road/Springbrook Road intersection shall be implemented including, at a minimum, realignment of the south and north approaches and installation of a traffic signal.
 - c. The intersection of Crater Lake Avenue and Delta Waters Road is projected to operate at LOS F with or without the project in 2015. According to the trip distribution in the TIA, more than 76 on-site p.m. peak hour trips would have a significant affect on this intersection (exceeding the 25-trip threshold for significance in the MLDC). The Transportation System Plan project #514 is planned to improve this intersection. With the improvements identified in the TIA, consistent with TSP project #514, the intersection would operate at LOS D. Prior to vertical construction of more than 76 dwelling units, TSP-identified improvements at the Delta Waters Road/Crater Lake Avenue intersection shall be implemented. Improvements include, at a minimum, construction of an EB left-turn lane a WB left-turn lane and an EB right-turn lane, and modification of signal timing.
 - d. The intersection of Delta-Waters and Foothill Road is currently an one-way



stop controlled intersection. This intersection is projected to operate at LOS E in 2015. According to the trip distribution in the TIA, more than 246 on-site p.m. peak hour trips would have a significant affect on this intersection (exceeding the 25-trip threshold for significance in the MLDC). Mitigation of this intersection with an all-way stop control would result in adequate level of service for all movements. Prior to vertical construction of more than 246 dwelling units, the Delta Waters Road/Foothill Road intersection will be converted to an all-way stop-control.

- e. The intersection of Springbrook Road and Cedar Links Drive is currently an one-way stop controlled intersection. This intersection is projected to operate at LOS D in 2015 without the project and LOS E with the project. According to the trip distribution in the TIA, more than 320 on-site p.m. peak hour trips would have a significant affect on this intersection (exceeding the 25-trip threshold for significance in the MLDC). Mitigation of this intersection with an all-way stop control would result in adequate level of service for all movements. Prior to vertical construction of more than 320 dwelling units, the Springbrook/Cedar Links intersection will be converted to an all-way stop-control.
 - f. The intersection of Springbrook Road and Lone Pine Road is currently a one-way stop controlled intersection. This intersection is projected to operate at LOS E in 2015 with or without the project. According to the trip distribution in the TIA, more than 470 on-site p.m. peak hour trips would have a significant affect on this intersection (exceeding the 25-trip threshold for significance in the MLDC). Mitigation of this intersection requires a north-bound right-turn lane. Prior to vertical construction of more than 470 dwelling units, improvements at the Springbrook/Lone Pine intersection shall be implemented including the addition of a northbound right-turn lane.
3. With respect to MLDC 10.227 2(b)(iii), the Planning commission concludes these provisions are permissive and not mandatory and observes that the Applicant is not currently relying on any City projects that are in the CIP that are not currently under construction nor is the Applicant proposing a reimbursement district at this time. However, the Planning Commission observes that utilization of these code provisions may occur in the future consistent with the above identified mitigations and the Applicant herewith reserves his rights to same.
4. With respect to MLDC 10.227 2(b)(iv), the Planning commission incorporates the preceding conclusions of law under MLDC 10.227(2)(b)(ii) and on that basis concludes that adequate LOS will exist for the above identified intersections at such time as the improvements are in place.

(2)(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 of 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



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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.

Discussion and Conclusions of Law Continued: The Planning Commission's conclusions of law for Criterion 4 are continued herein below:

Special Development Conditions: Based upon the Evidence in Section II and the Findings of Fact in Section IV, the Planning Commission concludes the conditions under MLDC 10.227(2) with respect to streets and sanitary sewer will not preclude future development or intensification of development on surrounding lands, however Applicant observes that surrounding lands are largely built out under the current plan and zoning designations and therefore intensification potential is limited. The Planning Commission further concludes that the development restrictions are based upon levels of development and threshold impacts, but this has no effect on requirements to meet the density standards of the SFR-10 zoning for development under the zoning requested herein.

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of Zone Change Criterion 4.

* * * * *

State of Oregon Approval Criteria Oregon Transportation Planning Rule OAR Chapter 660, Division 012

The following provisions of the Oregon Transportation Planning Rule (OAR 660-012-0060) operate as approval criteria for zone changes:

Criterion 4

660-012-0060 Plan and Land Use Regulation Amendments

SECTION 660-012-0060 (1)

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



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- (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
- (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or 2 comprehensive plan; or
- (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Discussion; Conclusions of Law: The Planning Commission reaches the following conclusions of law: based the Findings of Fact in Section IV and the Exhibit 9 Transportation Impact Study:

- A. The proposed zone change will not change the functional classification of any roads in the study area.
- B. The proposed zone change will not change standards for implementing the functional classification system
- C. The proposed zone change:
 - 1. Does not allow land uses or development that would be inconsistent with the functional classification of any transportation facility in the study area.
 - 2. Table 6 of the TIA indicates that, for those ODOT facilities projected to meet performance standards at the end of the planning period the proposed zone change will not cause any of those said facilities to exceed ODOT's adopted performance standards. For the City of Medford facilities all facilities where deficiencies have been identified there are planned improvements or the zone change proposes minor transportation improvements prior to vertical construction. Thus, these facilities are projected to operate better than they would have without the project. Therefore, the project cannot reduce the facility below the performance standard by the simple addition of background traffic at the end of the planning period.
 - 3. Table 6 of the TIA indicates that there are six intersections in the study area that are projected to exceed ODOT's mobility standards at the end of the planning period. During its review of the proposed zone change ODOT determined that the performance of all of these facilities will not be worsened by full build-out of the project under the SFR-10 zoning and would not cause a significant effect. The ODOT review did identify a directly affected intersection of Delta Waters Road and the existing Highway 62. The TIA supplement dated January 12, 2011 at Applicant's Exhibit 16 is directed at this intersection. The Planning Commission concludes that the Applicant proposes demand management measures and minor transportation improvements for this intersection consistent with the analysis in Exhibit 16 to assure the performance of ODOT's facilities will not be worsened and will not have a significant effect with said measures in place, pursuant OAR 660-012-0060(2) hereinbelow.



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- (2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:
- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
 - (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
 - (e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

Discussion; Conclusions of Law: The Planning Commission concludes that without imposition of any development conditions and if development were to occur at full build out then a significant effect on ODOT facilities would occur at the intersection of Delta Waters Road and the existing Highway 62. The Planning Commission further concludes that OAR 660-012-0060(2)(c) provides for conditions of development which may be applied to assure compliance with Section (1). The Commission further concludes that Applicant has agreed to stipulate to either demand management by imposition of development conditions that will restrict development of the subject property to levels that will not produce a significant effect or to make the necessary minor transportation improvements as, as follows:

- Site development shall be limited to 346 dwellings (or equivalent p.m. peak hour trip generation). Prior to construction of more than 346 dwelling units, Applicant shall install an additional westbound left-turn lane at the intersection of Delta Waters Road and the existing Highway 62 or else shall otherwise demonstrate the intersection is adequate according to the facility adequacy requirements then in effect.
- (4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.
- (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.
 - (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:
 - (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.
 - (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but



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are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

- (C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.
 - (D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.
 - (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.
- (c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:
- (A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or
 - (B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.
- (d) As used in this section and section (3):
- (A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;
 - (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and
 - (C) Interstate interchange area means:
 - (i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or
 - (ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.
- (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

Discussion; Conclusions of Law: In reaching the foregoing conclusions of law addressing OAR 660-012-0060(1) and (2), the Planning Commission concludes the project is outside any interchange area and the proposed zone change has relied upon only existing facilities and planned projects that are included in the MPO's financially constrained project list consistent with the rule.

- (6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in



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vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)-(d) below;

- (a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;
 - (b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);
 - (c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and
 - (d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.
- (8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:
- (a) Any one of the following:
 - (A) An existing central business district or downtown;
 - (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;
 - (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or
 - (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.
 - (b) An area other than those listed in (a) which includes or is planned to include the following characteristics:
 - (A) A concentration of a variety of land uses in a well-defined area, including the following:
 - (i) Medium to high density residential development (12 or more units per acre);
 - (ii) Offices or office buildings;
 - (iii) Retail stores and services;
 - (iv) Restaurants; and
 - (v) Public open space or private open space which is available for public use, such as a park or plaza.
 - (B) Generally include civic or cultural uses;
 - (C) A core commercial area where multi-story buildings are permitted;
 - (D) Buildings and building entrances oriented to streets;



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- (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;
- (F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;
- (G) One or more transit stops (in urban areas with fixed route transit service); and
- (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

Discussion; Conclusions of Law: In reaching the foregoing conclusions of law addressing OAR 660-012-0060(1) and (2), the Planning Commission concludes the project is located in an area of an acknowledged Comprehensive Plan designated as a transit oriented development pursuant to OAR 660-012-0060(8)(a)(C) and therefore may utilize the 10 percent trip generation reduction laid forth in OAR 660-012-0060(6).

VI

AGREED TO STIPULATIONS

Applicant herewith agrees to stipulate to the following to which it agrees to comply if the same is made a condition attached to the approval of this land use application:

1. Applicant herewith stipulates to upgrading of the 302-feet of sewer line near Ford Drive and Springbrook to meet capacity needs prior to construction of more than 440 dwelling units (or uses of equivalent peak hour sewerage flow) consistent with the capacity information provided by the public works department.
2. Applicant herewith stipulates to that no more than 380 dwellings (or an equivalent peak sewage flow) may be constructed on the subject property unless and until the planned upgrades to this ~4,000 feet of lineal sanitary sewer line south of the Airport boundary are constructed.
3. Applicant herewith stipulates to accept the standard storm-drainage condition applied by the public works department to assure no net storm drainage impacts consistent with the comments of the public works department dated, December 8, 2010.
4. A number of street intersections are anticipated to exceed the City mobility standard in 2015. Infrastructure improvements are necessary to correct operating deficiencies and are identified below. Applicant herewith stipulates to maintain the threshold levels of development identified below until the identified improvements are in place. The following infrastructure mitigation conditions must be satisfied on City facilities to support the zone change, as follows:
 - a. Prior to vertical construction of more than 50 dwelling units, a traffic signal shall be installed at the intersection of Owen Drive and Crater Lake Avenue or such



other adequate alternative mitigation as may be approved by the City of Medford Public Works Department.

- b. Prior to vertical construction of more than 69 dwelling units, TSP-identified improvements at the Delta Waters Road/Springbrook Road intersection shall be implemented including, at a minimum, realignment of the south and north approaches and installation of a traffic signal.
- c. Prior to vertical construction of more than 76 dwelling units, TSP-identified improvements at the Delta Waters Road/Crater Lake Avenue intersection shall be implemented. Improvements include, at a minimum, construction of an EB left-turn lane a WB left-turn lane and an EB right-turn lane, and modification of signal timing.
- d. Prior to vertical construction of more than 246 dwelling units, the Delta Waters Road/Foothill Road intersection will be converted to an all-way stop-control.
- e. Prior to vertical construction of more than 320 dwelling units, the Springbrook Road/Cedar Links Drive intersection will be converted to an all-way stop-control.
- f. Prior to vertical construction of more than 470 dwelling units, improvements at the Springbrook Road/Lone Pine Road intersection shall be implemented including the addition of a northbound right-turn lane.
- g. Site development shall be limited to 346 dwellings (or equivalent p.m. peak hour trip generation). Prior to construction of more than 346 dwelling units, Applicant shall install an additional westbound left-turn lane at the intersection of Delta Waters Road and existing Highway 62 intersection or else shall otherwise demonstrate the intersection is adequate according to the facility adequacy requirements then in effect.



VII

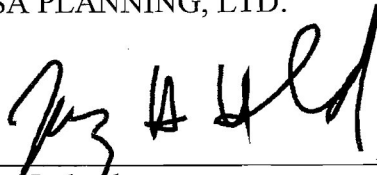
ULTIMATE CONCLUSIONS

Based upon the preceding findings of fact and conclusions of law, the Planning Commission ultimately concludes that, the case for a zone change from existing SFR-00 to SFR-10 is consistent with all of the relevant criteria in MLDC 10.227 because: 1) the proposed change is consistent with relevant goals and policies of the comprehensive plan, 2) that proposed change is consistent with the comprehensive plan (GLUP) map, 3) that Category "A" urban services and facilities are available or can be made available to incrementally serve the property as vertical construction ultimately occurs, and 4) the zone change has been found to be compliant with the Oregon Transportation Planning Rule (OAR 660-012-0060).

Dated: January 17, 2011

Respectfully submitted on behalf of applicant:

CSA PLANNING, LTD.



Jay Harland
Consulting Planner



EXHIBIT 3 ASSESSORS PLAT MAP

IMPORTANT
THIS MAP FOR ASSESSMENT
AND TAXATION PURPOSES
ONLY

SECTION 8 T.37S. R.1W. W.M.
JACKSON COUNTY

SCALE 1 INCH = 400 FEET

SEE MAP 37 1W 5

37 1W 8
MEDFORD

**CANCELLED TAX
LOT NUMBERS**
1800 ADDED TO 1300
1300-3519 REMAPPED TO
371WB09 1800-3203
371WB0C 11800-11400
371WB0D 5900-6700

PLANNING DEPT.

OCT 12 2000

RECEIVED

CITY OF MEDFORD
EXHIBIT # D
File # 2C-10-078

CITY OF MEDFORD

EXHIBIT # 7

File # 7C-10-018

METAFILE K:/MAP/371W/08/0/00 PLAT.GRA

META FILE K:/MAP/371W/05/0/00 PLAT.GRA

2

SCANNED

37 1W 8
MEDFORD
MSJ 4 NOVEMBER 1962
REV 4 MAY 1959

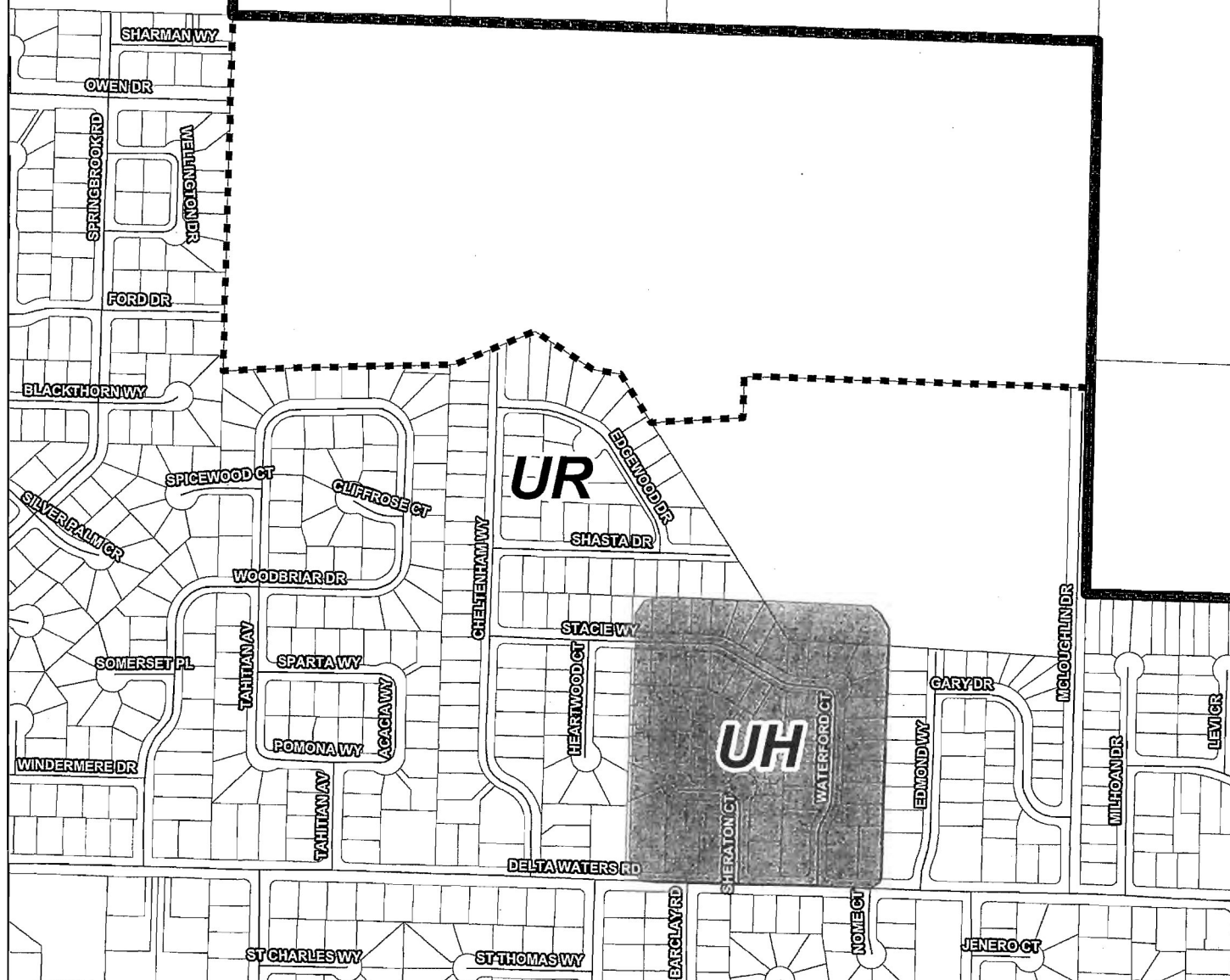
MSJ 4 NOVEMBER 1992
REV 4 MAY 1999

SCANNED

RECEIVED

OCT 12 2010

PLANNING DEPT.



