



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

2/1/2010

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 028-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: Friday, February 12, 2010

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Kathy Helmer, City of Medford
Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative

<paa> YA

FORM 2

DLCD

Notice of Adoption

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



Jurisdiction: **Medford**

Local file number: **ZC-09-103**

Date of Adoption: **January 14, 2010**

Date Mailed: **January 21, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **November 23, 2009**

☐ 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".

Consideration of a request for a change of zone from City SFR-00 (Single-Family Residential – 1 dwelling unit per existing lot) to SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) on a 1.96 acre parcel located on the northwest corner of Willow Way and Victoria Lane. Maplot # 372W35DB2100.

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

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **SFR-00**

to: **SFR-6**

Location: **southwest Medford**

Acres Involved: **1.96**

Specify Density: Previous: **One dwelling/existing lot**

New: **6 dwellings/gross acre**

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

DCLD File No. 028-09 (17967) [15952]

DLCD file No. _____

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

Jackson County; Medford 549c school district

Local Contact: Kathy Helmer, Planner

Phone: (541) 774-2380 Extension: NA

Address: 100 S. Ivy St.

Fax Number: 541-618-1708

City: Medford, OR

Zip: 97504

E-mail Address: k.helmer@cityofmedford.org

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us** - **Attention: Plan Amendment Specialist.**



CITY OF MEDFORD

PLANNING DEPARTMENT

January 19, 2010

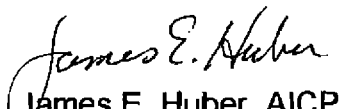
Joseph and Shelley Hovelman
2540 Willow Way
Medford, OR 97501

RE: FILE NO.: ZC-09-103

The Medford Planning Commission at its regular meeting of January 14, 2010, approved the Final Order containing Findings of Fact relating to the approval of the following request: Changing the zoning from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) on a 2.03 acre parcel located on the northwest corner of Willow Way and Victory Lane.

This request was granted as per Staff Report dated January 7, 2010.

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 February 4, 2010. 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: Staff Report/Final Order/Legal Description

cc: Maize & Associates, P.O. Box 628, Medford, OR 97501
Affected Agency
Interested Parties

Lausmann Annex ☎ 200 South Ivy Street ☎ Medford OR 97501
Phone (541)774-2380 ☎ fax (541)774-2564
www.ci.medford.or.us

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE)
ZC-09-103 APPLICATION FOR A ZONE CHANGE SUBMITTED) **ORDER**
BY JOSEPH AND SHELLEY HOVELMAN)

ORDER granting approval of a request for changing the zoning from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-6 (Single-Family Residential - 6 dwelling units per gross acre) on a 2.03 acre parcel located on the northwest corner of Willow Way and Victory Lane.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-6 (Single-Family Residential - 6 dwelling units per gross acre) on a 2.03 acre parcel located on the northwest corner of Willow Way and Victory Lane; and

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented hereby adopts the Staff Report dated January 7, 2010, Applicant's Findings – Exhibit "A," and Legal Description – Exhibit "B" attached hereto and hereby incorporated by reference; now, therefore,

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

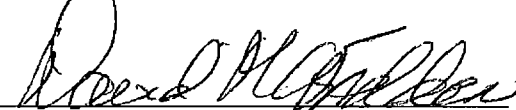
The zoning of the following described area within the City of Medford, Oregon:

37 2W 35DB Tax Lot 2100

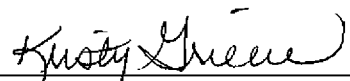
is hereby changed from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-6 (Single-Family Residential - 6 dwelling units per gross acre) zoning district.

Accepted and approved this 14th day of January, 2010.

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT

Date: January 7, 2010
To: Planning Commission
From: Kelly Akin, Senior Planner *h*
By: Kathy Helmer, Planner IV
Subject: Hovelman Zone Change (ZC-09-103)
Joseph and Shelley Hovelman, Applicants
(Maize & Associates, Inc., Agent)

BACKGROUND

Proposal

Consideration of a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) on a 2.03 acre parcel located on the northwest corner of Willow Way and Victory Lane. (Maplot # 372W35DB2100)

Subject Site Zoning, GLUP Designation and Existing Uses

Current zoning - SFR-00
General Land Use Plan Designation – UR (Urban Residential)
Existing Use - Single Family Dwelling

Surrounding Property Zoning and Uses

North	Single family residential properties zoned SFR-00 and SFR-6.
South	Single family residential properties within SFR-00 zoning.
East	Single family residential properties within SFR-00 and SFR-6 zoning.
West	Single family residential properties within SFR-6 zoning.

Related Projects

A-05-308 The subject parcel was annexed into the City in 2006 as part of the Reeder, Knouff, Thomas Annexation, at which time the City SFR-00 zone was placed on the property.

Applicable Criteria

Section 10.227 of the *Medford Land Development Code* (Exhibit C) contains the approval criteria for a change of zone to SFR-6 (Single Family Residential – 6 units per acre).

FINDINGS OF FACT

The Applicant has submitted Findings of Fact (Exhibit D) addressing the Approval Criteria for a zone change. A Traffic Impact Analysis is not required for this proposal; it has been determined that the impact on the existing and planned transportation system is not substantial. Thus, this zone change is consistent with the City's Transportation System Plan, and by extension, with the Oregon Transportation Planning Rule (OAR 660-012-0060). The proposed zoning SFR-6 is consistent with the General Land Use Plan Designation of Urban Residential. According to agency comments, infrastructure facilities are adequate to serve the site. Staff recommends that the Commission adopt the Applicant's Findings.

