



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

January 8, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment
DLCD File Number 020-07

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 25, 2008

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

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Summer Williams, City Of Medford

<paa> ya

NOF 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

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF
JAN 07 2008
LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Medford**

Local file number: **ZC-07-249**

Date of Adoption: **12/27/2007**

Date Mailed: **1/3/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **10/30/2007**

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

ZC-07-249 Consideration of a request for a change of zone from SR-2.5 (Single Family Residential – 1 dwelling per 2.5 acres) to SFR-10 (Single Family Residential - 10 units per acre) on a 1.4 acre parcel located on the north side of Garfield Street approximately 450 feet east of Columbus Avenue. Clyde Severson; President & Irvin Eisenstein Trust.

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

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

to: **N/A**

Zone Map Changed from: **SR-2.5 COUNTY**

to: **SFR-10 CITY**

Location: **1200 Garfield St. Medford, OR 97501**

Acres Involved: **1**

Specify Density: Previous: **1 DWELLING PER ACRE**

New: **10 DWELLINGS/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

020-07(16525)

DLCD file No. _____

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

Local Contact: **Summer Williams**

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

Address: **200 S. Ivy Street**

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

City: **Medford OR**
Medford.org

Zip: **97501-**

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

ADOPTION SUBMITTAL REQUIREMENTS

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

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

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - **ATTENTION: PLAN AMENDMENT SPECIALIST**.



Planning Department

Continuous Improvement – Customer Service

City Hall – Lausmann Annex • Room 240 • 200 South Ivy Street • Medford, Oregon 97501

January 2, 2008

Pear Valley Inc.
Irvin Eisenstein Trust
5621 McLoughlin Dr
Central Point OR 97502

RE: FILE NO.: ZC-07-249

The Medford Planning Commission at its regular meeting of December 27, 2007, approved the Final Order containing Findings of Fact relating to the approval of the following request: Changing the zoning from SR-2.5 (Single Family Residential - 1 dwelling per 2.5 acres) to SFR-10 (Single Family Residential - 10 units per acre) on a 1.4 acre parcel located on the north side of Garfield Street approximately 450 feet east of Columbus Avenue.

This request was granted as per Staff Report dated November 30, 2007.

The final date for filing an appeal is 21 days from the date of the decision. The written appeal and filing fee must be received by the City Recorder no later than 5:00 p.m. on January 17, 2008. Appeals must be filed in the form prescribed, and will be decided based upon Medford Code Sections 10.051-10.056 (copies available).

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

Robert O. Scott, AICP
Planning Director

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Enclosure: Staff Report/Final Order/Legal Description

cc: Maize & Associates, PO Box 628, Medford, OR 97501
Affected Agency
Interested Parties

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE)
ZC-07-249 APPLICATION FOR A ZONE CHANGE SUBMITTED) **ORDER**
BY PEAR VALLEY INC)

ORDER granting approval of a request for changing the zoning from SR-2.5 (Single Family Residential - 1 dwelling per 2.5 acres) to SFR-10 (Single Family Residential - 10 units per acre) on a 1.4 acre parcel located on the north side of Garfield Street approximately 450 feet east of Columbus Avenue.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from SR-2.5 (Single Family Residential - 1 dwelling per 2.5 acres) to SFR-10 (Single Family Residential - 10 units per acre) on a 1.4 acre parcel located on the north side of Garfield Street approximately 450 feet east of Columbus Avenue; 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 November 30, 2007, Applicant's Findings – Exhibit "A," and Legal Description – Exhibit "B" attached hereto and hereby incorporated by reference; now, therefore,

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

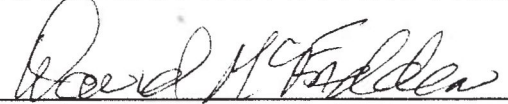
The zoning of the following described area within the City of Medford, Oregon:

37 2W 36DB Tax Lot 3400

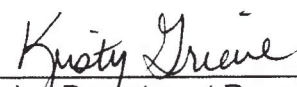
is hereby changed from SR-2.5 (Single Family Residential - 1 dwelling per 2.5 acres) to SFR-10 (Single Family Residential - 10 units per acre) zoning district.