Legend

- Subject_Property
- Urban Growth Boundary
- Tax Lots

GLUP

- UH
- UM
- UR



Medford General Land Use Plan (GLUP)

Zone Change
37-1W-08-1100

CITY OF MEDFORD

EXHIBIT # E Exhibit 4

File # 2C-10-078



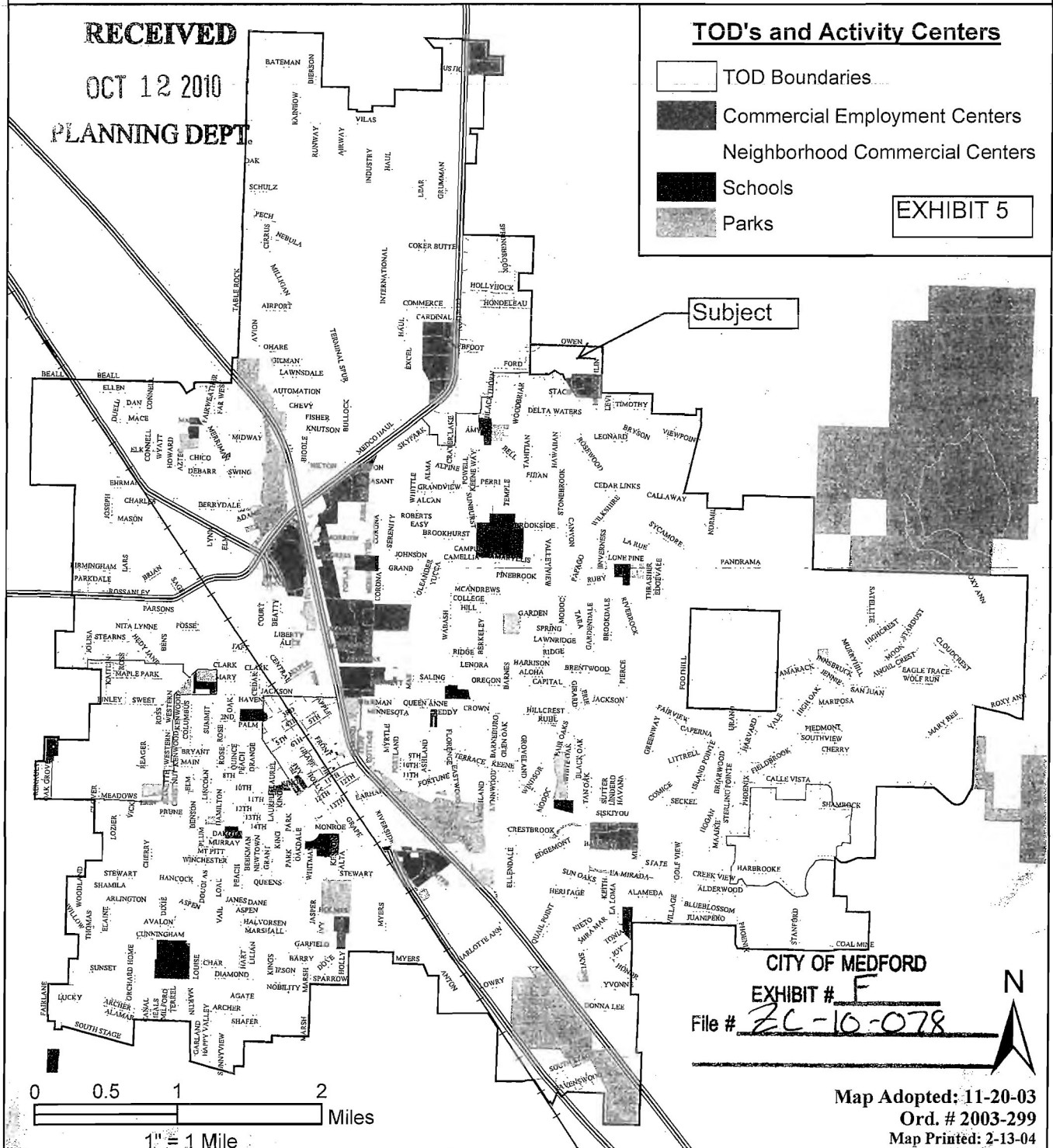
CSA Planning LTD

500 250 0 500 Feet



Figure 4-1: Medford Conceptual TOD Boundaries and Other Activity Centers

SCANNED



The Geographic Information Systems (GIS) data made available on this map are developed and maintained by the City of Medford and Jackson County. GIS data is not the official representation of any of the information included. The maps and data are made available to the public solely for informational purposes.

THERE MAY BE ERRORS IN THE MAPS OR DATA. THE MAPS OR DATA MAY BE OUTDATED, INACCURATE, AND MAY OMIT IMPORTANT INFORMATION. THE MAPS OR DATA MAY NOT BE SUITABLE FOR YOUR PARTICULAR USE. THIS INFORMATION IS BEING PROVIDED "AS IS" OR "WITH ALL FAULTS". THE ENTIRE RISK AS TO THE QUALITY OR PERFORMANCE IS WITH THE BUYER AND IF INFORMATION IS DEFECTIVE, THE BUYER ASSUMES THE ENTIRE COST OF ANY NECESSARY CORRECTIONS OR SERVICING.



Legend

- Subject_Property
- Urban Growth Boundary
- Tax Lots
- Zoning

OCT 12 2010

PLANNING DEPT.



2006 Aerial

Medford Zoning on Aerial

CITY OF MEDFORD

EXHIBIT # 6

File # 2C-10-078

Zone Change
37-1W-08-1100

Exhibit 6



CSA Planning LTD

500 250 0 500 Feet



Sep. 2010

Source: JacksonCounty GIS Services

SFR-10

SCANNED

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SHARMAN WY

SFR-6

OWEN DR

SPRINGBROOK RD

WELLINGTON DR

SFR-10

FORD DR

BLACKTHORN WY

SPICEWOOD CT

CLIFFROSE CT

WOODBRIAR DR

SHASTA DR

STACEY WY

SOMERSET PL

SFR-4

POMONA WY

ACACIA WY

HEARTWOOD CT

MFR-20

WATERFORD CT

EDMOND WY

GARY DR

SFR-6

MCLOUGHLIN DR

MILHOANDR

LEWIS CT

WINDERMERE DR

TAHITIAN WY

CHELTENHAM WY

DELTA WATERS RD

SHERATON CT

ST CHARLES WY

ST THOMAS WY

BARCLAY DR

NONE CT

JENERO CT

Legend



Subject_Property



Urban_Growth_Boundary



Tax_Lots

Proposed Zoning

SFR-00

SFR-2

SFR-4

SFR-6

SFR-10

MFR-20



Proposed Medford Zoning

CITY OF MEDFORD

EXHIBIT # H

File # 2C-10-078

Zone Change
37-1W-08-1100

Exhibit 7



CSA Planning LTD

500 250 0 500 Feet

Sep. 2010

Source: JacksonCounty GIS Services



Legend

- | | | | |
|--|-----------------------|--|------------------------------|
| | Subject Property | | <all other values> |
| | Urban Growth Boundary | | Applegate, Rogue, Bear Creek |
| | Tax Lots | | Rivers and Major Streams |
| | 100-Year | | Named Streams |
| | Wetland (Poly) | | Minor Streams |
| | Wetland (line) | | Intermittent Streams |
| | | | Underground Streams |
| | | | Ditches |
| | | | Ditches - Tunnels / Siphons |

CITY OF MEDFORD
Wetlands & Floodplain Map EXHIBIT # I
RECEIVED File # 2C-10-078

Zone Change
37-1W-08-1100

OCT 12 2010

Exhibit 8

PLANNING DEPT.



CSA Planning LTD

500 250 0 500 Feet



VII. SUMMARY

This analysis has been prepared to address both the City of Medford and the Oregon Department of Transportation (ODOT) requirements. Due to project size and agency analysis requirements, there has been a significant work effort put forth in developing an agency-approved scope of work and development assumptions. Copies of all scope of work documentation are included in the appendix.

The following conclusions and recommendations are specifically based on materials contained in this analysis:

1. The proposed project is a zone change of an approximately 65-acre site in Medford, Oregon. The site is currently zoned SFR-00 (an urban residential holding zone) with an Exclusive Agricultural Overlay. The proposed zone is Single-Family Residential, 10 units per acre (SFR-10).
2. To address City requirements, analyses were conducted for the 2015 Pre-Development – Current Zone Designation and the 2015 Post-Development – Proposed Zone Designation scenarios.
3. Analyses to address ODOT (TPR) requirements were conducted for the 2030 Pre-Development – Current Zone Designation and the 2030 Post-Development – Proposed Zone Designation scenarios.
4. All base condition traffic volumes were provided by either the City of Medford (Citywide Synchro model) or ODOT (OR 62 Bypass Synchro model). These volumes were used as a basis to develop all future year volumes.
5. The OR 62 – Owen and Coker Butte Project is currently under construction and is assumed constructed in the buildout (2015) and plan year (2030) scenarios.
6. All study intersections have crash rates below the 1.0 crashes/mev threshold with the exception of the OR 62/Vilas Road (1.34 crashes/mev).
7. With construction of the OR 62 Bypass capacity and safety improvements, it is anticipated the OR 62/Vilas Road intersection crash rate will reduce to less than the 1.0 mev threshold.
8. In-process traffic was assumed from the following developments: Ross Center, Delta Center, Ross Zone Change, Rogue Disposal, Taylor Development, and Cedar Landing.
9. The background traffic growth rate is based on EMME/2 modeling supplied by Rogue Valley Council of Governments (RVCOG). A growth rate of 0.8% was calculated using 2002 (base) and 2015 (projected) traffic volumes on study area roadways.
10. Site trip distribution and traffic assignment were addressed during the scope of work determination process with City staff. The proposed trip distribution and traffic assignment were approved by City staff in a letter dated November 3, 2009. A copy is included in the appendix.

CITY OF MEDFORD

EXHIBIT # J

File # ZC-10-078

11. A number of intersections are anticipated to exceed the City mobility standard in 2015 and infrastructure improvements are necessary to correct operating deficiencies. The following infrastructure mitigation conditions must be satisfied on City facilities to support the zone change:
 - a. Prior to vertical project site construction, a traffic signal will be installed at the Crater Lake Avenue/Owen Drive intersection.
 - b. Prior to vertical construction of more than 77 dwelling units, TSP-identified improvements at the Delta Waters Road/Crater Lake Avenue intersection will be implemented. Improvements include, at a minimum, construction of an eastbound left-turn lane a westbound left-turn lane and an eastbound right-turn lane, and modification of signal timing.
 - c. Prior to vertical construction of more than 77 dwelling units, TSP-identified improvements at the Delta Waters Road/Springbrook Road intersection will be implemented including, at a minimum, realignment of the south and north approaches and installation of a traffic signal.
 - d. Prior to vertical construction of more than 234 dwelling units, the Delta Waters Road/Foothill Road intersection will be converted to an all-way stop-control.
 - e. Prior to vertical construction of more than 322 dwelling units, the Springbrook Road/Cedar Links Drive intersection will be converted to an all-way stop-control.
 - f. Prior to vertical construction of more than 480 dwelling units, improvements at the Springbrook Road/Lone Pine Road intersection will be implemented including the addition of a northbound right-turn lane.

12. Many of the significantly affected OR 62 corridor intersections exceed mobility standards with or without the proposed zone change. Therefore, the applicant proposes a trip cap to ensure OR 62 intersection impacts are not significant. The applicant proposes the following development limitations (trip caps):
 - a. Site development will be limited to 101 dwellings (or equivalent PM peak hour trip generation). Prior to construction of more than 101 dwelling units, the applicant will request and have approved the removal of this special development condition pursuant to MLDC 10.228 on ODOT facilities from the OR 62/Poplar Drive intersection south on the OR 62 corridor. Any traffic analysis submitted in support of such a request may utilize the trip distribution and trip generation contained in the analysis presented herein.
 - b. In addition to (a) above, development of the site will be limited to 210 dwellings (or equivalent PM peak hour trip generation). Prior to construction of more than 210 dwelling units, the applicant will request and have approved the removal of this special development condition pursuant to MLDC 10.228 on ODOT facilities at the OR 62/Vilas Road intersection. Any traffic analysis submitted in support of such a request may utilize the trip distribution and trip generation contained in the analysis presented herein.

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OCT 12 2010

EXHIBIT # K

File # ZC-10-078

PLANNING DEPT

Springbrook Rd

C-48 Ford Dr

Gravity

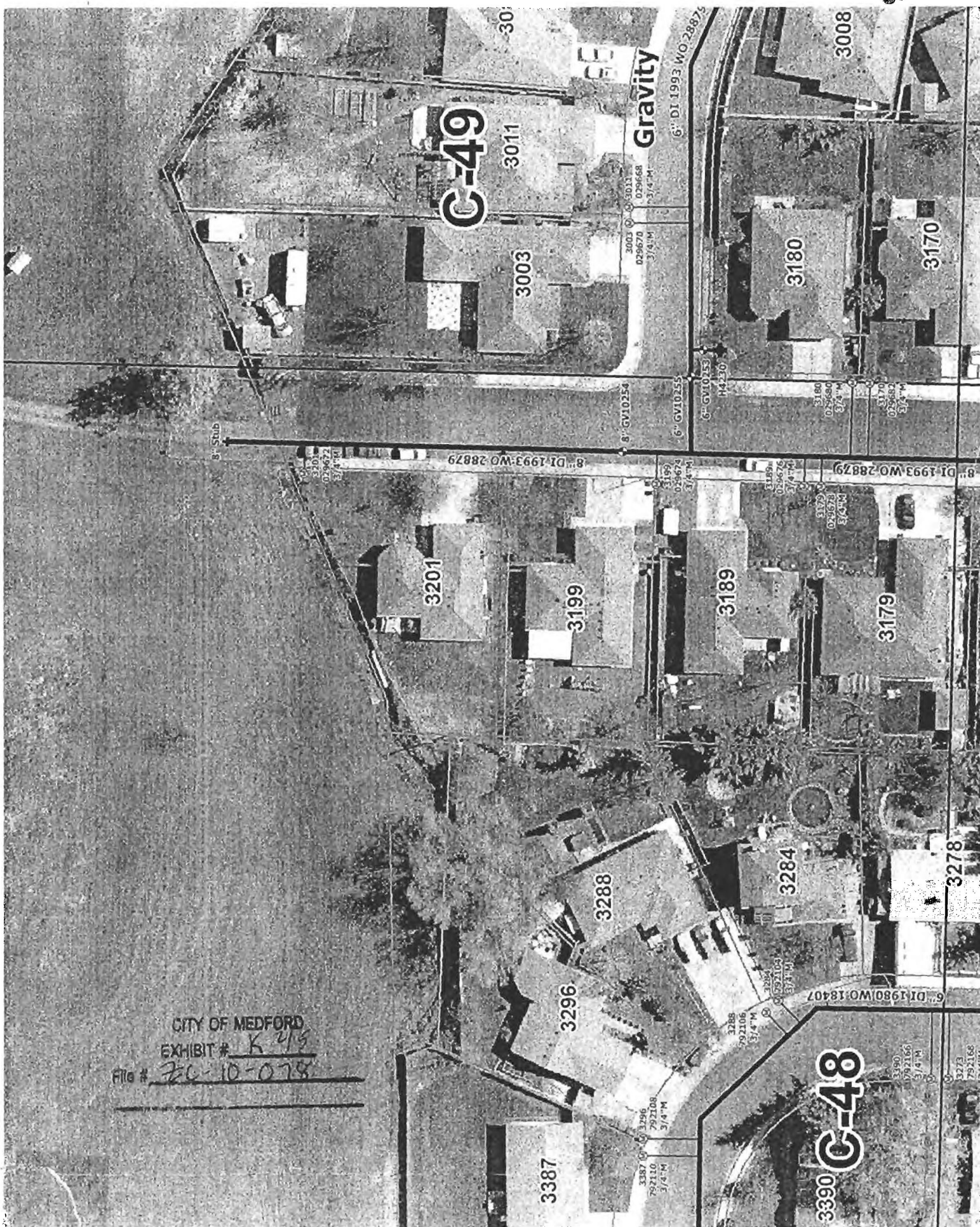
Low Level

CITY OF MEDFORD

EXHIBIT # K 1/5

File # ZC-10-078

CITY OF MEDFORD
EXHIBIT # K 413
File # EC-10-078



3103

Gravity

C-49

H4122 10" SUD
G1022

D-50

D-49

12" DI 1997 WO 32024
3101
025808
11/2/14

CITY OF MIDDLETOWN
EXHIBIT # 1A
File # 2010-018

C-49

Gravity

D-49

CITY OF MEDFORD

EXHIBIT # K 2/5

FILE 22-10-078

Low Level

Jay

From: Roger E. Thom [Roger.Thom@cityofmedford.org]

Sent: Friday, July 23, 2010 9:04 AM

To: jay@csaplanning.net

Cc: Larry J. Beskow

Subject: [SPAM] Northeast Medford Map

RECEIVED

SCANNED

OCT 12 2010

PLANNING DEPT.

Jay:

Map per your request. SS in red, SD in purple. I will confirm with Larry that drainage to canal is allowable.