ISSUES/ANALYSIS

The subject parcel abuts two parcels zoned SFR-6 on the eastern lot line. Thus, it meets the locational approval criteria (Exhibit C) listed in *Medford Land Development Code* Section 10.227(1)(b)(i).

Circulation

This parcel is located within the Southwest Medford Circulation Plan Area. Neither Willow Way nor Victory Lane is currently paved along the frontage of this parcel. In the future, Cunningham Avenue, a Minor Arterial, will be extended to the west and connect with Willow Way. According to the Circulation Plan, Victory Lane will be an alley.

No other issues were identified by staff.

RECOMMENDED ACTION

Adopt the Final Order for approval of ZC-09-103 per the Staff Report dated January 7, 2010, including Exhibits A through H.

Staff Report (ZC-09-103)
Hovelman Zone Change

January 7, 2010

EXHIBITS

- A Assessor's Map
- B General Land Use Plan
- C Approval Criteria
- D Applicant's Findings of Fact and Conclusions of Law received November 16, 2009;
- E Memo from the Engineering Division of Public Works, dated December 10, 2009;
- F Memo from the Medford Water Commission, dated December 14, 2009;
- G Report from the Medford Fire Department, dated December 8, 2009;
- H Letter from Rogue Valley Sewer Services, dated December 3, 2009;
- Vicinity Map

PLANNING COMMISSION AGENDA: January 14, 2010

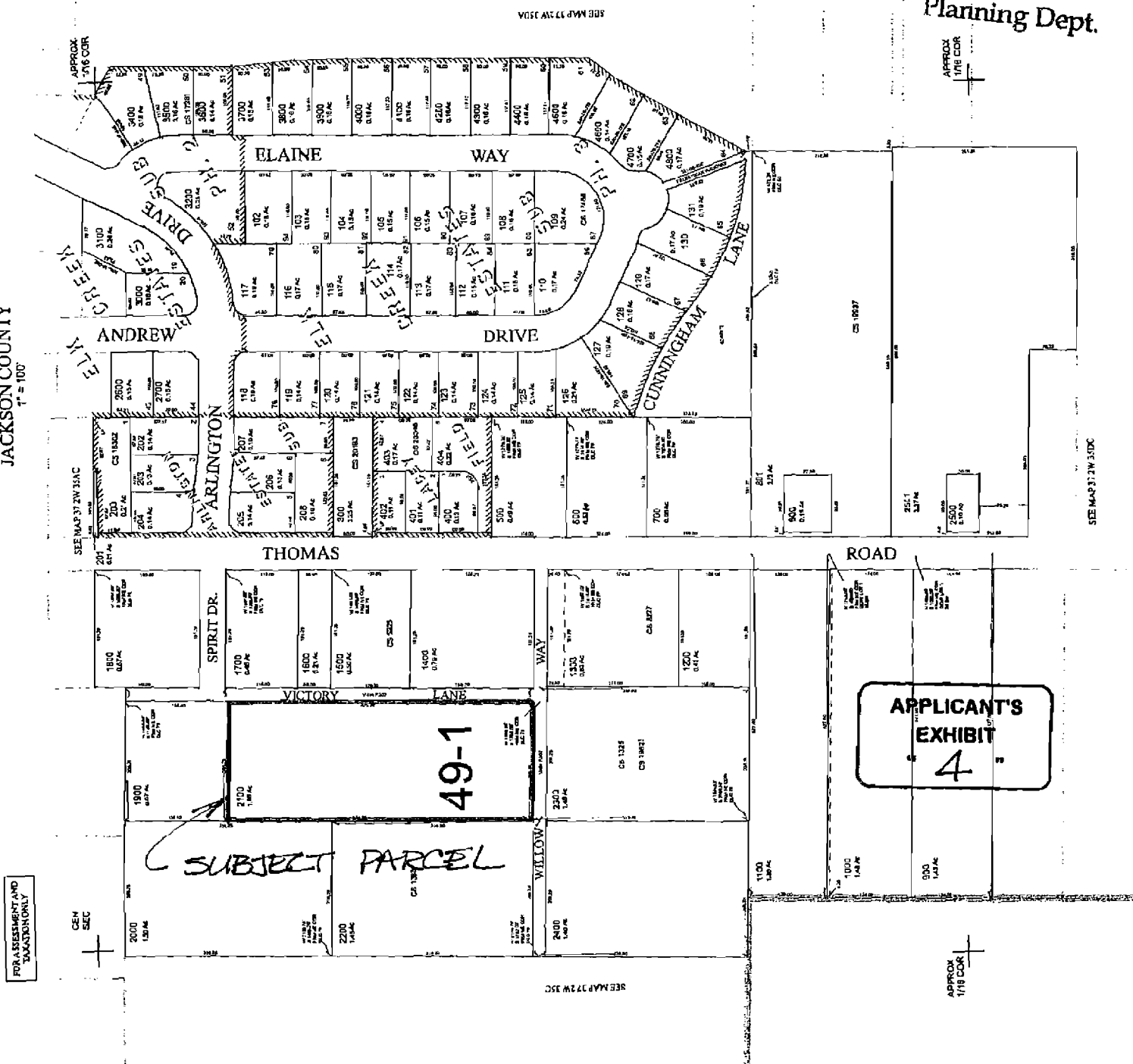
N.W.1/4, S.E.1/4, SEC.35, T.37S., R.2W., W.M.
JACKSON COUNTY
1" = 100'

