



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

September 10, 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 014-08

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: September 26, 2008

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

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

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

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

<paa> ya/

FORM 2

DLCD

☐ In person ☐ electronic ☐ mailed

DEPT OF

Notice of Adoption

SEP 08 2008

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

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: **City of Medford**

Local file number: **ZC-08-079**

Date of Adoption: **8/28/2008**

Date Mailed: **9/5/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 6/16/2008

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Consideration of a request for a change of zone from County AD-MU (Airport Development Mixed Use) to the City I-L (Light Industrial) zoning district on a 1.80 acre parcel located on the northwest corner of East Vilas Road and Peace Lane. More specifically, Township 36 Range 1W Section 31C, Tax Lot 3700.

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

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **AD-MU**

to: **I-L**

Location: **5035 Peace Lane, Medford, OR 97501**

Acres Involved: **1**

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD # 014-08 (16993)

DLCD file No. _____

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

None

Local Contact: Cheryl Adams

Phone: (541) 774-2380 Extension:

Address: 200 S. Ivy Street

Fax Number: 541-618-1708

City: Medford

Zip: 97501-

E-mail Address:

cheryl.adams@cityofmedford.org

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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



CITY OF MEDFORD

PLANNING DEPARTMENT

August 29, 2008

Elden and Nancy Smith
9171 Sterling Creek Rd.
Jacksonville OR 97530

RE: FILE NO.: ZC-08-079

The Medford Planning Commission at its regular meeting of August 28, 2008, approved the Final Order containing Findings of Fact relating to the approval of the following request: Change of zone from County AD-MU (Airport Development Mixed Use) to the City I-L (Light Industrial) zoning district on a 1.80 acre parcel located on the northwest corner of East Vilas Road and Peace Lane.

This request was granted as per Staff Report dated August 1, 2008.

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 September 18, 2008. Appeals must be filed in the form prescribed, and will be decided based upon Medford Code Sections 10.051-10.056 (copies available).

John W. Hoke
Interim Planning Director

kg
Enclosure: Staff Report/Final Order/Legal Description

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

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE)
ZC-08-079 APPLICATION FOR A ZONE CHANGE SUBMITTED) **ORDER**
BY ELDON AND NANCY SMITH)

ORDER granting approval of a request for changing the zoning from County AD-MU (Airport Development Mixed Use) to the City I-L (Light Industrial) zoning district on a 1.80 acre parcel located on the northwest corner of East Vilas Road and Peace Lane.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from County AD-MU (Airport Development Mixed Use) to the City I-L (Light Industrial) zoning district on a 1.80 acre parcel located on the northwest corner of East Vilas Road and Peace 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 August 1, 2008, Applicant's Findings, and Legal Description attached hereto and hereby incorporated by reference; now, therefore,

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

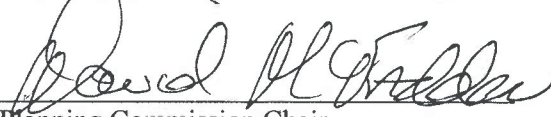
The zoning of the following described area within the City of Medford, Oregon:

36 1W 31C Tax Lot 3700

is hereby changed from County AD-MU (Airport Development Mixed Use) to City I-L (Light Industrial) zoning district.

Accepted and approved this 28th day of August, 2008.

CITY OF MEDFORD PLANNING COMMISSION



Planning Commission Chair

ATTEST:



Planning Department Representative



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT

Date: August 1, 2008

To: Planning Commission

From: Kelly Akin, Senior Planner 

By: Summer Williams, Planner I

Subject: Smith Zone Change (ZC-08-079)
Eldon & Nancy Smith, Applicant (Richard Stevens & Associates, Inc., Agent)

Background

Proposal

Consideration of a request for a change of zone from County AD-MU (Airport Development Mixed Use) to the City I-L (Light Industrial) zoning district on a 1.80 acre parcel located on the northwest corner of East Vilas Road and Peace Lane. (36 1W 31C, Tax Lot 3700)

Subject Site Zoning, GLUP Designation and Existing Uses

The Medford General Land Use Plan (GLUP) Map designation for the subject property is GI (General Industrial). The subject property is developed with a single family residence.

Surrounding Property Zoning and Uses

North: Developed single family land zoned RR-5 (Rural Residential – 1 dwelling per five acres)

South: Developed land zoned I-G (Industrial – General)

East: Developed land zoned I-G

West: Developed land zoned I-G

Related Projects

Annexation (A-01-160) adopted by the Medford City Council March 21, 2002.