Accepted and approved this 27th day of December, 2007.

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative



City of Medford

STAFF REPORT

Date: November 30, 2007

To: Planning Commission

From: Kelly Akin, Senior Planner *KA*

By: Summer Williams, Planner I

Subject: Pear Valley Inc. (ZC-07-249)
Pear Valley Inc., & Irvin Eisenstein Trust; Applicants (Maize & Associates, Agent)

Background

Proposal

Consideration of a request for a change of zone from County SR-2.5 (Single Family Residential – 1 dwelling per 2.5 acres) to City SFR-10 (Single Family Residential - 10 units per acre) on a 1.4 acre parcel located on the north side of Garfield Street approximately 450 feet east of Columbus Avenue.

Subject Site Zoning, GLUP Designation and Existing Uses

The developed properties are zoned SR-2.5 (Rural Residential – 1 dwelling per two and one half acres). The Medford General Land Use Plan (GLUP) Map designation for the subject properties is UR (Urban Residential).

Surrounding Property Zoning and Uses

North: developed SFR-10 zoning; Peachwood Village Mobile Home Park

South: developed SFR-6 zoning with single family residences; Diamond Village Subdivision Unit 1

East: developed SR-2.5 zoning with single family residences

West: undeveloped SR-2.5 zoning

Applicable Criteria

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

Corporate Names

Pear Valley, Inc., is represented by Clyde Severson as a Registered Agent.

Issues/Analysis

Staff has reviewed the proposed zone change and has found that it meets the approval criteria listed in the *Medford Land Development Code* Section 10.227. The site meets the locational criteria as it abuts SFR-10 zoning to the north. There are adequate infrastructure facilities available to serve the site, with the exception of storm drain as discussed below. A traffic study was not required.

Storm Drainage

This site lies within the Crooked Creek Drainage Basin. The current Drainage Master Plan for the City of Medford indicates improvements are required in the downstream storm drainage system to meet current design standards for this basin (Exhibit "D"). The standard storm drain condition is included.

No other issues were identified by staff.

Recommended Action

Direct staff to prepare a Final Order for **approval** of file ZC-07-249 per the Staff Report dated November 30, 2007, including Exhibits "A" through "H".

Exhibits

- "A" Conditions of Approval, dated November 30, 2007
- "B" Approval Criteria (Section 10.227)
- "C" Applicant's Findings of Fact for the zone change, received October 25, 2007
- "D" Report from Public Works, dated November 15, 2007
- "E" Memorandum from the Medford Water Commission, dated November 16, 2007
- "F" Memorandum from Rogue Valley Sewer Services, dated November 20, 2007
- "G" Memorandum from the Medford Fire Department, received November 19, 2007
- "H" Map showing how Peachwood Village Mobile Home Park and Diamond Village Subdivision Unit 1 relates to the subject site, created by staff

PLANNING COMMISSION AGENDA: December 13, 2007

ZC-07-249

November 30, 2007

Notes

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



City of Medford

ZC-07-249
EXHIBIT "A"
Conditions of Approval
November 30, 2007

CODE REQUIREMENTS

1. The applicant shall:
 - a. Comply with the Memorandum from the Medford Engineering Division (Exhibit "D").

ZC-07-249
ZONE CHANGE CRITERIA
Section 10.227
Medford Land Development Code

The zone change criteria that are not relevant to this particular application are hereby omitted from the following citation. Section 10.227 of the Land Development Code states the following:

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

- (1) *The proposed zone is consistent with the Oregon Transportation Planning Rule (OAR 660) and the General Land Use Plan Map designation. (When the City of Medford's Transportation System Plan (TSP) is adopted, a demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), and (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.*

CITY OF MEDFORD
EXHIBIT # "B"
File # ZC-07-249

(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;*

(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.*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

BEFORE THE MEDFORD PLANNING COMMISSION

IN THE MATTER OF AN APPLICATION FOR
APPROVAL OF A CHANGE OF ZONE FROM
COUNTY SR-2.5 (RURAL RESIDENTIAL – 2.5
ACRE MINIMUM LOT SIZE), TO CITY SFR-10
(SINGLE-FAMILY RESIDENTIAL – 10 UNITS PER
GROSS ACRE) ZONING DISTRICT

APPLICANT'S
EXHIBIT 1

APPLICATION: Request for a change of zone from County SR-2.5 (Rural Residential – 2.5-acre minimum lot size) to City of Medford SFR-10 (Single-Family Residential – 10 units per gross acre) zoning district on an approximate 1.4-acre parcel located on the north side of Garfield Street, approximately 380 feet east of Columbus Avenue.