Roger



CITY OF MEDFORD

EXHIBIT # L

File # 2C-10-078

RECEIVED

PUBLIC WORKS DEPARTMENT STAFF REPORT

DEC 08 2010

for a Proposed Zone Change from SFR-00/EA (Single-Family Residential, one dwelling unit per acre / Exclusive Agricultural Overlay) to SFR-10 (Single-Family Residential, 10 dwelling units per acre) on one parcel consisting of 65.27 acres located on at the North terminus of Cheltenham Way.

Delta Waters Properties, LLC (ZC-10-078)

A. Sanitary Sewer Facilities

The existing sanitary sewer collection system has capacity for 38 of the total 65.27 acres proposed for re-zoning as SFR-10. Based on SFR-10 zoning, 38 acres would be equivalent to 380 residences. If this zone change is approved, it will need to be stipulated that no more than 380 SFR units are allowed to be constructed. This stipulation would remain in effect until the City upgrades the Terminal Spur Sanitary Sewer Trunk Line, which would provide additional capacity. Once this trunk line is increased in size, an additional 6 acres, or 60 single family residential units could be constructed until a capacity deficiency is corrected in the sanitary sewer system near Ford Drive and Springbrook Road. The 302 feet of 8" sanitary sewer would need to be increased to a minimum size of 10" to provide capacity for all 65.27 acres.

B. Storm Drainage Facilities

This site lies within the Midway Drainage Basin. The West edge of the site is traversed by the Hopkins Canal. Rogue River Valley Irrigation District manages this Canal and will not allow stormwater from future development to drain into their Canal system. Stormwater from future development of this site will be required to convey its stormwater to Garrett Creek, which is the drainage that lies northerly of the site. The applicant has access to Garrett Creek by extending a storm drain approximately 1400 feet westerly in the Owen Drive right-of-way. If the applicant is able to obtain an easement along the northerly extension of Springbrook Road to Garrett Creek, the length of storm drain needed would be reduced to 750 feet. Future development of this site will require storm drainage detention and water quality improvements in accordance with Sections 10.486 and 10.729 of the Municipal Code.

C. Streets and Street Capacity

The Public Works Department has received a Traffic Impact Analysis (TIA) for the proposed Delta Waters Orchard Zone Change which was prepared by Group Mackenzie Inc. Property identification is 371W08 1100.

The report analyzes the impacts of developing a 65 acre site for SFR-10 use. The Public Works Department concurs with the following findings:

The total impact of the proposed development will require mitigation. The City of Medford discusses the

EXHIBIT # M
File # ZC-10-078

proposed measures and their impacts on the level of service of affected intersections.

Traffic Engineering recommends approval of the Zone Change per municipal code 10.462, with the following stipulations, which shall be complete prior to the construction of the stated number of dwelling units of the development:

1. Prior to vertical construction of more than 50 SFR units or the generation of 479 daily trips, project impacts at the intersection of Crater Lake Ave. & Owen Dr. shall be mitigated to the satisfaction of the City of Medford. The mitigation recommended in the traffic impact study is signalization of the intersection. This intersection does not meet the criteria for intersection spacing in M.M.C. 10.463 and would require an exception.
2. Prior to the vertical construction of more than a total of 69 SFR units or the generation of 661 total daily trips, improvements shall be made to the intersection of Delta Waters Rd. & Springbrook Rd. to include realignment of the north and southbound approaches and construction of a traffic signal.
3. Prior to the vertical construction of more than a total of 76 SFR units or the generation of 728 total daily trips, improvements shall be made to the intersection of Crater Lake Ave. & Delta Waters Rd. to include east and westbound left turn lanes and an eastbound right turn lane.
4. Prior to the vertical construction of more than a total of 246 SFR units or the generation of 2355 total daily trips, improvements shall be made to the intersection of Delta Waters Rd. & Foothill Rd. to include an all way stop and advanced flashing beacons on Foothill Rd warning of this condition .
5. Prior to the vertical construction of more than a total of 320 SFR units or the generation of 3063 total daily trips, improvements shall be made to the intersection of Springbrook Rd. & Cedar Links Dr. to include an all way stop.
6. Prior to the vertical construction of more than a total of 470 SFR units or the generation of 4498 total daily trips, improvements shall be made to the intersection of Springbrook Rd. & Lone Pine Rd. to include a northbound right turn lane.

Prepared by: E. Lighthill 12/8/10

Reviewed by: L. Beskow ^{AB} 12/8/10



BOARD OF WATER COMMISSIONERS

Staff Memo

RECEIVED

DEC 08 2010

PLANNING DEPT.

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: ZC-10-078

PARCEL ID: 371W08 TL 1100

PROJECT: Consideration of a request for a change of zone from SFR-00/EA (Single-Family Residential, one dwelling unit per parcel/Exclusive Agricultural Overlay) to SFR-10 (Single-Family Residential, ten dwelling units per acre) on a 65.27 acre parcel at the north terminus of Cheltenham Way: Delta Waters Properties LLC, Applicant (CSA Planning Ltd, Agent). Sandra Johnson, Planner

DATE: December 6, 2010

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. There is a 8-inch water line stubbed out to the west property line in Sharman Way, a 12-inch water line is located at the west property line in Ford Drive, an 8-inch water line is stubbed to the south property line in Cheltenham Way, and there is a 12-inch water line in McLoughlin Drive approximately 175-feet south of the southerly property line.

CITY OF MEDFORD

EXHIBIT # N

File # ZC-10-078

45



Medford Fire Department

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 08 2010

LAND DEVELOPMENT REPORT - PLANNING PLANNING DEPT.

To: Sandra Johnson

LD Meeting Date: 12/08/2010

From: Kleinberg, Greg

Report Prepared: 12/02/2010

File #: ZC - 10 - 78

Site Name/Description:

Consideration of a request for a change of zone from SFR-00/EA (Single-Family Residential, one dwelling unit per parcel/Exclusive Agricultural Overlay) to SFR-10 (Single-Family Residential, ten dwelling units per acre) on a 65.27 acre parcel at the north terminus of Cheltenham Way: Delta Waters Properties LLC, Applicant (CSA Planning Ltd, Agent).
Sandra Johnson, 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.

CITY OF MEDFORD

EXHIBIT # 0

File # ZC-10-078

46



Oregon

John A. Kitzhaber, MD, Governor

Department of Transportation

Rogue Valley Office

100 Antelope Rd

White City, OR 97503-1674

(541) 774-6299

FAX (541) 774-6349

January 19, 2011

RECEIVED

JAN 19 2011

PLANNING DEPT.

City of Medford Planning Department
Attn: Sandra Johnson, Planner II
200 South Ivy Street
Medford, OR 97501

SUBJ: File No. ZC-10-078 (Delta Waters Properties, LLC)

Ms. Johnson,

Thank you for the notice to comment on the request for a change of zone from SFR-00/EA (Single-Family Residential, one dwelling unit per acre per parcel/Exclusive Agricultural Overlay) to SFR-10 (Single-Family Residential, ten dwelling units per acre) on a 65.27 acre parcel (Map Section 8, T37S, R1W, W.M., Jackson County, OR; Tax Lot 1100) at the north terminus of Cheltenham Way.

ODOT initially reviewed the applicant's Traffic Impact Analysis (TIA) and submitted a Technical Memorandum outlining a list of technical deficiencies requiring corrections and additional information to meet state standards. After several discussions with the applicant's agent, Jay Harland of CSA to discuss the project, the TIA deficiencies and suggested traffic mitigation, the applicant has adequately corrected those outstanding issues to our satisfaction.

Additionally, we have reviewed the proposed findings submitted by the applicant's agent:

F. Streets and Traffic:

11. Many of the OR 62 corridor intersections exceed mobility standards without or with the proposed zone change. ODOT may, under its agency comment discretion, evaluate the degree to which these intersections will be significantly affected by the proposed zone change. During the review process, ODOT determined that distant downstream intersections are unlikely to be significantly affected by the direct traffic resulting from the proposed zone change. However, ODOT and Group McKenzie did identify significant affects at the intersection of Delta Waters Road and the existing Highway 62. Based upon the TIA Supplement analysis dated January 12, 2011, Group McKenzie estimates that more than 346 single family dwelling units on the subject property would significantly affect this intersection. Therefore the Applicant proposes the following trip-cap and mitigation measure to assure OR 62 intersection impacts are not significant:

- a. Site development shall be limited to 346 dwellings (or equivalent p.m. peak hour trip generation). Prior to construction of more than 346 dwelling units, Applicant shall install an additional westbound left-turn

EXHIBIT # P

File # ZC-10-078

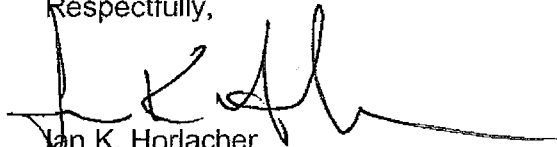
60

lane at the intersection of Delta Waters Road and existing Highway 62 intersection or else shall otherwise demonstrate the intersection is adequate according to the facility adequacy requirements then in effect.

We propose that the City's Approving Ordinance and Findings of Facts include the proposed Condition of Approval (as stated above) to assure the proposed project does not further degrade intersection's function, capacity and performance standards.

Please enter this letter into the record and forward the ordinance and findings of fact when approved. If you have any further questions, please feel free to contact myself at (541) 774-6399. Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read 'Ian K. Horlacher', with a long horizontal flourish extending to the right.

Ian K. Horlacher
Development Review Planner

Cc: Michael Wang, R3 Traffic Engineer
ODOT RVDRT



Rogue Valley Transportation District

From the Desk of Paige Townsend, Senior Planner

3200 Crater Lake Avenue • Medford, Oregon 97504-9075

Phone (541) 608-2429 • Fax (541) 773-2877

Visit our website at: www.rvtd.org

RECEIVED

DEC 06 2010

PLANNING DEPT.

TO: Sandra Johnson
FROM: Paige Townsend
DATE: December 6, 2010
RE: ZC-10-078

RVTD would like to submit comment on the proposed zone change from SFR-00 to SFR-10 on 65.27 acres referenced as Delta Waters Properties LLC.

The size of the affected property is substantial, approximately half the acreage of the Southeast Transit Oriented District, and has great opportunity for creative and imaginative urban development. Activity of any level on this property will no doubt cause great impacts on nearby facilities. These impacts could be mitigated by establishing special development conditions on the property with the goal of implementing mixed-use, pedestrian-friendly design.

To achieve this goal in an organized and well-thought out manner, RVTD would prefer to see a Planned Unit Development for this property. This would allow for pedestrian-friendly lot design, mixed uses of housing types, the opportunity for commercial development and future planning of transit system routing.

The City of Medford¹, RVTD² and the Rogue Valley Metropolitan Planning Organization³ have this area identified as a Transit Oriented District to achieve regional goals regarding air quality, livability and auto trip mitigation. Although TOD street and land use designations have not been adopted by the City as of yet, a PUD could allow for future TOD coherence.

Thank you for this opportunity to comment and be involved at this early stage. Please feel free to contact me with questions or comments.

Thank you,

Paige Townsend

CITY OF MEDFORD

EXHIBIT # Q

File # ZC-10-078

¹ City of Medford, Transportation System Plan: *Transportation and Land Use* (June 2003), Chapter 4 pages 6-13.

² RVTD, Ten-Year Long Range Plan: *Service Expansion Scenarios* (December 2007), page 49.

³ RVMPO, 2009-2034 Regional Transportation Plan: *Regional Transportation Improvements* (April 2009), 5.8.

DENSITY CALCULATION FORM

For all residential LDP, LDS, PUD, and AC Application Files

File No.	ZC-10-078
Planner	Sandra Johnson
Date	October 22, 2010

GROSS ACREAGE		SUBTRACTED ACREAGE		DENSITY RANGE	
Tax Lot Numbers		Large Lots for Existing Development	- AC	Zoning District	SFR-10
	65.27 AC	Reserved Acreage	- AC	Density Range	
		Other ¹		Minimum	6.00
			- AC	Maximum	10.00
				No. DU Proposed	
				No. DU Permitted	
Existing ROW to Centerline	- AC			Minimum	391.62
Gross Acres	65.27 AC			Maximum	652.70
Effective Acres (Gross - Subtracted)	65.27	Subtracted Acres	- AC	Percentage of Maximum	0.00%

EXISTING R-O-W CALCULATION				
	LF	Width	SF	Acreage
(Street Name)			-	-
(Street Name)			-	-
(Street Name)			-	-
(Street Name)			-	-

File # ZC-10-078

EXHIBIT # R

CITY OF MEDFORD

¹ Such as future ROW dedication, resource protection areas, common open space, other dedication areas, etc.

3340 Sharman Way
Medford, OR 97504
1/08/2011

Zoning Commission
City of Medford, OR
411 West 8th Street
Medford, OR 97501

JAN 10 2011
Planning Dept.

Dear Sir or Madam:

We are writing to protest the rezoning request under File #ZC – 10 – 078 for the following reasons:

We live directly adjacent to the property in question. This rezoning will further decrease the value of our own land and home. We picture traffic becoming an issue and more residents renting their homes in the area which leads to a transient environment and possibly more crime. What of the wildlife that inhabit the bordering wetlands? How will the schools absorb all the children that may become involved? There are already too many areas – ie: the land adjacent to the Donahue-Fronmayer Park on Spring Street that are partially developed – streets in, yet zero further utilization of that property. Why ruin yet another “open space”? I think we all know the answer to that – MONEY!!!

We think you should keep the green areas still left in Medford untouched and beautiful, without thoughts of rezoning, until already partially developed acreage is full utilized and the need for more development truly becomes an issue.

We appreciate your attention to this matter.

Sincerely,

Robert D. Williams
Linda H. Williams

Robert D. Williams
Linda H. Williams

CITY OF MEDFORD
EXHIBIT # 5
File # ZC-10-078

PETITION

RECEIVED

To: Zoning Commission
City of Medford, Oregon
411 West 8th
Medford, OR 97501

JAN 13 2011

PLANNING DEPT.

We, the undersigned property owners residing in Medford, Oregon, do hereby petition the Medford Zoning Commission to deny the zoning change request under File #ZC-10-078, for the following reasons:

We are all property owners adjacent to, or in the immediate vicinity of, the property referred to in the zoning change file above. As with most Americans, the recent and current economic conditions have resulted in the loss of a significant portion of the value of our homes. It is our belief that granting the zoning change requested in the above-entitled matter will result in a further loss of value to our homes, which is likely to result in an increase in forfeitures and foreclosures in the neighborhood.

Name	Address	Signature
Tina L Carlson	3273 Springbrook Rd.	Tina L Carlson
Robert Carlson	3273 Springbrook Rd.	Robert Carlson
Donna L Taylor	3272 Springbrook Rd.	Donna L Taylor
Dave Osborne	3269 Springbrook Rd.	Dave Osborne
Gina Osborne	3269 Springbrook Rd.	Gina Osborne
SYLVIA VINATIERI	3341 SHARMAN WAY	Sylvia Vinatieri
MADISON KELLY	3341 SHARMAN WAY	Madison Kelly
Jim Cruise	3324 Sharman Way	Jim Cruise
Mary Cruise	3324 Sharman Way	Mary L. Cruise
Alisa Quigley	3319 Sharman Way	Alisa Quigley
Jane Wane	3332 Sharman	Jane Wane
Philip Vandergriff	3359 Springbrook Rd.	Philip Vandergriff
JAMES A Lloyd	3392 Wellington Dr.	James A Lloyd
Judy A. Poling Lloyd	3392 Wellington Dr.	Judy A. Poling Lloyd
Bonnie Farrell	3391 Wellington Dr.	Bonnie Farrell
Suzanne Oloski	3390 Wellington Dr.	Suzanne Oloski
Steve Farrell	3381 Wellington Dr.	Steve Farrell
Jef Tucker	3384 Wellington	Jef Tucker
ELIZABETH TUCKER	3384 Wellington Dr.	Elizabeth Tucker

CONNIE COOPER 3263 Springbrook Rd. Connie Cooper

CITY OF MEDFORD

EXHIBIT # 1

File # ZC-10-078

1 of 2

PETITION

To: Zoning Commission
City of Medford, Oregon
411 West 8th
Medford, OR 97501

We, the undersigned property owners residing in Medford, Oregon, do hereby petition the Medford Zoning Commission to deny the zoning change request under File #ZC-10-078, for the following reasons:

We are all property owners adjacent to, or in the immediate vicinity of, the property referred to in the zoning change file above. As with most Americans, the recent and current economic conditions have resulted in the loss of a significant portion of the value of our homes. It is our belief that granting the zoning change requested in the above-entitled matter will result in a further loss of value to our homes, which is likely to result in an increase in forfeitures and foreclosures in the neighborhood.