CANCELLED TAX
LOT NUMBERS:
100 KILLED TO STREET
101 ADDED TO 372W50A 401
2830 KILLED TO STREET
2900 KILLED TO STREET
3300 KILLED TO STREET

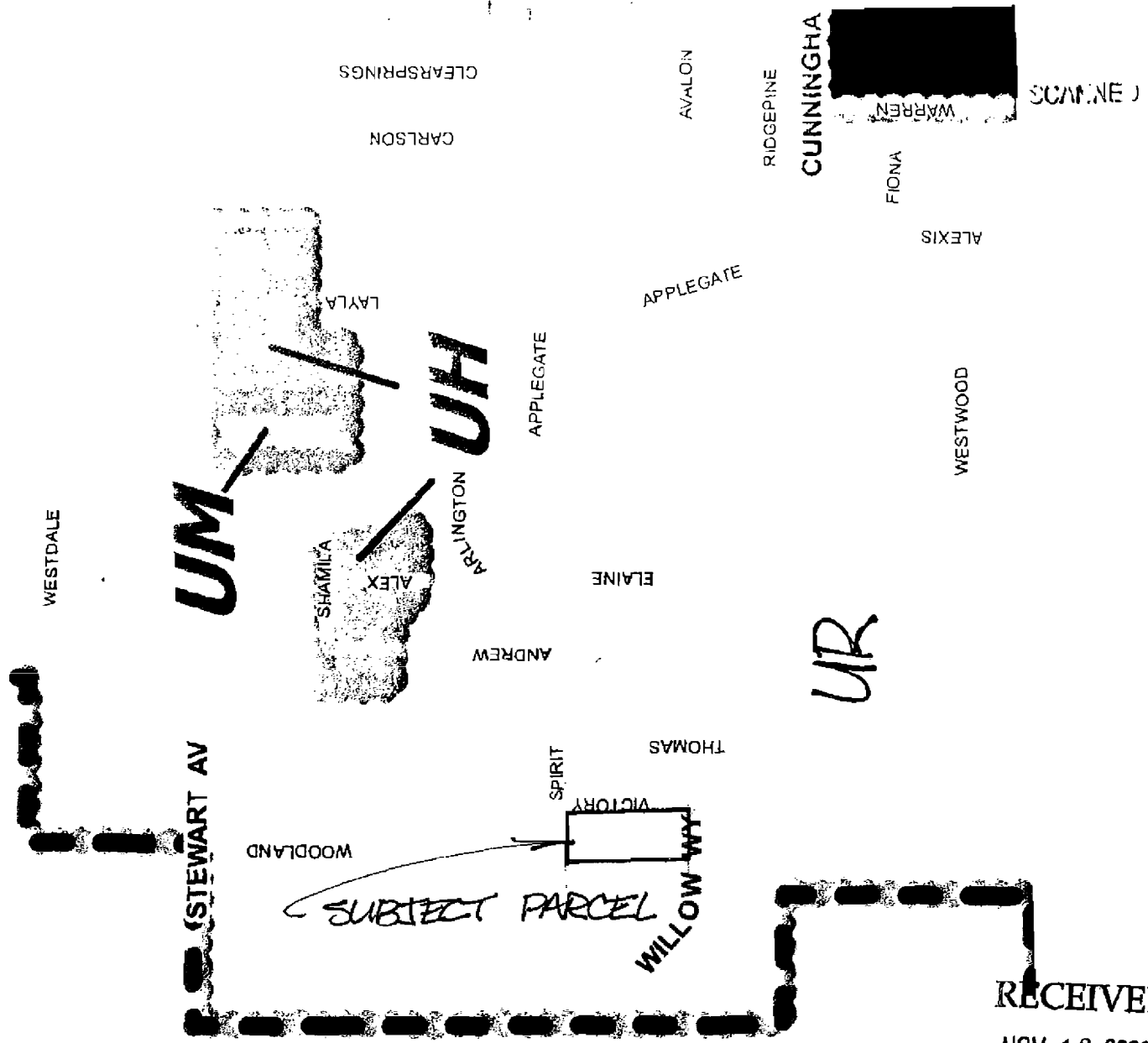
504 (AEO)

37 2W 35DB
MEDFORD

RECEIVED
NOV 13 2009
Planning Dept.



JACKSON COUNTY ASSESSOR'S MAP
A
ZC-09-103



RECEIVED
NOV 13 2009
Planning Dept.

APPLICANT'S
EXHIBIT
" 5 "

MEDFORD GENERAL LAND USE PLAN MAP

CITY OF MEDFORD
EXHIBIT B
File # ZC-09-103

Exhibit C

ZONE CHANGE APPROVAL CRITERIA – SFR-6 AND SFR-10 ZONES FROM SECTION 10.227 OF THE MEDFORD LAND DEVELOPMENT CODE

The zone change criteria that are not relevant to this particular application are hereby omitted from the following citation.

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 of the following conditions must exist:
 - (i) At least one 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 the MLDC and Goal 3, Policy 1 of the *Comprehensive Plan* "Public Facilities Element."
 - (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
 - (b) Adequate streets and street capacity must be provided in one of the following ways:
 - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or
 - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or

CITY OF MEDFORD
PLANNING COMMISSION
C
10-09-103

Zone Change Approval Criteria – SFR-6 and SFR-10 Zones

anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:

- (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or
- (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.
- (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.
- (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction 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 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. 2003-27, Feb. 6, 2003; Amd. Ord. No. 2004-59, March 18, 2004.]