Applicable Criteria

Section 10.227 of the Land Development Code (Exhibit "B").

Issues/Analysis

Staff has reviewed the zone change request and found that it meets the approval criteria listed in *Medford Land Development Code* Section 10.227(d). The subject site meets the locational criteria in that the project site abuts the I-G zone to the west, and the County RR-5 (Rural Residential – 1 dwelling per five acres) zone to the north. There are adequate infrastructure facilities available to serve the site with the exception of the storm drainage as noted below. A traffic study was not required.

No other issues were identified by staff.

RECOMMENDED ACTION

Direct staff to prepare a Final Order for approval of ZC-08-079 per the Staff Report dated August 1, 2008, including Exhibits A through J.

EXHIBITS

- A Conditions of Approval dated August 1, 2008;
- B Approval Criteria;
- C Applicant's Findings of Fact and Conclusions of Law received June 9, 2008;
- D Memorandum from the Medford Engineering Division dated July 3, 2008;
- E Memorandum from the Medford Water Commission dated July 7, 2008;
- F Memorandum from Medford Fire/Rescue dated July 7, 2008;
- G Memorandum from Jackson County Roads received July 16, 2008;
- H Letter from Rogue Valley Sewer Services dated June 27, 2008;
- I Assessor, zoning, & GLUP maps;
- J Aerial Map;
Vicinity Map

PLANNING COMMISSION AGENDA: **August 14, 2008**



CITY OF MEDFORD

PLANNING DEPARTMENT

EXHIBIT "A"
ZC-08-079
CONDITIONS OF APPROVAL
August 1, 2008

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

CITY OF MEDFORD
EXHIBIT # "A"
File # ZC-08-079



CITY OF MEDFORD

PLANNING DEPARTMENT

ZONE CHANGE APPROVAL CRITERIA

ZC-08-079

Section 10.227

Medford Land Development Code

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

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

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

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

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

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

- (i) *The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows for only one zone;*
(ii) *At least 50% of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above;*

- (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*

CITY OF MEDFORD

EXHIBIT # "B"

File # ZC-08-079

and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan 'Public Facilities Element.'

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

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

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

(c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request."

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

IN THE MATTER OF:

**AMENDED FINDINGS AND INFORMATION PERTAINING TO AN APPLICATION
FOR A ZONE CHANGE FOR 1.80 ACRES, LOCATED AT 5035 PEACE LANE, WEST
OF HIGHWAY 62, AND WITHIN THE CITY OF MEDFORD, OREGON, AND
FURTHER DESCRIBED AS PLAT MAP T36S, R1W, SECTION 31C, Tax Lot 3700**

Elden and Nancy Smith, Applicants

I. Findings of Fact Pertaining to the Site:

Property: T.36, R1W, Section 31C, Tax Lot 3700, containing
1.80 acres, more or less

Owners: Elden and Nancy Smith
9171 Sterling Creek Road
Jacksonville, OR 97530
(541) 890-5106

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

Location: 5035 Peace Lane, Medford, OR

Proposed Zoning: Light Industrial (I-L)

Existing Zoning: AD-MU (Airport Development, Mixed Use, by Jackson County).

*(Note: The AD-MU zoning district as shown on City of Medford zoning maps **currently does not exist**. The AD-MU zoning district was changed to Light Industrial (L-I) by Jackson County via adoption of the 2004 version of the Jackson County Land Development Ordinance).*

RECEIVED

JUN 09 2008

PLANNING DEPT.

- City Comp. Plan:** General Industrial, which allows both General and Light Industrial zoning
- Land Use:** The site consists of 1.80 acres, and is currently developed with an existing single family residence.
- Proposed Use:** Ability to divide property and develop uses consistent with the proposed Light Industrial designation. Any change or expansion of use in the future would be required to be submitted consistent with the Site Plan and Architectural Review Criteria.
- Access:** Access is via Vilas Road and Peace Lane, both dedicated public roadways, which connect to Highway 62 .
- Public Facilities:** Category A public facilities exist in the vicinity that can be extended to service the property including water service, sewer service, drainage and streets (See Section III below).
- Scope of the Application:**

The purpose of this application is to apply for a zone change to the appropriate City Zoning (I-L) , for a site of 1.80 acres in order to allow the property owner to bring the property into compliance with City zoning and the City Comprehensive Plan.