**APPLICANT/
OWNER:** Pear Valley Inc. / Irvin Eisenstein Trust
5621 McLoughlin Drive
Central Point, OR 97502

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

A. BACKGROUND INFORMATION

The subject property is identified on Jackson County Tax Assessor's Map 37-2W-36DB as Tax Lot 3400, as depicted on Exhibit "4". The existing County zoning of SR-2.5 was retained when the property was annexed to the City of Medford in 1984.

There is an existing single-story, single-family residence, constructed in 1978 which is located on the west side of the subject property

B. SCOPE AND PURPOSE OF THE APPLICATION

The applicant proposes to rezone the land in accordance with the Land Development Code and the Medford Comprehensive Plan, in preparation for an application for land division of the subject property.

RECEIVED
OCT 25 2007
Planning Dept.

CITY OF MEDFORD
"C"
2C-07-249

C. APPLICANT'S SUBMITTALS

- Exhibit 1 Findings of Fact and Conclusions of Law
- Exhibit 2 Zone Change Application Form
- Exhibit 3 Legal Description of Subject Area
- Exhibit 4 Assessor's Map showing Subject Area
- Exhibit 5 General Land Use Plan Map showing Subject Area
- Exhibit 6 City of Medford Zoning Map
- Exhibit 7 Vicinity Map showing Subject Area
- Exhibit 8 Owner's Consent Form
- Exhibit 9 Posting of Public Hearing Sign Consent Form

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.

MEDFORD LAND DEVELOPMENT CODE

ZONE CHANGE CRITERIA – SECTION 10.227

- 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 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

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

1. Property Description – The subject property is identified on Jackson County Tax Assessor’s Map 37-2W-36DB as Tax Lot 3400.
2. General Land Use Plan Map – The General Land Use Plan Map (Exhibit “5”) shows the subject property with an Urban Residential land use designation. The General Land Use Plan Element of the Comprehensive Plans identifies the zoning districts that are allowed in the Urban Residential designation as SFR-2, SFR-4, SFR-6, and SFR-10.
3. Locational Requirements – According to the City of Medford Zoning Map (Exhibit “6”), the Planning Commission has approved applications for zone changes to SFR-10 on the properties abutting to the north and south.

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”*.

According to the Jackson County Assessor’s records, the acreage of the subject site proposed to be rezoned is approximately 1.4 acres.

4. Topography – The subject property is relatively flat with a slope of less than 5 degrees.
5. Category “A” Public Facilities – 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

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

- A. Water Service – The subject property can currently be served by an existing 24-inch water main located in the abutting Garfield Street right-of-way.

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 (2006) combined capacity is approximately 71 million gallons per day (mgd), with current total water rights of 91 mgd.

Storage in the water system consists of several reservoirs totaling approximately 36.5 mg. As development in the higher elevations in the eastern portion of Medford continues, more storage is being added. Developers would be required to provide storage in pressure zone #6 and above to meet Medford Water Commission standards when the development is constructed.

According to the Medford Water Commission's Statistical Report for 2006, the Medford Water Commission water system supplied a population of $\pm 123,000$.

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 and available to serve the subject site.

- B. Sanitary Sewer and Treatment – The subject property can currently be served by the Rogue Valley Sewer Services, which has a 10-inch sanitary sewer line located in the abutting Garfield Street right-of-way.

The City of Medford, along with several other regional municipalities, discharges its wastewater into the Rogue Valley Sewer Service (RVS) 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 and the Public Works Department have determined that the sanitary sewer system is adequate in condition and capacity to accommodate the densities in the proposed zone change.