FINDINGS OF FACT AND CONCLUSIONS OF LAW

BEFORE THE MEDFORD PLANNING COMMISSION

**IN THE MATTER OF APPROVAL OF AN
APPLICATION FOR OF A CHANGE OF ZONE
FROM A SFR-00 (SINGLE - FAMILY RESIDENTIAL
- 1 DWELLING UNIT PER EXISTING LOT)
ZONING DISTRICT, TO A SFR-6 (SINGLE -
FAMILY RESIDENTIAL - 6 UNITS PER GROSS
ACRE) ZONING DISTRICT**

**APPLICANT'S
EXHIBIT 1**

APPLICATION: Request for a change of zone from a City of Medford SFR-00 (Single-Family Residential - 1 dwelling unit per existing lot) zoning district to SFR-6 (Single-Family Residential - 6 units per gross acre) zoning district on a 1.96-acre parcel located on the north side of Willow Way, approximately 200 feet west of Thomas Road.

**APPLICANT/
OWNER:** Joseph and Shelley Hovelman
2540 Willow Way
Medford, OR 97501

AGENT: Maize & Associates, Inc.
P.O. Box 628
Medford, OR 97501
(541) 776-4142

RECEIVED
NOV 16 2009
PLANNING DEPT.

A. BACKGROUND AND PURPOSE OF APPLICATION

There is a single-family residence, originally constructed in 1925, located on the subject property.

The subject parcel was recently annexed to the City of Medford in 2006, at which time a City zone of SFR-00 was placed on the property. The purpose of the zone change is to allow for the future development of the subject properties.

B. SCOPE OF ZONE CHANGE APPLICATION

The applicant proposes to rezone the land, in accordance with the Land Development Code and the Medford Comprehensive Plan, to prepare the property for future development to urban standards. The submitted Findings of Fact and Conclusions of Law support the zone change from its present SFR-00 (Single-

2C-09-103

Family Residential – 1 dwelling unit per parcel) to SFR-6 (Single-Family Residential – 6 dwelling units per acre).

C. APPLICANT'S SUBMITTALS

- Exhibit 1 Findings of Fact and Conclusions of Law
- Exhibit 2 Aerial Vicinity Map showing Subject Parcel
- Exhibit 3 Legal Description of Area to be Rezoned
- Exhibit 4 Assessor's Map showing Subject Parcel
- Exhibit 5 General Land Use Plan Map showing Subject Parcel
- Exhibit 6 City of Medford Zoning Map showing Subject Parcel
- Exhibit 7 Email from David Pyles, ODOT dated Nov. 16, 2009

D. RELEVANT APPROVAL CRITERIA

Section 10.227 of the Land Development Code states that the Planning Commission shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) of that section. The Oregon Transportation Planning Rule (OAR 660-012-0060) also contains criteria, which apply to approval of a zone change application. Both sets of criteria are listed below. Provisions, which do not apply, have been omitted, and are indicated by "***".

MEDFORD LAND DEVELOPMENT CODE

ZONE CHANGE CRITERIA – SECTION 10.227

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 of the following conditions must exist:*
 - (i) *At least one 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 the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."*
 - a. *Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.*
 - b. *Adequate streets and street capacity must be provided in one of the following ways:*
 - i. *Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or*
 - ii. *Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or*
 - iii. *If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:*
 - a. *the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or*
 - b. *when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits. (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.*
 - c. *In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the*

zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:

- i. *Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,*
- ii. *Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,*
(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

OREGON ADMINISTRATIVE RULES

OREGON TRANSPORTATION PLANNING RULE - 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.*
 - c. *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*
 - d. *Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*
 - e. *Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.*
3. *Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:*
 - a. *The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;*
 - b. *In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;*
 - c. *Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;*
 - d. *The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*

- e. *For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.*
4. *Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*
- a. *In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.*
 - b. *Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:*
 - (A) *Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.*
 - (B) *Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.*
 - (C) *Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.*
 - (D) *Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.*
 - (E) *Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a 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).*

E. FINDINGS OF FACT AND CONCLUSIONS OF LAW

ZONE CHANGE CRITERIA – SECTION 10.227

The Planning Commission has considered the following facts to be pertinent to the application request:

CRITERION NO. 1

1. *The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) 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.*

CONSISTENCY WITH THE OREGON TRANSPORTATION PLANNING RULE (OAR 660)

A Transportation System Plan (TSP) was adopted by the Medford City Council on November 20, 2003. The TSP identifies both existing and future needs, and includes improvements to meet those needs. In order to achieve those needs, the TSP has established the city's goals, policies, and implementation measures in order for the City to develop and maintain its transportation system for both the short and long term.

The Medford TSP addresses the Oregon Statewide Planning Goal 12 and the Oregon Transportation Planning Rule (TPR), which directs cities and counties to develop balanced transportation systems addressing all modes of travel including motor vehicles, transit, bicycles and pedestrians. The TPR envisions development of local plans that will promote changes in land use patterns and transportation systems that make it more convenient for people to walk, bicycle, use transit, and drive less to meet their daily needs.

Below are those policies and implementation strategies from Medford's TSP that are relevant to the subject application.

Overall Transportation System

GOAL 1: *To provide a multi-modal transportation system for the Medford planning area that supports the safe, efficient, and accessible movement of all people and goods, and recognizes the area's role as the financial, medical, tourism, and business hub of Southern Oregon and Northern California.*

Policy 1-B: *The City of Medford shall use the Transportation System Plan as the legal basis and policy foundation for decisions involving transportation issues.*

Implementation 1-B(6): *Require Comprehensive Plan, Land Development Code, and Zoning Map amendments to contain findings that show how the action is in conformity with the adopted tenets of the Medford Transportation System Plan.*

Findings of Fact

The City of Medford has revised the criteria for zone changes within the City, reflected in Section 10.227(1) of the Land Development Code, requiring that findings to be made showing consistency with the Transportation System Plan. The applicant, below, has addressed the policies and implementation strategies of the TSP that apply to the subject application for a change of zone to SFR-6.