Jackson County had the site zoned AD-MU (Airport Development / Mixed Use) under the provisions of the earlier versions of the JCLDO (Jackson County Land Development Ordinance). In 2004, Jackson County amended the JCLDO, and the AD-MU district was changed to Light Industrial. However, as this site is within the City Limits, this change essentially leaves the property owner in a "land use limbo." The information contained within these findings will demonstrate compliance with the applicable criteria contained in Section 10.227 of the Medford Land Development Code for a change in zoning designation from County, AD/MU to City of Medford, Light Industrial (I-L) zoning, consistent with the Comprehensive Plan.

II. Applicable Criteria:

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

- "1. *The proposed zone change is consistent with the Oregon Transportation Rule (OAR 660) and the General Land Use Plan Map Designation; where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections 1(a), 1(b), 1(c), or 1(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.*

1(a): Applies only to SFR-2 requests; Not Applicable;

1(b): Applies only to SFR-6 and SFR-10 requests; Not Applicable;

1(c): Applies only to Commercial zoning requests; Not Applicable;

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

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

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

- i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows for only one zone;*
- ii) At least 50 % of the subject property's boundaries abut zones that are expressly allowed under the criteria in 1(c) or 1(d) above;*

- iii) *At least 50% of the subject property's boundaries abut properties that contain one or more existing uses which are permitted or conditional uses in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing uses, or,*
- iv) *Notwithstanding the definition of abutting in MLDC 10.012 and for purposes of determining suitability under Section 1(e), the subject property is separated from the "unsuitable" zone by a public right-of-way at least 50 feet in width.*

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

III. Demonstration of Compliance:

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

The attached copy of the General Land Use Plan Map (GLUP) for the City of Medford indicates that the subject area is designated on the General Land Use Plan Map as **General Industrial**, which allows all categories of industrial use as noted in Sections 10-330 and 10.331 of the Medford Land Development Ordinance. Further, while the site was shown on City zoning maps as AD-MU, that zoning designation currently does not exist, having been changed to LI (Light Industrial) by the County in 2004. The requested zoning district, *Light Industrial*, is consistent with the General Industrial General Land Use Plan designation, as noted in the Land Use Element, Section 7. Further, the I-L designation, as noted in Section 10.330, MLDO, provides for

"... warehouse, office and low intensity industrial uses in areas near residential and commercial zones. It is intended for industrial uses which involve the lowest level of noise, vibration, air pollution, radiation, glare, and fire and explosive hazards. This district is not intended to be retail customer oriented, and retailing shall be permitted as an accessory use only or as specifically allowed."

"Because of the locational character and proximity of the I-L district to residential lands, restrictive performance standards shall be imposed to limit the physical effects of industrial activities to levels as per the performance standards contained in Article V. "

A review of the uses that are allowed in the various Industrial zoning districts (Section 10.337) notes the permitted and conditional uses as outlined in the SIC Manual, 1987 Edition, and the applicant stipulates to those uses contained within this section upon development.

FINDING:

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

A review of the size, location and orientation of the property proposed for a zone change indicates that the site has been annexed to the City of Medford, but did not have a concurrent zone change as generally required by Section 10.198 of the Medford Development Code. The subject tract is located within the City Limits and the Urban Growth Boundary for the City of Medford. The zoning in the immediate area is generally oriented to both general and light industrial uses, (the AD-MU zone having been changed to Light Industrial in 2004 by the County) as well as heavy commercial uses both in the City and the County to the south. This application can be found to be consistent with the provisions of Section 10.227(1). In addition, a review of the zoning and uses on the abutting and adjacent properties in the vicinity indicates that at least 50% of the subject property has boundaries that abut IL zoning, The application is consistent with Section 10.227(1)(d)(ii) and 10.227(1)(e).

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

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

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

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

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

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

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

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

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

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

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

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

B) Changes standards implementing a functional classification system;

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

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

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

Discussion:

In this case the existing city and state transportation systems will not be "significantly affected" (i.e, neither the functional classification nor the LOS, or Level of Service) by the proposed zone change, since the actual uses of the subject property for Light Industrial use will not change by virtue of this zone change. This is demonstrated by the fact the current city mapping (AD/MU) is incorrect; the AD-MU zone was changed to County Light Industrial in 2004. The uses allowed on site under both designations are similar, and the zone change is simply necessary to bring the property into conformance with the current City zoning designations so that development permits can be applied for if any expansion or improvements are desired. Due to size (1.80 acres) and configuration (smaller lot in an industrially-developed area), this change simply cannot significantly alter the ability of the State and County transportation systems to serve the site.