Name	Address	Signature
Cheryl Miller Reed	3378 Wellington Dr	Cheryl Miller Reed
Susan Apperle	3378 Wellington Dr	Susan Apperle
JIM ANDREWS	3322 FORD DR	Jim Andrews
CATHY ANDREWS	3322 Ford Dr.	Cathy Andrews
JASON EASLEY	3366 Wellington Dr	Jason Easley
MARSEL MILLER	3331 FORD DR	Marsel Miller
Teresa Miller	3331 Ford Dr.	Teresa Miller
YAE TRUDEL	3321 FORD DR	Yae Trudel
Josh Chapman	3372 Wellington Dr.	Josh Chapman
Dan Teck	" " "	Dan Teck
BOB WILLIAMS	3340 SHARMAN WAY	Robert D. Williams
Linda Williams	3340 Sharmen Way	Linda Williams
Blanca Escobedo	3243 FORD DR	Blanca Escobedo
RICHARD DUMONT	3315 FORD DR	Richard E. Dumont
BONNIE DUMONT	3315 FORD DR	Bonnie Dumont
David Forehand	3316 Ford Dr.	David Forehand
Vicki Forehand	3316 Ford Dr.	Vicki Forehand

CITY OF MEDFORD
EXHIBIT 1

File # ZC-10-078

2 of 3

PETITION

To: Zoning Commission
City of Medford, Oregon
411 West 8th
Medford, OR 97501

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[illegible]

CITY OF MEDFORD

EXHIBIT #1

File # EC-10-078

3 of 3

GROUP MACKENZIE

December 28, 2010

Oregon Department of Transportation
Attention: Ian Horlacher
100 Antelope Road
White City, Oregon 97503

RECEIVED
JAN 18 2011
PLANNING DEPT.

Re: **Delta Waters Orchard Zone Change**

Technical Response Number 6 – Transportation Impact Analysis Review
Medford Project ZC-10-078
Group Mackenzie Project Number 2080455.00

Dear Mr. Horlacher:

This letter responds to the November 5, 2010 ODOT Region 3 review (under a November 8, 2010 cover letter) of the September 24, 2010 Delta Waters Orchard Zone Change Transportation Impact Analysis (TIA) prepared by Group Mackenzie.

The following presents ODOT comments in *italic text* followed by Group Mackenzie responses in plain text.

ODOT Comment #1 (Page 6, Table 2)

The crash numbers are not correct. Please recalculate the crash rates. Based on ODOT data:

1. *Delta Water/OR 62 had 53 total crashes;*
2. *Vilas Road/OR 62 had 69 total crashes;*
3. *Poplar Drive/OR 62 had 67 total crashes;*
4. *I-5 NB/OR 62 had 49 total crashes;*
5. *I-5 SB/OR 62 had 45 total crashes.*

Vilas/OR 62, Delta Waters/OR 62 Poplar Dr/OR 62 are top 5% SPIS sites, the TIA needs to address the safety issues at these intersections.

Response: Intersection crash data has been updated based on ODOT-provided data for the specifically identified intersections.

TABLE 2 (ADDITIONAL) – INTERSECTION CRASH DATA

Intersection	ADT	3-Year Crash Total	Crash Rate
OR 62/Vilas Road	37,130	69	1.69
OR 62/Delta Waters Road	45,120	53	1.07
OR 62/Poplar Drive	53,250	67	1.14
OR 62/I-5 Northbound Terminal	40,280	49	1.11
OR 62/I-5 Southbound Terminal	39,150	45	1.05

All of the subject intersections have crash rates above the 1.0 crashes/mev threshold. (It should be noted any changes in MEDFORD resulting from infrastructure improvements at OR 62/I-5 Northbound Terminal intersection are not reflected in this data.)

File # ZC-10-078 Exhibit U

Each year, ODOT generates a list of the top 10% SPIS sites and the top 5% sites are investigated by the five Region Traffic manager's offices. These sites are evaluated and investigated for safety problems and results are incorporated into the Highway Safety Improvement Program (HSIP) 5% report to FHWA. For these sites the reports include:

- Potential remedies to the hazardous locations identified;
- Estimated costs of the remedies; and
- Impediments to implementation of the remedies other than costs.

Agency prepared OR 62 corridor studies indicate the need for improvements within the corridor to address capacity and safety issues. The City of Medford is planning to realign the Owen and Coker Butte intersections to improve safety. ODOT and the City have also planned the funded the OR 62 Bypass project to correct corridor deficiencies.

As such, it is anticipated the corridor improvements and future traffic volume reductions resulting from the OR 62 Bypass will reduce the intersection SPIS scores to be below the 5% threshold. Further evaluation is recommended when these infrastructure improvements have been constructed.

ODOT Comment #2 (Page 10, Paragraph 3)

Highway 62 is an Expressway from Delta Waters Road to OR 140; the OHP performance standard v/c is 0.80. The performance standard for existing intersections exceeding 0.80 v/c need to show no further degradation.

Response: The v/c ratio standard for OR 62 is incorrectly presented in the TIA. The corrected roadway classification and v/c ratio standards are as follows:

Based on the 1999 Oregon Highway Plan (OHP), OR 62 (Crater Lake Highway 22) in the study area is classified as a Statewide Highway, part of the National Highway System (NHS) and a federally designated Truck Route. Additionally, OR 62 from the I-5 NB Ramp Terminal intersection to Delta Waters Road is classified as a State Freight Route and from Delta Waters Road to OR 140 it is classified an Expressway.

The OHP requires a maximum v/c ratio of 0.80 be maintained on the portion of OR 62 classified as an Expressway (from the Delta Waters Road intersection to the north) and 0.85 on the remainder of OR 62 (south of Delta Waters Road).

Based on data contained in the *Operation Analysis* section of the TIA, this correction does not change the intersections anticipated to exceed to performance standard in the plan year. Therefore, the necessary mitigation presented in the TIA remains the same.

It is further recommended ODOT consider if an "Expressway" designation in the study area is appropriate after construction of the OR 62 Bypass project.

ODOT Comment #3 (Appendix A, Figure 2)

There are a few lane configuration errors:

1. Vilas Rd/OR 62: WB and EB lane configuration.
2. Owens/OR 62: WB and EB lane configuration.
3. Delta Waters/OR 62: WB lane configuration.
4. Poplar/OR 62: WB and NB lane configuration.
5. I-5 NB/OR 62: Off-ramp and SB lane configuration.
6. I-5 SB/OR 62: NB lane configuration.
7. Mall/OR 62: WB lane configuration.

Response: Analysis presented in the TIA assumes the OR 62 Bypass is in place in the plan year. This assumption was confirmed/approved in the February 23, 2010 ODOT scoping letter response. As such, the ODOT-provided OR 62 Bypass Model was used for analysis including all associated lane configurations. (A copy of the e-mail and referenced model are attached.) For the OR 62 intersections south of Poplar Drive, the City of Medford Updated City Wide Model was used for plan year analysis.

It is important to note that relative to the existing condition, the OR 62 Bypass Model assumes additional infrastructure has been constructed and is in-place in the future year. In response to ODOT comments, lane configuration errors in Figure 2 have been corrected – to accurately reflect the lane configuration contemplated in the OR 62 Bypass model. The following more specifically identifies the geometry at each intersection:

1. OR 62/Vilas Road
 - a. Figure 2 was modified to add WB and EB thru lanes
 - b. In the existing condition there is one less WB and EB thru lane
2. OR 62/Owen Drive/King Center
 - a. Figure 2 was not modified
 - b. In the existing condition the intersection does not exist; however, construction is nearly complete and the intersection will become operational as depicted in the model.
3. OR 62/Delta Waters Road
 - a. Figure 2 was not modified
 - b. In the existing condition there is one less WB left-turn lane
4. OR 62/Poplar Drive
 - a. Figure 2 was modified to add a WB left-turn and a NB thru lane
 - b. In the existing condition there is one less SB thru lane
5. OR 62/I-5 Northbound Ramp Terminal
 - a. Figure 2 was modified to add a WB left-turn and SB thru lane
 - b. The Updated City Wide Model was corrected to depict existing conditions for two approaches: 1) WB – the model depicts a 4-lane section where there is an existing 3-lane section, and 2) SB – the model depicts 2 thru lanes where 3 exist today.

6. OR 62/I-5 Southbound Ramp Terminal
 - a. Figure 2 was modified to add a NB thru lane
 - b. The Updated City Wide Model was corrected to depict existing conditions for the NB approach – the model depicts 2 thru lanes where 3 exist today.
7. OR 62/Mall Driveway
 - a. Figure was not modified
 - b. The existing and future conditions are the same.

ODOT Comment #4 (Synchro, General)

1. *All intersection truck percentages and traffic volumes in general are off comparing to Highway 62 Unit 2 Corridor Model.*
2. *Delta Water/OR 62: In the Synchro model, the NBL volume is about half of the 2010 volume, it seems low.*
3. *Poplar Drive/OR 62: The 2030 volumes for EBT, WBL, WBT, NBL, NBR and SBL are lower than the existing 2010 volumes.*
4. *I-5 NB/OR62: 2030 traffic volume for WBL is lower than existing 2010 volume. The TIA is showing a 40 second cycle length when the cycle is 120 seconds and it is coordinated with the other ramp, the mall and the OR 99 intersections.*
5. *I-5 SB/OR 62: 2030 traffic volumes for NB and SB are lower than existing 2010 volumes. The NB right-turn movement is a free right – not a protected phase as shown in the TIA. The TIA is showing a 40 second cycle length when the cycle is 120 seconds and it is coordinated with other intersections.*
6. *Mall/OR 62: The WBR volume is too high. The TIA is showing a 40 second cycle length when the cycle is 120 seconds and it is coordinated with other intersections.*
7. *OR 99/OR62: The TIA is showing a 40 second cycle length when the cycle is 120 seconds and it is coordinated with other intersections.*
8. *In the pre/post development 2030 model, EBL is 61/69. Currently there are 523 for this movement.*

Response: The OR 62 Bypass Model and the City of Medford Updated City Wide Model were used for plan year analysis. Materials presented in the TIA do not contain 2010 traffic volumes for any of the study area intersections under ODOT jurisdiction and the basis for comparison to the ODOT-identified 2010 existing traffic volumes is not known.

Analysis presented in the TIA assumes the OR 62 Bypass is in place in the plan year. This assumption was confirmed/approved in the February 23, 2010 ODOT scoping letter response. As such, the ODOT-provided OR 62 Bypass Model was used for analysis including all associated lane configurations, traffic volumes and truck percentages.

For comparative purposes, specific to the ODOT comment for the Poplar Drive/OR 62 intersection stating, “The 2030 volumes for EBT, WBL, WBT, NBL, NBR and SBL are lower than the existing 2010 volumes” the following data is provided for reference.

TABLE A (TM #6) – REFERENCE INTERSECTION APPROACH VOLUMES													
Description of Data Source	Northbound			Southbound			Eastbound			Westbound			Total
	L	T	R	L	T	R	L	T	R	L	T	R	
Group Mackenzie 2009 count (for reference only)	411	135	317	234	112	105	66	1,476	206	288	1,383	168	4,901
City-Provided 2009 intersection volumes	472	198	353	212	120	76	91	1,826	187	431	1,446	150	5,562
ODOT 2030 OR 62 Bypass Model intersection volumes	455	165	405	290	135	85	65	2,005	220	400	1,735	200	6,160

Based on information provided in the in the table above, intersection volumes contained in the ODOT-provided OR 62 Bypass are generally higher than existing 2010 volumes and total intersection entering volumes are significantly higher. Overall, it is expected approach volumes will vary slightly based on data source, balancing and assumed infrastructure improvements. Because TIA analysis for ODOT study area intersections is based on data contained in the ODOT-provided OR 62 Bypass Model, no additional changes are necessary for traffic volumes or truck percentages.

Intersection cycle lengths have been changed at the four intersections to 120 seconds and are coordinated. The following table presents revised intersection operation analysis results:

TABLE 5 (REVISED) – ODOT INTERSECTION OPERATIONS (V/C)			
Intersection	Mobility Standard	2030	
		Current	Proposed
		v/c	v/c
OR 62/Vilas Road	$v/c \leq 0.80^1$	0.94	0.96
OR 62/Coker Butte Road (west)		0.63	0.65
OR 62/Owen Drive / King Center		0.74	0.79
OR 62/Delta Waters Road		0.74 ²	0.74 ²
		0.77 ³	0.82 ³
OR 62/Poplar Drive	$v/c \leq 0.85$	1.10	1.13
OR 62/I-5 Northbound Terminal		0.80	0.82
OR 62/I-5 Southbound Terminal		0.97	0.98
OR 62/Target Driveway		0.19	0.19
OR 62/Mall Driveway		0.86	0.87
OR 62/OR 99		0.82	0.86

¹ Assumes "Expressway" designation after construction of the OR 62 Bypass project.

² Assumes Dual WB left-turn lanes consistent with OR 62 Bypass Model.

³ Assumes single WB left-turn lane consistent with existing condition.

As shown in the previous table and consistent with TIA findings, a number of intersections are anticipated to exceed the ODOT mobility standard with or without the proposed development in 2030. Improvements/conditions necessary to allow the intersections to operate below the ODOT mobility standard and the resulting analysis are described in the *Mitigation Section* of the TIA.

Oregon Department of Transportation
Delta Waters Orchard Zone Change
Group Mackenzie Project Number 2080455.00
December 28, 2010
Page 6

ODOT Comment #5 (Synchro, General)

There are some balancing issues in the model, please verify with Highway 62 Unit 2 Corridor Model.

Please assess the benefits of the OR 62 Project in the no-build scenario, and assess the impacts to the OR 62 Project's reserve capacity in the build scenario.

Response: Analysis presented in the TIA assumes the OR 62 Bypass is in place in the plan year – in all analysis scenarios. This assumption was confirmed/approved in the February 23, 2010 ODOT scoping letter response. As such, the ODOT-provided OR 62 Bypass Model was used for analysis and no changes are necessary for these items. A copy of the e-mail and referenced model are attached.

ODOT Comment #6 (General)

Please revise the TIA and Synchro model based on the above comments.

Please identify year 2030 transportation improvements to mitigate significant affects. The 2030 improvements shall meet the OHP 0.80 v/c standard and/or the no further degradation of performance standards. The design of the improvements needs to be consistent with HDM and ODOT safety standards. Please identify a funding source for these improvements.

Please identify day-of-opening transportation improvements to mitigate significant affects to highway safety/operations for each phase of development. These improvements shall be consistent with the year 2030 transportation improvements and meet ODOT safety standards.

Please describe the proposed trip cap methodology for each phase of development. Identify triggers for traffic mitigation when the cap is removed.

Response: Following the November 5, 2010 ODOT Region 3 review (under a November 8, 2010 cover letter), a subsequent December 14, 2010 ODOT letter was received relating to the above captioned issues and specific improvements to the OR 62/Delta Waters Road intersection.

Group Mackenzie understands the applicant will follow-up with ODOT regarding these issues and the December 14, 2010 letter with the intent to address the above captioned matters.

Sincerely,



Christopher M. Clemow, P.E., P.T.O.E.
Transportation Engineer

Enclosures: 2030 Current and Proposed Zone Designation Analysis for ODOT Intersections
Email Referencing OR 62 Bypass Model

c: Jay Harland – CSA Planning; David Jiao – City of Medford; Wie (Michael) Wang – ODOT

Chris Clemow

From: Matt Dorado
Sent: Friday, December 17, 2010 10:31 AM
To: Chris Clemow
Subject: FW: Interim Phase files
Attachments: 20100225_Bypass_to_Corey.syn; 20100225_Bypass_to_Corey.sim

From: FERA-THOMAS Christina A [mailto:Christina.A.FERA@odot.state.or.us]
Sent: Thursday, April 01, 2010 3:51 PM
To: Matt Dorado
Cc: DUNN Brian G
Subject: RE: Interim Phase files

Here is the current 2030 interim file. Feel free to take a look and give me a call if you want to discuss. There are some differences between these and the numbers you sent. In most cases the the volumes for turns in the synchro file seem higher so if anything they should be more conservative. As for the mainline, your volumes are higher, which would be expected since the turn volumes are lower.

Christina Fera-Thomas

Transportation Analyst
Transportation Planning Analysis Unit
Oregon Department of Transportation
555 13th St NE Suite #2
Salem, OR 97302
Phone: (503) 986-4119
Fax: (503)986-4174

From: Matt Dorado [mailto:MDorado@grpmack.com]
Sent: Thursday, April 01, 2010 9:23 AM
To: FERA-THOMAS Christina A
Subject: RE: Interim Phase files

Christina,

Here are the volumes that I have come up with. They come from the 2011 Hwy 62 Corridor model which was exponentially grown at 0.8% per year. Based on the interim file you sent me before the Delta Waters intersections volumes look pretty good. However, at Vilas there are some significant differences. Also, what did you guys project for the west leg at Coker Butte.

After speaking with Michael Wang at ODOT White City if the new model is available for public use that would be best way for me to do the analysis.

Just let me know what you are comfortable with.

Thanks for all your help.

Matt

From: FERA-THOMAS Christina A [mailto:Christina.A.FERA@odot.state.or.us]
Sent: Thursday, April 01, 2010 7:07 AM
To: Matt Dorado
Cc: DUNN Brian G
Subject: RE: Interim Phase files

Matt,

The file I sent you is for the interim phase of the project not the full build alternative. The full build alternative does include a SPUI at Vilas, but the interim does not. The terminus for the interim phase bypass will be north of Vilas, in the vicinity of Corey Road.

Christina Fera-Thomas

Transportation Analyst
Transportation Planning Analysis Unit
Oregon Department of Transportation
555 13th St NE Suite #2
Salem, OR 97302
Phone: (503) 986-4119
Fax: (503) 986-4174

From: Matt Dorado [mailto:MDorado@grpmack.com]
Sent: Wednesday, March 31, 2010 11:26 AM
To: FERA-THOMAS Christina A
Subject: RE: Interim Phase files

Christina,

A couple more questions on the 62 by-pass. I was checking the project website and it looks like the terminus will be north of Vilas. But there is also a SPUI at Vilas which wasn't included in the model you sent me way back when. Is there a new Synchro model that includes the SPUI and does it also include (I cross my fingers) the intersections between Vilas and Delta Waters along the old alignment?