Street System

GOAL 2: *To provide a comprehensive street system that serves the mobility and multi-modal transportation needs of the Medford planning area.*

Street System – Transportation System Management and Safety

Policy 2-H: *The City of Medford shall manage and maintain the transportation system in an efficient, clean, and safe manner.*

Implementation 2-H(1): *Require Traffic Impact Analyses (TIAs), as appropriate, in conjunction with development applications to assess impacts on the existing and planned transportation system, and require transportation system improvements that are identified through the TIA or by other Municipal Code requirements as a condition of approval of development permits and land use actions.*

Findings of Fact

As discussed below, the vehicular generation as a result of the proposed zone change is a net increase of 114.84 ADT.

The peak hour period trips are approximately 10 percent of the Average Daily Trips. The proposed zone change will, therefore, generate approximately eleven (11) peak period trips.

According to Section 10.461(2) of the Land Development Code, intersections with an increase of less than 25 peak hour period trips are deemed to not be substantially impacted.

Because the traffic generation from the subject zone change area does not exceed the City standard of 250 net Average Daily Trips, a Traffic Impact Analysis is not required. As discussed below, the City has determined that the impact on the existing and planned transportation system is not substantial.

Conclusion of Law

The Planning Commission concludes that the proposed zone change is consistent with Medford's Transportation System Plan. Although consistency with Medford's acknowledged TSP assures compliance with the Oregon Transportation Planning Rule, separate findings have been included in this document, which address the Transportation Planning Rule.

CONSISTENCY WITH GENERAL LAND USE PLAN MAP DESIGNATION

Findings of Fact

The General Land Use Plan Map (Exhibit “5”) shows land use designation of the subject property as *Urban Residential*. The General Land Use Plan Element of the Comprehensive Plan states that:

Urban Residential This designation permits lower density urban residential uses (one to ten units per gross acre), including standard and small lot detached single-family dwellings, accessory dwelling units, and mobile home parks. Depending upon the physical development constraints, the permitted zoning districts are SFR-2, SFR-4, SFR-6, and SFR-10 (Single-Family Residential - 2, 4, 6, or 10 dwelling units per gross acre). Such constraints that may affect the ultimate developed density, and, therefore, the most suitable zoning district, include steep slopes, unstable soils, wetlands and/or riparian habitat, woodlands, fire hazards, etc. When a Planned Unit Development (PUD) is approved, the maximum residential density per gross acre can be increased.

The Planning Commission also finds that there are locational standards in Section 10.227(1) of the Land Development Code, that are addressed below, which include physical development constraints, that determine which of the four zoning districts are suitable for the subject property.

Conclusion of Law

The Planning Commission concludes that the application is consistent with the General Land Use Plan Map since it shows the subject property has a land use designation of *Urban Residential*, which allows the SFR-6 zone, and that the subject property is most appropriate for that district.

CONSISTENCY WITH LOCATIONAL STANDARDS

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

Findings of Fact

As shown on the City of Medford Zoning Map (Exhibit "6"), the subject parcel abuts Tax Lots 1400 and 1700 to the east, which are zoned SFR-6. Although the subject property is separated by the 20-foot wide Victory Lane, Section 10.012 of the Land Development Code defines abutting as, "Having a common border with, or being separated from such common border by, an alley, easement, or right-of-way." The subject parcel, therefore by definition, abuts two parcels that are already zoned SFR-6.

Conclusion of Law

As the subject property to be rezoned abuts at least one parcel that is currently zoned SFR-6, the Planning Commission finds that the proposed zone change is consistent with the locational standards of Subsection 1b(i) of Criterion No. 1.

CRITERION NO. 2

2. *It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."*
 - a. *Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.*
 - b. *Adequate streets and street capacity must be provided in one of the following ways:*
 - i. *Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or*
 - ii. *Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or*
 - iii. *If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:*
 - a. *the project is in the City's adopted capital improvement plan budget, or*

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

- b. when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits. (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.*
- c. In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:*
 - i. Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,*
 - ii. Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,*
 - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.*

With respect to each of the above Category "A" public facilities, the Planning Commission considers the following facts:

Findings of Fact

The *Public Facilities Element* of Medford's Comprehensive Plan lists two categories of Public Facilities. The four Category "A" facilities, the key minimum physical facilities necessary for urban development, are listed as:

- Water Service
- Sanitary Sewer and Treatment

- Storm Drainage
- Transportation Facilities

- A. Water Service – The subject property can currently be served by an 8-inch water main in Thomas Road, which presently terminates approximately 80 feet north of the Willow Way intersection. There is also an 8-inch water main located at the corner of Thomas Road and Arlington Drive.

According to the Medford Water Commission, water supply to the City of Medford comes from two sources: Big Butte Springs and the Rogue River. The current (2008) combined capacity is approximately 71 million gallons per day (mgd), with current total water rights of 91 mgd.

According to the Medford Water Commission's Statistical Report for 2007, the Medford Water Commission's service population is approximately ± 130,000.

Based on current peak per capita water use rates, it is estimated that water rights held by the Medford Water Commission, and existing treatment plant design capacity can support a population of approximately 185,000 people. Water rights held by cities served by the Medford Water Commission will support additional population, the number which is currently under evaluation.