The site consists of 1.80 acres, which is already marginally developed. Based upon ITE Code 110, general "Light Industrial uses" are anticipated to generate 6.75 trips per 1000 square feet of floor space, but general "Industrial" uses generate about 1.5 trips per 1000 square feet. In this case, the property generates an existing 9.57 ADT from the existing dwelling. Any light industrial use could increase traffic generation, but due to the size of the site, we anticipate that traffic is not an issue.

Using the ITE guide for the anticipated traffic generated from uses allowed on this parcel, it is anticipated that future traffic generation will be approximately 180 ADT. Since the site takes access to a paved roadway (Pearce Road) and then via a controlled intersection to Vilas Road, and is already developed, it is clear that this zone change request does not meet the standardized threshold of 250 ADT which is required for a TIS.

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

FINDING:

The City of Medford finds that this application will have little or no impact on the transportation system, generating at this time approximately 9.57 ADT, and could increase (unknown level of development) to as high as 180 with a maximum traffic generation potential of under 100 ADT. This level of traffic generation at that location does not require a TIS, since adequate facilities are in place, and the serving roadways (Peace Road and Highway 62) which are, in this location, under capacity. The application can be found to be consistent with the Transportation Planning Rule (OAR 660-Division 12). With this determination, the zone change can be found to be consistent with the applicable Goals and Policies contained in the Transportation Element of the Medford Comprehensive Plan.

2. ARE PUBLIC FACILITIES AVAILABLE TO SERVE THE PROPERTY:

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

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

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

Wastewater Collection:

The subject property is currently served by Rogue Valley Sewer Services (RVSS) for community sewer collection, as opposed to the City of Medford. Treatment is provided by the Regional Wastewater Treatment Plant, which is operated by the City of Medford. Wastewater collection for this property is provided by an existing 20" main line in Vilas Road, and an 8" line in Peace Lane. Connection has been made (BCVSA Permit serves 5035 Peace Lane). Adequate capacity is available in the vicinity to provide for this use.

Wastewater Treatment:

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

The plant has the capacity to serve the expected population growth within that planning period. The regional wastewater facility receives SDCs (Systems Development Charges) that are dedicated for the expansion and maintenance of the facility. Current plans call for an expansion of the plant within the next five years to deal with current growth rates. Adequate capacity exists at the plant to serve the subject property.

Water Supply, Treatment and Distribution:

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

Primary sources for the MWC system are Big Butte Springs, at the base of Mt. McLaughlin, as well as supplementary supplies from the Rogue River (Lost Creek impoundment). The MWC system is capable of serving the water needs of the region until the year 2050, based upon a service population estimated today at approximately 80,000 persons.

Current usage is reflected in a maximum day consumption of 45 MGD (Million Gallons per Day), and a maximum capacity of 56.5 MGD. Like wastewater, there are SDCs that apply for the eventual expansion and upgrading of the existing supply. Treatment is provided for surface water by the Robert Duff water treatment plant located at Table Rock Road and the Rogue River. This is a state-of-the-art sand filter system, with chlorination for disinfection. The treatment plant comes on line only when the Big Butte Springs supply needs augmentation.

Distribution systems serving this area includes a "20" ductile iron line located in the frontage of Vilas Road. Connection has not been made to this line by the property owner. Current levels of development indicate that extension of potable water to the property could be provided; further coordination of any development with proposals in the vicinity will be necessary. Adequate capacity exists to serve the subject property.

Storm Drainage:

Drainage ditches currently serve this site, and storm drainage will be available to the property via those existing roadside drains. Underground storm drains exist just south and east of the site, and the open ditch fronting the property is part of the overall drainage system in the vicinity. The applicant notes that the City's drainage Master Plan does address the storm drainage system downstream of this property and the property is being charged for the drainage fee. As a result, the applicant stipulates to completion of one of the following prior to application for building permits for vertical construction:

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

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

Transportation Facilities:

Transportation Facilities to serve the subject site are limited to surface transportation (streets and roads), specifically Vilas Road and Peace Lane. No concerns regarding this project are anticipated from Engineering or ODOT due to the size of the property (1.80 acres) the fact development already exists in the vicinity, and the existing uses generate less than 10 average daily trips. The impact of development will by necessity tied to the development of the site in the future, after the zone change is approved. Anticipated traffic impacts have been addressed above.