- C. Storm Drainage – The subject site is located in the Crooked Creek drainage basin and is currently served by a roadside ditch, which runs along the south side of the property. According to the City of Medford Engineering Division, there is an 18-inch storm drainpipe approximately 90 feet to the east of the subject property. 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 states that with the prescribed storm water detention, the subject property can be adequately served by the City's storm water drainage system.

- D. Transportation Facilities – The subject property has frontage on Garfield Street, which according to Medford's Medford Street Functional Classification Plan, is a Minor Arterial Street.

The acreage of the subject site is approximately 1.4 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 1.86 acres, which includes one-half of the abutting right-of-way. Based upon the proposed SFR-10 zoning which will permit a maximum of 10 dwelling units per gross acre, the subject site proposed to be rezoned will allow a maximum of 18 dwelling units, or an increase above the existing single-family residence on the property, of 17 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 162.7 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 generate a net increase of only 162.7 ADT and the Public Works Department has no concerns regarding operations or accident history, a Traffic Impact Analysis was not submitted.

The peak period trips are approximately 10 percent of the Average Daily Trips. The proposed zone change will, therefore, generate approximately sixteen (16) peak period trips.

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

F. CONCLUSIONS OF LAW

The Planning Commission makes the following conclusions of law in regard to the relevant criteria:

Medford Land Development Code – Section 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.”

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.”*

CRITERION NO. 1

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.*

Conclusion of Law Regarding the Oregon Transportation Planning Rule (OAR 660)

The Planning Commission concludes that 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, based upon the trip generation from the subject property of sixteen (16) peak period trips.

CRITERION NO. 2

Consistency with the General Land Use Plan Map

Conclusion of Law Regarding the General Land Use Plan Map

The Planning Commission concludes that the application is consistent with the General Land Use Plan Map since it shows the subject property within the Urban Residential land use designation, which allows the SFR-10 zoning district.

CRITERION NO. 3

Consistency with the 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.*

Conclusion of Law Regarding the Locational Standards

As lands, which abut the subject parcel to the north and south are zoned SFR-10 – the same as the proposed zone, the proposed zone change to SFR-10 on the subject property is consistent with Subsection b(i).

CRITERION NO. 4

Availability of Category “A” Urban Services and Facilities

- 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.*

Conclusion of Law Regarding the Availability of Category “A” Urban Services and Facilities

The Planning Commission makes the following conclusions regarding the four Category “A” urban services and facilities:

- Water Service – Based upon the Findings of Fact in section “E” above, 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-10 zoning.
- Sanitary Sewer and Treatment - Based upon the Findings of Fact in section “E” above, 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-10 zoning.
- Storm Drainage - Based upon the Findings of Fact in section “E” above, 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-10 zoning, provided that storm water detention is incorporated into the future development plans in accordance with City of Medford standards.
- Transportation Facilities - Based upon the Findings of Fact in section “E” above, 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-10 zoning.

G. 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 County SR-2.5 to City SFR-10 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)

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,
Pear Valley Inc. / Eisenstein Trust

Dated: October 25, 2007

CITY OF MEDFORD
INTER - OFFICE MEMORANDUM

TO: Planning Department

FROM: Engineering Division

SUBJECT: Zone Change Request, File No. ZC-07-249

DATE: November 15, 2007

1. Sanitary Services:

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

2. Streets:

A. Current condition of nearest street:

Garfield Street, a designated Minor Arterial Street, is paved without curbs and gutters along the frontage of this site.

B: Who has maintenance responsibilities: This section of Garfield Street is currently designated a Local Access Street, maintained by the residents that front the street.

C: Transportation analysis for the surrounding street system and are stated below:

Land Development Code Section 10.461 gives the City the authority to require a traffic impact report to determine development impacts on the surrounding street system. The proposed zone change from SR-2.5 (Single-Family Residential – 1 dwelling per 2.5 acres) to SFR-10 (Single-Family Residential – 10 units per acre) on 1.40 acres (1.83 gross acres) has the potential to develop 18 SFR dwelling units or generate 172 average daily trips (ADT). The net increase in trips to the transportation system is 162 ADT. Based on this and the MLDC section 10.461, a traffic impact analysis (TIA) is not required.