The Medford Water Commission staff states that water service is adequate in condition and capacity to accommodate development of the subject property with uses allowed in the proposed SFR-6 zone.

Conclusions of Law

Based upon the Findings of Fact, the Planning Commission concludes that the water system, which will serve the subject property, is adequately sufficient and available to provide water service to the subject property with development that is permitted under the proposed SFR-6 zoning.

- B. Sanitary Sewer and Treatment – The subject property is currently served by the Rogue Valley Sewer Services from an adjacent 8-inch sanitary sewer line located in Willow Way. There is also an 8-inch sewer line in Spirit Drive and Victory Lane at the northeast corner of the subject parcel. According to Rogue Valley Sewer Services, both of these lines can serve the subject property upon its future development.

The Rogue Valley Sewer Service (RVS) and the City of Medford, along with several other regional municipalities, discharges its wastewater into the Rogue Valley Sewer Service operated interceptor system, which transports the wastewater for treatment to the City of Medford operated Regional Water

Reclamation Facility (RWRF), located adjacent to the Rogue River outside of Medford's Urban Growth Boundary.

The RWRF average daily dry weather (summer) influent flow for 2004 was 15.7 million gallons per day (mgd), while the yearly flow average for the last 3 years is 18.4 mgd. The 2000 RWRF Facilities Plan projected that the ultimate population to be served by the regional plant is estimated to be 190,000.

The Rogue Valley Sewer Service staff has determined that the sanitary sewer system is adequate in condition and capacity to accommodate development of the subject property with uses allowed in the proposed SFR-6 zone.

Conclusions of Law

Based upon the Findings of Fact, the Planning Commission concludes that the sanitary sewer system and treatment facilities which will serve the subject property is adequately sufficient and available to provide sanitary sewer service to the subject property with development that is permitted under the proposed SFR-6 zoning.

- C. Storm Drainage – The subject site is located in the Elk Creek Drainage Basin and is currently served by roadside ditches. All storm drainage improvements are required to be consistent with the Medford Storm Drainage Master Plan.

According to the City of Medford Engineering Division, the current Medford Storm Drainage Master Plan indicates improvements are required in the downstream storm drainage system to meet current design standards for this basin. Therefore, prior to the issuance of a development permit or a building permit, plans will need to be approved by the City assuring that there will be a controlled storm water release of no more than 0.25 cubic feet per second per acres of development for the 10-year storm event.

The Engineering Department representative state that with the prescribed storm water detention, the subject property can be adequately served by the City's storm water drainage system.

Conclusions of Law

Based upon the Findings of Fact, the Planning Commission concludes that the storm drainage system which will serve the subject property is adequately sufficient and available to provide storm drainage to the subject property with development that is permitted under the proposed SFR-6 zoning, provided that storm water detention is incorporated into the future development plans in accordance with City of Medford standards.

D. Transportation Facilities – The subject property has frontage on Willow Way and Victory Lane, streets without a specific street designation. According to Medford's Medford Street Functional Classification Plan, the extension and realignment of Cunningham Lane, a designated Minor Arterial street, will generally follow the current Willow Way right-of-way. Dedication of right-of-way for street widening will be made at the time of future development on the subject property.

The acreage of the subject site is approximately 1.96 acres. In order to analyze the potential traffic impacts of the proposed zone change, the City of Medford utilizes the gross density of the parcel, which is calculated to be 2.19 acres, which includes one-half of the abutting Willow Way and Victory Lane rights-of-way. Based upon the proposed SFR-6 zoning which will permit a maximum of 6 dwelling units per gross acre, the subject site, proposed to be rezoned will allow a maximum of 13 dwelling units, or an increase above the existing single-family residence on the property, of 12 dwelling units.

Based on the latest vehicular trip generation figures from *Trip Generation* (Institute of Transportation Engineers, 7th Edition) utilized by the City of Medford Public Works Department, detached single-family residential development generates 9.57 Average Daily Trips (ADT) per dwelling unit. The vehicular generation as a result of the proposed zone change is, therefore, a net increase of 114.84 ADT.

Section 10.461(3) of the Land Development Code requires a Traffic Impact Analysis (TIA) when a zone change application shows the potential to generate more than 250 net ADT's, or if the Public Works Department has concerns due to operations or accident history. Because the proposed zone change will not generate an increase of trips that exceeds 250 ADT, a Traffic Impact Study is not required.

The peak hour period trips are approximately 10 percent of the Average Daily Trips. The proposed zone change will, therefore, generate approximately eleven (11) peak period trips.

According to Section 10.461(2) of the Land Development Code, intersections with an increase of less than 25 peak hour period trips, are deemed to be not substantially impacted.

Conclusions of Law

Based upon the Findings of Fact, the Planning Commission concludes that the transportation facilities, which will serve the subject property, are adequately sufficient and available to provide transportation service to the subject property with development that is permitted under the proposed SFR-6 zoning.

CONSISTENCY WITH THE OREGON TRANSPORTATION PLANNING
RULE (OAR 660)

Chapter 660-012-0060 of the Oregon Administrative Rules function as relevant decisional criteria for Subsection (1) of the criteria in Section 10.227 of the Medford Land Development Code.

Transportation Planning – Plan and Land Use Regulation Amendments 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.

- c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*
 - d. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*
 - e. Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.*
- 3. Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:*
- a. The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;*
 - b. In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;*
 - c. Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;*
 - d. The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*
 - e. For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.*

4. *Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*

a. *In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (I)(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; o*

(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).