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

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

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

FINDING:

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

Small Zone Change

CONCLUSORY FINDING #1:

The City of Medford finds that this application for a change in zoning designation from Jackson County AD/MU (i.e., Light Industrial) to City Light Industrial (I-L) is:

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

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

CONCLUSORY FINDING #2: DO ADEQUATE CATEGORY "A" FACILITIES EXIST:

The City of Medford finds that:

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

B) The site is NOT served by the Medford Water Commission for potable water, but water facilities (a 20" ductile iron line exists in the vicinity) and can be extended. Coordination with the Medford Water Commission is necessary as the site is not served at this time, but water is available.

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

D) Adequate drainage exists or can be extended to the site, consistent with the Medford Master Drainage Plan, and the requirements for a study or report to demonstrate that storm drainage can be consistent with pre-construction runoff is stipulated to by the applicant. In the alternative, on-site retention may be required upon further development. The site currently pays the drainage fee assigned by the City.

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

IV. SUMMARY AND CONCLUSIONS:

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

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

Submitted the 9th day of June, 2008; amended July 9, 2008:.



RICHARD STEVENS & ASSOCIATES, INC.
J. Michael LaNier

CITY OF MEDFORD
INTER - OFFICE MEMORANDUM

TO: Planning Department

FROM: Engineering Division

SUBJECT: Zone Change Request, File No. ZC-08-079

DATE: July 3, 2008

1. Sanitary Services:

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

2. Streets:

A. Current condition of nearest streets:

Vilas Road, a Major Arterial Street is paved with curb and gutter along the frontage of this site.

Peace Lane, a Standard Residential Street is paved without curb and gutter along the frontage of this site.

B: Who has maintenance responsibilities: Jackson County

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

Land Development Code Section 10.461 governs traffic impact analyses (TIA) required to determine development impacts on the street system. The proposed zone change from County AD-MU (Airport Development – Mixed Use) to City I-L (Light Industrial), on 1.80 acres has the potential to generate 540 average daily trips (ADT) or produce a net increase of 180 ADT to the transportation system. Based on this and code sections 10.460 and 10.461, a traffic impact analysis isn't required.

At the time of any site development the City of Medford will recommend, in conjunction with Jackson County, any necessary improvements and/or dedications along this proposed zone change's frontage on Vial Road and Peace Lane.

3. Drainage:

A. This site lies within the Midway 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-08-079
PROJECT: Consideration of a request for a change of zone from County AD-MU (Airport Development Mixed Use) to the City I-L (Light Industrial) zoning district on a 1.80 acre parcel located on the northwest corner of East Vilas Road and Peace Lane; Elden/Nancy Smith, Applicants, (Richard Stevens & Associates, Inc., Agent). Summer Williams, Planner

PARCEL ID: 361W31C TL 3700

DATE: July 7, 2008

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

COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The MWC system does have adequate capacity to serve this property.
4. Off-site water facility construction may be required depending on future land development review.
5. On-site water facility construction may be required depending on future land development review.
6. MWC-metered water service does not exist to this property.
7. Access to MWC water lines for connection is available. A 20" water line is located in Vilas Road. A 12" water line is located in Peace Lane that extends north approximately 60 feet from the north right-of-way line of Vilas Road.



City of Medford Fire/Rescue

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

LAND DEVELOPMENT REPORT - PLANNING

To: Summer Williams

LD Meeting Date: 07/09/2008

From: Kleinberg, Greg

Report Prepared: 07/07/2008

File #: ZC - 08 - 79

Site Name/Description:

Consideration of a request for a change of zone from County AD-MU (Airport Development Mixed Use) to the City I-L (Light Industrial) zoning district on a 1.80 acre parcel located on the northwest corner of East Vilas Road and Peace Lane; Elden/Nancy Smith, Applicants, (Richard Stevens & Associates, Inc., Agent). Summer Williams, Planner

DESCRIPTION OF CORRECTIONS

REFERENCE

Approved as Submitted

Meets Requirement: No Additional Requirements

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

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

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

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

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

JUL 16 2008

PLANNING DEPT.



JACKSON COUNTY

Roads

Roads**James Philp, PE**
*Traffic & Development Engineer*200 Antelope Road
White City, OR 97503
Phone: (541) 774-6230
Fax: (541) 774-6295
philpjw@jacksoncounty.org
www.jacksoncounty.org

July 1, 2008

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

RE: Zone Change off East Vilas Road - a county-maintained road.
Planning File ZC-08-079.