At the time of site development of this site the City of Medford will recommend any necessary improvements and/or dedications along the portion of this site's frontage on Garfield Street.

3. Drainage:

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

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

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



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: ZC-06-346
PROJECT: Consideration of a request for a change of zone from SR-2.5 (Single-Family Residential – 1 dwelling per 2.5 acres) to SFR-10 (Single-Family Residential - 10 units per acre) on a 1.4 acre parcel located on the north side of Garfield Street, approximately 450 feet east of Columbus Avenue; Pear Valley Inc., Applicant (Maize & Associates, Inc., Agent). Summer Williams, Planner

PARCEL ID: 372W36DB TL 3400

DATE: November 16, 2007

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

COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The MWC system does have adequate capacity to serve this property.
4. Off-site water facility construction may be required depending on future land development review.
5. On-site water facility construction may be required depending on future land development review.
6. MWC-metered water service does exist to this property. One (1) ¾" water meter serves the existing home~~s~~ on parcel.
7. Access to MWC water lines for connection is available. A 24" waterline exists in Garfield Street.



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

November 20, 2007

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

Re: ZC-07-249, Pear Valley Inc. Zone Change (372W36DB-3400)

ATTN: Summer

The subject property is currently served by a connection to the 10 inch sanitary sewer on Garfield Street. The proposed zone change will not affect this service. The sewer main has adequate capacity to serve the proposed increased density.

Sincerely,

Carl Tappert, PE
District Engineer

CITY OF MEDFORD
EXHIBIT # "F"
ZC-07-249



City of Medford

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

LAND DEVELOPMENT REPORT - APPLICANT

To: Pear Valley Inc., Applicant (Maize & Associates, Inc., Agent)

LD Meeting Date: 11/21/2007

From: Patterson, John

Report Prepared: 11/19/2007

Planner: Summer Williams

File #: ZC - 07 - 249

Site Name/Description:

Consideration of a request for a change of zone from SR-2.5 (Single-Family Residential - 1 dwelling per 2.5 acres) to SFR-10 (Single-Family Residential - 10 units per acre) on a 1.4 acre parcel located on the north side of Garfield Street, approximately 450 feet east of Columbus Avenue; Pear Valley Inc., Applicant (Maize & Associates, Inc., Agent).
Summer Williams, Planner

DESCRIPTION OF CORRECTIONS		REFERENCE	
Required	ADDITIONAL REQUIREMENTS/COMMENTS	MEDFORD	OTHER
	Project shall comply with Fire Code access and water supply standards at time of construction.		

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 # "G"