Thanks,

Matt

From: FERA-THOMAS Christina A [mailto:Christina.A.FERA@odot.state.or.us]
Sent: Wednesday, March 03, 2010 7:28 AM
To: Matt Dorado
Subject: RE: Interim Phase files

Matt, I was just cleaning out my inbox and found your email. I must have missed it when it came in! Anyway yes there is a typo the EBL that is shown as 245 is actually only 5.

Christina Fera-Thomas

1/3/2011

GROUP MACKENZIE

January 12, 2011

Oregon Department of Transportation
Attention: Wei (Michael) Wang
100 Antelope Road
White City, Oregon 97503

RECEIVED

JAN 18 2011

PLANNING DEPT.

Re: **Delta Water Orchard Zone Change**

Technical Response Number 7 – OR 62/Delta Waters Roads Development Threshold
Medford Project ZC-10-078
Group Mackenzie Project Number 2080455.00

Dear Mr. Wang:

This letter addresses impacts at the OR 62/Delta Waters Road intersection as discussed during the January 7, 2010 conference call with Oregon Department of Transportation (ODOT) staff. Specifically, analysis presented in the December 28, 2010 Group Mackenzie Technical Response 6 letter to ODOT indicates the intersection mobility standard will be exceeded with full development build out in the proposed zone designation unless mitigation is constructed. The following materials present a sensitivity analysis that identifies the development threshold before the mobility standard is exceeded.

In determining the development threshold at the OR 62/Delta Waters Road intersection, the following materials are referenced:

- Trip assignment is based on trip distribution percentages shown in Figure 7 of the TIA which is attached for reference.
- Trip distribution percentages shown in Figure 7 have a directional component and apply to either entering or exiting volumes. These percentages are presented in Figures 3 and 4 of Technical Memorandum 4, dated October 29, 2009, which are attached for reference.

INTERSECTION DEVELOPMENT THRESHOLDS						
Intersection	Direction	(1) Total Development Trip Generation	(2) Percentage of Total Development Trips Entering Intersection ¹	(3) Total Development Trips Entering Intersection (1)*(2)	(4) Total Trip Entering Threshold ²	(5) Total Development Trip Generation Threshold (4)/(3)*(1)
OR 62/ Delta Waters Road	Enter	416	31%	128	67	
	Exit	244	33%	83	45	
	Total	660		211	112	

¹ Percentages as depicted in Figures 3 and 4 of Technical Memorandum 4, attached.

² Threshold determined by iterative analysis. Trip generation was increased until the mobility standard (v/c ratio = 0.80) was exceeded.

CITY OF MEDFORD

EXHIBIT #

File # ZC-10-078 Exhibit V

58

RiverEast Center | 1515 SE Water Avenue, Suite 100 | Portland, OR 97214
P.O. Box 14310 | Portland, OR 97293
Tel: 503.224.9560 Web: www.grpmack.com Fax: 503.228.1285

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Vancouver, Washington

Oregon Department of Transportation
Delta Water Orchard Zone Change
Group Mackenzie Project Number 2080455.00
January 12, 2011
Page 2

Based on data presented in the table above, the development can generate 350 trips before the intersection mobility standard is exceeded. Assuming a trip generation rate of 1.01 trips per dwelling unit, 346 dwelling units ($350/1.01$) can be constructed prior the intersection mobility standard being exceeded.

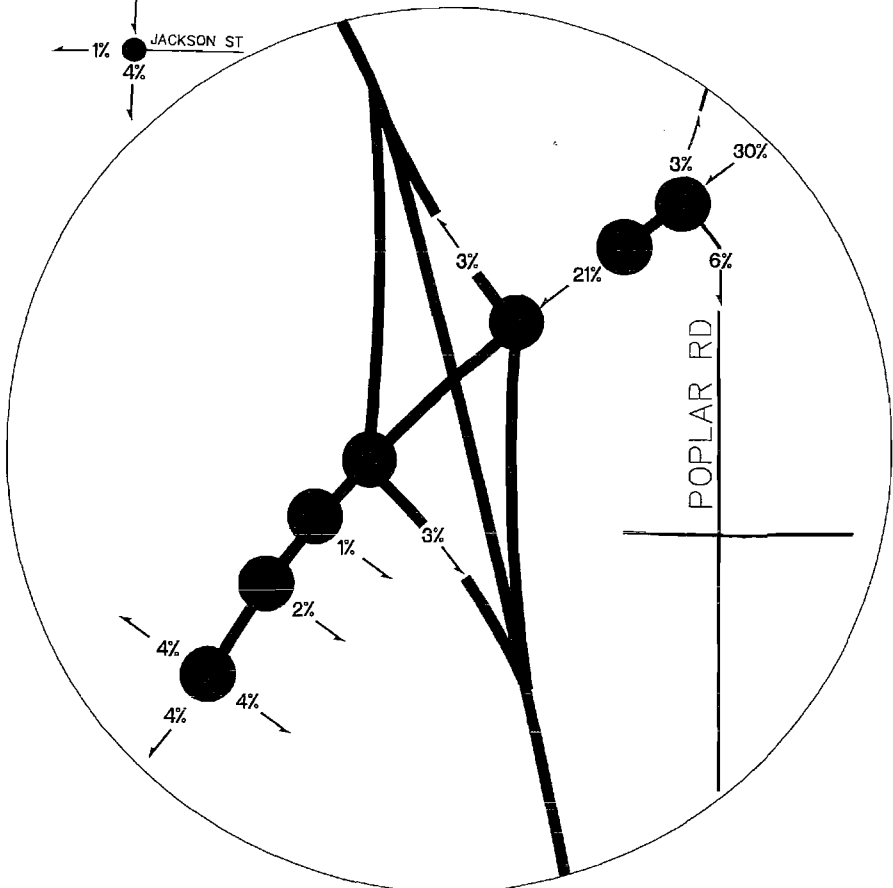
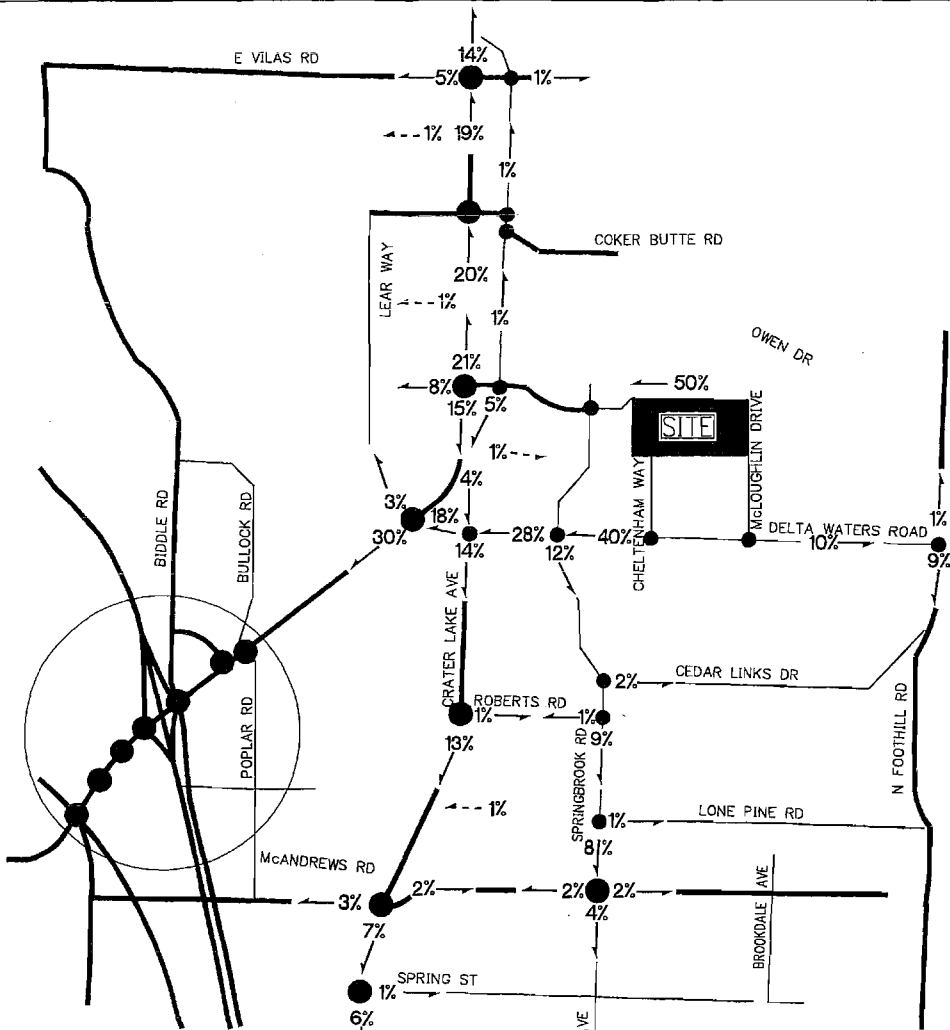
Sincerely,

A handwritten signature in black ink, appearing to read "Christopher M. Clemow", with a long horizontal flourish extending to the right.

Christopher M. Clemow, P.E., P.T.O.E.
Transportation Engineer

Enclosures: Reference Figures
Supplemental Analysis

c: Jay Harland – CSA Planning
Ian Horlacher, Thomas Guevara Jr. – ODOT



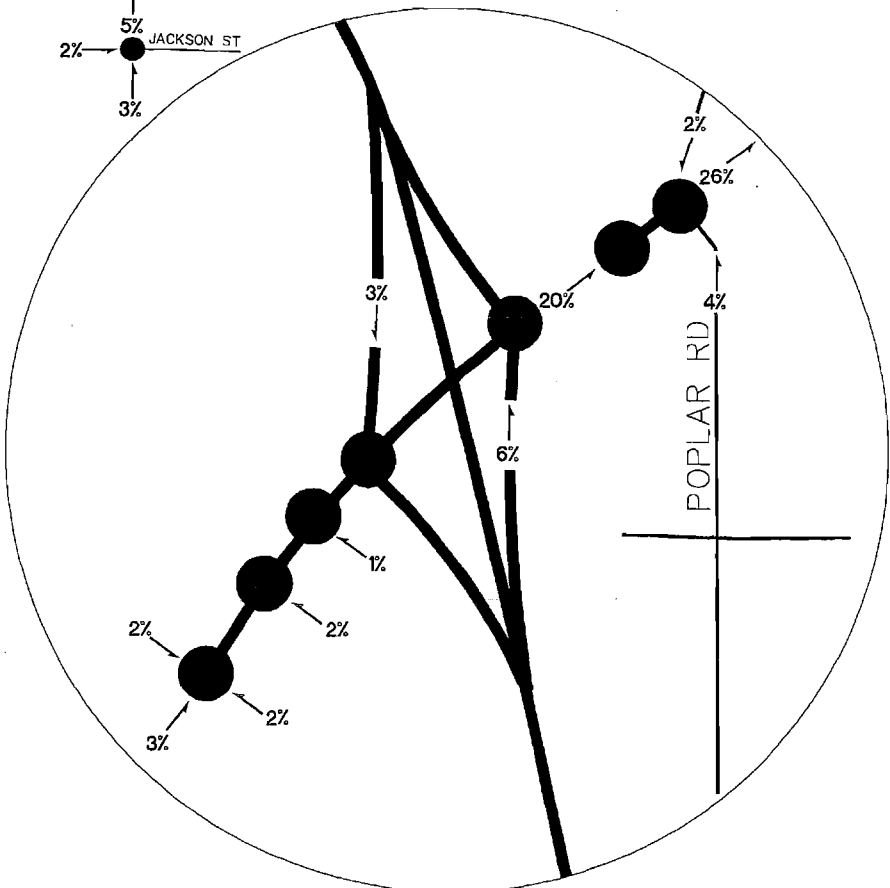
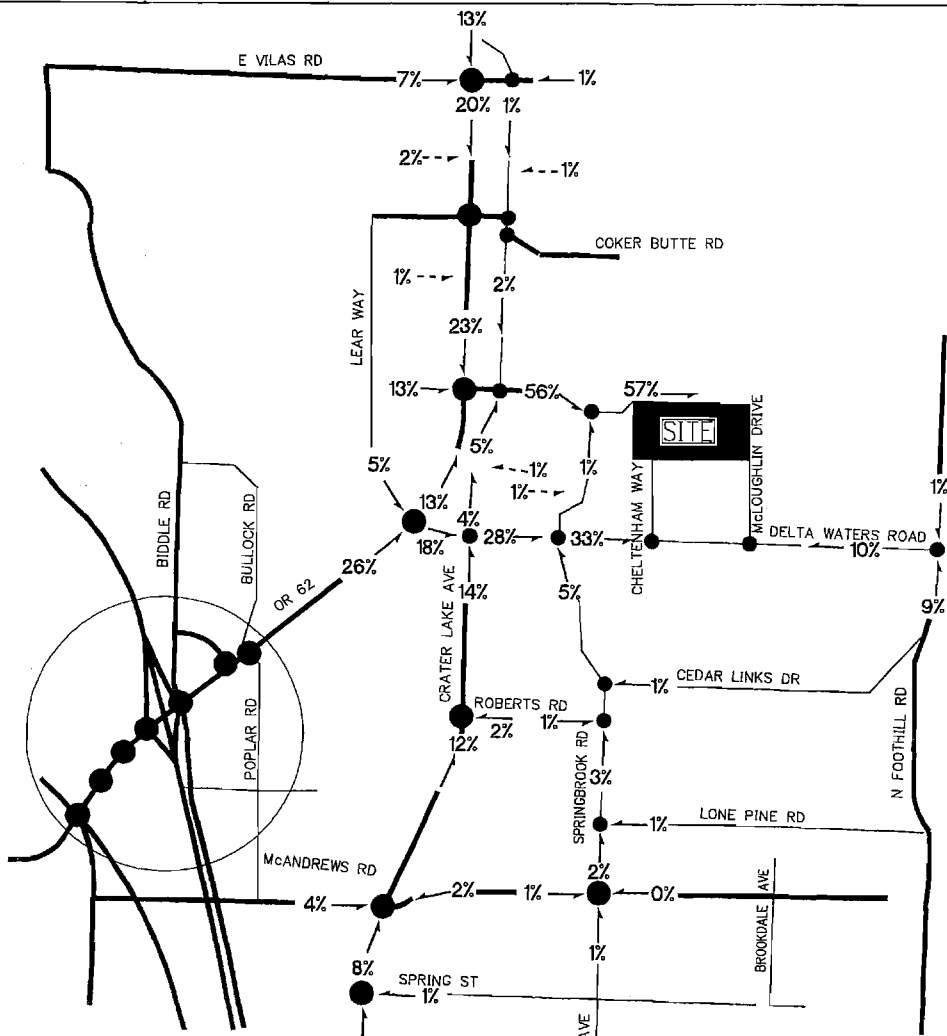
GROUP
MACKENZIE
Portland OR
Vancouver WA
Seattle WA
503.224.9550
360.585.7873
206.745.9893

DATE: 10.21.09
DRAWN BY: MJD
CHECKED BY: CMC
JOB NO: 2080455.00

EXITING SITE TRIP DISTRIBUTION ONTO
POST-DEV (FUTURE) ROADWAY SYSTEM
Delta Waters Orchards
Medford, Oregon