Dear Summer:

Thank you for the opportunity to comment on this request for a change of zone from County AD-MU (Airport Development - Mixed Use) to City I-L (Light Industrial) zoning district on a 1.80 acre parcel located on the northwest corner of East Vilas Road and Peace Lane. Roads has the following comments:

1. East Vilas Road (County Arterial) is a county-maintained road with a seventy-three plus foot right-of-way. The Average Daily Traffic Count seventy-five yards west of Highway 62 was 13,259 as of July 2003.
2. Peace Lane (County Collector) is a county-maintained road with a sixty-foot right-of-way. The Average Daily Traffic Count three-hundred-fifty feet north of East Vilas Road was 789 as of July 2005.
3. All proposed access roads, or frontage improvements shall be permitted and inspected by the City.
4. Future construction plans shall be submitted to Roads, so we may determine if county permits will be required.
5. Roads recommend no new driveways will be allowed off East Vilas Road and any new driveways off of Peace Lane shall be a minimum of 200' north of East Vilas Road.

If you have any questions or need further information feel free to call me at 774-6230.

Sincerely,

James Philp, PE
Traffic & Development Engineer



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

June 27, 2008

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

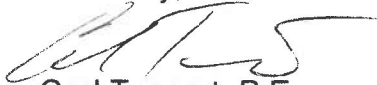
Re: ZC-08-079, Smith Zone Change (361w31C - 3700)

ATTN: Summer,

The subject property is currently served by a connection to the 20 inch sewer main on Vilas Road. The proposed zone change will not affect this service.

In addition to the 20 inch sewer main on Vilas Road, there is an 8 inch sewer main on Peace Lane which fronts on the Northerly 140 feet of the property.

Sincerely,


Carl Tappert P.E.
District Engineer

K:\DATA\AGENCIES\MEDFORD\PLANNG\ZONE CHANGE\2008\ZC-08-079_SMITH.DOC

CITY OF MEDFORD
EXHIBIT # "H."
File # ZC-08-079

IMPORTANT
THIS MAP FOR ASSESSMENT
AND TAXATION PURPOSES
ONLY

SCALE 1 INCH = 200 FEET

SEE MAP 36 1W 31B

W. 1/4 COR.,

SEC. CEN.