Findings of Fact

The City of Medford and the State of Oregon interpret the language of Chapter 660-012-0060 to apply to application for not only changes to the City's Comprehensive Plan, but also applications for zone changes within the City.

The net increase of 12 dwelling units on the subject site will generate approximately 115 Average Daily Trips. As the peak hour period trips are approximately 10 percent of the Average Daily Trips, the proposed zone change will, therefore, generate approximately eleven (11) peak period trips.

According to Section 10.461(2) of the Land Development Code, intersections with an increase of less than 25 peak hour period trips, are deemed by the City to not be substantially impacted.

The Oregon Department of Transportation (ODOT), in its email from David Pyles, Development Review Planner III, states that the proposed zone change will not significantly affect state highway facilities.

Conclusion of Law

The Planning Commission concludes that there will not be a significant affect on an existing or planned transportation facility and therefore, the application is consistent with the Oregon Transportation Planning Rule.

F. ULTIMATE CONCLUSION

Based upon the above Findings of Fact and Conclusions of Law, the Planning Commission concludes that the application for a change of zone from a City SFR-00 to a SFR-6 zoning district is consistent with the relevant decisional criteria found in Section 10.227 of Medford's Land Development Code and the Oregon Transportation Planning Rule (Section 660-012-0060 of the Oregon Administrative Rules), and the application can, therefore, be approved.

Respectively Submitted,

Maize & Associates, Inc.

A handwritten signature in black ink, appearing to read 'Jim Maize', is written over a horizontal line.

Jim Maize
Agent for Applicants, Joseph and Shelley Hovelman

Dated: November 12, 2009

CITY OF MEDFORD
INTER - OFFICE MEMORANDUM

TO: Planning Department

FROM: Engineering Division

SUBJECT: Zone Change Request, File No. ZC-09-103

DATE: December 10, 2009

1. Sanitary Services:

A. This zone change is within the Rogue Valley Sewer Service area. Contact the Rogue Valley Sewer Service for sanitary sewer issues.

2. Streets:

A. Current condition of nearest streets:

Willow Way, a future extension of Cunningham Lane, a Minor Arterial Street, is unpaved along the frontage of this site.

Victory Lane, a future alley, is unpaved along the frontage of this site.

B: Who has maintenance responsibilities:

Willow Way and Victory Lane - These are currently County designated Local Access Roads and are maintained by the residences that front on the roads.

C. Transportation analyses for the surrounding street system are stated below:

Land Development Code Section 10.461 governs traffic impact analyses (TIA) required to determine development impacts on the street system. The proposed zone change from City SFR-00 (Single-Family Residential – 1 unit per existing lot) to City SFR-6 (Single-Family Residential – 6 units per acre) on 1.99 acres (2.14 gross acres) has the potential to develop up to 12 SFR dwelling units or generate 114 average daily trips (ADT). The net increase in ADT to the transportation system is 114 ADT. Based on this and code sections 10.460 and 10.461, a traffic impact analysis (TIA) will not be required.

At the time of site development the City of Medford will recommend, in conjunction with Jackson County, any necessary dedications and improvements on Willow Way and Victory Lane along this proposed zone change frontage. Future development will require right-of-way

dedication and improvements for a Minor Arterial Street, along Willow Way.

3. Drainage:

This site lies within the Elk Creek Drainage Basin. The City's current Drainage Master Plan indicates improvements are required in the downstream storm drainage system to meet current design standards for this basin. Development of this site will require storm drainage detention in accordance with Section 10.486 and 10.729 of the Municipal Code.



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: ZC-09-103

PARCEL ID: 372W35DB TL 2100

PROJECT: Consideration of a request for a change of zone from City SFR-00 (Single-Family Residential – 1 dwelling unit per existing lot) to SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) on a 1.96 acre parcel located on the northwest corner of Willow Way and Victoria Lane; Joseph/Shelley Hovelman, Applicants (Maize & Associates, Inc., Agent). Kathy Helmer, Planner

DATE: December 14, 2009

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 line construction will be required at time of future land development review.
5. On-site water facility construction will be required at time of 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 an 8" water line in Thomas Road that extends from Arlington Drive to approximately 75 feet north of Willow Way.

CITY OF MEDFORD
ENGINEER
F
ZC-09-103



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

LAND DEVELOPMENT REPORT - PLANNING

To: Kathy Helmer

LD Meeting Date: 12/16/2009

From: Kleinberg, Greg

Report Prepared: 12/08/2009

File #: ZC - 09 - 103

Site Name/Description:

Consideration of a request for a change of zone from City SFR-00 (Single-Family Residential - 1 dwelling unit per existing lot) to SFR-6 (Single-Family Residential - 6 dwelling units per gross acre) on a 1.96 acre parcel located on the northwest corner of Willow Way and Victoria Lane; Joseph/Shelley Hovelman, Applicants (Maize & Associates, Inc., Agent). Kathy Helmer, Planner

DESCRIPTION OF CORRECTIONS	REFERENCE
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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.

12/08/2009 12:07

CITY OF MEDFORD
ENGINE # 6
12/08/2009 ZC-09-103 Page 103
23



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DEC 3 2009

PLANNING DEPT.

ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 97502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

December 3, 2009

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

Re: ZC-09-103, Hovelman Zone Change (372W35DB - 2100)

ATTN: Kathy,

The subject property is currently served by a connection to the 8 inch sewer main on Willow Way. There is also an 8 inch sewer main on Victory Lane which runs from Spirit Drive South approximately 130 feet.

All of these available sewer mains have adequate capacity to serve the proposed increased density. Development of the properties will require internal main line extensions which must be designed and constructed in accordance with RVSS standards.