FIGURE
3

Technical Response # 4 - October 29, 2009

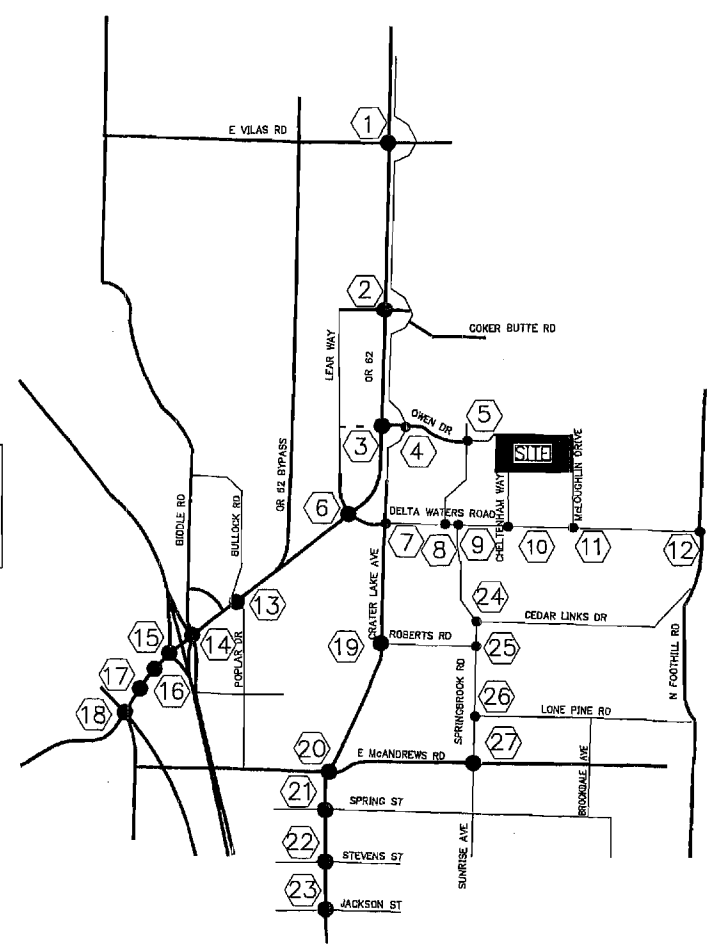
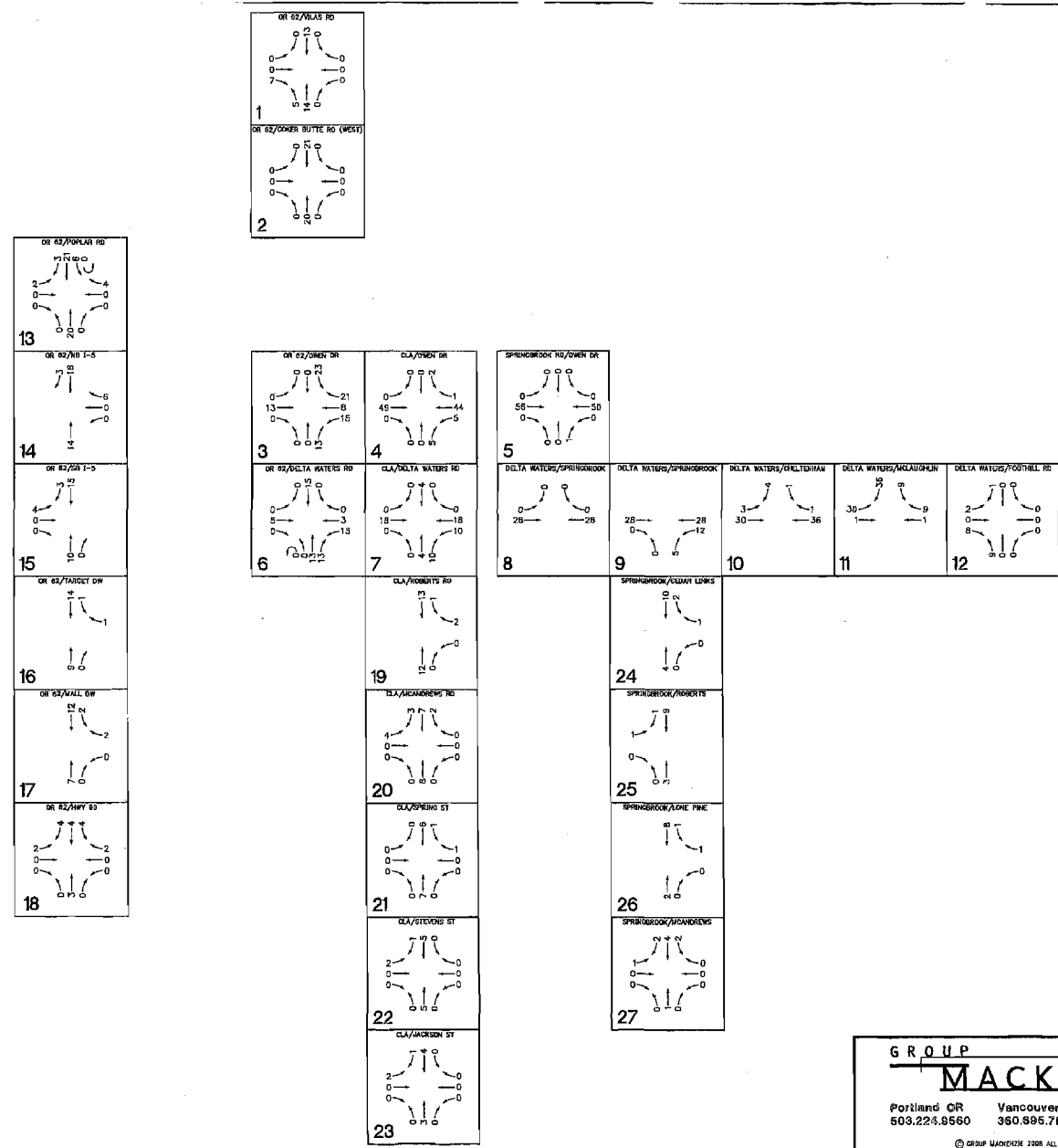


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 Portland OR Vancouver WA Seattle WA
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DATE: 10.21.09
 DRAWN BY: MJD
 CHECKED BY: CMC
 JOB NO: 2080455.00

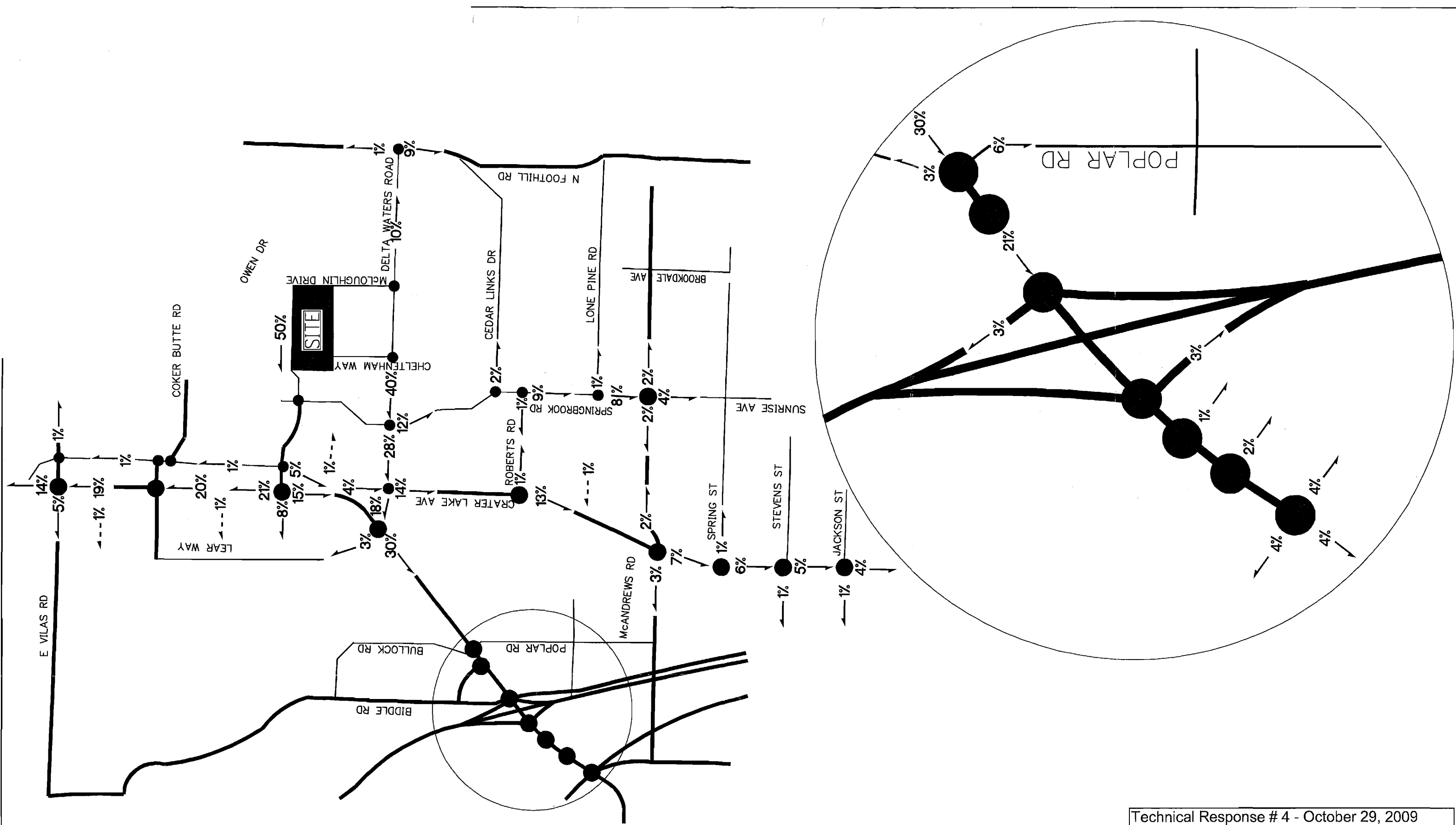
ENTERING SITE TRIP DISTRIBUTION ONTO
 POST-DEV (FUTURE) ROADWAY SYSTEM
 Delta Waters Orchards
 Medford, Oregon

Technical Response # 4 - October 29, 2009



September 24, 2010 TIA

GROUP MACKENZIE Portland OR 503.224.8560 Vancouver WA 360.895.7879 Seattle WA 206.748.9893 © GROUP MACKENZIE 2008 ALL RIGHTS RESERVED THESE DRAWINGS ARE THE PROPERTY OF GROUP MACKENZIE AND ARE NOT TO BE USED OR REPRODUCED IN ANY MANNER, WITHOUT PRIOR WRITTEN PERMISSION			DATE: 08.05.10 DRAWN BY: MJD CHECKED BY: CMC JOB NO: 2080455.00	SITE TRIP DISTRIBUTION PERCENTAGES WEEKDAY PM PEAK HOUR Delta Waters Orchards Medford, Oregon	FIGURE 7
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Technical Response # 4 - October 29, 2009

GROUP
MACKENZIE

Portland OR 503.224.9560 Vancouver WA 360.896.7879 Seattle WA 206.749.9993

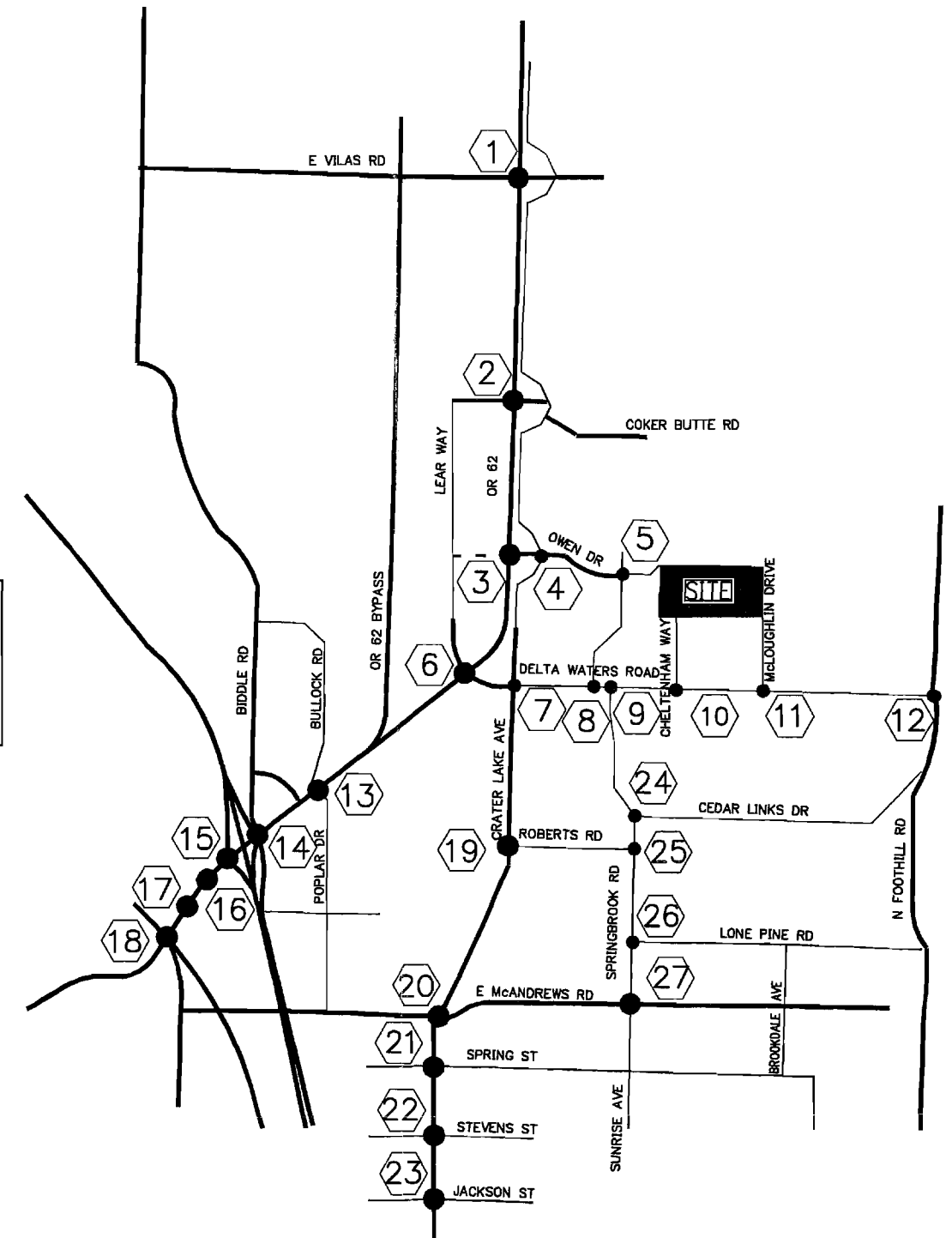
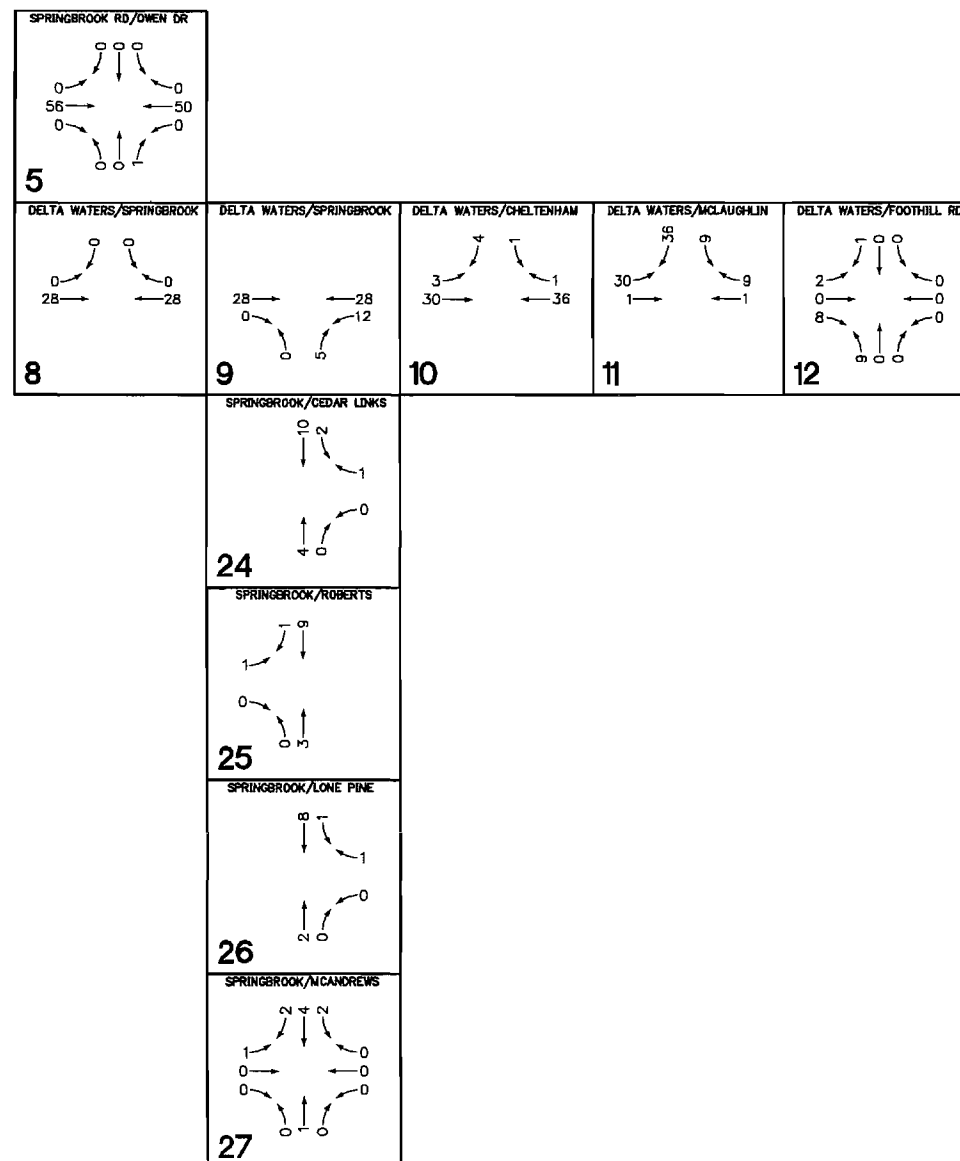
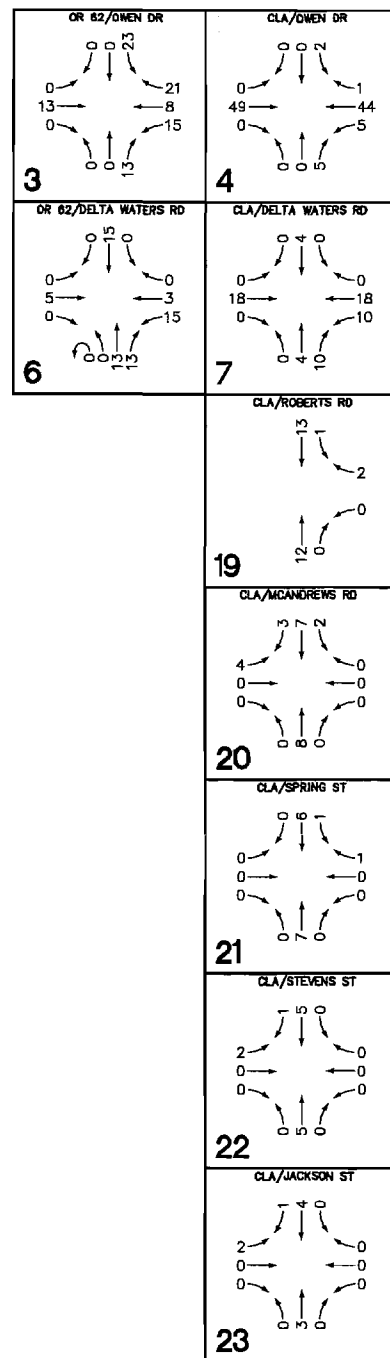
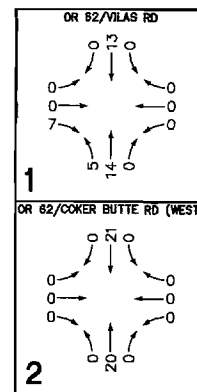
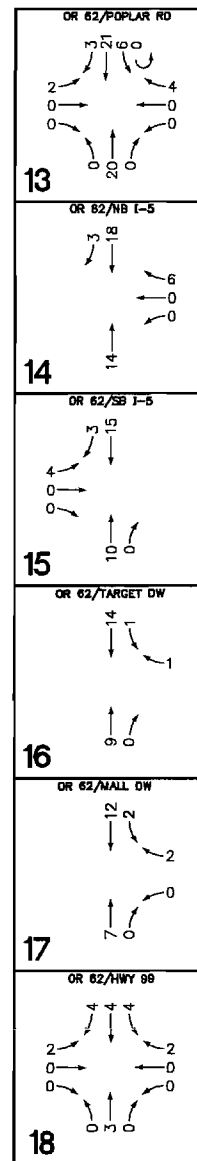
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2080455.00