300
3.50 Ac

**CANCELLED TAX
LOT NUMBERS**

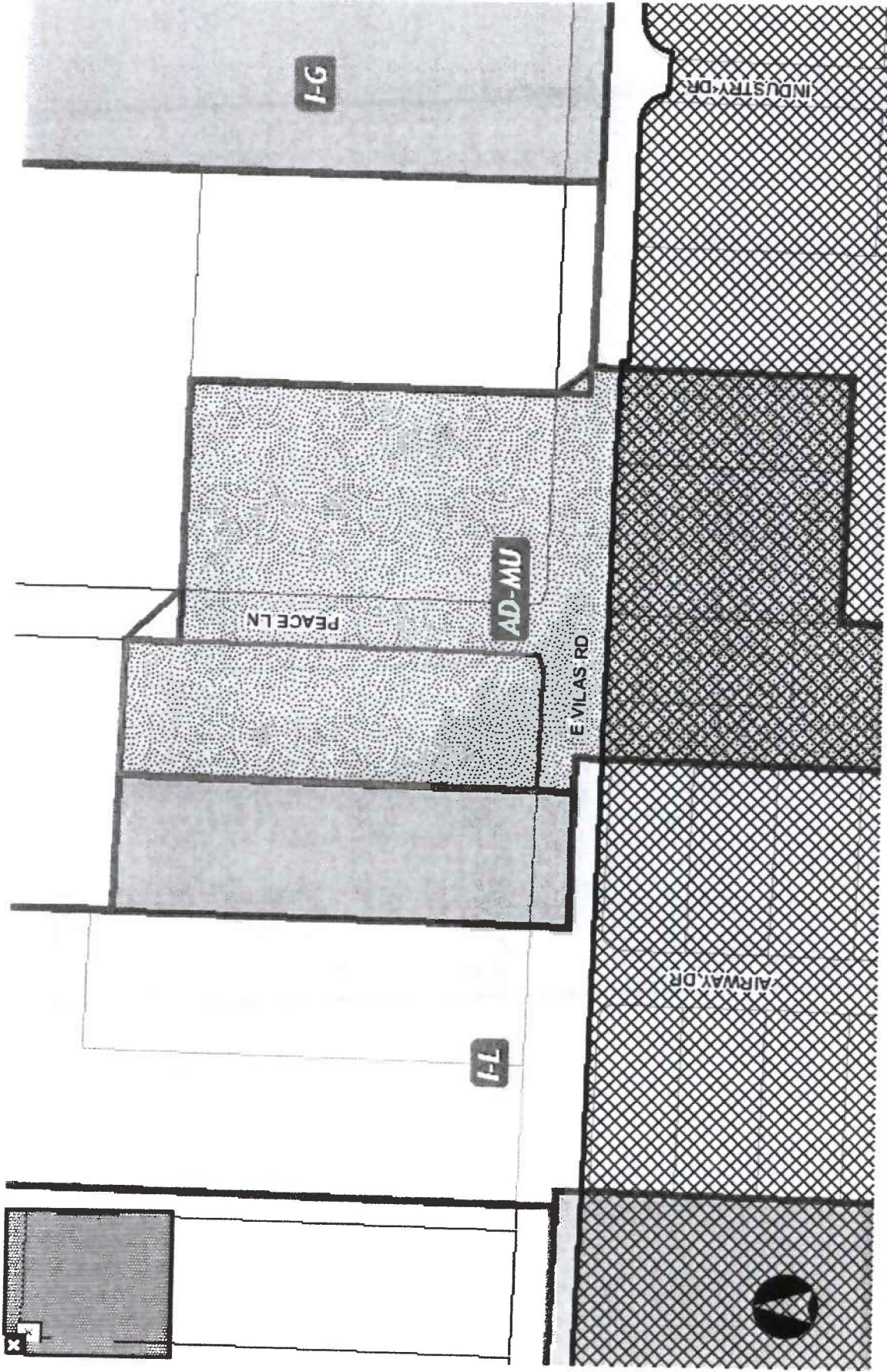
SEE MAP 36 IN 31D

38 26 MAP 36 2W 38

RECEIVED
JUN 09 2008
Planning Dept.

CREATED MONDAY OCTOBER 23, 2006 1:24 PM BY JOHNSOWH

SEE MAP 37 1W 68B
Subject Property
SEE MAP 37 1W 68A



CITY OF MEDFORD
EXHIBIT # II (2 of 3)
File # 7C-08-079



CITY OF MEDFORD
EXHIBIT # 11 (343)
File # 7C-08-079



CITY OF MEDFORD

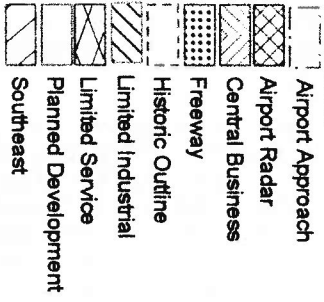
EXHIBIT # "5"