Sincerely,

Carl Tappert P.E.
District Engineer

Carl
Tappert

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Carl Tappert
DN: cn=Carl Tappert
Date: 2009.12.03
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CITY OF MEDFORD
PLANNING DEPT.
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ZC-09-103
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CITY OF MEDFORD PLANNING DEPARTMENT

Vicinity Map

Application Name/Description:
Hovelman

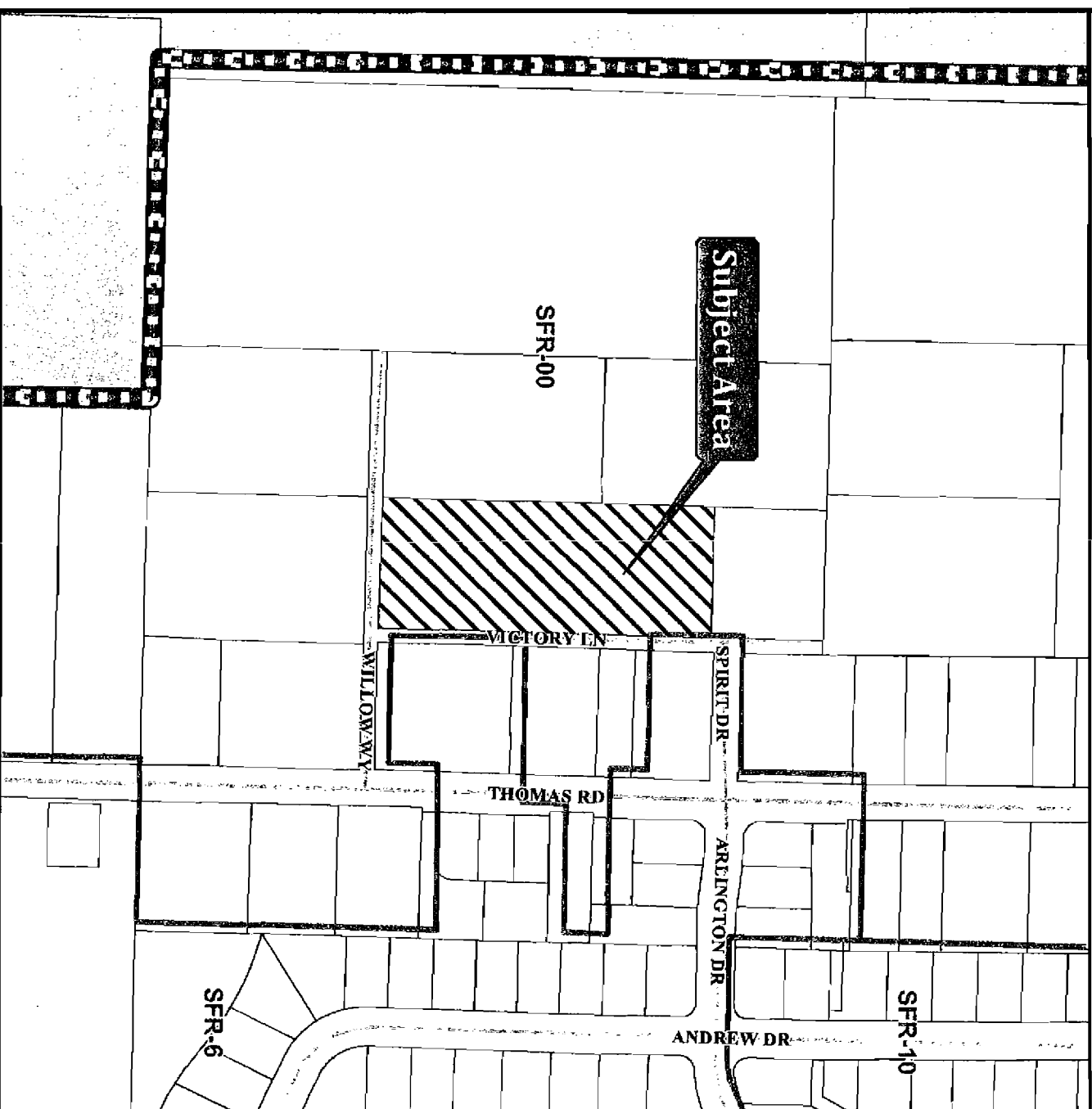
Zone Change

Proposal:
SFR-00 to SFR-6

File no.
ZC-09-103

Applicant: **Joseph and
Shelley Hovelman**

Map/Taxlot nos.:
372W35DB TL2100



Legend:

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

Area of Map

11/18/2009

02 64296

Exhibit A

Commencing at the Northeast corner of Donation Land Claim No. 79 in Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence West 25.58 chains; thence South 27.00 chains to a point 316.80 feet North of the South line of said Claim No. 79, for the true point of beginning; thence West 206.25 feet; thence North 475.20 feet; thence East 206.25 feet; thence South 475.20 feet to the true point of beginning. EXCEPTING THEREFROM that portion conveyed to Jackson County, Oregon, by deed recorded in Volume 485, Page 242, Jackson County, Oregon, Deed Records.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS
DEC 04 2002
2:00 PM
[Signature]
COUNTY CLERK

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NOV 13 2009

Planning Dept.

APPLICANT'S
EXHIBIT
" 3 "

2

LEGAL DESCRIPTION OF AREA TO BE
REZONED

ZC-09-103

7



7007 0710 0003 0566 9968

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

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



Hasler

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01/22/2010

Mailed From 97501

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