EXITING SITE TRIP DISTRIBUTION ONTO
POST-DEV (FUTURE) ROADWAY SYSTEM

Delta Waters Orchards
Medford, Oregon

FIGURE
3



September 24, 2010 TIA

GROUP
MACKENZIE

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DATE: 08.05.10
DRAWN BY: MJD
CHECKED BY: CMC
JOB NO:
2080455.00

SITE TRIP DISTRIBUTION PERCENTAGES
WEEKDAY PM PEAK HOUR

Delta Waters Orchards
Medford, Oregon

FIGURE
7

HCM Signalized Intersection Capacity Analysis

8: Delta Waters Road & Highway 62

1/13/2011

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	35	341	435	289	264	65	30	245	1118	238	110	897
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	4.0	4.0	4.0
Lane Util. Factor	1.00	0.95	0.88	1.00	0.95		0.97	0.95	1.00	1.00	0.95	0.95
Frpb, ped/bikes	1.00	1.00	1.00	1.00	1.00		1.00	1.00	0.98	1.00	1.00	1.00
Flpb, ped/bikes	1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00	1.00	1.00	1.00
Frt	1.00	1.00	0.85	1.00	0.97		1.00	1.00	0.85	1.00	1.00	1.00
Flt Protected	0.95	1.00	1.00	0.95	1.00		0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (prot)	1710	3386	2693	1676	3281		3277	3320	1486	1693	3315	3315
Flt Permitted	0.95	1.00	1.00	0.95	1.00		0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (perm)	1710	3386	2693	1676	3281		3277	3320	1486	1693	3315	3315
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Adj. Flow (vph)	37	359	458	304	278	68	32	258	1177	251	116	944
RTOR Reduction (vph)	0	0	300	0	20	0	0	0	0	88	0	1
Lane Group Flow (vph)	37	359	158	304	326	0	0	290	1177	163	116	954
Confl. Peds. (#/hr)						6				6		
Heavy Vehicles (%)	0%	1%	0%	2%	1%	0%	3%	1%	3%	1%	1%	3%
Turn Type	Prot		Perm	Prot			Prot	Prot		Perm	Prot	
Protected Phases	7	4		3	8		5	5	2		1	6
Permitted Phases			4						2			
Actuated Green, G (s)	11.2	14.5	14.5	25.6	28.9			11.9	50.5	50.5	9.4	48.0
Effective Green, g (s)	12.2	15.5	15.5	26.6	29.9			12.9	51.5	51.5	10.4	49.0
Actuated g/C Ratio	0.10	0.13	0.13	0.22	0.25			0.11	0.43	0.43	0.09	0.41
Clearance Time (s)	5.0	5.0	5.0	5.0	5.0			5.0	5.0	5.0	5.0	5.0
Vehicle Extension (s)	2.0	3.0	3.0	2.5	2.0			2.5	2.5	2.5	2.0	2.5
Lane Grp Cap (vph)	174	437	348	372	818			352	1425	638	147	1354
v/s Ratio Prot	0.02	c0.11		c0.18	0.10			0.09	c0.35		0.07	c0.29
v/s Ratio Perm			0.06							0.11		
v/c Ratio	0.21	0.82	0.45	0.82	0.40			0.82	0.83	0.26	0.79	0.70
Uniform Delay, d1	49.5	50.9	48.3	44.4	37.6			52.4	30.3	22.0	53.7	29.5
Progression Factor	1.00	1.00	1.00	1.00	1.00			1.30	0.40	0.05	0.91	0.85
Incremental Delay, d2	0.2	11.8	0.9	12.7	0.1			1.5	0.5	0.1	21.7	3.0
Delay (s)	49.7	62.7	49.3	57.1	37.7			69.7	12.6	1.2	70.6	28.0
Level of Service	D	E	D	E	D			E	B	A	E	C
Approach Delay (s)		54.9			46.8				20.6			32.6
Approach LOS		D			D				C			C

Intersection Summary

HCM Average Control Delay	34.4	HCM Level of Service	C
HCM Volume to Capacity ratio	0.80		
Actuated Cycle Length (s)	120.0	Sum of lost time (s)	12.0
Intersection Capacity Utilization	81.2%	ICU Level of Service	D
Analysis Period (min)	15		
c Critical Lane Group			

HCM Signalized Intersection Capacity Analysis

8: Delta Waters Road & Highway 62

1/13/2011

Movement	SBR
Lane Configurations	
Volume (vph)	10
Ideal Flow (vphpl)	1800
Total Lost time (s)	
Lane Util. Factor	
Frpb, ped/bikes	
Flpb, ped/bikes	
Frt	
Flt Protected	
Satd. Flow (prot)	
Flt Permitted	
Satd. Flow (perm)	
Peak-hour factor, PHF	0.95
Adj. Flow (vph)	11
RTOR Reduction (vph)	0
Lane Group Flow (vph)	0
Confl. Peds. (#/hr)	8
Heavy Vehicles (%)	0%
Turn Type	
Protected Phases	
Permitted Phases	
Actuated Green, G (s)	
Effective Green, g (s)	
Actuated g/C Ratio	
Clearance Time (s)	
Vehicle Extension (s)	
Lane Grp Cap (vph)	
v/s Ratio Prot	
v/s Ratio Perm	
v/c Ratio	
Uniform Delay, d1	
Progression Factor	
Incremental Delay, d2	
Delay (s)	
Level of Service	
Approach Delay (s)	
Approach LOS	
Intersection Summary	

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JAN 14 2011

PLANNING DEPT.

From: JFA [mailto:jfa@tak-a-byte.com]
Posted At: Friday, January 14, 2011 9:36 AM
Posted To: Council Email
Conversation: Zoning change requests
Subject: Zoning change requests

I recently received a notice from the Medford Planning Commission of a requested zoning change on a parcel of land that is 100 feet from my home, changing it from SFR-00 to SFR-10. Along with many of my neighbors, I was deeply concerned that permitting the building of denser housing next to our SFR-6 properties would result in a further decline in our already devastated property values. We circulated a petition, which was signed by a majority of the property owners on the streets that abut the parcel in question, and several of us showed up a few minutes early at the Planning Commission meeting on the night of January 13, where I submitted the petition to a staff member. During the ensuing discussion, another staff member advised us that:

1. At the request of the zoning change applicant, the matter had been deferred for two weeks, and (more importantly)
2. The decision of the Planning Commission would be made based solely on whether the application met the requirements of the Municipal Code, irrespective of the wishes of the property owners in the area affected by the change.

Which begs the question: If the thoughts and concerns of the property owners affected by a zoning change are inconsequential, why does the City go the expense of notifying them of proposed changes?

Your personal response to this question is urgently requested, and will be shared with all those who signed the petition, so that we have a better understanding of how our city government operates.

Jim Andrews
3322 Ford Drive
Medford, OR 97504

CITY OF MEDFORD
EXHIBIT # W
File # 3C-10-078

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CITY OF MEDFORD

PLANNING DEPARTMENT

January 25, 2011

Mr. Jim Andrews
3322 Ford Drive
Medford OR 97504

RE: Delta Waters Zone Change (ZC-10-078)

Dear Mr. Andrews:

I would like to respond to your e-mail of January 14, 2011, regarding the above referenced zone change request. The applicant, Delta Waters Properties, LLC, is requesting a zone change from SFR-00/EA (Single-Family Residential, one dwelling unit per parcel/Exclusive Agricultural Overlay) to SFR-10 (Single-Family Residential, ten dwelling units per acre) on a 65.27 acre parcel. The property is located at the northerly termini of Cheltenham Way and McLoughlin Drive and the easterly termini of Owen Drive and Ford Drive. As noted in your e-mail, the project was scheduled for a public hearing on January 13, 2011, but was continued to the January 27 meeting at the applicant's request.

Let me begin by saying we appreciate that you and your neighbors have invested time and energy in this matter. In your e-mail, you questioned why we send public hearing notices "if the thoughts and concerns of the property owners affected by a zoning change are inconsequential..." Public input is a vital part of the decision making process and your thoughts and concerns are important. There are laws on public input however, which I will touch on below.

Land use is closely regulated by the State of Oregon. There are 19 statewide planning goals and the first one is Goal 1, Citizen Involvement. A key part of citizen involvement is informing citizens about how, when and where they may participate in the planning process. We send public hearing notices, including the approval criteria contained in the Medford Land Development Code, to property owners within 200 feet of a subject site, even though the state regulations only require a 100-foot notification distance.

The approval criteria are a vital part of the process because they are the basis on which decisions are made. The law requires that the standards be "clear and objective", meaning that the requirements are easily understood and measurable. In the case of a zone change, there are locational criteria and public facility adequacy criteria that must be met.

Our staff member was correct in telling you that the Planning Commission decision CITY OF MEDFORD would be based on the approval criteria. I am certain that staff's intent was not to EXHIBIT # X

File # ZC-10-078

"Working with the Community to Shape a Vibrant and Exceptional City"

Lausmann Annex • 200 South Ivy Street • Medford OR 97501

Phone (541)774-2380 • fax (541)618-1708

www.ci.medford.or.us

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RE: Delta Waters Zone Change (ZC-10-078)
January 25, 2011
Page 2 of 2

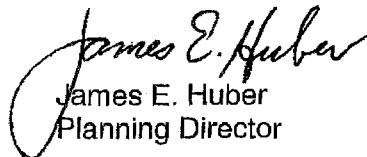
discourage your participation; rather, it was to advise you of how to effectively participate. For example, while you may disagree with this, a decline in property value is not an approval criterion, so speaking to the Planning Commission on that point would not have influenced their decision.

I have enclosed a brochure entitled "How to Testify at a Public Hearing and Make it Count!" Please pay careful attention to the part under the title Know the Law, which leads to the point of trying to frame your arguments around the criteria the Commissioners apply in making their decisions. I believe they do care about you and your neighbors' wishes, nevertheless they still must base their decisions on the applicable criteria found in the Municipal Code.

Finally, should you disagree with the Planning Commission decision, you may appeal to the City Council. A Notice of Appeal must be submitted to the City Recorder's office within 21 days after the Planning Commission adopts the final order of approval or denial, along with the \$355 filing fee. The final order is normally adopted at the next meeting, two weeks after the Commission's oral decision. The City Council will consider the appeal at a public hearing.

Again, we appreciate the time and effort you have put in to this matter. If you have any questions or if we can be of further assistance, please let us know. Sandy Johnson is the staff planner on this project and can be reached at (541) 774-2380 or via e-mail at Sandra.johnson@cityofmedford.org. You also can reach me at that same phone number.

Sincerely,



James E. Huber
Planning Director

:ka

Enclosure

deleted or changed, say what page it is on and what sections should be adjusted and how.

BE BOLD

Don't be held back because you aren't an engineer or technician, or even a very good writer. If you think you have an idea worth considering, chances are it is. The decision makers have staff assistance to help polish up suitable ideas or rearrange words to fit something in.

IF YOU DON'T WISH TO SPEAK, WRITE

What happens at most hearings is that testimony is reviewed by the decision making body with some assistance from their staff. If written testimony is specific, to the point, and persuasive, it will be given just as much attention as oral testimony. By necessity, oral testimony is sometimes limited in time so that more people can speak, but written testimony has no length limitation. It may be effective to summarize your testimony orally in 3-5 minutes and submit the details in writing. Written materials are most effective if submitted prior to the hearing, allowing ample time for review.

BE REASONABLE

Put yourself in the shoes of the decision makers. They are in the difficult position of balancing all the views, interests, and proposals being made and finding the best course for serving the overall public good. While it is your obligation to present your own interests, remember that you have legitimate competition. Be prepared occasionally to compromise.

City of Medford
411 West 8th Street
Medford, Oregon



Recycled Paper

CITY OF MEDFORD

**HOW TO
TESTIFY
AT A
PUBLIC
HEARING
AND
MAKE IT
COUNT!**



From time to time you and your neighbors may become concerned enough about an issue in your neighborhood, or some other matter, to speak up about it in public. In Medford, and throughout Oregon, most public decisions concerning land use, zoning, budgeting, the enactment or change of laws, and many other matters are required to go through a "public hearing." Notice of public hearings are published in the newspaper, and in the case of some land use and zoning decisions, individual property owners in the area are notified by a mailed notice. So, when you finally get motivated to speak up about something, do so. The opportunity provided by the public hearing is just for that purpose. **BUT — don't waste your testimony!** The following are some suggestions for making the most of your opportunity to get the attention of decision makers at a public hearing, whether they are the City Council, Planning Commission, Site Plan and Architectural Commission, or another group.

REMEMBER YOUR OBJECTIVE

You want to persuade the decision makers to vote or decide in favor of your side of the issue. It usually does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.

KNOW THE LAW

Officials are not likely to make decisions in violation of city or state codes. No amount of passion, exhortation, petitions, or pleading by citizens will accomplish this. (However, laws can be changed. If there is a bad law, organize to have it amended in the future.) Certain land use and zoning decisions must be based on specific criteria applied to relevant facts. This is what the decision makers will base their decision on. A copy of the criteria is included in a mailed hearing notice and is also available at the hearing. Rules of procedure for such decisions also restrict personal contact with decision

makers prior to the hearing. The Guide to Land Use Planning in Medford, available free from the Planning Department, *Lausmann Annex*, contains much more information on planning and zoning.

SHOW YOUR STRENGTH

Many neighborhood groups have organized their testimony by having one or a few people speak on behalf of the group. The leader may ask those in the audience supporting the testimony to stand or raise a hand in an orderly manner. This conveys to the decision makers the seriousness with which the issue must be dealt.

SPEAK TO THE POINT

Public officials have heard hundreds of people give testimony. They are grateful and appreciative when the testimony is pertinent, well organized, and directed specifically to the matter at hand. Long stories, anecdotes, lectures on philosophy, abstract complaints about generalities are usually a poor use of the citizen's time, since the immediate problem is for the decision makers to decide what course of action to take on a specific question.

STATE YOUR RECOMMENDATIONS

Don't leave the decision makers wondering just what it was that you wanted them to do.

BE INFORMED

Read up or interview people on the subject at hand before you plan your testimony. Get a copy of the application proposal, the staff report, the proposed ordinance or whatever pertinent material is available. Then read it and plan your comments.

BE SPECIFIC

Make clear-cut recommendations. If you think something should be added, write up some proposed language and present it. If you think something should be

RECEIVED

JAN 27 2011

Planning Dept.

January 26, 2011

Mr. James E. Huber, Planning Director
Planning Department, City of Medford
200 South Ivy Street
Medford, OR 97501

RE: File No. ZC-10-078

Dear Mr. Huber:

This letter is written to protest the rezoning request under File No. ZC-10-078. As a family with a residential property that abuts the area subject to the changes under consideration, we are directly impacted by this rezoning proposal.

Our family purchased the house at 3329 Blackthorn Way in 2003 in large part because of the beautiful view of Roxy Ann Peak, the variety of wildlife and the privacy afforded by the open field behind the residence. We added an upstairs room onto our house to expand our view of the open space and the mountains. The proposed project to add housing units behind the house, which will negatively affect the view, the wildlife and our privacy, will most certainly decrease the value of our home.