File # 7C-08-079

Vicinity Map



OVERLAY



FILE NUMBER:
ZC-08-079

APPLICANT:
Eiden & Nancy Smith

MAP: 361W31C
TL: 3700

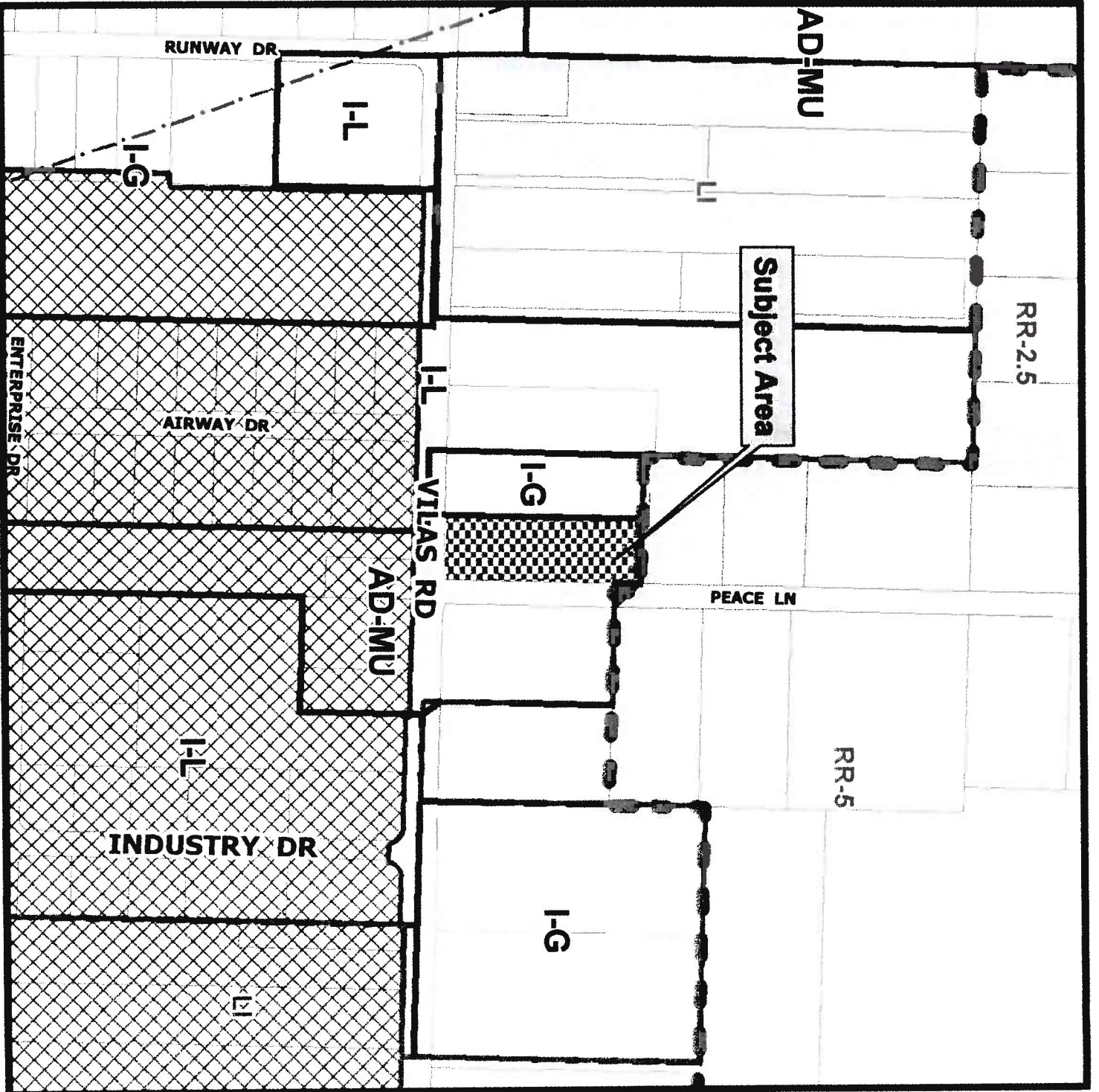
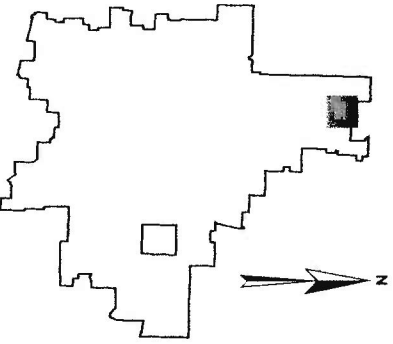


EXHIBIT A

That tract of land situate in Section 31, Township 36 South, Range 1 West, Willamette Meridian, Jackson County, Oregon, more fully described as follows:

Commencing at the Southwest corner of Section 31, said Township and Range; thence South $89^{\circ}43'30''$ East along the Southerly line of said Section 31, a distance of 1317.87 feet; thence North $0^{\circ}10'20''$ West, 30 feet to a $5/8''$ iron pin being the point of beginning; thence continue North $0^{\circ}10'20''$ West, 501.18 feet; thence North $89^{\circ}53'40''$ West, 161.41 feet; thence South $0^{\circ}10'10''$ East, 500.69 feet to the Northerly line of the County Road; thence South $89^{\circ}43'30''$ East, 161.45 feet to the point of beginning.

EXCEPTING THEREFROM that portion deeded to Jackson County by Bargain and Sale Deed recorded July 13, 2000 as Document No. 00-29147.

(Map No. 361W31C, Tax Lot 3700, Account No. 1-018190-7, Code 6-35)

RECEIVED
JUN 09 2008
Planning Dept

2C-08-079
LEGAL DESCRIPTION

2

7

CERTIFIED MAILTM



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016H2B507632

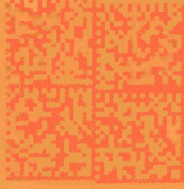
\$06.750

09/05/2008

Mailed From \$7.501

US POSTAGE

Hasler



RETURN RECEIPT
REQUESTED

PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION
AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540