File # ZC-07-249

Vicinity Map



UGB



City Limits

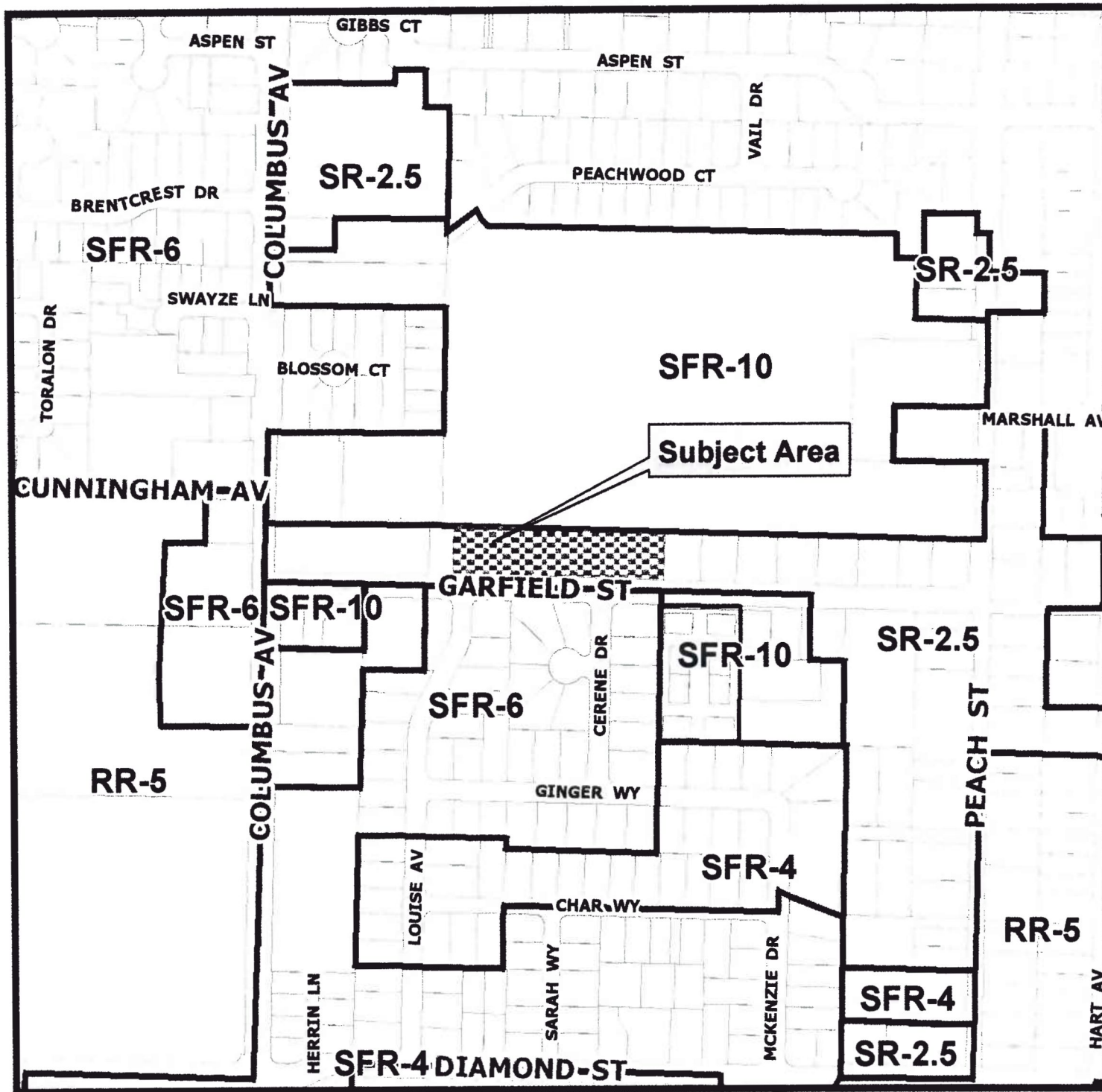
OVERLAY

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

APPLICANT:
Pear Valley Inc.

A map of the Iberian Peninsula with a small shaded rectangle in the south-western corner indicating the study area. A north arrow is located in the top right corner.

DATE: 10/29/2007



APN: 1-045292-7

Bargain and Sale Deed
continued

File No.: 7161-1113178 (DJ)
Date: 09/20/2007

EXHIBIT A

LEGAL DESCRIPTION:

Commencing at a point on the South line of Donation Land Claim No. 84, Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon, said point being 1320.0 feet West of the Southeast corner of said Claim; thence continue West along said South line 780.0 feet to a point; thence North 30 feet to a point on the North line of tract conveyed for public road purposes, to Jackson County, Oregon, in Volume 448, Page 159, Jackson County, Oregon, Deed Records, for the true point of beginning; thence continue North 120.0 feet to a point on the North line of premises described in Volume 438, Page 369, said Deed Records; thence West, along said North line, 540.0 feet to the West line of Donation Land Claim No. 84; thence South along said Donation Land Claim line 120.0 feet; thence East, along the North line of premises described in said Volume 448, Page 159 of Jackson County, Oregon, Deed Records, 540.0 feet to the true point of beginning. EXCEPTING THEREFROM the West 30.0 feet thereof.

Page 3 of 3

(3)

RECEIVED

OCT 25 2007

Planning Dept.

APPLICANT'S
EXHIBIT

" 3 "

2007-249