There is insufficient information available in the documentation submitted by the developer, the City and others at present to allow us to fully comprehend the impact this project will have on our home. Accordingly, we would like the developer and/or the City to address the follow questions and issues:

- **Environmental impact on migratory and indigenous wildlife and compliance with the Migratory Bird Treaty Act (MBTA) of 1918, Endangered Species Act (ESA), and related Federal laws and regulations.** There are many species of birds and mammals that inhabit or utilize the area under consideration for development, such as Canada Geese, Red-Tail Hawks, Owls, Killdeer, Egrets, Blue Herons, Green Herons, Meadow Larks, Flycatchers, Hummingbirds, Bluebirds, many Sparrow varieties, Purple Finches, Chickadees, Goldfinches, Rufus-Sided Towhees, California Towhees, Quails, Scrub Jays, Wood Ducks, Green Wing Teals, Cowbirds, Muskrats, as well as more common species such as Skunks, Raccoons and Coyotes. What studies, if any, has the City or the developer conducted to evaluate the environmental impact of the project on the indigenous and migrating wildlife that rely on the available land and water in the subject area to survive? What proof is there to show that all Federal laws and regulations, such as the MBTA and ESA, been considered and complied with?
- **Hopkins Canal.** How will the developer ensure that Hopkins Canal is maintained and protected? What sort of greenway or easement on either side of the Canal will be left open for this purpose?
- **Local History and Heritage.** What will become of the old barn, other existing structures and mature trees? Are there any City, State or County regulations dealing with preservation of cultural or historical sites?

CITY OF MEDFORD

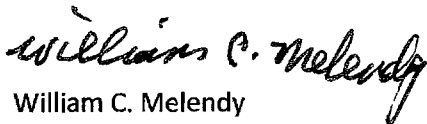
EXHIBIT # Y

File # ZC-10-078

- **Property Easements.** How will existing property easements be affected by this project?
- **Light Pollution.** What provisions or plans does the developer have to mitigate light pollution from street lights or security lights to neighboring houses? What types of hooded/shielded lights will be installed?
- **Buffer Zones, Protection of Views and Vertical Limits on Construction.** What steps will the developer take to establish buffer zones for existing homes bordering the project area? Since homeowners currently have valuable mountain views, what will be done to minimize loss of views and shield them from views of the new structures? What limits, if any, are there on building heights?
- **Increased Property Taxes Due to Additional Demand for Emergency Services, Schools, Street Maintenance, Etc.** Not only will property values go down as a result of this multi-family development/project, but also property taxes no doubt have to increase to meet the demand. What evaluations have been done regarding these impacts?
- **Impact on Emergency Services/Response.** With the increase in population in the area resulting from the project, what changes will be made to increase the number of police, fire and ambulance responders for the area?
- **Value to Citizens of Medford of Project.** At a time when existing homes stand empty due to foreclosure and job loss, how does it benefit the citizens of Medford to add another 350 - 440 single-family residences?
- **Parks and Green Spaces.** What plans will be put in place for parks and green spaces with this project? What input will be solicited from affected neighbors?

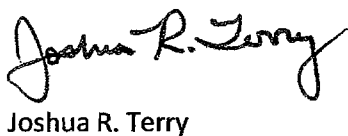
We look forward to your prompt response to the questions and issues raised herein.

Respectfully,

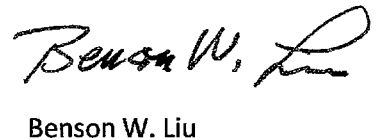

William C. Melendy


Rosemary Melendy


Penelope Terry


Joshua R. Terry


Kaye M. Liu


Benson W. Liu

Address: 3329 Blackthorn Way, Medford, OR 97504
Telephone: (541) 776-0830

Jim E. Huber

From: mfrmic@charter.net
Sent: Thursday, January 27, 2011 9:46 AM
To: Jim E. Huber
Subject: ZC-10-078

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JAN 27 2011

PLANNING DEPT.

Mr. Huber:

I am unable to attend the Planning Commission meeting tonight but do wish to comment on a proposed change of zoning.

This regards file number ZC-10-078 at the terminus of Cheltenham Road. The proposed change to high-density residential (SFR-10) from agricultural would have a significant, negative impact on the neighborhoods adjoining the property. The potential construction of apartment buildings would greatly increase the traffic flow on Cheltenham. The design of the road cannot handle this volume of traffic.

Cheltenham is also an access route for students of Abraham Lincoln Elementary. The inadequate design combined with high traffic flows would put students at risk daily.

The change to high density residential would completely change the character of the neighborhood as well. If the zoning of the property in question is to be changed, it should be in line with the existing zoning of the area - single-family residential.

Thank you,
John Lovegrove

2967 Shasta Drive
Medford, OR 97504

CITY OF MEDFORD
EXHIBIT # Z
File # ZC-10-078

1/27/2011

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Wildlife Living in the Immediate Vicinity of the Proposed Development Site

Birds:

There are at least 15 different species of insect, seed, nectar- eating birds that live and breed throughout all the proposed area of development as well as adjacent areas.

There are two breeding pairs of red tail hawks that frequent the area.

There are Blue Heron (approximately 5 to 10) that regularly visit.

There are White Cranes (species unknown) that closely resemble Blue Heron that visit.

There is at least one Snowy White Owl that I have has the pleasure of several close encounters.

I have seen two pair of falcons hunting the area.

On one occasion I witnessed a pair of chicken hawks hunt the surrounding area.

There are a minimum of fifty and a max of one hundred Canadian Geese that yearly flock to the wetland pond that are adjacent to my house. And when the goslings have grown and it is time to fly away, the area is then taken over by approximately 75 to 100 ducks who also breed and show off their little ducklings in the irrigation ditch that run adjacent to the proposed development area.

Other animals:

Through the years I have listened to at first just one pair of coyotes. As I continued to listen, the family has grown to least eight distinctively different voices calling to one another as they hunt.

The coyotes hunt the rabbits and squirrels of which there are plenty, and field mice at night, while during the day, the same prey are hunted by the hawks and other birds of prey.

There are at least two breeding pairs of raccoons. I have seen the mother lead her babies. I have watched them run through my yard in search of food.

The wetland pond mentioned earlier supports what sounds like hundred if not thousands of tree frogs that together are loud enough to cause me to raise the volume on my TV....a truly joyous sound.

They compete with bull frogs who from time to time hunt little ducklings.

Twice yearly, there is a spectacle that makes the entire neighborhood turn out to watch as 50 to 100 Elk come into the area to graze and some lay down and simply take in the sun.

But the most exciting thing I have ever had the privilege to witness (solo) was a Black Footed Ferret. He and I, not even 15 feet from one another, froze as we looked each other over for a tad more than a minute in the morning sun. I was critical in my observation of him because I could hardly believe my eyes. This animal is on the Endangered Species List and is purported to principally reside almost exclusively in the state of Wyoming. I am confident of my identification of this animal. Please do not take away these animals habitat.

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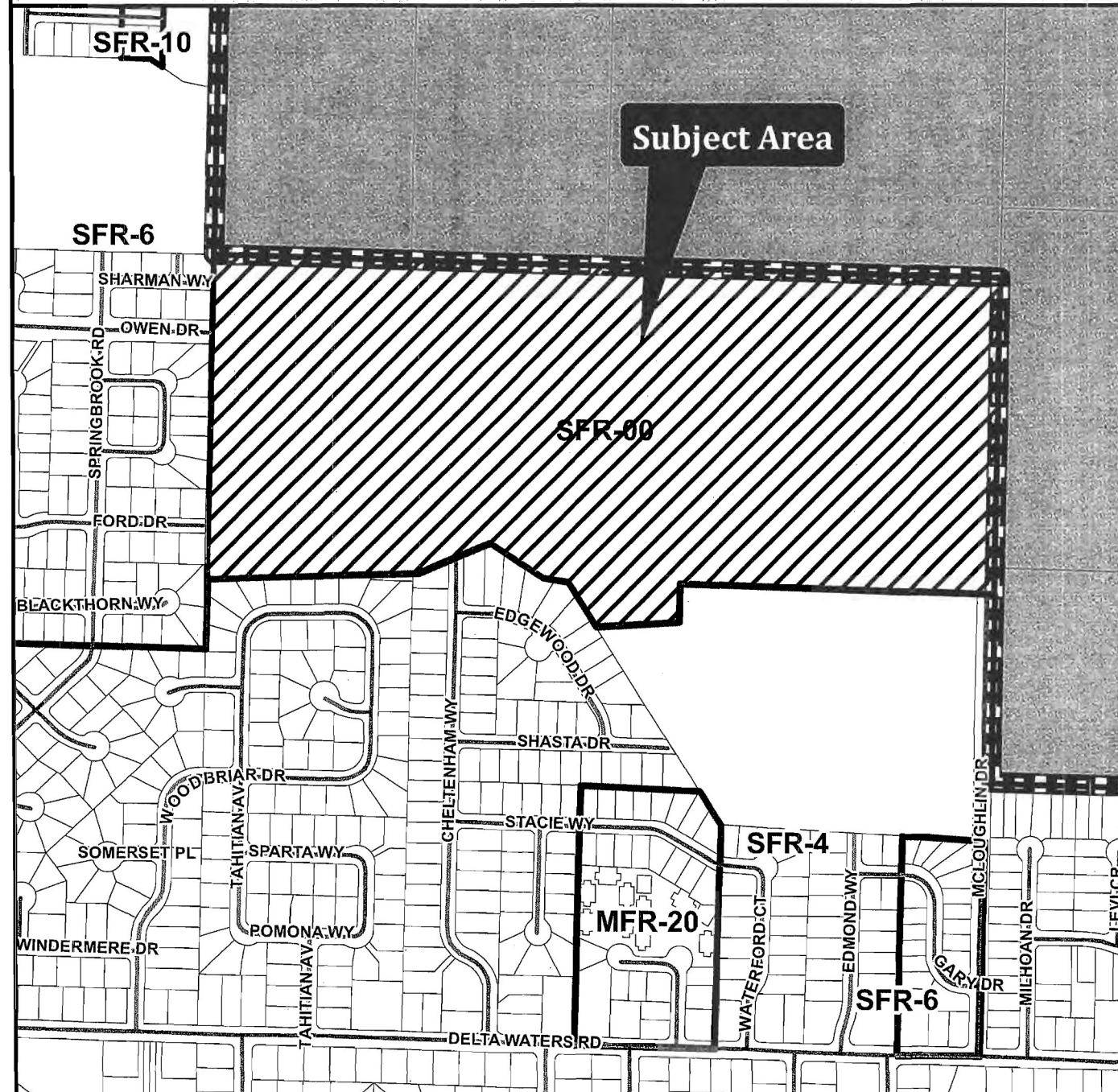
JAN 27 2011

PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT # A-A
File # 2C-10-078

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CITY OF MEDFORD • PLANNING DEPARTMENT



Vicinity Map

Application Name/Description:
Delta Waters Properties

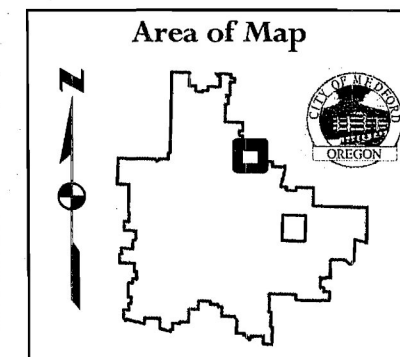
Proposal:
**Zone Change from
SFR-00/EA to SFR-10**

File no.
ZC-10-078

Applicant:
Delta Waters Properties

Map/Taxlot
371W08 TL 1100

- Medford Zoning
- Subject Area
- UGB
- Tax Lots
- City Limits



10/22/2010

EXHIBIT 13

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OCT 12 2010

PLANNING DEPT.

Legal Description

Commencing at the quarter corner common to Sections 8 and 17 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, thence along the north-south centerline of said Section 8, North 0° 06' 56" West, 1557.26 feet to the southwest corner of Parcel No. 2 as described in Instrument No. 85-04903 of the Official Records of Jackson County, Oregon for the True Point of Beginning; thence, to and along the north boundary of COUNTRYWOOD SUBDIVISION - UNIT 3 (recorded), North 87° 17' 50" East (record North 87° 17' East) 554.74 feet to a 5/8" rebar found for the northeast corner of Lot 70 in Block 6 of said Subdivision; thence South 21° 40' 45" West 22.06 feet (record South 21° 39' 46" West 22.03 feet) to a 5/8" rebar found for the northwest corner of Lot 71 of said Block 6; thence South 89° 17' 05" East 142.47 feet to a 5/8" rebar found for the northwest corner of Lot 72 of said Block 6; thence, along the east boundary of said Subdivision, South 0° 08' 20" West (record South 0° 06' 59" West) 733.07 feet to the northwest corner of Lot 11 of CHELTENHAM ESTATES, UNIT II (recorded); thence, along the north boundary of said Lot, North 89° 42' 34" East (record North 89° 41' 54" East) 60.0 feet to the southwest corner of tract described in deed recorded as No. 87-25003, said Official Records; thence North 0° 08' 20" East (record North 0° 07' 40" East) 71.27 feet to the northwest corner of said tract; thence continue North 0° 08' 20" East, to and along that boundary established by Agreement recorded as No. 87-24731, said Official Records, for a distance of 711.26 feet to a 3/4" iron pin at an angle point on said Agreement Boundary; thence North 65° 36' East 214.67 feet to a 3/4" iron pipe at an angle point on said Agreement boundary; thence South 57° 48" East 211.54 feet to a 3/4" iron pipe at an angle point on said Agreement boundary; thence South 82° 11' East 86.88 feet to a 1" iron pin with 2 1/2" top at an angle point on said Agreement boundary; thence South 33° 38' East along said Agreement boundary, 958.23 feet to a 3/4" iron pipe; thence South 87° 05' 55" East, along the northerly boundary of tract described in Volume 252, page 555 of the Deed Records of Jackson County, Oregon, 916.22 feet (record South 87° 06' 40" East) to intersect the east boundary of said Section 8; thence North 0° 14' 36" West 1913.88 feet to the quarter corner common to said Section 8 and Section 9; thence, along the east-west centerline of said Section 8, North 89° 54' 26" West 2648.99 feet to a 2" brass-capped monument located at the center quarter corner of said Section 8 (as referred on County Filed Survey No. 11857); thence, along the north-south centerline of said Section 8, South 0° 06' 56" East 1091.75 feet to the true point of beginning.

EXCEPTING THEREFROM all that real property deeded to Jackson County School District 549C by Instrument recorded January 13, 1992, as No. 92-00942 in the Official Records of Jackson County, Oregon.

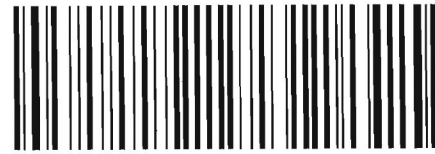
— ALSO EXCEPTING THEREFROM the following described property: Commencing at a point for the Northwest corner of Lot 11 of CHELTENHAM ESTATES, UNIT II, according to the Official Plat thereof, now of record, in Jackson County, Oregon, said point being on the easterly boundary of COUNTRYWOOD SUBDIVISION, UNIT 3, according to the Official Plat thereof, now of record in said Jackson County; thence North 00° 08' 20" East (record North 00° 06' 59" East) along said Easterly boundary 71.26 feet to the Point of Beginning; thence continue along said Easterly boundary and its Northerly projection, 690.44 feet; thence North 87° 20' 54" East 15.01 feet to an iron bolt; thence North 65° 36' 00" East 49.47 feet to a point on the Southerly boundary line of tract as described in Jackson County Instrument No. 92-00943; thence South 00° 08' 20" West along the

boundary line of said tract, 711.27 feet to the Northwest corner of tract described in Jackson County Instrument No. 87-25003; thence South $89^{\circ} 42' 34''$ West 60.0 feet to the Point of Beginning. Containing 0.962 acres, more or less.

ALSO EXCEPTING THEREFROM any portion in the following described property: BEGINNING at a point for the northwest corner of Lot 11 of CHELTENHAM ESTATES, UNIT II, according to the Official Plat thereof, now of record in Jackson County, Oregon, said point being on the Easterly boundary of COUNTRYWOOD SUBDIVISION, UNIT 3, according to the Official Plat thereof, now of record in said Jackson County, Oregon; thence North $00^{\circ} 08' 20''$ East (Record North $0^{\circ} 06' 59''$ East) along said Easterly boundary, 71.26 feet; thence North $89^{\circ} 42' 34''$ East 60.0 feet to the Northwest corner of tract described in Jackson County Instrument No. 87-25003; thence along the Northerly line of said tract North $89^{\circ} 42' 34''$ East (record North $89^{\circ} 41' 54''$ East) 60.12 feet to a 5/8-inch iron pin on the Westerly right-of-way line of Cheltenham Way; thence South $00^{\circ} 08' 20''$ West 71.26 feet (record South $00^{\circ} 07' 40''$ West 71.27 feet) along said right-of-way line to the Northeast corner of the aforementioned Lot 11 of CHELTENHAM ESTATES, UNIT II; thence South $89^{\circ} 42' 34''$ West (record South $89^{\circ} 41' 54''$ West) along the Northerly line of said Lot 11, a distance of 120.12 feet to the Point of Beginning. Containing 8,560 square feet, more or less.

CITY OF MEDFORD
PLANNING DEPARTMENT
200 SOUTH IVY STREET
MEDFORD, OR 97501

CERTIFIED MAIL™



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DEPT OF

FEB 22 2011

LAND CONSERVATION
AND DEVELOPMENT

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

RETURN RECEIPT
REQUESTED